



# NORTH CAROLINA

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## STATE BOARD OF ELECTIONS

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### **Frequently Asked Questions on Rescheduled 2022 Elections**

*Below are answers to some frequently asked questions regarding the North Carolina Supreme Court's [decision](#) to suspend candidate filing and postpone the March 2022 primary and municipal elections.*

Q: Since the primary has moved to May 17, 2022, when is the filing period for that primary? Is it different for municipalities that were also scheduled for the date of the primary?

A: The filing period for the May 17, 2022, primary and municipal elections has not yet been set. As soon as that has been established, the State Board will announce the filing period.

Q: 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, under N.C.G.S. § 163-227.10(a).

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

A: The absentee request form will be available on the State Board's website by January 1, 2022.

Q: Does the rescheduling of the March elections impact the design or printing schedule for the absentee ballot envelope?

A: No. The State Board's absentee envelope design does not include specific dates for the election the absentee voter chooses, so these envelopes can be ordered now.

Q: 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).

Q: 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.

Q: Does the court's order reschedule municipal elections that had been scheduled for March 8, 2018?

A: Yes. The court's order says that filing for "all offices" is suspended and that the boards of elections may not conduct elections "for any public offices in the state on Tuesday, March 8, 2022." The municipal elections that were scheduled for March 2022 will now be held on May 17, 2022. The court set the primary date "for all offices on Tuesday, May 17, 2022," and it did so "consistent with the response and affidavit of the North Carolina State Board of Elections." In that response and affidavit, the State Board made clear that it would be administratively feasible to postpone the congressional and legislative primaries only if all elections scheduled for March 2022 are likewise postponed, and that May 17, 2022, would be an administratively feasible date to hold all such rescheduled elections.

Q: 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: If a second primary is triggered after the May 17 statewide primary, the municipal second election date will be the same date as the second primary. *See* N.C. Session Law 2021-56 (for such municipal elections, the runoff or general "shall be held on the date of any second primary held under G.S. 163-111"). This would be July 5 or July 26—the latter of which would occur only if there is a second primary for a federal office. If no second primary is triggered by the May 17 statewide primary, the date for any second election day for these municipalities is uncertain, and the State Board is working to clarify that issue.

Q: 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, but we do not know that timeline yet, because it depends on the dates of the filing period for the May 17 primary, which have not been set by the courts yet. 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.

Q: 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 be processed in Election Setup, and consistent with the court’s order, that candidate should be considered filed and their filing fee should be accepted. Any notices of candidacy received after that time should not be processed, per the court’s order, but should be returned to the candidate, along with their filing fee.

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

A: Under the order, a candidate who filed in December may withdraw “during the newly-established filing period.” That period has not yet been set by the courts. 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.

Q: 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 opens for the May primary, 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. We do not yet know the dates of candidate filing for the May primary. Those dates will determine when the 90-day party affiliation deadline falls.

- Q: 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.
- Q: 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, the dates of which have not yet been set.
- Q: What is the deadline to file a petition in lieu of the filing fee?
- A: To be determined. 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 for the May 17 primary, which has not yet been set. 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.
- Q: 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).
- Q: With the filing period suspended, do the chairs of the State and county boards of elections issue certifications of the lists of candidates who have filed, pursuant to N.C.G.S. § 163-108?
- A: No, because the candidate filing period was suspended and has not yet concluded, the certification requirements of the statute are not triggered. The certification requirements take effect at the close of the new candidate filing period for the May elections. That filing period has not yet been established.