G.S. 150B-21.3A Report for 08 NCAC 10, BALLOT ROTATION RULES FOR PRIMARY ELECTION BALLOTS

Agency - State Board of Elections

Comment Period - 8/11/2025 - 10/17/2025

Date Submitted to APO - Filled in by RRC staf

| Date Submitted to | APO - Filled in by F | KKC Stall | | | | | | | |
|---|----------------------|-------------------|---|---|--|---|-----------------------------|--|--|
| 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 [1508-21.3A(d1)] | Federal Regulation Citation | Public Comment Received [150B- 21.3A(c)(1)] | Agency Determination Following Public Comment [150B-21.3A(c)(1)] |
| SUBCHAPTER 10B – VOTING, VOTING PLACES AND PRECINCT OFFICIALS' DUTIES AND TASKS | | 08 NCAC 10B .0101 | TASKS AND DUTIES OF PRECINCT OFFICIALS AT VOTING PLACES | Readopted Eff. September 1, 2019 | Necessary | No | | Yes | Necessary |
| | | 08 NCAC 10B .0102 | SETTING UP POLLING PLACE PRIOR TO VOTING | Amended Eff. September 1, 2019 | Necessary | No | | Yes | Necessary |
| | | 08 NCAC 10B .0103 | VOTING PROCEDURES | Readopted Eff. June 1, 2020 | Necessary | Yes If yes, include the citation to the federal law | 52 USC 21082 | Yes | Necessary |
| | | 08 NCAC 10B .0104 | LEAVING THE VOTING ENCLOSURE, SPOILED OR INCOMPLETE BALLOTS | Readopted Eff. September 1, 2019 | Necessary | No | | Yes | Necessary |
| | | 08 NCAC 10B .0105 | PROCEDURES AT THE CLOSE OF VOTING | Readopted Eff. September 1, 2019 | Necessary | No | | Yes | Necessary |
| | | 08 NCAC 10B .0106 | ELECTION SUPPLIES RETURN | Readopted Eff. September 1, 2019 | Necessary | No | | Yes | Necessary |
| | | 08 NCAC 10B .0107 | ASSISTANCE TO VOTERS IN PRIMARIES AND GENERAL ELECTIONS | Readopted Eff. September 1, 2019 | Necessary | No | | Yes | Necessary |
| | | 08 NCAC 10B .0108 | CURBSIDE VOTING | Readopted Eff. October 1, 2018 | Necessary | No | | Yes | Necessary |
| | | 08 NCAC 10B .0109 | VOTING SITE UNIFORMITY | Eff. October 1, 2018 | Necessary | No | | Yes | Necessary |

| RRC Determination [1508 |
|-------------------------|
|-------------------------|

| Agency | Rule | Name | Type of Comment | Comment | Agency Response | RRC Staff Recommendation | 21.3A(c)(2) |
|--------------------------|-------------------|--|--|---|--|--------------------------|-------------|
| itate Board of Elections | 08 NCAC 10B .0101 | TASKS AND DUTIES OF PRECINCT OFFICIALS AT VOTING PLACES | Public Coment as defined in G.S. 150B-21.3A(a)(5) | Jennifer Cocklin, Vance County, NC: Provide greater clarification as to how the buffer zone described in (18) impacts (19), specifically the definition of at the voting place versus in the voting place. Provide greater guidance on how (19) is to be done regarding keeping order while the voting locations are open. | | Select One | Select One |
| tate Board of Elections | 08 NCAC 10B .0101 | TASKS AND DUTIES OF PRECINCT OFFICIALS AT VOTING PLACES | Public Coment as defined in G.S. 1508-21.3A(a)(5) | klandgren3333@protonmail.com: logo2.png DONATE Post All Posts Administrative Code: Comment on Tasks & Duties of Precinct Officials at Voting Places 2 days ago NC Administrative Code: Fixing the Rules Members of the public may comment on the State Board's initial determination that the rules are necessary in any of the following ways through October 17, 2025. References: Administrative Procedures Act OAH RRC Rules Review NCSBE 2025 Plan of Review Administrative Code: Is The Rule Necessary or Unnecessary? This is what happens next. Go to the portal Online: https://www.ncsbe.gov/about-elections/legal-resources/rulemaking/public-comment-portal-2025-periodic-review-existing-rules | We agree there is statutory authority for the rule and that the rule is necessary. Thank you for your suggested revisions for later consideration. To the extent you state that the agency was not authorized to adopt this rule pursuant to NCGS 163-22, we disagree. | Select One | Select One |

| State Board of Electio | ns 08 NCAC 10B .0101 | TASKS AND DUTIES OF PRECINCT | Public Coment as defined in | Ruth Englram: | We agree there is statutory | Select One | Select One |
|------------------------|----------------------|---|---|--|---|------------|------------|
| | | OFFICIALS AT VOTING PLACES | G.S. 150B-21.3A(a)(5) | Rule DOES NOT have a "cumulative effect" "related to the specific purpose for which the rule is proposed." The cumulative effect of the Rule is a poorly researched and structured document that does NOT function as Procedure to carry out the tasks for which the Rule is required. | authority for the rule and that the | | |
| | | | | Rule IS authorized by State Law § 163-166.6. Designation of tasks. | | | |
| | | | | Rule IS NOT authorized by State Law § 163-22. Powers and duties of State Board of Elections EXCEPT by § 163-22 (m) The State | | | |
| | | | | Board shall provide specific training to county boards of elections regarding rules for registering students. Which requirement is NOT included in the Rule. | | | |
| | | | | Rule IS necessary to serve the public interest AND persons who choose to exercise their Civic Duty to participate in the Election Processes of NC | | | |
| | | | | Rule DOES NOT "seek to reduce the burden upon those persons or entities who must comply with the rule" BUT IT SHOULD! | | | |
| | | | | Rule IS repetitive, poorly structured, difficult to follow in sequence, and does not follow a logical order. | | | |
| | | | | Rule IS NOT "written in a clear and unambiguous manner." | | | |
| | | | | Rule is CONFUSING and covers multiple different duties and requirements of Precinct Officials and Election Processes NOT included in the referenced Statute § 163-166.6. Designation of | | | |
| State Board of Electio | ns 08 NCAC 10B .0101 | TASKS AND DUTIES OF PRECINCT OFFICIALS AT VOTING PLACES | Public Coment as defined in G.S. 150B-21.3A(a)(5) | v Rule $\ensuremath{^{\rm IS}}$ authorized by State Law § 163-166.6. Designation of tasks. | We agree there is statutory authority for the rule and that the rule is necessary. Thank you for | Select One | Select One |
| | | | | v Rule IS NOT authorized by State Law § 163-22. Powers and duties of State Board of Elections EXCEPT by § 163-22 (m) The State Board shall provide specific training to county boards of elections regarding rules for registering students. Which | your suggested revisions for later consideration. To the extent you state that the agency was not authorized to adopt this rule pursuant to NCGS 163-22, we disagree. | | |
| | | | | v Rule IS necessary to serve the public interest AND persons who choose to exercise their Civic Duty to participate in the Election Processes of NC | | | |
| | | | | v Rule DOES NOT "seek to reduce the burden upon those persons or entities who must comply with the rule" ${\tt BUTITSHOULD!}$ | | | |
| | | | | v Rule IS repetitive, poorly structured, difficult to follow in sequence, and does not follow a logical order. | | | |
| | | | | v Rule IS NOT "written in a clear and unambiguous manner." | | | |
| | | | | v Rule is CONFUSING and covers multiple different duties and requirements of Precinct Officials and Election Processes NOT | | | |
| | | | | included in the referenced Statute § 163-166.6. Designation of tasks. | | | |

| State Board of Election | s 08 NCAC 10B .0101 | TASKS AND DUTIES OF PRECINCT OFFICIALS AT VOTING PLACES | Public Coment as defined in G.S. 150B-21.3A(a)(5) | Rule IS is permitted by Federal and State law but does not comply | that the rule somehow violates HAVA. It does not appear you disagree with the agency's initial determination that the rule is | Select One | Select One |
|-------------------------|---------------------|--|--|---|--|------------|------------|
| State Board of Election | s 08 NCAC 10B .0101 | TASKS AND DUTIES OF PRECINCT OFFICIALS AT VOTING PLACES | Public Coment as defined in G.S. 150B-21.3A(a)(5) | Linda Rebuck: Rule is CONFUSING and covers multiple different duties and requirements of Precinct Officials and Election Processes NOT included in the referenced Statute § 163-166.6. Designation of tasks. | 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 |
| State Board of Election | s 08 NCAC 10B .0101 | TASKS AND DUTIES OF PRECINCT OFFICIALS AT VOTING PLACES | Public Coment as defined in G.S. 150B-21.3A(a)(5) | shall provide specific training to county boards of elections regarding rules for registering students. Which requirement is NOT included in the Rule. | We agree there is statutory authority for the rule and that the rule is necessary. Thank you for your suggested revisions for later consideration. To the extent you state that the agency was not authorized to adopt this rule pursuant to NCGS 163-22, we disagree. | Select One | Select One |
| | | | | sequence, and does not follow a logical order. Brule covers multiple different duties and requirements of Precinct Officials and Election Processes NOT included in the referenced Statute § 163-166.6. Designation of tasks. Rule is NECESSARY for the stated purpose, but as it is written it is UNNCECESSARY because it DOES NOT achieve the requirements set forth in § 1508-2. Definitions. (8a) Rule "that describes the | | | |
| State Board of Election | s 08 NCAC 10B .0101 | TASKS AND DUTIES OF PRECINCT OFFICIALS AT VOTING PLACES | Public Coment as defined in G.S. 1508-21.3A(a)(5) | procedure or practice requirements of an agency. Rule requires revision due to failure to comply with the specified requirements of a Rule under 150B-19 and 150B-21.9 NOT providing clear instructions, being ambiguous, and containing multiple Jane Bilello: v Rule IS reasonably necessary to implement or interpret federal or State law but fails to provide clear procedures to perform the requirements of the Law. | We agree that the rule is necessary. Thank you for your suggested revisions for later consideration. | Select One | Select One |
| | | | | v Rule includes requirements of MULTIPLE NC State Statutes which are NOT referenced in the primary Rule History. Only two NC General Statutes are referenced in the History Note. There are at least EIGHTEEN Statutes from which parts of this Rule are acquired. | | | |
| State Board of Election | s 08 NCAC 10B .0101 | TASKS AND DUTIES OF PRECINCT OFFICIALS AT VOTING PLACES | Public Coment as defined in G.S. 150B-21.3A(a)(5) | v Rule DOES NOT have a "cumulative effect" "related to the specific purpose for which the rule is proposed." The cumulative effect of the Rule is a poorly researched and structured document that does NOT function as Procedure to carry out the tasks for Jane Bilello: The Rule is necessary but Rule is CONFUSING and covers multiple different duties and requirements of Precinct Officials and Election Processes NOT included in the referenced Statute § 163-166 6 Designation of tasks | We agree that the rule is necessary. Thank you for your suggested revisions for later consideration. | Select One | Select One |

| State Board of Elections | 08 NCAC 10B .0101 | TASKS AND DUTIES OF PRECINCT OFFICIALS AT VOTING PLACES | Public Coment as defined in G.S. 150B-21.3A(a)(5) | The rule is necessary but it IS NOT authorized by State Law § 163- 22. Powers and duties of State Board of Elections EXCEPT by § | We agree that the rule is necessary. To the extent you state that the agency was not authorized to adopt this rule pursuant to NCGS 163-22, we disagree. | Select One | Select One |
|--------------------------|-------------------|--|--|---|---|------------|------------|
| State Board of Elections | 08 NCAC 10B .0101 | TASKS AND DUTIES OF PRECINCT OFFICIALS AT VOTING PLACES | Public Coment as defined in G.S. 150B-21.3A(a)(5) | choose to exercise their Civic Duty to participate in the Election Processes of NC | We agree that the rule is necessary. | Select One | Select One |
| | | | | v Rule DOES NOT "seek to reduce the burden upon those persons or entities who must comply with the rule" BUT IT SHOULD! | | | |
| State Board of Elections | 08 NCAC 10B .0101 | TASKS AND DUTIES OF PRECINCT OFFICIALS AT VOTING PLACES | Public Coment as defined in G.S. 150B-21.3A(a)(5) | regarding rules for registering students. Which requirement is NOT included in the Rule. Rule is CONFUSING and covers multiple different duties and requirements of Precinct Officials and Election Processes NOT | 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. To the extent you state that the agency was not authorized to adopt this rule pursuant to NCGS 163-22, we disagree. | Select One | Select One |
| State Board of Elections | 08 NCAC 10B .0101 | TASKS AND DUTIES OF PRECINCT OFFICIALS AT VOTING PLACES | Public Coment as defined in G.S. 150B-21.3A(a)(5) | JOAN BROOKS: This Rule is determined to be Necessary, but as currently written is UNNECESSARY as it does not meet the objectives required under § | suggested revisions for later consideration. | 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 10B .0102 | SETTING UP POLLING PLACE | Public Coment as defined in | | • / / | Select One | Select One |
| State Board of Electronis | 00 1101.0 100 10102 | PRIOR TO VOTING | G.S. 150B-21.3A(a)(5) | Add the requirement that the Chief Judge should open the | revisions for later consideration. It | | Select one |
| | | | | Emergency Bin on all tabulators to ensure they contain no ballots | ., , | | |
| | | | | at the start of each voting day. | the agency's initial determination | | |
| | | | | | that the rule is necessary. | | |

| RRC Determination [| 150B- |
|---------------------|-------|
|---------------------|-------|

| Agency | Rule | Name | Type of Comment | Comment | Agency Response | RRC Staff Recommendation | 21.3A(c)(2) |
|---------------------------|--------------------|----------------------|---|--|--|--------------------------|-------------|
| State Board of Elections | 08 NCAC 10B .0103 | VOTING PROCEDURES | Public Coment as defined in | Karl Landgren : | We agree there is statutory | Select One | Select One |
| State Board of Electronis | 00 No.10 105 10105 | 70111101110022001120 | G.S. 150B-21.3A(a)(5) | 08 NCAC 10B .0103 VOTING PROCEDURES Necessary (4/10) | authority for the rule and that the rule is necessary. Thank you for | Science one | Select one |
| | | | | Rule is redundant in that it repeats Statutes verbatim instead of | your suggested revisions for later | | |
| | | | | formulating an ordered organized list of procedures and | consideration. | | |
| | | | | instructions for conducting elections in violation of requirements of § 150B-19.(4) Repeats the content of a law, rule, federal | | | |
| | | | | regulation | | | |
| | | | | v Rule IS expressly authorized by Federal and State Law | | | |
| | | | | v Rule is VERY NECESSARY to serve the Public Interest in the | | | |
| | | | | process of conducting legal and accurate Elections in North | | | |
| | | | | Carolina however, the Rule fails the requirements of implementing the Statues as intended | | | |
| | | | | v Rule DOES NOT seek to reduce the burden on those Election | | | |
| | | | | Officials as the Rule is NOT written in clear and unambiguous | | | |
| | | | | manner § 150B-19.1.(a)(2) and § 150B-19.1.(a)(3) | | | |
| | | | | v Rule does NOT provide clear, orderly instructions to carry out | | | |
| | | | | the legal requirements of the Statues applicable to the Ruleas defined in § 1508-2. Definitions (8a) Rule. "describes the | | | |
| | | | | procedure or practice requirements of an agency." | | | |
| | | | | v Rule is NOT cumulatively effective in relation to the specific | | | |
| | | | | purpose for which the Rule is proposed, which are critical | | | |
| | | | | processes in conducting elections at every county, every municipality and every precinct | | | |
| | | | | | | | |
| State Board of Elections | 08 NCAC 10B .0103 | VOTING PROCEDURES | Public Coment as defined in G.S. 150B-21.3A(a)(5) | Ruth Englram: Rule is redundant in that it repeats Statutes verbatim instead of | We agree there is statutory authority for the rule and that the | Select One | Select One |
| | | | 2.0. 2002 22.0. (2)(0) | formulating an ordered organized list of procedures and | rule is necessary. Thank you for | | |
| | | | | instructions for conducting elections in violation of requirements | your suggested revisions for later | | |
| | | | | of § 150B-19.(4) Repeats the content of a law, rule, federal regulation | consideration. | | |
| | | | | Rule IS expressly authorized by Federal and State Law | | | |
| | | | | Rule is VERY NECESSARY to serve the Public Interest in the process | s | | |
| | | | | of conducting legal and accurate Elections in North Carolina | | | |
| | | | | however, the Rule fails the requirements of implementing the Statues as intended | | | |
| | | | | Rule DOES NOT seek to reduce the burden on those Election | | | |
| | | | | Officials as the Rule is NOT written in clear and unambiguous | | | |
| | | | | manner § 150B-19.1.(a)(2) and § 150B-19.1.(a)(3) | | | |
| | | | | Rule does NOT provide clear, orderly instructions to carry out the | | | |
| | | | | legal requirements of the Statues applicable to the Rules defined in § 150B2. Definitions (8a) Rule. "describes the procedure or | | | |
| | | | | practice requirements of an agency." | | | |
| | | | | Rule is NOT cumulatively effective in relation to the specific | | | |
| | | | | purpose for which the Rule is proposed, which are critical | | | |
| | | | | processes in conducting elections at every county, every municipality and every precinct | | | |
| | | | | | | | |
| | | | | Rule is redundant in that it repeats Statutes verbatim instead of formulating an ordered organized list of procedures and | | | |
| | | | | | | | |

| State Board of Elections | 08 NCAC 10B .0103 | VOTING PROCEDURES | Public Coment as defined in G.S. 150B-21.3A(a)(5) | JOAN BROOKS: This Rule is expressly authorized by Federal and State law and is most necessary to serve the public interest to conduct legal and accurate Elections in North Carolina, however the Rule fails the requirements of implementing the Law on multiple points. Statutes are repeated verbatim, as well as other rules referenced, without giving an ordered, organized list of procedures and declarative statements that describe the practice requirements of those Election Officials and Voters participating in election processes as required by §150B-19.(4) and §150B-2. Definitions (8a) Rule. The Rule contains relevant information for the creation of the Rule without the required citation of multiple Statutes that give the Statutory Authority for the establishment of the Rule in violation of § 150B-21.2.(c)(3) and § 150B-19.(1) likewise. Information from multiple Statutes pertinent to the Voting Procedures is omitted from the Rule including Photo Identification § 163-166.16. and Provisional Voting under 52 U.S. Code § 21082 - Provisional voting and voting information requirements. At least SIX Statutes and TWO Rules are relevant in the construction of the Rule with ALL omitted in the Authority History violating § 150B-21.2.(c)(3) A citation to the law The Rule is NOT written in a clear and unambiguous manner, DOES NOT seek to reduce the burden on those Election Officials who are compelled to follow procedures in their official capacity. § 150B-19.1.(a)(2) and § 150B-19.1.(a)(3). Section (d) regarding Provisional Voting does NOT give accurate or complete information from § 163-166.11. Provisional voting requirements but rather is an interpretive statement, NOT a statement of procedure to implement the legal requirements of | 5 | Select One | Select One |
|--------------------------|-------------------|-------------------|--|--|---|------------|------------|
| State Board of Elections | 08 NCAC 10B .0103 | VOTING PROCEDURES | Public Coment as defined in G.S. 150B-21.3A(a)(5) | Linda Rebuck: Rule is redundant in that it repeats Statutes verbatim instead of formulating an ordered organized list of procedures and instructions for conducting elections in violation of requirements of § 1508-19.(4) Repeats the content of a law, rule, federal | 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 |

| State Board of Elections | 08 NCAC 10B .0103 | VOTING PROCEDURES | Public Coment as defined in G.S. 150B-21.3A(a)(5) | = | does not appear you disagree with the agency's initial determination that the rule is necessary, but to | Select One | Select One |
|--------------------------|-------------------|-------------------|--|---|---|------------|------------|
| | | | | ☐ Rule DOES NOT seek to reduce the burden on those Election Officials as the Rule is NOT written in clear and unambiguous manner § 1508-19.1.(a)(2) and § 1508-19.1.(a)(3) | the extent your comment implies that the rule is unnecessary, we disagree. | | |
| | | | | Rule is NOT cumulatively effective in relation to the specific purpose for which the Rule is proposed, which are critical processes in conducting elections at every county, every municipality and every precinct. | | | |
| | | | | ☐ Rule is redundant in that it repeats Statutes verbatim instead of formulating an ordered organized list of procedures and instructions for conducting elections in violation of requirements of § 150B-19.(4) Repeats the content of a law, rule, federal regulation | | | |
| | | | | ☑ Rule is not designed to achieve the regulatory objective in a timely manner as the Rule is repetitive without a clear order of duties and requirements specified within the Rule required by § 150B-19.1.(a)(6) | | | |
| State Board of Elections | 08 NCAC 10B .0103 | VOTING PROCEDURES | Public Coment as defined in G.S. 1508-21.3A(a)(5) | ® Rule is incomplete regarding Federal Statute 52 USC 21082(a) Jane Bilello: Rule is necessary. VRule is not based on relevant information as multiple Statute requirements are included within the Rule WITHOUT any reference to the said Statutes. At least SIX Statutes and TWO Rules are relevant in the construction of the Rule. ALL were omitted in the Authority History violating § 1508-21.2.(c)(3) A citation to the law | We agree that the rule is necessary. Thank you for your suggested revisions for later consideration. | Select One | Select One |
| | | | | v Rule is not designed to achieve the regulatory objective in a timely manner as the Rule is repetitive without a clear order of duties and requirements specified within the Rule required by § $1508-19.1.(a)(6)$ | | | |
| | | | | \boldsymbol{v} Rule omits ANY reference to Voter Identification as part of the Voting Procedure | | | |
| | | | | v Rule repeats the contents of multiple Statues rather than clearly giving an instruction to carry forth the intent of the Statues | | | |
| | | | | v Rule is incomplete regarding Federal Statute 52 USC 21082(a) Provisional Voting | | | |
| | | | | v Rule combines multiple processes that require individual categories of instruction to clearly and unambiguously give procedures to Elections Officials and Precinct Officials for conducting Elections | | | |
| | | | | v Rule is poorly documented regarding the Statutes to which it applies and omits multiple Statues the Rule actually addresses | | | |

| State Board of Elections | 08 NCAC 10B .0103 | VOTING PROCEDURES | Public Coment as defined in G.S. 150B-21.3A(a)(5) | Jane Bilello: Rule is necessary. Rule is redundant in that it repeats Statutes verbatim instead of formulating an ordered organized list of procedures and instructions for conducting elections in violation of requirements of § 1508-19.(4) Repeats the content of a law, rule, federal regulation | We agree that the rule is necessary. Thank you for your suggested revisions for later consideration. | Select One | Select One |
|--------------------------|-------------------|-------------------|--|---|--|------------|------------|
| State Board of Elections | 08 NCAC 10B .0103 | VOTING PROCEDURES | Public Coment as defined in G.S. 1508-21.3A(a)(5) | formulating an ordered organized list of procedures and | We agree there is statutory authority for the rule and that the rule is necessary. Thank you for your suggested revisions for later consideration. | Select One | Select One |
| State Board of Elections | 08 NCAC 10B .0103 | VOTING PROCEDURES | Public Coment as defined in G.S. 150B-21.3A(a)(5) | Karen Raines: Although this rule is VERY NECESSARY to serve the public interest in the process of conducting legal and accurate elections in North | We agree that the rule is necessary. To the extent you contend the rule was adopted in violation of the APA, we disagree. | Select One | Select One |

| State Board of Elections | 08 NCAC 10B .0103 | VOTING PROCEDURES | Public Coment as defined in G.S. 150B-21.3A(a)(5) | Debbie Dante: Rule omits ANY reference to Voter Identification as part of the Voting Procedure. Rule is redundant in that it repeats Statutes verbatim instead of formulating an ordered organized list of procedures and instructions for conducting elections in violation of requirements of § 1508-19.(4) Repeats the content of a law, rule, federal regulation Rule does NOT provide clear, orderly instructions to carry out the legal requirements of the Statues applicable to the Rules defined in § 1508 2. Definitions (8a) Rule. "describes the procedure or practice requirements of an agency." Rule combines multiple processes that require individual categories of instruction to clearly and unambiguously give procedures to Elections Officials and Precinct Officials for conducting Elections Rule is poorly documented regarding the Statutes to which it applies and omits multiple Statues the Rule actually addresses | 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, but to the extent your comment implies that the rule is unnecessary, we disagree. | Select One | Select One |
|--------------------------|-------------------|-------------------|--|---|---|------------|------------|
| State Board of Elections | 08 NCAC 10B .0103 | VOTING PROCEDURES | Public Coment 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 10B .0103 | VOTING PROCEDURES | Public Coment as defined in G.S. 150B-21.3A(a)(5) | Agnes Puzak: Bullet (e) Add the statement that it is the duty of the election official to gather driver's license or social security number or state assigned voter id for individuals lacking both a driver's license and social security number and to update the voter records accordingly. Add the statement that the election official may correct invalid data, such as birth date or full legal name of the voter, if the voter provides proof of the correct data. Add the statement that it is the duty of the election official to request a photo id from the voter, to ensure that the presented photo id is acceptable and approved, and to validate that the voter reasonably resembles the photo id. | | Select One | Select One |

| Agency | Rule | Name | Type of Comment | Comment | Agency Response | RRC Staff Recommendation | 21.3A(c)(2) |
|--------------------------|-------------------|---|--|--|--|--------------------------|-------------|
| State Board of Elections | 08 NCAC 10B .0104 | LEAVING THE VOTING ENCLOSURE, SPOILED OR INCOMPLETE BALLOTS | Public Coment as defined in G.S. 150B-21.3A(a)(5) | JOAN BROOKS: The Rule is NECESSARY. The Rule has appropriately documented Statutes. The Rule structure does NOT comply with the requirements of Rule under GS 150B-2(8a) as declarative sentences, i.e. actual instructions to complete the process of the voter leaving the Voting Enclosure which necessary to implement the Statute. What directives exist are mingled among other separate processes creating confusing and ambiguous statements. The rule requires modification as currently written as it does not clearly achieve the purpose for which it was written. The Rule repeats the Statutes without providing procedures for accomplishing the of the law. GS 150B-19.(4) | We agree that the rule is necessary. Thank you for your suggested revisions for later consideration. | Select One | Select One |
| State Board of Elections | 08 NCAC 10B .0104 | LEAVING THE VOTING ENCLOSURE, SPOILED OR INCOMPLETE BALLOTS | Public Coment as defined in G.S. 150B-21.3A(a)(5) | Pamela Riley: Necessary | We agree. | Select One | Select One |

RRC Determination [150B-

| 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 10B .0105 | PROCEDURES AT THE CLOSE OF VOTING | Public Coment as defined in G.S. 1508-21.3A(a)(5) | JOAN BROOKS: The Rule is Necessary but is poorly referenced as the Statutes in the Authority History are incomplete. The content of the Rule as written is NOT found within the Statutes and additional references are not given within the body of the Rule for clarification. In contradistinction to the requirements of GS 150B-19.(4) the Rule repeats the Statutes referenced verbatim. The Rule is not clear and unambiguous although reasonably necessary to implement State law.GS 150B-19.1(a)(3). With minimal clear procedures provided, the Rule does not reduce the on those required to comply with the Rule. GS150B-19.1(a)(2). Rule requires significant modification and rewriting in order to comply with the | We agree that the rule is necessary. Thank you for your suggested revisions for later s consideration. | Select One | Select One |
| State Board of Elections | 08 NCAC 10B .0105 | PROCEDURES AT THE CLOSE OF VOTING | Public Coment as defined in G.S. 150B-21.3A(a)(5) | requirements of 65 108-2(8a). Agnes Puzak: Add the requirement that the Chief Judge open the Emergency Bin on each tabulator to ensure it is empty. | Thank you for your suggested revisions for later consideration. It does not appear you disagree with the agency's initial determination | Select One | Select One |

that the rule is necessary.

| 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 10B .0106 | ELECTION SUPPLIES RETURN | Public Coment as defined in G.S. 150B-21.3A(a)(5) | JOAN BROOKS: Rule is NECESSARY. The Rule is partially referenced in the History Note but is incomplete as the Rule includes information not found in the Statutes quoted. The Rule merely quotes parts of Statutes giving POLICY but not actual directives of procedures to implement the intent of the Law, which is not allowed in 150B- 19.(4) for the adoption of a Rule. The Rule also is unclear and ambiguous as it provides information not in the Statutes quoted and applies to parts of 163 15A regarding responsibilities of Precinct Officials. The Rule needs modification, clarification and revision to be considered implementing State Law. | | Select One | Select One |
| State Board of Elections | 08 NCAC 10B .0106 | ELECTION SUPPLIES RETURN | Public Coment as defined in G.S. 150B-21.3A(a)(5) | Pamela Riley: Necessary | We agree. | Select One | Select One |

| | Rule | Name | Type of Comment | Comment | Agency Response | RRC Staff Recommendation | 21.3A(c)(2) |
|-----------------------|-------------------|---|--|--|---|--------------------------|-------------|
| te Board of Elections | 08 NCAC 10B .0107 | ASSISTANCE TO VOTERS IN PRIMARIES AND GENERAL ELECTIONS | Public Coment as defined in G.S. 150B-21.3A(a)(5) | klandgren3333@protonmail.com: logo2.png DDNATE Post | | Select One | Select One |
| | | | | All Posts Administrative Code: Comment on Assistance to Voters in Primaries & General Elections 2 days ago NC Administrative Code: Fixing the Rules | contend the rule was adopted in violation of the APA, we disagree. | | |
| | | | | Members of the public may comment on the State Board's initial determination that the rules are necessary in any of the following ways through October 17, 2025. | | | |
| | | | References: | | | | |
| | | | | Administrative Procedures Act | | | |
| | | | | OAH RRC Rules Review NCSBE 2025 Plan of Review | | | |
| | | | | Administrative Code: Is The Rule Necessary or Unnecessary? This is what happens next. | | | |
| | | | | Go to the portal Online: https://www.ncsbe.gov/about-elections/legal- resources/rulemaking/public-comment-portal-2025-periodic-review-existing-rules | | | |
| | | | | Or Email: rulemaking.sboe@ncsbe.gov (Commenter must identify the specific rule being commented on.) | | | |
| | | | | Please comment on these rules. Click the above link link for info on comments. | | | |
| te Board of Elections | 08 NCAC 10B .0107 | ASSISTANCE TO VOTERS IN PRIMARIES AND GENERAL ELECTIONS | Public Coment as defined in G.S. 150B-21.3A(a)(5) | Farh rule suhmission is senarate Ruth Englram: Rule does not contain specific instructions regarding the ability of Precinct Officials to assist an unlimited number of Voters within the Voting Enclosure | | | Select One |
| | | | | Rule IS authorized by NC Statutes but does NOT clearly give procedures for carrying out the intent and directives of the Statutes | | | |
| | | | | Rule is necessary to serve the public interest of those voters who may require assistance to easily and accurately cast their ballots at the voting place and enclosure but does NOT do so in a clear and unambiguous manner | | | |
| | | | | Rule DOES NOT seek to reduce the burden on those Election Officials and Precinct Officials who are charged with assisting voters within the Voting Site or without the Voting Site at Curbside | | | |
| | | | | Rule is repetitive with Statutes directly quoted instead of providing an organized and methodical list of instructions with which to accomplish the intent of the Statutes to which the Rule applies | | | |
| | | | | Rule is not based on relevant information available as given in Statutes to which the Rule is intended to implement | | | |
| | | | | Rule is NOT designed to achieve the regulatory objective of the Statues referenced and does not give a timely list of instructions as is indicated in a procedure to carry out the task at hand | | | |
| | | | | Rule includes parts of Statutes and policies that do not directly pertain to the Rule as titled which makes parts of the Rule UNNECESSARY | | | |
| | | | | Rule OMITS information regarding specific record keeping of the LOG of persons within the Voting Enclosure assisting a voter, creating unsound information and minimizing relevance of the Rule. | | | |

| State Board of Elections | 08 NCAC 10B .0107 | ASSISTANCE TO VOTERS IN PRIMARIES AND GENERAL ELECTIONS | Public Coment as defined in G.S. 150B-21.3A(a)(5) | v Rule IS authorized by NC Statutes but does NOT clearly give procedures for carrying out the intent and directives of the Statutes | We agree there is statutory authority for the rule and that the rule is necessary. Thank you for your suggested revisions for later consideration. | Select One | Select One |
|--------------------------|-------------------|---|--|--|--|------------|------------|
| | | | | v Rule DOES NOT seek to reduce the burden on those Election Officials and Precinct Officials who are charged with assisting voters within the Voting Site or without the Voting Site at Curbside | | | |
| | | | | v Rule is repetitive with Statutes directly quoted instead of providing an organized and methodical list of instructions with which to accomplish the intent of the Statutes to which the Rule applies | | | |
| | | | | ν Rule is not based on relevant information available as given in Statutes to which the Rule is intended to implement | | | |
| | | | | v Rule is NOT designed to achieve the regulatory objective of the Statues referenced and does not give a timely list of instructions as is indicated in a procedure to carry out the task at hand | | | |
| | | | | v Rule includes parts of Statutes and policies that do not directly pertain to the Rule as titled which makes parts of the Rule UNECESSARY | | | |
| | | | | $v \ Rule \ does \ not \ contain \ specific \ instructions \ regarding \ the \ ability \ of \ Precinct \ Officials \ to \ assist \ an \ unlimited \ number \ of \ Voters \ within \ the \ Voting \ Enclosure$ | | | |
| | | | | ν Rule OMITS information regarding specific record keeping of the LOG of persons within the Voting Enclosure assisting a voter, creating unsound information and minimizing relevance of the Rule. | | | |
| State Board of Elections | 08 NCAC 10B .0107 | ASSISTANCE TO VOTERS IN PRIMARIES AND GENERAL ELECTIONS | Public Coment as defined in G.S. 150B-21.3A(a)(5) | Necessary The Rule is disordered in structure, opening with Curbside Voting, without actual instructions for performance of the Tasks as titled, but repeating language of the Statute only, which violates the requirements under 150B in creating a Rule. | We agree that the rule is necessary. Thank you for your suggested revisions for later consideration. To the extent you contend the rule was adopted in violation of the APA, we disagree. | Select One | Select One |
| State Board of Elections | 08 NCAC 10B .0107 | ASSISTANCE TO VOTERS IN PRIMARIES AND GENERAL ELECTIONS | Public Coment as defined in G.S. 150B-21.3A(a)(5) | Rule is necessary to serve the public interest of those voters who may require assistance to easily and accurately cast their ballots at the voting | We agree that the rule is necessary. Thank you for your suggested revisions for later consideration. | Select One | Select One |
| | | | | ☑ Rule DOES NOT seek to reduce the burden on those Election Officials and Precinct Officials who are charged with assisting voters within the Voting Site or without the Voting Site at Curbside | | | |
| | | | | ${\bf B}$ Rule is not based on relevant information available as given in Statutes to which the Rule is intended to implement | | | |
| | | | | $\underline{\mbox{\it B}}$ Rule does not give a timely list of instructions as is indicated in a procedure to carry out the task at hand | | | |
| State Board of Elections | 08 NCAC 10B .0107 | ASSISTANCE TO VOTERS IN PRIMARIES AND GENERAL ELECTIONS | Public Coment as defined in G.S. 150B-21.3A(a)(5) | Rule lacks specific instructions regarding the ability of Precinct Officials to assist an unlimited Jane Bilello: The Rule is necessary. v The Rule IS authorized by NC Statutes but does NOT give clear procedures for carrying out the intent and directives of the referenced Statutes. | We agree there is statutory authority for the rule and that the rule is necessary. Thank you for your suggested revisions for later consideration. To the extent you | Select One | Select One |
| | | | | ν The Rule includes parts of Statutes and policies that do not directly pertain the the Rule as titled, which makes parts of the Rule Unnecessary. | | | |
| | | | | v The Rule also contains information that is NOT contained in the referenced Statute § 163-166.8: specifically the direction of "no limitation" on the number of voters a person can assist within the Voting Enclosure. The term "person" does NOT specify the limitations of the "person" allowed to assist another voter. An unacceptable oversight. Incomplete and incorrect information invalidating the Rule per the 150B APA. | | | |
| | | | | v The Rule OMITS information regarding specific record keeping of the LOG of persons within the Voting Enclosure assisting a voter creating unsound information and minimizing the relevance of | | | |

| State Board of Elections | 08 NCAC 10B .0107 | ASSISTANCE TO VOTERS IN PRIMARIES AND GENERAL ELECTIONS | Public Coment as defined in G.S. 150B-21.3A(a)(5) | | 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, but to the extent you contend the rule was adopted in violation of the APA, we disagree. | Select One | Select One |
|--------------------------|-------------------|---|--|--|--|------------|------------|
| State Board of Elections | 08 NCAC 10B .0107 | ASSISTANCE TO VOTERS IN PRIMARIES AND GENERAL ELECTIONS | Public Coment as defined in G.S. 150B-21.3A(a)(5) | Karen Raines: This rule is necessary, yet it contains information that is NOT contained in the referenced Statute § 163-166.8: specifically the direction of "no limitation" on the number of voters a person can assist within the Voting Enclosure; moreover, that contains an unnacceptable oversight, in that the term "person" does NOT specify the limitations of the "person" allowed to assist another voter. As such, it reflects incomplete and incorrect information invalidating the Rule per the 1508 APA. | suggested revisions for later consideration. To the extent you | Select One | Select One |
| State Board of Elections | 08 NCAC 10B .0107 | ASSISTANCE TO VOTERS IN PRIMARIES AND GENERAL ELECTIONS | Public Coment as defined in G.S. 150B-21.3A(a)(5) | carrying out the intent and directives of the referenced Statutes. v The Rule includes parts of Statutes and policies that do not directly pertain the the Rule as titled, which makes parts of the Rule Unnecessary. | We agree there is statutory authority for the rule and that the rule is necessary. Thank you for your suggested revisions for later consideration. To the extent you contend the rule was adopted in violation of the APA, we disagree. | Select One | Select One |
| | | | | v The Rule also contains information that is NOT contained in the referenced Statute § 163-166.8: specifically the direction of "no limitation" on the number of voters a person can assist within the Voting Enclosure. The term "person" does NOT specify the limitations of the "person" allowed to assist another voter. An unacceptable oversight. Incomplete and incorrect information invalidating the Rule per the 150B APA. | | | |
| | | | | v The Rule OMITS information regarding specific record keeping of the LOG of persons within the Voting Enclosure assisting a voter, creating unsound information and minimizing the relevance of the Rule. | | | |
| | | | | v § 163-166.8. Assistance to voters. (d) Precinct officials shall maintain a log of any individual, other than a minor child under the age of 18 in the care of a voter, who enters the voting place pursuant to this section and is not seeking to vote in that voting place. | | | |
| | | | | ν The Rule is disordered in structure, opening with Curbside Voting, without actual instructions for performance of the Tasks as titled, but repeating language of the Statute only, which violates the requirements under 1508 in creating a Rule. | | | |
| | | | | v Rule IS authorized by NC Statutes but does NOT clearly give procedures for carrying out the intent and directives of the Statutes, and although NECESSARY for the Poll Workers, Precinct | | | |
| State Board of Elections | 08 NCAC 10B .0107 | ASSISTANCE TO VOTERS IN PRIMARIES AND GENERAL | Public Coment as defined in G.S. 150B-21.3A(a)(5) | Officials and Voters to understand the Flection Processes fails to give adequate instructions the Pamela Riley: Necessary | We agree. | Select One | Select One |
| State Board of Elections | 08 NCAC 10B .0107 | ELECTIONS ASSISTANCE TO VOTERS IN PRIMARIES AND GENERAL ELECTIONS | Public Coment as defined in G.S. 1508-21.3A(a)(5) | list of instructions with which to accomplish the intent of the Statutes to which the Rule applies. | We agree there is statutory authority for the rule, but we disagree to the extent you say that the rule is unnecessary. Thank you for your suggested revisions for later consideration. | | Select One |

| State Board of Elections | 08 NCAC 10B .0107 | ASSISTANCE TO VOTERS IN PRIMARIES AND GENERAL ELECTIONS | G.S. 150B-21.3A(a)(5) | which makes parts of the Rule Unnecessary. The Rule also contains information that is NOT contained in the referenced Statute § 163-166.8: | Select One | Select One |
|--------------------------|-------------------|---|--|---|------------|------------|
| State Board of Elections | 08 NCAC 10B .0107 | ASSISTANCE TO VOTERS IN PRIMARIES AND GENERAL ELECTIONS | Public Coment as defined in G.S. 150B-21.3A(a)(5) | Assistance to voters., from which the Rule acquires its authority. Devoid of actual instructions that are necessary to understand the lead and orderly process of Assisting Voters, the Rule requires Agnes Puzak. Add the requirement that any person in the voting enclosure who is there solely to provide assistance to a voter must sign the Non-Voter Log. Any non-voter, other than poll workers and poll observers, in the polling enclosure, such as media personnel, must sign the Non-Voter Log. It is the duty of the election official to request the assistant and other non-voters to sign the log. | | Select One |

| Agency | Rule | Name | Type of Comment | Comment | Agency Response | RRC Staff Recommendation | 21.3A(c)(2) |
|--------------------------|-------------------|-----------------|--|--|--|--------------------------|-------------|
| State Board of Elections | 08 NCAC 10B .0108 | CURBSIDE VOTING | Public Coment as defined in G.S. 1508-21.3A(a)(5) | Karl Landgren: logo2.png DONATE Post All Posts Administrative Code: Comment on Curbside Voting 2 days ago NC Administrative Code: Fixing the Rules Members of the public may comment on the State Board's initial determination that the rules are necessary in any of the following ways through October 17, 2025. References: Administrative Procedures Act OAH RRC Rules Review NCSBE 2025 Plan of Review Administrative Code: Is The Rule Necessary or Unnecessary? This is what happens next. Go to the portal Online: https://www.ncsbe.gov/about-elections/legal-resources/rulemaking/public-comment-portal-2025-periodic-review-existing-rules Or Email: rulemaking.sboe@ncsbe.gov (Commenter must identify the specific rule being commented on.) Please comment on these rules. Click the above link link for info on comments. | Thank you for your suggested revisions for later consideration. It is unclear whether you disagree with the agency's initial determination that the rule is necessary. | Select One | Select One |
| State Board of Elections | 08 NCAC 10B .0108 | CURBSIDE VOTING | Public Coment as defined in G.S. 1508-21.3A(a)(5) | for all such paper ballots to be transported upon closing of the polls by a bi-partisan team to the county board" and include by a bi-partisan team. The Rule is NOT written in a clear and unambiguous manner Rule does not seek to reduce the burden on those persons or entities who must comply with the Rule according to 1508-19.1(a)[2]. For example: The Rule lacks explicit instruction on how many affidavits and ballots may be permitted to be distributed to one car at one time. Rule does not seek to reduce the burden on those persons or entities who must comply with the Rule according to 1508-19.1(a)[2]. For example: The Rule lacks explicit instruction on how many affidavits and ballots may be permitted to be distributed to one car at one time Rule is NOT clear and unambiguous as required by § 1508-19.1.(a)[3]: In section (2), "the voter shall execute the affidavit after being sworn by a precinct election official" Clarification is needed for what "sworn by a precinct election official" entails. Rule does not contain correct Authority History of Statutes applicable to the the Rule as required § 1508-21.2.(c)(3) A citation to the law that gives the agency the authority to adopt the rule. The first line of the Rule misstates statute GS 163A-11400. Rerecodified as Chapters 120C, 138A, and 163, by | Thank you for your suggested revisions for later consideration. It is unclear whether you disagree with the agency's initial determination that the rule is necessary. | Select One | Select One |
| State Board of Elections | 08 NCAC 10B .0108 | CURBSIDE VOTING | Public Coment as defined in G.S. 1508-21.3A(a)(5) | Session Laws 2018146, s. 3.1(a), (b). Rule requires further investigation and MODIFICATION as the procedures are expressly authorized by State law and are necessary to serve the public interest. § 1508-19.1.(a)(1) Linda Rebuck: Rule does not seek to reduce the burden on those persons or entities who must comply with the Rule according to 1508-19.1(a)(2). For example: The Rule lacks explicit instruction on how many affidavits and ballots may be permitted to be distributed to one car at one time. | 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 |

RRC Determination [150B-

| State Board of Elections | 08 NCAC 10B .0108 | CURBSIDE VOTING | Public Coment as defined in G.S. 1508-21.3A(a)(5) | ■ The Rule lacks explicit instruction on how many affidavits and ballots may be permitted to be distributed to one car at one time. Therefore, the Rule does not seek to reduce the burden on those persons or entities who must comply with the Rule according to 1508-19.1(a)(2). | Thank you for your suggested revisions for later consideration. It is unclear whether you disagree with the agency's initial determination that the rule is necessary. | Select One | Select One |
|--------------------------|-------------------|-----------------|--|---|--|------------|------------|
| State Board of Elections | 08 NCAC 10B .0108 | CURBSIDE VOTING | Public Coment as defined in G.S. 150B-21.3A(a)(5) | Rule is necessary. | We agree that the rule is necessary. Thank you for your suggested revisions for later consideration. | Select One | Select One |
| | | | | v Rule requires further investigation and MODIFICATION as the procedures are expressly authorized by State law and are necessary to serve the public interest. § 1508-19.1.(a)(1) v Rule contains a Form of the Affidavit in violation of § 1508-2. Definitions (8a) Rule. Indicating a form does not meet the term Rule. v Rule contains instructions unrelated to Curbside Voting inappropriately confusing the context of the Rule, and as such does not achieve the primary purpose of the Rule, minimizing its relevance. § 1508-19.1.(a)(5) v In section (6), the use of "may" and "shall" are ambiguous. The section should read " shall provide for all such paper ballots to be transported upon closing of the polls by a bi-partisan team to the | | | |
| State Board of Elections | 08 NCAC 10B .0108 | CURBSIDE VOTING | Public Coment as defined in G.S. 150B-21.3A(a)(5) | Jane Bilello: Rule is necessary. Rule does not seek to reduce the burden on those persons or entities who must comply with the Rule | We agree that the rule is necessary. Thank you for your suggested revisions for later consideration. | Select One | Select One |
| State Board of Elections | | CURBSIDE VOTING | Public Coment as defined in G.S. 150B-21.3A(a)(5) | Glen Englram: Rule does not seek to reduce the burden on those persons or entities who must comply with the Rule according to 1508-19.1(a)(2). For example: The Rule lacks explicit instruction on how many affidavits and ballots may be permitted to be distributed to one car at one time. Rule does not seek to reduce the burden on those persons or entities who must comply with the Rule according to 1508-19.1(a)(2). For example: The Rule lacks explicit instruction on how many affidavits and ballots may be permitted to be distributed to one car at one time Rule is NOT clear and unambiguous as required by § 1508-19.1.(a)(3): In section (2), "the voter shall execute the affidavit after being sworn by a precinct election official" Clarification is needed for what "sworn by a precinct election official" entails. Rule does not contain correct Authority History of Statutes applicable to the the Rule as required § 1508-21.2.(c)(3) A citation to the law that gives the agency the authority to adopt the rule. The first line of the Rule misstates statute 6S 163A-11400. Rerecodified as Chapters 120C, 138A, and 163, by Session Laws 2018146, s. 3.1(a), (b). Rule requires further investigation and MODIFICATION as the procedures are expressly authorized by State law and are necessary to serve the public interest. § 1508-19.1.(a)(1) Rule contains a Form of the Affidavit in violation of § 15082. Definitions (8a) Rule. Indicating a form does not meet the term Rule. Rule contains instructions unrelated to Curbside Voting inappropriately confusing the context of the | revisions for later consideration. It is unclear whether you disagree with the agency's initial determination that the rule is necessary. | Select One | Select One |
| State Board of Elections | 08 NCAC 10B .0108 | CURBSIDE VOTING | Public Coment as defined in G.S. 150B-21.3A(a)(5) | Karen Raines: This rule, though necessary, is NOT written in a clear and unambiguous manner. In section (6), the use of "may" and "shall" are ambiguous. The section should read " shall provide for all such paper | We agree that the rule is necessary. Thank you for your suggested revisions for later consideration. | Select One | Select One |

| State Board of Elections | 08 NCAC 10B .0108 | CURBSIDE VOTING | Public Coment as defined in G.S. 1508-21.3A(a)(5) | Rule does not seek to reduce the burden on those persons or entities who must comply with the Rule according to 1508-19.1(a)(2). For example: The Rule lacks explicit instruction on how many affidavits and ballots may be permitted to be distributed to one car at one time. For example: The Rule lacks explicit instruction on how many affidavits and ballots may be permitted to be distributed to one car at one time. Rule acos not contain correct Authority History of Statutes applicable to the Rule as required § 1508-21.2.(c)(3) A citation to the law that gives the agency the authority to adopt the rule. The first line of the Rule misstates statute GS 163A-11400. Re recodified as Chapters 120C, 138A, and 163, by Session Laws 2018 146, s. 3.1(a), (b). Rule contains a Form of the Affidavit in violation of § 1508 2. Rule contains instructions unrelated to Curbside Voting inappropriately confusing the context of the Rule, and as such does not achieve the primary purpose of the Rule, minimizing its relevance. § 1508-19.1.(a)(5). In section (6), the use of "may" and "shall" are ambiguous. The section should read " shall provide for all such paper ballots to be transported upon closing of the polls by a bi-partisan team to the | Thank you for your suggested revisions for later consideration. It is unclear whether you disagree with the agency's initial determination that the rule is necessary. | Select One | Select One |
|--------------------------|-------------------|-----------------|--|---|--|------------|------------|
| State Board of Elections | 08 NCAC 10B .0108 | CURBSIDE VOTING | Public Coment as defined in G.S. 150B-21.3A(a)(5) | county hoard. " and include hy a hi-nartisan team. The Rule is NOT written in a clear and Kenneth Harden: The rule is necessary. Rule does not seek to reduce the burden on those persons or entities who must comply with the Rule according to 1508-19.1(a)(2). For example: The Rule lacks explicit instruction on how many affidavits | We agree that the rule is necessary. Thank you for your suggested revisions for later consideration. | Select One | Select One |
| State Board of Elections | 08 NCAC 10B .0108 | CURBSIDE VOTING | Public Coment as defined in | and hallots may be permitted to be distributed to one car at one time Pamela Riley: Necessary | We agree. | Select One | Select One |
| State Board of Elections | 08 NCAC 10B .0108 | CURBSIDE VOTING | G.S. 150B-21.3A(a)(5) Other Statement | Anne Matolka: As a poll observer, I didn't see anyone turned away from curbside, both passenger and driver voted. | Thank you for your interest in elections and curbside voting. | Select One | Select One |
| State Board of Elections | 08 NCAC 10B .0108 | CURBSIDE VOTING | Public Coment as defined in G.S. 1508-21.3A(a)(5) | JOAN BROOKS: This Rule lacks explicit instruction on how many affidavits and ballots may be permitted to be distributed to one car at one time. This creates confusion and an undue burden on those Precinct Officials who must comply with the Rule which is in conflict with 150B-19.1(a)(2). The Rule is NOT clear and unambiguous as required by § 150B-19.1(a)(3) e.g., relating to a sworn affidavit of the Voter by a precinct election official without specifying the procedure for same. The Rule does not contain correct Authority History of Statutes applicable to the Rule as required by § 150B-21.2.(c)(3) which requires a citation to the law giving the agency the authority to adopt the Rule. The opening sentence of the Rule references a Statute that has been Re-codified. NO current statutes that apply to the Rule are documented. This alone makes the Rule OBSOLETE. The Rule contains a Form of the Affidavit in violation of § 150B-2. Definitions (8a) Rule. Indicating a form does not meet the definition of the term "Rule." The Rule contains topics that are not related to Curbside Voting, making the Rule irrelevant and confusing the primary purpose of the Rule. § 150B-19.1.(a)(5). The Curbside Voting Rule Is definitely a Necessary Rule, but is poorly constructed, does not contain explicit instructions or an orderly list of procedures that is required for the Precinct Officials, and the Voters, to legally, accurately and timely conduct the election process. | We agree that the rule is necessary. Thank you for your suggested revisions for later consideration. To the extent you contend the rule is obsolete, we disagree. | Select One | Select One |
| State Board of Elections | 08 NCAC 10B .0108 | CURBSIDE VOTING | Public Coment as defined in G.S. 1508-21.3A(a)(5) | Agnes Puzak: Clarify whether curbside voting must be 1-1-1 (one poll worker to one voter with one ballot) or 1-N-N (one poll worker to multiple voters with multiple ballots- one for each voter) is allowable. If 1-N-N is allowable, identify restrictions, such as all voters in the vehicle must be voting the same ballot. Clarify whether the vehicle driver, who is not requesting curb-side voting, can remain in the vehicle or should they leave the vehicle while the voter has his/her ballot. | 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 |

| Agency | Rule | Name | Type of Comment | Comment | Agency Response | RRC Staff Recommendation | 21.3A(c)(2) |
|--------------------------|-------------------|------------------------|--|---|---|--------------------------|-------------|
| State Board of Elections | 08 NCAC 10B .0109 | VOTING SITE UNIFORMITY | Public Coment as defined in G.S. 150B-21.3A(a)(5) | Ruth Engiram: Rule is NECESSARY for the stated purpose. | We agree that there is statutory authority for the rule and that the | Select One | Select One |
| | | | | Rule IS NOT authorized by State Law G.S. 163A-741; 163A-1137; 163A-1168 and no current statutes are cited as authority for this Rule. | rule is necessary. Thank you for your suggested revisions for later consideration. To the extent you | | |
| | | | | Rule IS authorized by State Law § 163-22. Powers and duties of State Board of Elections § 163-22 grants NCSBE rulemaking authority for election administration. | state that the rule is without statutory authority because it contains citations to Chapter 163A instead of the corresponding | | |
| | | | | Rule IS necessary to serve the public interest by having set standards for site uniformity. | statutes in Chapter 163, we disagree. | | |
| | | | | Rule DOES NOT "seek to reduce the burden upon those persons or entities who must comply with the rule" $$ | | | |
| | | | | Rule IS NOT repetitive and follows a logical order. | | | |
| | | | | Rule IS "written in a clear and unambiguous manner." | | | |
| | | | | Rule covers multiple different duties and set-up requirements of Precinct Officials and Election Processes NOT included in the un-referenced Statutes. Rule cites all three (3) Statutes in History Note have been Re-recodified and no current statute cited as authority other than § 163-22. | | | |
| | | | | Rule IS reasonably necessary to implement or interpret State law. | | | |
| | | | | Rule DOES have a "cumulative effect" "related to the specific purpose for which the rule is proposed." | | | |
| State Board of Elections | 08 NCAC 10B .0109 | VOTING SITE UNIFORMITY | Public Coment as defined in G.S. 150B-21.3A(a)(5) | Buila is intended to avoide specific operational guidelines not detailed in the Glen Englram: v Rule IS NOT authorized by State Law G.S. 163A-741; 163A-1137; 163A-1168 and no current statutes are cited as authority for this Rule. | We agree that there is statutory authority for the rule and that the rule is necessary. Thank you for your suggested revisions for later | Select One | Select One |
| | | | | v Rule IS authorized by State Law § 163-22. Powers and duties of State Board of Elections § 163-22 grants NCSBE rulemaking authority for election administration. | consideration. To the extent you state that the rule is without statutory authority because it | | |
| | | | | \boldsymbol{v} Rule IS necessary to serve the public interest by having set standards for site uniformity. | contains citations to Chapter 163A instead of the corresponding statutes in Chapter 163, we | | |
| | | | | v Rule DOES NOT "seek to reduce the burden upon those persons or entities who must comply with the rule" | disagree. | | |
| | | | | v Rule IS NOT repetitive and follows a logical order. | | | |
| | | | | v Rule IS "written in a clear and unambiguous manner." | | | |
| | | | | v Rule covers multiple different duties and set-up requirements of Precinct Officials and Election Processes NOT included in the un-referenced Statutes. Rule cites all three (3) statutes in History Note have been Re-recodified and no current statute cited as authority other than § 163-22. | | | |
| | | | | v Rule IS reasonably necessary to implement or interpret State law. | | | |
| | | | | v Rule DOES have a "cumulative effect" "related to the specific purpose for which the rule is proposed." $ \frac{1}{2} \left(\frac{1}{2} \right) = \frac{1}{2} \left(\frac{1}{2} \right) \left($ | | | |
| | | | | v Rule is NECESSARY for the stated purpose. | | | |
| | | | | v Bula is intended to provide specific exerctional guidelines not detailed in the | | | |

RRC Determination [150B-

| State Board of Elections | 08 NCAC 10B .0109 | VOTING SITE UNIFORMITY | Public Coment as defined in G.S. 150B-21.3A(a)(5) | * Rule IS NOT authorized by State Law G.S. 163A-741; 163A-1137; 163A-1168 and no current statutes are cited as authority for this Rule. Brule IS authorized by State Law § 163-22. Powers and duties of State Board of Elections § 163-22 grants NCSBE rulemaking authority for election administration. Brule repeats voting procedures outlined in § 163166.7 Voting procedures. | authority for the rule but to the extent you state that the rule is without statutory authority because it contains citations to Chapter 163A instead of the corresponding statutes in Chapter 163, we disagree. It is unclear whether you disagree with the agency's initial determination that | Select One | Select One |
|--------------------------|-------------------|------------------------|--|--|--|------------|------------|
| State Board of Elections | 08 NCAC 10B .0109 | VOTING SITE UNIFORMITY | Public Coment as defined in G.S. 150B-21.3A(a)(5) | Linda Rebuck: Rule DOES have a "cumulative effect" "related to the specific purpose for which the | the rule is necessary. We agree that the rule is necessary. Thank you for your suggested revisions for later consideration. | Select One | Select One |
| State Board of Elections | 08 NCAC 10B .0109 | VOTING SITE UNIFORMITY | G.S. 150B-21.3A(a)(5) | Rule is necessary. v Rule IS authorized by State Law § 163-22. Powers and duties of State Board of | We agree there is statutory authority for the rule and that the rule is necessary. Thank you for your suggested revisions for later consideration. | Select One | Select One |
| State Board of Elections | 08 NCAC 10B .0109 | VOTING SITE UNIFORMITY | G.S. 150B-21.3A(a)(5) | Rule covers multiple different duties and set-up requirements of Precinct Officials and Election Processes NOT included in the un-referenced Statutes. Rule cites all three (3) statutes in History Note have been Re-recodified and no current statute cited as authority other than § 163-22. | Thank you for noting that the authority for this rule has since been recodified from Chapter 163A to Chapter 163. It is unclear whether you disagree with the agency's initial determination that the rule is necessary. | Select One | Select One |
| State Board of Elections | 08 NCAC 10B .0109 | VOTING SITE UNIFORMITY | Public Coment as defined in G.S. 150B-21.3A(a)(5) | Rule covers multiple different duties and set-up requirements of Precinct Officials and Election Processes NOT included in the un-referenced Statutes. Rule cites all three (3) statutes in History Note have been Re-recodified and no current statute cited as authority other than § 163-22. | Thank you for noting that the authority for this rule has since been recodified from Chapter 163A to Chapter 163. It is unclear whether you disagree with the agency's initial determination that the rule is necessary. | Select One | Select One |

| State Board of Elections | 08 NCAC 10B .0109 | VOTING SITE UNIFORMITY | Public Coment as defined in G.S. 1508-21.3A(a)(5) | | Thank you for noting that the authority for this rule has since been recodified from Chapter 163A to Chapter 163. To the extent you state this means the rule is not an authorized rule, we disagree. It is unclear whether you disagree with the agency's initial determination that the rule is necessary. | Select One | Select One |
|--------------------------|-------------------|------------------------|--|---|--|------------|------------|
| State Board of Elections | 08 NCAC 10B .0109 | VOTING SITE UNIFORMITY | Public Coment as defined in G.S. 1508-21.3A(a)(5) | Suzanne Tzareff: Rule covers multiple different duties and set-up requirements of Precinct Officials and Election Processes NOT included in the un-referenced Statutes. Rule cites all three (3) statutes in History Note have been Re-recodified and no current statute cited as authority other than § 163-22. | Thank you for noting that the authority for this rule has since been recodified from Chapter 163A to Chapter 163. It is unclear whether you disagree with the agency's initial determination that the rule is necessary. | Select One | Select One |
| State Board of Elections | 08 NCAC 10B .0109 | VOTING SITE UNIFORMITY | Public Coment as defined in G.S. 1508-21.3A(a)(5) | While being necessary in order to serve the public interest by having set standards for site uniformity, it is nevertheless incomplete and poorly cited in that the rule IS | We agree the rule is necessary. Thank you for noting that the authority for this rule has since been recodified from Chapter 163A to Chapter 163. To the extent you state this means the rule is not an authorized rule because of those citations, we | Select One | Select One |
| State Board of Elections | 08 NCAC 10B .0109 | VOTING SITE UNIFORMITY | Public Coment as defined in G.S. 1508-21.3A(a)(5) | JOAN BROOKS: This Rule is Necessary but is INCOMPLETE and Poorly Cited, in addition to be structured in an improper way that violates the basic term "RULE" and the requirements under § 1508-2. stating a RULE describes the procedure or practice requirements of an agency. The entire Rule could be considered OBSOLETE as there are NO accurate Statute references as required in the basic requirements for the creation of a Rule described in § 1508-21.2.(c)(3) that give the NCSBE the authority to adopt the Rule. ALL Statute references listed have been re-codified. Rule 1S required by NC § 163-166.7. Voting procedures. and multiple other Statutes not referenced. Multiple Statutes cross the information required in this Rule. Because of its poor construction, the Rule could easily be considered Unnecessary. Rule does NOT seek to reduce the burden on those required to comply with the Rule due to the poorly structured instructions and lack of clear procedures within the Rule. Voting Site Uniformity contains mixed POLICY statements and repetition of Statutes, both which are disallowed under § 1508-19.(4). With the omission of applicable Statutes, the Rule has no designated authority under § 1508-21.2.(c)(3). As written the Rule does not achieve purpose in cost-effective and timely manner. | We agree that the rule is necessary. Thank you for your suggested revisions for later consideration. To the extent you contend the rule is obsolete, was not adopted in conformity with the APA, or somehow is without statutory authority, we disagree. | Select One | Select One |
| State Board of Elections | 08 NCAC 10B .0109 | VOTING SITE UNIFORMITY | Public Coment as defined in G.S. 150B-21.3A(a)(5) | Kenneth Harden: Rule IS expressly authorized by Federal and State Law v Rule is VERY NECESSARY to serve the Public Interest in the process of conducting legal and accurate Elections in North Carolina however, the Rule fails the | We agree there is statutory authority for the rule and that the rule is necessary. Thank you for your suggested revisions for later consideration. | Select One | Select One |
| State Board of Elections | 08 NCAC 10B .0109 | VOTING SITE UNIFORMITY | Public Coment 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 10B .0109 | VOTING SITE UNIFORMITY | G.S. 150B-21.3A(a)(5) | 08 NCAC 10B .0109 VOTING SITE UNIFORMITY | necessary. Thank you for your | Select One | Select One |
|--------------------------|-------------------|------------------------|--|---|--|------------|------------|
| | | | | Rule IS necessary to serve the public interest by having set standards for site uniformity. | suggested revisions for later consideration. | | |
| | | | | v Rule DOES NOT "seek to reduce the burden upon those persons or entities who must comply with the rule" $ \frac{1}{2} \left(\frac{1}{2} \right) = \frac{1}{2} \left(\frac{1}{2} \right) \left($ | | | |
| | | | | v Rule IS NOT repetitive and follows a logical order. | | | |
| | | | | v Rule IS "written in a clear and unambiguous manner." | | | |
| | | | | v Rule covers multiple different duties and set-up requirements of Precinct Officials and Election Processes NOT included in the un-referenced Statutes. Rule cites all three (3) statutes in History Note have been Re-recodified and no current statute cited as authority other than § 163-22. | | | |
| | | | | ν Rule IS reasonably necessary to implement or interpret State law. | | | |
| | | | | v Rule DOES have a "cumulative effect" "related to the specific purpose for which the rule is proposed." | | | |
| | | | | v Rule is intended to provide specific operational guidelines not detailed in the | | | |
| State Board of Elections | 08 NCAC 10B .0109 | VOTING SITE UNIFORMITY | Public Coment as defined in G.S. 150B-21.3A(a)(5) | statutes. Debbie Dante: Rule IS NOT authorized by State Law G.S. 163A-741; 163A-1137; 163A-1168 and no current statutes are cited as authority for this Rule. Rule covers multiple different duties and set-up requirements of Precinct Officials and Election Processes NOT included in the un-referenced Statutes. Rule cites all three (3) statutes in History Note have been Re-recodified and no current statute cited as authority other than § 163-22. Rule is intended to provide specific operational guidelines not detailed in the statutes, which it fails to do. Rule repeats voting procedures outlined in § 163 166.7 Voting procedures. | Thank you for noting that the authority for this rule has since been recodified from Chapter 163A to Chapter 163. To the extent you state this means the rule is not an authorized rule, we disagree. It is unclear whether you disagree with the agency's initial determination that the rule is necessary. | Select One | Select One |
| State Board of Elections | 08 NCAC 10B .0109 | VOTING SITE UNIFORMITY | Public Coment as defined in G.S. 150B-21.3A(a)(5) | Agnes Puzak: Add the requirement that the election official should update missing driver's license, social security number or state-assigned voter id if that information is missing from the voter's record. Add the requirement that the election official should correct invalid data, such as voter's birth date, if proof of correct data is supplied by the voter. | 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 |
| | | | | Bullet (d) mentions "the precinct official ". For consistency in terminology with the | | | |

We agree that the rule is

Select One

Select One

Public Coment as defined in Kenneth Harden:

State Board of Elections 08 NCAC 10B .0109 VOTING SITE UNIFORMITY