

Burgos, Alexander N

From: Peaslee, William W
Sent: Monday, August 22, 2022 4:46 PM
To: Cox, Paul
Cc: Burgos, Alexander N; Love, Katelyn; Wakely, Lindsey
Subject: RE: 08 NCAC 10B .0101

Thank you for your email.

Notwithstanding the permissive language of G.S. 150B-21.8(c) concerning permanent rules, G.S. 150B-21.1 states when an agency adopts a temporary rule, the rule, not the amendment, is subject to review.

As always if you have any questions or concerns please do not hesitate to contact me.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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From: Cox, Paul <paul.cox@ncsbe.gov>
Sent: Monday, August 22, 2022 4:10 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Love, Katelyn <Katelyn.Love@ncsbe.gov>; Wakely, Lindsey <Lindsey.Wakely@ncsbe.gov>
Subject: RE: 08 NCAC 10B .0101

Thank you, William. We are looking at these now and appreciate your prompt feedback.

Could we get one clarification? Some of the suggested revisions/concerns address parts of the permanent rules that the State Board of Elections has not proposed for temporary amendment. We had the understanding that Commission review of temporary amendments was limited in scope to the amendments, and not the entirety of the permanent rule, under G.S. 150B-21.8(c). Is the Commission's interpretation different? This has implications, as well, for an agency's authority to make changes to parts of the permanent rule that had not been proposed for temporary amendment, in this interim post-submission period.

Thank you for this clarification.

Best,

Paul Cox | Associate General Counsel

NORTH CAROLINA STATE BOARD OF ELECTIONS
430 N SALISBURY STREET
RALEIGH, NC 27611
919.814.0700
www.ncsbe.gov

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Monday, August 22, 2022 3:58 PM
To: Cox, Paul <paul.cox@ncsbe.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: 08 NCAC 10B .0101

Good afternoon, Mr. Cox,

I'm the attorney who reviewed the Rule submitted by the State Board of Elections for the August 2022 Special RRC meeting. The RRC will formally review this Rule at its meeting on Thursday, August 25, 2022, at 10:30 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an invite should be sent to you as we get closer to the meeting. If there are any other representatives from your agency who will want to attend virtually, let me know prior to the meeting, and we will get invites out to them as well.

Please submit the revised Rule and forms to me via email, no later than 5:00 p.m. on August 23, 2022.

In the meantime, please let me know if you have any questions or concerns.

William W. Peaslee
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(984) 236-1939
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Burgos, Alexander N

Subject: FW: 08 NCAC 20 .0101
Attachments: 08.2022 Spec Meeting Request for Changes BOE Rule .0101.docx

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Monday, August 22, 2022 1:11 PM
To: Cox, Paul <paul.cox@ncsbe.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: 08 NCAC 20 .0101

Good afternoon,

Attached please find a revised version of the Request for Changes. Please note that the only revision was the addition of the date the Request was sent to the agency. It was previously missing.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
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Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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From: Peaslee, William W
Sent: Monday, August 22, 2022 11:11 AM
To: Cox, Paul <paul.cox@ncsbe.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: 08 NCAC 20 .0101

Good afternoon, Mr. Cox,

I'm the attorney who reviewed the Rule submitted by the State Board of Elections for the August 2022 Special RRC meeting. The RRC will formally review this Rule at its meeting on Thursday, August 25, 2022, at 10:30 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get closer to the meeting. If there are any other representatives from your agency who will want to attend virtually, let me know prior to the meeting, and we will get invites out to them as well.

Please submit the revised Rule and forms to me via email, no later than 12:00 p.m. on August 23, 2022.

In the meantime, please let me know if you have any questions or concerns.

William W. Peaslee

Rules Review Commission Counsel / Legislative Liaison

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