



NORTH CAROLINA STATE BOARD OF ELECTIONS

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Frequently Asked Questions

December 15, 2021

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

Q: I filed a notice of candidacy and paid a filing fee between December 6th and December 8th, but have not filed my organizational report. I still intend to seek my party's nomination in the May 17, 2022 primary. What obligation do I have to file campaign finance reports?

A: The Supreme Court's decision did not cancel your notice of candidacy. You will be deemed to have filed for the same office under the new election schedule for the May 2022 primary unless you withdraw or are otherwise determined to be ineligible to hold the office for which you are currently filed. The Court's decision did not suspend any committee's obligation to disclose contributions, loans, and expenditures.

Making any expenditure for the purpose of bringing about your nomination or election for office triggers the obligation to organize a candidate committee. *See* N.C.G.S. § 163-278.7(a). Payment of the filing fee is one such expenditure and triggered an obligation to organize. Pursuant to N.C.G.S. § 163-278.9(a)(1) an organizational report consisting of a (1) CRO-2100A Statement of Organization, (2) CRO-3500 Certification of Financial Account Information, and (3) Organizational Disclosure Report or CRO-3600 Certification of Threshold for those committees that qualify under N.C.G.S. § 163-278.10A must be filed no later than the 10th day following the organization of the candidate committee, OR the 10th day following the filing of a Notice of Candidacy, whichever occurred first.

Note: If the Candidate filed on December 6th – 8th, the organizational disclosure report would be due by December 15th, 16th, and 17th, respectively.

After the organizational report is filed, both new committees, and committees that were organized prior to candidate filing, must continue to file campaign finance reports according to the schedule set in N.C.G.S. § 163-278.9. Report due dates can be found here:

<https://www.ncsbe.gov/campaign-finance/reporting-schedules>. The 2021

Year-End Semiannual Report covering the period through December 31, 2021 is due by January 28, 2022. For new committees, the 2021 Year-End Semiannual Disclosure Report begins the day following the end date of the Organizational Disclosure Report. Committees that are under threshold must continue to comply with N.C.G.S. § 163-278.10A.

Q: I did not file a notice of candidacy between December 6th and December 8th. However, I still intend to seek my party's nomination in the May 17, 2022, primary. What obligation do I have to file campaign finance reports?

Each candidate who has received funds or made payments or given consent for anyone else to receive funds or transfer anything of value for the purpose of bringing about that individual's nomination or election for office is required to organize a candidate committee N.C.G.S. § 163-278.7(a). Any committee that is required to organize between now and the start of the next candidate filing period must file an organizational report within 10 days of organizing. N.C.G.S. § 163-278.9.

Q: I filed a notice of candidacy and paid a filing fee between December 6th and December 8th, but have not filed my organizational report. I intend to withdraw my candidacy. What obligation do I have to file campaign finance reports?

A: The Supreme Court's decision did not cancel your notice of candidacy. You may not withdraw your candidacy until the next filing period. The Court's decision did not suspend any committee's obligation to disclose contributions, loans, and expenditures. Until you withdraw, your committee must continue to comply with applicable laws and regulations.

Making any expenditure for the purpose of bringing about your nomination or election for office triggers the obligation to organize a candidate committee. *See* N.C.G.S. § 163-278.7(a). Payment of the filing fee is one such expenditure and triggered an obligation to organize. Pursuant to N.C.G.S. § 163-278.9(a)(1) an organizational report consisting of a (1) CRO-2100A Statement of Organization, (2) CRO-3500 Certification of Financial Account Information, and (3) Organizational Disclosure Report or CRO-3600 Certification of Threshold for those committees that qualify under N.C.G.S. § 163-278.10A must be filed no later than the 10th day following the organization of the candidate committee, OR the 10th day following the filing of a Notice of Candidacy, whichever occurred first.

Note: If the Candidate filed on December 6th – 8th, the organizational disclosure report would be due by December 15th, 16th, and 17th, respectively.

After the organizational report is filed, both new committees, and committees that were organized prior to candidate filing, must continue to file campaign finance reports according to the schedule set in N.C.G.S. § 163-278.9 until you withdraw. Report due dates can be found here: <https://www.ncsbe.gov/campaign-finance/reporting-schedules>. The 2021 Year-End Semiannual Report covering the period through December 31, 2021 is due by January 28, 2022. For new committees, the 2021 Year-End Semiannual Disclosure Report begins the day following the end date of the Organizational Disclosure Report. Committees that are under threshold must continue to comply with N.C.G.S. § 163-278.10A.

Once you have withdrawn your candidacy, you may proceed to close your committee consistent with 08 NCAC 21 .0202. Please keep in mind, you cannot close your committee until all missing reports are filed and penalties paid.

- Q: I filed my Notice of Candidacy, but intend to withdraw as a candidate. Can I close my committee?
- A: No, a candidate committee may not close after the candidate files a Notice of Candidacy. A candidate committee may close only after the candidate withdraws or after the certificate of nomination or election is issued under N.C.G.S. § 163-278.34. *See* 08 NCAC 21 .0202.
- Q: I do not plan to accept any contributions or make any expenditures between now and the next filing period. Can my committee go inactive? If so, how?
- A: If the 2021 Year-End Semiannual Report for the candidate committee discloses no contributions or expenditures, then the treasurer may file a CRO-3200 Certification of Inactive Status and the committee may go inactive until the committee makes or receives additional contributions, loans, or expenditures. *See* N.C.G.S. § 163-278.10. The 2021 Year-End Semiannual Report may be filed as early as December 31, 2021 and is due by January 28, 2022.

Note: For new committees, the 2021 Year-End Semiannual Disclosure Report begins the day following the end date of the Organizational Disclosure Report.

If your 2021 Year-End Semiannual Report discloses contributions or expenditures, then you must wait until a later reporting period in which you do qualify to submit a CRO-3200 Certification of Inactive Status.

- Q: I filed a CRO-3300 Return to Active Status in anticipation of filing, but did not file a notice of candidacy or pay a filing fee. Can I return to inactive status?

- A: If no contributions were received or expenditures made after filing the CRO-3300 Return to Active Status, the committee may immediately submit a CRO-3200 Certification of Inactive Status and remain inactive until the next filing period.
- Q: Now that the primary has been moved to May 17, 2022, when is the 2022 First Quarter Report Due?
- A: The 2022 First Quarter Report is due May 9, 2022 and must cover the period from January 1, 2022 through April 30, 2022.
- Q: When are 2022 Municipal Reports Due?
- A: The 2022 Municipal Reporting Schedule will be posted on the State Board's website as soon as possible. You can find a copy of the schedule here: <https://www.ncsbe.gov/campaign-finance/reporting-schedules>.