



Election Law Index

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*Statute may be affected by *NAACP v. McCrory*.

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Simultaneous issuance of absentee ballot with application	GS 163-230.1
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Withdrawal of submitted absentee ballot not allowed	GS 163-233.1
Absentee ballot application (on container-return envelope)	
Annual request for absentee ballot by sick or disabled person	GS 163-226(b)
Application on container-return envelope; when required to be available for voters	GS 163-229(b)
CBE to approve/disapprove applications at special Tuesday meetings prior to election	GS 163-230.1(e), (f)
Retention of absentee ballot applications: At least one year	GS 163-233
Simultaneous issuance of absentee ballot with application	GS 163-230.1
Voter must complete and sign application (in certain situations, voter may receive assistance upon request)	GS 163-230.1(d) ; see also GS 163-231(a) , 163-226.3(a)
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Retention of absentee ballot lists: 22 months	GS 163-232
Retention of absentee ballots and container-return envelopes: 4 months (or longer if a pending contest exists concerning the validity of the ballots)	GS 163-234(10)
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Accessibility & Voters with Special Needs

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Age Requirement

Candidate (by the day of the election)	
Any elected office (other than below): Age 21 or older	N.C. Const. Art. VI, § 6
Governor and Lieutenant Governor: Age 30 or older	N.C. Const. Art. III, § 2
State legislator: Senators must be age 25 or older; no age requirement for representatives	N.C. Const. Art. II, §§ 6, 7
U.S. President: Age 35 or older	U.S. Const. Art. II, § 1
U.S. Representative: Age 25 or older	U.S. Const. Art. I, § 2
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Student Election Assistant: 17 years of age or older	GS 163-42.1
Voter: See also Registration to Vote (and Preregistration subsection)	
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Assistance to Voter: See also [Voting, Curbside voting](#)

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B.

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C.

Campaign Reporting: For more detail, refer to SBE’s [Campaign Finance Manual](#)

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“Corporation” defined	GS 163-278.6(24)
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Permitted uses	GS 163-278.320
Reports to be filed with SBE	GS 163-278.308
Treasure to keep detailed accounts	GS 163-278.306 GS 163-278.307
Violation of legal expense fund law: Class 1 misdemeanor	GS 163-278.301(g)
Legislative session contribution limits for certain candidates	GS 163-278.13B
Loan	
Detailed accounts to be kept by the treasurer	GS 163-278.8(e)
Proceeds of loans made in the ordinary course of business by financial institutions may be used for contributions	GS 163-278.19(c)
Acceptance of loans made by a financial institution in the ordinary course of business	GS 163-278.15(b)
Reporting loan proceeds	GS 163-278.11(a)(3)
Lobbyists banned from making contributions to certain candidates	GS 163-278.13C
Noncompliance process for political and referendum committees	08 NCAC 21 .0201
Penalties, criminal	GS 163-278.27
Intentional violations are a Class 2 misdemeanor	GS 163-278.27(a)
Making a certification knowing the information to be untrue is a Class I felony	GS 163-278.27(b)
SBE’s duty to report criminal violations to prosecutors	GS 163-278.27(d)
Penalties for late filing	GS 163-278.34(a)
Calculation and assessment	GS 163-278.34(a)
Waiver request. Late filing penalties may be waived by the SBE for good cause	GS 163-278.34(a) & (d)
Willful attempt to conceal contributions or expenditures	GS 163-278.34(a)
Penalties and other civil remedies for illegal contributions or expenditures	GS 163-278.34(b) & (c)
Calculation and assessment	GS 163-278.34(b)
Burden of proof on SBE	GS 163-278.34A

Political committee	
“Political committee” defined	GS 163-278.6(74)
Political committee formed by officials, employees and members of a corporation, business entity, labor union, professional association or insurance company	GS 163-278.19(d)
Administrative support of a political committee by a parent entity	GS 163-278.19(g)
Limitation on activity until treasurer in place	GS 163-278.16
Raffles by candidates or political committees	GS 14-309.15
Records: Must be kept for 2 years by candidate or treasurer	GS 163-278.35
Referendum	
“Referendum” defined	GS 163-278.6(82)
“Referendum Committee” defined	GS 163-278.6(84)
Contributions from corporations, business entities, labor unions, professional associations and insurance companies allowed	GS 163-278.19A
A referendum committee that received a contribution from a corporation, business entity, labor union, professional association or insurance company may not contribute to another referendum committee, to a candidate or to a political committee	GS 163-278.13(i)
Referendum committee reporting requirements	GS 163-278.9A
Disclosure legend not required when sponsor of the advertisement is an individual	GS 163-278.39C
Failure to comply with campaign finance laws does not invalidate referendum results	GS 163-278.38
Reports, generally	
Each appointed treasurer shall file a Statement of Organization. Changes to the Statement of Organization must be updated within 10 days	GS 163-278.7(b) & (c)
Threshold of \$1,000 for financial reports of certain candidates	GS 163-278.10
Organizational Report. An organizational report shall be filed with the board within 10 days of the candidate filing a notice of candidacy or within 10 days of the organization of the political committee, whichever occurs first	GS 163-278.9(a)(1)
Quarterly Reports	GS 163-278.9(a)(3)
Semiannual Reports	GS 163-278.9(a)(4)
Contents of each report shall be current within seven days prior to the date the report is due	GS 163-278.9(b)
Required contents of reports	GS 163-278.11
Best efforts must be used to obtain contributor information	GS 163-278.11(d) 08 NCAC 21 .0101
Electronic Filing	GS 163-278.9(i) 08 NCAC 21 .0106
Notice of report due from SBE or CBE to candidate	GS 163-278.23
Auditing of Reports	GS 163-278.24
Reports, municipal	
Definitions: “Board” and “city”	GS 163-278.40
General reporting law to apply, with some exceptions	GS 163-278.40I
Contents of each report shall be current within seven days prior to the date the report is due	GS 163-278.40G
Organizational report	GS 163-278.40A
Partisan election reporting	G.S. 163-278.40B
Nonpartisan election and runoff reporting	GS 163-278.40C
Nonpartisan primary and election reporting	GS 163-278.40D
Nonpartisan plurality reporting	GS 163-278.40E
Notice of report due from CBE to candidate	GS 163-278.40H
Sale of goods and services by political party executive committees are not contributions if done pursuant to an exempt sales plan	GS 163-278.8A
Special Contributor reporting	GS 163-278.12 08 NCAC 21 .0103
Threshold of \$1,000 for financial reports of certain candidates	GS 163-278.10
Treasurer	
“Treasurer” defined	G.S. 163-278.6(95)
Appointment	GS 163-278.7
Duty to keep detailed accounts	GS 163-278.8
Limitations on activity until treasurer appointed and certified	GS 163-278.16
Lobbyist restricted from serving as treasurer	GS 120C-304
Removal	GS 163-278.7(d)
Required training, conducted by SBE	GS 163-278.7(e), (f)
Written opinions: SBE Executive Director may issue, upon request	GS 163-278.23

Candidate: See also [Offices and Public Officer](#)

Absentee voting: Candidate prohibited from serving as witness for another voter (if not a near relative of the voter)	GS 163-237(c)
Appointment of new party nominees by parties	GS 163-114
Candidate filing	
Certification of notice of candidacy	GS 163-108
County certification of registration and party affiliation	GS 163-106.5
CBE must cross-check registration information of candidates	GS 163-106.5
Eligibility to file	GS 163-106.1
Filing fees	GS 163-107
Filing for more than one elected office at a time prohibited (with some limited exceptions)	GS 163-106.6
If 2 vacancies exist for U.S. Senator, the candidate must designate which vacancy he or she is running for	GS 163-106.3
Inspection of candidate qualifications; cancellation of petition for failure to meet statutory qualifications	GS 163-106.5 , 163-122(d) , 163-123(g)
Notice and filing of candidacy	GS 163-106
Petition in lieu of paying filing fee to run for office	GS 163-107.1
Required pledge to not run as a write-in candidate if the candidate loses the primary	GS 163-106
Soil and Water Conservation District Board Supervisor	GS 139-6
Timing of filing, even-numbered year elections (Soil and Water Conservation District Board Supervisor and some other local offices may have different filing periods based upon specific local authority)	GS 163-106.2
Withdrawal of candidacy: Deadline is the end of the third business day before the close of the candidate filing period	GS 163-106.4
Challenge to a candidacy (by a challenger)	GS 163-127.1 through 163-127.6 ; 163-127.2 ; 163-127.3 ; 163-127.4 ; 163-127.5
Death of candidate	See Death
Declared party nominee without primary	GS 163-110
Equal opportunity for candidates (under the FCC)	47 USC 315(a) ; 47 CFR 73.1940 et seq. , 76.205 et seq.
Municipal or special district candidates and nominees	GS 163-294.1(b)
Name	
Nickname: Allowed on ballot under certain conditions	GS 163-106 , 163-165.5(a)(3)
Title: Generally not allowed (Mr./Miss/Mrs./Ms. is allowed)	GS 163-165.5(a)(3)
Name must be checked before ballot is printed	GS 163-165.5(a)(3)
Party primary	
Nomination declared when unopposed in primary	GS 163-110
Party affiliation required for at least 90 days	GS 163-106.1
Party chair shall submit list of presidential candidates to be placed on presidential preference primary ballot	GS 163-213.4
Unaffiliated candidate	
Filing fee requirements apply	GS 163-122(e)
Loser of a primary contest not eligible to run as an unaffiliated candidate in the same election	GS 163-122(a)
Petition-nominating requirements	GS 163-122
Unaffiliated candidate in partisan municipal race	GS 163-296
Unaffiliated presidential candidate	GS 163-1 , 163-122 , 163-209
Withdrawal of candidacy	
Generally: Only allowed up until the third business day before the close of the filing period.	GS 163-106.4
Party nominees may withdraw up until absentee voting begins for the General Election	GS 163-113

Canvass

All voting data, including provisional and absentee, must be reported by Voting Precinct	GS 163-132.5G
Date and time for CBE canvass	GS 163-182.5(b)
Date and time for SBE canvass	GS 163-182.5(c)
Defined	GS 163-182.5(a)
Municipal canvass of votes	GS 163-299(g)
Races for which CBE canvasses	GS 163-182.4(a), (c)(1)
Races for which SBE canvasses	GS 163-182.4(b), (c)(1)

Certificate of Election

“Certificate of election” defined	GS 163-182(2)
Issued by CBE or SBE 6 days after canvass	GS 163-182.15(a), (b)
Protest can delay issuance	GS 163-182.15(a), (b)
Races for which CBE prepares certificates of election	GS 163-182.4(a), (c)(3)
Races for which SBE prepares certificates of election	GS 163-182.4(b), (c)(3)
Required campaign reporting statements must be filed prior to successful candidate is declared nominee, or certified as elected (but failure to grant certification shall not affect candidate’s title to an office); denial can be appealed	GS 163-278.25, 163-278.26
Secretary of State to keep copies of certification of election	GS 163-182.15(c)
Secretary of State to send Governor certification of election of congressmen, justices, judges, and district attorneys	GS 163-182.16

Challenge to Candidacy

Generally	GS 163, Art. 11B
Definitions	GS 163-127.1
When and how challenges are made	GS 163-127.2
Panel on Hearing	GS 163-127.3, GS 163-127.4
Burden of proof: Preponderance of the evidence	GS 163-127.5
Appeals	GS 163-127.6

Challenge to Voter

Absentee ballot challenge	GS 163-89
Answer to challenge relating to voter’s conviction record cannot be used in criminal prosecution	GS 163-90
Appeal of challenge ruling by CBE: Can be made to Superior Court	GS 163-90.2(c)
Burden of proof: Must be substantiated by affirmative proof	GS 163-90.1
CBE action after a decision is made regarding a challenge	GS 163-90.2
False sworn testimony in a challenge is a Class I felony	GS 163-90.3
Generally	GS 163, Art. 8
Municipal election voter challenge	GS 163-289
On Election Day	
Challenge ballots (voter can request a ballot even if challenge sustained; must write name on challenged ballot)	GS 163-88.1; 8 NCAC 10B.0104(c)
Challenge allowed; can be made by voter of same county	GS 163-87
Hearing	GS 163-88
One-Stop absentee challenge to voter allowed	GS 163-227.2
Other than on Election Day; procedure	
Hearing (if challenge survives preliminary hearing)	GS 163-86
Procedure (including preliminary hearing)	GS 163-85
Time of challenge; registration records open to any registered voter of the state	GS 163-84

Civil Penalties: See [Campaign Reporting](#) (under “[Fines, penalties and legal remedies](#)”)

Clerk of (Superior) Court

Appoints replacement county commissioner if Board of Commissioners fail to replace within 60 days	GS 153A-27
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*Statute may be affected by *NAACP v. McCrory*.

General law as to clerks	GS 7A-100 et. seq.
Filling vacancy in nomination of clerk of superior court	GS 163-115(a)
Must provide certified election returns upon request and payment	GS 163-274(12)
Receives certain election certifications from CBE	GS 163-182.17(c)(8)

College Student: See [Residence](#)

Confidentiality & Public Record

Address of voter may be confidential with court order, or with participation with the state’s Address Confidentiality Program	GS 163-82.10(d); Chapter 15C
Confidential voter information: Driver’s license number, Social Security number (full or partial), birthdate (but not age), signatures on registration records (but signatures may be viewed), e-mail address of military-overseas absentee voter	GS 163-82.10, 163-82.10B
County employee personnel records	GS 153A-98
Criminal investigations	GS 132-1.4
DMV records: Personal information is protected from unauthorized release and use	18 USC 2721
Public records laws, generally	GS 132-1 through 132-10
Voted ballots are confidential	GS 163-165.1(e)

Congress (U.S.): See also [Federal Elections](#)

Certificate of election to be sent from Secretary of State to Governor; commission of election to be issued by Governor (for U.S. Representatives)	GS 163-182.16(1)
Federal law as to election of U.S. Senators and Representatives	2 USC 1 et. seq.
Congressional district	
Apportionment plans severable if a court holds a part invalid	GS 163-201.1
Described	GS 163-201
Election of U.S. Representatives if number of districts has changed and reapportionment has not been concluded	GS 163-202
U.S. Representative: Qualifications, term, vacancy, etc.	U.S. Const. Art. I, §§ 2, 4, GS 163-13
U.S. Senator: Qualifications, term, vacancy, etc.	U.S. Const. Art. I, §§ 3, 4; 17th Amend, GS 163-12.
Special election	2 USC 8; GS 163-13,
Vacancy in office (mid-term)	
U.S. Representative (special election)	GS 163-13, 2 USC 8
U.S. Senator (filled by the Governor, terms and conditions)	GS 163-12

Constitutional Amendment (North Carolina Constitution)

Constitutional Amendments Publication Commission: Chaired by Secretary of State, prepares official explanation of amendment	GS Ch. 147 Art. 4A
Caption on ballot	G.S. 163-165.6(h)

Constitutional (North Carolina) Provisions

Ballot required in election	N.C. Const. Art. VI § 5
Candidate must be 21 years old at time of election	N.C. Const. Art. VI § 6
Continuation in office: Office-holder stays in position until successor is chosen, qualified (unless a statute directs otherwise)	N.C. Const. Art. VI § 10
Dual office-holding: Disallowed except as allowed by statute	N.C. Const. Art. VI, § 9; GS 128-1.1
Elections shall be free, frequent	N.C. Const. Art. I, §§ 10, 9
Executive branch (Governor, Lt. Governor, Council of State, cabinet)	
Deciding contested Council of State races (by joint ballot of both houses of the General Assembly)	N.C. Const. Art. VI, § 5; GS 163-182.13A
Elections held every 4 years; terms of office shall be every 4 years from January 1	N.C. Const. Art. III, §§ 2, 7

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Governor and Lt. Governor limited to 2 consecutive terms of office	N.C. Const. Art. III, § 2
Qualifications of Governor and Lt. Governor: 30 years old, 5 years as U.S. citizen and 2 years as N.C. resident immediately prior to election	N.C. Const. Art. III, § 2
Felon (with active sentences) disqualified as voter and office-holder	N.C. Const. Art. VI, §§ 2(3), 8
Judicial branch	
District attorneys elected every 4 years and have 4-year terms of Office	N.C. Const. Art. IV, § 18
Justices and judges (other than district court judges) elected every 8 years and have 8-year terms of office	N.C. Const. Art. IV, § 16
Vacancies filled by the Governor (terms and conditions)	N.C. Const. Art. IV, § 19, GS 163-8, GS 163-9, GS 163-10, GS 163-11, GS 163-12
Legislative branch (state senators and representatives)	
Deciding contested legislative races	N.C. Const. Art. II, § 20; GS 120-10.1 through 120-10.14
Legislative elections held every 2 years; terms begin on January 1 after each election	N.C. Const. Art. II, §§ 8, 9, 2, 4
Number of state representatives set at 120	N.C. Const. Art. II, § 4
Number of state senators set at 50	N.C. Const. Art. II, § 2
Qualifications for state representative: Residence in district for 1 year prior to election	N.C. Const. Art. II, § 7
Qualifications for state senator: 25 years old, citizen of state for 2 years, residence in district for 1 year prior to election	N.C. Const. Art. II, § 6
State representative district	N.C. Const. Art. II, § 5
State senate district	N.C. Const. Art. II § 3
Whole county requirement in redistricting (counties may need to be divided in order to comply with federal law)	N.C. Const. Art. II, §§ 3, 5
No property qualification required for voters	N.C. Const. Art. I, § 11
Oath required of elected and appointive officeholder	N.C. Const. Art. VI, § 7
Officeholder disqualification (first requirement has been judicially invalidated)	N.C. Const. Art. VI, § 8
Qualifications for voter: Age (18 years old) and U.S. citizenship	N.C. Const. Art. VI, § 1
Registration required to vote	N.C. Const. Art. VI, § 3
Residency requirement of voters is 30 days in electoral district	N.C. Const. Art. VI, § 2(1)
Sheriff eligibility: Cannot have been convicted of a felony	N.C. Const. Art. VII, § 2

Constitutional (U.S.) Provisions

Citizenship	14th Amend.
Discrimination against voter	15th Amend.
Election of President	U.S. Const. Art. II, § 1; 12th Amend.
Election of U.S. Representative	U.S. Const. Art. I, §§ 2, 4
Election of U.S. Senator	U.S. Const. Art. I, §§ 3, 4; 17th Amend.
Poll tax abolished	24th Amend.
Voting age: 18 years old or older	26th Amend.
Women voting	19th Amend.

Contested Election: See also [Election Protest](#)

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Deciding contested legislative races	N.C. Const. Art. II, § 20 ; GS 120-10.1 through 120-10.14
Deciding contested Council of State races (by joint ballot of both houses of the General Assembly)	N.C. Const. Art. VI, § 5 ; GS 163-182.13A

Contribution: See [Campaign Reporting](#), under [Contributions and limits](#)

Corporation: See [Campaign Reporting](#),

under [Corporation](#) [Council of State](#)

Contribution limitations during legislative sessions	GS 163-278.13B
Council limited in use of state-funded media prior to election	GS 163-278.16A
Deciding contested Council of State race	N.C. Const. Art. VI § 5 ; GS 163-182.13A
Election: Held every four years	N.C. Const. Art. III, §§ 7, 8
Term of office: Four years from January 1	N.C. Const. Art. III, § 7(1) ; GS 163-1
Vacancy	N.C. Const. Art. III, § 7(3)

County Boards of Elections

Absentee ballots and materials: CBE is the sole custodian	GS 163-236
Appointments, eligibility, and terms of office	GS 163-22(c) , 163-30
Canvass date and time for CBE	GS 163-182.5(b)
Chairperson	
Failure of CBE chair to perform duty	GS 163-274(a)(11)
Meeting: May be called by chair or three members	GS 163-31
Voting systems responsibilities	GS 163-33.2 ; 8 NCAC 4.0305(b) , 4.0306(a)
Charges brought against CBE members by voters; power of SBE to remove CBE members	8 NCAC 3.0101 through 3.0106 ; GS 163-22(c)
Compensation of CBE members	GS 163-32
Consideration of election protest by CBE	GS 163-182.10
Duty to register voters	GS 163-82.1(b)
Duties and powers	GS 163-33 , 163-182.17(c) , 163-166.1
Funding of CBE operations	GS 163-37
Meeting	
Absence: If no members of either the Republican or Democratic party are present for a meeting in which absentee ballots are counted, that party’s county chair must observe	GS 163-234(9)
Maintaining order in meeting	GS 163-34
Open meetings law	GS 143-318.9 through 143-318.17
Times, quorum (3 members), minutes	GS 163-31
Oath: Who can administer oath of office	GS 11-7.1
Office: Open at hours consistent with hours observed by other county offices; modified full-time office	GS 163-36 ; 8 NCAC 5.0111
Officers: Chair, Secretary elected at first meeting	GS 163-31
Power to fix CBE director’s compensation	GS 163-32
Relative of CBE member running in election: Forces board member to resign	GS 163-30
Restriction on political activity by CBE members	GS 163-30 , 163-38 , 163-39 , 163-40
Retain campaign reporting records as directed by SBE	GS 163-278.37
Training of CBE members	GS 163-82.24
Voting system must be approved by CBE prior to purchase by county commissioners	GS 163-165.8

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Voting system testing, examination, and other duties required of CBE	GS 163-165.9; 8 NCAC 4.0306(a), 4.0307, 4.0304
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County Commissioner

Appointive office qualification: May be set by commissioners	GS 153A-25
County commission organization	
Combination of 2- and 4-year terms	GS 153A-59
Effective date of alternation	GS 153A-62
Election changing commission structure	GS 153A-61, 153A-62
Four types of optional structure	GS 153A-58(2)
Resolution to change structure	GS 153A-60, 153A-63
Duty to fund county elections office	GS 163-37
Electoral districts; map or written description	GS 153A-20
Oath of office	GS 153A-26
Redistricting county commissioner districts	GS 153A-22
Standards for county appointive office	GS 153A-25
Vacancy	
In certain counties	GS 153A-27.1
In most counties (those not covered by GS 153A-27.1)	GS 153A-27
Filling vacancy by election (only in certain cases)	GS 163-115(d)
Voting system purchase role (must first be approved by CBE)	GS 163-165.8

County Director of Elections: See [Director of Elections \(County\)](#)

County Industrial Development Tax

Ballot form required	GS 158-18
CBE to run election	GS 158-17
Election called by board of county commissioners	GS 158-16
Limited to certain counties	GS 158-24

County Property Tax

Election procedure to levy taxes	GS 153A-149(d)
Election procedure to raise tax rate	GS 153A-149(e)
Purposes for which tax may be levied	GS 153A-149(b)
Levy for a new purpose: Requires referendum approval	GS 153A-149(d)

Court of Appeals Judge: See [Judge](#)

Crimes Relating to Elections

Compelling self-incriminating produces immunity	GS 163-277
Cost of campaign reporting violation investigation may be awarded to SBE as a condition of probation	GS 163-278.27(f)
Disorderly conduct at voting or registration place: Can be arrested	GS 163-48
Felonies (Class I unless otherwise noted)	
Absentee ballot fraud	GS 163-226.3
Altering or destroying election ballots and documents	GS 163-275(9)
Assaulting election official	GS 163-275(10)
Buying and selling office	GS 14-228
Buying or selling votes	GS 163-275(2)
Certifying false information in campaign reporting statement considered to be perjury	GS 163-278.32, 163-278.27(b)
Election official receiving money or promise of office from a candidate	GS 163-275(12)
Registration fraud (including knowingly being registered in more than one precinct)	GS 163-275(14), (1), (7)
False absentee ballot certificate	GS 163-275(16)
False documents used register to vote	GS 163-275(13)
False entry or return by election official	GS 163-275(8), (9)
Falsely taking voter's oath	GS 163-275(6)
Felon unlawfully voting	GS 163-275(5)
Fraud by an election official or board member	GS 163-275(3)

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Knowingly registering a non-citizen to vote	GS 163-275(18)
Illegally voting	GS 163-275(7)
Intimidating election official	GS 163-275(11)
Misleading voters on law with intent to discourage voting	GS 163-275(17)
Swearing falsely as to any election matter	GS 163-275(4)
Voting more than once in an election	GS 163-275(7)
Voting systems vendors failing to notify SBE as required or keeping software in escrow (Class G)	GS 163-165.9A
Misdemeanors (Class 2 unless otherwise noted)	
Absentee ballot violation by CBE	GS 163-236
Acting as elected officer prior to taking oath (Class 1)	GS 14-229
Acting as precinct judge without authority	GS 163-274(a)(3)
Aiding voter with marking ballot (other than ways allowed)	GS 163-273(a)(7)
Altering election record	GS 163-274(a)(2)
Betting on election result	GS 163-274(a)(6)
Campaign reporting violations, generally	GS 163-278.27(a)
Changing information on a voter registration form	GS 163-82.6(b)(3)
Clerk of court failing to provide certified election return	GS 163-274(a)(12)
Coercing a person into marking a party affiliation	GS 163-82.6(b)(4)
Coercion of state employee to support or contribute to a candidate: By another state employee or official	GS 126-14
Coercion of state employee to support or contribute to a candidate: By any person	GS 126-14.1
County officer willfully failing to discharge duties (Class 1)	GS 14-230
Disclose knowingly how another person voted (Class 1)	GS 163-165.1(e), 163-274(b)
Disruption of official meeting	GS 143-318.17
Election crime misdemeanor presumed to be Class 2	GS 163-272.1
Employer threatening employee on account of vote	GS 163-274(a)(7)
Failure of CBE chair to perform duty	GS 163-274(a)(11)
Failure of precinct judge or board member to perform duty	GS 163-274(a)(1)
Failure of good faith effort in delegation of duty to deliver completed voter registration application forms	GS 163-82.6(b)(1)
Forging or lying as to change of address	GS 163-274(a)(14)
Giving or promising political office for political support	GS 163-274(a)(10)
Inducing voter to show ballot marks before depositing ballot	GS 163-273(a)(6)
Interference with election, including boisterous conduct	GS 163-274(a)(4), (5)
Intimidation of voters by state or local officials	GS 163-271
Legal expense fund law violations (Class 1)	GS 163-278.301(g)
Misleading blind or illiterate voter	GS 163-274(a)(13)
Offer a voter registration form with party affiliation premarked, if premarking not requested	GS 163-82.6(b)(5)
Paying a person providing voter registration assistance, if pay is based on the number of registration forms submitted	GS 163-274(a)(15)
Publishing anonymous derogatory material about a candidate	GS 163-274(a)(8)
Publishing false derogatory material about a candidate	GS 163-274(a)(9)
Salary kickback for office appointment or retention (Class 1)	GS 128-4
Sale of completed voter registration application forms; requiring payment for delivery	GS 163-82.6(b)(2)
Signing that name of another to a petition	GS 163-221
Signs are protected from being damaged or taken down	GS 14-384
Voter allowing another to see the voter's ballot	GS 163-273(a)(1)
Voter not leaving the voting booth	GS 163-273(a)(5)
Voter removing ballot from voting enclosure	GS 163-273(a)(2)
Records from criminal investigations may not be public records	GS 132-1.4
Removal of public officials from office because of election crime	GS 163-276
Reporting possible crime covered in board hearings	8 NCAC 3.0302
SBE and district attorneys to investigate election crimes	GS 163-278
Summary investigation by SBE	8 NCAC 3.0301

Curbside Voting: See [Voting](#)

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D.

Death

Death of candidate for party nomination	
Within 30 days after close of filing	GS 163-112(a), (b), (c)
More than 30 days after close of filing	GS 163-112(b), (d)
Death of candidate in municipal or special district election	
Death of winning candidate on or after Election Day but before taking office: Creates a vacancy	GS 163-294.1(c)
Deceased candidate remains on ballot if there is not sufficient time to reopen filing and/or print new ballots (if the deceased candidate wins election, a vacancy is created)	GS 163-294.1, 163-294.4
Filing reopens if the death leaves the same or a smaller number of candidates than there are open seats for the office (and there is sufficient time for a new filing period)	GS 163-294.4
Vacancy of municipal or special district officeholder: Filled by governing body	GS 163-294.1(d), 160A-63
Death of voter	
CBE to have forms to remove deceased voters from lists, available to near relatives, personal representatives of the voter’s estate, and funeral service licensees	GS 163-33(14), 90-210.25C
Removal of deceased voters from voter list	GS 163-82.14(b)

Director of Elections (County)

Appointment	GS 163-35(b)
Compensation	GS 163-35(c)
Duties	GS 163-35(b), (d)
Eligibility and restrictions on political activity	GS 163-35(a), 163-38 through 163-40.1; 163-39, 163-40
Suspension	GS 163-35.1(c)
Termination	GS 163-35.1
Training and certification	GS 163-35(e), 163-82.24
Vacancy in office	GS 163-35(a)

District Attorney

Commission of election issued to new electees by Governor	GS 163-182.16(2)
District attorney consultation prior to assessment of civil penalty	GS 163-278.34(f)
Investigation of SBE or CBE involving criminal elements: Results to be reported to district attorney	GS 163-278.27(e), 163-278.22(8); 8 NCAC 3.0302
Prosecuting and receiving reports of election crimes	GS 163-278
Requirement to hold District Attorney office: Must be authorized to practice law in North Carolina courts	N.C. Const. Art. IV, § 18
Term: elected every 4 years; 4-year term of office	N.C. Const. Art. IV, § 18
Vacant filled by Governor (subject to certain terms and conditions)	N.C. Const. Art. IV § 19

District Court Judge: See [Judge](#)

Division of Motor Vehicles (DMV)

Coordination of DMV data with SBE data	GS 163-82.19(c), 163-82.12(3), (7), (8)
Personal information in DMV records is protected from unauthorized release and use	18 USC 2721
Registering to vote at DMV office	GS 163-82.19(a)

*Statute may be affected by *NAACP v. McCrory*.

E.

Election

Defined	GS 163-165(4)
Defined for purposes of campaign reporting (does not include local or statewide referendums)	GS 163-278.6(30)
Determining result (see Election Return)	GS 163-182.15(d)
Notice of election: Generally, 45 days (20 days before advance registration is closed); exception for bond special elections	GS 163-33(8); 163-287

Election Assistance Commission (EAC)

Please refer to the EAC website at www.eac.gov

Established by HAVA	42 USC 20921 through 20930
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Election Assistant: See [Precinct Official, Election Assistant](#)

Election Dates & Hours

Closing hour to be announced at 6:30 a.m.	8 NCAC 10B.0102(k)
General elections	GS 163-1(c)
Hours of voting; closing time can only be extended by SBE	GS 163-166.01
Notice of election dates and hours	GS 163-33(8)
In general	GS 163-1
Primaries	GS 163-1(b)
Same timepiece to be used to determine opening and closing time	8 NCAC 10B.0105(b)

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Election district of voters	GS 163-55(b)
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Authority over protests: Belongs to SBE	GS 163-182.12
Appeal of CBE decision to SBE; form	GS 163-182.11; 8 NCAC 2.0112
Appeal of SBE decision involving General Assembly or Executive Branch offices: Right of appeal to General Assembly	GS 163-182.14(c)
Appeal of SBE decision to Superior Court: Must be within 10 days	GS 163-182.14(b)
Attorney fees of appeal: Cannot be awarded against SBE	GS 163-182.14(d)
Certification of election: 10 days after SBE decision unless stayed by court order	GS 163-182.14(b), 163-182.15(b)(1)
Consideration of protest by CBE	
Conduct of hearing	GS 163-182.10(c)
Findings of fact and conclusion of law	GS 163-182.10(d)
Notice of hearing	GS 163-182.10(b)
Preliminary hearing	GS 163-182.10(a)
Rules as to CBE’s consideration of protest	8 NCAC 2.0110; GS 163-182.10(e)
Consideration of appeal by SBE	GS 163-182.11(b)
Defined	GS 163-182(4)
Filing an election protest	
Deadline for filing protest: If concerning vote tabulation or count, generally by county canvass, otherwise, by 5:00 p.m. on the second business day following county canvass	GS 163-182.9(b)(4)
Forms provided by SBE	8 NCAC 2.0111; GS 163-182.9
Who may file protest: Any eligible registered voter or candidate	GS 163-182.9(a)
New election: Can be ordered only be SBE	GS 163-182.13; 8 NCAC 2.0113
Presidential elections and vacancies	3 USC Chapter 1
Recasting of votes (only as authorized by SBE)	GS 163-182.12
Timing: Protest to be stayed until after Election Day if ballots have	GS 163-182.9(b)(4)d.1.

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Election Return

Abstracts	
“Abstract” defined	GS 163-182(1)
“Composite abstract” defined	GS 163-182(3)
Composite abstract prepared by SBE	GS 163-182.6(b)
CBE to prepare abstract using form provided by SBE	GS 163-182.6(a)
Form to be prescribed by SBE	GS 163-182.6(d)
Municipal abstract: Due from CBE within 9 days of election	GS 163-300
Secretary of State to keep copies of certified abstracts	GS 163-182.6(c)
Certificate of election	
Certification of election after SBE election protest decision: Issued 10 days after decision unless stayed by court order	GS 163-182.14(b), 163-182.15(b)(1)
“Certificate of election” defined	GS 163-182(2)
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Municipal certificate of election issued by CBE chair	GS 163-301
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Secretary Of State to keep copies of certification of election	GS 163-182.15(c)
Secretary Of State to send to Governor certificate of election of congressmen, justices, judges and district attorneys	GS 163-182.16
Races for which CBE prepares abstract and certificate of election	GS 163-182.4(a), (c)(2), (c)(3)
Races for which SBE prepares abstract and certificate of election	GS 163-182.4(b), (c)(2) , (c)(3)
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“Chain of custody” of supplies: Items must either remain in the polling place or in the custody of the chief judge or designee	8 NCAC 10B.0106(c), 10B.0105(o)
Collection of supplies at closing	8 NCAC 10B.0105(n)
Not to be removed from precincts during voting	8 NCAC 10B.0103(a)
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Buffer zone and area for election-related activity	GS 163-166.4
CBE must provide buffer zone information 30 days prior	GS 163-166.4(c)
One-Stop voting sites also have buffer zone requirement	GS 163-166.4(d)
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Limited access to voting enclosure	GS 163-166.3
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Challenges allowed on day of primary or election	GS 163-87
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Ethical Behavior

Acting as elected officer prior to taking oath: Punishable as a Class 1 misdemeanor and grounds for ejection from office	GS 14-229
Betting on election result (Class 2 misdemeanor)	GS 163-274(a)(6)
Buying or selling office (Class I felony)	GS 14-228
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Activity allowed	GS 153A-99(a)
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No use of county funds or property for political purpose	GS 153A-99(e)
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Relatives serving together as precinct judges prohibited	GS 163-41.1(a)
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State employee political activity	
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*Statute may be affected by *NAACP v. McCrory*.

Executive Director of SBE

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F.

Fax

Military-overseas absentee voting: Electronic delivery of ballot to voter (including fax)	GS 163-258.9(b)
Voter registration application form and changes to voter’s information: Fax (or e-mail) acceptable, but must be followed up by original hard copy form delivered to CBE office	GS 163-82.6*(e)

Federal Election: See also [Campaign Reporting](#), under [Federal elections](#)

Equal opportunity for candidates (under the FCC)	47 USC 315(a); 47 CFR 73.1940 et seq., 76.205 et seq.
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Americans with Disabilities Act	42 USC 12101 et seq.
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Federal employee	5 USC 7323
Help America Vote Act of 2002 (HAVA): See Help America Vote Act (HAVA) for more details	42 USC 15301 et seq.; GS 163-82.27
National Voter Registration Act of 1993 (NVRA): See Registration to Vote under Voter registration locations other than CBE office	52 USC Ch. 205; 11 CFR 9428
Uniformed and Overseas Citizens Absentee Voter Act (UOCAVA): See Absentee Voting , under Military-overseas absentee voting	52 USC Ch. 203
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Felon unlawfully voting: Class I felony	GS 163-275(5)
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Automatic restoration upon completion of felony sentence	GS 13-1
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Information to be provided on rights at the time of discharge	GS 163-82.20A
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Program to educate felons whose rights are restored	GS 163-82.20A

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Cancellation of candidacy if failing to meet requirements	GS 163-106.5
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Amounts	GS 163-107(a)
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Filing for more than 1 elected office at a time prohibited (except as to presidential and vice presidential bids)	GS 163-106.6
Municipal filing	
Extension allowed in nonpartisan race where none have filed	GS 163-294.4(a)
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Filing Reopens when death takes 1 of only 2 candidates	GS 163-294.4(b)
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Nomination declared when unopposed in primary	GS 163-110
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CBE must notify filing candidates of signage (littering) law	GS 163-33.3
SBE must notify filing candidates of signage (littering) law	GS 163-22.3
Vacancy must be noted in running for certain offices	GS 163-106.3
Withdrawal of candidacy (except for municipal offices)	GS 163-106.4 , 163-113

Fire District (Rural Fire Protection District)

Abolishing a fire district: By election, called upon petition of 15% of residents (petition checked by county tax office)	GS 69-25.10
Ballot	GS 69-25.10
Costs of election	GS 69-25.2
Election date set by county commissioners and CBE	GS 69-25.2
Election to form a district called upon petition of 35% of residents (petition checked by county tax office, not election office)	GS 69-25.1
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Form

Campaign reporting forms: To be provided by SBE	GS 163-278.22(1), (9)
Voter registration form	
Contents	GS 163-82.4
Developed by the SBE; purposes	GS 163-82.3*(a)
Interstate (federal) forms	GS 163-82.3*(b)

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G.

Governor

Commission of election: Issued to congress members, justices, judges, and district attorneys by governor	GS 163-182.16
Election duties of governor summarized	GS 163-182.17(f)
Elections held every 4 years	N.C. Const. Art. III, §§ 2(1), 7
Governor to proclaim electors, notify U.S. archivist	GS 163-210
Qualifications of governor and lt. governor: 30 years old, 5 years as U.S. citizen, 2 years as N.C. resident prior to election	N.C. Const. Art. III, § 2
Terms: 4 years starting on January 1; limited to 2 consecutive terms of office	N.C. Const. Art. III, §§ 2(1), 7

H.

Help America Vote Act (HAVA)

Complaint procedure	GS 163-91
Compliance	
Statewide computerized database compliance	GS 163-82.11(c)
Voting system compliance	GS 163-165.7(a)(2)
Funding established	GS 147-69.2(a)(17d)
Statutory authority	42 USC 15301 et seq. ; GS 163-82.27

I.

Incorporation (Municipal)

Absentee ballots allowed in incorporation election	GS 163-302(a)
Absentee ballot procedure in incorporation election	GS 163-302(b)
Costs of incorporation election: Paid by new municipality if approved by voters, by county if disapproved by voters	GS 163-288.3
Procedure and petition for municipal incorporation	GS 120-163

Independent Expenditure: See [Campaign Reporting](#) under [Expenditure](#)

J.

Joint Legislative Elections Oversight Committee

Creation, membership, purpose, powers, organization	GS 120-70.140 through 120-70.143
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Judge: See also [Precinct Chief Judge of Election](#), [Precinct Judge of Election](#) under [Precinct Official](#)

Age limit for service as judge or justice: 72 years old	GS 7A-4.20
Certification of notice of candidacy	
Commission of election: Issued to new electees by governor	GS 163-182.16(2)
Court of appeals judge	
Term of office of 8 years, beginning in January after election	N.C. Const. Art. IV § 16
Vacancy (see also vacancy, generally in this section)	GS 163-9
District court judge	
Chief judge named by chief justice of state Supreme Court	GS 7A-141
Districts	GS 7A-133

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Term of office: 4 years, beginning in January after election	GS 7A-140
Vacancy: <ul style="list-style-type: none">For individuals appointed on or after November 18, 2021, filled by governor, upon due consideration of local bar nominations, to serve until January 1 following the next election for General Assembly held more than 60 days after the vacancy occurs.For individuals appointed before November 18, 2021, filled by governor, upon due consideration of local bar nominations, for remainder of unexpired term.	GS 7A-142, GS 163-9, SL 2021-180
Filing	
Political activity of judge or candidate for judge	NC Judicial Code of Conduct, Canon 7
Primary (judicial)	
Requirement for all elected judge and justice officeholders: Must be authorized to practice law in North Carolina courts	N.C. Const. Art. IV, § 22
Superior court judge	
Districts	GS 7A-41
Term of office: 8 years, beginning in January after election	N.C. Const. Art. IV, § 16
Vacancy (see also vacancy, generally in this section)	GS 163-9(b) ,
Supreme court justice	
Retention elections	GS 7A-4.1, 4.2
Term of office: 8 years, beginning in January after election	N.C. Const. Art. IV, § 16
Vacancy, generally	GS 163-9; N.C. Const. Art. IV, § 19

L.

Legal Expense Fund: See [Campaign Reporting](#), under [Legal Expense Fund](#)

Legislator (State)

Contesting of legislative seat	GS 120-10.1 through 120.10.14
Contribution limitations during legislative session	GS 163-278.13B
Term of office: 2 years, beginning on January after election (elections held every even-numbered year)	N.C. Const. Art. II §§ 8, 9
Misconduct during election: Grounds for expulsion	GS 120-8
Representative (state)	
Number of representatives set at 120	N.C. Const. Art. II § 4
Qualifications: Residence in district for 1 year prior to election	N.C. Const. Art. II § 7
Representative district	N.C. Const. Art. II § 5
Senators (state)	
Number of senators set at 50	N.C. Const. Art. II § 2
Qualifications: 25 years old, citizen of state for 2 years, residence in district for 1 year prior to election	N.C. Const. Art. II § 6
Senate district	N.C. Const. Art. II § 3
Vacancy: Eligibility for appointment to fill vacancies	GS 163-11(e)

List Maintenance (of Registered Voters)

CBE program to reflect changes in address	GS 163-82.14(d)
CBE’s duty upon receiving conviction report	GS 163-82.14(c)(3)
Collaboration with other states	GS 163-82.14(a)(2)
Deadline (for CBE): April 15 of odd-numbered years	GS 163-82.14(a)
Removed voter (removed as part of list maintenance procedures) shall be reinstated if the voter confirms he has not moved out of county and has maintained residence continuously in the county	GS 163-82.14(d)(3)
Report of convicted felons	GS 163-82.14(c)

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Report of deceased voters	GS 163-82.14(b)
SBE has same authority as CBE to perform list maintenance	GS 163-82.14(e)
SBE shall establish uniform program	GS 163-82.14(a)
U.S. Postal Service (see also Guidelines on Voter Registration published in the NC Register, April 15, 2009)	GS 163-82.14(a)

Loans: See [Campaign Reporting](#), under [Loan](#)

Local Act

Relation between General Statutes and local acts pertaining to counties	GS 153A-3 , GS 153A-2
Relation between General Statutes and local acts pertaining to municipalities	GS 160A-3 , GS 160A-2

M.

Meeting of Public Body

Acting by reference is restricted	GS 143-318.13(c)
Boards may not vote by secret or written ballots (with exceptions)	GS 143-318.13(b)
Broadcasting and recording meeting allowed	GS 143-318.14
Closed session allowed for limited purposes	GS 143-318.11
Disruption of official meeting is a misdemeanor (Class 2)	GS 143-318.17
Electronic meeting requires public access if requested	GS 143-318.13(a)
Emergency meeting	GS 143-318.12(b)(2) and (3), (f)
Generally	GS 143-318.9 through 143-318.18
Minutes must be kept	GS 143-318.10(e)
Notice requirements	GS 143-318.12
Notice of official non-regular meeting: Posted 48 hours prior	GS 143-318.12(b)(2)
“Official meeting” defined	GS 143-318.10(d)
Official meeting open to public	GS 143-318.10(a)
Public policy	GS 143-318.9

Media: See [Advertising & Media](#)

Military-Overseas Voter

Uniform and Overseas Voters Act, [GS Chapter 163 Art. 21A](#)

Applying for a ballot: Through federal postcard application (FPCA) or federal write-in absentee ballot (FWAB), or through N.C.’s regular absentee ballot request form	GS 163-258.7
Application shall be considered a request for all elections (involving candidates) of that calendar year	GS 163-258.8
General absentee law applies except as otherwise provided	GS 163-239
Ballots used shall be official ballots and available according to schedule (depending on type of election)	GS 163-258.9(a)
Covered voter: Includes certain uniformed-service voters and overseas voters (including certain voters born outside the U.S. whose parent or legal guardian were eligible to vote in N.C. before leaving the U.S.)	GS 163-258.2
Declaration of voter required, with voter’s signature	GS 163-258.13
E-mail address: CBE shall request an e-mail address from each covered voter. If the voter provides an e-mail address, it is considered a standing request for absentee ballots for all election events through Dec. 31 of the following year	GS 163-258.15
Early count of military overseas absentee ballots on Election Day (as early as 9:00 a.m.) only authorized by resolution	GS 163-234(2)
Election Day registration and voting: Allowed under certain circumstances	GS 163-258.28
Elections covered: All election events that allow absentee voting	GS 163-258.3

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Electronic delivery of ballot to voter	GS 163-258.9(b)
Electronic transmittal/waiver form: Required, with signature, for ballots returned by fax or e-mail	GS 163-258.15(a)
Emergency powers of SBE to comply with UOCAVA	
Federal postcard application (FPCA) (or electronic equivalent): Can serve as application to register and/or as an application for a ballot	42 USC 1973ff(b)(2); GS 163-258.6(a), 163-258.7(a), (b)
Federal write-in absentee ballot (FWAB): Accompanying declaration can serve as application to register and an application for a ballot	42 USC 1973ff-2; 163-258.11, 163-258.6(b), 163-258.7(d)
List of approved military-overseas ballots; distribution	GS 163-258.26
Military-overseas laws inapplicable to regular absentee voting	GS 163-239
Military-overseas absentee voting during One-Stop voting	GS 163-258.29
Non-essential requirements: Count ballot, even if not perfect, so long as all essential requirements are met	GS 163-258.17
Notice of covered election: No later than 100 days before election (or for second primary, day after order is made)	GS 163-258.16
Postmark cannot be considered in determining timeliness of military-overseas absentee ballot received after Election Day	GS 163-258.12(b)
Registration: Through federal postcard application (FPCA) or federal write-in absentee ballot (FWAB), or through the standard voter registration application. Registration can be accepted until 5:00 p.m. on the day before the election.	GS 163-258.6
Registering on Election Day is allowed for a person who was absent at the time of the registration deadline due to military service	163-258.28
Registration remains valid for remainder of calendar year	GS 163-258.27
Residential voting address: Last place of residence in N.C.	GS 163-258.5
Returned and approved military-overseas ballots to be listed in quadruplicate prior to counting	GS 163-258.26(a)
Timeliness of application for registration and/or ballot: Timely if received by 5:00 p.m. the day before election	GS 163-258.8
Timeliness of ballot from voter: Timely if (1) received by the CBE before close of polls, or (2) transmitted no later than 12:01 a.m. on Election Day (in the voter’s time zone) and received by the day preceding the canvass	GS 163-258.10, 163-231(b), 163-258.12(b)
Transmission of ballot to voter; schedule	GS 163-258.9(a)
“Uniformed-service voter” (includes spouse, dependents)	GS 163-258.2(7)
Uniformed and Overseas Citizens Absentee Voter Act (UOCAVA)	42 USC 1973ff et seq.

Move: See [Residence](#)

Municipal Campaign Reporting: See [Campaign Reporting](#)

Municipal Election

Absentee ballot must be available 30 days prior to election (if absentee voting is allowed)	GS 163-258.12(b)
Absentee voting allowed only by resolution of municipality	GS 163-302
Abstract due to SBE within nine days after election	GS 163-300
All voting data, including provisional and absentee must be reported by Voting Precinct	GS 163-132.5G
Annexation	See Annexation
Ballot count governed by same rules	GS 163-304
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Certificate of election issued to chair of CBE	GS 163-301
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Plurality nonpartisan	GS 163-292
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Cannot file for more than one municipal office at a time	GS 163-294.2(f)
Extension of filing allowed in nonpartisan race if no one filed	GS 163-294.4(a)
Filing reopens where a death takes one of only 2 candidates	GS 163-294.4(b)
Nonpartisan municipal elections	GS 163-294.2
Partisan municipal elections	GS 163-291
Petition to run as unaffiliated candidate in partisan municipal race	GS 163-296, GS 163-122(a)(4)
Four methods of election allowed	GS 163-290
“General election” as used in municipal elections defined	GS 163-298
General election law to apply, with certain exceptions	GS 163-286, 163-295
Municipal partisan party primary	GS 163-283
Nomination by petition in partisan municipal races	GS 163-296
Residency	GS 163-282, 163-57
Sole candidate must run on ballot so as to allow write-ins	GS 163-294.3
SBE has jurisdiction and authority over municipal elections	GS 163-304
Voter challenges in municipal election	GS 163-289
Voting place to be marked as any state or county election	GS 163-297

Municipality

Charter	
Charter amendment affecting elections: Effective upon future elections after 90 days from passage	GS 160A-109
Charter amendment, once enacted, must be in effect for 2 years	GS 160A-107
Charter amendment by ordinance: Referendum may be required; referendum may be called by petition of 10% of registered voters (or 5,000, whichever is fewer)	GS 160A-102, 160A-103
Charter amendment initiative petition: 10% of registered voters (or 5,000, whichever is fewer) to compel vote	GS 160A-104
Charter amendment by ordinance or petition: Form of ballot	GS 160A-105
“Charter” defined: Entire body of local acts currently in force applicable to a municipality	GS 160A-101
Relation between General Statutes and local acts pertaining to municipalities	GS 160A-3, GS 160A-2
Map of corporate limits	
Generally; alterations; retained by municipal clerk	GS 160A-22
Reapportionment of districts	GS 160A-22, 160A-23, 160A-101(6)
Municipal forms of government, including elections and terms of governing body and mayor	GS 160A-101
Municipal property tax referendum	GS 160A-209(f)

Municipal Office Holder

Appointive office: Residency not required	GS 160A-60
Assumption of office by newly-elected mayor, council members: At organizational meeting to be held after results are finalized (canvassed), either at a specially-scheduled meeting or otherwise no later than the first regularly-scheduled meeting in December	GS 163-306, 160A-68
Oath required	GS 160A-61
Officers hold over until successor qualifies	GS 160A-62
Police officers: Provisions relating to dual office-holding	GS 160A-284
Qualifications, including residency (if official ceases to be qualified for any reason including not having residence within municipality, vacancy in office becomes effectively immediately)	GS 160A-59
Vacancies: Filled by city council	GS 160A-63

N.

Name

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Nickname of candidate allowed on ballot under certain conditions	GS 163-106(b) , GS 163-165.5(a)(3)
Petition: Names signed by others void	GS 163-271
Titles that candidates are allowed to use on ballot	GS 163-165.5(a)(3)

National Voter Registration Act of 1993 (NVRA): See [Registration to Vote](#), under [Voter registration locations other than CBE office](#)

New Election

Basis of order by SBE: Requires 4-member approval	GS 163-182.13(a)
Candidates on ballot in new election	GS 163-182.13(e)
Eligibility to vote in new election	GS 163-182.13(c)
Jurisdiction of new election: To be the same as original election	GS 163-182.13(d)
New election may be ordered only by SBE (not a court)	GS 163-182.13
Recasting of votes: Allowed in limited circumstances	GS 163-182.12
Tie vote: Can be broken if ineligible votes can be identified	GS 163-182.13

Nominee

Candidate declared nominee without primary	GS 163-110
Excess of 30% of primary vote required to avoid second primary	GS 163-111
May withdraw as nominee up to 30 days prior to election	GS 163-113
Required campaign reporting statements must be filed prior to successful candidate is declared nominee, or certified as elected (but failure to grant certification shall not affect candidate’s title to an office); denial can be appealed	GS 163-278.25 , 163-278.26
Special provisions for obtaining nominations in certain offices	GS 163-115
Unaffiliated candidates: Nominated by petition	GS 163-122
Vacancies: Filled by appointees of the political party	GS 163-114

Notice

Change in polling place or precinct boundary: Requires 45-day notice by newspaper advertisement, etc. and mailing to affected voters at least 30 days in advance	GS 163-128(a)
Election notice	
Election notice: Required to be posted at courthouse and published on a weekly basis for the 20-day period preceding the close of registration (which is 25 days before the election); exception for bond special elections	GS 163-33(8)* ; 163-287
Election notice for bond referendum	GS 159-61
Military-overseas voter election notice containing expected ballot items: Required 100 days in advance of regularly-scheduled elections with federal offices; made available upon request and on CBE website	GS 163-258.16
Notice of absentee ballot meetings: If held at times other than on Tuesdays at 5:00 p.m. starting on the third Tuesday before Election Day, notice is required to be published no later than 30 days prior to election	163-230.1(f)
Notice of counting of absentee ballots on Election Day: Required to be published weekly during 2-week period prior to election	GS 163-234(2)
Notice of electioneering areas and buffer zones at voting sites: Posted 30 days prior to election (not required to be published)	GS 163-166.4(d)
Meeting notice	GS 143-318.12
Newspaper publication of legal notices	GS 1-597

O.

Oath

Election official oaths	
County board of elections member	GS 163-30
Precinct assistant	GS 163-42
Precinct judge	GS 163-41
Generally	GS Chapter 11 ; see GS

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	11-11
Officeholder must take oath before acting	N.C. Const. Art. VI § 7; GS 128-5
Specific types of offices and oaths	
County office	GS 153A-26
Municipal office	GS 160A-61
Who can administer oath of office	GS 11-7.1

Observers & Runners

Appointment; activity allowed (at any voting site, only two site-specific observers and one at-large observer can be within voting enclosure)	GS 163-45 ; GS 18B-601(i) ; 8 NCAC 10B.0101(a)
At-large observers	GS 163-45(a), (b)
Lists of voters who have voted to be given at 10am, 2pm, 4pm	8 NCAC 10B.0103(i)
Runner: Authorized to retrieve lists from voting enclosure; must be appointed by party chair on a list provided to CBE	GS 163-45

Offices & Public Officer

Bargains for office void	GS 128-3
Continuation in office: Office-holders stay in position until successor is chosen, qualified (unless a statute directs otherwise)	N.C. Const. Art. VI § 10 ; GS 128-7
Disqualification of officeholder	
Generally, as set out in N.C. Constitution (first requirement has been judicially invalidated)	N.C. Const. Art. VI, § 8
Generally, failure to qualify creates vacancy	GS 128-7.1
Municipal officeholder’s failure to qualify creates vacancy	GS 160A-59
Dual office-holding	
Disallowed except as allowed by statute	N.C. Const. Art. VI § 9 ; GS 128-1, 128-1.1
Concurrently holding one elective office with one appointive office allowed	GS 128-1.1(b)
Concurrently holding two appointive offices allowed	GS 128-1.1(a)
Ex officio service not considered holding office	GS 128-1.2
Police officers	GS 160A-284
Holder of office deemed to hold it lawfully	GS 128-6
Hold over if candidate fails to qualify	GS 128-7.1
Kickback for appointments or retentions (Class 1 misdemeanor)	GS 128-4
Oath: Officeholder must take before acting	N.C. Const. Art. VI § 7 ; GS 128-5
Officeholder must be 21 years old at time of election	N.C. Const. Art. VI § 6
Qualifications for certain types of officeholders	
District Attorney: Must be authorized to practice law in North Carolina courts	N.C. Const. Art. IV, § 18
Governor and Lt. Governor: 30 years old , 5 years as U.S. citizen and 2 years as N.C. resident immediately prior to election	N.C. Const. Art. III, § 2
Judge and justice officeholders: Must be authorized to practice law in North Carolina courts	N.C. Const. Art. IV, § 22
Municipal officeholder (residency requirement)	GS 160A-59
Qualifications for state representative: Residence in district for 1 year prior to election	N.C. Const. Art. II, § 7
Qualifications for state senator: 25 years old, citizen of state for 2 years, residence in district for 1 year prior to election	N.C. Const. Art. II, § 6
Sheriff: 21 years old, lived in county for 1 year prior to election, and cannot practice law or serve in General Assembly while holding Sheriff’s office; cannot have been convicted of a felony	GS 162-2 ; N.C. Const. Art. VII, § 2
Terms: All offices	GS 163-1

One-Stop Absentee Voting: See also [Absentee Voting](#)

Abstract of only One-Stop absentee votes allowed	GS 163-234(7)
Additional site(s) allowed with SBE approval	GS 163-227.6*
Alternative site to CBE office allowed with SBE approval	GS 163-227.6*

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Assistance allowed: Same rules as on Election Day	GS 163-227.2* , 163-258.5
Buffer zone: Generally, same rules as Election Day	GS 163-166.4(e)
Challenges of voter allowed	GS 163-227.2*
Dates and times allowed	GS 163-227.2*
Held at CBE office (or site “in lieu of” CBE office) and other additional sites if properly approved by SBE	GS 163-227.2* through 163-227.7*
Private area to vote required (voting booth or private room)	GS 163-227.2*
In-person, same-day registration and voting at One-Stop site	GS 163-82.6A* , Numbered Memo 2016-15
Procedure	GS 163-227.2* through 163-227.7*
Retrievable ballot voting system	GS 163-227.5
Site(s) must be in tax-supported building (but exception allows privately-owned site if public building is not available)	GS 163-227.6*
Voter with an unreported move	GS 163-166.11*
When ballots are counted: If electronic, when polls close; If paper ballots, with other absentee ballots	GS 163-234(6)

Out-of-Precinct Voting Place: See [Voting Place](#), under [Out-of-precinct voting place](#)

Overseas Citizen Absentee Voting: See [Absentee Voting](#), under [Military-overseas absentee voting](#)

P.

Petition: See the SBE website for [petition forms and requirements](#)

Filing fee: Petition in lieu of paying filing fee to run for office	GS 163-107.1
New political party	GS 163-96
Person may not sign name of another (Class 2 misdemeanor)	GS 163-221
Petition calling for an election or referenda (may also be governed by local authority, such as a municipal charter)	GS 163-218 through 163-221
Petition calling for an election or referenda becomes void after 1 year	GS 163-219
Presidential primary nomination by petition	GS 163-213.5
Unaffiliated candidate: Nominated by petition	GS 163-122
Unaffiliated candidate in partisan municipal race	GS 163-296 , GS 163-122 (a)(4)
Write-in candidate: Petition required for partisan races	GS 163-123

Political Activity by Government Employee: See [Ethical Behavior](#)

Political Committee: See [Campaign Reporting](#), under [Political committee](#)

Political Party

Appointment of new party nominee by political party	GS 163-122
Building (headquarters) funds of state and county political party	GS 163-278.19B
Counting of votes: Political parties may be present	GS 163-182.2(a)(2)
New political party	
Candidate: Determined by convention	GS 163-98
General election participation	GS 163-98
Petition	GS 163-96
“Political party” defined	GS 163-96(a)
“Political party” defined for purposes of campaign reporting	GS 163-278.6(76)
Primary of political party may be made open to unaffiliated voters by State Executive Committee	GS 163-119
Secretary of State shall certify presidential primary results to political party chairs	GS 163-213.8
Termination of status as political party	GS 163-97
Use of public building by political party	GS 163-99
Voter affiliated with expired political party	GS 163-97.1
Voter can vote in only one party’s primary	GS 163-166.7(b)

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Financing

Fund

PollBook

Electronic Poolbook or Registration Records	
Allowed at polling place	<u>GS 163-166.7(c)(8)</u>
Electronic pollbook must be certified by SBE	<u>GS 163-165.7(c)</u>
Keeping of pollbook at voting place	<u>8 NCAC 10B.0103(h)</u>

Polling Place: Refers to a voting place used on Election Day, see Voting Place

Pollworker: See Precinct Official

Precinct

Alternations to precinct boundaries: Subject to approval of SBE Executive Director	<u>GS 163-132.3</u>
Created and modified by CBE	<u>GS 163-128(a)</u>
Map to be prepared by CBE	<u>GS 163-128(b)</u>
Out-of-precinct voting place	<u>GS 163-130.1</u>
Temporary transfer of voter between precincts	<u>GS 163-128(a)</u>
Uniform standards for precinct boundaries	<u>GS 163-132.3</u>
Voter data by Voting Precinct to be maintained by CBE	<u>GS 163-132.5G</u>

Precinct Official

Arrival on Election Day: No later than 6:00 a.m.	<u>8 NCAC 10B.0102(a)</u>
Checking registration at voting enclosure	<u>GS 163-166.7(a)</u>
Compensation	<u>GS 163-46</u>
Ballot counter: Appointment, qualifications, tasks and duties	<u>GS 163-43; 8 NCAC 10B.0101(f), (g)</u>
Certification	<u>GS 163-82.24(b)</u>
Charges against precinct officials by voter; hearing by the County Board of Elections required	<u>8 NCAC 3.0201, 3.0202</u>
Distributing ballots to voters	<u>GS 163-166.7(b)</u>
Duties and tasks of all precinct officials	<u>8 NCAC 10B.0101; GS 163-166.6, 163-182.17(b)</u>
Election assistant	
Tasks and duties	<u>8 NCAC 10B.0101(d), (g)</u>
Emergency election-day assistant	<u>GS 163-42(c); 8 NCAC 10B.0101(e), (g)</u>
May serve less than a full day (if CBE allows)	<u>GS 163-42</u>
Generally, must be a qualified voter of that precinct (or if that is not possible, of that county)	<u>GS 163-42(a), (b)</u>
Appointment: Should be an equal number from each political party where possible	<u>GS 163-42</u>
Student election assistant	<u>GS 163-42.1</u>
Family members cannot serve as officials in the same precinct; family members of candidates cannot serve as precinct officials	<u>GS 163-41.1</u>
Precinct chief judge of election (see also entries for precinct judges below)	
Appointments and terms of office	<u>GS 163-41(a)</u>
Responsible for precinct’s officials and for counting of votes	<u>GS 163-182.3</u>
Responsible for voting systems on Election Day	<u>8 NCAC 4.0306(b)</u>
Tasks and duties	<u>8 NCAC 10B.0101(b), (g)</u>
Precinct judge of election	
Appointments and terms of office	<u>GS 163-41(a)</u>
Cannot act as a precinct judge after being removed	<u>GS 163-274(a)(3)</u>
Failure to perform duty a crime (Class 2 misdemeanor)	<u>GS 163-274(a)(1)</u>
May provide only technical voting information to voter	<u>8 NCAC 10B.0103(g)</u>
Must act fairly and impartially	<u>GS 163-47(a), GS 163-41(a)</u>
Must remain at polling site until all duties are completed	<u>GS 163-47(a)</u>

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Powers, tasks and duties	GS 163-47, 163-48; 8 NCAC 10B.0101(c), (g)
Residency: Generally, must be resident of the precinct (if the party’s recommendations are insufficient to fill the spots, the board may fill the spots with residents of other precincts, but cannot fill all 3 judge spots with residents of other precincts)	GS 163-41(a)
Term of office: 2 years	GS 163-41(a)
When matters are not assigned specifically to the chief judge or to a judge, the three judges must act by majority vote	GS 163-47(f)
Precinct officials protected from being punished by employer for missing work because of election duties (if notice was given)	GS 163-41.2
Preliminary report of vote produced by precinct officials	GS 163-182.2(a)(5)
Removal of precinct official by CBE	GS 163-33(2) 08 NCAC 03 .0201 and .0202
Training: A pre-election instructional meeting required for precinct judges, and a pre-election voting system instructional meeting is required for all precinct officials	8 NCAC 10B.0101(b)(1), (c)(1), 4.0305

Precinct Transfer

(Unreported move to another precinct within the county)

Attestation of moving within 30 days	GS 163-82.15(a)
Precinct transfer assistant	GS 163-82.15(g)
Procedure	GS 163-82.15(e)

President

Presidential elector	
Alternates to serve as needed	GS 163-210
Compensation of electors	GS 163-211
Can be held as office to addition to other appointed office	GS 163-209.2
Cannot be held as an additional elected office	GS 163-209.1
Electoral college: Date held, location	GS 163-210
Failure to vote for candidate that named elector: \$500 fine	GS 163-212
Governor to proclaim electors and notify U.S. Archivist	GS 163-210
Names not to appear on ballot; to be filed with Secretary of State by noon on the last Friday in August	GS 163-209
Nomination: At party convention (or alternatively, as party rules allow, or if for unaffiliated candidate, by candidate), of one from each congressional district plus two at large; first and second alternates can also be nominated	GS 163-1(c)
Procedure to appoint electors when election results unclear	GS 163-213
Secretary of State to notify Governor of electors	GS 163-210
Vote for presidential candidate shall be considered vote for that candidate’s elector	GS 163-209(a)
Presidential preference primary	
Affiliated voters must vote in their own party’s primary	GS 163-213.7
Conduct to be in same matter as other elections	GS 163-213.3
Date held	GS 163-213.2
Delegates awarded according to party rules	GS 163-213.8
Nominations to be made by SBE based upon names provided by state political parties	GS 163-213.4
Nomination of candidate for primary by petition	GS 163-213.5
“No preference” vote allowed	GS 163-213.7
Notification by SBE of candidates to appear on ballot	GS 163-213.6
State political party chairs submit list of candidates to be placed on ballot; SBE may also nominate	GS 163-213.4
Registering to vote in presidential primary	GS 163-213.8
Secretary of State shall certify results to political party chair	GS 163-213.8
SBE to make rules	GS 163-213.3

Primary

Cost of primaries to be provided by state and county	GS 163-105
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Date of statewide primary, generally	GS 163-1(b)
Governed by general election law, including criminal election laws	GS 163-104
Modification of time schedule by SBE	GS 163-104
Participation as a voter	GS 163-59*
Presidential preference primary	
Affiliated voters must vote in their own party’s primary	GS 163-213.7
Conduct to be in same matter as other elections	GS 163-213.3
Date held	GS 163-213.2
Delegates awarded according to party rules	GS 163-213.8
Nominations to be made by SBE based upon names provided by state political parties	GS 163-213.4
Nomination of candidate for primary by petition	GS 163-213.5
“No preference” vote allowed	GS 163-213.7
Notification by SBE of candidates to appear on ballot	GS 163-213.6
State political party chairs submit list of candidates to be placed on ballot; SBE may also nominate	GS 163-213.4
Registering to vote in presidential primary	GS 163-213.2
Secretary of State shall certify results to political party chair	GS 163-213.8
SBE to make rules	GS 163-213.3
Results determined by plurality	GS 163-111(a)
Right to participate, generally	GS 163-59*
Primary candidate prohibited from running as unaffiliated (so-called “sore loser” prohibition).	GS 163-122(a) ; also oath on GS 163-106(a)
Second primary (applies to partisan contests only)	
Considered a continuation of the first primary	GS 163-111(e)
Date: If federal offices involved, 10 weeks after first primary, otherwise, 7 weeks after first primary	GS 163-111(e)
Procedure and time deadlines for calling	GS 163-111(c)
Registration: Restricted between first and second primary	GS 163-111(e)
Tie vote in second primary (no third primary)	GS 163-111(f)
To avoid, primary winner must receive 30% of vote	GS 163-111(a)(1)
Who may call for second primary	GS 163-111(b)
Ties and recounts	GS 163-111(d)
Unaffiliated voter voting in primary	GS 163-119
Vote in only one parties’ primary each primary election	GS 163-166.7(b)
Voter not yet 18 at time of primary may vote in primary if he/she will be 18 at the time of the General Election (includes those who register and vote at One-Stop voting)	GS 163-59* , 163-283.1* , 163-82.6A*

Protest: See [Election Protest](#)

Provisional Voting

All voting data, including provisional and absentee must be reported by Voting Precinct	GS 163-132.5G
Counting of provisional ballot	GS 163-182.2*(a)(4)
Dispute (by registrant) over residence within a precinct	GS 163-82.15(f)
Eligibility to receive a provisional ballot	8 NCAC 10B.0103(d)
Eligibility for a provisional ballot to be counted	GS 163-182.2*(a)(4) , GS 163-55* , GS 163-82.15(e)
If person is required to present identification and does not, that person may vote provisionally	GS 163-166.12*(e)
Informing the person of his or her right to a provisional ballot	8 NCAC 10B.0103(d)
Notation on provisional ballot marking it as such	GS 163-166.11A
Only the envelope is to be marked to identify the voter (not the provisional ballot itself)	GS 163-165(6)
Procedural requirements for provisional voting	GS 163-166.11*
“Provisional official ballot” defined	GS 163-165(6)
Unreported move voter may vote provisionally (including at One-Stop voting)	GS 163-82.15(e) , 163-166.11*
Voter who wishes to vote after polls close: May cast vote with a special provisional ballot	GS 163-166.01

Public Record: See [Confidentiality and Public Records](#)

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R.

Records retention: See [Elections Record Retention Schedule \(2012\)](#), [Amendment \(2013\)](#), [Amendment \(2014\)](#)

Absentee ballot lists: 22 months	GS 163-232
Absentee ballots and container-return envelopes: 4 months (or longer if a pending contest exists concerning the validity of the ballots)	GS 163-234(10)
Destruction methods	07 NCAC 04M.0510

Recount

Discretionary recount	GS 163-182.7(a)
General guidelines	8 NCAC 9.0106
Mandatory recount for county races	GS 163-182.7(b)
Mandatory recount for statewide races	GS 163-182.7(c)
Manual hand-to-eye recount	8 NCAC 9.0109
Recount of DRE (direct record electronic) results	8 NCAC 9.0108
Recount of optical scan, marksense and punchcard ballots	8 NCAC 9.0107
Rules for recounts: To be set by SBE	GS 163-182.7(d)
Sample recount prior to full recount	GS 163-182.7A
Second recount: Candidate’s limited right to demand	GS 163-182.7A
Tie vote in a primary: Recount required in certain circumstances	GS 163-111(d)

Redistricting

Board of education (local): Redistricting of electoral district	GS 115C-37(i)
Congressional district	
Districts described	GS 163-201
Election if reapportionment has not been concluded	GS 163-202
Legal severability of act setting out congressional districts	GS 163-201.1
Use of census data	GS 163-132.1C
County commissioner district	GS 153A-22
Whole county requirement for legislative districts (but, counties may need to be divided in order to comply with federal law)	N.C. Const. Art. II §§ 3(3), 5(3)
Municipal council redistricting; special rules after census	GS 160A-23, 23.1

Referendum: See also [Bond Referendum](#); and [Campaign Reporting](#)

Annexation, municipal (involuntary)	GS 160A-58.64
Ballot order of types of referenda	GS 163-165.6(h)
Defined	GS 163-165(7)
Property tax approval referendum	GS 153A-307

Registration to Vote

Administrative change of registration upon change of political boundary of county	GS 163-82.15A
Cancellation of registration-82.15A	GS 163-82.9
Change of address (within the county) or name: May be updated at the polling place on Election Day	GS 163-82.15(d), (e); 8 NCAC 10B.0103(f)
Checking registration at polling place	GS 163-166.7(a)
Civil right of registering and voting is retained by residents in group homes unless an unrevoked adjudication of incompetency specifically precludes exercising that right	GS 122C-58
CBE must determine qualification of applicant	GS 163-82.7(a)
CBE’s duty to register	GS 163-82.1*(b)
Change of address/name information updated at poll	8 NCAC 10B.0103(f)
Change of voter’s address	
Change of address within county	GS 163-82.15
Change of address within county: Verification by mail	GS 163-82.15(b)
Forging/falsely attesting: Class 2 misdemeanor	GS 163-274(a)(14)
Removal of voter upon confirmation of change of address	GS 163-82.14(d)

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Unreported move (within the same county)	See <u>Residence, Unreported move by voter</u>
Change of voter's name	
Change of voter's name, generally	<u>GS 163-82.16</u>
Unreported change of name (can be done at polling place)	<u>GS 163-82.16(d)</u>
Verification by mail	<u>GS 163-82.16(b)</u>
Change of voter's party affiliation	
Change of voter's party affiliation, generally	<u>GS 163-82.17</u>
CBE can correct at any time after sworn statement from voter	<u>GS 163-82.17(e)</u>
Deadline prior to primary (same as registration deadline)	<u>GS 163-82.17(d)</u>
Verification by mail	<u>GS 163-82.17(b)</u>
Compensation for assisting persons in registering to vote cannot be based upon the number of forms submitted	<u>GS 163-274(a)(15)</u>
Death of voter	
CBE to have forms to removed deceased voters from lists, available to near relatives, personal representatives of the voter's estate, and funeral service licensees	<u>GS 163-33(14)*</u> , <u>90-210.25C</u>
Removal of deceased voters from voter list	<u>GS 163-82.14(b)</u>
Electronic voter registration records allowed to be used at poll	<u>GS 163-166.7(c)(8)</u>
E-mail or fax: May be transmitted by 25 th day before election (if changing party affiliation by fax or e-mail, voter must also mail original 20 days before Election Day)	<u>GS 163-82.6*(e)</u>
Identification required of voters registering by mail	<u>GS 163-166.12*</u>
List maintenance; collaboration with other states	<u>GS 163-82.11</u>
Official record: State computerized voter registration	<u>GS 163-82.11</u>
Qualifications to register: 30 days residence, cannot be convicted of a felony unless citizenship rights have been restored	<u>N.C. Const. Art. VI, § 2</u>
Qualifications to vote (and therefore, register to vote)	<u>GS 163-55*</u>
Preregistration (16 years old or older, to automatically register when 18 years old)	
CBE to electronically forward applications to SBE	<u>GS 163-82.6*(h)</u>
Generally	<u>GS 163-82.1*</u>
Preregistration on voter registration application form	<u>GS 163-82.4(e)(2)b</u> , <u>163-82.3*(a)</u>
Registering on Election Day: Only allowed if applicant has become eligible to vote within past 25 days, for reasons other than age, or if a military voter was absent at the time of the registration deadline	<u>GS 163-82.6*(f)</u> , <u>163-258.28</u>
Registration deadline: 25 days before Primary or Election Day	<u>GS 163-82.6*(e)</u>
Registration is permanent, subject to certain conditions	<u>GS 163-82.1*(c)</u>
Registration is a prerequisite to voting	<u>GS 163-54;</u> <u>N.C. Const. Art. VI, § 3</u>
Registration number: To be unique, permanent	<u>GS 163-82.10A</u>
Restoration of citizenship after completion of felony sentence: Person to receive written notice	<u>GS 163-82.20A</u>
Registration offered libraries, public agencies, senior centers, county facilities, parks and recreation service facilities	<u>GS 163-82.22</u>
Second primary: No new registrations after the first primary	<u>GS 163-111(e)</u>
Social Security number (last 4) verification through the Department of Motor Vehicles	<u>42 USC 405(r)(8)</u>
Verification of voter's address	
CBE to electronically forward applications to SBE	<u>GS 163-82.6*(h)</u>
Generally	<u>GS 163-82.1*</u>
Preregistration on voter registration application form	<u>GS 163-82.4(e)(2)b</u> , <u>163-82.3*(a)</u>
Voter registration application form	
Acceptance of registration application forms	<u>GS 163-82.6*(a)</u>
Approval of registration application	<u>GS 163-82.7(d)</u>
Contents of form	<u>GS 163-82.4</u>
Changing information on another's form: Class 2 misdemeanor	<u>GS 163-82.6*</u>
Correcting incomplete form: Notice, opportunity to be given	<u>GS 163-82.4(f)</u>
Deadline in order to vote in Election or Primary: 25 days prior (with limited exceptions)	<u>GS 163-82.6*(d)</u> , <u>163-82.20*(h)</u>
Denial by CBE; right to appeal	<u>GS 163-82.7(b)</u> , <u>163-82.18</u>
Developed by SBE	<u>GS 163-82.3*(a)</u>
Distribution by SBE to governmental and private entities	<u>GS 163-82.5</u>

E-mailed (scanned) or faxed forms: Acceptable, but original must be received by 20 days prior to Election Day	GS 163-82.6*(e)
Electronic availability of form	GS 163-82.10(b)
Electronically-captured signatures on voter registration forms cannot be accepted (“wet ink” requirement; exception for military-overseas voters)	GS 163-82.6*(c)
Forms must be retained as official records per records retention policy; may be retained electronically	GS 163-82.10(a), (b)
Generally	GS 163-82.3*
Incomplete applications: Incompleteness can be corrected by day before county canvass (see also Guidelines on Voter Registration published in the NC Register, April 15, 2009)	GS 163-82.4(f)
Ineligible application (because unqualified) is prohibited	GS 163-82.20*(i)
Voter registration card	GS 163-82.8
Voter registration drive; delegating the submission of one’s completed voter registration form to another person	GS 163-82.6*(a)
Voter registration locations other than CBE office	
DMV drivers license offices as registration locations	GS 163-82.19*
Home registration (by agencies) for persons with disabilities; obligation to submit forms to CBE within five business days	GS 163-82.20*(d)
Military recruitment offices	GS 163-82.21
National Voter Registration Act of 1993 (NVRA): Also known as the “motor voter” act	42 USC 1973gg et seq. ; 11 CFR 9428
Public agencies	GS 163-82.20* , 163-82.22
Public colleges and universities	20 USC 1094(a)(23)(A)
Public high schools	GS 163-82.23*
Public libraries, public agencies, senior seniors, county facilities, parks and recreation service facilities	GS 163-82.22
Voter registration record: See also SEIMS	
Access to records; free lists to be provided at certain times	GS 163-82.10(c), (d)
Altering records improperly: Class 2 misdemeanor	GS 163-274(a)(2)
Confidentiality of certain registration information, including date of birth and information protected by court order	GS 132-1.2(4) , 163-82.10B , 163-82.10(a)
Must not leave voting enclosure on Election Day	8 NCAC 10B.0103(i)

Representative (State): See [Legislators \(State\)](#)

Residence

College students’ residence for voting: Can be school address if student has no intention to return home after graduating	GS 163-57(12)
Defined for registration and voting	GS 163-57
Habitation in multiple districts; determination of one “residence”	GS 163-57(1)a, b
Homeless persons’ residence for voting purposes	GS 163-57(1)c
Officeholder residency requirements (generally, candidate must simply be a registered voter in jurisdiction)	
Governor and Lt. Governor: 5 years as U.S. citizen and 2 years as N.C. resident immediately prior to election	N.C. Const. Art. III, § 2
Sheriff: Residence in county for 1 year prior to election	GS 162-2
State representative: Residence in district for 1 year prior to election	N.C. Const. Art. II, § 7
State senator: Citizen of state for 2 years, residence in district for 1 year prior to election	N.C. Const. Art. II, § 6
Residency requirement of voters: 30 days in electoral district	N.C. Const. Art. VI, § 2(1)
Unreported move by voter (within the same county)	
Central location in the county is available for an unreported move voter to be able to vote on Election Day	GS 163-82.15(e)
Unreported move to another precinct in same county	GS 163-82.15(e)
Unreported move voter may vote provisionally (only contests that the voter is eligible to vote for may be counted)	GS 163-82.15(e) , 163-166.11*
Unreported move within same precinct	GS 163-82.15(d)

Robocall (automated phone call)

*Statute may be affected by *NAACP v. McCrory*.

Generally allowable for political purposes if source is disclosed	GS 75-104
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Rules (Administrative Code of the State Board of Elections)

Administrative Code of the State Board of Elections	Title 8 NCAC
Petition for rule-making	08 NCAC 15.0101 ; GS 150B-20
Rule-making authority	
General rule-making authority of SBE	GS 163-22(a)
Temporary rule-making authority of SBE	GS 150B-21.1(a)(11) , 163-22.2

Runner: See [Observers & Runners](#)

S.

Sales & Use Tax Election

Called by county commissioners or a petition of 15% of voters	GS 105-465
Supplemental tax election	
To use same electoral procedure as original tax election	GS 105-483
Ballot provisions	GS 105-484
Authorization to conduct referendum on additional ¼ cent county sales and use tax	GS 105-535 through 538

Sanitary District: See also [Special District Election](#)

Bonds may be issued; referendum may be required	GS 159-49(2)
Dissolution of district in large county: Requires referendum	GS 130A-82
Mandatory administration of special district elections by CBE	GS 163-284
Map of district must be provided to CBE office	GS 130A-50(a)
Merger of district and City Requires Election	GS 130A-80 , 80.1 , 80.2
Merger of district and water district	GS 130A-80.3
Merger of 2 or more contiguous districts: Requires election	GS 130A-83
Reimbursement to county for cost of “special district” election	GS 163-284
Returns of election; where CBE must file returns	GS 130A-68
Sanitary district board: Election and terms of office	GS 130A-50
Time of election	GS 163-279(b) , 130A-50(b1) , (b2)
Vacancy: Filled by county commissioners until next election for sanitary district board members	GS 130A-54

School Board & School Board Election

Consult local acts, court orders and merger plans that alter the partisanship, board makeup, election dates, and election procedures of boards of education. SBE has compiled all such local acts, court orders and school mergers into an [updated summary](#).

Biennially held (even-numbered years)	GS 115C-37(a)
CBEs to run school board elections	GS 163-284.1 , 115C-37(b)
Death or disqualification of candidate	GS 115C-37(h)
Elected on nonpartisan basis	GS 115C-37(a)
Eligibility for board membership (board members cannot be current school board employees)	GS 115C-37(g)
Members: Board shall consist of 5 members per unit	GS 115C-35(a)
Members to take office in December following election	GS 115C-37(d)
Redistricting electoral districts	GS 115C-37(i)
Residency of members: Must reside in school administrative unit	GS 115C-35(b)
School bonds, school district changes and school tax election	
Called by county commissioners upon request of school board or upon petition of 25% of qualified voters	GS 115C-503
Election to levy special tax; allowable purposes	GS 115C-501
Petition for election: Requirements; must be considered by board of education	GS 115C-504 , 115C-505
Rules and procedure	GS 115C-507
Six months must pass between school board elections	GS 115C-502(b)
Term of office	GS 115C-35(a)

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Vacancy	
Vacancy in office (general rule, see entry below); vacancy in nomination	GS 115C-37
Vacancy if office if elected on a partisan basis, as allowed in certain counties	GS 115C-37.1

Second Primary

Absentee ballot for a Primary: Voter can opt to automatically request an absentee ballot for the Second Primary	GS 163-227.1
Considered a continuation of the first primary	GS 163-111(e)
Date	
If second primary includes federal offices: 10 weeks after first primary	GS 163-111(e)
If second primary includes no federal offices: 7 weeks after first primary	GS 163-111(e)
Excess of 30% of vote by primary winner needed to avoid	GS 163-111(a)(1)
Procedure and deadlines for requesting a second primary	GS 163-111(c)
Tie vote in second primary: No third primary allowed	GS 163-111(f)
Voter registration is closed between first and second primary	GS 163-111(e)
Who may request a second primary	GS 163-111(b)

Secretary of State

Shall retain, compile and make available to the public all abstracts (certified copies) and returns provided by SBE	GS 163-182.17(e) , 163-82.15(c) , 163-82.6*(d)
Certifies presidential primary result to political party chair	GS 163-213.8
Constitutional Amendments Publication Commission: Chaired by Secretary of State, prepares official explanation of amendment	GS Ch. 147 Art. 4A
Notifies Governor of electors for presidential election	GS 163-210
Sends Governor certification of election of congressional members, justices, judges and district attorneys	GS 163-182.16

Senator (State): See [Legislator \(State\)](#)

Senator (U.S.): See [Congress \(U.S.\)](#)

SEIMS: See also SIEMS topics in the [Election Resource Center](#) on the SBE website

Access to electronic files	GS 163-82.13
Coordination with DMV data; list for jury commission	GS 163-82.19*(c) , 163-82.11(e)
Guidelines to be established by SBE	GS 163-82.12
Statewide computerized voter registration; serves as official list	GS 163-82.12

Sheriff

Eligibility: 21 years old, qualified voter in the county, and cannot practice law or serve in General Assembly while holding Sheriff's office; cannot have been convicted of a felony or granted an expunction for a felony.	GS 162-2 (as amended by S.L. 2021-107); N.C. Const. Art. VII, § 2
Term: 4 years	GS 162-1
Vacancy (applicable statute depends on county)	GS 162-5 , 162-5.1

Signs: See [Advertising & Media: Signs](#)

Signature

On voter registration forms, may be viewed by the public but cannot be copied	GS 163-82.10
Facsimile of signature may be registered with clerk of superior court for a person with a disability	GS 22A-1
Where required, "shall be in a proper handwriting, or in a proper mark"	GS 12-3(10)

Soil & Water Conservation District (Board of Supervisors)

Created by referendum; costs of referendum paid by DENR	GS 139-5(c), (d)
Election of board of supervisors: Same time as county offices	GS 139-6

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Filing period for board supervisor, filing fee (\$5)	GS 139-6
Soil and Water Conservation Commission: 7-member state-level commission, appointed by the Governor	GS 106-840 to 106-844
Term of office of board supervisor: 4 years	GS 139-6
Vacancy: Filled by the Soil and Water Conservation Commission for remainder of unexpired term	GS 139-7

Special District Election

Absentee ballots must be available 30 days prior to election	GS 163-302(b)
Cost of election of formation of district: Paid by district if approved by voters, by county if disapproved by voters	GS 163-288.3
CBE to be reimbursed for special district elections	GS 163-284
CBE to conduct special district election	GS 163-284.1
General election law to apply, with certain exceptions	GS 163-295
Incorporated or annexed voters: Activation, notification	GS 163-288.1
Referendum prior to involuntary annexation: Can only be held at the same time as municipal general election	GS 160A 58.55, 160A-58.64
Special district ballot counts governed by same rules	GS 163-304

Special Election

Calling special election (generally, required to be held at same time as regularly-scheduled election)	GS 163-3, 163-287
Congressional special election	2 USC 8; GS 163-13
CBE registration record shall be official record	GS 163-288
Date: Not within 30 days of another election	GS 163-287
Four methods of election allowed	GS 163-290
Municipal special election: May be held at the same time as regularly-scheduled municipal general election	GS 163-287(a)(4)
Notice: Publication at least 45 days prior (except bond elections)	GS 163-287

State Board of Elections (SBE): See also [Executive Director of SBE](#)

Appointment, eligibility terms of board members	GS 163-19
Campaign reporting	
Administration and policy to be set by SBE	GS 163-278.21
Duties of SBE as to campaign reporting	GS 163-278.22
Canvass by SBE: Date and time	GS 163-182.5(c)
Compensation of board members	GS 138-5, 138-6
Declaratory rulings	8 NCAC 15.0102; GS 150B-4
Investigations	
Of campaign reporting violation: To be conducted by SBE and reported to proper district attorney	GS 163-278.22(7), (8)
Of election crime: By SBE and district attorneys	GS 163-278; 8 NCAC 3.0301
Litigation	
Attorney General to represent	GS 163-25
Judicial review of SBE decisions	GS 150B-43 et. seq., 163-22(l)
Settlement of litigation, with Attorney General’s consent	GS 163-22.2
SBE to assist CBE in litigation	GS 163-25
Meetings	
In general; calling of meeting; quorum; minutes	GS 163-20
Maintaining order	GS 163-24
Open meetings law	GS 143-318.9 through 318.18
Municipal elections: SBE has jurisdiction and authority	GS 163-304
Powers and duties	
Chair’s powers in execution of board duties	GS 163-23
Duties summarized	GS 163-182.17(d)
In general	GS 163-22
Temporary rules and regulations	GS 163-22.2
Restriction on political activity by members and employees: Violations may be ground for removal	Chapter 163, Article 4A
State Government Ethics Act: Applies to State Board	GS 138A-15

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T.

Tied Election

Correction of results involving ineligible voters creating a tie vote	GS 163-182.13(f)
Tie vote in an election other than a primary	GS 163-182.8
Tie vote in the following types of municipal election: CBE determines winner by lot	
Election and runoff	GS 163-293(f)
Nonpartisan primary and election	GS 163-294(c)
Plurality nonpartisan	GS 163-292(3)
Tie vote in primary	GS 163-111(d)
Tie vote in second primary: No third primary allowed	GS 163-111(f)

U.

Unaffiliated Candidate: See Candidate, under Unaffiliated candidate

Unaffiliated Voter: See Voter, under Unaffiliated voter

Uniformed & Overseas Citizens Absentee Voter Act (UOCAVA): See Absentee Voting, under Military and overseas absentee voting

Unreported Move by Voter: See Residence, under Unreported move by voter

V.

Vacancy

Clerk of court	GS 7A-100
Coroner	GS 152-1
County commissioner	
In certain counties	GS 153A-27.1
In most counties (those not covered by GS 153A-27.1)	GS 153A-27
Filling vacancy by election (only in certain cases)	GS 163-115(d)
Filling vacancy by election (only in certain cases)	GS 163-10
District court judge	GS 7A-142
Executive office, including governor	GS 163-8
Judicial office, generally	GS 163-9; N.C. Const. Art. IV, § 19
Municipal or special district officeholder: Generally, filled by governing body	GS 163-294.1(d), 160A-63, 163-287(e)
Qualification to be appointed to fill vacancy in an elected office: If an election were to be held on the day of appointment, the appointee would have to be qualified as voter to vote in the applicable district	GS 128.-7.2
Party nominee candidate vacancies (other than U.S. House): Nominees selected by party executive committees	GS 163-114, 163-115(c)
Register of deeds	GS 161-5
Sanitary district: Vacancy filled by county commissioners until next election for sanitary district board members	GS 130A-54
School board	
Vacancy in office (general rule, see entry below); vacancy in nomination	GS 115C-37
Vacancy if office if elected on a partisan basis, as allowed in certain counties	GS 115C-37.1
Sheriff	GS 162-5, 162-5.1
Soil and Water Conservation District: Filled by the Soil and Water Conservation Commission for remainder of unexpired term	GS 139-7
State legislator	GS 163-11
U.S. House	2 USC 8; GS 163-13,

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	<u>163-115(b)</u>
U.S. Senate	<u>GS 163-12, 163-115(e)</u>
Unsuccessful candidate seeking one party’s nomination cannot fill vacancy of another party for the same office	<u>GS 163-114</u>
Vacancies in party primaries	<u>GS 163-112 through 163-115</u>

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Voter

Registration is a prerequisite to voting	GS 163-54 ; N.C. Const. Art. VI, § 3
Unaffiliated voter	
Registering as an unaffiliated voter	GS 163-82.4(d)
Voting in a party primary: Allowed if party permits	GS 163-119 ; 8 NCAC 10B.0103(c)
Voter education and information	
Posting information at polling place	GS 163-166.7A
North Carolina Public Campaign Fund: Judicial voter guide; applies to races for N.C. Supreme Court or Court of Appeals (only in existence until current funds have been exhausted pursuant to Session Law 2013-381 , Part 38)	GS 163-278.69

Voting

Cell phone (and other electronic device) use is restricted in the voting area	8 NCAC 10B.0107(f)
Curbside voting	GS 163-166.9* ; 8 NCAC 10B.0108
Incompetency: Civil right of registering and voting is retained by all qualified persons unless an unrevoked adjudication of incompetency specifically precludes exercising that right	GS 122C-58
Interfering with or intimidating voter: Class 2 misdemeanor	GS 163-273 , 163-271
Photographing voted ballot prohibited	GS 163-166.3(c)
Procedures; voter to clearly state name and residence	GS 163-166.7 ; 8 NCAC 10B.0103 , 10B.0104
Rules of voting: To be set by SBE	GS 163-166.7(c)
Signing pollbook or voter authorization document	GS 163-166.7(c)(10)
Spoiled ballot: Must be returned to official, marked as spoiled	GS 163-166.7(c)(4)
Straight-party voting not allowed	GS 163-165.6(f)
Voter responsible for ensuring vote was properly cast	8 NCAC 10B.0104(c)
Voter’s failure to complete casting of vote; procedure	8 NCAC 10B.0104(f)
Voting booth	
Defined	GS 163-165(8)
Minor children may accompany voter	GS 163-166.3(a)(7)
Only one voter at a time (exceptions for spouses or those authorized to provide assistance)	8 NCAC 10B.0104(d)
Voter to go to voting booth after given ballot	8 NCAC 10B.0104(a)
Voting when identification numbers do not match	GS 163-166.12*(d)

Voting Enclosure: See [Voting Place](#), under [Voting enclosure](#)

Voting Place: Also referred to as voting site; includes both polling places (open on Election Day) and One-Stop voting sites (open for One-Stop voting)

Access to voting enclosure on Election Day	GS 163-166.3
Boundaries of voting place to be clearly marked off	GS 163-129
Buffer zone (See Electioneering on Election Day)	GS 163-166.4
Closing procedure	GS 163-166.10 ; 8 NCAC 10B.0105
CBE’s duties	GS 163-166.1 , 163-129
Initial counting of ballots at precinct’s polling place	GS 163-182.2(a)(1)
Maintaining order at polling place; duties of precinct judges	GS 163-48
Opening procedure	GS 163-166.5 ; 8 NCAC 10B.0102
Out-of-precinct voting places: Allowed if authorized	GS 163-130.1
Voting place must be provided adequate voting system	GS 163-166.10
Prompt transmission of ballots to CBE office from precinct	GS 163-182.2(b)(4) ; 8 NCAC 10B.0105(m)
Satellite voting places for voters who are elderly/have a disability	GS 163-130
Sex offender: Can only be in a voting place for the limited purpose of voting; if voting place is a school, the person is also required to notify the school’s principal	GS 14-208.18(e)
Simulated voting (for children) allowed	GS 163-166.3(a)(8)

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Tax-supported building may be used as polling place	GS 163-129
Temporary use of 2 voting places within a precinct	GS 163-130.2
Voting enclosure: Room within the voting place used for voting	
Access limited	GS 163-166.3
Arrangement and required space and furnishings	GS 163-166.2
Children of voter (minors) of allowed	GS 163-166.3(a)(7)
Defined	GS 163-165(9)
Leaving prior to finalizing vote	8 NCAC 10B.0104(a)
Photographing voter in voting enclosure prohibited	GS 163-166.3(b)
“Voting place” defined	GS 163-165(10)
Weapons: Carrying a concealed weapon may be prohibited based on the type of building, see prohibitions relating to school property, courthouses, state or federal office buildings, or private property where notice has been given	GS 14-415.11(c) , 14-269.2 , 14-269.4

Voting Rights Act

Enforced by the U.S. Department of Justice	52 USC Ch 103
In general	52 USC Ch. 101

Voting System

See also [North Carolina Voting System Certification Program](#)

Certification of voting systems by SBE	GS 163-165.7 ; 8 NCAC 4.0302(a)
Chief judge has responsibility for system on Election Day	8 NCAC 4.0306(b)
County commissioners’ role in purchase	GS 163-165.8
Defined	GS 163-165(11)
Demonstration of voting system; to voter upon request	8 NCAC 10B.0102(j) , 4.0305
Direct record electronic (DRE) voting systems certified by SBE as of 2015 to become decertified in 2019 for counties using those systems as of 2015, and 2018 for all other counties	SL 2015-103 § 6(a)
Disapproval and discontinuance of voting system (certification and decertification)	GS 163-165.7 ; 8 NCAC 4.0302(c)
Examination of source code by SBE	GS 163-165.7(e)
Lever, punch card systems are no longer allowed	GS 163-165.4A
Maintenance, testing, examination and storage responsibility of CBE, as set by SBE	8 NCAC 4.0306(a) , 4.0307 , 4.0304 ; GS 163-165.9(b)
Model code of ethics dealing with voting system vendors	Link
Modification or enhancement of voting system	8 NCAC 4.0302(b)
More than one type of system may be allowed at a voting place	GS 163-165.10
Paper record of each vote required	GS 163-165.7(a)
Precincts must be provided adequate voting system	GS 163-165.10
Results must be able to be reported by Voting Precinct	163-132.5G , 163-132.1C
Standards and procedures as set by SBE	GS 163-182.1(b)
SBE rulemaking authority	GS 163-165.7(f) , 163-182.2(b)
Testing (on official ballots) and preparation prior to election	8 NCAC 4.0306(a) , 4.0307
Technical support: Provided by CBE in conjunction with SBE	GS 163-166.1
Training: Facilitated by SBE	GS 163-165.7(g)
Use allowed only if CBE chair is satisfied that officials are trained	8 NCAC 4.0305(b)
Voting system instructional meeting prior to each election	8 NCAC 4.0305
Vendor: Requirements and duties	GS 163-165.9A ; 8 NCAC 4.0301

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W.

Withdrawal of Candidates & Nominees

Even-numbered year withdrawals	
Appointment of new party nominees by parties	GS 163-114
Withdrawal of candidacy before primary: Not allowed after third business day before closing of the filing period	GS 163-106.4
Withdrawal of candidacy following primary, as party nominee: Cannot occur after absentee voting period has begun (and practically speaking, more time is required to allow ballots to be designed, proofed, printed)	GS 163-113
Municipal or special district candidates and nominees (not allowed after third business day before closing of filing period)	GS 163-294.2 GS 163-294.1

Write-In

Write-in candidate	
If defeated in primary, cannot run as write-in for same office; candidate signs pledge not to do so when filing	GS 163-123(e), 163-106
Petition required in partisan and judicial elections (no petition required in municipal or non-partisan elections)	GS 163-123
Write-in vote	
Arrangement on ballot	GS 163-165.6(g), 163-165.5(a)(5)
Counted officially in General Election if voter’s choice can be clearly determined (and if person has qualified as a write-in candidate if that qualification is necessary)	GS 163-182.1(a)(6), 163-123(f)

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