

G.S. 150B-21.3A Report for 08 NCAC 02, ELECTION PROTESTS												
Agency - State Board of Elections												
Comment Period - 8/11/2025 - 10/17/2025												
Date Submitted to APO - Filed 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
	SECTION .0100 – ELECTION PROTESTS	08 NCAC 02 .0110	ACTIONS OF COUNTY BOARD AS TO ELECTION PROTESTS	Temporary Amendment Eff. August 8, 2024	Necessary	No		Yes	Necessary	One or more comments with merit	Necessary and must be readopted	Agency must readopt
		08 NCAC 02 .0111	ELECTION PROTEST FORM	Amended Eff. November 1, 2020	Necessary	No		Yes	Necessary	One or more comments with merit	Necessary and must be readopted	Agency must readopt
		08 NCAC 02 .0112	APPEAL TO THE STATE BOARD OF ELECTIONS	Readopted Eff. June 1, 2019	Necessary	No		Yes	Necessary	One or more comments with merit	Necessary and must be readopted	Agency must readopt
		08 NCAC 02 .0113	NEW ELECTIONS ORDERED BY STATE BOARD OF ELECTIONS	Readopted Eff. June 1, 2019	Necessary	No		Yes	Necessary	One or more comments with merit	Necessary and must be readopted	Agency must readopt
		08 NCAC 02 .0114	DISMISSAL OF IMPROPER PROTEST FILINGS	Amended Eff. November 1, 2020	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 02 .0110	Actions of County Board as to Election Protests	Public Comment as defined in G.S. 150B-21.3A(a)(5)	<p>JOAN BROOKS:</p> <p>The Rule is NECESSARY and required for the subsequent Rules within the Election Protests group.</p> <p>The RULE derives Statutory Authority to adopt the Rule from multiple Statutes but lists only two Statutes in the History. The additional Statutes are listed below.</p> <p>The Rule repeats the same language contained in the Statutes in violation of § 150B-19.(4).</p> <p>The Rule is not written in a clear unambiguous manner § 150B-19.1.(a)(3).</p> <p>The Rule does not reduce the burden on those required to follow the Rule as the sentences are mostly repetition of the Statutes and NOT imperative statements that describe an orderly, chronological, and timely set of Procedures to implement the requirements of the Law. § 150B-19.1.(a)(3);§ 150B-2.(8a).</p> <p>The Rule needs revision in more orderly format that breaks out the multiple categories and situations into separate well defined groups of instructions to implement the Law as charged.</p> <p>STATUTES omitted but referenced:</p> <p>§ 163-182.9. Filing an election protest.</p> <p>§ 163-182.11. Appeal of a protest decision by the county board to the State Board of</p>	We agree the rule is necessary and	Select One	Select One
State Board of Elections	08 NCAC 02 .0110	Actions of County Board as to Election Protests	Public Comment as defined in G.S. 150B-21.3A(a)(5)	Pamela Riley: Necessary	We agree.	Select One	Select One
State Board of Elections	08 NCAC 02 .0110	Actions of County Board as to Election Protests	Public Comment as defined in G.S. 150B-21.3A(a)(5)	<p>Agnes Puzak: Strike the phrase "by email" from the first sentence.</p> <p>The rule allows election protests to be transmitted by hand delivery, regular mail, fax and email.</p>	<p>Thank you for your suggested revision for later consideration. It does not appear you disagree with the agency's initial determination that the rule is necessary.</p>	Select One	Select One
State Board of Elections	08 NCAC 02 .0110	Actions of County Board as to Election Protests	Other Statement	<p>Jeff James:</p> <p>In a recent election in Iredell County, a person ran in a district where she was not a resident. She pulled an RV to a person's home and claimed "bad divorce" here. When contacting the elections office to inquire what accountability measurements were in place, here is the issue: "We send out a register letter to the address the candidate put on file. If it's not returned, we move forward.</p> <p>Unacceptable in our current world. You must prove that you have lived at this address for at least 180 days to be eligible to run. After the person lost the primary, the RV was relocated, and she returned to her Mooresville apartment. Fast reconciliation. This is what makes our system appear corrupt.</p>	<p>Thank you for taking the time to leave a comment.</p>	Select One	Select One

Agency	Rule	Name	Type of Comment	Comment	Agency Response	RRC Staff Recommendation	RRC Determination [150B-21.3A(c)(2)]
<b>State Board of Elections</b>			Public Comment as defined in G.S. 150B-21.3A(a)(5)	<p>JOAN BROOKS: The Rule is NECESSARY. According to the Administrative Procedures Act, Definition of a Rule, the term Rule does not include a form, the contents or substantive requirements of which are prescribed by rule or Statute. § 150B-2. Definitions (8a) Rule. Further, the contents of said form exceed the inclusions in § 163-182.9. Filing an election protest creating a substantial burden on most citizens of the North Carolina voting public. The additional contents of the Form as presented is NOT cited with the Statute from which the authority was acquired. The Rule requires revision in order to ccomply with the Administrative Procedures Act and to reduce the burden on those required to comply with the Rule.</p> <p>GS 163-182 Definition of PROTEST needs inclusion at the from of the Rule.</p>	We agree the rule is necessary. We will welcome your suggestions for potential revisions for later consideration.	Select One	Select One
	08 NCAC 02 .0111	Election Protest Form					
<b>State Board of Elections</b>	08 NCAC 02 .0111	Election Protest Form	Public Comment as defined in G.S. 150B-21.3A(a)(5)	Pamela Riley: Necessary	We agree.	Select One	Select One

Agency	Rule	Name	Type of Comment	Comment	Agency Response	RRC Staff Recommendation	RRC Determination [150B-21.3A(c)(2)]
<b>State Board of Elections</b>			Public Comment as defined in G.S. 150B-21.3A(a)(5)	JOAN BROOKS: The Rule is NECESSARY. Additional Statutes referenced must be listed. According to the Administrative Procedures Act, Definition of a Rule, the potential revisions term Rule does not include a form, the for later contents or substantive requirements of which are prescribed by rule or Statute. § 150B-2. Definitions (8a) Rule. The Rule requires revision in order to comply with the Administrative Procedures Act and to reduce the burden on those required to comply with the Rule.	We agree the rule is necessary. We will welcome your suggestions for	Select One	Select One
	08 NCAC 02 .0112	Appeal to the State Board of Elections					
<b>State Board of Elections</b>	08 NCAC 02 .0112	Appeal to the State Board of Elections	Public Comment as defined in G.S. 150B-21.3A(a)(5)	Pamela Riley: Necessary	We agree.	Select One	Select One

Agency	Rule	Name	Type of Comment	Comment	Agency Response	RRC Staff Recommendation	RRC Determination [150B-21.3A(c)(2)]
State Board of Elections			Public Comment as defined in G.S. 150B-21.3A(a)(5)	JOAN BROOKS: NECESSARY. The Rule omits the major portions of the Statute referenced. Needs additions of HOW the NCSBE determines a New Election must be held. GS 163-182.13. Eligibility requirements of GS 163-82.6 are to be included in the Rule: Statute needs referenced in the History. The Rule is repetition of the contents of the Statute referenced which may NOT be adopted as a Rule. § 150B-19.(4). The Rule requires revision to give imperative statements in order to provide the procedures required to implement the intent of the Law.	We agree the rule is necessary. We will welcome your suggestions for potential revisions for later consideration.	Select One	Select One
State Board of Elections	08 NCAC 02 .0113	New Elections Ordered by State Board of Elections	Public Comment as defined in G.S. 150B-21.3A(a)(5)	Pamela Riley: Necessary	We agree.	Select One	Select One
State Board of Elections	08 NCAC 02 .0113	New Elections Ordered by State Board of Elections					

Agency	Rule	Name	Type of Comment	Comment	Agency Response	RRC Staff Recommendation	RRC Determination [150B-21.3A(c)(2)]
<b>State Board of Elections</b>			Public Comment as defined in G.S. 150B-21.3A(a)(5)	Jennifer Cocklin, Vance County, NC: Review entire set of rules, particularly Section (b) of this document for proper punctuation and grammar. For example, refer to extra " " in this sentence ...the protest as required under . G.S. 163-182.10.	Thank you for noting a potential need to correct typos in any future revisions.	Select One	Select One
	08 NCAC 02 .0114	DISMISSAL OF IMPROPER PROTEST FILINGS	Public Comment as defined in G.S. 150B-21.3A(a)(5)	JOAN BROOKS: The Rule is NECESSARY. The Statute references are incomplete. with multiple Statutes quoted or repeated within the Rule but not given in the History Note, which is required to confirm the Statutory authority of the Rule in the Law. § 150B-21.2.(c)(3) The Rule is cumbersome and difficult to follow as written, failing to reduce the burden on those required to comply with the Rule. § 150B-19.1.(a)(2) The Rule is not written in a clear and unambiguous manner. § 150B-19.1.(a)(3) The Rule requires reorganization and rewriting in order to reduce the burden on those required to comply with the Rule and likewise the Law. The Rule requires the timelines to be specified in an orderly manner, and the individual processes within the Rule separated and delineated. Declarative statements are NOT statements of Procedure but of Policy, a repetition of the Law. § 150B-19.(4)	We agree the rule is necessary. We will welcome your suggestions for potential revisions for later consideration.	Select One	Select One
<b>State Board of Elections</b>	08 NCAC 02 .0114	DISMISSAL OF IMPROPER PROTEST FILINGS	Public Comment as defined in G.S. 150B-21.3A(a)(5)	Pamela Riley: Necessary	We agree.	Select One	Select One
<b>State Board of Elections</b>	08 NCAC 02 .0114	DISMISSAL OF IMPROPER PROTEST FILINGS	Public Comment as defined in G.S. 150B-21.3A(a)(5)				