

NORTH CAROLINA REGISTER

VOLUME 39 • ISSUE 18 • Pages 1202 – 1218

March 17, 2025

I. PROPOSED RULES	
State Board of Elections	
State Board of Elections.....	1202 – 1215
II. RULES REVIEW COMMISSION.....	1216 – 1218

PUBLISHED BY

*The Office of Administrative Hearings
Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
Telephone 984-236-1850
Fax 984-236-1947*

*Donald R. van der Vaart, Director
Brian Liebman, Codifier of Rules
Julie B. Eddins, Interim Publications Coordinator*

**IN LEGIBUS
SALUS**

Contact List for Rulemaking Questions or Concerns

For questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address but are not inclusive.

Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.

Office of Administrative Hearings
Rules Division
1711 New Hope Church Road
Raleigh, North Carolina 27609
984-236-1850
984-236-1947 FAX

contact: Brian Liebman, Codifier of Rules brian.liebman@oah.nc.gov 984-236-1941
Julie B. Eddins, Interim Publications Coordinator dana.mcghee@oah.nc.gov 984-236-1937

Rule Review and Legal Issues

Rules Review Commission
1711 New Hope Church Road
Raleigh, North Carolina 27609
984-236-1850
984-236-1947 FAX

contact: William W. Peaslee, Commission Counsel bill.peaslee@oah.nc.gov 984-236-1939
Seth M. Ascher, Commission Counsel seth.ascher@oah.nc.gov 984-236-1934
Travis Wiggs, Commission Counsel travis.wiggs@oah.nc.gov 984-236-1929
Alexander Burgos, Paralegal alexander.burgos@oah.nc.gov 984-236-1940

Fiscal Notes & Economic Analysis

Office of State Budget and Management
116 West Jones Street
Raleigh, North Carolina 27603-8005
Contact: Julie Ventaloro, Economic Analyst osbmruleanalysis@osbm.nc.gov 984-236-0694

Fiscal Research Division
Legislative Office Building
300 N. Salisbury Street, Suites 619 and 400
Raleigh, NC 27603-5925
Contact: Brian Matteson brian.matteson@ncleg.gov 919-733-4910

NC Association of County Commissioners
215 North Dawson Street
Raleigh, North Carolina 27603
contact: Amy Bason amy.bason@ncacc.org

NC League of Municipalities
424 Fayetteville Street, Suite 1900
Raleigh, North Carolina 27601
contact: Baxter Wells bwells@nclm.org

Legislative Process Concerning Rulemaking

545 Legislative Office Building
300 North Salisbury Street
Raleigh, North Carolina 27611
919-733-2578
919-715-5460 FAX

Jason Moran-Bates, Staff Attorney
Chris Saunders, Staff Attorney
Aaron McGlothlin, Staff Attorney

NORTH CAROLINA REGISTER
Publication Schedule for January 2025 – December 2025

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment Period	Deadline to submit to RRC for review at next meeting	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	270 th day from publication in the Register
39:13	01/02/25	12/06/24	01/17/25	03/03/25	03/20/25	04/24/2025	05/01/25	09/29/25
39:14	01/15/25	12/19/24	01/30/25	03/17/25	03/20/25	04/24/2025	05/01/25	10/12/25
39:15	02/03/25	01/10/25	02/18/25	04/04/25	04/20/25	05/29/2025	06/01/25	10/31/25
39:16	02/17/25	01/27/25	03/04/25	04/21/25	05/20/25	06/26/2025	07/01/25	11/14/25
39:17	03/03/25	02/10/25	03/18/25	05/02/25	05/20/25	06/26/2025	07/01/25	11/28/25
39:18	03/17/25	02/24/25	04/01/25	05/16/25	05/20/25	06/26/2025	07/01/25	12/12/25
39:19	04/01/25	03/11/25	04/16/25	06/02/25	06/20/25	07/30/2025	08/01/25	12/27/25
39:20	04/15/25	03/25/25	04/30/25	06/16/25	06/20/25	07/30/2025	08/01/25	01/10/26
39:21	05/01/25	04/09/25	05/16/25	06/30/25	07/20/25	08/28/2025	09/01/25	01/26/26
39:22	05/15/25	04/24/25	05/30/25	07/14/25	07/20/25	08/28/2025	09/01/25	02/09/26
39:23	06/02/25	05/09/25	06/17/25	08/01/25	08/20/25	09/25/2025	10/01/25	02/27/26
39:24	06/16/25	05/23/25	07/01/25	08/15/25	08/20/25	09/25/2025	10/01/25	03/13/26
40:01	07/01/25	06/10/25	07/16/25	09/02/25	09/20/25	10/30/2025	11/01/25	03/28/26
40:02	07/15/25	06/23/25	07/30/25	09/15/25	09/20/25	10/30/2025	11/01/25	04/11/26
40:03	08/01/25	07/11/25	08/16/25	09/30/25	10/20/25	11/20/2025	12/01/25	04/28/26
40:04	08/15/25	07/25/25	08/30/25	10/14/25	10/20/25	11/20/2025	12/01/25	05/12/26
40:05	09/02/25	08/11/25	09/17/25	11/03/25	11/20/25	12/18/2025	01/01/26	05/30/26
40:06	09/15/25	08/22/25	09/30/25	11/14/25	11/20/25	12/18/2025	01/01/26	06/12/26
40:07	10/01/25	09/10/25	10/16/25	12/01/25	12/20/25	*01/29/2026	02/01/26	06/28/26
40:08	10/15/25	09/24/25	10/30/25	12/15/25	12/20/25	*01/29/2026	02/01/26	07/12/26
40:09	11/03/25	10/13/25	11/18/25	01/02/26	01/20/26	*02/26/2026	03/01/26	07/31/26
40:10	11/17/25	10/24/25	12/02/25	01/16/26	01/20/26	*02/26/2026	03/01/26	08/14/26
40:11	12/01/25	11/05/25	12/16/25	01/30/26	02/20/26	*03/26/2026	04/01/26	08/28/26
40:12	12/15/25	11/20/25	12/30/25	02/13/26	02/20/26	*03/26/2026	04/01/26	09/11/26

*Dates not approved by RRC

EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

- (1) temporary rules;
- (2) text of proposed rules;
- (3) text of permanent rules approved by the Rules Review Commission;
- (4) emergency rules
- (5) Executive Orders of the Governor;
- (6) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H; and
- (7) other information the Codifier of Rules determines to be helpful to the public.

COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

FILING DEADLINES

ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Human Resources Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month after the first or fifteenth that is not a Saturday, Sunday, or holiday for State employees.

LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

NOTICE OF TEXT

EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days but not later than 60 days after the date a notice of the hearing is published.

END OF REQUIRED COMMENT PERIOD
An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published.

DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.

Note from the Codifier: The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days. Statutory reference: G.S. 150B-21.2.

TITLE 08 – STATE BOARD OF ELECTIONS

Notice is hereby given in accordance with G.S. 150B-21.2 that the State Board of Elections intends to adopt the rules cited as 08 NCAC 21 .0108, .0204 and amend the rules cited as 08 NCAC 21 .0102 and .0106.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://www.ncsbe.gov/about-elections/legal-resources/rulemaking>

Proposed Effective Date: July 1, 2025

Public Hearing:

Date: April 14, 2025

Time: 10:00 am

Location: Dobbs Building, Third Floor, 430 N. Salisbury St., Raleigh, NC 27603

Reason for Proposed Action: Amendments to rules 08 NCAC 21 .0102 and 08 NCAC 21 .0106 are intended to facilitate the use of electronic signatures by eligible filers. The amendments clarify that an electronically signed disclosure report cover must be emailed to campaign.reporting@ncsbe.gov. The amendments also eliminate language that may have required a copy of the electronically signed disclosure report cover to also be filed with the county board of elections. Electronically signed disclosure report covers emailed to campaign.reporting@ncsbe.gov will be made available for review on the State Board of Elections' website.

Disclosure reports filed by candidates, political committees, and referendum committees are required to cover specific date ranges and must be signed by the committee's treasurer. Proposed Rule 08 NCAC 21 .0108 requires that the treasurer not sign or file a disclosure report cover until after the reporting period end date.

Proposed rule 08 NCAC 21 .0204 implements G.S. 163-278.10 and establishes what the treasurer must file with the board of elections in order to obtain inactive committee status. The proposed rule also outlines what must be filed by the treasurer after a contribution is received or expenditure is made by or on behalf of an inactive candidate, political committee, or referendum committee.

Comments may be submitted to: Lindsey Wakely, Rulemaking Coordinator, P.O. Box 27255, Raleigh, NC 27611-7255; email rulemaking.sboe@ncsbe.gov

Comment period ends: May 16, 2025

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 21 - DEPARTMENTAL RULES

SECTION .0100 – REPORTING

08 NCAC 21 .0102 REPORTING OF INDEPENDENT EXPENDITURES

(a) Once an individual as defined in G.S. 163-278.6(55), person as defined in G.S. 163-278.6(72), or other entity required to report independent expenditures under G.S. 163-278.12(a) has made independent expenditures with a present actual or market value in excess of one hundred dollars (\$100.00) during an election as defined in G.S. 163-278.6(30), the individual, person, or entity shall report all independent expenditures, and any donations made to further independent expenditures, with the following board of elections:

- (1) if the district of the candidate or ballot issue supported or opposed is within one county, and the candidate is not running for a legislative, judicial, or district attorney office, the report shall be filed with the county board of elections; or
- (2) if the district of the candidate or ballot issue supported or opposed extends to more than one county, or the candidate is running for a legislative, judicial, or district attorney office, the report shall be filed with the State Board.

(b) An independent expenditure filer is the individual, person, or other entity making a reportable independent expenditure under G.S. 163-278.12(a). If the independent expenditure filer is an individual, the individual shall sign all reports. If the independent expenditure filer is a person or other entity, an authorized officer or an authorized representative of the person or entity shall sign all reports.

(c) The independent expenditure filer shall file CRO-2210A Independent Expenditure Report Cover, CRO-2210B Donations to Further Independent Expenditures, and CRO-2210C Incurred Costs of Independent Expenditures available on the State Board's website, <http://www.ncsbe.gov>, unless the independent expenditure filer files reports electronically consistent with 08 NCAC 21 .0106. Independent expenditure reports filed with the county board of elections or the State Board shall include all of the following:

- (1) the independent expenditure filer's name and mailing address;
- (2) a phone number for the independent expenditure filer;
- (3) if the independent expenditure filer is an individual, the filer's principal occupation as defined in G.S. 163-278.11(a)(1);
- (4) if the independent expenditure filer is a person or entity, the principal place of business of the person or entity;
- (5) for each independent expenditure made:
 - (A) The name and mailing address of the payee;
 - (B) The amount paid;
 - (C) The date the expenditure was incurred;
 - (D) A description of the expenditure; and
 - (E) The name of the candidate, candidates of an identified political party, or referendum supported or opposed by the independent expenditure;
- (6) for each donation of more than one hundred dollars (\$100.00) that must be reported under G.S. 163-278.12(f):
 - (A) the donor's name and mailing address;
 - (B) if the donor is an individual, the donor's principal occupation as defined in G.S. 163-278.11(a)(1);
 - (C) if the donor is a person or entity, the principal place of business of that person or entity;
 - (D) the amount of the donation; and
 - (E) the date of the donation; and
- (7) a certification as to whether any expenditures reported were made in concert or cooperation with, or at the request or suggestion of, a candidate, a candidate campaign committee as defined in G.S. 163-278.38Z(3), a referendum committee, the agent of a candidate, the agent of a candidate campaign committee, or an agent of a referendum committee.

(d) An independent expenditure filer that makes expenditures with a present, actual, or market value in excess of five thousand dollars (\$5,000.00) during an election as defined in G.S. 163-

278.6(30) shall file independent expenditure reports electronically consistent with 08 NCAC 21 .0106.

(e) For each independent expenditure report filed electronically, the individual or an authorized officer or an authorized representative of the independent expenditure filer shall sign and file the Independent Expenditure Report Cover ~~and the independent expenditure filer shall file the signed original~~ in accordance with Paragraph (g) of this ~~Rule with the board of elections identified in Paragraph (a) of this Rule.~~

(f) The independent expenditure filer shall complete and file forms within the time period set forth in G.S. 163-278.12(d). An independent expenditure filer that makes a reportable independent expenditure within 10 days of an election, and has not previously reported independent expenditures during the election the independent expenditure affects, shall file reports no later than the 10th day after independent expenditures exceed one hundred dollars (\$100.00). After the initial report, the independent expenditure filer shall continue to file independent expenditure reports according to the reporting schedule in G.S. 163-278.9 until the end of the election. The final report for a given election shall cover the period through the day of the election. If the independent expenditure filer makes independent expenditures in support of or in opposition to municipal candidates or municipal ballot issues, the independent expenditure filer shall report all independent expenditures according to the reporting schedule in Part 2 of Article 22A of Chapter 163 of the General Statutes.

(g) A report is considered filed either:

- (1) on the date it is received by hand-delivery during regular business hours at the ~~county board of elections or State Board of Elections;~~ board of elections office;
- (2) on the date it is postmarked to the board of elections by the United States Postal Services or marked with an equivalent marking by a delivery service authorized by G.S. 1A-1, Rule 4; or
- (3) for an independent expenditure report filed electronically pursuant to Paragraph (d) of this Rule, on the date the completed and signed report is emailed to the State Board of Elections at campaign.reporting@ncsbe.gov.

(h) A report that is missing any of the information in Paragraph (c) of this Rule shall not be considered filed in accordance with G.S. 163-278.12(d).

(i) An independent expenditure filer that makes an expenditure of five thousand dollars (\$5,000) or more or receives a donation of one thousand dollars (\$1,000) or more before an election but after the period covered by the last report due before that election, shall file a 48-hour report with the State Board or county board of elections using forms available on the State Board's website. An independent expenditure filer that makes a reportable independent expenditure within 10 days of an election, and has not previously reported independent expenditures during the election the independent expenditure affects, shall file 48-hour reports in accordance with this Paragraph. A 48-hour report shall be made using CRO-2210A Independent Expenditure Report Cover, CRO-2210B Donations to Further Independent Expenditures, and CRO-2210C Incurred Costs of Independent Expenditures. 48-hour reports may be filed by fax or email.

Authority G.S. 163-278.12; 163-278.21; 163-278.22.

08 NCAC 21 .0106 ELECTRONIC FILING

(a) All political committees required to file electronically pursuant to G.S. 163-278.9(i) shall prepare disclosure reports using either of the following:

- (1) the current version of the campaign finance software made available by the North Carolina State Board of Elections and available for download on the State Board website; or
(2) third party software only if that software can generate reports that are capable of import into the State Board's central database.

(b) Reports generated by the State Board software or third-party software shall be filed by e-mailing the generated .cfd file to campaign.reporting@ncsbe.gov.

(c) Reports shall be filed on or before 11:59 p.m. of the business day in which it is to be filed.

(d) For each disclosure report filed electronically, the treasurer shall sign and file a the CRO-1000 Disclosure Report Cover. Cover. and file it with the board of elections office where the political committee filed its Statement of Organization. The Disclosure Report Cover shall report:

- (1) the full name, mailing address, phone number, and NC ID Number assigned to the political committee;
(2) the report year, period start date, and period end date for the report;
(3) the full name of the treasurer during the period;
(4) type of committee;
(5) type of report;
(6) account information;
(7) date filed; and
(8) an original signature and certification in accordance with G.S. 163-278.32.

(e) A Disclosure Report Cover is considered filed either: filed:

- (1) on the date it is received by hand-delivered during regular business hours at the county board of elections or State Board of Elections; or board of elections office;
(2) on the date it is postmarked to the board of elections by the United States Postal Service or marked with an equivalent marking by a delivery service authorized by G.S. 1A-1, Rule 4; Rule 4; or
(3) on the date the CRO-1000 Disclosure Report Cover with a valid electronic signature is emailed to campaign.reporting@ncsbe.gov.

(f) A committee that exceeds the reporting threshold in G.S. 163-278.9(i) during an election cycle, and is required to start filing electronically shall ensure that each contributor's reported sum-to-date for the election cycle includes the sum of contribution received before the political committee began filing electronically.

(g) A committee that is required to file electronically pursuant to G.S. 163-278.9(i) and only files a paper report shall be deemed to have failed to file and shall receive a Notice of Noncompliance pursuant to 08 NCAC 21 .0201. shall be subject to the procedures for committees with missing reports in 08 NCAC 21 .0207.

Authority G.S. 163-278.9; 163-278.21; 163-278.22.

08 NCAC 21 .0108 REPORTING PERIODS

(a) The State Board shall post on the State Board's website the period start date and period end date for each quarterly and semiannual report that must be filed under G.S. 163-278.9 and for each pre-referendum, final and annual report that must be filed under G.S. 163-278.9A.

(b) The treasurer shall not sign or file the report until 12:00 a.m. the day after the period end date for each report.

Authority G.S. 163-278.9; 163-278.21.

SECTION .0200 - NONCOMPLIANCE

08 NCAC 21 .0204 INACTIVE STATUS FOR A CANDIDATE OR COMMITTEE

(a) If no contribution is received or expenditure made by or on behalf of a candidate, political committee or referendum committee during a period described in G.S. 163-278.9, G.S. 163-278.9A or Part 2 of Article 22A, the treasurer shall file the following with the board of elections:

- (1) A report that shows no contribution received or expenditure made during the period described in G.S. 163-278.9, G.S. 163-278.9A or Part 2 of Article 22A; and
(2) A signed certification that the candidate, political committee or referendum committee will receive no contributions and make no expenditures while inactive and will resume reporting when activity resumes.

(b) The signed certification in Subparagraph (a)(2) of this Rule shall be filed within 15 calendar days of filing a qualifying report under Subparagraph (a)(1) of this Rule.

(c) Immediately after receiving a contribution or making an expenditure, the treasurer shall be responsible for filing the next report required by G.S. 163-278.9, G.S. 163-278.9A or Part 2 of Article 22A by the statutory due date. Any committee receipt, debt or expenditure which would have been required to be reported on an earlier report but for the committee's inactive status shall be included in the next report required after activity resumes. Within 10 calendar days of receiving a contribution or making an expenditure, the treasurer shall file a certification with the board of elections notifying the board of the change in status.

(d) The disclosure of de minimis bank fees and postage for mailing reports to the board of elections shall not prohibit a committee from qualifying for inactive status under Paragraph (a) of this Rule.

Authority G.S. 163-278.10; 163-278.21.

Notice is hereby given in accordance with G.S. 150B-21.2 that the State Board of Elections intends to adopt the rules cited as 08 NCAC 22 .0101-.0107, .0201-.0204, .0301-.0306, .0401, .0402, .0501, .0502, and .0601.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://www.ncsbe.gov/about-elections/legal-resources/rulemaking>

Proposed Effective Date: July 1, 2025

Public Hearing:

Date: April 14, 2025

Time: 10:00 am

Location: Dobbs Building, Third Floor, 430 N. Salisbury St., Raleigh, NC 27603

Reason for Proposed Action: *As a result of the minimal guidelines for conducting petitions in the various statutes governing new party and candidate petitions, there has been regular inconsistency in how petition drives are carried out by petitioners, how petitions are reviewed by county boards, and how petitions are ultimately certified by the State Board and county boards. This lack of certainty and uniformity in rules and procedures has led to litigation and will continue to threaten litigation. Staff are proposing a series of administrative rules to govern the conduct of petitions to ensure consistency and transparency in the process for both petitioners and the boards of elections.*

The rules have been drafted with workability for the county boards in mind, as well as the fact that petitioners may not always be sophisticated operators. These rules largely put in writing the best practices and procedures that have been developed over the last few years, and are in many instances a result of a learned lesson from problematic petition drives.

The rules would comprise a new chapter of Title 8 in the administrative code for the agency's rules, and have been divided into sections based on subject matter as follows:

Section .0100 - General Rules for Petitions:

The rules in this section are general rules for all petitions and are mostly geared toward establishing a process for petitioners to follow when initiating and filing their petition.

- *Rule .0101 identifies the types of petitions that are subject to these rules*
- *Rule .0102 establishes definitions for the entire chapter to make the individual rules easier to read*
- *Rule .0103 establishes how to start a petition and how a county processes the form that is used.*
- *Rule .0104 establishes the makeup of the signature sheets used to collect signatures for a petition.*
- *Rule .0105 provides the manner in which petitioners will identify their circulators and when to do so.*

- *Rule .0106 provides when and how signature sheets are submitted to a board of elections to be verified, as well as how a county documents receipt.*
- *Rule .0107 provides how a county board returns a copy or original signature sheet to a petitioner, along with the certificate that identifies how many signatures have been verified.*

Section .0200 – Verification of Petitions:

The rules in this section are general rules for all petitions and are mostly geared toward the county boards and their processing of petitions, including signature verification.

- *Rule .0201 establishes the requirements and procedures for conducting signature verification to determine whether the petition signer is a registered voter who is qualified to sign the petition.*
- *Rule .0202 governs how a county board official will notate their determination as to whether the signature will count, both on the physical signature sheet and within the petition module in SEIMS.*
- *Rule .0203 sets rules for when certain signatures will count, or will not otherwise be permitted to count.*
- *Rule .0204 establishes a process for a petition signer to request the removal of their signature from a petition.*

Section .0300– New Political Party Petitions:

The rules in this section are specific to new party petitions only and are mostly geared toward the State Board's processing and review of these petitions.

- *Rule .0301 establishes definitions for the section, and defines what counts as final action on a new party petition.*
- *Rule .0302 establishes a process to review the name of a prospective party at the outset of their petition.*
- *Rule .0303 informs the prospective party on what they need to do when their state chair's information changes, and when to do it.*
- *Rule .0304 establishes a process for a prospective party to notify the State Board when it will not meet the signature threshold before a midterm election and desires to continue its petition so it can gain recognition before the presidential election.*
- *Rule .0305 establishes how the prospective party can demonstrate to the State Board the manner in which it will convey its general purpose and intent to petition signers.*
- *Rule .0306 sets out the criteria and process for the State Board to determine the sufficiency of a new party petition, including State Board staff review of the submitted signature sheets and the manner in which the Board can request more information from the prospective party.*

Section .0400 – Unaffiliated Candidate Petitions:

The rules in this section are specific to petitions where a voter wants to be listed on the ballot as an unaffiliated candidate.

- Rule .0401 establishes definitions for the section, defines what counts as final action on the petition, and accounts for the manner in which counties review signature sheets when the petition is filed with the State Board.
- Rule .0402 governs how a board of elections processes an unaffiliated candidate petition, including when the board inspects the registration records to determine if the petitioner is qualified for the office sought.

Section .0500 – Write-In Candidate Petitions:

The rules in this section are specific to petitions where a voter wants write-in votes for them to be counted in an election.

- Rule .0501 establishes definitions for the section and defines what counts as final action on the petition.
- Rule .0502 governs how a board of elections processes a write-in candidate petition, including when the board inspects the registration records to determine if the petitioner is qualified for the office sought.

Section .0600 – Petitions to be a Candidate on the Ballot Without Paying a Filing Fee:

The rule in this section is specific to petitions that are known as an “in lieu of filing fee” petition. Rule .0601 establishes definitions for the rule and defines what counts as final action on the petition. The processes for the other candidate petitions in Rules .0402 and .0502 are not necessary for this kind of petition, because the matters addressed in those rules (i.e., candidate eligibility) are addressed through the separate notice of candidacy processes.

Comments may be submitted to: Paul Cox, Rulemaking Coordinator, P.O. Box 27255, Raleigh, NC 27611-7255; email rulemaking.sboe@ncsbe.gov (Comments may be submitted online at https://www.ncsbe.gov/about-elections/legal-resources/rulemaking)

Comment period ends: May 16, 2025

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission,

please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 22 – PETITIONS

SECTION .0100 - GENERAL RULES FOR PETITIONS

08 NCAC 22 .0101 PETITIONS

(a) The following types of petitions shall be governed by Sections .0100 and .0200 of this Chapter:

- (1) Petitions to be recognized as a political party pursuant to G.S. 163-96.
- (2) Petitions to place a voter's name on a general election ballot as an unaffiliated candidate pursuant to G.S. 163-122 or G.S. 163-296.
- (3) Petitions to have write-in votes for a voter counted in a general election pursuant to G.S. 163-123.
- (4) Petitions requesting that a voter be a candidate in a political party's primary without the payment of a filing fee pursuant to G.S. 163-107.1.
- (5) Petitions seeking to place a candidate's name on the ballot in a political party's primary for the office of President of the United States pursuant to G.S. 163-213.5.
- (6) Petitions calling for any election or referendum that are filed with a board of elections.

(b) When a county board of elections is required by law to verify a petition on behalf of a local jurisdiction, but the petition is not filed with the county board, the county board shall follow the procedures in Section .0200 of this Chapter for verifying the petition to the extent they do not conflict with the local jurisdiction's applicable statute, local act, charter, or ordinance.

Authority G.S. 163-22; 163-96; 163-107.1; 163-122; 163-123; 163-213.5; 163-218; 163-219; 163-221; 163-296.

08 NCAC 22 .0102 DEFINITIONS

For purposes of this Chapter:

- (1) "Board of elections" means the board of elections, county or State, with jurisdiction over a petitioner's petition.
- (2) "Election cycle" means the period of time starting the day after the final canvass of the most recent general election for the contest to which the petition pertains. The election cycle for a political party petition begins on the day after the state canvass of the most recent general election for governor.
- (3) "Entity" means those entities defined in G.S. 55-1-40(9) that are utilized by a petitioner to

- conduct a petition with or on behalf of the petitioner.
- (4) "Petition circulator" means any person collecting signatures on a signature sheet in support of a petition.
- (5) "Petition module" means the software module provided by the State Board to the county boards of elections for the purpose of facilitating the review of a petition.
- (6) "Petition request form" means the form submitted to a board of elections by a petitioner to initiate a petition.
- (7) "Petitioner" means any person, or their designated representative, conducting a petition in accordance with this Chapter.
- (8) "Signature certificate" means the certificate provided by a county board of elections indicating the number of petition signers in the county whose signature will count towards the signature requirement for a petition.
- (9) "Signature sheet" means the document provided by a board of elections that is used by a petitioner to collect signatures in support of a petition.
- (10) "Signature verification" means the act of comparing a petition signer's information and signature on a signature sheet against the county board's registration records to determine whether the petition signer's information matches the information of a registered voter, the petition signer is qualified to sign the petition, and the petition signer's signature bears a reasonable resemblance to the matched voter's signature.
- (11) "Verified signature sheet" means a signature sheet that has been submitted to a board of elections, has been reviewed by a county board official, and has a notation for each signature on the sheet showing the official's determination whether the signature will count towards the signature requirement for the petition.

- (2) Residential address, mailing address, phone number, and email address of the petitioner.
- (3) The petition type, as set forth in Rule .0101(a) of this Section.
- (4) If the petition type is to form a political party as identified in of Rule .0101(a)(1) of this Section, the name of the proposed political party, the first and last name, current residential address, and current phone number of the state chair of the proposed political party, and the first statewide general election in which the proposed political party desires to participate.
- (5) If the petition type is one identified in Rule .0101(a)(2), (3), (4), or (5) of this Section, the jurisdiction or district of the contest.
- (6) The manner in which the petitioner requests to be provided a signature sheet template, whether by in-person pickup, mail delivery, or email.
- (7) A signed affirmation that the petitioner, and any petition circulators and entities conducting petition activities on behalf of the petitioner, will comply with this Chapter and the requirements in Chapter 163 of the North Carolina General Statutes applicable to the petition.

(c) Within one business day of the receipt of a completed petition request form, the board of elections shall write on the petition request form the date the form was filed, the number of signatures required to meet the signature threshold for the petition, and the statutory deadline for submitting signature sheets for signature verification, and then provide a copy of the request form to the petitioner via email.

(d) A petitioner registering with a board of elections a notice of circulation of a petition calling for any election or referendum pursuant to G.S. 163-218 shall do so by filing the petition request form required by this Rule. The county board of elections shall write on the request form the date on which the completed request form was filed, which shall be the date of registration of the petition, and then provide a copy of the request form to the petitioner via email.

Authority G.S. 163-22; 163-96; 163-107.1; 163-122; 163-123; 163-213.5; 163-218; 163-219; 163-221; 163-296.

08 NCAC 22 .0104 PETITION SIGNATURE SHEETS

(a) Within one business day of the receipt of a completed petition request form, the board of elections with which the form was filed shall issue to the petitioner a signature sheet template for the petition in the manner requested by the petitioner on the petition request form.

- (b) The signature sheet template shall include the following:
- (1) a title identifying the type of petition and applicable North Carolina General Statute section;
 - (2) any petition header required by law for that type of petition, including designated areas for the petitioner to fill in the required information;
 - (3) a designated area for the petition circulator to write their first and last name and sign an

Authority G.S. 163-22; 163-96; 163-107.1; 163-122; 163-123; 163-213.5; 163-218; 163-219; 163-221; 163-296.

08 NCAC 22 .0103 INITIATION OF PETITIONS

(a) A petitioner shall initiate a petition by timely filing a completed petition request form with the board of elections in person, by mail, or by email. A copy of the request form may be obtained from the State Board of Elections website (<https://www.ncsbe.gov/candidates/petitions>). A petition request form shall be considered timely filed with the board of elections if it is filed during the election cycle and no later than the petition's statutory deadline for submitting signature sheets for signature verification.

(b) The petitioner shall include the following information on the petition request form:

- (1) First and last name of the petitioner and any designated representative of the petitioner.

- affirmation that they witnessed the signing of the signatures on the signature sheet;
- (4) the following statement: "It is illegal to sign the name of another person to a petition. G.S. 163-221.";
- (5) prompts for a petition signer to include their printed first and last name, current residential address (street number, street name, and zip code), date of birth, signature, and date of signature;
- (6) an identification of the board of elections where the petitioner will file the petition;
- (7) a designated area for the board of elections receiving the signature sheet to notate the signature sheet with the date it is received at the board of elections office and the batch and page number assigned to it; and
- (8) designated areas for the board of elections receiving the signature sheet to notate the board's determination of approval or disapproval for each petition signature pursuant to Rules .0201 and .0202 of this Chapter.

(c) If the petition type is to form a political party under Rule .0101(a)(1) of this Section, the signature sheet shall include a designated area for the petition signer to place their initials indicating that they were informed of the general purpose and intent of the new party.

(d) If the petition type is one identified in Rule .0101(b) of this Section, and the board of elections is providing a template signature sheet for a local jurisdiction, the board of elections shall include on the template prompts for any additional information required by the local jurisdiction's applicable statute, local act, charter, or ordinance.

(e) The petitioner shall complete the information required by Subparagraphs (b)(2) and (b)(6) of this Rule before collecting signatures on that signature sheet.

(f) A signature shall not be counted toward the signature requirement for the petition if it is signed to a signature sheet that does not either match the template issued to the petitioner or contain the information required by this Rule.

Authority G.S. 163-22; 163-96; 163-107.1; 163-122; 163-123; 163-213.5; 163-221; 163-296.

08 NCAC 22 .0105 PETITION CIRCULATORS

(a) At the time a petitioner submits the first signature sheet in support of their petition to the board of elections in accordance with Rule .0106 of this Section, the petitioner shall provide to the board of elections a written list identifying the petition circulators who are collecting signatures on behalf of the petitioner. A template list may be obtained from the State Board of Elections website (<https://www.ncsbe.gov/candidates/petitions>). The list of petition circulators shall include the following information for each circulator:

- (1) The circulator's first and last name, phone number, residential address, and email address.
- (2) Whether the circulator was employed or volunteered to circulate the petitions through an entity, another group or organization, or the

petitioner. If the circulator was employed or volunteered through an entity or another group or organization, the list shall contain the name of that entity, group, or organization.

- (3) Whether the circulator received compensation based on the number of signatures obtained or signature sheets submitted.

(b) Before a board of elections can take final action on a petition, the petitioner shall provide the board of elections with a list of all petition circulators for the petition or inform the board of elections in writing that the already-submitted list contains the names of all petition circulators for the petition.

(c) Prior to conducting activities in support of a petition in North Carolina with or on behalf of a petitioner, a North Carolina entity shall be registered with the North Carolina Secretary of State's Office pursuant to the provisions of Chapters 55, 55A, 57D, or 59 of the North Carolina General Statutes applicable to that type of entity. If the entity is organized under the laws of another state, the foreign entity shall obtain a certificate of authority from the Secretary of State pursuant to the provisions of Chapters 55, 55A, 57D, or 59 of the North Carolina General Statutes applicable to that type of foreign entity.

Authority G.S. 163-22; 163-96; 163-107.1; 163-122; 163-123; 163-213.5; 163-221; 163-296.

08 NCAC 22 .0106 SUBMISSION OF SIGNATURE SHEETS

(a) The petitioner shall submit to the board of elections the original signature sheets completed in support of their petition by in-person delivery or mail. The signatures on a signature sheet shall not be counted if the sheet does not contain the petition circulator's first and last name and signature in the area designated for their name and affirmation.

(b) When registered voters in more than one county may be qualified to sign a petition, each signature sheet shall contain only signatures collected from residents of the county identified in the header of the petition. A county board of elections shall not be required to conduct signature verification of the signatures on a signature sheet with a different county identified in the header of the petition.

(c) The petitioner shall submit a signature sheet to the appropriate board of elections within one month of the earliest dated signature on the signature sheet. This requirement shall not act to extend the applicable statutory deadline for submitting signature sheets for signature verification or for filing petitions with a board of elections.

(d) When a petitioner submits signature sheets to a board of elections, the board staff receiving the signature sheet shall date stamp each sheet, count the total number of signature sheets submitted if multiple sheets are submitted, and provide the petitioner with written confirmation of the total number of signature sheets submitted on that date. Board staff shall also note in the written confirmation the name of the person submitting the signature sheets. Board staff shall not be required to count the number of signatures on the submitted signature sheets before providing the written confirmation required by this Paragraph.

Authority G.S. 163-22; 163-96; 163-107.1; 163-122; 163-123; 163-213.5; 163-221; 163-296.

08 NCAC 22 .0107 COPIES OF SIGNATURE SHEETS AND RETURN OF ORIGINAL SIGNATURE SHEETS

(a) After a board of elections has completed signature verification of the signatures on the signature sheets, the petitioner may obtain a copy of the signature sheets and a signature certificate by one of the methods described in Paragraph (b) of this Rule. If the board of elections is required by law to return the original signature sheets to the petitioner, board staff shall inform the petitioner that they may obtain the original sheets and a signature certificate by one of the methods described in Paragraph (c) of this Rule.

(b) The board of elections shall provide the petitioner with a copy of verified signature sheets and associated signature certificates upon oral or written request by the petitioner. The petitioner shall state by which of the following methods they elect to receive a copy:

- (1) In-person retrieval of a physical copy during regular business hours. If a person other than the petitioner's representative identified on the petition request form will retrieve the copy instead of the petitioner, then the petitioner shall inform the board of elections, in writing, of that person's first and last name and phone number.
- (2) Mailing a physical copy to the mailing address that is listed on the petition request form.
- (3) Emailing a digital copy to the email address that is listed on the petition request form.

Before providing a copy of a signature sheet, board staff shall first redact any confidential information not subject to public disclosure under Chapters 132 and 163 of the North Carolina General Statutes. A board of elections may charge for any physical copies, in accordance with G.S. 132-6.2.

(c) When the board of elections is required by law to return the original signature sheets and associated signature certificates to the petitioner, the petitioner shall inform board staff orally or in writing by which of the following methods they elect to receive the originals:

- (1) In-person retrieval of the originals by the petitioner during regular business hours. If a person other than the petitioner's representative identified on the petition request form will retrieve the originals instead of the petitioner, then the petitioner shall inform the board of elections, in writing, of that person's first and last name and phone number. Board staff shall confirm the name and phone number of the person retrieving the originals before providing them.
- (2) Mailing the originals to the mailing address that is listed on the petition request form. The county board shall use a method of return that documents the petitioner's receipt of the originals.

No redactions shall be made by board staff to an original signature sheet prior to its return to the petitioner or the petitioner's designated representative.

(d) In addition to providing a copy or the original signature sheet to the petitioner in accordance with this Rule, the board of elections shall provide the petitioner with a digital or physical petition status report generated by the petition module upon oral or written request by the petitioner. The petition status report shall include the status assigned to each petition signer in accordance with Rule .0202 of this Chapter.

Authority G.S. 163-22; 163-96; 163-107.1; 163-122; 163-123; 163-213.5; 163-221; 163-296.

SECTION .0200 – VERIFICATION OF PETITIONS

08 NCAC 22 .0201 PETITION SIGNATURE VERIFICATION BY COUNTY BOARDS OF ELECTIONS

(a) A county board of elections official shall conduct signature verification of completed original signature sheets in accordance with this Rule. For the purposes of this Section, an official includes the county board chair, or the county director of elections or other county board staff member delegated the duty to conduct signature verification.

(b) A petition signer's signature on a signature sheet shall count towards the petition's signature requirement if the official conducting signature verification determines that the petition signer's signature bears a reasonable resemblance to a signature in the official registration record of an identifiable registered voter in the county whose corresponding information in the registration record (including signatures) matches that provided on the signature sheet, and the voter is qualified by law to sign the petition. If a signer's date of birth listed on a signature sheet does not align with that of a corresponding registered voter, that signature shall not constitute a match. An official shall not omit a petition signer from signature verification solely due to the petition signer's use of initials, printed text, or a mark for their signature.

(c) A reasonable resemblance in signatures is a similarity in appearance such that an ordinary person would conclude that the signature on the signature sheet is more likely than not the signature of a registered voter. The official shall make this determination based on a review of the following characteristics of the signatures:

- (1) the style of the signatures, including the use of cursive or print;
- (2) spacing and proportions of letters in the signatures;
- (3) spelling and punctuation used in the signatures, including the use of initials;
- (4) size, curves, and loops of individual letters in the signatures; and
- (5) beginning and ending strokes in the signatures.

The official shall bear in mind that a person's signature can change over time, that a person does not sign their name the same exact way each time, and that signatures in voter registration records can be created through digital methods which may appear different than physical signatures created with a pen. If the signature on the signature sheet does not bear a reasonable

resemblance to the most recent signature in the voter's registration record, the official shall review at least one other signature in the voter's registration record, if available, before making a final reasonable resemblance determination for that petition signer. If the petition signer has signed the signature sheet with their initials, printed name, or a mark, the official shall determine whether the petition signer's initials, printed name, or mark on the signature sheet bears a reasonable resemblance to a signature, initials, or mark in the matched voter's registration record.

(d) The official shall determine whether the petition signer is qualified by law to sign the petition as of the date the signature sheet is reviewed by the official. If the type of petition requires residency within a specific county or district, the official shall not determine that the petition signer is qualified to sign the petition unless the address on the signature sheet and the address in the voter's registration record are both within the required county or district.

Authority G.S. 163-22; 163-96; 163-107.1; 163-122; 163-123; 163-213.5; 163-221; 163-296.

08 NCAC 22 .0202 PETITION SIGNATURE VERIFICATION DETERMINATIONS

(a) An official conducting signature verification pursuant to Rule .0201 of this Section shall notate on the original signature sheet the official's determination whether each petition signer's signature will count towards the signature requirement and shall assign a status to each petition signer in the petition module in accordance with this Rule.

(b) An official shall notate the signature sheet with a checkmark and assign the status of "OK" in the petition module for each petition signer whose signature will be counted because the official confirmed that the petition signer is a registered voter qualified to sign the petition.

(c) An official shall notate the signature sheet with an "X" and assign one of the following statuses in the petition module for each petition signer whose signature will not be counted for the stated reason:

- (1) "Address Rejected" shall be used when the petition signer's listed address is not a recognized address in the county.
- (2) "Deceased" shall be used when the petition signer matches to a registered voter in the county who is in a removed registration status due to death.
- (3) "Duplicate" shall be used when the official determines that a petition signer has signed a petition more than once and one of the signatures has already been verified pursuant to Rule .0201 of this Section.
- (4) "Illegible" shall be used when the official is unable to read the petition signer's printed information and signature such that the official cannot perform a search for the voter in the registration records.
- (5) "Incorrect County" shall be used when the petition signer's listed address is a recognized address in a county different from the county of the official reviewing the signature sheet.

(6) "Late Filing" shall be used when the signature sheet was submitted to a board of elections after the deadline prescribed by law.

(7) "Moved" shall be used when the petition signer matches to a person who is in a removed registration status due to moving outside of the county.

(8) "No Record" shall be used when the petition signer does not match to a registered voter in the county.

(9) "Not in District" shall be used when the petition signer is not qualified by law to sign the petition because their residential address is not within the district to which the petition pertains.

(10) "Removed" shall be used when the petition signer matches to a person in a removed registration status for a reason other than death or moving outside of the county.

(11) "Signature Missing" shall be used when the petition signer failed to sign the signature sheet.

(12) "Signature Rejected" shall be used when the petition signer's signature is determined to not reasonably resemble a signature in the matched registration record of the voter.

(13) "Signature Withdrawn" shall be used when a petition signer has caused their signature to be removed from a petition in accordance with Rule .0204 of this Section.

(14) "Wrong Party" shall be used when the petition signer is not qualified by law to sign the petition because they are not affiliated with the necessary political party when party affiliation is a required qualification to sign a petition in lieu of paying a filing fee pursuant to G.S. 163-107.1.

The automatic assignment of a status by the petition module to a petition signer shall satisfy the official's requirement to assign a status pursuant to this Paragraph.

(d) After the official has made notations on signature sheets in accordance with this Rule, and before issuing a signature certificate, board staff shall make an electronic copy of the signature sheets and store the digital copy in the board's digital file storage system, which may include a digital file storage system maintained by the State Board. If the board of elections is required by law to return the original signature sheets to the petitioner, board staff shall perform this task before returning the original signature sheets to the petitioner. The official shall issue the signature certificate in accordance with the statute that is applicable to the petition.

Authority G.S. 163-22; 163-96; 163-107.1; 163-122; 163-123; 163-213.5; 163-221; 163-296.

08 NCAC 22 .0203 COUNTING OF SIGNATURES TOWARDS A PETITION'S SIGNATURE REQUIREMENT

(a) A petition signer's signature shall not count towards the signature requirement for the petition unless the official has

determined that the petition signer is a registered voter qualified by law to sign the petition pursuant to Rule .0201 of this Section.

(b) If a petition signer signs a petition more than once, and one of the signatures is verified pursuant to Rule .0201 of this Section, no additional signature by that petition signer shall be counted towards the signature requirement for the petition.

(c) No signature on a signature sheet for one petition shall be counted towards the signature requirement for a different petition. This Paragraph does not prevent a petitioner from conducting more than one petition at the same time or the same petition signer from signing multiple petitions.

(d) Only signatures collected during the current election cycle pertaining to the petition shall be counted.

(e) No signature on a signature sheet without the petition circulator's first and last name and signature in the area designated for their name and affirmation shall be counted towards the signature requirement for a petition.

(f) No signature removed from a petition in accordance with Rule .0204 of this Section shall be counted towards the signature requirement for a petition. This Paragraph shall not prevent a petition signer from signing a petition again after their first signature was removed.

(g) Only an original signature written by hand shall be counted toward the signature requirement for a petition.

Authority G.S. 163-22; 163-96; 163-107.1; 163-122; 163-123; 163-213.5; 163-221; 163-296.

08 NCAC 22 .0204 REMOVAL OF SIGNATURE FROM PETITION

(a) A petition signer may cause their signature to be removed from a petition by making a request to a petitioner or a board of elections pursuant to this Rule.

(b) If a petition signer makes a request to the petitioner to have their signature removed from the petition, and the signature sheet is in the petitioner's possession, the petitioner shall strike through the requesting petition signer's information and signature with non-erasable ink and write the word "removed" next to the petition signer's signature.

(c) If a petition signer makes a request to the petitioner to remove their signature from the petition, and the signature sheet has already been submitted to a board of elections for signature verification, the petitioner shall inform the petition signer that the petition signer must make the request to the board of elections. The petitioner shall provide the petition signer with the name and address of the board of elections in possession of the signature sheet with the petition signer's signature.

(d) A petition signer may cause a board of elections to remove their signature from a petition by submitting a completed petition signature removal form to the board of elections in person, by mail, or by email. A copy of the form may be obtained from the State Board of Elections website (<https://www.ncsbe.gov/candidates/petitions>). The form shall require the following:

- (1) the name of the petitioner or a description of the petition;
- (2) the petition signer's printed first and last name;
- (3) the petition signer's residential address street name, street number, and zip code;

(4) the petition signer's date of birth;

(5) the county in which the petition signer signed the signature sheet;

(6) the petition signer's signature affirming their intent to withdraw their signature from the petition.

(e) When a board of elections receives a completed petition signature removal form, an official shall confirm the request is from the petition signer by matching the information on the form with the information listed on the signature sheet and comparing the signature on the form with the signature on the signature sheet using the same standards for signature verification in Rule .0201 of this Section. After making this confirmation, the official shall notate on the signature sheet that the petition signer's signature has been removed from the petition and change the corresponding status in the petition module to "Signature Withdrawn." If the board of elections issued a signature certificate to the petitioner prior to the removal of a signature from the petition, the board of elections shall issue a new signature certificate with the corrected total.

(f) No signature shall be removed from a petition once the board of elections with ultimate jurisdiction of the petition has taken final action on the petition.

Authority G.S. 163-22; 163-96; 163-107.1; 163-122; 163-123; 163-213.5; 163-221; 163-296.

SECTION .0300 – PETITIONS TO BE RECOGNIZED AS A POLITICAL PARTY

08 NCAC 22 .0301 NEW PARTY PETITIONS

(a) This Section shall only apply to new party petitions.

(b) For the purposes of this Section:

(1) "New party petition" means a petition to be recognized as a political party pursuant to G.S. 163-96.

(2) "Prospective party" means a political party, including its officers and organizers, seeking recognition as a political party in the State through a new party petition.

(3) "Signature threshold requirement" means the number of verified signatures necessary to meet the signature threshold in G.S. 163-96(a)(2), measured by the combined number of votes cast for all candidates in the most recent general election for Governor.

(4) "Target election" means the first statewide general election in which the proposed political party desires to participate.

(c) For the purposes of this Chapter, the final action on a new party petition shall be the State Board's decision whether to recognize the petitioning party as a political party in North Carolina pursuant to Rule .0306 of this Section.

Authority G.S. 163-22; 163-96.

08 NCAC 22 .0302 PROSPECTIVE PARTY NAME

(a) Within one business day of the filing of a petition request form for a new party petition, State Board staff shall compare the name

of the prospective party against the names of the existing political parties recognized in the State and proceed as follows:

- (1) If staff determines that the name of the prospective party contains any word that appears in the name of an existing political party, staff shall inform the petitioner in writing that the prospective party must choose a different name in accordance with G.S. 163-96(b).
- (2) If staff determines that the name of the prospective party does not contain any word that appears in the name of an existing political party, staff shall refer the matter to the Executive Director. The Executive Director shall determine whether the prospective party's name is so similar to that of an existing political party recognized in the State that voters will be confused or misled in an election.

(b) When the Executive Director makes the determination required under Subparagraph (a)(2) of this Rule, the determination shall be transmitted in writing to the State Board. The State Board will then act on the determination as follows:

- (1) If, after two calendar days following the transmission of the determination, no State Board member has raised an oral or written objection to the Executive Director's determination, the determination shall become effective.
- (2) If a State Board member raises an oral or written objection to the Executive Director's determination within two calendar days following the transmission of the determination, the State Board shall decide the matter at a public meeting.

(c) If the name of a prospective party is approved because it has been determined that the name is not too similar to that of an existing political party recognized in the State, State Board staff shall inform the petitioner of that determination in writing and proceed under Rule .0104 of this Chapter.

(d) If the name of a prospective party is rejected because it has been determined that the name is too similar to that of an existing political party recognized in the State, State Board staff shall inform the petitioner of that determination in writing and that the prospective party must choose a different name in accordance with G.S. 163-96(b).

(e) A petitioner required to choose a different name for a prospective party shall notify the State Board of the different name by submitting a new petition request form.

Authority G.S. 163-22; 163-96.

08 NCAC 22 .0303 CHANGES IN PROSPECTIVE PARTY STATE CHAIR'S INFORMATION

(a) The petitioner shall give the State Board written notice of any change in the name, residential address, or phone number of the prospective party's state chair that occurs after the petitioner has submitted the petition request form. The written notice shall be provided within five business days of the change and shall include

the changed information and the date upon which the change occurred.

(b) State Board staff shall update the relevant information in the petition module and notify the county boards of elections of the change by email within five business days of receipt of the notice.

(c) The petitioner shall ensure the signature sheets for their petition reflect the current name, residential address, and phone number of the state chair when petition signers sign the signature sheet. No signature signed to a signature sheet without the name of the prospective party's state chair that is current as of the date of the petition signer's signature shall be counted towards the signature requirement for the petition.

Authority G.S. 163-22; 163-96.

08 NCAC 22 .0304 CONTINUING A NEW PARTY PETITION

(a) A prospective party that has not submitted the number of verified signatures required to participate as a recognized political party in the target election identified on the petition request form by the deadline for doing so pursuant to G.S. 163-96 may submit a written notice to the State Board that the prospective party wants to change its target election. The petitioner shall provide this notice by submitting a new petition request form that identifies the next subsequent statewide general election as the new target election. The notice shall be submitted no later than five business days after the original deadline in G.S. 163-96 to file their petition based on the prospective party's original target election. Only those verified signatures that were gathered during the election cycle pertaining to the petition may continue to be counted for the petition under its new target election.

(b) State Board staff shall notify the county boards of elections of the continuance of the petition by email within five business days of the receipt of the new petition request form with the new target election.

Authority G.S. 163-22; 163-96.

08 NCAC 22 .0305 GENERAL PURPOSE AND INTENT OF THE NEW PARTY

(a) Within 10 business days of being issued the signature sheet template under Rule .0104 of this Chapter, the petitioner shall submit written documentation to the State Board demonstrating how the petition circulators will inform a petition signer of the prospective party's general purpose and intent when collecting signatures. The petitioner may submit additional documentation to the State Board regarding how the prospective party informed petition signers of the prospective party's general purpose and intent at any time before the State Board determines the sufficiency of the new party petition.

(b) The documentation demonstrating how the petition circulators will inform a petition signer of the general purpose and intent may include, but is not limited to, any of the following:

- (1) training and instructional materials that will be provided to petition circulators before they begin collecting signatures;
- (2) scripts that petition circulators will use when collecting signatures; or

- (3) a written statement that materials, such as handouts, posters, and other promotional materials, will be used by petition circulators when collecting signatures.

(c) A county board shall not conduct signature verification of the prospective party's signature sheets until the documentation required under this Rule has been submitted to the State Board.

Authority G.S. 163-22; 163-96.

08 NCAC 22 .0306 SUFFICIENCY OF NEW PARTY PETITIONS

(a) The petitioner shall submit the prospective party's original verified signature sheets and signature certificates to the State Board no later than one month after receiving the verified signature sheets and certificates from a county board of elections. This requirement shall not act to extend the applicable statutory deadline for filing new party petitions with the State Board.

(b) After submitting verified signature sheets and signature certificates to the State Board, the petitioner shall notify the State Board of the prospective party's desire for the State Board to proceed with determining the sufficiency of its new party petition by submitting a written notice by mail or email to the State Board. The notice shall include the number of verified signatures that the prospective party's records show it has submitted to the State Board and shall be accompanied by affidavits signed by each of the prospective party's petition circulators affirming that they informed the petition signers of the general intent and purpose of the prospective party before the petition signers signed the signature sheets. The petitioner may submit any additional documentation that the prospective party believes will aid the State Board in its determination of the sufficiency of the new party petition.

(c) Within five business days of receiving the notice made pursuant to Paragraph (b) of this Rule, State Board staff shall begin reviewing the signature sheets, signature certificates, and documentation that has been submitted by the prospective party for completeness and compliance with this Chapter and Chapter 163 of the General Statutes. As part of this review, State Board staff shall review a random sample of signature sheets using the same standards required of county boards in Rule .0201 of this Chapter. The random sample shall be of 1,000 verified signatures selected from all signature sheets that were reviewed by county boards. State Board staff shall thereafter prepare a report summarizing staff's findings regarding the new party petition and provide the completed report to the State Board. The report shall include an analysis of whether the results of the review of the random sample of signatures, when extrapolated to all verified signatures for the petition, would impact whether the petitioner has met the signature threshold requirement. This Paragraph shall not prevent State Board staff from initiating this review prior to receiving the notice from the petitioner.

(d) The State Board shall take the following into account when determining the sufficiency of a new party petition:

- (1) Whether the number of timely submitted, verified signatures is sufficient to meet the signature threshold requirement and congressional district signature requirement in G.S. 163-96(a)(2).

- (2) Whether the new party petition complied with the general requirements for the conduct of petitions in Section .0100 of this Chapter.

- (3) Whether the new party petition complied with the specific requirements for the conduct of new party petitions in this Section.

- (4) State Board staff's report prepared pursuant to Paragraph (c) of this Rule.

The State Board, in making its determination, shall require that the petitioner provide additional documentation regarding the conduct of the petition when the chair or two members of the State Board conclude that the documentation is likely to provide information that is both relevant and material to the new party petition's compliance with the requirements of G.S. 163-96 and this Chapter, the information sought is not unnecessarily duplicative of documentation already submitted by the petitioner, and the request is not likely to subject the petitioner to undue burden, expense, or delay in the consideration of their petition. The State Board shall inform the petitioner of the requirement to provide additional documentation in writing and shall serve the petitioner in the same manner as allowed for service of subpoenas in the North Carolina Rules of Civil Procedure.

(e) The State Board's decision whether to recognize the prospective party as a political party in North Carolina shall be made in an open meeting by a majority vote of the State Board members. The State Board shall recognize the prospective party as a political party in North Carolina only if the State Board has determined the petition is sufficient in accordance with G.S. 163-96 and this Rule.

Authority G.S. 163-22; 163-23; 163-96.

SECTION .0400 – PETITIONS TO BE ON THE BALLOT AS AN UNAFFILIATED CANDIDATE

08 NCAC 22 .0401 UNAFFILIATED CANDIDATE PETITIONS

(a) This Section shall apply to unaffiliated candidate petitions only.

(b) For the purposes of this Section:

- (1) "Prospective unaffiliated candidate" means the petitioner seeking to have their name printed on the general election ballot as an unaffiliated candidate.
- (2) "Unaffiliated candidate petition" means a petition to place a voter's name on a general election ballot as an unaffiliated candidate pursuant to G.S. 163-122 or G.S. 163-296.

(c) When an unaffiliated candidate petition is filed with the State Board and a county board of elections is conducting signature verification, a digital version of the signature sheet provided by the State Board to the county board shall be considered an original signature sheet for the purposes of signature verification under Section .0200 of this Chapter.

(d) For the purposes of this Chapter, the final action on an unaffiliated candidate petition shall be the board of elections' notice to the prospective candidate pursuant to Rule .0402 of this Section stating whether they have met the signature requirement for their petition.

Authority G.S. 163-22; 163-122; 163-296.

08 NCAC 22 .0402 PROCESSING UNAFFILIATED CANDIDATE PETITIONS

(a) Within one business day of the receipt of a completed petition request form for an unaffiliated candidate petition, the board of elections shall inform the prospective unaffiliated candidate of the constitutional and statutory qualifications for the office sought and that the petition will be cancelled if the candidate does not meet those qualifications when submitting the signature sheets for their unaffiliated candidate petition.

(b) At the time of receipt of the first completed signature sheet submitted in support of an unaffiliated candidate petition, the board of elections shall inspect the registration records of the prospective unaffiliated candidate's county and proceed under G.S. 163-122(d). Before proceeding to cancel an unaffiliated candidate petition, the board of elections shall provide the prospective unaffiliated candidate with an opportunity to submit a voter registration form so that their voter registration record reflects their current qualifications for the office sought.

(c) Within five business days of the completion of signature verification for an unaffiliated candidate petition, the board of elections with which the petition was filed shall issue a written notice to the prospective unaffiliated candidate stating whether the candidate has met the applicable signature requirement in G.S. 163-122.

Authority G.S. 163-22; 163-122; 163-296.

SECTION .0500 – PETITIONS TO QUALIFY AS A WRITE-IN CANDIDATE

08 NCAC 22 .0501 WRITE-IN CANDIDATE PETITIONS

(a) This Section shall apply to write-in candidate petitions only.

(b) For the purposes of this Section:

- (1) "Declaration of intent form" means the declaration of intent document required to be submitted when filing a write-in candidate petition pursuant to G.S. 163-123.
- (2) "Prospective write-in candidate" means the petitioner seeking to have write-in votes for them counted in a general election.
- (3) "Write-in candidate petition" means a petition to have write-in votes for a voter counted in a general election pursuant to G.S. 163-123.

(c) For the purposes of this Chapter, the final action on a write-in candidate petition shall be the board of elections' notice to the prospective candidate pursuant to Rule .0502 of this Section stating whether the prospective candidate has met the requirements for their petition.

Authority G.S. 163-22; 163-123.

08 NCAC 22 .0502 PROCESSING WRITE-IN CANDIDATE PETITIONS

(a) Within one business day of the receipt of a completed petition request form for a write-in candidate petition, the board of elections shall inform the prospective write-in candidate of the

constitutional and statutory qualifications for the office sought and that the petition will be cancelled if the candidate does not meet those qualifications when submitting the signature sheets for their write-in candidate petition.

(b) The prospective write-in candidate shall submit a declaration of intent form at the time of submitting the first completed signature sheet in support of their write-in candidate petition. A copy of the declaration of intent form may be obtained from the State Board of Elections website (<https://www.ncsbe.gov/candidates/petitions>).

(c) A board of elections in receipt of a write-in candidate petition shall proceed as follows:

- (1) If the write-in candidate petition is required to be filed with a county board of elections under G.S. 163-123, then at the time of the receipt of the first completed signature sheet submitted in support of the petition, the county board of elections shall inspect the registration records of the prospective write-in candidate's county and proceed under G.S. 163-123(g).
- (2) If the write-in candidate petition is required to be filed with the State Board under G.S. 163-123, then at the time of the receipt of the first verified signature sheet submitted in support of the petition, the State Board shall inspect the registration records of the prospective write-in candidate's county and proceed under G.S. 163-123(g).

Before proceeding to cancel a write-in candidate petition, the board of elections with which the petition was filed shall provide the prospective write-in candidate with an opportunity to submit a voter registration form so that their voter registration record reflects their current qualifications for the office sought.

(d) Within five business days of the board of elections determining whether a write-in candidate petition complies with G.S. 163-123 and this Rule, the board of elections with which the petition was filed shall issue a written notice to the prospective write-in candidate stating whether the candidate has met the requirements to have write-in votes for them counted in the general election.

Authority G.S. 163-22; 163-123.

SECTION .0600 – PETITIONS TO BE A CANDIDATE WITHOUT THE PAYMENT OF A FILING FEE

08 NCAC 22 .0601 IN LIEU OF FILING FEE PETITION

(a) This Section shall apply to in lieu of filing fee petitions only.

(b) For the purposes of this Section:

- (1) "Prospective candidate" means the petitioner seeking to be a candidate in a political party's primary without paying a filing fee.
- (2) "In lieu of filing fee petition" means a petition requesting that a prospective candidate participate in a political party's primary without paying a filing fee pursuant to G.S. 163-107.1.

(c) For the purposes of this Chapter, the final action on an in lieu of filing fee petition shall be the board of elections' notice to the

PROPOSED RULES

prospective candidate stating whether they have met the requirements for their petition. Authority G.S. 163-22; 163-107.1.

RULES REVIEW COMMISSION

This Section contains information for the meeting of the Rules Review Commission March 27, 2025 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners. Specific instructions and addresses may be obtained from the Rules Review Commission at 984-236-1850. Anyone wishing to address the Commission should notify the RRC staff and the agency no later than 5:00 p.m. of the 2nd business day before the meeting. Please refer to RRC rules codified in 26 NCAC 05.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate

Jeanette Doran (Chair)
John Hahn
Jeff Hyde
Brandon Leebrick
Bill Nelson

Appointed by House

Jake Parker (1st Vice-Chair)
Paul Powell (2nd Vice-Chair)
Wayne R. Boyles, III
Christopher Loutit
Randy Overton

COMMISSION COUNSEL

William W. Peaslee	984-236-1939
Seth M. Ascher	984-236-1934
Travis Wiggs	984-236-1929

RULES REVIEW COMMISSION MEETING DATES

March 27, 2025	May 29, 2025
April 24, 2025	June 26, 2025

AGENDA

RULES REVIEW COMMISSION

Thursday, March 27, 2025, 10:00 A.M.

1711 New Hope Church Rd., Raleigh, NC 27609

- I. Ethics reminder by the chair as set out in G.S. 138A-15(e)
- II. Approval of the minutes from the last meeting
- III. Follow-up matters
 1. Coastal Resources Commission - 15A NCAC 07H .0508; 15A NCAC 07J .1401, .1402, .1403, .1405; 15A NCAC 07J .1501, .1502, .1503 (Peaslee)
- IV. Review of Log of Filings (Permanent Rules) for rules filed January 21, 2025 through February 20, 2025
 1. Board of Elections (Peaslee)
 2. Department of Environmental Quality (Wiggs)
 3. Board of Chiropractic Examiners (Peaslee)
 4. Board of Examiners for Engineers and Surveyors (Peaslee)
 5. Wildlife Resources Commission (Peaslee)
- V. Review of Log of Filings (Temporary Rules) for any rule filed within 15 business days prior to the RRC Meeting
- VI. Existing Rules Review
 - Review of Reports
 1. 02 NCAC 48C, 48D – Board of Agriculture (Wiggs)
 2. 04 NCAC 08 - Rural Electrification Authority (Wiggs)
 3. 10A NCAC 05 - DHHS - Division of Aging (Ascher)
 4. 10A NCAC 09 – Child Care Commission (Ascher)
 5. 10A NCAC 27E, 27F, 27H, 27I, Section -.0400, .0500, 28A - DHHS - Division of Mental Health/DD/SAS (Wiggs)
 6. 10A NCAC 27I .0600 - DHHS - Commission for Mental Health/DD/SAS (Wiggs)
 7. 21 NCAC 42 - Board of Examiners in Optometry (Wiggs)

VII. Commission Business

- Closed session, to consult with attorneys regarding CRC v. RRC and CJETS v. RRC; and BRIAN LIEBMAN, in his official capacity as CODIFIER OF RULES
- Next meeting: Thursday, April 24, 2025

Commission Review
Log of Permanent Rule Filings
 January 21, 2025 through February 20, 2025

ELECTIONS, STATE BOARD OF

The rules in Chapter 21 concern reporting (.0100) political committees and referendum committees (.0200); use of contributions (.0300); examinations (.0400); and disclosure requirements for media advertisements (.0500).

Federal Political Committee Reporting 08 NCAC 21 .0105
 Repeal*

ENVIRONMENTAL QUALITY, DEPARTMENT OF

The rules in Subchapter 01V concern decommissioning and financial assurance requirements for utility-scale solar projects.

Applicability and Definitions 15A NCAC 01V .0101
 Adopt*

Registration and Fee Requirements for New and Existing USSPs 15A NCAC 01V .0102
 Adopt*

Registration Fee Amount for New and Existing USSPs 15A NCAC 01V .0103
 Adopt*

Decommissioning Cost Estimate Requirements for New and Ex... 15A NCAC 01V .0104
 Adopt*

General Requirements for Financial Assurance for New USSPs 15A NCAC 01V .0105
 Adopt*

Allowable Mechanisms for Financial Assurance for New USSPs 15A NCAC 01V .0106
 Adopt*

Required Language for Financial Assurance Mechanisms for ... 15A NCAC 01V .0107
 Adopt*

WILDLIFE RESOURCES COMMISSION

The rules in Subchapter 10F cover motorboats and water safety including boat registration (.0100); safety equipment and accident reports (.0200); and local water safety regulations covering speed limits, no-wake restrictions, restrictions on swimming and other activities, and placement of markers for designated counties or municipalities (.0300).

Bladen County 15A NCAC 10F .0304
 Amend*

CHIROPRACTIC EXAMINERS, BOARD OF

The rules in Chapter 10 include organization of the Board (.0100); the practice of chiropractic (.0200); rules of unethical conduct (.0300); rule-making procedures (.0400); investigation of complaints (.0500); contested cases and hearings in contested cases (.0600-.0700); and miscellaneous provisions (.0800).

Advertising and Publicity 21 NCAC 10 .0302

Amend*

ENGINEERS AND SURVEYORS, BOARD OF EXAMINERS FOR

The rules in Chapter 56 concern the organization of the board (.0100); instructional programs (.0300); records and reports of the board, retention and dispositions (.0400); professional engineer (.0500); professional land surveyor (.0600); rules of professional conduct (.0700); firm registration (.0800); general business entities (.0900); temporary permit (.1000); seal (.1100); rulemaking proceedings (.1200); board disciplinary procedures (.1300); contested cases (.1400); fees (.1500); standards of practice for land surveying in North Carolina (.1600); and continuing professional competency (.1700).

<u>Application Procedure: Individual</u>	21	NCAC	56	.0502
Amend*				
<u>Offices</u>	21	NCAC	56	.0901
Amend*				
<u>Business Titles</u>	21	NCAC	56	.0902
Amend*				