

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Board of Elections

RULE CITATION: All Rules

DEADLINE FOR RECEIPT: Friday, September 12, 2014

NOTE WELL: This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Please correct the publication date of the Notice of Text on the Submission for Permanent Rule Form. 3/14/14 is not a date of the North Carolina Register. It appears as though these Rules were actually published in the Register on 4/15/14.

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amber Cronk May
Commission Counsel
August 28, 2014

REQUEST FOR TECHNICAL CHANGE

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In reviewing these rules, the staff determined that the following technical changes need to be made:

Please note that the earliest date that these Rules can be effective is October 1, 2014. Currently, all rules have an effective date of September 1, 2014.

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amber Cronk May
Commission Counsel
August 28, 2014

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Board of Elections

RULE CITATION: 08 NCAC 16 .0101 – 08 NCAC 18 .0105

DEADLINE FOR RECEIPT: Friday, September 12, 2014

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In reviewing these rules, the staff determined that the following technical changes need to be made:

In the Submission for Permanent Rule Form, please verify the website listed for the above-referenced Rules.

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amber Cronk May
Commission Counsel
August 28, 2014

1 08 NCAC 15 .0101 is adopted with changes as published in 28:20 NCR 2418 as follows:

2
3 **CHAPTER 15 – RULE-MAKING**

4
5 **SECTION .0100 - PETITION FOR RULE-MAKING**

6
7 **08 NCAC 15 .0101 INSTRUCTIONS FOR FILING A PETITION FOR RULE-MAKING**

8 (a) Any person may petition the State Board of Elections to adopt a new rule, or amend or repeal an existing
9 ~~rule~~rule, by submitting a rule-making petition to the office of the State Board of Elections. The petition
10 ~~must~~shall be titled “Petition for Rule-making” and ~~must~~include the following information:

- 11 (1) the name and address of the person submitting the petition;
- 12 (2) a citation to any rule for which an amendment or repeal is requested;
- 13 (3) a draft of any proposed rule or amended rule;
- 14 (4) an explanation of why the new rule or amendment or repeal of an existing rule is requested
15 and the effect of the new rule, amendment, or repeal on the procedures of the State Board of
16 Elections; and
- 17 (5) any other information the person submitting the petition considers relevant.

18 (b) The State Board of Elections ~~must~~shall decide whether to grant or deny a petition for rule-making within
19 120 days of receiving the petition. In making its decision, the Board ~~will~~shall consider the information
20 submitted with the petition ~~and any other relevant information~~.

21 (c) When the State Board of Elections denies a petition for rule-making, it ~~must~~shall send written notice of the
22 denial to the person who submitted the request. The notice ~~must~~shall state the reason for the denial. When the
23 State Board of Elections grants a rule-making petition, it ~~must~~shall initiate rule-making proceedings and send
24 written notice of the proceedings to the person who submitted the request.

25
26 *History Note:* Authority G.S. 150B-20;
27 Eff. September 1, 2014.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Board of Elections

RULE CITATION: 08 NCAC 15 .0102

DEADLINE FOR RECEIPT: Friday, September 12, 2014

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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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

This Rule states "The State Board," but in other rules submitted, "The State Board of Elections" is listed. Please make consistent.

In (c), when would the Board determine that a declaratory ruling is not necessary? As written, this language creates an ambiguity. Please also note that (a1)(1) still applies.

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amber Cronk May
Commission Counsel
August 28, 2014

1 08 NCAC 15 .0102 is adopted with changes as published in 28:20 NCR 2419 as follows:

2

3 **08 NCAC 15 .0102 DECLARATORY RULINGS: AVAILABILITY**

4 (a) The State Board may issue declaratory rulings pursuant to G.S. 150B-4. All requests for declaratory
5 rulings shall be in writing and submitted to the office of the State Board of Elections.

6 (b) ~~Every~~A request for a declaratory ruling ~~must~~shall include the following information:

7 (1) the name and address of the ~~petitioner,~~petitioner;

8 (2) the reference to the statute or rule in ~~question,~~question;

9 (3) a statement as to why the petitioner is a person ~~aggrieved,~~aggrieved; and

10 (4) the consequences of a failure to issue a declaratory ruling.

11 (c) A declaratory ruling shall not be issued on a matter requiring an evidentiary proceeding or if the State
12 Board determines that a declaratory ruling is not necessary after reviewing a request.

13

14 *History Note: Authority G.S. 150B-4;*

15 *Eff. September 1, 2014.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Board of Elections

RULE CITATION: 08 NCAC 16 .0101

DEADLINE FOR RECEIPT: Friday, September 12, 2014

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In reviewing these rules, the staff determined that the following technical changes need to be made:

In (b), line 10, is “(“covered facility”)” necessary given that “covered facility” later defined. This seems redundant.

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amber Cronk May
Commission Counsel
August 28, 2014

1 08 NCAC 16 .0101 is adopted with changes as published in 28:20 NCR 2419 as follows:

2
3 **CHAPTER 16 – MULTIPARTISAN ASSISTANCE TEAMS**

4
5 **08 NCAC 16 .0101 MULTIPARTISAN ASSISTANCE TEAMS**

6 (a) Each County Board of Elections shall assemble and provide training to a Multipartisan Assistance Team
7 (“Team”) to respond to requests for voter assistance for any primary, general election, referendum, or special
8 election.

9 (b) For every primary or election listed in ~~Subparagraph~~Paragraph (a), the Team shall be made available in each
10 county to assist patients and residents in every hospital, clinic, nursing home, or rest home (“covered facility”) in
11 that county in requesting or casting absentee ballots as provided by Subchapter VII of Chapter 163 of the General
12 Statutes. For the purposes of this Rule, a “covered facility” is any facility that provides residential healthcare in the
13 State that is licensed or operated pursuant to Chapter 122C, Chapter 131D, or Chapter 131E of the General Statutes;
14 or by the federal government or an Indian tribe.

15 (c) The Team may assist voters in requesting mail-in absentee ballots, serve as witnesses to mail-in absentee voting,
16 and otherwise assist in the process of mail-in absentee voting as provided by Subchapter VII of Chapter 163 of the
17 General Statutes. Upon the voter’s request, the Team shall assist voters who have affirmatively ~~communicated~~
18 communicated, either verbally or nonverbally, a request for assistance, ~~that they do not have a near relative, as~~
19 ~~defined in G.S. 163-230.1(f), or legal guardian available to provide assistance~~

20
21 *History Note: Authority G.S. 163-226.3(a)(4); S.L. 2013-381, Sec. 4.6(b);*
22 *Temporary Adoption Eff. January 1, 2014;*
23 *Eff. September 1, 2014.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Board of Elections

RULE CITATION: 08 NCAC 16 .0102

DEADLINE FOR RECEIPT: Friday, September 12, 2014

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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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In (a), it might be helpful to add "For purposes of this Chapter" before "The County Board of Elections" to make clear that "the team" referenced is only that team that goes into covered facilities. As written, it is unclear whether the team referenced is only for covered facilities or is also for other purposes.

In (a)(1), what do you mean by the most recent year?

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amber Cronk May
Commission Counsel
August 28, 2014

1 08 NCAC 16 .0102 is adopted with changes as published in 28:20 NCR 2419 as follows:

2
3 **08 NCAC 16 .0102 TEAM MEMBERS**

4 (a) ~~The County Board of Elections shall compose the~~ Team ~~shall be composed~~ as follows:

5 (1) At least two registered voters shall be on each Team. The two political parties having the highest
6 number of affiliated voters in the ~~state~~State, as reflected by the registration statistics published by
7 the State Board of Elections on January 1 of the most recent year, shall each be represented by at
8 least one Team member of the party's affiliation. If the Team consists of more than two members,
9 voters who are unaffiliated or affiliated with other political parties recognized by the State of
10 North Carolina may be Team members.

11 (2) If a County Board of Elections finds an insufficient number of voters available to comply with
12 Subparagraph (a)(1) of this Rule, the County Board, upon a unanimous vote of all of its sworn
13 members, may appoint an unaffiliated voter to serve ~~in lieu~~instead of the Team member
14 representing one of the two political parties as set out in Subparagraph (a)(1) of this Rule.

15 (b) Team members ~~may~~shall not be paid or provided travel reimbursement by any political party or candidate for
16 work as Team members.

17
18 *History Note: Authority G.S. 163-226.3(a)(4); S.L. 2013-381, Sec. 4.6(b);*
19 *Temporary Adoption Eff. January 1, 2014;*
20 *Eff. September 1, 2014.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Board of Elections

RULE CITATION: 08 NCAC 16 .0103

DEADLINE FOR RECEIPT: Friday, September 12, 2014

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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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In (a), what are the applicable statutes and Rules?

In (a), please delete or define respectfully and effectively.

In (a), how much training is required? Is there a set number of hours?

In (a), would it be accurate to add "in this Rule" at the end of (a)?

In (b)(1), what duties is this referring to? Are these set out in another Rule? Also, delete or define "objectively."

(b)(2) is a bit awkward. Please consider rewording.

In (b)(3), who are unauthorized persons? Please define or otherwise indicate who this includes.

In (b)(3), is all voter registration information confidential? If so, "confidential" doesn't seem necessary. If not, please indicate what information is considered confidential.

In (b)(6), please change the period at the end to a semi-colon.

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amber Cronk May
Commission Counsel
August 28, 2014

1 08 NCAC 16 .0103 is adopted with changes as published in 28:20 NCR 2419 as follows:

2
3 **08 NCAC 16 .0103 TRAINING AND CERTIFICATION OF TEAM MEMBERS**

4 (a) The State Board of Elections shall provide uniform training materials to each County Board of Elections. The
5 training shall review the applicable statutes and Rules, including the statutory deadlines associated with absentee
6 voting, and provide information to help Team members respectfully and effectively interact with persons who have
7 disabilities. Each County Board of Elections shall administer training for every Team member as directed by the
8 State Board of Elections.

9 (b) Every Team member shall sign a declaration provided by the County Board of Elections that includes the
10 following statements:

- 11 (1) ~~A statement that~~ the Team member will carry out the duties of the Team objectively, will not
12 attempt to influence any decision of a voter being provided any type of assistance, and will not
13 wear any clothing or pins with political messages while assisting voters;
- 14 (2) ~~A statement that~~ the Team member is familiar with absentee voting election laws and will act
15 within ~~the election laws~~, and the Team member will refer to County Board of Elections staff in the
16 event the Team member is unable to answer any question;
- 17 (3) ~~A statement that~~ the Team member will not use, reproduce, or communicate to unauthorized
18 persons any confidential information or document handled by the Team member, including the
19 voting choices of a voter and confidential voter registration information;
- 20 (4) ~~A statement that~~ the Team member will not accept payment or travel reimbursement by any
21 political party or candidate for work as a Team member;
- 22 (5) ~~A statement that~~ the Team member does not hold any elective office under the United States, this
23 State, or any political subdivision of this State;
- 24 (6) ~~A statement that~~ the Team member is not a candidate for nomination or election, as defined in
25 G.S. 163-278.6(4), for any office listed in Subparagraph (b)(5) of this Rule.
- 26 (7) ~~A statement that~~ the Team member does not hold any office in a State, congressional district, or
27 county political party or organization, and is not a manager or treasurer for any candidate or
28 political party. For the purposes of this Subparagraph, a delegate to a convention shall not be
29 considered a party office;
- 30 (8) ~~A statement that~~ the Team member is not an owner, manager, director, or employee of a covered
31 facility where a resident requests assistance;
- 32 (9) ~~A statement that~~ the Team member is not a registered sex offender in North Carolina or any other
33 state; and
- 34 (10) ~~A statement that~~ the Team member understands that submitting fraudulent or falsely completed
35 declarations and documents associated with absentee voting is a Class I felony under Chapter 163
36 of the General Statutes, and that submitting or assisting in preparing a fraudulent or falsely
37 completed document associated with absentee voting may constitute other criminal violations.

38 (c) Upon completion of ~~required~~ training and the declaration, the County Board of Elections shall certify the Team
39 member. Only certified Team members may provide assistance to voters. The certification shall be good for two
40 years, or until the State Board of Elections requires additional training, whichever occurs first.

41

42 *History Note: Authority G.S. 163-226.3(a)(4); S.L. 2013-381, Sec. 4.6(b);*

43 *Temporary Adoption Eff. January 1, 2014;*

44 *Eff. September 1, 2014.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Board of Elections

RULE CITATION: 08 NCAC 16 .0104

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In reviewing these rules, the staff determined that the following technical changes need to be made:

In (b), please put (i) through (iv) in list form with correct formatting.

In (b)(i), should "hospital, clinic, nursing home, or rest home" be "covered facility"? Please be consistent.

In (e)(1), what do you mean by completed? Also, please delete or define "directly."

In (e)(2), what law are you referring to on line 30?

In (f), is there any particular way that you want the record kept or any requirements that you will impose upon the Team? If so, please include.

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amber Cronk May
Commission Counsel
August 28, 2014

1 08 NCAC 16 .0104 is adopted with changes as published in 28:20 NCR 2420 as follows:

2
3 **08 NCAC 16 .0104 VISITS BY MULTIPARTISAN ASSISTANCE TEAMS**

4 (a) The State Board of Elections shall provide annual notice regarding availability of Teams in each county. The
5 notice ~~will~~shall provide information for covered ~~facilities~~facilities, or patients or residents of the facilities, to contact
6 the County Board of Elections to arrange a Team visit.

7 (b) If a facility, or a patient or resident of a facility, requests a visit by the Team, the County Board of Elections shall
8 notify the Team and schedule ~~a visit~~the visit(s) within seven calendar days if it is able to do so. If the County Board
9 of Elections is unable to schedule the visit within seven calendar days, the voter may obtain such assistance from
10 any person other than (i) an owner, manager, director, employee of the hospital, clinic, nursing home, or rest home
11 in which the voter is a patient or resident; (ii) an individual who holds any elective office under the United States,
12 this State, or any political subdivision of this State; (iii) an individual who is a candidate for nomination or election
13 to such office; or (iv) an individual who holds any office in a State, congressional district, county, or precinct
14 political party or organization, or who is a campaign manager or treasurer for any candidate or political party;
15 provided that a delegate to a convention shall not be considered a party office. None of the persons listed in (i)
16 through (iv) of this subdivision may sign the application or certificate as a witness for the patient.

17 (c) On a facility visit, the composition of the visiting Team members shall comply with the requirements of Rule
18 .0102(a)(1) or (a)(2) of this Section.

19 (d) All Team members shall remain within the immediate presence of each other while visiting or assisting patients
20 or residents.

21 (e) At each facility visit, the Team shall provide the following assistance to patients or residents who request ~~it~~:
22 ~~Before providing assistance, the voter must have communicated, either verbally or nonverbally, that he or she~~
23 ~~requests assistance by the Team:~~

- 24 (1) Assistance in requesting a mail-in absentee ballot: The Team shall collect any completed request
25 forms and ~~promptly~~ deliver those request forms directly to the County Board of Elections office.
- 26 (2) Assistance in casting a mail-in absentee ballot: Before providing assistance in voting by mail-in
27 absentee ballot, a Team member shall be in the immediate presence of another Team member
28 whose registration is not affiliated with the same political party. If the Team members provide
29 assistance in marking the mail-in absentee ballot, the Team members shall sign the voter's
30 container-return envelope to indicate that they provided assistance as allowed by law. Team
31 members may also sign the container-return envelope as a witness to the marking of the mail-in
32 absentee ballot.

33 (f) The Team shall make and keep a record containing the names of all voters who received assistance or cast an
34 absentee ballot during a visit, and submit that record to the County Board of Elections.

35
36 *History Note:* Authority G.S. 163-226.3(a)(4); S.L. 2013-381, Sec. 4.6(b);
37 *Temporary Adoption Eff. January 1, 2014;*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Board of Elections

RULE CITATION: 08 NCAC 16 .0105

DEADLINE FOR RECEIPT: Friday, September 12, 2014

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In reviewing these rules, the staff determined that the following technical changes need to be made:

Please correct your deletions in (a) in accordance with our formatting rules.

What is the process for removal? Is this set forth in another Rule?

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amber Cronk May
Commission Counsel
August 28, 2014

1 08 NCAC 16 .0105 is adopted with changes as published in 28:20 NCR 2420 as follows:

2

3 **08 NCAC 16 .0105 REMOVAL OF TEAM MEMBERS**

4 (a) The County Board of Elections shall revoke a Team member's certification, granted under Rule .0103 of this
5 Section, for the following reasons:

6 (1) ~~Violation~~violation of Chapter 163 of the General Statutes or one of the Rules contained in this
7 Section;

8 (2) ~~Political~~political partisan activity in performing Team duties;

9 (3) ~~Failure~~failure to respond to directives from the County Board of Elections; or

10 (4) ~~Failure~~failure to maintain certification pursuant to Rule .0103 of this Section.

11 (b) If the County Board of Elections revokes a Team member's certification, the person ~~may~~shall not participate on
12 the Team.

13

14 *History Note: Authority G.S. 163-226.3(a)(4); S.L. 2013-381, Sec. 4.6(b);*

15 *Temporary Adoption Eff. January 1, 2014;*

16 *Eff. September 1, 2014.*