

North Carolina Bipartisan State Board of Elections & Ethics Enforcement

Candidates for District Attorney in 2018

1) **Qualifications** [N.C. Const. Art. IV § 18](#)

- A registered voter of the district
- At least 21 years of age
- Licensed to practice law in North Carolina

2) **What action is required for a person to have his or her name entered on the ballot for the primary election?**

Typically, a person seeking office will pay a filing fee and file certain papers during a specific period designated by statute for this purpose. However, our statutes provide an alternative mechanism, as described below. [[G.S. §§ 163A-972-78 \[163-106\]](#); 163A-979 [[163-107](#)], 163A-980 [[163-107.1](#)], 163A-981 [[163-108](#)].

Filing fee. The filing fee is 1% of the annual salary of the office sought.

- **In lieu of filing fee.** It is possible to avoid the filing fee by submission of a petition signed by registered voters. For more information, see [North Carolina General Statute § 163A-980 \[163-107.1\]](#). Prior to undertaking this petition, please see our fact sheet at [this link](#).
- **Form to file.** Each candidate must for District Attorney must file a [notice of candidacy form](#) with the State Board. This form may be obtained from this agency's website beginning **February 1, 2018**. Filings submitted prior to the filing period (see below) will not be accepted. Please note that in advance of filing the notice of candidacy with the State Board, each candidate shall obtain a certificate of affiliation from the county board where he or she is registered to vote.
- **Certification of affiliation.** At the time of filing, each candidate must also file a certificate that has been signed by the director or chair of the county board of elections where the candidate currently resides. The certification states the party with which the candidate is affiliated and affirms that the candidate has not changed party affiliation in the past 90 days.
- **Felony record.** The notice of candidacy form includes questions about any previous felony convictions of the candidate; if there are any convictions, additional information is required on a separate form within 48 hours of submitting the notice of candidacy. Active felons who have not had their citizenship rights fully restored (completion of any felony sentence, including probation) are not eligible to be registered to vote or to run for elected office.
- **Party affiliation.** In partisan contests, a candidate must be a registered voter affiliated with the same political party with which he or she intends to file. A person changing

party affiliation must do so **90** days prior to the date the candidate files. (Please see below for seeking office without being affiliated with a party.)

3) **Seeking office unaffiliated or seeking office as a write-in candidate** [G.S. §§ 163A-1005 \[163-122\]](#); 163A-1006 [\[163-123\]](#)

- A candidate who wishes to run unaffiliated should review [G.S. §§ 163A-1005 \[163-122\]](#) and [fact sheet on running as an unaffiliated candidate](#).
- A candidate who wishes to run as a write-in should review [G.S. §§ 163A-1006 \[163-123\]](#) and the [fact sheet on running as a write-in candidate](#).

4) **Single Office Contest.** No one may file for more than one office in the same election.

5) **Is a primary always necessary?**
[G.S. § 163A-983 \[163-110\]](#)

- No, a filed primary candidate who remains unopposed after the close of the filing period will be certified as his or her party's nominee without the need for a primary.
- The winners of the party primaries (or the certified nominees, if they ran unopposed) will be listed on the General Election ballot as the nominees of that party for the office for which they filed.

6) **When is the filing period?** [G.S. §163A-974 \[163-106\(c\)\]](#)

Begins: Noon on **Monday, February 12, 2018**

Ends: Noon on **Wednesday, February 28, 2018**

7) **Election Dates for 2018:** [G.S. § 163A-700 \[163-1\]](#)

- **Primary:** The Tuesday after the first Monday in May.
Tuesday, May 8, 2018
- **Second primary** (will only be held in certain situations, and if requested by a candidate)
 - If any federal office contest requires a second primary, all second primaries will be held **Tuesday, July 17, 2018**
 - If no federal office contest requires a second primary, any second primaries will be held **Tuesday, June 26, 2018**

For more information, see [North Carolina General Statute § 163A-984 \[163-111\]](#)

- **General election:** The Tuesday after the first Monday in November, **Tuesday, November 6, 2018**

8) **Campaign Finance filing requirements** [G.S. § 163A-1418 \[163-278.9\]](#)

North Carolina law requires financial disclosure of all political activities, even when the candidate spends only personal funds. The time of filing of these reports, and the types of reports will vary by the type of campaign. Every candidate is legally responsible for his or her compliance with campaign reporting laws.

The treasurer of every campaign committee is required by law to receive training in campaign finance reports and law. Since candidates are also required to comply with campaign finance law, it is highly recommended that candidates obtain the training as well. This **mandatory campaign finance training** is available online or in-person at numerous training sessions offered by this agency. Please contact Jason Schrader, at 919/814-0733 or Terry Harris at 919/814-0741.

IMPORTANT: You must file an organizational report with the Disclosure section of this agency within ten days of becoming a candidate. You “become a candidate” when you file the notice of candidacy form.* **HOWEVER, you may also become a candidate and trigger the requirement to file the organizational report much earlier** by either 1) making a public announcement of a definite intent to run for public office in a particular election, or 2) spending money or receiving money (or goods or services) in support of your candidacy. If any of these actions has been taken, you have ten days from the public announcement or from first receipt of funds (or goods or services) or ten days from your first expenditure, including expenditure of personal funds to file the organizational report. **For further information about this report please call the main line for this agency, 919/814-0700, and ask to speak with someone from the Disclosure section of this agency.**

9) **Disclosure of economic interest is also required.** [G.S. § 163A-187 \[138A-22\]](#)

The State Government Ethics Act requires that candidates for an office covered by the Act file a Statement of Economic Interest with the State Board of Elections and Ethics Enforcement. **Candidates for offices covered by the Act must file the Statement of Economic Interest within 10 days of the filing deadline for the office the candidate seeks.** Please see the section of our webpage that discusses the requirements at this link: [Statement of Economic Interest \(SEI\)](#).

* A person also becomes a candidate upon becoming certified as the nominee of a political party to fill a vacancy.