DATE SIGNED: 8-18-2026

N.C. Rules Review Commission
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh, NC 27609

NC OAH - FILED
AUG 28 2026 AM 11:37

Re: Written Objection and Request for Legislative Review under G.S. 150B-21.3(b2)

Members of the Commission:

I object to each permanent rule identified below, as adopted by the North Carolina State Board of Elections. Pursuant to G.S. 150B-21.3(b2), I submit this written objection and clearly request review by the legislature of each listed rule, with any resulting effective-date delay governed by G.S. 150B-21.3(b1).

Absentee Voting	08 NCAC 18 .0201; 08 NCAC 18 .0501; 08 NCAC 18 .0502; 08 NCAC 18 .0503; 08 NCAC 18 .0504; 08 NCAC 18 .0505
Voting Sites	08 NCAC 10C .0101; 08 NCAC 10C .0102; 08 NCAC 10C .0103; 08 NCAC 10C .0104
Photo ID	08 NCAC 17 .0101; 08 NCAC 17 .0109

This objection applies separately to every rule citation listed above and is intended to be counted as my written objection to each listed rule for purposes of G.S. 150B-21.3(b2).

Thank you for your consideration.

PRINTED NAME: MARY LOU BASS

SIGNATURE: Mary Lou Bass

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Road
Raleigh, NC 27609

Re: **Objection** to and Request for Legislative Review of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

Dear Commissioners:

I want formally request that the above-captioned rules be reviewed in the next legislative session of the NC General Assembly as set out in N.C.G.S. Sec. 150B-21.3. I also request that the implementation of the rules listed above be delayed as set out in this same Section. It is my opinion as a long time NC resident and voter that theses rules make it more onerous for our citizens to vote.

I have attended many Gaston Board of Elections meetings here in Gaston County and many absentee and other vote counts by our BOE. I feel certain none of our Gaston County Board of Elections Members wished for these changes. They have been able to aid our citizens in voting even in the difficult covid period. I object to these rules because of the undue burden they will impose on all citizens but especially upon the poor, infirm and elderly. I believe the General Assembly can study these rule changes more fully and carefully than in the time allowed to your Rules Commission.

Rachel Pickard

Rachel Pickard
1116 S. South Street
Gastonia, Gaston County, NC 28052
704-813-3068

Fair Elections Center

Fair Elections Center
1629 K St. NW | Suite 300
Washington, DC | 20006
(202) 331-0114
www.fairelectionscenter.org

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 17.0101; 08 NCAC 17.0109

Members of the Commission:

On behalf of the Fair Elections Center, I'm writing pursuant to N.C.G.S. § 150B-21.3 to object to the North Carolina State Board of Elections' adopted rules related to photo ID (08 NCAC 17.0101 and 08 NCAC 17.0109). These proposed rules would permit county boards of elections to reject reasonable impediment affidavits by a simple majority vote rather than the currently required unanimous vote.

Fair Elections Center provided public comment to the State Board on July 14, 2026, to highlight concerns that the proposed rules would inject unnecessary risk of arbitrary or unlawful rejection of ID exception forms and undue partisan influence into the reasonable impediment process. The adopted Rules continue to pose the same threat, thus running afoul of the agency requirement that rules must serve the public interest and minimally burden persons who must comply with them. *See* N.C.G.S. § 150B-19.1.

For these reasons, and the reasons further set forth in the attached public comment letter filed previously with the North Carolina State Board of Elections, I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Sincerely,

Patrick Williamson
Counsel
Fair Elections Center
1629 K St. NW, Ste. 300
Washington, DC 20006

Fair Elections Center

July 14, 2026

North Carolina State Board of Elections
Francis X. De Luca, Chair
Stacy "Four" Eggers, IV, Secretary
Jeff Carmon, Member
Angela Hawkins, Member
Siobhan O'Duffy Millen, Member

cc: Sam Hayes, Executive Director
Brian LiVecchi, Chief of Staff
Adam Steele, Associate General Counsel

Submitted via email (rulemaking@sboe.ncsbe.gov)

Re: Public Comment on Proposed Amendments to Rules 08 NCAC 17.0101 and 08 NCAC 17.0109

Dear Mr. Chair, Mr. Secretary, and Members Carmon, Hawkins, and Millen:

On behalf of Fair Elections Center, a non-partisan, non-profit voter advocacy organization dedicated to defending, expanding, and facilitating voting rights, I write to submit this comment in opposition to the proposed rules to amend 08 NCAC 17.0101 and 08 NCAC 17.0109. The proposed rules would permit County Boards of Elections to reject reasonable impediment ID exception forms (hereinafter "ID exception form") by a simple majority vote rather than the currently required unanimous vote.

The existing unanimity requirement is an important safeguard against arbitrary or unlawful rejection of ID exception forms, heightens voter confidence in the fair administration of the photo identification statute, and is in line with how other states limit discretion and potential partisan influence in reasonable impediment processes. We therefore urge the Board to retain the unanimity requirement and preserve the existing rules.

I. Background

Under North Carolina law, a voter who is unable to present a valid photo identification may still cast a provisional ballot if they attest under penalty of perjury that they have a "reasonable impediment that prevents [them] from presenting photograph identification."[1] State law dictates that a "county board of elections shall find [a provisional ballot accompanied by a reasonable impediment affidavit] valid unless a county board has grounds to believe the affidavit is false."[2] Said differently, a county board may reject an ID exception form on the basis that the claimed impediment is false, but they may not reject a form based on speculation that an impediment is unreasonable or insufficient to justify lacking identification.

To implement the voter identification statute, the State Board promulgated 08 NCAC 17.0101 and 08 NCAC 17.0109, requiring a county board to accept an ID exception form unless "the county board *unanimously* finds the affidavit is false."[3] This unanimity requirement establishes an important balance, permitting county boards to reject clearly false impediments while establishing a significant procedural hurdle to rejection that protects voters from improper or unlawful denial of their ID exception form.

II. Argument

a. The Unanimity Requirement Helps Prevent Improper Rejection of Reasonable Impediment Forms by County Boards of Elections

Despite the clear standard of review for ID exception forms under North Carolina law and administrative rules, some county board members have already shown a propensity to evaluate ID exception forms for sufficiency rather than falsity. Lowering the burden for rejection of ID exception forms makes it likelier that such improper considerations will permeate the ID exception process and county boards will wrongfully disenfranchise eligible voters.

For example, in 2024, Buncombe County Board of Elections members considered the sufficiency of claimed impediments on ID exception forms when deciding whether to reject the associated ballots.[4] For instance, one voter in that election marked that they had applied for an ID but had not received it and another voter marked that their ID had been confiscated by law enforcement. When reviewing these ballots, the Board Chair stated that, in his view, "according to election law

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[1] N.C. Gen. Stat. § 163–166.16(d)(2).
[2] N.C. Gen. Stat. § 163–166.16(f).
[3] 08 N.C. Admin. Code 17.0101(c)(1).
[4] *See* BUNCOMBE CNTY. GOV'T, *Board of Elections Meeting: Nov. 8, 2024* (YouTube, Nov. 8, 2024), https://www.youtube.com/watch?v=aF3xaU-5dBA.

in the state of North Carolina, [neither of these] are acceptable."[5] The Chair further stated that there "are situations where a voter is telling their truth on [the ID exception form] and it will be rejected on the basis of falsity,"[6] and that an "individual who does not have an ID can always come in and get an ID made."[7] Notably, there was never any evidence or finding provided by the Board that indicated either impediment was false.

The State Board of Elections and General Assembly have recognized themselves that the unanimity requirement establishes an important safety valve for eligible voters. While defending North Carolina's voter identification statute in federal court, the State Board argued that the voter ID statute would impose a minimal burden on voters without an ID, partially because of the "all-encompassing nature of the reasonable impediment provision" that "requires the voter's ballot to be counted unless the county board unanimously believes there are grounds to believe the voter's affidavit is false."[8] Additionally, House and Senate leadership likewise defended the voter ID provision, noting that the law provided "numerous means to vote for registered voters who lack photo ID at the polls." To support that claim, they cited the fact that the reasonable impediment process permits a voter to "identify *any [] reason* that they subjectively deem reasonable" as an impediment and that "a bipartisan county board of elections must unanimously vote that a reasonable impediment ballot is false for it to not be counted."[9]

b. The proposed amendments will harm voter confidence in North Carolina elections by creating unnecessary risk of partisan influence in processing ID exception forms

Abolishing the unanimity requirement and, instead, permitting partisan majorities of county boards alone to reject reasonable impediment forms will inject an unnecessary risk of partisan, political influence into North Carolina's election administration procedures. In addition to creating perverse incentives for political actors, this reality can dramatically harm voter confidence, trust, and participation in elections.

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[5] *Id.* at 1:00:00
[6] *Id.* at 4:10:00.
[7] *Id.* at 4:11:18.
[8] *See* State Board Defendants' Memorandum of Law in Support of Motion for Summary Judgment at 19, *N.C. State Conf. of the NAACP v. Circosta*, No. 18-cv-01034 (M.D.N.C. Oct 2, 2021) (citing 08 NCAC 17.0101(b)).
[9] *See* Brief of Amici Curiae Philip E. Berger, in His Official Capacity as President Pro Tempore of the North Carolina Senate, and Timothy K. Moore, in His Official Capacity as Speaker of the North Carolina State House of Representatives at 4, *N.C. State Conf. of the NAACP v. Circosta*, No. 18-cv-01034 (M.D.N.C. Oct 8, 2021) (citing 80 NCAC 17.0101(b)).

Voters who express higher levels of confidence that their votes will be counted as intended are more likely to vote than those with lower levels of confidence.[10] This pattern is consistent regardless of partisan affiliation and is most pronounced among independents.[11] Requiring bipartisan, unanimous consensus to reject ID exception forms benefits voter perception that ballots are being processed in accordance with state law and free from undue partisan influence. This increased confidence can foster higher levels of voter participation across the state.

c. Other states with reasonable impediment laws undertake additional measures to minimize the discretion of election officials.

For the reasons outlined above, if not coupled with appropriate safeguards, reasonable impediment provisions give election officials opportunities to circumvent the law and reject ballots because they doubt the reasonableness, rather than the truth, of a voter's sworn impediment. Just as North Carolina implemented its unanimity requirement, other states with reasonable impediment provisions have established processes to prevent election officials from abusing their discretion and rejecting reasonable impediment ballots on grounds other than falsity.

For example, Texas's photo voter identification law has a reasonable impediment provision, and, like North Carolina's, it specifies that "[a]n election officer may not question the reasonableness of an impediment sworn by a voter."[12] But in Texas, unlike North Carolina, voters using the reasonable impediment exception need not cast a provisional ballot that is then reviewed and approved by county officials. Instead, a voter may present a non-photo identification, including a document with the voter's name and address, a current utility bill, a bank statement, a government check, a paycheck, or a birth certificate, alongside their reasonable impediment form and vote a regular ballot.[13] Texas's process thus insulates voters who cast reasonable impediment ballots from the discretion of election officials because it gives election officials no authority to independently reject reasonable impediment declarations.

As in Texas, North Carolina's unanimity requirement is a method to protect voters from county board members abusing their discretion and rejecting ID exception forms for improper purposes. Abolishing this rule would leave North Carolina out of step with other states with reasonable impediment laws.

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[10] *When Americans Trust Elections, They Are More Likely to Vote*, STATES UNITED DEMOCRACY CTR., https://statesunited.org/resources/when-americans-trust-elections/ (last visited July 2, 2026).
[11] *Id.*
[12] Tex. Elec. Code. Ann. § 63.001(d).
[13] Tex. Elec. Code Ann. § 63.0101(b).

III. Conclusion

The unanimity requirement serves as an important safeguard against the arbitrary or improper rejection of reasonable impediment forms, heightens voter confidence in the fair administration of the photo identification statute, and is in line with how other states limit discretion and potential partisan influence in reasonable impediment processes. Therefore, we urge the State Board to retain its existing administrative rules on this issue. Thank you for your consideration of these comments as you contemplate amending Rules 08 NCAC 17.0101 and 08 NCAC 17.0109.

Respectfully,

Patrick Williamson
Counsel
Fair Elections Center
1629 K St., NW, Ste. 300
Washington, DC 20006

Burgos, Alexander N

From: Bridget Tarrant <bridgetltarrant@gmail.com>
Sent: Friday, August 28, 2026 1:35 PM
To: rrc.comments
Subject: [External] 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting

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Bridget Tarrant
111 S 9th St, Wilmington, NC 28401

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting

Members of the Commission:

I am a North Carolina resident and have been a registered voter since 1983.

This rule should not be changed to allow a county board to reject a voter's Photo ID Exception Form by majority vote.

A Photo ID Exception Form is supposed to protect voters who are eligible to vote but cannot present acceptable photo ID because of a reasonable impediment, disability, illness, lack of transportation, lack of documents needed to get ID, work or school schedule, family responsibilities, religious objection, or a recent natural disaster.

N.C.G.S. 163-166.16(f) requires that, when reviewing a provisional ballot cast with a Photo ID exception form, a County Board of Elections "shall find that the provisional ballot is valid unless the county board has grounds to believe the affidavit is false." The current unanimity requirement is an important safeguard. A voter's ballot should not be rejected unless every county board member agrees, based on facts and not speculation, that the voter's Photo ID Exception Form is false.

Lowering the standard from unanimous agreement to a majority vote makes it more likely that ballots will be rejected along partisan lines. The right to vote should not depend on which party controls a county board.

The rule should make clear that county boards may not reject a Photo ID Exception Form because they personally disagree with the voter's reason, think the voter should have tried harder to get ID, or believe the voter's reason is not "good enough." The only question should be whether there is actual factual evidence that the voter made a false statement.

At a minimum, this rule should be amended to:

- Retain the unanimous-vote
- requirement before a ballot cast with a Photo ID Exception Form can be rejected.
- Require clear written findings
- based on specific facts, not speculation, assumptions, or disagreement with the voter's stated reason.
- Require meaningful notice
- to the voter before the ballot is rejected, including mail, email, and phone notice when that information is available.
- Give the voter a real opportunity
- to respond in writing, by phone, remotely, or in person before the county board makes any final decision.
- Prohibit rejection when the
- voter's explanation is plausible and the board lacks evidence that it is false.

The State Board should reject this proposed change and keep the current safeguard in place.

Thank you for your consideration.

Respectfully,
Bridget Tarrant
New Hanover County

Brian Payst
206 Cates Farm Rd
Chapel Hill, NC 27516

8/28/2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 18 .0502
08 NCAC 18 .0503
08 NCAC 18 .0504

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.



Brian Payst

Burgos, Alexander N

From: Bridget Tarrant <bridgetltarrant@gmail.com>
Sent: Friday, August 28, 2026 1:40 PM
To: rrc.comments
Subject: [External] 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots

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Bridget Tarrant
111 S 9th St, Wilmington, NC 28401

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Members of the Commission:

I am a North Carolina resident and have been a registered voter since 1983.

I request that the above rule be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule be subject to a delayed effective date as set out in that same provision.

This rule should not be changed to allow a county board to reject an absentee voter's Photo ID Exception Form by majority vote.

Absentee voters use a Photo ID Exception Form when they cannot include a photocopy of acceptable photo ID with their mail-in ballot. These voters may be elderly, disabled, homebound, displaced by a natural disaster, unable to get transportation, unable to access a copier, or unable to obtain the documents needed to get photo ID.

These are exactly the voters who need the strongest protections, not weaker ones.

The current rule requires a unanimous county-board finding before an absentee ballot can be rejected because the voter's Photo ID Exception Form is supposedly false. That requirement protects voters from rushed, mistaken, or partisan decisions.

Changing the standard to majority vote would make it easier to reject ballots from eligible voters who followed the rules and truthfully completed the exception form.

This rule should be amended to:

- Keep the unanimous-vote requirement for any finding that a Photo ID Exception Form is false.
- Require the county board to identify the specific factual evidence showing that the form is false.
- Require county boards to consider the voter's explanation in the light most favorable to the voter unless there is clear evidence of falsity.
- Make clear that a board cannot reject a form simply because members think the voter's reason is weak, inconvenient, incomplete, or not
- the reason they would have chosen.
- Require multiple forms of notice to the voter before any rejection, including mail, email, and phone when available.
- Allow the voter to respond in writing, by email, by phone, remotely, or in person.

A voter who truthfully completes a Photo ID Exception Form should have their ballot counted. The State Board should reject this proposed change.

Thank you for your consideration.

Respectfully,

Bridget Tarrant

New Hanover County

Burgos, Alexander N

From: Bridget Tarrant <bridgetltarrant@gmail.com>
Sent: Friday, August 28, 2026 1:43 PM
To: rrc.comments
Subject: [External] 08 NCAC 18 .0201 Definitions

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Bridget Tarrant
111 S 9th St, Wilmington, NC 28401
August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 18 .0201 Definitions

Members of the Commission:

I am a North Carolina resident and have been a registered voter since 1983.

I request that the above rule be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule be subject to a delayed effective date as set out in that same provision.

The definitions in this rule should be revised so that ordinary voters can understand the difference between a "deficiency," an "irregularity," a "curable deficiency," and a "non-curable deficiency."

As written, the definitions are technical and may make sense to election lawyers or election administrators, but they are confusing for voters. A voter who receives a notice from the county board should be able to understand what happened, what they need to do, and what will happen if they do not respond.

The definition of "irregularity" is especially important. The rule should make clear that an "irregularity" is not the same thing as voter fraud, voter ineligibility, or a reason to reject a ballot. Many irregularities are innocent mistakes that do not affect whether the voter is eligible or whether the voter intended to cast the ballot.

The rule should be amended to state that technical mistakes should not lead to ballot rejection unless they are material to voter eligibility, ballot security, or voter intent.

Thank you for your consideration.

Respectfully,

Bridget Tarrant

New Hanover County

Burgos, Alexander N

From: Renate <flyindutchwoman@gmail.com>
Sent: Friday, August 28, 2026 1:44 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of Proposed Change of Voter Rules

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N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of: 08 NCAC 09 .0106 General Guidelines; 08 NCAC 09 .0107 First Recount; 08 NCAC 09 .0110 Secondary Recounts; 08 NCAC 10C .0101 Definitions; 08 NCAC 10C .0102 Voting Site Buffer Zones; 08 NCAC 10C .0103 Voting Site Electioneering Zone; 08 NCAC 10C .0104 Conduct at Voting Sites;08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

Members of the Commission:

I am a North Carolina resident and have been a registered voter since 2018.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Furthermore, I formally object to the adoption of the rules for the following reasons:
The State Board should reject the above rules as written and preserve the existing common-sense approach that counts eligible voters' ballots when technical mistakes do not affect voter eligibility, voter intent, or ballot security and where the voter substantially complied and the issue is not material to whether the voter is eligible to vote, unless there is **incontrovertible** evidence of tampering or evidence that the voter did not transmit the ballot.

Thank you for your consideration.

Respectfully,
Renate Magniarini
Mecklenburg County, NC

Burgos, Alexander N

From: Bridget Tarrant <bridgetltarrant@gmail.com>
Sent: Friday, August 28, 2026 1:47 PM
To: rrc.comments
Subject: [External] 08 NCAC 18 .0501 Review for Deficiencies

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Bridget Tarrant
111 S 9th St, Wilmington, NC 28401
August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 18 .0501 Review for Deficiencies

Members of the Commission:

I am a North Carolina resident and have been a registered voter since 1983.

I request that the above rule be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule be subject to a delayed effective date as set out in that same provision.

This rule requires county board staff to review returned absentee ballots for deficiencies or irregularities within one business day.

Prompt review is important, but the rule should include stronger statewide standards so voters are treated the same way in every county.

The rule should require county board staff to use uniform statewide forms, uniform written explanations, and uniform procedures when deciding whether something is a deficiency or irregularity. Without clear statewide standards, the same ballot mistake could be treated differently from county to county.

The rule should also require county boards to document the specific reason for any deficiency or irregularity and to keep that documentation with the ballot record. Voters should not lose their ballots based on vague or inconsistent decisions.

Thank you for your consideration.

Respectfully,

Bridget Tarrant

New Hanover County

Burgos, Alexander N

From: Bridget Tarrant <bridgetltarrant@gmail.com>
Sent: Friday, August 28, 2026 1:50 PM
To: rrc.comments
Subject: [External] 08 NCAC 18 .0502 Curable Deficiencies

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Bridget Tarrant
111 S 9th St, Wilmington, NC 28401

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 18. 0502 Curable Deficiencies

Members of the Commission:

I am a North Carolina resident and have been a registered voter since 1983.

I request that the above rule be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule be subject to a delayed effective date as set out in that same provision.

This rule identifies absentee-ballot problems that voters can fix.

If this rule is adopted, the State Board should make the cure process as accessible as possible. The rule should require county boards to notify voters by every available method, including mail, email, and phone. If the county board has a voter's phone number or email address anywhere in the voter's record, it should use that information.

The cure notice should be written in plain language. It should clearly say:

What the problem is.

What the voter must do to fix it.

The exact deadline.

All ways the voter can submit the cure.

Who may assist the voter.

A phone number and email address for help.

The rule should also require notices to be available in languages commonly used in the county and in accessible formats for voters with disabilities.

A ballot should not be rejected for a curable deficiency if the voter substantially complies with the cure instructions and the county board can determine that the voter is eligible and intended to cast the ballot.

Thank you for your consideration.

Respectfully,

Bridget Tarrant
New Hanover County

Burgos, Alexander N

From: Aviva Tulasi <avivachayetulasi@gmail.com>
Sent: Friday, August 28, 2026 1:51 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting;

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I object to rule 08 NCAC17.0101 and would like to request a legislative review of 08NCAC 17.0101. The rules are not clear and there can easily be varied enforcement by counties.The rule states that "shall find that the provisional ballot is valid unless the county board has grounds to believe the affidavit is false." There is no definition of what is considered false.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

I am a North Carolina resident and have been a registered voter since 2019.

Thank you for your consideration.
Respectfully,

Aviva Tulasi
Chatham County, NC

Burgos, Alexander N

From: Susan Pochapsky <schapek@yahoo.com>
Sent: Friday, August 28, 2026 1:54 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review of NCSBE's proposed rule 08 NCAC 10C .0104

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To the Rules Review Commission:

I'm a registered voter in Durham County, writing to formally object to the NCSBE's proposed rule 08 NCAC 10C .0104: Conduct at Voting Sites, providing direction on how loud noise or sound amplification devices at a voting site are to be addressed.

The rule fails the Clarity standard under NCGS 150B-21.9(a)(2) because it fails to define objective standards for county boards, leading to unequal application across counties.

As a long time electioneer in Durham County (every Early Voting period and election day between 2004 and 2020), I can attest that unequal application of *every* kind of voting site regulation is common, not only across counties but also *within* counties.

That's because there's so much variety in the judgment, experience, and personal convictions of the polling place superintendents and Judges. There's no objective standard for individual taste, beliefs, and convictions.

Since there can be no absolute and uniform standard for application of the proposed rule addressing "noise" and "amplification," the proposal itself fails the objective standard test, and would provide unequal protection to the rights of all candidates and all voters within and across counties.

Pursuant to NCGS 1506-21.3(b)(2), this letter serves as my formal written objection and clearly requests that the rule be subject to review by the legislature.

Sincerely,
Susan Pochapsky
Durham County
901 Vickers Ave.
Durham NC 27701

Burgos, Alexander N

From: Aviva Tulasi <avivachayetulasi@gmail.com>
Sent: Friday, August 28, 2026 2:01 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots

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N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Hello.

My name is Aviva Tulasi and I live in Chatham County, NC. I request that 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

A voter who truthfully completes a Photo ID Exception Form should have their ballot counted. Voting is a right and changing the methods for the burden of proof makes it harder for those who may be elderly, disabled, homebound, displaced by a natural disaster, unable to get transportation, unable to access a copier, or unable to obtain the documents needed to vote. The State Board should reject this proposed change. Changing the standard to majority vote would make it easier to reject ballots from eligible voters who followed the rules and truthfully completed the exception form. There is no need to change the requirement from a unanimous review to majority review as it does not strengthen the enforcement of the current law.

Thank You

Aviva Tulasi

Burgos, Alexander N

From: Bridget Tarrant <bridgetltarrant@gmail.com>
Sent: Friday, August 28, 2026 2:01 PM
To: rrc.comments
Subject: [External] 08 NCAC 18 .0503 Non-Curable Deficiencies

You don't often get email from bridgetltarrant@gmail.com. Learn why this is important

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Bridget Tarrant
111 S 9th St, Wilmington, NC 28401

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 18. 0503 Non-Curable Deficiencies

Members of the Commission:

I am a North Carolina resident and have been a registered voter since 1983.

I request that the above rule be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule be subject to a delayed effective date as set out in that same provision.

This rule lists absentee-ballot issues that would cause the ballot to be spoiled and, if there is enough time, reissued.

This rule should be narrowed. A ballot should be treated as non-curable only when there is no way to determine voter eligibility, voter intent, or ballot security.

The rule should not classify technical paperwork mistakes as non-curable when the county board can determine who the voter is, that the voter was eligible, and that the voter intended to cast the ballot.

The rule should also require county boards to contact the voter immediately by mail, email, and phone before or at the same time the ballot is spoiled and reissued. Voters should not find out too late that their ballot was cancelled.

If the deficiency is discovered close to Election Day, the notice should clearly explain all remaining voting options, including early voting, Election Day voting, and any available way to return a reissued absentee ballot on time.

Thank you for your consideration.

Respectfully,

Bridget Tarrant
New Hanover County

Burgos, Alexander N

From: Bridget Tarrant <bridgetltarrant@gmail.com>
Sent: Friday, August 28, 2026 2:05 PM
To: rrc.comments
Subject: [External] 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter

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Bridget Tarrant
111 S 9th St, Wilmington, NC 28401

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter

Members of the Commission:

I am a North Carolina resident and have been a registered voter since 1983.

I request that the above rule be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule be subject to a delayed effective date as set out in that same provision.

This rule is a better approach than 08 NCAC 18 .0505 because it recognizes that some technical issues should be documented but should not require the voter to take further action.

The State Board should expand this rule to include more innocent absentee-ballot mistakes that do not affect voter eligibility or voter intent.

In particular, this rule should include situations where the ballot is received in a sealed outer return envelope, even if there is a technical issue with the inner ballot envelope. Prior NCSBE guidance treated several of these situations as anomalies, not deficiencies, because the ballot was still received in a sealed envelope.

The rule should also include situations where two voters in the same household accidentally switch their ballots or ballot envelopes, as long as there are no issues with the applications and the county board can determine which voters cast the ballots. Prior NCSBE guidance stated that voters in the same household should not have their ballots rejected for that kind of ballot-number mismatch when the mistake is not material to voter eligibility.

The State Board should move these issues into Rule .0504 so voters do not have to complete unnecessary cure paperwork.

Thank you for your consideration.

Respectfully,

Bridget Tarrant
New HanoverCounty

Burgos, Alexander N

From: Bridget Tarrant <bridgetltarrant@gmail.com>
Sent: Friday, August 28, 2026 2:10 PM
To: rrc.comments
Subject: [External] 08 NCAC 18 .0505 Irregularities That Require Further Action

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Bridget Tarrant
111 S 9th St, Wilmington, NC 28401

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 18 .0505 Irregularities That Require Further Action

Members of the Commission:

I am a North Carolina resident and have been a registered voter since 1983.

I request that the above rule be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule be subject to a delayed effective date as set out in that same provision.

This is the most concerning absentee-ballot rule.

The rule would require county board staff to contact a voter and require written confirmation when certain ballot-envelope issues are found. These include situations where the ballot envelope appears to have been opened and resealed but was received in a sealed outer return envelope, where the ballot is not inside a sealed ballot envelope but the ballot and ballot envelope were received in a sealed outer return envelope, or where the ballot in the envelope is different from the ballot transmitted to the voter.

These situations may involve innocent voter mistakes. They do not necessarily mean the voter is ineligible, that the voter did anything wrong, or that the ballot should be rejected.

The problem with this rule is that it puts the burden back on the voter after the voter has already returned their ballot. Many absentee voters may not receive the notice in time, may not understand what is being asked, may not have reliable mail or email access, or may not be able to respond quickly because of disability, age, displacement, illness, work, school, or caregiving responsibilities.

If a voter returns a ballot in a sealed outer envelope and the county board can determine that the voter is eligible and intended to cast that ballot, the voter should not have to complete extra paperwork just to have the ballot counted.

The rule should be changed to:

Treat these issues as irregularities that should be documented, not as problems requiring voter action, unless there is evidence of tampering or evidence that the voter did not transmit the ballot.

Move these situations into 08 NCAC 18 .0504 when the ballot was received in a sealed outer envelope.

Allow the county board to count the ballot if the voter's eligibility, application, and intent can be determined.

Require voter contact only when there is a genuine question that cannot be answered from the ballot materials.

Require county boards to use mail, email, and phone notice immediately if voter contact is necessary.

Allow voters to respond by email, phone, mail, in person, or through a permitted assistant.

Prohibit rejection where the voter substantially complied and the issue is not material to whether the voter is eligible to vote.

The State Board should reject Rule .0505 as written and preserve the existing common-sense approach that counts eligible voters' ballots when technical mistakes do not affect voter eligibility, voter intent, or ballot security.

Thank you for your consideration.

Respectfully,

Bridget Tarrant
New Hanover County

Veronica Shea
54 Ellsworth Ct
Garner, NC 27659

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of: **08 NCAC 18 .0201 Definitions**

Members of the Commission:

I am a resident of Ganer, North Carolina and I am a registered voter.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Furthermore, I formally object to the adoption of the rules for the following reasons:

08 NCAC 18 .0201 Definitions

The definitions in this rule should be revised so that ordinary voters can understand the difference between a "deficiency," an "irregularity," a "curable deficiency," and a "non-curable deficiency."

As written, the definitions are technical and may make sense to election lawyers or election administrators, but they are confusing for voters. A voter who receives a notice from the county board should be able to understand what happened, what they need to do, and what will happen if they do not respond.

The definition of "irregularity" is especially important. The rule should make clear that an "irregularity" is not the same thing as voter fraud, voter ineligibility, or a reason to reject a ballot. Many irregularities are innocent mistakes that do not affect whether the voter is eligible or whether the voter intended to cast the ballot.

The rule should be amended to state that technical mistakes should not lead to ballot rejection unless they are material to voter eligibility, ballot security, or voter intent.

Thank you for your consideration.

Respectfully,
Veronica Shea
Johnston County, North Carolina

Veronica Shea

Burgos, Alexander N

From:	Ronnie Shea <ronnie.d.shea@gmail.com>
Sent:	Friday, August 28, 2026 2:30 PM
To:	rrc.comments
Subject:	[External] Objection to and Request for Legislative Review of: 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting
Attachments:	Objection to 08 NCAC 17 .0101 Verification of Photo Identification During In Person Voting.doc

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Veronica Shea
54 Ellsworth Ct
Garner, NC 27659

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of: **08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting**

Members of the Commission:

I am a resident of Ganer, North Carolina and I am a registered voter.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Furthermore, I formally object to the adoption of the rules for the following reasons:

08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting

This rule should not be changed to allow a county board to reject a voter's Photo ID Exception Form by majority vote.

A Photo ID Exception Form is supposed to protect voters who are eligible to vote but cannot present acceptable photo ID because of a reasonable impediment, disability, illness, lack of transportation, lack of documents needed to get ID, work or school schedule, family responsibilities, religious objection, or a recent natural disaster.

N.C.G.S. 163-166.16(f) requires that, when reviewing a provisional ballot cast with a Photo ID exception form, a County Board of Elections "shall find that the provisional ballot is valid unless the county board has grounds to believe the affidavit is false." The current unanimity requirement is an important safeguard. A voter's ballot should not be rejected unless every county board member agrees, based on facts and not speculation, that the voter's Photo ID Exception Form is false.

Lowering the standard from unanimous agreement to a majority vote makes it more likely that ballots will be rejected along partisan lines. The right to vote should not depend on which party controls a county board.

The rule should make clear that county boards may not reject a Photo ID Exception Form because they personally disagree with the voter's reason, think the voter should have tried harder to get ID, or believe the voter's reason is not "good enough." The only question should be whether there is actual factual evidence that the voter made a false statement.

At a minimum, this rule should be amended to:

- **Retain the unanimous-vote requirement before a ballot cast with a Photo ID Exception Form can be rejected.**
- **Require clear written findings based on specific facts, not speculation, assumptions, or disagreement with the voter's stated reason.**
- **Require meaningful notice to the voter before the ballot is rejected, including mail, email, and phone notice when that information is available.**
- **Give the voter a real opportunity to respond in writing, by phone, remotely, or in person before the county board makes any final decision.**
- **Prohibit rejection when the voter's explanation is plausible and the board lacks evidence that it is false.**

The State Board should reject this proposed change and keep the current safeguard in place.

Thank you for your consideration.

Respectfully,
Veronica Shea
Johnston County, North Carolina

Veronica Shea

'The **man** who has begun to live more seriously within **begins** to live more simply without.' -- Ernest **Hemingway**

Burgos, Alexander N

From: Ronnie Shea <ronnie.d.shea@gmail.com>
Sent: Friday, August 28, 2026 2:31 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of: 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots
Attachments: Objection to 08 NCAC 17 .0109 Absentee Vote By Mail.doc

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Veronica Shea
54 Ellsworth Ct
Garner, NC 27659

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of: 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots

Members of the Commission:

I am a resident of Ganer, North Carolina and I am a registered voter.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Furthermore, I formally object to the adoption of the rules for the following reasons:

08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots

This rule should not be changed to allow a county board to reject an absentee voter's Photo ID Exception Form by majority vote.

Absentee voters use a Photo ID Exception Form when they cannot include a photocopy of acceptable photo ID with their mail-in ballot. These voters may be elderly, disabled, homebound, displaced by a natural disaster, unable to get transportation, unable to access a copier, or unable to obtain the documents needed to get photo ID.

These are exactly the voters who need the strongest protections, not weaker ones.

The current rule requires a unanimous county-board finding before an absentee ballot can be rejected because the voter's Photo ID Exception Form is supposedly false. That requirement protects voters from rushed, mistaken, or partisan decisions.

Changing the standard to majority vote would make it easier to reject ballots from eligible voters who followed the rules and truthfully completed the exception form.

This rule should be amended to:

- Keep the unanimous-vote requirement for any finding that a Photo ID Exception Form is false.
- Require the county board to identify the specific factual evidence showing that the form is false.
- Require county boards to consider the voter's explanation in the light most favorable to the voter unless there is clear evidence of falsity.
- Make clear that a board cannot reject a form simply because members think the voter's reason is weak, inconvenient, incomplete, or not the reason they would have chosen.
- Require multiple forms of notice to the voter before any rejection, including mail, email, and phone when available.
- Allow the voter to respond in writing, by email, by phone, remotely, or in person.

A voter who truthfully completes a Photo ID Exception Form should have their ballot counted. The State Board should reject this proposed change.

Thank you for your consideration.

Respectfully,
Veronica Shea
Johnston County, North Carolina

Veronica Shea

'The **man** who has begun to live more seriously within **begins** to live more simply without.' -- Ernest **Hemingway**

Burgos, Alexander N

From:	Ronnie Shea <ronnie.d.shea@gmail.com>
Sent:	Friday, August 28, 2026 2:34 PM
To:	rrc.comments
Subject:	[External] Objection to and Request for Legislative Review of: 08 NCAC 18 .0501 Review for Deficiencies
Attachments:	Objection to 08 NCAC 18 .0501 Review for Deficiencies.doc

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Veronica Shea
54 Ellsworth Ct
Garner, NC 27659

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of: **08 NCAC 18 .0501 Review for Deficiencies**

Members of the Commission:

I am a resident of Ganer, North Carolina and I am a registered voter.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Furthermore, I formally object to the adoption of the rules for the following reasons:

08 NCAC 18 .0501 Review for Deficiencies

This rule requires county board staff to review returned absentee ballots for deficiencies or irregularities within one business day.

Prompt review is important, but the rule should include stronger statewide standards so voters are treated the same way in every county.

The rule should require county board staff to use uniform statewide forms, uniform written explanations, and uniform procedures when deciding whether something is a deficiency or

irregularity. Without clear statewide standards, the same ballot mistake could be treated differently from county to county.

The rule should also require county boards to document the specific reason for any deficiency or irregularity and to keep that documentation with the ballot record. Voters should not lose their ballots based on vague or inconsistent decisions.

Thank you for your consideration.

Respectfully,
Veronica Shea
Johnston County, North Carolina



'The **man** who has begun to live more seriously within **begins** to live more simply without.' -- Ernest **Hemingway**

Burgos, Alexander N

From: Bridget Tarrant <bridgetltarrant@gmail.com>
Sent: Friday, August 28, 2026 2:35 PM
To: rrc.comments
Subject: [External] 08 NCAC 09 .0106 General Guidelines; 08 NCAC 09 .0107 First Recount; 08 NCAC 09 .0110 Secondary Recounts; 08 NCAC 10C .0101 Definitions; 08 NCAC 10C .0102 Voting Site Buffer Zones; 08 NCAC 10C .0103 Voting Site Electioneering Zone; 08 NCAC 1...

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Bridget Tarrant
111 S 9th St, Wilmington, NC 28401

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of: 08 NCAC 09 .0106 General Guidelines; 08 NCAC 09 .0107 First Recount; 08 NCAC 09 .0110 Secondary Recounts; 08 NCAC 10C .0101 Definitions; 08 NCAC 10C .0102 Voting Site Buffer Zones; 08 NCAC 10C .0103 Voting Site Electioneering Zone; 08 NCAC 10C .0104 Conduct at Voting Sites

Members of the Commission:

I am a North Carolina resident and have been a registered voter since 1983.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

I formally object to the adoption of the rules because they are unnecessary and may create confusion, discourage voter participation, and undermine public confidence in the fairness and integrity of our elections.

Thank you for your consideration.

Respectfully,
Bridget Tarrant
New Hanover County

Burgos, Alexander N

From: Ronnie Shea <ronnie.d.shea@gmail.com>
Sent: Friday, August 28, 2026 2:36 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of: 08 NCAC 18 .0502 Curable Deficiencies
Attachments: Objection to 08 NCAC 18 .0502 Curable Deficiencies.doc

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Veronica Shea
54 Ellsworth Ct
Garner, NC 27659

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of: **08 NCAC 18 .0502 Curable Deficiencies**

Members of the Commission:

I am a resident of Ganer, North Carolina and I am a registered voter.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Furthermore, I formally object to the adoption of the rules for the following reasons:

08 NCAC 18 .0502 Curable Deficiencies

This rule identifies absentee-ballot problems that voters can fix.

If this rule is adopted, the State Board should make the cure process as accessible as possible. The rule should require county boards to notify voters by every available method, including mail, email, and phone. If the county board has a voter's phone number or email address anywhere in the voter's record, it should use that information.

The cure notice should be written in plain language. It should clearly say:

What the problem is.

What the voter must do to fix it.

The exact deadline.

All ways the voter can submit the cure.

Who may assist the voter.

A phone number and email address for help.

The rule should also require notices to be available in languages commonly used in the county and in accessible formats for voters with disabilities.

A ballot should not be rejected for a curable deficiency if the voter substantially complies with the cure instructions and the county board can determine that the voter is eligible and intended to cast the ballot.

Thank you for your consideration.

Respectfully,
Veronica Shea
Johnston County, North Carolina

Veronica Shea

'The **man** who has begun to live more seriously within **begins** to live more simply without.' -- Ernest **Hemingway**

Burgos, Alexander N

From:	Ronnie Shea <ronnie.d.shea@gmail.com>
Sent:	Friday, August 28, 2026 2:37 PM
To:	rrc.comments
Subject:	[External] Objection to and Request for Legislative Review of: 08 NCAC 18 .0503 Non-Curable Deficiencies
Attachments:	Objection to 08 NCAC 18 .0503 Non-Curable Deficiencies.doc

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Veronica Shea
54 Ellsworth Ct
Garner, NC 27659

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of: **08 NCAC 18 .0503 Non-Curable Deficiencies**

Members of the Commission:

I am a resident of Ganer, North Carolina and I am a registered voter.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Furthermore, I formally object to the adoption of the rules for the following reasons:

08 NCAC 18 .0503 Non-Curable Deficiencies

This rule lists absentee-ballot issues that would cause the ballot to be spoiled and, if there is enough time, reissued.

This rule should be narrowed. A ballot should be treated as non-curable only when there is no way to determine voter eligibility, voter intent, or ballot security.

The rule should not classify technical paperwork mistakes as non-curable when the county board can determine who the voter is, that the voter was eligible, and that the voter intended to cast the ballot.

The rule should also require county boards to contact the voter immediately by mail, email, and phone before or at the same time the ballot is spoiled and reissued. Voters should not find out too late that their ballot was cancelled.

If the deficiency is discovered close to Election Day, the notice should clearly explain all remaining voting options, including early voting, Election Day voting, and any available way to return a reissued absentee ballot on time.

Thank you for your consideration.

Respectfully,
Veronica Shea
Johnston County, North Carolina

Veronica Shea

'The **man** who has begun to live more seriously within **begins** to live more simply without.' -- Ernest **Hemingway**

Burgos, Alexander N

From: aw@awactive.com
Sent: Friday, August 28, 2026 2:42 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of: 08 NCAC 09 .0106 General Guidelines; 08 NCAC 09 .0107 First Recount; 08 NCAC 09 .0110 Secondary Recounts; 08 NCAC 10C .0101 Definitions; 08 NCAC 10C .0102 Voting Site Buffer Zones; 08 NCAC ...

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Aixa Wilson

136 Appeldoorn Circle
Asheville, North Carolina 28803

August 28, 2026

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of: 08 NCAC 09 .0106 General Guidelines; 08 NCAC 09 .0107 First Recount; 08 NCAC 09 .0110 Secondary Recounts; 08 NCAC 10C .0101 Definitions; 08 NCAC 10C .0102 Voting Site Buffer Zones; 08 NCAC 10C .0103 Voting Site Electioneering Zone; 08 NCAC 10C .0104 Conduct at Voting Sites;08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

Members of the Commission:

I am a North Carolina resident and have been a registered voter since 2007.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Furthermore, I formally object to the adoption of the rules for the following reasons:

I did not feel that the Commission took the Public Comments seriously and failed to address them.

I did not think the Commission took the process seriously.

I think a lot of the burden was shifted to voters.

I think the rules were crafted and presented such that makes it impossible for Boards of Election to comply.

Thank you for your consideration.

Respectfully,

Aixa Wilson
Buncombe County

Burgos, Alexander N

From: Ronnie Shea <ronnie.d.shea@gmail.com>
Sent: Friday, August 28, 2026 2:40 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of: 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter
Attachments: Objection to 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter.doc

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Veronica Shea
54 Ellsworth Ct
Garner, NC 27659

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of: **08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter**

Members of the Commission:

I am a resident of Ganer, North Carolina and I am a registered voter.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Furthermore, I formally object to the adoption of the rules for the following reasons:

08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter

This rule is a better approach than 08 NCAC 18 .0505 because it recognizes that some technical issues should be documented but should not require the voter to take further action.

The State Board should expand this rule to include more innocent absentee-ballot mistakes that do not affect voter eligibility or voter intent.

In particular, this rule should include situations where the ballot is received in a sealed outer return envelope, even if there is a technical issue with the inner ballot envelope. Prior NCSBE guidance

treated several of these situations as anomalies, not deficiencies, because the ballot was still received in a sealed envelope.

The rule should also include situations where two voters in the same household accidentally switch their ballots or ballot envelopes, as long as there are no issues with the applications and the county board can determine which voters cast the ballots. Prior NCSBE guidance stated that voters in the same household should not have their ballots rejected for that kind of ballot-number mismatch when the mistake is not material to voter eligibility.

The State Board should move these issues into Rule .0504 so voters do not have to complete unnecessary cure paperwork.

This rule lists absentee-ballot issues that would cause the ballot to be spoiled and, if there is enough time, reissued.

This rule should be narrowed. A ballot should be treated as non-curable only when there is no way to determine voter eligibility, voter intent, or ballot security.

The rule should not classify technical paperwork mistakes as non-curable when the county board can determine who the voter is, that the voter was eligible, and that the voter intended to cast the ballot.

The rule should also require county boards to contact the voter immediately by mail, email, and phone before or at the same time the ballot is spoiled and reissued. Voters should not find out too late that their ballot was cancelled.

If the deficiency is discovered close to Election Day, the notice should clearly explain all remaining voting options, including early voting, Election Day voting, and any available way to return a reissued absentee ballot on time.

Thank you for your consideration.

Respectfully,
Veronica Shea
Johnston County, North Carolina



'The **man** who has begun to live more seriously within **begins** to live more simply without.' -- Ernest **Hemingway**

Burgos, Alexander N

From: Ronnie Shea <ronnie.d.shea@gmail.com>
Sent: Friday, August 28, 2026 2:44 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of: 08 NCAC 18 .0505 Irregularities That Require Further Action
Attachments: Objection to 08 NCAC 18 .0505 Irregularities That Require Further Action.doc

You don't often get email from ronnie.d.shea@gmail.com. Learn why this is important

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Veronica Shea
54 Ellsworth Ct
Garner, NC 27659

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re:r

Members of the Commission:

I am a resident of Garner, North Carolina and I am a registered voter.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Furthermore, I formally object to the adoption of the rules for the following reasons:

08 NCAC 18 .0505 Irregularities That Require Further Action

This is the most concerning absentee-ballot rule.

The rule would require county board staff to contact a voter and require written confirmation when certain ballot-envelope issues are found. These include situations where the ballot envelope appears to have been opened and resealed but was received in a sealed outer return envelope, where the ballot is not inside a sealed ballot envelope but the ballot and ballot envelope were received in a sealed outer return envelope, or where the ballot in the envelope is different from the ballot transmitted to the voter.

These situations may involve innocent voter mistakes. They do not necessarily mean the voter is ineligible, that the voter did anything wrong, or that the ballot should be rejected.

The problem with this rule is that it puts the burden back on the voter after the voter has already returned their ballot. Many absentee voters may not receive the notice in time, may not understand what is being asked, may not have reliable mail or email access, or may not be able to respond quickly because of disability, age, displacement, illness, work, school, or caregiving responsibilities.

If a voter returns a ballot in a sealed outer envelope and the county board can determine that the voter is eligible and intended to cast that ballot, the voter should not have to complete extra paperwork just to have the ballot counted.

The rule should be changed to:

Treat these issues as irregularities that should be documented, not as problems requiring voter action, unless there is evidence of tampering or evidence that the voter did not transmit the ballot.

Move these situations into 08 NCAC 18 .0504 when the ballot was received in a sealed outer envelope.

Allow the county board to count the ballot if the voter's eligibility, application, and intent can be determined.

Require voter contact only when there is a genuine question that cannot be answered from the ballot materials.

Require county boards to use mail, email, and phone notice immediately if voter contact is necessary.

Thank you for your consideration.

Respectfully,
Veronica Shea
Johnston County, North Carolina

Veronica Shea

'The **man** who has begun to live more seriously within **begins** to live more simply without.' -- Ernest **Hemingway**

Johanna Bocko
824 Juanita Dr SW
Concord, NC 28027

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of:
08 NCAC 09 .0106 General Guidelines; **08 NCAC 09 .0107** First Recount;
08 NCAC 09 .0110 Secondary Recounts; **08 NCAC 10C .0101** Definitions;
08 NCAC 10C .0102 Voting Site Buffer Zones;
08 NCAC 10C .0103 Voting Site Electioneering Zone;
08 NCAC 10C .0104 Conduct at Voting Sites;
08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting;
08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots;
08 NCAC 18 .0201 Definitions; **08 NCAC 18 .0501** Review for Deficiencies;
08 NCAC 18. 0502 Curable Deficiencies; **08 NCAC 18. 0503** Non-Curable Deficiencies;
08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter;
08 NCAC 18 .0505 Irregularities That Require Further Action

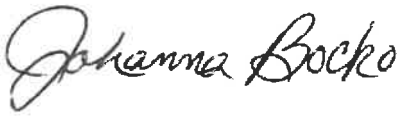
Members of the Commission:

I am a North Carolina resident and have been a registered NC voter since 2021.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Respectfully,
Johanna Bocko
Cabarrus



Burgos, Alexander N

From: Ronnie Shea <ronnie.d.shea@gmail.com>
Sent: Friday, August 28, 2026 2:49 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review

You don't often get email from ronnie.d.shea@gmail.com. Learn why this is important

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Veronica Shea
54 Ellsworth Ct.
Garner, NC 27529

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of: 08 NCAC 09 .0106 General Guidelines; 08 NCAC 09 .0107 First Recount; 08 NCAC 09 .0110 Secondary Recounts; 08 NCAC 10C .0101 Definitions; 08 NCAC 10C .0102 Voting Site Buffer Zones; 08 NCAC 10C .0103 Voting Site Electioneering Zone; 08 NCAC 10C .0104 Conduct at Voting Sites;08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

Members of the Commission:

I am registered voter and a resident of Garner, North Carolina in Johnston County.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Respectfully,
Veronica Shea
Johnston County, NC

VERONICA SHEA

'The **man** who has begun to live more seriously within **begins** to live more simply without.' -- Ernest **Hemingway**

Template Objection to August SBOE Rules

Objection template

[Tonya Daniels]

[6611 Nevin Glen Dr
Charlotte NC 28269]

August 28, 2026

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

Members of the Commission:

I am a North Carolina resident and have been a

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

[Furthermore, I formally object to the adoption of the rules for the following reasons:]

Thank you for your consideration.

Respectfully,
[Tonya Daniels]
[Mecklenberg]

[TonyaDaniels]

08 NCAC 17 .0101(e)(2)

08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting
This rule should not be changed to allow a county board to reject a voter's Photo ID Exception Form by majority vote.

A Photo ID Exception Form is supposed to protect voters who are eligible to vote but cannot present acceptable photo ID because of a reasonable impediment, disability, illness, lack of transportation, lack of documents needed to

get ID, work or school schedule, family responsibilities, religious objection, or a recent natural disaster.

N.C.G.S. 163–166.16(f) requires that, when reviewing a provisional ballot cast with a Photo ID exception form, a County Board of Elections "shall find that the provisional ballot is valid unless the county board has grounds to believe the affidavit is false." The current unanimity requirement is an important safeguard. A voter's ballot should not be rejected unless every county board member agrees, based on facts and not speculation, that the voter's Photo ID Exception Form is false.

Lowering the standard from unanimous agreement to a majority vote makes it more likely that ballots will be rejected along partisan lines. The right to vote should not depend on

which party controls a county board.

The rule should make clear that county boards may not reject a Photo ID Exception Form because they personally disagree with the voter's reason, think the voter should have tried harder to get ID, or believe the voter's reason is not "good enough." The only question should be whether there is actual factual evidence that the voter made a false statement.

At a minimum, this rule should be amended to:

Retain the unanimous–vote requirement before a ballot cast with a Photo ID Exception Form can be rejected.
Require clear written findings based on specific facts, not speculation, assumptions, or disagreement with the voter's stated reason.
Require meaningful notice to the voter before

the ballot is rejected, including mail, email, and phone notice when that information is available. Give the voter a real opportunity to respond in writing, by phone, remotely, or in person before the county board makes any final decision. Prohibit rejection when the voter's explanation is plausible and the board lacks evidence that it is false.

The State Board should reject this proposed change and keep the current safeguard in place.

08 NCAC 17 .0109 (c)(2)

08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots
This rule should not be changed to allow a county board to reject an absentee voter's Photo ID Exception Form by majority vote.

Absentee voters use a Photo ID Exception Form when they cannot include a photocopy of acceptable photo ID with their mail-in ballot. These voters may be elderly, disabled, homebound, displaced by a natural disaster, unable to get transportation, unable to access a copier, or unable to obtain the documents needed to get photo ID.

These are exactly the voters who need the strongest protections, not weaker ones.

The current rule requires a unanimous county-board finding before an absentee ballot can be

rejected because the voter's Photo ID Exception Form is supposedly false. That requirement protects voters from rushed, mistaken, or partisan decisions.

Changing the standard to majority vote would make it easier to reject ballots from eligible voters who followed the rules and truthfully completed the exception form.

This rule should be amended to:

Keep the unanimous-vote requirement for any finding that a Photo ID Exception Form is false. Require the county board to identify the specific factual evidence showing that the form is false. Require county boards to consider the voter's explanation in the light most favorable to the voter unless there is clear evidence of falsity. Make clear that a board cannot reject a form

simply because members think the voter's reason is weak, inconvenient, incomplete, or not the reason they would have chosen.

Require multiple forms of notice to the voter before any rejection, including mail, email, and phone when available.

Allow the voter to respond in writing, by email, by phone, remotely, or in person.

A voter who truthfully completes a Photo ID Exception Form should have their ballot counted. The State Board should reject this proposed change.

08 NCAC 18 .0201

08 NCAC 18 .0201 Definitions

The definitions in this rule should be revised so

that ordinary voters can understand the difference between a “deficiency,” an “irregularity,” a “curable deficiency,” and a “non-curable deficiency.”

As written, the definitions are technical and may make sense to election lawyers or election administrators, but they are confusing for voters. A voter who receives a notice from the county board should be able to understand what happened, what they need to do, and what will happen if they do not respond.

The definition of “irregularity” is especially important. The rule should make clear that an “irregularity” is not the same thing as voter fraud, voter ineligibility, or a reason to reject a ballot. Many irregularities are innocent mistakes that do not affect whether the voter is eligible or whether the voter intended to cast the ballot.

The rule should be amended to state that technical mistakes should not lead to ballot rejection unless they are material to voter eligibility, ballot security, or voter intent.

SECTION .0500

SECTION .0500 – Absentee Deficiencies and Irregularities

All Rules:

08 NCAC 18 .0201 Definitions
08 NCAC 18 .0501 Review for Deficiencies
08 NCAC 18 .0502 Curable Deficiencies
08 NCAC 18 .0503 Non-Curable Deficiencies
08 NCAC 18 .0504 Irregularities That Do Not

Require Further Action from the Voter

08 NCAC 18 .0505 Irregularities That Require Further Action

08 NCAC 18 .0501

08 NCAC 18 .0501 Review for Deficiencies

This rule requires county board staff to review returned absentee ballots for deficiencies or irregularities within one business day.

Prompt review is important, but the rule should include stronger statewide standards so voters are treated the same way in every county.

The rule should require county board staff to use uniform statewide forms, uniform written explanations, and uniform procedures when deciding whether something is a deficiency or irregularity. Without clear statewide standards, the same ballot mistake could be treated differently from county to county.

The rule should also require county boards to document the specific reason for any deficiency or irregularity and to keep that documentation with the ballot record. Voters should not lose their ballots based on vague or inconsistent decisions.

08 NCAC 18 .0502

08 NCAC 18 .0502 Curable Deficiencies
This rule identifies absentee-ballot problems

that voters can fix.

If this rule is adopted, the State Board should make the cure process as accessible as possible. The rule should require county boards to notify voters by every available method, including mail, email, and phone. If the county board has a voter's phone number or email address anywhere in the voter's record, it should use that information.

The cure notice should be written in plain language. It should clearly say:

What the problem is.

What the voter must do to fix it.

The exact deadline.

All ways the voter can submit the cure.

Who may assist the voter.

A phone number and email address for help.

The rule should also require notices to be available in languages commonly used in the county and in accessible formats for voters with disabilities.

A ballot should not be rejected for a curable deficiency if the voter substantially complies with the cure instructions and the county board can determine that the voter is eligible and intended to cast the ballot.

08 NCAC 18 .0503

08 NCAC 18 .0503 Non-Curable Deficiencies
This rule lists absentee-ballot issues that would cause the ballot to be spoiled and, if there is enough time, reissued.

This rule should be narrowed. A ballot should be treated as non-curable only when there is no way to determine voter eligibility, voter intent, or ballot security.

The rule should not classify technical paperwork mistakes as non-curable when the county board can determine who the voter is, that the voter was eligible, and that the voter intended to cast the ballot.

The rule should also require county boards to contact the voter immediately by mail, email, and phone before or at the same time the ballot is spoiled and reissued. Voters should not find

out too late that their ballot was cancelled.

If the deficiency is discovered close to Election Day, the notice should clearly explain all remaining voting options, including early voting, Election Day voting, and any available way to return a reissued absentee ballot on time.

08 NCAC 18 .0504

08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter
This rule is a better approach than 08 NCAC 18 .0505 because it recognizes that some technical issues should be documented but should not require the voter to take further action.

The State Board should expand this rule to

include more innocent absentee-ballot mistakes that do not affect voter eligibility or voter intent.

In particular, this rule should include situations where the ballot is received in a sealed outer return envelope, even if there is a technical issue with the inner ballot envelope. Prior NCSBE guidance treated several of these situations as anomalies, not deficiencies, because the ballot was still received in a sealed envelope.

The rule should also include situations where two voters in the same household accidentally switch their ballots or ballot envelopes, as long as there are no issues with the applications and the county board can determine which voters cast the ballots. Prior NCSBE guidance stated that voters in the same household should not

have their ballots rejected for that kind of ballot-number mismatch when the mistake is not material to voter eligibility.

The State Board should move these issues into Rule .0504 so voters do not have to complete unnecessary cure paperwork.

08 NCAC 18 .0505

08 NCAC 18 .0505 Irregularities That Require Further Action
This is the most concerning absentee-ballot rule.

The rule would require county board staff to contact a voter and require written confirmation when certain ballot-envelope issues are found. These include situations where the ballot

envelope appears to have been opened and resealed but was received in a sealed outer return envelope, where the ballot is not inside a sealed ballot envelope but the ballot and ballot envelope were received in a sealed outer return envelope, or where the ballot in the envelope is different from the ballot transmitted to the voter.

These situations may involve innocent voter mistakes. They do not necessarily mean the voter is ineligible, that the voter did anything wrong, or that the ballot should be rejected.

The problem with this rule is that it puts the burden back on the voter after the voter has already returned their ballot. Many absentee voters may not receive the notice in time, may not understand what is being asked, may not have reliable mail or email access, or may not be able to respond quickly because of disability,

age, displacement, illness, work, school, or caregiving responsibilities.

If a voter returns a ballot in a sealed outer envelope and the county board can determine that the voter is eligible and intended to cast that ballot, the voter should not have to complete extra paperwork just to have the ballot counted.

The rule should be changed to:

Treat these issues as irregularities that should be documented, not as problems requiring voter action, unless there is evidence of tampering or evidence that the voter did not transmit the ballot.

Move these situations into 08 NCAC 18 .0504 when the ballot was received in a sealed outer

envelope.

Allow the county board to count the ballot if the voter's eligibility, application, and intent can be determined.

Require voter contact only when there is a genuine question that cannot be answered from the ballot materials.

Require county boards to use mail, email, and phone notice immediately if voter contact is necessary.

Allow voters to respond by email, phone, mail, in person, or through a permitted assistant.

Prohibit rejection where the voter substantially complied and the issue is not material to whether the voter is eligible to vote.

The State Board should reject Rule .0505 as written and preserve the existing common-sense approach that counts eligible voters' ballots when technical mistakes do not affect voter eligibility, voter intent, or ballot security.

All rules objection

[Tonya Daniels]

[6611 Nevin Glen Dr
Charlotte NC 28269]

August 28, 2026

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of: 08 NCAC 09 .0106 General Guidelines; 08 NCAC 09 .0107 First Recount; 08 NCAC 09 .0110 Secondary Recounts; 08 NCAC 10C .0101 Definitions; 08 NCAC 10C .0102 Voting Site Buffer Zones; 08 NCAC 10C .0103 Voting Site Electioneering Zone; 08 NCAC 10C .0104 Conduct at Voting Sites;08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501

Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

Members of the Commission:

I am a North Carolina resident and have been a registered voter since [1982].

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

[Furthermore, I formally object to the adoption of the rules for the following reasons:]

Thank you for your consideration.

Respectfully,
[Tonya Daniels]
[Mecklenberg]

[Tonya Daniels]

Burgos, Alexander N

From: Sharon Brown <spbrown40@gmail.com>
Sent: Friday, August 28, 2026 3:06 PM
To: rrc.comments
Subject: [External] Re: Objection to and Request for Legislative Review of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 1...

You don't often get email from spbrown40@gmail.com. Learn why this is important

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Dr. Sharon P. Brown

504 Deerhaven Ct.

Hillsborough, NC 27278

August 28, 2026

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

Members of the Commission:

I am a North Carolina resident and have been a registered voter since 2014.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Additionally, I formally object to the adoption of the rules for the following reasons:

1) **08 NCAC 17.0101 – Verification of Photo Identification During In-Person Voting**

Both this rule, as well as the following rule as amended require that the NC SBOE change the language to reflect that decisions being made will now be ***by majority vote*** versus the current wording of ***by unanimous vote*** in their decisions on voter eligibility of providing the proper documentation(s) of their true identity. As the current makeup of the NC SBOE Board politically favors one party over another, there is the distinct question to consider when Board decisions are made regarding a voter's eligibility - that is "Were there ideological leanings involved in the process of decision-making?" Keeping the current Board voting rule as a ***by majority*** decreases the chance of making a choice guided by subjective facts and illogical findings, and diminishes the decision(s) being influenced by party ideology.

2) **08 NCAC 17.0109 – Photo Identification for Absentee by Mail Ballots**

Again, the same is the case in this rule as in the prior mentioned rule, the remedy suggested for a voter to respond to a Board decision re: an "error" in their proper identification of their individual documentation involves notifying the voter via mail if it is "at least 5 days before" the next scheduled Board meeting. With the current status of delivery speed of USPS mail, this certainly cannot be guaranteed.

The alternative options of Board notifications via email or by phone would be acceptable alternatives if the normal voter makes updates to their voter information. However, this expectation is the exception rather than the rule.

Thank you for your consideration.

Respectfully,
Dr. Sharon P. Brown
Orange County

Dr. Sharon P. Brown

From the desk of Angela I. Carmon, Esq.

August 28, 2026

Angela I. Carmon, Esq.
528 Sun Creek Drive
Winston-Salem, N.C. 27104

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action.

Members of the Commission:

I am a North Carolina resident and have been a registered voter since 1980.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Furthermore, I formally object to the adoption of the rules for because they are likely to add multiple layers of confusion for county staff, county boards of election, and the voters who may be ultimately deprived of their constitutional right to vote and have that vote counted because they miss a newly instituted deadline that is buried in complicated rules with deadlines far shorter than most court deadlines.

Thank you for your consideration.

Respectfully submitted,



Angela I. Carmon, Esq.
Forsyth County

Linda Prentice Cohen
107 Suffolk Place
Chapel Hill, NC 27516

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

Members of the Commission:

I am a North Carolina resident and have been a registered voter since 2008.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S.150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

I formally object to the adoption of the rules because they are not in the best interest of the North Carolina electorate and undercut the core principles of democracy. Furthermore, I object to implementing the above rules so close to an election because such implementation invites confusion and undermines faith in a fair and democratically run election.

Thank you for your consideration.

Respectfully,
Linda Prentice Cohen
Orange County, NC

Linda P. Cohen

Burgos, Alexander N

From: Bob Rodriguez <blrodriguez001@gmail.com>
Sent: Friday, August 28, 2026 4:11 PM
To: Ascher, Seth M; rrc.comments; Steele, Adam
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 18 .0505 Irregularities That Require Further Action

Importance: High

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Written Objection and Request for Legislative Review — 08 NCAC 18 .0505 IRREGULARITIES THAT REQUIRE FURTHER ACTION

To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 18 .0505 Irregularities That Require Further Action.

My Objection is Lack of Necessity: The rule fails the Necessity standard under N.C.G.S. § 150B-21.9(a)(3) because this process is already addressed with Numbered Memo 2021-03 The memo is explicit -- "In all of the above situations, the ballot was received in a sealed envelope and is therefore not deficient."

Pursuant to N.C.G.S. § 150B-21.3(b2) this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.
I also ask that a reply be sent back to me that you received my email.

Thank you all for your assistance.

Sincerely,

Robert G. Rodriguez
2400 Countrywood Rd
Raleigh NC 27615
Wake County

From: Bob Rodriguez <blrodriguez001@gmail.com>
Date: Wednesday, August 19, 2026 at 3:49 PM
To: Rules Review Committee Email <rrc.comments@oah.nc.gov>
Cc: Seth Ascher <Seth.Ascher@OAH.NC.Gov>
Subject: Written Objection and Request for Legislative Review — 08 NCAC 10B .0103 Recount Procedures

To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 10B .0103 Recount Procedures.

My Objection is Lack of Necessity: The rule fails the Necessity standard under N.C.G.S. § 150B-21.9(a)(3) because it creates redundant administrative procedures that conflict with existing statutory canvass timelines.

The General Assembly already legislated firm schedules for post-election canvassing and recount procedures under Chapter 163.
Changing these timelines or procedures by administrative rule creates conflicting schedules that cause unnecessary delays without statutory need.

Pursuant to N.C.G.S. § 150B-21.3(b2) this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.
I also ask that a reply be sent back to me that you received my email.

Sincerely,

Robert G. Rodriguez
2400 Countrywood Rd
Raleigh NC 27615
Wake County

Burgos, Alexander N

From:	TreKeny@outlook.com
Sent:	Friday, August 28, 2026 4:35 PM
To:	rrc.comments; seth.ascher@oahnc.gov
Cc:	Steele, Adam; SVC_SBOE.RuleMaking
Subject:	[External] Formal Objection & Request for Legislative Review on Rule 08 NCAC 09 .0110 Secondary Recount

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Trey Kennedy
6539 Clarksdale Ln
Durham, NC
April 28th, 2026 4:35pm

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: **Formal Objection & Request for Legislative Review on Rule 08 NCAC 09 .0110 SECONDARY RECOUNTS**

Members of the Commission:
Chair: Representative Parker, and Members
Senators: Doran, Dixon, Hahn, Hyde and Nelson
Representatives: Loutit, Overton, Powell
Rules Coordinators Seth Ascher and Adam Steele And
Rules Codifier Brian Liebman

I request that the **08 NCAC 09 .0110 SECONDARY RECOUNTS** be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Rule 08 NCAC 09 .0110 states that:
"For any hand-to-eye recount conducted under **G.S. 163-182.7A**, each county board of elections involved in the recount **shall provide notice at least 24 hours in advance of the recount by email to the county board's notice list** under **G.S. 143-318.12(b)(2)**, county party chairs, and the candidates in the contest subject to the recount. "

OBJECTION:
LACK OF CLARITY in two areas both not clear.
The rule fails the clear and unambiguous standard under G.S. § 150B-21.9 (a)(2) because there is no alternative measure for reaching persons in the event of power outages in the event of storms.
2nd part
The rule further states: "No separate notice of a hand-to-eye recount is required if the hand-to-eye recount occurs immediately upon the conclusion of the first recount under **08 NCAC 09 .0107** and the notice of the first recount stated that a hand-to-eye recount, if required, could take place upon the

conclusion of the first recount. The board of elections having jurisdiction over the ballot item under **G.S. 163-182.7** shall schedule any hand-to-eye recount to begin **within 2 business days** of the demand for a hand-to-eye recount, whether that recount is a sample recount or a full recount."

OBJECTION:
UNDUE BURDEN - on the SBoE (2nd area)

The rule states that the count shall begin WITHIN 2 business days of the demand, but the statute cited states that the candidate's demand must REACH the SBoE BY NOON of the 2nd business day. If the notice does not reach the Board until the 2nd business day at NOON, it is extremely unlikely to get a count started WIHIN those 2 days. It's not impossible, but a tweek in the wording would allow the Board to not stress on the start.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Thank you for your consideration.

Respectfully submitted,



Burgos, Alexander N

From: Natalie Taylor Hart <ntaylordesign@gmail.com>
Sent: Friday, August 28, 2026 4:42 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — Photo ID –08 NCAC 17 .0101

You don't often get email from ntaylordesign@gmail.com. Learn why this is important

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To: rrc.comments@oah.nc.gov
CC: rules@ncsbe.gov
Subject: Written Objection and Request for Legislative Review — Photo ID –08 NCAC 17 .0101

To the Rules Review Commission:

I am a registered voter in Forsyth County, writing to formally object to the NCSBE's proposed rule Photo ID –08 NCAC 17 .0101. The rule fails the Clarity standard under N.C.G.S. § 150B-21.9(a)(2) because it fails to define objective standards for county boards, leading to unequal application across counties.

As an NC voter and sometimes poll observer, I'm concerned this rule replaces the current unanimous-agreement standard with a simple majority vote, meaning a partisan majority on my county's board could reject my ballot's affidavit over a dissenting member's objection, removing a safeguard that exists specifically to prevent one party from disqualifying voters.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,
Natalie Hart
279 Stanaford Rd
Winston-Salem, NC 27104
Forsyth County

Burgos, Alexander N

From: Natalie Taylor Hart <ntaylordesign@gmail.com>
Sent: Friday, August 28, 2026 4:51 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — Voting Sites – 08 NCAC 10C .0103

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To: rrc.comments@oah.nc.gov
CC: rules@ncsbe.gov
Subject: Written Objection and Request for Legislative Review — Voting Sites – 08 NCAC 10C .0103

To the Rules Review Commission:

I am a registered voter in Forsyth County, writing to formally object to the NCSBE's proposed rule Voting Sites – 08 NCAC 10C .0103. The rule violates N.C.G.S. § 150B-21.9(a)(1) by exceeding the administrative authority granted to the agency by the General Assembly.

This rule requires my county board to adopt new zone resolutions for every voting site in every election, based on authority I don't believe the General Assembly actually granted. NCSBE is imposing a statewide mandate on county boards without the statutory basis to do so.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,
Natalie Hart
279 Stanaford Rd
Winston-Salem, NC 27104
Forsyth County

Burgos, Alexander N

From:	Natalie Taylor Hart <ntaylordesign@gmail.com>
Sent:	Friday, August 28, 2026 4:51 PM
To:	rrc.comments
Cc:	SVC_SBOE.RuleMaking
Subject:	[External] Written Objection and Request for Legislative Review — Recount Rules – 08 NCAC 09 .0106

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To: rrc.comments@oah.nc.gov
CC: rules@ncsbe.gov
Subject: Written Objection and Request for Legislative Review — Recount Rules – 08 NCAC 09 .0106

To the Rules Review Commission:

I am a registered voter in Forsyth County, writing to formally object to the NCSBE's proposed rule Recount Rules – 08 NCAC 09 .0106. The rule fails the Necessity standard under N.C.G.S. § 150B-21.9(a)(3) because it creates redundant administrative procedures that conflict with existing statutory canvass timelines.

NCSBE has not identified any statutory deadline, staffing constraint, or other justification requiring recount-completion authority to be shifted away from the full board. The delegation is not shown to be necessary to fulfill the agency's duty under G.S. 163-182.7(d), it simply reduces oversight. As a voter, I object to this rule allowing a single Executive Director to unilaterally declare a statewide recount 'officially complete,' rather than requiring that determination to be made by the full State Board. A significant recount outcome shouldn't rest on one appointed official's judgment.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,
Natalie Hart
279 Stanaford Rd
Winston-Salem, NC 27104
Forsyth County

Burgos, Alexander N

From: Susana Rivera <susanarivera0805@gmail.com>
Sent: Friday, August 28, 2026 4:54 PM
To: rrc.comments
Subject: [External] Proposed Rules 08 NCAC 17 .0101 & .0109 and 08 NCAC 18 .0201, .0501, .0502, .0503, .0504, and .0505
Attachments: Objection to and Request for Legislative Review of 08 NCAC 17 .0101.pdf; Objection to and Request for Legislative Review of 08 NCAC 17 .0109.pdf; Objection to and Request for Legislative Review of 08 NCAC 18 .0201.pdf; Objection to and Request for Legislative Review of 08 NCAC 18. 0501.pdf; Objection to and Request for Legislative Review of 08 NCAC 18. 0502.pdf; Objection to and Request for Legislative Review of 08 NCAC 18. 0503.pdf; Objection to and Request for Legislative Review of 08 NCAC 18. 0504.pdf; Objection to and Request for Legislative Review of 08 NCAC 18. 0505.pdf

You don't often get email from susanarivera0805@gmail.com. Learn why this is important

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Attached and herein you'll find formal letters objecting to and requesting Legislative Review of 08 NCAC 17 .0101, 08 NCAC 17 .0109, 08 NCAC 18 .0201, 08 NCAC 18 .0501, 08 NCAC 18 .0502, 08 NCAC 18 .0503, 08 NCAC 18 .0504, and 08 NCAC 18 .0505.

***

Susana Mikhail Rivera
16278 Redstone Mountain Lane
Charlotte, NC 28277

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting

Members of the Commission:

I am a North Carolina resident and have been a registered voter since 2018.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Furthermore, I formally object to the adoption of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting. This rule should not be changed to allow a county board to reject a voter's Photo ID Exception Form by majority vote.

At a minimum, this rule should be amended to:

- Retain the unanimous-vote requirement before a ballot cast with a Photo ID Exception Form can be rejected.
- Give the voter a real opportunity to respond in writing, by phone, remotely, or in person before the county board makes any final decision.
- Prohibit rejection when the voter's explanation is plausible and the board lacks evidence that it is false.

The State Board should reject this proposed change and keep the current safeguard in place.

Thank you for your consideration.

Respectfully,

Susana Mikhail Rivera
Mecklenburg County

***

Susana Mikhail Rivera
16278 Redstone Mountain Lane
Charlotte, NC 28277

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots

Members of the Commission:

I am a North Carolina resident and have been a registered voter since 2018.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Further, I formally object to the adoption of 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots. Changing the standard to majority vote would make it easier to reject ballots from eligible voters who followed the rules and truthfully completed the exception form. These voters may be elderly, disabled, homebound, displaced by a natural disaster, unable to get transportation, unable to access a copier, or unable to obtain the documents needed to get photo ID.

These are exactly the voters who need the strongest protections, not weaker ones. At a minimum, this rule should be amended to:

- Retain the unanimous-vote requirement for any finding that a Photo ID Exception Form is false.
- Require the county board identify the factual evidence showing the form is false.
- Require multiple forms of notice to the voter before any rejection when available.
- Allow the voter to respond in writing, by email, by phone, remotely, or in person.

The State Board should reject this proposed change and keep the current safeguard in place.

Thank you for your consideration.

Respectfully,

Susana Mikhail Rivera
Mecklenburg County

***

Susana Mikhail Rivera
16278 Redstone Mountain Lane
Charlotte, NC 28277

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 18 .0201 Definitions

Members of the Commission:

I am a North Carolina resident and have been a registered voter since 2018.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Further, I formally object to the adoption of 08 NCAC 18 .0201 Definitions. As written, the definitions are technical and may make sense to election lawyers or election administrators, but they are confusing for voters. A voter who receives a notice from the county board should be able to understand what happened, what they need to do, and what will happen if they do not respond.

The definitions in this rule should be revised so that ordinary voters can understand the difference between a "deficiency," an "irregularity," a "curable deficiency," and a "non-curable deficiency." The definition of "irregularity" is especially important. The rule should make clear that an "irregularity" is not the same thing as voter fraud, voter ineligibility, or a reason to reject a ballot. Many irregularities are innocent mistakes that do not affect whether the voter is eligible or whether the voter intended to cast the ballot. The rule should be

amended to state that technical mistakes should not lead to ballot rejection unless they are material to voter eligibility, ballot security, or voter intent.

Thank you for your consideration.

Respectfully,

Susana Mikhail Rivera
Mecklenburg County

***

Susana Mikhail Rivera
16278 Redstone Mountain Lane
Charlotte, NC 28277

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 18 .0501 Review for Deficiencies

Members of the Commission:

I am a North Carolina resident and have been a registered voter since 2018.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Further I formally object to the adoption of 08 NCAC 18 .0501 Review for Deficiencies. The rule should require county board staff to use uniform statewide forms, uniform written explanations, and uniform procedures when deciding whether something is a deficiency or irregularity. Without clear statewide standards, the same ballot mistake could be treated differently from county to county. The rule should also require county boards to document the specific reason for any deficiency or irregularity and to keep that documentation with the ballot record. Voters should not lose their ballots based on vague or inconsistent decisions.

Thank you for your consideration.

Respectfully,

Susana Mikhail Rivera
Mecklenburg County

***

Susana Mikhail Rivera
16278 Redstone Mountain Lane

Charlotte, NC 28277

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 18. 0502 Curable Deficiencies

Members of the Commission:

I am a North Carolina resident and have been a registered voter since 2018.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Further, if 08 NCAC 18. 0502 Curable Deficiencies is adopted, the cure notice should be written in plain language. It should clearly say:

- What the problem is.
- What the voter must do to fix it.
- The exact deadline.
- All ways the voter can submit the cure.
- Who may assist the voter.
- A phone number and email address for help.

The rule should also require notices to be available in languages commonly used in the county and in accessible formats for voters with disabilities. A ballot should not be rejected for a curable deficiency if the voter substantially complies with the cure instructions and the county board can determine that the voter is eligible and intended to cast the ballot.

Thank you for your consideration.

Respectfully,

Susana Mikhail Rivera
Mecklenburg County

***

Susana Mikhail Rivera
16278 Redstone Mountain Lane
Charlotte, NC 28277

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 18 .0503 Non-Curable Deficiencies

Members of the Commission:

I am a North Carolina resident and have been a registered voter since 2018.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Further, I formally object to the adoption of 08 NCAC 18 .0503 Non-Curable Deficiencies. This rule should be narrowed. A ballot should be treated as non-curable only when there is no way to determine voter eligibility, voter intent, or ballot security. The rule should not classify technical paperwork mistakes as non-curable when the county board can determine who the voter is, that the voter was eligible, and that the voter intended to cast the ballot.

The rule should also require county boards to contact the voter immediately by mail, email, and phone before or at the same time the ballot is spoiled and reissued. Voters should not find out too late that their ballot was cancelled.

If the deficiency is discovered close to Election Day, the notice should clearly explain all remaining voting options, including early voting, Election Day voting, and any available way to return a reissued absentee ballot on time.

Thank you for your consideration.

Respectfully,

Susana Mikhail Rivera
Mecklenburg County

***

Susana Mikhail Rivera
16278 Redstone Mountain Lane
Charlotte, NC 28277

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter

Members of the Commission:

I am a North Carolina resident and have been a registered voter since 2018.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Further, I formally object to the adoption of 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter. The State Board should expand this rule to include more innocent absentee-ballot mistakes that do not affect voter eligibility or voter intent. In particular, this rule should include situations where the ballot is received in a sealed outer return envelope, even if there is a technical issue with the inner ballot envelope. Prior NCSBE guidance treated several of these situations as anomalies, not deficiencies, because the ballot was still received in a sealed envelope.

The rule should also include situations where two voters in the same household accidentally switch their ballots or ballot envelopes, as long as there are no issues with the applications and the county board can determine which voters cast the ballots. Prior NCSBE guidance stated that voters in the same household should not have their ballots rejected for that kind of ballot-number mismatch when the mistake is not material to voter eligibility.

Thank you for your consideration.

Respectfully,

Susana Mikhail Rivera
Mecklenburg County

***

Susana Mikhail Rivera
16278 Redstone Mountain Lane
Charlotte, NC 28277

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 18 .0505 Irregularities That Require Further Action

Members of the Commission:

I am a North Carolina resident and have been a registered voter since 2018.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Further, I formally object to the adoption of 08 NCAC 18 .0505 Irregularities That Require Further Action. These include situations where the ballot envelope appears to have been opened and resealed but was received in a sealed outer return envelope, where the ballot is not inside a sealed ballot envelope but the ballot and ballot envelope were received in a sealed outer return envelope, or where the ballot in the envelope is different from

the ballot transmitted to the voter. These situations may involve innocent voter mistakes. They do not necessarily mean the voter is ineligible, that the voter did anything wrong, or that the ballot should be rejected.

The State Board should reject Rule .0505 as written and preserve the existing common-sense approach that counts eligible voters' ballots when technical mistakes do not affect voter eligibility, voter intent, or ballot security.

Thank you for your consideration.

Respectfully,

Susana Mikhail Rivera
Mecklenburg County

***

Burgos, Alexander N

From: C C <cichukwu0@gmail.com>
Sent: Friday, August 28, 2026 5:03 PM
To: rrc.comments
Subject: [External] Re: Objection to and Request for Legislative Review of: 08 NCAC 09 .0106 General Guidelines; 08 NCAC 09 .0107 First Recount; 08 NCAC 09 .0110 Secondary Recounts; 08 NCAC 10C .0101 Definitions; 08 NCAC 10C .0102 Voting Site Buffer Zones; 08 N...

Follow Up Flag: Follow up
Flag Status: Completed

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Chika Chukwu MD MSc
2401 Voyager Circle
Raleigh NC 27603

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of: 08 NCAC 09 .0106 General Guidelines; 08 NCAC 09 .0107 First Recount; 08 NCAC 09 .0110 Secondary Recounts; 08 NCAC 10C .0101 Definitions; 08 NCAC 10C .0102 Voting Site Buffer Zones; 08 NCAC 10C .0103 Voting Site Electioneering Zone; 08 NCAC 10C .0104 Conduct at Voting Sites;08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

Members of the Commission:

I am a North Carolina resident. After graduating from high school, and because I ardently believed that albeit young, he was the best person to represent his district to congress, I proudly worked on the campaign to elect Pactrick McHenry to the 10th congressional district. I was enrolled at Xavier University of Louisiana and at home for the summer. By 2008, I had returned to this great state to live and work and have been a registered voter here ever since.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

On 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting

Furthermore, a Photo ID Exception Form is supposed to protect voters who are eligible to vote but cannot present acceptable photo ID. A unanimity requirement to believe an affidavit is false is a current safeguards in place. **I formally object** to the adoption of this particular rule because it increases the risk to reject a ballot along partisan lines and/or rely on a simple disagreement with the voters stated reason. When the ONLY question that should be considered is whether there is factual evidence that the voter made a false statement, this rule change does not even give the voter an opportunity to respond before the county board makes any final decision.

On 08 NCAC 18

All of these rule changes should require county boards to document the specific reason for any deficiency or irregularity and to keep that documentation with the ballot record. So as not to disenfranchise communities that are inherently vulnerable, these rule changes should cite in plain accessible language how the voter can cure their vote (exact deadlines, how to submit, who may assist the vote etc). Under no circumstances should a ballot be rejected for a curable deficiency if the voter substantially complies with the cure instructions and the county board can determine that the voter is eligible and intended to cast the ballot.

Thank you for your time, careful consideration, and dedication to maintaining a balanced regulatory framework in North Carolina. Because these proposed rules carry significance for our state's citizens I respectfully request that the Commission subject any adoption to a delayed effective date. This crucial pause will allow the General Assembly the necessary time to thoroughly review these measures during the upcoming legislative session, ensuring proper legislative oversight and accountability. As President Ronald Reagan wisely noted, "We must reject the idea that every time a law's broken, society is guilty rather than the lawbreaker. It is time to restore the American precept that each individual is accountable for his actions." In that same spirit of accountability, allowing our elected lawmakers to examine these regulations ensures that governance remains transparent, restrained, and truly accountable to the people of North Carolina.

Respectfully,
Chika Chukwu MD MSc
Wake Country

--
Chika Chukwu, MD MSc

Burgos, Alexander N

From: C Chukwu <chika.chukwu.md@gmail.com>
Sent: Friday, August 28, 2026 5:06 PM
To: rrc.comments
Subject: [External] Re: Objection to and Request for Legislative Review of: 08 NCAC 09 .0106 General Guidelines; 08 NCAC 09 .0107 First Recount; 08 NCAC 09 .0110 Secondary Recounts; 08 NCAC 10C .0101 Definitions; 08 NCAC 10C .0102 Voting Site Buffer Zones; 08 N...

You don't often get email from chika.chukwu.md@gmail.com. Learn why this is important

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Chika Chukwu MD MSc
2401 Voyager Circle
Raleigh NC 27603

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of: 08 NCAC 09 .0106 General Guidelines; 08 NCAC 09 .0107 First Recount; 08 NCAC 09 .0110 Secondary Recounts; 08 NCAC 10C .0101 Definitions; 08 NCAC 10C .0102 Voting Site Buffer Zones; 08 NCAC 10C .0103 Voting Site Electioneering Zone; 08 NCAC 10C .0104 Conduct at Voting Sites;08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

Members of the Commission:

I am a North Carolina resident. After graduating from high school, and because I ardently believed that albeit young, he was the best person to represent his district to congress, I proudly worked on the campaign to elect Pactrick McHenry to the 10th congressional district. I was enrolled at Xavier University of Louisiana and at home for the summer. By 2008, I had returned to this great state to live and work and have been a registered voter here ever since.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

On 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting

Furthermore, a Photo ID Exception Form is supposed to protect voters who are eligible to vote but cannot present acceptable photo ID. A unanimity requirement to believe an affidavit is false is a current safeguards in place. **I formally object** to the adoption of this particular rule because it increases the risk to reject a ballot along partisan lines and/or rely on a simple disagreement with the voters stated reason. When the ONLY question that should be considered is whether there is factual evidence that the voter made a false statement, this rule change does not even give the voter an opportunity to respond before the county board makes any final decision.

On 08 NCAC 18

All of these rule changes should require county boards to document the specific reason for any deficiency or irregularity and to keep that documentation with the ballot record. So as not to disenfranchise communities that are inherently vulnerable, these rule changes should cite in plain accessible language how the voter can cure their vote (exact deadlines, how to submit, who may assist the vote etc). Under no circumstances should a ballot be rejected for a curable deficiency if the voter substantially complies with the cure instructions and the county board can determine that the voter is eligible and intended to cast the ballot.

Thank you for your time, careful consideration, and dedication to maintaining a balanced regulatory framework in North Carolina. Because these proposed rules carry significance for our state's citizens I respectfully request that the Commission subject any adoption to a delayed effective date. This crucial pause will allow the General Assembly the necessary time to thoroughly review these measures during the upcoming legislative session, ensuring proper legislative oversight and accountability. As President Ronald Reagan wisely noted, "We must reject the idea that every time a law's broken, society is guilty rather than the lawbreaker. It is time to restore the American precept that each individual is accountable for his actions." In that same spirit of accountability, allowing our elected lawmakers to examine these regulations ensures that governance remains transparent, restrained, and truly accountable to the people of North Carolina.

Respectfully,
Chika Chukwu MD MSc
Wake County

Rule Citation	Legislative Review Letters Received
08 NCAC 09 .0106	14
08 NCAC 09 .0107	11
08 NCAC 09 .0110	14
08 NCAC 10C .0101	14
08 NCAC 10C .0102	15
08 NCAC 10C .0103	18
08 NCAC 10C .0104	31
08 NCAC 17 .0101	44
08 NCAC 17 .0109	30
08 NCAC 18 .0201	14
08 NCAC 18 .0501	15
08 NCAC 18 .0502	25
08 NCAC 18 .0503	19
08 NCAC 18 .0504	16
08 NCAC 18 .0505	24

08 NCAC 09 .0106

Burgos, Alexander N

From: Jeana O'Connor <jlwmacleod@gmail.com>
Sent: Friday, August 28, 2026 11:09 AM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and request for legislative review

You don't often get email from jlwmacleod@gmail.com. Learn why this is important

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

This letter is for the RULES REVIEW COMMITTEE:

I am a registered voter in Forsyth County writing to formally object to the NCSBEs proposed rule on Recounts (08 NCAC 09.0106 .0107 or .0110).

This rule fails the Necessity standard under NCGS subsection 150B-21.9 (a) (3) because it creates redundant administrative procedures that conflict with existing statutory canvass guidelines.

We should be making it easier to count votes, not harder.

This letter serves as my formal written objection.

Jeana O Connor
830 Woodcrest Drive
Winston-Salem NC 27104
Forsyth County

Burgos, Alexander N

From: Carolyn Moench <cmoenchpac@hotmail.com>
Sent: Friday, August 28, 2026 5:26 AM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] written objection and request for legislative review --recounts

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To the Rules Review Commission:
I am a registered voter in Davidson County, writing to formally object to the NCSBE's proposed rule
Recounts
08 NCAC 09 .0106, .0107, or .0110

Lack of Authority: The rule violates N.C.G.S. § 150B-21.9(a)(1) by exceeding the
administrative authority granted to the agency by the General Assembly.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that
this rule be subjected to review by the legislature.
Sincerely,
Carolyn M Moench
1138 Muirfield Ave
Clemmons NC 27012
Davidson County

Burgos, Alexander N

From: Mark McClure <markmcclure888@gmail.com>

Sent: Thursday, August 27, 2026 1:29 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 09.0106 Recount Procedures; General Guidelines

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To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed **rule 08 NCAC 09 .0106 Recount Procedures; General Guidelines** for the following reason:

The proposed rule fails the clarity and unambiguous requirement stated in N.C.G.S. § 150B-21.9(a)(2).

In **paragraph (d) rule 08 NCAC 09 .0106** strictly specifies that a bipartisan team of four officials **SHALL** be assigned for hand-to-eye recounts, which will be split into two teams. Each team **MUST** contain two officials, *one from each of the two parties in the State with the largest number of registered voters*. This requirement is clear and unambiguous.

However, a subsequent provision within the same paragraph contradicts this mandate. Without explanation, the proposed rule empowers the county board, by a majority vote of its members, to assign **an *unaffiliated voter or voter affiliated with one of the other political parties recognized in the State under G.S. 163-96 to the bipartisan recount team,which contradicts the strict bipartisan committee make up stated above.***

The current rule justifies the reason for adding new members to the bipartisan recount team as an inability to fill the positions with a sufficient number of voters affiliated with each of the two parties in the State with the largest number of registered voters. Why was this clarification deleted and what specific criteria will a county board use to justify adding new members to the bipartisan recount teams? Furthermore, will the same criteria apply for every county in NC? No explanation is given.

Accordingly, this rule fails the clarity and unambiguous requirement stated in N.C.G.S. § 150B-21.9(a)(2) and therefore I call upon the committee to reject this proposed rule change.

Thank you.

Sincerely,

Mark McClure
2326 Englewood Avenue
Durham, NC 27705
Durham County

Burgos, Alexander N

From: Kathy Martin <kteemartin32@gmail.com>
Sent: Monday, August 24, 2026 10:34 AM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review 08 NCAC 09.0106

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To the Rules Review Commission:
I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 09.0106 (Recounts)

Section (d) includes this statement:
"The county board by a majority vote of its members, including at least one board member of each political party represented on the board, may assign to the bipartisan team an unaffiliated voter or voter affiliated with one of the other political parties. parties recognized in the State under G.S. 163-96"

The rule fails the Necessity standard under N.C.G.S. § 150B-21.9(a)(3) because it creates redundant administrative procedures that conflict with existing statutory canvass timelines. There is no reason to bring in additional parties or unaffiliated voters into an established recount process. The candidate is able to observe the count. The change invites confusion and extra steps where none are needed.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Kathy Martin
114 Bright Angel Dr
Cary, NC 27513
Wake County

Burgos, Alexander N

From: Mark and Cheri <celebratingphotography2@gmail.com>
Sent: Saturday, August 22, 2026 3:02 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 09.0106 Recount Procedures; General Guidelines

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To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed **rule 08 NCAC 09 .0106 Recount Procedures; General Guidelines** for the following reason:

Lack of clarity: The rule fails the lack of clarity standard under N.C.G.S. § 150B-21.9(a)(2) because **Rule 08 NCAC 09. 0106** contains conflicting statements regarding the membership requirements for the hand-to-eye recount team.

Rule 08 NCAC 09. 0106 (d) states that a bipartisan team of four officials **shall** be assigned for hand-to-eye recounts, which will be split into two teams. Each team **must** contain **two officials**, ***one from each of the two parties in the State with the largest number of registered voters***). Subsequent provisions of this rule contradict this mandate; that is, the county board, by a majority vote of its members, can assign to the bipartisan recount team **an *unaffiliated voter or voter affiliated with one of the other political parties recognized in the State under G.S. 163-96.***

The following provision also violates the requirement that each team **must** contain **two officials**, ***one from each of the two parties in the State with the largest number of registered voter:***

"In no instance shall the county board assign more than ***two officials*** to a **bipartisan team** *who are* ***unaffiliated*** *or* ***affiliated with one of the other political parties****, and a* ***bipartisan team of four shall*** *include* ***at least one official from each of the two parties in the State with the largest number of registered voters"***. In other words, the political party that controls the county board can vote to assign two

additional voters from their political party to the recount team, which would still meet the requirement to have **at least one official** from each of the two parties in the State with the largest number of registered voters on the team of four, but the remaining three members could be from the partisan majority party.

Accordingly, for the reasons stated above, Rule 08 NCAC 09. 0106, fails the lack of clarity standard mandated by N.C.G.S. § 150B-21.9(a)(2).

Pursuant to N.C.G.S. § 150B-21.3(b) this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,
Cheryl Elliott
2326 Englewood Avenue
Durham, NC 27705
Durham County

Burgos, Alexander N

From: Mark and Cheri <celebratingphotography2@gmail.com>
Sent: Saturday, August 22, 2026 3:02 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 09.0106 Recount Procedures; General Guidelines

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To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed **rule 08 NCAC 09 .0106 Recount Procedures; General Guidelines** for the following reason:

Lack of clarity: The rule fails the lack of clarity standard under N.C.G.S. § 150B-21.9(a)(2) because **Rule 08 NCAC 09. 0106** contains conflicting statements regarding the membership requirements for the hand-to-eye recount team.

Rule 08 NCAC 09. 0106 (d) states that a bipartisan team of four officials **shall** be assigned for hand-to-eye recounts, which will be split into two teams. Each team **must** contain **two officials**, ***one from each of the two parties in the State with the largest number of registered voters***). Subsequent provisions of this rule contradict this mandate; that is, the county board, by a majority vote of its members, can assign to the bipartisan recount team **an *unaffiliated voter or voter affiliated with one of the other political parties recognized in the State under G.S. 163-96.***

The following provision also violates the requirement that each team **must** contain **two officials**, ***one from each of the two parties in the State with the largest number of registered voter:***

"In no instance shall the county board assign more than ***two officials*** to a **bipartisan team** *who are* ***unaffiliated*** *or* ***affiliated with one of the other political parties****, and a* ***bipartisan team of four shall*** *include* ***at least one official from each of the two parties in the State with the largest number of registered voters"***. In other words, the political party that controls the county board can vote to assign two

additional voters from their political party to the recount team, which would still meet the requirement to have **at least one official** from each of the two parties in the State with the largest number of registered voters on the team of four, but the remaining three members could be from the partisan majority party.

Accordingly, for the reasons stated above, Rule 08 NCAC 09. 0106, fails the lack of clarity standard mandated by N.C.G.S. § 150B-21.9(a)(2).

Pursuant to N.C.G.S. § 150B-21.3(b) this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,
Cheryl Elliott
2326 Englewood Avenue
Durham, NC 27705
Durham County

Burgos, Alexander N

From: Advocacy <alltheadvocacy@proton.me>
Sent: Friday, August 21, 2026 12:58 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 09 .0106

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To the Rules Review Commission:
I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 09 .0106 Recounts General Guidelines.

The rule fails the Necessity standard under N.C.G.S. § 150B-21.9(a)(3) because it creates redundant administrative procedures that conflict with existing statutory canvass timelines.

As a voter, I'm concerned that this rule created duplicate procedures that may, now or in the future, be out-of-sync. Also, procedures and regulations should be defined and stated in one-and-only place otherwise you are forcing county boards to pick and choose which definition is the applicable one.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,
Katherine O'Malley
9721 Dansington Ct
Raleigh, NC, 27615
Wake County

Burgos, Alexander N

From: Mark McClure <markmcclure888@gmail.com>
Sent: Monday, August 17, 2026 12:50 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 09.0106 Recount Procedures; General Guidelines

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To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed **rule 08 NCAC 09 .0106 Recount Procedures; General Guidelines** for the following reason:

Lack of authority: The rule fails the lack of authority standard under N.C.G.S. § 150B-21.9(a)(1) because **Rule 08 NCAC 09. 0106** exceeds the administrative authority granted to the agency by the General Assembly.

Rule 08 NCAC 09. 0106 (d) states that a bipartisan team of four officials **shall** be assigned for hand-to-eye recounts, which will be split into two teams. Each team must contain two officials, *one from each of the two parties in the State with the largest number of registered voters).* The proposed rule violates this mandate for the reasons explained below.

First, the proposed rule removes the current contingency statement, which justifies the reason for assigning additional members to the recount team:
"*If, after diligently seeking to fill the positions with voters affiliated with each of the two parties in the State with the largest number of registered voters, the county board still has an insufficient number of officials for the recount",*

In its place, without justification, Rule 08 NCAC 09. 0106 (d) empowers the county board, by a majority vote of its members, to assign to the bipartisan recount team **an *unaffiliated voter or voter affiliated with one of the other political parties recognized in the State under G.S. 163-96.*** Adding an unaffiliated voter to the recount team violates the bipartisan committee mandate stated above, as does the following provision:

"In no instance shall the county board assign more than ***two officials*** to a bipartisan team *who are* ***unaffiliated*** *or* ***affiliated with one of the other political***

parties*, and a* ***bipartisan team of four shall*** *include* ***at least one official from each of the two parties in the State with the largest number of registered voters"***. In other words, the political party that controls the county board can vote to assign two additional voters from their political party to the recount team, which would still meet the requirement to have **at least one official** from each of the two parties with the largest number of registered voters on the team, but give them a 3-1 partisan advantage.

Accordingly, Rule 08 NCAC 09. 0106 exceeds the administrative authority granted by the General Assembly.

Pursuant to N.C.G.S. § 150B-21.3(b) this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,
Mark McClure
2326 Englewood Avenue
Durham, NC 27705
Durham County

Burgos, Alexander N

From:	DJ Oronzio <djodemocracy@gmail.com>
Sent:	Friday, August 7, 2026 2:40 PM
To:	Ascher, Seth M; rrc.comments; SVC_SBOE.RuleMaking
Subject:	[External] Written Objection and Request for Legislative Review — 08 NCAC 09 .0106 Recounts

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To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 09 .0106 Recounts (NCSBE Rulemaking Page: https://www.ncsbe.gov/rules-and-rulemaking).

Lack of Authority: The rule violates N.C.G.S. § 150B-21.9(a)(1) (https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_150B/GS_150B-21.9.html) by exceeding the administrative authority granted to the agency by the General Assembly.

State law (N.C.G.S. § 163-182.7 - https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_163/GS_163-182.7.html) establishes specific thresholds and procedures for mandatory recounts. Altering these standards, restricting candidate rights to request recounts, or imposing administrative barriers not found in statute exceeds the agency's rulemaking authority.

Pursuant to N.C.G.S. § 150B-21.3(b2) (https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_150B/GS_150B-21.3.html), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Deborah J Oronzio

5300 Arete Way

Raleigh, NC 27607

Wake County



Burgos, Alexander N

From:	Al Vos <alvin.vos@gmail.com>
Sent:	Tuesday, July 28, 2026 10:26 PM
To:	rrc.comments
Cc:	SVC_SBOE.RuleMaking
Subject:	[External] Written Objection and Request for Legislative Review Recounts rule 08 NCAC 09 .0106

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To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed Recounts rule 08 NCAC 09 .0106

The rule fails the Necessity standard under N.C.G.S. § 150B-21.9(a)(3) because it creates redundant administrative procedures that conflict with existing statutory canvass timelines.

I am a relatively new resident of North Carolina, and I am concerned about the potential for voting to become politicized within this state.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Alvin Vos
17001 Searstone Drive #305
Cary, NC 27513
Wake County

Burgos, Alexander N

From:	Tiffany Shubert <tiffany.shubert@gmail.com>
Sent:	Thursday, August 13, 2026 6:09 PM
To:	rrc.comments
Cc:	SVC_SBOE.RuleMaking
Subject:	[External] Written Objection and Request for Legislative Review — Recounts 08 NCAC 09 .0106

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To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed rule: Recounts - 08 NCAC 09 .0106.

The rule fails the Necessity standard under N.C.G.S. § 150B-21.9(a)(3) because it creates redundant administrative procedures that conflict with existing statutory canvass timelines.

I am specifically concerned about the cascading triggering events within a fixed window described within section (f). This rule creates deadlines inside an already short statutory window, and risks making the rule's own machinery, not the statute, the thing that determines whether the canvass happens on time. These redundant administrative procedures add processes that statute doesn't require in order to hit deadlines that the statute does require.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Tiffany Shubert
1 Coggins Mine Court
Chapel Hill, NC 27517
Durham County

--
Tiffany Shubert, PhD, PT
919-360-1970

https://www.linkedin.com/in/shubertconsulting/

"Imagination is more important than knowledge. For knowledge is limited to all we now know and understand, while imagination embraces the entire world, and all there ever will be to know and understand." - Albert Einstein

Burgos, Alexander N

From: Barbara Lang <bllang16@gmail.com>
Sent: Friday, August 14, 2026 2:45 PM
To: rrc.comments
Subject: [External] Written Objection and Request for Legislative Review of Recounts 08 NCAC 09 .0106, .0107, or .0110

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To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule, Recounts 08 NCAC 09 .0106, 0107, or .0110. The rule fails the Necessity standard under N.C.G.S. § 150B-21.9(a)(3) because it creates redundant administrative procedures that conflict with existing statutory canvass timelines.

This letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Thank you for your attention to this matter. It's important to our democracy that voting is fair and consistent.

Sincerely,

Barbara Lang
178 Glenpark Place
Cary NC 27511
Wake County

Burgos, Alexander N

From: Robin Barefoot <robinbarefoot@outlook.com>
Sent: Saturday, August 15, 2026 10:59 AM
To: rrc.comments
Cc: Robin Barefoot; SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review - Rule 08 NCAC 09.0106

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To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed Rule 08 NCAC 09.0106: General Guidelines (Recount Rules)

The rule fails the Necessity standard under N.C.G.S. § 150B-21.9(a)(3) because it creates redundant administrative procedures that conflict with existing statutory canvass timelines.

Pursuant to N.C.G.S. section 150B-21.3(b)(2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Robin Barefoot
919-612-1629
robinbarefoot@outlook.com
she/her (Why pronouns matter)

08 NCAC 09 .0107

Burgos, Alexander N

From: Jeana O'Connor <jlwmacleod@gmail.com>
Sent: Friday, August 28, 2026 11:09 AM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and request for legislative review

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This letter is for the RULES REVIEW COMMITTEE:

I am a registered voter in Forsyth County writing to formally object to the NCSBEs proposed rule on Recounts (08 NCAC 09.0106 .0107 or .0110).

This rule fails the Necessity standard under NCGS subsection 150B-21.9 (a) (3) because it creates redundant administrative procedures that conflict with existing statutory canvass guidelines.

We should be making it easier to count votes, not harder.

This letter serves as my formal written objection.

Jeana O Connor
830 Woodcrest Drive
Winston-Salem NC 27104
Forsyth County

Burgos, Alexander N

From: Mark McClure <markmcclure888@gmail.com>

Sent: Thursday, August 27, 2026 6:56 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 09.0107 Recount Procedures; First Recount

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To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed **rule 08 NCAC 09 .0107 Recount Procedures; First Recount** for the following reason:

Failure to conform to the clarity and unambiguous requirement stated in N.C.G.S. § 150B-21.9(a)(2).

Rule 08 NCAC 09 .0107 states: ***"The hand count shall be done by a bipartisan team of four in accordance with .0106(d) of this Chapter"***. However, *".0106 (d) of this chapter"* contains the following provisions, which are ambiguous and lack clarity.

1. **paragraph (d) rule 08 NCAC 09 .0106** specifically states that a bipartisan team of four officials **SHALL** be assigned for hand-to-eye recounts, which will be split into two teams. Each team **MUST** contain two officials, *one from each of the two parties in the State with the largest number of registered voters,* yet a subsequent provision within the same paragraph contradicts this mandate. Without explanation, the proposed rule empowers the county board, by a majority vote of its members, to

assign **an *unaffiliated voter or voter affiliated with one of the other political parties recognized in the State under G.S. 163-96 to the bipartisan recount team.***

2. The current **rule 08 NCAC 09 .0106** lists the reason for adding new members to the bipartisan recount team as an inability to fill the positions with a sufficient number of voters affiliated with each of the two parties in the State with the largest number of registered voters. Why was this clarification deleted in the proposed rule change and what specific criteria will a county board use to justify adding new members to the bipartisan recount teams? Furthermore, will the same criteria apply for every county in NC? No explanation is given, which results in lack of clarity and ambiguity.

For the reasons stated above, rule 08 NCAC 09.0106 fails the clarity and unambiguous requirement stated in N.C.G.S. § 150B-21.9(a)(2). Therefore, **Rule 08 NCAC 09 .0107 also fails to meet these criteria because it specifies that "The hand count shall be done by a bipartisan *team of four* in accordance with .0106(d) of this Chapter".**

Accordingly, I call upon the committee to reject **rule 08 NCAC 09 .0107**

Pursuant to N.C.G.S. § 150B-21.3(b) this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Mark McClure

2326 Englewood Avenue

Durham, NC 27705

Durham County

Burgos, Alexander N

From: Carolyn Moench <cmoenchpac@hotmail.com>
Sent: Friday, August 28, 2026 5:26 AM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] written objection and request for legislative review --recounts

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To the Rules Review Commission:
I am a registered voter in Davidson County, writing to formally object to the NCSBE's proposed rule
Recounts
08 NCAC 09 .0106, .0107, or .0110

Lack of Authority: The rule violates N.C.G.S. § 150B-21.9(a)(1) by exceeding the
administrative authority granted to the agency by the General Assembly.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that
this rule be subjected to review by the legislature.
Sincerely,
Carolyn M Moench
1138 Muirfield Ave
Clemmons NC 27012
Davidson County

Burgos, Alexander N

From: Mark and Cheri <celebratingphotography2@gmail.com>
Sent: Saturday, August 22, 2026 3:09 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 09.0107 Recount Procedures; First Recount

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To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed **rule 08 NCAC 09 .0107 Recount Procedures; First Recount** for the following reason:

Lack of Clarity: Rule 08 NCAC 09 .0107 fails the lack of clarity standard under **N.C.G.S. § 150B-21.9(a)(2)** because it based, in part, upon provisions of **Rule 08 NCAC 09. 0106,** which contain conflicting statements regarding the membership requirements for the hand-to-eye recount team.

Rule 08 NCAC 09. 0106 (d) states that a bipartisan team of four officials **shall** be assigned for hand-to-eye recounts, which will be split into two teams. Each team **must** contain **two officials**, ***one from each of the two parties in the State with the largest number of registered voters***). Subsequent provisions of this rule contradict this mandate; that is, the county board, by a majority vote of its members, can assign to the bipartisan recount team **an *unaffiliated voter or voter affiliated with one of the other political parties recognized in the State under G.S. 163-96.***

The following provision also violates the requirement that each team **must** contain**two officials**, ***one from each of the two parties in the State with the largest number of registered voter:***

"In no instance shall the county board assign more than ***two officials*** to a **bipartisan team** *who are* ***unaffiliated or affiliated with one of the other political parties****, and a* ***bipartisan team of four shall*** *include* ***at least one official from each of the two parties in the State with the largest number of registered voters"***. In other words, the political party that controls the county board can vote to assign two additional voters from their political party to the recount team, which would still meet the requirement to have **at least one official** from each of the two parties in

the State with the largest number of registered voters on the team of four, but the remaining three members could be from the partisan majority party.

Accordingly, for the reasons stated above, Rule 08 NCAC 09. 0106, fails the lack of clarity standard mandated by N.C.G.S. § 150B-21.9(a)(2).

Pursuant to N.C.G.S. § 150B-21.3(b) this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,
Cheryl Elliott
2326 Englewood Avenue
Durham, NC 27705
Durham County

Burgos, Alexander N

From: Mark and Cheri <celebratingphotography2@gmail.com>
Sent: Saturday, August 22, 2026 3:09 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 09.0107 Recount Procedures; First Recount

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed **rule 08 NCAC 09 .0107 Recount Procedures; First Recount** for the following reason:

Lack of Clarity: Rule 08 NCAC 09 .0107 fails the lack of clarity standard under **N.C.G.S. § 150B-21.9(a)(2)** because it based, in part, upon provisions of **Rule 08 NCAC 09. 0106,** which contain conflicting statements regarding the membership requirements for the hand-to-eye recount team.

Rule 08 NCAC 09. 0106 (d) states that a bipartisan team of four officials **shall** be assigned for hand-to-eye recounts, which will be split into two teams. Each team **must** contain **two officials**, ***one from each of the two parties in the State with the largest number of registered voters***). Subsequent provisions of this rule contradict this mandate; that is, the county board, by a majority vote of its members, can assign to the bipartisan recount team **an *unaffiliated voter or voter affiliated with one of the other political parties recognized in the State under G.S. 163-96.***

The following provision also violates the requirement that each team **must** contain**two officials**, ***one from each of the two parties in the State with the largest number of registered voter:***

"In no instance shall the county board assign more than ***two officials*** to a **bipartisan team** *who are* ***unaffiliated or affiliated with one of the other political parties****, and a* ***bipartisan team of four shall*** *include* ***at least one official from each of the two parties in the State with the largest number of registered voters"***. In other words, the political party that controls the county board can vote to assign two additional voters from their political party to the recount team, which would still meet the requirement to have **at least one official** from each of the two parties in

the State with the largest number of registered voters on the team of four, but the remaining three members could be from the partisan majority party.

Accordingly, for the reasons stated above, Rule 08 NCAC 09. 0106, fails the lack of clarity standard mandated by N.C.G.S. § 150B-21.9(a)(2).

Pursuant to N.C.G.S. § 150B-21.3(b) this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,
Cheryl Elliott
2326 Englewood Avenue
Durham, NC 27705
Durham County

Burgos, Alexander N

From: Advocacy <alltheadvocacy@proton.me>
Sent: Friday, August 21, 2026 1:00 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 09 .0107

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To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 09 .0107 Recounts, First Recount.

The rule fails the Necessity standard under N.C.G.S. § 150B-21.9(a)(3) because it creates redundant administrative procedures that conflict with existing statutory canvass timelines.

As a voter, I'm concerned that this rule created duplicate procedures that may, now or in the future, be out-of-sync. Also, procedures and regulations should be defined and stated in one-and-only place otherwise you are forcing county boards to pick and choose which definition is the applicable one.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,
Katherine O'Malley
9721 Dansington Ct
Raleigh, NC, 27615
Wake County

Burgos, Alexander N

From: Mark McClure <markmcclure888@gmail.com>
Sent: Monday, August 17, 2026 1:08 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 09.0107 Recount Procedures; First Recount

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To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed **rule 08 NCAC 09 .0107 Recount Procedures; First Recount** for the following reason:

Lack of Authority: The rule fails the lack of authority standard under **N.C.G.S. § 150B-21.9(a)(1)** because **rule 08 NCAC 09. 0107** exceeds the administrative authority granted to the agency by the General Assembly.

Rule 08 NCAC 09 .0107 states: "*The hand count **shall be done by a bipartisan team of four in accordance with .0106(d) of this Chapter**".* However, **.0106 (d)** contains provisions that exceed the authority granted by the legislature, therefore, this lack of authority also applies to **Rule 08 NCAC 09. 0107.**

Rule 08 NCAC 09. 0106 (d) states that a bipartisan team of four officials **shall** be assigned for hand-to-eye recounts, which will be split into two teams. Each team must contain two officials, *one from each of the two parties in the State with the largest number of registered voters).* The proposed rule violates this mandate for the reasons explained below.

First, the proposed rule removes the current contingency statement, which justifies the reason for assigning additional members to the recount team: "*If, after diligently seeking to fill the positions with voters affiliated with each of the two parties in the State with the largest number of registered voters, the county board still has an insufficient number of officials for the recount",*

In its place, without justification, Rule 08 NCAC 09. 0106 (d) empowers the county board, by a majority vote of its members, to assign to the bipartisan recount team **an *unaffiliated voter or voter affiliated with one of the other political parties recognized in the State under G.S. 163-96.*** Adding an unaffiliated voter to the

recount team violates the bipartisan committee mandate stated above, as does the following provision:

"In no instance shall the county board assign more than ***two officials*** to a bipartisan team *who are* ***unaffiliated*** ***or affiliated with one of the other political parties****, and a* ***bipartisan team of four shall*** *include* ***at least one official from each of the two parties in the State with the largest number of registered voters"***. In other words, the political party that controls the county board can vote to assign two additional voters from their political party to the recount team, which would still meet the requirement to have **at least one official** from each of the two parties with the largest number of registered voters on the team, but give them a 3-1 partisan advantage. **Accordingly, Rule 08 NCAC 09. 0106 exceeds the administrative authority granted by the General Assembly, and for the same reason, so does Rule 08 NCAC 09 .0107**.

Pursuant to N.C.G.S. § 150B-21.3(b) this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,
Mark McClure
2326 Englewood Avenue
Durham, NC 27705
Durham County

Burgos, Alexander N

From:	DJ Oronzio <djodemocracy@gmail.com>
Sent:	Friday, August 7, 2026 3:03 PM
To:	Ascher, Seth M; SVC_SBOE.RuleMaking; rrc.comments
Subject:	[External] Written Objection and Request for Legislative Review — 08 NCAC 09 .0107 First Recount

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To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 09 .0107 First Recount (NCSBE Rulemaking Page: https://www.ncsbe.gov/rules-and-rulemaking).

Lack of Necessity: The rule fails the Necessity standard under N.C.G.S. § 150B-21.9(a)(3) (https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_150B/GS_150B-21.9.html) because it creates redundant administrative procedures that conflict with existing statutory canvass timelines. It is unnecessary and redundant because county boards already have statutory procedures under Chapter 163 (https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_163.html) for handling damaged or unreadable ballots during the initial canvass.

Pursuant to N.C.G.S. § 150B-21.3(b2) (https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_150B/GS_150B-21.3.html), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Deborah J Oronzio

5300 Arete Way

Raleigh, NC 27607

Burgos, Alexander N

From: Barbara Lang <bllang16@gmail.com>
Sent: Friday, August 14, 2026 2:45 PM
To: rrc.comments
Subject: [External] Written Objection and Request for Legislative Review of Recounts 08 NCAC 09 .0106, .0107, or .0110

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To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule, Recounts 08 NCAC 09 .0106, 0107, or .0110. The rule fails the Necessity standard under N.C.G.S. § 150B-21.9(a)(3) because it creates redundant administrative procedures that conflict with existing statutory canvass timelines.

This letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Thank you for your attention to this matter. It's important to our democracy that voting is fair and consistent.

Sincerely,

Barbara Lang
178 Glenpark Place
Cary NC 27511
Wake County

Burgos, Alexander N

From:	Tiffany Shubert <tiffany.shubert@gmail.com>
Sent:	Thursday, August 13, 2026 6:49 PM
To:	rrc.comments
Cc:	SVC_SBOE.RuleMaking
Subject:	[External] Written Objection and Request for Legislative Review — First Recount 08 NCAC 09 .0107

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To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed rule: First Recount - 08 NCAC 09 .0107

The rule fails the Necessity standard under N.C.G.S. § 150B-21.9(a)(3) because it creates redundant administrative procedures that conflict with existing statutory canvass timelines.

I am especially concerned about the necessity of section c lines 34 - 35 "A county conducting a machine recount shall use only one of the methods in the recount and shall inform the political parties and candidates in writing which method it will use under this Paragraph prior to using that method." Why does the rule require a written notice of the method choice when the statute doesn't require it? This seems like a redundant process that could add time and complexity.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Tiffany Shubert
1 Coggins Mine Court
Chapel Hill, NC 27517

08 NCAC 09 .0110

Burgos, Alexander N

From:	TreKeny@outlook.com
Sent:	Friday, August 28, 2026 4:35 PM
To:	rrc.comments; seth.ascher@oahnc.gov
Cc:	Steele, Adam; SVC_SBOE.RuleMaking
Subject:	[External] Formal Objection & Request for Legislative Review on Rule 08 NCAC 09 .0110 Secondary Recount

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Trey Kennedy
6539 Clarksdale Ln
Durham, NC
April 28th, 2026 4:35pm

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: **Formal Objection & Request for Legislative Review on Rule 08 NCAC 09 .0110 SECONDARY RECOUNTS**

Members of the Commission:
Chair: Representative Parker, and Members
Senators: Doran, Dixon, Hahn, Hyde and Nelson
Representatives: Loutit, Overton, Powell
Rules Coordinators Seth Ascher and Adam Steele And
Rules Codifier Brian Liebman

I request that the **08 NCAC 09 .0110 SECONDARY RECOUNTS** be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Rule 08 NCAC 09 .0110 states that:
"For any hand-to-eye recount conducted under **G.S. 163-182.7A**, each county board of elections involved in the recount **shall provide notice at least 24 hours in advance of the recount by email to the county board's notice list** under **G.S. 143-318.12(b)(2**), county party chairs, and the candidates in the contest subject to the recount. "

OBJECTION:
LACK OF CLARITY in two areas both not clear**.**
The rule fails the clear and unambiguous standard under G.S. § 150B-21.9 (a)(2) because there is no alternative measure for reaching persons in the event of power outages in the event of storms.
2nd part
The rule further states: "No separate notice of a hand-to-eye recount is required if the hand-to-eye recount occurs immediately upon the conclusion of the first recount under **08 NCAC 09 .0107** and the notice of the first recount stated that a hand-to-eye recount, if required, could take place upon the

conclusion of the first recount. The board of elections having jurisdiction over the ballot item under **G.S. 163-182.7** shall schedule any hand-to-eye recount to begin **within 2 business days** of the demand for a hand-to-eye recount, whether that recount is a sample recount or a full recount."

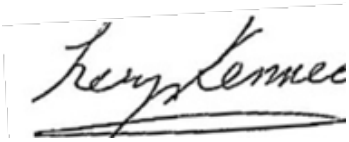
OBJECTION:
UNDUE BURDEN - on the SBoE (2nd area)

The rule states that the count shall begin WITHIN 2 business days of the demand, but the statute cited states that the candidate's demand must REACH the SBoE BY NOON of the 2nd business day. If the notice does not reach the Board until the 2nd business day at NOON, it is extremely unlikely to get a count started WIHIN those 2 days. It's not impossible, but a tweek in the wording would allow the Board to not stress on the start.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Thank you for your consideration.

Respectfully submitted,



Burgos, Alexander N

From: Ronnie Shea <ronnie.d.shea@gmail.com>
Sent: Friday, August 28, 2026 2:49 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review

You don't often get email from ronnie.d.shea@gmail.com. Learn why this is important

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Veronica Shea
54 Ellsworth Ct.
Garner, NC 27529

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of: 08 NCAC 09 .0106 General Guidelines; 08 NCAC 09 .0107 First Recount; 08 NCAC 09 .0110 Secondary Recounts; 08 NCAC 10C .0101 Definitions; 08 NCAC 10C .0102 Voting Site Buffer Zones; 08 NCAC 10C .0103 Voting Site Electioneering Zone; 08 NCAC 10C .0104 Conduct at Voting Sites;08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

Members of the Commission:

I am registered voter and a resident of Garner, North Carolina in Johnston County.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Respectfully,
Veronica Shea
Johnston County, NC

VERONICA SHEA

'The **man** who has begun to live more seriously within **begins** to live more simply without.' -- Ernest **Hemingway**

Johanna Bocko
824 Juanita Dr SW
Concord, NC 28027

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of:
08 NCAC 09 .0106 General Guidelines; **08 NCAC 09 .0107** First Recount;
08 NCAC 09 .0110 Secondary Recounts; **08 NCAC 10C .0101** Definitions;
08 NCAC 10C .0102 Voting Site Buffer Zones;
08 NCAC 10C .0103 Voting Site Electioneering Zone;
08 NCAC 10C .0104 Conduct at Voting Sites;
08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting;
08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots;
08 NCAC 18 .0201 Definitions; **08 NCAC 18 .0501** Review for Deficiencies;
08 NCAC 18. 0502 Curable Deficiencies; **08 NCAC 18. 0503** Non-Curable Deficiencies;
08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter;
08 NCAC 18 .0505 Irregularities That Require Further Action

Members of the Commission:

I am a North Carolina resident and have been a registered NC voter since 2021.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Respectfully,
Johanna Bocko
Cabarrus



Burgos, Alexander N

From: aw@awactive.com
Sent: Friday, August 28, 2026 2:42 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of: 08 NCAC 09 .0106 General Guidelines; 08 NCAC 09 .0107 First Recount; 08 NCAC 09 .0110 Secondary Recounts; 08 NCAC 10C .0101 Definitions; 08 NCAC 10C .0102 Voting Site Buffer Zones; 08 NCAC ...

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Aixa Wilson

136 Appeldoorn Circle
Asheville, North Carolina 28803

August 28, 2026

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of: 08 NCAC 09 .0106 General Guidelines; 08 NCAC 09 .0107 First Recount; 08 NCAC 09 .0110 Secondary Recounts; 08 NCAC 10C .0101 Definitions; 08 NCAC 10C .0102 Voting Site Buffer Zones; 08 NCAC 10C .0103 Voting Site Electioneering Zone; 08 NCAC 10C .0104 Conduct at Voting Sites;08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

Members of the Commission:

I am a North Carolina resident and have been a registered voter since 2007.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Furthermore, I formally object to the adoption of the rules for the following reasons:

I did not feel that the Commission took the Public Comments seriously and failed to address them.

I did not think the Commission took the process seriously.

I think a lot of the burden was shifted to voters.

I think the rules were crafted and presented such that makes it impossible for Boards of Election to comply.

Thank you for your consideration.

Respectfully,

Aixa Wilson
Buncombe County

Burgos, Alexander N

From: Bridget Tarrant <bridgetltarrant@gmail.com>
Sent: Friday, August 28, 2026 2:35 PM
To: rrc.comments
Subject: [External] 08 NCAC 09 .0106 General Guidelines; 08 NCAC 09 .0107 First Recount; 08 NCAC 09 .0110 Secondary Recounts; 08 NCAC 10C .0101 Definitions; 08 NCAC 10C .0102 Voting Site Buffer Zones; 08 NCAC 10C .0103 Voting Site Electioneering Zone; 08 NCAC 1...

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Bridget Tarrant
111 S 9th St, Wilmington, NC 28401

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of: 08 NCAC 09 .0106 General Guidelines; 08 NCAC 09 .0107 First Recount; 08 NCAC 09 .0110 Secondary Recounts; 08 NCAC 10C .0101 Definitions; 08 NCAC 10C .0102 Voting Site Buffer Zones; 08 NCAC 10C .0103 Voting Site Electioneering Zone; 08 NCAC 10C .0104 Conduct at Voting Sites

Members of the Commission:

I am a North Carolina resident and have been a registered voter since 1983.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

I formally object to the adoption of the rules because they are unnecessary and may create confusion, discourage voter participation, and undermine public confidence in the fairness and integrity of our elections.

Thank you for your consideration.

Respectfully,
Bridget Tarrant
New Hanover County

Burgos, Alexander N

From: Renate <flyindutchwoman@gmail.com>
Sent: Friday, August 28, 2026 1:44 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of Proposed Change of Voter Rules

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N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of: 08 NCAC 09 .0106 General Guidelines; 08 NCAC 09 .0107 First Recount; 08 NCAC 09 .0110 Secondary Recounts; 08 NCAC 10C .0101 Definitions; 08 NCAC 10C .0102 Voting Site Buffer Zones; 08 NCAC 10C .0103 Voting Site Electioneering Zone; 08 NCAC 10C .0104 Conduct at Voting Sites;08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

Members of the Commission:

I am a North Carolina resident and have been a registered voter since 2018.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Furthermore, I formally object to the adoption of the rules for the following reasons:
The State Board should reject the above rules as written and preserve the existing common-sense approach that counts eligible voters' ballots when technical mistakes do not affect voter eligibility, voter intent, or ballot security and where the voter substantially complied and the issue is not material to whether the voter is eligible to vote, unless there is **incontrovertible** evidence of tampering or evidence that the voter did not transmit the ballot.

Thank you for your consideration.

Respectfully,
Renate Magniarini
Mecklenburg County, NC

Burgos, Alexander N

From: C Chukwu <chika.chukwu.md@gmail.com>
Sent: Friday, August 28, 2026 5:06 PM
To: rrc.comments
Subject: [External] Re: Objection to and Request for Legislative Review of: 08 NCAC 09 .0106 General Guidelines; 08 NCAC 09 .0107 First Recount; 08 NCAC 09 .0110 Secondary Recounts; 08 NCAC 10C .0101 Definitions; 08 NCAC 10C .0102 Voting Site Buffer Zones; 08 N...

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Chika Chukwu MD MSc
2401 Voyager Circle
Raleigh NC 27603

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of: 08 NCAC 09 .0106 General Guidelines; 08 NCAC 09 .0107 First Recount; 08 NCAC 09 .0110 Secondary Recounts; 08 NCAC 10C .0101 Definitions; 08 NCAC 10C .0102 Voting Site Buffer Zones; 08 NCAC 10C .0103 Voting Site Electioneering Zone; 08 NCAC 10C .0104 Conduct at Voting Sites;08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

Members of the Commission:

I am a North Carolina resident. After graduating from high school, and because I ardently believed that albeit young, he was the best person to represent his district to congress, I proudly worked on the campaign to elect Pactrick McHenry to the 10th congressional district. I was enrolled at Xavier University of Louisiana and at home for the summer. By 2008, I had returned to this great state to live and work and have been a registered voter here ever since.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

On 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting

Furthermore, a Photo ID Exception Form is supposed to protect voters who are eligible to vote but cannot present acceptable photo ID. A unanimity requirement to believe an affidavit is false is a current safeguards in place. **I formally object** to the adoption of this particular rule because it increases the risk to reject a ballot along partisan lines and/or rely on a simple disagreement with the voters stated reason. When the ONLY question that should be considered is whether there is factual evidence that the voter made a false statement, this rule change does not even give the voter an opportunity to respond before the county board makes any final decision.

On 08 NCAC 18

All of these rule changes should require county boards to document the specific reason for any deficiency or irregularity and to keep that documentation with the ballot record. So as not to disenfranchise communities that are inherently vulnerable, these rule changes should cite in plain accessible language how the voter can cure their vote (exact deadlines, how to submit, who may assist the vote etc). Under no circumstances should a ballot be rejected for a curable deficiency if the voter substantially complies with the cure instructions and the county board can determine that the voter is eligible and intended to cast the ballot.

Thank you for your time, careful consideration, and dedication to maintaining a balanced regulatory framework in North Carolina. Because these proposed rules carry significance for our state's citizens I respectfully request that the Commission subject any adoption to a delayed effective date. This crucial pause will allow the General Assembly the necessary time to thoroughly review these measures during the upcoming legislative session, ensuring proper legislative oversight and accountability. As President Ronald Reagan wisely noted, "We must reject the idea that every time a law's broken, society is guilty rather than the lawbreaker. It is time to restore the American precept that each individual is accountable for his actions." In that same spirit of accountability, allowing our elected lawmakers to examine these regulations ensures that governance remains transparent, restrained, and truly accountable to the people of North Carolina.

Respectfully,
Chika Chukwu MD MSc
Wake County

Burgos, Alexander N

From: C C <cichukwu0@gmail.com>
Sent: Friday, August 28, 2026 5:03 PM
To: rrc.comments
Subject: [External] Re: Objection to and Request for Legislative Review of: 08 NCAC 09 .0106 General Guidelines; 08 NCAC 09 .0107 First Recount; 08 NCAC 09 .0110 Secondary Recounts; 08 NCAC 10C .0101 Definitions; 08 NCAC 10C .0102 Voting Site Buffer Zones; 08 N...

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Chika Chukwu MD MSc
2401 Voyager Circle
Raleigh NC 27603

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of: 08 NCAC 09 .0106 General Guidelines; 08 NCAC 09 .0107 First Recount; 08 NCAC 09 .0110 Secondary Recounts; 08 NCAC 10C .0101 Definitions; 08 NCAC 10C .0102 Voting Site Buffer Zones; 08 NCAC 10C .0103 Voting Site Electioneering Zone; 08 NCAC 10C .0104 Conduct at Voting Sites;08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

Members of the Commission:

I am a North Carolina resident. After graduating from high school, and because I ardently believed that albeit young, he was the best person to represent his district to congress, I proudly worked on the campaign to elect Pactrick McHenry to the 10th congressional district. I was enrolled at Xavier University of Louisiana and at home for the summer. By 2008, I had returned to this great state to live and work and have been a registered voter here ever since.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

On 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting

Furthermore, a Photo ID Exception Form is supposed to protect voters who are eligible to vote but cannot present acceptable photo ID. A unanimity requirement to believe an affidavit is false is a current safeguards in place. **I formally object** to the adoption of this particular rule because it increases the risk to reject a ballot along partisan lines and/or rely on a simple disagreement with the voters stated reason. When the ONLY question that should be considered is whether there is factual evidence that the voter made a false statement, this rule change does not even give the voter an opportunity to respond before the county board makes any final decision.

On 08 NCAC 18

All of these rule changes should require county boards to document the specific reason for any deficiency or irregularity and to keep that documentation with the ballot record. So as not to disenfranchise communities that are inherently vulnerable, these rule changes should cite in plain accessible language how the voter can cure their vote (exact deadlines, how to submit, who may assist the vote etc). Under no circumstances should a ballot be rejected for a curable deficiency if the voter substantially complies with the cure instructions and the county board can determine that the voter is eligible and intended to cast the ballot.

Thank you for your time, careful consideration, and dedication to maintaining a balanced regulatory framework in North Carolina. Because these proposed rules carry significance for our state's citizens I respectfully request that the Commission subject any adoption to a delayed effective date. This crucial pause will allow the General Assembly the necessary time to thoroughly review these measures during the upcoming legislative session, ensuring proper legislative oversight and accountability. As President Ronald Reagan wisely noted, "We must reject the idea that every time a law's broken, society is guilty rather than the lawbreaker. It is time to restore the American precept that each individual is accountable for his actions." In that same spirit of accountability, allowing our elected lawmakers to examine these regulations ensures that governance remains transparent, restrained, and truly accountable to the people of North Carolina.

Respectfully,
Chika Chukwu MD MSc
Wake Country

--
Chika Chukwu, MD MSc

Burgos, Alexander N

From: Jeana O'Connor <jlwmacleod@gmail.com>
Sent: Friday, August 28, 2026 11:09 AM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and request for legislative review

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This letter is for the RULES REVIEW COMMITTEE:

I am a registered voter in Forsyth County writing to formally object to the NCSBEs proposed rule on Recounts (08 NCAC 09.0106 .0107 or .0110).

This rule fails the Necessity standard under NCGS subsection 150B-21.9 (a) (3) because it creates redundant administrative procedures that conflict with existing statutory canvass guidelines.

We should be making it easier to count votes, not harder.

This letter serves as my formal written objection.

Jeana O Connor
830 Woodcrest Drive
Winston-Salem NC 27104
Forsyth County

Burgos, Alexander N

From: Carolyn Moench <cmoenchpac@hotmail.com>
Sent: Friday, August 28, 2026 5:26 AM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] written objection and request for legislative review --recounts

You don't often get email from cmoenchpac@hotmail.com. Learn why this is important

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To the Rules Review Commission:
I am a registered voter in Davidson County, writing to formally object to the NCSBE's proposed rule
Recounts
08 NCAC 09 .0106, .0107, or .0110

Lack of Authority: The rule violates N.C.G.S. § 150B-21.9(a)(1) by exceeding the
administrative authority granted to the agency by the General Assembly.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that
this rule be subjected to review by the legislature.
Sincerely,
Carolyn M Moench
1138 Muirfield Ave
Clemmons NC 27012
Davidson County

Burgos, Alexander N

From: Advocacy <alltheadvocacy@proton.me>
Sent: Friday, August 21, 2026 1:02 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 09 .0110

You don't often get email from alltheadvocacy@proton.me. Learn why this is important

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To the Rules Review Commission:
I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 09 .0110 Recount, Secondary Recounts.

The rule fails the Necessity standard under N.C.G.S. § 150B-21.9(a)(3) because it creates redundant administrative procedures that conflict with existing statutory canvass timelines.

As a voter, I'm concerned that this rule created duplicate procedures that may, now or in the future, be out-of-sync. Also, procedures and regulations should be defined and stated in one-and-only place otherwise you are forcing county boards to pick and choose which definition is the applicable one.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,
Katherine O'Malley
9721 Dansington Ct
Raleigh, NC, 27615
Wake County

Burgos, Alexander N

From:	DJ Oronzio <djodemocracy@gmail.com>
Sent:	Friday, August 7, 2026 3:07 PM
To:	Ascher, Seth M; rrc.comments; SVC_SBOE.RuleMaking
Subject:	[External] Written Objection and Request for Legislative Review — 08 NCAC 09 .0110 Secondary Recounts

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To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 09 .0110 Secondary Recounts (NCSBE Rulemaking Page: https://www.ncsbe.gov/rules-and-rulemaking).

Lack of Necessity: The rule fails the Necessity standard under N.C.G.S. § 150B-21.9(a)(3) (https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_150B/GS_150B-21.9.html) because it creates redundant administrative procedures that conflict with existing statutory canvass timelines. The General Assembly already legislated tight, firm schedules for post-election canvassing and secondary recounts. Changing these timelines by administrative rule creates conflicting schedules that cause unnecessary delays without statutory need.

Pursuant to N.C.G.S. § 150B-21.3(b2) (https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_150B/GS_150B-21.3.html), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Deborah J Oronzio

5300 Arete Way

Raleigh, NC 27607

Burgos, Alexander N

From: Barbara Lang <bllang16@gmail.com>
Sent: Friday, August 14, 2026 2:45 PM
To: rrc.comments
Subject: [External] Written Objection and Request for Legislative Review of Recounts 08 NCAC 09 .0106, .0107, or .0110

You don't often get email from bllang16@gmail.com. Learn why this is important

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To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule, Recounts 08 NCAC 09 .0106, 0107, or .0110. The rule fails the Necessity standard under N.C.G.S. § 150B-21.9(a)(3) because it creates redundant administrative procedures that conflict with existing statutory canvass timelines.

This letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Thank you for your attention to this matter. It's important to our democracy that voting is fair and consistent.

Sincerely,

Barbara Lang
178 Glenpark Place
Cary NC 27511
Wake County

Burgos, Alexander N

From:	Tiffany Shubert <tiffany.shubert@gmail.com>
Sent:	Thursday, August 13, 2026 6:53 PM
To:	rrc.comments
Cc:	SVC_SBOE.RuleMaking
Subject:	[External] Written Objection and Request for Legislative Review — Secondary Recounts 08 NCAC 09 .0110

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To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed rule: Secondary Recounts - 08 NCAC 09 .0110

The rule fails the Necessity standard under N.C.G.S. § 150B-21.9(a)(3) because it creates redundant administrative procedures that conflict with existing statutory canvass timelines.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Tiffany Shubert
1 Coggins Mine Court
Chapel Hill, NC 27517
Durham County

08 NCAC 10C .0101

Burgos, Alexander N

From: Carolyn Moench <cmoenchpac@hotmail.com>
Sent: Friday, August 28, 2026 5:29 AM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review : voting sites

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To the Rules Review Commission:
I am a registered voter in Davidson County, writing to formally object to the NCSBE's proposed rule
Voting Sites
08 NCAC 10C .0101, .0102, .0103, or
.0104

Lack of Authority: The rule violates N.C.G.S. § 150B-21.9(a)(1) by exceeding the
administrative authority granted to the agency by the General Assembly.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that
this rule be subjected to review by the legislature.
Sincerely,
Carolyn M Moench
1138 Muirfield Ave
Clemmons NC 27012
Davidson County

Southern Coalition for Social Justice

ACLU North Carolina

August 26, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection and Request for Legislative Review of 08 NCAC 10C .0101–.0104 (Voting Site Rules)

Members of the Commission:

Southern Coalition for Social Justice and ACLU of North Carolina write pursuant to N.C.G.S. § 150B-21.3 to object to the State Board of Elections' adopted rules related to Voting Sites (08 NCAC 10C .0101–.0104). SCSJ and ACLU-NC previously submitted public comment to the State Board on June 5, 2026, concerning the original proposed voting site rules and proposing revisions to better balance the dual goals of preserving peace at the polls while ensuring that First Amendment-protected election-related speech and activities are not infringed upon.[1] The adopted rules, while improved from what was originally proposed, remain problematic for many of the reasons outlined in that letter. As discussed below, the Voting Site Rules are overly burdensome, infringe upon state and federal law protections, and are not otherwise necessary to serve the public interest.

We therefore request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. § 150B-21.3. We further request that the rules be subject to a delayed effective date as set out in that same provision.

The Restriction of Election-Related Activities to the Electioneering Zone Goes Beyond Statutory Remit and Infringes on First Amendment Protections.

08 NCAC 10C .0104(b) provides that people at voting sites may only engage in election-related activities "while in the designated electioneering zone." Electioneering zones are further defined by 08 NCAC 10C .0101(4) as the area(s) where election-related activities are permitted. Guiding principles for creating these areas are included in 08 NCAC 10C .0103.

The restriction on where election-related activities can take place in the rules is inconsistent with established state law and risks running afoul of First Amendment protections. North Carolina law requires the creation of a buffer zone around the entrance to a voting place, in which no election-related activity can occur, but does not otherwise support restricting election-related activities to a specific area as provided in the rules.[2] Instead, state law requires the creation of an electioneering zone immediately adjacent to that buffer zone to guarantee the ability of people to engage in election-related activities,[3] a protection especially crucial for early voting sites that have limited

[1] Available at https://southerncoalition.org/wp-content/uploads/2026/06/2026.06.05_SCSJ-ACLUNC-Proposed-Polling-Site-Rules_Public-Comment_Final.pdf.
[2] N.C.G.S. § 163-166.4(a).
[3] N.C.G.S. § 163-166.4(b).

outdoor space. In other words, state law requires that election-related activity must be allowed *at least* within some created zone at voting sites, but state law does not prohibit that activity anywhere except within the buffer zone itself.[4]

The Rules therefore flip statutory requirements on their head by converting the requirement that election-related activity have, *at minimum*, space to occur in designated electioneering zones, to a *maximum* limit on where that activity may take place. In doing so, the Rules fail to adhere to statutory requirements, which only permit rules that are "expressly authorized by federal or State law and that are necessary to serve the public interest," that seek to "reduce the burden upon those persons or entities who must comply with the rule," and that are "reasonably necessary to implement or interpret federal or State law." *See* N.C.G.S. § 150B-19.1(a)(1)–(3).

This restriction on election-related activities in the Rules also conflicts with federal protections. The Supreme Court has noted that voting sites may include areas that are considered "traditional public forums," such as parks, streets, and sidewalks. Laws creating buffer zones that are not overly large (like those prescribed in North Carolina) are permissible when tailored to achieve the state's interest in running elections free from intimidation and fraud. But this does not allow sweeping restrictions on speech around voting sites because, "[a]t some measurable distance from the polls, of course, governmental regulation of vote solicitation could effectively become an impermissible burden [on speech]." *Burson v. Freeman*, 504 U.S. 191, 210 (1992).

The State Board has recognized these First Amendment protections in the past, emphasizing in Numbered Memo 2022-12 ("Maintaining Order at the Polls")[5] that county boards "must balance these First Amendment protections [for political activity in public forums] with the right of every voter to enter the voting place freely." The Rules fail to account for this and thus threaten codifying violations of the First Amendment in how North Carolina administers its elections.

We continue to recommend that, instead of the Commission approving these conflicting administrative rules, the State Board follow the current statutory framework set forth in N.C.G.S. § 163-166.4 and utilize the guidance set out in Numbered Memo 2022-12.

The Blanket Prohibition on Sound Amplification at Polling Sites Is Overbroad and Is Not Reasonably Necessary to Implement State Law.

08 NCAC 10C .0104(c) bans audible noise and sound that is "disruptive to the voting site," and places a blanket ban on the use of sound amplification devices at voting sites. The blanket prohibition on sound amplification devices in 08 NCAC 10C .0104(c)(2) is overbroad and beyond

[4] Special agreements disallowing electioneering zones for voting places at nonpublic buildings are only permitted when (1) "no other suitable voting place can be secured for the precinct;" (2) the chief judge monitors the area surrounding the voting place to ensure that the restriction on electioneering is applied evenly; (3) the voting places subjected to the agreements do not disproportionately favor any party, race, or candidate; and (4) the county board attempted to arrange a time for candidates to place and retrieve advertisements before opening and after closing the polling place.

[5] Numbered Memo 2022-12, "Maintaining Order at the Polls," at 2, available at https://s3.amazonaws.com/dl.ncsbe.gov/sboe/numbermemo/2022/Numbered%20Memo%202022-12%20Maintaining%20Order%20at%20the%20Polls.pdf.

the remit of state law, which already provides guidance to election officials on ensuring peace at the polls. Section 163-48 of the General Statutes requires that "peace and good order" shall be maintained by chief judges and judges of elections: "[1] They shall especially keep open and unobstructed the place at which voters or persons seeking to register or vote have access to the place of registration and voting. [2] They shall prevent and stop improper practices and attempts to obstruct, intimidate, or interfere with any person in registering or voting. [3] They shall protect challenger and witnesses against molestation and violence in the performance of their duties, and they may eject from the place of registration or voting any challenger or witness for violation of any provisions of the election laws. [4] They shall prevent riots, violence, tumult, or disorder."

Current administrative Rule 08 NCAC 10B .0101 provides additional guidance, directing precinct officials to "monitor the grounds around the voting place to ensure compliance with the limitation on activity in the buffer zone," and providing examples of how they can ensure peace and good order that mirror N.C.G.S. § 163-48.

A blanket prohibition on sound amplification makes the unfounded assumption that any and all sound amplification would in all circumstances disrupt or cause disorder in the voting process. This is completely unfounded, and thus not based on "sound, reasonably available scientific, technical, economic" or any other "relevant information," as required by law. N.C.G.S. § 150B-19.1(a)(5). Its overbroad provision is unnecessary to administer elections or provide necessary guidance, which already exists, and instead unnecessarily burdens individuals engaged in First Amendment-protected activities who will be forced to comply, also in violation of state law.

This overbroad blanket prohibition on amplified sound also runs afoul of bedrock constitutional principles protecting the right to free speech: regulations on voting enclosures must be "reasonable." Prohibition of all sound amplification no matter its level, without evidence it will always be disruptive, is unreasonable and thus should be rejected.[6]

We therefore continue to oppose these rules and instead recommend that the State Board adhere to existing statutory and administrative guidance to maintain order at voting sites.

Thank you for your consideration.

Respectfully submitted,

Jeffrey Loperfido
Chief Counsel for Voting Rights

Jaclyn Maffetore
Senior Staff Attorney

Hilary Harris Klein
Senior Counsel for Voting Rights

ACLU of NORTH CAROLINA LEGAL FOUNDATION

SOUTHERN COALITION FOR SOCIAL JUSTICE

[6] *See Burson v. Freeman*, 504 U.S. 191, 210 (1992); *Minn. Voters All. v. Mansky*, 585 U.S. 1, 7–8 (2018) (citing *Perry Ed. Assn. v. Perry Local Educators' Assn.*, 460 U.S. 37, 46 (1983)).

Common Cause
NORTH CAROLINA

P.O. Box 6207
Raleigh, NC 27628
(919) 836-0027
CommonCauseNC.org

August 24, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

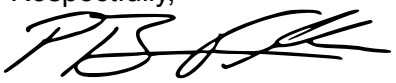
Re: Polling Site Rules 08 NCAC 10C.0101, 08 NCAC 10C.0102, 08 NCAC 10C.0103, 08 NCAC 10C.0104

Members of the Commission:

The North Carolina State Board of Elections recently passed rules 08 NCAC 10C.0101, 08 NCAC 10C.0102, 08 NCAC 10C.0103, and 08 NCAC 10C.0104 regarding conduct at polling sites. The rules threaten to unconstitutionally suppress expression protected by the First Amendment of the United States Constitution. Because the rules threaten to unduly restrict lawful conduct at polling sites, and for the reasons set forth in the attached public comment letter filed with the North Carolina State Board of Elections, Common Cause North Carolina requests that the above rules (08 NCAC 10C.0101, 08 NCAC 10C.0102, 08 NCAC 10C.0103, 08 NCAC 10C.0104), be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. We further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your service to the people of North Carolina and your consideration of this objection.

Respectfully,



Brooks Fuller,
Policy Director, Common Cause NC

Burgos, Alexander N

From: Mark and Cheri <celebratingphotography2@gmail.com>
Sent: Saturday, August 22, 2026 3:11 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 10C .0101 Definitions

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To the Rules Review Commission:

I am a registered voter in Durham County. I am formally writing to object to the NCSBE's proposed **Rule 08 NCAC 10C .0101 Definitions** for the following reasons:

Lack of Authority. Rule 08 NCAC 10C .0101 **violates N.C.G.S. § 150B-21.9(a)(1)**by exceeding the administrative authority granted to the agency by the General Assembly.

State law (N.C.G.S. § 163-166.4) states: *In determining the dimensions of that buffer zone for each voting place, the county board of elections shall, where practical, set the limit at 50 feet from the door of entrance to the voting place, measured when that door is closed,* ***but in no event shall it set the limit at more than 50 feet*** *or at less than 25 feet.*

The definition of "Voting Site" in Rule 08 NCAC 10C .0101 states: *"Voting Site" means* ***the property on which the voting place is located.*** There is great variability in the size of "Voting Sites" within the 100 counties in North Carolina. For instance, the most popular early voting site in Durham County is the main library in Durham, which is situated upon 0.66 acres. This property size amounts to 170 feet x 169.12 feet, which far exceeds the 50 feet statutory perimeter set by the NCGA.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Cheryl Elliott
2326 Englewood Avenue
Durham, NC 27705
Durham County

Burgos, Alexander N

From: Mark and Cheri <celebratingphotography2@gmail.com>
Sent: Saturday, August 22, 2026 3:11 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 10C .0101 Definitions

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To the Rules Review Commission:

I am a registered voter in Durham County. I am formally writing to object to the NCSBE's proposed **Rule 08 NCAC 10C .0101 Definitions** for the following reasons:

Lack of Authority. Rule 08 NCAC 10C .0101 **violates N.C.G.S. § 150B-21.9(a)(1)**by exceeding the administrative authority granted to the agency by the General Assembly.

State law (N.C.G.S. § 163-166.4) states: *In determining the dimensions of that buffer zone for each voting place, the county board of elections shall, where practical, set the limit at 50 feet from the door of entrance to the voting place, measured when that door is closed,* ***but in no event shall it set the limit at more than 50 feet*** *or at less than 25 feet.*

The definition of "Voting Site" in Rule 08 NCAC 10C .0101 states: *"Voting Site" means* ***the property on which the voting place is located.*** There is great variability in the size of "Voting Sites" within the 100 counties in North Carolina. For instance, the most popular early voting site in Durham County is the main library in Durham, which is situated upon 0.66 acres. This property size amounts to 170 feet x 169.12 feet, which far exceeds the 50 feet statutory perimeter set by the NCGA.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Cheryl Elliott
2326 Englewood Avenue
Durham, NC 27705
Durham County

Burgos, Alexander N

From: Advocacy <alltheadvocacy@proton.me>
Sent: Friday, August 21, 2026 12:50 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 10C .0101

You don't often get email from alltheadvocacy@proton.me. Learn why this is important

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To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 10C .0101 Voting Sites Definitions.

The rule violates N.C.G.S. § 150B-21.9(a)(1) by exceeding the administrative authority granted to the agency by the General Assembly.

As a voter, I'm concerned that this exceeds the authority as NC GS 163-166 does not give authorization for designating or marking an "Electioneering Zone". "Electioneering zone" is not a term used or defined in G.S. 163-166.4(b).

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,
Katherine O'Malley
9721 Dansington Ct
Raleigh, NC, 27615
Wake County

Burgos, Alexander N

From: Kitz Rickert <kitzrickert@hotmail.com>
Sent: Thursday, August 20, 2026 3:47 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review - Voting Sites 08 NCAC 10C 0101 Definitions

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To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed rule 08 NCAC 10C .0101 Definitions.

Lack of Authority: The rule violates N.C.G.S. § 150B-21.9(a)(1) by exceeding the administrative authority granted to the agency by the General Assembly. State law (N.C.G.S. § 163-166.4) strictly limits administrative buffer zones to a **maximum 50-foot perimeter** from the entrance of the voting enclosure. Expanding the "site" to cover an entire real estate parcel exceeds the statutory perimeter set by the General Assembly.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Kathleen A. Rickert
2709 Legion Avenue
Durham, North Carolina 27707
Durham County

Burgos, Alexander N

From: Bob Rodriguez <blrodriguez001@gmail.com>
Sent: Wednesday, August 19, 2026 3:31 PM
To: rrc.comments
Cc: Ascher, Seth M
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 10C .0101 Definitions

Importance: High

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To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 10C .0101 Definitions.

My objection is Lack of Authority: The rule violates N.C.G.S. § **150B-21.9(a)(1)** by exceeding the administrative authority granted to the agency by the General Assembly.
State law **(N.C.G.S. § 163-166.4)** strictly limits administrative buffer zones to a maximum 50-foot perimeter to the door of the entrance of the voting place.

Upon further review, expanding the voting place to cover an entire real estate parcel exceeds the statutory perimeter set by the General Assembly.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.
I also ask that a reply be sent back to me that you received my email.

Sincerely,
Robert G. Rodriguez
2400 Countrywood Rd
Raleigh, NC 27615
Wake County

Burgos, Alexander N

From: Mark McClure <markmcclure888@gmail.com>
Sent: Monday, August 17, 2026 1:10 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 10C .0101 Definitions

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To the Rules Review Commission:

I am a registered voter in Durham County. I am formally writing to object to the NCSBE's proposed **Rule 08 NCAC 10C .0101 Definitions** for the following reasons:

Lack of Authority. Rule 08 NCAC 10C .0101 **violates N.C.G.S. § 150B-21.9(a)(1)**by exceeding the administrative authority granted to the agency by the General Assembly.

State law (N.C.G.S. § 163-166.4) states: *In determining the dimensions of that buffer zone for each voting place, the county board of elections shall, where practical, set the limit at 50 feet from the door of entrance to the voting place, measured when that door is closed,* ***but in no event shall it set the limit at more than 50 feet*** *or at less than 25 feet.*

The definition of "Voting Site" in Rule 08 NCAC 10C .0101 states: *"Voting Site" means* ***the property on which the voting place is located.*** I vote at the main library in Durham, which is situated upon 0.66 acres, which equates to 170 feet x 169.12 feet, which far exceeds the 50 feet statutory perimeter set by the NCGA.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Mark McClure
2326 Englewood Avenue
Durham, NC 27705
Durham County

Burgos, Alexander N

From:	DJ Oronzio <djodemocracy@gmail.com>
Sent:	Friday, August 7, 2026 3:22 PM
To:	rrc.comments; SVC_SBOE.RuleMaking; Ascher, Seth M
Subject:	[External] Written Objection and Request for Legislative Review — 08 NCAC 10C .0101 Definitions

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To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 10C .0101 Definitions (NCSBE Rulemaking Page: https://www.ncsbe.gov/rules-and-rulemaking).

Lack of Clarity: The rule fails the Clarity standard under N.C.G.S. § 150B-21.9(a)(2) (https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_150B/GS_150B-21.9.html) because it fails to define objective standards for county boards, leading to unequal application across counties. Redefining a "voting site" to encompass an entire real estate parcel creates confusion over where standard public property ends and regulated election zones begin, especially on municipal complexes, school campuses, and shared parking lots.

Pursuant to N.C.G.S. § 150B-21.3(b2) (https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_150B/GS_150B-21.3.html), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Deborah J Oronzio
5300 Arete Way

Raleigh, NC 27607
Wake County

Burgos, Alexander N

From: DJ Oronzio <djodemocracy@gmail.com>
Sent: Friday, August 7, 2026 4:16 PM
To: rrc.comments; Ascher, Seth M; SVC_SBOE.RuleMaking; djodemocracy@gmail.com
Subject: [External] Clarification: Written Objections to Retain for Legislative Review

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To the Rules Review Commission:

Following my recent communication regarding retracted submissions, please accept this email specifying the exact list of written objections to RETAIN and process for legislative review under N.C.G.S. § 150B-21.3(b2):

1. 08 NCAC 17 .0101 (Verification of Photo Identification During In-Person Voting) 2. 08 NCAC 17 .0109 (Photo Identification for Absentee-By-Mail Ballots) 3. 08 NCAC 10C .0101 (Voting Sites — Definitions) 4. 08 NCAC 10C .0102 (Voting Sites — Buffer Zones) 5. 08 NCAC 10C .0103 (Voting Sites — Electioneering Zones) 6. 08 NCAC 10C .0104 (Voting Sites — Conduct at Voting Sites) 7. 08 NCAC 10B .0103 (Recount Procedures)

I apologize for this mess up. Technology is great when it works properly.

Please ensure that these seven (7) specific objections remain active in the record. I would appreciate an acknowledgement of this request.

Thank you.

Sincerely,

Deborah J Oronzio
5300 Arete Way
Raleigh, NC 27607
Wake County

Burgos, Alexander N

From:	Melissa Holmberg <mholmberg9714@gmail.com>
Sent:	Tuesday, August 11, 2026 2:48 PM
To:	rrc.comments
Cc:	SVC_SBOE.RuleMaking
Subject:	[External] Written Objection and Request for legislative review-Voting sights 08 NCAC 10C .0101,.0102,

You don't often get email from mholmberg9714@gmail.com. Learn why this is important

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To the Rules Review Commission:

I am a registered voter in [YOUR COUNTY] County, writing to formally object to the NCSBE's proposed rule Voting Sites 08 NCAC 10C .0101,.0102,.0103, .0104
The rule violates N.C.G.S. § 150B-21.9(a)(1) by exceeding the
administrative authority granted to the agency by the General Assembly. The individual county boards of elections should be able to determine the voting sites of its own county based on what counties need to accommodate their voters.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that
this rule be subjected to review by the legislature.

Sincerely,
Melissa Holmberg
1000 Sabre Ct, Chapel Hill, NC 27516
Orange County

Burgos, Alexander N

From:	Al Vos <alvin.vos@gmail.com>
Sent:	Tuesday, July 28, 2026 10:21 PM
To:	rrc.comments
Cc:	SVC_SBOE.RuleMaking
Subject:	[External] Written Objection and Request for Legislative Review Voting Sites rule 08 NCAC 10C .0101

You don't often get email from alvin.vos@gmail.com. Learn why this is important

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed Voting Sites rule 08 NCAC 10C .0101

The rule fails the Clarity standard under N.C.G.S. § 150B-21.9(a)(2) because it fails to define objective standards for county boards, leading to unequal application across counties.

I am a relatively new resident of North Carolina, and I am concerned about the potential for voting to become politicized within this state.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Alvin Vos
17001 Searstone Drive #305
Cary, NC 27513
Wake County

Burgos, Alexander N

From: Tiffany Shubert <tiffany.shubert@gmail.com>
Sent: Thursday, August 13, 2026 3:03 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — Voting Sites 08 NCAC 10C .0101

You don't often get email from tiffany.shubert@gmail.com. Learn why this is important

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To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed rule Voting Sites 08 NCAC 10C .0101:

The rule fails the Clarity standard under N.C.G.S. § 150B-21.9(a)(2) because it
fails to define objective standards for county boards, leading to unequal application across counties.

I am specifically concerned about the lack of clarity in the accepted changes in (4) "area" to "areas" and in (9) "portion of the property" under the possession and control of the county board of elections.

The accepted changes are confusing and will lead to confusion and unequal application across counties as to what exactly is considered the portion of the property under the possession and control of the county board of elections. This will lead to confusion about the boundaries for campaigning around election sites and will be problematic for all involved.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Tiffany Shubert
1 Coggins Mine Court
Chapel Hill, NC 27517
Durham County

Burgos, Alexander N

From: Barbara Lang <bllang16@gmail.com>
Sent: Friday, August 14, 2026 2:38 PM
To: rrc.comments
Subject: [External] Written Objection and Request for Legislative Review- Voting Sites 08 NCAC 10C .0101 .0102, .0103 or .0104

You don't often get email from bllang16@gmail.com. Learn why this is important

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule, Voting Sites 08 NCAC 10C .0101 .0102, .0103 or .0104. The rule fails the Necessity standard under N.C.G.S. § 150B-21.9(a)(3) because it creates redundant administrative procedures that conflict with existing statutory canvass timelines

This letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Thank you for your attention to this matter. It's important to our democracy that voting is fair and consistent.

Sincerely,

Barbara Lang
178 Glenpark Place
Cary NC 27511
Wake County

Burgos, Alexander N

From: Robin Barefoot <robinbarefoot@outlook.com>
Sent: Saturday, August 15, 2026 10:59 AM
To: rrc.comments
Cc: Robin Barefoot; SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review - Rule 08 NCAC 10C.0101: Definitions (Voting Sie Rules)

You don't often get email from robinbarefoot@outlook.com. Learn why this is important

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To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed Rule 08 NCAC 10C.0101: Definitions (Voting Site Rules).

The rule violates N.C.G.S. section 10B-21.9(a)(1) by exceeding the administrative authority granted to the agency by the General Assembly.

The rule as written does not include sufficient protections to ensure the county BOE staff exercise all due diligence and reasonable care to enable the vote to be cast.

Pursuant to N.C.G.S. section 150B-21.3(b)(2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Robin Barefoot
919-612-1629
robinbarefoot@outlook.com
she/her (Why pronouns matter)

08 NCAC 10C .0102

Burgos, Alexander N

From: Carolyn Moench <cmoenchpac@hotmail.com>
Sent: Friday, August 28, 2026 5:29 AM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review : voting sites

You don't often get email from cmoenchpac@hotmail.com. Learn why this is important

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To the Rules Review Commission:
I am a registered voter in Davidson County, writing to formally object to the NCSBE's proposed rule
Voting Sites
08 NCAC 10C .0101, .0102, .0103, or
.0104

Lack of Authority: The rule violates N.C.G.S. § 150B-21.9(a)(1) by exceeding the
administrative authority granted to the agency by the General Assembly.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that
this rule be subjected to review by the legislature.
Sincerely,
Carolyn M Moench
1138 Muirfield Ave
Clemmons NC 27012
Davidson County

Southern Coalition for Social Justice

ACLU North Carolina

August 26, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection and Request for Legislative Review of 08 NCAC 10C .0101–.0104 (Voting Site Rules)

Members of the Commission:

Southern Coalition for Social Justice and ACLU of North Carolina write pursuant to N.C.G.S. § 150B-21.3 to object to the State Board of Elections' adopted rules related to Voting Sites (08 NCAC 10C .0101–.0104). SCSJ and ACLU-NC previously submitted public comment to the State Board on June 5, 2026, concerning the original proposed voting site rules and proposing revisions to better balance the dual goals of preserving peace at the polls while ensuring that First Amendment-protected election-related speech and activities are not infringed upon.[1] The adopted rules, while improved from what was originally proposed, remain problematic for many of the reasons outlined in that letter. As discussed below, the Voting Site Rules are overly burdensome, infringe upon state and federal law protections, and are not otherwise necessary to serve the public interest.

We therefore request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. § 150B-21.3. We further request that the rules be subject to a delayed effective date as set out in that same provision.

The Restriction of Election-Related Activities to the Electioneering Zone Goes Beyond Statutory Remit and Infringes on First Amendment Protections.

08 NCAC 10C .0104(b) provides that people at voting sites may only engage in election-related activities "while in the designated electioneering zone." Electioneering zones are further defined by 08 NCAC 10C .0101(4) as the area(s) where election-related activities are permitted. Guiding principles for creating these areas are included in 08 NCAC 10C .0103.

The restriction on where election-related activities can take place in the rules is inconsistent with established state law and risks running afoul of First Amendment protections. North Carolina law requires the creation of a buffer zone around the entrance to a voting place, in which no election-related activity can occur, but does not otherwise support restricting election-related activities to a specific area as provided in the rules.[2] Instead, state law requires the creation of an electioneering zone immediately adjacent to that buffer zone to guarantee the ability of people to engage in election-related activities,[3] a protection especially crucial for early voting sites that have limited

[1] Available at https://southerncoalition.org/wp-content/uploads/2026/06/2026.06.05_SCSJ-ACLUNC-Proposed-Polling-Site-Rules_Public-Comment_Final.pdf.
[2] N.C.G.S. § 163-166.4(a).
[3] N.C.G.S. § 163-166.4(b).

outdoor space. In other words, state law requires that election-related activity must be allowed *at least* within some created zone at voting sites, but state law does not prohibit that activity anywhere except within the buffer zone itself.[4]

The Rules therefore flip statutory requirements on their head by converting the requirement that election-related activity have, *at minimum*, space to occur in designated electioneering zones, to a *maximum* limit on where that activity may take place. In doing so, the Rules fail to adhere to statutory requirements, which only permit rules that are "expressly authorized by federal or State law and that are necessary to serve the public interest," that seek to "reduce the burden upon those persons or entities who must comply with the rule," and that are "reasonably necessary to implement or interpret federal or State law." *See* N.C.G.S. § 150B-19.1(a)(1)–(3).

This restriction on election-related activities in the Rules also conflicts with federal protections. The Supreme Court has noted that voting sites may include areas that are considered "traditional public forums," such as parks, streets, and sidewalks. Laws creating buffer zones that are not overly large (like those prescribed in North Carolina) are permissible when tailored to achieve the state's interest in running elections free from intimidation and fraud. But this does not allow sweeping restrictions on speech around voting sites because, "[a]t some measurable distance from the polls, of course, governmental regulation of vote solicitation could effectively become an impermissible burden [on speech]." *Burson v. Freeman*, 504 U.S. 191, 210 (1992).

The State Board has recognized these First Amendment protections in the past, emphasizing in Numbered Memo 2022-12 ("Maintaining Order at the Polls")[5] that county boards "must balance these First Amendment protections [for political activity in public forums] with the right of every voter to enter the voting place freely." The Rules fail to account for this and thus threaten codifying violations of the First Amendment in how North Carolina administers its elections.

We continue to recommend that, instead of the Commission approving these conflicting administrative rules, the State Board follow the current statutory framework set forth in N.C.G.S. § 163-166.4 and utilize the guidance set out in Numbered Memo 2022-12.

The Blanket Prohibition on Sound Amplification at Polling Sites Is Overbroad and Is Not Reasonably Necessary to Implement State Law.

08 NCAC 10C .0104(c) bans audible noise and sound that is "disruptive to the voting site," and places a blanket ban on the use of sound amplification devices at voting sites. The blanket prohibition on sound amplification devices in 08 NCAC 10C .0104(c)(2) is overbroad and beyond

[4] Special agreements disallowing electioneering zones for voting places at nonpublic buildings are only permitted when (1) "no other suitable voting place can be secured for the precinct;" (2) the chief judge monitors the area surrounding the voting place to ensure that the restriction on electioneering is applied evenly; (3) the voting places subjected to the agreements do not disproportionately favor any party, race, or candidate; and (4) the county board attempted to arrange a time for candidates to place and retrieve advertisements before opening and after closing the polling place.

[5] Numbered Memo 2022-12, "Maintaining Order at the Polls," at 2, available at https://s3.amazonaws.com/dl.ncsbe.gov/sboe/numbermemo/2022/Numbered%20Memo%202022-12%20Maintaining%20Order%20at%20the%20Polls.pdf.

the remit of state law, which already provides guidance to election officials on ensuring peace at the polls. Section 163-48 of the General Statutes requires that "peace and good order" shall be maintained by chief judges and judges of elections: "[1] They shall especially keep open and unobstructed the place at which voters or persons seeking to register or vote have access to the place of registration and voting. [2] They shall prevent and stop improper practices and attempts to obstruct, intimidate, or interfere with any person in registering or voting. [3] They shall protect challenger and witnesses against molestation and violence in the performance of their duties, and they may eject from the place of registration or voting any challenger or witness for violation of any provisions of the election laws. [4] They shall prevent riots, violence, tumult, or disorder."

Current administrative Rule 08 NCAC 10B .0101 provides additional guidance, directing precinct officials to "monitor the grounds around the voting place to ensure compliance with the limitation on activity in the buffer zone," and providing examples of how they can ensure peace and good order that mirror N.C.G.S. § 163-48.

A blanket prohibition on sound amplification makes the unfounded assumption that any and all sound amplification would in all circumstances disrupt or cause disorder in the voting process. This is completely unfounded, and thus not based on "sound, reasonably available scientific, technical, economic" or any other "relevant information," as required by law. N.C.G.S. § 150B-19.1(a)(5). Its overbroad provision is unnecessary to administer elections or provide necessary guidance, which already exists, and instead unnecessarily burdens individuals engaged in First Amendment-protected activities who will be forced to comply, also in violation of state law.

This overbroad blanket prohibition on amplified sound also runs afoul of bedrock constitutional principles protecting the right to free speech: regulations on voting enclosures must be "reasonable." Prohibition of all sound amplification no matter its level, without evidence it will always be disruptive, is unreasonable and thus should be rejected.[6]

We therefore continue to oppose these rules and instead recommend that the State Board adhere to existing statutory and administrative guidance to maintain order at voting sites.

Thank you for your consideration.

Respectfully submitted,

Jeffrey Loperfido
Chief Counsel for Voting Rights

Jaclyn Maffetore
Senior Staff Attorney

Hilary Harris Klein
Senior Counsel for Voting Rights

ACLU of NORTH CAROLINA LEGAL FOUNDATION

SOUTHERN COALITION FOR SOCIAL JUSTICE

[6] *See Burson v. Freeman*, 504 U.S. 191, 210 (1992); *Minn. Voters All. v. Mansky*, 585 U.S. 1, 7–8 (2018) (citing *Perry Ed. Assn. v. Perry Local Educators' Assn.*, 460 U.S. 37, 46 (1983)).

Common Cause
NORTH CAROLINA

P.O. Box 6207
Raleigh, NC 27628
(919) 836-0027
CommonCauseNC.org

August 24, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

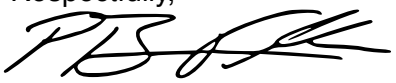
Re: Polling Site Rules 08 NCAC 10C.0101, 08 NCAC 10C.0102, 08 NCAC 10C.0103, 08 NCAC 10C.0104

Members of the Commission:

The North Carolina State Board of Elections recently passed rules 08 NCAC 10C.0101, 08 NCAC 10C.0102, 08 NCAC 10C.0103, and 08 NCAC 10C.0104 regarding conduct at polling sites. The rules threaten to unconstitutionally suppress expression protected by the First Amendment of the United States Constitution. Because the rules threaten to unduly restrict lawful conduct at polling sites, and for the reasons set forth in the attached public comment letter filed with the North Carolina State Board of Elections, Common Cause North Carolina requests that the above rules (08 NCAC 10C.0101, 08 NCAC 10C.0102, 08 NCAC 10C.0103, 08 NCAC 10C.0104), be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. We further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your service to the people of North Carolina and your consideration of this objection.

Respectfully,



Brooks Fuller,
Policy Director, Common Cause NC

Burgos, Alexander N

From: Kathy Martin <kteemartin32@gmail.com>
Sent: Monday, August 24, 2026 11:28 AM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 10C.0102, VOTING SITE BUFFER ZONES

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To the Rules Review Commission:
I am a registered voter in WakeCounty, writing to formally object to the NCSBE's proposed rule 08 NCAC 10C.0102, VOTING SITE BUFFER ZONES.
Section (C) states: "This rule shall not prevent the chief judge of the voting site from changing a boundary or location of a zone designated under this Rule when that change is required because of circumstances at the voting site that make it impractical to maintain the zone's designated boundary or location."

The rule violates N.C.G.S. § 150B-21.9(a)(1) by exceeding the administrative authority granted to the agency by the General Assembly. The rules require the establishment of zones by the county board. To allow the chief judge sole discretion in changing those defined areas violates the intent of the statute. At a minimum, any changes should require a unanimous vote of all three precinct judges.

I also found the reduction in the number of curbside voting to a minimum of one car miserly and unnecessary. Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.
Sincerely,

Kathy Martin
114 Bright angel Dr.
Cary, NC
Wake County

Burgos, Alexander N

From: Mark and Cheri <celebratingphotography2@gmail.com>
Sent: Saturday, August 22, 2026 3:18 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 10C .0102 Voting Site Buffer Zones

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To the Rules Review Commission:
I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed **Rule 08 NCAC 10C .0102 Voting Site Buffer Zones** for the following reason:
Lack of Clarity: The rule **violates N.C.G.S. § 150B-21.9(a)(2)** because the definition of "voting site" does not correlate with the following strict definition specified in N.C.G.S. § 163-166.4):
In determining the dimensions of that buffer zone for each voting place, the county board of elections shall, where practical, set the limit at 50 feet from the door of entrance to the voting place, measured when that door is closed, ***but in no event shall it set the limit at more than 50 feet*** *or at less than 25 feet.*

The definition of "Voting Site" in Rule 08 NCAC 10C .0101 states: *"Voting Site" means* ***the property on which the voting place is located.*** There is great variability in the size of "Voting Sites" within the 100 counties in North Carolina. For instance, the most popular early voting site in Durham County is the main library in Durham, which is situated upon 0.66 acres. This property size amounts to 170 feet x 169.12 feet, which far exceeds the 50 feet statutory perimeter set by the NCGA.

This lack of clarity and ambiguous definition of "voting site", also applies to the proposed rule **08 NCAC 10C 01.002**.
Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,
Cheryl Elliott
2326 Englewood Avenue
Durham, NC 27705

Durham County

Burgos, Alexander N

From: Advocacy <alltheadvocacy@proton.me>
Sent: Friday, August 21, 2026 12:52 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 10C .0102

You don't often get email from alltheadvocacy@proton.me. Learn why this is important

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 10C .0102 Voting sites buffer zones.

The rule fails the Clarity standard under N.C.G.S. § 150B-21.9(a)(2) because it fails to define objective standards for county boards, leading to unequal application across counties.

As a voter, I'm concerned that lack of clarity may result in the violation of a curbside voter's privacy while casting their vote. The lack of clarity also may result in inconsistent lawful observation of curbside voting. Clarity is important to consistently protect voter privacy, curbside and otherwise, in a manner that is the same across all voting sites and counties.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,
Katherine O'Malley
9721 Dansington Ct
Raleigh, NC, 27615
Wake County

Burgos, Alexander N

From: Mark and Cheri <celebratingphotography2@gmail.com>
Sent: Saturday, August 22, 2026 3:18 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 10C .0102 Voting Site Buffer Zones

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

To the Rules Review Commission:
I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed **Rule 08 NCAC 10C .0102 Voting Site Buffer Zones** for the following reason:
Lack of Clarity: The rule **violates N.C.G.S. § 150B-21.9(a)(2)** because the definition of "voting site" does not correlate with the following strict definition specified in N.C.G.S. § 163-166.4):
In determining the dimensions of that buffer zone for each voting place, the county board of elections shall, where practical, set the limit at 50 feet from the door of entrance to the voting place, measured when that door is closed, ***but in no event shall it set the limit at more than 50 feet*** *or at less than 25 feet.*

The definition of "Voting Site" in Rule 08 NCAC 10C .0101 states: *"Voting Site" means* ***the property on which the voting place is located.*** There is great variability in the size of "Voting Sites" within the 100 counties in North Carolina. For instance, the most popular early voting site in Durham County is the main library in Durham, which is situated upon 0.66 acres. This property size amounts to 170 feet x 169.12 feet, which far exceeds the 50 feet statutory perimeter set by the NCGA.

This lack of clarity and ambiguous definition of "voting site", also applies to the proposed rule **08 NCAC 10C 01.002**.
Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,
Cheryl Elliott
2326 Englewood Avenue
Durham, NC 27705

Durham County

Burgos, Alexander N

From: Rosemary McGee <rosemary.mcgee47@gmail.com>
Sent: Thursday, August 20, 2026 3:23 PM
To: rrc.comments
Cc: Steele, Adam
Subject: [External] Written Objection and Request for Legislative Review - 08 NCAC 10C .0102

You don't often get email from rosemary.mcgee47@gmail.com. Learn why this is important

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

I am a registered voter in Chatham County, NC, writing formally to object to the NCSBE's proposed rule **08 NCAC 10C .0102 - Voting Site Buffer Zone** for the following reasons:

Lack of Clarity: The rule fails the Clarity standard under **N.C.G.S. § 150-21.3(b2)** because it is ambiguous, inconsistent and does not include the space allocated to the buffer zone as part of the rule, whereas the measurements for curbside voting is explicitly stated in the rule.

The rule provides unlimited authority to the Chief Judge to modify the buffer zone beyond what's expected since the voting site has already been reviewed and approved.

Pursuant to N.C.G.S. § 150-21.3(b2) this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Respectfully,

Rosemary McGee
536 Middleton Place
Chapel Hill, NC 27516

Burgos, Alexander N

From: Robert McGee <rjmcgee2011@gmail.com>
Sent: Thursday, August 20, 2026 3:43 PM
To: rrc.comments
Cc: Steele, Adam
Subject: [External] Written Objection and Request for Legislative Review - 08 NCAC 10C .0102

You don't often get email from rjmcgee2011@gmail.com. Learn why this is important

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

I am a registered voter in Chatham County, NC, writing formally to object to the NCSBE's proposed rule **08 NCAC 10C .0102 - Voting Site Buffer Zone** for the following reasons:

Lack of Clarity: The rule fails the Clarity standard under **N.C.G.S. § 150-21.3(b2)** because it is ambiguous, inconsistent and does not include the space allocated to the buffer zone as part of the rule, whereas the measurements for curbside voting is explicitly stated in the rule.

The rule provides unlimited authority to the Chief Judge to modify the buffer zone beyond what's expected since the voting site has already been reviewed and approved.

Pursuant to N.C.G.S. § 150-21.3(b2) this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Respectfully,

Robert McGee
536 Middleton Place
Chapel Hill, NC 27516

Burgos, Alexander N

From: Bob Rodriguez <blrodriguez001@gmail.com>
Sent: Wednesday, August 19, 2026 3:37 PM
To: rrc.comments
Cc: Ascher, Seth M
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 10C .0102 Voting Site Buffer Zones

Importance: High

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To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 10C .0102 Voting Site Buffer Zones.

My Objection is Lack of Authority: The rule violates N.C.G.S. § 150B-21.9(a)(1) by exceeding the administrative authority granted to the agency by the General Assembly.
This rule imposes restrictions on public property outside the statutory 50-foot limit without explicit authority from the General Assembly.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.
I also ask that a reply be sent back to me that you received my email.

Sincerely,
Robert G. Rodriguez
2400 Countrywood Rd
Raleigh, NC 27615
Wake County

Burgos, Alexander N

From: Mark McClure <celebratingphotography2@gmail.com>
Sent: Monday, August 17, 2026 1:21 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 10C .0102 Voting Site Buffer Zones

You don't often get email from celebratingphotography2@gmail.com. Learn why this is important

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

To the Rules Review Commission:
I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed **Rule 08 NCAC 10C .0102 Voting Site Buffer Zones** for the following reason:
Lack of Clarity: The rule **violates N.C.G.S. § 150B-21.9(a)(2)** because the definition of "voting site" does not correlate with the following strict definition specified in N.C.G.S. § 163-166.4):
In determining the dimensions of that buffer zone for each voting place, the county board of elections shall, where practical, set the limit at 50 feet from the door of entrance to the voting place, measured when that door is closed, ***but in no event shall it set the limit at more than 50 feet*** *or at less than 25 feet.*

The definition of "Voting Site" in Rule 08 NCAC 10C .0101 states: *"Voting Site" means* ***the property on which the voting place is located.*** I vote at the main library in Durham, which is situated upon 0.66 acres, which equates to 170 feet x 169.12 feet, which far exceeds the 50 feet statutory perimeter set by the NCGA.

This lack of clarity and ambiguous definition of "voting site", also applies to the proposed rule **08 NCAC 10C 01.002**.
Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,
Mark McClure
2326 Englewood Avenue
Durham, NC 27705
Durham County

Burgos, Alexander N

From: DJ Oronzio <djodemocracy@gmail.com>
Sent: Friday, August 7, 2026 3:25 PM
To: rrc.comments; Ascher, Seth M; SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 10C .0102 Buffer Zones

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To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 10C .0102 Buffer Zones (NCSBE Rulemaking Page: https://www.ncsbe.gov/rules-and-rulemaking).

Lack of Clarity: The rule fails the Clarity standard under N.C.G.S. § 150B-21.9(a)(2) (https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_150B/GS_150B-21.9.html) because it fails to establish uniform measurement protocols for laying out curbside voting and buffer zones. This lack of objective standards leads to arbitrary and non-uniform enforcement across different county boards of elections.

Pursuant to N.C.G.S. § 150B-21.3(b2) (https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_150B/GS_150B-21.3.html), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Deborah J Oronzio

5300 Arete Way

Raleigh, NC 27607

Wake County

Burgos, Alexander N

From: Barbara Lang <bllang16@gmail.com>
Sent: Friday, August 14, 2026 2:38 PM
To: rrc.comments
Subject: [External] Written Objection and Request for Legislative Review- Voting Sites 08 NCAC 10C .0101 .0102, .0103 or .0104

You don't often get email from bllang16@gmail.com. Learn why this is important

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule, Voting Sites 08 NCAC 10C .0101 .0102, .0103 or .0104. The rule fails the Necessity standard under N.C.G.S. § 150B-21.9(a)(3) because it creates redundant administrative procedures that conflict with existing statutory canvass timelines

This letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Thank you for your attention to this matter. It's important to our democracy that voting is fair and consistent.

Sincerely,

Barbara Lang
178 Glenpark Place
Cary NC 27511
Wake County

Burgos, Alexander N

From: Tiffany Shubert <tiffany.shubert@gmail.com>
Sent: Thursday, August 13, 2026 3:15 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — Voting Sites 08 NCAC 10C .0102

You don't often get email from tiffany.shubert@gmail.com. Learn why this is important

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed rule Voting Sites 08 NCAC 10C .0102.

The rule fails the Clarity standard under N.C.G.S. § 150B-21.9(a)(2) because it fails to define objective standards for county boards, leading to unequal application across counties.

I am specifically concerned about the lack of clarity in the accepted change in language from "establish" to "designate". The prior language was clear that the board had to adopt a resolution, which is a specific, formal administrative act that is voted on by the board. Adopting a resolution has very clear steps one must take and ensures that all county boards of elections perform this task in a standardized way.

Designate typically does not require a formal resolution, and therein lies the lack of clarity. By using the term "designate" some counties may have one person make a decision as to where the buffer zone is, other counties may make a memo or a map. There will be no consistency in implementation or documentation.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Tiffany Shubert
1 Coggins Mine Court
Chapel Hill, NC 27517
Durham County

08 NCAC 10C .0103

Burgos, Alexander N

From: Carolyn Moench <cmoenchpac@hotmail.com>
Sent: Friday, August 28, 2026 5:29 AM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review : voting sites

You don't often get email from cmoenchpac@hotmail.com. Learn why this is important

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To the Rules Review Commission:
I am a registered voter in Davidson County, writing to formally object to the NCSBE's proposed rule
Voting Sites
08 NCAC 10C .0101, .0102, .0103, or
.0104

Lack of Authority: The rule violates N.C.G.S. § 150B-21.9(a)(1) by exceeding the
administrative authority granted to the agency by the General Assembly.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that
this rule be subjected to review by the legislature.
Sincerely,
Carolyn M Moench
1138 Muirfield Ave
Clemmons NC 27012
Davidson County

Southern Coalition for Social Justice

ACLU North Carolina

August 26, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection and Request for Legislative Review of 08 NCAC 10C .0101–.0104 (Voting Site Rules)

Members of the Commission:

Southern Coalition for Social Justice and ACLU of North Carolina write pursuant to N.C.G.S. § 150B-21.3 to object to the State Board of Elections' adopted rules related to Voting Sites (08 NCAC 10C .0101–.0104). SCSJ and ACLU-NC previously submitted public comment to the State Board on June 5, 2026, concerning the original proposed voting site rules and proposing revisions to better balance the dual goals of preserving peace at the polls while ensuring that First Amendment-protected election-related speech and activities are not infringed upon.[1] The adopted rules, while improved from what was originally proposed, remain problematic for many of the reasons outlined in that letter. As discussed below, the Voting Site Rules are overly burdensome, infringe upon state and federal law protections, and are not otherwise necessary to serve the public interest.

We therefore request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. § 150B-21.3. We further request that the rules be subject to a delayed effective date as set out in that same provision.

The Restriction of Election-Related Activities to the Electioneering Zone Goes Beyond Statutory Remit and Infringes on First Amendment Protections.

08 NCAC 10C .0104(b) provides that people at voting sites may only engage in election-related activities "while in the designated electioneering zone." Electioneering zones are further defined by 08 NCAC 10C .0101(4) as the area(s) where election-related activities are permitted. Guiding principles for creating these areas are included in 08 NCAC 10C .0103.

The restriction on where election-related activities can take place in the rules is inconsistent with established state law and risks running afoul of First Amendment protections. North Carolina law requires the creation of a buffer zone around the entrance to a voting place, in which no election-related activity can occur, but does not otherwise support restricting election-related activities to a specific area as provided in the rules.[2] Instead, state law requires the creation of an electioneering zone immediately adjacent to that buffer zone to guarantee the ability of people to engage in election-related activities,[3] a protection especially crucial for early voting sites that have limited

[1] Available at https://southerncoalition.org/wp-content/uploads/2026/06/2026.06.05_SCSJ-ACLUNC-Proposed-Polling-Site-Rules_Public-Comment_Final.pdf.
[2] N.C.G.S. § 163-166.4(a).
[3] N.C.G.S. § 163-166.4(b).

outdoor space. In other words, state law requires that election-related activity must be allowed *at least* within some created zone at voting sites, but state law does not prohibit that activity anywhere except within the buffer zone itself.[4]

The Rules therefore flip statutory requirements on their head by converting the requirement that election-related activity have, *at minimum*, space to occur in designated electioneering zones, to a *maximum* limit on where that activity may take place. In doing so, the Rules fail to adhere to statutory requirements, which only permit rules that are "expressly authorized by federal or State law and that are necessary to serve the public interest," that seek to "reduce the burden upon those persons or entities who must comply with the rule," and that are "reasonably necessary to implement or interpret federal or State law." *See* N.C.G.S. § 150B-19.1(a)(1)–(3).

This restriction on election-related activities in the Rules also conflicts with federal protections. The Supreme Court has noted that voting sites may include areas that are considered "traditional public forums," such as parks, streets, and sidewalks. Laws creating buffer zones that are not overly large (like those prescribed in North Carolina) are permissible when tailored to achieve the state's interest in running elections free from intimidation and fraud. But this does not allow sweeping restrictions on speech around voting sites because, "[a]t some measurable distance from the polls, of course, governmental regulation of vote solicitation could effectively become an impermissible burden [on speech]." *Burson v. Freeman*, 504 U.S. 191, 210 (1992).

The State Board has recognized these First Amendment protections in the past, emphasizing in Numbered Memo 2022-12 ("Maintaining Order at the Polls")[5] that county boards "must balance these First Amendment protections [for political activity in public forums] with the right of every voter to enter the voting place freely." The Rules fail to account for this and thus threaten codifying violations of the First Amendment in how North Carolina administers its elections.

We continue to recommend that, instead of the Commission approving these conflicting administrative rules, the State Board follow the current statutory framework set forth in N.C.G.S. § 163-166.4 and utilize the guidance set out in Numbered Memo 2022-12.

The Blanket Prohibition on Sound Amplification at Polling Sites Is Overbroad and Is Not Reasonably Necessary to Implement State Law.

08 NCAC 10C .0104(c) bans audible noise and sound that is "disruptive to the voting site," and places a blanket ban on the use of sound amplification devices at voting sites. The blanket prohibition on sound amplification devices in 08 NCAC 10C .0104(c)(2) is overbroad and beyond

[4] Special agreements disallowing electioneering zones for voting places at nonpublic buildings are only permitted when (1) "no other suitable voting place can be secured for the precinct;" (2) the chief judge monitors the area surrounding the voting place to ensure that the restriction on electioneering is applied evenly; (3) the voting places subjected to the agreements do not disproportionately favor any party, race, or candidate; and (4) the county board attempted to arrange a time for candidates to place and retrieve advertisements before opening and after closing the polling place.

[5] Numbered Memo 2022-12, "Maintaining Order at the Polls," at 2, available at https://s3.amazonaws.com/dl.ncsbe.gov/sboe/numbermemo/2022/Numbered%20Memo%202022-12%20Maintaining%20Order%20at%20the%20Polls.pdf.

the remit of state law, which already provides guidance to election officials on ensuring peace at the polls. Section 163-48 of the General Statutes requires that "peace and good order" shall be maintained by chief judges and judges of elections: "[1] They shall especially keep open and unobstructed the place at which voters or persons seeking to register or vote have access to the place of registration and voting. [2] They shall prevent and stop improper practices and attempts to obstruct, intimidate, or interfere with any person in registering or voting. [3] They shall protect challenger and witnesses against molestation and violence in the performance of their duties, and they may eject from the place of registration or voting any challenger or witness for violation of any provisions of the election laws. [4] They shall prevent riots, violence, tumult, or disorder."

Current administrative Rule 08 NCAC 10B .0101 provides additional guidance, directing precinct officials to "monitor the grounds around the voting place to ensure compliance with the limitation on activity in the buffer zone," and providing examples of how they can ensure peace and good order that mirror N.C.G.S. § 163-48.

A blanket prohibition on sound amplification makes the unfounded assumption that any and all sound amplification would in all circumstances disrupt or cause disorder in the voting process. This is completely unfounded, and thus not based on "sound, reasonably available scientific, technical, economic" or any other "relevant information," as required by law. N.C.G.S. § 150B-19.1(a)(5). Its overbroad provision is unnecessary to administer elections or provide necessary guidance, which already exists, and instead unnecessarily burdens individuals engaged in First Amendment-protected activities who will be forced to comply, also in violation of state law.

This overbroad blanket prohibition on amplified sound also runs afoul of bedrock constitutional principles protecting the right to free speech: regulations on voting enclosures must be "reasonable." Prohibition of all sound amplification no matter its level, without evidence it will always be disruptive, is unreasonable and thus should be rejected.[6]

We therefore continue to oppose these rules and instead recommend that the State Board adhere to existing statutory and administrative guidance to maintain order at voting sites.

Thank you for your consideration.

Respectfully submitted,

Jeffrey Loperfido
Chief Counsel for Voting Rights

Jaclyn Maffetore
Senior Staff Attorney

Hilary Harris Klein
Senior Counsel for Voting Rights

ACLU of NORTH CAROLINA LEGAL FOUNDATION

SOUTHERN COALITION FOR SOCIAL JUSTICE

[6] *See Burson v. Freeman*, 504 U.S. 191, 210 (1992); *Minn. Voters All. v. Mansky*, 585 U.S. 1, 7–8 (2018) (citing *Perry Ed. Assn. v. Perry Local Educators' Assn.*, 460 U.S. 37, 46 (1983)).

Common Cause
NORTH CAROLINA

P.O. Box 6207
Raleigh, NC 27628
(919) 836-0027
CommonCauseNC.org

August 24, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

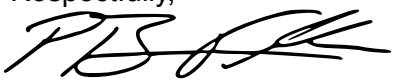
Re: Polling Site Rules 08 NCAC 10C.0101, 08 NCAC 10C.0102, 08 NCAC 10C.0103, 08 NCAC 10C.0104

Members of the Commission:

The North Carolina State Board of Elections recently passed rules 08 NCAC 10C.0101, 08 NCAC 10C.0102, 08 NCAC 10C.0103, and 08 NCAC 10C.0104 regarding conduct at polling sites. The rules threaten to unconstitutionally suppress expression protected by the First Amendment of the United States Constitution. Because the rules threaten to unduly restrict lawful conduct at polling sites, and for the reasons set forth in the attached public comment letter filed with the North Carolina State Board of Elections, Common Cause North Carolina requests that the above rules (08 NCAC 10C.0101, 08 NCAC 10C.0102, 08 NCAC 10C.0103, 08 NCAC 10C.0104), be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. We further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your service to the people of North Carolina and your consideration of this objection.

Respectfully,



Brooks Fuller,
Policy Director, Common Cause NC

Burgos, Alexander N

From: Kathy Martin <kteemartin32@gmail.com>
Sent: Monday, August 24, 2026 11:47 AM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 10C.0103, VOTING SITE ELECTIONEERING ZONE

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

To the Rules Review Commission:
I am a registered voter in WakeCounty, writing to formally object to the NCSBE's proposed rule 08 NCAC 10C.0103, VOTING SITE ELECTIONEERING ZONE

Section (D) states: "This rule shall not prevent the chief judge of the voting site from changing a boundary or location of a zone designated under this Rule when that change is required because of circumstances at the voting site that make it impractical to maintain the zone's designated boundary or location."

The rule violates N.C.G.S. § 150B-21.9(a)(1) by exceeding the administrative authority granted to the agency by the General Assembly. The rules require the establishment of zones by the county board. To allow the chief judge sole discretion in changing those defined areas violates the intent of the statute. At a minimum, any changes should require a unanimous vote of all three precinct judges.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.
Sincerely,

Kathy Martin
114 Bright Angel Dr.
Cary, NC
Wake County

Burgos, Alexander N

From: Mark and Cheri <celebratingphotography2@gmail.com>
Sent: Saturday, August 22, 2026 3:19 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 10C .0103 Voting Site Electioneering Zone

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To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed **rule 08 NCAC 10C .0103 Voting Site Electioneering Zone** for the following reason:

Lack of authority: The rule fails the lack of authority standard under **N.C.G.S. § 150B-21.9(a)(1)** because NCGS § 163-166.4 (b) states "the county board **shall** also provide an area ***adjacent* to the buffer zone** for each voting place in which persons or groups of persons may distribute campaign literature, place political advertising, solicit votes, or otherwise engage in election-related activity." The proposed **rule 08 NCAC 10C .0103** exceeds the authority granted by the NCGA because the new rule would allow county boards to decide whether to establish alternative electioneering zones that are not adjacent to the buffer zone, which could be used for partisan advantage.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Cheryl Elliott
2326 Englewood Avenue
Durham, NC 27705
Durham County

Burgos, Alexander N

From: Kathy Martin <kteemartin32@gmail.com>
Sent: Monday, August 24, 2026 11:47 AM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 10C.0103, VOTING SITE ELECTIONEERING ZONE

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To the Rules Review Commission:
I am a registered voter in WakeCounty, writing to formally object to the NCSBE's proposed rule 08 NCAC 10C.0103, VOTING SITE ELECTIONEERING ZONE

Section (D) states: "This rule shall not prevent the chief judge of the voting site from changing a boundary or location of a zone designated under this Rule when that change is required because of circumstances at the voting site that make it impractical to maintain the zone's designated boundary or location."

The rule violates N.C.G.S. § 150B-21.9(a)(1) by exceeding the administrative authority granted to the agency by the General Assembly. The rules require the establishment of zones by the county board. To allow the chief judge sole discretion in changing those defined areas violates the intent of the statute. At a minimum, any changes should require a unanimous vote of all three precinct judges.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.
Sincerely,

Kathy Martin
114 Bright Angel Dr.
Cary, NC
Wake County

Burgos, Alexander N

From: Advocacy <alltheadvocacy@proton.me>
Sent: Friday, August 21, 2026 12:54 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 10C .0103

You don't often get email from alltheadvocacy@proton.me. Learn why this is important

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To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 10C .0103 VOTING SITE ELECTIONEERING ZONE.

The rule violates N.C.G.S. § 150B-21.9(a)(1) by exceeding the administrative authority granted to the agency by the General Assembly.

As a voter, I'm concerned that by exceeding the board's legal administrative authority, election zone boundaries will be established that will be both illegal (which invites lawsuits and sows public distrust) and inconsistent across counties. "Electioneering zone" is not defined in G.S. 163-166.4(b). Additionally, rule 08 NCAC 10C .0103 attempts to set limits which is not legally permitted per your authority.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,
Katherine O'Malley
9721 Dansington Ct
Raleigh, NC, 27615
Wake County

Burgos, Alexander N

From: Mark and Cheri <celebratingphotography2@gmail.com>
Sent: Saturday, August 22, 2026 3:19 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 10C .0103 Voting Site Electioneering Zone

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed **rule 08 NCAC 10C .0103 Voting Site Electioneering Zone** for the following reason:

Lack of authority: The rule fails the lack of authority standard under **N.C.G.S. § 150B-21.9(a)(1)** because NCGS § 163-166.4 (b) states "the county board **shall** also provide an area ***adjacent* to the buffer zone** for each voting place in which persons or groups of persons may distribute campaign literature, place political advertising, solicit votes, or otherwise engage in election-related activity." The proposed **rule 08 NCAC 10C .0103** exceeds the authority granted by the NCGA because the new rule would allow county boards to decide whether to establish alternative electioneering zones that are not adjacent to the buffer zone, which could be used for partisan advantage.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Cheryl Elliott
2326 Englewood Avenue
Durham, NC 27705
Durham County

Burgos, Alexander N

From: Rosemary McGee <rosemary.mcgee47@gmail.com>
Sent: Thursday, August 20, 2026 3:45 PM
To: rrc.comments
Cc: Steele, Adam
Subject: [External] Written Objection and Request for Legislative Review - 08 NCAC 10C .0103

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

I am a registered voter in Chatham County, NC, writing formally to object to the NCSBE's proposed rule **08 NCAC 10C .0103 - Voting Site Electioneering Zone** for the following reasons:

Lack of Clarity: The rule fails the Clarity standard under **N.C.G.S. § 150-21.3(b2)** because it is ambiguous, lacking the proper definition of the size of the electioneering zone and whether the judge has the authority to physically reassign the placement of the zone.

The rule specifies that the electioneering zone should be physically adjacent to the buffer zone; however its actual size or limit is not included as part of the rule. It appears the judge's authority has no bounds and the size and location can be changed based on random/arbitrary conditions.

The rule needs to clearly define:

-
-
- What constitutes a voting site is not defined? Is it the voting place, plus the buffer zone plus the electioneering zone or beyond?
-
-
-
- Does the judge's authority extend beyond the electioneering zone?
-

Pursuant to N.C.G.S. § 150-21.3(b2) this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Respectfully,

Robert McGee
536 Middleton Place
Chapel Hill, NC 27516

Burgos, Alexander N

From: Rosemary McGee <rosemary.mcgee47@gmail.com>
Sent: Thursday, August 20, 2026 3:26 PM
To: rrc.comments
Cc: Steele, Adam
Subject: [External] Written Objection and Request for Legislative Review - 08 NCAC 10C .0103

You don't often get email from rosemary.mcgee47@gmail.com. Learn why this is important

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

I am a registered voter in Chatham County, NC, writing formally to object to the NCSBE's proposed rule **08 NCAC 10C .0103 - Voting Site Electioneering Zone** for the following reasons:

Lack of Clarity: The rule fails the Clarity standard under **N.C.G.S. § 150-21.3(b2)** because it is ambiguous, lacking the proper definition of the size of the electioneering zone and whether the judge has the authority to physically reassign the placement of the zone.

The rule specifies that the electioneering zone should be physically adjacent to the buffer zone; however its actual size or limit is not included as part of the rule. It appears the judge's authority has no bounds and the size and location can be changed based on random/arbitrary conditions.

The rule needs to clearly define:

-
-
- What constitutes a voting site is not defined? Is it the voting place, plus the buffer zone plus the electioneering zone or beyond?
-
-
-
- Does the judge's authority extend beyond the electioneering zone?
-

Pursuant to N.C.G.S. § 150-21.3(b2) this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Respectfully,

Rosemary McGee
536 Middleton Place
Chapel Hill, NC 27516

Burgos, Alexander N

From: Robert McGee <rjmcgee2011@gmail.com>
Sent: Thursday, August 20, 2026 3:57 PM
To: rrc.comments
Cc: Steele, Adam
Subject: [External] Written Objection and Request for Legislative Review - 08 NCAC 10C .0103

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I am a registered voter in Chatham County, NC, writing formally to object to the NCSBE's proposed rule **08 NCAC 10C .0103 - Voting Site Electioneering Zone** for the following reasons:

Lack of Clarity: The rule fails the Clarity standard under **N.C.G.S. § 150-21.3(b2)** because it is ambiguous, lacking the proper definition of the size of the electioneering zone and whether the judge has the authority to physically reassign the placement of the zone.

The rule specifies that the electioneering zone should be physically adjacent to the buffer zone; however its actual size or limit is not included as part of the rule. It appears the judge's authority has no bounds and the size and location can be changed based on random/arbitrary conditions.

The rule needs to clearly define:

-
-
- What constitutes a voting site is not defined? Is it the voting place, plus the buffer zone plus the electioneering zone or beyond?
-
-
-
- Does the judge's authority extend beyond the electioneering zone?
-

Pursuant to N.C.G.S. § 150-21.3(b2) this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Respectfully,

Robert McGee
536 Middleton Place
Chapel Hill, NC 27516

Burgos, Alexander N

From: Bob Rodriguez <blrodriguez001@gmail.com>
Sent: Wednesday, August 19, 2026 3:40 PM
To: rrc.comments
Cc: Ascher, Seth M
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 10C .0103 Voting Site Electioneering Zone

Importance: High

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To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 10C .0103 Voting Site Electioneering Zone.

My Objection is the Lack of Clarity: The rule fails the Clarity standard under N.C.G.S. § 150B-21.9(a)(2). Proposed Rule 08 NCAC 10C .0103 fails to define objective standards for county boards, leading to unequal application across counties and, interpretation of what "adequate" electioneering space can mean.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.
I also ask that a reply be sent back to me that you received my email.

Sincerely,
Robert G. Rodriguez
2400 Countrywood Rd
Raleigh, NC 27615
Wake County

Burgos, Alexander N

From: Mark McClure <markmcclure888@gmail.com>
Sent: Monday, August 17, 2026 1:52 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 10C .0103 Voting Site Electioneering Zone

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To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed **rule 08 NCAC 10C .0103 Voting Site Electioneering Zone** for the following reason:

Lack of authority: The rule fails the lack of authority standard under **N.C.G.S. § 150B-21.9(a)(1)** because NCGS § 163-166.4 (b) states "the county board **shall** also provide an area ***adjacent* to the buffer zone** for each voting place in which persons or groups of persons may distribute campaign literature, place political advertising, solicit votes, or otherwise engage in election-related activity." The proposed **rule 08 NCAC 10C .0103** exceeds the authority granted by the NCGA because the new rule would allow county boards to decide whether to establish alternative electioneering zones that are not adjacent to the buffer zone.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Mark McClure
2326 Englewood Avenue
Durham, NC 27705
Durham County

Burgos, Alexander N

From:	Melissa Holmberg <mholmberg9714@gmail.com>
Sent:	Tuesday, August 11, 2026 2:48 PM
To:	rrc.comments
Cc:	SVC_SBOE.RuleMaking
Subject:	[External] Written Objection and Request for legislative review-Voting sights 08 NCAC 10C .0101,.0102,

You don't often get email from mholmberg9714@gmail.com. Learn why this is important

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To the Rules Review Commission:

I am a registered voter in [YOUR COUNTY] County, writing to formally object to the NCSBE's proposed rule Voting Sites 08 NCAC 10C .0101,.0102,.0103, .0104
The rule violates N.C.G.S. § 150B-21.9(a)(1) by exceeding the
administrative authority granted to the agency by the General Assembly. The individual county boards of elections should be able to determine the voting sites of its own county based on what counties need to accommodate their voters.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that
this rule be subjected to review by the legislature.

Sincerely,
Melissa Holmberg
1000 Sabre Ct, Chapel Hill, NC 27516
Orange County

Burgos, Alexander N

From: Barbara Lang <bllang16@gmail.com>
Sent: Friday, August 14, 2026 2:38 PM
To: rrc.comments
Subject: [External] Written Objection and Request for Legislative Review- Voting Sites 08 NCAC 10C .0101 .0102, .0103 or .0104

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To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule, Voting Sites 08 NCAC 10C .0101 .0102, .0103 or .0104. The rule fails the Necessity standard under N.C.G.S. § 150B-21.9(a)(3) because it creates redundant administrative procedures that conflict with existing statutory canvass timelines

This letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Thank you for your attention to this matter. It's important to our democracy that voting is fair and consistent.

Sincerely,

Barbara Lang
178 Glenpark Place
Cary NC 27511
Wake County

Burgos, Alexander N

From: DJ Oronzio <djodemocracy@gmail.com>
Sent: Friday, August 7, 2026 3:27 PM
To: rrc.comments; Ascher, Seth M; SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 10C .0103 Electioneering Zones

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To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 10C .0103 Electioneering Zones (NCSBE Rulemaking Page: https://www.ncsbe.gov/rules-and-rulemaking).

Lack of Clarity: The rule fails the Clarity standard under N.C.G.S. § 150B-21.9(a)(2) (https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_150B/GS_150B-21.9.html) because it fails to define objective standards for what constitutes "adequate" electioneering space. This vagueness provides county boards of elections unbridled discretion to designate remote or obscured areas, resulting in inconsistent and arbitrary application across different counties.

Pursuant to N.C.G.S. § 150B-21.3(b2) (https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_150B/GS_150B-21.3.html), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Deborah J Oronzio

5300 Arete Way

Raleigh, NC 27607

Burgos, Alexander N

From: DJ Oronzio <djodemocracy@gmail.com>
Sent: Friday, August 7, 2026 4:16 PM
To: rrc.comments; Ascher, Seth M; SVC_SBOE.RuleMaking; djodemocracy@gmail.com
Subject: [External] Clarification: Written Objections to Retain for Legislative Review

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To the Rules Review Commission:

Following my recent communication regarding retracted submissions, please accept this email specifying the exact list of written objections to RETAIN and process for legislative review under N.C.G.S. § 150B-21.3(b2):

1. 08 NCAC 17 .0101 (Verification of Photo Identification During In-Person Voting) 2. 08 NCAC 17 .0109 (Photo Identification for Absentee-By-Mail Ballots) 3. 08 NCAC 10C .0101 (Voting Sites — Definitions) 4. 08 NCAC 10C .0102 (Voting Sites — Buffer Zones) 5. 08 NCAC 10C .0103 (Voting Sites — Electioneering Zones) 6. 08 NCAC 10C .0104 (Voting Sites — Conduct at Voting Sites) 7. 08 NCAC 10B .0103 (Recount Procedures)

I apologize for this mess up. Technology is great when it works properly.

Please ensure that these seven (7) specific objections remain active in the record. I would appreciate an acknowledgement of this request.

Thank you.

Sincerely,

Deborah J Oronzio
5300 Arete Way
Raleigh, NC 27607
Wake County

Burgos, Alexander N

From:	Tiffany Shubert <tiffany.shubert@gmail.com>
Sent:	Thursday, August 13, 2026 3:24 PM
To:	rrc.comments
Cc:	SVC_SBOE.RuleMaking
Subject:	[External] Written Objection and Request for Legislative Review — Voting Sites 08 NCAC 10C .0103

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To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed rule Voting Sites 08 NCAC 10C .0103.

The rule fails the Clarity standard under N.C.G.S. § 150B-21.9(a)(2) because it
fails to define objective standards for county boards, leading to unequal application across counties.

I am specifically concerned about the lack of clarity in the accepted change in language from "adopting a resolution" to "designate". The prior language was clear that the board of election had to adopt a resolution, which is a specific, formal administrative act that is voted on by the board. Adopting a resolution has very clear steps one must take and ensures that all county boards of elections perform this task in a standardized way.

Designate typically does not require a formal resolution, and therein lies the lack of clarity. By using the term "designate" some counties may have one person make a decision as to where the electioneering zone is, other counties may make a memo or a map. There will be no consistency in implementation or documentation, and thus there may be unequal application across counties.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Tiffany Shubert
1 Coggins Mine Court
Chapel Hill, NC 27517
Durham County

08 NCAC 10C .0104

Burgos, Alexander N

From: Nancy Pajewski <njpajewski@gmail.com>
Sent: Friday, August 28, 2026 12:22 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review 08 NCAC 10C.0104: Conduct at Voting Sitestt

You don't often get email from njpajewski@gmail.com. Learn why this is important

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To the Rules Review Commission:
I am a registered voter in Forsyth County, writing to formally object to the NCSBE's proposed rule 08 NCAC 10C.0104: Conduct at Voting Sites. This rule fails the Clarity standard under N.C.G.S. 150B-21.9(a)(2) because it fails to define objective standards for county boards, leading to unequal application across counties.
I am concerned that no voter feel intimidated, hassled, or discouraged when they come to vote in person. Voting should be a proud, positive time for every voter.
Pursuant to N.C.G.S. 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.
Sincerely,
Nancy J. Pajewski
530 N. Patterson AV Unit 377
Winston Salem, NC 27101
Forsyth County

Burgos, Alexander N

From: Carolyn Moench <cmoenchpac@hotmail.com>
Sent: Friday, August 28, 2026 5:29 AM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review : voting sites

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To the Rules Review Commission:
I am a registered voter in Davidson County, writing to formally object to the NCSBE's proposed rule
Voting Sites
08 NCAC 10C .0101, .0102, .0103, or
.0104

Lack of Authority: The rule violates N.C.G.S. § 150B-21.9(a)(1) by exceeding the
administrative authority granted to the agency by the General Assembly.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that
this rule be subjected to review by the legislature.
Sincerely,
Carolyn M Moench
1138 Muirfield Ave
Clemmons NC 27012
Davidson County

Shruti Parikh
711 Hillsborough St, Raleigh, North Carolina, 27603

August, 27, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [08 NCAC 10C .0104]

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

This provision could impact Asian American and Pacific Islander (AAPI) and immigrant communities, including voters who may need guidance and assistance at the polls and who may benefit from clear, accessible, and multilingual communication while navigating the voting process. Voting sites can have long wait times, so it's important to maintain a welcoming, well-organized environment that makes voting accessible, encouraging, and engaging.

Community organizations that assist voters may use amplification outside of the polls to communicate with voters, provide nonpartisan information, answer questions, provide language assistance, and facilitate a welcoming voting experience.

Thank you for your consideration.

Shruti Parikh
Director of Education and Political Engagement
North Carolina Asian Americans Together

Southern Coalition for Social Justice

ACLU North Carolina

August 26, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection and Request for Legislative Review of 08 NCAC 10C .0101–.0104 (Voting Site Rules)

Members of the Commission:

Southern Coalition for Social Justice and ACLU of North Carolina write pursuant to N.C.G.S. § 150B-21.3 to object to the State Board of Elections' adopted rules related to Voting Sites (08 NCAC 10C .0101–.0104). SCSJ and ACLU-NC previously submitted public comment to the State Board on June 5, 2026, concerning the original proposed voting site rules and proposing revisions to better balance the dual goals of preserving peace at the polls while ensuring that First Amendment-protected election-related speech and activities are not infringed upon.[1] The adopted rules, while improved from what was originally proposed, remain problematic for many of the reasons outlined in that letter. As discussed below, the Voting Site Rules are overly burdensome, infringe upon state and federal law protections, and are not otherwise necessary to serve the public interest.

We therefore request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. § 150B-21.3. We further request that the rules be subject to a delayed effective date as set out in that same provision.

The Restriction of Election-Related Activities to the Electioneering Zone Goes Beyond Statutory Remit and Infringes on First Amendment Protections.

08 NCAC 10C .0104(b) provides that people at voting sites may only engage in election-related activities "while in the designated electioneering zone." Electioneering zones are further defined by 08 NCAC 10C .0101(4) as the area(s) where election-related activities are permitted. Guiding principles for creating these areas are included in 08 NCAC 10C .0103.

The restriction on where election-related activities can take place in the rules is inconsistent with established state law and risks running afoul of First Amendment protections. North Carolina law requires the creation of a buffer zone around the entrance to a voting place, in which no election-related activity can occur, but does not otherwise support restricting election-related activities to a specific area as provided in the rules.[2] Instead, state law requires the creation of an electioneering zone immediately adjacent to that buffer zone to guarantee the ability of people to engage in election-related activities,[3] a protection especially crucial for early voting sites that have limited

[1] Available at https://southerncoalition.org/wp-content/uploads/2026/06/2026.06.05_SCSJ-ACLUNC-Proposed-Polling-Site-Rules_Public-Comment_Final.pdf.
[2] N.C.G.S. § 163-166.4(a).
[3] N.C.G.S. § 163-166.4(b).

outdoor space. In other words, state law requires that election-related activity must be allowed *at least* within some created zone at voting sites, but state law does not prohibit that activity anywhere except within the buffer zone itself.[4]

The Rules therefore flip statutory requirements on their head by converting the requirement that election-related activity have, *at minimum*, space to occur in designated electioneering zones, to a *maximum* limit on where that activity may take place. In doing so, the Rules fail to adhere to statutory requirements, which only permit rules that are "expressly authorized by federal or State law and that are necessary to serve the public interest," that seek to "reduce the burden upon those persons or entities who must comply with the rule," and that are "reasonably necessary to implement or interpret federal or State law." *See* N.C.G.S. § 150B-19.1(a)(1)–(3).

This restriction on election-related activities in the Rules also conflicts with federal protections. The Supreme Court has noted that voting sites may include areas that are considered "traditional public forums," such as parks, streets, and sidewalks. Laws creating buffer zones that are not overly large (like those prescribed in North Carolina) are permissible when tailored to achieve the state's interest in running elections free from intimidation and fraud. But this does not allow sweeping restrictions on speech around voting sites because, "[a]t some measurable distance from the polls, of course, governmental regulation of vote solicitation could effectively become an impermissible burden [on speech]." *Burson v. Freeman*, 504 U.S. 191, 210 (1992).

The State Board has recognized these First Amendment protections in the past, emphasizing in Numbered Memo 2022-12 ("Maintaining Order at the Polls")[5] that county boards "must balance these First Amendment protections [for political activity in public forums] with the right of every voter to enter the voting place freely." The Rules fail to account for this and thus threaten codifying violations of the First Amendment in how North Carolina administers its elections.

We continue to recommend that, instead of the Commission approving these conflicting administrative rules, the State Board follow the current statutory framework set forth in N.C.G.S. § 163-166.4 and utilize the guidance set out in Numbered Memo 2022-12.

The Blanket Prohibition on Sound Amplification at Polling Sites Is Overbroad and Is Not Reasonably Necessary to Implement State Law.

08 NCAC 10C .0104(c) bans audible noise and sound that is "disruptive to the voting site," and places a blanket ban on the use of sound amplification devices at voting sites. The blanket prohibition on sound amplification devices in 08 NCAC 10C .0104(c)(2) is overbroad and beyond

[4] Special agreements disallowing electioneering zones for voting places at nonpublic buildings are only permitted when (1) "no other suitable voting place can be secured for the precinct;" (2) the chief judge monitors the area surrounding the voting place to ensure that the restriction on electioneering is applied evenly; (3) the voting places subjected to the agreements do not disproportionately favor any party, race, or candidate; and (4) the county board attempted to arrange a time for candidates to place and retrieve advertisements before opening and after closing the polling place.

[5] Numbered Memo 2022-12, "Maintaining Order at the Polls," at 2, available at https://s3.amazonaws.com/dl.ncsbe.gov/sboe/numbermemo/2022/Numbered%20Memo%202022-12%20Maintaining%20Order%20at%20the%20Polls.pdf.

the remit of state law, which already provides guidance to election officials on ensuring peace at the polls. Section 163-48 of the General Statutes requires that "peace and good order" shall be maintained by chief judges and judges of elections: "[1] They shall especially keep open and unobstructed the place at which voters or persons seeking to register or vote have access to the place of registration and voting. [2] They shall prevent and stop improper practices and attempts to obstruct, intimidate, or interfere with any person in registering or voting. [3] They shall protect challenger and witnesses against molestation and violence in the performance of their duties, and they may eject from the place of registration or voting any challenger or witness for violation of any provisions of the election laws. [4] They shall prevent riots, violence, tumult, or disorder."

Current administrative Rule 08 NCAC 10B .0101 provides additional guidance, directing precinct officials to "monitor the grounds around the voting place to ensure compliance with the limitation on activity in the buffer zone," and providing examples of how they can ensure peace and good order that mirror N.C.G.S. § 163-48.

A blanket prohibition on sound amplification makes the unfounded assumption that any and all sound amplification would in all circumstances disrupt or cause disorder in the voting process. This is completely unfounded, and thus not based on "sound, reasonably available scientific, technical, economic" or any other "relevant information," as required by law. N.C.G.S. § 150B-19.1(a)(5). Its overbroad provision is unnecessary to administer elections or provide necessary guidance, which already exists, and instead unnecessarily burdens individuals engaged in First Amendment-protected activities who will be forced to comply, also in violation of state law.

This overbroad blanket prohibition on amplified sound also runs afoul of bedrock constitutional principles protecting the right to free speech: regulations on voting enclosures must be "reasonable." Prohibition of all sound amplification no matter its level, without evidence it will always be disruptive, is unreasonable and thus should be rejected.[6]

We therefore continue to oppose these rules and instead recommend that the State Board adhere to existing statutory and administrative guidance to maintain order at voting sites.

Thank you for your consideration.

Respectfully submitted,

Jeffrey Loperfido
Chief Counsel for Voting Rights

Jaclyn Maffetore
Senior Staff Attorney

Hilary Harris Klein
Senior Counsel for Voting Rights

ACLU of NORTH CAROLINA LEGAL FOUNDATION

SOUTHERN COALITION FOR SOCIAL JUSTICE

[6] *See Burson v. Freeman*, 504 U.S. 191, 210 (1992); *Minn. Voters All. v. Mansky*, 585 U.S. 1, 7–8 (2018) (citing *Perry Ed. Assn. v. Perry Local Educators' Assn.*, 460 U.S. 37, 46 (1983)).

Common Cause
NORTH CAROLINA

P.O. Box 6207
Raleigh, NC 27628
(919) 836-0027
CommonCauseNC.org

August 24, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

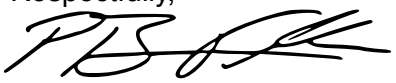
Re: Polling Site Rules 08 NCAC 10C.0101, 08 NCAC 10C.0102, 08 NCAC 10C.0103, 08 NCAC 10C.0104

Members of the Commission:

The North Carolina State Board of Elections recently passed rules 08 NCAC 10C.0101, 08 NCAC 10C.0102, 08 NCAC 10C.0103, and 08 NCAC 10C.0104 regarding conduct at polling sites. The rules threaten to unconstitutionally suppress expression protected by the First Amendment of the United States Constitution. Because the rules threaten to unduly restrict lawful conduct at polling sites, and for the reasons set forth in the attached public comment letter filed with the North Carolina State Board of Elections, Common Cause North Carolina requests that the above rules (08 NCAC 10C.0101, 08 NCAC 10C.0102, 08 NCAC 10C.0103, 08 NCAC 10C.0104), be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. We further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your service to the people of North Carolina and your consideration of this objection.

Respectfully,



Brooks Fuller,
Policy Director, Common Cause NC

Burgos, Alexander N

From: Carrol Olinger <carrol@actionnc.org>
Sent: Monday, August 24, 2026 12:43 PM
To: alltheadvocacy@proton.me; rrc.comments
Subject: [External] EMAIL Subject: ATTENTION RRC: Objecting 08 NCAC 10C .0104

You don't often get email from carrol@actionnc.org. Learn why this is important

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August 24, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [08 NCAC 10C .0104]

Members of the Commission:

I request that the above rule (08 NCAC 10C .0104) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule be subject to a delayed effective date as set out in that same provision.
This rule would affect me and the community! We are about voter turn out and trying to encourage all people to stay in line while they're waiting to vote. Music calms the soul and brings joy! Plus it helps the time go by a little faster when waiting in long lines!
Thank you for your consideration.

Carrol Olinger
5338 Harding Dr
Hope Mills, NC, 28348

Burgos, Alexander N

From: Mark and Cheri <celebratingphotography2@gmail.com>
Sent: Saturday, August 22, 2026 3:13 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 10C .0104 Conduct at Voting Sites

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To the Rules Review Commission:
I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed **Rule 08 NCAC 10C .0104 Conduct at Voting Sites** for the following reason:

Lack of Clarity: The rule fails the Clarity standard under **N.C.G.S. § 150B-21.9(a)(2)**because it fails to define objective standards for county boards, which can result in unequal application throughout the State . It uses vague, subjective terms like "disruptive noise" or "unreasonable disruption" without defining decibel levels or distance limits. Chief judges are left to decide arbitrarily what is "too loud." Similarly, defining a "sound amplification device" as "any vehicle's internal audio system that is audible beyond the interior of the vehicle" is subject to interpretation.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Cheryl Elliott
2326 Englewood Avenue
Durham, NC
Durham County

Burgos, Alexander N

From: Kathy Martin <kteemartin32@gmail.com>
Sent: Monday, August 24, 2026 5:06 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 10C.0104, CONDUCT AT VOTING SITES

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Kathy Martin <kteemartin32@gmail.com>

to rrc.comments, rules, bcc: Deborah



To the Rules Review Commission:
I am a registered voter in WakeCounty, writing to formally object to the NCSBE's proposed rule 08 NCAC 10C.0104, CONDUCT AT VOTING SITES.

Section (c) (1) states: "No person outside of the voting place and at a voting site during the hours of voting shall make or cause any noise at a volume that is audible to the chief judge or a judge when that official is in the voting enclosure."

The rule fails the Clarity standard under N.C.G.S. § 150B-21.9(a)(2) because it fails to define objective standards for county boards, leading to unequal application across counties. The phrase "audible to the chief judge or a judge" is far too vague to be an enforceable standard.

Section (c) (2) states : "No person outside of the voting place and at a voting site shall use a sound amplification device during the hours of voting."

The rule violates N.C.G.S. § 150B-21.9(a)(1) by exceeding the administrative authority granted to the agency by the General Assembly. There is nothing in the existing statutes cited (163-22, -48,-129, -166.4 , -166.5, -166.6 and -166.7) that addresses behavior in the electioneering zone. This is a clear overreach of the Boards's authority.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.
Sincerely,

Kathy Martin
114 Bright angel Dr.
Cary, NC
Wake County

Ruth Strauss
8633 Abbotsbury Ct.
Raleigh, NC 27615

August 23, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: **08 NCAC 10C .0104**

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Sections 08 NCAC 10C.0104(c)(1)-(c)(2) of the proposed 2026 Voting Site Rules related to sound and sound amplification at polling sites are vague and overly broad and could be used to violate citizens' First Amendment rights.

The ban on sound amplification bars anyone outside of the voting place at a voting site and anywhere on the property, from using a sound amplification device during voting hours regardless of whether that sound can be heard inside the voting enclosure and regardless of whether that sound is disruptive.

Voters should be protected from voter suppression and voter intimidation, not from voters exercising their First Amendment rights and right to vote. In over the 50 years that I have been voting, never once have I heard sound so disruptive as to prevent me from voting.

Thank you for your consideration.

Ruth Strauss

Ruth Strauss

Burgos, Alexander N

From: TreKeny@outlook.com
Sent: Friday, August 21, 2026 4:03 PM
To: rrc.comments
Cc: seth.ascher@oahnc.gov; Steele, Adam; SVC_SBOE.RuleMaking
Subject: [External] SUBJECT: 08 NCAC 10C .0104 Conduct at Voting Sites

You don't often get email from trekeny@outlook.com. Learn why this is important

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Trey Kennedy
6539 Clarksdale Ln
Durham, NC 27713
April 21st, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Members of the Commission:

Subject: **Written Objection and Request for Legislative Review — 08 NCAC 10C .0104 Conduct at Voting Sites**

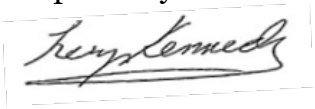
I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed Rule **08 NCAC 10C .0104 Conduct at Voting Sites** for the following reason:
Lack of Authority: The rule refers to compliance with rule 08 NCAC 10B .0101 which contains in 08 NCAC 10B .0101 (b)(19)(C) an issue that is not under the authority of County Board of Elections to mandate.

OBJECTION:
The State Board of Elections can not mandate employees of the Precinct Officials to "...protect challengers and witnesses against molestations and violence in the performance of their duties;". This is a job strictly given to TRAINED Law Enforcement and if such offense is foreseeable, a Law Enforcement Officer should be on site at all times that this could be actionable.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Thank you for your consideration.

Respectfully submitted,



Burgos, Alexander N

From: Carrol Olinger <carrol@actionnc.org>
Sent: Monday, August 24, 2026 12:43 PM
To: alltheadvocacy@proton.me; rrc.comments
Subject: [External] EMAIL Subject: ATTENTION RRC: Objecting 08 NCAC 10C .0104

You don't often get email from carrol@actionnc.org. Learn why this is important

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August 24, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [08 NCAC 10C .0104]

Members of the Commission:

I request that the above rule (08 NCAC 10C .0104) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule be subject to a delayed effective date as set out in that same provision.
This rule would affect me and the community! We are about voter turn out and trying to encourage all people to stay in line while they're waiting to vote. Music calms the soul and brings joy! Plus it helps the time go by a little faster when waiting in long lines!
Thank you for your consideration.

Carrol Olinger
5338 Harding Dr
Hope Mills, NC, 28348



Burgos, Alexander N

From: Mark and Cheri <celebratingphotography2@gmail.com>
Sent: Saturday, August 22, 2026 3:13 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 10C .0104 Conduct at Voting Sites

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To the Rules Review Commission:
I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed **Rule 08 NCAC 10C .0104 Conduct at Voting Sites** for the following reason:

Lack of Clarity: The rule fails the Clarity standard under **N.C.G.S. § 150B-21.9(a)(2)**because it fails to define objective standards for county boards, which can result in unequal application throughout the State . It uses vague, subjective terms like "disruptive noise" or "unreasonable disruption" without defining decibel levels or distance limits. Chief judges are left to decide arbitrarily what is "too loud." Similarly, defining a "sound amplification device" as "any vehicle's internal audio system that is audible beyond the interior of the vehicle" is subject to interpretation.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Cheryl Elliott
2326 Englewood Avenue
Durham, NC
Durham County

Burgos, Alexander N

From: TreKeny@outlook.com
Sent: Friday, August 21, 2026 4:03 PM
To: rrc.comments
Cc: seth.ascher@oahnc.gov; Steele, Adam; SVC_SBOE.RuleMaking
Subject: [External] SUBJECT: 08 NCAC 10C .0104 Conduct at Voting Sites

You don't often get email from trekeny@outlook.com. Learn why this is important

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Trey Kennedy
6539 Clarksdale Ln
Durham, NC 27713
April 21st, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Members of the Commission:

Subject: **Written Objection and Request for Legislative Review — 08 NCAC 10C .0104 Conduct at Voting Sites**

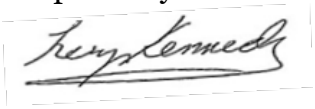
I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed Rule **08 NCAC 10C .0104 Conduct at Voting Sites** for the following reason:
Lack of Authority: The rule refers to compliance with rule 08 NCAC 10B .0101 which contains in 08 NCAC 10B .0101 (b)(19)(C) an issue that is not under the authority of County Board of Elections to mandate.

OBJECTION:
The State Board of Elections can not mandate employees of the Precinct Officials to "...protect challengers and witnesses against molestations and violence in the performance of their duties;". This is a job strictly given to TRAINED Law Enforcement and if such offense is foreseeable, a Law Enforcement Officer should be on site at all times that this could be actionable.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Thank you for your consideration.

Respectfully submitted,



Burgos, Alexander N

From: Advocacy <alltheadvocacy@proton.me>
Sent: Friday, August 21, 2026 12:56 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 10C .0104

You don't often get email from alltheadvocacy@proton.me. Learn why this is important

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 10C .0104 Voting Sites Conduct at Voting Sites.

The rule violates N.C.G.S. § 150B-21.9(a)(1) by exceeding the administrative authority granted to the agency by the General Assembly.

As a voter, I'm concerned that the rule invokes terms, including "electioneering zone" , that are not within your administrative authority to create and define and yet do not define other terms such as, but not limited to, "election-related activities"

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,
Katherine O'Malley
9721 Dansington Ct
Raleigh, NC, 27615
Wake County

Ruth Strauss
8633 Abbotsbury Ct.
Raleigh, NC 27615

August 23, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: **08 NCAC 10C .0104**

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Sections 08 NCAC 10C.0104(c)(1)-(c)(2) of the proposed 2026 Voting Site Rules related to sound and sound amplification at polling sites are vague and overly broad and could be used to violate citizens' First Amendment rights.

The ban on sound amplification bars anyone outside of the voting place at a voting site and anywhere on the property, from using a sound amplification device during voting hours regardless of whether that sound can be heard inside the voting enclosure and regardless of whether that sound is disruptive.

Voters should be protected from voter suppression and voter intimidation, not from voters exercising their First Amendment rights and right to vote. In over the 50 years that I have been voting, never once have I heard sound so disruptive as to prevent me from voting.

Thank you for your consideration.

Ruth Strauss

Ruth Strauss

Burgos, Alexander N

From: Rosemary McGee <rosemary.mcgee47@gmail.com>
Sent: Thursday, August 20, 2026 3:48 PM
To: rrc.comments
Cc: Steele, Adam
Subject: [External] Written Objection and Request for Legislative Review - 08 NCAC 10C .0104

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I am a registered voter in Chatham County, NC, writing formally to object to the NCSBE's proposed rule **08 NCAC 10C .0104 - Conduct at Voting Sites** for the following reasons:

Lack of Clarity: The rule fails the Clarity standard under **N.C.G.S. § 150-21.3(b2)** because the rule is unclear regarding what constitutes a 'voting site', where the judges authority begins and more importantly ends, and where sound amplification devices can be used. This can actually threaten to unconstitutionally limit protected expression which is a violation of the First Amendment.

The rule needs to be clear about what applies to the voting place versus within the electioneering zone and importantly beyond the engineering zone.

Clearly defining and justifying the boundaries and authority of the judge is needed otherwise some of the most effective voter mobilization actions in N.C. can be suppressed.

It's arbitrary as to what defines an acceptable noise. It's unclear if the Chief Judges authority extends beyond the electioneering zone, and how protected speech is being honored. While voters should be protected from serious disruption, voting does not promise a quiet zone.

Pursuant to N.C.G.S. § 150-21.3(b2) this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Respectfully,

Robert McGee
536 Middleton Place

Chapel Hill, NC 27516

Burgos, Alexander N

From: Rosemary McGee <rosemary.mcgee47@gmail.com>
Sent: Thursday, August 20, 2026 3:30 PM
To: rrc.comments
Cc: Steele, Adam
Subject: [External] Written Objection and Request for Legislative Review - 08 NCAC 10C .0104

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I am a registered voter in Chatham County, NC, writing formally to object to the NCSBE's proposed rule **08 NCAC 10C .0104 - Conduct at Voting Sites** for the following reasons:

Lack of Clarity: The rule fails the Clarity standard under **N.C.G.S. § 150-21.3(b2)** because the rule is unclear regarding what constitutes a 'voting site', where the judges authority begins and more importantly ends, and where sound amplification devices can be used. This can actually threaten to unconstitutionally limit protected expression which is a violation of the First Amendment.

The rule needs to be clear about what applies to the voting place versus within the electioneering zone and importantly beyond the engineering zone.

Clearly defining and justifying the boundaries and authority of the judge is needed otherwise some of the most effective voter mobilization actions in N.C. can be suppressed.

It's arbitrary as to what defines an acceptable noise. It's unclear if the Chief Judges authority extends beyond the electioneering zone, and how protected speech is being honored. While voters should be protected from serious disruption, voting does not promise a quiet zone.

Pursuant to N.C.G.S. § 150-21.3(b2) this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Respectfully,

Rosemary McGee
536 Middleton Place

Chapel Hill, NC 27516

Burgos, Alexander N

From: Robert McGee <rjmcgee2011@gmail.com>
Sent: Thursday, August 20, 2026 3:54 PM
To: rrc.comments
Cc: Steele, Adam
Subject: [External] Written Objection and Request for Legislative Review - 08 NCAC 10C .0104

You don't often get email from rjmcgee2011@gmail.com. Learn why this is important

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I am a registered voter in Chatham County, NC, writing formally to object to the NCSBE's proposed rule **08 NCAC 10C .0104 - Conduct at Voting Sites** for the following reasons:

Lack of Clarity: The rule fails the Clarity standard under **N.C.G.S. § 150-21.3(b2)** because the rule is unclear regarding what constitutes a 'voting site', where the judges authority begins and more importantly ends, and where sound amplification devices can be used. This can actually threaten to unconstitutionally limit protected expression which is a violation of the First Amendment.

The rule needs to be clear about what applies to the voting place versus within the electioneering zone and importantly beyond the engineering zone.

Clearly defining and justifying the boundaries and authority of the judge is needed otherwise some of the most effective voter mobilization actions in N.C. can be suppressed.

It's arbitrary as to what defines an acceptable noise. It's unclear if the Chief Judges authority extends beyond the electioneering zone, and how protected speech is being honored. While voters should be protected from serious disruption, voting does not promise a quiet zone.

Pursuant to N.C.G.S. § 150-21.3(b2) this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Respectfully,

Robert McGee

536 Middleton Place
Chapel Hill, NC 27516

Burgos, Alexander N

From: Bob Rodriguez <blrodriguez001@gmail.com>
Sent: Wednesday, August 19, 2026 3:45 PM
To: rrc.comments
Cc: Ascher, Seth M
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 10C .0104 Conduct at Voting Sites

Importance: High

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To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 10C .0104 Conduct at Voting Sites.

My Objection is Lack of Clarity: Under N.C.G.S. § 150B-21.9(a)(2) the proposed rule 08 NCAC 10C .0104 fails to define objective standards for county boards, leading to unequal application across counties.
The proposed rule uses vague and subjective terms like "that the noise is disrupting the orderly conduct of voting and the ability for persons to communicate when they are within the voting enclosure".
There is a need to define decibel levels, duration, and distance limits. Chief judges are left to decide arbitrarily what is "too loud" without guidance.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.
I also ask that a reply be sent back to me that you received my email.

Sincerely,
Robert G. Rodriguez
2400 Countrywood Rd
Raleigh, NC 27615
Wake County

Burgos, Alexander N

From:	Mark Swallow <mswal2846@gmail.com>
Sent:	Wednesday, August 19, 2026 8:00 AM
To:	rrc.comments
Cc:	SVC_SBOE.RuleMaking
Subject:	[External] Written Objection and Request for Legislative Review — 08 NCAC 10C.0104 - Conduct at Voting Sites
Attachments:	mswal2846.vcf

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To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 10C.0104 - Conduct at Voting Sites.

The rule fails the Necessity standard under N.C.G.S. § 150B-21.9(a)(3) because it creates redundant administrative procedures that conflict with existing statutory canvass timelines.

Under Section c item 2 this is way overkill. Chief Judges already have the ability to work this with whomever is causing "issues" at the polling location. This rule of "No person … shall use a sound amplification device…" is ridiculous and, that statement alone, could be used to limit free speech even if not disrupting anything or anyone at the polls. This is clearly a target to impact "Souls to the Polls" events. This is blatant manipulation of rules to prevent voting.

Do not approve this rule!

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal

written objection and I clearly request that this rule be subjected to review by the legislature.

--
Regards,

Mark E Swallow
email: mswal2846@gmail.com
cell: 919-931-2662
fax: 919-573-9463

08/18/2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 10C .0104

Members of the Commission:

I request that the above rule (08 NCAC 10C .0104) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule be subject to a delayed effective date as set out in that same provision.

As the Advocacy & Civic Engagement Manager at Casa Azul de Wilson, I work with young people and families to build civic knowledge and confidence. Through our work, we have seen how intimidating the voting process can be, especially for young and first-time voters.

Community-based efforts such as **Party to the Polls** help make voting feel welcoming and accessible. At Casa Azul, we have been able to be a friendly and familiar face for our community at the polls, helping voters feel more comfortable participating in the process. These efforts are nonpartisan and are focused on encouraging civic participation, not influencing how anyone votes.

I am concerned that this rule could unnecessarily limit peaceful, community-centered efforts that help people—particularly first-time voters—feel welcomed and supported at the polls. I respectfully ask the Commission to consider the impact of this rule on organizations working to increase civic participation and to allow additional time for review and community input.

Thank you for your consideration,

Andressia Ramirez

Andressia Ramirez
Advocacy & Civic Engagement Manager
4512 Tammy Lane
Wilson, North Carolina

Burgos, Alexander N

From: Chiquitta W. Lesene <cwlesene@gmail.com>
Sent: Tuesday, August 18, 2026 4:21 PM
To: rrc.comments
Subject: [External] ATTENTION RRC: Objecting 08 NCAC 10C .0104

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N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [08 NCAC 10C .0104]

Members of the Commission:

I request that the above rule (08 NCAC 10C .0104) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Chiquitta W. Lesene
705 Kiwi Stone Circle
Jacksonville, NC 28546

Burgos, Alexander N

From: Fran Smith <swafran@gmail.com>
Sent: Tuesday, August 18, 2026 4:15 PM
To: rrc.comments
Subject: [External] Requesting Legislative Review of Rule [08 NCAC 10C .0104]

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August 18, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [08 NCAC 10C .0104]

Members of the Commission:

I request that the above rule (08 NCAC 10C .0104) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule be subject to a delayed effective date as set out in that same provision.

One-stop Early Voting is not only a time to cast a ballot, but also an important opportunity to encourage participation and build community around the democratic process. For years, we have used music and “Party at the Polls” activities outside voting sites to create a welcoming, positive atmosphere and encourage people to exercise their right to vote. These activities are conducted without interfering with voting.

Rule 08 NCAC 10C .0104 would severely limit these efforts and give voting site officials overly broad discretion to restrict lawful activity based simply on whether sound can be heard inside the voting enclosure. This could lead to inconsistent enforcement and the unnecessary removal of volunteers and community members who are peacefully encouraging voter participation. The rule would especially hinder outreach in Black communities and other communities where organized poll presence programs help voters feel welcomed, informed, and supported. I respectfully request that the Commission delay the rule and require clearer, more narrowly tailored standards that protect the voting process without silencing lawful community engagement.
Thank you for your consideration.

Francine Smith

500 Orange Street
Goldsboro, NC 27530

"...but those who hope in the LORD will renew their strength. They will soar on wings like eagles; they will run and not grow weary, they will walk and not be faint. Is 40:31

FORWARD TOGETHER, Not One Step Back

Burgos, Alexander N

From: Hausson Byrd <hausson@blueprintnc.org>
Sent: Tuesday, August 18, 2026 4:14 PM
To: rrc.comments
Subject: [External] ATTENTION RRC: Objecting 08 NCAC 10C .0104

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August 18th, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [08 NCAC 10C .0104]

Members of the Commission:

I request that the above rule (08 NCAC 10C .0104) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Hausson Byrd

1000 Aaron Drive ,
Raleigh NC, 27610

--

HAUSSON BYRD | *he/him*
Eastern NC Associate | Blueprint North Carolina
PO Box 607, Durham, NC 27702
hausson@blueprintnc.org
919-714-3871
www.blueprintnc.org

Blueprint North Carolina (BPNC) is a public charity that only engages in activities that are permissible under Internal Revenue Code section 501(c)(3). BPNC and the members of the coalition are strictly prohibited from participating or intervening in any political campaign on behalf of or in opposition to any candidate for public office. All BPNC activities will be strictly non-partisan. In addition, BPNC activities will not be coordinated with any candidate, political party or other partisan entity.

Blueprint NC is a public charity that only engages in activities that are permissible under Internal Revenue Code section 501(c)(3). Blueprint NC and the members of the coalition are strictly prohibited from participating or intervening in any political campaign on behalf of or in opposition to any candidate for public office. All Blueprint activities will be strictly non-partisan. In addition, Blueprint activities will not be coordinated with any candidate, political party or other partisan entity.

Burgos, Alexander N

From: Courtney Patterson <patterson052@gmail.com>
Sent: Tuesday, August 18, 2026 4:14 PM
To: rrc.comments
Subject: [External] Objecting 08 NCAC 10C .0104.

You don't often get email from patterson052@gmail.com. Learn why this is important

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August 18, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [08 NCAC 10C .0104]

Members of the Commission:

I request that the above rule (08 NCAC 10C .0104] be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule be subject to a delayed effective date as set out in that same provision.

These sites have been a space that have made polling places much more friendly for voters and have served as a place that voters have their questions answered. This has
Thank you for your consideration.

--
Courtney Patterson
1105 Patterson Rd, Kinston, NC 28504
patterson052@gmail.com
252-361-0585

Burgos, Alexander N

From: Rosa Adams <rcb0206@gmail.com>
Sent: Tuesday, August 18, 2026 4:07 PM
To: rrc.comments
Subject: [External] ATTENTION RRC: Objecting 08 NCAC 10C .0104

You don't often get email from rcb0206@gmail.com. Learn why this is important

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August 18, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [08 NCAC 10C .0104]

Members of the Commission:

I request that the above rule (08 NCAC 10C .0104) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Rosa Adams
108 Hannah Dr, Elizabeth City, NC 27909

Burgos, Alexander N

From: Goldsboro Wayne NAACP <info@goldsborowaynenaacp.net>
Sent: Tuesday, August 18, 2026 6:08 PM
To: rrc.comments
Subject: [External] REVIEW OF RULE [08 NCAC 10C .0104]

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N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

REGARDING RULE [08 NCAC 10C .0104]

On behalf of the Goldsboro Wayne Branch of the NAACP, we are requesting that the above rule (08 NCAC 10C .0104) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. We further request that the rule be subject to a delayed effective date as set out in that same provision. This ruling will have an adverse effect on our community. Early voting is more than just casting a ballot; it is a chance to encourage participation, support voters, and strengthen community engagement in the democratic process.

For years, the Goldsboro Wayne NAACP has been present at early voting sites to help voters feel informed, welcomed, and safe. Our volunteers assist with voter education, answer questions, and encourage turnout while also helping to ensure a peaceful and accessible voting environment. Community outreach, including music and "Party at the Polls" activities, has been used to create a positive atmosphere without interfering with voting.

Rule 08 NCAC 10C .0104 would place broad limits on these efforts by allowing restrictions on activities simply because sound may be heard inside the voting enclosure. This could lead to uneven enforcement and, at the whim of precinct officials, the removal of volunteers who are peacefully supporting voters.

The Goldsboro Wayne NAACP respectfully urges the Commission to delay implementation of this rule and adopt clearer, narrower standards that protect orderly voting while still allowing lawful voter outreach and community engagement.

Thank you for your consideration.

Goldsboro Wayne Branch NAACP
John Barnes President

Burgos, Alexander N

From: Mark McClure <celebratingphotography2@gmail.com>
Sent: Monday, August 17, 2026 1:17 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 10C .0104 Conduct at Voting Sites

You don't often get email from celebratingphotography2@gmail.com. Learn why this is important

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To the Rules Review Commission:
I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed **Rule 08 NCAC 10C .0104 Conduct at Voting Sites** for the following reason:

Lack of Clarity: The rule fails the Clarity standard under **N.C.G.S. § 150B-21.9(a)(2)**because it fails to define objective standards for county boards, leading to disparate application across the state. It uses vague, subjective terms like "disruptive noise" or "unreasonable disruption" without defining decibel levels or distance limits. Chief judges are left to decide arbitrarily what is "too loud." Similarly, defining a "sound amplification device" as "any vehicle's internal audio system that is audible beyond the interior of the vehicle" [with the windows up; down?] is also open to interpretation.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Mark McClure
2326 Englewood Avenue
Durham, NC
Durham County

Burgos, Alexander N

From:	DJ Oronzio <djodemocracy@gmail.com>
Sent:	Friday, August 7, 2026 3:30 PM
To:	rrc.comments; Ascher, Seth M; SVC_SBOE.RuleMaking
Subject:	[External] Written Objection and Request for Legislative Review — 08 NCAC 10C .0104 Conduct at Voting Sites

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To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 10C .0104 Conduct at Voting Sites (NCSBE Rulemaking Page: https://www.ncsbe.gov/rules-and-rulemaking).

Lack of Clarity: The rule fails the Clarity standard under N.C.G.S. § 150B-21.9(a)(2) (https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_150B/GS_150B-21.9.html) because it uses subjective, undefined terms like "disruptive noise" and "unreasonable disruption" without providing objective standards, decibel limits, or distance thresholds. This leaves enforcement entirely to the subjective discretion of individual chief judges, guaranteeing arbitrary and non-uniform enforcement across polling sites.

Pursuant to N.C.G.S. § 150B-21.3(b2) (https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_150B/GS_150B-21.3.html), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Deborah J Oronzio

5300 Arete Way

Raleigh, NC 27607

Wake County

Burgos, Alexander N

From: Barbara Lang <bllang16@gmail.com>
Sent: Friday, August 14, 2026 2:38 PM
To: rrc.comments
Subject: [External] Written Objection and Request for Legislative Review- Voting Sites 08 NCAC 10C .0101 .0102, .0103 or .0104

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To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule, Voting Sites 08 NCAC 10C .0101 .0102, .0103 or .0104. The rule fails the Necessity standard under N.C.G.S. § 150B-21.9(a)(3) because it creates redundant administrative procedures that conflict with existing statutory canvass timelines

This letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Thank you for your attention to this matter. It's important to our democracy that voting is fair and consistent.

Sincerely,

Barbara Lang
178 Glenpark Place
Cary NC 27511
Wake County

Burgos, Alexander N

From:	Tiffany Shubert <tiffany.shubert@gmail.com>
Sent:	Thursday, August 13, 2026 3:35 PM
To:	rrc.comments
Cc:	SVC_SBOE.RuleMaking
Subject:	[External] Written Objection and Request for Legislative Review — Voting Sites 08 NCAC 10C .0104

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To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed rule Voting Sites 08 NCAC 10C .0104.

The rule fails the Clarity standard under N.C.G.S. § 150B-21.9(a)(2) because it fails to define objective standards for county boards, leading to unequal application across counties.

I am specifically concerned about the lack of clarity created by removing the prior language that clearly stated the explicit locations where this rule applied to a more general "voting site" which can easily be interpreted in different ways by different individuals. I am also concerned about the definition of audible. The rule states sound or vibration that can be detected by a person. Does this include the sound of someone using oxygen or some other assistive device that makes an audible sound when being used?

This lack of clarity is concerning and can easily result in a situation where different county BOE apply the rules differently.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Tiffany Shubert
1 Coggins Mine Court
Chapel Hill, NC 27517
Durham County

08 NCAC 17 .0101

Marguerite Most
305 W. Queen St.
Hillsborough, N.C.

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

Dear Commission Members:

I am a North Carolina resident who has been registered to vote since 2010.

I request that the Commission review the rules identified above in the upcoming legislative session. See N.C.G.S. 150B-21.3. I also request that any adopted rules be subject to a delayed effective date as set out in that same provision.

The rules are not necessary, and their implemented are likely to result in voter distrust of the integrity of the election outcome. My specific concerns are:

1. Elimination of unanimous vote requirement to accept or reject provisional ballots.
Voter ID rules (08 NCAC 17 .0101 & .0109) require a voter affidavit. The rules propose to change the unanimous vote requirement to allow rejection of a ballot by a majority of board members. Decisions by county boards should not be dependent on, or give the impression of being connected to, the political leanings of board members. Allowing rejection of an affidavit by majority vote could result in wide-spread voter distrust of the process.

2. Technical Envelope Issues.
Rule .0505 would created new categories for absentee ballots when a ballot is returned in a sealed outer envelope, but there is a problem with the inner ballot envelope or ballot placement. If the county board can determine the voter is

eligible and intends to vote, that voter should not be required to complete more paperwork to correct a technical deficiency if ballot security is not the issue.

Thank you.
Respectfully,



Marguerite Most

Lisa Maag
101 Windermere Court
Greenville, NC27858

August 27, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of
08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting;
08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots;
08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies;
08 NCAC 18. 0502 Curable Deficiencies;
08 NCAC 18. 0503 Non-Curable Deficiencies;
08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter;
08 NCAC 18 .0505 Irregularities That Require Further Action

Dear Members of the NC Rules Review Commission:

I am a resident of Pitt County, North Carolina, and I'm dismayed about proposed changes to the voting process. I am contacting you to ask that the rules be reviewed in the upcoming legislative session (per N.C.G.S. 150B-21.3.). In addition, the effective date should be delayed to allow thorough consideration of these changes.

There are many people in my community who are elderly or disabled, or who have moved recently, or who have experienced flooding. They may not have identification as readily available as people with more secure circumstances. I want to make sure that all US citizens have a fair chance to exercise their right to vote, and that is why I am opposed to many of the changes that are described below.

My specific objections and some suggestions are detailed below.

08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting

This rule should not be changed to allow a county board to reject a voter's Photo ID Exception Form by majority vote.

A Photo ID Exception Form is supposed to protect voters who are eligible to vote but cannot present acceptable photo ID because of a reasonable impediment, disability, illness, lack of transportation, lack of documents needed to get ID, work or school schedule, family responsibilities, religious objection, or a recent natural disaster.

N.C.G.S. 163-166.16(f) requires that, when reviewing a provisional ballot cast with a Photo ID exception form, a County Board of Elections "shall find that the provisional ballot is valid unless the county board has grounds to believe the affidavit is false." The current unanimity requirement is an important safeguard. A voter's ballot should not be rejected unless every county board member agrees, based on facts and not speculation, that the voter's Photo ID Exception Form is false.

Lowering the standard from unanimous agreement to a majority vote makes it more likely that ballots will be rejected along partisan lines. The right to vote should not depend on which party controls a county board.

The rule should make clear that county boards may not reject a Photo ID Exception Form because they personally disagree with the voter's reason, think the voter should have tried harder to get ID, or believe the voter's reason is not "good enough." The only question should be whether there is actual factual evidence that the voter made a false statement.

At a minimum, this rule should be amended to:

- Retain the unanimous-vote requirement before a ballot cast with a Photo ID Exception Form can be rejected.
- Require clear written findings based on specific facts, not speculation, assumptions, or disagreement with the voter's stated reason.
- Require meaningful notice to the voter before the ballot is rejected, including mail, email, and phone notice when that information is available.
- Give the voter a real opportunity to respond in writing, by phone, remotely, or in person before the county board makes any final decision.
- Prohibit rejection when the voter's explanation is plausible and the board lacks evidence that it is false.

The State Board should reject this proposed change and keep the current safeguard in place.

08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots

This rule should not be changed to allow a county board to reject an absentee voter's Photo ID Exception Form by majority vote.

Absentee voters use a Photo ID Exception Form when they cannot include a photocopy of acceptable photo ID with their mail-in ballot. These voters may be elderly, disabled, homebound, displaced by a natural disaster, unable to get transportation, unable to access a copier, or unable to obtain the documents needed to get photo ID.

These are exactly the voters who need the strongest protections, not weaker ones.

The current rule requires a unanimous county-board finding before an absentee ballot can be rejected because the voter's Photo ID Exception Form is supposedly false. That requirement protects voters from rushed, mistaken, or partisan decisions.

Changing the standard to majority vote would make it easier to reject ballots from eligible voters who followed the rules and truthfully completed the exception form.

This rule should be amended to:

- Keep the unanimous-vote requirement for any finding that a Photo ID Exception Form is false.
- Require the county board to identify the specific factual evidence showing that the form is false.
- Require county boards to consider the voter's explanation in the light most favorable to the voter unless there is clear evidence of falsity.
- Make clear that a board cannot reject a form simply because members think the voter's reason is weak, inconvenient, incomplete, or not the reason they would have chosen.
- Require multiple forms of notice to the voter before any rejection, including mail, email, and phone when available.
- Allow the voter to respond in writing, by email, by phone, remotely, or in person.

A voter who truthfully completes a Photo ID Exception Form should have their ballot counted. The State Board should reject this proposed change.

08 NCAC 18 .0201 Definitions

The definitions in this rule should be revised so that ordinary voters can understand the difference between a "deficiency," an "irregularity," a "curable deficiency," and a "non-curable deficiency."

As written, the definitions are technical and may make sense to election lawyers or election administrators, but they are confusing for voters. A voter who receives a notice from the county board should be able to understand what happened, what they need to do, and what will happen if they do not respond.

The definition of "irregularity" is especially important. The rule should make clear that an "irregularity" is not the same thing as voter fraud, voter ineligibility, or a reason to reject a ballot. Many irregularities are innocent mistakes that do not affect whether the voter is eligible or whether the voter intended to cast the ballot.

The rule should be amended to state that technical mistakes should not lead to ballot rejection unless they are material to voter eligibility, ballot security, or voter intent.

08 NCAC 18 .0501 Review for Deficiencies

This rule requires county board staff to review returned absentee ballots for deficiencies or irregularities within one business day.

Prompt review is important, but the rule should include stronger statewide standards so voters are treated the same way in every county.

The rule should require county board staff to use uniform statewide forms, uniform written explanations, and uniform procedures when deciding whether something is a deficiency or irregularity. Without clear statewide standards, the same ballot mistake could be treated differently from county to county.

The rule should also require county boards to document the specific reason for any deficiency or irregularity and to keep that documentation with the ballot record. Voters should not lose their ballots based on vague or inconsistent decisions.

08 NCAC 18 .0502 Curable Deficiencies

This rule identifies absentee-ballot problems that voters can fix.

If this rule is adopted, the State Board should make the cure process as accessible as possible. The rule should require county boards to notify voters by every available method, including mail, email, and phone. If the county board has a voter's phone number or email address anywhere in the voter's record, it should use that information.

The cure notice should be written in plain language. It should clearly say:

- What the problem is.
- What the voter must do to fix it.
- The exact deadline.
- All ways the voter can submit the cure.
- Who may assist the voter.
- A phone number and email address for help.

The rule should also require notices to be available in languages commonly used in the county and in accessible formats for voters with disabilities.

A ballot should not be rejected for a curable deficiency if the voter substantially complies with the cure instructions and the county board can determine that the voter is eligible and intended to cast the ballot.

08 NCAC 18 .0503 Non-Curable Deficiencies

This rule lists absentee-ballot issues that would cause the ballot to be spoiled and, if there is enough time, reissued.

This rule should be narrowed. A ballot should be treated as non-curable only when there is no way to determine voter eligibility, voter intent, or ballot security.

The rule should not classify technical paperwork mistakes as non-curable when the county board can determine who the voter is, that the voter was eligible, and that the voter intended to cast the ballot.

The rule should also require county boards to contact the voter immediately by mail, email, and phone before or at the same time the ballot is spoiled and reissued. Voters should not find out too late that their ballot was cancelled.

If the deficiency is discovered close to Election Day, the notice should clearly explain all remaining voting options, including early voting, Election Day voting, and any available way to return a reissued absentee ballot on time.

08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter

This rule is a better approach than 08 NCAC 18 .0505 because it recognizes that some technical issues should be documented but should not require the voter to take further action.

The State Board should expand this rule to include more innocent absentee-ballot mistakes that do not affect voter eligibility or voter intent.

This rule should include situations where the ballot is received in a sealed outer return envelope, even if there is a technical issue with the inner ballot envelope. Prior NCSBE guidance treated several of these situations as anomalies, not deficiencies, because the ballot was still received in a sealed envelope.

The rule should also include situations where two voters in the same household accidentally switch their ballots or ballot envelopes, as long as there are no issues with the applications and the county board can determine which voters cast the ballots. Prior NCSBE guidance stated that voters in the same household should not have their ballots rejected for that kind of ballot-number mismatch when the mistake is not material to voter eligibility.

The State Board should move these issues into Rule .0504 so voters do not have to complete unnecessary cure paperwork.

08 NCAC 18 .0505 Irregularities That Require Further Action

This is the most concerning absentee-ballot rule.

The rule would require county board staff to contact a voter and require written confirmation when certain ballot-envelope issues are found. These include situations where the ballot envelope appears to have been opened and resealed but was received in a sealed outer return envelope, where the ballot is not inside a sealed ballot envelope but the ballot and ballot envelope were received in a sealed outer return envelope, or where the ballot in the envelope is different from the ballot transmitted to the voter.

These situations may involve innocent voter mistakes. They do not necessarily mean the voter is ineligible, that the voter did anything wrong, or that the ballot should be rejected.

The problem with this rule is that it puts the burden back on the voter after the voter has already returned their ballot. Many absentee voters may not receive the notice in time, may not understand what is being asked, may not have reliable mail or email access, or may not be able to respond quickly because of disability, age, displacement, illness, work, school, or caregiving responsibilities.

If a voter returns a ballot in a sealed outer envelope and the county board can determine that the voter is eligible and intended to cast that ballot, the voter should not have to complete extra paperwork just to have the ballot counted.

The rule should be changed to:

- Treat these issues as irregularities that should be documented, not as problems requiring voter action, unless there is evidence of tampering or evidence that the voter did not transmit the ballot.
- Move these situations into 08 NCAC 18 .0504 when the ballot was received in a sealed outer envelope.
- Allow the county board to count the ballot if the voter's eligibility, application, and intent can be determined.
- Require voter contact only when there is a genuine question that cannot be answered from the ballot materials.
- Require county boards to use mail, email, and phone notice immediately if voter contact is necessary.
- Allow voters to respond by email, phone, mail, in person, or through a permitted assistant.
- Prohibit rejection where the voter substantially complied and the issue is not material to whether the voter is eligible to vote.

The State Board should reject Rule .0505 as written and preserve the existing common-sense approach that counts eligible voters' ballots when technical mistakes do not affect voter eligibility, voter intent, or ballot security.

To reiterate, I object to these changes and request legislative review before they go into effect.

Sincerely,

Lisa Maag

Lisa Maag

101 Windermere Court

Greenville, NC 27858

Burgos, Alexander N

From: Susan Pochapsky <schapek@yahoo.com>
Sent: Friday, August 28, 2026 12:07 PM
To: rrc.comments
Subject: [External] Written Objection and Request for Legislative Review of NCSBE's proposed rule 08 NCAC 17 .0101

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To the Rules Review Commission:

I'm a registered voter in Durham County, writing to formally object to the NCSBE's proposed rule 08 NCAC 17 .0101: Verification of Photo Identification During In-Person Voting, making a county board of elections decision on an in-person exception affidavit be by majority vote.

The rule fails the Clarity standard under NCGS 150B-21.9(a)(2) because it fails to define objective standards for county boards, leading to unequal application across counties.

As a regular citizen monitor of Durham County Election Board meetings, including every provisional and absentee ballot approvals session since 2017, I have observed the different approaches individual Board Members bring to decisions about the validity of Voter ID affidavits. I've seen the occasional struggle—particularly in new or highly partisan members—between the Board Member's ability to follow the rule of law and their personal feelings and beliefs. Rule of law often loses, particularly in inexperienced or highly partisan Board Members.

This proposed rule invites Board Members to vote on the basis of *shared beliefs and/or feelings.* But in fact the question they're deciding is whether the voter has *committed the felony* of lying on their Voter ID Exception Form.

So the standard needs to be the criminal standard—there must be actual evidence that proves the voter guilty.

If there is actual evidence, then a Board that follows the law will naturally vote unanimously to discard the ballot. Isn't that the outcome this rule is seeking?

Side note: I want to object specifically to a rationale given by SBE member Stacy "Four" Eggers in voting for this rule. He noted that the usual procedure in election law is to require only a majority vote--a specious argument, because this vote is no ordinary decision, but actually a judicial decision in a criminal matter.

Pursuant to NCGS 1506-21.3(b)(2), this letter serves as my formal written objection and clearly requests that the rule be subject to review by the legislature.

Sincerely,
Susan Pochapsky
Durham County
901 Vickers Ave.
Durham NC 27701

August 28, 2026

TO: N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection and Request for Legislative Review of Photo Voter ID Rules 08 NCAC 17.0101 and 08 NCAC 17.0109

Members of the Commission:

NAACP North Carolina (or "NC NAACP") is a grassroots, non-profit, civil rights organization which is composed of 86 adult Branches, 41 youth Councils, 22 College Chapters that total more than 20,000 individual members stretched across every county within the state of North Carolina. NC NAACP has historically been at the forefront of fighting against laws and legislation that negatively impact the rights of North Carolina's Black voters. The right to vote is sacred, as it has been won through the blood, sweat, and tears of our communities, and is the cornerstone of a healthy democracy.

Pursuant to N.C.G.S. § 150B-21.3, NC NAACP writes to object to the State Board of Elections' adopted rules related to Photo ID (08 NCAC 17.0101 and 08 NCAC 17.0109) ("the Photo ID Rules"). The proposed amendments would allow a county board of elections to reject a voter's in-person or absentee ballot if a simple majority of the board *believes*, without any probative information, that the voter's Photo ID Exception Form[1] is false; and it would also shorten the already-short time period for curing any ballot which is received from a registered voter. The existing rule requires that bipartisan county boards unanimously agree that the voter's exception form is false.

NC NAACP previously submitted public comment to the State Board on July 14, 2026 to highlight concerns that the proposed rule changes would make North Carolina's photo identification rules, which are already burdensome for voters and already used by county boards of elections to disenfranchise voters, even more likely to disproportionately harm Black voters

[1] S.B. 824 refers to this form as a "reasonable impediment declaration" (RID) form, but the current form is titled "Photo ID Exception Form." This document will use the term "exception form."

and voters of color. North Carolina's voter ID requirements are already too restrictive, despite the lack of any evidence of voter fraud, and are already failing voters due to inconsistent implementation of the photo ID exception process by the County Boards of Election. We also expressed grave concerns that mere weeks after prevailing at the district court level in the *Hirsch* case, the State was now seeking to remove the very same "mitigating provisions" it relied on to defend North Carolina's voter ID law, S.B. 824, as non-discriminatory. Between that questionable timing, the arbitrariness of these changes, and the certainty that these changes will further restrict Black citizens' access to the ballot box, we must oppose these amendments.

NC NAACP has the same concerns with the adopted Photo ID Rules, which do not comply with the agency requirements that: rules comply with state and federal law, serve the public interest, and minimally burden the person who must comply with them. *See* G.S. § 150B-19.1. We therefore request that the (1) Photo ID Rules be reviewed in the upcoming legislative session as set out in N.C.G.S. § 150B-21.3 and (2) that the rules be subject to a delayed effective date as set out in that same provision.

North Carolina's voting policies are already too restrictive

North Carolina's voting policies are uniquely harsh.[2] As recently as March 2026, a court's "thorough review of the voting regulations of North Carolina's contemporaries" found that S.B. 824, the voter ID law that limited the qualifying types of photo ID and created the photo ID exception process for provisional voting, was "one of the most severe" voting laws in the nation.[3] This harshness comes from the law's lack of alternative voting methods, the costs associated with obtaining a "free" ID, and the fact that voters who use the exception form must "hope" their vote gets counted due to uneven enforcement.[4] These policies disproportionately harm Black voters and reduce overall voter turnout, all without any measurable benefit to voters or any evidence of thwarted "voter fraud."[5]

In response to increased voter suppression efforts over the last decade, researchers have published study[6] after study[7] after study[8] showing that voter fraud (e.g. purposefully voting twice,

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[2] *See N.C. State Conf. of the NAACP v. Hirsch*, No. 1:18CV1034, 2026 LX 286472, at *168 (M.D.N.C. Mar. 26, 2026).
[3] *Id*. at *149.
[4] *See id.* at *175, *176, *141.
[5] *See The Impact of Voter Suppression on Communities of Color*, Brennan Ctr. for Just. (Mar. 26, 2026), https://www.brennancenter.org/our-work/research-reports/impact-voter-suppression-communities-color.
[6] Elaine Kamarck, *How Widespread is Election Fraud in the United States? Not Very*, Brooking Institution (Oct. 28, 2024), https://www.brookings.edu/articles/how-widespread-is-election-fraud-in-the-united-states-not-very/.
[7] Andrew C. Eggers, Haritz Garro, and Justin Grimmer, *No Evidence for Systematic Voter Fraud: A Guide to Statistical Claims about the 2020 Election*, Proc's of the Nat'l Acad. of Sci's of the U.S., https://www.pnas.org/doi/10.1073/pnas.2103619118#abstract.
[8] *Analysis: Heritage Foundation's Database Undermines Claims of Recent Voter Fraud*, Brennan Ctr. For Just. (Sept. 8, 2017), https://www.brennancenter.org/our-work/analysis-opinion/analysis-heritage-foundations-database-undermines-claims-recent-voter.

under another's identity, or in multiple districts) is "vanishingly rare."[9] Instead, claims of purposeful voter fraud usually turn out to be "false claims by the loser of a close race" or mere clerical error.[10] This is not a realm where "the science is still out" – other studies have described the prevalence of voter fraud as "tiny," "negligible," "infinitesimal," or, in many states, simply "zero."[11] Statistically, an American voter is more likely to be struck by lightning than to choose to impersonate another voter at the polls.[12]

There is no evidence that North Carolina experiences more voter fraud than other states – or any voter fraud at all. In fact, in *N.C. NAACP v. McCrory*, the Fourth Circuit Court of Appeals noted that the State, despite pushing for harsher voting laws, had "failed to identify even a single individual who [had] ever been charged with committing in-person voter fraud in North Carolina."[13] In that case, the challenged law created "hoops through which certain citizens [had to] jump with little discernable gain in deterrence of voter fraud."[14] Now, the State of North Carolina is once again creating racially discriminatory "hoops," still with absolutely no evidence that the current policies have allowed fraudulent votes to be counted. Moreover, no explanation or evidence was offered to demonstrate that the new restrictions would even attempt to fix the problem that does not even exist.

The current photo ID exception process is already failing voters

The current process for the completion, processing, and possible denial of voters' exception forms is already failing voters, as county boards of elections are using the current process to intimidate voters and wrongfully throw out legitimate votes, especially from Black voters. Per the enabling statute, a county board of elections may only challenge a voter's provisional ballot and exception form if the board has grounds to believe that the information on the exception form is false.[15] If the bipartisan board unanimously votes that the voter's exception form is false based on "only facts and not speculation," the board "shall" then publish a written explanation for rejecting the ballot.[16]

In reality, however, some voters were not given the exception forms they were entitled to, others received threatening letters regarding their completed exception forms, and still others had to unnecessarily explain themselves because their county board of elections chose to hold voters to an invented standard rather than the established statutory standard. Between the evidence presented in *Hirsch* and other public records, there is no evidence that county boards of elections

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[9] *Debunking the Voter Fraud Myth*, Brennan Ctr. for Just. (Jan. 31, 2017), https://www.brennancenter.org/our-work/research-reports/debunking-voter-fraud-myth.
[10] *Id.; See also* Lorraine C. Minnite, *The Politics of Voter Fraud*, Columbia Univ., 2007.
[11] *Id.*
[12] *Id*.
[13] *N.C. State Conf. of the NAACP v. McCrory*, 831 F.3d 204, 235 (4th Cir. 2016).
[14] *Id.* at 236.
[15] N.C. Gen. Stat. § 163-166.16(f) (2023).
[16] 08 N.C. Admin. Code 17 .0101(e) (Lexis Advance through changes received as of June 15, 2026).

are documenting their decisions as required by law.[17] When Karen Brinson Bell, former Director of the North Carolina State Board of Elections ("SBOE"), testified in *Hirsch*, she stated that she did not believe county boards had to provide their decisions to the SBOE, she had not personally reviewed a single decision, and she could not provide any clarity for how the SBOE could be sure that the county boards were making decisions in writing.[18]

The statute provides that county boards only have ten days to review absentee and provisional ballots, hold necessary hearings, and comply with other statutory requirements, which is a tight deadline for reviewing the high volume of provisional ballots that have come from S.B. 824's stringent requirements and poor implementation.[19] Shortening this time period will further burden county boards, leading to more mistakes and uncounted votes, and will give even fewer voters adequate notice of hearings or other steps required for their votes to be counted.[20]

As examples of how implementation failures affected individual voters during the 2024 primary election, Mr. Cedric Baker and Mr. Robert Fletcher, both Black men, told their stories at the *Hirsch* trial of how they were not offered the exception forms which they were entitled to receive, and their votes were ultimately not counted.[21] Although Mr. Baker should have received an exception form, which would not require him to return with a qualifying ID to have his vote counted, he was instead given a provisional ballot, which did require a return trip with a photo ID.[22] As his photo ID was "expired and broken," Mr. Baker's vote was never counted, which was hurtful to him because he "[took] time out of [his] day" to go vote because he "thought maybe [he] would be heard" by voting.[23] Similarly, when Mr. Fletcher went to vote with a temporary license that had expired, he was only offered a provisional ballot requiring him to return with a photo ID, not an exception form.[24] Poll workers gave Mr. Fletcher incorrect information both about the photo ID requirements and the time period for returning with a photo ID to have the provisional ballot counted.[25] Mr. Fletcher was "totally upset... because [he had] never had that problem before" with voting, so "it was terrible" to know his vote was not counted.[26] While it is

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[17] *See* Numbered Memo 2023-03 Photo ID and In Person Voting ("A county board is required to approve and count the provisional ballot unless the county board unanimously finds that the form was falsely completed and puts that finding in a written decision.")
[18] Plaintiffs' Proposed Findings of Fact and Conclusions of Law, *N.C. State Conf. of the NAACP v. Hirsch,* No. 1:18CV1034, ECF No. 339 at 169 (M.D.N.C. July 1, 2024).
[19] Patrick Gannon, *9 Facts About the Vote Counting and Reporting Process in NC*, North Carolina State Board of Elections (Oct. 30, 2024), https://www.ncsbe.gov/news/press-releases/2024/10/30/9-facts-about-vote-counting-and-reporting-process-nc.
[20] *Id*.
[21] Plaintiffs' Proposed Findings of Fact and Conclusions of Law, *N.C. State Conf. of the NAACP v. Hirsch,* No. 1:18CV1034, ECF No. 339 at 175 (M.D.N.C. July 1, 2024).
[22] *Id*.
[23] *Id*. at 175-76.
[24] *Id*. at 176.
[25] *Id*.
[26] *Id*. at 176-77.

difficult to know exactly how many other voters experienced the same failure as Mr. Baker and Mr. Fletcher, they are not the only people in the state who have been affected by poll worker mistakes and the failure to provide correct information about the exception process.

In addition to failing individual voters who are entitled to have their voices heard, poor implementation of the exception process has changed the outcome of elections by throwing out the votes of people of color. In the November 2023 municipal election in Lenoir County, poll workers only gave provisional ballots to two Hispanic voters, rather than the exception forms they should have received, and did not even record the voters' names. Because of these errors, even though the two voters did return to the county board to present their IDs and have their votes counted, the county board was unable to match the provisional ballots with the voters, so neither vote was counted. That election was decided by two votes.[27]

There is also evidence from prior elections that, during the ballot processing stage, county boards of elections have violated the statutory requirements of the exception process by writing intimidating and confusing letters to voters who completed exception forms.[28] For example, in 2023, the Guilford County Board of Elections sent hearing notice letters (dated November 9, 2023) to voters who had completed a provisional ballot and exception form. None of these letters demonstrated that the board had grounds to believe the information provided on them (that the voter didn't have ID at the time they voted) was false; rather, they were based on speculation that the voter could or should have obtained ID. One such letter reads in part, "On November 7th, 2023, you voted with a provisional ballot and completed a Photo ID Exception Affidavit, per NCGS §163-166.16. You are hereby given notice of the grounds for falsity of the affidavit, including but not limited to, the fact that you had a Photo ID but failed to present it, and it was not otherwise lost, stolen, or misplaced, and for such other and further grounds as may be shown at a hearing, and [sic] the opportunity to be heard at 9:00am on Friday, November 17, 2023 concerning any findings of falsity of the affidavit."[29][30]

Even though the exception form lists "lack of transportation" as a valid reason for not presenting photo ID, county boards of elections appear to have targeted voters who selected that

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[27] *Id*. at 169-70.
[28] 08 N.C. Admin. Code 17.0101(e)(2) ("The county board shall substantiate any finding of falsity with grounds recorded in a written decision...") (Lexis Advance through changes received as of June 15, 2026).
[29] Letter from Charlie Collicutt, Dir., Guilford Cnty. Bd. of Elections, to Voter 1 (Nov. 9. 2023) (emphasis in original) (Appendix 2; on file with Forward Justice).
[30] To the average voter, this letter resembles a criminal warrant or court summons, partially because of the overly formal language and partially because the writer chose a complex sentence over a complete one. In North Carolina, 21% of adults have lower literacy skills (meaning they struggle to use and understand some print materials). Emily Schmidt, *Reading the Numbers: 130 Million American Adults Have Low Literacy Skills, but Funding Differs Drastically by State*, APM Research Lab (Mar. 16, 2022), https://www.apmresearchlab.org/10x-adult-literacy. Accordingly, the average person may not be able to identify the main idea of these letters, let alone discern whether they are being charged with a crime, whether they are required to testify, and what rights or responsibilities they have during this hearing.

reason for further scrutiny. Rather than applying the legally required falsity standard, some boards seem to be applying an arbitrary, invented reasonableness standard.[31] For example, the Guilford County Board of Elections accused at least two voters of submitting false exception forms because the voters "were able to obtain transportation and were well enough to vote, but did not utilize the same resources to obtain and present Photo ID."[32] This accusation may come from ignorance of the barriers to obtaining photo ID, prejudice based on the voters' perceived identities, or a misplaced belief that people should simply "pull themselves up by their bootstraps," but it certainly does not come from a belief that the voter was falsely claiming an impediment that they did not actually face, which is the *sole reason* a board may invalidate a vote.

Even with the current unanimity requirement, county boards of elections have thrown out far too many votes in elections over the last few years. If county boards of elections are allowed to make these decisions by a simple majority vote rather than the presently required unanimous bipartisan vote, even more voters are likely to receive intimidating letters and have their votes invalidated. Boards of elections are already violating the law by not publishing written reports of votes they have thrown out in past elections, so there is no reason to believe they will begin doing so once they have free rein to invalidate even more legitimate votes but an even shorter time period for doing so. Implementation of the exception process is currently inconsistent at best and voter intimidation at worst, so the current requirements (a unanimous bipartisan vote and sufficient time to give voters notice of a hearing) should be uniformly enforced or made easier for voters, not amended to become even more difficult for both voters and county boards of elections.

Majority vote requirements are a classic voter suppression method

Majority vote requirements have been a classic method for discriminating against Black voters since the passage of the Voting Rights Act in 1965.[33] A law review article from 1973,[34] later cited in a major voting rights case,[35] described majority vote requirements as a "typical" method of diluting minority votes and one of the "best example[s]" of "highly discriminatory" voting regulations.[36] In 1982, the United States Senate report which supported the reauthorization of the Voting Rights Act listed "typical" methods of suppressing the Black vote,[37] and this list was integrated into the *Gingles* decision as relevant factors for assessing

[31] N.C. Gen. Stat. § 163-166.16(f) ("The county board of elections shall find that the provisional ballot is valid unless the county board has grounds to believe the affidavit is false.").
[32] Letter from Charlie Collicutt, Dir., Guilford Cnty. Bd. of Elections, to Voter 2 (Nov. 9. 2023) (Appendix 2; on file with Forward Justice); Letter from Charlie Collicutt, Dir., Guilford Cnty. Bd. of Elections, to Voter 3 (Nov. 9. 2023) (Appendix 2; on file with Forward Justice).
[33] *See Thornburg v. Gingles*, 478 U.S. 30, 45 (1986).
[34] Armand Derfner, *Racial Discrimination and the Right to Vote*, 26 Vand. L. Rev. 523 (1973).
[35] *Zimmer v. McKeithen*, 485 F.2d 1297, 1305 n. 21 (5th Cir. 1973).
[36] Derfner at 581.
[37] S. Rep. No. 97-417, at 29 (1982).

voting rights violations.[38] These "Senate factors" specifically named the use of majority vote requirements (along with anti-single-shot policies and unusually large districts) as "Factor 3" of the analysis.[39] One study found that out of all the cases where courts did find that Factor 3 requirements were present, 66% of those cases were eventually found to be violations of the Voting Rights Act.[40] Accordingly, majority vote requirements are an indicator of likely discrimination, and are especially suspect in the context of North Carolina's "extensive history" of discrimination against Black voters.[41]

The amendment will worsen existing racial disparities in voting

In both state and federal court, the NC NAACP has repeatedly demonstrated that racial disparities in areas like employment, access to transportation, and education carry over as racial disparities in voting access.[42] Much of our evidence has been adopted by those courts as official findings of fact, and elected officials for the State of North Carolina have been on notice of these conditions for years.[43] Given our litigation history, we find it unlikely that the current officials regulating North Carolina elections could possibly be unaware of these entrenched racial disparities. However, since the State is once again attempting to suppress the Black vote, we will summarize below the extensive evidence of racial disparities created by North Carolina's system of voting.

North Carolina has a long and consistent history of race-based voter suppression through methods like "the poll tax, literacy tests, intimidation of voters at registration and polling locations, intentionally discriminatory districting changes made via constitutional amendments, and the implementation of other laws and policies for the purpose of disenfranchising African Americans."[44] That history is so consistent, in fact, that multiple courts have held that "North Carolina's historical background favors finding discriminatory intent" in voting regulations.[45] The *Hirsch court* summarized this holding by stating that "North Carolina's history of race discrimination and voter suppression is undisputed and extensive... [The] policies that result from negative racial appeals are done *in response* to burgeoning political participation from racial and ethnic minorities."[46] Suppressing the Black vote is not accidental, and even though the legal hurdles for demonstrating discriminatory racial intent in voting regulations are steep, North

[38] *Gingles*, 478 U.S. at 44-45.
[39] S. Rep. No. 97-417, at 29.
[40] Ellen Katz, *Documenting Discrimination in Voting: Judicial Findings Under Section 2 of the Voting Rights Act Since 1982* 32-33 (2005).
[41] *Hirsch,* No. 1:18CV1034, 2026 LX 286472 at *183.
[42] *See, e.g.*, *Hirsch,* No. 1:18CV1034, 2026 LX 286472; *N.C. State Conf. of the NAACP v. McCrory*, 831 F.3d 204 (4th Cir. 2016); *N.C. State Conf. of the NAACP v. Raymond*, 981 F.3d 295 (4th Cir. 2020).
[43] *Id.*
[44] *Hirsch,* No. 1:18CV1034, 2026 LX 286472 at *106.
[45] *See id.* at *107-08 (citing *Raymond*, 981 F.3d, and *N.C. State Conf. of NAACP v. Cooper*, 430 F. Supp. 3d 15 (M.D.N.C. 2019)).
[46] *Id.* at *105.

Carolina has nonetheless had multiple racist voting regulations struck down by courts.[47] Some of these changes were so flagrantly racist that they became nationally famous for their "almost surgical precision."[48]

Black voters disproportionately lack the types of state approved IDs that North Carolina requires to vote after the passage of S.B. 824. Even though the State tried to argue that the many burdens created by S.B. 824 contain "no significant racial disparities," or that if there are any disparities they are "small in absolute terms," the *Hirsch* court found that the racial disparities caused by S.B. 824 are "significant" enough in absolute terms to weigh in favor of finding a violation of the Voting Rights Act.[49] Black and Hispanic registered voters are less likely than white registered voters to have a driver's license or other DMV-issued ID, an unexpired DMV-issued ID, or any qualifying photo ID, with each of those racial disparities being "large and statistically significant."[50] In fact, the court noted that these disparate impacts are significant enough "to support a finding of discriminatory intent" and were disproportionate burdens on voters of color.[51] S.B. 824's inclusion of "mitigating" provisions, shifting its voting regulations from extraordinarily harsh to slightly less harsh, are "of no comfort" to voters when those provisions, the provisional ballot and exception form processes, "do not guarantee that such vote will be counted."[52] Regardless of the relative mitigation of the exception process, in absolute terms, "the fact of the matter is that on Election Day thousands of voters—and a disparate number of them being racial minorities—will not possess the required ID to vote despite being validly registered North Carolina voters, and for many their vote will not count when the election is certified."[53]

Even though voters may obtain a "free" ID from the SBOE, in reality, obtaining this ID comes with many costs – transportation, time off work or lost wages, childcare, and the cost of obtaining other required documents – even though the card itself is free. Racial disparities exist in each one of those categories, so obtaining this "free" ID is not easier or more racially equitable than obtaining other types of photo IDs. Black voters are less likely to have access to a vehicle[54] than white voters and the average county in North Carolina "has a land area of 486 square miles," so the same transportation issues apply whether a voter is seeking a driver's license, a "free" ID for voting, or trying to attend a photo ID exception hearing.[55] Thousands of Black

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[47] *See Court Cases*, Democracy Docket (2026), https://www.democracydocket.com/cases/state/north-carolina/case-status/victory/.
[48] Sarah Childress, *Court: North Carolina Voter ID Law Targeted Black Voters*, PBS (July 29, 2016), https://www.pbs.org/wgbh/frontline/article/court-north-carolina-voter-id-law-targeted-black-voters/ (referencing the 2016 *Raymond* decision).
[49] *Hirsch,* No. 1:18CV1034, 2026 LX 286472 at *171.
[50] *Id*. at *171-72.
[51] *Id*. at *131-38.
[52] *Id*. at *154-55.
[53] *Id.*
[54] *Id*. at *140.
[55] *Id*. at *164.

voters also work in jobs that do not provide paid time off, pay enough to take unpaid time off, or set predictable hours, so many voters are not able to vote even during early voting, let alone appearing *both* on Election Day and at a county board of elections to show their photo ID or attend a photo ID exception hearing.[56]

The foregoing racial disparities affect each step required for voting access, including whose votes get thrown out by the State based on photo ID regulations. In *Hirsch*, the State highlighted the facts that 99.96% of citizens who voted in 2023 municipal elections and 99.97% of citizens who voted in the March 2024 primary elections ultimately had their votes counted, arguing that these numbers demonstrated that the photo ID and exception processes were not overly burdensome.[57] The State phrased these statistics as "only" 0.03-0.04% of voters having their votes ignored. However, given the extensive proof that voter fraud in North Carolina is essentially nonexistent, these percentages are far too high already. Racial disparities exist at each and every step of the photo ID, voting, and provisional ballot processes. Weakening the vote requirements will nullify the bipartisan structure of county boards of elections, enabling boards to wrongfully throw out even more votes and allowing this already racially disparate system to become even worse.

The State is removing the same voting safeguards it relied on in court to defend S.B. 824

In multiple court cases over the last few years, North Carolina has assured both state[58] and federal[59] courts that those courts need not worry about the predictable, well-documented racial disparities in its voting system, including the exception process, because the State has made sure that bipartisan county boards of elections must unanimously agree before throwing out votes. And these courts have believed the State, relying on that testimony about S.B. 824's mitigating provisions to outweigh the statute's many other qualities that would otherwise violate the Voting Rights Act.[60]

While the *Hirsch* court could only consider "limited evidence" about the number of people who were unable to vote under the new regulations because the March 2024 election was the most recent data available when parties submitted evidence,[61] we now have access to data from the November 2024 election showing exactly how many North Carolina voters have been

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[56] *The Cost of Inaction: 2024 State of Working North Carolina,* Workers' Rights Project (2024), https://stateofworkingnc.org/cost-of-inaction/.
[57] *Hirsch,* No. 1:18CV1034, 2026 LX 286472 at *162-63.
[58] For examples of the state's assurances, see Appendices of this document and Exhibits 1 and 2 of Southern Coalition for Social Justice's *Public Comment on Proposed Amendments to Photo ID Rules 08 NCAC 17.0101 and 08 NCAC 17.0109*, available at https://southerncoalition.org/scsj-urges-state-board-of-elections-to-protect-voters-from-baseless-photo-id-challenges/.
[59] Tr. of Oral Arg. at 102-03, 111-13, 125-26, *N.C. State Conf. of the NAACP v. Hirsch,* No. 1:18CV1034, 2026 LX 286472.
[60] See, e.g., *Holmes v. Moore*, 384 N.C. 426, 455 (2023); *Hirsch,* No. 1:18CV1034, 2026 LX 286472 at *102, *130-31.
[61] *Hirsch,* No. 1:18CV1034, 2026 LX 286472 at *165.

harmed by the current voting regulations. Despite the State's characterization of photo ID regulations as a "negligible burden" on voters due to the availability of provisional ballots and the exception process,[62] we now know that in the November 2024 election, 1,670 voters' ballots were not counted due to lack of photo ID.[63] Many of these voters did not fill out the exception form, despite being entitled to do so, whether due to poll worker errors like those described above or other reasons.[64] Of those voters, 622 were white and 502 were Black, meaning that, while about 20% of North Carolina voters are Black, 30% of North Carolina voters whose votes were thrown out were Black – a disproportionately high number.[65]

The district court in *Hirsch* also relied in part on the State's assurances that the unanimity and bipartisanship of county boards of elections would make S.B. 824 less likely to disproportionately harm voters of color, listing these qualities as "mitigating provisions."[66] The State heavily emphasized these provisions as "safeguards" for voting access when it was beneficial for its legal argument, and it now intends to kneecap those safeguards mere weeks after securing a win in that case.[67] While it is not clear exactly when the State began planning to make these changes, proposing such a change so close to an election raises questions about the State's candor with a federal court and creates concern about the State's willingness to capriciously remove the few voting safeguards that remain once they are no longer convenient for ongoing litigation.

We oppose changing the unanimous-vote requirement to a majority-vote requirement because that policy is a classic voter suppression method that will worsen North Carolina's racial disparities in voting access

The landmark voting rights case of *Gingles v. Thornburg* included two additional considerations for assessing whether voter discrimination exists: "evidence demonstrating that elected officials are unresponsive to the particularized needs of the members of the minority group" and evidence that the policy reasons justifying the contested regulation are "tenuous."[68] Both apply here. As we have repeatedly demonstrated in court, North Carolina has a long history of being unresponsive and actively hostile to the particularized needs of its Black citizens. These proposed amendments would suppress the Black vote even further. As a result, we now notify the State and this Board of that predictable result and strongly urge that this discriminatory policy not be implemented. As for the second consideration, the policy reasons justifying this change are not even tenuous; they are simply nonexistent. There is no voter fraud to eradicate, and any claims that these rules will benefit voters are thoroughly contradicted by the data

[62] *Id.* at *162.
[63] Steve Harrison, *Lack of Photo ID Led to 1,670 Ballots Rejected in NC,* WUNC News (Nov. 25, 2024), https://www.wunc.org/2024-11-25/lack-of-photo-id-led-to-1-670-ballots-rejected-in-nc.
[64] *Id*.
[65] *Id*.
[66] *See Hirsch,* No. 1:18CV1034, 2026 LX 286472 at *165-66.
[67] *Id*. at *165.
[68] *Gingles,* 478 U.S. at 45.

regarding racial disparities and overall voting access in North Carolina. North Carolina should not change its policies to worsen racial disparities for any reason, but it would be especially galling to worsen those disparities without giving any reason at all.

NC NAACP has a proud history of fighting for Black voters and voters of color by challenging North Carolina's racially discriminatory voting laws in court. We urge the State Board of Elections to heed the above information about North Carolina's history of suppressing the Black vote. Because the proposed amendments include a classic voter suppression method, remove one of the few "mitigating provisions" of S.B. 824, and will further harm Black voters and voters of color, we oppose the amendments.

Respectfully submitted,

Deborah Dicks Maxwell, President
North Carolina State Conference of the NAACP

APPENDIX 1

Voter Stories from
Plaintiffs' Proposed Findings of Fact and
Conclusions of Law at 175,
N.C. State Conf. of the NAACP v. Hirsch, No. 1:18-CV-1034,
(M.D.N.C. July 1, 2024)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

NORTH CAROLINA STATE CONFERENCE OF THE NAACP, *et al.*,

Plaintiffs,

v.

ALAN HIRSCH, in his official capacity as Chair of the North Carolina State Board of Elections, *et al.*,

Defendants,

and

PHILLIP E. BERGER, in his official capacity as President Pro Tempore of the Senate, *et. al*,

Legislative Defendants-Intervenors.

No. 1:18-cv-01034

PLAINTIFFS' PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

327. In the November municipal election in Mecklenburg County, there was an incident with "some board members questioning" the "reason listed on the [ID] Exception Forms." Tr. 677:23-678:7 (Brinson Bell). Although Director Brinson Bell could not recall the exact number of ID Exception Forms that were rejected in Mecklenburg County, the State Board received a report from Southern Coalition for Social Justice stating that these rejections were due to speculation and no evidence of actual falsity was presented; but the votes were thrown out regardless. *Id.* at 673:6-677:7 (Brinson Bell). Director Brinson Bell testified that the actions of the Mecklenburg County Board of Elections were not "the method -- this is not how we would have guided the counties to handle this." *Id.* at 678:25-679:9 (Brinson Bell).

328. The law also requires County Boards to issue written decisions when they reject an ID Exception Form, stating the reasons for their rejection. 08 NCAC 17.0101(e)(1); PX835 (N.C. Board of Elections Memo) at 13. However, no evidence was presented of even a single one of these written decisions, and Director Brinson Bell testified that she did not believe that County Boards are required to provide these decisions to the State Board. Tr. 683:3-12 (Brinson Bell). She also testified that she had not personally reviewed a single one of these decisions, nor did she provide any assurances for how the State Board could be sure that the decisions were being written by the counties. *Id.* at 681:21-685:13 (Brinson Bell).

329. Mr. Patterson testified about serious mistakes by poll workers in Lenoir County in the November 2023 Municipal Election while seeking to implement the ID requirement. Mr. Patterson testified that poll workers provided incorrect information to

two Hispanic voters who appeared at the Pink Hill polling site during that County's Municipal Election. Tr. 330:17-333:3 (Patterson). The two voters did not have photo voter IDs when they arrived to vote and were directed to cast "return with ID" provisional ballots. *Id.* However, the poll worker failed to offer them an ID exception form and did not properly record the voters' names. *Id.* Due to these errors, when the two voters returned to the Lenoir County Board of Election to present their IDs, the Board staff was unable to match the provisional ballots with the proper voters. *Id.* In that race, the winning candidate won by two votes. *Id.* at 332:2-5 (Patterson). Mr. Patterson testified that this should have been raised to the Board, but it was not. *Id.* at 331:18-332:1 (Patterson). The missing two votes could have actually changed the outcome for that race because of the closeness of the vote count. *Id.* at 330:17-333:3 (Patterson).

330. Even more concerning than the fact that these incidents happened throughout the state is that Director Brinson Bell testified at trial that there is no remedy for County Boards violating the law, or poll worker negligence, and there is nothing that would prevent this from happening on a larger scale in the November 2024 presidential election. Even where the State Board was made aware of the incidents in Guilford and Mecklenburg, and Director Brinson Bell agreed that the law was violated, the voters were still disenfranchised. Tr. 675:16-677:7, 678:25-679:20 (Brinson Bell). Director Brinson Bell was asked by the Court what the State Board does "when you receive information from these various organizations that are out there to protect voter integrity -- voter -- voters who are there to vote, when you get a letter from them detailing that [there] has been a complaint that has come to them . . . ?" and she responded that, "at that point, you know, if -- if it's

would not be required if Ms. Rivers had chosen to vote inside. *Id.* Mr. Rivers sought the help of the election protection hotline, Disability Rights North Carolina, and spoke to the chief judge, but he ultimately had to fill out the voter registration form for his mother for her to cast her provisional ballot. *Id.* at 277:25-279:17 (Rivers). While Ms. Rivers was ultimately able to utilize an ID Exception Form and cast a provisional ballot, her voting experience lasted an hour, and was incredibly confusing and frustrating for her and her son. *Id.* at 279:12-20 (Rivers). Mr. Rivers testified that "the whole process . . . kind of put a damper in my spirit and also my mom because she was, like, 'Well, baby, I'm glad you were here.' And she was, like, 'I didn't know that we had to go through all of this.'" *Id.* at 283:1-20 (Rivers).

339. Individual voters Cedric Baker and Robert Fletcher testified that they were not offered Photo ID Exception forms while voting in the 2024 primary election, and both of their "return with ID" provisional ballots were ultimately not counted. Tr. 1022:1-2 (Baker); 1119:16-19 (Fletcher). Mr. Baker, a new Forsyth County voter, testified that the poll worker offered him a provisional ballot after learning his license was expired and broken. Tr. 1021:14-25 (Baker). Mr. Baker was unaware that there was a second option and that utilizing the Photo ID Exception Form option would eliminate the need to return with an acceptable ID. *Id.* at 1022:1-5 (Rivers). When asked whether he knew completing a Photo ID Exception form would eliminate the need to return with an acceptable form of ID, Mr. Baker unequivocally stated, "[n]o, ma'am, I didn't." *Id.* at 1022:3-5 (Baker). When asked how it felt knowing his vote was not counted, Mr. Baker explained to the court that "[a]ctually for me to take my time – take time out of my day to do that, it kind of hurts

a little bit because I thought maybe I would be heard or, you know. So it kind of touched my feelings a little bit." Tr. 1025:4-7 (Baker).

340. Mr. Fletcher went to vote on election day in Franklin County during the 2024 primary election. Tr. 1116:25-1117:3, 1117:19-24 (Fletcher). Mr. Fletcher took an expired temporary license to vote in-person at his local fire station on election day. *Id.* at 1117:10-16, 1120:10-13 (Fletcher). Mr. Fletcher testified that after showing his ID, he was told he had "to have a current ID in order to vote." *Id.* at 1118:5-7 (Fletcher). After Mr. Fletcher advocated for his right to vote and explained that he "had never had a problem voting," the poll worker made a call, which Mr. Fletcher believed was to get "someone else's approval." *Id.* at 1118:5-13 (Fletcher). At the call's end, the poll worker gave Mr. Fletcher a provisional "return with ID" ballot as the sole voting option. *Id.* at 1118:14-21 (Fletcher). When Mr. Fletcher was asked at trial whether he was offered a Photo ID Exception Form, he stated, "Not at all. There wasn't anything like that available." *Id.* at 1119:16-19 (Fletcher). When Mr. Fletcher was further questioned on whether he knew completing the Photo ID Exception form would eliminate the need to return with an acceptable form of ID, he testified that he "didn't know anything about that" because the Photo ID Exception form "wasn't offered." *Id.* at 1119:20-25 (Fletcher). Not only was Mr. Fletcher misinformed about photo identification requirements at the beginning of his voting experience, but Mr. Fletcher testified that after casting his provisional ballot, he was misinformed that he had only three days to return with his ID. *Id.* at 1118:25-1119:5 (Fletcher). At trial, Mr. Fletcher was asked how he felt knowing that his vote was not

APPENDIX 2

Letters from Charlie Collicutt, Dir., Guilford Cnty. Bd. of Elections, to Four Voters (Nov. 9. 2023).

Letter 1

GUILFORD COUNTY
BOARD OF ELECTIONS

November 9, 2023

[redacted]

[redacted]

On November 7th, 2023, you voted with a provisional ballot and completed a Photo ID Exception Affidavit, per NCGS §163-166.16.

You are hereby given notice of the grounds for falsity of the affidavit, including but not limited to, the fact that you had a Photo ID but failed to present it, and it was not otherwise lost, stolen, or misplaced, and for such other and further grounds as may be shown at a hearing, and the opportunity to be heard at **9:00am on Friday, November 17, 2023** concerning any findings of falsity of the affidavit.

The hearing at 9:00am on November 17th will be held at the following location:
The Carolyn Q. Conference Room
Old Guilford County Courthouse
301 W. Market St.
Greensboro, NC 27401

Please contact me if you have any questions.

Sincerely,

Charlie Collicutt
Director
Guilford County Board of Elections

Post Office Box 3427 • Greensboro, North Carolina 27402 • Phone (336) 641-3836

Letter 2

GUILFORD COUNTY
BOARD OF ELECTIONS

November 9, 2023

[redacted]

On November 7th, 2023, you voted with a provisional ballot and completed a Photo ID Exception Affidavit, per NCGS §163-166.16.

You are hereby given notice of the grounds for falsity of the affidavit, including but not limited to, you were able to obtain transportation and were well enough to vote, but did not utilize the same resources to obtain and present Photo ID, and for such other and further grounds as may be shown at a hearing, and the opportunity to be heard at **9:00am on Friday, November 17, 2023** concerning any findings of falsity of the affidavit.

The hearing at 9:00am on November 17th will be held at the following location:
The Carolyn Q. Conference Room
Old Guilford County Courthouse
301 W. Market St.
Greensboro, NC 27401

Please contact me if you have any questions. This notice has also been emailed.

Sincerely,

Charlie Collicutt
Director
Guilford County Board of Elections

Post Office Box 3427 • Greensboro, North Carolina 27402 • Phone (336) 641-3836

Letter 3

GUILFORD COUNTY
BOARD OF ELECTIONS

November 9, 2023

[redacted]

[redacted]

On November 7th, 2023, you voted with a provisional ballot and completed a Photo ID Exception Affidavit, per NCGS §163-166.16.

You are hereby given notice of the grounds for falsity of the affidavit, including but not limited to, you were able to obtain transportation and were well enough to vote, but did not utilize the same resources to obtain and present Photo ID, and for such other and further grounds as may be shown at a hearing, and the opportunity to be heard at **9:00am on Friday, November 17, 2023** concerning any findings of falsity of the affidavit.

The hearing at 9:00am on November 17th will be held at the following location:
The Carolyn Q. Conference Room
Old Guilford County Courthouse
301 W. Market St.
Greensboro, NC 27401

Please contact me if you have any questions. This notice has also been emailed.

Sincerely,

Charlie Collicutt
Director
Guilford County Board of Elections

Post Office Box 3427 • Greensboro, North Carolina 27402 • Phone (336) 641-3836

Letter 4

GUILFORD COUNTY
BOARD OF ELECTIONS

November 9, 2023

[redacted]

[redacted]

On November 7th, 2023, you voted with a provisional ballot and completed a Photo ID Exception Affidavit, per NCGS §163-166.16.

You are hereby given notice of the grounds for falsity of the affidavit, including but not limited to, the fact that you had a Photo ID but failed to present it, and it was not otherwise lost, stolen, or misplaced, and for such other and further grounds as may be shown at a hearing, and the opportunity to be heard at **9:00am on Friday, November 17, 2023** concerning any findings of falsity of the affidavit.

The hearing at 9:00am on November 17th will be held at the following location:
The Carolyn Q. Conference Room
Old Guilford County Courthouse
301 W. Market St.
Greensboro, NC 27401

Please contact me if you have any questions. This notice has also been emailed.

Sincerely,

Charlie Collicutt
Director
Guilford County Board of Elections

Post Office Box 3427 • Greensboro, North Carolina 27402 • Phone (336) 641-3836

APPENDIX 3

Selection (at 102-03, 111-13, 125-26) from
Transcript of Oral Argument,
N.C. State Conf. of the NAACP v. Hirsch, No. 1:18-CV-1034

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

NORTH CAROLINA STATE CONFERENCE OF THE NAACP, et al.,	*	
	*	Case No. 1:18CV1034
Plaintiffs,	*	
	*	
vs.	*	Winston-Salem, North Carolina
	*	December 3, 2019
ROY ASBERRY COOPER, III, in his official capacity as the Governor of North Carolina, et al.,	*	9:30
	*	
Defendants.	*	

EXPEDITED TRANSCRIPT
ORAL ARGUMENT ON PRELIMINARY INJUNCTION MOTION
BEFORE THE HONORABLE LORETTA C. BIGGS
UNITED STATES DISTRICT JUDGE

Lori Russell, RMR, CRR
Official Court Reporter
United States District Court
P.O. Box 20593
Winston-Salem, North Carolina 27120

number of ways that the State Board is interpreting this law to ensure that it is not too strictly construed to disallow photo IDs that are presented to them by voters.

Then the final provision of the "reasonable resemblance" provision that I want to bring to the Court's attention is that even if an election official determines that there is not any reasonable resemblance on the photograph, it's not that precinct worker that makes the determination that the ID cannot be used. The precinct worker has to actually formally challenge that ID. They go through a challenge process and that challenge has to be adjudicated by the election judges that are at the precinct.

And Your Honor may know that election judges in North Carolina are nominated and appointed -- well, they're nominated by the county parties, the major parties, Democratic and Republican parties; and the County Board appoints them to appear at the precincts. It's a set of three judges. The Governor's party has -- it's the Governor's party has two, right? Okay. The Governor's party is allowed to have two versus one of the opposing party. It's not required that it be that way, but in a typical example, you have at least opposing party judges. The reason I bring this up is because a decision there is no reasonable resemblance on a photo ID has to be unanimous by that bipartisan panel of election judges.

So to sum all this up, there are numerous provisions that

the State Board has written into the rules that try to protect a voter from any sort of one-off election official deciding they don't want to accept that ID. So yet another reason to take Professor Barreto's conclusions and analysis with a grain of salt, especially when they relate to extraneous reasons that someone's ID may not be allowed in his view.

(Pause in the proceedings.)

MR. COX: I'm going to have my colleague explain the Virginia requirements so we can address the questions by the Court.

THE COURT: That would be wonderful. Thank you.

MS. VYSOTSKAYA: Your Honor, I think the answer to your question is yes, that the student ID, as long as it has a photograph, is allowed under Virginia law and also public assistance IDs, I believe, under my interpretation of that statute, is allowed as well. Your Honor has access actually to that statute. It is included as one of our exhibits. It's a summary of that statute, rather. It's Exhibit 14 in your Tab 14 and it is page 20 --

THE COURT: In which booklet?

MS. VYSOTSKAYA: The main book, Your Honor, the big book that has our brief and number of exhibits attached to it.

THE COURT: All right.

MS. VYSOTSKAYA: It would be Exhibit 14 there.

But what I wanted to point out is that Virginia law, unlike

vote will count, unless the County Board has grounds to believe that what they wrote in that affidavit is false.

Now, the State Board has added an additional layer of protection on top of that in its rules, which is the next sentence. The "decision that the affidavit is false requires a unanimous vote of" the County Board of Elections or a CBE, as it writes there.

As Your Honor may know, the County Boards of Elections are appointed by the political parties. They are nominated by the political parties and appointed by the Governor. There currently are three Democratic representatives and two Republican representatives on each County Board of Elections. It tends to follow that dynamic based upon the party of the Governor. They will have the majority of the appointments. That is important because it's a bipartisan board that must determine unanimously that there are grounds to disbelieve a voter when they say they had a reasonable impediment.

THE COURT: Suppose the voter says, "I do not believe that the -- I don't have an ID because I don't believe that this law is constitutional."

MR. COX: Under the text of the law and the text of the rule, the County Board would have to conclude that that is a false statement and have grounds to believe that that's a false statement.

THE COURT: How would they do that?

MR. COX: That is my point, Your Honor. There's no -- there's no way -- the only way that they can reject it is if they determine that it is a false statement and have grounds to believe that. And so -- so a statement like that, how would you -- exactly, how would you determine that it's a falsehood.

In our read of the law, there has to be some grounds to believe -- and this is the exact text -- that there is a falsehood committed in that affidavit; and admittedly, it's hard to conceive of how a County Board member would come up with grounds to believe what the person said was false unless -- I mean, we can come up with hypothetical situations where the County Board member knows the person and says, "Oh, they said they didn't have a car, but they do have a car." But then they have to get all four other members of the Board to agree with them that's a falsehood.

So the point is the law has a very cabined allowance for County Boards to reject reasonable impediments; and the guidance that the State Board is providing to the County Boards is just that, that there is one way to reject a reasonable impediment affidavit, and the County Boards have to follow the letter of the law that's written.

Now, there are other exceptions for providing photographic ID in person. One is that if the person was the victim of a natural disaster within 100 days prior to the election or if the person has a religious objection to being photographed,

they would, again, sign an affidavit representing that. These are all found in Section 1.2(a) of the SB824, the Session Law.

Now I'd like to respond directly to something that the Plaintiffs have raised and that their expert Professor Barry Burden has suggested in his supplement report that was attached to the reply brief indicating that it's not clear to him at least how a person's lack of awareness could be considered to be a reasonable impediment affidavit.

And we can go through the same exercise we just recently had, Your Honor. There's no way I believe or we believe to conclude that if someone says, "I didn't know I had to bring an ID" -- there's no way to say -- I mean, we could think of hypothetical examples, perhaps. There's no way to say, that I can think of, how a County Board unanimously can determine that that person stating that they lacked awareness of photo ID is false. I mean, again, a bipartisan panel of five County Board members would have to make that determination and have to make it based upon grounds they believe that statement is false.

And, finally, the reasonable impediment provision we do believe is very critical in this law and the reason it's very critical, it is -- the law bolsters the idea that no person should be turned away from the ballot box if they lack ID; and the law actually directs the State Board in all of its communications about the photo ID requirement to include the following statement: All registered voters will be allowed to

ballot that was provided under reasonable impediment if it was found to be false. That was one of the reasons.

There were two other reasons and those reasons gave the County Board lots of authority to adjudicate those reasonable impediment reasons: For one, if the County Board determined that the reason given was nonsensical or, two, that the reason given, quote, merely denigrated the photo identification requirement.

And we can think of a lot of reasons that a County Board official would determine that, you know, a voter was denigrating the requirement by not complying with the law. Those -- those subjective determinations have been removed from the current law and, in addition, the State Board has imposed an unanimity requirement on the County Board of Elections that did not -- that was not in force in the prior law. So there are these protections that guarantee that voters that go the reasonable impediment route, as long as they don't demonstrably lie on their affidavit, will have their vote counted.

There are a couple other provisions from the earlier law that changed with respect to reasonable impediments. In the prior law, any voter could challenge someone's reasonable impediment reasons; and, you know, that's a recipe for shenanigans, of course. If someone puts in a reasonable impediment affidavit, they leave the voting location, and then someone comes in and challenges that, they might or might not

learn that that challenge is taking place and be able to defend themselves. You know, they're supposed to be able to. But, you know, there's no such process of challenging someone's reasonable impediment under the current law.

I mention also the change from the majority vote to a unanimous decision by the bipartisan board.

And, finally, what is also important is that the prior reasonable impediment provision still required the voter to present some form of ID. So you would fill out a reasonable impediment affidavit, but you would still have to provide a -- the State Board calls it a HAVA document. HAVA stands for the Help America Vote Act. You know, these are bank statements, utility bills, things like that that would provide a nonphotographic form of an ID that could be used to substantiate your reasonable impediment affidavit. The alternative would be to provide your name, address, social security number, and there might be another personal identifier that you have to provide as well.

But, you know, that is not required at all in the new law. What you put down in your reasonable impediment affidavit is your reasons, you sign the affidavit, and then the County Board must accept that affidavit, unless it has grounds to believe unanimously that the affidavit is false.

Your Honor, I think that concludes my discussion on why we believe the Session Law does not have a discriminatory effect

Lynn McGee
1613 Cheyenne Drive
Hillsborough, NC 27278

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

Members of the Commission:

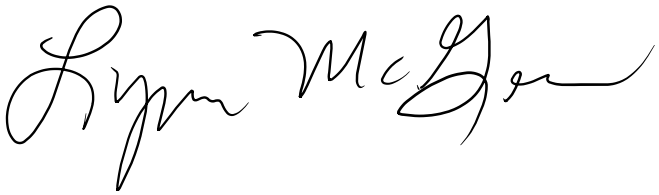
I am a North Carolina resident and have been a registered voter in Orange County since 2017.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Furthermore, I formally object to the adoption of the rules for the following reasons:
These proposed rules are to suppress people from voting, period.

Thank you for your consideration.

Respectfully,
Lynn McGee, Orange County



August 27, 2026

James L, Kiser, Jr.
1211 Oakwood Ave
Gastonia, NC 28052

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

To the NC Rules Review Commission:

I am a life-long (77 years) resident of North Carolina. I have been a registered voter since 1972 and have voted in every single election.

I hereby request the above captioned rules be reviewed in the upcoming legislative session of the General Assembly as set out in N.C.G.S. 150B-21.3. I further request the rules be subject to a delayed effective date as set out in that same provision.

I believe the rules adopted by the State Board of Elections and approved by the Rules Review Commission impose an undue, unjustified and troublesome burden upon our State's senior citizen voters. Our state's seniors have every much right to vote as any other eligible citizen. Most of us have worked hard throughout our lives, contributed to our economy, paid taxes and should not only have the right to vote conveniently, but should also be facilitated in exercising this sacred right, given many of us have age-related impairments. Many lack transportation and need convenience of early voting or vote-by-mail. They need non-burdensome easy-to-follow mail-in voting. Why should a photo ID be required for mail voting? Many of us don't have a means to make an ID copy. These rules make it easy to discard ballots due to minor errors in mail-in ballots. Many of us lack a support system to take us through the process of curing minor deficiencies. If our vote is contested by someone, it is difficult for us to challenge. The new rules are too difficult and complex for many seniors to understand. We shouldn't need the assistance of a lawyer to vote! What real documented evidence did NCBOE have to make the process of voting more difficult for us? The Board of Elections and the Rules Review Commission should facilitate senior voting, not impair it.

Thank you for your consideration.

Respectfully submitted,

James L. Kiser, Jr.

Burgos, Alexander N

From: Martha Svoboda <svoboda.martha@gmail.com>
Sent: Thursday, August 27, 2026 9:43 PM
To: rrc.comments
Cc: Steele, Adam
Subject: [External] Objection to Proposed Rule Changes re. Photo ID and Request for Legislative Review

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Martha J. Svoboda, Esq.
6329 Mountain Grove Lane
Wake Forest, NC 27587

August 27, 2026

TO: North Carolina Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Sent via email

Re: Objection to and Request for Legislative Review of proposed rules regarding photo identification (08 NCAC 17 .0101 VERIFICATION OF PHOTO IDENTIFICATION DURING IN-PERSON VOTING and 08 NCAC 17 .0109 PHOTO IDENTIFICATION FOR ABSENTEE-BY-MAIL BALLOTS)

Dear Members of the North Carolina Rules Review Commission:

I am a North Carolina resident and have been a registered NC voter since 2000.

I am writing to oppose the proposed Photo ID rule changes to 08 NCAC 17.0101 and 08 NCAC 17.0109 *on the grounds* that these rules are **not reasonably necessary** to implement or interpret **current** state or federal statutes or regulations. *To the contrary*: eliminating the unanimity requirement for rejecting a provisional ballot **runs contrary to state policy** that **encourages bipartisan decision making** by our county boards of elections. N.C.G.S. 163-30 (a) **requires** that the county boards of elections comprise at least two members of different political parties. Retaining the unanimity requirement ensures that a voter's ballot may **only be disqualified if every member agrees**.

These proposed rules would **lower the standard** for rejecting a voter's Photo ID Exception Form from a unanimous county-board decision to a majority vote. That is a **serious change** and one that **contradicts the requirement that a declaration of falsity "be based only on facts and not speculation**."

A Photo ID Exception Form is supposed to protect voters who are eligible to vote but cannot present acceptable photo ID because of a reasonable impediment, disability, illness, lack of transportation, lack of documents needed to get ID, work or school schedule, family responsibilities, religious objection, or a recent natural disaster.

N.C.G.S. 163-166.16(f) **REQUIRES** that, when reviewing a provisional ballot cast with a Photo ID exception form, a County Board of Elections "**shall** find that the provisional ballot is **valid *unless*** the county board has **grounds to believe the affidavit is false**." The current unanimity requirement is an important safeguard. A voter's ballot should not be rejected unless every county board member agrees, based on facts and not speculation, that the voter's Photo ID Exception Form is false.

Lowering the standard from unanimous agreement to a majority vote makes it more likely that ballots will be rejected along partisan lines. The right to vote should not depend on which party controls a county board.

The rule should make clear that county boards may not reject a Photo ID Exception Form because they personally disagree with the voter's reason, think the voter should have tried harder to get ID, or believe the voter's reason is not "good enough." The **only** question should be whether there is **actual factual evidence** that the voter made a false statement.

At a minimum, this rule should be amended to:

Retain the unanimous-vote requirement before a ballot cast with a Photo ID Exception Form can be rejected.

Require clear written findings based on specific facts, not speculation, assumptions, or disagreement with the voter's stated reason.

Require **meaningful** notice to the voter before the ballot is rejected, including mail (SENT WITHIN AN ADEQUATE TIMEFRAME FOR RECEIPT VIA USPS), email, and phone notice when that information is available.

Give the voter a **real** opportunity to respond in writing, by phone, remotely, or in person **before** the county board makes any final decision.

Prohibit rejection when the voter's explanation is plausible and the board lacks evidence that it is false.

The current unanimity requirement is a common-sense protection against partisan or mistaken ballot rejection. **Unanimity is a far more compelling indication of factual rather than speculative findings**. It ought to remain the standard as would be in line with the current and proposed requirements that **no ballot be rejected on any uncertain basis**.

Please keep the unanimity protection in place and reject the proposed changes.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration of my objections and comments regarding the proposed Photo ID rule changes.

Respectfully,

Martha J. Svoboda, Esq.

Wake County Voter

/s/ Martha J. Svoboda

--
Martha J. Svoboda
919-274-9005 (C)
svoboda.martha@gmail.com

Burgos, Alexander N

From: Carolyn Moench <cmoenchpac@hotmail.com>
Sent: Friday, August 28, 2026 5:17 AM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] written objection and request for legislative review : photo ID

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To the Rules Review Commission:
I am a registered voter in Davidson County, writing to formally object to the NCSBE's proposed rule
Photo ID

The rule violates N.C.G.S. § 150B-21.9(a)(1) by exceeding the
administrative authority granted to the agency by the General Assembly.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that
this rule be subjected to review by the legislature.
Sincerely,
Carolyn M Moench
1138 Muirfield ave
Clemmons NC 27012
Davidson County

Burgos, Alexander N

From: Krista Savage-White <cedarwoodbrainly@gmail.com>
Sent: Thursday, August 27, 2026 8:31 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting

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CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

To the Members of the N.C. Rules Review Commission:

I request that rule 08 NCAC 17 .0101 be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. This proposed rule should not go into effect, and the current rule should not be changed to allow a county board to reject a voter's Photo ID Exception Form by majority vote rather than a unanimous vote. I also request that the rules be subject to a delayed effective date as laid out within that same provision.

N.C.G.S. 163-166.16(f) requires that, when reviewing a provisional ballot cast with a Photo ID exception form, a County Board of Elections "shall find that the provisional ballot is valid unless the county board has grounds to believe the affidavit is false." A voter's ballot should not be rejected unless every county board member agrees that the voter's Photo ID Exception Form is false, arriving at that conclusion based on credible evidence rather than pure speculation. Furthermore, a Photo ID Exception Form is supposed to protect voters who are eligible to vote but cannot present acceptable photo ID because of a disability, illness, lack of transportation, lack of documents needed to get ID, work or school schedule, family responsibilities, religious objection, or another reasonable impediment such as a recent natural disaster.

The rule should make clear that county boards may not reject a Photo ID Exception Form because they personally disagree with the voter's reason, think the voter should have tried harder to get ID, or believe the voter's reason is not "good enough." The only question should be whether there is actual factual evidence that the voter made a false statement.

At a minimum, this rule should be amended to:

-
-
- Retain the unanimous-vote requirement before a ballot cast with a Photo ID Exception Form can be rejected.
-

- Require clear written findings based on specific facts, not speculation, assumptions, or disagreement with the voter's stated reason.
- Require meaningful notice to the voter before the ballot is rejected, including mail, email, and phone notice when that information is available.
- Give the voter a real opportunity to respond in writing, by phone, remotely, or in person before the county board makes any final decision.
- Prohibit rejection when the voter's explanation is plausible and the board lacks evidence that it is false.

The right to vote should not depend on which party controls a county board. The current unanimity requirement is an important safeguard, and lowering the standard from unanimous agreement to a majority vote makes it more likely that ballots will be rejected along partisan lines. Therefore, I urge the Commission to reject the adoption of proposed rule 08 NCAC 17 .0101 and keep the current rule intact.

Respectfully submitted,

Krista Savage-White

624 Wolfe Street
Davidson, North Carolina 28036
August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of the following:

- 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting;
- 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots;
- 08 NCAC 18 .0201 Definitions;
- 08 NCAC 18 .0501 Review for Deficiencies;
- 08 NCAC 18. 0502 Curable Deficiencies;
- 08 NCAC 18. 0503 Non-Curable Deficiencies;
- 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter;
- 08 NCAC 18 .0505 Irregularities That Require Further Action

Members of the Commission:

I am a North Carolina resident and have been a registered voter according to the State Board of Elections web site since at least August 1987, although I was previously registered in North Carolina from the mid-1970s through 1982.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Furthermore, I formally object to the adoption of the rules for the following reasons:

- **08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting**

  The proposed rule eliminating the requirement for unanimity runs counter to the state policy that encourages bipartisan decision-making by county boards of elections, thus increasing the likelihood that decisions will be made on a partisan basis or a because of a mistaken ballot rejection. Any amendment to the existing rule should continue to require unanimity in addition to requiring the county board to specify factual evidence that the Photo ID Exception Form is false. Further, any amendment should require multiple notices to the voter and allow the voter to respond in writing, by phone, email, remotely or in person.

- **08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots**

  For the same reasons that proposed rule 08 NCAC 17.0101 should be rejected and amended, this proposed rule should be rejected and/or amended.

- **08 NCAC 18 .0201 Definitions**

  The definitions in this rule should be revised so that ordinary voters can understand the difference between a "deficiency," an "irregularity," a "curable deficiency," and a "non-curable deficiency." The proposed definitions are overly technical but potentially confusing to voters. The rule should be amended to state that technical mistakes should not lead to ballot rejection unless they are material to voter eligibility, ballot security, or voter intent.

- **08 NCAC 18 .0501 Review for Deficiencies**

  This rule requires county board staff to review returned absentee ballots for deficiencies or irregularities within one business day. Any rule should include required statewide standards for such review and should require county boards to use statewide forms, notices, and procedures. Further, any rule should require county boards to document and maintain records of specific reasons for any finding of deficiency or irregularity.

- **08 NCAC 18. 0502 Curable Deficiencies**

  The proposed rule identifies absentee-ballot problems that voters can fix and if adopted should require that the cure process informs the affected voter of the nature of the problem, how to fix the problem, the related deadline, and how to reach board of elections contacts who can assist. A ballot shall not be rejected for a curable deficiency if a voter substantially complies with the cure instructions.

- **08 NCAC 18. 0503 Non-Curable Deficiencies**

  The proposed rule should be narrowed to treat as non-curable only those ballots where voter eligibility, voter intent, or ballot security cannot be determined. The proposed rule should require county boards to immediately contact the voter to explain the issue and to further explain all remaining voting options.

- **08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter**

  This rule is a better approach than 08 NCAC 18 .0505 because it recognizes that some technical issues should be documented but should not require the voter to take further action. The State Board should expand this rule to include more innocent absentee-ballot mistakes that do not affect voter eligibility or voter intent. In particular, this rule should include situations where the ballot is received in a sealed

outer return envelope, even if there is a technical issue with the inner ballot envelope. Prior NCSBE guidance treated several of these situations as anomalies, not deficiencies, because the ballot was still received in a sealed envelope. The rule should also include situations where two voters in the same household accidentally switch their ballots or ballot envelopes, as long as there are no issues with the applications and the county board can determine which voters cast the ballots. Prior NCSBE guidance stated that voters in the same household should not have their ballots rejected for that kind of ballot-number mismatch when the mistake is not material to voter eligibility. The State Board should move these issues into Rule .0504 so voters do not have to complete unnecessary cure paperwork.

- **08 NCAC 18 .0505 Irregularities That Require Further Action**

  This proposed absentee-ballot rule would require county board staff to contact a voter and require written confirmation when certain ballot-envelope issues are found. These include situations where the ballot envelope appears to have been opened and resealed but was received in a sealed outer return envelope, where the ballot is not inside a sealed ballot envelope but the ballot and ballot envelope were received in a sealed outer return envelope, or where the ballot in the envelope is different from the ballot transmitted to the voter.

  These situations may involve innocent voter mistakes. They do not necessarily mean the voter is ineligible, that the voter did anything wrong, or that the ballot should be rejected.

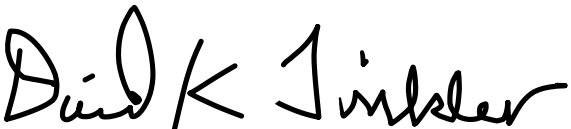
  The problem with this rule is that it puts the burden back on the voter after the voter has already returned their ballot. Many absentee voters may not receive the notice in time, may not understand what is being asked, may not have reliable mail or email access, or may not be able to respond quickly because of disability, age, displacement, illness, work, school, or caregiving responsibilities.

  If a voter returns a ballot in a sealed outer envelope and the county board can determine that the voter is eligible and intended to cast that ballot, the voter should not have to complete extra paperwork just to have the ballot counted.

  The rule should be changed to: (1) Treat these issues as irregularities that should be documented, not as problems requiring voter action, unless there is evidence of tampering or evidence that the voter did not transmit the ballot. (2) Move these situations into 08 NCAC 18 .0504 when the ballot was received in A sealed outer envelope. (3) Allow the county board to count the ballot if the voter's eligibility, application, and intent can be determined. (4) Require voter contact only when there is a genuine question that cannot be answered from the ballot materials. (5) Require county boards to use mail, email, and phone notice immediately if voter contact is necessary.

Thank you for your consideration.

Respectfully,



David K. Tinkler

Burgos, Alexander N

From: Barbara Randolph <brandolphk@gmail.com>
Sent: Thursday, August 27, 2026 9:55 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of Election Rules Approved August 27, 2026

You don't often get email from brandolphk@gmail.com. Learn why this is important

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Dear Sirs, and addressed to:

N.C. Rules Review Commission
1711 New Hope Church Road
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of Election Rules Approved August 27, 2026

08 NCAC 17 .0101 — Verification of Photo Identification During In-Person Voting
08 NCAC 17 .0109 — Photo Identification for Absentee-By-Mail Ballots
08 NCAC 18 .0201 — Definitions
08 NCAC 18 .0501 — Review for Deficiencies
08 NCAC 18 .0502 — Curable Deficiencies
08 NCAC 18 .0503 — Non-Curable Deficiencies
08 NCAC 18 .0504 — Irregularities That Do Not Require Further Action from the Voter
08 NCAC 18 .0505 — Irregularities That Require Further Action

Members of the Commission:

I am a North Carolina resident and have been a registered voter since 2016.

I respectfully submit this written objection to the above-referenced rules approved by the Rules Review Commission on August 27, 2026. I request that this objection be considered pursuant to N.C.G.S. § 150B-21.3(b2), and I **clearly request legislative review of these rules pursuant to N.C.G.S. § 150B-21.3(b1) and (b2).**

I further request that the effective date of these rules be delayed as provided by N.C.G.S. § 150B-21.3(b1), so that the General Assembly has an opportunity to review their substance and their potential consequences for North Carolina voters before the rules take effect.

The State Board of Elections has explained that these rules establish procedures governing the review of absentee ballots, including the identification of deficiencies and irregularities and the circumstances under which voters may or may not cure an identified problem. The rules also modify procedures relating to photo identification for both in-person and absentee voting.

I object to these rules for the following reasons:

1. The rules can impose significant consequences on voters for technical errors that may have no bearing on voter eligibility or voter intent.

The absentee-ballot rules distinguish among “curable deficiencies,” “non-curable deficiencies,” and “irregularities.” That distinction is consequential because certain errors can result in a ballot being spoiled and reissued, while others may not be capable of being cured. For example, Rule .0503 identifies circumstances involving witness information, signatures, envelopes, replacement-ballot requests, and other technical matters as non-curable deficiencies.

A voter who is eligible to vote and who has made a good-faith effort to comply with the law should not lose the opportunity to have that ballot counted because of a technical mistake that does not establish ineligibility, fraud, or lack of voter intent.

I therefore object to the rules to the extent that they create a risk that technical or inadvertent errors will result in the loss of a lawful vote without a meaningful opportunity for the voter to correct the problem.

2. The rules require greater clarity and uniformity in how county boards determine whether an error is a deficiency or an irregularity.

Rule .0501 requires county board staff to review a returned absentee ballot within one business day and determine whether a deficiency or irregularity exists, and then determine which subsequent rule applies.

Because these determinations can affect whether a ballot is ultimately counted, the rules should provide sufficiently clear and objective standards to ensure that similarly situated voters are treated consistently in all 100 counties.

I am concerned that ambiguous or subjective determinations could result in materially different treatment of voters based upon the county in which they cast their absentee ballot.

The rules should therefore establish clear, uniform standards for identifying deficiencies and irregularities and require county boards to document the specific basis for any determination that could affect whether a ballot is counted.

3. The cure process should place the greatest possible emphasis on preserving a lawful voter’s opportunity to cure an honest mistake.

The State Board describes these rules as establishing safeguards for processing absentee ballots. A meaningful safeguard should include a meaningful opportunity for a voter to correct an innocent error whenever the law permits correction.

The rules should require clear, timely and understandable notice to the voter identifying:

- the specific problem with the ballot;
- exactly what the voter must do to correct it;
- the deadline for doing so;
- all permissible methods for submitting the correction; and
- how the voter can obtain assistance.

The notice should be written in plain language and, where appropriate, provided through every reliable method of communication available to the county board.

4. The rules should distinguish clearly between an administrative irregularity and evidence that a voter is ineligible or that a ballot is fraudulent.

An absentee ballot may contain a technical irregularity without there being any evidence that the voter is ineligible, that the voter did not intend to cast the ballot, or that the ballot is fraudulent.

This distinction is particularly important because Rule .0504 expressly recognizes certain irregularities that do not require further action from the voter and provides that the county board may not refuse to count a ballot solely because of an irregularity listed in that rule.

The rules should consistently reflect the principle that a technical irregularity, standing alone, should not be treated as evidence of voter fraud or ineligibility.

5. The rules should be reviewed by the General Assembly before being implemented in a statewide election.

These rules concern fundamental election procedures and will affect how North Carolina voters' ballots are processed.

The Rules Review Commission's approval is not the end of the statutory process when the requirements for legislative review under G.S. 150B-21.3(b2) are satisfied. Under that statute, written objections from at least 10 persons, submitted no later than 5:00 p.m. on the day following Commission approval and clearly requesting legislative review, trigger the delayed-effective-date process established by G.S. 150B-21.3(b1).

Given the importance of these rules and the potential consequences for voters, I believe the General Assembly should have the opportunity to review them before they become effective.

6. The timing of these changes warrants particular scrutiny.

These rules concern voting procedures for the 2026 election cycle. The Rules Review Commission approved the rules on August 27, 2026, with an anticipated September 1, 2026 effective date for at least some of the rules. The Commission's statutory process, however, provides a mechanism for delaying the effective date when the required number of objections requesting legislative review is received.

Implementing significant changes to the procedures governing photo identification and absentee ballots immediately before a statewide election creates a substantial need for clarity, consistency, adequate voter education, and careful legislative review.

Voters should not be required to navigate substantial changes in election procedures without sufficient time to understand those changes and without assurance that county election officials will apply them uniformly.

7. The Rules Review Commission should ensure that the rules remain within the appropriate scope of administrative rule-making.

I recognize that the State Board of Elections has statutory authority to adopt rules governing election administration. However, administrative rules should implement and clarify statutory requirements rather than effectively create new substantive barriers to voting that are not clearly required by statute.

I therefore respectfully request that the Commission and, where applicable, the General Assembly examine whether each provision is:

1. authorized by statute;
2. necessary to implement existing law;
3. sufficiently clear that voters and election officials can reasonably understand what is required;
4. capable of being applied uniformly across North Carolina; and

5. appropriately protective of a lawful voter's opportunity to have their ballot counted.

Conclusion and Request

For these reasons, I respectfully object to the adoption of the above-referenced rules and **clearly request legislative review pursuant to N.C.G.S. § 150B-21.3(b2).**

I respectfully request that:

1. this objection be formally received and recorded;
2. the Commission recognize this objection as a request for legislative review;
3. the effective date of the rules be delayed pursuant to N.C.G.S. § 150B-21.3(b1);
4. the General Assembly review the rules before they become effective; and
5. the State Board of Elections be required to address the concerns identified above, particularly those concerning uniformity, clarity, cure opportunities, treatment of technical errors, and protection of eligible voters' opportunity to have their lawful ballots counted.

The right to vote is fundamental. Election administration should protect both the integrity of elections and the ability of eligible citizens to participate in them. Rules governing the counting of ballots should therefore be clear, consistent, accessible, and narrowly focused on legitimate election-administration requirements.

Thank you for your consideration of this objection and request for legislative review.

Respectfully submitted,

Barbara Randolph, 114 Lake Davidson Circle, Davidson NC 28036

brandolphk@gmail.com

704-606-8383

8.27.2026

I expressly request legislative review of these rules pursuant to N.C.G.S. § 150B-21.3(b2).



STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

JOSH STEIN
GOVERNOR

August 26, 2026

N.C. Rules Review Commission
1711 New Hope Church Road
Raleigh, NC 27609

VIA EMAIL TO: rrc.comments@oah.nc.gov

Re: 08 NCAC 17 .0101, 08 NCAC 17 .0109, and 08 NCAC 18 .0505

Members of the Commission:

Pursuant to N.C. Gen. Stat. § 150B-21.3, I request that the rules listed above be delayed pending review by the North Carolina General Assembly.

The right to vote is the most fundamental right in our democracy, and North Carolina voters should have faith that their ballots are not being discarded for partisan aims. Furthermore, our state's elections administrators should seek to make it easier – not harder – for each eligible North Carolinian to lawfully make their voice heard at the ballot box and have confidence their vote will be respected. Unfortunately, the State Board's proposed rules undercut those core democratic principles, and implementing such changes so close to an election invites confusion and undermines faith in our democratic process.

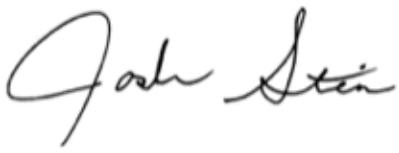
Proposed rule 08 NCAC 18 .0505 makes casting an absentee ballot more complicated and burdensome and increases the likelihood that more voters casting absentee ballots will see their votes thrown out. Many North Carolinians, including people who are elderly, disabled, or ill, choose to vote absentee by mail, and there is no evidence that the additional proposed requirements for these votes to be counted are necessary. Furthermore, the State Board seeks to implement these new rules on county elections administrators three days before county boards begin mailing absentee ballots for the November general election. Changing the rules for how elections staff process ballots so close to the election increases the risk of confusion or mistakes.

These proposed rules come amid unprecedented attacks on voting –by mail from the federal government. On Friday, August 21, 2026, the United States Postal Service published final regulations that restrict the delivery of mail-in ballots unless states share data with the federal government ahead of absentee ballots being mailed to voters. On August 24, 2026, the United States Supreme Court sided with the federal government to clear one order blocking these rules' effect. While additional legal hurdles remain, the Postal Service has previously indicated that it would immediately implement these changes for this year's election if it obtained relief from court orders blocking their implementation. With absentee ballots scheduled to be sent out to voters on September 4, 2026, and the ongoing uncertainty regarding the Postal Service's changes, these rules could further undermine faith that North Carolinians' absentee votes will be respected.

Additionally, the proposed rules 08 NCAC 17 .0101 and 08 NCAC 17 .0109 would erode confidence that ballots from voters lacking a photo ID would be respected even if voters take the necessary and lawful steps to seek an exception. The current rule requires a unanimous, bipartisan vote by a county elections board to disapprove a voter's photo ID exception form and discard that ballot. But proposed rule 08 NCAC 17 .0101 would permit county election boards to disapprove a photo ID exception form and discard a ballot with only a partisan majority. Proposed rule 08 NCAC 17 .0109 also weakens protections against partisanship for absentee ballots. Making the rejection of voters' ballots a partisan decision will undermine voters' trust that their ballots will be counted.

Since the General Assembly transferred the State Board of Elections to the Office of the State Auditor, the State Board has repeatedly sought and created partisan advantage. The people of North Carolina deserve nonpartisan, professionally administered elections to ensure their credibility. I reiterate my objections to these rules and my request that these rules be delayed and subject to legislative review as set out in N.C Gen. Stat. § 150B-21.3 to avoid their potentially damaging effects on our elections.

Regards,



Josh Stein
Governor

Southern Coalition for Social Justice

Southern Coalition for Social Justice
PO Box 51280
Durham, NC 27717
southerncoalition.org

August 26, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection and Request for Legislative Review of 08 NCAC 17 .0101 and 17 .0109 (Photo ID Rules)

Members of the Commission:

Southern Coalition for Social Justice writes pursuant to N.C.G.S. § 150B-21.3 to object to the State Board of Elections' adopted rules related to Photo ID (08 NCAC 17 .0101 and 17 .0109). The amendments in the Rules would remove the requirement that a county board *unanimously* find an ID exception affidavit is false before rejecting any ballot (the "unanimity requirement") and replace it with a simple *majority* vote. *See* 08 NCAC 17 .0101(e)(2) ("the county board shall count the provisional ballot unless the county board finds by majority vote that the affidavit is false"); 08 NCAC 17 .0109(c)(2) ("the county board may reject that person's ballot only if the county board finds by majority vote that the affidavit is false").

SCSJ previously submitted public comment to the State Board on May 26, 2026, to address the original proposed Photo ID Rule amendments and highlight concerns that the rule changes—specifically the unanimity requirement—would inject unnecessary risk of wrongful ballot rejection and unequal treatment of voters across counties.[1] As discussed below, the adopted Rules suffer from the same flaws and thus deviate from the agency requirement that Rules comply with state and federal law, serve the public interest, and minimally burden the person who must comply with them.

We therefore request that the Photo ID Rules be reviewed in the upcoming legislative session as set out in N.C.G.S. § 150B-21.3. We further request that the rules be subject to a delayed effective date as set out in that same provision.

* * * *

1. **Eliminating the unanimity requirement will risk denying equal protection under the law to eligible voters, contrary to the public interest.**

North Carolina law provides that if a registered voter "suffers from a reasonable impediment that prevents [them] from presenting photograph identification," the voter can vote a provisional ballot and complete an affidavit (the "ID Exception Form") explaining their impediment.

[1] Available at https://southerncoalition.org/wp-content/uploads/2026/05/SCSJ-Public-Comment-re-Photo-ID-Proposed-Rule-Change_With-Exhibits.pdf

N.C.G.S. § 163-166.16(d)(2).[2] The ID Exception Form must be completed under penalty of perjury and must affirm that voter: "(i) is the same individual who personally appears at the voting place; (ii) will cast the provisional ballot while voting in person; and (iii) suffers from a reasonable impediment that prevents the registered voter from presenting photograph identification." N.C.G.S. § 163-166.16(d)(2). After the voter has completed the ID Exception Form and assuming the voter is otherwise eligible to vote, "the county board of elections shall find that the provisional ballot is valid unless the county board has grounds to believe the affidavit is false." N.C.G.S. § 163-166.16(f). In other words, the sole question for a county board is whether the reasons provided in the ID Exception Form for failing to show qualifying ID when voting are true or false, not whether they are reasonable or legitimate.

This aspect of North Carolina's voter ID law—*and specifically the requirement for a unanimous finding of falsity*— was a lynchpin to the legislature's legal defense of this law as constitutional and the basis for the contention that the law would not deprive any voter of equal protection under the law when challenged in state court. In opening statements, the General Assembly's own attorney argued:

> "[T]he legislature did not allow local officials to second-guess the validity of these reasonable impediment forms. *The only basis that they can be rejected under SB 824 is if a unanimous bipartisan five-member commission says that they are false.* As long as the person filling out the reasonable impediment provision doesn't lie, the ballot counts."[3]

In subsequent verified briefs defending the law, legislators emphasized that the ID Exception Form was meant to be expansive and not a set of limited, legitimate impediments:

> "Numerous grounds are recognized as reasonable impediments, and voters may identify any 'other' they might have. The State Board properly has interpreted 'other' expansively and has identified nothing that would not count. . . . The only basis for rejecting a reasonable impediment affidavit is falsity, N.C.G.S. § 163-166.16(f), and county boards of elections—which are statutorily mandated to be bipartisan, *see id.* at § 163-30(a)—*must unanimously find an impediment false in order not to count the ballot, see* 08 NCAC 17.0101(b)."[4]

The unanimity requirement is uniquely necessary here because of the nature of the review of ID Exception Forms, which require county boards to determine the truth or falsity of statements provided by voters. Unlike other areas of ballot acceptance or rejection, in which state board

[2] The voter may alternatively opt to return with an acceptable ID no later than 12:00 P.M. on the fifth business day after the election. *See* N.C.G.S. § 163-166.16(c) (as amended in S.L. 2026-60).

[3] Opening Statement by David Thompson, Cooper & Kirk LLC, counsel for the Legislature, at 53:5-12 (Apr. 12, 2021), excerpted (with emphasis added) at Ex. 1 of May 26, 2026 SCSJ Letter available at https://southerncoalition.org/wp-content/uploads/2026/05/SCSJ-Public-Comment-re-Photo-ID-Proposed-Rule-Change_With-Exhibits.pdf.

[4] Brief of the Legislature, at 12, No. COA22-16 (Feb. 7, 2022), excerpted (with emphasis added) at Ex. 2 of May 26, 2026 SCSJ Letter available at https://southerncoalition.org/wp-content/uploads/2026/05/SCSJ-Public-Comment-re-Photo-ID-Proposed-Rule-Change_With-Exhibits.pdf.

guidance is in almost all cases determinative of any situation that might arise (e.g., provisional ballots for previously registered voters), the reasons provided on ID Exception Forms can be unique, leaving an unusual amount of discretion to county board of elections officials to decide an issue of fact in accepting or rejecting ballots. The requirement of a unanimous finding of falsity based on specific, factual information helps to ensure consistent application across all 100 counties and thus guarantee equal treatment of voters.

As legislators themselves argued, which reflected their understanding of the legislation they designed and passed, the unanimity requirement is crucial to ensuring equal protection for voters, and its elimination in the Rules does not serve the public interest as required by law. *See* N.C.G.S. § 150B-19.1(a)(1).

2. All available and relevant information confirms that the unanimity requirement protects eligible voters and that its elimination will unduly burden those voters.

North Carolina law requires that agencies "seek to reduce the burden upon those persons or entities who must comply with the rule" and that "rules shall be based on sound, reasonably available scientific, technical, economic, and other relevant information." N.C.G.S. §§ 150B-19.1(a)(2), (5).

Here, significant evidence shows that the falsity-only standard has proven difficult to uphold in practice, and that the unanimity requirement has been crucial to saving eligible ballots. Its elimination will thus unnecessarily and unduly burden the eligible voters who have to comply with the voter ID laws and associated rules.

Since North Carolina's voter ID law came into force in 2023, there have been frequent documented instances of county boards applying erroneous and unlawful standards in reviewing reasonable impediment affidavits. Specifically, county boards have exceeded their statutory authority by going beyond a lawful inquiry into the falsity of ID Exception Forms, and have instead judged the reasonableness of the exception offered or otherwise engaged in speculation as to their validity. In several instances, the unanimity requirement protected voters from unlawful disenfranchisement.

For example, after the 2023 October and November municipal elections, the Guilford County Board of Elections voted 3-2 to hold hearings on the alleged falsity of multiple ID Exception Forms. Rather than deciding to hold these hearings based on specific and concrete information, Board members relied on speculation and personal opinion about the reasonableness of the voters' explanations. In that case, two voters marked "lack of transportation" as their reason for not presenting a photo ID. In response, a Board member asserted that their forms were likely false because the voters were able to travel to the voting place.[5] For voters who indicated their

[5] *See* Exhibit 1 to January 16, 2024 SCSJ Public Comment Letter, available at https://southerncoalition.org/wp-content/uploads/2024/01/2024.01.16_Voter-Photo-ID-Permanent-Rules-Comment-Ltr.pdf (Exhibit at PDF pages 11-12 letters from the Guilford County Board of Elections to voters stating their reasonable impediment affidavits were being questioned because "you were able to obtain transportation and were well enough to vote, but did not utilize the same resources to obtain and present Photo ID").

photo IDs were "lost or stolen," a board member argued to reject these ID Exception Forms, suggesting they *could* have obtained a photo ID. Advocates contacted the Election Director and the Board, raising the illegality and impropriety of these hearings; however, the Board proceeded while the Director expressed concerns about the temporary rules lacking clarity on this issue.

The unanimity requirement protected these ballots from unlawful rejection. Because the Board members did not unanimously agree on the ID Exception Forms' falsity, these voters' ballots were ultimately counted.

If the unanimity requirement is eliminated, these issues have the potential to impact a huge volume of ballots – there were approximately 4,400 ballots submitted with reasonable impediment ID Exception Forms in the 2024 General Election. In a state with a history of close elections, the perception that thousands of ballots could be rejected along partisan lines through a majority vote could not only invite mischief but also provide fertile ground for allegations of unlawful partisan influence in elections and overall undermine confidence in them. By contrast, there are *no* reported incidences that we are aware of in which ID Exception Forms have been improperly accepted or accepted and later found to be false. In other words, there is no evidence substantiating that replacing the unanimity requirement with a majority-vote requirement is necessary to successfully enforce North Carolina's voter ID law or to prevent voter fraud. The relevant information available thus does not support the elimination of the unanimity requirement, as required for the Rules under state law. *See* N.C.G.S. § 150B-19.1(a)(5).

3. **Eliminating the unanimity requirement risks ambiguous standard of application with due process violations.**

North Carolina law requires rules to be written in a "clear and unambiguous manner" and "reasonably necessary to implement or interpret federal or State law." N.C.G.S. § 150B-19.1(a)(3). The unanimity requirement's conversion to majority vote risks due process violations if voters are exposed to potential criminal liability for perjury in asserting a reasonable impediment where the standard for reviewing those forms is vague and applied inconsistently. *See Carolina Youth Action Project v. Wilson*, 60 F.4th 770, 781 (4th Cir. 2023) (noting that, when it comes to vagueness, "laws imposing 'criminal penalties' or 'threaten[ing] to inhibit the exercise of constitutionally protected rights' are subject to a 'stricter standard'"); *see also Cunney v. Bd. of Trs. of Grand View*, 660 F.3d 612, 621 (2d Cir. 2011) ("Statutes must 'provide explicit standards for those who apply' them to avoid 'resolution on an *ad hoc* and subjective basis, with the attendant dangers of arbitrary and discriminatory application.'"). As noted above, inconsistent application is already a concern in some counties, and removing the unanimity requirement will only increase these issues with no perceived benefit.

For these reasons, the rules should retain the unanimity requirement and add text included in current guidance that makes the falsity-only standard clear. *See* Numbered Memo 2023-03 at 14 ("…it is not the county board's role to second-guess the reasonableness of a voter's asserted impediment to showing photo ID."). The rules should also direct that, in the absence of affirmative proof of falsity, there is a presumption in the voter's favor. This presumption accords with the law and legislators' representations about the voter ID law in court (excerpted above).

It would further discourage bad-faith questioning of voters' statements. And it would align with other aspects of the elections code when the right of a voter to cast a ballot is questioned, such as voter challenges. *See, e.g.*, Voter Challenge Procedures Guide, at 11, N.C. State Bd. of Elections ("No challenge shall be sustained unless the challenge is substantiated by affirmative proof. In the absence of such proof, the presumption shall be that the voter is properly registered or affiliated.")[6]; N.C.G.S. §§ 163-89(c), 163-90.1; *contra* N.C.G.S. § 163-127.5 (candidate challenge where the burden is on the candidate).

4. Suggested Changes to the Rules

For 08 NCAC 17 .0101(e)(2), the revisions necessary to align the Rules with the above recommendations and ensure general compliance with N.C.G.S. § 150B-19.1 include the following:

> To vote by provisional ballot with an affidavit claiming an exception to the identification requirement, pursuant to G.S. 163-166.16(d). If the voter has completed the affidavit as required in G.S. 163-166.16(d) and is otherwise eligible to vote, the county board shall count the provisional ballot unless the county board unanimously finds ~~by majority vote~~ that the affidavit is false. The county board shall only consider whether the reason stated in the affidavit is true or false, and shall not second-guess the reasonableness of a voter's asserted impediment to showing photo ID. The presumption shall be that the reason stated in the affidavit is true. The county board shall substantiate any finding of falsity with grounds recorded in a written decision, and those grounds shall be based only on facts and not speculation, personal opinion, or any independent research into the truthfulness of the exception claim. Before disapproving a voter's provisional ballot because of a finding of falsity, the county board shall provide the voter advance notice and an opportunity to address the county board on any grounds that the county board is considering regarding the falsity of the affidavit at the meeting at which the voter's provisional ballot will be reviewed and considered by the county board. The notice shall identify the specific reasons the county board is considering the affidavit to be potentially false and inform the voter how the voter may address the reasons for potential falsity, which shall include the options to provide a written explanation or documentation or to address the board at a meeting in person. The county board shall send the notice via next-day delivery U.S. Mail within one business day of a county board's preliminary finding of falsity. ~~provided that~~ The opportunity to be heard must be ~~is~~ at least five days from the date of mailing. ~~The notice shall be mailed for next-day delivery if the opportunity to be heard is less than five days from the date of mailing.~~ Notice shall also be provided within one business day of a county board's preliminary finding of falsity by email to any email address or by phone to any phone number that the county board possesses for the voter. The notice and opportunity to address the county board provided for in this Subparagraph shall be offered only to those provisional voters for whom a number of county

[6] https://s3.amazonaws.com/dl.ncsbe.gov/Legal/Voter%20Challenge%20Guide.pdf (Last updated December 18, 2023).

board members equal to one less than all of the members of the county board, ~~majority of county board members,~~ or more, have identified a specific reason, based only on facts and not speculation, to find that the affidavit claiming an exception to the identification requirement is false.

For 08 NCAC 17 .0109(c)(2), the revisions necessary to align the Rules with the above recommendations and ensure general compliance with N.C.G.S. § 150B-19.1 include the following:

> If the voter has completed an affidavit claiming an exception to the identification requirement pursuant to G.S. 163-166.16(d) and is otherwise eligible to vote, the county board may reject that person's ballot only if the county board unanimously finds ~~by majority vote~~ that the affidavit is false. The county board shall only consider whether the reason stated in the affidavit is true or false, and shall not second-guess the reasonableness of a voter's asserted impediment to showing photo ID. The presumption shall be that the reason stated in the affidavit is true. The county board shall substantiate any finding of falsity with grounds recorded in a written decision, and those grounds shall be based only on facts and not speculation, personal opinion, or any independent research into the truthfulness of the exception claim. Before rejecting a voter's ballot because of a finding of falsity, the county board shall provide the voter advance notice and an opportunity to address the county board at its meeting to count absentee ballots required under G.S. 163-234(12) on any grounds that the county board is considering regarding the falsity of the affidavit. The notice shall identify the specific reasons the county board is considering the affidavit to be potentially false and inform the voter how the voter may address the reasons for potential falsity, which shall include the options to provide a written explanation or documentation or to address the board at a meeting in person. The county board shall send the notice via next-day delivery U.S. Mail within one business day of a county board's preliminary finding of falsity. ~~provided that~~ The opportunity to be heard must be ~~is~~ at least five days from the date of mailing, unless the absentee ballot is received less than five days before the meeting to count absentee ballots required under G.S. 163-234(12), in which case it should occur at that meeting. ~~The notice shall be mailed for next-day delivery if the opportunity to be heard is less than five days from the date of mailing.~~ Notice shall also be provided within one business day of a county board's preliminary finding of falsity by email to any email address or by phone to any phone number that the county board possesses for the voter. The notice and opportunity to address the county board provided for in this Subparagraph shall be offered only to those voters for whom a number of county board members equal to one less than all of the members of the county board, ~~majority of county board members,~~ or more, have identified a specific reason, based only on facts and not speculation, to find that the affidavit claiming an exception to the identification requirement is false.

SCSJ

We thank you for your time and consideration.

Respectfully submitted,

Jeffrey Loperfido
Chief Counsel, Voting Rights

Hilary Harris Klein
Senior Counsel, Voting Rights

Lily Talerman
Counsel, Voting Rights

Common Cause
NORTH CAROLINA

P.O. Box 6207
Raleigh, NC 27628
(919) 836-0027
CommonCauseNC.org

August 24, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

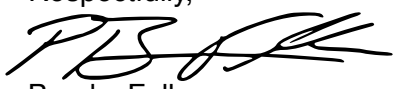
Re: Photo ID Rules 08 NCAC 17.0101 and 08 NCAC 17.0109

Members of the Commission:

The North Carolina State Board of Elections recently passed rules 08 NCAC 17.0101 and 08 NCAC 17.0109 regarding voter identification procedures. Among other things, the rules allow county boards of elections to reject voter ID exception forms, and thus ballots, by a simple majority vote. The rules threaten to invite partisan gamesmanship into the vote-counting process. Because the rules threaten to disenfranchise eligible voters, and for the reasons set forth in the attached public comment letter filed with the North Carolina State Board of Elections, Common Cause North Carolina requests that the above rules (08 NCAC 17.0101 and 08 NCAC 17.0109), be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. We further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your service to the people of North Carolina and your consideration of this objection.

Respectfully,



Brooks Fuller,
Policy Director, Common Cause NC

Burgos, Alexander N

From: Kathy Martin <kteemartin32@gmail.com>
Sent: Monday, August 24, 2026 10:35 AM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review —08 NCAC 17.0101

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

To the Rules Review Commission:
I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 17.0101 (Photo ID in in-person voting.)

Section (c) (2) of this proposed rule has been amended to read:
....the county board may reject that person's ballot only if the county board finds by majority vote that the affidavit is false.
The proposed rule violates N.C.G.S. § 150B-21.9(a)(1) by exceeding the administrative authority granted to the agency by the General Assembly. Changing "unanimous" to majority changes the intent of the law which has directed decision makers to regard information in the best light for the voter. If the vote is not unanimous, the voter should be allowed to cast a ballot.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.
Sincerely,

Kathy Martin
114 Bright Angel Dr
Cary, NC 27513
Wake County

Burgos, Alexander N

From: Kathy Martin <kteemartin32@gmail.com>
Sent: Monday, August 24, 2026 10:36 AM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 17.0101

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

To the Rules Review Commission:
I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 17.0101, **VERIFICATION OF PHOTO IDENTIFICATION DURING IN-PERSON VOTING.** Section (e) (2) of the proposed rule reads as follows:

"To vote by provisional ballot with an affidavit claiming an exception to the identification requirement, pursuant to G.S. 163-166.16(d). If the voter has completed the affidavit as required in G.S. 163-166.16(d) and is otherwise eligible to vote, the county board shall count the provisional ballot unless the county board finds by majority vote that the affidavit is false."

The rule violates N.C.G.S. § 150B-21.9(a)(1) by exceeding the administrative authority granted to the agency by the General Assembly when it substitutes majority vote for unanimous vote. The statutes are clear and consistent in directing the decision maker to interpret evidence in the best possible light for the voter. If the vote is NOT unanimous there is obvious doubt of interpretation of facts. The vote should be counted.
Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.
Sincerely,

Kathy Martin
114 Bright Angel Dr
Cary, NC 27513
Wake County

Ruth Strauss
8633 Abbotsbury Ct.
Raleigh, NC 27615

August 23, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: **08 NCAC 17 .0101**

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

My comment pertains to the change in the requirement for unanimous consent to only majority consent of the county board of elections when ruling on Photo ID Exceptions and Affidavits.

The governing statute, Chapter 163-166.16(f), entitled County Board Review of Exceptions, states" if the county board of elections determines that the registered voter voted a provisional ballot only due to the inability to provide proof of identification and the required affidavit required in subsection (d) of this section is submitted, the county board of elections shall find that the provisional ballot is valid unless the county board has grounds to believe the affidavit is false."

Nowhere in this provision does the statute state that only a majority of the county board can make this decision. When the statute cites the county board of elections, we have to assume, I believe, that it is talking about all members of the board coming to a unanimous decision unless it states otherwise. Majority consent is a much lower bar than unanimous consent and could result in more ballots being tossed out.

I question the statutory authority for this rule change.

Thank you for your consideration.

Ruth Strauss

Ruth Strauss

Burgos, Alexander N

From: Mark and Cheri <celebratingphotography2@gmail.com>
Sent: Saturday, August 22, 2026 3:16 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — Rule 08 NCAC 17.0101 – Verification of Photo Identification During In-Person Voting

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed **Rule 08 NCAC 17.0101**, **Verification of Photo Identification During In-Person Voting** for the following reason.

Lack of Authority: The rule **violates N.C.G.S. § 150B-21.9 (a)(1)** by exceeding the administrative authority granted to the agency by the General Assembly. State statue (N.C.G.S. § 163-166.16) strictly requires ID exceptions to be construed liberally in favor of the voter. Currently, if a precinct official disputes that the photograph contained on the required identification is the person presenting to vote, the voter shall be permitted to vote unless the judges of election present **unanimously** agree that the photo identification presented does not bear a reasonable resemblance to that voter. In the proposed rule, a simple partisan majority (3-2) on a county board the power to discard a voter's signed affidavit without a high standard exceeds the administrative authority given by the legislature.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Cheryl Elliott

2326 Englewood Avenue

Durham, NC 27705

Durham County

Burgos, Alexander N

From: Mark and Cheri <celebratingphotography2@gmail.com>
Sent: Saturday, August 22, 2026 3:16 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — Rule 08 NCAC 17.0101 – Verification of Photo Identification During In-Person Voting

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed **Rule 08 NCAC 17.0101**, **Verification of Photo Identification During In-Person Voting** for the following reason.

Lack of Authority: The rule **violates N.C.G.S. § 150B-21.9 (a)(1)** by exceeding the administrative authority granted to the agency by the General Assembly. State statue (N.C.G.S. § 163-166.16) strictly requires ID exceptions to be construed liberally in favor of the voter. Currently, if a precinct official disputes that the photograph contained on the required identification is the person presenting to vote, the voter shall be permitted to vote unless the judges of election present **unanimously** agree that the photo identification presented does not bear a reasonable resemblance to that voter. In the proposed rule, a simple partisan majority (3-2) on a county board the power to discard a voter's signed affidavit without a high standard exceeds the administrative authority given by the legislature.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Cheryl Elliott

2326 Englewood Avenue

Durham, NC 27705

Durham County

Burgos, Alexander N

From: Advocacy <alltheadvocacy@proton.me>
Sent: Friday, August 21, 2026 12:42 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 17 .0101

You don't often get email from alltheadvocacy@proton.me. Learn why this is important

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 17 .0101 Photo Identification VERIFICATION OF PHOTO IDENTIFICATION DURING IN-PERSON VOTING.

The rule fails the Clarity standard under N.C.G.S. § 150B-21.9(a)(2) because it fails to define objective standards for county boards, leading to unequal application across counties.

As a voter, I'm concerned that lack of objective standards will result in inequalities in how this rule is applied across counties. Implicit and explicit biases may creep into the process unless there is an exact template that each county follows.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,
Katherine O'Malley
9721 Dansington Ct
Raleigh, NC, 27615
Wake County

Ruth Strauss
8633 Abbotsbury Ct.
Raleigh, NC 27615

August 23, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: **08 NCAC 17 .0101**

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

My comment pertains to the change in the requirement for unanimous consent to only majority consent of the county board of elections when ruling on Photo ID Exceptions and Affidavits.

The governing statute, Chapter 163-166.16(f), entitled County Board Review of Exceptions, states" if the county board of elections determines that the registered voter voted a provisional ballot only due to the inability to provide proof of identification and the required affidavit required in subsection (d) of this section is submitted, the county board of elections shall find that the provisional ballot is valid unless the county board has grounds to believe the affidavit is false."

Nowhere in this provision does the statute state that only a majority of the county board can make this decision. When the statute cites the county board of elections, we have to assume, I believe, that it is talking about all members of the board coming to a unanimous decision unless it states otherwise. Majority consent is a much lower bar than unanimous consent and could result in more ballots being tossed out.

I question the statutory authority for this rule change.

Thank you for your consideration.

Ruth Strauss

Ruth Strauss

Burgos, Alexander N

From: Robert McGee <rjmcgee2011@gmail.com>

Sent: Thursday, August 20, 2026 3:36 PM
To: rrc.comments
Cc: Steele, Adam
Subject: [External] Written Objection and Request for Legislative Review - 08 NCAC 17.0101

You don't often get email from rjmcgee2011@gmail.com. Learn why this is important

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

I am a registered voter in Chatham County, NC, writing formally to object to the NCSBE's proposed rule **08 NCAC 17.0101 - Verification of Photo Identification During In-Person Voting** for the following reason:

Lack of Clarity: The rule violates the Clarity standard under **N.C.G.S. 150B-21.9(a)(2)** because it's unclear, overly complex and opens the door to partisan influence.

The rule restricts the voter, creating an unnecessary increase in process, complexity and cost as government issued/approved photo IDs are less likely to be held by lower-income, minority, elderly, and student voters.

If the voter's ID is challenged, the voter is required to navigate an exception affidavit process, adding time, costs and travel burdens. Acceptance of the affidavit is based on a majority vs unanimous vote which now opens the door for partisan boards to reject the provisional ballot.

The current rule discards a commitment to enable the voter to vote. Discarding a legitimate ballot demands *genuine* bipartisan consensus. The objective of the current rule does not focus on increasing or even maintaining overall voter participation.

Pursuant to N.C.G.S. § 150-21.3(b2) this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Respectfully,

Robert McGee
536 Middleton Place
Chapel Hill, NC 27516

Burgos, Alexander N

From: Rosemary McGee <rosemary.mcgee47@gmail.com>
Sent: Thursday, August 20, 2026 3:17 PM
To: rrc.comments
Cc: Steele, Adam
Subject: [External] Written Objection and Request for Legislative Review - 08 NCAC 17.0101

You don't often get email from rosemary.mcgee47@gmail.com. Learn why this is important

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I am a registered voter in Chatham County, NC, writing formally to object to the NCSBE's proposed rule **08 NCAC 17.0101 - Verification of Photo Identification During In-Person Voting** for the following reason:

Lack of Clarity: The rule violates the Clarity standard under **N.C.G.S. 150B-21.9(a)(2)** because it's unclear, overly complex and opens the door to partisan influence.

The rule restricts the voter, creating an unnecessary increase in process, complexity and cost as government issued/approved photo IDs are less likely to be held by lower-income, minority, elderly, and student voters.

If the voter's ID is challenged, the voter is required to navigate an exception affidavit process, adding time, costs and travel burdens. Acceptance of the affidavit is based on a majority vs unanimous vote which now opens the door for partisan boards to reject the provisional ballot.

A unanimous vote carries unique significance, symbolizing solidarity, cooperation and agreement when considering different opinions, and insulates against partisan interference.

The current rule discards a commitment to enable the voter to vote. Discarding a legitimate ballot demands *genuine* bipartisan consensus. The objective of the current rule does not focus on increasing or even maintaining overall voter participation.

Pursuant to N.C.G.S. § 150-21.3(b2) this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Respectfully,

Rosemary McGee
536 Middleton Place
Chapel Hill, NC 27516

Burgos, Alexander N

From: Kitz Rickert <kitzrickert@hotmail.com>
Sent: Thursday, August 20, 2026 6:42 PM
To: rrc.comments
Subject: [External] Fwd: Written Objection and Request for Legislative Review -Photo ID - NCAC 17 .0101

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Sent from my iPad

Begin forwarded message:

From: Kitz Rickert <kitzrickert@hotmail.com>
Date: August 20, 2026 at 5:06:19 PM EDT
To: rcc.comments@oah.nc.gov
Cc: rules@ncsbe.gov
Subject: Written Objection and Request for Legislative Review -Photo ID - NCAC 17 .0101

I am a registered voter in Durham County, writing to formally object to NCSBE's proposed rule for Photo ID 08 NCAC 17 .0101. The rule fails the Necessity standard under N.C.G.S and 150B-21.9 (a) (3) because it creates redundant administrative procedures that conflict with existing statutory canvass timelines.

Pursuant to N.C.G.S. And 150B-21.3 this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Kathleen Rickert
2709 Legion Avenue
Durham, North Carolina 27707
Durham County

Kitz Rickert
cell 773-329-0847

Burgos, Alexander N

From: Bob Rodriguez <blrodriguez001@gmail.com>
Sent: Wednesday, August 19, 2026 3:15 PM
To: rrc.comments
Cc: Ascher, Seth M
Subject: [External] Written Objection and Request for Legislative Review -- 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting

You don't often get email from blrodriguez001@gmail.com. Learn why this is important

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To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting.

My Objection is **Lack of Authority**: The rule violates **N.C.G.S. § 150B-21.9(a)(1)** by exceeding the administrative authority granted to the agency by the General Assembly.
State statute **(N.C.G.S. § 163-166.16)** strictly requires ID exceptions to be construed liberally in favor of the voter.

By giving a partisan majority (3 Republicans – 2 Democrats) on a county board the power to discard a voter's signed affidavit without a high standard exceeds the administrative authority granted by the legislature.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.
I also ask that a reply be sent back to me that you received my email.

Sincerely,
Robert G. Rodriguez
2400 Countrywood Rd
Raleigh, NC 27615
Wake County

Burgos, Alexander N

From: Tiffany Shubert <tiffany.shubert@gmail.com>
Sent: Wednesday, August 19, 2026 8:52 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — Verification Of Photo Identification During In-Person Voting 08 NCAC 17.0101

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To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed rule: Verification Of Photo Identification During In-Person Voting 08 NCAC 17.0101

The rule fails the Necessity standard under N.C.G.S. § 150B-21.9(a)(3) because it creates redundant administrative procedures that conflict with existing statutory canvass timelines.

The rule previously included e (1) which allows for provisional ballot with an affidavit claiming an exemption to the identification requirement, which is an efficient and effective way to remedy the situation, especially if a voter does not have their ID due to a natural disaster such as Hurricane Helene or Tropical Storm Chantal, both of which destroyed people's homes and belongings.

The updated rule requires the individual to not only return to the BOE with their ID, but to do it before the county canvass, putting unrealistic time constraints on the voter and administrative burden on the county board staff member, when a signed affidavit should suffice. I have seen how hard the BOE staff work and how busy the offices are during this time. I am concerned the rule as written is redundant and will put a significant administrative burden on board of election staff members during an already busy time.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Tiffany Shubert
1 Coggins Mine Court
Chapel Hill, NC 27517
Durham County

Burgos, Alexander N

From: Mark McClure <celebratingphotography2@gmail.com>
Sent: Monday, August 17, 2026 1:19 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — Rule 08 NCAC 17.0101 – Verification of Photo Identification During In-Person Voting

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To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed **Rule 08 NCAC 17.0101**, **Verification of Photo Identification During In-Person Voting** for the following reason.

Lack of Authority: The rule **violates N.C.G.S. § 150B-21.9 (a)(1)** by exceeding the administrative authority granted to the agency by the General Assembly. State statue (N.C.G.S. § 163-166.16) strictly requires ID exceptions to be construed liberally in favor of the voter. Giving a simple partisan majority (3-2) on a county board the power to discard a voter's signed affidavit without a high standard exceeds the administrative authority given by the legislature.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Mark McClure

2326 Englewood Avenue

Durham, NC 27705

Durham County

Burgos, Alexander N

From: Melissa Holmberg <mholmberg9714@gmail.com>

Sent: Tuesday, August 11, 2026 2:32 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for legislative Review Photo ID NCAC 17 .0101

You don't often get email from mholmberg9714@gmail.com. Learn why this is important

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

To the Rules Review Commission:

I am a registered voter in Orange County, writing to formally object to the NCSBE's proposed rule Photo ID 08 NCAC .0101 or.0109
The rule fails the Clarity standard under N.C.G.S. § 150B-21.9(a)(2) because it
fails to define objective standards for county boards, leading to unequal application across counties. This will cause confusion and will lead to legitimate votes not being counted infringing on our constitutional right to free and fair elections.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that
this rule be subjected to review by the legislature.

Sincerely,

Melissa Holmberg
1000 Sabre CT.
Chapel Hill , NC 27516
Orange County

Burgos, Alexander N

From:	Al Vos <alvin.vos@gmail.com>
Sent:	Tuesday, July 28, 2026 10:11 PM
To:	rrc.comments
Cc:	SVC_SBOE.RuleMaking
Subject:	[External] Written Objection and Request for Legislative Review Photo ID — 08 NCAC 17 .0101

You don't often get email from alvin.vos@gmail.com. Learn why this is important

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule on Photo ID — 08 NCAC 17 .0101.

The rule fails the Clarity standard under N.C.G.S. § 150B-21.9(a)(2) because it fails to define objective standards for county boards, leading to unequal application across counties.

I am a relatively new resident of North Carolina, and I am concerned about the potential for voting to become politicized within this state.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Alvin Vos
17001 Searstone Drive #305
Cary, NC 27513
Wake County

--
Al Vos
alvin.vos@gmail.com
571-395-5229 (mobile)

Burgos, Alexander N

From: Barbara Lang <bllang16@gmail.com>
Sent: Friday, August 14, 2026 2:41 PM
To: rrc.comments
Subject: [External] Written Objection and Request for Legislative Review of Photo ID 08 NCAC 17 .0101 or .0108

You don't often get email from bllang16@gmail.com. Learn why this is important

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule, Photo ID 08 NCAC 17 .0101 or .0108. The rule fails the Clarity standard under N.C.G.S. § 150B-21.9(a)(2) because it fails to define objective standards for county boards, leading to unequal application across counties. This letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Thank you for your attention to this matter. It's important to our democracy that voting is fair and consistent.

Sincerely,

Barbara Lang
178 Glenpark Place
Cary NC 27511
Wake County

Burgos, Alexander N

From: Robin Barefoot <robinbarefoot@outlook.com>
Sent: Saturday, August 15, 2026 10:59 AM
To: rrc.comments
Cc: Robin Barefoot; SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review - Rule 08 NCAC 17.0101

You don't often get email from robinbarefoot@outlook.com. Learn why this is important

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed Rule 08 NCAC 17.0101: Verification of Photo Identification During In-Person Voting

The rule violates N.C.G.S. section 10B-21.9(a)(1) by exceeding the administrative authority granted to the agency by the General Assembly.

The rule as written does not include sufficient protections to ensure the county BOE staff exercise all due diligence and reasonable care to enable the vote to be cast.

Pursuant to N.C.G.S. section 150B-21.3(b)(2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Robin Barefoot
919-612-1629
robinbarefoot@outlook.com
she/her (Why pronouns matter)

Burgos, Alexander N

From: TreKeny@outlook.com
Sent: Saturday, August 15, 2026 1:01 AM
To: rrc.comments
Cc: seth.ascher@oahnc.gov; Wiggs, Travis C; SVC_SBOE.RuleMaking; Steele, Adam
Subject: [External] Formal Request for Legislative Review 08 NCAC 17 .00101(a)(e)(1) and (a)(e)(2)

Some people who received this message don't often get email from trekeny@outlook.com. Learn why this is important

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Trey Kennedy
6539 Clarksdale Ln
Durham, NC 27713
August 15th , 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Dear Commissioners:
Chair Representative Parker and
Members: Senators Doran, Dixon, Hahn, Hyde and Nelson
Representatives Loutit, Overton, Powell, and
Rules Coordinators Seth Ascher/ Travis Wiggs and Adam Steele

Re: 08 NCAC 17 .00101(a)(e)(1) and (a)(e)(2) Verification Of Photo Identification During In-Person Voting

In the first cited section of the rule above, **(a)(e)(1)** it states (per PDF p5, line 1-5): "If the voter brings photo identification that is an acceptable type...unless the county board **unanimously** decides the the photo identification presented does not satisfy Subparagraphs (a)(2) and (a)(3) of thie Rule, in which case...grounds for its decision."

Whereas in cited section of the rule above, **(a)(e)(2)** it states (per PDF p5 line 10): "To vote by provisional ballot with an affidavit claiming exception to the identification requirement...the county board shall count the provisional ballot unless the county board finds by **majority** vote that the affidavit is false."

OBJECTION

1. LACK OF CLARITY --- Under NC GS 150B-21.9 this rule fails the clear and unambiguous test. It is unclear why a decision needed for a photo ID - something that can be visually seen by all County Board members – and an affidavit – also something that can be visually seen by all County Board members - would require unequal evaluation. Further, why wouldn't the more serious of the offenses – a false affidavit –be the one that SHOULD require a unanimous decision. It seems to need some clarification to explain why the lesser situation of the Photo ID, seems more significant to need a unanimous ruling than

the affidavit which could be criminal. Clearly these two situations should be AT LEAST equal. The affidavit should be expected to be able to use more input and examination than the photo ID, but the Photo ID can be subject to Partisanship without being unanimous as well. It's my suggestion that both issues be unanimous, but AT minimum, the affidavit.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Thank you for your consideration.
Respectfully submitted,



Burgos, Alexander N

From: Tiffany Shubert <tiffany.shubert@gmail.com>
Sent: Tuesday, August 11, 2026 11:57 AM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — Photo ID 08 NCAC 17 .0101

You don't often get email from tiffany.shubert@gmail.com. Learn why this is important

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To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed rule Photo ID - 08 NCAC 17 .0101

The rule fails the Clarity standard under N.C.G.S. § 150B-21.9(a)(2) because it
fails to define objective standards for county boards, leading to unequal application across counties.

I am referring specifically to section (e) (2) lines 9 - 11: "the county board shall count the provisional ballot unless the county board finds by majority vote that the affidavit is false. The county board shall substantiate any finding of falsity with grounds recorded in a written decision, and those grounds shall be based only on facts and not speculation."

There are no objective standards listed for the county BOEs to use to determine if an affidavit is false. Determining that an individual generated a false affidavit is a significant decision, one that should have clear standards that need to be uniformly applied across all county Board of Elections. Without this level of clarity this rule can easily be applied unequally across counties.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Tiffany Shubert
1 Coggins Mine Court
Chapel Hill, NC 27517
Durham County

Burgos, Alexander N

From: DJ Oronzio <djodemocracy@gmail.com>
Sent: Friday, August 7, 2026 2:23 PM
To: rrc.comments; SVC_SBOE.RuleMaking; Ascher, Seth M
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting

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To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting (NCSBE Rulemaking Page: https://www.ncsbe.gov/rules-and-rulemaking).

Lack of Authority: The rule violates N.C.G.S. § 150B-21.9(a)(1) (https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_150B/GS_150B-21.9.html) by exceeding the administrative authority granted to the agency by the General Assembly. State statute (N.C.G.S. § 163-166.16 - https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_163/GS_163-166.16.html) strictly requires ID exceptions to be construed liberally in favor of the voter. Giving a simple partisan majority (3–2) on a county board the power to discard a voter's signed affidavit without a high standard exceeds the administrative authority granted by the legislature.

Pursuant to N.C.G.S. § 150B-21.3(b2) (https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_150B/GS_150B-21.3.html), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Deborah J Oronzio

5300 Arete Way

Raleigh, NC 27607

Wake County



08 NCAC 17 .0109

Marguerite Most
305 W. Queen St.
Hillsborough, N.C.

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

Dear Commission Members:

I am a North Carolina resident who has been registered to vote since 2010.

I request that the Commission review the rules identified above in the upcoming legislative session. See N.C.G.S. 150B-21.3. I also request that any adopted rules be subject to a delayed effective date as set out in that same provision.

The rules are not necessary, and their implemented are likely to result in voter distrust of the integrity of the election outcome. My specific concerns are:

1. Elimination of unanimous vote requirement to accept or reject provisional ballots.
Voter ID rules (08 NCAC 17 .0101 & .0109) require a voter affidavit. The rules propose to change the unanimous vote requirement to allow rejection of a ballot by a majority of board members. Decisions by county boards should not be dependent on, or give the impression of being connected to, the political leanings of board members. Allowing rejection of an affidavit by majority vote could result in wide-spread voter distrust of the process.

2. Technical Envelope Issues.
Rule .0505 would created new categories for absentee ballots when a ballot is returned in a sealed outer envelope, but there is a problem with the inner ballot envelope or ballot placement. If the county board can determine the voter is

eligible and intends to vote, that voter should not be required to complete more paperwork to correct a technical deficiency if ballot security is not the issue.

Thank you.
Respectfully,



Marguerite Most

Lisa Maag
101 Windermere Court
Greenville, NC27858

August 27, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of
08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting;
08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots;
08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies;
08 NCAC 18. 0502 Curable Deficiencies;
08 NCAC 18. 0503 Non-Curable Deficiencies;
08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter;
08 NCAC 18 .0505 Irregularities That Require Further Action

Dear Members of the NC Rules Review Commission:

I am a resident of Pitt County, North Carolina, and I'm dismayed about proposed changes to the voting process. I am contacting you to ask that the rules be reviewed in the upcoming legislative session (per N.C.G.S. 150B-21.3.). In addition, the effective date should be delayed to allow thorough consideration of these changes.

There are many people in my community who are elderly or disabled, or who have moved recently, or who have experienced flooding. They may not have identification as readily available as people with more secure circumstances. I want to make sure that all US citizens have a fair chance to exercise their right to vote, and that is why I am opposed to many of the changes that are described below.

My specific objections and some suggestions are detailed below.

08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting

This rule should not be changed to allow a county board to reject a voter's Photo ID Exception Form by majority vote.

A Photo ID Exception Form is supposed to protect voters who are eligible to vote but cannot present acceptable photo ID because of a reasonable impediment, disability, illness, lack of transportation, lack of documents needed to get ID, work or school schedule, family responsibilities, religious objection, or a recent natural disaster.

N.C.G.S. 163-166.16(f) requires that, when reviewing a provisional ballot cast with a Photo ID exception form, a County Board of Elections "shall find that the provisional ballot is valid unless the county board has grounds to believe the affidavit is false." The current unanimity requirement is an important safeguard. A voter's ballot should not be rejected unless every county board member agrees, based on facts and not speculation, that the voter's Photo ID Exception Form is false.

Lowering the standard from unanimous agreement to a majority vote makes it more likely that ballots will be rejected along partisan lines. The right to vote should not depend on which party controls a county board.

The rule should make clear that county boards may not reject a Photo ID Exception Form because they personally disagree with the voter's reason, think the voter should have tried harder to get ID, or believe the voter's reason is not "good enough." The only question should be whether there is actual factual evidence that the voter made a false statement.

At a minimum, this rule should be amended to:

- Retain the unanimous-vote requirement before a ballot cast with a Photo ID Exception Form can be rejected.
- Require clear written findings based on specific facts, not speculation, assumptions, or disagreement with the voter's stated reason.
- Require meaningful notice to the voter before the ballot is rejected, including mail, email, and phone notice when that information is available.
- Give the voter a real opportunity to respond in writing, by phone, remotely, or in person before the county board makes any final decision.
- Prohibit rejection when the voter's explanation is plausible and the board lacks evidence that it is false.

The State Board should reject this proposed change and keep the current safeguard in place.

08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots

This rule should not be changed to allow a county board to reject an absentee voter's Photo ID Exception Form by majority vote.

Absentee voters use a Photo ID Exception Form when they cannot include a photocopy of acceptable photo ID with their mail-in ballot. These voters may be elderly, disabled, homebound, displaced by a natural disaster, unable to get transportation, unable to access a copier, or unable to obtain the documents needed to get photo ID.

These are exactly the voters who need the strongest protections, not weaker ones.

The current rule requires a unanimous county-board finding before an absentee ballot can be rejected because the voter's Photo ID Exception Form is supposedly false. That requirement protects voters from rushed, mistaken, or partisan decisions.

Changing the standard to majority vote would make it easier to reject ballots from eligible voters who followed the rules and truthfully completed the exception form.

This rule should be amended to:

- Keep the unanimous-vote requirement for any finding that a Photo ID Exception Form is false.
- Require the county board to identify the specific factual evidence showing that the form is false.
- Require county boards to consider the voter's explanation in the light most favorable to the voter unless there is clear evidence of falsity.
- Make clear that a board cannot reject a form simply because members think the voter's reason is weak, inconvenient, incomplete, or not the reason they would have chosen.
- Require multiple forms of notice to the voter before any rejection, including mail, email, and phone when available.
- Allow the voter to respond in writing, by email, by phone, remotely, or in person.

A voter who truthfully completes a Photo ID Exception Form should have their ballot counted. The State Board should reject this proposed change.

08 NCAC 18 .0201 Definitions

The definitions in this rule should be revised so that ordinary voters can understand the difference between a "deficiency," an "irregularity," a "curable deficiency," and a "non-curable deficiency."

As written, the definitions are technical and may make sense to election lawyers or election administrators, but they are confusing for voters. A voter who receives a notice from the county board should be able to understand what happened, what they need to do, and what will happen if they do not respond.

The definition of "irregularity" is especially important. The rule should make clear that an "irregularity" is not the same thing as voter fraud, voter ineligibility, or a reason to reject a ballot. Many irregularities are innocent mistakes that do not affect whether the voter is eligible or whether the voter intended to cast the ballot.

The rule should be amended to state that technical mistakes should not lead to ballot rejection unless they are material to voter eligibility, ballot security, or voter intent.

08 NCAC 18 .0501 Review for Deficiencies

This rule requires county board staff to review returned absentee ballots for deficiencies or irregularities within one business day.

Prompt review is important, but the rule should include stronger statewide standards so voters are treated the same way in every county.

The rule should require county board staff to use uniform statewide forms, uniform written explanations, and uniform procedures when deciding whether something is a deficiency or irregularity. Without clear statewide standards, the same ballot mistake could be treated differently from county to county.

The rule should also require county boards to document the specific reason for any deficiency or irregularity and to keep that documentation with the ballot record. Voters should not lose their ballots based on vague or inconsistent decisions.

08 NCAC 18 .0502 Curable Deficiencies

This rule identifies absentee-ballot problems that voters can fix.

If this rule is adopted, the State Board should make the cure process as accessible as possible. The rule should require county boards to notify voters by every available method, including mail, email, and phone. If the county board has a voter's phone number or email address anywhere in the voter's record, it should use that information.

The cure notice should be written in plain language. It should clearly say:

- What the problem is.
- What the voter must do to fix it.
- The exact deadline.
- All ways the voter can submit the cure.
- Who may assist the voter.
- A phone number and email address for help.

The rule should also require notices to be available in languages commonly used in the county and in accessible formats for voters with disabilities.

A ballot should not be rejected for a curable deficiency if the voter substantially complies with the cure instructions and the county board can determine that the voter is eligible and intended to cast the ballot.

08 NCAC 18 .0503 Non-Curable Deficiencies

This rule lists absentee-ballot issues that would cause the ballot to be spoiled and, if there is enough time, reissued.

This rule should be narrowed. A ballot should be treated as non-curable only when there is no way to determine voter eligibility, voter intent, or ballot security.

The rule should not classify technical paperwork mistakes as non-curable when the county board can determine who the voter is, that the voter was eligible, and that the voter intended to cast the ballot.

The rule should also require county boards to contact the voter immediately by mail, email, and phone before or at the same time the ballot is spoiled and reissued. Voters should not find out too late that their ballot was cancelled.

If the deficiency is discovered close to Election Day, the notice should clearly explain all remaining voting options, including early voting, Election Day voting, and any available way to return a reissued absentee ballot on time.

08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter

This rule is a better approach than 08 NCAC 18 .0505 because it recognizes that some technical issues should be documented but should not require the voter to take further action.

The State Board should expand this rule to include more innocent absentee-ballot mistakes that do not affect voter eligibility or voter intent.

This rule should include situations where the ballot is received in a sealed outer return envelope, even if there is a technical issue with the inner ballot envelope. Prior NCSBE guidance treated several of these situations as anomalies, not deficiencies, because the ballot was still received in a sealed envelope.

The rule should also include situations where two voters in the same household accidentally switch their ballots or ballot envelopes, as long as there are no issues with the applications and the county board can determine which voters cast the ballots. Prior NCSBE guidance stated that voters in the same household should not have their ballots rejected for that kind of ballot-number mismatch when the mistake is not material to voter eligibility.

The State Board should move these issues into Rule .0504 so voters do not have to complete unnecessary cure paperwork.

08 NCAC 18 .0505 Irregularities That Require Further Action

This is the most concerning absentee-ballot rule.

The rule would require county board staff to contact a voter and require written confirmation when certain ballot-envelope issues are found. These include situations where the ballot envelope appears to have been opened and resealed but was received in a sealed outer return envelope, where the ballot is not inside a sealed ballot envelope but the ballot and ballot envelope were received in a sealed outer return envelope, or where the ballot in the envelope is different from the ballot transmitted to the voter.

These situations may involve innocent voter mistakes. They do not necessarily mean the voter is ineligible, that the voter did anything wrong, or that the ballot should be rejected.

The problem with this rule is that it puts the burden back on the voter after the voter has already returned their ballot. Many absentee voters may not receive the notice in time, may not understand what is being asked, may not have reliable mail or email access, or may not be able to respond quickly because of disability, age, displacement, illness, work, school, or caregiving responsibilities.

If a voter returns a ballot in a sealed outer envelope and the county board can determine that the voter is eligible and intended to cast that ballot, the voter should not have to complete extra paperwork just to have the ballot counted.

The rule should be changed to:

- Treat these issues as irregularities that should be documented, not as problems requiring voter action, unless there is evidence of tampering or evidence that the voter did not transmit the ballot.
- Move these situations into 08 NCAC 18 .0504 when the ballot was received in a sealed outer envelope.
- Allow the county board to count the ballot if the voter's eligibility, application, and intent can be determined.
- Require voter contact only when there is a genuine question that cannot be answered from the ballot materials.
- Require county boards to use mail, email, and phone notice immediately if voter contact is necessary.
- Allow voters to respond by email, phone, mail, in person, or through a permitted assistant.
- Prohibit rejection where the voter substantially complied and the issue is not material to whether the voter is eligible to vote.

The State Board should reject Rule .0505 as written and preserve the existing common-sense approach that counts eligible voters' ballots when technical mistakes do not affect voter eligibility, voter intent, or ballot security.

To reiterate, I object to these changes and request legislative review before they go into effect.

Sincerely,

Lisa Maag

Lisa Maag

101 Windermere Court

Greenville, NC 27858

Burgos, Alexander N

From: Susan Pochapsky <schapek@yahoo.com>
Sent: Friday, August 28, 2026 12:07 PM
To: rrc.comments
Subject: [External] Written Objection and Request for Legislative Review of NCSBE's proposed rule 08 NCAC 17 .0101

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To the Rules Review Commission:

I'm a registered voter in Durham County, writing to formally object to the NCSBE's proposed rule 08 NCAC 17 .0101: Verification of Photo Identification During In-Person Voting, making a county board of elections decision on an in-person exception affidavit be by majority vote.

The rule fails the Clarity standard under NCGS 150B-21.9(a)(2) because it fails to define objective standards for county boards, leading to unequal application across counties.

As a regular citizen monitor of Durham County Election Board meetings, including every provisional and absentee ballot approvals session since 2017, I have observed the different approaches individual Board Members bring to decisions about the validity of Voter ID affidavits. I've seen the occasional struggle—particularly in new or highly partisan members—between the Board Member's ability to follow the rule of law and their personal feelings and beliefs. Rule of law often loses, particularly in inexperienced or highly partisan Board Members.

This proposed rule invites Board Members to vote on the basis of *shared beliefs and/or feelings.* But in fact the question they're deciding is whether the voter has *committed the felony* of lying on their Voter ID Exception Form.

So the standard needs to be the criminal standard—there must be actual evidence that proves the voter guilty.

If there is actual evidence, then a Board that follows the law will naturally vote unanimously to discard the ballot. Isn't that the outcome this rule is seeking?

Side note: I want to object specifically to a rationale given by SBE member Stacy "Four" Eggers in voting for this rule. He noted that the usual procedure in election law is to require only a majority vote--a specious argument, because this vote is no ordinary decision, but actually a judicial decision in a criminal matter.

Pursuant to NCGS 1506-21.3(b)(2), this letter serves as my formal written objection and clearly requests that the rule be subject to review by the legislature.

Sincerely,
Susan Pochapsky
Durham County
901 Vickers Ave.
Durham NC 27701

August 28, 2026

TO: N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection and Request for Legislative Review of Photo Voter ID Rules 08 NCAC 17.0101 and 08 NCAC 17.0109

Members of the Commission:

NAACP North Carolina (or "NC NAACP") is a grassroots, non-profit, civil rights organization which is composed of 86 adult Branches, 41 youth Councils, 22 College Chapters that total more than 20,000 individual members stretched across every county within the state of North Carolina. NC NAACP has historically been at the forefront of fighting against laws and legislation that negatively impact the rights of North Carolina's Black voters. The right to vote is sacred, as it has been won through the blood, sweat, and tears of our communities, and is the cornerstone of a healthy democracy.

Pursuant to N.C.G.S. § 150B-21.3, NC NAACP writes to object to the State Board of Elections' adopted rules related to Photo ID (08 NCAC 17.0101 and 08 NCAC 17.0109) ("the Photo ID Rules"). The proposed amendments would allow a county board of elections to reject a voter's in-person or absentee ballot if a simple majority of the board *believes*, without any probative information, that the voter's Photo ID Exception Form[1] is false; and it would also shorten the already-short time period for curing any ballot which is received from a registered voter. The existing rule requires that bipartisan county boards unanimously agree that the voter's exception form is false.

NC NAACP previously submitted public comment to the State Board on July 14, 2026 to highlight concerns that the proposed rule changes would make North Carolina's photo identification rules, which are already burdensome for voters and already used by county boards of elections to disenfranchise voters, even more likely to disproportionately harm Black voters

[1] S.B. 824 refers to this form as a "reasonable impediment declaration" (RID) form, but the current form is titled "Photo ID Exception Form." This document will use the term "exception form."

and voters of color. North Carolina's voter ID requirements are already too restrictive, despite the lack of any evidence of voter fraud, and are already failing voters due to inconsistent implementation of the photo ID exception process by the County Boards of Election. We also expressed grave concerns that mere weeks after prevailing at the district court level in the *Hirsch* case, the State was now seeking to remove the very same "mitigating provisions" it relied on to defend North Carolina's voter ID law, S.B. 824, as non-discriminatory. Between that questionable timing, the arbitrariness of these changes, and the certainty that these changes will further restrict Black citizens' access to the ballot box, we must oppose these amendments.

NC NAACP has the same concerns with the adopted Photo ID Rules, which do not comply with the agency requirements that: rules comply with state and federal law, serve the public interest, and minimally burden the person who must comply with them. *See* G.S. § 150B-19.1. We therefore request that the (1) Photo ID Rules be reviewed in the upcoming legislative session as set out in N.C.G.S. § 150B-21.3 and (2) that the rules be subject to a delayed effective date as set out in that same provision.

North Carolina's voting policies are already too restrictive

North Carolina's voting policies are uniquely harsh.[2] As recently as March 2026, a court's "thorough review of the voting regulations of North Carolina's contemporaries" found that S.B. 824, the voter ID law that limited the qualifying types of photo ID and created the photo ID exception process for provisional voting, was "one of the most severe" voting laws in the nation.[3] This harshness comes from the law's lack of alternative voting methods, the costs associated with obtaining a "free" ID, and the fact that voters who use the exception form must "hope" their vote gets counted due to uneven enforcement.[4] These policies disproportionately harm Black voters and reduce overall voter turnout, all without any measurable benefit to voters or any evidence of thwarted "voter fraud."[5]

In response to increased voter suppression efforts over the last decade, researchers have published study[6] after study[7] after study[8] showing that voter fraud (e.g. purposefully voting twice,

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[2] *See N.C. State Conf. of the NAACP v. Hirsch*, No. 1:18CV1034, 2026 LX 286472, at *168 (M.D.N.C. Mar. 26, 2026).
[3] *Id*. at *149.
[4] *See id.* at *175, *176, *141.
[5] *See The Impact of Voter Suppression on Communities of Color*, Brennan Ctr. for Just. (Mar. 26, 2026), https://www.brennancenter.org/our-work/research-reports/impact-voter-suppression-communities-color.
[6] Elaine Kamarck, *How Widespread is Election Fraud in the United States? Not Very*, Brooking Institution (Oct. 28, 2024), https://www.brookings.edu/articles/how-widespread-is-election-fraud-in-the-united-states-not-very/.
[7] Andrew C. Eggers, Haritz Garro, and Justin Grimmer, *No Evidence for Systematic Voter Fraud: A Guide to Statistical Claims about the 2020 Election*, Proc's of the Nat'l Acad. of Sci's of the U.S., https://www.pnas.org/doi/10.1073/pnas.2103619118#abstract.
[8] *Analysis: Heritage Foundation's Database Undermines Claims of Recent Voter Fraud*, Brennan Ctr. For Just. (Sept. 8, 2017), https://www.brennancenter.org/our-work/analysis-opinion/analysis-heritage-foundations-database-undermines-claims-recent-voter.

under another's identity, or in multiple districts) is "vanishingly rare."[9] Instead, claims of purposeful voter fraud usually turn out to be "false claims by the loser of a close race" or mere clerical error.[10] This is not a realm where "the science is still out" – other studies have described the prevalence of voter fraud as "tiny," "negligible," "infinitesimal," or, in many states, simply "zero."[11] Statistically, an American voter is more likely to be struck by lightning than to choose to impersonate another voter at the polls.[12]

There is no evidence that North Carolina experiences more voter fraud than other states – or any voter fraud at all. In fact, in *N.C. NAACP v. McCrory*, the Fourth Circuit Court of Appeals noted that the State, despite pushing for harsher voting laws, had "failed to identify even a single individual who [had] ever been charged with committing in-person voter fraud in North Carolina."[13] In that case, the challenged law created "hoops through which certain citizens [had to] jump with little discernable gain in deterrence of voter fraud."[14] Now, the State of North Carolina is once again creating racially discriminatory "hoops," still with absolutely no evidence that the current policies have allowed fraudulent votes to be counted. Moreover, no explanation or evidence was offered to demonstrate that the new restrictions would even attempt to fix the problem that does not even exist.

The current photo ID exception process is already failing voters

The current process for the completion, processing, and possible denial of voters' exception forms is already failing voters, as county boards of elections are using the current process to intimidate voters and wrongfully throw out legitimate votes, especially from Black voters. Per the enabling statute, a county board of elections may only challenge a voter's provisional ballot and exception form if the board has grounds to believe that the information on the exception form is false.[15] If the bipartisan board unanimously votes that the voter's exception form is false based on "only facts and not speculation," the board "shall" then publish a written explanation for rejecting the ballot.[16]

In reality, however, some voters were not given the exception forms they were entitled to, others received threatening letters regarding their completed exception forms, and still others had to unnecessarily explain themselves because their county board of elections chose to hold voters to an invented standard rather than the established statutory standard. Between the evidence presented in *Hirsch* and other public records, there is no evidence that county boards of elections

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[9] *Debunking the Voter Fraud Myth*, Brennan Ctr. for Just. (Jan. 31, 2017), https://www.brennancenter.org/our-work/research-reports/debunking-voter-fraud-myth.
[10] *Id.; See also* Lorraine C. Minnite, *The Politics of Voter Fraud*, Columbia Univ., 2007.
[11] *Id.*
[12] *Id*.
[13] *N.C. State Conf. of the NAACP v. McCrory*, 831 F.3d 204, 235 (4th Cir. 2016).
[14] *Id.* at 236.
[15] N.C. Gen. Stat. § 163-166.16(f) (2023).
[16] 08 N.C. Admin. Code 17 .0101(e) (Lexis Advance through changes received as of June 15, 2026).

are documenting their decisions as required by law.[17] When Karen Brinson Bell, former Director of the North Carolina State Board of Elections ("SBOE"), testified in *Hirsch*, she stated that she did not believe county boards had to provide their decisions to the SBOE, she had not personally reviewed a single decision, and she could not provide any clarity for how the SBOE could be sure that the county boards were making decisions in writing.[18]

The statute provides that county boards only have ten days to review absentee and provisional ballots, hold necessary hearings, and comply with other statutory requirements, which is a tight deadline for reviewing the high volume of provisional ballots that have come from S.B. 824's stringent requirements and poor implementation.[19] Shortening this time period will further burden county boards, leading to more mistakes and uncounted votes, and will give even fewer voters adequate notice of hearings or other steps required for their votes to be counted.[20]

As examples of how implementation failures affected individual voters during the 2024 primary election, Mr. Cedric Baker and Mr. Robert Fletcher, both Black men, told their stories at the *Hirsch* trial of how they were not offered the exception forms which they were entitled to receive, and their votes were ultimately not counted.[21] Although Mr. Baker should have received an exception form, which would not require him to return with a qualifying ID to have his vote counted, he was instead given a provisional ballot, which did require a return trip with a photo ID.[22] As his photo ID was "expired and broken," Mr. Baker's vote was never counted, which was hurtful to him because he "[took] time out of [his] day" to go vote because he "thought maybe [he] would be heard" by voting.[23] Similarly, when Mr. Fletcher went to vote with a temporary license that had expired, he was only offered a provisional ballot requiring him to return with a photo ID, not an exception form.[24] Poll workers gave Mr. Fletcher incorrect information both about the photo ID requirements and the time period for returning with a photo ID to have the provisional ballot counted.[25] Mr. Fletcher was "totally upset... because [he had] never had that problem before" with voting, so "it was terrible" to know his vote was not counted.[26] While it is

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[17] *See* Numbered Memo 2023-03 Photo ID and In Person Voting ("A county board is required to approve and count the provisional ballot unless the county board unanimously finds that the form was falsely completed and puts that finding in a written decision.")
[18] Plaintiffs' Proposed Findings of Fact and Conclusions of Law, *N.C. State Conf. of the NAACP v. Hirsch,* No. 1:18CV1034, ECF No. 339 at 169 (M.D.N.C. July 1, 2024).
[19] Patrick Gannon, *9 Facts About the Vote Counting and Reporting Process in NC*, North Carolina State Board of Elections (Oct. 30, 2024), https://www.ncsbe.gov/news/press-releases/2024/10/30/9-facts-about-vote-counting-and-reporting-process-nc.
[20] *Id*.
[21] Plaintiffs' Proposed Findings of Fact and Conclusions of Law, *N.C. State Conf. of the NAACP v. Hirsch,* No. 1:18CV1034, ECF No. 339 at 175 (M.D.N.C. July 1, 2024).
[22] *Id*.
[23] *Id*. at 175-76.
[24] *Id*. at 176.
[25] *Id*.
[26] *Id*. at 176-77.

difficult to know exactly how many other voters experienced the same failure as Mr. Baker and Mr. Fletcher, they are not the only people in the state who have been affected by poll worker mistakes and the failure to provide correct information about the exception process.

In addition to failing individual voters who are entitled to have their voices heard, poor implementation of the exception process has changed the outcome of elections by throwing out the votes of people of color. In the November 2023 municipal election in Lenoir County, poll workers only gave provisional ballots to two Hispanic voters, rather than the exception forms they should have received, and did not even record the voters' names. Because of these errors, even though the two voters did return to the county board to present their IDs and have their votes counted, the county board was unable to match the provisional ballots with the voters, so neither vote was counted. That election was decided by two votes.[27]

There is also evidence from prior elections that, during the ballot processing stage, county boards of elections have violated the statutory requirements of the exception process by writing intimidating and confusing letters to voters who completed exception forms.[28] For example, in 2023, the Guilford County Board of Elections sent hearing notice letters (dated November 9, 2023) to voters who had completed a provisional ballot and exception form. None of these letters demonstrated that the board had grounds to believe the information provided on them (that the voter didn't have ID at the time they voted) was false; rather, they were based on speculation that the voter could or should have obtained ID. One such letter reads in part, "On November 7th, 2023, you voted with a provisional ballot and completed a Photo ID Exception Affidavit, per NCGS §163-166.16. You are hereby given notice of the grounds for falsity of the affidavit, including but not limited to, the fact that you had a Photo ID but failed to present it, and it was not otherwise lost, stolen, or misplaced, and for such other and further grounds as may be shown at a hearing, and [sic] the opportunity to be heard at 9:00am on Friday, November 17, 2023 concerning any findings of falsity of the affidavit."[29][30]

Even though the exception form lists "lack of transportation" as a valid reason for not presenting photo ID, county boards of elections appear to have targeted voters who selected that

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[27] *Id*. at 169-70.
[28] 08 N.C. Admin. Code 17.0101(e)(2) ("The county board shall substantiate any finding of falsity with grounds recorded in a written decision...") (Lexis Advance through changes received as of June 15, 2026).
[29] Letter from Charlie Collicutt, Dir., Guilford Cnty. Bd. of Elections, to Voter 1 (Nov. 9. 2023) (emphasis in original) (Appendix 2; on file with Forward Justice).
[30] To the average voter, this letter resembles a criminal warrant or court summons, partially because of the overly formal language and partially because the writer chose a complex sentence over a complete one. In North Carolina, 21% of adults have lower literacy skills (meaning they struggle to use and understand some print materials). Emily Schmidt, *Reading the Numbers: 130 Million American Adults Have Low Literacy Skills, but Funding Differs Drastically by State*, APM Research Lab (Mar. 16, 2022), https://www.apmresearchlab.org/10x-adult-literacy. Accordingly, the average person may not be able to identify the main idea of these letters, let alone discern whether they are being charged with a crime, whether they are required to testify, and what rights or responsibilities they have during this hearing.

reason for further scrutiny. Rather than applying the legally required falsity standard, some boards seem to be applying an arbitrary, invented reasonableness standard.[31] For example, the Guilford County Board of Elections accused at least two voters of submitting false exception forms because the voters "were able to obtain transportation and were well enough to vote, but did not utilize the same resources to obtain and present Photo ID."[32] This accusation may come from ignorance of the barriers to obtaining photo ID, prejudice based on the voters' perceived identities, or a misplaced belief that people should simply "pull themselves up by their bootstraps," but it certainly does not come from a belief that the voter was falsely claiming an impediment that they did not actually face, which is the *sole reason* a board may invalidate a vote.

Even with the current unanimity requirement, county boards of elections have thrown out far too many votes in elections over the last few years. If county boards of elections are allowed to make these decisions by a simple majority vote rather than the presently required unanimous bipartisan vote, even more voters are likely to receive intimidating letters and have their votes invalidated. Boards of elections are already violating the law by not publishing written reports of votes they have thrown out in past elections, so there is no reason to believe they will begin doing so once they have free rein to invalidate even more legitimate votes but an even shorter time period for doing so. Implementation of the exception process is currently inconsistent at best and voter intimidation at worst, so the current requirements (a unanimous bipartisan vote and sufficient time to give voters notice of a hearing) should be uniformly enforced or made easier for voters, not amended to become even more difficult for both voters and county boards of elections.

Majority vote requirements are a classic voter suppression method

Majority vote requirements have been a classic method for discriminating against Black voters since the passage of the Voting Rights Act in 1965.[33] A law review article from 1973,[34] later cited in a major voting rights case,[35] described majority vote requirements as a "typical" method of diluting minority votes and one of the "best example[s]" of "highly discriminatory" voting regulations.[36] In 1982, the United States Senate report which supported the reauthorization of the Voting Rights Act listed "typical" methods of suppressing the Black vote,[37] and this list was integrated into the *Gingles* decision as relevant factors for assessing

[31] N.C. Gen. Stat. § 163-166.16(f) ("The county board of elections shall find that the provisional ballot is valid unless the county board has grounds to believe the affidavit is false.").
[32] Letter from Charlie Collicutt, Dir., Guilford Cnty. Bd. of Elections, to Voter 2 (Nov. 9. 2023) (Appendix 2; on file with Forward Justice); Letter from Charlie Collicutt, Dir., Guilford Cnty. Bd. of Elections, to Voter 3 (Nov. 9. 2023) (Appendix 2; on file with Forward Justice).
[33] *See Thornburg v. Gingles*, 478 U.S. 30, 45 (1986).
[34] Armand Derfner, *Racial Discrimination and the Right to Vote*, 26 Vand. L. Rev. 523 (1973).
[35] *Zimmer v. McKeithen*, 485 F.2d 1297, 1305 n. 21 (5th Cir. 1973).
[36] Derfner at 581.
[37] S. Rep. No. 97-417, at 29 (1982).

voting rights violations.[38] These "Senate factors" specifically named the use of majority vote requirements (along with anti-single-shot policies and unusually large districts) as "Factor 3" of the analysis.[39] One study found that out of all the cases where courts did find that Factor 3 requirements were present, 66% of those cases were eventually found to be violations of the Voting Rights Act.[40] Accordingly, majority vote requirements are an indicator of likely discrimination, and are especially suspect in the context of North Carolina's "extensive history" of discrimination against Black voters.[41]

The amendment will worsen existing racial disparities in voting

In both state and federal court, the NC NAACP has repeatedly demonstrated that racial disparities in areas like employment, access to transportation, and education carry over as racial disparities in voting access.[42] Much of our evidence has been adopted by those courts as official findings of fact, and elected officials for the State of North Carolina have been on notice of these conditions for years.[43] Given our litigation history, we find it unlikely that the current officials regulating North Carolina elections could possibly be unaware of these entrenched racial disparities. However, since the State is once again attempting to suppress the Black vote, we will summarize below the extensive evidence of racial disparities created by North Carolina's system of voting.

North Carolina has a long and consistent history of race-based voter suppression through methods like "the poll tax, literacy tests, intimidation of voters at registration and polling locations, intentionally discriminatory districting changes made via constitutional amendments, and the implementation of other laws and policies for the purpose of disenfranchising African Americans."[44] That history is so consistent, in fact, that multiple courts have held that "North Carolina's historical background favors finding discriminatory intent" in voting regulations.[45] The *Hirsch court* summarized this holding by stating that "North Carolina's history of race discrimination and voter suppression is undisputed and extensive... [The] policies that result from negative racial appeals are done *in response* to burgeoning political participation from racial and ethnic minorities."[46] Suppressing the Black vote is not accidental, and even though the legal hurdles for demonstrating discriminatory racial intent in voting regulations are steep, North

[38] *Gingles*, 478 U.S. at 44-45.
[39] S. Rep. No. 97-417, at 29.
[40] Ellen Katz, *Documenting Discrimination in Voting: Judicial Findings Under Section 2 of the Voting Rights Act Since 1982* 32-33 (2005).
[41] *Hirsch,* No. 1:18CV1034, 2026 LX 286472 at *183.
[42] *See, e.g.*, *Hirsch,* No. 1:18CV1034, 2026 LX 286472; *N.C. State Conf. of the NAACP v. McCrory*, 831 F.3d 204 (4th Cir. 2016); *N.C. State Conf. of the NAACP v. Raymond*, 981 F.3d 295 (4th Cir. 2020).
[43] *Id.*
[44] *Hirsch,* No. 1:18CV1034, 2026 LX 286472 at *106.
[45] *See id.* at *107-08 (citing *Raymond*, 981 F.3d, and *N.C. State Conf. of NAACP v. Cooper*, 430 F. Supp. 3d 15 (M.D.N.C. 2019)).
[46] *Id.* at *105.

Carolina has nonetheless had multiple racist voting regulations struck down by courts.[47] Some of these changes were so flagrantly racist that they became nationally famous for their "almost surgical precision."[48]

Black voters disproportionately lack the types of state approved IDs that North Carolina requires to vote after the passage of S.B. 824. Even though the State tried to argue that the many burdens created by S.B. 824 contain "no significant racial disparities," or that if there are any disparities they are "small in absolute terms," the *Hirsch* court found that the racial disparities caused by S.B. 824 are "significant" enough in absolute terms to weigh in favor of finding a violation of the Voting Rights Act.[49] Black and Hispanic registered voters are less likely than white registered voters to have a driver's license or other DMV-issued ID, an unexpired DMV-issued ID, or any qualifying photo ID, with each of those racial disparities being "large and statistically significant."[50] In fact, the court noted that these disparate impacts are significant enough "to support a finding of discriminatory intent" and were disproportionate burdens on voters of color.[51] S.B. 824's inclusion of "mitigating" provisions, shifting its voting regulations from extraordinarily harsh to slightly less harsh, are "of no comfort" to voters when those provisions, the provisional ballot and exception form processes, "do not guarantee that such vote will be counted."[52] Regardless of the relative mitigation of the exception process, in absolute terms, "the fact of the matter is that on Election Day thousands of voters—and a disparate number of them being racial minorities—will not possess the required ID to vote despite being validly registered North Carolina voters, and for many their vote will not count when the election is certified."[53]

Even though voters may obtain a "free" ID from the SBOE, in reality, obtaining this ID comes with many costs – transportation, time off work or lost wages, childcare, and the cost of obtaining other required documents – even though the card itself is free. Racial disparities exist in each one of those categories, so obtaining this "free" ID is not easier or more racially equitable than obtaining other types of photo IDs. Black voters are less likely to have access to a vehicle[54] than white voters and the average county in North Carolina "has a land area of 486 square miles," so the same transportation issues apply whether a voter is seeking a driver's license, a "free" ID for voting, or trying to attend a photo ID exception hearing.[55] Thousands of Black

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[47] *See Court Cases*, Democracy Docket (2026), https://www.democracydocket.com/cases/state/north-carolina/case-status/victory/.
[48] Sarah Childress, *Court: North Carolina Voter ID Law Targeted Black Voters*, PBS (July 29, 2016), https://www.pbs.org/wgbh/frontline/article/court-north-carolina-voter-id-law-targeted-black-voters/ (referencing the 2016 *Raymond* decision).
[49] *Hirsch,* No. 1:18CV1034, 2026 LX 286472 at *171.
[50] *Id*. at *171-72.
[51] *Id*. at *131-38.
[52] *Id*. at *154-55.
[53] *Id.*
[54] *Id*. at *140.
[55] *Id*. at *164.

voters also work in jobs that do not provide paid time off, pay enough to take unpaid time off, or set predictable hours, so many voters are not able to vote even during early voting, let alone appearing *both* on Election Day and at a county board of elections to show their photo ID or attend a photo ID exception hearing.[56]

The foregoing racial disparities affect each step required for voting access, including whose votes get thrown out by the State based on photo ID regulations. In *Hirsch*, the State highlighted the facts that 99.96% of citizens who voted in 2023 municipal elections and 99.97% of citizens who voted in the March 2024 primary elections ultimately had their votes counted, arguing that these numbers demonstrated that the photo ID and exception processes were not overly burdensome.[57] The State phrased these statistics as "only" 0.03-0.04% of voters having their votes ignored. However, given the extensive proof that voter fraud in North Carolina is essentially nonexistent, these percentages are far too high already. Racial disparities exist at each and every step of the photo ID, voting, and provisional ballot processes. Weakening the vote requirements will nullify the bipartisan structure of county boards of elections, enabling boards to wrongfully throw out even more votes and allowing this already racially disparate system to become even worse.

The State is removing the same voting safeguards it relied on in court to defend S.B. 824

In multiple court cases over the last few years, North Carolina has assured both state[58] and federal[59] courts that those courts need not worry about the predictable, well-documented racial disparities in its voting system, including the exception process, because the State has made sure that bipartisan county boards of elections must unanimously agree before throwing out votes. And these courts have believed the State, relying on that testimony about S.B. 824's mitigating provisions to outweigh the statute's many other qualities that would otherwise violate the Voting Rights Act.[60]

While the *Hirsch* court could only consider "limited evidence" about the number of people who were unable to vote under the new regulations because the March 2024 election was the most recent data available when parties submitted evidence,[61] we now have access to data from the November 2024 election showing exactly how many North Carolina voters have been

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[56] *The Cost of Inaction: 2024 State of Working North Carolina,* Workers' Rights Project (2024), https://stateofworkingnc.org/cost-of-inaction/.
[57] *Hirsch,* No. 1:18CV1034, 2026 LX 286472 at *162-63.
[58] For examples of the state's assurances, see Appendices of this document and Exhibits 1 and 2 of Southern Coalition for Social Justice's *Public Comment on Proposed Amendments to Photo ID Rules 08 NCAC 17.0101 and 08 NCAC 17.0109*, available at https://southerncoalition.org/scsj-urges-state-board-of-elections-to-protect-voters-from-baseless-photo-id-challenges/.
[59] Tr. of Oral Arg. at 102-03, 111-13, 125-26, *N.C. State Conf. of the NAACP v. Hirsch,* No. 1:18CV1034, 2026 LX 286472.
[60] See, e.g., *Holmes v. Moore*, 384 N.C. 426, 455 (2023); *Hirsch,* No. 1:18CV1034, 2026 LX 286472 at *102, *130-31.
[61] *Hirsch,* No. 1:18CV1034, 2026 LX 286472 at *165.

harmed by the current voting regulations. Despite the State's characterization of photo ID regulations as a "negligible burden" on voters due to the availability of provisional ballots and the exception process,[62] we now know that in the November 2024 election, 1,670 voters' ballots were not counted due to lack of photo ID.[63] Many of these voters did not fill out the exception form, despite being entitled to do so, whether due to poll worker errors like those described above or other reasons.[64] Of those voters, 622 were white and 502 were Black, meaning that, while about 20% of North Carolina voters are Black, 30% of North Carolina voters whose votes were thrown out were Black – a disproportionately high number.[65]

The district court in *Hirsch* also relied in part on the State's assurances that the unanimity and bipartisanship of county boards of elections would make S.B. 824 less likely to disproportionately harm voters of color, listing these qualities as "mitigating provisions."[66] The State heavily emphasized these provisions as "safeguards" for voting access when it was beneficial for its legal argument, and it now intends to kneecap those safeguards mere weeks after securing a win in that case.[67] While it is not clear exactly when the State began planning to make these changes, proposing such a change so close to an election raises questions about the State's candor with a federal court and creates concern about the State's willingness to capriciously remove the few voting safeguards that remain once they are no longer convenient for ongoing litigation.

We oppose changing the unanimous-vote requirement to a majority-vote requirement because that policy is a classic voter suppression method that will worsen North Carolina's racial disparities in voting access

The landmark voting rights case of *Gingles v. Thornburg* included two additional considerations for assessing whether voter discrimination exists: "evidence demonstrating that elected officials are unresponsive to the particularized needs of the members of the minority group" and evidence that the policy reasons justifying the contested regulation are "tenuous."[68] Both apply here. As we have repeatedly demonstrated in court, North Carolina has a long history of being unresponsive and actively hostile to the particularized needs of its Black citizens. These proposed amendments would suppress the Black vote even further. As a result, we now notify the State and this Board of that predictable result and strongly urge that this discriminatory policy not be implemented. As for the second consideration, the policy reasons justifying this change are not even tenuous; they are simply nonexistent. There is no voter fraud to eradicate, and any claims that these rules will benefit voters are thoroughly contradicted by the data

[62] *Id.* at *162.
[63] Steve Harrison, *Lack of Photo ID Led to 1,670 Ballots Rejected in NC,* WUNC News (Nov. 25, 2024), https://www.wunc.org/2024-11-25/lack-of-photo-id-led-to-1-670-ballots-rejected-in-nc.
[64] *Id*.
[65] *Id*.
[66] *See Hirsch,* No. 1:18CV1034, 2026 LX 286472 at *165-66.
[67] *Id*. at *165.
[68] *Gingles,* 478 U.S. at 45.

regarding racial disparities and overall voting access in North Carolina. North Carolina should not change its policies to worsen racial disparities for any reason, but it would be especially galling to worsen those disparities without giving any reason at all.

NC NAACP has a proud history of fighting for Black voters and voters of color by challenging North Carolina's racially discriminatory voting laws in court. We urge the State Board of Elections to heed the above information about North Carolina's history of suppressing the Black vote. Because the proposed amendments include a classic voter suppression method, remove one of the few "mitigating provisions" of S.B. 824, and will further harm Black voters and voters of color, we oppose the amendments.

Respectfully submitted,

Deborah Dicks Maxwell, President
North Carolina State Conference of the NAACP

APPENDIX 1

Voter Stories from
Plaintiffs' Proposed Findings of Fact and
Conclusions of Law at 175,
N.C. State Conf. of the NAACP v. Hirsch, No. 1:18-CV-1034,
(M.D.N.C. July 1, 2024)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

NORTH CAROLINA STATE CONFERENCE OF THE NAACP, *et al.*,

Plaintiffs,

v.

ALAN HIRSCH, in his official capacity as Chair of the North Carolina State Board of Elections, *et al.*,

Defendants,

and

PHILLIP E. BERGER, in his official capacity as President Pro Tempore of the Senate, *et. al*,

Legislative Defendants-Intervenors.

No. 1:18-cv-01034

PLAINTIFFS' PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

327. In the November municipal election in Mecklenburg County, there was an incident with "some board members questioning" the "reason listed on the [ID] Exception Forms." Tr. 677:23-678:7 (Brinson Bell). Although Director Brinson Bell could not recall the exact number of ID Exception Forms that were rejected in Mecklenburg County, the State Board received a report from Southern Coalition for Social Justice stating that these rejections were due to speculation and no evidence of actual falsity was presented; but the votes were thrown out regardless. *Id.* at 673:6-677:7 (Brinson Bell). Director Brinson Bell testified that the actions of the Mecklenburg County Board of Elections were not "the method -- this is not how we would have guided the counties to handle this." *Id.* at 678:25-679:9 (Brinson Bell).

328. The law also requires County Boards to issue written decisions when they reject an ID Exception Form, stating the reasons for their rejection. 08 NCAC 17.0101(e)(1); PX835 (N.C. Board of Elections Memo) at 13. However, no evidence was presented of even a single one of these written decisions, and Director Brinson Bell testified that she did not believe that County Boards are required to provide these decisions to the State Board. Tr. 683:3-12 (Brinson Bell). She also testified that she had not personally reviewed a single one of these decisions, nor did she provide any assurances for how the State Board could be sure that the decisions were being written by the counties. *Id.* at 681:21-685:13 (Brinson Bell).

329. Mr. Patterson testified about serious mistakes by poll workers in Lenoir County in the November 2023 Municipal Election while seeking to implement the ID requirement. Mr. Patterson testified that poll workers provided incorrect information to

two Hispanic voters who appeared at the Pink Hill polling site during that County's Municipal Election. Tr. 330:17-333:3 (Patterson). The two voters did not have photo voter IDs when they arrived to vote and were directed to cast "return with ID" provisional ballots. *Id.* However, the poll worker failed to offer them an ID exception form and did not properly record the voters' names. *Id.* Due to these errors, when the two voters returned to the Lenoir County Board of Election to present their IDs, the Board staff was unable to match the provisional ballots with the proper voters. *Id.* In that race, the winning candidate won by two votes. *Id.* at 332:2-5 (Patterson). Mr. Patterson testified that this should have been raised to the Board, but it was not. *Id.* at 331:18-332:1 (Patterson). The missing two votes could have actually changed the outcome for that race because of the closeness of the vote count. *Id.* at 330:17-333:3 (Patterson).

330. Even more concerning than the fact that these incidents happened throughout the state is that Director Brinson Bell testified at trial that there is no remedy for County Boards violating the law, or poll worker negligence, and there is nothing that would prevent this from happening on a larger scale in the November 2024 presidential election. Even where the State Board was made aware of the incidents in Guilford and Mecklenburg, and Director Brinson Bell agreed that the law was violated, the voters were still disenfranchised. Tr. 675:16-677:7, 678:25-679:20 (Brinson Bell). Director Brinson Bell was asked by the Court what the State Board does "when you receive information from these various organizations that are out there to protect voter integrity -- voter -- voters who are there to vote, when you get a letter from them detailing that [there] has been a complaint that has come to them . . . ?" and she responded that, "at that point, you know, if -- if it's

would not be required if Ms. Rivers had chosen to vote inside. *Id.* Mr. Rivers sought the help of the election protection hotline, Disability Rights North Carolina, and spoke to the chief judge, but he ultimately had to fill out the voter registration form for his mother for her to cast her provisional ballot. *Id.* at 277:25-279:17 (Rivers). While Ms. Rivers was ultimately able to utilize an ID Exception Form and cast a provisional ballot, her voting experience lasted an hour, and was incredibly confusing and frustrating for her and her son. *Id.* at 279:12-20 (Rivers). Mr. Rivers testified that "the whole process . . . kind of put a damper in my spirit and also my mom because she was, like, 'Well, baby, I'm glad you were here.' And she was, like, 'I didn't know that we had to go through all of this.'" *Id.* at 283:1-20 (Rivers).

339. Individual voters Cedric Baker and Robert Fletcher testified that they were not offered Photo ID Exception forms while voting in the 2024 primary election, and both of their "return with ID" provisional ballots were ultimately not counted. Tr. 1022:1-2 (Baker); 1119:16-19 (Fletcher). Mr. Baker, a new Forsyth County voter, testified that the poll worker offered him a provisional ballot after learning his license was expired and broken. Tr. 1021:14-25 (Baker). Mr. Baker was unaware that there was a second option and that utilizing the Photo ID Exception Form option would eliminate the need to return with an acceptable ID. *Id.* at 1022:1-5 (Rivers). When asked whether he knew completing a Photo ID Exception form would eliminate the need to return with an acceptable form of ID, Mr. Baker unequivocally stated, "[n]o, ma'am, I didn't." *Id.* at 1022:3-5 (Baker). When asked how it felt knowing his vote was not counted, Mr. Baker explained to the court that "[a]ctually for me to take my time – take time out of my day to do that, it kind of hurts

a little bit because I thought maybe I would be heard or, you know. So it kind of touched my feelings a little bit." Tr. 1025:4-7 (Baker).

340. Mr. Fletcher went to vote on election day in Franklin County during the 2024 primary election. Tr. 1116:25-1117:3, 1117:19-24 (Fletcher). Mr. Fletcher took an expired temporary license to vote in-person at his local fire station on election day. *Id.* at 1117:10-16, 1120:10-13 (Fletcher). Mr. Fletcher testified that after showing his ID, he was told he had "to have a current ID in order to vote." *Id.* at 1118:5-7 (Fletcher). After Mr. Fletcher advocated for his right to vote and explained that he "had never had a problem voting," the poll worker made a call, which Mr. Fletcher believed was to get "someone else's approval." *Id.* at 1118:5-13 (Fletcher). At the call's end, the poll worker gave Mr. Fletcher a provisional "return with ID" ballot as the sole voting option. *Id.* at 1118:14-21 (Fletcher). When Mr. Fletcher was asked at trial whether he was offered a Photo ID Exception Form, he stated, "Not at all. There wasn't anything like that available." *Id.* at 1119:16-19 (Fletcher). When Mr. Fletcher was further questioned on whether he knew completing the Photo ID Exception form would eliminate the need to return with an acceptable form of ID, he testified that he "didn't know anything about that" because the Photo ID Exception form "wasn't offered." *Id.* at 1119:20-25 (Fletcher). Not only was Mr. Fletcher misinformed about photo identification requirements at the beginning of his voting experience, but Mr. Fletcher testified that after casting his provisional ballot, he was misinformed that he had only three days to return with his ID. *Id.* at 1118:25-1119:5 (Fletcher). At trial, Mr. Fletcher was asked how he felt knowing that his vote was not

APPENDIX 2

Letters from Charlie Collicutt, Dir., Guilford Cnty. Bd. of Elections, to Four Voters (Nov. 9. 2023).

Letter 1

GUILFORD COUNTY
BOARD OF ELECTIONS

November 9, 2023

[redacted]

[redacted]

On November 7th, 2023, you voted with a provisional ballot and completed a Photo ID Exception Affidavit, per NCGS §163-166.16.

You are hereby given notice of the grounds for falsity of the affidavit, including but not limited to, the fact that you had a Photo ID but failed to present it, and it was not otherwise lost, stolen, or misplaced, and for such other and further grounds as may be shown at a hearing, and the opportunity to be heard at **9:00am on Friday, November 17, 2023** concerning any findings of falsity of the affidavit.

The hearing at 9:00am on November 17th will be held at the following location:
The Carolyn Q. Conference Room
Old Guilford County Courthouse
301 W. Market St.
Greensboro, NC 27401

Please contact me if you have any questions.

Sincerely,

Charlie Collicutt
Director
Guilford County Board of Elections

Post Office Box 3427 • Greensboro, North Carolina 27402 • Phone (336) 641-3836

Letter 2

GUILFORD COUNTY
BOARD OF ELECTIONS

November 9, 2023

[redacted]

On November 7th, 2023, you voted with a provisional ballot and completed a Photo ID Exception Affidavit, per NCGS §163-166.16.

You are hereby given notice of the grounds for falsity of the affidavit, including but not limited to, you were able to obtain transportation and were well enough to vote, but did not utilize the same resources to obtain and present Photo ID, and for such other and further grounds as may be shown at a hearing, and the opportunity to be heard at **9:00am on Friday, November 17, 2023** concerning any findings of falsity of the affidavit.

The hearing at 9:00am on November 17th will be held at the following location:
The Carolyn Q. Conference Room
Old Guilford County Courthouse
301 W. Market St.
Greensboro, NC 27401

Please contact me if you have any questions. This notice has also been emailed.

Sincerely,

Charlie Collicutt
Director
Guilford County Board of Elections

Post Office Box 3427 • Greensboro, North Carolina 27402 • Phone (336) 641-3836

Letter 3

GUILFORD COUNTY
BOARD OF ELECTIONS

November 9, 2023

[redacted]

[redacted]

On November 7th, 2023, you voted with a provisional ballot and completed a Photo ID Exception Affidavit, per NCGS §163-166.16.

You are hereby given notice of the grounds for falsity of the affidavit, including but not limited to, you were able to obtain transportation and were well enough to vote, but did not utilize the same resources to obtain and present Photo ID, and for such other and further grounds as may be shown at a hearing, and the opportunity to be heard at **9:00am on Friday, November 17, 2023** concerning any findings of falsity of the affidavit.

The hearing at 9:00am on November 17th will be held at the following location:
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Please contact me if you have any questions. This notice has also been emailed.

Sincerely,

Charlie Collicutt
Director
Guilford County Board of Elections

Post Office Box 3427 • Greensboro, North Carolina 27402 • Phone (336) 641-3836

Letter 4

GUILFORD COUNTY
BOARD OF ELECTIONS

November 9, 2023

[redacted]

[redacted]

On November 7th, 2023, you voted with a provisional ballot and completed a Photo ID Exception Affidavit, per NCGS §163-166.16.

You are hereby given notice of the grounds for falsity of the affidavit, including but not limited to, the fact that you had a Photo ID but failed to present it, and it was not otherwise lost, stolen, or misplaced, and for such other and further grounds as may be shown at a hearing, and the opportunity to be heard at **9:00am on Friday, November 17, 2023** concerning any findings of falsity of the affidavit.

The hearing at 9:00am on November 17th will be held at the following location:
The Carolyn Q. Conference Room
Old Guilford County Courthouse
301 W. Market St.
Greensboro, NC 27401

Please contact me if you have any questions. This notice has also been emailed.

Sincerely,

Charlie Collicutt
Director
Guilford County Board of Elections

Post Office Box 3427 • Greensboro, North Carolina 27402 • Phone (336) 641-3836

APPENDIX 3

Selection (at 102-03, 111-13, 125-26) from
Transcript of Oral Argument,
N.C. State Conf. of the NAACP v. Hirsch, No. 1:18-CV-1034

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

NORTH CAROLINA STATE CONFERENCE OF THE NAACP, et al.,	*	
	*	Case No. 1:18CV1034
Plaintiffs,	*	
	*	
vs.	*	Winston-Salem, North Carolina
	*	December 3, 2019
ROY ASBERRY COOPER, III, in his official capacity as the Governor of North Carolina, et al.,	*	9:30
	*	
Defendants.	*	

EXPEDITED TRANSCRIPT
ORAL ARGUMENT ON PRELIMINARY INJUNCTION MOTION
BEFORE THE HONORABLE LORETTA C. BIGGS
UNITED STATES DISTRICT JUDGE

Lori Russell, RMR, CRR
Official Court Reporter
United States District Court
P.O. Box 20593
Winston-Salem, North Carolina 27120

number of ways that the State Board is interpreting this law to ensure that it is not too strictly construed to disallow photo IDs that are presented to them by voters.

Then the final provision of the "reasonable resemblance" provision that I want to bring to the Court's attention is that even if an election official determines that there is not any reasonable resemblance on the photograph, it's not that precinct worker that makes the determination that the ID cannot be used. The precinct worker has to actually formally challenge that ID. They go through a challenge process and that challenge has to be adjudicated by the election judges that are at the precinct.

And Your Honor may know that election judges in North Carolina are nominated and appointed -- well, they're nominated by the county parties, the major parties, Democratic and Republican parties; and the County Board appoints them to appear at the precincts. It's a set of three judges. The Governor's party has -- it's the Governor's party has two, right? Okay. The Governor's party is allowed to have two versus one of the opposing party. It's not required that it be that way, but in a typical example, you have at least opposing party judges. The reason I bring this up is because a decision there is no reasonable resemblance on a photo ID has to be unanimous by that bipartisan panel of election judges.

So to sum all this up, there are numerous provisions that

the State Board has written into the rules that try to protect a voter from any sort of one-off election official deciding they don't want to accept that ID. So yet another reason to take Professor Barreto's conclusions and analysis with a grain of salt, especially when they relate to extraneous reasons that someone's ID may not be allowed in his view.

(Pause in the proceedings.)

MR. COX: I'm going to have my colleague explain the Virginia requirements so we can address the questions by the Court.

THE COURT: That would be wonderful. Thank you.

MS. VYSOTSKAYA: Your Honor, I think the answer to your question is yes, that the student ID, as long as it has a photograph, is allowed under Virginia law and also public assistance IDs, I believe, under my interpretation of that statute, is allowed as well. Your Honor has access actually to that statute. It is included as one of our exhibits. It's a summary of that statute, rather. It's Exhibit 14 in your Tab 14 and it is page 20 --

THE COURT: In which booklet?

MS. VYSOTSKAYA: The main book, Your Honor, the big book that has our brief and number of exhibits attached to it.

THE COURT: All right.

MS. VYSOTSKAYA: It would be Exhibit 14 there.

But what I wanted to point out is that Virginia law, unlike

vote will count, unless the County Board has grounds to believe that what they wrote in that affidavit is false.

Now, the State Board has added an additional layer of protection on top of that in its rules, which is the next sentence. The "decision that the affidavit is false requires a unanimous vote of" the County Board of Elections or a CBE, as it writes there.

As Your Honor may know, the County Boards of Elections are appointed by the political parties. They are nominated by the political parties and appointed by the Governor. There currently are three Democratic representatives and two Republican representatives on each County Board of Elections. It tends to follow that dynamic based upon the party of the Governor. They will have the majority of the appointments. That is important because it's a bipartisan board that must determine unanimously that there are grounds to disbelieve a voter when they say they had a reasonable impediment.

THE COURT: Suppose the voter says, "I do not believe that the -- I don't have an ID because I don't believe that this law is constitutional."

MR. COX: Under the text of the law and the text of the rule, the County Board would have to conclude that that is a false statement and have grounds to believe that that's a false statement.

THE COURT: How would they do that?

MR. COX: That is my point, Your Honor. There's no -- there's no way -- the only way that they can reject it is if they determine that it is a false statement and have grounds to believe that. And so -- so a statement like that, how would you -- exactly, how would you determine that it's a falsehood.

In our read of the law, there has to be some grounds to believe -- and this is the exact text -- that there is a falsehood committed in that affidavit; and admittedly, it's hard to conceive of how a County Board member would come up with grounds to believe what the person said was false unless -- I mean, we can come up with hypothetical situations where the County Board member knows the person and says, "Oh, they said they didn't have a car, but they do have a car." But then they have to get all four other members of the Board to agree with them that's a falsehood.

So the point is the law has a very cabined allowance for County Boards to reject reasonable impediments; and the guidance that the State Board is providing to the County Boards is just that, that there is one way to reject a reasonable impediment affidavit, and the County Boards have to follow the letter of the law that's written.

Now, there are other exceptions for providing photographic ID in person. One is that if the person was the victim of a natural disaster within 100 days prior to the election or if the person has a religious objection to being photographed,

they would, again, sign an affidavit representing that. These are all found in Section 1.2(a) of the SB824, the Session Law.

Now I'd like to respond directly to something that the Plaintiffs have raised and that their expert Professor Barry Burden has suggested in his supplement report that was attached to the reply brief indicating that it's not clear to him at least how a person's lack of awareness could be considered to be a reasonable impediment affidavit.

And we can go through the same exercise we just recently had, Your Honor. There's no way I believe or we believe to conclude that if someone says, "I didn't know I had to bring an ID" -- there's no way to say -- I mean, we could think of hypothetical examples, perhaps. There's no way to say, that I can think of, how a County Board unanimously can determine that that person stating that they lacked awareness of photo ID is false. I mean, again, a bipartisan panel of five County Board members would have to make that determination and have to make it based upon grounds they believe that statement is false.

And, finally, the reasonable impediment provision we do believe is very critical in this law and the reason it's very critical, it is -- the law bolsters the idea that no person should be turned away from the ballot box if they lack ID; and the law actually directs the State Board in all of its communications about the photo ID requirement to include the following statement: All registered voters will be allowed to

ballot that was provided under reasonable impediment if it was found to be false. That was one of the reasons.

There were two other reasons and those reasons gave the County Board lots of authority to adjudicate those reasonable impediment reasons: For one, if the County Board determined that the reason given was nonsensical or, two, that the reason given, quote, merely denigrated the photo identification requirement.

And we can think of a lot of reasons that a County Board official would determine that, you know, a voter was denigrating the requirement by not complying with the law. Those -- those subjective determinations have been removed from the current law and, in addition, the State Board has imposed an unanimity requirement on the County Board of Elections that did not -- that was not in force in the prior law. So there are these protections that guarantee that voters that go the reasonable impediment route, as long as they don't demonstrably lie on their affidavit, will have their vote counted.

There are a couple other provisions from the earlier law that changed with respect to reasonable impediments. In the prior law, any voter could challenge someone's reasonable impediment reasons; and, you know, that's a recipe for shenanigans, of course. If someone puts in a reasonable impediment affidavit, they leave the voting location, and then someone comes in and challenges that, they might or might not

learn that that challenge is taking place and be able to defend themselves. You know, they're supposed to be able to. But, you know, there's no such process of challenging someone's reasonable impediment under the current law.

I mention also the change from the majority vote to a unanimous decision by the bipartisan board.

And, finally, what is also important is that the prior reasonable impediment provision still required the voter to present some form of ID. So you would fill out a reasonable impediment affidavit, but you would still have to provide a -- the State Board calls it a HAVA document. HAVA stands for the Help America Vote Act. You know, these are bank statements, utility bills, things like that that would provide a nonphotographic form of an ID that could be used to substantiate your reasonable impediment affidavit. The alternative would be to provide your name, address, social security number, and there might be another personal identifier that you have to provide as well.

But, you know, that is not required at all in the new law. What you put down in your reasonable impediment affidavit is your reasons, you sign the affidavit, and then the County Board must accept that affidavit, unless it has grounds to believe unanimously that the affidavit is false.

Your Honor, I think that concludes my discussion on why we believe the Session Law does not have a discriminatory effect

Lynn McGee
1613 Cheyenne Drive
Hillsborough, NC 27278

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

Members of the Commission:

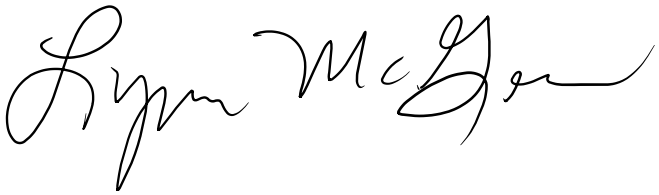
I am a North Carolina resident and have been a registered voter in Orange County since 2017.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Furthermore, I formally object to the adoption of the rules for the following reasons:
These proposed rules are to suppress people from voting, period.

Thank you for your consideration.

Respectfully,
Lynn McGee, Orange County



Burgos, Alexander N

From: Lisa Maag <maagnetism@gmail.com>
Sent: Thursday, August 27, 2026 8:51 PM
To: rrc.comments
Subject: [External] Request for legislative review

You don't often get email from maagnetism@gmail.com. Learn why this is important

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

My letter is attached and copied into the body of this email.

Lisa Maag

101 Windermere Court

Greenville, NC27858

August 27, 2026

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of

08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting;

08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots;

08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies;

08 NCAC 18. 0502 Curable Deficiencies;

08 NCAC 18. 0503 Non-Curable Deficiencies;

08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter;

08 NCAC 18 .0505 Irregularities That Require Further Action

Dear Members of the NC Rules Review Commission:

I am a resident of Pitt County, North Carolina, and I'm dismayed about proposed changes to the voting process. I am contacting you to ask that the rules be reviewed in the upcoming legislative session (per N.C.G.S. 150B-21.3.). In addition, the effective date should be delayed to allow thorough consideration of these changes.

There are many people in my community who are elderly or disabled, or who have moved recently, or who have experienced flooding. They may not have identification as readily available as people with more secure circumstances. I want to make sure that all US citizens have a fair chance to exercise their right to vote, and that is why I am opposed to many of the changes that are described below.

My specific objections and some suggestions are detailed below.

08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting

This rule should not be changed to allow a county board to reject a voter's Photo ID Exception Form by majority vote.

A Photo ID Exception Form is supposed to protect voters who are eligible to vote but cannot present acceptable photo ID because of a reasonable impediment, disability, illness, lack of transportation, lack of documents needed to get ID, work or school schedule, family responsibilities, religious objection, or a recent natural disaster.

N.C.G.S. 163-166.16(f) requires that, when reviewing a provisional ballot cast with a Photo ID exception form, a County Board of Elections "shall find that the provisional ballot is valid unless the county board has grounds to believe the affidavit is false." The current unanimity requirement is an important safeguard. A voter's ballot should not be rejected unless every county board member agrees, based on facts and not speculation, that the voter's Photo ID Exception Form is false.

Lowering the standard from unanimous agreement to a majority vote makes it more likely that ballots will be rejected along partisan lines. The right to vote should not depend on which party controls a county board.

The rule should make clear that county boards may not reject a Photo ID Exception Form because they personally disagree with the voter's reason, think the voter should have tried harder to get ID, or believe the voter's reason is not "good enough." The only question should be whether there is actual factual evidence that the voter made a false statement.

At a minimum, this rule should be amended to:

Retain the unanimous-vote requirement before a ballot cast with a Photo ID Exception Form can be rejected.

Require clear written findings based on specific facts, not speculation, assumptions, or disagreement with the voter's stated reason.

Require meaningful notice to the voter before the ballot is rejected, including mail, email, and phone notice when that information is available.

Give the voter a real opportunity to respond in writing, by phone, remotely, or in person before the county board makes any final decision.

Prohibit rejection when the voter's explanation is plausible and the board lacks evidence that it is false.

The State Board should reject this proposed change and keep the current safeguard in place.

08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots

This rule should not be changed to allow a county board to reject an absentee voter's Photo ID Exception Form by majority vote.

Absentee voters use a Photo ID Exception Form when they cannot include a photocopy of acceptable photo ID with their mail-in ballot. These voters may be elderly, disabled, homebound, displaced by a natural disaster, unable to get transportation, unable to access a copier, or unable to obtain the documents needed to get photo ID.

These are exactly the voters who need the strongest protections, not weaker ones.

The current rule requires a unanimous county-board finding before an absentee ballot can be rejected because the voter's Photo ID Exception Form is supposedly false. That requirement protects voters from rushed, mistaken, or partisan decisions.

Changing the standard to majority vote would make it easier to reject ballots from eligible voters who followed the rules and truthfully completed the exception form.

This rule should be amended to:

Keep the unanimous-vote requirement for any finding that a Photo ID Exception Form is false.

Require the county board to identify the specific factual evidence showing that the form is false.

Require county boards to consider the voter's explanation in the light most favorable to the voter unless there is clear evidence of falsity.

Make clear that a board cannot reject a form simply because members think the voter's reason is weak, inconvenient, incomplete, or not the reason they would have chosen.

Require multiple forms of notice to the voter before any rejection, including mail, email, and phone when available.

Allow the voter to respond in writing, by email, by phone, remotely, or in person.

A voter who truthfully completes a Photo ID Exception Form should have their ballot counted. The State Board should reject this proposed change.

08 NCAC 18 .0201 Definitions

The definitions in this rule should be revised so that ordinary voters can understand the difference between a "deficiency," an "irregularity," a "curable deficiency," and a "non-curable deficiency."

As written, the definitions are technical and may make sense to election lawyers or election administrators, but they are confusing for voters. A voter who receives a notice from the county board should be able to understand what happened, what they need to do, and what will happen if they do not respond.

The definition of "irregularity" is especially important. The rule should make clear that an "irregularity" is not the same thing as voter fraud, voter ineligibility, or a reason to reject a ballot. Many irregularities are innocent mistakes that do not affect whether the voter is eligible or whether the voter intended to cast the ballot.

The rule should be amended to state that technical mistakes should not lead to ballot rejection unless they are material to voter eligibility, ballot security, or voter intent.

08 NCAC 18 .0501 Review for Deficiencies

This rule requires county board staff to review returned absentee ballots for deficiencies or irregularities within one business day.

Prompt review is important, but the rule should include stronger statewide standards so voters are treated the same way in every county.

The rule should require county board staff to use uniform statewide forms, uniform written explanations, and uniform procedures when deciding whether something is a deficiency or irregularity. Without clear statewide standards, the same ballot mistake could be treated differently from county to county.

The rule should also require county boards to document the specific reason for any deficiency or irregularity and to keep that documentation with the ballot record. Voters should not lose their ballots based on vague or inconsistent decisions.

08 NCAC 18 .0502 Curable Deficiencies

This rule identifies absentee-ballot problems that voters can fix.

If this rule is adopted, the State Board should make the cure process as accessible as possible. The rule should require county boards to notify voters by every available method, including mail, email, and phone. If the county board has a voter's phone number or email address anywhere in the voter's record, it should use that information.

The cure notice should be written in plain language. It should clearly say:

What the problem is.

What the voter must do to fix it.

The exact deadline.

All ways the voter can submit the cure.

Who may assist the voter.

A phone number and email address for help.

The rule should also require notices to be available in languages commonly used in the county and in accessible formats for voters with disabilities.

A ballot should not be rejected for a curable deficiency if the voter substantially complies with the cure instructions and the county board can determine that the voter is eligible and intended to cast the ballot.

08 NCAC 18 .0503 Non-Curable Deficiencies

This rule lists absentee-ballot issues that would cause the ballot to be spoiled and, if there is enough time, reissued.

This rule should be narrowed. A ballot should be treated as non-curable only when there is no way to determine voter eligibility, voter intent, or ballot security.

The rule should not classify technical paperwork mistakes as non-curable when the county board can determine who the voter is, that the voter was eligible, and that the voter intended to cast the ballot.

The rule should also require county boards to contact the voter immediately by mail, email, and phone before or at the same time the ballot is spoiled and reissued. Voters should not find out too late that their ballot was cancelled.

If the deficiency is discovered close to Election Day, the notice should clearly explain all remaining voting options, including early voting, Election Day voting, and any available way to return a reissued absentee ballot on time.

08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter

This rule is a better approach than 08 NCAC 18 .0505 because it recognizes that some technical issues should be documented but should not require the voter to take further action.

The State Board should expand this rule to include more innocent absentee-ballot mistakes that do not affect voter eligibility or voter intent.

This rule should include situations where the ballot is received in a sealed outer return envelope, even if there is a technical issue with the inner ballot envelope. Prior NCSBE guidance treated several of these situations as anomalies, not deficiencies, because the ballot was still received in a sealed envelope.

The rule should also include situations where two voters in the same household accidentally switch their ballots or ballot envelopes, as long as there are no issues with the applications and the county board can determine which voters cast the ballots. Prior NCSBE guidance stated that voters in the same household should not have their ballots rejected for that kind of ballot-number mismatch when the mistake is not material to voter eligibility.

The State Board should move these issues into Rule .0504 so voters do not have to complete unnecessary cure paperwork.

08 NCAC 18 .0505 Irregularities That Require Further Action

This is the most concerning absentee-ballot rule.

The rule would require county board staff to contact a voter and require written confirmation when certain ballot-envelope issues are found. These include situations where the ballot envelope appears to have been opened and resealed but was received in a sealed outer return envelope, where the ballot is not inside a sealed ballot envelope but the ballot and ballot envelope were received in a sealed outer return envelope, or where the ballot in the envelope is different from the ballot transmitted to the voter.

These situations may involve innocent voter mistakes. They do not necessarily mean the voter is ineligible, that the voter did anything wrong, or that the ballot should be rejected.

The problem with this rule is that it puts the burden back on the voter after the voter has already returned their ballot. Many absentee voters may not receive the notice in time, may not understand what is being asked, may not have reliable mail or email access, or may not be able to respond quickly because of disability, age, displacement, illness, work, school, or caregiving responsibilities.

If a voter returns a ballot in a sealed outer envelope and the county board can determine that the voter is eligible and intended to cast that ballot, the voter should not have to complete extra paperwork just to have the ballot counted.

The rule should be changed to:

Treat these issues as irregularities that should be documented, not as problems requiring voter action, unless there is evidence of tampering or evidence that the voter did not transmit the ballot.

Move these situations into 08 NCAC 18 .0504 when the ballot was received in a sealed outer envelope.

Allow the county board to count the ballot if the voter's eligibility, application, and intent can be determined.

Require voter contact only when there is a genuine question that cannot be answered from the ballot materials.

Require county boards to use mail, email, and phone notice immediately if voter contact is necessary.

Allow voters to respond by email, phone, mail, in person, or through a permitted assistant.

Prohibit rejection where the voter substantially complied and the issue is not material to whether the voter is eligible to vote.

The State Board should reject Rule .0505 as written and preserve the existing common-sense approach that counts eligible voters' ballots when technical mistakes do not affect voter eligibility, voter intent, or ballot security.

To reiterate, I object to these changes and request legislative review before they go into effect.

Sincerely,

Lisa Maag

Lisa Maag

101 Windermere Court

Greenville, NC 27858

August 27, 2026

James L, Kiser, Jr.
1211 Oakwood Ave
Gastonia, NC 28052

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

To the NC Rules Review Commission:

I am a life-long (77 years) resident of North Carolina. I have been a registered voter since 1972 and have voted in every single election.

I hereby request the above captioned rules be reviewed in the upcoming legislative session of the General Assembly as set out in N.C.G.S. 150B-21.3. I further request the rules be subject to a delayed effective date as set out in that same provision.

I believe the rules adopted by the State Board of Elections and approved by the Rules Review Commission impose an undue, unjustified and troublesome burden upon our State's senior citizen voters. Our state's seniors have every much right to vote as any other eligible citizen. Most of us have worked hard throughout our lives, contributed to our economy, paid taxes and should not only have the right to vote conveniently, but should also be facilitated in exercising this sacred right, given many of us have age-related impairments. Many lack transportation and need convenience of early voting or vote-by-mail. They need non-burdensome easy-to-follow mail-in voting. Why should a photo ID be required for mail voting? Many of us don't have a means to make an ID copy. These rules make it easy to discard ballots due to minor errors in mail-in ballots. Many of us lack a support system to take us through the process of curing minor deficiencies. If our vote is contested by someone, it is difficult for us to challenge. The new rules are too difficult and complex for many seniors to understand. We shouldn't need the assistance of a lawyer to vote! What real documented evidence did NCBOE have to make the process of voting more difficult for us? The Board of Elections and the Rules Review Commission should facilitate senior voting, not impair it.

Thank you for your consideration.

Respectfully submitted,

James L. Kiser, Jr.

624 Wolfe Street
Davidson, North Carolina 28036
August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of the following:

- 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting;
- 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots;
- 08 NCAC 18 .0201 Definitions;
- 08 NCAC 18 .0501 Review for Deficiencies;
- 08 NCAC 18. 0502 Curable Deficiencies;
- 08 NCAC 18. 0503 Non-Curable Deficiencies;
- 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter;
- 08 NCAC 18 .0505 Irregularities That Require Further Action

Members of the Commission:

I am a North Carolina resident and have been a registered voter according to the State Board of Elections web site since at least August 1987, although I was previously registered in North Carolina from the mid-1970s through 1982.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Furthermore, I formally object to the adoption of the rules for the following reasons:

- **08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting**

  The proposed rule eliminating the requirement for unanimity runs counter to the state policy that encourages bipartisan decision-making by county boards of elections, thus increasing the likelihood that decisions will be made on a partisan basis or a because of a mistaken ballot rejection. Any amendment to the existing rule should continue to require unanimity in addition to requiring the county board to specify factual evidence that the Photo ID Exception Form is false. Further, any amendment should require multiple notices to the voter and allow the voter to respond in writing, by phone, email, remotely or in person.

- **08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots**

  For the same reasons that proposed rule 08 NCAC 17.0101 should be rejected and amended, this proposed rule should be rejected and/or amended.

- **08 NCAC 18 .0201 Definitions**

  The definitions in this rule should be revised so that ordinary voters can understand the difference between a "deficiency," an "irregularity," a "curable deficiency," and a "non-curable deficiency." The proposed definitions are overly technical but potentially confusing to voters. The rule should be amended to state that technical mistakes should not lead to ballot rejection unless they are material to voter eligibility, ballot security, or voter intent.

- **08 NCAC 18 .0501 Review for Deficiencies**

  This rule requires county board staff to review returned absentee ballots for deficiencies or irregularities within one business day. Any rule should include required statewide standards for such review and should require county boards to use statewide forms, notices, and procedures. Further, any rule should require county boards to document and maintain records of specific reasons for any finding of deficiency or irregularity.

- **08 NCAC 18. 0502 Curable Deficiencies**

  The proposed rule identifies absentee-ballot problems that voters can fix and if adopted should require that the cure process informs the affected voter of the nature of the problem, how to fix the problem, the related deadline, and how to reach board of elections contacts who can assist. A ballot shall not be rejected for a curable deficiency if a voter substantially complies with the cure instructions.

- **08 NCAC 18. 0503 Non-Curable Deficiencies**

  The proposed rule should be narrowed to treat as non-curable only those ballots where voter eligibility, voter intent, or ballot security cannot be determined. The proposed rule should require county boards to immediately contact the voter to explain the issue and to further explain all remaining voting options.

- **08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter**

  This rule is a better approach than 08 NCAC 18 .0505 because it recognizes that some technical issues should be documented but should not require the voter to take further action. The State Board should expand this rule to include more innocent absentee-ballot mistakes that do not affect voter eligibility or voter intent. In particular, this rule should include situations where the ballot is received in a sealed

outer return envelope, even if there is a technical issue with the inner ballot envelope. Prior NCSBE guidance treated several of these situations as anomalies, not deficiencies, because the ballot was still received in a sealed envelope. The rule should also include situations where two voters in the same household accidentally switch their ballots or ballot envelopes, as long as there are no issues with the applications and the county board can determine which voters cast the ballots. Prior NCSBE guidance stated that voters in the same household should not have their ballots rejected for that kind of ballot-number mismatch when the mistake is not material to voter eligibility. The State Board should move these issues into Rule .0504 so voters do not have to complete unnecessary cure paperwork.

- **08 NCAC 18 .0505 Irregularities That Require Further Action**

  This proposed absentee-ballot rule would require county board staff to contact a voter and require written confirmation when certain ballot-envelope issues are found. These include situations where the ballot envelope appears to have been opened and resealed but was received in a sealed outer return envelope, where the ballot is not inside a sealed ballot envelope but the ballot and ballot envelope were received in a sealed outer return envelope, or where the ballot in the envelope is different from the ballot transmitted to the voter.

  These situations may involve innocent voter mistakes. They do not necessarily mean the voter is ineligible, that the voter did anything wrong, or that the ballot should be rejected.

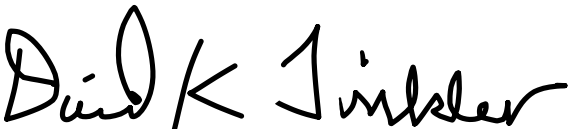
  The problem with this rule is that it puts the burden back on the voter after the voter has already returned their ballot. Many absentee voters may not receive the notice in time, may not understand what is being asked, may not have reliable mail or email access, or may not be able to respond quickly because of disability, age, displacement, illness, work, school, or caregiving responsibilities.

  If a voter returns a ballot in a sealed outer envelope and the county board can determine that the voter is eligible and intended to cast that ballot, the voter should not have to complete extra paperwork just to have the ballot counted.

  The rule should be changed to: (1) Treat these issues as irregularities that should be documented, not as problems requiring voter action, unless there is evidence of tampering or evidence that the voter did not transmit the ballot. (2) Move these situations into 08 NCAC 18 .0504 when the ballot was received in A sealed outer envelope. (3) Allow the county board to count the ballot if the voter's eligibility, application, and intent can be determined. (4) Require voter contact only when there is a genuine question that cannot be answered from the ballot materials. (5) Require county boards to use mail, email, and phone notice immediately if voter contact is necessary.

Thank you for your consideration.

Respectfully,



David K. Tinkler

Burgos, Alexander N

From: Barbara Randolph <brandolphk@gmail.com>
Sent: Thursday, August 27, 2026 9:55 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of Election Rules Approved August 27, 2026

You don't often get email from brandolphk@gmail.com. Learn why this is important

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Dear Sirs, and addressed to:

N.C. Rules Review Commission
1711 New Hope Church Road
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of Election Rules Approved August 27, 2026

08 NCAC 17 .0101 — Verification of Photo Identification During In-Person Voting
08 NCAC 17 .0109 — Photo Identification for Absentee-By-Mail Ballots
08 NCAC 18 .0201 — Definitions
08 NCAC 18 .0501 — Review for Deficiencies
08 NCAC 18 .0502 — Curable Deficiencies
08 NCAC 18 .0503 — Non-Curable Deficiencies
08 NCAC 18 .0504 — Irregularities That Do Not Require Further Action from the Voter
08 NCAC 18 .0505 — Irregularities That Require Further Action

Members of the Commission:

I am a North Carolina resident and have been a registered voter since 2016.

I respectfully submit this written objection to the above-referenced rules approved by the Rules Review Commission on August 27, 2026. I request that this objection be considered pursuant to N.C.G.S. § 150B-21.3(b2), and I **clearly request legislative review of these rules pursuant to N.C.G.S. § 150B-21.3(b1) and (b2).**

I further request that the effective date of these rules be delayed as provided by N.C.G.S. § 150B-21.3(b1), so that the General Assembly has an opportunity to review their substance and their potential consequences for North Carolina voters before the rules take effect.

The State Board of Elections has explained that these rules establish procedures governing the review of absentee ballots, including the identification of deficiencies and irregularities and the circumstances under which voters may or may not cure an identified problem. The rules also modify procedures relating to photo identification for both in-person and absentee voting.

I object to these rules for the following reasons:

1. The rules can impose significant consequences on voters for technical errors that may have no bearing on voter eligibility or voter intent.

The absentee-ballot rules distinguish among “curable deficiencies,” “non-curable deficiencies,” and “irregularities.” That distinction is consequential because certain errors can result in a ballot being spoiled and reissued, while others may not be capable of being cured. For example, Rule .0503 identifies circumstances involving witness information, signatures, envelopes, replacement-ballot requests, and other technical matters as non-curable deficiencies.

A voter who is eligible to vote and who has made a good-faith effort to comply with the law should not lose the opportunity to have that ballot counted because of a technical mistake that does not establish ineligibility, fraud, or lack of voter intent.

I therefore object to the rules to the extent that they create a risk that technical or inadvertent errors will result in the loss of a lawful vote without a meaningful opportunity for the voter to correct the problem.

2. The rules require greater clarity and uniformity in how county boards determine whether an error is a deficiency or an irregularity.

Rule .0501 requires county board staff to review a returned absentee ballot within one business day and determine whether a deficiency or irregularity exists, and then determine which subsequent rule applies.

Because these determinations can affect whether a ballot is ultimately counted, the rules should provide sufficiently clear and objective standards to ensure that similarly situated voters are treated consistently in all 100 counties.

I am concerned that ambiguous or subjective determinations could result in materially different treatment of voters based upon the county in which they cast their absentee ballot.

The rules should therefore establish clear, uniform standards for identifying deficiencies and irregularities and require county boards to document the specific basis for any determination that could affect whether a ballot is counted.

3. The cure process should place the greatest possible emphasis on preserving a lawful voter’s opportunity to cure an honest mistake.

The State Board describes these rules as establishing safeguards for processing absentee ballots. A meaningful safeguard should include a meaningful opportunity for a voter to correct an innocent error whenever the law permits correction.

The rules should require clear, timely and understandable notice to the voter identifying:

- the specific problem with the ballot;
- exactly what the voter must do to correct it;
- the deadline for doing so;
- all permissible methods for submitting the correction; and
- how the voter can obtain assistance.

The notice should be written in plain language and, where appropriate, provided through every reliable method of communication available to the county board.

4. The rules should distinguish clearly between an administrative irregularity and evidence that a voter is ineligible or that a ballot is fraudulent.

An absentee ballot may contain a technical irregularity without there being any evidence that the voter is ineligible, that the voter did not intend to cast the ballot, or that the ballot is fraudulent.

This distinction is particularly important because Rule .0504 expressly recognizes certain irregularities that do not require further action from the voter and provides that the county board may not refuse to count a ballot solely because of an irregularity listed in that rule.

The rules should consistently reflect the principle that a technical irregularity, standing alone, should not be treated as evidence of voter fraud or ineligibility.

5. The rules should be reviewed by the General Assembly before being implemented in a statewide election.

These rules concern fundamental election procedures and will affect how North Carolina voters' ballots are processed.

The Rules Review Commission's approval is not the end of the statutory process when the requirements for legislative review under G.S. 150B-21.3(b2) are satisfied. Under that statute, written objections from at least 10 persons, submitted no later than 5:00 p.m. on the day following Commission approval and clearly requesting legislative review, trigger the delayed-effective-date process established by G.S. 150B-21.3(b1).

Given the importance of these rules and the potential consequences for voters, I believe the General Assembly should have the opportunity to review them before they become effective.

6. The timing of these changes warrants particular scrutiny.

These rules concern voting procedures for the 2026 election cycle. The Rules Review Commission approved the rules on August 27, 2026, with an anticipated September 1, 2026 effective date for at least some of the rules. The Commission's statutory process, however, provides a mechanism for delaying the effective date when the required number of objections requesting legislative review is received.

Implementing significant changes to the procedures governing photo identification and absentee ballots immediately before a statewide election creates a substantial need for clarity, consistency, adequate voter education, and careful legislative review.

Voters should not be required to navigate substantial changes in election procedures without sufficient time to understand those changes and without assurance that county election officials will apply them uniformly.

7. The Rules Review Commission should ensure that the rules remain within the appropriate scope of administrative rule-making.

I recognize that the State Board of Elections has statutory authority to adopt rules governing election administration. However, administrative rules should implement and clarify statutory requirements rather than effectively create new substantive barriers to voting that are not clearly required by statute.

I therefore respectfully request that the Commission and, where applicable, the General Assembly examine whether each provision is:

1. authorized by statute;
2. necessary to implement existing law;
3. sufficiently clear that voters and election officials can reasonably understand what is required;
4. capable of being applied uniformly across North Carolina; and

5. appropriately protective of a lawful voter's opportunity to have their ballot counted.

Conclusion and Request

For these reasons, I respectfully object to the adoption of the above-referenced rules and **clearly request legislative review pursuant to N.C.G.S. § 150B-21.3(b2).**

I respectfully request that:

1. this objection be formally received and recorded;
2. the Commission recognize this objection as a request for legislative review;
3. the effective date of the rules be delayed pursuant to N.C.G.S. § 150B-21.3(b1);
4. the General Assembly review the rules before they become effective; and
5. the State Board of Elections be required to address the concerns identified above, particularly those concerning uniformity, clarity, cure opportunities, treatment of technical errors, and protection of eligible voters' opportunity to have their lawful ballots counted.

The right to vote is fundamental. Election administration should protect both the integrity of elections and the ability of eligible citizens to participate in them. Rules governing the counting of ballots should therefore be clear, consistent, accessible, and narrowly focused on legitimate election-administration requirements.

Thank you for your consideration of this objection and request for legislative review.

Respectfully submitted,

Barbara Randolph, 114 Lake Davidson Circle, Davidson NC 28036

brandolphk@gmail.com

704-606-8383

8.27.2026

I expressly request legislative review of these rules pursuant to N.C.G.S. § 150B-21.3(b2).



STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

JOSH STEIN
GOVERNOR

August 26, 2026

N.C. Rules Review Commission
1711 New Hope Church Road
Raleigh, NC 27609

VIA EMAIL TO: rrc.comments@oah.nc.gov

Re: 08 NCAC 17 .0101, 08 NCAC 17 .0109, and 08 NCAC 18 .0505

Members of the Commission:

Pursuant to N.C. Gen. Stat. § 150B-21.3, I request that the rules listed above be delayed pending review by the North Carolina General Assembly.

The right to vote is the most fundamental right in our democracy, and North Carolina voters should have faith that their ballots are not being discarded for partisan aims. Furthermore, our state's elections administrators should seek to make it easier – not harder – for each eligible North Carolinian to lawfully make their voice heard at the ballot box and have confidence their vote will be respected. Unfortunately, the State Board's proposed rules undercut those core democratic principles, and implementing such changes so close to an election invites confusion and undermines faith in our democratic process.

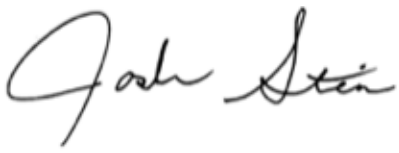
Proposed rule 08 NCAC 18 .0505 makes casting an absentee ballot more complicated and burdensome and increases the likelihood that more voters casting absentee ballots will see their votes thrown out. Many North Carolinians, including people who are elderly, disabled, or ill, choose to vote absentee by mail, and there is no evidence that the additional proposed requirements for these votes to be counted are necessary. Furthermore, the State Board seeks to implement these new rules on county elections administrators three days before county boards begin mailing absentee ballots for the November general election. Changing the rules for how elections staff process ballots so close to the election increases the risk of confusion or mistakes.

These proposed rules come amid unprecedented attacks on voting –by mail from the federal government. On Friday, August 21, 2026, the United States Postal Service published final regulations that restrict the delivery of mail-in ballots unless states share data with the federal government ahead of absentee ballots being mailed to voters. On August 24, 2026, the United States Supreme Court sided with the federal government to clear one order blocking these rules' effect. While additional legal hurdles remain, the Postal Service has previously indicated that it would immediately implement these changes for this year's election if it obtained relief from court orders blocking their implementation. With absentee ballots scheduled to be sent out to voters on September 4, 2026, and the ongoing uncertainty regarding the Postal Service's changes, these rules could further undermine faith that North Carolinians' absentee votes will be respected.

Additionally, the proposed rules 08 NCAC 17 .0101 and 08 NCAC 17 .0109 would erode confidence that ballots from voters lacking a photo ID would be respected even if voters take the necessary and lawful steps to seek an exception. The current rule requires a unanimous, bipartisan vote by a county elections board to disapprove a voter's photo ID exception form and discard that ballot. But proposed rule 08 NCAC 17 .0101 would permit county election boards to disapprove a photo ID exception form and discard a ballot with only a partisan majority. Proposed rule 08 NCAC 17 .0109 also weakens protections against partisanship for absentee ballots. Making the rejection of voters' ballots a partisan decision will undermine voters' trust that their ballots will be counted.

Since the General Assembly transferred the State Board of Elections to the Office of the State Auditor, the State Board has repeatedly sought and created partisan advantage. The people of North Carolina deserve nonpartisan, professionally administered elections to ensure their credibility. I reiterate my objections to these rules and my request that these rules be delayed and subject to legislative review as set out in N.C Gen. Stat. § 150B-21.3 to avoid their potentially damaging effects on our elections.

Regards,



Josh Stein
Governor

Southern Coalition for Social Justice

Southern Coalition for Social Justice
PO Box 51280
Durham, NC 27717
southerncoalition.org

August 26, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection and Request for Legislative Review of 08 NCAC 17 .0101 and 17 .0109 (Photo ID Rules)

Members of the Commission:

Southern Coalition for Social Justice writes pursuant to N.C.G.S. § 150B-21.3 to object to the State Board of Elections' adopted rules related to Photo ID (08 NCAC 17 .0101 and 17 .0109). The amendments in the Rules would remove the requirement that a county board *unanimously* find an ID exception affidavit is false before rejecting any ballot (the "unanimity requirement") and replace it with a simple *majority* vote. *See* 08 NCAC 17 .0101(e)(2) ("the county board shall count the provisional ballot unless the county board finds by majority vote that the affidavit is false"); 08 NCAC 17 .0109(c)(2) ("the county board may reject that person's ballot only if the county board finds by majority vote that the affidavit is false").

SCSJ previously submitted public comment to the State Board on May 26, 2026, to address the original proposed Photo ID Rule amendments and highlight concerns that the rule changes—specifically the unanimity requirement—would inject unnecessary risk of wrongful ballot rejection and unequal treatment of voters across counties.[1] As discussed below, the adopted Rules suffer from the same flaws and thus deviate from the agency requirement that Rules comply with state and federal law, serve the public interest, and minimally burden the person who must comply with them.

We therefore request that the Photo ID Rules be reviewed in the upcoming legislative session as set out in N.C.G.S. § 150B-21.3. We further request that the rules be subject to a delayed effective date as set out in that same provision.

* * * *

1. **Eliminating the unanimity requirement will risk denying equal protection under the law to eligible voters, contrary to the public interest.**

North Carolina law provides that if a registered voter "suffers from a reasonable impediment that prevents [them] from presenting photograph identification," the voter can vote a provisional ballot and complete an affidavit (the "ID Exception Form") explaining their impediment.

[1] Available at https://southerncoalition.org/wp-content/uploads/2026/05/SCSJ-Public-Comment-re-Photo-ID-Proposed-Rule-Change_With-Exhibits.pdf

N.C.G.S. § 163-166.16(d)(2).[2] The ID Exception Form must be completed under penalty of perjury and must affirm that voter: "(i) is the same individual who personally appears at the voting place; (ii) will cast the provisional ballot while voting in person; and (iii) suffers from a reasonable impediment that prevents the registered voter from presenting photograph identification." N.C.G.S. § 163-166.16(d)(2). After the voter has completed the ID Exception Form and assuming the voter is otherwise eligible to vote, "the county board of elections shall find that the provisional ballot is valid unless the county board has grounds to believe the affidavit is false." N.C.G.S. § 163-166.16(f). In other words, the sole question for a county board is whether the reasons provided in the ID Exception Form for failing to show qualifying ID when voting are true or false, not whether they are reasonable or legitimate.

This aspect of North Carolina's voter ID law—*and specifically the requirement for a unanimous finding of falsity*— was a lynchpin to the legislature's legal defense of this law as constitutional and the basis for the contention that the law would not deprive any voter of equal protection under the law when challenged in state court. In opening statements, the General Assembly's own attorney argued:

> "[T]he legislature did not allow local officials to second-guess the validity of these reasonable impediment forms. *The only basis that they can be rejected under SB 824 is if a unanimous bipartisan five-member commission says that they are false.* As long as the person filling out the reasonable impediment provision doesn't lie, the ballot counts."[3]

In subsequent verified briefs defending the law, legislators emphasized that the ID Exception Form was meant to be expansive and not a set of limited, legitimate impediments:

> "Numerous grounds are recognized as reasonable impediments, and voters may identify any 'other' they might have. The State Board properly has interpreted 'other' expansively and has identified nothing that would not count. . . . The only basis for rejecting a reasonable impediment affidavit is falsity, N.C.G.S. § 163-166.16(f), and county boards of elections—which are statutorily mandated to be bipartisan, *see id.* at § 163-30(a)—*must unanimously find an impediment false in order not to count the ballot, see* 08 NCAC 17.0101(b)."[4]

The unanimity requirement is uniquely necessary here because of the nature of the review of ID Exception Forms, which require county boards to determine the truth or falsity of statements provided by voters. Unlike other areas of ballot acceptance or rejection, in which state board

[2] The voter may alternatively opt to return with an acceptable ID no later than 12:00 P.M. on the fifth business day after the election. *See* N.C.G.S. § 163-166.16(c) (as amended in S.L. 2026-60).

[3] Opening Statement by David Thompson, Cooper & Kirk LLC, counsel for the Legislature, at 53:5-12 (Apr. 12, 2021), excerpted (with emphasis added) at Ex. 1 of May 26, 2026 SCSJ Letter available at https://southerncoalition.org/wp-content/uploads/2026/05/SCSJ-Public-Comment-re-Photo-ID-Proposed-Rule-Change_With-Exhibits.pdf.

[4] Brief of the Legislature, at 12, No. COA22-16 (Feb. 7, 2022), excerpted (with emphasis added) at Ex. 2 of May 26, 2026 SCSJ Letter available at https://southerncoalition.org/wp-content/uploads/2026/05/SCSJ-Public-Comment-re-Photo-ID-Proposed-Rule-Change_With-Exhibits.pdf.

guidance is in almost all cases determinative of any situation that might arise (e.g., provisional ballots for previously registered voters), the reasons provided on ID Exception Forms can be unique, leaving an unusual amount of discretion to county board of elections officials to decide an issue of fact in accepting or rejecting ballots. The requirement of a unanimous finding of falsity based on specific, factual information helps to ensure consistent application across all 100 counties and thus guarantee equal treatment of voters.

As legislators themselves argued, which reflected their understanding of the legislation they designed and passed, the unanimity requirement is crucial to ensuring equal protection for voters, and its elimination in the Rules does not serve the public interest as required by law. *See* N.C.G.S. § 150B-19.1(a)(1).

2. All available and relevant information confirms that the unanimity requirement protects eligible voters and that its elimination will unduly burden those voters.

North Carolina law requires that agencies "seek to reduce the burden upon those persons or entities who must comply with the rule" and that "rules shall be based on sound, reasonably available scientific, technical, economic, and other relevant information." N.C.G.S. §§ 150B-19.1(a)(2), (5).

Here, significant evidence shows that the falsity-only standard has proven difficult to uphold in practice, and that the unanimity requirement has been crucial to saving eligible ballots. Its elimination will thus unnecessarily and unduly burden the eligible voters who have to comply with the voter ID laws and associated rules.

Since North Carolina's voter ID law came into force in 2023, there have been frequent documented instances of county boards applying erroneous and unlawful standards in reviewing reasonable impediment affidavits. Specifically, county boards have exceeded their statutory authority by going beyond a lawful inquiry into the falsity of ID Exception Forms, and have instead judged the reasonableness of the exception offered or otherwise engaged in speculation as to their validity. In several instances, the unanimity requirement protected voters from unlawful disenfranchisement.

For example, after the 2023 October and November municipal elections, the Guilford County Board of Elections voted 3-2 to hold hearings on the alleged falsity of multiple ID Exception Forms. Rather than deciding to hold these hearings based on specific and concrete information, Board members relied on speculation and personal opinion about the reasonableness of the voters' explanations. In that case, two voters marked "lack of transportation" as their reason for not presenting a photo ID. In response, a Board member asserted that their forms were likely false because the voters were able to travel to the voting place.[5] For voters who indicated their

[5] *See* Exhibit 1 to January 16, 2024 SCSJ Public Comment Letter, available at https://southerncoalition.org/wp-content/uploads/2024/01/2024.01.16_Voter-Photo-ID-Permanent-Rules-Comment-Ltr.pdf (Exhibit at PDF pages 11-12 letters from the Guilford County Board of Elections to voters stating their reasonable impediment affidavits were being questioned because "you were able to obtain transportation and were well enough to vote, but did not utilize the same resources to obtain and present Photo ID").

photo IDs were "lost or stolen," a board member argued to reject these ID Exception Forms, suggesting they *could* have obtained a photo ID. Advocates contacted the Election Director and the Board, raising the illegality and impropriety of these hearings; however, the Board proceeded while the Director expressed concerns about the temporary rules lacking clarity on this issue.

The unanimity requirement protected these ballots from unlawful rejection. Because the Board members did not unanimously agree on the ID Exception Forms' falsity, these voters' ballots were ultimately counted.

If the unanimity requirement is eliminated, these issues have the potential to impact a huge volume of ballots – there were approximately 4,400 ballots submitted with reasonable impediment ID Exception Forms in the 2024 General Election. In a state with a history of close elections, the perception that thousands of ballots could be rejected along partisan lines through a majority vote could not only invite mischief but also provide fertile ground for allegations of unlawful partisan influence in elections and overall undermine confidence in them. By contrast, there are *no* reported incidences that we are aware of in which ID Exception Forms have been improperly accepted or accepted and later found to be false. In other words, there is no evidence substantiating that replacing the unanimity requirement with a majority-vote requirement is necessary to successfully enforce North Carolina's voter ID law or to prevent voter fraud. The relevant information available thus does not support the elimination of the unanimity requirement, as required for the Rules under state law. *See* N.C.G.S. § 150B-19.1(a)(5).

3. **Eliminating the unanimity requirement risks ambiguous standard of application with due process violations.**

North Carolina law requires rules to be written in a "clear and unambiguous manner" and "reasonably necessary to implement or interpret federal or State law." N.C.G.S. § 150B-19.1(a)(3). The unanimity requirement's conversion to majority vote risks due process violations if voters are exposed to potential criminal liability for perjury in asserting a reasonable impediment where the standard for reviewing those forms is vague and applied inconsistently. *See Carolina Youth Action Project v. Wilson*, 60 F.4th 770, 781 (4th Cir. 2023) (noting that, when it comes to vagueness, "laws imposing 'criminal penalties' or 'threaten[ing] to inhibit the exercise of constitutionally protected rights' are subject to a 'stricter standard'"); *see also Cunney v. Bd. of Trs. of Grand View*, 660 F.3d 612, 621 (2d Cir. 2011) ("Statutes must 'provide explicit standards for those who apply' them to avoid 'resolution on an *ad hoc* and subjective basis, with the attendant dangers of arbitrary and discriminatory application.'"). As noted above, inconsistent application is already a concern in some counties, and removing the unanimity requirement will only increase these issues with no perceived benefit.

For these reasons, the rules should retain the unanimity requirement and add text included in current guidance that makes the falsity-only standard clear. *See* Numbered Memo 2023-03 at 14 ("…it is not the county board's role to second-guess the reasonableness of a voter's asserted impediment to showing photo ID."). The rules should also direct that, in the absence of affirmative proof of falsity, there is a presumption in the voter's favor. This presumption accords with the law and legislators' representations about the voter ID law in court (excerpted above).

It would further discourage bad-faith questioning of voters' statements. And it would align with other aspects of the elections code when the right of a voter to cast a ballot is questioned, such as voter challenges. *See, e.g.*, Voter Challenge Procedures Guide, at 11, N.C. State Bd. of Elections ("No challenge shall be sustained unless the challenge is substantiated by affirmative proof. In the absence of such proof, the presumption shall be that the voter is properly registered or affiliated.")[6]; N.C.G.S. §§ 163-89(c), 163-90.1; *contra* N.C.G.S. § 163-127.5 (candidate challenge where the burden is on the candidate).

4. Suggested Changes to the Rules

For 08 NCAC 17 .0101(e)(2), the revisions necessary to align the Rules with the above recommendations and ensure general compliance with N.C.G.S. § 150B-19.1 include the following:

> To vote by provisional ballot with an affidavit claiming an exception to the identification requirement, pursuant to G.S. 163-166.16(d). If the voter has completed the affidavit as required in G.S. 163-166.16(d) and is otherwise eligible to vote, the county board shall count the provisional ballot unless the county board unanimously finds ~~by majority vote~~ that the affidavit is false. The county board shall only consider whether the reason stated in the affidavit is true or false, and shall not second-guess the reasonableness of a voter's asserted impediment to showing photo ID. The presumption shall be that the reason stated in the affidavit is true. The county board shall substantiate any finding of falsity with grounds recorded in a written decision, and those grounds shall be based only on facts and not speculation, personal opinion, or any independent research into the truthfulness of the exception claim. Before disapproving a voter's provisional ballot because of a finding of falsity, the county board shall provide the voter advance notice and an opportunity to address the county board on any grounds that the county board is considering regarding the falsity of the affidavit at the meeting at which the voter's provisional ballot will be reviewed and considered by the county board. The notice shall identify the specific reasons the county board is considering the affidavit to be potentially false and inform the voter how the voter may address the reasons for potential falsity, which shall include the options to provide a written explanation or documentation or to address the board at a meeting in person. The county board shall send the notice via next-day delivery U.S. Mail within one business day of a county board's preliminary finding of falsity. ~~provided that~~ The opportunity to be heard must be ~~is~~ at least five days from the date of mailing. ~~The notice shall be mailed for next-day delivery if the opportunity to be heard is less than five days from the date of mailing.~~ Notice shall also be provided within one business day of a county board's preliminary finding of falsity by email to any email address or by phone to any phone number that the county board possesses for the voter. The notice and opportunity to address the county board provided for in this Subparagraph shall be offered only to those provisional voters for whom a number of county

[6] https://s3.amazonaws.com/dl.ncsbe.gov/Legal/Voter%20Challenge%20Guide.pdf (Last updated December 18, 2023).

> board members equal to one less than all of the members of the county board, ~~majority of county board members,~~ or more, have identified a specific reason, based only on facts and not speculation, to find that the affidavit claiming an exception to the identification requirement is false.

For 08 NCAC 17 .0109(c)(2), the revisions necessary to align the Rules with the above recommendations and ensure general compliance with N.C.G.S. § 150B-19.1 include the following:

> If the voter has completed an affidavit claiming an exception to the identification requirement pursuant to G.S. 163-166.16(d) and is otherwise eligible to vote, the county board may reject that person's ballot only if the county board unanimously finds ~~by majority vote~~ that the affidavit is false. The county board shall only consider whether the reason stated in the affidavit is true or false, and shall not second-guess the reasonableness of a voter's asserted impediment to showing photo ID. The presumption shall be that the reason stated in the affidavit is true. The county board shall substantiate any finding of falsity with grounds recorded in a written decision, and those grounds shall be based only on facts and not speculation, personal opinion, or any independent research into the truthfulness of the exception claim. Before rejecting a voter's ballot because of a finding of falsity, the county board shall provide the voter advance notice and an opportunity to address the county board at its meeting to count absentee ballots required under G.S. 163-234(12) on any grounds that the county board is considering regarding the falsity of the affidavit. The notice shall identify the specific reasons the county board is considering the affidavit to be potentially false and inform the voter how the voter may address the reasons for potential falsity, which shall include the options to provide a written explanation or documentation or to address the board at a meeting in person. The county board shall send the notice via next-day delivery U.S. Mail within one business day of a county board's preliminary finding of falsity. ~~provided that~~ The opportunity to be heard must be ~~is~~ at least five days from the date of mailing, unless the absentee ballot is received less than five days before the meeting to count absentee ballots required under G.S. 163-234(12), in which case it should occur at that meeting. ~~The notice shall be mailed for next-day delivery if the opportunity to be heard is less than five days from the date of mailing.~~ Notice shall also be provided within one business day of a county board's preliminary finding of falsity by email to any email address or by phone to any phone number that the county board possesses for the voter. The notice and opportunity to address the county board provided for in this Subparagraph shall be offered only to those voters for whom a number of county board members equal to one less than all of the members of the county board, ~~majority of county board members,~~ or more, have identified a specific reason, based only on facts and not speculation, to find that the affidavit claiming an exception to the identification requirement is false.

SCSJ

We thank you for your time and consideration.

Respectfully submitted,

Jeffrey Loperfido
Chief Counsel, Voting Rights

Hilary Harris Klein
Senior Counsel, Voting Rights

Lily Talerman
Counsel, Voting Rights

Common Cause
NORTH CAROLINA

P.O. Box 6207
Raleigh, NC 27628
(919) 836-0027
CommonCauseNC.org

August 24, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

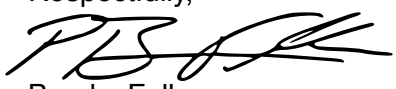
Re: Photo ID Rules 08 NCAC 17.0101 and 08 NCAC 17.0109

Members of the Commission:

The North Carolina State Board of Elections recently passed rules 08 NCAC 17.0101 and 08 NCAC 17.0109 regarding voter identification procedures. Among other things, the rules allow county boards of elections to reject voter ID exception forms, and thus ballots, by a simple majority vote. The rules threaten to invite partisan gamesmanship into the vote-counting process. Because the rules threaten to disenfranchise eligible voters, and for the reasons set forth in the attached public comment letter filed with the North Carolina State Board of Elections, Common Cause North Carolina requests that the above rules (08 NCAC 17.0101 and 08 NCAC 17.0109), be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. We further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your service to the people of North Carolina and your consideration of this objection.

Respectfully,



Brooks Fuller,
Policy Director, Common Cause NC

Burgos, Alexander N

From: Kathy Martin <kteemartin32@gmail.com>
Sent: Monday, August 24, 2026 10:47 AM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review —08 NCAC 17.0109

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To the Rules Review Commission:
I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 17.0109 (PHOTO IDENTIFICATION FOR ABSENTEE-BY-MAIL BALLOTS.)

Section (c) (2) of this proposed rule has been amended to read:
....the county board may reject that person's ballot only if the county board finds by majority vote that the affidavit is false.
The proposed rule violates N.C.G.S. § 150B-21.9(a)(1) by exceeding the administrative authority granted to the agency by the General Assembly. Changing "unanimous" to majority changes the intent of the law which has directed decision makers to regard information in the best light for the voter. If the vote is not unanimous, the voter should be allowed to cast a ballot.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Burgos, Alexander N

From: Mark and Cheri <celebratingphotography2@gmail.com>
Sent: Saturday, August 22, 2026 3:25 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots

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To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed **Rule 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots**.

Lack of Authority: The rule **violates N.C.G.S. § 150B-21.9(a)(1)** because it exceeds the administrative authority granted to the agency by the General Assembly. The agency is using administrative rules to weaken the statutory protection given to absentee voters who fill out valid exception forms, which oversteps what N.C.G.S. Chapter 163 authorizes. Furthermore, amending the requirement for unanimous agreement and giving a simple partisan majority (3-2) on a county board the power to discard a voter's signed affidavit without a high standard exceeds the administrative authority given by the legislature.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Cheryl Elliott
2326 Englewood Avenue
Durham, NC
Durham County

Burgos, Alexander N

From: Advocacy <alltheadvocacy@proton.me>
Sent: Friday, August 21, 2026 12:47 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 17 .0109

You don't often get email from alltheadvocacy@proton.me. Learn why this is important

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To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 17 .0109 Photo ID PHOTO IDENTIFICATION FOR ABSENTEE-BY-MAIL BALLOTS.

The rule fails the Clarity standard under N.C.G.S. § 150B-21.9(a)(2) because it fails to define objective standards for county boards, leading to unequal application across counties.

As a voter, I'm concerned that lack of clarity will result in county boards deferring to which political party holds the county board majority. Voters may be forced to spend time away from work, family, or school and additional money to disprove a falsity that may be invoked unequally across counties.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,
Katherine O'Malley
9721 Dansington Ct
Raleigh, NC, 27615
Wake County

Burgos, Alexander N

From: Mark and Cheri <celebratingphotography2@gmail.com>
Sent: Saturday, August 22, 2026 3:25 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed **Rule 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots**.

Lack of Authority: The rule **violates N.C.G.S. § 150B-21.9(a)(1)** because it exceeds the administrative authority granted to the agency by the General Assembly. The agency is using administrative rules to weaken the statutory protection given to absentee voters who fill out valid exception forms, which oversteps what N.C.G.S. Chapter 163 authorizes. Furthermore, amending the requirement for unanimous agreement and giving a simple partisan majority (3-2) on a county board the power to discard a voter's signed affidavit without a high standard exceeds the administrative authority given by the legislature.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Cheryl Elliott
2326 Englewood Avenue
Durham, NC
Durham County

Burgos, Alexander N

From: Robert McGee <rjmcgee2011@gmail.com>

Sent: Thursday, August 20, 2026 3:38 PM
To: rrc.comments
Cc: Steele, Adam
Subject: [External] Written Objection and Request for Legislative Review - 08 NCAC 17.0109

You don't often get email from rjmcgee2011@gmail.com. Learn why this is important

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I am a registered voter in Chatham County, NC, writing formally to object to the NCSBE's proposed rule **08 NCAC 17.0109 - Photo Identification for Absentee-By-Mail Ballots** for the following reason:

Lack of Clarity: The rule violates the Clarity standard under **N.C.G.S. 150B-21.9(a)2** because when combining Absentee Mail-in Ballot requirements with Photo ID, coupled with tight cure deadlines, it places an increased administrative and cost burden on the voter. The process needs to be executed flawlessly and requires the staff to support the one-day turn around cycle which is likely to be difficult during this midterm election cycle. Both processes are extremely complex, explicit and the steps are numerous and open to interpretation.

The voter must produce and attach a clear photocopy of an acceptable form of voter ID, which requires either using a home printer/copier or a 3rd party printing service. Because the photo quality may be in question, the image can be less than satisfactory. The tight processing schedule may require in-person delivery of the ballot versus using the postal system. If the photo is not accepted the voter is required to process an exception affidavit. Now the voter's package may face a formal inquiry to ensure the affidavit is not false.This is likely to result in an more delay and could prevent the voter from voting a regular ballot.

Pursuant to N.C.G.S. § 150-21.3(b2) this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Respectfully,

Robert McGee
536 Middleton Place
Chapel Hill, NC 27516

Burgos, Alexander N

From: Rosemary McGee <rosemary.mcgee47@gmail.com>
Sent: Thursday, August 20, 2026 3:20 PM
To: rrc.comments
Cc: Steele, Adam
Subject: [External] Written Objection and Request for Legislative Review - 08 NCAC 17.0109

You don't often get email from rosemary.mcgee47@gmail.com. Learn why this is important

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I am a registered voter in Chatham County, NC, writing formally to object to the NCSBE's proposed rule **08 NCAC 17.0109 - Photo Identification for Absentee-By-Mail Ballots** for the following reason:

Lack of Clarity: The rule violates the Clarity standard under **N.C.G.S. 150B-21.9(a)2** because when combining Absentee Mail-in Ballot requirements with Photo ID, coupled with tight cure deadlines, it places an increased administrative and cost burden on the voter. The process needs to be executed flawlessly and requires the staff to support the one-day turn around cycle which is likely to be difficult during this midterm election cycle. Both processes are extremely complex, explicit and the steps are numerous and open to interpretation.

The voter must produce and attach a clear photocopy of an acceptable form of voter ID, which requires either using a home printer/copier or a 3rd party printing service. Because the photo quality may be in question, the image can be less than satisfactory. The tight processing schedule may require in-person delivery of the ballot versus using the postal system. If the photo is not accepted the voter is required to process an exception affidavit. Now the voter's package may face a formal inquiry to ensure the affidavit is not false.This is likely to result in more delay and could prevent the voter from voting a regular ballot.

Pursuant to N.C.G.S. § 150-21.3(b2) this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Respectfully,

Rosemary McGee
536 Middleton Place
Chapel Hill, NC 27516

Burgos, Alexander N

From: Kitz Rickert <kitzrickert@hotmail.com>
Sent: Thursday, August 20, 2026 3:45 PM
To: rrc.comments
Cc: rules@ncsbe
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots

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Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed rule 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots.

Lack of Authority: The rule violates N.C.G.S. § 150B-21.9(a)(1) by exceeding the administrative authority granted to the agency by the General Assembly. The agency is using administrative rules to weaken the statutory protection given to absentee voters who fill out valid exception forms, going beyond what N.C.G.S. Chapter 163 authorizes.

Along with lack of authority, this rule places voter integrity in jeopardy.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Kathleen A Rickert
2709 Legion Avenue
Durham, North Carolina 27707
Durham County

Burgos, Alexander N

From: Bob Rodriguez <blrodriguez001@gmail.com>
Sent: Wednesday, August 19, 2026 3:23 PM
To: rrc.comments
Cc: Ascher, Seth M
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots

Importance: High

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To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots.
My Objection is **Lack of Authority**: The rule violates **N.C.G.S. § 150B-21.9(a)(1)** by exceeding the administrative authority granted to the agency by the General Assembly.
The agency is using administrative rules to weaken the statutory protection given to absentee voters who fill out valid exception forms, going beyond what **N.C.G.S. Chapter 163** authorizes.

This rule also places voter integrity in jeopardy.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.
I also ask that a reply be sent back to me that you received my email.

Sincerely,
Robert G. Rodriguez
2400 Countrywood Rd
Raleigh, NC 27615
Wake County

Burgos, Alexander N

From: Mark Swallow <mswal2846@gmail.com>

Sent: Wednesday, August 19, 2026 7:42 AM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 17.0109 Photo Identification for Absentee-By-Mail Ballots
Attachments: mswal2846.vcf

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To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 17.0109 Photo Identification for Absentee-By-Mail Ballots.

The rule fails the Necessity standard under N.C.G.S. § 150B-21.9(a)(3) because it creates redundant administrative procedures that conflict with existing statutory canvass timelines.

Each and every Board of Elections, regardless if at the County level or the State level, must be non-partisan. This is the only way to instill trust in our elections. This rule would jeopardizes that trust by making it so a majority decision (one where the ruling party has the majority) can decide to throw out a registered citizens ballot. This would, clearly make this a partisan decision. And if there is a legitimate reason to preclude this ballot, then it should be easy to obtain a unanimous decision for whatever that reason is. This rule is dangerous and could easily be used for nefarious purposes.

For the sake of our elections, do not approve this rule!

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

--
Regards,

Mark E Swallow
email: mswal2846@gmail.com
cell: 919-931-2662
fax: 919-573-9463

Burgos, Alexander N

From: Mark McClure <markmcclure888@gmail.com>
Sent: Monday, August 17, 2026 1:54 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots

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To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed **Rule 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots**.

Lack of Authority: The rule **violates N.C.G.S. § 150B-21.9(a)(1)** by exceeding the administrative authority granted to the agency by the General Assembly. The agency is using administrative rules to weaken the statutory protection given to absentee voters who fill out valid exception forms, going beyond what N.C.G.S. Chapter 163 authorizes. In addition, amending the requirement for unanimous agreement and giving a simple partisan majority (3-2) on a county board the power to discard a voter's signed affidavit without a high standard exceeds the administrative authority given by the legislature.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Mark McClure
2326 Englewood Avenue
Durham, NC
Durham County

Burgos, Alexander N

From:	DJ Oronzio <djodemocracy@gmail.com>
Sent:	Friday, August 7, 2026 2:28 PM
To:	rrc.comments; Ascher, Seth M; SVC_SBOE.RuleMaking
Subject:	[External] Written Objection and Request for Legislative Review — 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots

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To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots (NCSBE Rulemaking Page: https://www.ncsbe.gov/rules-and-rulemaking).

Lack of Authority: The rule violates N.C.G.S. § 150B-21.9(a)(1) (https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_150B/GS_150B-21.9.html) by exceeding the administrative authority granted to the agency by the General Assembly.

The agency is using administrative rules to weaken the statutory protection given to absentee voters who fill out valid exception forms, going beyond what N.C.G.S. Chapter 163 (https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_163.html) authorizes. Along with a lack of authority, this rule places voter integrity in jeopardy.

Pursuant to N.C.G.S. § 150B-21.3(b2) (https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_150B/GS_150B-21.3.html), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Deborah J Oronzio

5300 Arete Way

Raleigh, NC 27607

Wake County



Burgos, Alexander N

From: Tiffany Shubert <tiffany.shubert@gmail.com>

Sent: Tuesday, August 11, 2026 12:26 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — Photo ID 08 NCAC 17 .0109

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To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed rule Photo ID - 08 NCAC 17 .0109:

The rule fails the Clarity standard under N.C.G.S. § 150B-21.9(a)(2) because it
fails to define objective standards for county boards, leading to unequal application across counties.

I am specifically concerned about the lack of clarity in the proposed change in section c (2):

> "the county board may reject that person's ballot only if the county board finds by majority vote that the affidavit is false."

The rule previously stated that it had to be a unanimous vote that the affidavit is false. A unanimous vote is very clear - all have to agree. Majority vote is not a clear standard, nor is there any stated rationale for this change.

The same concern of lack of clarity holds for a statement in the same section of the rule:

> "The notice and opportunity to address the county board provided for in this Subparagraph shall be offered only to those voters for whom a majority of county board members, or more, have identified a specific reason"

It is not clear if the majority have to agree on what that reason is, or if the majority have their own specific reasons.

This lack of clarity will cause confusion and a lack of standardization across BOE.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Tiffany Shubert

1 Coggins Mine Court
Chapel Hill, NC 27517
Durham County

Burgos, Alexander N

From:	TreKeny@outlook.com
Sent:	Saturday, August 15, 2026 1:10 PM
To:	rrc.comments
Cc:	seth.ascher@oahnc.gov; Wiggs, Travis C; Steele, Adam; SVC_SBOE.RuleMaking
Subject:	[External] Formal Request for Legislative Review 08 NCAC 17 .00109(c)(1) and (c)(2)

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Trey Kennedy
6539 Clarksdale Ln
Durham, NC 27713
August 15th , 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Dear Commissioners:
Chair Representative Parker and
Members: Senators Doran, Dixon, Hahn, Hyde and Nelson
Representatives Loutit, Overton, Powell, and
Rules Coordinators Seth Ascher/ Travis Wiggs and Adam Steele

Re: 08 NCAC 17 .00109(c)(1) and (c)(2) Photo Identification For Absentee-by-Mail Ballots
In the first cited section of the rule above, **(c)(1)** it states " A final determination that the photocopy of the photo identification is not acceptable under Paragraph (a) of this Rule shall require a **unanimous** vote by the county board.."

Whereas in cited section of the rule above, **(c)(2)** it states: "If the voter has completed an affidavit claiming an exception to the identification requirement pursuant to G.S. 163-166.16(d) and is otherwise eligible to vote, the county board may reject that person's ballot only if the county board ~~unanimously~~ finds **by majority** vote that the affidavit is false

OBJECTION

This may sound repetitive because it has repeated. . The same situation was in 08 NCAC 17 .00101(a)(e)(1) and (a)(e)(2) Verification Of Photo Identification During In-Person Voting

1. LACK OF CLARITY --- Under NC GS 150B-21.9 this rule fails the clear and unambiguous test. It is unclear why a decision needed for a photo ID - something that can be visually seen by all County Board members – and an affidavit – also something that can be visually seen by all County Board members - would require unequal evaluation. Further, why wouldn't the more serious of the offenses – a false affidavit –be the one requring a unanimous decision. It seems to need some clarification to explain why the lesser situation of the Photo ID, seems more significant to need a unanimous ruling than the more serious situation with the affidavit which could be criminal. Clearly these two situations should be AT LEAST equal. The affidavit certainly needs more input and examination than the Photo ID. The majority on the Photo ID shouldn't apply either as it can be subject to Partisanship without being unanimous. It's my suggestion that both issues be unanimous, but AT minimum, the affidavit. More eyes on a potentially criminal offense.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Thank you for your consideration.

Respectfully submitted,



08 NCAC 18 .0201

Marguerite Most
305 W. Queen St.
Hillsborough, N.C.

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

Dear Commission Members:

I am a North Carolina resident who has been registered to vote since 2010.

I request that the Commission review the rules identified above in the upcoming legislative session. See N.C.G.S. 150B-21.3. I also request that any adopted rules be subject to a delayed effective date as set out in that same provision.

The rules are not necessary, and their implemented are likely to result in voter distrust of the integrity of the election outcome. My specific concerns are:

1. Elimination of unanimous vote requirement to accept or reject provisional ballots.
Voter ID rules (08 NCAC 17 .0101 & .0109) require a voter affidavit. The rules propose to change the unanimous vote requirement to allow rejection of a ballot by a majority of board members. Decisions by county boards should not be dependent on, or give the impression of being connected to, the political leanings of board members. Allowing rejection of an affidavit by majority vote could result in wide-spread voter distrust of the process.

2. Technical Envelope Issues.
Rule .0505 would created new categories for absentee ballots when a ballot is returned in a sealed outer envelope, but there is a problem with the inner ballot envelope or ballot placement. If the county board can determine the voter is

eligible and intends to vote, that voter should not be required to complete more paperwork to correct a technical deficiency if ballot security is not the issue.

Thank you.
Respectfully,



Marguerite Most

Lisa Maag
101 Windermere Court
Greenville, NC27858

August 27, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of
08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting;
08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots;
08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies;
08 NCAC 18. 0502 Curable Deficiencies;
08 NCAC 18. 0503 Non-Curable Deficiencies;
08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter;
08 NCAC 18 .0505 Irregularities That Require Further Action

Dear Members of the NC Rules Review Commission:

I am a resident of Pitt County, North Carolina, and I'm dismayed about proposed changes to the voting process. I am contacting you to ask that the rules be reviewed in the upcoming legislative session (per N.C.G.S. 150B-21.3.). In addition, the effective date should be delayed to allow thorough consideration of these changes.

There are many people in my community who are elderly or disabled, or who have moved recently, or who have experienced flooding. They may not have identification as readily available as people with more secure circumstances. I want to make sure that all US citizens have a fair chance to exercise their right to vote, and that is why I am opposed to many of the changes that are described below.

My specific objections and some suggestions are detailed below.

08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting

This rule should not be changed to allow a county board to reject a voter's Photo ID Exception Form by majority vote.

A Photo ID Exception Form is supposed to protect voters who are eligible to vote but cannot present acceptable photo ID because of a reasonable impediment, disability, illness, lack of transportation, lack of documents needed to get ID, work or school schedule, family responsibilities, religious objection, or a recent natural disaster.

N.C.G.S. 163-166.16(f) requires that, when reviewing a provisional ballot cast with a Photo ID exception form, a County Board of Elections "shall find that the provisional ballot is valid unless the county board has grounds to believe the affidavit is false." The current unanimity requirement is an important safeguard. A voter's ballot should not be rejected unless every county board member agrees, based on facts and not speculation, that the voter's Photo ID Exception Form is false.

Lowering the standard from unanimous agreement to a majority vote makes it more likely that ballots will be rejected along partisan lines. The right to vote should not depend on which party controls a county board.

The rule should make clear that county boards may not reject a Photo ID Exception Form because they personally disagree with the voter's reason, think the voter should have tried harder to get ID, or believe the voter's reason is not "good enough." The only question should be whether there is actual factual evidence that the voter made a false statement.

At a minimum, this rule should be amended to:

- Retain the unanimous-vote requirement before a ballot cast with a Photo ID Exception Form can be rejected.
- Require clear written findings based on specific facts, not speculation, assumptions, or disagreement with the voter's stated reason.
- Require meaningful notice to the voter before the ballot is rejected, including mail, email, and phone notice when that information is available.
- Give the voter a real opportunity to respond in writing, by phone, remotely, or in person before the county board makes any final decision.
- Prohibit rejection when the voter's explanation is plausible and the board lacks evidence that it is false.

The State Board should reject this proposed change and keep the current safeguard in place.

08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots

This rule should not be changed to allow a county board to reject an absentee voter's Photo ID Exception Form by majority vote.

Absentee voters use a Photo ID Exception Form when they cannot include a photocopy of acceptable photo ID with their mail-in ballot. These voters may be elderly, disabled, homebound, displaced by a natural disaster, unable to get transportation, unable to access a copier, or unable to obtain the documents needed to get photo ID.

These are exactly the voters who need the strongest protections, not weaker ones.

The current rule requires a unanimous county-board finding before an absentee ballot can be rejected because the voter's Photo ID Exception Form is supposedly false. That requirement protects voters from rushed, mistaken, or partisan decisions.

Changing the standard to majority vote would make it easier to reject ballots from eligible voters who followed the rules and truthfully completed the exception form.

This rule should be amended to:

- Keep the unanimous-vote requirement for any finding that a Photo ID Exception Form is false.
- Require the county board to identify the specific factual evidence showing that the form is false.
- Require county boards to consider the voter's explanation in the light most favorable to the voter unless there is clear evidence of falsity.
- Make clear that a board cannot reject a form simply because members think the voter's reason is weak, inconvenient, incomplete, or not the reason they would have chosen.
- Require multiple forms of notice to the voter before any rejection, including mail, email, and phone when available.
- Allow the voter to respond in writing, by email, by phone, remotely, or in person.

A voter who truthfully completes a Photo ID Exception Form should have their ballot counted. The State Board should reject this proposed change.

08 NCAC 18 .0201 Definitions

The definitions in this rule should be revised so that ordinary voters can understand the difference between a "deficiency," an "irregularity," a "curable deficiency," and a "non-curable deficiency."

As written, the definitions are technical and may make sense to election lawyers or election administrators, but they are confusing for voters. A voter who receives a notice from the county board should be able to understand what happened, what they need to do, and what will happen if they do not respond.

The definition of "irregularity" is especially important. The rule should make clear that an "irregularity" is not the same thing as voter fraud, voter ineligibility, or a reason to reject a ballot. Many irregularities are innocent mistakes that do not affect whether the voter is eligible or whether the voter intended to cast the ballot.

The rule should be amended to state that technical mistakes should not lead to ballot rejection unless they are material to voter eligibility, ballot security, or voter intent.

08 NCAC 18 .0501 Review for Deficiencies

This rule requires county board staff to review returned absentee ballots for deficiencies or irregularities within one business day.

Prompt review is important, but the rule should include stronger statewide standards so voters are treated the same way in every county.

The rule should require county board staff to use uniform statewide forms, uniform written explanations, and uniform procedures when deciding whether something is a deficiency or irregularity. Without clear statewide standards, the same ballot mistake could be treated differently from county to county.

The rule should also require county boards to document the specific reason for any deficiency or irregularity and to keep that documentation with the ballot record. Voters should not lose their ballots based on vague or inconsistent decisions.

08 NCAC 18 .0502 Curable Deficiencies

This rule identifies absentee-ballot problems that voters can fix.

If this rule is adopted, the State Board should make the cure process as accessible as possible. The rule should require county boards to notify voters by every available method, including mail, email, and phone. If the county board has a voter's phone number or email address anywhere in the voter's record, it should use that information.

The cure notice should be written in plain language. It should clearly say:

- What the problem is.
- What the voter must do to fix it.
- The exact deadline.
- All ways the voter can submit the cure.
- Who may assist the voter.
- A phone number and email address for help.

The rule should also require notices to be available in languages commonly used in the county and in accessible formats for voters with disabilities.

A ballot should not be rejected for a curable deficiency if the voter substantially complies with the cure instructions and the county board can determine that the voter is eligible and intended to cast the ballot.

08 NCAC 18 .0503 Non-Curable Deficiencies

This rule lists absentee-ballot issues that would cause the ballot to be spoiled and, if there is enough time, reissued.

This rule should be narrowed. A ballot should be treated as non-curable only when there is no way to determine voter eligibility, voter intent, or ballot security.

The rule should not classify technical paperwork mistakes as non-curable when the county board can determine who the voter is, that the voter was eligible, and that the voter intended to cast the ballot.

The rule should also require county boards to contact the voter immediately by mail, email, and phone before or at the same time the ballot is spoiled and reissued. Voters should not find out too late that their ballot was cancelled.

If the deficiency is discovered close to Election Day, the notice should clearly explain all remaining voting options, including early voting, Election Day voting, and any available way to return a reissued absentee ballot on time.

08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter

This rule is a better approach than 08 NCAC 18 .0505 because it recognizes that some technical issues should be documented but should not require the voter to take further action.

The State Board should expand this rule to include more innocent absentee-ballot mistakes that do not affect voter eligibility or voter intent.

This rule should include situations where the ballot is received in a sealed outer return envelope, even if there is a technical issue with the inner ballot envelope. Prior NCSBE guidance treated several of these situations as anomalies, not deficiencies, because the ballot was still received in a sealed envelope.

The rule should also include situations where two voters in the same household accidentally switch their ballots or ballot envelopes, as long as there are no issues with the applications and the county board can determine which voters cast the ballots. Prior NCSBE guidance stated that voters in the same household should not have their ballots rejected for that kind of ballot-number mismatch when the mistake is not material to voter eligibility.

The State Board should move these issues into Rule .0504 so voters do not have to complete unnecessary cure paperwork.

08 NCAC 18 .0505 Irregularities That Require Further Action

This is the most concerning absentee-ballot rule.

The rule would require county board staff to contact a voter and require written confirmation when certain ballot-envelope issues are found. These include situations where the ballot envelope appears to have been opened and resealed but was received in a sealed outer return envelope, where the ballot is not inside a sealed ballot envelope but the ballot and ballot envelope were received in a sealed outer return envelope, or where the ballot in the envelope is different from the ballot transmitted to the voter.

These situations may involve innocent voter mistakes. They do not necessarily mean the voter is ineligible, that the voter did anything wrong, or that the ballot should be rejected.

The problem with this rule is that it puts the burden back on the voter after the voter has already returned their ballot. Many absentee voters may not receive the notice in time, may not understand what is being asked, may not have reliable mail or email access, or may not be able to respond quickly because of disability, age, displacement, illness, work, school, or caregiving responsibilities.

If a voter returns a ballot in a sealed outer envelope and the county board can determine that the voter is eligible and intended to cast that ballot, the voter should not have to complete extra paperwork just to have the ballot counted.

The rule should be changed to:

- Treat these issues as irregularities that should be documented, not as problems requiring voter action, unless there is evidence of tampering or evidence that the voter did not transmit the ballot.
- Move these situations into 08 NCAC 18 .0504 when the ballot was received in a sealed outer envelope.
- Allow the county board to count the ballot if the voter's eligibility, application, and intent can be determined.
- Require voter contact only when there is a genuine question that cannot be answered from the ballot materials.
- Require county boards to use mail, email, and phone notice immediately if voter contact is necessary.
- Allow voters to respond by email, phone, mail, in person, or through a permitted assistant.
- Prohibit rejection where the voter substantially complied and the issue is not material to whether the voter is eligible to vote.

The State Board should reject Rule .0505 as written and preserve the existing common-sense approach that counts eligible voters' ballots when technical mistakes do not affect voter eligibility, voter intent, or ballot security.

To reiterate, I object to these changes and request legislative review before they go into effect.

Sincerely,

Lisa Maag

Lisa Maag

101 Windermere Court

Greenville, NC 27858

Martha J. Svoboda, Esq.
6329 Mountain Grove Lane
Wake Forest, NC 27587

August 28, 2026

TO: North Carolina Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Sent via email

Re: Objection to and Request for Legislative Review of proposed rules regarding absentee ballots (08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18 .0502 Curable Deficiencies; 08 NCAC 18 .0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action)

Dear Members of the Commission:

I am a North Carolina resident and have been a registered NC voter since 2000.

I am writing to oppose the above-referenced proposed Absentee Voting rules, *most especially* **08 NCAC 18 .0505**.

This rule would require county board staff to contact a voter and require *written* confirmation when certain ballot-envelope issues are found. These include situations where the ballot envelope appears to have been opened and resealed but was received in a sealed outer return envelope, where the ballot is not inside a sealed ballot envelope but the ballot and ballot envelope were received in a sealed outer return envelope, or where the ballot in the envelope is different from the ballot transmitted to the voter.

These situations may involve innocent voter mistakes. They do not necessarily mean the voter is ineligible, that the voter did anything wrong, or that the ballot should be rejected.

The problem with this rule is that it puts the burden back on the voter after the voter has already returned their ballot. **Under current General Statutes, the burden of proof is on the challenger.** *These rules would shift the burden of proof* to the voter to challenge the suspicions of the Board members who brought the challenge. Furthermore, many absentee voters may not receive the notice in time, may not understand what is being asked, may not have reliable mail or email access, or may not be able to respond quickly because of disability, age, displacement, illness, work, school, or caregiving responsibilities.

If a voter returns a ballot in a sealed outer envelope and the county board can determine that the voter is eligible and intended to cast that ballot, the voter should not have to complete extra paperwork just to have the ballot counted. This proposed rule runs the risk of disqualifying ballots cast by eligible voters who clearly communicated their vote and whose ballot was received securely.

Rather, the rule should be changed to:

- Treat these issues as irregularities that should be documented, not as problems requiring voter action, unless there is evidence of tampering or evidence that the voter did not transmit the ballot.
- Move these situations into 08 NCAC 18 .0504 when the ballot was received in a sealed outer envelope.
- Allow the county board to count the ballot if the voter's eligibility, application, and intent can be determined.
- Require voter contact *only* when there is a *genuine* question that cannot be answered from the ballot materials.
- Require county boards to use mail, email, and phone notice **immediately** if voter contact is necessary.
- Allow voters to respond by email, phone, mail, in person, or through a permitted assistant.
- **Prohibit rejection where the voter substantially complied and the issue is not material to whether the voter is eligible to vote.**

The State Board should reject Rule .0505 as written and preserve the existing common-sense approach that counts eligible voters' ballots when technical mistakes do not affect voter eligibility, voter intent, or ballot security.

I would also like to raise objections to the following proposed rule changes:

Re. **08 NCAC 18 .0201 Definitions**

The definitions in this rule should be revised so that ordinary voters can understand the difference between a "deficiency," an "irregularity," a "curable deficiency," and a "non-curable deficiency."

As written, the definitions are technical and may make sense to election lawyers or election administrators, but they are confusing for voters. A voter who receives a notice from the county board should be able to understand (1) what happened, (2) what they need to do, and (3) what will happen if they do not respond.

The definition of "irregularity" is especially important. **The rule should make clear that an "irregularity" is not the same thing as voter fraud, voter ineligibility, or a reason to reject a ballot.** Many irregularities are innocent mistakes that do not affect whether the voter is eligible or whether the voter intended to cast the ballot.

The rule should be amended to state that **technical mistakes should not lead to ballot rejection unless they are material to voter eligibility, ballot security, or voter intent**.

Re. **08 NCAC 18 .0501 Review for Deficiencies**

This rule requires county board staff to review returned absentee ballots for deficiencies or irregularities within one business day.

Prompt review is important, but the rule should include **stronger statewide standards** so voters are treated the same way in every county.

The rule should require county board staff to use uniform statewide forms, uniform written explanations, and uniform procedures when deciding whether something is a deficiency or irregularity. Without clear statewide standards, the same ballot mistake could be treated differently from county to county.

The rule should also require county boards to document the specific reason for any deficiency or irregularity and to keep that documentation with the ballot record. Voters should not lose their ability to cast a ballot based on vague or inconsistent decisions.

Re. **NCAC 18 .0502 Curable Deficiencies**

This rule identifies issues with an absentee ballot that voters can fix.

If this rule is adopted, the State Board should make the cure process as accessible as possible. The rule should require county boards to notify voters by every available method, including mail, email, and phone. If the county board has a voter's phone number or email address anywhere in the voter's record, it should use that information.

The cure notice should be written in plain language. It should clearly say:

- What the problem is.
- What the voter must do to fix it.
- The exact deadline.
- All the ways by which the voter can submit the cure.
- Who may assist the voter.
- A phone number and email address for help.

The rule should also require notices to be available in languages commonly used in the county and in accessible formats for voters with disabilities.

A ballot should not be rejected for a curable deficiency if the voter substantially complies with the cure instructions and the county board can determine that the voter is eligible and intended to cast the ballot.

Re. **08 NCAC 18 .0503 Non-Curable Deficiencies**

This rule lists absentee-ballot issues that would cause the ballot to be spoiled and, if there is enough time, reissued.

This rule should be *narrowed.* **A ballot should be treated as non-curable only when there is no way to determine voter eligibility, voter intent, or ballot security.**

The rule should not classify technical paperwork mistakes as non-curable when the county board can determine (1) who the voter is, (2) that the voter was eligible, and (3) that the voter intended to cast the ballot.

The rule should also require county boards to contact the voter **immediately** by mail, email, and phone before or at the same time the ballot is spoiled and reissued. Voters should not find out too late that their ballot was cancelled.

If the deficiency is discovered close to Election Day, the notice should clearly explain **all** remaining voting options, including early voting, Election Day voting, and any available way to return a reissued absentee ballot on time.

Finally, re. **08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter**

This rule is a better approach than 08 NCAC 18. 0505 because it recognizes that some technical issues should be documented but should not require the voter to take further action.

As noted above, the State Board should *expand* this rule to include more innocent absentee-ballot mistakes that do not affect voter eligibility or voter intent.

In particular, this rule should include situations where the ballot is received in a sealed outer return envelope, even if there is a technical issue with the inner ballot envelope. **Prior NCSBE guidance treated several of these situations as anomalies, not deficiencies, because the ballot was still received in a sealed envelope.**

The rule should also include situations where two voters in the same household accidentally switch their ballots or ballot envelopes, as long as there are no issues with the applications and the county board can determine which voters cast the ballots. **Prior NCSBE guidance** stated that voters in the same household should *not* have their ballots rejected for that kind of ballot-number mismatch when the mistake is not material to voter eligibility.

The State Board should move these issues into Rule .0504 so voters do not have to complete unnecessary cure paperwork.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that any implemented rules be subject to a delayed effective date as set out in that same provision.

Thank you very much for your consideration of my objections, request for legislative review, and substantive explanatory comments regarding these six proposed rule changes regarding Absentee Ballots.

Respectfully,

Martha J. Svoboda, Esq.

Wake County Voter

/s/ Martha J. Svoboda

Burgos, Alexander N

From: Kathy Martin <kteemartin32@gmail.com>
Sent: Friday, August 28, 2026 10:52 AM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review - 08 NCAC 18.201 Definitions

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

To the Rules Review Commission:
I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 09.0106 (Recounts)

Section (9) introduces the term "Irregularity".

The rule fails the Necessity standard under N.C.G.S. § 150B-21.9(a)(3) because it creates redundant administrative procedures that add confusion and thus conflicts with existing statutory canvass timelines.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Burgos, Alexander N

From: Mary Hillmer <mhillmer@bellsouth.net>
Sent: Friday, August 28, 2026 12:12 PM
To: rrc.comments
Cc: Mary Hillmer
Subject: [External] Request for Legislative Review

You don't often get email from mhillmer@bellsouth.net. Learn why this is important

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Mary M. Hillmer
7540 Milestone Court
Raleigh, NC 27615

August 28, 2026

N.C. Rules Review Commissio
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request fo
Identification During In-Person
Absentee-By-Mail Ballots; 08 N
Deficiencies; 08 NCAC 18. 050

Sent from AT&T Yahoo Mail for iPhone

Lynn McGee
1613 Cheyenne Drive
Hillsborough, NC 27278

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

Members of the Commission:

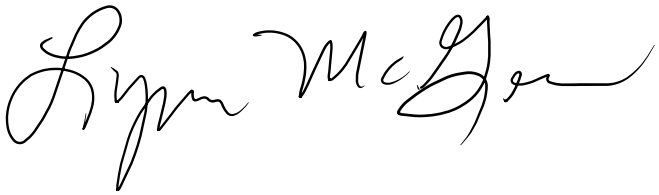
I am a North Carolina resident and have been a registered voter in Orange County since 2017.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Furthermore, I formally object to the adoption of the rules for the following reasons:
These proposed rules are to suppress people from voting, period.

Thank you for your consideration.

Respectfully,
Lynn McGee, Orange County



Burgos, Alexander N

From: Lisa Maag <maagnetism@gmail.com>
Sent: Thursday, August 27, 2026 8:51 PM
To: rrc.comments
Subject: [External] Request for legislative review

You don't often get email from maagnetism@gmail.com. Learn why this is important

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

My letter is attached and copied into the body of this email.

Lisa Maag

101 Windermere Court

Greenville, NC27858

August 27, 2026

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of

08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting;

08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots;

08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies;

08 NCAC 18. 0502 Curable Deficiencies;

08 NCAC 18. 0503 Non-Curable Deficiencies;

08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter;

08 NCAC 18 .0505 Irregularities That Require Further Action

Dear Members of the NC Rules Review Commission:

I am a resident of Pitt County, North Carolina, and I'm dismayed about proposed changes to the voting process. I am contacting you to ask that the rules be reviewed in the upcoming legislative session (per N.C.G.S. 150B-21.3.). In addition, the effective date should be delayed to allow thorough consideration of these changes.

There are many people in my community who are elderly or disabled, or who have moved recently, or who have experienced flooding. They may not have identification as readily available as people with more secure circumstances. I want to make sure that all US citizens have a fair chance to exercise their right to vote, and that is why I am opposed to many of the changes that are described below.

My specific objections and some suggestions are detailed below.

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N.C.G.S. 163-166.16(f) requires that, when reviewing a provisional ballot cast with a Photo ID exception form, a County Board of Elections "shall find that the provisional ballot is valid unless the county board has grounds to believe the affidavit is false." The current unanimity requirement is an important safeguard. A voter's ballot should not be rejected unless every county board member agrees, based on facts and not speculation, that the voter's Photo ID Exception Form is false.

Lowering the standard from unanimous agreement to a majority vote makes it more likely that ballots will be rejected along partisan lines. The right to vote should not depend on which party controls a county board.

The rule should make clear that county boards may not reject a Photo ID Exception Form because they personally disagree with the voter's reason, think the voter should have tried harder to get ID, or believe the voter's reason is not "good enough." The only question should be whether there is actual factual evidence that the voter made a false statement.

At a minimum, this rule should be amended to:

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Require clear written findings based on specific facts, not speculation, assumptions, or disagreement with the voter's stated reason.

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Give the voter a real opportunity to respond in writing, by phone, remotely, or in person before the county board makes any final decision.

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Make clear that a board cannot reject a form simply because members think the voter's reason is weak, inconvenient, incomplete, or not the reason they would have chosen.

Require multiple forms of notice to the voter before any rejection, including mail, email, and phone when available.

Allow the voter to respond in writing, by email, by phone, remotely, or in person.

A voter who truthfully completes a Photo ID Exception Form should have their ballot counted. The State Board should reject this proposed change.

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The exact deadline.

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This rule lists absentee-ballot issues that would cause the ballot to be spoiled and, if there is enough time, reissued.

This rule should be narrowed. A ballot should be treated as non-curable only when there is no way to determine voter eligibility, voter intent, or ballot security.

The rule should not classify technical paperwork mistakes as non-curable when the county board can determine who the voter is, that the voter was eligible, and that the voter intended to cast the ballot.

The rule should also require county boards to contact the voter immediately by mail, email, and phone before or at the same time the ballot is spoiled and reissued. Voters should not find out too late that their ballot was cancelled.

If the deficiency is discovered close to Election Day, the notice should clearly explain all remaining voting options, including early voting, Election Day voting, and any available way to return a reissued absentee ballot on time.

08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter

This rule is a better approach than 08 NCAC 18 .0505 because it recognizes that some technical issues should be documented but should not require the voter to take further action.

The State Board should expand this rule to include more innocent absentee-ballot mistakes that do not affect voter eligibility or voter intent.

This rule should include situations where the ballot is received in a sealed outer return envelope, even if there is a technical issue with the inner ballot envelope. Prior NCSBE guidance treated several of these situations as anomalies, not deficiencies, because the ballot was still received in a sealed envelope.

The rule should also include situations where two voters in the same household accidentally switch their ballots or ballot envelopes, as long as there are no issues with the applications and the county board can determine which voters cast the ballots. Prior NCSBE guidance stated that voters in the same household should not have their ballots rejected for that kind of ballot-number mismatch when the mistake is not material to voter eligibility.

The State Board should move these issues into Rule .0504 so voters do not have to complete unnecessary cure paperwork.

08 NCAC 18 .0505 Irregularities That Require Further Action

This is the most concerning absentee-ballot rule.

The rule would require county board staff to contact a voter and require written confirmation when certain ballot-envelope issues are found. These include situations where the ballot envelope appears to have been opened and resealed but was received in a sealed outer return envelope, where the ballot is not inside a sealed ballot envelope but the ballot and ballot envelope were received in a sealed outer return envelope, or where the ballot in the envelope is different from the ballot transmitted to the voter.

These situations may involve innocent voter mistakes. They do not necessarily mean the voter is ineligible, that the voter did anything wrong, or that the ballot should be rejected.

The problem with this rule is that it puts the burden back on the voter after the voter has already returned their ballot. Many absentee voters may not receive the notice in time, may not understand what is being asked, may not have reliable mail or email access, or may not be able to respond quickly because of disability, age, displacement, illness, work, school, or caregiving responsibilities.

If a voter returns a ballot in a sealed outer envelope and the county board can determine that the voter is eligible and intended to cast that ballot, the voter should not have to complete extra paperwork just to have the ballot counted.

The rule should be changed to:

Treat these issues as irregularities that should be documented, not as problems requiring voter action, unless there is evidence of tampering or evidence that the voter did not transmit the ballot.

Move these situations into 08 NCAC 18 .0504 when the ballot was received in a sealed outer envelope.

Allow the county board to count the ballot if the voter's eligibility, application, and intent can be determined.

Require voter contact only when there is a genuine question that cannot be answered from the ballot materials.

Require county boards to use mail, email, and phone notice immediately if voter contact is necessary.

Allow voters to respond by email, phone, mail, in person, or through a permitted assistant.

Prohibit rejection where the voter substantially complied and the issue is not material to whether the voter is eligible to vote.

The State Board should reject Rule .0505 as written and preserve the existing common-sense approach that counts eligible voters' ballots when technical mistakes do not affect voter eligibility, voter intent, or ballot security.

To reiterate, I object to these changes and request legislative review before they go into effect.

Sincerely,

Lisa Maag

Lisa Maag

101 Windermere Court

Greenville, NC 27858

August 27, 2026

James L, Kiser, Jr.
1211 Oakwood Ave
Gastonia, NC 28052

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

To the NC Rules Review Commission:

I am a life-long (77 years) resident of North Carolina. I have been a registered voter since 1972 and have voted in every single election.

I hereby request the above captioned rules be reviewed in the upcoming legislative session of the General Assembly as set out in N.C.G.S. 150B-21.3. I further request the rules be subject to a delayed effective date as set out in that same provision.

I believe the rules adopted by the State Board of Elections and approved by the Rules Review Commission impose an undue, unjustified and troublesome burden upon our State's senior citizen voters. Our state's seniors have every much right to vote as any other eligible citizen. Most of us have worked hard throughout our lives, contributed to our economy, paid taxes and should not only have the right to vote conveniently, but should also be facilitated in exercising this sacred right, given many of us have age-related impairments. Many lack transportation and need convenience of early voting or vote-by-mail. They need non-burdensome easy-to-follow mail-in voting. Why should a photo ID be required for mail voting? Many of us don't have a means to make an ID copy. These rules make it easy to discard ballots due to minor errors in mail-in ballots. Many of us lack a support system to take us through the process of curing minor deficiencies. If our vote is contested by someone, it is difficult for us to challenge. The new rules are too difficult and complex for many seniors to understand. We shouldn't need the assistance of a lawyer to vote! What real documented evidence did NCBOE have to make the process of voting more difficult for us? The Board of Elections and the Rules Review Commission should facilitate senior voting, not impair it.

Thank you for your consideration.

Respectfully submitted,

James L. Kiser, Jr.

Burgos, Alexander N

From: Krista Savage-White <cedarwoodbrainly@gmail.com>
Sent: Thursday, August 27, 2026 9:17 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of 08 NCAC 18 .0201 Definitions

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To the Members of the N.C. Rules Review Commission:

The definitions in proposed rule 08 NCAC 18 .0201 should be revised so that ordinary voters can understand the difference between a “deficiency,” an “irregularity,” a “curable deficiency,” and a “non-curable deficiency.” As written, the definitions are technical and may make sense to election lawyers or election administrators, but they would be confusing for voters. A voter who receives a notice from the county board should be able to understand what happened, what they need to do, and what will happen if they do not respond.

The definition of “irregularity” is especially important. The rule should make clear that an “irregularity” is not the same thing as voter fraud, voter ineligibility, or a reason to reject a ballot. Many irregularities are innocent mistakes that do not affect whether the voter is eligible or whether the voter intended to cast the ballot. For example, the directions explaining how to correctly seal a mail-in ballot in an envelope aren’t the clearest for mail-in voters to follow. Innocent mistakes have been made in the process of trying to properly seal and return mail-in ballots, and rejecting their ballots would send the message that voting is an elusive process only some people can participate in. Voting is a process that everyone should be able to participate in, not just some. And failing to define “irregularity” as different from “voter fraud” risks exacerbating the already-existing distrust in the electoral system.

The definitions in proposed rule 08 NCAC 18 .0201 carry serious implications that will affect future proposed changes to election laws. Election transparency is important, but if the definitions are not revised for ordinary voters to understand, then elections will only become less transparent. It’ll send elitist messages discouraging people from exercising their right to vote and engage in politics. Furthermore, adopting the rules as written in proposed rule 08 NCAC 18 .0201 paves the way for the North Carolina State Board of Elections to propose future rules that target voters of color, disabled voters, young voters, low-income voters, women voters, and even queer and trans voters.

If the goal is election transparency, then proposed rule 08 NCAC 18 .0201 should be

amended to emphasize that technical mistakes should not lead to ballot rejection, unless they are strongly connected to voter eligibility, ballot security, or voter intent.

Respectfully submitted,
Krista Savage-White

Burgos, Alexander N

From: D Lewis <dalewis515151@gmail.com>
Sent: Thursday, August 27, 2026 9:05 PM
To: rrc.comments
Subject: [External] Objections to & Request for Legislative Review of: 08 NCAC 17.0101 Verification of Photo ID During In-Person Voting; 08 NCAC 17.0109 Photo ID for ABM Ballots & more

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Subject Line Continues: 08NCAC18.0201 Definitions; 08 NCAC 18.0501 Review for Deficiencies; 08 NCAC 18.0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18.0504 Irregularities Not Requiring Further Action from Voter; 08 NCAC 18.0505 Irregularities Requiring Further Action

Rules Review Commission Members:

I am a regular N.C. voter since 1973, except for the years 1997-2001 when I lived out-of-state. I have also worked as a seasonal employee at my county board elections in the absentee ballot team.

I request these rules be reviewed in an upcoming legislative session, per NC GS 150B-21.3 and that these rules not be considered effective as of 9/1/2026.

My objections apply to all of the proposed rules listed in the above and are as follows:

1. When take all-together, these proposed rules would place an unfunded mandate which is unduly cumbersome on all our county boards of elections, staff & PT workers
2. Moreover, when taken all-together, they are yet-to-be-shown as effective in stopping unqualified votes from being counted
3. Absent a qualified study of current voting procedures being done which demonstrate that current procedures are allowing an undue number of unqualified votes to be counted, these proposed rules are nothing more than solutions gone looking for problems
    1.
4. -- have a representative group of county board of elections supervisors / directors & staff been consulted on any of these changes & been given opportunity for fair & open input?
5. In these proposed revisions to current procedures, the requirement should be expressly reiterated that any county board of elections member who proposes to disqualify any voter or ballot must state their reasons why & that reason must be limited to an objective believe the voter is attempting to perpetrate a fraud; such objectives must be in writing, recorded & made public
6. "Due process" for a voter whose ballot is being challenged as valid is cumbersome & unduly time constrained for them to respond

7. Most objectionable my view are NCAC 17.0101 & NCAC 17.0109 whereby a county board's vote to disqualify a ballot is changed from the long-standing requirement for a unanimous vote by the board to a simple majority vote -- WHY?

-- has this long-standing requirement for a unanimous vote been proven that it allows an excessive level of otherwise disqualified ballots to be counted?

Burgos, Alexander N

From: Barbara Randolph <brandolphk@gmail.com>
Sent: Thursday, August 27, 2026 9:55 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of Election Rules Approved August 27, 2026

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Dear Sirs, and addressed to:

N.C. Rules Review Commission
1711 New Hope Church Road
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of Election Rules Approved August 27, 2026

08 NCAC 17 .0101 — Verification of Photo Identification During In-Person Voting
08 NCAC 17 .0109 — Photo Identification for Absentee-By-Mail Ballots
08 NCAC 18 .0201 — Definitions
08 NCAC 18 .0501 — Review for Deficiencies
08 NCAC 18 .0502 — Curable Deficiencies
08 NCAC 18 .0503 — Non-Curable Deficiencies
08 NCAC 18 .0504 — Irregularities That Do Not Require Further Action from the Voter
08 NCAC 18 .0505 — Irregularities That Require Further Action

Members of the Commission:

I am a North Carolina resident and have been a registered voter since 2016.

I respectfully submit this written objection to the above-referenced rules approved by the Rules Review Commission on August 27, 2026. I request that this objection be considered pursuant to N.C.G.S. § 150B-21.3(b2), and I **clearly request legislative review of these rules pursuant to N.C.G.S. § 150B-21.3(b1) and (b2).**

I further request that the effective date of these rules be delayed as provided by N.C.G.S. § 150B-21.3(b1), so that the General Assembly has an opportunity to review their substance and their potential consequences for North Carolina voters before the rules take effect.

The State Board of Elections has explained that these rules establish procedures governing the review of absentee ballots, including the identification of deficiencies and irregularities and the circumstances under which voters may or may not cure an identified problem. The rules also modify procedures relating to photo identification for both in-person and absentee voting.

I object to these rules for the following reasons:

1. The rules can impose significant consequences on voters for technical errors that may have no bearing on voter eligibility or voter intent.

The absentee-ballot rules distinguish among “curable deficiencies,” “non-curable deficiencies,” and “irregularities.” That distinction is consequential because certain errors can result in a ballot being spoiled and reissued, while others may not be capable of being cured. For example, Rule .0503 identifies circumstances involving witness information, signatures, envelopes, replacement-ballot requests, and other technical matters as non-curable deficiencies.

A voter who is eligible to vote and who has made a good-faith effort to comply with the law should not lose the opportunity to have that ballot counted because of a technical mistake that does not establish ineligibility, fraud, or lack of voter intent.

I therefore object to the rules to the extent that they create a risk that technical or inadvertent errors will result in the loss of a lawful vote without a meaningful opportunity for the voter to correct the problem.

2. The rules require greater clarity and uniformity in how county boards determine whether an error is a deficiency or an irregularity.

Rule .0501 requires county board staff to review a returned absentee ballot within one business day and determine whether a deficiency or irregularity exists, and then determine which subsequent rule applies.

Because these determinations can affect whether a ballot is ultimately counted, the rules should provide sufficiently clear and objective standards to ensure that similarly situated voters are treated consistently in all 100 counties.

I am concerned that ambiguous or subjective determinations could result in materially different treatment of voters based upon the county in which they cast their absentee ballot.

The rules should therefore establish clear, uniform standards for identifying deficiencies and irregularities and require county boards to document the specific basis for any determination that could affect whether a ballot is counted.

3. The cure process should place the greatest possible emphasis on preserving a lawful voter’s opportunity to cure an honest mistake.

The State Board describes these rules as establishing safeguards for processing absentee ballots. A meaningful safeguard should include a meaningful opportunity for a voter to correct an innocent error whenever the law permits correction.

The rules should require clear, timely and understandable notice to the voter identifying:

- the specific problem with the ballot;
- exactly what the voter must do to correct it;
- the deadline for doing so;
- all permissible methods for submitting the correction; and
- how the voter can obtain assistance.

The notice should be written in plain language and, where appropriate, provided through every reliable method of communication available to the county board.

4. The rules should distinguish clearly between an administrative irregularity and evidence that a voter is ineligible or that a ballot is fraudulent.

An absentee ballot may contain a technical irregularity without there being any evidence that the voter is ineligible, that the voter did not intend to cast the ballot, or that the ballot is fraudulent.

This distinction is particularly important because Rule .0504 expressly recognizes certain irregularities that do not require further action from the voter and provides that the county board may not refuse to count a ballot solely because of an irregularity listed in that rule.

The rules should consistently reflect the principle that a technical irregularity, standing alone, should not be treated as evidence of voter fraud or ineligibility.

5. The rules should be reviewed by the General Assembly before being implemented in a statewide election.

These rules concern fundamental election procedures and will affect how North Carolina voters' ballots are processed.

The Rules Review Commission's approval is not the end of the statutory process when the requirements for legislative review under G.S. 150B-21.3(b2) are satisfied. Under that statute, written objections from at least 10 persons, submitted no later than 5:00 p.m. on the day following Commission approval and clearly requesting legislative review, trigger the delayed-effective-date process established by G.S. 150B-21.3(b1).

Given the importance of these rules and the potential consequences for voters, I believe the General Assembly should have the opportunity to review them before they become effective.

6. The timing of these changes warrants particular scrutiny.

These rules concern voting procedures for the 2026 election cycle. The Rules Review Commission approved the rules on August 27, 2026, with an anticipated September 1, 2026 effective date for at least some of the rules. The Commission's statutory process, however, provides a mechanism for delaying the effective date when the required number of objections requesting legislative review is received.

Implementing significant changes to the procedures governing photo identification and absentee ballots immediately before a statewide election creates a substantial need for clarity, consistency, adequate voter education, and careful legislative review.

Voters should not be required to navigate substantial changes in election procedures without sufficient time to understand those changes and without assurance that county election officials will apply them uniformly.

7. The Rules Review Commission should ensure that the rules remain within the appropriate scope of administrative rule-making.

I recognize that the State Board of Elections has statutory authority to adopt rules governing election administration. However, administrative rules should implement and clarify statutory requirements rather than effectively create new substantive barriers to voting that are not clearly required by statute.

I therefore respectfully request that the Commission and, where applicable, the General Assembly examine whether each provision is:

1. authorized by statute;
2. necessary to implement existing law;
3. sufficiently clear that voters and election officials can reasonably understand what is required;
4. capable of being applied uniformly across North Carolina; and

5. appropriately protective of a lawful voter's opportunity to have their ballot counted.

Conclusion and Request

For these reasons, I respectfully object to the adoption of the above-referenced rules and **clearly request legislative review pursuant to N.C.G.S. § 150B-21.3(b2).**

I respectfully request that:

1. this objection be formally received and recorded;
2. the Commission recognize this objection as a request for legislative review;
3. the effective date of the rules be delayed pursuant to N.C.G.S. § 150B-21.3(b1);
4. the General Assembly review the rules before they become effective; and
5. the State Board of Elections be required to address the concerns identified above, particularly those concerning uniformity, clarity, cure opportunities, treatment of technical errors, and protection of eligible voters' opportunity to have their lawful ballots counted.

The right to vote is fundamental. Election administration should protect both the integrity of elections and the ability of eligible citizens to participate in them. Rules governing the counting of ballots should therefore be clear, consistent, accessible, and narrowly focused on legitimate election-administration requirements.

Thank you for your consideration of this objection and request for legislative review.

Respectfully submitted,

Barbara Randolph, 114 Lake Davidson Circle, Davidson NC 28036

brandolphk@gmail.com

704-606-8383

8.27.2026

I expressly request legislative review of these rules pursuant to N.C.G.S. § 150B-21.3(b2).

Shruti Parikh
711 Hillsborough St, Raleigh, North Carolina, 27603

August, 27, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [08 NCAC 18.0201 and 0503]

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Non-curable deficiencies under these proposed rules could disproportionately impact Asian American and Pacific Islander (AAPI) voters and non-native English speakers who rely on family members, friends, or other trusted individuals to assist them in navigating the absentee voting process. The classification of certain technical witness, assistant, and notarial deficiencies as non-curable could create a significant barrier to successfully casting an absentee ballot because a third party's technical or administrative error could result in the rejection or spoilage of a voter's ballot, even when the voter's identity, eligibility, and intent are otherwise ascertainable.

This is particularly concerning for communities that may face language and procedural barriers when navigating election requirements. When a voter has complied with the requirements applicable to them but their witness or notary makes a technical error, treating that error as categorically non-curable places the consequences of another person's mistake on the voter.

Thank you for your consideration.

Shruti Parikh
Director of Education and Political Engagement
North Carolina Asian Americans Together

Burgos, Alexander N

From: Kathy Martin <kteemartin32@gmail.com>
Sent: Friday, August 28, 2026 11:25 AM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review - 08 NCAC 18.201 Definitions (resubmitted)

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To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 09.0106 (Recounts)

Section (9) introduces the term "Irregularity".

The rule fails the Necessity standard under N.C.G.S. § 150B-21.9(a)(3) because it creates redundant administrative procedures that add confusion and thus conflicts with existing statutory canvass timelines.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Kathy Martin
114 Bright angel Dr.
Cary, NC
Wake County

Southern Coalition for Social Justice

Southern Coalition for Social Justice
PO Box 51280
Durham, NC 27717
southerncoalition.org

August 26, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection and Request for Legislative Review of 08 NCAC 18 .0201, .0501–.0505 (Absentee Voting Rules)

Members of the Commission:

Southern Coalition for Social Justice writes pursuant to N.C.G.S. § 150B-21.3 to object to the State Board of Elections' adopted rules related to absentee ballots (08 NCAC 18 .0201, .0501–.0505). SCSJ previously submitted public comment to the State Board on July 15, 2026, providing background and information on the success of the existing notice and cure process for absentee ballots, suggesting ways to improve the proposed rules, and urging that the State Board not alter the rules in a way that would make it more challenging for the ballots of eligible voters to count.[1] Because the adopted rules related to absentee ballots increase burdens on eligible voters and are neither necessary nor in the public interest, we object.

We therefore request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. § 150B-21.3. We further request that the rules be subject to a delayed effective date as set out in that same provision.

* * * * *

The Rules Increase Burdens on Voters

When adopting a rule, agencies are required to seek to reduce the burden upon those persons or entities who must comply with the rule. N.C.G.S. § 150B-19.1(a)(2). In adopting the rules, the State Board altered the proposed rules in ways that unnecessarily increase burdens on election administrators and voters, specifically in 08 NCAC 18 .0505.

08 NCAC 18 .0505 contemplates three scenarios: (1) when an absentee ballot is inside a container-return envelope that appears to have been opened and re-sealed, but the container-return envelope is received in a sealed outer return envelope; (2) when an absentee ballot is not inside a sealed container-return envelope, but the container-return envelope and ballot are received in a sealed

[1] Available at https://southerncoalition.org/wp-content/uploads/2026/07/SCSJ-Absentee-Rules-Public-Comment-Final.pdf.

Southern Coalition for Social Justice came together in 2007 to give Black, Brown, and low-income people better resources in the fight for justice across the South. We are lawyers, social scientists, and communications professionals working to dismantle racism and oppression in the criminal legal system, in our environment, and at the ballot box.

SCSJ

outer return envelope; and (3) when an absentee ballot in the container return envelope is identified as a ballot that the voter is not eligible to vote.

When the rules were proposed, for any of the ballot scenarios in 08 NCAC 18 .0505, the county board had to send notice to the voter stating that they were required to contact the county board so that they could determine whether the absentee ballot could be cured or should be spoiled. Depending on what the voter relayed about how they transmitted their absentee ballot package, any of the contemplated scenarios could be cured by the voter.

As adopted, only the first scenario remains curable. The other two now require that the ballot be spoiled, leaving the voter to cast a new ballot either by mail or in person if their vote is to count. This is unnecessarily burdensome for voters who could – if given the opportunity – verify and attest that this was the manner in which they transmitted their ballot.

The Rules Are Neither in the Public Interest nor Necessary

Agencies are empowered to adopt rules that are expressly authorized by law and that are necessary to serve the public interest and that are reasonably necessary to implement or interpret applicable law. N.C.G.S. §§ 150B-19.1(a)(1), (3). These rules neither serve the public interest nor are reasonably necessary.

When a rule is based on sound, reasonably available scientific, technical, economic, or other relevant information, an agency must include reference to that information in the notice of text. N.C.G.S. § 150B-19.1(a)(5). If such information is available, the State Board should have presented it in support of these rules, including shortcomings of the notice-and-cure process quantified through election data. In the absence of such information, there is no evidence that the current notice-and-cure process is deficient in any way that these rules might address.

This absence is particularly stark given that the existing statewide notice-and-cure requirement,[2] as outlined in Numbered Memo 2021-03,[3] satisfies the state's legal obligations, ensures due process for voters, and has been successful since its implementation in 2020.[4] As such, these rules

[2] *See* N.C.G.S. § 163-230.1(e1).
[3] Available at https://dl.ncsbe.gov/sboe/numbermemo/2021/Numbered%20Memo%202021-03_Absentee%20Deficiencies.pdf.
[4] Following the introduction of the statewide notice-and-cure process in 2020, an impact analysis by SCSJ indicated that it allowed nearly 20,000 eligible voters to have their votes count in the 2020 General Election—either by curing their ballot or receiving notice of deficiencies and voting another way. Available at https://southerncoalition.org/wp-content/uploads/2021/07/Absentee-Ballot-Cure-Summary_Final.pdf. Moreover, the State Board's February 2026 Declaratory Ruling – which required modification to Numbered Memo 2021-03 – does not necessitate the particular changes propounded in the Rules at issue here. *See* https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/Orders/Declaratory%20Rulings/NCSBE%20Declaratory%20Ruling%2002022026%20-%20Absentee%20Voting%20Errors.pdf.

are unnecessary in light of the current, effective guidance and the increased burdens they would impose on eligible voters, which is not in the public interest.

* * * * *

Thank you for your time and consideration.

Respectfully Submitted,

Jeffrey Loperfido
Chief Counsel, Voting Rights

Helena Abbott
Counsel, Voting Rights

SOUTHERN COALITION FOR SOCIAL JUSTICE

08 NCAC 18 .0501

Marguerite Most
305 W. Queen St.
Hillsborough, N.C.

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

Dear Commission Members:

I am a North Carolina resident who has been registered to vote since 2010.

I request that the Commission review the rules identified above in the upcoming legislative session. See N.C.G.S. 150B-21.3. I also request that any adopted rules be subject to a delayed effective date as set out in that same provision.

The rules are not necessary, and their implemented are likely to result in voter distrust of the integrity of the election outcome. My specific concerns are:

1. Elimination of unanimous vote requirement to accept or reject provisional ballots.
Voter ID rules (08 NCAC 17 .0101 & .0109) require a voter affidavit. The rules propose to change the unanimous vote requirement to allow rejection of a ballot by a majority of board members. Decisions by county boards should not be dependent on, or give the impression of being connected to, the political leanings of board members. Allowing rejection of an affidavit by majority vote could result in wide-spread voter distrust of the process.

2. Technical Envelope Issues.
Rule .0505 would created new categories for absentee ballots when a ballot is returned in a sealed outer envelope, but there is a problem with the inner ballot envelope or ballot placement. If the county board can determine the voter is

eligible and intends to vote, that voter should not be required to complete more paperwork to correct a technical deficiency if ballot security is not the issue.

Thank you.
Respectfully,



Marguerite Most

Lisa Maag
101 Windermere Court
Greenville, NC27858

August 27, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of
08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting;
08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots;
08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies;
08 NCAC 18. 0502 Curable Deficiencies;
08 NCAC 18. 0503 Non-Curable Deficiencies;
08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter;
08 NCAC 18 .0505 Irregularities That Require Further Action

Dear Members of the NC Rules Review Commission:

I am a resident of Pitt County, North Carolina, and I'm dismayed about proposed changes to the voting process. I am contacting you to ask that the rules be reviewed in the upcoming legislative session (per N.C.G.S. 150B-21.3.). In addition, the effective date should be delayed to allow thorough consideration of these changes.

There are many people in my community who are elderly or disabled, or who have moved recently, or who have experienced flooding. They may not have identification as readily available as people with more secure circumstances. I want to make sure that all US citizens have a fair chance to exercise their right to vote, and that is why I am opposed to many of the changes that are described below.

My specific objections and some suggestions are detailed below.

08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting

This rule should not be changed to allow a county board to reject a voter's Photo ID Exception Form by majority vote.

A Photo ID Exception Form is supposed to protect voters who are eligible to vote but cannot present acceptable photo ID because of a reasonable impediment, disability, illness, lack of transportation, lack of documents needed to get ID, work or school schedule, family responsibilities, religious objection, or a recent natural disaster.

N.C.G.S. 163-166.16(f) requires that, when reviewing a provisional ballot cast with a Photo ID exception form, a County Board of Elections "shall find that the provisional ballot is valid unless the county board has grounds to believe the affidavit is false." The current unanimity requirement is an important safeguard. A voter's ballot should not be rejected unless every county board member agrees, based on facts and not speculation, that the voter's Photo ID Exception Form is false.

Lowering the standard from unanimous agreement to a majority vote makes it more likely that ballots will be rejected along partisan lines. The right to vote should not depend on which party controls a county board.

The rule should make clear that county boards may not reject a Photo ID Exception Form because they personally disagree with the voter's reason, think the voter should have tried harder to get ID, or believe the voter's reason is not "good enough." The only question should be whether there is actual factual evidence that the voter made a false statement.

At a minimum, this rule should be amended to:

- Retain the unanimous-vote requirement before a ballot cast with a Photo ID Exception Form can be rejected.
- Require clear written findings based on specific facts, not speculation, assumptions, or disagreement with the voter's stated reason.
- Require meaningful notice to the voter before the ballot is rejected, including mail, email, and phone notice when that information is available.
- Give the voter a real opportunity to respond in writing, by phone, remotely, or in person before the county board makes any final decision.
- Prohibit rejection when the voter's explanation is plausible and the board lacks evidence that it is false.

The State Board should reject this proposed change and keep the current safeguard in place.

08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots

This rule should not be changed to allow a county board to reject an absentee voter's Photo ID Exception Form by majority vote.

Absentee voters use a Photo ID Exception Form when they cannot include a photocopy of acceptable photo ID with their mail-in ballot. These voters may be elderly, disabled, homebound, displaced by a natural disaster, unable to get transportation, unable to access a copier, or unable to obtain the documents needed to get photo ID.

These are exactly the voters who need the strongest protections, not weaker ones.

The current rule requires a unanimous county-board finding before an absentee ballot can be rejected because the voter's Photo ID Exception Form is supposedly false. That requirement protects voters from rushed, mistaken, or partisan decisions.

Changing the standard to majority vote would make it easier to reject ballots from eligible voters who followed the rules and truthfully completed the exception form.

This rule should be amended to:

- Keep the unanimous-vote requirement for any finding that a Photo ID Exception Form is false.
- Require the county board to identify the specific factual evidence showing that the form is false.
- Require county boards to consider the voter's explanation in the light most favorable to the voter unless there is clear evidence of falsity.
- Make clear that a board cannot reject a form simply because members think the voter's reason is weak, inconvenient, incomplete, or not the reason they would have chosen.
- Require multiple forms of notice to the voter before any rejection, including mail, email, and phone when available.
- Allow the voter to respond in writing, by email, by phone, remotely, or in person.

A voter who truthfully completes a Photo ID Exception Form should have their ballot counted. The State Board should reject this proposed change.

08 NCAC 18 .0201 Definitions

The definitions in this rule should be revised so that ordinary voters can understand the difference between a "deficiency," an "irregularity," a "curable deficiency," and a "non-curable deficiency."

As written, the definitions are technical and may make sense to election lawyers or election administrators, but they are confusing for voters. A voter who receives a notice from the county board should be able to understand what happened, what they need to do, and what will happen if they do not respond.

The definition of "irregularity" is especially important. The rule should make clear that an "irregularity" is not the same thing as voter fraud, voter ineligibility, or a reason to reject a ballot. Many irregularities are innocent mistakes that do not affect whether the voter is eligible or whether the voter intended to cast the ballot.

The rule should be amended to state that technical mistakes should not lead to ballot rejection unless they are material to voter eligibility, ballot security, or voter intent.

08 NCAC 18 .0501 Review for Deficiencies

This rule requires county board staff to review returned absentee ballots for deficiencies or irregularities within one business day.

Prompt review is important, but the rule should include stronger statewide standards so voters are treated the same way in every county.

The rule should require county board staff to use uniform statewide forms, uniform written explanations, and uniform procedures when deciding whether something is a deficiency or irregularity. Without clear statewide standards, the same ballot mistake could be treated differently from county to county.

The rule should also require county boards to document the specific reason for any deficiency or irregularity and to keep that documentation with the ballot record. Voters should not lose their ballots based on vague or inconsistent decisions.

08 NCAC 18 .0502 Curable Deficiencies

This rule identifies absentee-ballot problems that voters can fix.

If this rule is adopted, the State Board should make the cure process as accessible as possible. The rule should require county boards to notify voters by every available method, including mail, email, and phone. If the county board has a voter's phone number or email address anywhere in the voter's record, it should use that information.

The cure notice should be written in plain language. It should clearly say:

- What the problem is.
- What the voter must do to fix it.
- The exact deadline.
- All ways the voter can submit the cure.
- Who may assist the voter.
- A phone number and email address for help.

The rule should also require notices to be available in languages commonly used in the county and in accessible formats for voters with disabilities.

A ballot should not be rejected for a curable deficiency if the voter substantially complies with the cure instructions and the county board can determine that the voter is eligible and intended to cast the ballot.

08 NCAC 18 .0503 Non-Curable Deficiencies

This rule lists absentee-ballot issues that would cause the ballot to be spoiled and, if there is enough time, reissued.

This rule should be narrowed. A ballot should be treated as non-curable only when there is no way to determine voter eligibility, voter intent, or ballot security.

The rule should not classify technical paperwork mistakes as non-curable when the county board can determine who the voter is, that the voter was eligible, and that the voter intended to cast the ballot.

The rule should also require county boards to contact the voter immediately by mail, email, and phone before or at the same time the ballot is spoiled and reissued. Voters should not find out too late that their ballot was cancelled.

If the deficiency is discovered close to Election Day, the notice should clearly explain all remaining voting options, including early voting, Election Day voting, and any available way to return a reissued absentee ballot on time.

08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter

This rule is a better approach than 08 NCAC 18 .0505 because it recognizes that some technical issues should be documented but should not require the voter to take further action.

The State Board should expand this rule to include more innocent absentee-ballot mistakes that do not affect voter eligibility or voter intent.

This rule should include situations where the ballot is received in a sealed outer return envelope, even if there is a technical issue with the inner ballot envelope. Prior NCSBE guidance treated several of these situations as anomalies, not deficiencies, because the ballot was still received in a sealed envelope.

The rule should also include situations where two voters in the same household accidentally switch their ballots or ballot envelopes, as long as there are no issues with the applications and the county board can determine which voters cast the ballots. Prior NCSBE guidance stated that voters in the same household should not have their ballots rejected for that kind of ballot-number mismatch when the mistake is not material to voter eligibility.

The State Board should move these issues into Rule .0504 so voters do not have to complete unnecessary cure paperwork.

08 NCAC 18 .0505 Irregularities That Require Further Action

This is the most concerning absentee-ballot rule.

The rule would require county board staff to contact a voter and require written confirmation when certain ballot-envelope issues are found. These include situations where the ballot envelope appears to have been opened and resealed but was received in a sealed outer return envelope, where the ballot is not inside a sealed ballot envelope but the ballot and ballot envelope were received in a sealed outer return envelope, or where the ballot in the envelope is different from the ballot transmitted to the voter.

These situations may involve innocent voter mistakes. They do not necessarily mean the voter is ineligible, that the voter did anything wrong, or that the ballot should be rejected.

The problem with this rule is that it puts the burden back on the voter after the voter has already returned their ballot. Many absentee voters may not receive the notice in time, may not understand what is being asked, may not have reliable mail or email access, or may not be able to respond quickly because of disability, age, displacement, illness, work, school, or caregiving responsibilities.

If a voter returns a ballot in a sealed outer envelope and the county board can determine that the voter is eligible and intended to cast that ballot, the voter should not have to complete extra paperwork just to have the ballot counted.

The rule should be changed to:

- Treat these issues as irregularities that should be documented, not as problems requiring voter action, unless there is evidence of tampering or evidence that the voter did not transmit the ballot.
- Move these situations into 08 NCAC 18 .0504 when the ballot was received in a sealed outer envelope.
- Allow the county board to count the ballot if the voter's eligibility, application, and intent can be determined.
- Require voter contact only when there is a genuine question that cannot be answered from the ballot materials.
- Require county boards to use mail, email, and phone notice immediately if voter contact is necessary.
- Allow voters to respond by email, phone, mail, in person, or through a permitted assistant.
- Prohibit rejection where the voter substantially complied and the issue is not material to whether the voter is eligible to vote.

The State Board should reject Rule .0505 as written and preserve the existing common-sense approach that counts eligible voters' ballots when technical mistakes do not affect voter eligibility, voter intent, or ballot security.

To reiterate, I object to these changes and request legislative review before they go into effect.

Sincerely,

Lisa Maag

Lisa Maag

101 Windermere Court

Greenville, NC 27858

Martha J. Svoboda, Esq.
6329 Mountain Grove Lane
Wake Forest, NC 27587

August 28, 2026

TO: North Carolina Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Sent via email

Re: Objection to and Request for Legislative Review of proposed rules regarding absentee ballots (08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18 .0502 Curable Deficiencies; 08 NCAC 18 .0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action)

Dear Members of the Commission:

I am a North Carolina resident and have been a registered NC voter since 2000.

I am writing to oppose the above-referenced proposed Absentee Voting rules, *most especially* **08 NCAC 18 .0505**.

This rule would require county board staff to contact a voter and require *written* confirmation when certain ballot-envelope issues are found. These include situations where the ballot envelope appears to have been opened and resealed but was received in a sealed outer return envelope, where the ballot is not inside a sealed ballot envelope but the ballot and ballot envelope were received in a sealed outer return envelope, or where the ballot in the envelope is different from the ballot transmitted to the voter.

These situations may involve innocent voter mistakes. They do not necessarily mean the voter is ineligible, that the voter did anything wrong, or that the ballot should be rejected.

The problem with this rule is that it puts the burden back on the voter after the voter has already returned their ballot. **Under current General Statutes, the burden of proof is on the challenger.** *These rules would shift the burden of proof* to the voter to challenge the suspicions of the Board members who brought the challenge. Furthermore, many absentee voters may not receive the notice in time, may not understand what is being asked, may not have reliable mail or email access, or may not be able to respond quickly because of disability, age, displacement, illness, work, school, or caregiving responsibilities.

If a voter returns a ballot in a sealed outer envelope and the county board can determine that the voter is eligible and intended to cast that ballot, the voter should not have to complete extra paperwork just to have the ballot counted. This proposed rule runs the risk of disqualifying ballots cast by eligible voters who clearly communicated their vote and whose ballot was received securely.

Rather, the rule should be changed to:

- Treat these issues as irregularities that should be documented, not as problems requiring voter action, unless there is evidence of tampering or evidence that the voter did not transmit the ballot.
- Move these situations into 08 NCAC 18 .0504 when the ballot was received in a sealed outer envelope.
- Allow the county board to count the ballot if the voter's eligibility, application, and intent can be determined.
- Require voter contact *only* when there is a *genuine* question that cannot be answered from the ballot materials.
- Require county boards to use mail, email, and phone notice **immediately** if voter contact is necessary.
- Allow voters to respond by email, phone, mail, in person, or through a permitted assistant.
- **Prohibit rejection where the voter substantially complied and the issue is not material to whether the voter is eligible to vote.**

The State Board should reject Rule .0505 as written and preserve the existing common-sense approach that counts eligible voters' ballots when technical mistakes do not affect voter eligibility, voter intent, or ballot security.

I would also like to raise objections to the following proposed rule changes:

Re. **08 NCAC 18 .0201 Definitions**

The definitions in this rule should be revised so that ordinary voters can understand the difference between a "deficiency," an "irregularity," a "curable deficiency," and a "non-curable deficiency."

As written, the definitions are technical and may make sense to election lawyers or election administrators, but they are confusing for voters. A voter who receives a notice from the county board should be able to understand (1) what happened, (2) what they need to do, and (3) what will happen if they do not respond.

The definition of "irregularity" is especially important. **The rule should make clear that an "irregularity" is not the same thing as voter fraud, voter ineligibility, or a reason to reject a ballot.** Many irregularities are innocent mistakes that do not affect whether the voter is eligible or whether the voter intended to cast the ballot.

The rule should be amended to state that **technical mistakes should not lead to ballot rejection unless they are material to voter eligibility, ballot security, or voter intent**.

Re. **08 NCAC 18 .0501 Review for Deficiencies**

This rule requires county board staff to review returned absentee ballots for deficiencies or irregularities within one business day.

Prompt review is important, but the rule should include **stronger statewide standards** so voters are treated the same way in every county.

The rule should require county board staff to use uniform statewide forms, uniform written explanations, and uniform procedures when deciding whether something is a deficiency or irregularity. Without clear statewide standards, the same ballot mistake could be treated differently from county to county.

The rule should also require county boards to document the specific reason for any deficiency or irregularity and to keep that documentation with the ballot record. Voters should not lose their ability to cast a ballot based on vague or inconsistent decisions.

Re. **NCAC 18 .0502 Curable Deficiencies**

This rule identifies issues with an absentee ballot that voters can fix.

If this rule is adopted, the State Board should make the cure process as accessible as possible. The rule should require county boards to notify voters by every available method, including mail, email, and phone. If the county board has a voter's phone number or email address anywhere in the voter's record, it should use that information.

The cure notice should be written in plain language. It should clearly say:

- What the problem is.
- What the voter must do to fix it.
- The exact deadline.
- All the ways by which the voter can submit the cure.
- Who may assist the voter.
- A phone number and email address for help.

The rule should also require notices to be available in languages commonly used in the county and in accessible formats for voters with disabilities.

A ballot should not be rejected for a curable deficiency if the voter substantially complies with the cure instructions and the county board can determine that the voter is eligible and intended to cast the ballot.

Re. **08 NCAC 18 .0503 Non-Curable Deficiencies**

This rule lists absentee-ballot issues that would cause the ballot to be spoiled and, if there is enough time, reissued.

This rule should be *narrowed.* **A ballot should be treated as non-curable only when there is no way to determine voter eligibility, voter intent, or ballot security.**

The rule should not classify technical paperwork mistakes as non-curable when the county board can determine (1) who the voter is, (2) that the voter was eligible, and (3) that the voter intended to cast the ballot.

The rule should also require county boards to contact the voter **immediately** by mail, email, and phone before or at the same time the ballot is spoiled and reissued. Voters should not find out too late that their ballot was cancelled.

If the deficiency is discovered close to Election Day, the notice should clearly explain **all** remaining voting options, including early voting, Election Day voting, and any available way to return a reissued absentee ballot on time.

Finally, re. **08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter**

This rule is a better approach than 08 NCAC 18. 0505 because it recognizes that some technical issues should be documented but should not require the voter to take further action.

As noted above, the State Board should *expand* this rule to include more innocent absentee-ballot mistakes that do not affect voter eligibility or voter intent.

In particular, this rule should include situations where the ballot is received in a sealed outer return envelope, even if there is a technical issue with the inner ballot envelope. **Prior NCSBE guidance treated several of these situations as anomalies, not deficiencies, because the ballot was still received in a sealed envelope.**

The rule should also include situations where two voters in the same household accidentally switch their ballots or ballot envelopes, as long as there are no issues with the applications and the county board can determine which voters cast the ballots. **Prior NCSBE guidance** stated that voters in the same household should *not* have their ballots rejected for that kind of ballot-number mismatch when the mistake is not material to voter eligibility.

The State Board should move these issues into Rule .0504 so voters do not have to complete unnecessary cure paperwork.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that any implemented rules be subject to a delayed effective date as set out in that same provision.

Thank you very much for your consideration of my objections, request for legislative review, and substantive explanatory comments regarding these six proposed rule changes regarding Absentee Ballots.

Respectfully,

Martha J. Svoboda, Esq.

Wake County Voter

/s/ Martha J. Svoboda

Burgos, Alexander N

From: Mary Hillmer <mhillmer@bellsouth.net>
Sent: Friday, August 28, 2026 12:12 PM
To: rrc.comments
Cc: Mary Hillmer
Subject: [External] Request for Legislative Review

You don't often get email from mhillmer@bellsouth.net. Learn why this is important

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Mary M. Hillmer
7540 Milestone Court
Raleigh, NC 27615

August 28, 2026

N.C. Rules Review Commissio
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request fo
Identification During In-Person
Absentee-By-Mail Ballots; 08 N
Deficiencies; 08 NCAC 18. 050

Sent from AT&T Yahoo Mail for iPhone

Lynn McGee
1613 Cheyenne Drive
Hillsborough, NC 27278

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

Members of the Commission:

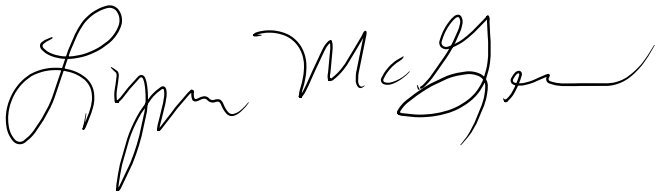
I am a North Carolina resident and have been a registered voter in Orange County since 2017.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Furthermore, I formally object to the adoption of the rules for the following reasons:
These proposed rules are to suppress people from voting, period.

Thank you for your consideration.

Respectfully,
Lynn McGee, Orange County



Burgos, Alexander N

From: Lisa Maag <maagnetism@gmail.com>
Sent: Thursday, August 27, 2026 8:51 PM
To: rrc.comments
Subject: [External] Request for legislative review

You don't often get email from maagnetism@gmail.com. Learn why this is important

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

My letter is attached and copied into the body of this email.

Lisa Maag

101 Windermere Court

Greenville, NC27858

August 27, 2026

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of

08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting;

08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots;

08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies;

08 NCAC 18. 0502 Curable Deficiencies;

08 NCAC 18. 0503 Non-Curable Deficiencies;

08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter;

08 NCAC 18 .0505 Irregularities That Require Further Action

Dear Members of the NC Rules Review Commission:

I am a resident of Pitt County, North Carolina, and I'm dismayed about proposed changes to the voting process. I am contacting you to ask that the rules be reviewed in the upcoming legislative session (per N.C.G.S. 150B-21.3.). In addition, the effective date should be delayed to allow thorough consideration of these changes.

There are many people in my community who are elderly or disabled, or who have moved recently, or who have experienced flooding. They may not have identification as readily available as people with more secure circumstances. I want to make sure that all US citizens have a fair chance to exercise their right to vote, and that is why I am opposed to many of the changes that are described below.

My specific objections and some suggestions are detailed below.

08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting

This rule should not be changed to allow a county board to reject a voter's Photo ID Exception Form by majority vote.

A Photo ID Exception Form is supposed to protect voters who are eligible to vote but cannot present acceptable photo ID because of a reasonable impediment, disability, illness, lack of transportation, lack of documents needed to get ID, work or school schedule, family responsibilities, religious objection, or a recent natural disaster.

N.C.G.S. 163-166.16(f) requires that, when reviewing a provisional ballot cast with a Photo ID exception form, a County Board of Elections "shall find that the provisional ballot is valid unless the county board has grounds to believe the affidavit is false." The current unanimity requirement is an important safeguard. A voter's ballot should not be rejected unless every county board member agrees, based on facts and not speculation, that the voter's Photo ID Exception Form is false.

Lowering the standard from unanimous agreement to a majority vote makes it more likely that ballots will be rejected along partisan lines. The right to vote should not depend on which party controls a county board.

The rule should make clear that county boards may not reject a Photo ID Exception Form because they personally disagree with the voter's reason, think the voter should have tried harder to get ID, or believe the voter's reason is not "good enough." The only question should be whether there is actual factual evidence that the voter made a false statement.

At a minimum, this rule should be amended to:

Retain the unanimous-vote requirement before a ballot cast with a Photo ID Exception Form can be rejected.

Require clear written findings based on specific facts, not speculation, assumptions, or disagreement with the voter's stated reason.

Require meaningful notice to the voter before the ballot is rejected, including mail, email, and phone notice when that information is available.

Give the voter a real opportunity to respond in writing, by phone, remotely, or in person before the county board makes any final decision.

Prohibit rejection when the voter's explanation is plausible and the board lacks evidence that it is false.

The State Board should reject this proposed change and keep the current safeguard in place.

08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots

This rule should not be changed to allow a county board to reject an absentee voter's Photo ID Exception Form by majority vote.

Absentee voters use a Photo ID Exception Form when they cannot include a photocopy of acceptable photo ID with their mail-in ballot. These voters may be elderly, disabled, homebound, displaced by a natural disaster, unable to get transportation, unable to access a copier, or unable to obtain the documents needed to get photo ID.

These are exactly the voters who need the strongest protections, not weaker ones.

The current rule requires a unanimous county-board finding before an absentee ballot can be rejected because the voter's Photo ID Exception Form is supposedly false. That requirement protects voters from rushed, mistaken, or partisan decisions.

Changing the standard to majority vote would make it easier to reject ballots from eligible voters who followed the rules and truthfully completed the exception form.

This rule should be amended to:

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Require the county board to identify the specific factual evidence showing that the form is false.

Require county boards to consider the voter's explanation in the light most favorable to the voter unless there is clear evidence of falsity.

Make clear that a board cannot reject a form simply because members think the voter's reason is weak, inconvenient, incomplete, or not the reason they would have chosen.

Require multiple forms of notice to the voter before any rejection, including mail, email, and phone when available.

Allow the voter to respond in writing, by email, by phone, remotely, or in person.

A voter who truthfully completes a Photo ID Exception Form should have their ballot counted. The State Board should reject this proposed change.

08 NCAC 18 .0201 Definitions

The definitions in this rule should be revised so that ordinary voters can understand the difference between a "deficiency," an "irregularity," a "curable deficiency," and a "non-curable deficiency."

As written, the definitions are technical and may make sense to election lawyers or election administrators, but they are confusing for voters. A voter who receives a notice from the county board should be able to understand what happened, what they need to do, and what will happen if they do not respond.

The definition of "irregularity" is especially important. The rule should make clear that an "irregularity" is not the same thing as voter fraud, voter ineligibility, or a reason to reject a ballot. Many irregularities are innocent mistakes that do not affect whether the voter is eligible or whether the voter intended to cast the ballot.

The rule should be amended to state that technical mistakes should not lead to ballot rejection unless they are material to voter eligibility, ballot security, or voter intent.

08 NCAC 18 .0501 Review for Deficiencies

This rule requires county board staff to review returned absentee ballots for deficiencies or irregularities within one business day.

Prompt review is important, but the rule should include stronger statewide standards so voters are treated the same way in every county.

The rule should require county board staff to use uniform statewide forms, uniform written explanations, and uniform procedures when deciding whether something is a deficiency or irregularity. Without clear statewide standards, the same ballot mistake could be treated differently from county to county.

The rule should also require county boards to document the specific reason for any deficiency or irregularity and to keep that documentation with the ballot record. Voters should not lose their ballots based on vague or inconsistent decisions.

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This rule identifies absentee-ballot problems that voters can fix.

If this rule is adopted, the State Board should make the cure process as accessible as possible. The rule should require county boards to notify voters by every available method, including mail, email, and phone. If the county board has a voter's phone number or email address anywhere in the voter's record, it should use that information.

The cure notice should be written in plain language. It should clearly say:

What the problem is.

What the voter must do to fix it.

The exact deadline.

All ways the voter can submit the cure.

Who may assist the voter.

A phone number and email address for help.

The rule should also require notices to be available in languages commonly used in the county and in accessible formats for voters with disabilities.

A ballot should not be rejected for a curable deficiency if the voter substantially complies with the cure instructions and the county board can determine that the voter is eligible and intended to cast the ballot.

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This rule lists absentee-ballot issues that would cause the ballot to be spoiled and, if there is enough time, reissued.

This rule should be narrowed. A ballot should be treated as non-curable only when there is no way to determine voter eligibility, voter intent, or ballot security.

The rule should not classify technical paperwork mistakes as non-curable when the county board can determine who the voter is, that the voter was eligible, and that the voter intended to cast the ballot.

The rule should also require county boards to contact the voter immediately by mail, email, and phone before or at the same time the ballot is spoiled and reissued. Voters should not find out too late that their ballot was cancelled.

If the deficiency is discovered close to Election Day, the notice should clearly explain all remaining voting options, including early voting, Election Day voting, and any available way to return a reissued absentee ballot on time.

08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter

This rule is a better approach than 08 NCAC 18 .0505 because it recognizes that some technical issues should be documented but should not require the voter to take further action.

The State Board should expand this rule to include more innocent absentee-ballot mistakes that do not affect voter eligibility or voter intent.

This rule should include situations where the ballot is received in a sealed outer return envelope, even if there is a technical issue with the inner ballot envelope. Prior NCSBE guidance treated several of these situations as anomalies, not deficiencies, because the ballot was still received in a sealed envelope.

The rule should also include situations where two voters in the same household accidentally switch their ballots or ballot envelopes, as long as there are no issues with the applications and the county board can determine which voters cast the ballots. Prior NCSBE guidance stated that voters in the same household should not have their ballots rejected for that kind of ballot-number mismatch when the mistake is not material to voter eligibility.

The State Board should move these issues into Rule .0504 so voters do not have to complete unnecessary cure paperwork.

08 NCAC 18 .0505 Irregularities That Require Further Action

This is the most concerning absentee-ballot rule.

The rule would require county board staff to contact a voter and require written confirmation when certain ballot-envelope issues are found. These include situations where the ballot envelope appears to have been opened and resealed but was received in a sealed outer return envelope, where the ballot is not inside a sealed ballot envelope but the ballot and ballot envelope were received in a sealed outer return envelope, or where the ballot in the envelope is different from the ballot transmitted to the voter.

These situations may involve innocent voter mistakes. They do not necessarily mean the voter is ineligible, that the voter did anything wrong, or that the ballot should be rejected.

The problem with this rule is that it puts the burden back on the voter after the voter has already returned their ballot. Many absentee voters may not receive the notice in time, may not understand what is being asked, may not have reliable mail or email access, or may not be able to respond quickly because of disability, age, displacement, illness, work, school, or caregiving responsibilities.

If a voter returns a ballot in a sealed outer envelope and the county board can determine that the voter is eligible and intended to cast that ballot, the voter should not have to complete extra paperwork just to have the ballot counted.

The rule should be changed to:

Treat these issues as irregularities that should be documented, not as problems requiring voter action, unless there is evidence of tampering or evidence that the voter did not transmit the ballot.

Move these situations into 08 NCAC 18 .0504 when the ballot was received in a sealed outer envelope.

Allow the county board to count the ballot if the voter's eligibility, application, and intent can be determined.

Require voter contact only when there is a genuine question that cannot be answered from the ballot materials.

Require county boards to use mail, email, and phone notice immediately if voter contact is necessary.

Allow voters to respond by email, phone, mail, in person, or through a permitted assistant.

Prohibit rejection where the voter substantially complied and the issue is not material to whether the voter is eligible to vote.

The State Board should reject Rule .0505 as written and preserve the existing common-sense approach that counts eligible voters' ballots when technical mistakes do not affect voter eligibility, voter intent, or ballot security.

To reiterate, I object to these changes and request legislative review before they go into effect.

Sincerely,

Lisa Maag

Lisa Maag

101 Windermere Court

Greenville, NC 27858

August 27, 2026

James L, Kiser, Jr.
1211 Oakwood Ave
Gastonia, NC 28052

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

To the NC Rules Review Commission:

I am a life-long (77 years) resident of North Carolina. I have been a registered voter since 1972 and have voted in every single election.

I hereby request the above captioned rules be reviewed in the upcoming legislative session of the General Assembly as set out in N.C.G.S. 150B-21.3. I further request the rules be subject to a delayed effective date as set out in that same provision.

I believe the rules adopted by the State Board of Elections and approved by the Rules Review Commission impose an undue, unjustified and troublesome burden upon our State's senior citizen voters. Our state's seniors have every much right to vote as any other eligible citizen. Most of us have worked hard throughout our lives, contributed to our economy, paid taxes and should not only have the right to vote conveniently, but should also be facilitated in exercising this sacred right, given many of us have age-related impairments. Many lack transportation and need convenience of early voting or vote-by-mail. They need non-burdensome easy-to-follow mail-in voting. Why should a photo ID be required for mail voting? Many of us don't have a means to make an ID copy. These rules make it easy to discard ballots due to minor errors in mail-in ballots. Many of us lack a support system to take us through the process of curing minor deficiencies. If our vote is contested by someone, it is difficult for us to challenge. The new rules are too difficult and complex for many seniors to understand. We shouldn't need the assistance of a lawyer to vote! What real documented evidence did NCBOE have to make the process of voting more difficult for us? The Board of Elections and the Rules Review Commission should facilitate senior voting, not impair it.

Thank you for your consideration.

Respectfully submitted,

James L. Kiser, Jr.

Burgos, Alexander N

From: Krista Savage-White <cedarwoodbrainly@gmail.com>
Sent: Thursday, August 27, 2026 9:23 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of 08 NCAC 18 .0501 Review for Deficiencies

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To the Members of the N.C. Rules Review Commission:

Proposed Rule 08 NCAC 18 .0501 requires county board staff to review returned absentee ballots for deficiencies or irregularities within one business day. Prompt review is important, but the rule should include stronger statewide standards so voters are treated the same way in every county.

The rule should require county board staff to use uniform statewide forms, uniform written explanations, and uniform procedures when deciding whether something is a deficiency or irregularity. The rule should also require county boards to document the specific reason for any deficiency or irregularity and to keep that documentation with the ballot record. Without clear statewide standards, the same ballot mistake could be treated differently from county to county.

Voters should not lose their ballots based on vague or inconsistent decisions. Therefore, I urge the Commission to revise proposed rule 08 NCAC 18 .0501 to include uniform state standards for reviewing returned absentee ballots for certain deficiencies and irregularities.

Respectfully submitted,

Krista Savage-White

624 Wolfe Street
Davidson, North Carolina 28036
August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of the following:

- 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting;
- 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots;
- 08 NCAC 18 .0201 Definitions;
- 08 NCAC 18 .0501 Review for Deficiencies;
- 08 NCAC 18. 0502 Curable Deficiencies;
- 08 NCAC 18. 0503 Non-Curable Deficiencies;
- 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter;
- 08 NCAC 18 .0505 Irregularities That Require Further Action

Members of the Commission:

I am a North Carolina resident and have been a registered voter according to the State Board of Elections web site since at least August 1987, although I was previously registered in North Carolina from the mid-1970s through 1982.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Furthermore, I formally object to the adoption of the rules for the following reasons:

- **08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting**

  The proposed rule eliminating the requirement for unanimity runs counter to the state policy that encourages bipartisan decision-making by county boards of elections, thus increasing the likelihood that decisions will be made on a partisan basis or a because of a mistaken ballot rejection. Any amendment to the existing rule should continue to require unanimity in addition to requiring the county board to specify factual evidence that the Photo ID Exception Form is false. Further, any amendment should require multiple notices to the voter and allow the voter to respond in writing, by phone, email, remotely or in person.

- **08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots**

  For the same reasons that proposed rule 08 NCAC 17.0101 should be rejected and amended, this proposed rule should be rejected and/or amended.

- **08 NCAC 18 .0201 Definitions**

  The definitions in this rule should be revised so that ordinary voters can understand the difference between a "deficiency," an "irregularity," a "curable deficiency," and a "non-curable deficiency." The proposed definitions are overly technical but potentially confusing to voters. The rule should be amended to state that technical mistakes should not lead to ballot rejection unless they are material to voter eligibility, ballot security, or voter intent.

- **08 NCAC 18 .0501 Review for Deficiencies**

  This rule requires county board staff to review returned absentee ballots for deficiencies or irregularities within one business day. Any rule should include required statewide standards for such review and should require county boards to use statewide forms, notices, and procedures. Further, any rule should require county boards to document and maintain records of specific reasons for any finding of deficiency or irregularity.

- **08 NCAC 18. 0502 Curable Deficiencies**

  The proposed rule identifies absentee-ballot problems that voters can fix and if adopted should require that the cure process informs the affected voter of the nature of the problem, how to fix the problem, the related deadline, and how to reach board of elections contacts who can assist. A ballot shall not be rejected for a curable deficiency if a voter substantially complies with the cure instructions.

- **08 NCAC 18. 0503 Non-Curable Deficiencies**

  The proposed rule should be narrowed to treat as non-curable only those ballots where voter eligibility, voter intent, or ballot security cannot be determined. The proposed rule should require county boards to immediately contact the voter to explain the issue and to further explain all remaining voting options.

- **08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter**

  This rule is a better approach than 08 NCAC 18 .0505 because it recognizes that some technical issues should be documented but should not require the voter to take further action. The State Board should expand this rule to include more innocent absentee-ballot mistakes that do not affect voter eligibility or voter intent. In particular, this rule should include situations where the ballot is received in a sealed

outer return envelope, even if there is a technical issue with the inner ballot envelope. Prior NCSBE guidance treated several of these situations as anomalies, not deficiencies, because the ballot was still received in a sealed envelope. The rule should also include situations where two voters in the same household accidentally switch their ballots or ballot envelopes, as long as there are no issues with the applications and the county board can determine which voters cast the ballots. Prior NCSBE guidance stated that voters in the same household should not have their ballots rejected for that kind of ballot-number mismatch when the mistake is not material to voter eligibility. The State Board should move these issues into Rule .0504 so voters do not have to complete unnecessary cure paperwork.

- **08 NCAC 18 .0505 Irregularities That Require Further Action**

  This proposed absentee-ballot rule would require county board staff to contact a voter and require written confirmation when certain ballot-envelope issues are found. These include situations where the ballot envelope appears to have been opened and resealed but was received in a sealed outer return envelope, where the ballot is not inside a sealed ballot envelope but the ballot and ballot envelope were received in a sealed outer return envelope, or where the ballot in the envelope is different from the ballot transmitted to the voter.

  These situations may involve innocent voter mistakes. They do not necessarily mean the voter is ineligible, that the voter did anything wrong, or that the ballot should be rejected.

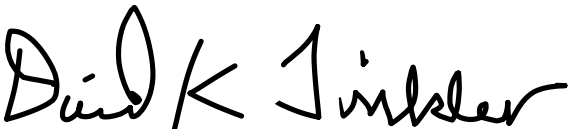
  The problem with this rule is that it puts the burden back on the voter after the voter has already returned their ballot. Many absentee voters may not receive the notice in time, may not understand what is being asked, may not have reliable mail or email access, or may not be able to respond quickly because of disability, age, displacement, illness, work, school, or caregiving responsibilities.

  If a voter returns a ballot in a sealed outer envelope and the county board can determine that the voter is eligible and intended to cast that ballot, the voter should not have to complete extra paperwork just to have the ballot counted.

  The rule should be changed to: (1) Treat these issues as irregularities that should be documented, not as problems requiring voter action, unless there is evidence of tampering or evidence that the voter did not transmit the ballot. (2) Move these situations into 08 NCAC 18 .0504 when the ballot was received in A sealed outer envelope. (3) Allow the county board to count the ballot if the voter's eligibility, application, and intent can be determined. (4) Require voter contact only when there is a genuine question that cannot be answered from the ballot materials. (5) Require county boards to use mail, email, and phone notice immediately if voter contact is necessary.

Thank you for your consideration.

Respectfully,



David K. Tinkler

Burgos, Alexander N

From: D Lewis <dalewis515151@gmail.com>
Sent: Thursday, August 27, 2026 9:05 PM
To: rrc.comments
Subject: [External] Objections to & Request for Legislative Review of: 08 NCAC 17.0101 Verification of Photo ID During In-Person Voting; 08 NCAC 17.0109 Photo ID for ABM Ballots & more

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Subject Line Continues: 08NCAC18.0201 Definitions; 08 NCAC 18.0501 Review for Deficiencies; 08 NCAC 18.0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18.0504 Irregularities Not Requiring Further Action from Voter; 08 NCAC 18.0505 Irregularities Requiring Further Action

Rules Review Commission Members:

I am a regular N.C. voter since 1973, except for the years 1997-2001 when I lived out-of-state. I have also worked as a seasonal employee at my county board elections in the absentee ballot team.

I request these rules be reviewed in an upcoming legislative session, per NC GS 150B-21.3 and that these rules not be considered effective as of 9/1/2026.

My objections apply to all of the proposed rules listed in the above and are as follows:

1. When take all-together, these proposed rules would place an unfunded mandate which is unduly cumbersome on all our county boards of elections, staff & PT workers
2. Moreover, when taken all-together, they are yet-to-be-shown as effective in stopping unqualified votes from being counted
3. Absent a qualified study of current voting procedures being done which demonstrate that current procedures are allowing an undue number of unqualified votes to be counted, these proposed rules are nothing more than solutions gone looking for problems
    1.
4. -- have a representative group of county board of elections supervisors / directors & staff been consulted on any of these changes & been given opportunity for fair & open input?
5. In these proposed revisions to current procedures, the requirement should be expressly reiterated that any county board of elections member who proposes to disqualify any voter or ballot must state their reasons why & that reason must be limited to an objective believe the voter is attempting to perpetrate a fraud; such objectives must be in writing, recorded & made public
6. "Due process" for a voter whose ballot is being challenged as valid is cumbersome & unduly time constrained for them to respond

7. Most objectionable my view are NCAC 17.0101 & NCAC 17.0109 whereby a county board's vote to disqualify a ballot is changed from the long-standing requirement for a unanimous vote by the board to a simple majority vote -- WHY?

-- has this long-standing requirement for a unanimous vote been proven that it allows an excessive level of otherwise disqualified ballots to be counted?

Burgos, Alexander N

From: Barbara Randolph <brandolphk@gmail.com>
Sent: Thursday, August 27, 2026 9:55 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of Election Rules Approved August 27, 2026

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Dear Sirs, and addressed to:

N.C. Rules Review Commission
1711 New Hope Church Road
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of Election Rules Approved August 27, 2026

08 NCAC 17 .0101 — Verification of Photo Identification During In-Person Voting
08 NCAC 17 .0109 — Photo Identification for Absentee-By-Mail Ballots
08 NCAC 18 .0201 — Definitions
08 NCAC 18 .0501 — Review for Deficiencies
08 NCAC 18 .0502 — Curable Deficiencies
08 NCAC 18 .0503 — Non-Curable Deficiencies
08 NCAC 18 .0504 — Irregularities That Do Not Require Further Action from the Voter
08 NCAC 18 .0505 — Irregularities That Require Further Action

Members of the Commission:

I am a North Carolina resident and have been a registered voter since 2016.

I respectfully submit this written objection to the above-referenced rules approved by the Rules Review Commission on August 27, 2026. I request that this objection be considered pursuant to N.C.G.S. § 150B-21.3(b2), and I **clearly request legislative review of these rules pursuant to N.C.G.S. § 150B-21.3(b1) and (b2).**

I further request that the effective date of these rules be delayed as provided by N.C.G.S. § 150B-21.3(b1), so that the General Assembly has an opportunity to review their substance and their potential consequences for North Carolina voters before the rules take effect.

The State Board of Elections has explained that these rules establish procedures governing the review of absentee ballots, including the identification of deficiencies and irregularities and the circumstances under which voters may or may not cure an identified problem. The rules also modify procedures relating to photo identification for both in-person and absentee voting.

I object to these rules for the following reasons:

1. The rules can impose significant consequences on voters for technical errors that may have no bearing on voter eligibility or voter intent.

The absentee-ballot rules distinguish among “curable deficiencies,” “non-curable deficiencies,” and “irregularities.” That distinction is consequential because certain errors can result in a ballot being spoiled and reissued, while others may not be capable of being cured. For example, Rule .0503 identifies circumstances involving witness information, signatures, envelopes, replacement-ballot requests, and other technical matters as non-curable deficiencies.

A voter who is eligible to vote and who has made a good-faith effort to comply with the law should not lose the opportunity to have that ballot counted because of a technical mistake that does not establish ineligibility, fraud, or lack of voter intent.

I therefore object to the rules to the extent that they create a risk that technical or inadvertent errors will result in the loss of a lawful vote without a meaningful opportunity for the voter to correct the problem.

2. The rules require greater clarity and uniformity in how county boards determine whether an error is a deficiency or an irregularity.

Rule .0501 requires county board staff to review a returned absentee ballot within one business day and determine whether a deficiency or irregularity exists, and then determine which subsequent rule applies.

Because these determinations can affect whether a ballot is ultimately counted, the rules should provide sufficiently clear and objective standards to ensure that similarly situated voters are treated consistently in all 100 counties.

I am concerned that ambiguous or subjective determinations could result in materially different treatment of voters based upon the county in which they cast their absentee ballot.

The rules should therefore establish clear, uniform standards for identifying deficiencies and irregularities and require county boards to document the specific basis for any determination that could affect whether a ballot is counted.

3. The cure process should place the greatest possible emphasis on preserving a lawful voter’s opportunity to cure an honest mistake.

The State Board describes these rules as establishing safeguards for processing absentee ballots. A meaningful safeguard should include a meaningful opportunity for a voter to correct an innocent error whenever the law permits correction.

The rules should require clear, timely and understandable notice to the voter identifying:

- the specific problem with the ballot;
- exactly what the voter must do to correct it;
- the deadline for doing so;
- all permissible methods for submitting the correction; and
- how the voter can obtain assistance.

The notice should be written in plain language and, where appropriate, provided through every reliable method of communication available to the county board.

4. The rules should distinguish clearly between an administrative irregularity and evidence that a voter is ineligible or that a ballot is fraudulent.

An absentee ballot may contain a technical irregularity without there being any evidence that the voter is ineligible, that the voter did not intend to cast the ballot, or that the ballot is fraudulent.

This distinction is particularly important because Rule .0504 expressly recognizes certain irregularities that do not require further action from the voter and provides that the county board may not refuse to count a ballot solely because of an irregularity listed in that rule.

The rules should consistently reflect the principle that a technical irregularity, standing alone, should not be treated as evidence of voter fraud or ineligibility.

5. The rules should be reviewed by the General Assembly before being implemented in a statewide election.

These rules concern fundamental election procedures and will affect how North Carolina voters' ballots are processed.

The Rules Review Commission's approval is not the end of the statutory process when the requirements for legislative review under G.S. 150B-21.3(b2) are satisfied. Under that statute, written objections from at least 10 persons, submitted no later than 5:00 p.m. on the day following Commission approval and clearly requesting legislative review, trigger the delayed-effective-date process established by G.S. 150B-21.3(b1).

Given the importance of these rules and the potential consequences for voters, I believe the General Assembly should have the opportunity to review them before they become effective.

6. The timing of these changes warrants particular scrutiny.

These rules concern voting procedures for the 2026 election cycle. The Rules Review Commission approved the rules on August 27, 2026, with an anticipated September 1, 2026 effective date for at least some of the rules. The Commission's statutory process, however, provides a mechanism for delaying the effective date when the required number of objections requesting legislative review is received.

Implementing significant changes to the procedures governing photo identification and absentee ballots immediately before a statewide election creates a substantial need for clarity, consistency, adequate voter education, and careful legislative review.

Voters should not be required to navigate substantial changes in election procedures without sufficient time to understand those changes and without assurance that county election officials will apply them uniformly.

7. The Rules Review Commission should ensure that the rules remain within the appropriate scope of administrative rule-making.

I recognize that the State Board of Elections has statutory authority to adopt rules governing election administration. However, administrative rules should implement and clarify statutory requirements rather than effectively create new substantive barriers to voting that are not clearly required by statute.

I therefore respectfully request that the Commission and, where applicable, the General Assembly examine whether each provision is:

1. authorized by statute;
2. necessary to implement existing law;
3. sufficiently clear that voters and election officials can reasonably understand what is required;
4. capable of being applied uniformly across North Carolina; and

5. appropriately protective of a lawful voter's opportunity to have their ballot counted.

Conclusion and Request

For these reasons, I respectfully object to the adoption of the above-referenced rules and **clearly request legislative review pursuant to N.C.G.S. § 150B-21.3(b2).**

I respectfully request that:

1. this objection be formally received and recorded;
2. the Commission recognize this objection as a request for legislative review;
3. the effective date of the rules be delayed pursuant to N.C.G.S. § 150B-21.3(b1);
4. the General Assembly review the rules before they become effective; and
5. the State Board of Elections be required to address the concerns identified above, particularly those concerning uniformity, clarity, cure opportunities, treatment of technical errors, and protection of eligible voters' opportunity to have their lawful ballots counted.

The right to vote is fundamental. Election administration should protect both the integrity of elections and the ability of eligible citizens to participate in them. Rules governing the counting of ballots should therefore be clear, consistent, accessible, and narrowly focused on legitimate election-administration requirements.

Thank you for your consideration of this objection and request for legislative review.

Respectfully submitted,

Barbara Randolph, 114 Lake Davidson Circle, Davidson NC 28036

brandolphk@gmail.com

704-606-8383

8.27.2026

I expressly request legislative review of these rules pursuant to N.C.G.S. § 150B-21.3(b2).

Southern Coalition for Social Justice

Southern Coalition for Social Justice
PO Box 51280
Durham, NC 27717
southerncoalition.org

August 26, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection and Request for Legislative Review of 08 NCAC 18 .0201, .0501–.0505 (Absentee Voting Rules)

Members of the Commission:

Southern Coalition for Social Justice writes pursuant to N.C.G.S. § 150B-21.3 to object to the State Board of Elections' adopted rules related to absentee ballots (08 NCAC 18 .0201, .0501–.0505). SCSJ previously submitted public comment to the State Board on July 15, 2026, providing background and information on the success of the existing notice and cure process for absentee ballots, suggesting ways to improve the proposed rules, and urging that the State Board not alter the rules in a way that would make it more challenging for the ballots of eligible voters to count.[1] Because the adopted rules related to absentee ballots increase burdens on eligible voters and are neither necessary nor in the public interest, we object.

We therefore request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. § 150B-21.3. We further request that the rules be subject to a delayed effective date as set out in that same provision.

* * * * *

The Rules Increase Burdens on Voters

When adopting a rule, agencies are required to seek to reduce the burden upon those persons or entities who must comply with the rule. N.C.G.S. § 150B-19.1(a)(2). In adopting the rules, the State Board altered the proposed rules in ways that unnecessarily increase burdens on election administrators and voters, specifically in 08 NCAC 18 .0505.

08 NCAC 18 .0505 contemplates three scenarios: (1) when an absentee ballot is inside a container-return envelope that appears to have been opened and re-sealed, but the container-return envelope is received in a sealed outer return envelope; (2) when an absentee ballot is not inside a sealed container-return envelope, but the container-return envelope and ballot are received in a sealed

[1] Available at https://southerncoalition.org/wp-content/uploads/2026/07/SCSJ-Absentee-Rules-Public-Comment-Final.pdf.

Southern Coalition for Social Justice came together in 2007 to give Black, Brown, and low-income people better resources in the fight for justice across the South. We are lawyers, social scientists, and communications professionals working to dismantle racism and oppression in the criminal legal system, in our environment, and at the ballot box.

SCSJ

outer return envelope; and (3) when an absentee ballot in the container return envelope is identified as a ballot that the voter is not eligible to vote.

When the rules were proposed, for any of the ballot scenarios in 08 NCAC 18 .0505, the county board had to send notice to the voter stating that they were required to contact the county board so that they could determine whether the absentee ballot could be cured or should be spoiled. Depending on what the voter relayed about how they transmitted their absentee ballot package, any of the contemplated scenarios could be cured by the voter.

As adopted, only the first scenario remains curable. The other two now require that the ballot be spoiled, leaving the voter to cast a new ballot either by mail or in person if their vote is to count. This is unnecessarily burdensome for voters who could – if given the opportunity – verify and attest that this was the manner in which they transmitted their ballot.

The Rules Are Neither in the Public Interest nor Necessary

Agencies are empowered to adopt rules that are expressly authorized by law and that are necessary to serve the public interest and that are reasonably necessary to implement or interpret applicable law. N.C.G.S. §§ 150B-19.1(a)(1), (3). These rules neither serve the public interest nor are reasonably necessary.

When a rule is based on sound, reasonably available scientific, technical, economic, or other relevant information, an agency must include reference to that information in the notice of text. N.C.G.S. § 150B-19.1(a)(5). If such information is available, the State Board should have presented it in support of these rules, including shortcomings of the notice-and-cure process quantified through election data. In the absence of such information, there is no evidence that the current notice-and-cure process is deficient in any way that these rules might address.

This absence is particularly stark given that the existing statewide notice-and-cure requirement,[2] as outlined in Numbered Memo 2021-03,[3] satisfies the state's legal obligations, ensures due process for voters, and has been successful since its implementation in 2020.[4] As such, these rules

[2] *See* N.C.G.S. § 163-230.1(e1).
[3] Available at https://dl.ncsbe.gov/sboe/numbermemo/2021/Numbered%20Memo%202021-03_Absentee%20Deficiencies.pdf.
[4] Following the introduction of the statewide notice-and-cure process in 2020, an impact analysis by SCSJ indicated that it allowed nearly 20,000 eligible voters to have their votes count in the 2020 General Election—either by curing their ballot or receiving notice of deficiencies and voting another way. Available at https://southerncoalition.org/wp-content/uploads/2021/07/Absentee-Ballot-Cure-Summary_Final.pdf. Moreover, the State Board's February 2026 Declaratory Ruling – which required modification to Numbered Memo 2021-03 – does not necessitate the particular changes propounded in the Rules at issue here. *See* https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/Orders/Declaratory%20Rulings/NCSBE%20Declaratory%20Ruling%2002022026%20-%20Absentee%20Voting%20Errors.pdf.

are unnecessary in light of the current, effective guidance and the increased burdens they would impose on eligible voters, which is not in the public interest.

* * * * *

Thank you for your time and consideration.

Respectfully Submitted,

Jeffrey Loperfido
Chief Counsel, Voting Rights

Helena Abbott
Counsel, Voting Rights

SOUTHERN COALITION FOR SOCIAL JUSTICE

SCSJ

outer return envelope; and (3) when an absentee ballot in the container return envelope is identified as a ballot that the voter is not eligible to vote.

When the rules were proposed, for any of the ballot scenarios in 08 NCAC 18 .0505, the county board had to send notice to the voter stating that they were required to contact the county board so that they could determine whether the absentee ballot could be cured or should be spoiled. Depending on what the voter relayed about how they transmitted their absentee ballot package, any of the contemplated scenarios could be cured by the voter.

As adopted, only the first scenario remains curable. The other two now require that the ballot be spoiled, leaving the voter to cast a new ballot either by mail or in person if their vote is to count. This is unnecessarily burdensome for voters who could – if given the opportunity – verify and attest that this was the manner in which they transmitted their ballot.

The Rules Are Neither in the Public Interest nor Necessary

Agencies are empowered to adopt rules that are expressly authorized by law and that are necessary to serve the public interest and that are reasonably necessary to implement or interpret applicable law. N.C.G.S. §§ 150B-19.1(a)(1), (3). These rules neither serve the public interest nor are reasonably necessary.

When a rule is based on sound, reasonably available scientific, technical, economic, or other relevant information, an agency must include reference to that information in the notice of text. N.C.G.S. § 150B-19.1(a)(5). If such information is available, the State Board should have presented it in support of these rules, including shortcomings of the notice-and-cure process quantified through election data. In the absence of such information, there is no evidence that the current notice-and-cure process is deficient in any way that these rules might address.

This absence is particularly stark given that the existing statewide notice-and-cure requirement,[2] as outlined in Numbered Memo 2021-03,[3] satisfies the state's legal obligations, ensures due process for voters, and has been successful since its implementation in 2020.[4] As such, these rules

[2] *See* N.C.G.S. § 163-230.1(e1).
[3] Available at https://dl.ncsbe.gov/sboe/numbermemo/2021/Numbered%20Memo%202021-03_Absentee%20Deficiencies.pdf.
[4] Following the introduction of the statewide notice-and-cure process in 2020, an impact analysis by SCSJ indicated that it allowed nearly 20,000 eligible voters to have their votes count in the 2020 General Election—either by curing their ballot or receiving notice of deficiencies and voting another way. Available at https://southerncoalition.org/wp-content/uploads/2021/07/Absentee-Ballot-Cure-Summary_Final.pdf. Moreover, the State Board's February 2026 Declaratory Ruling – which required modification to Numbered Memo 2021-03 – does not necessitate the particular changes propounded in the Rules at issue here. *See* https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/Orders/Declaratory%20Rulings/NCSBE%20Declaratory%20Ruling%2002022026%20-%20Absentee%20Voting%20Errors.pdf.

are unnecessary in light of the current, effective guidance and the increased burdens they would impose on eligible voters, which is not in the public interest.

* * * * *

Thank you for your time and consideration.

Respectfully Submitted,

Jeffrey Loperfido
Chief Counsel, Voting Rights

Helena Abbott
Counsel, Voting Rights

SOUTHERN COALITION FOR SOCIAL JUSTICE

Burgos, Alexander N

From: Kathy Martin <kteemartin32@gmail.com>
Sent: Friday, August 28, 2026 11:34 AM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Fwd: Written Objection and Request for Legislative Review - 08 NCAC 18.0501

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

CORRECTION : Subject: Written Objection and Request for Legislative Review - 08 NCAC 18.0502 (Curable Deficiencies)

---------- Forwarded message ---------
From: **Kathy Martin** <kteemartin32@gmail.com>
Date: Fri, Aug 28, 2026 at 11:21 AM
Subject: Written Objection and Request for Legislative Review - 08 NCAC 18.0501
To: <rrc.comments@oah.nc.gov>
Cc: <rules@ncsbe.gov>

To the Rules Review Commission:
I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 18.0502

Sections (b) through (d) lay out a procedure that is highly likely to fail to fix curable ballots within the timeframe defined in G.S. 163-230.1(e1).

The rule fails the Necessity standard under N.C.G.S. § 150B-21.9(a)(3) because it creates redundant administrative procedures that conflict with existing statutory canvass timelines. Some of the deficiencies being cited in section (a) have previously been addressed by administrative action per numbered memo 2021-03. To introduce new rules does not promote integrity in our elections and falsely disenfranchises eligible voters.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Kathy Martin
114 Bright angel Dr.
Cary, NC
Wake County

Burgos, Alexander N

From: Kathy Martin <kteemartin32@gmail.com>
Sent: Friday, August 28, 2026 11:21 AM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review - 08 NCAC 18.0501

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

To the Rules Review Commission:
I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 18.0502

Sections (b) through (d) lay out a procedure that is highly likely to fail to fix curable ballots within the timeframe defined in G.S. 163-230.1(e1).

The rule fails the Necessity standard under N.C.G.S. § 150B-21.9(a)(3) because it creates redundant administrative procedures that conflict with existing statutory canvass timelines. Some of the deficiencies being cited in section (a) have previously been addressed by administrative action per numbered memo 2021-03. To introduce new rules does not promote integrity in our elections and falsely disenfranchises eligible voters.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Kathy Martin
114 Bright angel Dr.
Cary, NC
Wake County

08 NCAC 18 .0502

Marguerite Most
305 W. Queen St.
Hillsborough, N.C.

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

Dear Commission Members:

I am a North Carolina resident who has been registered to vote since 2010.

I request that the Commission review the rules identified above in the upcoming legislative session. See N.C.G.S. 150B-21.3. I also request that any adopted rules be subject to a delayed effective date as set out in that same provision.

The rules are not necessary, and their implemented are likely to result in voter distrust of the integrity of the election outcome. My specific concerns are:

1. Elimination of unanimous vote requirement to accept or reject provisional ballots.
Voter ID rules (08 NCAC 17 .0101 & .0109) require a voter affidavit. The rules propose to change the unanimous vote requirement to allow rejection of a ballot by a majority of board members. Decisions by county boards should not be dependent on, or give the impression of being connected to, the political leanings of board members. Allowing rejection of an affidavit by majority vote could result in wide-spread voter distrust of the process.

2. Technical Envelope Issues.
Rule .0505 would created new categories for absentee ballots when a ballot is returned in a sealed outer envelope, but there is a problem with the inner ballot envelope or ballot placement. If the county board can determine the voter is

eligible and intends to vote, that voter should not be required to complete more paperwork to correct a technical deficiency if ballot security is not the issue.

Thank you.
Respectfully,



Marguerite Most

Lisa Maag
101 Windermere Court
Greenville, NC27858

August 27, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of
08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting;
08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots;
08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies;
08 NCAC 18. 0502 Curable Deficiencies;
08 NCAC 18. 0503 Non-Curable Deficiencies;
08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter;
08 NCAC 18 .0505 Irregularities That Require Further Action

Dear Members of the NC Rules Review Commission:

I am a resident of Pitt County, North Carolina, and I'm dismayed about proposed changes to the voting process. I am contacting you to ask that the rules be reviewed in the upcoming legislative session (per N.C.G.S. 150B-21.3.). In addition, the effective date should be delayed to allow thorough consideration of these changes.

There are many people in my community who are elderly or disabled, or who have moved recently, or who have experienced flooding. They may not have identification as readily available as people with more secure circumstances. I want to make sure that all US citizens have a fair chance to exercise their right to vote, and that is why I am opposed to many of the changes that are described below.

My specific objections and some suggestions are detailed below.

08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting

This rule should not be changed to allow a county board to reject a voter's Photo ID Exception Form by majority vote.

A Photo ID Exception Form is supposed to protect voters who are eligible to vote but cannot present acceptable photo ID because of a reasonable impediment, disability, illness, lack of transportation, lack of documents needed to get ID, work or school schedule, family responsibilities, religious objection, or a recent natural disaster.

N.C.G.S. 163-166.16(f) requires that, when reviewing a provisional ballot cast with a Photo ID exception form, a County Board of Elections "shall find that the provisional ballot is valid unless the county board has grounds to believe the affidavit is false." The current unanimity requirement is an important safeguard. A voter's ballot should not be rejected unless every county board member agrees, based on facts and not speculation, that the voter's Photo ID Exception Form is false.

Lowering the standard from unanimous agreement to a majority vote makes it more likely that ballots will be rejected along partisan lines. The right to vote should not depend on which party controls a county board.

The rule should make clear that county boards may not reject a Photo ID Exception Form because they personally disagree with the voter's reason, think the voter should have tried harder to get ID, or believe the voter's reason is not "good enough." The only question should be whether there is actual factual evidence that the voter made a false statement.

At a minimum, this rule should be amended to:

- Retain the unanimous-vote requirement before a ballot cast with a Photo ID Exception Form can be rejected.
- Require clear written findings based on specific facts, not speculation, assumptions, or disagreement with the voter's stated reason.
- Require meaningful notice to the voter before the ballot is rejected, including mail, email, and phone notice when that information is available.
- Give the voter a real opportunity to respond in writing, by phone, remotely, or in person before the county board makes any final decision.
- Prohibit rejection when the voter's explanation is plausible and the board lacks evidence that it is false.

The State Board should reject this proposed change and keep the current safeguard in place.

08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots

This rule should not be changed to allow a county board to reject an absentee voter's Photo ID Exception Form by majority vote.

Absentee voters use a Photo ID Exception Form when they cannot include a photocopy of acceptable photo ID with their mail-in ballot. These voters may be elderly, disabled, homebound, displaced by a natural disaster, unable to get transportation, unable to access a copier, or unable to obtain the documents needed to get photo ID.

These are exactly the voters who need the strongest protections, not weaker ones.

The current rule requires a unanimous county-board finding before an absentee ballot can be rejected because the voter's Photo ID Exception Form is supposedly false. That requirement protects voters from rushed, mistaken, or partisan decisions.

Changing the standard to majority vote would make it easier to reject ballots from eligible voters who followed the rules and truthfully completed the exception form.

This rule should be amended to:

- Keep the unanimous-vote requirement for any finding that a Photo ID Exception Form is false.
- Require the county board to identify the specific factual evidence showing that the form is false.
- Require county boards to consider the voter's explanation in the light most favorable to the voter unless there is clear evidence of falsity.
- Make clear that a board cannot reject a form simply because members think the voter's reason is weak, inconvenient, incomplete, or not the reason they would have chosen.
- Require multiple forms of notice to the voter before any rejection, including mail, email, and phone when available.
- Allow the voter to respond in writing, by email, by phone, remotely, or in person.

A voter who truthfully completes a Photo ID Exception Form should have their ballot counted. The State Board should reject this proposed change.

08 NCAC 18 .0201 Definitions

The definitions in this rule should be revised so that ordinary voters can understand the difference between a "deficiency," an "irregularity," a "curable deficiency," and a "non-curable deficiency."

As written, the definitions are technical and may make sense to election lawyers or election administrators, but they are confusing for voters. A voter who receives a notice from the county board should be able to understand what happened, what they need to do, and what will happen if they do not respond.

The definition of "irregularity" is especially important. The rule should make clear that an "irregularity" is not the same thing as voter fraud, voter ineligibility, or a reason to reject a ballot. Many irregularities are innocent mistakes that do not affect whether the voter is eligible or whether the voter intended to cast the ballot.

The rule should be amended to state that technical mistakes should not lead to ballot rejection unless they are material to voter eligibility, ballot security, or voter intent.

08 NCAC 18 .0501 Review for Deficiencies

This rule requires county board staff to review returned absentee ballots for deficiencies or irregularities within one business day.

Prompt review is important, but the rule should include stronger statewide standards so voters are treated the same way in every county.

The rule should require county board staff to use uniform statewide forms, uniform written explanations, and uniform procedures when deciding whether something is a deficiency or irregularity. Without clear statewide standards, the same ballot mistake could be treated differently from county to county.

The rule should also require county boards to document the specific reason for any deficiency or irregularity and to keep that documentation with the ballot record. Voters should not lose their ballots based on vague or inconsistent decisions.

08 NCAC 18 .0502 Curable Deficiencies

This rule identifies absentee-ballot problems that voters can fix.

If this rule is adopted, the State Board should make the cure process as accessible as possible. The rule should require county boards to notify voters by every available method, including mail, email, and phone. If the county board has a voter's phone number or email address anywhere in the voter's record, it should use that information.

The cure notice should be written in plain language. It should clearly say:

- What the problem is.
- What the voter must do to fix it.
- The exact deadline.
- All ways the voter can submit the cure.
- Who may assist the voter.
- A phone number and email address for help.

The rule should also require notices to be available in languages commonly used in the county and in accessible formats for voters with disabilities.

A ballot should not be rejected for a curable deficiency if the voter substantially complies with the cure instructions and the county board can determine that the voter is eligible and intended to cast the ballot.

08 NCAC 18 .0503 Non-Curable Deficiencies

This rule lists absentee-ballot issues that would cause the ballot to be spoiled and, if there is enough time, reissued.

This rule should be narrowed. A ballot should be treated as non-curable only when there is no way to determine voter eligibility, voter intent, or ballot security.

The rule should not classify technical paperwork mistakes as non-curable when the county board can determine who the voter is, that the voter was eligible, and that the voter intended to cast the ballot.

The rule should also require county boards to contact the voter immediately by mail, email, and phone before or at the same time the ballot is spoiled and reissued. Voters should not find out too late that their ballot was cancelled.

If the deficiency is discovered close to Election Day, the notice should clearly explain all remaining voting options, including early voting, Election Day voting, and any available way to return a reissued absentee ballot on time.

08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter

This rule is a better approach than 08 NCAC 18 .0505 because it recognizes that some technical issues should be documented but should not require the voter to take further action.

The State Board should expand this rule to include more innocent absentee-ballot mistakes that do not affect voter eligibility or voter intent.

This rule should include situations where the ballot is received in a sealed outer return envelope, even if there is a technical issue with the inner ballot envelope. Prior NCSBE guidance treated several of these situations as anomalies, not deficiencies, because the ballot was still received in a sealed envelope.

The rule should also include situations where two voters in the same household accidentally switch their ballots or ballot envelopes, as long as there are no issues with the applications and the county board can determine which voters cast the ballots. Prior NCSBE guidance stated that voters in the same household should not have their ballots rejected for that kind of ballot-number mismatch when the mistake is not material to voter eligibility.

The State Board should move these issues into Rule .0504 so voters do not have to complete unnecessary cure paperwork.

08 NCAC 18 .0505 Irregularities That Require Further Action

This is the most concerning absentee-ballot rule.

The rule would require county board staff to contact a voter and require written confirmation when certain ballot-envelope issues are found. These include situations where the ballot envelope appears to have been opened and resealed but was received in a sealed outer return envelope, where the ballot is not inside a sealed ballot envelope but the ballot and ballot envelope were received in a sealed outer return envelope, or where the ballot in the envelope is different from the ballot transmitted to the voter.

These situations may involve innocent voter mistakes. They do not necessarily mean the voter is ineligible, that the voter did anything wrong, or that the ballot should be rejected.

The problem with this rule is that it puts the burden back on the voter after the voter has already returned their ballot. Many absentee voters may not receive the notice in time, may not understand what is being asked, may not have reliable mail or email access, or may not be able to respond quickly because of disability, age, displacement, illness, work, school, or caregiving responsibilities.

If a voter returns a ballot in a sealed outer envelope and the county board can determine that the voter is eligible and intended to cast that ballot, the voter should not have to complete extra paperwork just to have the ballot counted.

The rule should be changed to:

- Treat these issues as irregularities that should be documented, not as problems requiring voter action, unless there is evidence of tampering or evidence that the voter did not transmit the ballot.
- Move these situations into 08 NCAC 18 .0504 when the ballot was received in a sealed outer envelope.
- Allow the county board to count the ballot if the voter's eligibility, application, and intent can be determined.
- Require voter contact only when there is a genuine question that cannot be answered from the ballot materials.
- Require county boards to use mail, email, and phone notice immediately if voter contact is necessary.
- Allow voters to respond by email, phone, mail, in person, or through a permitted assistant.
- Prohibit rejection where the voter substantially complied and the issue is not material to whether the voter is eligible to vote.

The State Board should reject Rule .0505 as written and preserve the existing common-sense approach that counts eligible voters' ballots when technical mistakes do not affect voter eligibility, voter intent, or ballot security.

To reiterate, I object to these changes and request legislative review before they go into effect.

Sincerely,

Lisa Maag

Lisa Maag

101 Windermere Court

Greenville, NC 27858

Burgos, Alexander N

From:	TreKeny@outlook.com
Sent:	Friday, August 28, 2026 12:12 PM
To:	rrc.comments
Cc:	SVC_SBOE.RuleMaking; seth.ascher@oahnc.gov
Subject:	[External] Formal Objection & Request for Legislative Review on Rule— 08 NCAC 18 .0502 CURABLE DEFICIENCIES

You don't often get email from trekeny@outlook.com. Learn why this is important

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Trey Kennedy
6539 Clarksdale Lane
Durham, NC
August 28, 2026 @ 1212

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

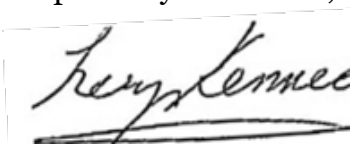
To the Member of the Rules Review Commission:
Chair: Representative Parker and Members
Senators: Doran, Dixon, Hahn, Hyde and Nelson
Representatives: Loutit, Overton, Powell
Rules Coordinators Seth Ascher and Adam Steele And
Rules Codifier Brian Liebman

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed **08 NCAC 18 .0502 CURABLE DEFICIENCIES**

OBJECTION:
Lack of Clarity: The rule fails the clear and unambiguous standard under G.S. § 150B-21.9 because it immediately begins with a contradiction by stating that "(1) The absentee voter **did not sign** or make a mark…". The next line refers to "If the county board staff **determines the voter's signature** on the application appears to be …"
I quote the text as it reads:
" (a) A curable deficiency includes the following:
(1) The absentee voter **did not sign** or make their mark on the application. If county board staff determine **the voter's signature** on the application appears to be the name of the voter assigned the application number on the ballot envelope that is required under G.S. 163-230.1(c)(2) and not some other person, then that is not a deficiency even if **the signature** is illegible." **[emphasis added]**

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Thank you for your consideration.
Respectfully submitted,



Martha J. Svoboda, Esq.
6329 Mountain Grove Lane
Wake Forest, NC 27587

August 28, 2026

TO: North Carolina Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Sent via email

Re: Objection to and Request for Legislative Review of proposed rules regarding absentee ballots (08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18 .0502 Curable Deficiencies; 08 NCAC 18 .0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action)

Dear Members of the Commission:

I am a North Carolina resident and have been a registered NC voter since 2000.

I am writing to oppose the above-referenced proposed Absentee Voting rules, *most especially* **08 NCAC 18 .0505**.

This rule would require county board staff to contact a voter and require *written* confirmation when certain ballot-envelope issues are found. These include situations where the ballot envelope appears to have been opened and resealed but was received in a sealed outer return envelope, where the ballot is not inside a sealed ballot envelope but the ballot and ballot envelope were received in a sealed outer return envelope, or where the ballot in the envelope is different from the ballot transmitted to the voter.

These situations may involve innocent voter mistakes. They do not necessarily mean the voter is ineligible, that the voter did anything wrong, or that the ballot should be rejected.

The problem with this rule is that it puts the burden back on the voter after the voter has already returned their ballot. **Under current General Statutes, the burden of proof is on the challenger.** *These rules would shift the burden of proof* to the voter to challenge the suspicions of the Board members who brought the challenge. Furthermore, many absentee voters may not receive the notice in time, may not understand what is being asked, may not have reliable mail or email access, or may not be able to respond quickly because of disability, age, displacement, illness, work, school, or caregiving responsibilities.

If a voter returns a ballot in a sealed outer envelope and the county board can determine that the voter is eligible and intended to cast that ballot, the voter should not have to complete extra paperwork just to have the ballot counted. This proposed rule runs the risk of disqualifying ballots cast by eligible voters who clearly communicated their vote and whose ballot was received securely.

Rather, the rule should be changed to:

- Treat these issues as irregularities that should be documented, not as problems requiring voter action, unless there is evidence of tampering or evidence that the voter did not transmit the ballot.
- Move these situations into 08 NCAC 18 .0504 when the ballot was received in a sealed outer envelope.
- Allow the county board to count the ballot if the voter's eligibility, application, and intent can be determined.
- Require voter contact *only* when there is a *genuine* question that cannot be answered from the ballot materials.
- Require county boards to use mail, email, and phone notice **immediately** if voter contact is necessary.
- Allow voters to respond by email, phone, mail, in person, or through a permitted assistant.
- **Prohibit rejection where the voter substantially complied and the issue is not material to whether the voter is eligible to vote.**

The State Board should reject Rule .0505 as written and preserve the existing common-sense approach that counts eligible voters' ballots when technical mistakes do not affect voter eligibility, voter intent, or ballot security.

I would also like to raise objections to the following proposed rule changes:

Re. **08 NCAC 18 .0201 Definitions**

The definitions in this rule should be revised so that ordinary voters can understand the difference between a "deficiency," an "irregularity," a "curable deficiency," and a "non-curable deficiency."

As written, the definitions are technical and may make sense to election lawyers or election administrators, but they are confusing for voters. A voter who receives a notice from the county board should be able to understand (1) what happened, (2) what they need to do, and (3) what will happen if they do not respond.

The definition of "irregularity" is especially important. **The rule should make clear that an "irregularity" is not the same thing as voter fraud, voter ineligibility, or a reason to reject a ballot.** Many irregularities are innocent mistakes that do not affect whether the voter is eligible or whether the voter intended to cast the ballot.

The rule should be amended to state that **technical mistakes should not lead to ballot rejection unless they are material to voter eligibility, ballot security, or voter intent**.

Re. **08 NCAC 18 .0501 Review for Deficiencies**

This rule requires county board staff to review returned absentee ballots for deficiencies or irregularities within one business day.

Prompt review is important, but the rule should include **stronger statewide standards** so voters are treated the same way in every county.

The rule should require county board staff to use uniform statewide forms, uniform written explanations, and uniform procedures when deciding whether something is a deficiency or irregularity. Without clear statewide standards, the same ballot mistake could be treated differently from county to county.

The rule should also require county boards to document the specific reason for any deficiency or irregularity and to keep that documentation with the ballot record. Voters should not lose their ability to cast a ballot based on vague or inconsistent decisions.

Re. **NCAC 18 .0502 Curable Deficiencies**

This rule identifies issues with an absentee ballot that voters can fix.

If this rule is adopted, the State Board should make the cure process as accessible as possible. The rule should require county boards to notify voters by every available method, including mail, email, and phone. If the county board has a voter's phone number or email address anywhere in the voter's record, it should use that information.

The cure notice should be written in plain language. It should clearly say:

- What the problem is.
- What the voter must do to fix it.
- The exact deadline.
- All the ways by which the voter can submit the cure.
- Who may assist the voter.
- A phone number and email address for help.

The rule should also require notices to be available in languages commonly used in the county and in accessible formats for voters with disabilities.

A ballot should not be rejected for a curable deficiency if the voter substantially complies with the cure instructions and the county board can determine that the voter is eligible and intended to cast the ballot.

Re. **08 NCAC 18 .0503 Non-Curable Deficiencies**

This rule lists absentee-ballot issues that would cause the ballot to be spoiled and, if there is enough time, reissued.

This rule should be *narrowed.* **A ballot should be treated as non-curable only when there is no way to determine voter eligibility, voter intent, or ballot security.**

The rule should not classify technical paperwork mistakes as non-curable when the county board can determine (1) who the voter is, (2) that the voter was eligible, and (3) that the voter intended to cast the ballot.

The rule should also require county boards to contact the voter **immediately** by mail, email, and phone before or at the same time the ballot is spoiled and reissued. Voters should not find out too late that their ballot was cancelled.

If the deficiency is discovered close to Election Day, the notice should clearly explain **all** remaining voting options, including early voting, Election Day voting, and any available way to return a reissued absentee ballot on time.

Finally, re. **08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter**

This rule is a better approach than 08 NCAC 18. 0505 because it recognizes that some technical issues should be documented but should not require the voter to take further action.

As noted above, the State Board should *expand* this rule to include more innocent absentee-ballot mistakes that do not affect voter eligibility or voter intent.

In particular, this rule should include situations where the ballot is received in a sealed outer return envelope, even if there is a technical issue with the inner ballot envelope. **Prior NCSBE guidance treated several of these situations as anomalies, not deficiencies, because the ballot was still received in a sealed envelope.**

The rule should also include situations where two voters in the same household accidentally switch their ballots or ballot envelopes, as long as there are no issues with the applications and the county board can determine which voters cast the ballots. **Prior NCSBE guidance** stated that voters in the same household should *not* have their ballots rejected for that kind of ballot-number mismatch when the mistake is not material to voter eligibility.

The State Board should move these issues into Rule .0504 so voters do not have to complete unnecessary cure paperwork.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that any implemented rules be subject to a delayed effective date as set out in that same provision.

Thank you very much for your consideration of my objections, request for legislative review, and substantive explanatory comments regarding these six proposed rule changes regarding Absentee Ballots.

Respectfully,

Martha J. Svoboda, Esq.

Wake County Voter

/s/ Martha J. Svoboda

Burgos, Alexander N

From: Kathy Martin <kteemartin32@gmail.com>
Sent: Friday, August 28, 2026 11:49 AM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 18.0503 (non-curable deficiencies)

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

To the Rules Review Commission:
I am a registered voter in WakeCounty, writing to formally object to the NCSBE's proposed rule 08 NCAC 18.0503 (non-curable deficiencies).
Sections (6) - (11) require the voter to submit a new ballot rather than providing opportunity for the witness or assistant to correct the deficiency.

The rule fails the Necessity standard under N.C.G.S. § 150B-21.9(a)(3) because it creates redundant administrative procedures that conflict with existing statutory canvass timelines. There is no need to start from scratch when a witness or assistant can verify and correct a simple mistake.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.
Sincerely,

Kathy Martin
114 Bright Angel Dr.
Cary, NC
Wake County

Burgos, Alexander N

From: Mary Hillmer <mhillmer@bellsouth.net>
Sent: Friday, August 28, 2026 12:12 PM
To: rrc.comments
Cc: Mary Hillmer
Subject: [External] Request for Legislative Review

You don't often get email from mhillmer@bellsouth.net. Learn why this is important

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Mary M. Hillmer
7540 Milestone Court
Raleigh, NC 27615

August 28, 2026

N.C. Rules Review Commissio
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request fo
Identification During In-Person
Absentee-By-Mail Ballots; 08 N
Deficiencies; 08 NCAC 18. 050

Sent from AT&T Yahoo Mail for iPhone

Lynn McGee
1613 Cheyenne Drive
Hillsborough, NC 27278

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

Members of the Commission:

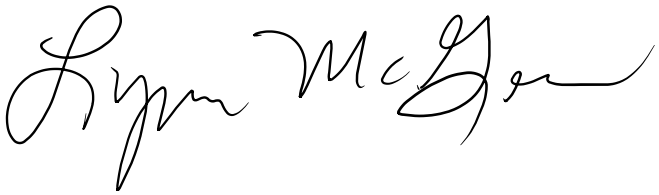
I am a North Carolina resident and have been a registered voter in Orange County since 2017.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Furthermore, I formally object to the adoption of the rules for the following reasons:
These proposed rules are to suppress people from voting, period.

Thank you for your consideration.

Respectfully,
Lynn McGee, Orange County



Burgos, Alexander N

From: Lisa Maag <maagnetism@gmail.com>
Sent: Thursday, August 27, 2026 8:51 PM
To: rrc.comments
Subject: [External] Request for legislative review

You don't often get email from maagnetism@gmail.com. Learn why this is important

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My letter is attached and copied into the body of this email.

Lisa Maag

101 Windermere Court

Greenville, NC27858

August 27, 2026

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of

08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting;

08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots;

08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies;

08 NCAC 18. 0502 Curable Deficiencies;

08 NCAC 18. 0503 Non-Curable Deficiencies;

08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter;

08 NCAC 18 .0505 Irregularities That Require Further Action

Dear Members of the NC Rules Review Commission:

I am a resident of Pitt County, North Carolina, and I'm dismayed about proposed changes to the voting process. I am contacting you to ask that the rules be reviewed in the upcoming legislative session (per N.C.G.S. 150B-21.3.). In addition, the effective date should be delayed to allow thorough consideration of these changes.

There are many people in my community who are elderly or disabled, or who have moved recently, or who have experienced flooding. They may not have identification as readily available as people with more secure circumstances. I want to make sure that all US citizens have a fair chance to exercise their right to vote, and that is why I am opposed to many of the changes that are described below.

My specific objections and some suggestions are detailed below.

08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting

This rule should not be changed to allow a county board to reject a voter's Photo ID Exception Form by majority vote.

A Photo ID Exception Form is supposed to protect voters who are eligible to vote but cannot present acceptable photo ID because of a reasonable impediment, disability, illness, lack of transportation, lack of documents needed to get ID, work or school schedule, family responsibilities, religious objection, or a recent natural disaster.

N.C.G.S. 163-166.16(f) requires that, when reviewing a provisional ballot cast with a Photo ID exception form, a County Board of Elections "shall find that the provisional ballot is valid unless the county board has grounds to believe the affidavit is false." The current unanimity requirement is an important safeguard. A voter's ballot should not be rejected unless every county board member agrees, based on facts and not speculation, that the voter's Photo ID Exception Form is false.

Lowering the standard from unanimous agreement to a majority vote makes it more likely that ballots will be rejected along partisan lines. The right to vote should not depend on which party controls a county board.

The rule should make clear that county boards may not reject a Photo ID Exception Form because they personally disagree with the voter's reason, think the voter should have tried harder to get ID, or believe the voter's reason is not "good enough." The only question should be whether there is actual factual evidence that the voter made a false statement.

At a minimum, this rule should be amended to:

Retain the unanimous-vote requirement before a ballot cast with a Photo ID Exception Form can be rejected.

Require clear written findings based on specific facts, not speculation, assumptions, or disagreement with the voter's stated reason.

Require meaningful notice to the voter before the ballot is rejected, including mail, email, and phone notice when that information is available.

Give the voter a real opportunity to respond in writing, by phone, remotely, or in person before the county board makes any final decision.

Prohibit rejection when the voter's explanation is plausible and the board lacks evidence that it is false.

The State Board should reject this proposed change and keep the current safeguard in place.

08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots

This rule should not be changed to allow a county board to reject an absentee voter's Photo ID Exception Form by majority vote.

Absentee voters use a Photo ID Exception Form when they cannot include a photocopy of acceptable photo ID with their mail-in ballot. These voters may be elderly, disabled, homebound, displaced by a natural disaster, unable to get transportation, unable to access a copier, or unable to obtain the documents needed to get photo ID.

These are exactly the voters who need the strongest protections, not weaker ones.

The current rule requires a unanimous county-board finding before an absentee ballot can be rejected because the voter's Photo ID Exception Form is supposedly false. That requirement protects voters from rushed, mistaken, or partisan decisions.

Changing the standard to majority vote would make it easier to reject ballots from eligible voters who followed the rules and truthfully completed the exception form.

This rule should be amended to:

Keep the unanimous-vote requirement for any finding that a Photo ID Exception Form is false.

Require the county board to identify the specific factual evidence showing that the form is false.

Require county boards to consider the voter's explanation in the light most favorable to the voter unless there is clear evidence of falsity.

Make clear that a board cannot reject a form simply because members think the voter's reason is weak, inconvenient, incomplete, or not the reason they would have chosen.

Require multiple forms of notice to the voter before any rejection, including mail, email, and phone when available.

Allow the voter to respond in writing, by email, by phone, remotely, or in person.

A voter who truthfully completes a Photo ID Exception Form should have their ballot counted. The State Board should reject this proposed change.

08 NCAC 18 .0201 Definitions

The definitions in this rule should be revised so that ordinary voters can understand the difference between a "deficiency," an "irregularity," a "curable deficiency," and a "non-curable deficiency."

As written, the definitions are technical and may make sense to election lawyers or election administrators, but they are confusing for voters. A voter who receives a notice from the county board should be able to understand what happened, what they need to do, and what will happen if they do not respond.

The definition of "irregularity" is especially important. The rule should make clear that an "irregularity" is not the same thing as voter fraud, voter ineligibility, or a reason to reject a ballot. Many irregularities are innocent mistakes that do not affect whether the voter is eligible or whether the voter intended to cast the ballot.

The rule should be amended to state that technical mistakes should not lead to ballot rejection unless they are material to voter eligibility, ballot security, or voter intent.

08 NCAC 18 .0501 Review for Deficiencies

This rule requires county board staff to review returned absentee ballots for deficiencies or irregularities within one business day.

Prompt review is important, but the rule should include stronger statewide standards so voters are treated the same way in every county.

The rule should require county board staff to use uniform statewide forms, uniform written explanations, and uniform procedures when deciding whether something is a deficiency or irregularity. Without clear statewide standards, the same ballot mistake could be treated differently from county to county.

The rule should also require county boards to document the specific reason for any deficiency or irregularity and to keep that documentation with the ballot record. Voters should not lose their ballots based on vague or inconsistent decisions.

08 NCAC 18 .0502 Curable Deficiencies

This rule identifies absentee-ballot problems that voters can fix.

If this rule is adopted, the State Board should make the cure process as accessible as possible. The rule should require county boards to notify voters by every available method, including mail, email, and phone. If the county board has a voter's phone number or email address anywhere in the voter's record, it should use that information.

The cure notice should be written in plain language. It should clearly say:

What the problem is.

What the voter must do to fix it.

The exact deadline.

All ways the voter can submit the cure.

Who may assist the voter.

A phone number and email address for help.

The rule should also require notices to be available in languages commonly used in the county and in accessible formats for voters with disabilities.

A ballot should not be rejected for a curable deficiency if the voter substantially complies with the cure instructions and the county board can determine that the voter is eligible and intended to cast the ballot.

08 NCAC 18 .0503 Non-Curable Deficiencies

This rule lists absentee-ballot issues that would cause the ballot to be spoiled and, if there is enough time, reissued.

This rule should be narrowed. A ballot should be treated as non-curable only when there is no way to determine voter eligibility, voter intent, or ballot security.

The rule should not classify technical paperwork mistakes as non-curable when the county board can determine who the voter is, that the voter was eligible, and that the voter intended to cast the ballot.

The rule should also require county boards to contact the voter immediately by mail, email, and phone before or at the same time the ballot is spoiled and reissued. Voters should not find out too late that their ballot was cancelled.

If the deficiency is discovered close to Election Day, the notice should clearly explain all remaining voting options, including early voting, Election Day voting, and any available way to return a reissued absentee ballot on time.

08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter

This rule is a better approach than 08 NCAC 18 .0505 because it recognizes that some technical issues should be documented but should not require the voter to take further action.

The State Board should expand this rule to include more innocent absentee-ballot mistakes that do not affect voter eligibility or voter intent.

This rule should include situations where the ballot is received in a sealed outer return envelope, even if there is a technical issue with the inner ballot envelope. Prior NCSBE guidance treated several of these situations as anomalies, not deficiencies, because the ballot was still received in a sealed envelope.

The rule should also include situations where two voters in the same household accidentally switch their ballots or ballot envelopes, as long as there are no issues with the applications and the county board can determine which voters cast the ballots. Prior NCSBE guidance stated that voters in the same household should not have their ballots rejected for that kind of ballot-number mismatch when the mistake is not material to voter eligibility.

The State Board should move these issues into Rule .0504 so voters do not have to complete unnecessary cure paperwork.

08 NCAC 18 .0505 Irregularities That Require Further Action

This is the most concerning absentee-ballot rule.

The rule would require county board staff to contact a voter and require written confirmation when certain ballot-envelope issues are found. These include situations where the ballot envelope appears to have been opened and resealed but was received in a sealed outer return envelope, where the ballot is not inside a sealed ballot envelope but the ballot and ballot envelope were received in a sealed outer return envelope, or where the ballot in the envelope is different from the ballot transmitted to the voter.

These situations may involve innocent voter mistakes. They do not necessarily mean the voter is ineligible, that the voter did anything wrong, or that the ballot should be rejected.

The problem with this rule is that it puts the burden back on the voter after the voter has already returned their ballot. Many absentee voters may not receive the notice in time, may not understand what is being asked, may not have reliable mail or email access, or may not be able to respond quickly because of disability, age, displacement, illness, work, school, or caregiving responsibilities.

If a voter returns a ballot in a sealed outer envelope and the county board can determine that the voter is eligible and intended to cast that ballot, the voter should not have to complete extra paperwork just to have the ballot counted.

The rule should be changed to:

Treat these issues as irregularities that should be documented, not as problems requiring voter action, unless there is evidence of tampering or evidence that the voter did not transmit the ballot.

Move these situations into 08 NCAC 18 .0504 when the ballot was received in a sealed outer envelope.

Allow the county board to count the ballot if the voter's eligibility, application, and intent can be determined.

Require voter contact only when there is a genuine question that cannot be answered from the ballot materials.

Require county boards to use mail, email, and phone notice immediately if voter contact is necessary.

Allow voters to respond by email, phone, mail, in person, or through a permitted assistant.

Prohibit rejection where the voter substantially complied and the issue is not material to whether the voter is eligible to vote.

The State Board should reject Rule .0505 as written and preserve the existing common-sense approach that counts eligible voters' ballots when technical mistakes do not affect voter eligibility, voter intent, or ballot security.

To reiterate, I object to these changes and request legislative review before they go into effect.

Sincerely,

Lisa Maag

Lisa Maag

101 Windermere Court

Greenville, NC 27858

August 27, 2026

James L, Kiser, Jr.
1211 Oakwood Ave
Gastonia, NC 28052

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

To the NC Rules Review Commission:

I am a life-long (77 years) resident of North Carolina. I have been a registered voter since 1972 and have voted in every single election.

I hereby request the above captioned rules be reviewed in the upcoming legislative session of the General Assembly as set out in N.C.G.S. 150B-21.3. I further request the rules be subject to a delayed effective date as set out in that same provision.

I believe the rules adopted by the State Board of Elections and approved by the Rules Review Commission impose an undue, unjustified and troublesome burden upon our State's senior citizen voters. Our state's seniors have every much right to vote as any other eligible citizen. Most of us have worked hard throughout our lives, contributed to our economy, paid taxes and should not only have the right to vote conveniently, but should also be facilitated in exercising this sacred right, given many of us have age-related impairments. Many lack transportation and need convenience of early voting or vote-by-mail. They need non-burdensome easy-to-follow mail-in voting. Why should a photo ID be required for mail voting? Many of us don't have a means to make an ID copy. These rules make it easy to discard ballots due to minor errors in mail-in ballots. Many of us lack a support system to take us through the process of curing minor deficiencies. If our vote is contested by someone, it is difficult for us to challenge. The new rules are too difficult and complex for many seniors to understand. We shouldn't need the assistance of a lawyer to vote! What real documented evidence did NCBOE have to make the process of voting more difficult for us? The Board of Elections and the Rules Review Commission should facilitate senior voting, not impair it.

Thank you for your consideration.

Respectfully submitted,

James L. Kiser, Jr.

Burgos, Alexander N

From: Karen Ziegler <ziegl001@gmail.com>
Sent: Friday, August 28, 2026 7:46 AM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 18.0502 and 08 NCAC 18.0505

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Members of the Commission:

The North Carolina State Board of Elections recently passed rules 08 NCAC 18.0502 and 08 NCAC 18.0505 regarding the processing and counting of absentee ballots. These rules add new cure procedures for certain ballot irregularities and create significant new hurdles that will, if implemented, result in the disenfranchisement of eligible voters. I request that the above rules (08 NCAC 18.0502 and 08 NCAC 18.0505) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3 and that the rules be subject to a delayed effective date as set out in that same provision.

We used to have free and fair elections in North Carolina, but now that the Board of Elections has become partisan, we are losing trust in the process. Perhaps that was the goal? If so, I implore you to respect the Constitution of the United States and of North Carolina, and return to a nonpartisan election process.

Sincerely,

Karen Ziegler, 1203 Shepherd St, Durham NC 27707.

Durham County

To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed rule **[INSERT COMPLETE RULE CITATION AND RULE NAME]**.

[OPTION A — Lack of Clarity]: The rule fails the Clarity standard under N.C.G.S. § 150B-21.9(a)(2) because it fails to define objective standards for county boards, leading to unequal application across counties.

[OPTION B — Lack of Authority]: The rule violates N.C.G.S. § 150B-21.9(a)(1) by exceeding the administrative authority granted to the agency by the General Assembly.

[OPTION C — Lack of Necessity]: The rule fails the Necessity standard under N.C.G.S. § 150B-21.9(a)(3) because it creates redundant administrative procedures that conflict with existing statutory canvass timelines.

[INSERT PERSONAL COMMENTS HERE]

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Karen Ziegler

1203 Shepherd St

Durham, NC

27707

Durham County,

Burgos, Alexander N

From: Krista Savage-White <cedarwoodbrainly@gmail.com>
Sent: Thursday, August 27, 2026 9:32 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of 08 NCAC 18 .0502 Curable Deficiencies

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To the Members of the N.C. Rules Review Commission:

Proposed Rule 08 NCAC 18 .0502 identifies absentee ballot problems that voters can fix. Should this rule be adopted, it should be the responsibility of the State Board to make the cure process as accessible as possible. Proposed Rule 08 NCAC 18 .0502 should require county boards to notify voters by every available method, including by mail, email, and phone. County boards can fulfill that requirement by using the listed home address, phone number, and email address on a voter's record to reach out to them about absentee ballot problems.

The cure notice should be written in plain language and clearly state:

- What the problem is
- What the voter must do to fix it
- The exact deadline
- All ways the voter can submit the cure
- Who may assist the voter

-
- A phone number and email address for help
-

The rule should also require that notices be circulated in languages commonly used in the county and in accessible formats for disabled voters.

A ballot should not be rejected for a curable deficiency if the voter substantially complies with the cure instructions and the county board can determine that the voter is eligible and intended to cast the ballot. Thus, I urge the Commission to revise proposed rule 08 NCAC 18 .0502 to emphasize the responsibility that the North Carolina State Board of Elections has to enact an accessible, transparent curing process for all county boards of elections. It should also be revised to require county boards of elections to notify voters by all available means about any absentee ballot problems that need fixing.

Respectfully submitted,

Krista Savage-White

624 Wolfe Street
Davidson, North Carolina 28036
August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of the following:

- 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting;
- 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots;
- 08 NCAC 18 .0201 Definitions;
- 08 NCAC 18 .0501 Review for Deficiencies;
- 08 NCAC 18. 0502 Curable Deficiencies;
- 08 NCAC 18. 0503 Non-Curable Deficiencies;
- 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter;
- 08 NCAC 18 .0505 Irregularities That Require Further Action

Members of the Commission:

I am a North Carolina resident and have been a registered voter according to the State Board of Elections web site since at least August 1987, although I was previously registered in North Carolina from the mid-1970s through 1982.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Furthermore, I formally object to the adoption of the rules for the following reasons:

- **08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting**

  The proposed rule eliminating the requirement for unanimity runs counter to the state policy that encourages bipartisan decision-making by county boards of elections, thus increasing the likelihood that decisions will be made on a partisan basis or a because of a mistaken ballot rejection. Any amendment to the existing rule should continue to require unanimity in addition to requiring the county board to specify factual evidence that the Photo ID Exception Form is false. Further, any amendment should require multiple notices to the voter and allow the voter to respond in writing, by phone, email, remotely or in person.

- **08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots**

  For the same reasons that proposed rule 08 NCAC 17.0101 should be rejected and amended, this proposed rule should be rejected and/or amended.

- **08 NCAC 18 .0201 Definitions**

  The definitions in this rule should be revised so that ordinary voters can understand the difference between a "deficiency," an "irregularity," a "curable deficiency," and a "non-curable deficiency." The proposed definitions are overly technical but potentially confusing to voters. The rule should be amended to state that technical mistakes should not lead to ballot rejection unless they are material to voter eligibility, ballot security, or voter intent.

- **08 NCAC 18 .0501 Review for Deficiencies**

  This rule requires county board staff to review returned absentee ballots for deficiencies or irregularities within one business day. Any rule should include required statewide standards for such review and should require county boards to use statewide forms, notices, and procedures. Further, any rule should require county boards to document and maintain records of specific reasons for any finding of deficiency or irregularity.

- **08 NCAC 18. 0502 Curable Deficiencies**

  The proposed rule identifies absentee-ballot problems that voters can fix and if adopted should require that the cure process informs the affected voter of the nature of the problem, how to fix the problem, the related deadline, and how to reach board of elections contacts who can assist. A ballot shall not be rejected for a curable deficiency if a voter substantially complies with the cure instructions.

- **08 NCAC 18. 0503 Non-Curable Deficiencies**

  The proposed rule should be narrowed to treat as non-curable only those ballots where voter eligibility, voter intent, or ballot security cannot be determined. The proposed rule should require county boards to immediately contact the voter to explain the issue and to further explain all remaining voting options.

- **08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter**

  This rule is a better approach than 08 NCAC 18 .0505 because it recognizes that some technical issues should be documented but should not require the voter to take further action. The State Board should expand this rule to include more innocent absentee-ballot mistakes that do not affect voter eligibility or voter intent. In particular, this rule should include situations where the ballot is received in a sealed

outer return envelope, even if there is a technical issue with the inner ballot envelope. Prior NCSBE guidance treated several of these situations as anomalies, not deficiencies, because the ballot was still received in a sealed envelope. The rule should also include situations where two voters in the same household accidentally switch their ballots or ballot envelopes, as long as there are no issues with the applications and the county board can determine which voters cast the ballots. Prior NCSBE guidance stated that voters in the same household should not have their ballots rejected for that kind of ballot-number mismatch when the mistake is not material to voter eligibility. The State Board should move these issues into Rule .0504 so voters do not have to complete unnecessary cure paperwork.

- **08 NCAC 18 .0505 Irregularities That Require Further Action**

  This proposed absentee-ballot rule would require county board staff to contact a voter and require written confirmation when certain ballot-envelope issues are found. These include situations where the ballot envelope appears to have been opened and resealed but was received in a sealed outer return envelope, where the ballot is not inside a sealed ballot envelope but the ballot and ballot envelope were received in a sealed outer return envelope, or where the ballot in the envelope is different from the ballot transmitted to the voter.

  These situations may involve innocent voter mistakes. They do not necessarily mean the voter is ineligible, that the voter did anything wrong, or that the ballot should be rejected.

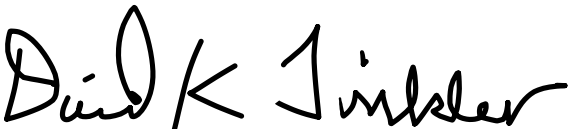
  The problem with this rule is that it puts the burden back on the voter after the voter has already returned their ballot. Many absentee voters may not receive the notice in time, may not understand what is being asked, may not have reliable mail or email access, or may not be able to respond quickly because of disability, age, displacement, illness, work, school, or caregiving responsibilities.

  If a voter returns a ballot in a sealed outer envelope and the county board can determine that the voter is eligible and intended to cast that ballot, the voter should not have to complete extra paperwork just to have the ballot counted.

  The rule should be changed to: (1) Treat these issues as irregularities that should be documented, not as problems requiring voter action, unless there is evidence of tampering or evidence that the voter did not transmit the ballot. (2) Move these situations into 08 NCAC 18 .0504 when the ballot was received in A sealed outer envelope. (3) Allow the county board to count the ballot if the voter's eligibility, application, and intent can be determined. (4) Require voter contact only when there is a genuine question that cannot be answered from the ballot materials. (5) Require county boards to use mail, email, and phone notice immediately if voter contact is necessary.

Thank you for your consideration.

Respectfully,



David K. Tinkler

Burgos, Alexander N

From: D Lewis <dalewis515151@gmail.com>
Sent: Thursday, August 27, 2026 9:05 PM
To: rrc.comments
Subject: [External] Objections to & Request for Legislative Review of: 08 NCAC 17.0101 Verification of Photo ID During In-Person Voting; 08 NCAC 17.0109 Photo ID for ABM Ballots & more

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Subject Line Continues: 08NCAC18.0201 Definitions; 08 NCAC 18.0501 Review for Deficiencies; 08 NCAC 18.0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18.0504 Irregularities Not Requiring Further Action from Voter; 08 NCAC 18.0505 Irregularities Requiring Further Action

Rules Review Commission Members:

I am a regular N.C. voter since 1973, except for the years 1997-2001 when I lived out-of-state. I have also worked as a seasonal employee at my county board elections in the absentee ballot team.

I request these rules be reviewed in an upcoming legislative session, per NC GS 150B-21.3 and that these rules not be considered effective as of 9/1/2026.

My objections apply to all of the proposed rules listed in the above and are as follows:

1. When take all-together, these proposed rules would place an unfunded mandate which is unduly cumbersome on all our county boards of elections, staff & PT workers
2. Moreover, when taken all-together, they are yet-to-be-shown as effective in stopping unqualified votes from being counted
3. Absent a qualified study of current voting procedures being done which demonstrate that current procedures are allowing an undue number of unqualified votes to be counted, these proposed rules are nothing more than solutions gone looking for problems
    1.
4. -- have a representative group of county board of elections supervisors / directors & staff been consulted on any of these changes & been given opportunity for fair & open input?
5. In these proposed revisions to current procedures, the requirement should be expressly reiterated that any county board of elections member who proposes to disqualify any voter or ballot must state their reasons why & that reason must be limited to an objective believe the voter is attempting to perpetrate a fraud; such objectives must be in writing, recorded & made public
6. "Due process" for a voter whose ballot is being challenged as valid is cumbersome & unduly time constrained for them to respond

7. Most objectionable my view are NCAC 17.0101 & NCAC 17.0109 whereby a county board's vote to disqualify a ballot is changed from the long-standing requirement for a unanimous vote by the board to a simple majority vote -- WHY?

-- has this long-standing requirement for a unanimous vote been proven that it allows an excessive level of otherwise disqualified ballots to be counted?

Burgos, Alexander N

From: Barbara Randolph <brandolphk@gmail.com>
Sent: Thursday, August 27, 2026 9:55 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of Election Rules Approved August 27, 2026

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Dear Sirs, and addressed to:

N.C. Rules Review Commission
1711 New Hope Church Road
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of Election Rules Approved August 27, 2026

08 NCAC 17 .0101 — Verification of Photo Identification During In-Person Voting
08 NCAC 17 .0109 — Photo Identification for Absentee-By-Mail Ballots
08 NCAC 18 .0201 — Definitions
08 NCAC 18 .0501 — Review for Deficiencies
08 NCAC 18 .0502 — Curable Deficiencies
08 NCAC 18 .0503 — Non-Curable Deficiencies
08 NCAC 18 .0504 — Irregularities That Do Not Require Further Action from the Voter
08 NCAC 18 .0505 — Irregularities That Require Further Action

Members of the Commission:

I am a North Carolina resident and have been a registered voter since 2016.

I respectfully submit this written objection to the above-referenced rules approved by the Rules Review Commission on August 27, 2026. I request that this objection be considered pursuant to N.C.G.S. § 150B-21.3(b2), and I **clearly request legislative review of these rules pursuant to N.C.G.S. § 150B-21.3(b1) and (b2).**

I further request that the effective date of these rules be delayed as provided by N.C.G.S. § 150B-21.3(b1), so that the General Assembly has an opportunity to review their substance and their potential consequences for North Carolina voters before the rules take effect.

The State Board of Elections has explained that these rules establish procedures governing the review of absentee ballots, including the identification of deficiencies and irregularities and the circumstances under which voters may or may not cure an identified problem. The rules also modify procedures relating to photo identification for both in-person and absentee voting.

I object to these rules for the following reasons:

1. The rules can impose significant consequences on voters for technical errors that may have no bearing on voter eligibility or voter intent.

The absentee-ballot rules distinguish among “curable deficiencies,” “non-curable deficiencies,” and “irregularities.” That distinction is consequential because certain errors can result in a ballot being spoiled and reissued, while others may not be capable of being cured. For example, Rule .0503 identifies circumstances involving witness information, signatures, envelopes, replacement-ballot requests, and other technical matters as non-curable deficiencies.

A voter who is eligible to vote and who has made a good-faith effort to comply with the law should not lose the opportunity to have that ballot counted because of a technical mistake that does not establish ineligibility, fraud, or lack of voter intent.

I therefore object to the rules to the extent that they create a risk that technical or inadvertent errors will result in the loss of a lawful vote without a meaningful opportunity for the voter to correct the problem.

2. The rules require greater clarity and uniformity in how county boards determine whether an error is a deficiency or an irregularity.

Rule .0501 requires county board staff to review a returned absentee ballot within one business day and determine whether a deficiency or irregularity exists, and then determine which subsequent rule applies.

Because these determinations can affect whether a ballot is ultimately counted, the rules should provide sufficiently clear and objective standards to ensure that similarly situated voters are treated consistently in all 100 counties.

I am concerned that ambiguous or subjective determinations could result in materially different treatment of voters based upon the county in which they cast their absentee ballot.

The rules should therefore establish clear, uniform standards for identifying deficiencies and irregularities and require county boards to document the specific basis for any determination that could affect whether a ballot is counted.

3. The cure process should place the greatest possible emphasis on preserving a lawful voter’s opportunity to cure an honest mistake.

The State Board describes these rules as establishing safeguards for processing absentee ballots. A meaningful safeguard should include a meaningful opportunity for a voter to correct an innocent error whenever the law permits correction.

The rules should require clear, timely and understandable notice to the voter identifying:

- the specific problem with the ballot;
- exactly what the voter must do to correct it;
- the deadline for doing so;
- all permissible methods for submitting the correction; and
- how the voter can obtain assistance.

The notice should be written in plain language and, where appropriate, provided through every reliable method of communication available to the county board.

4. The rules should distinguish clearly between an administrative irregularity and evidence that a voter is ineligible or that a ballot is fraudulent.

An absentee ballot may contain a technical irregularity without there being any evidence that the voter is ineligible, that the voter did not intend to cast the ballot, or that the ballot is fraudulent.

This distinction is particularly important because Rule .0504 expressly recognizes certain irregularities that do not require further action from the voter and provides that the county board may not refuse to count a ballot solely because of an irregularity listed in that rule.

The rules should consistently reflect the principle that a technical irregularity, standing alone, should not be treated as evidence of voter fraud or ineligibility.

5. The rules should be reviewed by the General Assembly before being implemented in a statewide election.

These rules concern fundamental election procedures and will affect how North Carolina voters' ballots are processed.

The Rules Review Commission's approval is not the end of the statutory process when the requirements for legislative review under G.S. 150B-21.3(b2) are satisfied. Under that statute, written objections from at least 10 persons, submitted no later than 5:00 p.m. on the day following Commission approval and clearly requesting legislative review, trigger the delayed-effective-date process established by G.S. 150B-21.3(b1).

Given the importance of these rules and the potential consequences for voters, I believe the General Assembly should have the opportunity to review them before they become effective.

6. The timing of these changes warrants particular scrutiny.

These rules concern voting procedures for the 2026 election cycle. The Rules Review Commission approved the rules on August 27, 2026, with an anticipated September 1, 2026 effective date for at least some of the rules. The Commission's statutory process, however, provides a mechanism for delaying the effective date when the required number of objections requesting legislative review is received.

Implementing significant changes to the procedures governing photo identification and absentee ballots immediately before a statewide election creates a substantial need for clarity, consistency, adequate voter education, and careful legislative review.

Voters should not be required to navigate substantial changes in election procedures without sufficient time to understand those changes and without assurance that county election officials will apply them uniformly.

7. The Rules Review Commission should ensure that the rules remain within the appropriate scope of administrative rule-making.

I recognize that the State Board of Elections has statutory authority to adopt rules governing election administration. However, administrative rules should implement and clarify statutory requirements rather than effectively create new substantive barriers to voting that are not clearly required by statute.

I therefore respectfully request that the Commission and, where applicable, the General Assembly examine whether each provision is:

1. authorized by statute;
2. necessary to implement existing law;
3. sufficiently clear that voters and election officials can reasonably understand what is required;
4. capable of being applied uniformly across North Carolina; and

5. appropriately protective of a lawful voter's opportunity to have their ballot counted.

Conclusion and Request

For these reasons, I respectfully object to the adoption of the above-referenced rules and **clearly request legislative review pursuant to N.C.G.S. § 150B-21.3(b2).**

I respectfully request that:

1. this objection be formally received and recorded;
2. the Commission recognize this objection as a request for legislative review;
3. the effective date of the rules be delayed pursuant to N.C.G.S. § 150B-21.3(b1);
4. the General Assembly review the rules before they become effective; and
5. the State Board of Elections be required to address the concerns identified above, particularly those concerning uniformity, clarity, cure opportunities, treatment of technical errors, and protection of eligible voters' opportunity to have their lawful ballots counted.

The right to vote is fundamental. Election administration should protect both the integrity of elections and the ability of eligible citizens to participate in them. Rules governing the counting of ballots should therefore be clear, consistent, accessible, and narrowly focused on legitimate election-administration requirements.

Thank you for your consideration of this objection and request for legislative review.

Respectfully submitted,

Barbara Randolph, 114 Lake Davidson Circle, Davidson NC 28036

brandolphk@gmail.com

704-606-8383

8.27.2026

I expressly request legislative review of these rules pursuant to N.C.G.S. § 150B-21.3(b2).

Burgos, Alexander N

From: Kathleen Barnes <kathleenbarnesnc@gmail.com>
Sent: Wednesday, August 26, 2026 5:26 PM
To: rrc.comments
Subject: [External] Objection letter

You don't often get email from kathleenbarnesnc@gmail.com. Learn why this is important

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August 26, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Requesting Legislative Review of Absentee Ballot Rules 08 NCAC 18.0502 and 08 NCAC 18.0505

Members of the Commission:

The North Carolina State Board of Elections recently passed rules 08 NCAC 18.0502 and 08 NCAC 18.0505 regarding the processing and counting of absentee ballots. Among other things, the rules require new cure procedures for certain ballot irregularities. These rules create significant new hurdles that, if implemented, will likely result in the disenfranchisement of eligible voters. I request that the above rules (08 NCAC 18.0502 and 08 NCAC 18.0505) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3 and that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your service to the people of North Carolina and your consideration of this objection.

Respectfully,

Kathleen Barnes
Brevard, NC

Burgos, Alexander N

From: Cathy Williamson <bilcathy@bellsouth.net>
Sent: Wednesday, August 26, 2026 3:50 PM
To: rrc.comments
Subject: [External] Absentee Ballot Rules

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August 26, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Requesting Legislative Review of Absentee Ballot Rules 08 NCAC 18.0502 and 08 NCAC 18.0505

Members of the Commission:
The North Carolina State Board of Elections recently passed rules 08 NCAC 18.0502 and 08 NCAC 18.0505 regarding the processing and counting of absentee ballots. Among other things, the rules require new cure procedures for certain ballot irregularities. These rules create significant new hurdles that, if implemented, will likely result in the disenfranchisement of eligible voters. I request that the above rules (08 NCAC 18.0502 and 08 NCAC 18.0505) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3 and that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your service to the people of North Carolina and your consideration of this objection.
Respectfully,

Catherine Williamson

Sent from my iPhone

Burgos, Alexander N

From: Ron Katz <ronkatz327@gmail.com>
Sent: Wednesday, August 26, 2026 3:03 PM
To: rrc.comments
Subject: [External] Absentee rules

You don't often get email from ronkatz327@gmail.com. Learn why this is important

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August 26, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Requesting Legislative Review of Absentee Ballot Rules 08 NCAC 18.0502 and 08 NCAC 18.0505

Members of the Commission:

The North Carolina State Board of Elections recently passed rules 08 NCAC 18.0502 and 08 NCAC 18.0505 regarding the processing and counting of absentee ballots. Among other things, the rules require new cure procedures for certain ballot irregularities. These rules create significant new hurdles that, if implemented, will likely result in the disenfranchisement of eligible voters. I request that the above rules (08 NCAC 18.0502 and 08 NCAC 18.0505) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3 and that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your service to the people of North Carolina and your consideration of this objection.

Respectfully,
Ron Katz

--
All the best,
Ron
(he, him, his)
WNC Social Justice Advocacy Guide - a website with ways to make our community a better place for all!

Burgos, Alexander N

From: Becky Harper <becky@beckyharper.com>
Sent: Wednesday, August 26, 2026 2:56 PM
To: rrc.comments
Subject: [External] Request Legislative Review of Absentee Ballot Rules

You don't often get email from becky@beckyharper.com. Learn why this is important

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August 26, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Requesting Legislative Review of Absentee Ballot Rules 08 NCAC 18.0502 and 08 NCAC 18.0505

Members of the Commission:

The North Carolina State Board of Elections recently passed rules 08 NCAC 18.0502 and 08 NCAC 18.0505 regarding the processing and counting of absentee ballots. Among other things, the rules require new cure procedures for certain ballot irregularities.

These rules create significant new hurdles for honest voters from both parties who are just trying to be good citizens! These rules will result in the disenfranchisement of eligible voters.....this is a real threat to free and fair elections in NC!

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3 and that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your service to the people of North Carolina and your consideration of this objection.

Respectfully,

Rebecca Harper
1841 Stonebanks Loop
Cary NC 27518

Burgos, Alexander N

From: Larry King <larrydeanking@icloud.com>
Sent: Wednesday, August 26, 2026 7:01 PM
To: rrc.comments
Subject: [External] Legislative Review of abasentee ballot rules

You don't often get email from larrydeanking@icloud.com. Learn why this is important

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Re: Requesting Legislative Review of Absentee Ballot Rules 08 NCAC 18.0502 and 08 NCAC 18.0505

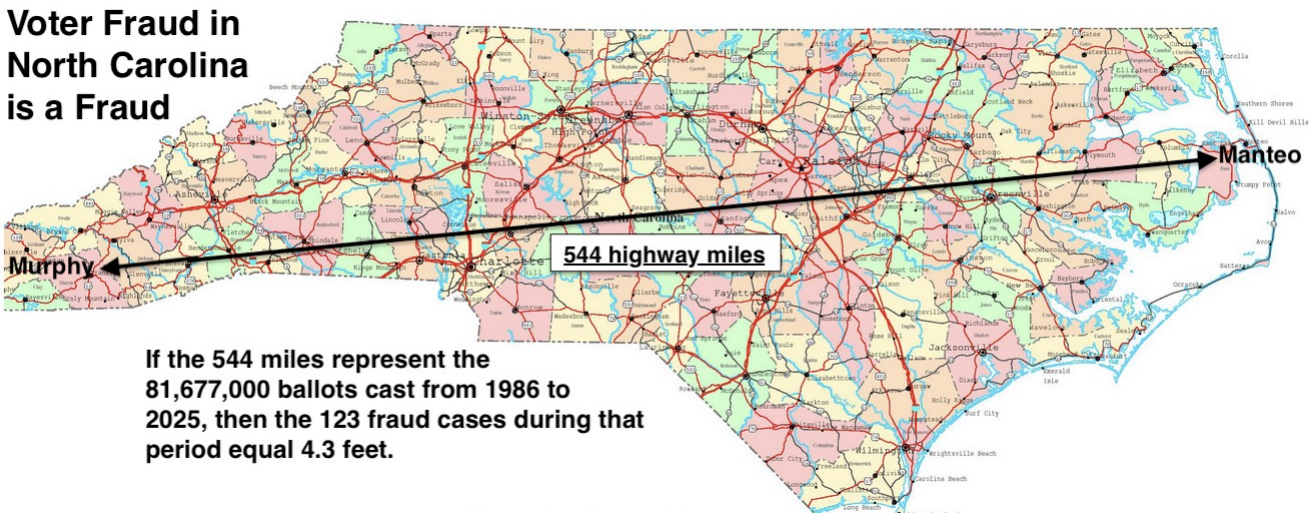
Members of the Commission:

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Thank you for your service to the people of North Carolina and your consideration of this objection.

Respectfully,

Larry King



Southern Coalition for Social Justice

Southern Coalition for Social Justice
PO Box 51280
Durham, NC 27717
southerncoalition.org

August 26, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection and Request for Legislative Review of 08 NCAC 18 .0201, .0501–.0505 (Absentee Voting Rules)

Members of the Commission:

Southern Coalition for Social Justice writes pursuant to N.C.G.S. § 150B-21.3 to object to the State Board of Elections' adopted rules related to absentee ballots (08 NCAC 18 .0201, .0501–.0505). SCSJ previously submitted public comment to the State Board on July 15, 2026, providing background and information on the success of the existing notice and cure process for absentee ballots, suggesting ways to improve the proposed rules, and urging that the State Board not alter the rules in a way that would make it more challenging for the ballots of eligible voters to count.[1] Because the adopted rules related to absentee ballots increase burdens on eligible voters and are neither necessary nor in the public interest, we object.

We therefore request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. § 150B-21.3. We further request that the rules be subject to a delayed effective date as set out in that same provision.

* * * * *

The Rules Increase Burdens on Voters

When adopting a rule, agencies are required to seek to reduce the burden upon those persons or entities who must comply with the rule. N.C.G.S. § 150B-19.1(a)(2). In adopting the rules, the State Board altered the proposed rules in ways that unnecessarily increase burdens on election administrators and voters, specifically in 08 NCAC 18 .0505.

08 NCAC 18 .0505 contemplates three scenarios: (1) when an absentee ballot is inside a container-return envelope that appears to have been opened and re-sealed, but the container-return envelope is received in a sealed outer return envelope; (2) when an absentee ballot is not inside a sealed container-return envelope, but the container-return envelope and ballot are received in a sealed

[1] Available at https://southerncoalition.org/wp-content/uploads/2026/07/SCSJ-Absentee-Rules-Public-Comment-Final.pdf.

Southern Coalition for Social Justice came together in 2007 to give Black, Brown, and low-income people better resources in the fight for justice across the South. We are lawyers, social scientists, and communications professionals working to dismantle racism and oppression in the criminal legal system, in our environment, and at the ballot box.

SCSJ

outer return envelope; and (3) when an absentee ballot in the container return envelope is identified as a ballot that the voter is not eligible to vote.

When the rules were proposed, for any of the ballot scenarios in 08 NCAC 18 .0505, the county board had to send notice to the voter stating that they were required to contact the county board so that they could determine whether the absentee ballot could be cured or should be spoiled. Depending on what the voter relayed about how they transmitted their absentee ballot package, any of the contemplated scenarios could be cured by the voter.

As adopted, only the first scenario remains curable. The other two now require that the ballot be spoiled, leaving the voter to cast a new ballot either by mail or in person if their vote is to count. This is unnecessarily burdensome for voters who could – if given the opportunity – verify and attest that this was the manner in which they transmitted their ballot.

The Rules Are Neither in the Public Interest nor Necessary

Agencies are empowered to adopt rules that are expressly authorized by law and that are necessary to serve the public interest and that are reasonably necessary to implement or interpret applicable law. N.C.G.S. §§ 150B-19.1(a)(1), (3). These rules neither serve the public interest nor are reasonably necessary.

When a rule is based on sound, reasonably available scientific, technical, economic, or other relevant information, an agency must include reference to that information in the notice of text. N.C.G.S. § 150B-19.1(a)(5). If such information is available, the State Board should have presented it in support of these rules, including shortcomings of the notice-and-cure process quantified through election data. In the absence of such information, there is no evidence that the current notice-and-cure process is deficient in any way that these rules might address.

This absence is particularly stark given that the existing statewide notice-and-cure requirement,[2] as outlined in Numbered Memo 2021-03,[3] satisfies the state's legal obligations, ensures due process for voters, and has been successful since its implementation in 2020.[4] As such, these rules

[2] *See* N.C.G.S. § 163-230.1(e1).
[3] Available at https://dl.ncsbe.gov/sboe/numbermemo/2021/Numbered%20Memo%202021-03_Absentee%20Deficiencies.pdf.
[4] Following the introduction of the statewide notice-and-cure process in 2020, an impact analysis by SCSJ indicated that it allowed nearly 20,000 eligible voters to have their votes count in the 2020 General Election—either by curing their ballot or receiving notice of deficiencies and voting another way. Available at https://southerncoalition.org/wp-content/uploads/2021/07/Absentee-Ballot-Cure-Summary_Final.pdf. Moreover, the State Board's February 2026 Declaratory Ruling – which required modification to Numbered Memo 2021-03 – does not necessitate the particular changes propounded in the Rules at issue here. *See* https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/Orders/Declaratory%20Rulings/NCSBE%20Declaratory%20Ruling%2002022026%20-%20Absentee%20Voting%20Errors.pdf.

are unnecessary in light of the current, effective guidance and the increased burdens they would impose on eligible voters, which is not in the public interest.

* * * * *

Thank you for your time and consideration.

Respectfully Submitted,

Jeffrey Loperfido
Chief Counsel, Voting Rights

Helena Abbott
Counsel, Voting Rights

SOUTHERN COALITION FOR SOCIAL JUSTICE

Ruth Strauss
8633 Abbotsbury Ct.
Raleigh, NC 27615

August 23, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: **08 NCAC 18 .0502 and .0505**

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The rules reclassify certain absentee ballot anomalies as deficiencies requiring voters to take additional action to have their ballots counted. The requirements are overly burdensome to voters and election board staff.

Current guidance allows that if a ballot arrives in a sealed outer envelope, it is not deficient and can be counted without any action from the voter. These proposed rules would override that guidance, requiring voters to submit a written attestation before the close of business on the day before county canvass for common, innocent mistakes: failing to seal the inner ballot envelope, placing the ballot in the wrong envelope, and two voters at the same address accidentally swapping their ballots. In each case, the ballot arrives intact and the voter's intent is plain. There is no evidence of abuse, no documented failure of the existing guidance, and no security justification for treating these anomalies as deficiencies.

The voters most harmed will be those who rely on mail-in voting: most homebound voters, elderly voters, voters with disabilities, and voters displaced by natural disasters for whom meeting a last-minute cure deadline is not always possible.

Bring common sense back.

Thank you for your consideration.

Ruth Strauss

Ruth Strauss

Common Cause
NORTH CAROLINA

P.O. Box 6207
Raleigh, NC 27628
(919) 836-0027
CommonCauseNC.org

August 24, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

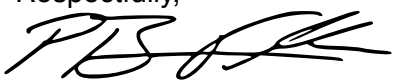
Re: Absentee Ballot Rules 08 NCAC 18.0502, 08 NCAC 18.0505

Members of the Commission:

The North Carolina State Board of Elections recently passed rules 08 NCAC 18.0502 and 08 NCAC 18.0505 regarding the processing and counting of absentee ballots. Among other things, the rules require new cure procedures for certain ballot irregularities. Because the rules, if implemented, will likely disenfranchise eligible voters, and for the reasons set forth in the attached public comment letter filed with the North Carolina State Board of Elections, Common Cause North Carolina requests that the above rules (08 NCAC 18.0502 and 08 NCAC 18.0505) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. We further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your service to the people of North Carolina and your consideration of this objection.

Respectfully,



Brooks Fuller,
Policy Director, Common Cause NC

Ruth Strauss
8633 Abbotsbury Ct.
Raleigh, NC 27615

August 23, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: **08 NCAC 18 .0502 and .0505**

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The rules reclassify certain absentee ballot anomalies as deficiencies requiring voters to take additional action to have their ballots counted. The requirements are overly burdensome to voters and election board staff.

Current guidance allows that if a ballot arrives in a sealed outer envelope, it is not deficient and can be counted without any action from the voter. These proposed rules would override that guidance, requiring voters to submit a written attestation before the close of business on the day before county canvass for common, innocent mistakes: failing to seal the inner ballot envelope, placing the ballot in the wrong envelope, and two voters at the same address accidentally swapping their ballots. In each case, the ballot arrives intact and the voter's intent is plain. There is no evidence of abuse, no documented failure of the existing guidance, and no security justification for treating these anomalies as deficiencies.

The voters most harmed will be those who rely on mail-in voting: most homebound voters, elderly voters, voters with disabilities, and voters displaced by natural disasters for whom meeting a last-minute cure deadline is not always possible.

Bring common sense back.

Thank you for your consideration.

Ruth Strauss

Ruth Strauss

Burgos, Alexander N

From: Tiffany Shubert <tiffany.shubert@gmail.com>
Sent: Thursday, August 20, 2026 9:48 AM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 18 .0502 Curable Deficiencies

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To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed rule: 08 NCAC 18 .0502 Curable Deficiencies

The rule fails the Clarity standard under N.C.G.S. § 150B-21.9(a)(2) because it
fails to define objective standards for county boards, leading to unequal application across counties.

I am specifically concerned about (a) (7). I work with many seniors and adults with disabilities. I believe the lack of clarity around the language that the individual needs to use will provide confusion and unequal application across counties.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Tiffany Shubert
1 Coggins Mine Court
Chapel Hill, NC 27517
Durham County

08 NCAC 18 .0503

Marguerite Most
305 W. Queen St.
Hillsborough, N.C.

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

Dear Commission Members:

I am a North Carolina resident who has been registered to vote since 2010.

I request that the Commission review the rules identified above in the upcoming legislative session. See N.C.G.S. 150B-21.3. I also request that any adopted rules be subject to a delayed effective date as set out in that same provision.

The rules are not necessary, and their implemented are likely to result in voter distrust of the integrity of the election outcome. My specific concerns are:

1. Elimination of unanimous vote requirement to accept or reject provisional ballots.
Voter ID rules (08 NCAC 17 .0101 & .0109) require a voter affidavit. The rules propose to change the unanimous vote requirement to allow rejection of a ballot by a majority of board members. Decisions by county boards should not be dependent on, or give the impression of being connected to, the political leanings of board members. Allowing rejection of an affidavit by majority vote could result in wide-spread voter distrust of the process.

2. Technical Envelope Issues.
Rule .0505 would created new categories for absentee ballots when a ballot is returned in a sealed outer envelope, but there is a problem with the inner ballot envelope or ballot placement. If the county board can determine the voter is

eligible and intends to vote, that voter should not be required to complete more paperwork to correct a technical deficiency if ballot security is not the issue.

Thank you.
Respectfully,



Marguerite Most

Lisa Maag
101 Windermere Court
Greenville, NC27858

August 27, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of
08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting;
08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots;
08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies;
08 NCAC 18. 0502 Curable Deficiencies;
08 NCAC 18. 0503 Non-Curable Deficiencies;
08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter;
08 NCAC 18 .0505 Irregularities That Require Further Action

Dear Members of the NC Rules Review Commission:

I am a resident of Pitt County, North Carolina, and I'm dismayed about proposed changes to the voting process. I am contacting you to ask that the rules be reviewed in the upcoming legislative session (per N.C.G.S. 150B-21.3.). In addition, the effective date should be delayed to allow thorough consideration of these changes.

There are many people in my community who are elderly or disabled, or who have moved recently, or who have experienced flooding. They may not have identification as readily available as people with more secure circumstances. I want to make sure that all US citizens have a fair chance to exercise their right to vote, and that is why I am opposed to many of the changes that are described below.

My specific objections and some suggestions are detailed below.

08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting

This rule should not be changed to allow a county board to reject a voter's Photo ID Exception Form by majority vote.

A Photo ID Exception Form is supposed to protect voters who are eligible to vote but cannot present acceptable photo ID because of a reasonable impediment, disability, illness, lack of transportation, lack of documents needed to get ID, work or school schedule, family responsibilities, religious objection, or a recent natural disaster.

N.C.G.S. 163-166.16(f) requires that, when reviewing a provisional ballot cast with a Photo ID exception form, a County Board of Elections "shall find that the provisional ballot is valid unless the county board has grounds to believe the affidavit is false." The current unanimity requirement is an important safeguard. A voter's ballot should not be rejected unless every county board member agrees, based on facts and not speculation, that the voter's Photo ID Exception Form is false.

Lowering the standard from unanimous agreement to a majority vote makes it more likely that ballots will be rejected along partisan lines. The right to vote should not depend on which party controls a county board.

The rule should make clear that county boards may not reject a Photo ID Exception Form because they personally disagree with the voter's reason, think the voter should have tried harder to get ID, or believe the voter's reason is not "good enough." The only question should be whether there is actual factual evidence that the voter made a false statement.

At a minimum, this rule should be amended to:

- Retain the unanimous-vote requirement before a ballot cast with a Photo ID Exception Form can be rejected.
- Require clear written findings based on specific facts, not speculation, assumptions, or disagreement with the voter's stated reason.
- Require meaningful notice to the voter before the ballot is rejected, including mail, email, and phone notice when that information is available.
- Give the voter a real opportunity to respond in writing, by phone, remotely, or in person before the county board makes any final decision.
- Prohibit rejection when the voter's explanation is plausible and the board lacks evidence that it is false.

The State Board should reject this proposed change and keep the current safeguard in place.

08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots

This rule should not be changed to allow a county board to reject an absentee voter's Photo ID Exception Form by majority vote.

Absentee voters use a Photo ID Exception Form when they cannot include a photocopy of acceptable photo ID with their mail-in ballot. These voters may be elderly, disabled, homebound, displaced by a natural disaster, unable to get transportation, unable to access a copier, or unable to obtain the documents needed to get photo ID.

These are exactly the voters who need the strongest protections, not weaker ones.

The current rule requires a unanimous county-board finding before an absentee ballot can be rejected because the voter's Photo ID Exception Form is supposedly false. That requirement protects voters from rushed, mistaken, or partisan decisions.

Changing the standard to majority vote would make it easier to reject ballots from eligible voters who followed the rules and truthfully completed the exception form.

This rule should be amended to:

- Keep the unanimous-vote requirement for any finding that a Photo ID Exception Form is false.
- Require the county board to identify the specific factual evidence showing that the form is false.
- Require county boards to consider the voter's explanation in the light most favorable to the voter unless there is clear evidence of falsity.
- Make clear that a board cannot reject a form simply because members think the voter's reason is weak, inconvenient, incomplete, or not the reason they would have chosen.
- Require multiple forms of notice to the voter before any rejection, including mail, email, and phone when available.
- Allow the voter to respond in writing, by email, by phone, remotely, or in person.

A voter who truthfully completes a Photo ID Exception Form should have their ballot counted. The State Board should reject this proposed change.

08 NCAC 18 .0201 Definitions

The definitions in this rule should be revised so that ordinary voters can understand the difference between a "deficiency," an "irregularity," a "curable deficiency," and a "non-curable deficiency."

As written, the definitions are technical and may make sense to election lawyers or election administrators, but they are confusing for voters. A voter who receives a notice from the county board should be able to understand what happened, what they need to do, and what will happen if they do not respond.

The definition of "irregularity" is especially important. The rule should make clear that an "irregularity" is not the same thing as voter fraud, voter ineligibility, or a reason to reject a ballot. Many irregularities are innocent mistakes that do not affect whether the voter is eligible or whether the voter intended to cast the ballot.

The rule should be amended to state that technical mistakes should not lead to ballot rejection unless they are material to voter eligibility, ballot security, or voter intent.

08 NCAC 18 .0501 Review for Deficiencies

This rule requires county board staff to review returned absentee ballots for deficiencies or irregularities within one business day.

Prompt review is important, but the rule should include stronger statewide standards so voters are treated the same way in every county.

The rule should require county board staff to use uniform statewide forms, uniform written explanations, and uniform procedures when deciding whether something is a deficiency or irregularity. Without clear statewide standards, the same ballot mistake could be treated differently from county to county.

The rule should also require county boards to document the specific reason for any deficiency or irregularity and to keep that documentation with the ballot record. Voters should not lose their ballots based on vague or inconsistent decisions.

08 NCAC 18 .0502 Curable Deficiencies

This rule identifies absentee-ballot problems that voters can fix.

If this rule is adopted, the State Board should make the cure process as accessible as possible. The rule should require county boards to notify voters by every available method, including mail, email, and phone. If the county board has a voter's phone number or email address anywhere in the voter's record, it should use that information.

The cure notice should be written in plain language. It should clearly say:

- What the problem is.
- What the voter must do to fix it.
- The exact deadline.
- All ways the voter can submit the cure.
- Who may assist the voter.
- A phone number and email address for help.

The rule should also require notices to be available in languages commonly used in the county and in accessible formats for voters with disabilities.

A ballot should not be rejected for a curable deficiency if the voter substantially complies with the cure instructions and the county board can determine that the voter is eligible and intended to cast the ballot.

08 NCAC 18 .0503 Non-Curable Deficiencies

This rule lists absentee-ballot issues that would cause the ballot to be spoiled and, if there is enough time, reissued.

This rule should be narrowed. A ballot should be treated as non-curable only when there is no way to determine voter eligibility, voter intent, or ballot security.

The rule should not classify technical paperwork mistakes as non-curable when the county board can determine who the voter is, that the voter was eligible, and that the voter intended to cast the ballot.

The rule should also require county boards to contact the voter immediately by mail, email, and phone before or at the same time the ballot is spoiled and reissued. Voters should not find out too late that their ballot was cancelled.

If the deficiency is discovered close to Election Day, the notice should clearly explain all remaining voting options, including early voting, Election Day voting, and any available way to return a reissued absentee ballot on time.

08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter

This rule is a better approach than 08 NCAC 18 .0505 because it recognizes that some technical issues should be documented but should not require the voter to take further action.

The State Board should expand this rule to include more innocent absentee-ballot mistakes that do not affect voter eligibility or voter intent.

This rule should include situations where the ballot is received in a sealed outer return envelope, even if there is a technical issue with the inner ballot envelope. Prior NCSBE guidance treated several of these situations as anomalies, not deficiencies, because the ballot was still received in a sealed envelope.

The rule should also include situations where two voters in the same household accidentally switch their ballots or ballot envelopes, as long as there are no issues with the applications and the county board can determine which voters cast the ballots. Prior NCSBE guidance stated that voters in the same household should not have their ballots rejected for that kind of ballot-number mismatch when the mistake is not material to voter eligibility.

The State Board should move these issues into Rule .0504 so voters do not have to complete unnecessary cure paperwork.

08 NCAC 18 .0505 Irregularities That Require Further Action

This is the most concerning absentee-ballot rule.

The rule would require county board staff to contact a voter and require written confirmation when certain ballot-envelope issues are found. These include situations where the ballot envelope appears to have been opened and resealed but was received in a sealed outer return envelope, where the ballot is not inside a sealed ballot envelope but the ballot and ballot envelope were received in a sealed outer return envelope, or where the ballot in the envelope is different from the ballot transmitted to the voter.

These situations may involve innocent voter mistakes. They do not necessarily mean the voter is ineligible, that the voter did anything wrong, or that the ballot should be rejected.

The problem with this rule is that it puts the burden back on the voter after the voter has already returned their ballot. Many absentee voters may not receive the notice in time, may not understand what is being asked, may not have reliable mail or email access, or may not be able to respond quickly because of disability, age, displacement, illness, work, school, or caregiving responsibilities.

If a voter returns a ballot in a sealed outer envelope and the county board can determine that the voter is eligible and intended to cast that ballot, the voter should not have to complete extra paperwork just to have the ballot counted.

The rule should be changed to:

- Treat these issues as irregularities that should be documented, not as problems requiring voter action, unless there is evidence of tampering or evidence that the voter did not transmit the ballot.
- Move these situations into 08 NCAC 18 .0504 when the ballot was received in a sealed outer envelope.
- Allow the county board to count the ballot if the voter's eligibility, application, and intent can be determined.
- Require voter contact only when there is a genuine question that cannot be answered from the ballot materials.
- Require county boards to use mail, email, and phone notice immediately if voter contact is necessary.
- Allow voters to respond by email, phone, mail, in person, or through a permitted assistant.
- Prohibit rejection where the voter substantially complied and the issue is not material to whether the voter is eligible to vote.

The State Board should reject Rule .0505 as written and preserve the existing common-sense approach that counts eligible voters' ballots when technical mistakes do not affect voter eligibility, voter intent, or ballot security.

To reiterate, I object to these changes and request legislative review before they go into effect.

Sincerely,

Lisa Maag

Lisa Maag

101 Windermere Court

Greenville, NC 27858

Martha J. Svoboda, Esq.
6329 Mountain Grove Lane
Wake Forest, NC 27587

August 28, 2026

TO: North Carolina Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Sent via email

Re: Objection to and Request for Legislative Review of proposed rules regarding absentee ballots (08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18 .0502 Curable Deficiencies; 08 NCAC 18 .0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action)

Dear Members of the Commission:

I am a North Carolina resident and have been a registered NC voter since 2000.

I am writing to oppose the above-referenced proposed Absentee Voting rules, *most especially* **08 NCAC 18 .0505**.

This rule would require county board staff to contact a voter and require *written* confirmation when certain ballot-envelope issues are found. These include situations where the ballot envelope appears to have been opened and resealed but was received in a sealed outer return envelope, where the ballot is not inside a sealed ballot envelope but the ballot and ballot envelope were received in a sealed outer return envelope, or where the ballot in the envelope is different from the ballot transmitted to the voter.

These situations may involve innocent voter mistakes. They do not necessarily mean the voter is ineligible, that the voter did anything wrong, or that the ballot should be rejected.

The problem with this rule is that it puts the burden back on the voter after the voter has already returned their ballot. **Under current General Statutes, the burden of proof is on the challenger.** *These rules would shift the burden of proof* to the voter to challenge the suspicions of the Board members who brought the challenge. Furthermore, many absentee voters may not receive the notice in time, may not understand what is being asked, may not have reliable mail or email access, or may not be able to respond quickly because of disability, age, displacement, illness, work, school, or caregiving responsibilities.

If a voter returns a ballot in a sealed outer envelope and the county board can determine that the voter is eligible and intended to cast that ballot, the voter should not have to complete extra paperwork just to have the ballot counted. This proposed rule runs the risk of disqualifying ballots cast by eligible voters who clearly communicated their vote and whose ballot was received securely.

Rather, the rule should be changed to:

- Treat these issues as irregularities that should be documented, not as problems requiring voter action, unless there is evidence of tampering or evidence that the voter did not transmit the ballot.
- Move these situations into 08 NCAC 18 .0504 when the ballot was received in a sealed outer envelope.
- Allow the county board to count the ballot if the voter's eligibility, application, and intent can be determined.
- Require voter contact *only* when there is a *genuine* question that cannot be answered from the ballot materials.
- Require county boards to use mail, email, and phone notice **immediately** if voter contact is necessary.
- Allow voters to respond by email, phone, mail, in person, or through a permitted assistant.
- **Prohibit rejection where the voter substantially complied and the issue is not material to whether the voter is eligible to vote.**

The State Board should reject Rule .0505 as written and preserve the existing common-sense approach that counts eligible voters' ballots when technical mistakes do not affect voter eligibility, voter intent, or ballot security.

I would also like to raise objections to the following proposed rule changes:

Re. **08 NCAC 18 .0201 Definitions**

The definitions in this rule should be revised so that ordinary voters can understand the difference between a "deficiency," an "irregularity," a "curable deficiency," and a "non-curable deficiency."

As written, the definitions are technical and may make sense to election lawyers or election administrators, but they are confusing for voters. A voter who receives a notice from the county board should be able to understand (1) what happened, (2) what they need to do, and (3) what will happen if they do not respond.

The definition of "irregularity" is especially important. **The rule should make clear that an "irregularity" is not the same thing as voter fraud, voter ineligibility, or a reason to reject a ballot.** Many irregularities are innocent mistakes that do not affect whether the voter is eligible or whether the voter intended to cast the ballot.

The rule should be amended to state that **technical mistakes should not lead to ballot rejection unless they are material to voter eligibility, ballot security, or voter intent**.

Re. **08 NCAC 18 .0501 Review for Deficiencies**

This rule requires county board staff to review returned absentee ballots for deficiencies or irregularities within one business day.

Prompt review is important, but the rule should include **stronger statewide standards** so voters are treated the same way in every county.

The rule should require county board staff to use uniform statewide forms, uniform written explanations, and uniform procedures when deciding whether something is a deficiency or irregularity. Without clear statewide standards, the same ballot mistake could be treated differently from county to county.

The rule should also require county boards to document the specific reason for any deficiency or irregularity and to keep that documentation with the ballot record. Voters should not lose their ability to cast a ballot based on vague or inconsistent decisions.

Re. **NCAC 18 .0502 Curable Deficiencies**

This rule identifies issues with an absentee ballot that voters can fix.

If this rule is adopted, the State Board should make the cure process as accessible as possible. The rule should require county boards to notify voters by every available method, including mail, email, and phone. If the county board has a voter's phone number or email address anywhere in the voter's record, it should use that information.

The cure notice should be written in plain language. It should clearly say:

- What the problem is.
- What the voter must do to fix it.
- The exact deadline.
- All the ways by which the voter can submit the cure.
- Who may assist the voter.
- A phone number and email address for help.

The rule should also require notices to be available in languages commonly used in the county and in accessible formats for voters with disabilities.

A ballot should not be rejected for a curable deficiency if the voter substantially complies with the cure instructions and the county board can determine that the voter is eligible and intended to cast the ballot.

Re. **08 NCAC 18 .0503 Non-Curable Deficiencies**

This rule lists absentee-ballot issues that would cause the ballot to be spoiled and, if there is enough time, reissued.

This rule should be *narrowed.* **A ballot should be treated as non-curable only when there is no way to determine voter eligibility, voter intent, or ballot security.**

The rule should not classify technical paperwork mistakes as non-curable when the county board can determine (1) who the voter is, (2) that the voter was eligible, and (3) that the voter intended to cast the ballot.

The rule should also require county boards to contact the voter **immediately** by mail, email, and phone before or at the same time the ballot is spoiled and reissued. Voters should not find out too late that their ballot was cancelled.

If the deficiency is discovered close to Election Day, the notice should clearly explain **all** remaining voting options, including early voting, Election Day voting, and any available way to return a reissued absentee ballot on time.

Finally, re. **08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter**

This rule is a better approach than 08 NCAC 18. 0505 because it recognizes that some technical issues should be documented but should not require the voter to take further action.

As noted above, the State Board should *expand* this rule to include more innocent absentee-ballot mistakes that do not affect voter eligibility or voter intent.

In particular, this rule should include situations where the ballot is received in a sealed outer return envelope, even if there is a technical issue with the inner ballot envelope. **Prior NCSBE guidance treated several of these situations as anomalies, not deficiencies, because the ballot was still received in a sealed envelope.**

The rule should also include situations where two voters in the same household accidentally switch their ballots or ballot envelopes, as long as there are no issues with the applications and the county board can determine which voters cast the ballots. **Prior NCSBE guidance** stated that voters in the same household should *not* have their ballots rejected for that kind of ballot-number mismatch when the mistake is not material to voter eligibility.

The State Board should move these issues into Rule .0504 so voters do not have to complete unnecessary cure paperwork.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that any implemented rules be subject to a delayed effective date as set out in that same provision.

Thank you very much for your consideration of my objections, request for legislative review, and substantive explanatory comments regarding these six proposed rule changes regarding Absentee Ballots.

Respectfully,

Martha J. Svoboda, Esq.

Wake County Voter

/s/ Martha J. Svoboda

Burgos, Alexander N

From: Mary Hillmer <mhillmer@bellsouth.net>
Sent: Friday, August 28, 2026 12:12 PM
To: rrc.comments
Cc: Mary Hillmer
Subject: [External] Request for Legislative Review

You don't often get email from mhillmer@bellsouth.net. Learn why this is important

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Mary M. Hillmer
7540 Milestone Court
Raleigh, NC 27615

August 28, 2026

N.C. Rules Review Commissio
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request fo
Identification During In-Person
Absentee-By-Mail Ballots; 08 N
Deficiencies; 08 NCAC 18. 050

Sent from AT&T Yahoo Mail for iPhone

Lynn McGee
1613 Cheyenne Drive
Hillsborough, NC 27278

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

Members of the Commission:

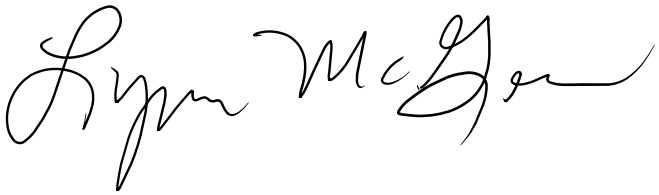
I am a North Carolina resident and have been a registered voter in Orange County since 2017.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Furthermore, I formally object to the adoption of the rules for the following reasons:
These proposed rules are to suppress people from voting, period.

Thank you for your consideration.

Respectfully,
Lynn McGee, Orange County



Burgos, Alexander N

From: Lisa Maag <maagnetism@gmail.com>
Sent: Thursday, August 27, 2026 8:51 PM
To: rrc.comments
Subject: [External] Request for legislative review

You don't often get email from maagnetism@gmail.com. Learn why this is important

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

My letter is attached and copied into the body of this email.

Lisa Maag

101 Windermere Court

Greenville, NC27858

August 27, 2026

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of

08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting;

08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots;

08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies;

08 NCAC 18. 0502 Curable Deficiencies;

08 NCAC 18. 0503 Non-Curable Deficiencies;

08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter;

08 NCAC 18 .0505 Irregularities That Require Further Action

Dear Members of the NC Rules Review Commission:

I am a resident of Pitt County, North Carolina, and I'm dismayed about proposed changes to the voting process. I am contacting you to ask that the rules be reviewed in the upcoming legislative session (per N.C.G.S. 150B-21.3.). In addition, the effective date should be delayed to allow thorough consideration of these changes.

There are many people in my community who are elderly or disabled, or who have moved recently, or who have experienced flooding. They may not have identification as readily available as people with more secure circumstances. I want to make sure that all US citizens have a fair chance to exercise their right to vote, and that is why I am opposed to many of the changes that are described below.

My specific objections and some suggestions are detailed below.

08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting

This rule should not be changed to allow a county board to reject a voter's Photo ID Exception Form by majority vote.

A Photo ID Exception Form is supposed to protect voters who are eligible to vote but cannot present acceptable photo ID because of a reasonable impediment, disability, illness, lack of transportation, lack of documents needed to get ID, work or school schedule, family responsibilities, religious objection, or a recent natural disaster.

N.C.G.S. 163-166.16(f) requires that, when reviewing a provisional ballot cast with a Photo ID exception form, a County Board of Elections "shall find that the provisional ballot is valid unless the county board has grounds to believe the affidavit is false." The current unanimity requirement is an important safeguard. A voter's ballot should not be rejected unless every county board member agrees, based on facts and not speculation, that the voter's Photo ID Exception Form is false.

Lowering the standard from unanimous agreement to a majority vote makes it more likely that ballots will be rejected along partisan lines. The right to vote should not depend on which party controls a county board.

The rule should make clear that county boards may not reject a Photo ID Exception Form because they personally disagree with the voter's reason, think the voter should have tried harder to get ID, or believe the voter's reason is not "good enough." The only question should be whether there is actual factual evidence that the voter made a false statement.

At a minimum, this rule should be amended to:

Retain the unanimous-vote requirement before a ballot cast with a Photo ID Exception Form can be rejected.

Require clear written findings based on specific facts, not speculation, assumptions, or disagreement with the voter's stated reason.

Require meaningful notice to the voter before the ballot is rejected, including mail, email, and phone notice when that information is available.

Give the voter a real opportunity to respond in writing, by phone, remotely, or in person before the county board makes any final decision.

Prohibit rejection when the voter's explanation is plausible and the board lacks evidence that it is false.

The State Board should reject this proposed change and keep the current safeguard in place.

08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots

This rule should not be changed to allow a county board to reject an absentee voter's Photo ID Exception Form by majority vote.

Absentee voters use a Photo ID Exception Form when they cannot include a photocopy of acceptable photo ID with their mail-in ballot. These voters may be elderly, disabled, homebound, displaced by a natural disaster, unable to get transportation, unable to access a copier, or unable to obtain the documents needed to get photo ID.

These are exactly the voters who need the strongest protections, not weaker ones.

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Changing the standard to majority vote would make it easier to reject ballots from eligible voters who followed the rules and truthfully completed the exception form.

This rule should be amended to:

Keep the unanimous-vote requirement for any finding that a Photo ID Exception Form is false.

Require the county board to identify the specific factual evidence showing that the form is false.

Require county boards to consider the voter's explanation in the light most favorable to the voter unless there is clear evidence of falsity.

Make clear that a board cannot reject a form simply because members think the voter's reason is weak, inconvenient, incomplete, or not the reason they would have chosen.

Require multiple forms of notice to the voter before any rejection, including mail, email, and phone when available.

Allow the voter to respond in writing, by email, by phone, remotely, or in person.

A voter who truthfully completes a Photo ID Exception Form should have their ballot counted. The State Board should reject this proposed change.

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As written, the definitions are technical and may make sense to election lawyers or election administrators, but they are confusing for voters. A voter who receives a notice from the county board should be able to understand what happened, what they need to do, and what will happen if they do not respond.

The definition of "irregularity" is especially important. The rule should make clear that an "irregularity" is not the same thing as voter fraud, voter ineligibility, or a reason to reject a ballot. Many irregularities are innocent mistakes that do not affect whether the voter is eligible or whether the voter intended to cast the ballot.

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Prompt review is important, but the rule should include stronger statewide standards so voters are treated the same way in every county.

The rule should require county board staff to use uniform statewide forms, uniform written explanations, and uniform procedures when deciding whether something is a deficiency or irregularity. Without clear statewide standards, the same ballot mistake could be treated differently from county to county.

The rule should also require county boards to document the specific reason for any deficiency or irregularity and to keep that documentation with the ballot record. Voters should not lose their ballots based on vague or inconsistent decisions.

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If this rule is adopted, the State Board should make the cure process as accessible as possible. The rule should require county boards to notify voters by every available method, including mail, email, and phone. If the county board has a voter's phone number or email address anywhere in the voter's record, it should use that information.

The cure notice should be written in plain language. It should clearly say:

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The exact deadline.

All ways the voter can submit the cure.

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The rule should also require notices to be available in languages commonly used in the county and in accessible formats for voters with disabilities.

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This rule lists absentee-ballot issues that would cause the ballot to be spoiled and, if there is enough time, reissued.

This rule should be narrowed. A ballot should be treated as non-curable only when there is no way to determine voter eligibility, voter intent, or ballot security.

The rule should not classify technical paperwork mistakes as non-curable when the county board can determine who the voter is, that the voter was eligible, and that the voter intended to cast the ballot.

The rule should also require county boards to contact the voter immediately by mail, email, and phone before or at the same time the ballot is spoiled and reissued. Voters should not find out too late that their ballot was cancelled.

If the deficiency is discovered close to Election Day, the notice should clearly explain all remaining voting options, including early voting, Election Day voting, and any available way to return a reissued absentee ballot on time.

08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter

This rule is a better approach than 08 NCAC 18 .0505 because it recognizes that some technical issues should be documented but should not require the voter to take further action.

The State Board should expand this rule to include more innocent absentee-ballot mistakes that do not affect voter eligibility or voter intent.

This rule should include situations where the ballot is received in a sealed outer return envelope, even if there is a technical issue with the inner ballot envelope. Prior NCSBE guidance treated several of these situations as anomalies, not deficiencies, because the ballot was still received in a sealed envelope.

The rule should also include situations where two voters in the same household accidentally switch their ballots or ballot envelopes, as long as there are no issues with the applications and the county board can determine which voters cast the ballots. Prior NCSBE guidance stated that voters in the same household should not have their ballots rejected for that kind of ballot-number mismatch when the mistake is not material to voter eligibility.

The State Board should move these issues into Rule .0504 so voters do not have to complete unnecessary cure paperwork.

08 NCAC 18 .0505 Irregularities That Require Further Action

This is the most concerning absentee-ballot rule.

The rule would require county board staff to contact a voter and require written confirmation when certain ballot-envelope issues are found. These include situations where the ballot envelope appears to have been opened and resealed but was received in a sealed outer return envelope, where the ballot is not inside a sealed ballot envelope but the ballot and ballot envelope were received in a sealed outer return envelope, or where the ballot in the envelope is different from the ballot transmitted to the voter.

These situations may involve innocent voter mistakes. They do not necessarily mean the voter is ineligible, that the voter did anything wrong, or that the ballot should be rejected.

The problem with this rule is that it puts the burden back on the voter after the voter has already returned their ballot. Many absentee voters may not receive the notice in time, may not understand what is being asked, may not have reliable mail or email access, or may not be able to respond quickly because of disability, age, displacement, illness, work, school, or caregiving responsibilities.

If a voter returns a ballot in a sealed outer envelope and the county board can determine that the voter is eligible and intended to cast that ballot, the voter should not have to complete extra paperwork just to have the ballot counted.

The rule should be changed to:

Treat these issues as irregularities that should be documented, not as problems requiring voter action, unless there is evidence of tampering or evidence that the voter did not transmit the ballot.

Move these situations into 08 NCAC 18 .0504 when the ballot was received in a sealed outer envelope.

Allow the county board to count the ballot if the voter's eligibility, application, and intent can be determined.

Require voter contact only when there is a genuine question that cannot be answered from the ballot materials.

Require county boards to use mail, email, and phone notice immediately if voter contact is necessary.

Allow voters to respond by email, phone, mail, in person, or through a permitted assistant.

Prohibit rejection where the voter substantially complied and the issue is not material to whether the voter is eligible to vote.

The State Board should reject Rule .0505 as written and preserve the existing common-sense approach that counts eligible voters' ballots when technical mistakes do not affect voter eligibility, voter intent, or ballot security.

To reiterate, I object to these changes and request legislative review before they go into effect.

Sincerely,

Lisa Maag

Lisa Maag

101 Windermere Court

Greenville, NC 27858

August 27, 2026

James L, Kiser, Jr.
1211 Oakwood Ave
Gastonia, NC 28052

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

To the NC Rules Review Commission:

I am a life-long (77 years) resident of North Carolina. I have been a registered voter since 1972 and have voted in every single election.

I hereby request the above captioned rules be reviewed in the upcoming legislative session of the General Assembly as set out in N.C.G.S. 150B-21.3. I further request the rules be subject to a delayed effective date as set out in that same provision.

I believe the rules adopted by the State Board of Elections and approved by the Rules Review Commission impose an undue, unjustified and troublesome burden upon our State's senior citizen voters. Our state's seniors have every much right to vote as any other eligible citizen. Most of us have worked hard throughout our lives, contributed to our economy, paid taxes and should not only have the right to vote conveniently, but should also be facilitated in exercising this sacred right, given many of us have age-related impairments. Many lack transportation and need convenience of early voting or vote-by-mail. They need non-burdensome easy-to-follow mail-in voting. Why should a photo ID be required for mail voting? Many of us don't have a means to make an ID copy. These rules make it easy to discard ballots due to minor errors in mail-in ballots. Many of us lack a support system to take us through the process of curing minor deficiencies. If our vote is contested by someone, it is difficult for us to challenge. The new rules are too difficult and complex for many seniors to understand. We shouldn't need the assistance of a lawyer to vote! What real documented evidence did NCBOE have to make the process of voting more difficult for us? The Board of Elections and the Rules Review Commission should facilitate senior voting, not impair it.

Thank you for your consideration.

Respectfully submitted,

James L. Kiser, Jr.

Burgos, Alexander N

From: Krista Savage-White <cedarwoodbrainly@gmail.com>
Sent: Thursday, August 27, 2026 9:56 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of 08 NCAC 18. 0503 Non-Curable Deficiencies

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To the Members of the N.C. Rules Review Commission:

Proposed rule 08 NCAC 18 .0503 lists absentee-ballot issues that would cause the ballot to be spoiled and, if there is enough time, reissued. I request that proposed rule 08 NCAC 18 .0503 be revised to render ballots "non-curable" only when there is no way to determine voter eligibility, voter intent, or ballot security. It should not classify technical paperwork mistakes as non-curable when the county board can determine who the voter is, that the voter was eligible, and that the voter intended to cast the ballot.

In addition, proposed rule 08 NCAC 18 .0503 should be revised to require that all county boards contact voters immediately by mail, email, and phone about ballot deficiencies before or at the same time the ballot is spoiled and reissued. They should not wait to notify voters about ballot deficiencies.

In the case a ballot deficiency is discovered close to Election Day, the notice should clearly explain all remaining voting options to the affected voter. Those options include early voting, Election Day voting, and other available ways to return a reissued absentee ballot on time.

Voters should not find out too late that their ballot was canceled. Thus, I urge the Commission to revise proposed rule 08 NCAC 18 .0503 to narrow the definition of "non-curable ballots" and require all county boards of elections to notify voters of ballot deficiencies immediately upon discovery.

Respectfully submitted,

Krista Savage-White

Burgos, Alexander N

From: D Lewis <dalewis515151@gmail.com>
Sent: Thursday, August 27, 2026 9:05 PM
To: rrc.comments
Subject: [External] Objections to & Request for Legislative Review of: 08 NCAC 17.0101 Verification of Photo ID During In-Person Voting; 08 NCAC 17.0109 Photo ID for ABM Ballots & more

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Subject Line Continues: 08NCAC18.0201 Definitions; 08 NCAC 18.0501 Review for Deficiencies; 08 NCAC 18.0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18.0504 Irregularities Not Requiring Further Action from Voter; 08 NCAC 18.0505 Irregularities Requiring Further Action

Rules Review Commission Members:

I am a regular N.C. voter since 1973, except for the years 1997-2001 when I lived out-of-state. I have also worked as a seasonal employee at my county board elections in the absentee ballot team.

I request these rules be reviewed in an upcoming legislative session, per NC GS 150B-21.3 and that these rules not be considered effective as of 9/1/2026.

My objections apply to all of the proposed rules listed in the above and are as follows:

1. When take all-together, these proposed rules would place an unfunded mandate which is unduly cumbersome on all our county boards of elections, staff & PT workers
2. Moreover, when taken all-together, they are yet-to-be-shown as effective in stopping unqualified votes from being counted
3. Absent a qualified study of current voting procedures being done which demonstrate that current procedures are allowing an undue number of unqualified votes to be counted, these proposed rules are nothing more than solutions gone looking for problems
    1.
4. -- have a representative group of county board of elections supervisors / directors & staff been consulted on any of these changes & been given opportunity for fair & open input?
5. In these proposed revisions to current procedures, the requirement should be expressly reiterated that any county board of elections member who proposes to disqualify any voter or ballot must state their reasons why & that reason must be limited to an objective believe the voter is attempting to perpetrate a fraud; such objectives must be in writing, recorded & made public
6. "Due process" for a voter whose ballot is being challenged as valid is cumbersome & unduly time constrained for them to respond

7. Most objectionable my view are NCAC 17.0101 & NCAC 17.0109 whereby a county board's vote to disqualify a ballot is changed from the long-standing requirement for a unanimous vote by the board to a simple majority vote -- WHY?

-- has this long-standing requirement for a unanimous vote been proven that it allows an excessive level of otherwise disqualified ballots to be counted?

Burgos, Alexander N

From: Barbara Randolph <brandolphk@gmail.com>
Sent: Thursday, August 27, 2026 9:55 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of Election Rules Approved August 27, 2026

You don't often get email from brandolphk@gmail.com. Learn why this is important

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Dear Sirs, and addressed to:

N.C. Rules Review Commission
1711 New Hope Church Road
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of Election Rules Approved August 27, 2026

08 NCAC 17 .0101 — Verification of Photo Identification During In-Person Voting
08 NCAC 17 .0109 — Photo Identification for Absentee-By-Mail Ballots
08 NCAC 18 .0201 — Definitions
08 NCAC 18 .0501 — Review for Deficiencies
08 NCAC 18 .0502 — Curable Deficiencies
08 NCAC 18 .0503 — Non-Curable Deficiencies
08 NCAC 18 .0504 — Irregularities That Do Not Require Further Action from the Voter
08 NCAC 18 .0505 — Irregularities That Require Further Action

Members of the Commission:

I am a North Carolina resident and have been a registered voter since 2016.

I respectfully submit this written objection to the above-referenced rules approved by the Rules Review Commission on August 27, 2026. I request that this objection be considered pursuant to N.C.G.S. § 150B-21.3(b2), and I **clearly request legislative review of these rules pursuant to N.C.G.S. § 150B-21.3(b1) and (b2).**

I further request that the effective date of these rules be delayed as provided by N.C.G.S. § 150B-21.3(b1), so that the General Assembly has an opportunity to review their substance and their potential consequences for North Carolina voters before the rules take effect.

The State Board of Elections has explained that these rules establish procedures governing the review of absentee ballots, including the identification of deficiencies and irregularities and the circumstances under which voters may or may not cure an identified problem. The rules also modify procedures relating to photo identification for both in-person and absentee voting.

I object to these rules for the following reasons:

1. The rules can impose significant consequences on voters for technical errors that may have no bearing on voter eligibility or voter intent.

The absentee-ballot rules distinguish among “curable deficiencies,” “non-curable deficiencies,” and “irregularities.” That distinction is consequential because certain errors can result in a ballot being spoiled and reissued, while others may not be capable of being cured. For example, Rule .0503 identifies circumstances involving witness information, signatures, envelopes, replacement-ballot requests, and other technical matters as non-curable deficiencies.

A voter who is eligible to vote and who has made a good-faith effort to comply with the law should not lose the opportunity to have that ballot counted because of a technical mistake that does not establish ineligibility, fraud, or lack of voter intent.

I therefore object to the rules to the extent that they create a risk that technical or inadvertent errors will result in the loss of a lawful vote without a meaningful opportunity for the voter to correct the problem.

2. The rules require greater clarity and uniformity in how county boards determine whether an error is a deficiency or an irregularity.

Rule .0501 requires county board staff to review a returned absentee ballot within one business day and determine whether a deficiency or irregularity exists, and then determine which subsequent rule applies.

Because these determinations can affect whether a ballot is ultimately counted, the rules should provide sufficiently clear and objective standards to ensure that similarly situated voters are treated consistently in all 100 counties.

I am concerned that ambiguous or subjective determinations could result in materially different treatment of voters based upon the county in which they cast their absentee ballot.

The rules should therefore establish clear, uniform standards for identifying deficiencies and irregularities and require county boards to document the specific basis for any determination that could affect whether a ballot is counted.

3. The cure process should place the greatest possible emphasis on preserving a lawful voter’s opportunity to cure an honest mistake.

The State Board describes these rules as establishing safeguards for processing absentee ballots. A meaningful safeguard should include a meaningful opportunity for a voter to correct an innocent error whenever the law permits correction.

The rules should require clear, timely and understandable notice to the voter identifying:

- the specific problem with the ballot;
- exactly what the voter must do to correct it;
- the deadline for doing so;
- all permissible methods for submitting the correction; and
- how the voter can obtain assistance.

The notice should be written in plain language and, where appropriate, provided through every reliable method of communication available to the county board.

4. The rules should distinguish clearly between an administrative irregularity and evidence that a voter is ineligible or that a ballot is fraudulent.

An absentee ballot may contain a technical irregularity without there being any evidence that the voter is ineligible, that the voter did not intend to cast the ballot, or that the ballot is fraudulent.

This distinction is particularly important because Rule .0504 expressly recognizes certain irregularities that do not require further action from the voter and provides that the county board may not refuse to count a ballot solely because of an irregularity listed in that rule.

The rules should consistently reflect the principle that a technical irregularity, standing alone, should not be treated as evidence of voter fraud or ineligibility.

5. The rules should be reviewed by the General Assembly before being implemented in a statewide election.

These rules concern fundamental election procedures and will affect how North Carolina voters' ballots are processed.

The Rules Review Commission's approval is not the end of the statutory process when the requirements for legislative review under G.S. 150B-21.3(b2) are satisfied. Under that statute, written objections from at least 10 persons, submitted no later than 5:00 p.m. on the day following Commission approval and clearly requesting legislative review, trigger the delayed-effective-date process established by G.S. 150B-21.3(b1).

Given the importance of these rules and the potential consequences for voters, I believe the General Assembly should have the opportunity to review them before they become effective.

6. The timing of these changes warrants particular scrutiny.

These rules concern voting procedures for the 2026 election cycle. The Rules Review Commission approved the rules on August 27, 2026, with an anticipated September 1, 2026 effective date for at least some of the rules. The Commission's statutory process, however, provides a mechanism for delaying the effective date when the required number of objections requesting legislative review is received.

Implementing significant changes to the procedures governing photo identification and absentee ballots immediately before a statewide election creates a substantial need for clarity, consistency, adequate voter education, and careful legislative review.

Voters should not be required to navigate substantial changes in election procedures without sufficient time to understand those changes and without assurance that county election officials will apply them uniformly.

7. The Rules Review Commission should ensure that the rules remain within the appropriate scope of administrative rule-making.

I recognize that the State Board of Elections has statutory authority to adopt rules governing election administration. However, administrative rules should implement and clarify statutory requirements rather than effectively create new substantive barriers to voting that are not clearly required by statute.

I therefore respectfully request that the Commission and, where applicable, the General Assembly examine whether each provision is:

1. authorized by statute;
2. necessary to implement existing law;
3. sufficiently clear that voters and election officials can reasonably understand what is required;
4. capable of being applied uniformly across North Carolina; and

5. appropriately protective of a lawful voter's opportunity to have their ballot counted.

Conclusion and Request

For these reasons, I respectfully object to the adoption of the above-referenced rules and **clearly request legislative review pursuant to N.C.G.S. § 150B-21.3(b2).**

I respectfully request that:

1. this objection be formally received and recorded;
2. the Commission recognize this objection as a request for legislative review;
3. the effective date of the rules be delayed pursuant to N.C.G.S. § 150B-21.3(b1);
4. the General Assembly review the rules before they become effective; and
5. the State Board of Elections be required to address the concerns identified above, particularly those concerning uniformity, clarity, cure opportunities, treatment of technical errors, and protection of eligible voters' opportunity to have their lawful ballots counted.

The right to vote is fundamental. Election administration should protect both the integrity of elections and the ability of eligible citizens to participate in them. Rules governing the counting of ballots should therefore be clear, consistent, accessible, and narrowly focused on legitimate election-administration requirements.

Thank you for your consideration of this objection and request for legislative review.

Respectfully submitted,

Barbara Randolph, 114 Lake Davidson Circle, Davidson NC 28036

brandolphk@gmail.com

704-606-8383

8.27.2026

I expressly request legislative review of these rules pursuant to N.C.G.S. § 150B-21.3(b2).

Shruti Parikh
711 Hillsborough St, Raleigh, North Carolina, 27603

August, 27, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [08 NCAC 18.0201 and 0503]

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Non-curable deficiencies under these proposed rules could disproportionately impact Asian American and Pacific Islander (AAPI) voters and non-native English speakers who rely on family members, friends, or other trusted individuals to assist them in navigating the absentee voting process. The classification of certain technical witness, assistant, and notarial deficiencies as non-curable could create a significant barrier to successfully casting an absentee ballot because a third party's technical or administrative error could result in the rejection or spoilage of a voter's ballot, even when the voter's identity, eligibility, and intent are otherwise ascertainable.

This is particularly concerning for communities that may face language and procedural barriers when navigating election requirements. When a voter has complied with the requirements applicable to them but their witness or notary makes a technical error, treating that error as categorically non-curable places the consequences of another person's mistake on the voter.

Thank you for your consideration.

Shruti Parikh
Director of Education and Political Engagement
North Carolina Asian Americans Together

Southern Coalition for Social Justice

Southern Coalition for Social Justice
PO Box 51280
Durham, NC 27717
southerncoalition.org

August 26, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection and Request for Legislative Review of 08 NCAC 18 .0201, .0501–.0505 (Absentee Voting Rules)

Members of the Commission:

Southern Coalition for Social Justice writes pursuant to N.C.G.S. § 150B-21.3 to object to the State Board of Elections' adopted rules related to absentee ballots (08 NCAC 18 .0201, .0501–.0505). SCSJ previously submitted public comment to the State Board on July 15, 2026, providing background and information on the success of the existing notice and cure process for absentee ballots, suggesting ways to improve the proposed rules, and urging that the State Board not alter the rules in a way that would make it more challenging for the ballots of eligible voters to count.[1] Because the adopted rules related to absentee ballots increase burdens on eligible voters and are neither necessary nor in the public interest, we object.

We therefore request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. § 150B-21.3. We further request that the rules be subject to a delayed effective date as set out in that same provision.

* * * * *

The Rules Increase Burdens on Voters

When adopting a rule, agencies are required to seek to reduce the burden upon those persons or entities who must comply with the rule. N.C.G.S. § 150B-19.1(a)(2). In adopting the rules, the State Board altered the proposed rules in ways that unnecessarily increase burdens on election administrators and voters, specifically in 08 NCAC 18 .0505.

08 NCAC 18 .0505 contemplates three scenarios: (1) when an absentee ballot is inside a container-return envelope that appears to have been opened and re-sealed, but the container-return envelope is received in a sealed outer return envelope; (2) when an absentee ballot is not inside a sealed container-return envelope, but the container-return envelope and ballot are received in a sealed

[1] Available at https://southerncoalition.org/wp-content/uploads/2026/07/SCSJ-Absentee-Rules-Public-Comment-Final.pdf.

Southern Coalition for Social Justice came together in 2007 to give Black, Brown, and low-income people better resources in the fight for justice across the South. We are lawyers, social scientists, and communications professionals working to dismantle racism and oppression in the criminal legal system, in our environment, and at the ballot box.

SCSJ

outer return envelope; and (3) when an absentee ballot in the container return envelope is identified as a ballot that the voter is not eligible to vote.

When the rules were proposed, for any of the ballot scenarios in 08 NCAC 18 .0505, the county board had to send notice to the voter stating that they were required to contact the county board so that they could determine whether the absentee ballot could be cured or should be spoiled. Depending on what the voter relayed about how they transmitted their absentee ballot package, any of the contemplated scenarios could be cured by the voter.

As adopted, only the first scenario remains curable. The other two now require that the ballot be spoiled, leaving the voter to cast a new ballot either by mail or in person if their vote is to count. This is unnecessarily burdensome for voters who could – if given the opportunity – verify and attest that this was the manner in which they transmitted their ballot.

The Rules Are Neither in the Public Interest nor Necessary

Agencies are empowered to adopt rules that are expressly authorized by law and that are necessary to serve the public interest and that are reasonably necessary to implement or interpret applicable law. N.C.G.S. §§ 150B-19.1(a)(1), (3). These rules neither serve the public interest nor are reasonably necessary.

When a rule is based on sound, reasonably available scientific, technical, economic, or other relevant information, an agency must include reference to that information in the notice of text. N.C.G.S. § 150B-19.1(a)(5). If such information is available, the State Board should have presented it in support of these rules, including shortcomings of the notice-and-cure process quantified through election data. In the absence of such information, there is no evidence that the current notice-and-cure process is deficient in any way that these rules might address.

This absence is particularly stark given that the existing statewide notice-and-cure requirement,[2] as outlined in Numbered Memo 2021-03,[3] satisfies the state's legal obligations, ensures due process for voters, and has been successful since its implementation in 2020.[4] As such, these rules

[2] *See* N.C.G.S. § 163-230.1(e1).
[3] Available at https://dl.ncsbe.gov/sboe/numbermemo/2021/Numbered%20Memo%202021-03_Absentee%20Deficiencies.pdf.
[4] Following the introduction of the statewide notice-and-cure process in 2020, an impact analysis by SCSJ indicated that it allowed nearly 20,000 eligible voters to have their votes count in the 2020 General Election—either by curing their ballot or receiving notice of deficiencies and voting another way. Available at https://southerncoalition.org/wp-content/uploads/2021/07/Absentee-Ballot-Cure-Summary_Final.pdf. Moreover, the State Board's February 2026 Declaratory Ruling – which required modification to Numbered Memo 2021-03 – does not necessitate the particular changes propounded in the Rules at issue here. *See* https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/Orders/Declaratory%20Rulings/NCSBE%20Declaratory%20Ruling%2002022026%20-%20Absentee%20Voting%20Errors.pdf.

are unnecessary in light of the current, effective guidance and the increased burdens they would impose on eligible voters, which is not in the public interest.

* * * * *

Thank you for your time and consideration.

Respectfully Submitted,

Jeffrey Loperfido
Chief Counsel, Voting Rights

Helena Abbott
Counsel, Voting Rights

SOUTHERN COALITION FOR SOCIAL JUSTICE

Burgos, Alexander N

From: Tiffany Shubert <tiffany.shubert@gmail.com>
Sent: Thursday, August 20, 2026 9:53 AM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 18 .0503 Non-Curable Deficiencies

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To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed rule: 08 NCAC 18 .0503 Non-Curable Deficiencies

The rule fails the Clarity standard under N.C.G.S. § 150B-21.9(a)(2) because it
fails to define objective standards for county boards, leading to unequal application across counties.

I am specifically concerned about (a) (b). The rule is written in such a way that it is not clear if the ballot has more than one deficiency if the county board staff is required to document and communicate one deficiency at a time, or document and communicate all deficiencies at one time. This lack of clarity will result in unequal application across counties.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Tiffany Shubert
1 Coggins Mine Court
Chapel Hill, NC 27517
Durham County

Burgos, Alexander N

From: Mark Swallow <mswal2846@gmail.com>

Sent: Wednesday, August 19, 2026 7:51 AM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 18.0503 Non-Curable Deficiencies
Attachments: mswal2846.vcf

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To the Rules Review Commission:

I am a registered voter in Wake County, writing to formally object to the NCSBE's proposed rule 08 NCAC 18.0503 Non-Curable Deficiencies.

[OPTION A — Lack of Clarity]: The rule fails the Clarity standard under N.C.G.S. § 150B-21.9(a)(2) because it
fails to define objective standards for county boards, leading to unequal application across counties.

This rule attempts to address "non-curable deficiencies" in absentee ballots. Item b, section 1 states that "If the deficiency is identified more than three days before the date of the election..." This is ridiculous. First of all, 3 days to send out and then get returned an Absentee Ballot is impossible. Second, what about those that are within the 3 day window? Oh well?

The State Board of Elections should not be focused on preventing voting. It should focused on encouraging voting. This section need to have added to it that if this situation arises, the voter should be

notified and encourage to go to an Early Voting site or vote on Election day. If the reason for Absentee Voting is due to physical issues, ensure they know they can take use of Curbside voting.

The focus needs to be on helping that vote to vote. Not focused on technical complicated voting rules.

Do not approve this rule until this is addressed!

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

--
Regards,

Mark E Swallow
email: mswal2846@gmail.com
cell: 919-931-2662
fax: 919-573-9463

Burgos, Alexander N

From: TreKeny@outlook.com
Sent: Friday, August 14, 2026 7:44 PM
To: rrc.comments
Cc: seth.ascher@oahnc.gov; Steele, Adam; SVC_SBOE.RuleMaking

Subject: [External] SUBJECT: Re: Formal Objection to Rule: 08 NCAC 18 .0503(b)(1)

Importance: High

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Trey Kennedy
6539 Clarksdale Ln
Durham, NC 27713

April 14th, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Members of the Commission:

I am a registered Durham County voter. I raise the following objections **to Rule 08 NCAC 18 .0503 Non-Curable Deficiencies**

OBJECTIONS Part **(b)(1)** of this rule violates the Administrative Procedures Act 150(B)-19.1 in two instances. Under G.S. **150B -19.1(a)(1) –** An agency may adopt only rules that are expressly authorized by Federal or State law and that are **necessary to serve the Public Interest.**
LACK OF AUTHORITY
This rule does not serve the Public Interest. Using Postal Mail will disqualify the voter by not allowing enough time for the voter to cure their spoiled ballot. In calling, or emailing (if those were provided) the short processing time-line left should be explained, but in the event that neither has been provided, the Postal Mailing alone is insufficient, even on perfect execution, and should be changed. The Postal Mail time-line could also be disparaging and arbitrary in rural parts of the state, that may not have consistency in the flow of mailings, internet or cell tower service or access. The time line should be adjusted and a phone number **required** from absentee applicants for quick access.

The second violation is under G.S. **150B -19.1(a)(2) –** An Agency **shall** seek to **reduce the burden** upon those entities who must comply with the rule.
LACK OF AUTHORITY
This rule does **not** reduce the burden, but in fact increases the burden by sending out the absentee ballot package **by Postal Mailing** in the specified time-frame, will slow the process of compliance so that the voter cannot submit a new absentee ballot in the time allotted. It would thereby limit a voter's right to vote. That's limiting the vote; not making voting more accessible.

Even if the Postal Mail process was flawless, the deficiency discovered on the 3rd day before Election Day, and mailed out the same day, it is an unworkable time-line. "Absentee" also indicates that the voter may actually **not** be at home to receive it. The time-line needs to change, and absentee voters should be required to include a reliable phone number (any number they designate) for adequate notification on a spoiled ballot to enter their vote.

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3(b2). I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.
Respectfully submitted,



08 NCAC 18 .0504

Marguerite Most
305 W. Queen St.
Hillsborough, N.C.

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

Dear Commission Members:

I am a North Carolina resident who has been registered to vote since 2010.

I request that the Commission review the rules identified above in the upcoming legislative session. See N.C.G.S. 150B-21.3. I also request that any adopted rules be subject to a delayed effective date as set out in that same provision.

The rules are not necessary, and their implemented are likely to result in voter distrust of the integrity of the election outcome. My specific concerns are:

1. Elimination of unanimous vote requirement to accept or reject provisional ballots.
Voter ID rules (08 NCAC 17 .0101 & .0109) require a voter affidavit. The rules propose to change the unanimous vote requirement to allow rejection of a ballot by a majority of board members. Decisions by county boards should not be dependent on, or give the impression of being connected to, the political leanings of board members. Allowing rejection of an affidavit by majority vote could result in wide-spread voter distrust of the process.

2. Technical Envelope Issues.
Rule .0505 would created new categories for absentee ballots when a ballot is returned in a sealed outer envelope, but there is a problem with the inner ballot envelope or ballot placement. If the county board can determine the voter is

eligible and intends to vote, that voter should not be required to complete more paperwork to correct a technical deficiency if ballot security is not the issue.

Thank you.
Respectfully,



Marguerite Most

Lisa Maag
101 Windermere Court
Greenville, NC27858

August 27, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of
08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting;
08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots;
08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies;
08 NCAC 18. 0502 Curable Deficiencies;
08 NCAC 18. 0503 Non-Curable Deficiencies;
08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter;
08 NCAC 18 .0505 Irregularities That Require Further Action

Dear Members of the NC Rules Review Commission:

I am a resident of Pitt County, North Carolina, and I'm dismayed about proposed changes to the voting process. I am contacting you to ask that the rules be reviewed in the upcoming legislative session (per N.C.G.S. 150B-21.3.). In addition, the effective date should be delayed to allow thorough consideration of these changes.

There are many people in my community who are elderly or disabled, or who have moved recently, or who have experienced flooding. They may not have identification as readily available as people with more secure circumstances. I want to make sure that all US citizens have a fair chance to exercise their right to vote, and that is why I am opposed to many of the changes that are described below.

My specific objections and some suggestions are detailed below.

08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting

This rule should not be changed to allow a county board to reject a voter's Photo ID Exception Form by majority vote.

A Photo ID Exception Form is supposed to protect voters who are eligible to vote but cannot present acceptable photo ID because of a reasonable impediment, disability, illness, lack of transportation, lack of documents needed to get ID, work or school schedule, family responsibilities, religious objection, or a recent natural disaster.

N.C.G.S. 163-166.16(f) requires that, when reviewing a provisional ballot cast with a Photo ID exception form, a County Board of Elections "shall find that the provisional ballot is valid unless the county board has grounds to believe the affidavit is false." The current unanimity requirement is an important safeguard. A voter's ballot should not be rejected unless every county board member agrees, based on facts and not speculation, that the voter's Photo ID Exception Form is false.

Lowering the standard from unanimous agreement to a majority vote makes it more likely that ballots will be rejected along partisan lines. The right to vote should not depend on which party controls a county board.

The rule should make clear that county boards may not reject a Photo ID Exception Form because they personally disagree with the voter's reason, think the voter should have tried harder to get ID, or believe the voter's reason is not "good enough." The only question should be whether there is actual factual evidence that the voter made a false statement.

At a minimum, this rule should be amended to:

- Retain the unanimous-vote requirement before a ballot cast with a Photo ID Exception Form can be rejected.
- Require clear written findings based on specific facts, not speculation, assumptions, or disagreement with the voter's stated reason.
- Require meaningful notice to the voter before the ballot is rejected, including mail, email, and phone notice when that information is available.
- Give the voter a real opportunity to respond in writing, by phone, remotely, or in person before the county board makes any final decision.
- Prohibit rejection when the voter's explanation is plausible and the board lacks evidence that it is false.

The State Board should reject this proposed change and keep the current safeguard in place.

08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots

This rule should not be changed to allow a county board to reject an absentee voter's Photo ID Exception Form by majority vote.

Absentee voters use a Photo ID Exception Form when they cannot include a photocopy of acceptable photo ID with their mail-in ballot. These voters may be elderly, disabled, homebound, displaced by a natural disaster, unable to get transportation, unable to access a copier, or unable to obtain the documents needed to get photo ID.

These are exactly the voters who need the strongest protections, not weaker ones.

The current rule requires a unanimous county-board finding before an absentee ballot can be rejected because the voter's Photo ID Exception Form is supposedly false. That requirement protects voters from rushed, mistaken, or partisan decisions.

Changing the standard to majority vote would make it easier to reject ballots from eligible voters who followed the rules and truthfully completed the exception form.

This rule should be amended to:

- Keep the unanimous-vote requirement for any finding that a Photo ID Exception Form is false.
- Require the county board to identify the specific factual evidence showing that the form is false.
- Require county boards to consider the voter's explanation in the light most favorable to the voter unless there is clear evidence of falsity.
- Make clear that a board cannot reject a form simply because members think the voter's reason is weak, inconvenient, incomplete, or not the reason they would have chosen.
- Require multiple forms of notice to the voter before any rejection, including mail, email, and phone when available.
- Allow the voter to respond in writing, by email, by phone, remotely, or in person.

A voter who truthfully completes a Photo ID Exception Form should have their ballot counted. The State Board should reject this proposed change.

08 NCAC 18 .0201 Definitions

The definitions in this rule should be revised so that ordinary voters can understand the difference between a "deficiency," an "irregularity," a "curable deficiency," and a "non-curable deficiency."

As written, the definitions are technical and may make sense to election lawyers or election administrators, but they are confusing for voters. A voter who receives a notice from the county board should be able to understand what happened, what they need to do, and what will happen if they do not respond.

The definition of "irregularity" is especially important. The rule should make clear that an "irregularity" is not the same thing as voter fraud, voter ineligibility, or a reason to reject a ballot. Many irregularities are innocent mistakes that do not affect whether the voter is eligible or whether the voter intended to cast the ballot.

The rule should be amended to state that technical mistakes should not lead to ballot rejection unless they are material to voter eligibility, ballot security, or voter intent.

08 NCAC 18 .0501 Review for Deficiencies

This rule requires county board staff to review returned absentee ballots for deficiencies or irregularities within one business day.

Prompt review is important, but the rule should include stronger statewide standards so voters are treated the same way in every county.

The rule should require county board staff to use uniform statewide forms, uniform written explanations, and uniform procedures when deciding whether something is a deficiency or irregularity. Without clear statewide standards, the same ballot mistake could be treated differently from county to county.

The rule should also require county boards to document the specific reason for any deficiency or irregularity and to keep that documentation with the ballot record. Voters should not lose their ballots based on vague or inconsistent decisions.

08 NCAC 18 .0502 Curable Deficiencies

This rule identifies absentee-ballot problems that voters can fix.

If this rule is adopted, the State Board should make the cure process as accessible as possible. The rule should require county boards to notify voters by every available method, including mail, email, and phone. If the county board has a voter's phone number or email address anywhere in the voter's record, it should use that information.

The cure notice should be written in plain language. It should clearly say:

- What the problem is.
- What the voter must do to fix it.
- The exact deadline.
- All ways the voter can submit the cure.
- Who may assist the voter.
- A phone number and email address for help.

The rule should also require notices to be available in languages commonly used in the county and in accessible formats for voters with disabilities.

A ballot should not be rejected for a curable deficiency if the voter substantially complies with the cure instructions and the county board can determine that the voter is eligible and intended to cast the ballot.

08 NCAC 18 .0503 Non-Curable Deficiencies

This rule lists absentee-ballot issues that would cause the ballot to be spoiled and, if there is enough time, reissued.

This rule should be narrowed. A ballot should be treated as non-curable only when there is no way to determine voter eligibility, voter intent, or ballot security.

The rule should not classify technical paperwork mistakes as non-curable when the county board can determine who the voter is, that the voter was eligible, and that the voter intended to cast the ballot.

The rule should also require county boards to contact the voter immediately by mail, email, and phone before or at the same time the ballot is spoiled and reissued. Voters should not find out too late that their ballot was cancelled.

If the deficiency is discovered close to Election Day, the notice should clearly explain all remaining voting options, including early voting, Election Day voting, and any available way to return a reissued absentee ballot on time.

08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter

This rule is a better approach than 08 NCAC 18 .0505 because it recognizes that some technical issues should be documented but should not require the voter to take further action.

The State Board should expand this rule to include more innocent absentee-ballot mistakes that do not affect voter eligibility or voter intent.

This rule should include situations where the ballot is received in a sealed outer return envelope, even if there is a technical issue with the inner ballot envelope. Prior NCSBE guidance treated several of these situations as anomalies, not deficiencies, because the ballot was still received in a sealed envelope.

The rule should also include situations where two voters in the same household accidentally switch their ballots or ballot envelopes, as long as there are no issues with the applications and the county board can determine which voters cast the ballots. Prior NCSBE guidance stated that voters in the same household should not have their ballots rejected for that kind of ballot-number mismatch when the mistake is not material to voter eligibility.

The State Board should move these issues into Rule .0504 so voters do not have to complete unnecessary cure paperwork.

08 NCAC 18 .0505 Irregularities That Require Further Action

This is the most concerning absentee-ballot rule.

The rule would require county board staff to contact a voter and require written confirmation when certain ballot-envelope issues are found. These include situations where the ballot envelope appears to have been opened and resealed but was received in a sealed outer return envelope, where the ballot is not inside a sealed ballot envelope but the ballot and ballot envelope were received in a sealed outer return envelope, or where the ballot in the envelope is different from the ballot transmitted to the voter.

These situations may involve innocent voter mistakes. They do not necessarily mean the voter is ineligible, that the voter did anything wrong, or that the ballot should be rejected.

The problem with this rule is that it puts the burden back on the voter after the voter has already returned their ballot. Many absentee voters may not receive the notice in time, may not understand what is being asked, may not have reliable mail or email access, or may not be able to respond quickly because of disability, age, displacement, illness, work, school, or caregiving responsibilities.

If a voter returns a ballot in a sealed outer envelope and the county board can determine that the voter is eligible and intended to cast that ballot, the voter should not have to complete extra paperwork just to have the ballot counted.

The rule should be changed to:

- Treat these issues as irregularities that should be documented, not as problems requiring voter action, unless there is evidence of tampering or evidence that the voter did not transmit the ballot.
- Move these situations into 08 NCAC 18 .0504 when the ballot was received in a sealed outer envelope.
- Allow the county board to count the ballot if the voter's eligibility, application, and intent can be determined.
- Require voter contact only when there is a genuine question that cannot be answered from the ballot materials.
- Require county boards to use mail, email, and phone notice immediately if voter contact is necessary.
- Allow voters to respond by email, phone, mail, in person, or through a permitted assistant.
- Prohibit rejection where the voter substantially complied and the issue is not material to whether the voter is eligible to vote.

The State Board should reject Rule .0505 as written and preserve the existing common-sense approach that counts eligible voters' ballots when technical mistakes do not affect voter eligibility, voter intent, or ballot security.

To reiterate, I object to these changes and request legislative review before they go into effect.

Sincerely,

Lisa Maag

Lisa Maag

101 Windermere Court

Greenville, NC 27858

Burgos, Alexander N

From: Kathy Martin <kteemartin32@gmail.com>
Sent: Friday, August 28, 2026 12:02 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 18.0504 (irregularities)

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

To the Rules Review Commission:
I am a registered voter in WakeCounty, writing to formally object to the NCSBE's proposed rule 08 NCAC 18.0504 (irregularities).
This section should be deleted along with the definition of "Irregularity" in section 08 NCAC 18.0201.

The rule fails the Necessity standard under N.C.G.S. § 150B-21.9(a)(3) because it creates redundant administrative procedures that conflict with existing statutory canvass timelines. There is no need to create a new category and a whole set of new rules. County Board of Elections have long addressed absentee ballot curing under the existing rules. These new rules do not fix a problem. they only add complexity and more opportunities for mistakes, ultimately disenfranchising eligible voters.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.
Sincerely,

Kathy Martin
114 Bright Angel Dr.
Cary, NC
Wake County

Martha J. Svoboda, Esq.
6329 Mountain Grove Lane
Wake Forest, NC 27587

August 28, 2026

TO: North Carolina Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Sent via email

Re: Objection to and Request for Legislative Review of proposed rules regarding absentee ballots (08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18 .0502 Curable Deficiencies; 08 NCAC 18 .0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action)

Dear Members of the Commission:

I am a North Carolina resident and have been a registered NC voter since 2000.

I am writing to oppose the above-referenced proposed Absentee Voting rules, *most especially* **08 NCAC 18 .0505**.

This rule would require county board staff to contact a voter and require *written* confirmation when certain ballot-envelope issues are found. These include situations where the ballot envelope appears to have been opened and resealed but was received in a sealed outer return envelope, where the ballot is not inside a sealed ballot envelope but the ballot and ballot envelope were received in a sealed outer return envelope, or where the ballot in the envelope is different from the ballot transmitted to the voter.

These situations may involve innocent voter mistakes. They do not necessarily mean the voter is ineligible, that the voter did anything wrong, or that the ballot should be rejected.

The problem with this rule is that it puts the burden back on the voter after the voter has already returned their ballot. **Under current General Statutes, the burden of proof is on the challenger.** *These rules would shift the burden of proof* to the voter to challenge the suspicions of the Board members who brought the challenge. Furthermore, many absentee voters may not receive the notice in time, may not understand what is being asked, may not have reliable mail or email access, or may not be able to respond quickly because of disability, age, displacement, illness, work, school, or caregiving responsibilities.

If a voter returns a ballot in a sealed outer envelope and the county board can determine that the voter is eligible and intended to cast that ballot, the voter should not have to complete extra paperwork just to have the ballot counted. This proposed rule runs the risk of disqualifying ballots cast by eligible voters who clearly communicated their vote and whose ballot was received securely.

Rather, the rule should be changed to:

- Treat these issues as irregularities that should be documented, not as problems requiring voter action, unless there is evidence of tampering or evidence that the voter did not transmit the ballot.
- Move these situations into 08 NCAC 18 .0504 when the ballot was received in a sealed outer envelope.
- Allow the county board to count the ballot if the voter's eligibility, application, and intent can be determined.
- Require voter contact *only* when there is a *genuine* question that cannot be answered from the ballot materials.
- Require county boards to use mail, email, and phone notice **immediately** if voter contact is necessary.
- Allow voters to respond by email, phone, mail, in person, or through a permitted assistant.
- **Prohibit rejection where the voter substantially complied and the issue is not material to whether the voter is eligible to vote.**

The State Board should reject Rule .0505 as written and preserve the existing common-sense approach that counts eligible voters' ballots when technical mistakes do not affect voter eligibility, voter intent, or ballot security.

I would also like to raise objections to the following proposed rule changes:

Re. **08 NCAC 18 .0201 Definitions**

The definitions in this rule should be revised so that ordinary voters can understand the difference between a "deficiency," an "irregularity," a "curable deficiency," and a "non-curable deficiency."

As written, the definitions are technical and may make sense to election lawyers or election administrators, but they are confusing for voters. A voter who receives a notice from the county board should be able to understand (1) what happened, (2) what they need to do, and (3) what will happen if they do not respond.

The definition of "irregularity" is especially important. **The rule should make clear that an "irregularity" is not the same thing as voter fraud, voter ineligibility, or a reason to reject a ballot.** Many irregularities are innocent mistakes that do not affect whether the voter is eligible or whether the voter intended to cast the ballot.

The rule should be amended to state that **technical mistakes should not lead to ballot rejection unless they are material to voter eligibility, ballot security, or voter intent**.

Re. **08 NCAC 18 .0501 Review for Deficiencies**

This rule requires county board staff to review returned absentee ballots for deficiencies or irregularities within one business day.

Prompt review is important, but the rule should include **stronger statewide standards** so voters are treated the same way in every county.

The rule should require county board staff to use uniform statewide forms, uniform written explanations, and uniform procedures when deciding whether something is a deficiency or irregularity. Without clear statewide standards, the same ballot mistake could be treated differently from county to county.

The rule should also require county boards to document the specific reason for any deficiency or irregularity and to keep that documentation with the ballot record. Voters should not lose their ability to cast a ballot based on vague or inconsistent decisions.

Re. **NCAC 18 .0502 Curable Deficiencies**

This rule identifies issues with an absentee ballot that voters can fix.

If this rule is adopted, the State Board should make the cure process as accessible as possible. The rule should require county boards to notify voters by every available method, including mail, email, and phone. If the county board has a voter's phone number or email address anywhere in the voter's record, it should use that information.

The cure notice should be written in plain language. It should clearly say:

- What the problem is.
- What the voter must do to fix it.
- The exact deadline.
- All the ways by which the voter can submit the cure.
- Who may assist the voter.
- A phone number and email address for help.

The rule should also require notices to be available in languages commonly used in the county and in accessible formats for voters with disabilities.

A ballot should not be rejected for a curable deficiency if the voter substantially complies with the cure instructions and the county board can determine that the voter is eligible and intended to cast the ballot.

Re. **08 NCAC 18 .0503 Non-Curable Deficiencies**

This rule lists absentee-ballot issues that would cause the ballot to be spoiled and, if there is enough time, reissued.

This rule should be *narrowed.* **A ballot should be treated as non-curable only when there is no way to determine voter eligibility, voter intent, or ballot security.**

The rule should not classify technical paperwork mistakes as non-curable when the county board can determine (1) who the voter is, (2) that the voter was eligible, and (3) that the voter intended to cast the ballot.

The rule should also require county boards to contact the voter **immediately** by mail, email, and phone before or at the same time the ballot is spoiled and reissued. Voters should not find out too late that their ballot was cancelled.

If the deficiency is discovered close to Election Day, the notice should clearly explain **all** remaining voting options, including early voting, Election Day voting, and any available way to return a reissued absentee ballot on time.

Finally, re. **08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter**

This rule is a better approach than 08 NCAC 18. 0505 because it recognizes that some technical issues should be documented but should not require the voter to take further action.

As noted above, the State Board should *expand* this rule to include more innocent absentee-ballot mistakes that do not affect voter eligibility or voter intent.

In particular, this rule should include situations where the ballot is received in a sealed outer return envelope, even if there is a technical issue with the inner ballot envelope. **Prior NCSBE guidance treated several of these situations as anomalies, not deficiencies, because the ballot was still received in a sealed envelope.**

The rule should also include situations where two voters in the same household accidentally switch their ballots or ballot envelopes, as long as there are no issues with the applications and the county board can determine which voters cast the ballots. **Prior NCSBE guidance** stated that voters in the same household should *not* have their ballots rejected for that kind of ballot-number mismatch when the mistake is not material to voter eligibility.

The State Board should move these issues into Rule .0504 so voters do not have to complete unnecessary cure paperwork.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that any implemented rules be subject to a delayed effective date as set out in that same provision.

Thank you very much for your consideration of my objections, request for legislative review, and substantive explanatory comments regarding these six proposed rule changes regarding Absentee Ballots.

Respectfully,

Martha J. Svoboda, Esq.

Wake County Voter

/s/ Martha J. Svoboda

Burgos, Alexander N

From: Mary Hillmer <mhillmer@bellsouth.net>
Sent: Friday, August 28, 2026 12:12 PM
To: rrc.comments
Cc: Mary Hillmer
Subject: [External] Request for Legislative Review

You don't often get email from mhillmer@bellsouth.net. Learn why this is important

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Mary M. Hillmer
7540 Milestone Court
Raleigh, NC 27615

August 28, 2026

N.C. Rules Review Commissio
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request fo
Identification During In-Person
Absentee-By-Mail Ballots; 08 N
Deficiencies; 08 NCAC 18. 050

Sent from AT&T Yahoo Mail for iPhone

Lynn McGee
1613 Cheyenne Drive
Hillsborough, NC 27278

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

Members of the Commission:

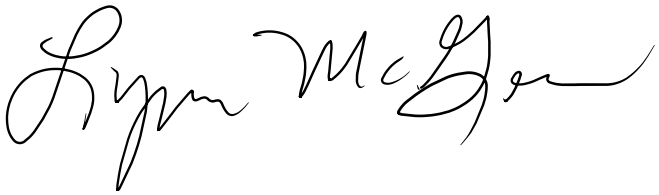
I am a North Carolina resident and have been a registered voter in Orange County since 2017.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Furthermore, I formally object to the adoption of the rules for the following reasons:
These proposed rules are to suppress people from voting, period.

Thank you for your consideration.

Respectfully,
Lynn McGee, Orange County



Burgos, Alexander N

From: Lisa Maag <maagnetism@gmail.com>
Sent: Thursday, August 27, 2026 8:51 PM
To: rrc.comments
Subject: [External] Request for legislative review

You don't often get email from maagnetism@gmail.com. Learn why this is important

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

My letter is attached and copied into the body of this email.

Lisa Maag

101 Windermere Court

Greenville, NC27858

August 27, 2026

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of

08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting;

08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots;

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08 NCAC 18 .0505 Irregularities That Require Further Action

Dear Members of the NC Rules Review Commission:

I am a resident of Pitt County, North Carolina, and I'm dismayed about proposed changes to the voting process. I am contacting you to ask that the rules be reviewed in the upcoming legislative session (per N.C.G.S. 150B-21.3.). In addition, the effective date should be delayed to allow thorough consideration of these changes.

There are many people in my community who are elderly or disabled, or who have moved recently, or who have experienced flooding. They may not have identification as readily available as people with more secure circumstances. I want to make sure that all US citizens have a fair chance to exercise their right to vote, and that is why I am opposed to many of the changes that are described below.

My specific objections and some suggestions are detailed below.

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N.C.G.S. 163-166.16(f) requires that, when reviewing a provisional ballot cast with a Photo ID exception form, a County Board of Elections "shall find that the provisional ballot is valid unless the county board has grounds to believe the affidavit is false." The current unanimity requirement is an important safeguard. A voter's ballot should not be rejected unless every county board member agrees, based on facts and not speculation, that the voter's Photo ID Exception Form is false.

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The rule should make clear that county boards may not reject a Photo ID Exception Form because they personally disagree with the voter's reason, think the voter should have tried harder to get ID, or believe the voter's reason is not "good enough." The only question should be whether there is actual factual evidence that the voter made a false statement.

At a minimum, this rule should be amended to:

Retain the unanimous-vote requirement before a ballot cast with a Photo ID Exception Form can be rejected.

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Require multiple forms of notice to the voter before any rejection, including mail, email, and phone when available.

Allow the voter to respond in writing, by email, by phone, remotely, or in person.

A voter who truthfully completes a Photo ID Exception Form should have their ballot counted. The State Board should reject this proposed change.

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The exact deadline.

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This rule should be narrowed. A ballot should be treated as non-curable only when there is no way to determine voter eligibility, voter intent, or ballot security.

The rule should not classify technical paperwork mistakes as non-curable when the county board can determine who the voter is, that the voter was eligible, and that the voter intended to cast the ballot.

The rule should also require county boards to contact the voter immediately by mail, email, and phone before or at the same time the ballot is spoiled and reissued. Voters should not find out too late that their ballot was cancelled.

If the deficiency is discovered close to Election Day, the notice should clearly explain all remaining voting options, including early voting, Election Day voting, and any available way to return a reissued absentee ballot on time.

08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter

This rule is a better approach than 08 NCAC 18 .0505 because it recognizes that some technical issues should be documented but should not require the voter to take further action.

The State Board should expand this rule to include more innocent absentee-ballot mistakes that do not affect voter eligibility or voter intent.

This rule should include situations where the ballot is received in a sealed outer return envelope, even if there is a technical issue with the inner ballot envelope. Prior NCSBE guidance treated several of these situations as anomalies, not deficiencies, because the ballot was still received in a sealed envelope.

The rule should also include situations where two voters in the same household accidentally switch their ballots or ballot envelopes, as long as there are no issues with the applications and the county board can determine which voters cast the ballots. Prior NCSBE guidance stated that voters in the same household should not have their ballots rejected for that kind of ballot-number mismatch when the mistake is not material to voter eligibility.

The State Board should move these issues into Rule .0504 so voters do not have to complete unnecessary cure paperwork.

08 NCAC 18 .0505 Irregularities That Require Further Action

This is the most concerning absentee-ballot rule.

The rule would require county board staff to contact a voter and require written confirmation when certain ballot-envelope issues are found. These include situations where the ballot envelope appears to have been opened and resealed but was received in a sealed outer return envelope, where the ballot is not inside a sealed ballot envelope but the ballot and ballot envelope were received in a sealed outer return envelope, or where the ballot in the envelope is different from the ballot transmitted to the voter.

These situations may involve innocent voter mistakes. They do not necessarily mean the voter is ineligible, that the voter did anything wrong, or that the ballot should be rejected.

The problem with this rule is that it puts the burden back on the voter after the voter has already returned their ballot. Many absentee voters may not receive the notice in time, may not understand what is being asked, may not have reliable mail or email access, or may not be able to respond quickly because of disability, age, displacement, illness, work, school, or caregiving responsibilities.

If a voter returns a ballot in a sealed outer envelope and the county board can determine that the voter is eligible and intended to cast that ballot, the voter should not have to complete extra paperwork just to have the ballot counted.

The rule should be changed to:

Treat these issues as irregularities that should be documented, not as problems requiring voter action, unless there is evidence of tampering or evidence that the voter did not transmit the ballot.

Move these situations into 08 NCAC 18 .0504 when the ballot was received in a sealed outer envelope.

Allow the county board to count the ballot if the voter's eligibility, application, and intent can be determined.

Require voter contact only when there is a genuine question that cannot be answered from the ballot materials.

Require county boards to use mail, email, and phone notice immediately if voter contact is necessary.

Allow voters to respond by email, phone, mail, in person, or through a permitted assistant.

Prohibit rejection where the voter substantially complied and the issue is not material to whether the voter is eligible to vote.

The State Board should reject Rule .0505 as written and preserve the existing common-sense approach that counts eligible voters' ballots when technical mistakes do not affect voter eligibility, voter intent, or ballot security.

To reiterate, I object to these changes and request legislative review before they go into effect.

Sincerely,

Lisa Maag

Lisa Maag

101 Windermere Court

Greenville, NC 27858

August 27, 2026

James L, Kiser, Jr.
1211 Oakwood Ave
Gastonia, NC 28052

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

To the NC Rules Review Commission:

I am a life-long (77 years) resident of North Carolina. I have been a registered voter since 1972 and have voted in every single election.

I hereby request the above captioned rules be reviewed in the upcoming legislative session of the General Assembly as set out in N.C.G.S. 150B-21.3. I further request the rules be subject to a delayed effective date as set out in that same provision.

I believe the rules adopted by the State Board of Elections and approved by the Rules Review Commission impose an undue, unjustified and troublesome burden upon our State's senior citizen voters. Our state's seniors have every much right to vote as any other eligible citizen. Most of us have worked hard throughout our lives, contributed to our economy, paid taxes and should not only have the right to vote conveniently, but should also be facilitated in exercising this sacred right, given many of us have age-related impairments. Many lack transportation and need convenience of early voting or vote-by-mail. They need non-burdensome easy-to-follow mail-in voting. Why should a photo ID be required for mail voting? Many of us don't have a means to make an ID copy. These rules make it easy to discard ballots due to minor errors in mail-in ballots. Many of us lack a support system to take us through the process of curing minor deficiencies. If our vote is contested by someone, it is difficult for us to challenge. The new rules are too difficult and complex for many seniors to understand. We shouldn't need the assistance of a lawyer to vote! What real documented evidence did NCBOE have to make the process of voting more difficult for us? The Board of Elections and the Rules Review Commission should facilitate senior voting, not impair it.

Thank you for your consideration.

Respectfully submitted,

James L. Kiser, Jr.

Burgos, Alexander N

From: Krista Savage-White <cedarwoodbrainly@gmail.com>
Sent: Thursday, August 27, 2026 10:12 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter

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To the Members of the N.C. Rules Review Commission:

Proposed rule 08 NCAC 18 .0504 recognizes that some technical issues should be documented but should not require the voter to take further action. This is a step up from proposed rule 08 NCAC 18 .0505. Even so, the State Board should expand rule 08 NCAC 18 .0504 to increase the list of innocent absentee-ballot mistakes that do not affect voter eligibility or voter intent.

Namely, this rule should include situations where the ballot is received in a sealed outer return envelope, even if there is a technical issue with the inner ballot envelope. Prior NCSBE guidance treated several of these situations as anomalies, not deficiencies, since the ballot was still received in a sealed envelope.

Proposed rule 08 NCAC 18 .0504 should also include situations where two voters in the same household accidentally switch their ballots or ballot envelopes, given that there are 1) no issues with the applications and 2) the county board can determine which voters cast the ballots. Prior NCSBE guidance, as laid out in Numbered Memo 2021-03, stated that voters in the same household should not have their ballots rejected over that kind of mistake when it's not material to voter eligibility.

Everything mentioned in this comment are issues that the State Board of Elections and the Rules Review Commission should move into Rule .0504, so that voters don't have to complete unnecessary curing paperwork or face additional hurdles to having their votes counted.

Respectfully submitted,

Krista Savage-White

624 Wolfe Street
Davidson, North Carolina 28036
August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of the following:

- 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting;
- 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots;
- 08 NCAC 18 .0201 Definitions;
- 08 NCAC 18 .0501 Review for Deficiencies;
- 08 NCAC 18. 0502 Curable Deficiencies;
- 08 NCAC 18. 0503 Non-Curable Deficiencies;
- 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter;
- 08 NCAC 18 .0505 Irregularities That Require Further Action

Members of the Commission:

I am a North Carolina resident and have been a registered voter according to the State Board of Elections web site since at least August 1987, although I was previously registered in North Carolina from the mid-1970s through 1982.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Furthermore, I formally object to the adoption of the rules for the following reasons:

- **08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting**

  The proposed rule eliminating the requirement for unanimity runs counter to the state policy that encourages bipartisan decision-making by county boards of elections, thus increasing the likelihood that decisions will be made on a partisan basis or a because of a mistaken ballot rejection. Any amendment to the existing rule should continue to require unanimity in addition to requiring the county board to specify factual evidence that the Photo ID Exception Form is false. Further, any amendment should require multiple notices to the voter and allow the voter to respond in writing, by phone, email, remotely or in person.

- **08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots**

  For the same reasons that proposed rule 08 NCAC 17.0101 should be rejected and amended, this proposed rule should be rejected and/or amended.

- **08 NCAC 18 .0201 Definitions**

  The definitions in this rule should be revised so that ordinary voters can understand the difference between a "deficiency," an "irregularity," a "curable deficiency," and a "non-curable deficiency." The proposed definitions are overly technical but potentially confusing to voters. The rule should be amended to state that technical mistakes should not lead to ballot rejection unless they are material to voter eligibility, ballot security, or voter intent.

- **08 NCAC 18 .0501 Review for Deficiencies**

  This rule requires county board staff to review returned absentee ballots for deficiencies or irregularities within one business day. Any rule should include required statewide standards for such review and should require county boards to use statewide forms, notices, and procedures. Further, any rule should require county boards to document and maintain records of specific reasons for any finding of deficiency or irregularity.

- **08 NCAC 18. 0502 Curable Deficiencies**

  The proposed rule identifies absentee-ballot problems that voters can fix and if adopted should require that the cure process informs the affected voter of the nature of the problem, how to fix the problem, the related deadline, and how to reach board of elections contacts who can assist. A ballot shall not be rejected for a curable deficiency if a voter substantially complies with the cure instructions.

- **08 NCAC 18. 0503 Non-Curable Deficiencies**

  The proposed rule should be narrowed to treat as non-curable only those ballots where voter eligibility, voter intent, or ballot security cannot be determined. The proposed rule should require county boards to immediately contact the voter to explain the issue and to further explain all remaining voting options.

- **08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter**

  This rule is a better approach than 08 NCAC 18 .0505 because it recognizes that some technical issues should be documented but should not require the voter to take further action. The State Board should expand this rule to include more innocent absentee-ballot mistakes that do not affect voter eligibility or voter intent. In particular, this rule should include situations where the ballot is received in a sealed

outer return envelope, even if there is a technical issue with the inner ballot envelope. Prior NCSBE guidance treated several of these situations as anomalies, not deficiencies, because the ballot was still received in a sealed envelope. The rule should also include situations where two voters in the same household accidentally switch their ballots or ballot envelopes, as long as there are no issues with the applications and the county board can determine which voters cast the ballots. Prior NCSBE guidance stated that voters in the same household should not have their ballots rejected for that kind of ballot-number mismatch when the mistake is not material to voter eligibility. The State Board should move these issues into Rule .0504 so voters do not have to complete unnecessary cure paperwork.

- **08 NCAC 18 .0505 Irregularities That Require Further Action**

  This proposed absentee-ballot rule would require county board staff to contact a voter and require written confirmation when certain ballot-envelope issues are found. These include situations where the ballot envelope appears to have been opened and resealed but was received in a sealed outer return envelope, where the ballot is not inside a sealed ballot envelope but the ballot and ballot envelope were received in a sealed outer return envelope, or where the ballot in the envelope is different from the ballot transmitted to the voter.

  These situations may involve innocent voter mistakes. They do not necessarily mean the voter is ineligible, that the voter did anything wrong, or that the ballot should be rejected.

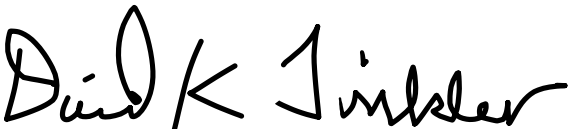
  The problem with this rule is that it puts the burden back on the voter after the voter has already returned their ballot. Many absentee voters may not receive the notice in time, may not understand what is being asked, may not have reliable mail or email access, or may not be able to respond quickly because of disability, age, displacement, illness, work, school, or caregiving responsibilities.

  If a voter returns a ballot in a sealed outer envelope and the county board can determine that the voter is eligible and intended to cast that ballot, the voter should not have to complete extra paperwork just to have the ballot counted.

  The rule should be changed to: (1) Treat these issues as irregularities that should be documented, not as problems requiring voter action, unless there is evidence of tampering or evidence that the voter did not transmit the ballot. (2) Move these situations into 08 NCAC 18 .0504 when the ballot was received in A sealed outer envelope. (3) Allow the county board to count the ballot if the voter's eligibility, application, and intent can be determined. (4) Require voter contact only when there is a genuine question that cannot be answered from the ballot materials. (5) Require county boards to use mail, email, and phone notice immediately if voter contact is necessary.

Thank you for your consideration.

Respectfully,



David K. Tinkler

Burgos, Alexander N

From: D Lewis <dalewis515151@gmail.com>
Sent: Thursday, August 27, 2026 9:05 PM
To: rrc.comments
Subject: [External] Objections to & Request for Legislative Review of: 08 NCAC 17.0101 Verification of Photo ID During In-Person Voting; 08 NCAC 17.0109 Photo ID for ABM Ballots & more

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Subject Line Continues: 08NCAC18.0201 Definitions; 08 NCAC 18.0501 Review for Deficiencies; 08 NCAC 18.0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18.0504 Irregularities Not Requiring Further Action from Voter; 08 NCAC 18.0505 Irregularities Requiring Further Action

Rules Review Commission Members:

I am a regular N.C. voter since 1973, except for the years 1997-2001 when I lived out-of-state. I have also worked as a seasonal employee at my county board elections in the absentee ballot team.

I request these rules be reviewed in an upcoming legislative session, per NC GS 150B-21.3 and that these rules not be considered effective as of 9/1/2026.

My objections apply to all of the proposed rules listed in the above and are as follows:

1. When take all-together, these proposed rules would place an unfunded mandate which is unduly cumbersome on all our county boards of elections, staff & PT workers
2. Moreover, when taken all-together, they are yet-to-be-shown as effective in stopping unqualified votes from being counted
3. Absent a qualified study of current voting procedures being done which demonstrate that current procedures are allowing an undue number of unqualified votes to be counted, these proposed rules are nothing more than solutions gone looking for problems
    1.
4. -- have a representative group of county board of elections supervisors / directors & staff been consulted on any of these changes & been given opportunity for fair & open input?
5. In these proposed revisions to current procedures, the requirement should be expressly reiterated that any county board of elections member who proposes to disqualify any voter or ballot must state their reasons why & that reason must be limited to an objective believe the voter is attempting to perpetrate a fraud; such objectives must be in writing, recorded & made public
6. "Due process" for a voter whose ballot is being challenged as valid is cumbersome & unduly time constrained for them to respond

7. Most objectionable my view are NCAC 17.0101 & NCAC 17.0109 whereby a county board's vote to disqualify a ballot is changed from the long-standing requirement for a unanimous vote by the board to a simple majority vote -- WHY?

-- has this long-standing requirement for a unanimous vote been proven that it allows an excessive level of otherwise disqualified ballots to be counted?

Burgos, Alexander N

From: Barbara Randolph <brandolphk@gmail.com>
Sent: Thursday, August 27, 2026 9:55 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of Election Rules Approved August 27, 2026

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Dear Sirs, and addressed to:

N.C. Rules Review Commission
1711 New Hope Church Road
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of Election Rules Approved August 27, 2026

08 NCAC 17 .0101 — Verification of Photo Identification During In-Person Voting
08 NCAC 17 .0109 — Photo Identification for Absentee-By-Mail Ballots
08 NCAC 18 .0201 — Definitions
08 NCAC 18 .0501 — Review for Deficiencies
08 NCAC 18 .0502 — Curable Deficiencies
08 NCAC 18 .0503 — Non-Curable Deficiencies
08 NCAC 18 .0504 — Irregularities That Do Not Require Further Action from the Voter
08 NCAC 18 .0505 — Irregularities That Require Further Action

Members of the Commission:

I am a North Carolina resident and have been a registered voter since 2016.

I respectfully submit this written objection to the above-referenced rules approved by the Rules Review Commission on August 27, 2026. I request that this objection be considered pursuant to N.C.G.S. § 150B-21.3(b2), and I **clearly request legislative review of these rules pursuant to N.C.G.S. § 150B-21.3(b1) and (b2).**

I further request that the effective date of these rules be delayed as provided by N.C.G.S. § 150B-21.3(b1), so that the General Assembly has an opportunity to review their substance and their potential consequences for North Carolina voters before the rules take effect.

The State Board of Elections has explained that these rules establish procedures governing the review of absentee ballots, including the identification of deficiencies and irregularities and the circumstances under which voters may or may not cure an identified problem. The rules also modify procedures relating to photo identification for both in-person and absentee voting.

I object to these rules for the following reasons:

1. The rules can impose significant consequences on voters for technical errors that may have no bearing on voter eligibility or voter intent.

The absentee-ballot rules distinguish among “curable deficiencies,” “non-curable deficiencies,” and “irregularities.” That distinction is consequential because certain errors can result in a ballot being spoiled and reissued, while others may not be capable of being cured. For example, Rule .0503 identifies circumstances involving witness information, signatures, envelopes, replacement-ballot requests, and other technical matters as non-curable deficiencies.

A voter who is eligible to vote and who has made a good-faith effort to comply with the law should not lose the opportunity to have that ballot counted because of a technical mistake that does not establish ineligibility, fraud, or lack of voter intent.

I therefore object to the rules to the extent that they create a risk that technical or inadvertent errors will result in the loss of a lawful vote without a meaningful opportunity for the voter to correct the problem.

2. The rules require greater clarity and uniformity in how county boards determine whether an error is a deficiency or an irregularity.

Rule .0501 requires county board staff to review a returned absentee ballot within one business day and determine whether a deficiency or irregularity exists, and then determine which subsequent rule applies.

Because these determinations can affect whether a ballot is ultimately counted, the rules should provide sufficiently clear and objective standards to ensure that similarly situated voters are treated consistently in all 100 counties.

I am concerned that ambiguous or subjective determinations could result in materially different treatment of voters based upon the county in which they cast their absentee ballot.

The rules should therefore establish clear, uniform standards for identifying deficiencies and irregularities and require county boards to document the specific basis for any determination that could affect whether a ballot is counted.

3. The cure process should place the greatest possible emphasis on preserving a lawful voter’s opportunity to cure an honest mistake.

The State Board describes these rules as establishing safeguards for processing absentee ballots. A meaningful safeguard should include a meaningful opportunity for a voter to correct an innocent error whenever the law permits correction.

The rules should require clear, timely and understandable notice to the voter identifying:

- the specific problem with the ballot;
- exactly what the voter must do to correct it;
- the deadline for doing so;
- all permissible methods for submitting the correction; and
- how the voter can obtain assistance.

The notice should be written in plain language and, where appropriate, provided through every reliable method of communication available to the county board.

4. The rules should distinguish clearly between an administrative irregularity and evidence that a voter is ineligible or that a ballot is fraudulent.

An absentee ballot may contain a technical irregularity without there being any evidence that the voter is ineligible, that the voter did not intend to cast the ballot, or that the ballot is fraudulent.

This distinction is particularly important because Rule .0504 expressly recognizes certain irregularities that do not require further action from the voter and provides that the county board may not refuse to count a ballot solely because of an irregularity listed in that rule.

The rules should consistently reflect the principle that a technical irregularity, standing alone, should not be treated as evidence of voter fraud or ineligibility.

5. The rules should be reviewed by the General Assembly before being implemented in a statewide election.

These rules concern fundamental election procedures and will affect how North Carolina voters' ballots are processed.

The Rules Review Commission's approval is not the end of the statutory process when the requirements for legislative review under G.S. 150B-21.3(b2) are satisfied. Under that statute, written objections from at least 10 persons, submitted no later than 5:00 p.m. on the day following Commission approval and clearly requesting legislative review, trigger the delayed-effective-date process established by G.S. 150B-21.3(b1).

Given the importance of these rules and the potential consequences for voters, I believe the General Assembly should have the opportunity to review them before they become effective.

6. The timing of these changes warrants particular scrutiny.

These rules concern voting procedures for the 2026 election cycle. The Rules Review Commission approved the rules on August 27, 2026, with an anticipated September 1, 2026 effective date for at least some of the rules. The Commission's statutory process, however, provides a mechanism for delaying the effective date when the required number of objections requesting legislative review is received.

Implementing significant changes to the procedures governing photo identification and absentee ballots immediately before a statewide election creates a substantial need for clarity, consistency, adequate voter education, and careful legislative review.

Voters should not be required to navigate substantial changes in election procedures without sufficient time to understand those changes and without assurance that county election officials will apply them uniformly.

7. The Rules Review Commission should ensure that the rules remain within the appropriate scope of administrative rule-making.

I recognize that the State Board of Elections has statutory authority to adopt rules governing election administration. However, administrative rules should implement and clarify statutory requirements rather than effectively create new substantive barriers to voting that are not clearly required by statute.

I therefore respectfully request that the Commission and, where applicable, the General Assembly examine whether each provision is:

1. authorized by statute;
2. necessary to implement existing law;
3. sufficiently clear that voters and election officials can reasonably understand what is required;
4. capable of being applied uniformly across North Carolina; and

5. appropriately protective of a lawful voter's opportunity to have their ballot counted.

Conclusion and Request

For these reasons, I respectfully object to the adoption of the above-referenced rules and **clearly request legislative review pursuant to N.C.G.S. § 150B-21.3(b2).**

I respectfully request that:

1. this objection be formally received and recorded;
2. the Commission recognize this objection as a request for legislative review;
3. the effective date of the rules be delayed pursuant to N.C.G.S. § 150B-21.3(b1);
4. the General Assembly review the rules before they become effective; and
5. the State Board of Elections be required to address the concerns identified above, particularly those concerning uniformity, clarity, cure opportunities, treatment of technical errors, and protection of eligible voters' opportunity to have their lawful ballots counted.

The right to vote is fundamental. Election administration should protect both the integrity of elections and the ability of eligible citizens to participate in them. Rules governing the counting of ballots should therefore be clear, consistent, accessible, and narrowly focused on legitimate election-administration requirements.

Thank you for your consideration of this objection and request for legislative review.

Respectfully submitted,

Barbara Randolph, 114 Lake Davidson Circle, Davidson NC 28036

brandolphk@gmail.com

704-606-8383

8.27.2026

I expressly request legislative review of these rules pursuant to N.C.G.S. § 150B-21.3(b2).

Southern Coalition for Social Justice

Southern Coalition for Social Justice
PO Box 51280
Durham, NC 27717
southerncoalition.org

August 26, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection and Request for Legislative Review of 08 NCAC 18 .0201, .0501–.0505 (Absentee Voting Rules)

Members of the Commission:

Southern Coalition for Social Justice writes pursuant to N.C.G.S. § 150B-21.3 to object to the State Board of Elections' adopted rules related to absentee ballots (08 NCAC 18 .0201, .0501–.0505). SCSJ previously submitted public comment to the State Board on July 15, 2026, providing background and information on the success of the existing notice and cure process for absentee ballots, suggesting ways to improve the proposed rules, and urging that the State Board not alter the rules in a way that would make it more challenging for the ballots of eligible voters to count.[1] Because the adopted rules related to absentee ballots increase burdens on eligible voters and are neither necessary nor in the public interest, we object.

We therefore request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. § 150B-21.3. We further request that the rules be subject to a delayed effective date as set out in that same provision.

* * * * *

The Rules Increase Burdens on Voters

When adopting a rule, agencies are required to seek to reduce the burden upon those persons or entities who must comply with the rule. N.C.G.S. § 150B-19.1(a)(2). In adopting the rules, the State Board altered the proposed rules in ways that unnecessarily increase burdens on election administrators and voters, specifically in 08 NCAC 18 .0505.

08 NCAC 18 .0505 contemplates three scenarios: (1) when an absentee ballot is inside a container-return envelope that appears to have been opened and re-sealed, but the container-return envelope is received in a sealed outer return envelope; (2) when an absentee ballot is not inside a sealed container-return envelope, but the container-return envelope and ballot are received in a sealed

[1] Available at https://southerncoalition.org/wp-content/uploads/2026/07/SCSJ-Absentee-Rules-Public-Comment-Final.pdf.

Southern Coalition for Social Justice came together in 2007 to give Black, Brown, and low-income people better resources in the fight for justice across the South. We are lawyers, social scientists, and communications professionals working to dismantle racism and oppression in the criminal legal system, in our environment, and at the ballot box.

SCSJ

outer return envelope; and (3) when an absentee ballot in the container return envelope is identified as a ballot that the voter is not eligible to vote.

When the rules were proposed, for any of the ballot scenarios in 08 NCAC 18 .0505, the county board had to send notice to the voter stating that they were required to contact the county board so that they could determine whether the absentee ballot could be cured or should be spoiled. Depending on what the voter relayed about how they transmitted their absentee ballot package, any of the contemplated scenarios could be cured by the voter.

As adopted, only the first scenario remains curable. The other two now require that the ballot be spoiled, leaving the voter to cast a new ballot either by mail or in person if their vote is to count. This is unnecessarily burdensome for voters who could – if given the opportunity – verify and attest that this was the manner in which they transmitted their ballot.

The Rules Are Neither in the Public Interest nor Necessary

Agencies are empowered to adopt rules that are expressly authorized by law and that are necessary to serve the public interest and that are reasonably necessary to implement or interpret applicable law. N.C.G.S. §§ 150B-19.1(a)(1), (3). These rules neither serve the public interest nor are reasonably necessary.

When a rule is based on sound, reasonably available scientific, technical, economic, or other relevant information, an agency must include reference to that information in the notice of text. N.C.G.S. § 150B-19.1(a)(5). If such information is available, the State Board should have presented it in support of these rules, including shortcomings of the notice-and-cure process quantified through election data. In the absence of such information, there is no evidence that the current notice-and-cure process is deficient in any way that these rules might address.

This absence is particularly stark given that the existing statewide notice-and-cure requirement,[2] as outlined in Numbered Memo 2021-03,[3] satisfies the state's legal obligations, ensures due process for voters, and has been successful since its implementation in 2020.[4] As such, these rules

[2] *See* N.C.G.S. § 163-230.1(e1).
[3] Available at https://dl.ncsbe.gov/sboe/numbermemo/2021/Numbered%20Memo%202021-03_Absentee%20Deficiencies.pdf.
[4] Following the introduction of the statewide notice-and-cure process in 2020, an impact analysis by SCSJ indicated that it allowed nearly 20,000 eligible voters to have their votes count in the 2020 General Election—either by curing their ballot or receiving notice of deficiencies and voting another way. Available at https://southerncoalition.org/wp-content/uploads/2021/07/Absentee-Ballot-Cure-Summary_Final.pdf. Moreover, the State Board's February 2026 Declaratory Ruling – which required modification to Numbered Memo 2021-03 – does not necessitate the particular changes propounded in the Rules at issue here. *See* https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/Orders/Declaratory%20Rulings/NCSBE%20Declaratory%20Ruling%2002022026%20-%20Absentee%20Voting%20Errors.pdf.

are unnecessary in light of the current, effective guidance and the increased burdens they would impose on eligible voters, which is not in the public interest.

* * * * *

Thank you for your time and consideration.

Respectfully Submitted,

Jeffrey Loperfido
Chief Counsel, Voting Rights

Helena Abbott
Counsel, Voting Rights

SOUTHERN COALITION FOR SOCIAL JUSTICE

Burgos, Alexander N

From: Tiffany Shubert <tiffany.shubert@gmail.com>
Sent: Thursday, August 20, 2026 10:02 AM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Subject: Written Objection and Request for Legislative Review — 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action From The Voter

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To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed rule: 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action From The Voter

The rule fails the Clarity standard under N.C.G.S. § 150B-21.9(a)(2) because it
fails to define objective standards for county boards, leading to unequal application across counties.

I am specifically concerned about (a) (2). First, I want to say that it is very common for people to bring important pieces of mail in larger envelopes to protect the contents. The rule is written in such a way that it is not clear if the voter brings their absentee ballot in an unsealed return envelope or in any other protective carrying device like folder or mailing box, if the ballot will be accepted. This lack of clarity will result in unequal application across counties.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Tiffany Shubert
1 Coggins Mine Court
Chapel Hill, NC 27517
Durham County

08 NCAC 18 .0505

Marguerite Most
305 W. Queen St.
Hillsborough, N.C.

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

Dear Commission Members:

I am a North Carolina resident who has been registered to vote since 2010.

I request that the Commission review the rules identified above in the upcoming legislative session. See N.C.G.S. 150B-21.3. I also request that any adopted rules be subject to a delayed effective date as set out in that same provision.

The rules are not necessary, and their implemented are likely to result in voter distrust of the integrity of the election outcome. My specific concerns are:

1. Elimination of unanimous vote requirement to accept or reject provisional ballots.
Voter ID rules (08 NCAC 17 .0101 & .0109) require a voter affidavit. The rules propose to change the unanimous vote requirement to allow rejection of a ballot by a majority of board members. Decisions by county boards should not be dependent on, or give the impression of being connected to, the political leanings of board members. Allowing rejection of an affidavit by majority vote could result in wide-spread voter distrust of the process.

2. Technical Envelope Issues.
Rule .0505 would created new categories for absentee ballots when a ballot is returned in a sealed outer envelope, but there is a problem with the inner ballot envelope or ballot placement. If the county board can determine the voter is

eligible and intends to vote, that voter should not be required to complete more paperwork to correct a technical deficiency if ballot security is not the issue.

Thank you.
Respectfully,



Marguerite Most

Lisa Maag
101 Windermere Court
Greenville, NC27858

August 27, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of
08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting;
08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots;
08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies;
08 NCAC 18. 0502 Curable Deficiencies;
08 NCAC 18. 0503 Non-Curable Deficiencies;
08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter;
08 NCAC 18 .0505 Irregularities That Require Further Action

Dear Members of the NC Rules Review Commission:

I am a resident of Pitt County, North Carolina, and I'm dismayed about proposed changes to the voting process. I am contacting you to ask that the rules be reviewed in the upcoming legislative session (per N.C.G.S. 150B-21.3.). In addition, the effective date should be delayed to allow thorough consideration of these changes.

There are many people in my community who are elderly or disabled, or who have moved recently, or who have experienced flooding. They may not have identification as readily available as people with more secure circumstances. I want to make sure that all US citizens have a fair chance to exercise their right to vote, and that is why I am opposed to many of the changes that are described below.

My specific objections and some suggestions are detailed below.

08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting

This rule should not be changed to allow a county board to reject a voter's Photo ID Exception Form by majority vote.

A Photo ID Exception Form is supposed to protect voters who are eligible to vote but cannot present acceptable photo ID because of a reasonable impediment, disability, illness, lack of transportation, lack of documents needed to get ID, work or school schedule, family responsibilities, religious objection, or a recent natural disaster.

N.C.G.S. 163-166.16(f) requires that, when reviewing a provisional ballot cast with a Photo ID exception form, a County Board of Elections "shall find that the provisional ballot is valid unless the county board has grounds to believe the affidavit is false." The current unanimity requirement is an important safeguard. A voter's ballot should not be rejected unless every county board member agrees, based on facts and not speculation, that the voter's Photo ID Exception Form is false.

Lowering the standard from unanimous agreement to a majority vote makes it more likely that ballots will be rejected along partisan lines. The right to vote should not depend on which party controls a county board.

The rule should make clear that county boards may not reject a Photo ID Exception Form because they personally disagree with the voter's reason, think the voter should have tried harder to get ID, or believe the voter's reason is not "good enough." The only question should be whether there is actual factual evidence that the voter made a false statement.

At a minimum, this rule should be amended to:

- Retain the unanimous-vote requirement before a ballot cast with a Photo ID Exception Form can be rejected.
- Require clear written findings based on specific facts, not speculation, assumptions, or disagreement with the voter's stated reason.
- Require meaningful notice to the voter before the ballot is rejected, including mail, email, and phone notice when that information is available.
- Give the voter a real opportunity to respond in writing, by phone, remotely, or in person before the county board makes any final decision.
- Prohibit rejection when the voter's explanation is plausible and the board lacks evidence that it is false.

The State Board should reject this proposed change and keep the current safeguard in place.

08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots

This rule should not be changed to allow a county board to reject an absentee voter's Photo ID Exception Form by majority vote.

Absentee voters use a Photo ID Exception Form when they cannot include a photocopy of acceptable photo ID with their mail-in ballot. These voters may be elderly, disabled, homebound, displaced by a natural disaster, unable to get transportation, unable to access a copier, or unable to obtain the documents needed to get photo ID.

These are exactly the voters who need the strongest protections, not weaker ones.

The current rule requires a unanimous county-board finding before an absentee ballot can be rejected because the voter's Photo ID Exception Form is supposedly false. That requirement protects voters from rushed, mistaken, or partisan decisions.

Changing the standard to majority vote would make it easier to reject ballots from eligible voters who followed the rules and truthfully completed the exception form.

This rule should be amended to:

- Keep the unanimous-vote requirement for any finding that a Photo ID Exception Form is false.
- Require the county board to identify the specific factual evidence showing that the form is false.
- Require county boards to consider the voter's explanation in the light most favorable to the voter unless there is clear evidence of falsity.
- Make clear that a board cannot reject a form simply because members think the voter's reason is weak, inconvenient, incomplete, or not the reason they would have chosen.
- Require multiple forms of notice to the voter before any rejection, including mail, email, and phone when available.
- Allow the voter to respond in writing, by email, by phone, remotely, or in person.

A voter who truthfully completes a Photo ID Exception Form should have their ballot counted. The State Board should reject this proposed change.

08 NCAC 18 .0201 Definitions

The definitions in this rule should be revised so that ordinary voters can understand the difference between a "deficiency," an "irregularity," a "curable deficiency," and a "non-curable deficiency."

As written, the definitions are technical and may make sense to election lawyers or election administrators, but they are confusing for voters. A voter who receives a notice from the county board should be able to understand what happened, what they need to do, and what will happen if they do not respond.

The definition of "irregularity" is especially important. The rule should make clear that an "irregularity" is not the same thing as voter fraud, voter ineligibility, or a reason to reject a ballot. Many irregularities are innocent mistakes that do not affect whether the voter is eligible or whether the voter intended to cast the ballot.

The rule should be amended to state that technical mistakes should not lead to ballot rejection unless they are material to voter eligibility, ballot security, or voter intent.

08 NCAC 18 .0501 Review for Deficiencies

This rule requires county board staff to review returned absentee ballots for deficiencies or irregularities within one business day.

Prompt review is important, but the rule should include stronger statewide standards so voters are treated the same way in every county.

The rule should require county board staff to use uniform statewide forms, uniform written explanations, and uniform procedures when deciding whether something is a deficiency or irregularity. Without clear statewide standards, the same ballot mistake could be treated differently from county to county.

The rule should also require county boards to document the specific reason for any deficiency or irregularity and to keep that documentation with the ballot record. Voters should not lose their ballots based on vague or inconsistent decisions.

08 NCAC 18 .0502 Curable Deficiencies

This rule identifies absentee-ballot problems that voters can fix.

If this rule is adopted, the State Board should make the cure process as accessible as possible. The rule should require county boards to notify voters by every available method, including mail, email, and phone. If the county board has a voter's phone number or email address anywhere in the voter's record, it should use that information.

The cure notice should be written in plain language. It should clearly say:

- What the problem is.
- What the voter must do to fix it.
- The exact deadline.
- All ways the voter can submit the cure.
- Who may assist the voter.
- A phone number and email address for help.

The rule should also require notices to be available in languages commonly used in the county and in accessible formats for voters with disabilities.

A ballot should not be rejected for a curable deficiency if the voter substantially complies with the cure instructions and the county board can determine that the voter is eligible and intended to cast the ballot.

08 NCAC 18 .0503 Non-Curable Deficiencies

This rule lists absentee-ballot issues that would cause the ballot to be spoiled and, if there is enough time, reissued.

This rule should be narrowed. A ballot should be treated as non-curable only when there is no way to determine voter eligibility, voter intent, or ballot security.

The rule should not classify technical paperwork mistakes as non-curable when the county board can determine who the voter is, that the voter was eligible, and that the voter intended to cast the ballot.

The rule should also require county boards to contact the voter immediately by mail, email, and phone before or at the same time the ballot is spoiled and reissued. Voters should not find out too late that their ballot was cancelled.

If the deficiency is discovered close to Election Day, the notice should clearly explain all remaining voting options, including early voting, Election Day voting, and any available way to return a reissued absentee ballot on time.

08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter

This rule is a better approach than 08 NCAC 18 .0505 because it recognizes that some technical issues should be documented but should not require the voter to take further action.

The State Board should expand this rule to include more innocent absentee-ballot mistakes that do not affect voter eligibility or voter intent.

This rule should include situations where the ballot is received in a sealed outer return envelope, even if there is a technical issue with the inner ballot envelope. Prior NCSBE guidance treated several of these situations as anomalies, not deficiencies, because the ballot was still received in a sealed envelope.

The rule should also include situations where two voters in the same household accidentally switch their ballots or ballot envelopes, as long as there are no issues with the applications and the county board can determine which voters cast the ballots. Prior NCSBE guidance stated that voters in the same household should not have their ballots rejected for that kind of ballot-number mismatch when the mistake is not material to voter eligibility.

The State Board should move these issues into Rule .0504 so voters do not have to complete unnecessary cure paperwork.

08 NCAC 18 .0505 Irregularities That Require Further Action

This is the most concerning absentee-ballot rule.

The rule would require county board staff to contact a voter and require written confirmation when certain ballot-envelope issues are found. These include situations where the ballot envelope appears to have been opened and resealed but was received in a sealed outer return envelope, where the ballot is not inside a sealed ballot envelope but the ballot and ballot envelope were received in a sealed outer return envelope, or where the ballot in the envelope is different from the ballot transmitted to the voter.

These situations may involve innocent voter mistakes. They do not necessarily mean the voter is ineligible, that the voter did anything wrong, or that the ballot should be rejected.

The problem with this rule is that it puts the burden back on the voter after the voter has already returned their ballot. Many absentee voters may not receive the notice in time, may not understand what is being asked, may not have reliable mail or email access, or may not be able to respond quickly because of disability, age, displacement, illness, work, school, or caregiving responsibilities.

If a voter returns a ballot in a sealed outer envelope and the county board can determine that the voter is eligible and intended to cast that ballot, the voter should not have to complete extra paperwork just to have the ballot counted.

The rule should be changed to:

- Treat these issues as irregularities that should be documented, not as problems requiring voter action, unless there is evidence of tampering or evidence that the voter did not transmit the ballot.
- Move these situations into 08 NCAC 18 .0504 when the ballot was received in a sealed outer envelope.
- Allow the county board to count the ballot if the voter's eligibility, application, and intent can be determined.
- Require voter contact only when there is a genuine question that cannot be answered from the ballot materials.
- Require county boards to use mail, email, and phone notice immediately if voter contact is necessary.
- Allow voters to respond by email, phone, mail, in person, or through a permitted assistant.
- Prohibit rejection where the voter substantially complied and the issue is not material to whether the voter is eligible to vote.

The State Board should reject Rule .0505 as written and preserve the existing common-sense approach that counts eligible voters' ballots when technical mistakes do not affect voter eligibility, voter intent, or ballot security.

To reiterate, I object to these changes and request legislative review before they go into effect.

Sincerely,

Lisa Maag

Lisa Maag

101 Windermere Court

Greenville, NC 27858

Burgos, Alexander N

From: Mary Hillmer <mhillmer@bellsouth.net>
Sent: Friday, August 28, 2026 12:12 PM
To: rrc.comments
Cc: Mary Hillmer
Subject: [External] Request for Legislative Review

You don't often get email from mhillmer@bellsouth.net. Learn why this is important

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Mary M. Hillmer
7540 Milestone Court
Raleigh, NC 27615

August 28, 2026

N.C. Rules Review Commissio
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request fo
Identification During In-Person
Absentee-By-Mail Ballots; 08 N
Deficiencies; 08 NCAC 18. 050

Sent from AT&T Yahoo Mail for iPhone

Lynn McGee
1613 Cheyenne Drive
Hillsborough, NC 27278

August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

Members of the Commission:

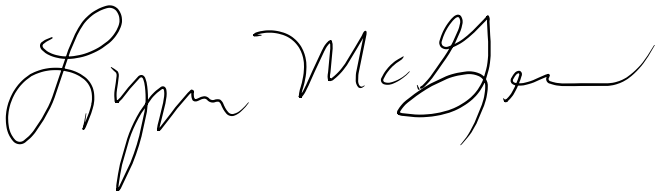
I am a North Carolina resident and have been a registered voter in Orange County since 2017.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Furthermore, I formally object to the adoption of the rules for the following reasons:
These proposed rules are to suppress people from voting, period.

Thank you for your consideration.

Respectfully,
Lynn McGee, Orange County



Burgos, Alexander N

From: Lisa Maag <maagnetism@gmail.com>
Sent: Thursday, August 27, 2026 8:51 PM
To: rrc.comments
Subject: [External] Request for legislative review

You don't often get email from maagnetism@gmail.com. Learn why this is important

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

My letter is attached and copied into the body of this email.

Lisa Maag

101 Windermere Court

Greenville, NC27858

August 27, 2026

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of

08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting;

08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots;

08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies;

08 NCAC 18. 0502 Curable Deficiencies;

08 NCAC 18. 0503 Non-Curable Deficiencies;

08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter;

08 NCAC 18 .0505 Irregularities That Require Further Action

Dear Members of the NC Rules Review Commission:

I am a resident of Pitt County, North Carolina, and I'm dismayed about proposed changes to the voting process. I am contacting you to ask that the rules be reviewed in the upcoming legislative session (per N.C.G.S. 150B-21.3.). In addition, the effective date should be delayed to allow thorough consideration of these changes.

There are many people in my community who are elderly or disabled, or who have moved recently, or who have experienced flooding. They may not have identification as readily available as people with more secure circumstances. I want to make sure that all US citizens have a fair chance to exercise their right to vote, and that is why I am opposed to many of the changes that are described below.

My specific objections and some suggestions are detailed below.

08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting

This rule should not be changed to allow a county board to reject a voter's Photo ID Exception Form by majority vote.

A Photo ID Exception Form is supposed to protect voters who are eligible to vote but cannot present acceptable photo ID because of a reasonable impediment, disability, illness, lack of transportation, lack of documents needed to get ID, work or school schedule, family responsibilities, religious objection, or a recent natural disaster.

N.C.G.S. 163-166.16(f) requires that, when reviewing a provisional ballot cast with a Photo ID exception form, a County Board of Elections "shall find that the provisional ballot is valid unless the county board has grounds to believe the affidavit is false." The current unanimity requirement is an important safeguard. A voter's ballot should not be rejected unless every county board member agrees, based on facts and not speculation, that the voter's Photo ID Exception Form is false.

Lowering the standard from unanimous agreement to a majority vote makes it more likely that ballots will be rejected along partisan lines. The right to vote should not depend on which party controls a county board.

The rule should make clear that county boards may not reject a Photo ID Exception Form because they personally disagree with the voter's reason, think the voter should have tried harder to get ID, or believe the voter's reason is not "good enough." The only question should be whether there is actual factual evidence that the voter made a false statement.

At a minimum, this rule should be amended to:

Retain the unanimous-vote requirement before a ballot cast with a Photo ID Exception Form can be rejected.

Require clear written findings based on specific facts, not speculation, assumptions, or disagreement with the voter's stated reason.

Require meaningful notice to the voter before the ballot is rejected, including mail, email, and phone notice when that information is available.

Give the voter a real opportunity to respond in writing, by phone, remotely, or in person before the county board makes any final decision.

Prohibit rejection when the voter's explanation is plausible and the board lacks evidence that it is false.

The State Board should reject this proposed change and keep the current safeguard in place.

08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots

This rule should not be changed to allow a county board to reject an absentee voter's Photo ID Exception Form by majority vote.

Absentee voters use a Photo ID Exception Form when they cannot include a photocopy of acceptable photo ID with their mail-in ballot. These voters may be elderly, disabled, homebound, displaced by a natural disaster, unable to get transportation, unable to access a copier, or unable to obtain the documents needed to get photo ID.

These are exactly the voters who need the strongest protections, not weaker ones.

The current rule requires a unanimous county-board finding before an absentee ballot can be rejected because the voter's Photo ID Exception Form is supposedly false. That requirement protects voters from rushed, mistaken, or partisan decisions.

Changing the standard to majority vote would make it easier to reject ballots from eligible voters who followed the rules and truthfully completed the exception form.

This rule should be amended to:

Keep the unanimous-vote requirement for any finding that a Photo ID Exception Form is false.

Require the county board to identify the specific factual evidence showing that the form is false.

Require county boards to consider the voter's explanation in the light most favorable to the voter unless there is clear evidence of falsity.

Make clear that a board cannot reject a form simply because members think the voter's reason is weak, inconvenient, incomplete, or not the reason they would have chosen.

Require multiple forms of notice to the voter before any rejection, including mail, email, and phone when available.

Allow the voter to respond in writing, by email, by phone, remotely, or in person.

A voter who truthfully completes a Photo ID Exception Form should have their ballot counted. The State Board should reject this proposed change.

08 NCAC 18 .0201 Definitions

The definitions in this rule should be revised so that ordinary voters can understand the difference between a "deficiency," an "irregularity," a "curable deficiency," and a "non-curable deficiency."

As written, the definitions are technical and may make sense to election lawyers or election administrators, but they are confusing for voters. A voter who receives a notice from the county board should be able to understand what happened, what they need to do, and what will happen if they do not respond.

The definition of "irregularity" is especially important. The rule should make clear that an "irregularity" is not the same thing as voter fraud, voter ineligibility, or a reason to reject a ballot. Many irregularities are innocent mistakes that do not affect whether the voter is eligible or whether the voter intended to cast the ballot.

The rule should be amended to state that technical mistakes should not lead to ballot rejection unless they are material to voter eligibility, ballot security, or voter intent.

08 NCAC 18 .0501 Review for Deficiencies

This rule requires county board staff to review returned absentee ballots for deficiencies or irregularities within one business day.

Prompt review is important, but the rule should include stronger statewide standards so voters are treated the same way in every county.

The rule should require county board staff to use uniform statewide forms, uniform written explanations, and uniform procedures when deciding whether something is a deficiency or irregularity. Without clear statewide standards, the same ballot mistake could be treated differently from county to county.

The rule should also require county boards to document the specific reason for any deficiency or irregularity and to keep that documentation with the ballot record. Voters should not lose their ballots based on vague or inconsistent decisions.

08 NCAC 18 .0502 Curable Deficiencies

This rule identifies absentee-ballot problems that voters can fix.

If this rule is adopted, the State Board should make the cure process as accessible as possible. The rule should require county boards to notify voters by every available method, including mail, email, and phone. If the county board has a voter's phone number or email address anywhere in the voter's record, it should use that information.

The cure notice should be written in plain language. It should clearly say:

What the problem is.

What the voter must do to fix it.

The exact deadline.

All ways the voter can submit the cure.

Who may assist the voter.

A phone number and email address for help.

The rule should also require notices to be available in languages commonly used in the county and in accessible formats for voters with disabilities.

A ballot should not be rejected for a curable deficiency if the voter substantially complies with the cure instructions and the county board can determine that the voter is eligible and intended to cast the ballot.

08 NCAC 18 .0503 Non-Curable Deficiencies

This rule lists absentee-ballot issues that would cause the ballot to be spoiled and, if there is enough time, reissued.

This rule should be narrowed. A ballot should be treated as non-curable only when there is no way to determine voter eligibility, voter intent, or ballot security.

The rule should not classify technical paperwork mistakes as non-curable when the county board can determine who the voter is, that the voter was eligible, and that the voter intended to cast the ballot.

The rule should also require county boards to contact the voter immediately by mail, email, and phone before or at the same time the ballot is spoiled and reissued. Voters should not find out too late that their ballot was cancelled.

If the deficiency is discovered close to Election Day, the notice should clearly explain all remaining voting options, including early voting, Election Day voting, and any available way to return a reissued absentee ballot on time.

08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter

This rule is a better approach than 08 NCAC 18 .0505 because it recognizes that some technical issues should be documented but should not require the voter to take further action.

The State Board should expand this rule to include more innocent absentee-ballot mistakes that do not affect voter eligibility or voter intent.

This rule should include situations where the ballot is received in a sealed outer return envelope, even if there is a technical issue with the inner ballot envelope. Prior NCSBE guidance treated several of these situations as anomalies, not deficiencies, because the ballot was still received in a sealed envelope.

The rule should also include situations where two voters in the same household accidentally switch their ballots or ballot envelopes, as long as there are no issues with the applications and the county board can determine which voters cast the ballots. Prior NCSBE guidance stated that voters in the same household should not have their ballots rejected for that kind of ballot-number mismatch when the mistake is not material to voter eligibility.

The State Board should move these issues into Rule .0504 so voters do not have to complete unnecessary cure paperwork.

08 NCAC 18 .0505 Irregularities That Require Further Action

This is the most concerning absentee-ballot rule.

The rule would require county board staff to contact a voter and require written confirmation when certain ballot-envelope issues are found. These include situations where the ballot envelope appears to have been opened and resealed but was received in a sealed outer return envelope, where the ballot is not inside a sealed ballot envelope but the ballot and ballot envelope were received in a sealed outer return envelope, or where the ballot in the envelope is different from the ballot transmitted to the voter.

These situations may involve innocent voter mistakes. They do not necessarily mean the voter is ineligible, that the voter did anything wrong, or that the ballot should be rejected.

The problem with this rule is that it puts the burden back on the voter after the voter has already returned their ballot. Many absentee voters may not receive the notice in time, may not understand what is being asked, may not have reliable mail or email access, or may not be able to respond quickly because of disability, age, displacement, illness, work, school, or caregiving responsibilities.

If a voter returns a ballot in a sealed outer envelope and the county board can determine that the voter is eligible and intended to cast that ballot, the voter should not have to complete extra paperwork just to have the ballot counted.

The rule should be changed to:

Treat these issues as irregularities that should be documented, not as problems requiring voter action, unless there is evidence of tampering or evidence that the voter did not transmit the ballot.

Move these situations into 08 NCAC 18 .0504 when the ballot was received in a sealed outer envelope.

Allow the county board to count the ballot if the voter's eligibility, application, and intent can be determined.

Require voter contact only when there is a genuine question that cannot be answered from the ballot materials.

Require county boards to use mail, email, and phone notice immediately if voter contact is necessary.

Allow voters to respond by email, phone, mail, in person, or through a permitted assistant.

Prohibit rejection where the voter substantially complied and the issue is not material to whether the voter is eligible to vote.

The State Board should reject Rule .0505 as written and preserve the existing common-sense approach that counts eligible voters' ballots when technical mistakes do not affect voter eligibility, voter intent, or ballot security.

To reiterate, I object to these changes and request legislative review before they go into effect.

Sincerely,

Lisa Maag

Lisa Maag

101 Windermere Court

Greenville, NC 27858

August 27, 2026

James L, Kiser, Jr.
1211 Oakwood Ave
Gastonia, NC 28052

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting; 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots; 08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18. 0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action

To the NC Rules Review Commission:

I am a life-long (77 years) resident of North Carolina. I have been a registered voter since 1972 and have voted in every single election.

I hereby request the above captioned rules be reviewed in the upcoming legislative session of the General Assembly as set out in N.C.G.S. 150B-21.3. I further request the rules be subject to a delayed effective date as set out in that same provision.

I believe the rules adopted by the State Board of Elections and approved by the Rules Review Commission impose an undue, unjustified and troublesome burden upon our State's senior citizen voters. Our state's seniors have every much right to vote as any other eligible citizen. Most of us have worked hard throughout our lives, contributed to our economy, paid taxes and should not only have the right to vote conveniently, but should also be facilitated in exercising this sacred right, given many of us have age-related impairments. Many lack transportation and need convenience of early voting or vote-by-mail. They need non-burdensome easy-to-follow mail-in voting. Why should a photo ID be required for mail voting? Many of us don't have a means to make an ID copy. These rules make it easy to discard ballots due to minor errors in mail-in ballots. Many of us lack a support system to take us through the process of curing minor deficiencies. If our vote is contested by someone, it is difficult for us to challenge. The new rules are too difficult and complex for many seniors to understand. We shouldn't need the assistance of a lawyer to vote! What real documented evidence did NCBOE have to make the process of voting more difficult for us? The Board of Elections and the Rules Review Commission should facilitate senior voting, not impair it.

Thank you for your consideration.

Respectfully submitted,

James L. Kiser, Jr.

Burgos, Alexander N

From: Karen Ziegler <ziegl001@gmail.com>
Sent: Friday, August 28, 2026 7:46 AM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 18.0502 and 08 NCAC 18.0505

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Members of the Commission:

The North Carolina State Board of Elections recently passed rules 08 NCAC 18.0502 and 08 NCAC 18.0505 regarding the processing and counting of absentee ballots. These rules add new cure procedures for certain ballot irregularities and create significant new hurdles that will, if implemented, result in the disenfranchisement of eligible voters. I request that the above rules (08 NCAC 18.0502 and 08 NCAC 18.0505) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3 and that the rules be subject to a delayed effective date as set out in that same provision.

We used to have free and fair elections in North Carolina, but now that the Board of Elections has become partisan, we are losing trust in the process. Perhaps that was the goal? If so, I implore you to respect the Constitution of the United States and of North Carolina, and return to a nonpartisan election process.

Sincerely,

Karen Ziegler, 1203 Shepherd St, Durham NC 27707.

Durham County

To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed rule **[INSERT COMPLETE RULE CITATION AND RULE NAME]**.

[OPTION A — Lack of Clarity]: The rule fails the Clarity standard under N.C.G.S. § 150B-21.9(a)(2) because it fails to define objective standards for county boards, leading to unequal application across counties.

[OPTION B — Lack of Authority]: The rule violates N.C.G.S. § 150B-21.9(a)(1) by exceeding the administrative authority granted to the agency by the General Assembly.

[OPTION C — Lack of Necessity]: The rule fails the Necessity standard under N.C.G.S. § 150B-21.9(a)(3) because it creates redundant administrative procedures that conflict with existing statutory canvass timelines.

[INSERT PERSONAL COMMENTS HERE]

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Karen Ziegler

1203 Shepherd St

Durham, NC

27707

Durham County,

Burgos, Alexander N

From: Krista Savage-White <cedarwoodbrainly@gmail.com>
Sent: Thursday, August 27, 2026 10:29 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of 08 NCAC 18 .0505 Irregularities That Require Further Action

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To the Members of the N.C. Rules Review Commission:

Proposed Rule 08 NCAC 18 .0505 would require county board staff to contact a voter and require written confirmation when certain ballot-envelope issues are found. These include situations where the ballot envelope appears to have been opened and resealed but was received in a sealed outer return envelope; where the ballot is not inside a sealed ballot envelope, but the ballot and ballot envelope were received in a sealed outer return envelope; or where the ballot in the envelope is different from the ballot transmitted to the voter. These situations may involve innocent voter mistakes. They do not necessarily mean the voter is ineligible, that the voter did anything wrong, or that the ballot should be rejected.

The problem with proposed rule 08 NCAC 18 .0505 is that it puts the burden back on the voter after the voter has already returned their ballot. Many absentee voters may not receive the notice in time, may not understand what is being asked, may not have reliable mail or email access, or may not be able to respond quickly due to being disabled, elderly, displaced, ill, or otherwise unable to take time away from work, school, or caregiving responsibilities to fix ballot mistakes.

If a voter returns a ballot in a sealed outer envelope and the county board can determine that the voter is eligible, the voter should not have to complete extra paperwork just to have their ballot counted. Furthermore, proposed rule 08 NCAC 18 .0505 is bound to disproportionately affect the absentee ballots of disabled, elderly, and low-income voters, making that rule the most concerning one of all.

Proposed Rule 08 NCAC 18 .0505 should be changed to:

-
-
- Treat the above issues as irregularities that should be documented, not as problems requiring voter action, unless there is evidence of
- tampering or evidence that the voter did not transmit the ballot.
-
-
-
- Move these situations into 08 NCAC 18 .0504 when the ballot was received in a sealed outer envelope.
-

- Allow the county board to count the ballot if the voter's eligibility, application, and intent can be determined.
- Require voter contact only when there is a genuine question that cannot be answered from the ballot materials.
- Require county boards to use mail, email, and phone notice immediately if voter contact is necessary.
- Allow voters to respond by email, phone, mail, in person, or through a permitted assistant.
- Prohibit rejection where the voter substantially complied and the issue is not material to whether the voter is eligible to vote.

Proposed Rule 08 NCAC 18 .0505 carries ableist, classist, and ageist implications that risk undermining the suffrage of disabled, low-income, and elderly voters. Therefore, the State Board of Elections and the Rules Review Commission should reject proposed rule 08 NCAC 18 .0505 as written, and instead choose to preserve the existing common-sense approach that counts the ballots of eligible voters even when technical mistakes are made, assuming that such mistakes do not negate voter eligibility, voter intent, or ballot security.

Respectfully submitted,

Krista Savage-White

624 Wolfe Street
Davidson, North Carolina 28036
August 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of the following:

- 08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting;
- 08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots;
- 08 NCAC 18 .0201 Definitions;
- 08 NCAC 18 .0501 Review for Deficiencies;
- 08 NCAC 18. 0502 Curable Deficiencies;
- 08 NCAC 18. 0503 Non-Curable Deficiencies;
- 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter;
- 08 NCAC 18 .0505 Irregularities That Require Further Action

Members of the Commission:

I am a North Carolina resident and have been a registered voter according to the State Board of Elections web site since at least August 1987, although I was previously registered in North Carolina from the mid-1970s through 1982.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Furthermore, I formally object to the adoption of the rules for the following reasons:

- **08 NCAC 17 .0101 Verification of Photo Identification During In-Person Voting**

  The proposed rule eliminating the requirement for unanimity runs counter to the state policy that encourages bipartisan decision-making by county boards of elections, thus increasing the likelihood that decisions will be made on a partisan basis or a because of a mistaken ballot rejection. Any amendment to the existing rule should continue to require unanimity in addition to requiring the county board to specify factual evidence that the Photo ID Exception Form is false. Further, any amendment should require multiple notices to the voter and allow the voter to respond in writing, by phone, email, remotely or in person.

- **08 NCAC 17 .0109 Photo Identification for Absentee-By-Mail Ballots**

  For the same reasons that proposed rule 08 NCAC 17.0101 should be rejected and amended, this proposed rule should be rejected and/or amended.

- **08 NCAC 18 .0201 Definitions**

  The definitions in this rule should be revised so that ordinary voters can understand the difference between a "deficiency," an "irregularity," a "curable deficiency," and a "non-curable deficiency." The proposed definitions are overly technical but potentially confusing to voters. The rule should be amended to state that technical mistakes should not lead to ballot rejection unless they are material to voter eligibility, ballot security, or voter intent.

- **08 NCAC 18 .0501 Review for Deficiencies**

  This rule requires county board staff to review returned absentee ballots for deficiencies or irregularities within one business day. Any rule should include required statewide standards for such review and should require county boards to use statewide forms, notices, and procedures. Further, any rule should require county boards to document and maintain records of specific reasons for any finding of deficiency or irregularity.

- **08 NCAC 18. 0502 Curable Deficiencies**

  The proposed rule identifies absentee-ballot problems that voters can fix and if adopted should require that the cure process informs the affected voter of the nature of the problem, how to fix the problem, the related deadline, and how to reach board of elections contacts who can assist. A ballot shall not be rejected for a curable deficiency if a voter substantially complies with the cure instructions.

- **08 NCAC 18. 0503 Non-Curable Deficiencies**

  The proposed rule should be narrowed to treat as non-curable only those ballots where voter eligibility, voter intent, or ballot security cannot be determined. The proposed rule should require county boards to immediately contact the voter to explain the issue and to further explain all remaining voting options.

- **08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter**

  This rule is a better approach than 08 NCAC 18 .0505 because it recognizes that some technical issues should be documented but should not require the voter to take further action. The State Board should expand this rule to include more innocent absentee-ballot mistakes that do not affect voter eligibility or voter intent. In particular, this rule should include situations where the ballot is received in a sealed

outer return envelope, even if there is a technical issue with the inner ballot envelope. Prior NCSBE guidance treated several of these situations as anomalies, not deficiencies, because the ballot was still received in a sealed envelope. The rule should also include situations where two voters in the same household accidentally switch their ballots or ballot envelopes, as long as there are no issues with the applications and the county board can determine which voters cast the ballots. Prior NCSBE guidance stated that voters in the same household should not have their ballots rejected for that kind of ballot-number mismatch when the mistake is not material to voter eligibility. The State Board should move these issues into Rule .0504 so voters do not have to complete unnecessary cure paperwork.

- **08 NCAC 18 .0505 Irregularities That Require Further Action**

  This proposed absentee-ballot rule would require county board staff to contact a voter and require written confirmation when certain ballot-envelope issues are found. These include situations where the ballot envelope appears to have been opened and resealed but was received in a sealed outer return envelope, where the ballot is not inside a sealed ballot envelope but the ballot and ballot envelope were received in a sealed outer return envelope, or where the ballot in the envelope is different from the ballot transmitted to the voter.

  These situations may involve innocent voter mistakes. They do not necessarily mean the voter is ineligible, that the voter did anything wrong, or that the ballot should be rejected.

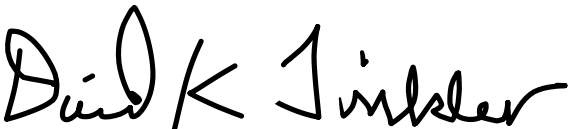
  The problem with this rule is that it puts the burden back on the voter after the voter has already returned their ballot. Many absentee voters may not receive the notice in time, may not understand what is being asked, may not have reliable mail or email access, or may not be able to respond quickly because of disability, age, displacement, illness, work, school, or caregiving responsibilities.

  If a voter returns a ballot in a sealed outer envelope and the county board can determine that the voter is eligible and intended to cast that ballot, the voter should not have to complete extra paperwork just to have the ballot counted.

  The rule should be changed to: (1) Treat these issues as irregularities that should be documented, not as problems requiring voter action, unless there is evidence of tampering or evidence that the voter did not transmit the ballot. (2) Move these situations into 08 NCAC 18 .0504 when the ballot was received in A sealed outer envelope. (3) Allow the county board to count the ballot if the voter's eligibility, application, and intent can be determined. (4) Require voter contact only when there is a genuine question that cannot be answered from the ballot materials. (5) Require county boards to use mail, email, and phone notice immediately if voter contact is necessary.

Thank you for your consideration.

Respectfully,



David K. Tinkler

Burgos, Alexander N

From: D Lewis <dalewis515151@gmail.com>
Sent: Thursday, August 27, 2026 9:05 PM
To: rrc.comments
Subject: [External] Objections to & Request for Legislative Review of: 08 NCAC 17.0101 Verification of Photo ID During In-Person Voting; 08 NCAC 17.0109 Photo ID for ABM Ballots & more

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Subject Line Continues: 08NCAC18.0201 Definitions; 08 NCAC 18.0501 Review for Deficiencies; 08 NCAC 18.0502 Curable Deficiencies; 08 NCAC 18. 0503 Non-Curable Deficiencies; 08 NCAC 18.0504 Irregularities Not Requiring Further Action from Voter; 08 NCAC 18.0505 Irregularities Requiring Further Action

Rules Review Commission Members:

I am a regular N.C. voter since 1973, except for the years 1997-2001 when I lived out-of-state. I have also worked as a seasonal employee at my county board elections in the absentee ballot team.

I request these rules be reviewed in an upcoming legislative session, per NC GS 150B-21.3 and that these rules not be considered effective as of 9/1/2026.

My objections apply to all of the proposed rules listed in the above and are as follows:

1. When take all-together, these proposed rules would place an unfunded mandate which is unduly cumbersome on all our county boards of elections, staff & PT workers
2. Moreover, when taken all-together, they are yet-to-be-shown as effective in stopping unqualified votes from being counted
3. Absent a qualified study of current voting procedures being done which demonstrate that current procedures are allowing an undue number of unqualified votes to be counted, these proposed rules are nothing more than solutions gone looking for problems
    1.
4. -- have a representative group of county board of elections supervisors / directors & staff been consulted on any of these changes & been given opportunity for fair & open input?
5. In these proposed revisions to current procedures, the requirement should be expressly reiterated that any county board of elections member who proposes to disqualify any voter or ballot must state their reasons why & that reason must be limited to an objective believe the voter is attempting to perpetrate a fraud; such objectives must be in writing, recorded & made public
6. "Due process" for a voter whose ballot is being challenged as valid is cumbersome & unduly time constrained for them to respond

7. Most objectionable my view are NCAC 17.0101 & NCAC 17.0109 whereby a county board's vote to disqualify a ballot is changed from the long-standing requirement for a unanimous vote by the board to a simple majority vote -- WHY?

-- has this long-standing requirement for a unanimous vote been proven that it allows an excessive level of otherwise disqualified ballots to be counted?

Burgos, Alexander N

From: Barbara Randolph <brandolphk@gmail.com>
Sent: Thursday, August 27, 2026 9:55 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of Election Rules Approved August 27, 2026

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Dear Sirs, and addressed to:

N.C. Rules Review Commission
1711 New Hope Church Road
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of Election Rules Approved August 27, 2026

08 NCAC 17 .0101 — Verification of Photo Identification During In-Person Voting
08 NCAC 17 .0109 — Photo Identification for Absentee-By-Mail Ballots
08 NCAC 18 .0201 — Definitions
08 NCAC 18 .0501 — Review for Deficiencies
08 NCAC 18 .0502 — Curable Deficiencies
08 NCAC 18 .0503 — Non-Curable Deficiencies
08 NCAC 18 .0504 — Irregularities That Do Not Require Further Action from the Voter
08 NCAC 18 .0505 — Irregularities That Require Further Action

Members of the Commission:

I am a North Carolina resident and have been a registered voter since 2016.

I respectfully submit this written objection to the above-referenced rules approved by the Rules Review Commission on August 27, 2026. I request that this objection be considered pursuant to N.C.G.S. § 150B-21.3(b2), and I **clearly request legislative review of these rules pursuant to N.C.G.S. § 150B-21.3(b1) and (b2).**

I further request that the effective date of these rules be delayed as provided by N.C.G.S. § 150B-21.3(b1), so that the General Assembly has an opportunity to review their substance and their potential consequences for North Carolina voters before the rules take effect.

The State Board of Elections has explained that these rules establish procedures governing the review of absentee ballots, including the identification of deficiencies and irregularities and the circumstances under which voters may or may not cure an identified problem. The rules also modify procedures relating to photo identification for both in-person and absentee voting.

I object to these rules for the following reasons:

1. The rules can impose significant consequences on voters for technical errors that may have no bearing on voter eligibility or voter intent.

The absentee-ballot rules distinguish among “curable deficiencies,” “non-curable deficiencies,” and “irregularities.” That distinction is consequential because certain errors can result in a ballot being spoiled and reissued, while others may not be capable of being cured. For example, Rule .0503 identifies circumstances involving witness information, signatures, envelopes, replacement-ballot requests, and other technical matters as non-curable deficiencies.

A voter who is eligible to vote and who has made a good-faith effort to comply with the law should not lose the opportunity to have that ballot counted because of a technical mistake that does not establish ineligibility, fraud, or lack of voter intent.

I therefore object to the rules to the extent that they create a risk that technical or inadvertent errors will result in the loss of a lawful vote without a meaningful opportunity for the voter to correct the problem.

2. The rules require greater clarity and uniformity in how county boards determine whether an error is a deficiency or an irregularity.

Rule .0501 requires county board staff to review a returned absentee ballot within one business day and determine whether a deficiency or irregularity exists, and then determine which subsequent rule applies.

Because these determinations can affect whether a ballot is ultimately counted, the rules should provide sufficiently clear and objective standards to ensure that similarly situated voters are treated consistently in all 100 counties.

I am concerned that ambiguous or subjective determinations could result in materially different treatment of voters based upon the county in which they cast their absentee ballot.

The rules should therefore establish clear, uniform standards for identifying deficiencies and irregularities and require county boards to document the specific basis for any determination that could affect whether a ballot is counted.

3. The cure process should place the greatest possible emphasis on preserving a lawful voter’s opportunity to cure an honest mistake.

The State Board describes these rules as establishing safeguards for processing absentee ballots. A meaningful safeguard should include a meaningful opportunity for a voter to correct an innocent error whenever the law permits correction.

The rules should require clear, timely and understandable notice to the voter identifying:

- the specific problem with the ballot;
- exactly what the voter must do to correct it;
- the deadline for doing so;
- all permissible methods for submitting the correction; and
- how the voter can obtain assistance.

The notice should be written in plain language and, where appropriate, provided through every reliable method of communication available to the county board.

4. The rules should distinguish clearly between an administrative irregularity and evidence that a voter is ineligible or that a ballot is fraudulent.

An absentee ballot may contain a technical irregularity without there being any evidence that the voter is ineligible, that the voter did not intend to cast the ballot, or that the ballot is fraudulent.

This distinction is particularly important because Rule .0504 expressly recognizes certain irregularities that do not require further action from the voter and provides that the county board may not refuse to count a ballot solely because of an irregularity listed in that rule.

The rules should consistently reflect the principle that a technical irregularity, standing alone, should not be treated as evidence of voter fraud or ineligibility.

5. The rules should be reviewed by the General Assembly before being implemented in a statewide election.

These rules concern fundamental election procedures and will affect how North Carolina voters' ballots are processed.

The Rules Review Commission's approval is not the end of the statutory process when the requirements for legislative review under G.S. 150B-21.3(b2) are satisfied. Under that statute, written objections from at least 10 persons, submitted no later than 5:00 p.m. on the day following Commission approval and clearly requesting legislative review, trigger the delayed-effective-date process established by G.S. 150B-21.3(b1).

Given the importance of these rules and the potential consequences for voters, I believe the General Assembly should have the opportunity to review them before they become effective.

6. The timing of these changes warrants particular scrutiny.

These rules concern voting procedures for the 2026 election cycle. The Rules Review Commission approved the rules on August 27, 2026, with an anticipated September 1, 2026 effective date for at least some of the rules. The Commission's statutory process, however, provides a mechanism for delaying the effective date when the required number of objections requesting legislative review is received.

Implementing significant changes to the procedures governing photo identification and absentee ballots immediately before a statewide election creates a substantial need for clarity, consistency, adequate voter education, and careful legislative review.

Voters should not be required to navigate substantial changes in election procedures without sufficient time to understand those changes and without assurance that county election officials will apply them uniformly.

7. The Rules Review Commission should ensure that the rules remain within the appropriate scope of administrative rule-making.

I recognize that the State Board of Elections has statutory authority to adopt rules governing election administration. However, administrative rules should implement and clarify statutory requirements rather than effectively create new substantive barriers to voting that are not clearly required by statute.

I therefore respectfully request that the Commission and, where applicable, the General Assembly examine whether each provision is:

1. authorized by statute;
2. necessary to implement existing law;
3. sufficiently clear that voters and election officials can reasonably understand what is required;
4. capable of being applied uniformly across North Carolina; and

5. appropriately protective of a lawful voter's opportunity to have their ballot counted.

Conclusion and Request

For these reasons, I respectfully object to the adoption of the above-referenced rules and **clearly request legislative review pursuant to N.C.G.S. § 150B-21.3(b2).**

I respectfully request that:

1. this objection be formally received and recorded;
2. the Commission recognize this objection as a request for legislative review;
3. the effective date of the rules be delayed pursuant to N.C.G.S. § 150B-21.3(b1);
4. the General Assembly review the rules before they become effective; and
5. the State Board of Elections be required to address the concerns identified above, particularly those concerning uniformity, clarity, cure opportunities, treatment of technical errors, and protection of eligible voters' opportunity to have their lawful ballots counted.

The right to vote is fundamental. Election administration should protect both the integrity of elections and the ability of eligible citizens to participate in them. Rules governing the counting of ballots should therefore be clear, consistent, accessible, and narrowly focused on legitimate election-administration requirements.

Thank you for your consideration of this objection and request for legislative review.

Respectfully submitted,

Barbara Randolph, 114 Lake Davidson Circle, Davidson NC 28036

brandolphk@gmail.com

704-606-8383

8.27.2026

I expressly request legislative review of these rules pursuant to N.C.G.S. § 150B-21.3(b2).

Burgos, Alexander N

From: Halle Lutz <halle.j.w.lutz@gmail.com>
Sent: Thursday, August 27, 2026 2:16 PM
To: rrc.comments
Subject: [External] Re: 08 NCAC 18 .0505

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August 27, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Members of the Commission:

I request that the above rule be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Halle Cantor

Halle Cantor, PhD
F30 Research Fellow, Combined DVM/PhD Candidate

Comparative Biomedical Sciences
NC State University College of Veterinary Medicine
hjlutz@ncsu.edu

Burgos, Alexander N

From: Kathleen Barnes <kathleenbarnesnc@gmail.com>
Sent: Wednesday, August 26, 2026 5:26 PM
To: rrc.comments
Subject: [External] Objection letter

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August 26, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Requesting Legislative Review of Absentee Ballot Rules 08 NCAC 18.0502 and 08 NCAC 18.0505

Members of the Commission:

The North Carolina State Board of Elections recently passed rules 08 NCAC 18.0502 and 08 NCAC 18.0505 regarding the processing and counting of absentee ballots. Among other things, the rules require new cure procedures for certain ballot irregularities. These rules create significant new hurdles that, if implemented, will likely result in the disenfranchisement of eligible voters. I request that the above rules (08 NCAC 18.0502 and 08 NCAC 18.0505) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3 and that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your service to the people of North Carolina and your consideration of this objection.

Respectfully,

Kathleen Barnes
Brevard, NC

Burgos, Alexander N

From: Cathy Williamson <bilcathy@bellsouth.net>
Sent: Wednesday, August 26, 2026 3:50 PM
To: rrc.comments
Subject: [External] Absentee Ballot Rules

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August 26, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Requesting Legislative Review of Absentee Ballot Rules 08 NCAC 18.0502 and 08 NCAC 18.0505

Members of the Commission:
The North Carolina State Board of Elections recently passed rules 08 NCAC 18.0502 and 08 NCAC 18.0505 regarding the processing and counting of absentee ballots. Among other things, the rules require new cure procedures for certain ballot irregularities. These rules create significant new hurdles that, if implemented, will likely result in the disenfranchisement of eligible voters. I request that the above rules (08 NCAC 18.0502 and 08 NCAC 18.0505) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3 and that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your service to the people of North Carolina and your consideration of this objection.
Respectfully,

Catherine Williamson

Sent from my iPhone

Burgos, Alexander N

From: Ron Katz <ronkatz327@gmail.com>
Sent: Wednesday, August 26, 2026 3:03 PM
To: rrc.comments
Subject: [External] Absentee rules

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August 26, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Requesting Legislative Review of Absentee Ballot Rules 08 NCAC 18.0502 and 08 NCAC 18.0505

Members of the Commission:

The North Carolina State Board of Elections recently passed rules 08 NCAC 18.0502 and 08 NCAC 18.0505 regarding the processing and counting of absentee ballots. Among other things, the rules require new cure procedures for certain ballot irregularities. These rules create significant new hurdles that, if implemented, will likely result in the disenfranchisement of eligible voters. I request that the above rules (08 NCAC 18.0502 and 08 NCAC 18.0505) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3 and that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your service to the people of North Carolina and your consideration of this objection.

Respectfully,
Ron Katz

--
All the best,
Ron
(he, him, his)
WNC Social Justice Advocacy Guide - a website with ways to make our community a better place for all!

Burgos, Alexander N

From: Becky Harper <becky@beckyharper.com>
Sent: Wednesday, August 26, 2026 2:56 PM
To: rrc.comments
Subject: [External] Request Legislative Review of Absentee Ballot Rules

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August 26, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Requesting Legislative Review of Absentee Ballot Rules 08 NCAC 18.0502 and 08 NCAC 18.0505

Members of the Commission:

The North Carolina State Board of Elections recently passed rules 08 NCAC 18.0502 and 08 NCAC 18.0505 regarding the processing and counting of absentee ballots. Among other things, the rules require new cure procedures for certain ballot irregularities.

These rules create significant new hurdles for honest voters from both parties who are just trying to be good citizens! These rules will result in the disenfranchisement of eligible voters.....this is a real threat to free and fair elections in NC!

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3 and that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your service to the people of North Carolina and your consideration of this objection.

Respectfully,

Rebecca Harper
1841 Stonebanks Loop
Cary NC 27518

Burgos, Alexander N

From: Larry King <larrydeanking@icloud.com>
Sent: Wednesday, August 26, 2026 7:01 PM
To: rrc.comments
Subject: [External] Legislative Review of abasentee ballot rules

You don't often get email from larrydeanking@icloud.com. Learn why this is important

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Re: Requesting Legislative Review of Absentee Ballot Rules 08 NCAC 18.0502 and 08 NCAC 18.0505

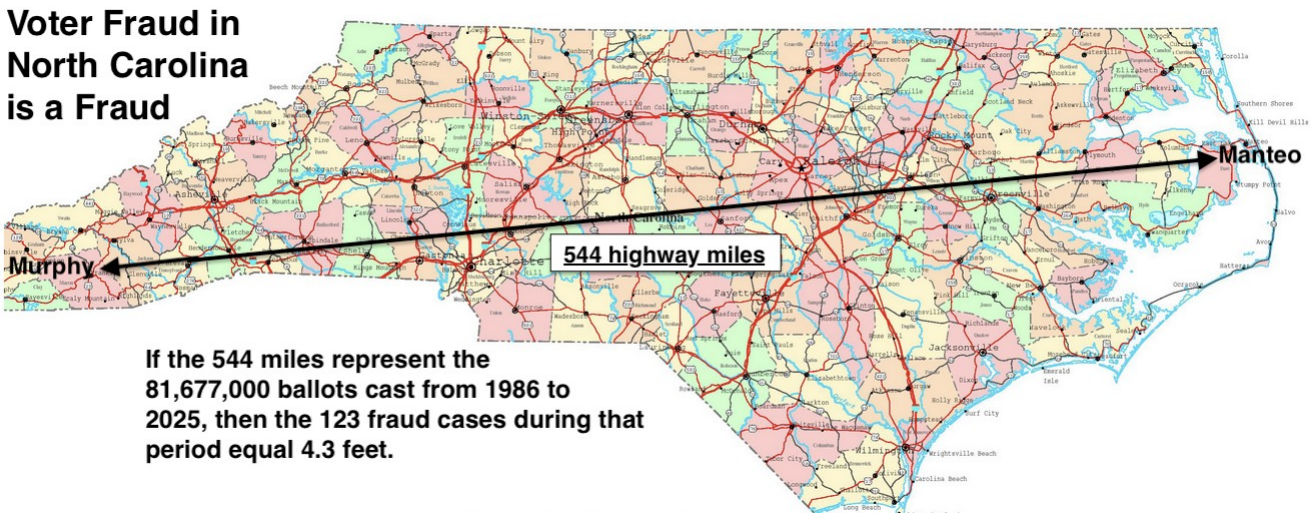
Members of the Commission:

The North Carolina State Board of Elections recently passed rules 08 NCAC 18.0502 and 08 NCAC 18.0505 regarding the processing and counting of absentee ballots. Among other things, the rules require new cure procedures for certain ballot irregularities. These rules create significant new hurdles that, if implemented, will likely result in the disenfranchisement of eligible voters. I request that the above rules (08 NCAC 18.0502 and 08 NCAC 18.0505) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3 and that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your service to the people of North Carolina and your consideration of this objection.

Respectfully,

Larry King



Southern Coalition for Social Justice

Southern Coalition for Social Justice
PO Box 51280
Durham, NC 27717
southerncoalition.org

August 26, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection and Request for Legislative Review of 08 NCAC 18 .0201, .0501–.0505 (Absentee Voting Rules)

Members of the Commission:

Southern Coalition for Social Justice writes pursuant to N.C.G.S. § 150B-21.3 to object to the State Board of Elections' adopted rules related to absentee ballots (08 NCAC 18 .0201, .0501–.0505). SCSJ previously submitted public comment to the State Board on July 15, 2026, providing background and information on the success of the existing notice and cure process for absentee ballots, suggesting ways to improve the proposed rules, and urging that the State Board not alter the rules in a way that would make it more challenging for the ballots of eligible voters to count.[1] Because the adopted rules related to absentee ballots increase burdens on eligible voters and are neither necessary nor in the public interest, we object.

We therefore request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. § 150B-21.3. We further request that the rules be subject to a delayed effective date as set out in that same provision.

* * * * *

The Rules Increase Burdens on Voters

When adopting a rule, agencies are required to seek to reduce the burden upon those persons or entities who must comply with the rule. N.C.G.S. § 150B-19.1(a)(2). In adopting the rules, the State Board altered the proposed rules in ways that unnecessarily increase burdens on election administrators and voters, specifically in 08 NCAC 18 .0505.

08 NCAC 18 .0505 contemplates three scenarios: (1) when an absentee ballot is inside a container-return envelope that appears to have been opened and re-sealed, but the container-return envelope is received in a sealed outer return envelope; (2) when an absentee ballot is not inside a sealed container-return envelope, but the container-return envelope and ballot are received in a sealed

[1] Available at https://southerncoalition.org/wp-content/uploads/2026/07/SCSJ-Absentee-Rules-Public-Comment-Final.pdf.

Southern Coalition for Social Justice came together in 2007 to give Black, Brown, and low-income people better resources in the fight for justice across the South. We are lawyers, social scientists, and communications professionals working to dismantle racism and oppression in the criminal legal system, in our environment, and at the ballot box.

SCSJ

outer return envelope; and (3) when an absentee ballot in the container return envelope is identified as a ballot that the voter is not eligible to vote.

When the rules were proposed, for any of the ballot scenarios in 08 NCAC 18 .0505, the county board had to send notice to the voter stating that they were required to contact the county board so that they could determine whether the absentee ballot could be cured or should be spoiled. Depending on what the voter relayed about how they transmitted their absentee ballot package, any of the contemplated scenarios could be cured by the voter.

As adopted, only the first scenario remains curable. The other two now require that the ballot be spoiled, leaving the voter to cast a new ballot either by mail or in person if their vote is to count. This is unnecessarily burdensome for voters who could – if given the opportunity – verify and attest that this was the manner in which they transmitted their ballot.

The Rules Are Neither in the Public Interest nor Necessary

Agencies are empowered to adopt rules that are expressly authorized by law and that are necessary to serve the public interest and that are reasonably necessary to implement or interpret applicable law. N.C.G.S. §§ 150B-19.1(a)(1), (3). These rules neither serve the public interest nor are reasonably necessary.

When a rule is based on sound, reasonably available scientific, technical, economic, or other relevant information, an agency must include reference to that information in the notice of text. N.C.G.S. § 150B-19.1(a)(5). If such information is available, the State Board should have presented it in support of these rules, including shortcomings of the notice-and-cure process quantified through election data. In the absence of such information, there is no evidence that the current notice-and-cure process is deficient in any way that these rules might address.

This absence is particularly stark given that the existing statewide notice-and-cure requirement,[2] as outlined in Numbered Memo 2021-03,[3] satisfies the state's legal obligations, ensures due process for voters, and has been successful since its implementation in 2020.[4] As such, these rules

[2] *See* N.C.G.S. § 163-230.1(e1).
[3] Available at https://dl.ncsbe.gov/sboe/numbermemo/2021/Numbered%20Memo%202021-03_Absentee%20Deficiencies.pdf.
[4] Following the introduction of the statewide notice-and-cure process in 2020, an impact analysis by SCSJ indicated that it allowed nearly 20,000 eligible voters to have their votes count in the 2020 General Election—either by curing their ballot or receiving notice of deficiencies and voting another way. Available at https://southerncoalition.org/wp-content/uploads/2021/07/Absentee-Ballot-Cure-Summary_Final.pdf. Moreover, the State Board's February 2026 Declaratory Ruling – which required modification to Numbered Memo 2021-03 – does not necessitate the particular changes propounded in the Rules at issue here. *See* https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/Orders/Declaratory%20Rulings/NCSBE%20Declaratory%20Ruling%2002022026%20-%20Absentee%20Voting%20Errors.pdf.

are unnecessary in light of the current, effective guidance and the increased burdens they would impose on eligible voters, which is not in the public interest.

* * * * *

Thank you for your time and consideration.

Respectfully Submitted,

Jeffrey Loperfido
Chief Counsel, Voting Rights

Helena Abbott
Counsel, Voting Rights

SOUTHERN COALITION FOR SOCIAL JUSTICE

Ruth Strauss
8633 Abbotsbury Ct.
Raleigh, NC 27615

August 23, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: **08 NCAC 18 .0502 and .0505**

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The rules reclassify certain absentee ballot anomalies as deficiencies requiring voters to take additional action to have their ballots counted. The requirements are overly burdensome to voters and election board staff.

Current guidance allows that if a ballot arrives in a sealed outer envelope, it is not deficient and can be counted without any action from the voter. These proposed rules would override that guidance, requiring voters to submit a written attestation before the close of business on the day before county canvass for common, innocent mistakes: failing to seal the inner ballot envelope, placing the ballot in the wrong envelope, and two voters at the same address accidentally swapping their ballots. In each case, the ballot arrives intact and the voter's intent is plain. There is no evidence of abuse, no documented failure of the existing guidance, and no security justification for treating these anomalies as deficiencies.

The voters most harmed will be those who rely on mail-in voting: most homebound voters, elderly voters, voters with disabilities, and voters displaced by natural disasters for whom meeting a last-minute cure deadline is not always possible.

Bring common sense back.

Thank you for your consideration.

Ruth Strauss

Ruth Strauss

Common Cause
NORTH CAROLINA

P.O. Box 6207
Raleigh, NC 27628
(919) 836-0027
CommonCauseNC.org

August 24, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

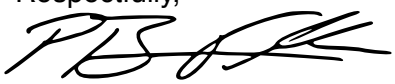
Re: Absentee Ballot Rules 08 NCAC 18.0502, 08 NCAC 18.0505

Members of the Commission:

The North Carolina State Board of Elections recently passed rules 08 NCAC 18.0502 and 08 NCAC 18.0505 regarding the processing and counting of absentee ballots. Among other things, the rules require new cure procedures for certain ballot irregularities. Because the rules, if implemented, will likely disenfranchise eligible voters, and for the reasons set forth in the attached public comment letter filed with the North Carolina State Board of Elections, Common Cause North Carolina requests that the above rules (08 NCAC 18.0502 and 08 NCAC 18.0505) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. We further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your service to the people of North Carolina and your consideration of this objection.

Respectfully,



Brooks Fuller,
Policy Director, Common Cause NC

Martha J. Svoboda, Esq.
6329 Mountain Grove Lane
Wake Forest, NC 27587

August 28, 2026

TO: North Carolina Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Sent via email

Re: Objection to and Request for Legislative Review of proposed rules regarding absentee ballots (08 NCAC 18 .0201 Definitions; 08 NCAC 18 .0501 Review for Deficiencies; 08 NCAC 18 .0502 Curable Deficiencies; 08 NCAC 18 .0503 Non-Curable Deficiencies; 08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter; 08 NCAC 18 .0505 Irregularities That Require Further Action)

Dear Members of the Commission:

I am a North Carolina resident and have been a registered NC voter since 2000.

I am writing to oppose the above-referenced proposed Absentee Voting rules, *most especially* **08 NCAC 18 .0505**.

This rule would require county board staff to contact a voter and require *written* confirmation when certain ballot-envelope issues are found. These include situations where the ballot envelope appears to have been opened and resealed but was received in a sealed outer return envelope, where the ballot is not inside a sealed ballot envelope but the ballot and ballot envelope were received in a sealed outer return envelope, or where the ballot in the envelope is different from the ballot transmitted to the voter.

These situations may involve innocent voter mistakes. They do not necessarily mean the voter is ineligible, that the voter did anything wrong, or that the ballot should be rejected.

The problem with this rule is that it puts the burden back on the voter after the voter has already returned their ballot. **Under current General Statutes, the burden of proof is on the challenger.** *These rules would shift the burden of proof* to the voter to challenge the suspicions of the Board members who brought the challenge. Furthermore, many absentee voters may not receive the notice in time, may not understand what is being asked, may not have reliable mail or email access, or may not be able to respond quickly because of disability, age, displacement, illness, work, school, or caregiving responsibilities.

If a voter returns a ballot in a sealed outer envelope and the county board can determine that the voter is eligible and intended to cast that ballot, the voter should not have to complete extra paperwork just to have the ballot counted. This proposed rule runs the risk of disqualifying ballots cast by eligible voters who clearly communicated their vote and whose ballot was received securely.

Rather, the rule should be changed to:

- Treat these issues as irregularities that should be documented, not as problems requiring voter action, unless there is evidence of tampering or evidence that the voter did not transmit the ballot.
- Move these situations into 08 NCAC 18 .0504 when the ballot was received in a sealed outer envelope.
- Allow the county board to count the ballot if the voter's eligibility, application, and intent can be determined.
- Require voter contact *only* when there is a *genuine* question that cannot be answered from the ballot materials.
- Require county boards to use mail, email, and phone notice **immediately** if voter contact is necessary.
- Allow voters to respond by email, phone, mail, in person, or through a permitted assistant.
- **Prohibit rejection where the voter substantially complied and the issue is not material to whether the voter is eligible to vote.**

The State Board should reject Rule .0505 as written and preserve the existing common-sense approach that counts eligible voters' ballots when technical mistakes do not affect voter eligibility, voter intent, or ballot security.

I would also like to raise objections to the following proposed rule changes:

Re. **08 NCAC 18 .0201 Definitions**

The definitions in this rule should be revised so that ordinary voters can understand the difference between a "deficiency," an "irregularity," a "curable deficiency," and a "non-curable deficiency."

As written, the definitions are technical and may make sense to election lawyers or election administrators, but they are confusing for voters. A voter who receives a notice from the county board should be able to understand (1) what happened, (2) what they need to do, and (3) what will happen if they do not respond.

The definition of "irregularity" is especially important. **The rule should make clear that an "irregularity" is not the same thing as voter fraud, voter ineligibility, or a reason to reject a ballot.** Many irregularities are innocent mistakes that do not affect whether the voter is eligible or whether the voter intended to cast the ballot.

The rule should be amended to state that **technical mistakes should not lead to ballot rejection unless they are material to voter eligibility, ballot security, or voter intent**.

Re. **08 NCAC 18 .0501 Review for Deficiencies**

This rule requires county board staff to review returned absentee ballots for deficiencies or irregularities within one business day.

Prompt review is important, but the rule should include **stronger statewide standards** so voters are treated the same way in every county.

The rule should require county board staff to use uniform statewide forms, uniform written explanations, and uniform procedures when deciding whether something is a deficiency or irregularity. Without clear statewide standards, the same ballot mistake could be treated differently from county to county.

The rule should also require county boards to document the specific reason for any deficiency or irregularity and to keep that documentation with the ballot record. Voters should not lose their ability to cast a ballot based on vague or inconsistent decisions.

Re. **NCAC 18 .0502 Curable Deficiencies**

This rule identifies issues with an absentee ballot that voters can fix.

If this rule is adopted, the State Board should make the cure process as accessible as possible. The rule should require county boards to notify voters by every available method, including mail, email, and phone. If the county board has a voter's phone number or email address anywhere in the voter's record, it should use that information.

The cure notice should be written in plain language. It should clearly say:

- What the problem is.
- What the voter must do to fix it.
- The exact deadline.
- All the ways by which the voter can submit the cure.
- Who may assist the voter.
- A phone number and email address for help.

The rule should also require notices to be available in languages commonly used in the county and in accessible formats for voters with disabilities.

A ballot should not be rejected for a curable deficiency if the voter substantially complies with the cure instructions and the county board can determine that the voter is eligible and intended to cast the ballot.

Re. **08 NCAC 18 .0503 Non-Curable Deficiencies**

This rule lists absentee-ballot issues that would cause the ballot to be spoiled and, if there is enough time, reissued.

This rule should be *narrowed.* **A ballot should be treated as non-curable only when there is no way to determine voter eligibility, voter intent, or ballot security.**

The rule should not classify technical paperwork mistakes as non-curable when the county board can determine (1) who the voter is, (2) that the voter was eligible, and (3) that the voter intended to cast the ballot.

The rule should also require county boards to contact the voter **immediately** by mail, email, and phone before or at the same time the ballot is spoiled and reissued. Voters should not find out too late that their ballot was cancelled.

If the deficiency is discovered close to Election Day, the notice should clearly explain **all** remaining voting options, including early voting, Election Day voting, and any available way to return a reissued absentee ballot on time.

Finally, re. **08 NCAC 18 .0504 Irregularities That Do Not Require Further Action from the Voter**

This rule is a better approach than 08 NCAC 18. 0505 because it recognizes that some technical issues should be documented but should not require the voter to take further action.

As noted above, the State Board should *expand* this rule to include more innocent absentee-ballot mistakes that do not affect voter eligibility or voter intent.

In particular, this rule should include situations where the ballot is received in a sealed outer return envelope, even if there is a technical issue with the inner ballot envelope. **Prior NCSBE guidance treated several of these situations as anomalies, not deficiencies, because the ballot was still received in a sealed envelope.**

The rule should also include situations where two voters in the same household accidentally switch their ballots or ballot envelopes, as long as there are no issues with the applications and the county board can determine which voters cast the ballots. **Prior NCSBE guidance** stated that voters in the same household should *not* have their ballots rejected for that kind of ballot-number mismatch when the mistake is not material to voter eligibility.

The State Board should move these issues into Rule .0504 so voters do not have to complete unnecessary cure paperwork.

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that any implemented rules be subject to a delayed effective date as set out in that same provision.

Thank you very much for your consideration of my objections, request for legislative review, and substantive explanatory comments regarding these six proposed rule changes regarding Absentee Ballots.

Respectfully,

Martha J. Svoboda, Esq.

Wake County Voter

/s/ Martha J. Svoboda

Ruth Strauss
8633 Abbotsbury Ct.
Raleigh, NC 27615

August 23, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: **08 NCAC 18 .0502 and .0505**

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The rules reclassify certain absentee ballot anomalies as deficiencies requiring voters to take additional action to have their ballots counted. The requirements are overly burdensome to voters and election board staff.

Current guidance allows that if a ballot arrives in a sealed outer envelope, it is not deficient and can be counted without any action from the voter. These proposed rules would override that guidance, requiring voters to submit a written attestation before the close of business on the day before county canvass for common, innocent mistakes: failing to seal the inner ballot envelope, placing the ballot in the wrong envelope, and two voters at the same address accidentally swapping their ballots. In each case, the ballot arrives intact and the voter's intent is plain. There is no evidence of abuse, no documented failure of the existing guidance, and no security justification for treating these anomalies as deficiencies.

The voters most harmed will be those who rely on mail-in voting: most homebound voters, elderly voters, voters with disabilities, and voters displaced by natural disasters for whom meeting a last-minute cure deadline is not always possible.

Bring common sense back.

Thank you for your consideration.

Ruth Strauss

Ruth Strauss

Burgos, Alexander N

From: Tiffany Shubert <tiffany.shubert@gmail.com>
Sent: Thursday, August 20, 2026 10:14 AM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 18 .0505 Irregularities That Require Further Action

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To the Rules Review Commission:

I am a registered voter in Durham County, writing to formally object to the NCSBE's proposed rule: 08 NCAC 18 .0505 Irregularities That Require Further Action

The rule fails the Clarity standard under N.C.G.S. § 150B-21.9(a)(2) because it
fails to define objective standards for county boards, leading to unequal application across counties.

I am concerned about the lack of clarity in several sections of this rule. In particular, section (a) (3), stating "the ballot that the voter is not eligible to vote". This will cause confusion and unequal application across counties for the 30% of North Carolina voters who are unaffiliated. The previous wording was clear that an issue exists if the ballot returned was not the same that was transmitted. The current wording leaves the opportunity for unequal application across counties if there is not consistent documentation of the preferred ballots for the unaffiliated voter. This lack of clarity will result in unequal application across counties.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.

Sincerely,

Tiffany Shubert
1 Coggins Mine Court
Chapel Hill, NC 27517
Durham County



STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

JOSH STEIN
GOVERNOR

August 26, 2026

N.C. Rules Review Commission
1711 New Hope Church Road
Raleigh, NC 27609

VIA EMAIL TO: rrc.comments@oah.nc.gov

Re: 08 NCAC 17 .0101, 08 NCAC 17 .0109, and 08 NCAC 18 .0505

Members of the Commission:

Pursuant to N.C. Gen. Stat. § 150B-21.3, I request that the rules listed above be delayed pending review by the North Carolina General Assembly.

The right to vote is the most fundamental right in our democracy, and North Carolina voters should have faith that their ballots are not being discarded for partisan aims. Furthermore, our state's elections administrators should seek to make it easier – not harder – for each eligible North Carolinian to lawfully make their voice heard at the ballot box and have confidence their vote will be respected. Unfortunately, the State Board's proposed rules undercut those core democratic principles, and implementing such changes so close to an election invites confusion and undermines faith in our democratic process.

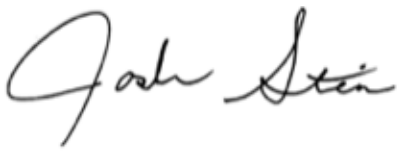
Proposed rule 08 NCAC 18 .0505 makes casting an absentee ballot more complicated and burdensome and increases the likelihood that more voters casting absentee ballots will see their votes thrown out. Many North Carolinians, including people who are elderly, disabled, or ill, choose to vote absentee by mail, and there is no evidence that the additional proposed requirements for these votes to be counted are necessary. Furthermore, the State Board seeks to implement these new rules on county elections administrators three days before county boards begin mailing absentee ballots for the November general election. Changing the rules for how elections staff process ballots so close to the election increases the risk of confusion or mistakes.

These proposed rules come amid unprecedented attacks on voting –by mail from the federal government. On Friday, August 21, 2026, the United States Postal Service published final regulations that restrict the delivery of mail-in ballots unless states share data with the federal government ahead of absentee ballots being mailed to voters. On August 24, 2026, the United States Supreme Court sided with the federal government to clear one order blocking these rules' effect. While additional legal hurdles remain, the Postal Service has previously indicated that it would immediately implement these changes for this year's election if it obtained relief from court orders blocking their implementation. With absentee ballots scheduled to be sent out to voters on September 4, 2026, and the ongoing uncertainty regarding the Postal Service's changes, these rules could further undermine faith that North Carolinians' absentee votes will be respected.

Additionally, the proposed rules 08 NCAC 17 .0101 and 08 NCAC 17 .0109 would erode confidence that ballots from voters lacking a photo ID would be respected even if voters take the necessary and lawful steps to seek an exception. The current rule requires a unanimous, bipartisan vote by a county elections board to disapprove a voter's photo ID exception form and discard that ballot. But proposed rule 08 NCAC 17 .0101 would permit county election boards to disapprove a photo ID exception form and discard a ballot with only a partisan majority. Proposed rule 08 NCAC 17 .0109 also weakens protections against partisanship for absentee ballots. Making the rejection of voters' ballots a partisan decision will undermine voters' trust that their ballots will be counted.

Since the General Assembly transferred the State Board of Elections to the Office of the State Auditor, the State Board has repeatedly sought and created partisan advantage. The people of North Carolina deserve nonpartisan, professionally administered elections to ensure their credibility. I reiterate my objections to these rules and my request that these rules be delayed and subject to legislative review as set out in N.C Gen. Stat. § 150B-21.3 to avoid their potentially damaging effects on our elections.

Regards,



Josh Stein
Governor

Burgos, Alexander N

From: Kathy Martin <kteemartin32@gmail.com>
Sent: Friday, August 28, 2026 12:06 PM
To: rrc.comments
Cc: SVC_SBOE.RuleMaking
Subject: [External] Written Objection and Request for Legislative Review — 08 NCAC 18.0505 (irregularities)

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To the Rules Review Commission:
I am a registered voter in WakeCounty, writing to formally object to the NCSBE's proposed rule 08 NCAC 18.0505 (irregularities).
This section should be deleted along with the definition of "Irregularity" in section 08 NCAC 18.0201.

The rule fails the Necessity standard under N.C.G.S. § 150B-21.9(a)(3) because it creates redundant administrative procedures that conflict with existing statutory canvass timelines. There is no need to create a new category and a whole set of new rules. County Board of Elections have long addressed absentee ballot curing under the existing rules. These new rules do not fix a problem. They only add complexity and more opportunities for mistakes, ultimately disenfranchising eligible voters.

Pursuant to N.C.G.S. § 150B-21.3(b2), this letter serves as my formal written objection and clearly requests that this rule be subjected to review by the legislature.
Sincerely,

Kathy Martin
114 Bright Angel Dr.
Cary, NC
Wake County