



# NORTH CAROLINA

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## STATE BOARD OF ELECTIONS

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### **Frequently Asked Questions from County Boards on Rescheduled 2022 Elections**

From State Board Legal Staff

*UPDATED February 10, 2022*

*Below are answers to some frequently asked questions from county boards of elections regarding the North Carolina Supreme Court's [decision](#) to suspend candidate filing and postpone the March 2022 primary and municipal elections, as well as [subsequent court orders](#) concerning the redistricting cases and election schedule.*

Q1: Since the primary has moved to May 17, 2022, when is the filing period for that primary? Is it different for municipalities?

A: The filing period for the May 17, 2022, primary and municipal elections will resume at 8 a.m. on Thursday, February 24, 2022, and will end at noon on Friday, March 4, 2022. Per court order, all election boards must open at 8 a.m. on February 24, but may resume normal opening hours for the remainder of the filing period.

Q2: When does absentee voting start for the May primary and municipal elections?

A: March 28, 2022, barring any action by the State Board or the courts to delay that date by five days, under N.C.G.S. § 163-227.10(a).

Q3: When will voters be able to request absentee ballots for the May elections?

A: Voters may request absentee ballots **now**, either through the State Board's [online request portal](#), or using the [PDF version](#) for paper submission to the county board by mail or in person. Civilian absentee requests must be delivered to the county board by 5:00 p.m. May 10, 2022. The correct/current election dates are on the form and portal for the voter to select.

Q4: What is the voter registration deadline for the May primary and municipal elections?

A: April 22, 2022, per N.C.G.S. § 163-82.6(d). Voters who miss this deadline may register using same-day registration during one-stop early voting.

Q5: When may the county boards process the registration applications of 17-year-old applicants who will be 18 as of the general election?

A: March 18, 2022, which is 60 days before the primary, pursuant to N.C.G.S. § 163-59.

Q6: When does early voting start for the May primary and municipal elections?

A: April 28, 2022, per N.C.G.S. § 163-227.2(b).

Q7: When is the new deadline for counties to submit one-stop plans for the May primary and municipal elections?

A: February 18, 2022. The county boards will need to adopt one-stop plans for the May 2022 primary specifically. If the county board adopts the same one-stop plan for May as it did for March, the board must vote to authorize those plans to be used for the May primary. The State Board plans to consider nonunanimous one-stop plans on March 7. Directors and board members should be prepared to present nonunanimous plans to the State Board during this meeting. Once the number of nonunanimous plans have been determined, we will notify your office of a general time to be present during the board meeting.

Q8: Does the court's order reschedule municipal elections and other ballot items that had been scheduled for March 8, 2022?

A: Yes. Per the North Carolina Supreme Court's order, "all ballot items, including referenda, that would have appeared on the 8 March 2022 ballot prior to t[he] Court's prior Order enjoining elections for public office shall appear on the 17 May 2022 ballot."

Q9: When would any subsequent runoff or general election occur for a municipality using the election-and-runoff or primary-and-election methods of election?

A: July 26, if there is any federal second primary in the state. Also, in the unlikely event there are no second primaries anywhere in the state, the municipal elections would be on July 26.

July 5, if there is no federal second primary but there is a non-federal second primary anywhere in the state.

Q10: Does the new primary date affect the timeline for a candidate to affiliate with a political party in order to run in that party’s primary?

A: Yes. Under N.C.G.S. § 163-106.1, “[n]o person shall be permitted to file as a candidate in a party primary unless that person has been affiliated with that party for at least 90 days as of the date of that person filing such notice of candidacy.” The new affiliation deadline would be 90 days prior to the new dates of filing, which corresponds to the following dates:

Filing Dates	90 Days affiliated with political party
Thursday, February 24, 2022	Friday, November 26, 2021
Friday, February 25, 2022	Saturday, November 27, 2021
Monday, February 28, 2022	Tuesday, November 30, 2021
Tuesday, March 1, 2022	Wednesday, December 1, 2021
Wednesday, March 2, 2022	Thursday, December 2, 2021
Thursday, March 3, 2022	Friday, December 3, 2021
Friday, March 4, 2022	Saturday, December 4, 2021

Q11: If a state legislative candidate filed for office in December but they are no longer eligible based on the updated districts, how will their existing filing be handled?

A: To ensure this gets handled quickly, we recommend that the county board immediately review the residency eligibility for all legislative candidates once the new district mapping tool is made available by the State Board. **For any candidates who are no longer eligible, the county board must send the candidate a notice of cancellation of filing, pursuant to N.C.G.S. § 163-106.5(b).** That candidate may refile for the district they now reside in.

Q12: What happens to the filing fee of someone who is no longer eligible to file based on the updated districts?

A: For any legislative candidates that you identify as no longer eligible, do not refund the filing fee until after candidate filing ends. Once candidate filing ends, if the candidate did not refile in a new district, refund the filing fee. If you send a notice of cancellation of filing (see Q11), inform the candidate that their filing fee will be refunded at the end of the filing period, unless they refile.

Q13: Can a state legislative candidate file again in an updated district after having first filed in a district in December?

A: If the district number is the same, their existing filing would be sufficient, and they should not file again. If they want to file in a different office, their first filing will need to be cancelled (by the county board, if they are now ineligible), or the candidate would need to withdraw their notice of filing by close of business on March 1. Once their initial filing has been cancelled or withdrawn, they may file again.

Q14: How do we file legislative candidates in the updated districts once candidate filing resumes?

A: Initially, you may need to file legislative candidates for updated districts by paper, because Election Setup may not be updated with the proper contests assigned to each county in time for the resumption of filing on February 24. (This should not apply to any districts that do not change for a county. The county can proceed using Election Setup.) Once the State Board updates Election Setup, which should take only a day or two at most, you will be able to file legislative candidates in the updated districts electronically. At that time, if any candidates were not filed electronically, you will need to input any candidate filing information that you received in paper form. **Whenever you file a legislative candidate, use the State Board's web tool to check their residential eligibility, regardless of whether you are filing in paper or electronically.**

Q15: A candidate for sheriff obtained the felony disclosure statement prepared by the Sheriffs' Commission before December candidate filing. Can that candidate reuse that disclosure statement in the new filing period?

A: Disclosure statements issued by the Sheriffs' Commission are valid for only 90 days after issuance. *See* N.C. Session Law 2021-107, sec. 5. Most likely, if a sheriff candidate obtained a disclosure statement prior to December filing, that statement has expired. You should always check the issuance date to be sure. If it has expired, the candidate will need to obtain a new disclosure statement from the Sheriffs' Commission before they file. If the individual already filed for the office of sheriff in December and provided a disclosure statement at that time, then they do not need to obtain a new disclosure statement.

Q16: What happens to mailed notices of candidacy that were received on December 8? What about those received after that date?

A: The State Board considers mailed notices of candidacy to be filed as of the date the notice is received by the board of elections. Since the court's order suspending candidate filing was issued at the end of the day on December 8, any notices of candidacy delivered on or before that day should have been processed in Election Setup, and consistent with the court's order, those candidates should be considered filed and their filing fee should be accepted. Any notices of candidacy received after that time and before the start of the resumed filing period on February 24 should not be processed, per the court's order, but should be returned to the candidate, along with their filing fee. Any mailed notices received between February 24 and March 4 should be processed.

Q17: When can a candidate who filed during the December filing period withdraw and get a refund of their filing fee?

A: Under the Supreme Court's December order, a candidate who filed in December may withdraw "during the newly-established filing period," so they may withdraw starting on February 24. The deadline to withdraw, per N.C.G.S. § 163-106.4, is Tuesday, March 1 at the close of business. Under N.C.G.S. § 163-107(b), the boards of elections may refund a filing fee only when a candidate withdraws their notice of candidacy by this deadline.

Q18: If someone filed already and wants to change party, can they withdraw their notice of candidacy, change party, and be eligible to file again?

A: Once candidate filing reopens, candidates may withdraw their previously filed notices of candidacy up until the end of the third business day before the last day of candidate filing (*see* N.C.G.S. § 163-106.4), and they may submit a new notice of candidacy. If, at that time, they have been affiliated with a political party for 90 days, they may file in that party's primary.

Q19: Can a candidate challenge be filed against a candidate who filed their notice of candidacy before the court's order suspending candidate filing?

A: Yes. Under the court's order, any candidate who filed in December prior to the suspension is "deemed to have filed" in the May primary. Under N.C.G.S. § 163-127.2, a challenge to that person's candidacy may be filed once the board of elections receives the

notice of candidacy. The deadline to file such a challenge is 10 business days after the close of candidate filing—March 18.

**Note:** For challenges regarding legislative and congressional offices only, the boards of elections cannot proceed to hear the challenge until those districts are resolved, per [court order](#). Remember to notify the SBE of any candidate challenges.

Q20: With the delay in the primary election, what is the deadline to submit petitions to qualify as an unaffiliated candidate on the general election ballot?

A: Noon on May 17, 2022, for non-municipal contests, per N.C.G.S. § 163-122. For unaffiliated candidates who seek to run in partisan *municipal* elections, please see N.C.G.S. § 163-296.

Q21: If a candidate started a petition as an unaffiliated candidate, could they cancel the petition and change their party affiliation in order to file in the new filing period of 2022?

A: Yes, as long as the candidate has affiliated with that political party for 90 days prior to when they file during the new filing period.

Q22: Will petition signatures gathered to run unaffiliated in a congressional or legislative district be valid if the petitioner changes the district they are petitioning for, upon the update of the districts?

A: Any signatures gathered from residents of the district that the petitioner is ultimately seeking to run in would be valid. For any petitions for existing districts that change, and for any petitioners who change their district, you will need to re-review the previously gathered signatures to count any currently eligible voters.

Q23: What is the deadline to file a petition in lieu of the filing fee?

A: Monday, February 28, 2022, at noon. Per N.C.G.S. § 163-107.1, the deadline to file any petition in lieu of a filing fee for a partisan contest will be noon on the Monday preceding the filing deadline. Please note, under that statute, petitions for certain offices must be presented to the county board for verification 15 days prior to the above deadline. Petitions in lieu of a filing fee for nonpartisan primaries and elections are due 60 days prior to the filing deadline for the contest.

Q24: Will any filing fees change to reflect any local budget changes after the December filing period that was suspended?

A: Possibly. The filing fee is set as the current starting annual salary for most offices, at the time of filing, under N.C.G.S. § 163-107. Please confirm the starting annual salary for your county offices with your county. Also confirm the filing fee as set by any municipalities that are on the May 17 ballot, per N.C.G.S. §§ 163-29(3) and 163-294.2(e).