

Steele, Adam

From: Jay DeLancy <jay.delancy@gmail.com>
Sent: Thursday, November 20, 2025 3:54 PM
To: SBOE_Grp - Legal
Cc: Gannon, Patrick
Subject: [External] NCAC Petition (per §150B-20)
Attachments: Jay_NCAC_15.0101_Petition.pdf

Some people who received this message don't often get email from jay.delancy@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.

Good afternoon.
Per §150B-20, I hereby submit the attached agency petition.
Respectfully,
Jay

--

Jay DeLancy, Lt Col (Ret) USAF

Office - 919.429.9039

Cell - 919.332.4129

Author of [Aliens Among US](#) -- the definitive book on detecting non-citizen voters in your state.

Petition for Rulemaking

The below Petition for Rulemaking ("Petition") is submitted pursuant to [GS § 150B-20](#) as implemented by 08 NCAC 15 .0101 and arranged in numbered sections, as prescribed therein:

1

Petitioner

Jay Norman DeLancy ("Petitioner") in both my professional and personal capacity. I am a member of the Lee County Board of Elections and a voter in Lee County (NCID EH595536) residing at 296 Fairway Lane in the City of Sanford, and reachable at jay.delancy@gmail.com for purposes relevant to this Petition.

2

Citation

The Petition is for an addition to [Chapter 17 of Title 8 of the N.C. Administrative Code](#) ("Departmental Rules"), subparagraph (e), or where the Board otherwise sees fit.

3

Proposal

Amend the Reasonable Impediment Form, mandated in [GS §163-166.16\(e\)](#), to require the voter's Personally Identifying Information (PII), specifically, the voter's NCDL (or non-operator's ID card) number and the last four digits of the voter's Social Security Number (SSN-4). CBE staff shall confirm the veracity of the voter's PII prior to the provisional vote being counted. If the CBE staff is unable to verify the voter's stated PII, the staff shall attempt to contact the voter and cure the erroneous information. If the staff is unable to reach the voter, either by phone, email, or postal service, no later than 12:00 P.M. on the third business day after the election, the ballot shall be deemed a "false" affidavit and rejected, per [GS §163-166.16\(f\)](#). In the case where a voter cannot provide either of these required PII numbers when voting at the polls, the voter will be allowed to vote a provisional ballot, following the guidelines listed in [GS §163-166.16\(c\)](#). The voter's PII shall be confidential information, not subject to disclosure under [GS §132](#). Under no circumstances, may the Reasonable Impediment Form be allowed for use in Same-Day Registration, or when the voter is registering to vote and voting during the early voting period.

4

Explanation and Effect

Jurisdiction

The General Assembly has enacted statutes requiring the Executive Director to perform duties assigned by this Board, ¹ and granting the Board authority to adopt rules governing the administration of elections; ² Such rules fall squarely within the State Board's supervisory purview; ³ and affect voters profoundly. This Petition is properly submitted by a "person" under 08 NCAC 15.0101, and the Board should proceed to consider rulemaking in an area governed by the Board, but which lacks a formal rule. While the previous SBE administration did not submit the Voter ID Exception form to the RRC for review >>>>>

¹ GS 163-26

² GS 163-166.16(e)

³ GS 163-22

Merits

Due to recent DOJ actions with the NCSBE, there is increased interest in voters' compliance with the Help America Vote Act's PII requirements for valid registrations.

Under current state law, voters without a photo ID have two options. They may either obligate themselves to a follow-up trip to their CBE headquarters to present their ID or they can fill out the Exception form, have their vote counted, and never be seen again. The current in-person Voter ID Exception Form allows applicants to request an exemption from providing their photo ID without necessarily providing any PII beyond a date of birth. Given the relative ease anybody would have if they wanted to learn the DOB of a registered voter, this information alone is an inadequate safeguard. Perhaps in recognition of this vulnerability, [GS § 163-230.2](#) requires voters to provide either the last four of their SSN or their NCDL number when requesting an absentee ballot. Perhaps in recognition of this vulnerability, the Photo ID Exception Form for Absentee Voting requires the voter's PII, but only under certain circumstances.

Whether in-person or by mail, all persons applying to vote without providing a photo ID should meet a uniform standard to provide their NCDL number and SSN-4. Petitioner submits the above for review and decision in the manner and timeframe prescribed by 08 NCAC 15.0101. Petitioner does not request an opportunity to be heard, unless the Board desires. Petitioner expressly invites the Board to consider alternative formulations that better achieve the objectives described herein.

Respectfully submitted on the 20th day of November 2025,

Jay Norman DeLancy

NORTH CAROLINA LEE COUNTY	PHOTO ID EXCEPTION FORM	ELECTION DATE 11/04/2025	PROVISIONAL POLL BOOK NO
------------------------------	-------------------------	--------------------------------	-----------------------------

Voter, please complete this form to explain why you cannot show photo ID.
You will meet the photo ID requirement if you truthfully complete and sign this form.

Name: _____
Last Name First Name Middle Name Suffix

Contact: _____
Email Address (if available) Phone

I AFFIRM that I am the registered voter identified above, that I am casting a provisional ballot while voting in person, and that: (choose from the exceptions below)

EXCEPTION 1: REASONABLE IMPEDIMENT

I suffer from one or more of the following reasonable impediments that prevents me from presenting photo ID.

(TO CHOOSE THIS EXCEPTION, YOU MUST CHECK THE BOX FOR ONE OR MORE REASONS BELOW)

1. I cannot get photo ID due to:
- ☐ Lack of transportation
 - ☐ Disability or illness
 - ☐ Lack of birth certificate or other documents needed to get photo ID
 - ☐ Work or school schedule
 - ☐ Family responsibilities
2. ☐ My photo ID is lost, stolen, or misplaced
3. ☐ I applied for photo ID but have not received it
4. ☐ Other reasonable impediment (if choosing this option, you must write why you can't provide photo ID):

5. ☐ State or federal law prohibits me from listing my reason

EXCEPTION 2: RELIGIOUS OBJECTION TO BEING PHOTOGRAPHED

☐ I have a religious objection to being photographed.

EXCEPTION 3: VICTIM OF A NATURAL DISASTER

☐ I was a victim of a natural disaster occurring within 100 days before election day that resulted in a disaster declaration by the President of the United States or the Governor of North Carolina.

VOTER, SIGN BELOW FRAUDULENTLY OR FALSELY COMPLETING THIS FORM IS A CLASS I FELONY UNDER CHAPTER 163 OF THE NC GENERAL STATUTES.

X

VOTER'S SIGNATURE (REQUIRED)

ELECTION OFFICIAL TO COMPLETE

Voting Site: VRN: Official's Name:

NORTH CAROLINA
LEE COUNTY

PHOTO ID EXCEPTION FORM FOR ABSENTEE VOTING

ELECTION DATE
11/04/2025

Voter, please complete this form to explain why you cannot include a photocopy of your photo ID with your ballot.

You must write your name below, check a box for at least one exception, and sign the form.

You will meet the photo ID requirement if you truthfully complete and sign this form.

I (print your name) _____ AFFIRM that I am the voter casting
the absentee ballot, and that: (choose from the exceptions below)

EXCEPTION 1: REASONABLE IMPEDIMENT

I suffer from one or more of the following reasonable impediments that prevent me from including a copy of photo ID:

(TO CHOOSE THIS EXCEPTION, YOU MUST CHECK THE BOX FOR ONE OR MORE REASONS BELOW)

1. ☐ I am unable to include a photocopy of my photo ID with this absentee ballot envelope
(If choosing this option, you must write one of the following numbers):
North Carolina Drivers License/DMV ID number: _____
Last four digits of Social Security Number: _____
2. I cannot get photo ID due to:
 - ☐ Lack of transportation
 - ☐ Disability or illness
 - ☐ Lack of birth certificate or other documents needed to get photo ID
 - ☐ Work or school schedule
 - ☐ Family responsibilities
3. ☐ My photo ID is lost, stolen, or misplaced
4. ☐ I applied for photo ID but have not received it
5. ☐ Other reasonable impediment (if choosing this option, you must write why you can't provide photo ID):

6. ☐ State or federal law prohibits me from listing my reason

EXCEPTION 2: RELIGIOUS OBJECTION TO BEING PHOTOGRAPHED

- ☐ I have a religious objection to being photographed.

EXCEPTION 3: VICTIM OF A NATURAL DISASTER

- ☐ I was a victim of a natural disaster occurring within 100 days before election day that resulted in a disaster declaration by the President of the United States or the Governor of North Carolina.

VOTER, SIGN BELOW

FRAUDULENTLY OR FALSELY COMPLETING THIS FORM IS A CLASS 1 FELONY UNDER CHAPTER 163 OF THE NC GENERAL STATUTES.

X

VOTER'S SIGNATURE (REQUIRED)

