

G.S. 150B-21.3A Report for 08 NCAC 01, DEPARTMENTAL RULES												
Agency - State Board of Elections												
Comment Period - 8/11/2025 - 10/17/2025												
Date Submitted to APO - Filled in by RRC staff												
Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
		08 NCAC 01 .0101	AGENCY NAME: ADDRESS: AND HOURS	Amended Eff. May 1, 2025.	Necessary	No		Yes	Necessary	One or more comments with merit	Necessary and must be readopted	Agency must readopt
		08 NCAC 01 .0106	EMERGENCY POWERS OF EXECUTIVE DIRECTOR	Emergency Amendment Expired on June 18, 2020 pursuant to G.S. 150B-21.1A(d)(3)	Necessary	No		Yes	Necessary	One or more comments with merit	Necessary and must be readopted	Agency must readopt
		08 NCAC 01 .0107	POLITICAL PARTY FORMATION, TERMINATION, AND REINSTATEMENT	Eff. September 1, 2021	Necessary	No		Yes	Necessary	One or more comments with merit	Necessary and must be readopted	Agency must readopt

Agency	Rule	Name	Type of Comment	Comment	Agency Response	RRC Staff Recommendation	RRC Determination [150B-21.3A(c)(2)]
State Board of Elections	08 NCAC 01 .0106	EMERGENCY POWERS OF EXECUTIVE DIRECTOR	Public Coment as defined in G.S. 150B-21.3A(a)(5)	JOAN BROOKS (peacetou.qfunr@passinbox.com): The Rule is NECESSARY BUT the construction is SLOPPY. The Rule is not clear and should be better laid out for easily readable format. § 150B-19.1.(a)(3) ADD FAX NUMBER ADD Campaign Finance email klandgren3333@protonmail.com: logo2.png DONATE Post	We agree that the rule is necessary. We disagree on the construction of the statute being sloppy. This is a rule for general contact information. More specific contact information can be found on the agency website. You appear to have commented on the wrong rule with a form comment for a different rule.	Select One	Select One
State Board of Elections	08 NCAC 01 .0106	EMERGENCY POWERS OF EXECUTIVE DIRECTOR	Public Coment as defined in G.S. 150B-21.3A(a)(5)	<p>All Posts</p> <p>Administrative Code: Comments for Voting Site Uniformity 2 days ago NC Administrative Code: Fixing the Rules</p> <p>Members of the public may comment on the State Board's initial determination that the rules are necessary in any of the following ways through October 17, 2025.</p> <p>References:</p> <p>Administrative Procedures Act</p> <p>OAH RRC Rules Review NCSBE 2025 Plan of Review</p> <p>Administrative Code: Is The Rule Necessary or Unnecessary? This is what happens next.</p> <p>Go to the portal Online: https://www.ncsbe.gov/about-elections/legal-resources/rulemaking/public-comment-portal-2025-periodic-review-existing-rules</p> <p>Or Email: rulemaking.sboe@ncsbe.gov (Commenter must Pamela Riley (drpriley@aol.com): Necessary</p>			
State Board of Elections	08 NCAC 01 .0106	EMERGENCY POWERS OF EXECUTIVE DIRECTOR	Public Coment as defined in G.S. 150B-21.3A(a)(5)		We agree.		

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State Board of Elections	08 NCAC 01 .0106	EMERGENCY POWERS OF EXECUTIVE DIRECTOR	Public Coment as defined in G.S. 150B-21.3A(a)(5)	Jennifer Cocklin, Vance County, NC: Section (c)... must ensure that remedial measures are ... Restate to: ... must ensure that each County Board of Elections has an approved Emergency Management Plan in place in the County and remedial measures are ... This is particularly required as 08 NCAC 10B .0103 VOTING PROCEDURES and 08 NCAC 10B .0106 reference the county board of elections emergency management plan.	Thank you for your suggested revision to the rule. It does not appear you disagree with the agency's initial determination that the rule is necessary.	Select One	Select One
State Board of Elections	08 NCAC 01 .0106	EMERGENCY POWERS OF EXECUTIVE DIRECTOR	Public Coment as defined in G.S. 150B-21.3A(a)(5)	<p>JOAN BROOKS (peacetou.qfunr@passinbox.com):</p> <p>The Rule is NECESSARY.</p> <p>There is NO correct Statute reference given:</p> <p>§ 163A-750: Re-recodified as Chapters 120C, 138A, and 163, by Session Laws 2018-146, s. 3.1(a), (b). See note.</p> <p>GS 163-27.1 Emergency Powers</p> <p>GS 163-258.31 Emergency Powers</p> <p>GS 163-278.23 Duties of Executive Director</p> <p>GS 163-82.2 Chief State Election Official :This Statute brings in compliance with NVRA by the State Director.</p> <p>The RULE needs clarification and requires complete restructuring with the correct Statutes.</p> <p>The Rule requires further investigation and MODIFICATION as the procedures are expressly authorized by State law and are necessary to serve the public interest. § 150B-19.1 (a)(1)</p>	We agree the rule is necessary. The rule was originally adopted under a prior version of the statute and your suggestions will be welcome when the rule is revised.		

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				All Posts Administrative Code: Comment on Guidelines for Determining Voter Intent 2 days ago	
				NC Administrative Code: Fixing the Rules	
				Members of the public may comment on the State Board's initial determination that the rules are necessary in any of the following ways through October 17, 2025.	
				References: Administrative Procedures Act OAH RRC Rules Review NCSBE 2025 Plan of Review Administrative Code: Is The Rule Necessary or Unnecessary? This is what happens next.	
State Board of Elections	08 NCAC 01 .0106	EMERGENCY POWERS OF EXECUTIVE DIRECTOR	Public Coment as defined in G.S. 150B-21.3A(a)(5)	Debbie Dante (infernodb@gmail.com): Rule requires further investigation and MODIFICATION as the procedures are expressly authorized by State law and are necessary to serve the public interest. § 150B-19.1.(a)(1). Sec (b) cites GS 163A-75 which has been recodified and no other statute cited. There is no way to evaluate this Rule as no authority is cited. SEE § 150B-21.2.(c)(3) A citation to the law that gives the agency the authority to adopt the rule.	The agency understands a need for the code to be updated to reflect the recodified statute. For your reference, the General Assembly's website has a table that cross-references the corresponding statutes in Chapter 163 and the former Chapter 163A. It does not appear you disagree with the agency's initial determination that the rule is necessary.
State Board of Elections	08 NCAC 01 .0106	EMERGENCY POWERS OF EXECUTIVE DIRECTOR	Public Coment as defined in G.S. 150B-21.3A(a)(5)	Pamela Riley (drpriley@aol.com): Necessary	We agree.
State Board of Elections	08 NCAC 01 .0106	EMERGENCY POWERS OF EXECUTIVE DIRECTOR	Public Coment as defined in G.S. 150B-21.3A(a)(5)	Agnes Puzak (puzak@sbcglobal.net): I recommend adding the following: (d) The Executive Director should seek input regarding the local situation and any local circumstances from the County Board of Elections for any county which declares an emergency, prior to promulgating emergency action.	Thank you for your suggested revision to the rule. It does not appear you disagree with the agency's initial determination that the rule is necessary.

Agency	Rule	Name	Type of Comment	Comment	Agency Response	RRC Staff Recommendation	RRC Determination [150B-21.3A(c)(2)]
State Board of Elections	08 NCAC 01 .0107	Political Party Formation, Termination, and Reinstatement	Public Coment as defined in G.S. 150B-21.3A(a)(5)	JOAN BROOKS (peacetou.qfunr@passinbox.com):	We agree the rule is necessary. Thank you for these suggestions. We will consider them in a future revision to the rule.	Select One	Select One
				The Rule is NECESSARY. Poorly referenced. Major points are in GS 163-96.			
				Sub-chapter IV Political Parties Article 9 The Rule restates the Statutes rather than providing procedural statements for implementing the intent of the Law.§ 150B-19.(4) The Rule is NOT clear and unambiguous and is out of chronological order illogically.§ 150B-19.1.(a)(3) (The dissolution of a political party is addressed before the formation of a political party.) The Rule requires revision to remain necessary and not			
State Board of Elections	08 NCAC 01 .0107	Political Party Formation, Termination, and Reinstatement	Public Coment as defined in G.S. 150B-21.3A(a)(5)	Debbie Dante (infernodeb@gmail.com):	Thank you for these suggestions. We will consider them in a future revision to the rule. It does not appear you disagree with the agency's initial determination that the rule is necessary.		
				Rule cites GS 163-97.1 as authority but omits time limits as stated in statute.			
				(a) this section could be omitted "Any voter registration form received after that date by a county board of elections where the applicant chooses to affiliate with an expired political party shall be registered as "unaffiliated," except that" - Start the sentence with the subordinating conjunction "If" and use the remaining part of that sentence. Incorrect Statute referenced. Major points are in GS 163-96. Subchapter IV Political Parties Article 9			
State Board of Elections	08 NCAC 01 .0107	Political Party Formation, Termination, and Reinstatement	Public Coment as defined in G.S. 150B-21.3A(a)(5)	Pamela Riley (drpriley@aol.com): Necessary	We agree.		