

# North Carolina Bipartisan State Board of Elections

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## *Write-in Petitions for Contests in 2020*

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### **1) When are write-in choices allowed on ballots?** (NCGS §§ [163-123](#), [163-165.6](#), [163-165.5](#), [163-182.1](#))

Write-in choices are allowed on ballots for general election; they are not permitted during primary elections or in referendums.<sup>1</sup>

A voter who wishes to participate as a write-in candidate for a **non-municipal, partisan** contest must complete a petition process to be qualified. In such contests, write-in votes are counted only for qualified write-in candidates.

A qualified write-in candidate's name will be listed in the official, final abstract of the election results, which is kept by the state for official and historical purposes.

If no person is qualified as a write-in candidate for a contest (non-municipal) the ballot will not include a write-in option for that office.

There is no petition process to qualify as a write-in for a municipal contest, whether partisan or nonpartisan. Nor is there a petition process to qualify as a write-in candidate for a *nonpartisan non-municipal* contest. **The option for a write-in is automatically included on municipal ballots, Soil & Water contests and for nonpartisan Board of Education contests.** However, the person whose name is written in must be eligible to hold the office in question.<sup>2</sup>

### **2) How does a person become qualified as a write-in candidate?**<sup>3</sup>

A prospective write-in candidate must first complete and submit a [petition request form](#) to the appropriate board of elections (county or state, depending on the board that has jurisdiction over the contest). This form enables the appropriate board of elections to enter the petition into its system and helps the petitioner meet the legal requirements for a successful petition. The board of elections will then provide a write-in petition signature sheet template that is customized for the candidate and contest. The petitioner will make as many copies of this template as he or she requires.

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<sup>1</sup> Declaration of intent and petitions for write-in candidates in partisan elections: [§ [163-123](#)]. Arrangement of official ballots: [§ [163-165.6\(f\)](#)]. Contents of official ballots [§ [163-165.5\(a\)\(5\)](#)]. Principles and rules for counting official ballots: [§ [163-182.1](#)].

The type of office determines where petitions are submitted and how many signatures are required. Petitions for statewide offices and certain district offices must be submitted to the State Board of Elections (State Board). Petitions for county offices or districts wholly contained within a single county must be filed with the affected county board of elections.

The petitioner must collect signatures of registered voters who are eligible to vote for the office the petitioner is seeking. These signers must therefore be residents of the jurisdiction of that office.

The fields on the petition sheet that requests the signer's residential address is important for this process, especially if the signer bears a common name, since county staff must be able to determine that the signer is a registered voter residing in that county. The signer's date of birth also helps county staff's research, but it is not required by law.

### **3) What happens as (or after) the petitioner gathers signatures?**

The affected county or counties will verify that the signatures were made by registered voters. The petitioner may submit signature sheets to the affected county board *as the signature sheets are filled and while the petitioner is still gathering further signatures*. It is not necessary for the petitioner to hold onto the pages until all signatures have been collected, since the county will verify the signature sheets as they are submitted.

If the petition is for a contest under the jurisdiction of a single county, the county, after verifying the signatures, will keep the original signature sheets, provide copies of them to the petitioner upon request, and will provide the petitioner a summary report (sometimes called a "certification") that states how many signatures were verified.

If the petition is for a contest that falls under state jurisdiction, the affected counties, after verifying the signatures, will return the original signatures sheets to the petitioner, along with a report that says how many signatures were verified. The petitioner must then submit both the original signature pages and the counties' reports ("certifications") to the State Board by the deadline.

The petitioner will also submit a *declaration of intent* with the completed petition when all the required signatures have been gathered. A declaration of intent is a signed, dated document that includes the applicant's name, residential address, a statement of the applicant's intent to be a write-in candidate, the title of the office sought, and the date of the election. A template for the Declaration of Intent will be provided to the petitioner by the State Board of Elections.

### **4) Following are the requirements specific to certain contests:**

- A. **U.S. Senate, governor, and other statewide offices, including judicial:** A person seeking to become a write-in candidate for one of these offices must submit a petition signed by **500 qualified North Carolina voters**. The petitioner's first step is to

complete and submit a [petition request form](#). Completed petitions for these statewide offices are subject to two deadlines:

**1<sup>st</sup> deadline:** The petitioner must file signature pages with the appropriate county board of elections by **5:00 p.m. on July 21, 2020** (15 days before the final documentation is due to the State Board).

Petition signature pages must be separated by county; each signature page must be submitted to the board of elections for the county in which the signatures on a given page were gathered.

Verification must be completed by staff of the county boards of elections in time to **return the verified signature pages to the petitioner**, who must submit the complete petition to the State Board by the second deadline.

**2<sup>nd</sup> deadline:** The petitioner must submit the petition (comprising all of the verified signature pages) and a [declaration of intent to the State Board](#) by noon on the 90<sup>th</sup> day before the general election. This filing deadline is by **noon on Wednesday, August 5, 2020**.

- B. U.S. House, judgeships, District Attorney, or North Carolina House or Senate for districts that cover more than one county.** The petitioner's first step is to complete and submit a [petition request form](#). A person who seeks to become a write-in candidate for one of these offices must submit a petition signed by **250 qualified North Carolina voters registered in the affected county or counties**. Completed petitions for these offices are subject to two deadlines.

**1<sup>st</sup> deadline:** The petitioner must file signature pages with the appropriate county board of elections by **5:00 p.m. on July 21, 2020** (15 days before the final documentation is due to the State Board).

Petition signature pages must be segregated by county; each signature page must be submitted to the board of elections for the county in which the signatures on given page were gathered.

Verification of the signatures must be completed by staff of the county boards of elections in time to return the verified signature pages to the petitioner.

**2<sup>nd</sup> deadline:** The petitioner must submit the petition (comprising all of the verified signature pages) and a [declaration of intent to the State Board](#) by noon on the 90<sup>th</sup> day before the general election, **Wednesday, August 5, 2020**.

- C. County offices, and North Carolina House or Senate for districts that cover only one county:** A person seeking to become a write-in candidate must submit a petition

signed by a number of qualified voters in the affected county, depending on how many registered voters are eligible to vote for this office:

- If there are **5,000 or more such voters, the requirement is 100 signatures.**
- If there are **fewer than 5,000 such voters, the requirement is signatures totaling 1% of the number of registered voters** eligible to vote for the office.

**Deadline:** The signature pages and [declaration of intent](#) are due at the county board of elections office by noon on the 90th day before the general election. This deadline is **by noon, Wednesday, August 5, 2020.**

**5) If a candidate loses in a primary, may the candidate run as a write-in candidate in the general election?** No. By law, the candidate is prohibited from doing so<sup>4</sup>. The prohibition is acknowledged in the pledge that is part of the candidate's notice of candidacy.

**6) Filing fee?** There is no filing fee for a write-in candidate.

**7) Date of the general election in 2020:** The Tuesday after the first Monday in November, **Tuesday, November 3, 2020.**

**8) What are the campaign reporting requirements?**<sup>5</sup>

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 responsible for 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 call our agency's main line at 919/814-0700 and ask to speak with someone from our Training division.

**IMPORTANT: You must file an organizational report with the appropriate elections office within ten days of becoming a candidate.** You trigger this status by undertaking the petition process. Within ten days of first spending any money (such as making copies of the petition forms or buying gas for travel to collect signatures) or of first receiving a contribution (as would be the case if someone else paid any expenses or provided the actual copies or gasoline), you must file the organizational report. For further information about this report and other campaign finance requirements, please call our agency's main line at 919/814-0700, and ask to speak with someone from our Disclosure section.

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<sup>4</sup> defeated primary candidate: § [163-123\(c\)](#).

<sup>5</sup> campaign reporting: § [163-278.9](#).

**8) Disclosure of economic interest is also required.<sup>6</sup>**

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. **An individual seeking to qualify as a write-in candidate must file the Statement of Economic Interest within three days of filing the petition.** Please call (919) 814-3600 and ask to speak to Ethics staff about the Statement of Economics Interest requirement.

**9) CAVEAT regarding districts that may be affected by redistricting.**

If a petition were started prior to new or redrawn districts becoming finalized and includes signatures of those who no longer reside in the district as a result of the new district lines, the counties may only count signatures of those who reside in the new district. Further, if the petitioner is no longer living in the district because of the changed lines, he or she will not meet the requirements to be a candidate in that district.

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<sup>6</sup> Statement of Economic Interest: § [138A-22\(d\)](#).