

## CHAPTER 22 – PETITIONS

### SECTION .0100 - GENERAL RULES FOR PETITIONS

#### 08 NCAC 22 .0101 PETITIONS

(a) The following types of petitions shall be governed by Sections .0100 and .0200 of this Chapter:

- (1) Petitions to be recognized as a political party pursuant to G.S. 163-96.
- (2) Petitions to place a voter's name on a general election ballot as an unaffiliated candidate pursuant to G.S. 163-122 or G.S. 163-296.
- (3) Petitions to have write-in votes for a voter counted in a general election pursuant to G.S. 163-123.
- (4) Petitions requesting that a voter be a candidate in a political party's primary without the payment of a filing fee pursuant to G.S. 163-107.1.
- (5) Petitions seeking to place a candidate's name on the ballot in a political party's primary for the office of President of the United States pursuant to G.S. 163-213.5.
- (6) Petitions calling for any election or referendum that are filed with a board of elections.

(b) When a county board of elections is required by law to verify a petition on behalf of a local jurisdiction, but the petition is not filed with the county board, the county board shall follow the procedures in Section .0200 of this Chapter for verifying the petition to the extent they do not conflict with the local jurisdiction's applicable statute, local act, charter, or ordinance.

*History Note:* Authority G.S. 163-22; 163-96; 163-107.1; 163-122; 163-123; 163-213.5; 163-218; 163-219; 163-221; 163-296;  
Eff. September 1, 2025.

#### 08 NCAC 22 .0102 DEFINITIONS

For purposes of this Chapter:

- (1) "Board of elections" means the board of elections, county or State, with jurisdiction over a petitioner's petition.
- (2) "Election cycle" means the period of time starting the day after the final canvass of the most recent general election for the contest to which the petition pertains. The election cycle for a political party petition begins on the day after the state canvass of the most recent general election for governor.
- (3) "Entity" means those entities defined in G.S. 55-1-40(9)a. that are utilized by a petitioner to conduct a petition with or on behalf of the petitioner.
- (4) "Petition circulator" means any person collecting signatures on a signature sheet in support of a petition.
- (5) "Petition module" means the software module provided by the State Board to the county boards of elections for the purpose of facilitating the review of a petition.
- (6) "Petition request form" means the form submitted to a board of elections by a petitioner to initiate a petition.
- (7) "Petitioner" means any person, or their designated representative, conducting a petition in accordance with this Chapter.
- (8) "Signature certificate" means the certificate provided by a county board of elections indicating the number of petition signers in the county whose signature will count towards the signature requirement for a petition.
- (9) "Signature sheet" means the document provided by a board of elections that is used by a petitioner to collect signatures in support of a petition.
- (10) "Signature verification" means the act of comparing a petition signer's information and signature on a signature sheet against the county board's registration records to determine whether the petition signer's information matches the information of a registered voter, the petition signer is qualified to sign the petition, and the petition signer's signature bears a reasonable resemblance to the matched voter's signature.
- (11) "Verified signature sheet" means a signature sheet that has been submitted to a board of elections, has been reviewed by a county board official, and has a notation for each signature on the sheet showing the official's determination whether the signature will count towards the signature requirement for the petition.

*History Note:* Authority G.S. 163-22; 163-96; 163-107.1; 163-122; 163-123; 163-213.5; 163-218; 163-219; 163-221; 163-296;  
Eff. September 1, 2025.

#### **08 NCAC 22 .0103 INITIATION OF PETITIONS**

(a) A petitioner shall initiate a petition by timely filing a completed petition request form with the board of elections in person, by mail, or by email. A copy of the request form may be obtained from the State Board of Elections website (<https://www.ncsbe.gov/candidates/petitions>). A petition request form shall be considered timely filed with the board of elections if it is filed during the election cycle and no later than the petition's statutory deadline for submitting signature sheets for signature verification.

(b) The petitioner shall include the following information on the petition request form:

- (1) First and last name of the petitioner and any designated representative of the petitioner.
- (2) Residential address, mailing address, phone number, and email address of the petitioner.
- (3) The petition type, as set forth in Rule .0101(a) of this Section.
- (4) If the petition type is to form a political party as identified in Rule .0101(a)(1) of this Section, the name of the proposed political party, the first and last name, current residential address, and current phone number of the state chair of the proposed political party, and the first statewide general election in which the proposed political party desires to participate.
- (5) If the petition type is one identified in Rule .0101(a)(2), (3), (4), or (5) of this Section, the jurisdiction or district of the contest.
- (6) The manner in which the petitioner requests to be provided a signature sheet template, whether by in-person pickup, mail delivery, or email.
- (7) A signed acknowledgement that the petitioner will be informed of the requirements in Chapter 163 of the North Carolina General Statutes and this Chapter applicable to the petition.

(c) Within one business day of the receipt of a completed petition request form, the board of elections shall write on the petition request form the date the form was filed, the number of signatures required to meet the signature threshold for the petition, and the statutory deadline for submitting signature sheets for signature verification, and then provide a copy of the request form to the petitioner via email. The board of elections shall include with that email written instructions for how the petitioner may access the requirements in Chapter 163 of the North Carolina General Statutes and this Chapter applicable to the petition.

(d) A petitioner registering with a board of elections a notice of circulation of a petition calling for any election or referendum pursuant to G.S. 163-218 shall do so by filing the petition request form required by this Rule. The county board of elections shall write on the request form the date on which the completed request form was filed, which shall be the date of registration of the petition, and then provide a copy of the request form to the petitioner via email.

*History Note:* Authority G.S. 163-22; 163-96; 163-107.1; 163-122; 163-123; 163-213.5; 163-218; 163-219; 163-221; 163-296;  
Eff. September 1, 2025.

#### **08 NCAC 22 .0106 SUBMISSION OF SIGNATURE SHEETS**

(a) The petitioner shall submit to the board of elections the original signature sheets completed in support of their petition by in-person delivery or mail.

(b) When registered voters in more than one county may be qualified to sign a petition, each signature sheet shall contain only signatures collected from residents of the county identified in the header of the petition. A county board of elections shall not be required to conduct signature verification of the signatures on a signature sheet with a different county identified in the header of the petition.

(c) When a petitioner submits signature sheets to a board of elections, the board staff receiving the signature sheet shall date stamp each sheet, count the total number of signature sheets submitted if multiple sheets are submitted, and provide the petitioner with written confirmation of the total number of signature sheets submitted on that date. Board staff shall also note in the written confirmation the name of the person submitting the signature sheets. Board staff shall not be required to count the number of signatures on the submitted signature sheets before providing the written confirmation required by this Paragraph.

*History Note:* Authority G.S. 163-22; 163-96; 163-107.1; 163-122; 163-123; 163-213.5; 163-221; 163-296;

*Eff. September 1, 2025.*

**08 NCAC 22 .0107 COPIES OF SIGNATURE SHEETS AND RETURN OF ORIGINAL SIGNATURE SHEETS**

(a) After a board of elections has completed signature verification of the signatures on the signature sheets, the petitioner may obtain a copy of the signature sheets and a signature certificate by one of the methods described in Paragraph (b) of this Rule. If the board of elections is required by law to return the original signature sheets to the petitioner, board staff shall inform the petitioner that they may obtain the original sheets and a signature certificate by one of the methods described in Paragraph (c) of this Rule.

(b) The board of elections shall provide the petitioner with a copy of verified signature sheets and associated signature certificates upon oral or written request by the petitioner. The petitioner shall state by which of the following methods they elect to receive a copy:

- (1) In-person retrieval of a physical copy during regular business hours. If a person other than the petitioner's representative identified on the petition request form will retrieve the copy instead of the petitioner, then the petitioner shall inform the board of elections, in writing, of that person's first and last name and phone number.
- (2) Mailing a physical copy to the mailing address that is listed on the petition request form.
- (3) Emailing a digital copy to the email address that is listed on the petition request form.

Before providing a copy of a signature sheet, board staff shall first redact any confidential information not subject to public disclosure under Chapters 132 and 163 of the North Carolina General Statutes. A board of elections may charge for any physical copies, in accordance with G.S. 132-6.2.

(c) When the board of elections is required by law to return the original signature sheets and associated signature certificates to the petitioner, the petitioner shall inform board staff orally or in writing by which of the following methods they elect to receive the originals:

- (1) In-person retrieval of the originals by the petitioner during regular business hours. If a person other than the petitioner's representative identified on the petition request form will retrieve the originals instead of the petitioner, then the petitioner shall inform the board of elections, in writing, of that person's first and last name and phone number. Board staff shall confirm the name and phone number of the person retrieving the originals before providing them.
- (2) Mailing the originals to the mailing address that is listed on the petition request form. The county board shall use a method of return that documents the petitioner's receipt of the originals.

No redactions shall be made by board staff to an original signature sheet prior to its return to the petitioner or the petitioner's designated representative.

(d) In addition to providing a copy or the original signature sheet to the petitioner in accordance with this Rule, the board of elections shall provide the petitioner with a digital or physical petition status report generated by the petition module upon oral or written request by the petitioner. The petition status report shall include the status assigned to each petition signer in accordance with Rule .0202 of this Chapter.

*History Note: Authority G.S. 163-22; 163-96; 163-107.1; 163-122; 163-123; 163-213.5; 163-221; 163-296; Eff. September 1, 2025.*

**SECTION .0200 – VERIFICATION OF PETITIONS**

**08 NCAC 22 .0201 PETITION SIGNATURE VERIFICATION BY COUNTY BOARDS OF ELECTIONS**

(a) A county board of elections official shall conduct signature verification of completed original signature sheets in accordance with this Rule. For the purposes of this Section, an official includes the county board chair, or the county director of elections or other county board staff member delegated the duty to conduct signature verification.

(b) A petition signer's signature on a signature sheet shall count towards the petition's signature requirement if the official conducting signature verification determines that the petition signer's signature bears a reasonable resemblance to a signature in the official registration record of an identifiable registered voter in the county whose corresponding information in the registration record (including signatures) matches that provided on the signature sheet, and the voter is qualified by law to sign the petition. If a signer's date of birth listed on a signature sheet does not align with that of a corresponding registered voter, that signature shall not constitute a match. An official shall not omit a petition signer from signature verification solely due to the petition signer's use of initials, printed text, or a mark for their signature.

(c) A reasonable resemblance in signatures is a similarity in appearance such that an ordinary person would conclude that the signature on the signature sheet is more likely than not the signature of a registered voter. The official shall make this determination based on a review of the following characteristics of the signatures:

- (1) the style of the signatures, including the use of cursive or print;
- (2) spacing and proportions of letters in the signatures;
- (3) spelling and punctuation used in the signatures, including the use of initials;
- (4) size, curves, and loops of individual letters in the signatures; and
- (5) beginning and ending strokes in the signatures.

The official shall bear in mind that a person's signature can change over time, that a person does not sign their name the same exact way each time, and that signatures in voter registration records can be created through digital methods which may appear different than physical signatures created with a pen. If the signature on the signature sheet does not bear a reasonable resemblance to the most recent signature in the voter's registration record, the official shall review at least one other signature in the voter's registration record, if available, before making a final reasonable resemblance determination for that petition signer. If the petition signer has signed the signature sheet with their initials, printed name, or a mark, the official shall determine whether the petition signer's initials, printed name, or mark on the signature sheet bears a reasonable resemblance to a signature, initials, or mark in the matched voter's registration record.

(d) The official shall determine whether the petition signer is qualified by law to sign the petition as of the date the signature sheet is reviewed by the official. If the type of petition requires residency within a specific county or district, the official shall not determine that the petition signer is qualified to sign the petition unless the address on the signature sheet and the address in the voter's registration record are both within the required county or district.

*History Note:* Authority G.S. 163-22; 163-96; 163-107.1; 163-122; 163-123; 163-213.5; 163-221; 163-296; Eff. September 1, 2025.

## **08 NCAC 22 .0202 PETITION SIGNATURE VERIFICATION DETERMINATIONS**

(a) An official conducting signature verification pursuant to Rule .0201 of this Section shall notate on the original signature sheet the official's determination whether each petition signer's signature will count towards the signature requirement and shall assign a status to each petition signer in the petition module in accordance with this Rule.

(b) An official shall notate the signature sheet with a checkmark and assign the status of "OK" in the petition module for each petition signer whose signature will be counted because the official confirmed that the petition signer is a registered voter qualified to sign the petition.

(c) An official shall notate the signature sheet with an "X" and assign one of the following statuses in the petition module for each petition signer whose signature will not be counted for the stated reason:

- (1) "Address Rejected" shall be used when the petition signer's listed address is not a recognized address in the county.
- (2) "Deceased" shall be used when the petition signer matches to a registered voter in the county who is in a removed registration status due to death.
- (3) "Duplicate" shall be used when the official determines that a petition signer has signed a petition more than once and one of the signatures has already been verified pursuant to Rule .0201 of this Section.
- (4) "Illegible" shall be used when the official is unable to read the petition signer's printed information and signature such that the official cannot perform a search for the voter in the registration records.
- (5) "Incorrect County" shall be used when the petition signer's listed address is a recognized address in a county different from the county of the official reviewing the signature sheet.
- (6) "Late Filing" shall be used when the signature sheet was submitted to a board of elections after the deadline prescribed by law.
- (7) "Moved" shall be used when the petition signer matches to a person who is in a removed registration status due to moving outside of the county.
- (8) "No Record" shall be used when the petition signer does not match to a registered voter in the county.
- (9) "Not in District" shall be used when the petition signer is not qualified by law to sign the petition because their residential address is not within the district to which the petition pertains.
- (10) "Removed" shall be used when the petition signer matches to a person in a removed registration status for a reason other than death or moving outside of the county.

- (11) "Signature Missing" shall be used when the petition signer failed to sign the signature sheet.
- (12) "Signature Rejected" shall be used when the petition signer's signature is determined to not reasonably resemble a signature in the matched registration record of the voter.
- (13) "Wrong Party" shall be used when the petition signer is not qualified by law to sign the petition because they are not affiliated with the necessary political party when party affiliation is a required qualification to sign a petition in lieu of paying a filing fee pursuant to G.S. 163-107.1.

The automatic assignment of a status by the petition module to a petition signer shall satisfy the official's requirement to assign a status pursuant to this Paragraph.

(d) After the official has made notations on signature sheets in accordance with this Rule, and before issuing a signature certificate, board staff shall make an electronic copy of the signature sheets and store the digital copy in the board's digital file storage system, which may include a digital file storage system maintained by the State Board. If the board of elections is required by law to return the original signature sheets to the petitioner, board staff shall perform this task before returning the original signature sheets to the petitioner. The official shall issue the signature certificate in accordance with the statute that is applicable to the petition.

*History Note: Authority G.S. 163-22; 163-96; 163-107.1; 163-122; 163-123; 163-213.5; 163-221; 163-296; Eff. September 1, 2025.*

## **08 NCAC 22 .0203 COUNTING OF SIGNATURES TOWARDS A PETITION'S SIGNATURE REQUIREMENT**

(a) A petition signer's signature shall not count towards the signature requirement for the petition unless the official has determined that the petition signer is a registered voter qualified by law to sign the petition pursuant to Rule .0201 of this Section.

(b) If a petition signer signs a petition more than once, and one of the signatures is verified pursuant to Rule .0201 of this Section, no additional signature by that petition signer shall be counted towards the signature requirement for the petition.

(c) No signature on a signature sheet for one petition shall be counted towards the signature requirement for a different petition. This Paragraph does not prevent a petitioner from conducting more than one petition at the same time or the same petition signer from signing multiple petitions.

(d) Only signatures collected during the current election cycle pertaining to the petition shall be counted.

(e) No signature on a signature sheet without the petition circulator's first and last name and signature in the area designated for their name and affirmation shall be counted towards the signature requirement for a petition.

(f) Only an original signature written by hand shall be counted toward the signature requirement for a petition.

*History Note: Authority G.S. 163-22; 163-96; 163-107.1; 163-122; 163-123; 163-213.5; 163-221; 163-296; Eff. September 1, 2025.*

## **SECTION .0300 – PETITIONS TO BE RECOGNIZED AS A POLITICAL PARTY**

### **08 NCAC 22 .0301 NEW PARTY PETITIONS**

(a) This Section shall only apply to new party petitions.

(b) For the purposes of this Section:

- (1) "New party petition" means a petition to be recognized as a political party pursuant to G.S. 163-96.
- (2) "Prospective party" means a political party, including its officers and organizers, seeking recognition as a political party in the State through a new party petition.
- (3) "Signature threshold requirement" means the number of verified signatures necessary to meet the signature threshold in G.S. 163-96(a)(2), measured by the combined number of votes cast for all candidates in the most recent general election for Governor.
- (4) "Target election" means the first statewide general election in which the proposed political party desires to participate.

(c) For the purposes of this Chapter, the final action on a new party petition shall be the State Board's decision whether to recognize the petitioning party as a political party in North Carolina pursuant to Rule .0306 of this Section.

*History Note: Authority G.S. 163-22; 163-96;*

*Eff. September 1, 2025.*

**08 NCAC 22 .0302 PROSPECTIVE PARTY NAME**

(a) Within one business day of the filing of a petition request form for a new party petition, State Board staff shall compare the name of the prospective party against the names of the existing political parties recognized in the State and proceed as follows:

- (1) If staff determines that the name of the prospective party contains any word that appears in the name of an existing political party, staff shall inform the petitioner in writing that the prospective party must choose a different name in accordance with G.S. 163-96(b).
- (2) If staff determines that the name of the prospective party does not contain any word that appears in the name of an existing political party, staff shall refer the matter to the Executive Director. The Executive Director shall determine whether the prospective party's name is so similar to that of an existing political party recognized in the State that voters will be confused or misled in an election.

(b) When the Executive Director makes the determination required under Subparagraph (a)(2) of this Rule, the determination shall be transmitted in writing to the State Board. The State Board will then act on the determination as follows:

- (1) If, after two calendar days following the transmission of the determination, no State Board member has raised an oral or written objection to the Executive Director's determination, the determination shall become effective.
- (2) If a State Board member raises an oral or written objection to the Executive Director's determination within two calendar days following the transmission of the determination, the State Board shall decide the matter at a public meeting.

(c) If the name of a prospective party is approved because it has been determined that the name is not too similar to that of an existing political party recognized in the State, State Board staff shall inform the petitioner of that determination in writing and proceed under Rule .0104 of this Chapter.

(d) If the name of a prospective party is rejected because it has been determined that the name is too similar to that of an existing political party recognized in the State, State Board staff shall inform the petitioner of that determination in writing and that the prospective party must choose a different name in accordance with G.S. 163-96(b).

(e) A petitioner required to choose a different name for a prospective party shall notify the State Board of the different name by submitting a new petition request form.

*History Note: Authority G.S. 163-22; 163-96;  
Eff. September 1, 2025.*

**08 NCAC 22 .0303 CHANGES IN PROSPECTIVE PARTY STATE CHAIR'S INFORMATION**

(a) The petitioner shall give the State Board written notice of any change in the name, residential address, or phone number of the prospective party's state chair that occurs after the petitioner has submitted the petition request form. The written notice shall be provided within five business days of the change and shall include the changed information and the date upon which the change occurred.

(b) State Board staff shall update the relevant information in the petition module and notify the county boards of elections of the change by email within five business days of receipt of the notice.

(c) The petitioner shall ensure the signature sheets for their petition reflect the current name, residential address, and phone number of the state chair when petition signers sign the signature sheet. No signature signed to a signature sheet without the name of the prospective party's state chair that is current as of the date of the petition signer's signature shall be counted towards the signature requirement for the petition.

*History Note: Authority G.S. 163-22; 163-96;  
Eff. September 1, 2025.*

**08 NCAC 22 .0304 CONTINUING A NEW PARTY PETITION**

(a) A prospective party that has not submitted the number of verified signatures required to participate as a recognized political party in the target election identified on the petition request form by the deadline for doing so pursuant to G.S. 163-96 may submit a written notice to the State Board that the prospective party wants to change its target election. The petitioner shall provide this notice by submitting a new petition request form that identifies the next subsequent statewide general election as the new target election. The notice shall be submitted no later than five

business days after the original deadline in G.S. 163-96 to file their petition based on the prospective party's original target election. Only those verified signatures that were gathered during the election cycle for the petition may be counted for the petition under its new target election.

(b) State Board staff shall notify the county boards of elections of the continuance of the petition by email within five business days of the receipt of the new petition request form with the new target election.

*History Note:* Authority G.S. 163-22; 163-96;  
Eff. September 1, 2025.

#### **08 NCAC 22 .0306 SUFFICIENCY OF NEW PARTY PETITIONS**

(a) After submitting verified signature sheets and signature certificates to the State Board, the petitioner shall notify the State Board of the prospective party's desire for the State Board to proceed with determining the sufficiency of its new party petition by submitting a written notice by mail or email to the State Board. The petitioner may submit any additional documentation that the prospective party believes will aid the State Board in its determination of the sufficiency of the new party petition.

(b) Within five business days of receiving the notice made pursuant to Paragraph (a) of this Rule, State Board staff shall begin reviewing the signature sheets, signature certificates, and documentation that has been submitted by the prospective party for completeness and compliance with this Chapter and Chapter 163 of the General Statutes. As part of this review, State Board staff shall review a random sample of signature sheets using the same standards required of county boards in Rule .0201 of this Chapter. The random sample shall be of 1,000 verified signatures selected from all signature sheets that were reviewed by county boards. State Board staff shall thereafter prepare a report summarizing staff's findings regarding the new party petition and provide the completed report to the State Board. The report shall include an analysis of whether the results of the review of the random sample of signatures, when extrapolated to all verified signatures for the petition, would impact whether the petitioner has met the signature threshold requirement. This Paragraph shall not prevent State Board staff from initiating this review prior to receiving the notice from the petitioner.

(c) The State Board shall take the following into account when determining the sufficiency of a new party petition:

- (1) Whether the number of timely submitted, verified signatures is sufficient to meet the signature threshold requirement and congressional district signature requirement in G.S. 163-96(a)(2).
- (2) Whether the new party petition complied with the general requirements for the conduct of petitions in Section .0100 of this Chapter.
- (3) Whether the new party petition complied with the specific requirements for the conduct of new party petitions in this Section.
- (4) State Board staff's report prepared pursuant to Paragraph (b) of this Rule.

(d) The State Board, when determining the sufficiency of a new party petition, shall require that the petitioner provide additional documentation regarding the conduct of the petition when the chair or two members of the State Board conclude that the documentation is likely to provide information that is both relevant and material to the new party petition's compliance with the requirements of G.S. 163-96 and this Chapter, the information sought is not unnecessarily duplicative of documentation already submitted by the petitioner, and the request is not likely to subject the petitioner to undue burden, expense, or delay in the consideration of their petition. The State Board shall inform the petitioner of the requirement to provide additional documentation in writing and shall serve the petitioner in the same manner as allowed for service of subpoenas in the North Carolina Rules of Civil Procedure.

(e) The State Board's decision whether to recognize the prospective party as a political party in North Carolina shall be made in an open meeting by a majority vote of the State Board members. The State Board shall recognize the prospective party as a political party in North Carolina only if the State Board has determined the petition is sufficient in accordance with G.S. 163-96 and this Rule.

*History Note:* Authority G.S. 163-22; 163-23; 163-96;  
Eff. September 1, 2025.

#### **SECTION .0400 – PETITIONS TO BE ON THE BALLOT AS AN UNAFFILIATED CANDIDATE**

##### **08 NCAC 22 .0401 UNAFFILIATED CANDIDATE PETITIONS**

(a) This Section shall apply to unaffiliated candidate petitions only.

(b) For the purposes of this Section:

- (1) "Prospective unaffiliated candidate" means the petitioner seeking to have their name printed on the general election ballot as an unaffiliated candidate.
  - (2) "Unaffiliated candidate petition" means a petition to place a voter's name on a general election ballot as an unaffiliated candidate pursuant to G.S. 163-122 or G.S. 163-296.
- (c) When an unaffiliated candidate petition is filed with the State Board and a county board of elections is conducting signature verification, a digital version of the signature sheet provided by the State Board to the county board shall be considered an original signature sheet for the purposes of signature verification under Section .0200 of this Chapter.
- (d) For the purposes of this Chapter, the final action on an unaffiliated candidate petition shall be the board of elections' notice to the prospective candidate pursuant to Rule .0402 of this Section stating whether they have met the signature requirement for their petition.

*History Note:* Authority G.S. 163-22; 163-122; 163-296;  
Eff. September 1, 2025.

#### **08 NCAC 22 .0402 PROCESSING UNAFFILIATED CANDIDATE PETITIONS**

- (a) Within one business day of the receipt of a completed petition request form for an unaffiliated candidate petition, the board of elections shall inform the prospective unaffiliated candidate of the constitutional and statutory qualifications for the office sought and that the petition will be cancelled if the candidate does not meet those qualifications when submitting the signature sheets for their unaffiliated candidate petition.
- (b) At the time of receipt of the first completed signature sheet submitted in support of an unaffiliated candidate petition, the board of elections shall inspect the registration records of the prospective unaffiliated candidate's county and proceed under G.S. 163-122(d). Before proceeding to cancel an unaffiliated candidate petition, the board of elections shall provide the prospective unaffiliated candidate with an opportunity to submit a voter registration form so that their voter registration record reflects their current qualifications for the office sought.
- (c) Within five business days of the completion of signature verification for an unaffiliated candidate petition, the board of elections with which the petition was filed shall issue a written notice to the prospective unaffiliated candidate stating whether the candidate has met the applicable signature requirement in G.S. 163-122.

*History Note:* Authority G.S. 163-22; 163-122; 163-296;  
Eff. September 1, 2025.

### **SECTION .0500 – PETITIONS TO QUALIFY AS A WRITE-IN CANDIDATE**

#### **08 NCAC 22 .0501 WRITE-IN CANDIDATE PETITIONS**

- (a) This Section shall apply to write-in candidate petitions only.
- (b) For the purposes of this Section:
- (1) "Declaration of intent form" means the declaration of intent document required to be submitted when filing a write-in candidate petition pursuant to G.S. 163-123.
  - (2) "Prospective write-in candidate" means the petitioner seeking to have write-in votes for them counted in a general election.
  - (3) "Write-in candidate petition" means a petition to have write-in votes for a voter counted in a general election pursuant to G.S. 163-123.
- (c) For the purposes of this Chapter, the final action on a write-in candidate petition shall be the board of elections' notice to the prospective candidate pursuant to Rule .0502 of this Section stating whether the prospective candidate has met the requirements for their petition.

*History Note:* Authority G.S. 163-22; 163-123;  
Eff. September 1, 2025.

#### **08 NCAC 22 .0502 PROCESSING WRITE-IN CANDIDATE PETITIONS**

- (a) Within one business day of the receipt of a completed petition request form for a write-in candidate petition, the board of elections shall inform the prospective write-in candidate of the constitutional and statutory qualifications for the office sought and that the petition will be cancelled if the candidate does not meet those qualifications when submitting the signature sheets for their write-in candidate petition.



(b) The prospective write-in candidate shall submit a declaration of intent form at the time of submitting the first completed signature sheet in support of their write-in candidate petition. A copy of the declaration of intent form may be obtained from the State Board of Elections website (<https://www.ncsbe.gov/candidates/petitions>).

(c) A board of elections in receipt of a write-in candidate petition shall proceed as follows:

- (1) If the write-in candidate petition is required to be filed with a county board of elections under G.S. 163-123, then at the time of the receipt of the first completed signature sheet submitted in support of the petition, the county board of elections shall inspect the registration records of the prospective write-in candidate's county and proceed under G.S. 163-123(g).
- (2) If the write-in candidate petition is required to be filed with the State Board under G.S. 163-123, then at the time of the receipt of the first verified signature sheet submitted in support of the petition, the State Board shall inspect the registration records of the prospective write-in candidate's county and proceed under G.S. 163-123(g).

Before proceeding to cancel a write-in candidate petition, the board of elections with which the petition was filed shall provide the prospective write-in candidate with an opportunity to submit a voter registration form so that their voter registration record reflects their current qualifications for the office sought.

(d) Within five business days of the board of elections determining whether a write-in candidate petition complies with G.S. 163-123 and this Rule, the board of elections with which the petition was filed shall issue a written notice to the prospective write-in candidate stating whether the candidate has met the requirements to have write-in votes for them counted in the general election.

*History Note:* Authority G.S. 163-22; 163-123;  
Eff. September 1, 2025.

## **SECTION .0600 – PETITIONS TO BE A CANDIDATE WITHOUT THE PAYMENT OF A FILING FEE**

### **08 NCAC 22 .0601 IN LIEU OF FILING FEE PETITION**

(a) This Section shall apply to in lieu of filing fee petitions only.

(b) For the purposes of this Section:

- (1) "Prospective candidate" means the petitioner seeking to be a candidate in a political party's primary without paying a filing fee.
- (2) "In lieu of filing fee petition" means a petition requesting that a prospective candidate participate in a political party's primary without paying a filing fee pursuant to G.S. 163-107.1.

(c) For the purposes of this Chapter, the final action on an in lieu of filing fee petition shall be the board of elections' notice to the prospective candidate stating whether they have met the requirements for their petition.

*History Note:* Authority G.S. 163-22; 163-107.1;  
Eff. September 1, 2025.