

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Elections and Ethics Enforcement

RULE CITATION: 08 NCAC 04 .0301

**DEADLINE FOR RECEIPT: Friday, September 7, 2018**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In Item (1), delete or define "reasonably"*

*Items (2) and (3) appear to conflict with 163A-1114(f). Please review and revise. Please also review Item (5) with this in mind.*

*In Item (4), are the recognized political parties set forth in statute? Also, what is meant by "other lawful candidates"?*

*What is meant by Item (6)? Please review and clarify.*

*In Item (8), when will a voter have the right to vote for or against a question?*

*In Item (9), please add a comma after "general election"*

*In Item (9), please update the statutory reference.*

*In Item (10), when will a voter be entitled to vote in a primary?*

*In Item (11), please delete or define "properly", "correctly", and "accurately"*

*In Item (12), please delete or define "visible"*

*In Item (13), please delete or define "clearly"*

*In Item (15), what are the "Federal Voting System Standards or other Federal Standards"? Please incorporate these in accordance with 150B-21.5 if appropriate.*

*In Item (16), please delete or define "suitably" and "durably"*

*In Item (17), when would it be necessary to "take action"?*

*Please update the statutory authority in your History Note.*

Amber May  
Commission Counsel  
Date submitted to agency: August 23, 2018

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: August 23, 2018

08 NCAC 04 .0301 is readopted as published in 31:23 NCR 2311 as follows:

**08 NCAC 04 .0301            REQUIREMENTS OF VOTING SYSTEMS**

Any voting system used in any election in North Carolina shall be constructed to fulfill the following requirements:

- (1) It shall be designed to reasonably secure secrecy of the voter in the act of voting;
- (2) It shall enable the voter to vote a straight party ticket in a general election;
- (3) It shall require the voter to vote for the candidates for president and vice-president separately from the straight party vote;
- (4) It shall provide capacity for listing of all nominees of all recognized political parties and other lawful candidates;
- (5) It shall, except in primary elections, permit the voter to vote for all the candidates of one party, or in part for the candidates of one or more other parties;
- (6) It shall permit the voter to vote for only as many persons for an office as the voter chooses and is lawfully entitled to vote for;
- (7) It shall prevent the voter from voting for the same persons more than once for the same office;
- (8) It shall permit the voter to vote for or against only the question(s) the voter may have the right to vote;
- (9) It shall permit each voter in a general election but not in a primary, to write in the name of persons for whom he desires to vote, whose names do not appear upon the ballot, except where prohibited by G.S. 163-123 or other statutes;
- (10) It shall be equipped for use in primary elections so that the voter may vote only in the primary election to which the voter is entitled to vote;
- (11) When properly operated, it shall correctly register or record, and accurately count all votes cast for all ballot items;
- (12) It shall contain a visible public counter that shall show at all times during an election the number of persons who have voted;
- (13) It shall clearly indicate to the voter during the act of voting the ballot items the voter has selected;
- (14) Vote totals for each ballot item shall be contained by a method that is locked and concealed at all times during the time the polls are open;
- (15) It shall meet current Federal Voting System Standards or other applicable Federal Standards;
- (16) It shall be suitably designed and durably constructed for the conduct of elections; and
- (17) It shall be equipped to provide retrievable ballots during absentee voting where an absentee voter's ballot is linked to that voter for possible retrieval if it becomes necessary to take action as to that cast ballot.

*History Note: Authority G.S. 163-22; 163-165.7;  
Temporary Adoption Eff. April 15, 2002;*

- 1 *Eff. August 1, 2004*
- 2 *Readopted Eff. September 1, 2018.*