

# Findings



Dedicated to the  
Preservation of the Family

## Running for Elected Office

### *What you need to know to be a candidate*

By Stephen Daniels



One of the most exciting things about our system of government is that ordinary citizens are able to run for elective office and represent their fellow citizens in government. Unlike the

aristocratic and autocratic approaches to governing seen throughout history, the United States has looked to ordinary citizens, not to nobility, to lead our nation and our states. Government of, by, and for the people has been a primary factor in making our country the strongest and freest nation in the world. Thus, it is incumbent on the people themselves to act responsibly to preserve this country's great heritage.

Because of our form of government, all citizens across our state and nation have a civic duty to involve themselves in the public policy process. Without their involvement, government would cease to function as it was designed. Likewise, if citizens do not involve themselves, a critical component of the process would be absent and the public policy issues that we all care about would be at risk. Because our system of government requires the people's involvement, those who are not active forfeit their influence to those who remain engaged. This is why it is important for people who care about the issues to become educated on the issues, voice their concerns to government leaders and to vote in every election.

In addition to these things, there is an even greater method of influencing government—serving in office. By far, this is the most proactive step that a citizen can take in an effort to make an impact. It certainly requires more from the individual. Yet, doing so can have lasting impact. Whether at a local, state or federal level, the opportunity for service and influence is very real.

In North Carolina, like all other states,

the process is very much the same as it has always been. It involves ordinary citizens, who decide to run for elective office, seeking the vote of their fellow citizens in an effort to be their representative in some role of government. Perhaps the most important requirement of our representative government is the willingness of a person to step forward and seek office.

North Carolina has three branches of government: the executive branch, legislative branch and judicial branch. Each serves a specific role in the governing of our state and each requires specific skills from those who serve within them. This paper provides

---

### **Government of, by, and for the people has been a primary factor in making our country the strongest and freest nation in the world.**

---

the basic information for anyone who is considering a candidacy for state office including: Governor, Lieutenant Governor, Council of State, General Assembly, and Judicial Offices.

Although this paper describes much of what is required to run for office, it should not be considered exhaustive. Requirements to run for state office are laid out in our State Constitution and the North Carolina General Statutes. It is from these documents that the following information is acquired. For more detailed information on running for office, a citizen considering a candidacy should consult the general statutes covering elections and materials from the state and county board of elections. Information for citizens running for local office, such as city council, county board of education, and so forth, can be obtained from the board of elections in the county from which an office is sought. Overall, the North Carolina State

Board of Elections exists to serve anyone who is running for office. The Board's offices will answer any questions and help insure that candidates have all the information necessary to run a campaign.

### **The N.C. General Assembly**

The General Assembly (or State Legislature) is the legislative branch of our state government. Comprised of 50 Senators and 120 Representatives, the General Assembly possesses sole legislative or lawmaking authority over the state. Senators and Representatives serve two-year terms which begin in January of each even numbered year.<sup>1</sup>

According to the North Carolina State Constitution, candidates for the Senate must be 25 years old at the time of election, a qualified voter of the State and have resided in North Carolina as a citizen for two years and in the district of their election for one year preceding their election.<sup>2</sup> Candidates for the House of Representatives must be at least 21 years old at the time of election, a qualified voter of the State and a resident of the district of their election for one year preceding their election.<sup>3</sup>

**Party Candidates:** In order to run for office, it is necessary to file with the county board of elections before doing so. A Notice of Candidacy can be obtained from the county board of elections and is available before the date that filing for office begins.<sup>4</sup> A candidate must file for office in the party in which they are registered to vote. If a candidate wishes to run for office in another party, they must first change their party affiliation. This must be done 90 days before the date a candidate files to run for office.<sup>5</sup> When filing a Notice of Candidacy, a candidate must file a certificate signed by the board of election's chairman or director stating their party affiliation and that they have not changed this affiliation within the previous three months.<sup>6</sup> When filing, a

candidate must also pay a filing fee equal to one percent of the annual salary of the office being sought.<sup>7</sup> Candidates are not permitted to run for more than one office at a time.<sup>8</sup> Filing deadlines and election dates are the same as all other state offices.

Candidates have roughly a full month in which to file their candidacy. The filing period begins at noon on the first Monday of the January preceding the primary (eg. Monday, January 7, 2002) and ends at noon on the first Monday in February preceding the primary (eg. Monday, February 4, 2002).<sup>9</sup> The primary election is held on the Tuesday following the first Monday in May prior to the general election (eg. Tuesday, May 7, 2002). The general election is held on the Tuesday following the first Monday in November (eg. Tuesday, November 5, 2002).<sup>10</sup> A primary election precedes the general election and is the time when a party's nominee is selected from among contenders in the same party. The general election is the main election held every two years where most elected offices are chosen.

**Unaffiliated Candidate:** An unaffiliated candidate is one who runs for office without being identified with a particular political party. Anyone who wishes to run as an unaffiliated candidate must first file a petition to do so. If the candidate is running for office in a district that includes two or more counties, a petition must be filed with the State Board of Elections. However, if the candidate is running in a single office county, a petition must be filed with the county board of elections. This petition must include signatures from four percent of the registered voters in the legislative district, whether it spans multiple counties or is smaller than a single county. If the office sought is a single county office, the petition must include four percent of the registered voters in that county. The petition is due by noon on the last Friday in June before the general election (eg. Friday, June 28, 2002). The chairman of the county board of elections is required to verify the petition within two weeks of the date the petition is handed in.<sup>11</sup>

**Write-in Candidate:** To run as a write-in candidate in a district that includes part or all of two or more counties, a candidate must file a declaration of intent with the State Board of Elections. This document must include the candidate's name, residential address, declaration of intent, office sought, date of election, date of declaration and signature. There must also be an accompanying petition containing 250 signatures of qualified voters from within the district. If the office sought is a single

county office or if the legislative district is smaller than a single county, the petition must include the signatures of 100 qualified voters (or one percent of the registered voters, if there are less than 5,000 voters eligible to vote for that office). The declaration of intent and signatures are due 90 days before the election by noon (eg. Wednesday, August 7, 2002) and should be verified by the chairman of the county board of elections within two weeks of the date submitted.<sup>12</sup>

### **Governor and Council of State**

Elective offices within the executive branch of North Carolina's state government include the offices of Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor and Commissioner of Insurance. To qualify for the offices of Governor and Lieutenant Governor, a candidate must be at least 30 years old, have been a United States citizen for at least five years, a citizen of North Carolina for at least two years and a qualified voter of this state.<sup>13</sup> To run for the remaining Executive Offices, a candidate must simply be a qualified voter of the state.<sup>14</sup> The offices of Governor, Lieutenant Governor and all other Executive Offices each serve a four-year term. The Governor and Lieutenant Governor may not be elected to more than two consecutive terms.<sup>15</sup>

**Party Candidate:** Candidates for executive offices must file a Notice of Candidacy with the State Board of Elections and pay a fee equal to one percent of the annual salary of the office sought.<sup>16</sup> Once the notice and fee are submitted, the chairman of the State Board of Elections will certify the candidate's name with the Secretary of State three days after the filing date has expired.<sup>17</sup> Candidates must also be a registered voter in the same political party in which they file to run. If a candidate wishes to change their party affiliation, they must do so 90 days prior to filing.<sup>18</sup> Along with the Notice of Candidacy, a candidate must file a certificate stating their political affiliation, which must be signed by the chairman of the county board of elections where they vote.<sup>19</sup>

**Unaffiliated Candidate:** In order to run as an unaffiliated candidate in the executive branch, the qualified voter must file a petition with the State Board of Elections by the last Friday in June before the general election (eg. Friday, June 28, 2002). This petition must include the signatures of two percent of the registered voters of the state

and will be verified by the chairman of the county board of elections within two weeks of their submission.<sup>20</sup>

**Write-in Candidate:** Candidates who intend to run as a write-in candidate for an executive office must first file a declaration of intent with the State Board of Elections. The document—which includes the candidate's name, residential address, declaration of intent, office sought, date of election, date of declaration and signature—must be submitted 90 days before the general election (eg. Wednesday, August 7, 2002). This declaration must be accompanied by a petition containing the signatures of 500 qualified voters in the state and will be verified within two weeks of its submission by the chairman of the county board of elections.<sup>21</sup>

### **Judicial Offices**

North Carolina judicial offices consist of Supreme Court Justices, Appellate Judges and Superior Court Judges, each of whom serve for eight-year terms, as well as, District Court Judges and District Attorneys, each of whom serve four-year terms. In order to be qualified to run for a judicial office in North Carolina, a candidate must be at least 21 years old, qualified to vote in the state and authorized to practice law in North Carolina.<sup>22</sup>

**Party Candidate:** Candidates for judicial offices must file a Notice of Candidacy with the State Board of Elections and pay a fee equal to one percent of the annual salary of the office sought.<sup>23</sup> Once the notice and fee are submitted, the chairman of the State Board of Elections will certify the candidate's name with the Secretary of State three days after the filing date has expired.<sup>24</sup> With the exception of superior court and district court (which are non partisan elections),<sup>25</sup> candidates must also be a registered voter in the same political party in which they file to run. If a candidate wishes to change their party affiliation, they must do so 90 days prior to filing.<sup>26</sup> Along with the Notice of Candidacy, a candidate (except district and superior Court) must file a certificate stating their political affiliation, which must be signed by the chairman of the county board of elections where they vote.<sup>27</sup> Filing deadlines and election dates are the same as all other state offices.

**Unaffiliated Candidate:** Candidates for judicial office who wish to run unaffiliated with a political party must first file a petition with the State Board of Elections by noon on the last Friday in June prior to the general election (eg. Friday, June 28, 2002). If the candidate is running for a judicial

office that is statewide, the petition must include signatures from two percent of the registered voters in North Carolina. If the judicial office is a district office that includes two or more counties, the petition must include signatures from four percent of the registered voters in the district. The petition will be verified by the county board of election's chairman within two weeks of the date the petition is submitted.<sup>28</sup>

**Write-in Candidate:** Anyone who wishes to run for a judicial office as a write-in candidate must file a declaration of intent with the State Board of Elections. This includes: the candidates name, residential address, declaration of intent, office sought, date of election, date of declaration and signature. If the candidate is running for a judicial office that is statewide, the declaration of intent must be accompanied by 500 signatures of qualified voters in North Carolina. If the judicial office sought is in a district that includes all or part of two or more counties, the petition must include the signatures of 250 qualified voters from the district. The declaration of intent and petition is due 90 days before the general election (eg. Wednesday, August 7, 2002) and should be verified by the chairman of the county board of elections within two weeks of the date of submission.<sup>29</sup>

### **Campaign Committee**

The first step for a candidate is the creation of a campaign committee. A candidate's campaign committee is organized to assist him or her in the business and details of running for office. State law defines a political committee as "an entity which makes, or accepts anything of value to make contributions or expenditures."<sup>30</sup> A campaign committee is distinguished from other committees (party committees, political action committees and general political committees) because the candidate is the one who controls it.<sup>31</sup> Some candidates form campaign committees well before officially filing their candidacy in order to determine whether a run for office is plausible. They often refer to them as "exploratory committees."

There are several procedural requirements involved when starting a committee. A treasurer must be appointed by the candidate and may be any individual including him or herself, but may not be their spouse.<sup>32</sup> The treasurer must also be a citizen of North Carolina.<sup>33</sup> According to the law, the treasurer must "keep detailed accounts, current within not more than seven days after the date of receiving a contribution or making an expenditure, of all contributions received and all expendi-

tures made by or on behalf of the candidate."<sup>34</sup> Once selected, the treasurer must submit an organizational report with the appropriate board of elections within ten days of the candidate's declaration of candidacy or of the committee's formation, whichever comes first.<sup>35</sup> This report should include all information about the campaign committee required by law including the name, address and purpose of the campaign, as well as, bank accounts (which must be maintained in North Carolina), committee personnel, and so forth.<sup>36</sup> The report must also detail all contributions and expenditures through the date of the report's submission.<sup>37</sup> All of the business of a

### **State Board of Elections**

#### **Mailing Address:**

P.O. Box 27255  
Raleigh, NC 27611-7255

#### **Physical Address:**

506 North Harrington Street  
Raleigh, NC 27603

Phone: (919) 733-7173

Fax: (919) 715-0135

#### **Website:**

<http://www.sboe.state.nc.us/>

campaign is conducted through the campaign committee. The size of the committee is usually determined by the magnitude of the campaign necessary to run for that particular office.

### **Campaign Reporting**

All candidates for state office are required, under North Carolina law, to disclose all of the campaign's expenditures and receipts.<sup>38</sup> Only campaigns that do not receive or spend more than \$3,000 are exempt from reporting.<sup>39</sup>

The content of these reports, which are to be filed by the treasurer, must reflect every aspect of the financial activities of the campaign including contributions, expenditures and loans. The reports must list every contribution that is required by law to be reported, including the name of the contributor, their complete mailing address, the amount of the contribution, the contributor's primary occupation and the date it was received. The report must also plainly exhibit the total amount of contributions received for the reported time.<sup>40</sup>

Financial reports must also detail the campaign's expenditures. In addition to the amounts paid by the campaign for goods and services, the report must list the names and addresses of the entities being paid, the purpose of the expenditure and the date of

payment. The total amount paid out must also be plainly visible on the report.<sup>41</sup>

Campaigns must also report any loans they have acquired for use in the campaign along with the amount of the loan and the period, rate, source, security pledged and all makers and endorsers.<sup>42</sup>

The State Board of Elections has laid out a schedule for the release of financial reports, so that they can remain apprised of the financial activities of each campaign. Quarterly reports are filed at the end of each calendar quarter during the election year (usually even numbered years) and are due seven working days after the quarter ends. The first quarter report covers activities up until 17 days before the primary, the second quarter report covers activities through the end of June, the third quarter report covers through October up until 17 days before the general election, and the fourth quarter report covers through the end of December.<sup>43</sup> Examples of the due dates for these reports are Monday, April 29, 2002; Tuesday, July 9, 2002; Monday, October 28, 2002 and Friday, January 10, 2003 respectively.<sup>44</sup>

Any contributions in the amount of \$1,000 or more that are received after the third quarter report but before the general election, must be reported to the State Board of Elections by filing a 48-hour notice, due within 48 hours of receipt of the contribution.<sup>45</sup>

If a campaign receives contributions or has expenditures during a time when other reports are not required (non-election years), it must file semi-annual reports. These reports are due on the last Friday in July for activities during the first half of the year through June and on the last Friday in January for the remainder of the previous year.<sup>46</sup>

All financial reports, including the organizational report, must be signed and certified to be true and correct under oath by the filer. Reports must also be filed on time, or the delinquent campaign may face civil penalties.<sup>47</sup>

Once the campaign is over and all accounts are closed and expenditures and loans paid, a final report must be filed. Filing a final report marks the official end for a campaign committee.<sup>48</sup> If a campaign committee wishes to stay open after the elections, it may do so by reporting its activities in annual reports.<sup>49</sup>

### **Campaign Contributions**

Election law places limits on the amount of money that may be contributed to a political campaign. In addition, each campaign must report every contribution it

receives.<sup>50</sup> The campaign treasurer is required to keep detailed records of all transactions, which must be current to within seven days.<sup>51</sup> Under state law, a contribution is defined as “any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, gift, pledge or subscription of money or anything of value whatsoever, to a candidate to support or oppose the nomination or election of one or more clearly identified candidates...”<sup>52</sup> A campaign may not receive contributions until a treasurer has been appointed and certified by the State Board of Elections, because contributions to the campaign can only be made through the treasurer.<sup>53</sup>

When a campaign receives a contribution, it is required to obtain and report the name and full address of the contributor.<sup>54</sup> However, contributions that do not exceed \$100 do not require that the individual who contributed be named, only the amount itself.<sup>55</sup> Any other contribution that is not accompanied by a name and address is considered anonymous and may not be accepted. Contributions made in the name of another individual or that are paid in cash above \$100 are also prohibited. Anonymous donations and donations made in someone else’s name must be forwarded on to the State Board of Elections where they are deposited in the state’s general fund.<sup>56</sup> Contributions from corporations, business entities, labor unions, professional associations and insurance companies are also prohibited.<sup>57</sup>

Campaigns are not permitted to receive more than \$4,000 from a contributor during an election. According to the law, any primary, second primary (if necessary) or general election constitutes an election. Therefore, the \$4,000 limit applies to each separately.<sup>58</sup> However, a candidate may contribute any amount to their campaign along with the candidate’s spouse, parents, brothers or sisters.<sup>59</sup>

Goods and services (often referred to as “in-kind” contributions) accepted by the campaign are considered to be the same as a monetary contribution and count towards the contribution limits.<sup>60</sup> Money collected by a campaign through the sale of goods, such as campaign apparel, or the cost of a ticket to a campaign event, must also be

reported. If the item exceeds \$100, the campaign must report the individual who paid for it. If the item does not exceed \$100, the campaign must only report the nature of the gift but not the donor.<sup>61</sup>

## Running—What it Takes

Making the decision to step out and become a candidate is not one to be taken lightly. It requires a sacrifice of time, energy and resources, along with the determination to stand up for principles and to work hard to communicate them to the electorate. It is certainly a decision that requires careful consideration. Running for office requires a vulnerability to others and a willingness to be criticized and challenged. Yet, it is also a time to communicate principles, ideas and beliefs, and, hopefully, to put them to work in government.

Running for and holding elected office is the greatest way for any citizen to carry out their civic duty. More than any other action, serving in government allows someone to be proactive in the formation of public policy. It also allows them to directly influence others through public policy. With this in mind, it is vital that concerned citizens be present in the governing process. Without them, important voices may not be heard, important public policy may not be considered, and the ideas that we all care about may become more and more difficult to preserve.

## Disclaimer

The purpose of this paper has been to expose the reader to the basic requirements of running for various state offices. The information presented in this paper should serve as a general sampling of the regulations. It is by no means exhaustive, and should not be considered an official guide. However, it should help to clarify the steps that are necessary to be taken when considering a candidacy.

*Stephen Daniels is the Director of Research for the North Carolina Family Policy Council.*

Copyright © 2001. North Carolina Family Policy Council. All Rights Reserved.

## Endnotes

1. N.C. Constitution. Article 2.
2. N.C. Constitution. Article 2 Sec.6
3. N.C. Constitution. Article 2 Sec.7

4. N.C. General Statutes §163-106(a)
5. N.C. General Statutes §163-106(b)
6. N.C. General Statutes §163-106(a)
7. N.C. General Statutes §163-107(a)
8. N.C. General Statutes §163-106(h)
9. N.C. General Statutes §163-106(c)
10. N.C. General Statutes §163-1
11. N.C. General Statutes §163-122(a)(1)
12. N.C. General Statutes §163-123
13. N.C. Constitution. Article 3, Section 2
14. N.C. Constitution. Article 6, Section 6
15. N.C. Constitution. Article 3, Section 2
16. N.C. General Statutes §163-107(a)
17. N.C. General Statutes §163-108(a)
18. N.C. General Statutes §163-106(b)
19. N.C. General Statutes §163-106(a)
20. N.C. General Statutes §163-122
21. N.C. General Statutes §163-123
22. N.C. Constitution. Article 6, Section 6, and Article 4, Section 22
23. N.C. General Statutes §163-107(a)
24. N.C. General Statutes §163-108(a)
25. N.C. General Statutes §163-322
26. N.C. General Statutes §163-106(b)
27. N.C. General Statutes §163-106(a)
28. N.C. General Statutes §163-122(a)(1)
29. N.C. General Statutes §163-123
30. N.C. General Statutes §163-278.6(14)
31. N.C. General Statutes §163-278.6(14)(a)
32. N.C. General Statutes §163-278.7(a)
33. N.C. Administrative Code. Title 8, Chapter 1.
34. N.C. General Statutes §163-278.8(a)
35. N.C. General Statutes §163-278.9(a)(1)
36. N.C. General Statutes §163-278.7(b)
37. N.C. General Statutes §163-278.9(a)(1)
38. N.C. General Statutes §163-278.8(a)
39. N.C. General Statutes §163-278.10A
40. N.C. General Statutes §163-278.11(a)(1)
41. N.C. General Statutes §163-278.11(a)(2)
42. N.C. General Statutes §163-278.11(a)(3)
43. N.C. General Statutes §163-278.9(a)(5a)
44. State Board of Elections. 2002 Partisan State, District and County Election and Campaign Reporting Schedule. Available online at [www.sboe.state.nc.us/cro2002sch.htm](http://www.sboe.state.nc.us/cro2002sch.htm).
45. N.C. General Statutes §163-278.9(a)(4a)
46. N.C. General Statutes §163-278.9(a)(6)
47. N.C. General Statutes §163-278.34
48. N.C. General Statutes §163-278.6(14)
49. N.C. General Statutes §163-278.9(a)(6)
50. N.C. General Statutes §163-278.11(a)(1)
51. N.C. General Statutes §163-278.8(a)
52. N.C. General Statutes §163-278.6(6)
53. N.C. General Statutes §163-278.16
54. N.C. General Statutes §163-278.11(a)(1)
55. N.C. General Statutes §163-278.8(d)
56. N.C. General Statutes §163-278.14
57. N.C. General Statutes §163-278.19(a)
58. N.C. General Statutes §163-278.13
59. N.C. General Statutes §163-278.13(c)
60. N.C. General Statutes §163-278.6(6)
61. N.C. General Statutes §163-278.8(d)

Organized in 1992, the North Carolina Family Policy Council is a nonpartisan, nonprofit, research and education organization. Our goal is to serve as a voice for families and traditional family values in the public policy arena. We are supported solely by private contributions which are tax deductible as provided by law. Our mailing address is P.O. Box 20607, Raleigh, NC 27619. Phone: (919) 807-0800. Fax: (919) 807-0900. *Findings* is a publication of the North Carolina Family Policy Council which is intended to communicate research findings and perspectives on public policy issues that affect the family. Nothing written here should be construed as necessarily reflecting the views of the North Carolina Family Policy Council or as an attempt to aid or hinder the passage of any bill before Congress or the North Carolina General Assembly. Printed September 2001.