



NORTH CAROLINA

STATE BOARD OF ELECTIONS

Mailing Address:
P.O. Box 27255,
Raleigh, NC 27611

Phone:
(919) 814-0700 or
(866) 522-4723

Fax:
(919) 715-0135

SENT VIA FEDEX #777254493725

Peter D'Abrosca
1818 Bungalow Row
Wilmington, NC 28409

December 16, 2019

Re: Cancellation of Notice of Candidacy

Dear Mr. D'Abrosca,

This letter serves as notice that the State Board of Elections has cancelled your notice of candidacy for nomination for the office of United States House of Representatives District 07 in the Republican party primary.

G.S. 163-106.1 (enclosed) provides, "No 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. A person registered as 'unaffiliated' shall be ineligible to file as a candidate in a party primary election." As discussed with you via email and telephone, as of the date you filed for office (December 11, 2019), the State Board of Elections and New Hanover County Board of Elections' records indicate that you registered to vote as a Republican in New Hanover County on December 3, 2019. Therefore, you do not meet the 90-day party affiliation requirement in G.S. 163-106.1.

Please be aware that G.S. 163-106.5(b) (also enclosed) provides that when the State Board of Elections gives notice of cancellation of candidacy to a candidate, the Board must give notice of cancellation to any candidate whose notice of candidacy has been cancelled and to any other candidate filing for the same office. A candidate who has been adversely affected by a cancellation, or another candidate for the same office who has been affected by the notice of cancellation, may request a hearing on the cancellation. If the candidate requests a hearing, the hearing is conducted in accordance with Article 11B of Chapter 163 of the North Carolina General Statutes.

Sincerely,

Kelly Tornow
Associate General Counsel

Enclosures

CC: David Rouzer, Candidate for US House of Representatives, District 07
Mark Judson, Candidate for US House of Representatives, District 07



STATE OF NORTH CAROLINA
 COUNTY OF WAKE
 NOTICE OF CANDIDACY

ELECTION PRIMARY
 ELECTION DATE 03/03/2020
 JURISDICTION CONGRESS JURISDICTION VALUE 07

NOTICE OF CANDIDACY FOR OFFICE OF: US HOUSE OF REPRESENTATIVES DISTRICT 07
 DATE: 12/11/2019 SEAT NAME (judicial contests only): _____

CANDIDATE INFORMATION

PETER MARK D'ABROSCA <i>Full Legal Name</i>		Pete D'Abrasca <i>Name to Appear on Ballot</i>
1818 BUNGALOW ROW <i>Residential Address</i>		1818 BUNGALOW ROW <i>Mailing Address</i>
WILMINGTON, NC 28409 <i>City, State and Zip</i>	NEW HANOVER <i>County</i>	WILMINGTON, NC 28409 <i>City, State and Zip</i>
_____ <i>Campaign Phone Number</i>	_____ <i>Campaign Email Address</i>	_____ <i>NC State Bar No. (Judicial and District Attorney Candidates only)</i>

CANDIDATE'S PLEDGE

Complete only if filing for a contest subject to a possible partisan primary: I hereby file notice as a candidate for nomination as US HOUSE OF REPRES in the REPUBLICAN party primary election to be held on 03/03/2020. I affiliate with the REPUBLICAN party, (and I certify that I am now registered on the registration records of the precinct in which I reside as an affiliate of the REPUBLICAN party.) I pledge that if I am defeated in the primary, I will not run for the same office as a write-in candidate in the next general election.

Complete only if filing for a non-partisan office: I hereby file notice that I am a candidate for election to the office of _____ (District/Ward _____) for the governing body of _____ in the regular election to be held on _____.

FELONY DISCLOSURE

Have you ever been convicted of a felony? YES NO

If you have been convicted of a felony, you are required to complete a "Candidate Felony Disclosure" form within 48 hours of submitting this notice. GS § 163-106. The required form can be obtained from any election office or from the NC State Board of Elections website at www.NCSBE.gov. A prior felony conviction does not preclude holding elected office if rights of citizenship have been restored. Felony conviction need not be disclosed if the conviction was dismissed as a result of reversal on appeal or resulted in a pardon of innocence or expungement.

CANDIDATE'S CERTIFICATION AND PLEDGE

FRAUDULENTLY OR FALSELY COMPLETING THIS FORM IS A CLASS I FELONY UNDER CHAPTER 163 OF THE NC GENERAL STATUTES.

I swear or affirm that the statements on this form are true, correct and complete to the best of my knowledge or belief.

X

Signature of Candidate

12/11/2019

Date

Each candidate shall sign the notice of candidacy in the presence of the chairman or secretary of the board of elections, State or county, with which the candidate files. In the alternative, a candidate may have the candidate's signature on the notice of candidacy acknowledged and certified to by an officer authorized to take acknowledgments and administer oaths, in which case the candidate may mail or deliver by commercial courier service the candidate's notice of candidacy to the appropriate board of elections. The person acknowledging this notice of candidacy must complete the appropriate section on page 2 of this form.

AFFIDAVIT ATTESTING TO NICKNAME

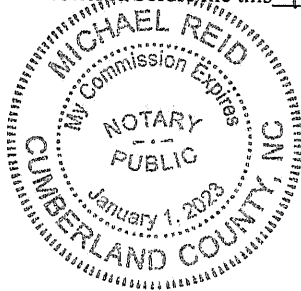
(complete only if you would like an acceptable nickname to appear on the ballot in lieu of your legal name)

I, PETER MARK D'ABROSCA, have been duly sworn, hereby state under oath that I have been commonly known by the nickname, PETE for at least **five years** and request that my name be placed on the ballot as follows: Pete D'Abrosca. In the event that another candidate with the same last name as mine files notice of candidacy for the same office for which I am a candidate, my name should be listed as: Peter D'Abrosca.

STATE OF NORTH CAROLINA, Cumberland COUNTY

I hereby certify that, PETER MARK D'ABROSCA the candidate who signed the AFFIDAVIT ATTESTING TO NICKNAME, personally appeared before me this day and signed this document in my presence.

Sworn to and subscribed before me this 11 day of December, 2019



X

Notary Signature
Michael Reid
Printed Name
01-01-23
My Commission Expires

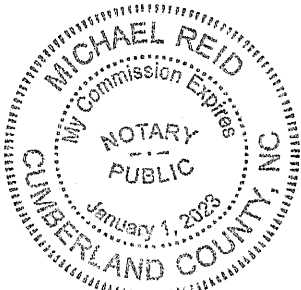
ACKNOWLEDGMENT OF NOTICE OF CANDIDACY

Each candidate shall sign the notice of candidacy in the presence of the chairman or secretary of the board of elections, State or county, with which the candidate files. In the alternative, a candidate may have the candidate's signature on the notice of candidacy acknowledged and certified to by an officer authorized to take acknowledgments and administer oaths (Notary Public), in which case the candidate may mail or deliver by commercial courier service the candidate's notice of candidacy to the appropriate board of elections.

STATE OF NORTH CAROLINA, Cumberland COUNTY

I hereby certify that PETER MARK D'ABROSCA, the candidate who signed this NOTICE OF CANDIDACY, personally appeared before me this day and signed this document in my presence or acknowledged his/her signature to be the same.

Date: 12-11-19



X [Signature]
Signature of Certifying Officer (or Notary)
Michael Reid
Printed Name of Certifying Officer (or Notary)
Notary
Title of Certifying Officer
01-01-23
My Commission Expires

COUNTY BOARD OF ELECTIONS CERTIFICATION

Candidates required to file their notice of candidacy with the State Board of Elections shall file along with their notice, a certificate signed by the chairman of the board of elections or the director of elections of the county. Candidates should have this certificate completed by their board of elections prior to submitting the notice to the State Board.

- The undersigned has examined the voter registration records in WAKE COUNTY and found that PETER MARK D'ABROSCA
- is a registered voter in this county.
 - is registered as _____ (indicate candidate's political party affiliation or indicate *unaffiliated*, if applicable)
 - has not changed his affiliation from another party or from unaffiliated within 90 days prior to the filing deadline.
 - (Superior Court or District Court Judge only) is a resident of superior court district _____ or district court district _____.

Title of County Official

X

Signature of Board Chair or Director of Elections

Date

§ 163-106.1. Eligibility to file.

No 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. A person registered as "unaffiliated" shall be ineligible to file as a candidate in a party primary election. (1915, c. 101, ss. 6, 15; 1917, c. 218; C.S., ss. 6022, 6035; 1921, c. 217; 1923, c. 111, s. 13; C.S., s. 6055(a); 1927, c. 260, s. 19; 1929, c. 26, s. 1; 1933, c. 165, s. 12; 1937, c. 364; 1947, c. 505, s. 7; 1949, c. 672, s. 4; c. 932; 1951, c. 1009, s. 3; 1955, c. 755; c. 871, s. 1; 1959, c. 1203, s. 4; 1965, c. 262; 1967, c. 775, s. 1; c. 1063, s. 2; 1969, c. 44, s. 83; c. 1190, s. 56; 1971, cc. 189, 675, 798; 1973, c. 47, s. 2; c. 793, s. 36; c. 862; 1975, c. 844, s. 2; 1977, c. 265, ss. 4, 5; c. 408, s. 2; c. 661, ss. 2, 3; 1979, c. 24; c. 411, s. 5; 1981, c. 32, ss. 1, 2; 1983, c. 330, s. 1; 1985, c. 472, s. 2; c. 558, s. 1; c. 759, s. 6; 1985 (Reg. Sess., 1986), c. 957, s. 1; 1987, c. 509, s. 13; c. 738, s. 124; 1987 (Reg. Sess., 1988), c. 1028, s. 1; 1993 (Reg. Sess., 1994), c. 762, s. 31; 1995, c. 243, s. 1; 1996, 2nd Ex. Sess., c. 9, s. 8; 1999-456, s. 59; 2001-403, s. 3; 2001-466, s. 5.1(a); 2002-158, ss. 8, 9; 2002-159, s. 55(a); 2006-155, s. 2; 2007-369, s. 1; 2009-47, s. 1; 2013-381, s. 21.1; 2014-111, s. 1(a); 2016-125, 4th Ex. Sess., s. 21(a); 2017-3, s. 5; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

§ 163-106.5. Certificate of registration to vote in county and party affiliation; cancellation of candidacy; residency requirements for judges.

(a) Candidates required to file their notice of candidacy with the State Board of Elections under G.S. 163-106.2 shall file along with their notice a certificate signed by the chairman of the board of elections or the director of elections of the county in which they are registered to vote, stating that the person is registered to vote in that county, if the candidacy is for superior court judge and the county contains more than one superior court district, stating the superior court district of which the person is a resident, stating the party with which the person is affiliated, and that the person has not changed his affiliation from another party or from unaffiliated within three months prior to the filing deadline under G.S. 163-106.2. In issuing such certificate, the chairman or director shall check the registration records of the county to verify such information. During the period commencing 36 hours immediately preceding the filing deadline the State Board of Elections shall accept, on a conditional basis, the notice of candidacy of a candidate who has failed to secure the verification ordered herein subject to receipt of verification no later than three days following the filing deadline. The State Board of Elections shall prescribe the form for such certificate, and distribute it to each county board of elections no later than the last Monday in December of each odd-numbered year.

(b) When any candidate files a notice of candidacy with a board of elections under G.S. 163-106.2 or under G.S. 163-291(2), the board of elections shall, immediately upon receipt of the notice of candidacy, inspect the registration records of the county, and cancel the notice of candidacy 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 candidate whose notice of candidacy has been cancelled under this section by mail or by having the notice served on him by the sheriff, and to any other candidate filing for the same office. A candidate who has been adversely affected by a cancellation or another candidate for the same office affected by a substantiation under this section may request a hearing on the cancellation. If the candidate requests a hearing, the hearing shall be conducted in accordance with Article 11B of this Chapter.

(c) No person may file a notice of candidacy for superior court judge, unless that person is, at the time of filing the notice of candidacy, a resident of the judicial district as it will exist at the time the person would take office if elected. No person may be nominated as a superior court judge under G.S. 163-114, unless that person is, at the time of nomination, a resident of the judicial district as it will exist at the time the person would take office if elected. This subsection implements Section 9(1) of Article IV of the North Carolina Constitution, which requires regular superior court judges to reside in the district for which elected. (1915, c. 101, ss. 6, 15; 1917, c. 218; C.S., ss. 6022, 6035; 1921, c. 217; 1923, c. 111, s. 13; C.S., s. 6055(a); 1927, c. 260, s. 19; 1929, c. 26, s. 1; 1933, c. 165, s. 12; 1937, c. 364; 1947, c. 505, s. 7; 1949, c. 672, s. 4; c. 932; 1951, c. 1009, s. 3; 1955, c. 755; c. 871, s. 1; 1959, c. 1203, s. 4; 1965, c. 262; 1967, c. 775, s. 1; c. 1063, s. 2; 1969, c. 44, s. 83; c. 1190, s. 56; 1971, cc. 189, 675, 798; 1973, c. 47, s. 2; c. 793, s. 36; c. 862; 1975, c. 844, s. 2; 1977, c. 265, ss. 4, 5; c. 408, s. 2; c. 661, ss. 2, 3; 1979, c. 24; c. 411, s. 5; 1981, c. 32, ss. 1, 2; 1983, c. 330, s. 1; 1985, c. 472, s. 2; c. 558, s. 1; c. 759, s. 6; 1985 (Reg. Sess., 1986), c. 957, s. 1; 1987, c. 509, s. 13; c. 738, s. 124; 1987 (Reg. Sess., 1988), c. 1028, s. 1; 1993 (Reg. Sess., 1994), c. 762, s. 31; 1995, c. 243, s. 1; 1996, 2nd Ex. Sess., c. 9, s. 8; 1999-456, s. 59; 2001-403, s. 3; 2001-466, s. 5.1(a); 2002-158, ss. 8, 9; 2002-159, s. 55(a); 2006-155, s. 2; 2007-369, s. 1; 2009-47, s. 1; 2013-381, s. 21.1; 2014-111, s. 1(a); 2017-3, s. 5; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)