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 t	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)]	
	SECTION .0100 -	08 NCAC 02 .0110	ACTIONS OF COUNTY	Temporary Amendment Eff.						
	ELECTION PROTESTS		BOARD AS TO ELECTION PROTESTS	August 8, 2024	Necessary	No		Yes	Necessary	
		08 NCAC 02 .0111	ELECTION PROTEST FORM	Amended Eff. November 1, 2020	Necessary	No		Yes	Necessary	
		08 NCAC 02 .0112	APPEAL TO THE STATE BOARD OF ELECTIONS	Readopted Eff. June 1, 2019	Necessary	No		Yes	Necessary	
		08 NCAC 02 .0113	NEW ELECTIONS ORDERED BY STATE BOARD OF ELECTIONS	Readopted Eff. June 1, 2019	Necessary	No		Yes	Necessary	
		08 NCAC 02 .0114	DISMISSAL OF IMPROPER PROTEST FILINGS	Amended Eff. November 1, 2020	Necessary	No		Yes	Necessary	

Agency	Rule	Name	Type of Comment	Comment	Agency Response	RRC Staff Recommendation	RRC Determination [150B- 21.3A(c)(2)
State			Public Coment as	JOAN BROOKS:	We agree the rule	Select One	Select One
Board of			defined in G.S.		is necessary and		
Elections			150B-21.3A(a)(5)	The Rule is NECESSARY and required for the subsequent Rules within the Election Protests group. 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. The Rule repeats the same language contained in the Statutes in violation of § 150B-19.(4).	potential revisions		
		Actions of County Board		The Rule is not written in a clear unambiguous manner § 150B-19.1.(a)(3). 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). 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. STATUTES omitted but referenced: § 163-182.9. Filing an election protest. § 163-182.11. Appeal of a protest decision by the county board to the			
	08 NCAC 02 .0110	as to Election Protests		State Board of			
State Board of Elections	08 NCAC 02 .0110	Actions of County Board as to Election Protests	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 Coment as defined in G.S. 150B-21.3A(a)(5)	Agnes Puzak: Strike the phrase "by email" from the first sentence. The rule allows election protests to be transmitted by hand delivery, regular mail, fax and email.	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.	Select Offe	Select One
State Board of Elections			Other Statement	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. Unacceptable in our current world. You must prove that you have	Thank you for taking the time to leave a comment.	Select One	Select One
	08 NCAC 02 .0110	Actions of County Board as to Election Protests		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 waht makes our system appear corrupt.			

Agency	Rule	Name	Type of Comment	Comment	Agency Response	Recommendation	21.3A(c)(2)
State			Public Coment as	JOAN BROOKS:	We agree the rule	Select One	Select One
Board of			defined in G.S.	The Rule is NECESSARY.	is necessary. We		
Elections			150B-21.3A(a)(5)	According to the Administrative	will welcome your		
				Procedures Act, Definition of a Rule, the	suggestions for		
				term Rule does not include a form, the	potential revisions		
				contents or substantive requirements	for later		
				of which are prescribed by rule or	consideration.		
				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.			
				with the Nate.			
				GS 163-182 Definition of PROTEST			
				needs inclusion at the from of the Rule.			
	08 NCAC 02 .0111	Election Protest Form					
State			Public Coment as	Pamela Riley: Necessary	We agree.	Select One	Select One
Board of			defined in G.S.	, ,	<u> </u>		
Elections	08 NCAC 02 .0111	Election Protest Form	150B-21.3A(a)(5)				

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Agency	Rule	Name	Type of Comment	Comment	Agency Response	Recommendation	21.3A(c)(2)
State			Public Coment as	JOAN BROOKS:	We agree the rule	Select One	Select One
Board of			defined in G.S.	The Rule is NECESSARY. Additional	is necessary. We		
Elections			150B-21.3A(a)(5)	Statutes referenced must be listed.	will welcome your		
				According to the Administrative	suggestions for		
				Procedures Act, Definition of a Rule, the	potential revisions		
				term Rule does not include a form, the	for later		
				contents or substantive requirements	consideration.		
				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			
		Appeal to the State		burden on those required to comply			
	08 NCAC 02 .0112	Board of Elections		with the Rule.			
State Board of	09 NCAC 02 0112	Appeal to the State Board of Elections	Public Coment as defined in G.S.	Pamela Riley: Necessary	We agree.	Select One	Select One
Elections	08 NCAC 02 .0112	DUATU DI ETECCIONS	150B-21.3A(a)(5)				

RRC Determination [150B-

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Agency	Rule	Name	Type of Comment	Comment	Agency Response	Recommendation	21.3A(c)(2)
State			Public Coment as	JOAN BROOKS:	We agree the rule	Select One	Select One
Board of			defined in G.S.	NECESSARY.	is necessary. We		
lections			150B-21.3A(a)(5)	The Rule omits the major portions of	will welcome your		
				the Statute referenced. Needs additions	suggestions for		
				of HOW the NCSBE determines a New	potential revisions		
				Election must be held. GS 163-182.13.	for later		
				Eligibility requirements of GS 163-82.6	consideration.		
				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			
		New Elections Ordered		implement the intent of the Law.			
		by State Board of		p.cc.it the intent of the 2011			
	08 NCAC 02 .0113	Elections					
tate		New Elections Ordered	Public Coment as	Pamela Riley: Necessary	We agree.	Select One	Select One
oard of		by State Board of	defined in G.S.				
lections	08 NCAC 02 .0113	Elections	150B-21.3A(a)(5)				

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RRC Determination [150B-

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Agency	Rule	Name	Type of Comment	Comment	Agency Response	Recommendation	21.3A(c)(2)
State Board of Elections	08 NCAC 02 .0114	DISMISSAL OF IMPROPER PROTEST FILINGS	Public Coment 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 sentencethe 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
State Board of Elections		DISMISSAL OF IMPROPER PROTEST	Public Coment 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)	suggestions for potential revisions for later consideration.	Select One	Select One
State Board of Elections	08 NCAC 02 .0114 08 NCAC 02 .0114	FILINGS DISMISSAL OF IMPROPER PROTEST FILINGS	Public Coment as defined in G.S. 150B-21.3A(a)(5)	Pamela Riley: Necessary	We agree.	Select One	Select One

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RRC Determination [150B-