§ 163-122. Unaffiliated candidates nominated by petition.

(a) Procedure for Having Name Printed on Ballot as Unaffiliated Candidate. – Any qualified 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.

(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.

(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."

(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.

(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. (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).)