



## FACT SHEET

### Write-in Candidates 2018 Election

---

**1) When are write-in choices allowed on ballots?** ([NCGS §§ 163-123](#), [163-165.6\(f\)](#), [163-165.5\(5\)](#), [163-182.1\(a\)\(6\)](#))

Write-in choices are allowed on ballots for general election; they are not permitted during primary elections or in voting for referenda.

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. There is no petition process to qualify as a write-in candidate for a nonpartisan election or a municipal election, whether partisan or nonpartisan. The option to write in a candidate is automatically included on the ballot for municipal contests.

If there is a write-in space on the ballot, voters may write in whatever name they wish. However, in contests requiring a person to qualify via petition, 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, the ballot will not include a write-in option for that office.

**2) How does a person become qualified as a write-in candidate?**  
([NCGS § 163-123](#))

A prospective write-in candidate must first complete and submit a [petition request form](#) to the appropriate board of elections. This form enables the 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 petition signature sheets that are customized for the particular candidate and contest.

Petitions for statewide offices and certain district offices must be submitted to the State Board of Elections. Petitions for single-county offices must be filed with the appropriate county board of elections.

The petitioner must collect signatures of registered voters who reside within the jurisdiction of that office. The type of office determines where the petitions are submitted, how many signatures are required, and when the petitions and other documents are due. The petitioner submits the completed petition signature sheets along with a declaration of intent to the board of elections. A declaration of intent must be signed and dated document and include 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. Petitioners are strongly encouraged use of the State Board of Elections' [declaration of intent form](#).

- **Statewide Offices (e.g., U.S. Senate, governor, Council of State, Supreme Court, Court of Appeals):** A person seeking to become a write-in candidate must submit a petition signed by 500 qualified North Carolina voters. G.S. § 163-123(c)(1).

Completed petitions for these statewide offices are subject to two deadlines because they must be handled by both county boards of election and the State Board of Elections.

**1<sup>st</sup> deadline:** The petitioner must file signature pages with the appropriate county board of elections by 5:00 p.m. 15 days before the final documentation is due to the State Board of Elections). In 2018, the deadline is **July 24, 2018**.

Petition signature pages must be separated by county; each signature page submitted to the county board of elections shall contain only names of voters in that county.

The purpose of the first deadline is to permit each county board of elections to verify the signatures and ensure that each signer is an eligible voter for the contest in question. Verification must be completed by staff of the county boards of elections in time to return the verified signature pages and a petition status letter from each county in which signatures were gathered to the petitioner, who must submit all completed petition to the State Board of Elections by the second deadline.

**2<sup>nd</sup> deadline:** The petitioner must submit the petition including all of the verified signature pages and a declaration of intent [click [here](#) for the suggested form] to the State Board of Elections by noon on the 90<sup>th</sup> day before the general election. In 2018, the deadline is **Tuesday, August 8, 2018**.

- **Certain District Offices (e.g., U.S. House, NC House or Senate in which the district lies in more than one county, superior court judge, district court judge, district attorney):** A person seeking to become a write-in candidate must submit a petition signed by 250 qualified North Carolina voters. G.S. § 163-123(c)(2).

Completed petitions for these offices are subject to two deadlines because they must be handled by both county and state board of elections offices.

**1<sup>st</sup> deadline:** The petitioner must file signature pages with the appropriate county board of elections by 5:00 p.m. 15 days before the final documentation is due to the State Board of Elections). In 2018, the deadline is **July 24, 2018**. Petition signature pages must be separated by county; each signature page submitted to the county board of elections shall contain only names of voters in that county.

The purpose of this first deadline is to permit each county board of elections to verify the signatures and ensure that each signer is an eligible voter for the contest in question. Verification must be completed by staff of the county boards of elections in time to return the verified signature pages and a petition status letter from each county in which the signatures were gathered to the petitioner, who must submit all completed petitions to the State Board of Elections by the second deadline.

**2<sup>nd</sup> deadline:** The petitioner must submit the petition, including all of the verified signature pages and a [declaration of intent](#), to the State Board of Elections by noon on the 90<sup>th</sup> day before the general election. In 2018, the deadline is **Tuesday, August 8, 2018**.

- **County offices, partisan school boards, 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, 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 petition must be signed by not less than 1% of the number of registered voters eligible to vote for the office.

G.S. § 163-123(c)(3).

**Deadline:** Petitions for offices that lie within a single county have only one deadline because they are handled only by that county's board of elections. The signature pages and [declaration of intent](#) are due at the county board of elections office by noon on the 90<sup>th</sup> day before the general election. In 2018, the deadline is **Tuesday, August 8, 2018**.

- Before gathering signatures, petitioners should check with the relevant board of elections to inquire about eligibility requirements for signers.

**3) If a candidate loses in a primary, may the candidate run as a write-in candidate in the general election?** ([NCGS § 163-123\(e\)](#))

No. North Carolina “sore loser” statute prohibits a candidate who loses in the primary election from running in the general election. Prior to filing to run as a candidate in the primary, all candidates must sign a [pledge](#) that incorporates this prohibition.

**4) Is there a filing fee to run as a write-in candidate?**

No.

**5) When is the general election?** ([NCGS §§ 163-1\(c\)](#))

The Tuesday after the first Monday in November. In 2018, the general election will be held on **Tuesday, November 6, 2018**.

**6) What are the campaign reporting requirements?** ([NCGS §163-278.9](#))

The Campaign Reporting Act requires financial disclosure of all political activities. Reports are filed with the appropriate board of elections. 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 most recent Candidate Campaign Finance Manual is available online on the [State Board of Elections’ website](#) and clicking “Campaign Finance.”

The law requires that the treasurer of every campaign committee receives training in handling campaign finance reports and law. This can be accomplished online or in-person at numerous training sessions offered by the State Board of Elections.

**IMPORTANT: An organizational report must be filed with the appropriate elections office within ten days of becoming a candidate.** The term “candidate” means any individual who, with respect to any public office, “has taken positive action for the purpose of bringing about that individual’s nomination, retention, or election to public office.” G.S. § 163-278.6(4). Examples of positive action include, but are not limited to filing a notice of candidacy, filing a notice to be retained, or a petition requesting to be a candidate; being certified as a nominee of a political party for a vacancy; otherwise qualifying as a candidate in a manner authorized by law; making a public announcement of a definite intent to run for public office in a particular election; or receiving funds or making payments or giving the consent for anyone else to receive funds or transfer anything of value for the purpose of bringing about that individual’s nomination or election to office. Blank reporting forms are available [here](#). The office of the State Board of Elections and your local County Board of Elections are also available to help.