

G.S. 150B-21.3A Report for 08 NCAC 06, PARTISAN ELECTIONS												
Agency - State Board of Elections												
Comment Period - 8/11/2025 - 10/17/2025												
Date Submitted to APO - December 19, 2025												
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
SUBCHAPTER 06B – BALLOTS		08 NCAC 06B .0103	ARRANGEMENT OF OFFICIAL BALLOTS	Amended Eff. January 1, 2022	Necessary	No		Yes	Necessary	One or more comments with merit	Necessary and must be readopted	Agency must readopt
		08 NCAC 06B .0104	LATE CHANGES IN BALLOTS	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 06B .0105	COUNTING OF OFFICIAL BALLOTS	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 06B .0104	LATE CHANGES IN BALLOTS	Public Comment as defined in G.S. 150B-21.3A(a)(5)	JOAN BROOKS: The Rule is NECESSARY.	We agree the rule is necessary. Thank you for your suggested revision for later consideration.	Select One	Select One
				The Rule contains instruction that is not included in the Statute as written without additional Statute reference. 150B-21.2.(c)(3). Rule sentences are not clear as written and do not specify who is responsible for the tasks, at the beginning of the sentence which would clarify the Rule more effectively. § 150B-19.1.(a)(3) The Rule repeats the contents of the Statute repeating Policy(§ 150B-19.(4)) without giving a procedural statement, the requirement of § 150B 2.(8a) Rule.			

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 06B .0103	Arrangement of Official Ballots	Public Comment as defined in G.S. 150B-21.3A(a)(5)	JOAN BROOKS: NECESSARY. Ballot items should be (c) as separate categories in imperative statements, not restatement of the Statute. § 150B-19.(4) OMISSIONS OF REQUIREMENTS OF NOTE: NEEDS INCLUSION § 163-165.6 (f) No Straight-Party Voting. - Each official ballot shall not contain any place that allows a voter with one mark to vote for the candidates of a party for more than one office § 163-165.6 (g) Write In Voting. - Each official ballot shall be so arranged so that voters may cast write in votes for candidates except where prohibited by G.S. 163-123 or other statutes governing write in votes. Instructions for general election ballots shall clearly advise voters of the rules of this subsection and of the statutes governing write in voting. CODING OMITTED. § 163-165.3. The State Board shall be responsible for oversight of all ballot coding. In order to produce the data necessary for equipment programming, each county shall either contract with a qualified vendor certified by the State Board or be certified by the State Board to produce the data. This is referenced but included in the Rule. Basic structure of the Rule is per legal requirements EXCEPT for the statements to be PROCEDURES of the RULE require IMPERATIVE sentences, not declarative sentences as written. § 150B 1. (8a).	We agree the rule is necessary. Thank you for your suggested revision for later consideration. Specifically in regard to coding requirements, that would likely be the topic for a separate rule.	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	08 NCAC 06B .0105	COUNTING OF OFFICIAL BALLOTS	Public Comment as defined in G.S. 150B-21.3A(a)(5)	Debbie Dante: Rule IS authorized by State Law GS 163-182.1(a) Principles and rules for counting official ballots. & § 163 182.2. Initial counting of official ballots. Rule IS NOT "written in a clear and unambiguous manner." Rule is repetitive and directly quotes Statutes instead of providing an organized and methodical list of instructions with which to accomplish the intent of the Statutes to which the Rule applies.	We agree the rule is authorized by statute. 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
				Stefanie Mendell: For this rule and all the others, I demand that you make it easier for people to vote. It's our fundamental right and too many politicians are trying to take it away by making it harder to vote.	Thank you for your interest in elections and voting opportunities.	Select One	Select One