

G.S. 150B-21.3A Report for 08 NCAC 04, VOTING EQUIPMENT												
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 .0300 – APPROVAL AND OPERATION OF VOTING SYSTEMS	08 NCAC 04 .0301	REQUIREMENTS OF VOTING SYSTEMS	Eff. August 1, 2004	Necessary	Yes If yes, include the citation to the federal law	52 USC 21081	Yes	Necessary	One or more comments with merit	Necessary and must be readopted	Agency must readopt
		08 NCAC 04 .0302	APPROVAL OF VOTING SYSTEMS	Eff. August 1, 2004	Necessary	Yes If yes, include the citation to the federal law	52 USC 21081	Yes	Necessary	One or more comments with merit	Necessary and must be readopted	Agency must readopt
		08 NCAC 04 .0304	OPERATION AND MATTER OF VOTING ON VOTING SYSTEMS	Readopted Eff. June 1, 2019	Necessary	Yes If yes, include the citation to the federal law	52 USC 21081	Yes	Necessary	One or more comments with merit	Necessary and must be readopted	Agency must readopt
		08 NCAC 04 .0305	INSTRUCTION OF PRECINCT OFFICIALS AND VOTERS IN THE USE OF VOTING SYSTEMS	Readopted Eff. June 1, 2019	Necessary	Yes If yes, include the citation to the federal law	52 USC 21081	Yes	Necessary	One or more comments with merit	Necessary and must be readopted	Agency must readopt
		08 NCAC 04 .0306	DUTIES OF CUSTODIANS OF VOTING SYSTEMS	Readopted Eff. June 1, 2019	Necessary	Yes If yes, include the citation to the federal law	52 USC 21081	Yes	Necessary	One or more comments with merit	Necessary and must be readopted	Agency must readopt
		08 NCAC 04 .0307	TESTING OF VOTING SYSTEM BEFORE USE IN AN ELECTION	Readopted Eff. June 1, 2019	Necessary	Yes If yes, include the citation to the federal law	52 USC 21081	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			Public Comment as defined in G.S. 150B-21.3A(a)(5)	Jennifer Cocklin, Vance County, NC: Add (18): Voting equipment shall be air-gapped and shall not be connected to a network, and any feature allowing connection to a network shall be disabled. Prohibited network connections include the Internet, intranet, fax, telephone line, networks established via modem, or any other wired or wireless connection.	Thank you for your suggestion on a future revision. 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 04 .0301	REQUIREMENTS OF VOTING SYSTEMS	Public Comment as defined in G.S. 150B-21.3A(a)(5)	JOAN BROOKS: The RULE is INCOMPLETE with omissions of Federal Standards 52 U.S. Code § 20181 (1)(B)(ii) instructions on correcting a ballot and receiving a replacement ballot. 52 U.S. Code § 20181 (1)(C) The voting system shall ensure that any notification required under this paragraph preserves the privacy of the voter and the confidentiality of the ballot. AUDIT CAPACITY section also omitted 52 USC 20181(a)(2)(B). And ERROR RATES (50) OMITTED in the Rule. The Rule doesn't address US Code 21081 (a)(1)(A)(ii) OR US Code 21081 (a)(1)(B) OR US Code 21081 (a)(3) disabilities OR US Code 21081 (a)(4) alternative language OR US Code 21081 (a)(5) error rates, OR US Code 21081 (a)(6) definition of a vote. Executive Order 14248 indicates ALL Electronic Voting Systems for Federal Elections must comply with VVSG 2.0 Standards for certification. Rule requires revision and updated information and procedures accordingly.	Thank you for your suggestion on a future revision. 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 04 .0301	REQUIREMENTS OF VOTING SYSTEMS	Public Comment as defined in G.S. 150B-21.3A(a)(5)	JOAN BROOKS: The Rule is Necessary. The construction of the Rule does not comply with requirements of GS 150B-2-(8a) because it does not describe the PROCEDURE to be followed, but a POLICY restatement of the Statute that applies. The declarative sentences should be IMPERATIVE sentences (which I incorrectly misstated in prior comments) because that gives a command or an instruction. That complies with the 150B-2(8a) Definition of a Rule. Here is the Rule rewritten in IMPERATIVE SENTENCES giving the procedures required to make the Rule comply with 150B-2(8a): Construct all voting systems used in any election in North Carolina to fulfill the following requirements: (1) Design it to reasonably secure secrecy of the voter in the act of voting. (2) Enable the voter to vote a straight party ticket in a general election. (Which is no longer correct. Obsolete) (3) Require the voter to vote for the candidates for president and vice-president separately from the straight party vote. (4) Provide capacity for listing all nominees of all recognized political parties and other lawful candidates. (5) Permit the voter, except in primary elections, to vote for all the candidates of one party, or in part for the candidates of one or more other parties.	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 04 .0301	REQUIREMENTS OF VOTING SYSTEMS	Public Comment as defined in G.S. 150B-21.3A(a)(5)	Agnes Puzak: Item (6) address over-voting. Add the requirement that the voting system will identify under-voting and give the voter the opportunity to either get the ballot back to reconsider the under-voted ballot or to accept the under-voted ballot as is.	Thank you for your suggestion on a future revision. 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 04 .0301	REQUIREMENTS OF VOTING SYSTEMS	Public Comment as defined in G.S. 150B-21.3A(a)(5)	Agnes Puzak: Item (2) states that the voting system should enable the voter to vote a straight party ticket in a general election. Strike item (2) since N.C. does not allow straight-party voting. Strike item (3).	Thank you for your suggestion on a future revision. Regarding item (2), just to clarify, the rule was adopted when a statute provided for that form of voting. 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 04 .0301	REQUIREMENTS OF VOTING SYSTEMS	Public Comment as defined in G.S. 150B-21.3A(a)(5)	Agnes Puzak: There should be a requirement that the voting system cannot be connected to the internet during the time that system is used for voting.	Thank you for your suggestion on a future revision. It does not appear you disagree with the agency's initial determination that the rule is necessary.	Select One	Select One
		REQUIREMENTS OF VOTING SYSTEMS		There should be a requirement that voting data stored on the voting system is protected from RFID skimming.			

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 BUT INCOMPLETE: 4) Obtain a copy of Independent Testing Authority certification as authorized by National Association of State Elections Directors or Federal Agency; 52 USC 20181 (b) Voting system defined in this section, the term "voting system" means—should be included. The Rule requires updating and modification to comply with technology upgrades and improvements. Also, since this Rule was created, Voting Systems were declared Critical Infrastructure under Federal Law, the Election Assistance Commission VVSG standards have been updated multiple times as has technology. Presidential Executive Order 14248 indicates all electronic voting systems are to be compliant to VVSG 2.) standards for Federal Elections.	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 04 .0302	Approval of Voting Systems	Other Statement	Alexander Coalson: North Carolina needs to ELIMINATE VOTING MACHINES and use HAND COUNTED PAPER BALLOTS.	Thank you for your interest in elections and voting methods.	Select One	Select One
	08 NCAC 04 .0302	Approval of Voting Systems					

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 but incomplete. 52 USC 20181 Revisions needed. The Rule requires restructuring all sentences from the declarative to an imperative in order to comply with GS 150B-2(8a)Rule. The instruction to "check all system trays to be sure they are empty" is required after "...a zero balance." Also, the Zero Tape is to be posted for viewing. The Rule lacks adequate reference to Statutes from which the authority and context of the Rule is acquired. Federal Code USC 21081 revisions are required to the Rule.	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 04 .0304	Operation and Matter of Voting on Voting Systems	Public Comment as defined in G.S. 150B-21.3A(a)(5)	Agnes Puzak: Bullet (a) Add the statement: Observers may photograph the zero tape or other paper document produced by the voting system. Bullet (b) Add the statement: Provisional ballots shall not be introduced into the voting system.	Thank you for your suggestion on a future revision. It does not appear you disagree with the agency's initial determination that the rule is necessary.	Select One	Select One
	08 NCAC 04 .0304	Operation and Matter of Voting on Voting Systems					

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 04 .0305	INSTRUCTION OF PRECINCT OFFICIALS AND VOTERS IN THE USE OF VOTING SYSTEMS	Public Comment as defined in G.S. 150B-21.3A(a)(5)	Jennifer Cocklin, Vance County, NC: Add (18): Add 2 follow-on sentences to Section (a) after this last sentence: The training shall be sufficient such that the precinct officials shall be qualified to instruct the voters on the use of the voting system. Add sentences: The training session shall include a reference document that is regularly reviewed for accuracy and approved by county board of elections director and chair. The reference document shall be provided to attendees of the instructional session.	Thank you for your suggestion. 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 04 .0305	INSTRUCTION OF PRECINCT OFFICIALS AND VOTERS IN THE USE OF VOTING SYSTEMS	Public Comment as defined in G.S. 150B-21.3A(a)(5)	Klandgren3333@protonmail.com: 08 NCAC 04 .0305 (INSTRUCTION OF PRECINCT OFFICIALS AND VOTERS IN THE USE OF VOTING SYSTEMS. NECESSARY Rule IS Necessary but is not based on sound, reasonably available and relevant information as major omissions exist from the Statutes referenced in the Rule v Rule IS NOT written in a clear and unambiguous manner as definitions and procedures needed to clarify the Rule are absent v Rule is reasonably necessary to implement and interpret State law but fails to do so by lacking information regarding the content of instructional processes proposed within the Rule v Rule IS expressly authorized by Federal and State law but lacks compliance with section 301 of the Help America Vote Act of 2002 which is referenced in the Rule WITHOUT any content in the Rule specifying the requirements for compliance v Rule is repetitive of the actual language of the Statutes INSTEAD of clear, orderly, direct instructions required in a Rule describing the processes intended to implement the referenced law v Rule references requirements in the Rule but provides no content of the requirement and gives no reference as to where the information exists v Rule is poorly constructed with minimal actual procedures given that would instruct Precinct Officials or Voters in the use of Voting Systems, the purpose of the Rule not being successfully accomplished. Rule is NOT designed to achieve the regulatory objective in a cost effective or timely manner.	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 04 .0305	INSTRUCTION OF PRECINCT OFFICIALS AND VOTERS IN THE USE OF VOTING SYSTEMS	Public Comment as defined in G.S. 150B-21.3A(a)(5)	Ruth Engram: Rule IS Necessary but is not based on sound, reasonably available and relevant information as major omissions exist from the Statutes referenced in the Rule Rule IS NOT written in a clear and unambiguous manner as definitions and procedures needed to clarify the Rule are absent Rule is reasonably necessary to implement and interpret State law but fails to do so by lacking information regarding the content of instructional processes proposed within the Rule Rule IS expressly authorized by Federal and State law but lacks compliance with section 301 of the Help America Vote Act of 2002 which is referenced in the Rule WITHOUT any content in the Rule specifying the requirements for compliance Rule is repetitive of the actual language of the Statutes INSTEAD of clear, orderly, direct instructions required in a Rule describing the processes intended to implement the referenced law Rule references requirements in the Rule but provides no content of the requirement and gives no reference as to where the information exists Rule is NOT designed to achieve the regulatory objective in a cost effective or timely manner as it currently exists.	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 04 .0305	INSTRUCTION OF PRECINCT OFFICIALS AND VOTERS IN THE USE OF VOTING SYSTEMS	Public Comment as defined in G.S. 150B-21.3A(a)(5)	Glen Engram: v Rule IS Necessary but is not based on sound, reasonably available and relevant information as major omissions exist from the Statutes referenced in the Rule v Rule IS NOT written in a clear and unambiguous manner as definitions and procedures needed to clarify the Rule are absent v Rule is reasonably necessary to implement and interpret State law but fails to do so by lacking information regarding the content of instructional processes proposed within the Rule v Rule IS expressly authorized by Federal and State law but lacks compliance with section 301 of the Help America Vote Act of 2002 which is referenced in the Rule WITHOUT any content in the Rule specifying the requirements for compliance v Rule is repetitive of the actual language of the Statutes INSTEAD of clear, orderly, direct instructions required in a Rule describing the processes intended to implement the referenced law v Rule references requirements in the Rule but provides no content of the requirement and gives no reference as to where the information exists v Rule is poorly constructed with minimal actual procedures given that would instruct Precinct Officials or Voters in the use of Voting Systems, the purpose of the Rule not being successfully accomplished. v Rule is NOT designed to achieve the regulatory objective in a cost effective or timely manner as it currently exists.	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 04 .0305	INSTRUCTION OF PRECINCT OFFICIALS AND VOTERS IN THE USE OF VOTING SYSTEMS	Public Comment as defined in G.S. 150B-21.3A(a)(5)	Deanna Cheatham: The Rule lacks clear structure, begins with Curbside Voting, does not provide task instructions, and merely repeats statutory language, which fails to meet 150B requirements for rulemaking.	It is unclear if you are referring to this specific rule. There is no reference to curbside voting in 08 NCAC 04 .0305.	Select One	Select One
State Board of Elections	08 NCAC 04 .0305	INSTRUCTION OF PRECINCT OFFICIALS AND VOTERS IN THE USE OF VOTING SYSTEMS	Public Comment as defined in G.S. 150B-21.3A(a)(5)	Linda Rebuck: Rule IS Necessary but is not based on sound, reasonably available and relevant information as major omissions exist from the Statutes referenced in the Rule	We agree the rule is necessary. Thank you for your suggested revision for later consideration.	Select One	Select One
	08 NCAC 04 .0305						

State Board of Elections	Public Comment as defined in G.S. 150B-21.3A(a)(5)	<p>doug14brown@gmail.com:</p> <p><input type="checkbox"/> Rule IS Necessary but is not based on sound, reasonably available and relevant information as major omissions exist from the Statutes referenced in the Rule</p> <p><input type="checkbox"/> Rule IS NOT written in a clear and unambiguous manner as definitions and procedures needed to clarify the Rule are absent</p> <p><input type="checkbox"/> Rule is reasonably necessary to implement and interpret State law but fails to do so by lacking information regarding the content of instructional processes proposed within the Rule</p>	We agree the rule is necessary. Thank you for your suggested revision for later consideration.	Select One	Select One
08 NCAC 04 .0305	INSTRUCTION OF PRECINCT OFFICIALS AND VOTERS IN THE USE OF VOTING SYSTEMS	<p>Public Comment as defined in G.S. 150B-21.3A(a)(5)</p> <p>Jane Bilello:</p> <p><input type="checkbox"/> Rule is poorly constructed with minimal actual procedures given that would instruct Precinct Officials or Voters in the use of Voting Systems, the purpose of the Rule not being successfully accomplished.</p> <p><input type="checkbox"/> Rule IS NOT written in a clear and unambiguous manner as definitions and procedures needed to clarify the Rule are absent</p> <p><input type="checkbox"/> Rule is reasonably necessary to implement and interpret State law but fails to do so by lacking information regarding the content of instructional processes proposed within the Rule</p> <p><input type="checkbox"/> Rule IS expressly authorized by Federal and State law but lacks compliance with section 301 of the Help America Vote Act of 2002 which is referenced in the Rule WITHOUT any content in the Rule specifying the requirements for compliance</p> <p><input type="checkbox"/> Rule is repetitive of the actual language of the Statutes INSTEAD of clear, orderly, direct instructions required in a Rule describing the processes intended to implement the referenced law</p> <p><input type="checkbox"/> Rule references requirements in the Rule but provides no content of the requirement and gives no reference as to where the information exists</p> <p><input type="checkbox"/> Rule is poorly constructed with minimal actual procedures given that would instruct Precinct Officials or Voters in the use of Voting Systems, the purpose of the Rule not being successfully accomplished.</p>	We agree the rule is necessary. Thank you for your suggested revision for later consideration.	Select One	Select One
State Board of Elections	INSTRUCTION OF PRECINCT OFFICIALS AND VOTERS IN THE USE OF VOTING SYSTEMS	<p>Public Comment as defined in G.S. 150B-21.3A(a)(5)</p> <p>JANE BROOKS:</p> <p>The Rule is Necessary but is not based on sound, reasonably available and relevant information as major omissions exist from the Statute 163-165.7 referenced in the Rule. Further, the Rule IS expressly authorized by Federal and State law but lacks compliance with section 301 of the Help America Vote Act of 2002, 52 U.S. Code § 21081, which is referenced in the Rule WITHOUT comprehensive content in the Rule specifying the requirements for compliance.</p> <p>The Rule contains references to requirements to implement the Law but fails to give the content of those requirements AND does not give reference as to where the information exists, for example "instructional video" has no indication of the contents or where the contents may be found. The Rule only REPEATS the Statute which is not allowed in Rule-making under the APA 150B. "The training shall be sufficient such that the precinct officials shall be qualified to instruct the voters on the use of the voting system." Is an example of the repetition of Statute without any substantive directives.</p> <p>Troubling on the face is the complete absence of any indication regarding FRAUDULENT use of the Election System. Our Election Processes ARE required to be compliant with Federal Law, including this US Code § 1030(e)(2)(C) which "prohibits unauthorized individuals from accessing a voting system and transmitting or retaining protected information." ALL Rules related to the use of Voting Equipment are obsolete and unnecessary when there is no indication of the legal consequence of improper and illegal use.</p> <p>Further, the "manufacturer's instructions furnished with the voting system" should NOT be the primary instructions provided to the Election Officials and Voters. Financial Interests of vendors should invalidate their input into the instructions and directives except technical instructions as indicated.</p> <p>§ 163-165.7. Voting systems. states the State Board of Elections shall prescribe rules (3) Operation and manner of voting on voting systems.(4) Instruction of precinct officials in the use of voting systems.</p> <p>(5) Instruction of voters in the use of voting systems. It DOES NOT give that authority to the equipment vendor or any other entity.</p> <p>This Rule requires not only revision but major rewriting to give meaningful directives to implement the law of North Carolina and the Federal Government.</p>	We agree the rule is necessary and authorized by statute. Thank you for your suggested revision for later consideration.	Select One	Select One
08 NCAC 04 .0305	INSTRUCTION OF PRECINCT OFFICIALS AND VOTERS IN THE USE OF VOTING SYSTEMS	<p>Public Comment as defined in G.S. 150B-21.3A(a)(5)</p> <p>Karen Raines:</p> <p>The rule is necessary and IS expressly authorized by Federal and State law, however it lacks compliance with section 301 of the Help America Vote Act of 2002, which is referenced in the Rule WITHOUT any content in the Rule specifying the requirements for compliance.</p>	We agree the rule is necessary and authorized by statute. Thank you for your suggested revision for later consideration.	Select One	Select One
State Board of Elections	INSTRUCTION OF PRECINCT OFFICIALS AND VOTERS IN THE USE OF VOTING SYSTEMS	<p>Public Comment as defined in G.S. 150B-21.3A(a)(5)</p> <p>Kenneth Harden:</p> <p><input type="checkbox"/> Rule IS Necessary but is not based on sound, reasonably available and relevant information as major omissions exist from the Statutes referenced in the Rule</p> <p><input type="checkbox"/> Rule IS NOT written in a clear and unambiguous manner as definitions and procedures needed to clarify the Rule are absent</p> <p><input type="checkbox"/> Rule is reasonably necessary to implement and interpret State law but fails to do so by lacking information regarding the content of instructional processes proposed within the Rule</p>	We agree the rule is necessary and authorized by statute. Thank you for your suggested revision for later consideration.	Select One	Select One
08 NCAC 04 .0305	INSTRUCTION OF PRECINCT OFFICIALS AND VOTERS IN THE USE OF VOTING SYSTEMS	<p>Public Comment as defined in G.S. 150B-21.3A(a)(5)</p> <p>Debbie Dante:</p> <p><input type="checkbox"/> Rule IS expressly authorized by Federal and State law but lacks compliance with section 301 of the Help America Vote Act of 2002 which is referenced in the Rule WITHOUT any content in the Rule specifying the requirements for compliance</p> <p><input type="checkbox"/> Rule IS NOT written in a clear and unambiguous manner as definitions and procedures needed to clarify the Rule are absent.</p> <p><input type="checkbox"/> Rule IS expressly authorized by Federal and State law but lacks compliance with section 301 of the Help America Vote Act of 2002 which is referenced in the Rule WITHOUT any content in the Rule specifying the requirements for compliance.</p>	We agree the rule is necessary and authorized by statute. Thank you for your suggested revision for later consideration.	Select One	Select One
08 NCAC 04 .0305	INSTRUCTION OF PRECINCT OFFICIALS AND VOTERS IN THE USE OF VOTING SYSTEMS	<p>Public Comment as defined in G.S. 150B-21.3A(a)(5)</p> <p>Thank you.</p>			

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 04 .0306	Duties of Custodians of Voting Systems	Public Comment as defined in G.S. 150B-21.3A(a)(5)	<p>JOAN BROOKS: The Rule is Necessary. Critical details of who has control, what qualifications, what security measures are in place is required but not cited in the Rule.</p> <p>No reference to HAVA for Federal Compliance which is required in USC 52 Pub. L. 107-252, title, 301 HAVA OCT.29, 2002, effective January 1, 2006.</p> <p>GS 163-23 is WRONG Statute.</p> <p>GS 143B-1376 Statewide security and privacy standards.</p> <p>Periodic review of CIO? Of NCSBE? WHEN? "properly protected and is held in facilities that meet State security standards." (d)For purposes of this subsection, the term "owner" means a State agency having both (i) possession or control of data with the ability to access, create, modify, transfer, or remove data and (ii) authority to assign access privileges to others."</p> <p>§ 163-165.7 Voting systems: powers and duties of State Board</p> <p>(f) (10)With respect to electronic voting systems, procedures to maintain the integrity of both the electronic vote count and the paper ballot. Unable to locate specific Statute.</p> <p>§ 163-166.5. Procedures at voting place before voting begins. (2) Security of official ballots, records, and equipment.</p> <p>163-166.7. Voting procedures.</p> <p>(c)(1) The voting system remains secure throughout the period voting is being conducted.</p> <p>§ 163-166.1. Duties of county board of elections.</p> <p>(2) Ensure that adequate procedures are in place at each voting place for a safe, secure, fair, and honest election.</p> <p>The Rule is materially deficient in critical details regarding the security of Voting Systems as written. Technology and Security standards have changed dramatically but systems that exist at the State level are not referenced at all in this Rule.</p> <p>EO 14248 requires all Electronic Voting Systems meet VVSG 2.0 Standards at a minimum for Federal Elections. The training of Election Officials across the State require current knowledge and technology updates for the security of our Election Processes. The Rule requires major revision and inclusion of information and procedures to implement same.</p>	We agree the rule is necessary. Thank you for your suggested revision for later consideration.	Select One	Select One

Agency	Rule	Name	Type of Comment	Comment	Agency Response	RC Staff Recommendation	RC 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. There are no guidelines or specifics and only minimal reference in Statute § 163-165.7. Voting systems: powers and duties of State Board. (8) Examination and testing of voting systems in a public forum in the county before and after use in an election. Is the only reference in the Statute cited. There is NO reference to HAVA section 301 under which Rule is bound under USC 52 21081 or to the Election Assistance Commission Guidelines for Voting System Testing. The STEPPS manual statement referenced as having the procedures for the testing of the Voting Systems before use does NOT meet the requirement of describing the procedures and practice requirements under 150B-2(8a) and makes the Rule invalid and unnecessary. The procedures are not given in the Rule invalidating the Rule. The processes of 150B APA were not followed in the creation of this Rule.	We agree the rule is necessary. To the extent it appears you contest the original adoption of the rule, the agency disagrees that proper procedures were not followed. To the extent you may be saying that revisions are needed in the text of the rule to comply with current statutory requirements for rules, thank you for your suggested revisions for later consideration.	Select One	Select One
State Board of Elections	08 NCAC 04 .0307	Testing of Voting System Before Use in an Election	Public Comment as defined in G.S. 150B 21.3A(a)(5)	Agnes Puzak: Add (c) Periodic review of Logic and Accuracy Testing procedures and test cases by any interested person shall be performed. The periodicity of this review shall not exceed every two years. The review results shall be considered for inclusion into the STEPPS manual.	Thank you for your suggestion on a future revision. 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 04 .0307	Testing of Voting System Before Use in an Election	Other Statement	Allison Truitt: I've recently read the report by a nonpartisan group, Election Truth alliance. Their recent findings show major security breaches in the 2024 elections. One of which was not doing proper final testing when ballot readers and tabulation machines were changed last minute when there was a shortage of the new models.	Thank you for your interest in elections and the testing of voting systems.	Select One	Select One
		Testing of Voting System Before Use in an Election		https://electiontruthalliance.org/north-carolina-data-analysis-report/			