



CHAPTER 163
ARTICLE 11 - NOMINATION BY PETITION

N.C.G.S. § 163-122.

Unaffiliated candidates nominated by petition.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2018-146, s. 3.1(a), (b) — twenty-fourth act in the lineage	21 September 2026, 05:12 UTC	aaaa3560fa2df31ea78fa543 - 772e73e3b085b2df12850e45 - 2742878066d2f219

§ 163-122(a) Procedure for Having Name Printed on Ballot as Unaffiliated Candidate. - Any qualif -
ied voter who seeks to have the voter's name printed on the general election ballot as
an unaffiliated candidate shall:

(1) If the office is a statewide office, file written petitions with the State Board
of Elections supporting the voter's candidacy for a specified office. These
petitions must be filed with the State Board of Elections on or before 12:00
noon on the day of the primary election and must be signed by qualified voters
of the State equal in number to one and a half percent (1.5%) of the total number
of voters who voted in the most recent general election for Governor. Also, the
petition must be signed by at least 200 registered voters from each of three
congressional districts in North Carolina. The petitions shall be divided into
sections based on the county in which the signatures were obtained. Provided
the petitions are timely filed, the State Board of Elections shall require the filed
petition be verified no later than 15 business days after canvass of the primary
in one of the following ways:

a.The Executive Director shall examine the names on the petition and place a check
mark on the petition by the name of each signer who is qualified and registered to
vote in the designated county and shall attach to the petition a signed certificate. Said
certificates shall state that the signatures on the petition have been checked against
the registration records and shall indicate the number of signers to be qualified and
registered to vote in each county.

b. The chair shall examine the names on the petition and place a check mark on the petition by the name of each signer who is qualified and registered to vote in the chair's county and shall attach to the petition the chair's signed certificate. Said certificates shall state that the signatures on the petition have been checked against the registration records and shall indicate the number of signers to be qualified and registered to vote in the chair's county. The chair shall return the petition and certificate to the State Board.

The State Board shall return a copy of each petition, together with a copy of the certificate required in this section, to the person who presented it to the State Board.

- (2) Except as provided in this subsection, if the office is a district office under the jurisdiction of the State Board of Elections under G.S. 163-182.4(b), file written petitions with the State Board of Elections supporting that voter's candidacy for a specified office. For district offices other than General Assembly seats, petitions must be filed with the State Board of Elections on or before 12:00 noon on the day of the primary election and must be signed by qualified voters of the district equal in number to one and a half percent (1.5%) of the total number of registered voters in the district as reflected by the voter registration records of the State Board of Elections as of January 1 of the year in which the general election is to be held. For General Assembly seats in which the district lies in more than one county, petitions must be filed with the State Board of Elections on or before 12:00 noon on the day of the primary election and must be signed by qualified voters of the district equal in number to four percent (4%) of the total number of registered voters in the district as reflected by the voter registration records of the State Board of Elections as of January 1 of the year in which the general election is to be held. The petitions shall be divided into sections based on the county in which the signatures were obtained. The petitions shall be verified as specified in subdivision (1) of this subsection.

- (3) If the office is a county office or a single county legislative district, file written petitions with the chair or director of the county board of elections supporting the voter's candidacy for a specified county office. These petitions must be filed with the county board of elections on or before 12:00 noon on the day of the primary election and must be signed by qualified voters of the county equal in number to four percent (4%) of the total number of registered voters in the county as reflected by the voter registration records of the State Board of Elections as of January 1 of the year in which the general election is to be held, except if the office is for a district consisting of less than the entire county and only the voters in that district vote for that office, the petitions must be signed by qualified voters of the district equal in number to four percent (4%) of the total number of voters in the district according to the voter registration records of the State Board of Elections as of January 1 of the year in which the general election is to be held. Each petition shall be presented to the chair or director of the county board of elections. The chair or director of the county board of elections shall verify the filed petition no later than 15 business days after canvass as provided in sub-subdivision b. of subdivision (1) of this subsection, and shall return a copy of each petition, together with a copy of the certificate required in this section, to the person who presented it to the county board of elections.
- (4) If the office is a partisan municipal office, file written petitions with the chair or director of the county board of elections in the county wherein the municipality is located supporting the voter's candidacy for a specified municipal office. These petitions must be filed with the county board of elections on or before the time and date specified in G.S. 163-296 and must be signed by the number of qualified voters specified in G.S. 163-296. The chair or director of the county board of elections shall verify the filed petition no later than 15 business days after canvass as provided in sub-subdivision b. of subdivision (1) of this subsection, and shall return a copy of each petition, together with a copy of the certificate required in this section, to the person who presented it to the county board of elections.

- (5) If the office is a superior court judge or a district court judge, regardless of whether the district lies entirely in one county or in more than one county, file written petitions with the State Board of Elections supporting that voter's candidacy for a specified office. These petitions must be filed with the State Board of Elections on or before 12:00 noon on the day of the primary election and must be signed by qualified voters of the district equal in number to two percent (2%) of the total number of registered voters in the district as reflected by the voter registration records of the State Board of Elections as of January 1 of the year in which the general election is to be held. The petitions shall be divided into sections based on the county in which the signatures were obtained. The petitions shall be verified as specified in subdivision (1) of this subsection.

Upon compliance with the provisions of subdivisions (1), (2), (3), (4), or (5) of this subsection, the board of elections with which the petitions have been timely filed shall cause the unaffiliated candidate's name to be printed on the general election ballots in accordance with Article 14A of this Chapter.

§ 163-122(b) An individual whose name appeared on the ballot in a primary election preliminary to the general election shall not be eligible to have that individual's name placed on the general election ballot as an unaffiliated candidate for the same office in that year.

§ 163-122(c) Form of Petition. - Petitions requesting an unaffiliated candidate to be placed on the general election ballot shall contain on the heading of each page of the petition in bold print or in all capital letters the words: "THE UNDERSIGNED REGISTERED VOTERS IN _____ COUNTY HEREBY PETITION ON BEHALF OF _____ AS AN UNAFFILIATED CANDIDATE FOR THE OFFICE OF _____ IN THE NEXT GENERAL ELECTION. THE UNDERSIGNED HEREBY PETITION THAT SUBJECT CANDIDATE BE PLACED ON THE APPROPRIATE BALLOT UPON COMPLIANCE WITH THE PROVISIONS CONTAINED IN G.S. 163-122."

§ 163-122(d) When any person files a petition with a board of elections under this section, the board of elections shall, immediately upon receipt of the petition, inspect the registration records of the county and cancel the petition of any person who does not meet the constitutional or statutory qualifications for the office, including residency.

The board shall give notice of cancellation to any person whose petition has been cancelled under this subsection by mail or by having the notice served on that

person by the sheriff and to any other candidate filing for the same office. A person whose petition has been cancelled or another candidate for the same office affected by a substantiation under this subsection may request a hearing on the issue of constitutional or statutory qualifications for the office. If the person requests a hearing, the hearing shall be conducted in accordance with Article 11B of this Chapter.

§ 163-122(e)

Any candidate seeking to have that candidate's name printed on the general election ballot under this section shall pay a filing fee equal to that provided for candidates for the office in G.S. 163-107 or comply with the alternative available to candidates for the office in G.S. 163-107.1.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
24 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.



Nº	YEAR	ACT	CHARACTER
01	1929	c. 164, s. 6	ENACTED
02	1931	c. 223	AMENDED
03	1935	c. 236	AMENDED
04	1967	c. 775, s. 1	AMENDED
05	1973	c. 793, s. 50	AMENDED
06	1977	c. 408, s. 3	AMENDED
07	1979	c. 23, ss. 1, 3	AMENDED
08	1979	c. 534, s. 2	AMENDED
09	1981	c. 637	AMENDED
10	1991	c. 297, s. 1	AMENDED
11	1995	c. 243, s. 1	AMENDED
12	1996	2nd Ex. Sess., c. 9, s. 14	AMENDED
13	1999	S.L. 1999-424, s. 5(b)	AMENDED

14	2002	S.L. 2002-159, s. 21(b)	AMENDED
15	2004	S.L. 2004-127, s. 8(a)	AMENDED
16	2006	S.L. 2006-155, s. 3	AMENDED
17	2006	S.L. 2006-234, ss. 4, 5	AMENDED
18	2007	S.L. 2007-391, s. 8(a)	AMENDED
19	2007	S.L. 2007-484, s. 21	AMENDED
20	2008	S.L. 2008-187, s. 33(a)	AMENDED
21	2017	S.L. 2017-3, s. 10	AMENDED
22	2017	S.L. 2017-6, s. 3	AMENDED
23	2017	S.L. 2017-214, s. 2(a)	AMENDED
24	2018	S.L. 2018-146, s. 3.1(a), (b)	AMENDED

APPARATUS II
5 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 163-182.4(b)	(a)(2)	"the State Board of Elections under"
G.S. 163-296	(a)(4)	"the time and date specified in"
G.S. 163-122	(c)	"COMPLIANCE WITH THE PROVISIONS CONTAINED IN"
G.S. 163-107	(e)	"for candidates for the office in"
G.S. 163-107.1	(e)	"to candidates for the office in"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 163-122 (2018).

PINPOINT

N.C. Gen. Stat. § 163-122(a) (2018).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

This document reproduces the text of one section of the General Statutes of North Carolina from a source file whose SHA-256 digest is printed on every page. The digest fixes the bytes this export was made from; if the State's file changes, the digest will not match.

The text of the section is unaltered. Subsection designators have been moved from the run of text into the margin. The amendment history and the table of authorities are derived from the section by mechanical extraction — they add no characterization of the law.

This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1929, c. 164, s. 6; 1931, c. 223; 1935, c. 236; 1967, c. 775, s. 1; 1973, c. 793, s. 50; 1977, c. 408, s. 3; 1979, c. 23, ss. 1, 3; c. 534, s. 2; 1981, c. 637; 1991, c. 297, s. 1; 1995, c. 243, s. 1; 1996, 2nd Ex. Sess., c. 9, s. 14; 1999-424, s. 5(b); 2002-159, s. 21(b); 2004-127, s. 8(a); 2006-155, s. 3; 2006-234, ss. 4, 5; 2007-391, s. 8(a); 2007-484, s. 21; 2008-187, s. 33(a); 2017-3, s. 10; 2017-6, s. 3; 2017-214, s. 2(a); 2018-146, s. 3.1(a), (b).)

SET IN SPECTRAL AND ARCHIVO
NORTH CAROLINA LAW — STATUTE EXPORT, FORMAT V1

