

G.S. 150B-21.3A Report for 08 NCAC 03, CHARGES AGAINST COUNTY ELECTION OFFICIALS												
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 - MEMBERS OF COUNTY BOARD OF ELECTIONS	08 NCAC 03 .0101	VOTER COMPLAINTS AGAINST A MEMBER OF A COUNTY 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 03 .0102	CHARGES		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 03 .0103	HEARING		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 03 .0104	RIGHTS		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 03 .0105	SCOPE		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 03 .0106	WITNESSES		Readopted Eff. June 1, 2019	Necessary	No		Yes	Necessary	One or more comments with merit	Necessary and must be readopted	Agency must readopt
SECTION .0200 - PRECINCT ELECTION OFFICIALS	08 NCAC 03 .0201	FILING COMPLAINTS AGAINST A PRECINCT OFFICIAL		Readopted Eff. June 1, 2019	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	08 NCAC 03 .0202	HEARING DATE AND DISPOSITION		Readopted Eff. June 1, 2019	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 03 .0101	Voter Complaints Against a Member of a County Board of Elections	Public Comment as defined in G.S. 150B-21.3A(a)(5)	<p>JOAN BROOKS:</p> <p>NECESSARY. Poorly referenced. Add Statutes describing Rule process. Rule is outdated regarding Statute references and has minimal authority under the Statute in the History Note.</p> <p>The Rule is very weak regarding the ability of a complaint to be issued against a County Board of Elections as written and requires expanding of the Rule in order to comply with the Statutory authority required.</p> <p>References to the Rule that were NOT included in the text of the Rule include: § 163-291. Partisan primaries and elections.; § 163-182. Definitions. (4) "Protest" means a complaint concerning the conduct of an election which, if supported by sufficient evidence, may require remedy by one or more of the following:</p> <ul style="list-style-type: none"> a. A correction in the returns. b. A discretionary recount as provided in G.S. 163-182.7. NC General Statutes - Chapter 163 143 c. A new election as provided in G.S. 163-182.13. (2001-398, s. 3; 2010-96, ss. 19, 35; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).) <p>AND: § 163-182.9. Filing an election protest.</p> <p>(a) Who May File a Protest With County Board. – A protest concerning the conduct of an election may be filed with the county board of elections by any registered voter who was eligible to vote in the election or by any person who was a candidate for nomination or election in the election.</p> <p>The Rule requires expansion and inclusion of multiple statutes to clearly and unambiguously provide a pertinent process for Debbie Dante:</p> <p>Rule OMITS information regarding 0101 (a) 1 and 3 -- add telephone or email contact information to the information needed</p>	We agree the rule is necessary. It is unclear why the election protest procedures would be relevant to this rule, but we will welcome your suggestions for potential revisions for later consideration.	Select One	Select One
State Board of Elections	08 NCAC 03 .0101	Voter Complaints Against a Member of a County Board of Elections	Public Comment as defined in G.S. 150B-21.3A(a)(5)		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 One	Select One
State Board of Elections	08 NCAC 03 .0101	Voter Complaints Against a Member of a County 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 03 .0101	Voter Complaints Against a Member of a County Board of Elections	Public Comment as defined in G.S. 150B-21.3A(a)(5)	Judy Allman: This is necessary even though my complaints against the board were never even looked at by the former executive director or the board members	We agree the rule is necessary.	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 Coment as defined in G.S. 150B-21.3A(a)(5)	JOAN BROOKS: The Rule is Necessary but is poorly referenced. The Statute referenced is NOT inclusive of the content of the Rule and does not give the details nor does the 08 NCAC 03 .0101 referenced Rule. As the referenced Rule is deficient, this Rule is likewise. Rule requires revision, expansion and rewriting to meet the Statutory Requirements issued.	We agree the rule is necessary. Thank you for your suggested revision for later consideration.	Select One	Select One
State Board of Elections	08 NCAC 03 .0102	Charges	Public Coment as defined in G.S. 150B-21.3A(a)(5)	Pamela Riley: Necessary	We agree.	Select One	Select One
	08 NCAC 03 .0102	Charges					

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: The Rules is NECESSARY. Referring back to Rule 08 NCAC 03 .0101, the Rule likewise is poorly referenced. Statute does not give the details included in the Rule nor does the referenced Rule. The Rule requires revision and expansion of the actual requirements of multiple Statutes listed in 08 NCAC 03 .0101 as noted.	We agree the rule is necessary. Thank you for your suggested revision for later consideration.	Select One	Select One
State Board of Elections	08 NCAC 03 .0103	Hearing	Public Comment as defined in G.S. 150B-21.3A(a)(5)	Debbie Dante: Necessary but omissions. Rule does not provide for the accused party to present evidence or witnesses. Rule does not address time limits to schedule hearing.	We agree the rule is necessary. Thank you for your suggested revisions for later consideration.	Select One	Select One
State Board of Elections	08 NCAC 03 .0103	Hearing	Public Comment as defined in G.S. 150B-21.3A(a)(5)	Pamela Riley: Necessary	We agree.	Select One	Select One
	08 NCAC 03 .0103	Hearing					

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)	<p>JOAN BROOKS:</p> <p>The Rule is NECESSARY. Refers back to Rule 08 NCAC 03 .0101 and because of the deficiencies of that Rule this one likewise is deficient and inadequate to comply with the Statutory Requirements of the Law.</p> <p>As the aforementioned Rule, this Rule is poorly referenced. The referenced Statute does not give the complete details of the Rule nor does the referenced Rule.</p> <p>Rule requires updating, revision and rewriting.</p>	<p>We agree the rule is necessary.</p> <p>Thank you for your suggested revision for later consideration.</p>	Select One	Select One
State Board of Elections	08 NCAC 03 .0104	Rights	Other Statement	<p>Ari Rakawitz:</p> <p>I could not find the applicable rules in the NCAC, so I have used the subsection called "Rights" to share my comments. On the Vote by Mail website, options limited to military, overseas, and visually impaired voters should be open to all voters.</p> <p>Also, in the list of facilities, I would recommend listing homeless shelters. The shelter local to me is in a Catch-22 for arranging voter education, registration, and ballot completion assistance events as the responsibility is on the voter to know to request assistance due SBOE and the non-profit organization's guidelines. Providing reminders on the website here and throughout your guidelines of the process differences required of people experiencing homelessness will improve access to voting rights for a vulnerable population.</p> <p>https://votebymail.ncsbe.gov/app/home</p> <p>Regarding ballot options, all contests should include ranked choice voting and vote of no confidence as an option for any candidate contest.</p>	<p>Thank you for your interest in elections and voting procedures.</p>	Select One	Select One
	08 NCAC 03 .0104	Rights					

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: The Rule is NECESSARY. Refers is necessary. back to Rule 08 NCAC 03 .0101 as is deficient as the basis of this Rule group. The Rule is poorly referenced. The referenced Statute does not give the details included in the Rule nor does the referenced Rule. Rule requires revision and rewriting in order to be Necessary. As written, the Rule could easily be considered UNNECESSARY and OBSOLETE.	We agree the rule	Select One	Select One

08 NCAC 03 .0105 Scope

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)	<p>Debbie Dante: Rule IS authorized by State Law 163-22 Powers Duties of State BOE and 163-23 Powers of chair in execution of Board duties.</p> <p>Section(b) of the Rule states that whether a Witness can appear via subpoena, is at the Sole Discretion of the State Chair. GS § 163-23. Powers of chair in execution of Board duties, does not state or infer this power. This Rule needs rewriting as it does not reflect the statutes intent.</p> <p>Debbie Dante: Rule IS authorized by State Law 163-22 Powers Duties of State BOE and 163-23 Powers of chair in execution of Board duties.</p> <p>Section(b) of the Rule states that whether a Witness can appear via subpoena, is at the Sole Discretion of the State Chair. GS § 163-23. Powers of chair in execution of Board duties, does not state or infer this power. This Rule needs rewriting as it does not reflect the statutes intent.</p>	<p>We agree there is statutory authority for the rule. Thank you for your suggested revisions 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

08 NCAC 03 .0106 Witnesses

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)	Debbie Dante: Rule IS authorized by State Law 163-22 Powers Duties of State BOE. 163-22(c) states "The State Board shall have power to remove from office any member of a county board for incompetency, neglect or failure to perform duties, fraud, or for any other satisfactory cause." BUT these are subjective and Rule fails to outline clear examples for discharge. Rule IS NOT written in clear and unambiguous language to reasonably implement or interpret federal or State law	We agree there is statutory authority for the rule. Thank you for your suggested revisions for later consideration. It does not appear you disagree with the agency's initial determination that the rule is necessary.	Select One	Select One

08 NCAC 03 .0202 Hearing Date and Disposition