

# North Carolina State Board of Elections & Ethics Enforcement

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## *Guide for Candidates for Judicial Office in 2018*

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**UPDATE:** On February 9, 2018, the U.S. Court of Appeals for the Fourth Circuit stayed enforcement of the district court's partial stay of Session Law 2017-214, which eliminated judicial primaries in 2018. See Order, *NC Democratic Party, et al., v. Berger, et al.*, No. 18-1150 (4th Cir. Feb. 9, 2018). Under the Order, candidates for Supreme Court justice and Court of Appeals judge, as well as candidates for superior court judge and district court judge, will file in June and run in the general election without a primary.

1) **Qualifications** [N.C. Const. Art. VI § 6, Art. IV §§ 9, 10, 22](#). The candidate must be:

- At least 21 years of age;
- Licensed to practice law in North Carolina; and
- A registered voter in North Carolina and, for district and superior court judges, a registered voter in the district.

**No person may file a notice of candidacy for superior court judge or district court judge unless that person is at the time of the filing the notice of candidacy a resident of the judicial district as it will exist at the time the person would take office if elected.** [Session Law 2017-214](#).

2) **Session Law 2017-214 established that in 2018 there will be no judicial primary for Supreme Court, Court of Appeals, superior court or district court contests.**

Candidates will run in a simple plurality general election on **November 6**.

3) **To enter the 2018 contest:** A person seeking office must pay a filing fee and file certain papers during a specific period designated by statute for this purpose. During 2018, judicial candidates may file as unaffiliated without having to qualify through a petition process.

- **Filing fee.** The filing fee is 1% of the annual salary of the office sought.
- **In lieu of filing fee.** It is possible to avoid the filing fee by submitting a petition signed by a number of registered voters. For more information, see [North Carolina General Statute § 163-107.1](#). Prior to undertaking this petition, please see our fact sheet at [this link](#).
- **Filing period.** During 2018, the filing period for judicial candidates begins at **noon Monday, June 18**, and ends at **noon Friday, June 29**.
- **File Notice of Candidacy:**
  - All judicial contests in North Carolina are now conducted on a partisan basis. The candidate shall indicate on this form either an unaffiliated status or the political party recognized under Article 18 of Chapter 163A of the General

Statutes with which that candidate is affiliated. The verified party designation or unaffiliated status shall be included on the ballot.

- This form includes a certificate that must be signed by the chair of the board of elections or the director of elections of the county in which the candidate is registered to vote, stating that the candidate is registered to vote in that county.
  - If the candidacy is for superior court judge or district court judge, and the county contains more than one superior court district or district court district, the above-referenced certificate shall state the judicial district of which the person is a resident.
  - A candidate who is seeking election for a specialized district judgeship established under G.S. § 7A-147 shall designate on the form the specialized judgeship to which he or she seeks nomination.
  - The notice of candidacy shall be signed by the candidate either in the presence of the chair or of the secretary of the State Board, or it shall be signed and acknowledged before an officer authorized to take acknowledgements who shall certify the notice under seal. An acknowledged and certified notice may be mailed to the State Board.
  - With respect to judicial offices for which there are two or more vacancies, a written statement designating the vacancy to which the candidate seeks election shall be included.
- **Felony record.** The notice of candidacy form includes questions about any previous felony convictions of the candidate; if the candidate has any convictions, additional information is required on a separate form within 48 hours of submitting the notice of candidacy. Active felons who have not had their citizenship rights fully restored, meaning they have completed any felony sentence, including any periods of probation or parole, are not eligible to register to vote or run for elected office.
- 4) **Seeking office as a write-in candidate.** A candidate who wishes to run as a write-in should review [North Carolina General Statute § 163-123](#) and the [fact sheet on running as a write-in candidate](#).
  - 5) **Seeking office as unaffiliated:** During 2018, there will be no primary for judicial office; therefore, the requirement to petition to file as unaffiliated is not in effect for 2018. A person who seeks to file unaffiliated will file as indicated in #3), above.
  - 6) **Single Office Contest.** No one may file for more than one office in the same election.
  - 7) **Election Date for 2018.** SL 2017-214 has established that in 2018 there will be **no primary for judicial contests in 2018**. The general election shall be held the Tuesday after the first Monday in November, which in 2018 is **Tuesday, November 6, 2018**.
  - 8) **Campaign Finance filing requirements.** [G.S. § 163-278.9](#)

North Carolina law requires financial disclosure of all political activities, even when the candidate spends only personal funds. The time of filing of these reports and the types of reports will vary by the type of campaign. Every candidate is legally responsible for his or her compliance with campaign reporting laws.

The treasurer of every campaign committee is required by law to receive training in campaign finance reports and law. Since candidates are also required to comply with campaign finance law, it is highly recommended that candidates obtain the training as well. This **mandatory campaign finance training** is available online or in-person at numerous training sessions offered by this agency. Please contact Jason Schrader, at 919/814-0733 or Terry Harris at 919/814-0741.

**IMPORTANT: You must file an organizational report with the Campaign Finance Disclosure section of this agency within ten days of becoming a candidate.** You become a “candidate” when you file the notice of candidacy form. **HOWEVER, you may also become a candidate and trigger the requirement to file the organizational report much earlier by spending or receiving money (or other things of value) in support of your candidacy. In such a case, you would have ten days from the first receipt of funds (or thing of value) or ten days from your first expenditure, including expenditure of personal funds.**

**For further information about this report and other campaign finance requirements, please call this agency’s main line at 919/814-0700 and ask to speak with someone from the Disclosure section of this agency.**

9) **Disclosure of economic interest is also required.** [G.S. § 138A-22](#)

The State Government Ethics Act requires that candidates for an office covered by the Act file a Statement of Economic Interest with the State Board of Elections and Ethics Enforcement. **Candidates for offices covered by the Act must file the Statement of Economic Interest within 10 days of the filing deadline for the office the candidate seeks.** Please see the section of our webpage that discusses the requirements at this link: [Statement of Economic Interest \(SEI\).](#)