

Burgos, Alexander N

Subject: FW: Periodic Review - 08 NCAC 01,02,03,04,05,06B,09,10B
Attachments: NCSBE Periodic Review Readoption Schedule.xlsx; NCSBE Readoption Schedule Explanation.pdf

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Friday, June 12, 2026 2:46 PM
To: Steele, Adam <adam.steele@ncsbe.gov>; Julie B. Eddins <julie.eddins@oah.nc.gov>; Wakely, Lindsey <Lindsey.Wakely@ncsbe.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: Periodic Review - 08 NCAC 01,02,03,04,05,06B,09,10B

Adam,

This timeline works and I will propose the January 1, 2030, readoption deadline at the upcoming RRC meeting on Thursday, June 25, 2026 at 10:00 AM.

I understand your plan is to split these rules up and submit them in smaller groups prior to the deadline as you work on them. Given the relatively small number of rules and your plan to submit them in groups of approximately 10 rules, this flexibility is workable. If as you work on these, you end up adding a substantial number of rules (i.e. 30+) please reach out to staff attorneys so we can try and coordinate our workloads.

Seth Ascher

Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1934

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

From: Steele, Adam <adam.steele@ncsbe.gov>
Sent: Tuesday, June 9, 2026 11:40 AM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; Julie B. Eddins <julie.eddins@oah.nc.gov>; Wakely, Lindsey <Lindsey.Wakely@ncsbe.gov>
Subject: RE: Periodic Review - 08 NCAC 01,02,03,04,05,06B,09,10B

Seth,

Attached please find the information that I believe should be required under 26 NCAC 05 .0212. If you need this in a different format or we need to discuss, please let me know.

Thanks,

Adam Steele | Deputy General Counsel

North Carolina State Board of Elections

430 N Salisbury Street

Raleigh, NC 27611

Main Line: 919.814.0700

Direct: 919.814.0654

Rule Citation	Rule Name	Oct 26	Nov 26	Dec 26	Jan 27
08 NCAC 01 .0101	AGENCY NAME: ADDRESS: AND HOURS	Propose Rule	Notice of Text / Start Comment		End Comment / Adopt Rule
08 NCAC 01 .0106	EMERGENCY POWERS OF EXECUTIVE DIRECTOR				
08 NCAC 01 .0107	POLITICAL PARTY FORMATION, TERMINATION, REINSTATEMENT				
08 NCAC 02 .0110	ACTIONS OF COUNTY BOARD AS TO ELECTION PROTESTS				
08 NCAC 02 .0111	ELECTION PROTEST FORM				
08 NCAC 02 .0112	APPEAL TO THE STATE BOARD OF ELECTIONS				
08 NCAC 02 .0113	NEW ELECTIONS ORDERED BY STATE BOARD OF ELECTIONS				
08 NCAC 02 .0114	DISMISSAL OF IMPROPER PROTEST FILINGS				
08 NCAC 03 .0101	VOTER COMPLAINTS AGAINST A MEMBER OF A COUNTY BOARD OF ELECTIONS				
08 NCAC 03 .0102	CHARGES				
08 NCAC 03 .0103	HEARING				

08 NCAC 03 .0104	RIGHTS				
08 NCAC 03 .0105	SCOPE				
08 NCAC 03 .0106	WITNESSES				
08 NCAC 03 .0201	FILING COMPLAINTS AGAINST A PRECINCT OFFICIAL				
08 NCAC 03 .0202	HEARING DATE AND DISPOSITION				
08 NCAC 04 .0301	REQUIREMENTS OF VOTING SYSTEMS				
08 NCAC 04 .0302	APPROVAL OF VOTING SYSTEMS				
08 NCAC 04 .0304	OPERATION AND MATTER OF VOTING ON VOTING SYSTEMS				
08 NCAC 04 .0305	INSTRUCTION OF PRECINCT OFFICIALS AND VOTERS IN THE USE OF VOTING SYSTEMS				
08 NCAC 04 .0306	DUTIES OF CUSTODIANS OF VOTING SYSTEMS				

08 NCAC 04 .0307	TESTING OF VOTING SYSTEM BEFORE USE IN AN ELECTION				
08 NCAC 05 .0111	MODIFIED FULL-TIME OFFICES	Propose Rule	Notice of Text / Start Comment		End Comment / Adopt Rule
08 NCAC 06B .0103	ARRANGEMENT OF OFFICIAL BALLOTS				
08 NCAC 06B .0104	LATE CHANGES IN BALLOTS				
08 NCAC 06B .0105	COUNTING OF OFFICIAL BALLOTS				
08 NCAC 09 .0106	GENERAL GUIDELINES				
08 NCAC 09 .0107	FIRST RECOUNT				
08 NCAC 09 .0109	GUIDELINES FOR DETERMINING VOTER INTENT				
08 NCAC 10B .0101	TASKS AND DUTIES OF PRECINCT OFFICIALS AT VOTING PLACES				Propose Rule
08 NCAC 10B .0102	SETTING UP POLLING PLACE PRIOR TO VOTING				Propose Rule

08 NCAC 10B .0103	VOTING PROCEDURES			Propose Rule	Notice of Text / Start Comment
08 NCAC 10B .0104	LEAVING THE VOTING ENCLOSURE, SPOILED OR INCOMPLETE BALLOTS			Propose Rule	Notice of Text / Start Comment
08 NCAC 10B .0105	PROCEDURES AT THE CLOSE OF VOTING				Propose Rule
08 NCAC 10B .0106	ELECTION SUPPLIES RETURN				Propose Rule
08 NCAC 10B .0107	ASSISTANCE TO VOTERS IN PRIMARIES AND GENERAL ELECTIONS			Propose Rule	Notice of Text / Start Comment
08 NCAC 10B .0108	CURBSIDE VOTING			Propose Rule	Notice of Text / Start Comment
08 NCAC 10B .0109	VOTING SITE UNIFORMITY				Propose Rule

Feb 27	Mar 27	Apr 27	May 27	Jun 27	Jul 27	Aug 27	Sep 27	Oct 27
RRC Meeting	Rule Becomes Effective							
	Propose Rule	Notice of Text / Start Comment		End Comment / Adopt Rule	RRC Meeting	Rule Becomes Effective		
Propose Rule	Notice of Text / Start Comment		End Comment / Adopt Rule	RRC Meeting	Rule Becomes Effective			
Propose Rule	Notice of Text / Start Comment		End Comment / Adopt Rule	RRC Meeting	Rule Becomes Effective			
Propose Rule	Notice of Text / Start Comment		End Comment / Adopt Rule	RRC Meeting	Rule Becomes Effective			
Propose Rule	Notice of Text / Start Comment		End Comment / Adopt Rule	RRC Meeting	Rule Becomes Effective			
Propose Rule	Notice of Text / Start Comment		End Comment / Adopt Rule	RRC Meeting	Rule Becomes Effective			
						Propose Rule	Notice of Text / Start Comment	
						Propose Rule	Notice of Text / Start Comment	
						Propose Rule	Notice of Text / Start Comment	

RRC Meeting	Rule Becomes Effective							
					Propose Rule	Notice of Text / Start Comment		End Comment / Adopt Rule
					Propose Rule	Notice of Text / Start Comment		End Comment / Adopt Rule
	Propose Rule	Notice of Text / Start Comment		End Comment / Adopt Rule	RRC Meeting	Rule Becomes Effective		
Notice of Text / Start Comment		End Comment / Adopt Rule	RRC Meeting	Rule Becomes Effective				
Notice of Text / Start Comment		End Comment / Adopt Rule	RRC Meeting	Rule Becomes Effective				

	End Comment / Adopt Rule	RRC Meeting	Rule Becomes Effective					
	End Comment / Adopt Rule	RRC Meeting	Rule Becomes Effective					
Notice of Text / Start Comment		End Comment / Adopt Rule	RRC Meeting	Rule Becomes Effective				
Notice of Text / Start Comment		End Comment / Adopt Rule	RRC Meeting	Rule Becomes Effective				
	End Comment / Adopt Rule	RRC Meeting	Rule Becomes Effective					
	End Comment / Adopt Rule	RRC Meeting	Rule Becomes Effective					
Notice of Text / Start Comment		End Comment / Adopt Rule	RRC Meeting	Rule Becomes Effective				

End Comment / Adopt Rule	RRC Meeting	Rule Becomes Effective	
End Comment / Adopt Rule	RRC Meeting	Rule Becomes Effective	
End Comment / Adopt Rule	RRC Meeting	Rule Becomes Effective	
End Comment / Adopt Rule	RRC Meeting	Rule Becomes Effective	
End Comment / Adopt Rule	RRC Meeting	Rule Becomes Effective	

State Board of Elections 2025 Periodic Review Proposed Readoption Schedule

Proposed Completion Date

The State Board agrees with the Rules Review Commission counsel's proposed completion date of January 1, 2030. Although there are 38 rules that will need to go through the readoption process, many of the rules were already identified by this agency as needing updates. This completion date will ensure that those rules are prioritized appropriately along with other rulemaking priorities of the agency.

General Agency Rulemaking Considerations and Priorities

Elections are typically viewed as occurring on a four-year cycle; however, in North Carolina there are elections every year. In even years, there is a party primary in March and a general election in November. In odd years, there are municipal primaries and general elections in September, October, and November. While those are the months in which election day and the canvass period occur, the election and preparations for it begin much earlier. Voting by absentee ballot can begin one-to-two months before election day. Also, materials must be finalized for printing and election official training and efforts to educate the public about the upcoming election must begin, ideally, three-to-four months before election day.

The agency has long sought to avoid, to the extent possible, changes to rules for the election during these time periods, because of the impact on election administration and potential for voter confusion. For the purposes of setting the readoption schedule the agency's general priority is to avoid rulemaking activities in the following time periods for most of the rules that are subject to this process:

- Present through November 2026
- July 2027 through March 2028
- June 2028 through November 2028
- July 2029 through December 2029

Anticipated Additional Rulemaking Priorities of Agency

In addition to the rules subject to the readoption process, the agency has placed a greater priority on rulemaking. While the State Board has the statutory authority to issue binding directives and orders to the county boards of elections, the agency's current preference is to do so through rulemaking rather than orders or what are referred to as "numbered memos." Furthermore, while there are also various areas of election administration where the General Assembly has directed the State Board to adopt rules, the agency has not yet had the opportunity to do so. The agency has placed a priority on rulemaking in these areas.

Accordingly, the agency's rulemaking priorities in the next two years will include the adoption of new rules at the same time as this readoption process. In particular, the agency expects to adopt additional rules involving absentee voting, in-person voting, voter registration and list maintenance processes, voter registration drives, and campaign finance before the November 2028 general election. The agency also reasonably expects there will be a need to amend existing rules to improve processes and account for law changes, both in election administration and campaign finance.

Proposed Readoption Schedule

The State Board's proposed schedule for readoption is provided in a spreadsheet that accompanies this document.

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Friday, April 10, 2026 12:35 PM
To: Julie B. Eddins <julie.eddins@oah.nc.gov>; Steele, Adam <adam.steele@ncsbe.gov>; Wakely, Lindsey <Lindsey.Wakely@ncsbe.gov>
Subject: Re: Periodic Review - 08 NCAC 01,02,03,04,05,06B,09,10B

Good afternoon,

The attached periodic review reports have been finalized. The next step is to set a deadline for the readoption of these rules. Pursuant to G.S. 150B-21.3A and 26 NCAC 05 .0212, the RRC sets this deadline after consultation with the agency, and this email serves as the RRC's request for that consultation. Please review 26 NCAC 05 .0212 for the information required to be submitted to the RRC, and the deadlines for doing so.

It appears that the deadline for your agency to provide this information is June 9, 2026. As a starting point, I would recommend a January 1, 2030 readoption deadline, but I am open to considering a different recommendation based on the needs of your agency

Seth Ascher
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1934

From: Julie B. Eddins <julie.eddins@oah.nc.gov>
Sent: Monday, March 30, 2026 3:13 PM
To: Steele, Adam <adam.steele@ncsbe.gov>; Wakely, Lindsey <Lindsey.Wakely@ncsbe.gov>
Cc: Ascher, Seth M <seth.ascher@oah.nc.gov>
Subject: Periodic Review - 08 NCAC 01,02,03,04,05,06B,09,10B

Good afternoon,

The determinations in the attached periodic review report for 08 NCAC 01,02,03,04,05,06B,09,10B were effective February 18, 2026. Commission Counsel Seth Ascher will reach out to you to discuss setting the readoption date.

Please Note: pursuant to 26 NCAC 05 .0212 your agency's 60-day timeline does not begin until you receive communication from a staff attorney.

Let me know if you have any questions.

Julie B. Eddins
Publications Coordinator
NC Office of Administrative Hearings
Phone 984-236-1937 (direct)
[*julie.eddins@oah.nc.gov*](mailto:julie.eddins@oah.nc.gov)

