

# SUBMISSION FOR PERMANENT RULE

<b>1. Rule-Making Agency:</b>	
<b>2. Rule citation &amp; name (name not required for repeal):</b>	
<b>3. Action:</b> <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL	<b>4. Exemption. Rule exempt from RRC review according to (cite session law or general statute):</b>
<b>5. Agency obtained G.S. 150B-19.1 certification:</b> <input type="checkbox"/> OSBM certified on: <input type="checkbox"/> RRC certified on: <input type="checkbox"/> Not Required	
<b>6. Notice for Proposed Rule:</b> <input type="checkbox"/> Notice Required Notice of Text published on: Link to Agency notice: Hearing on: Adoption by agency on: <input type="checkbox"/> Notice not required under G.S.: Adoption by agency on:	
<b>7. Fee. Rule establishes or increases a fee? (See G.S. 12-3.1)</b>  <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority:  <input type="checkbox"/> No	<b>8. Fiscal impact (check all that apply):</b>  <input type="checkbox"/> State funds affected <input type="checkbox"/> Environmental permitting of DOT affected and analysis submitted to Board of Transportation <input type="checkbox"/> Local funds affected <input type="checkbox"/> "Substantial economic impact (≥\$3.200,000) <input type="checkbox"/> "Approved by OSBM <input type="checkbox"/> "No fiscal note required
<b>9. REASON FOR ACTION</b>	
<b>9A. What prompted this action? Check all that apply:</b> <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted in last General Assembly session Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
<b>9B. Explain:</b>	
<b>10. Rule-making Coordinator:</b> Address:  Phone: E-Mail:  Agency Contact, if any: Phone: E-Mail:	<b>11. Signature of Agency Head* or Rule-making Coordinator:</b>   <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.  Typed Name: Title:
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<b>Action taken:</b>  <input type="checkbox"/> RRC Extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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. October 1, 2014.

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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 of Elections may issue declaratory rulings pursuant to G.S. 150B-4. All requests for  
5 declaratory 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.

12

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

14 *Eff. October 1, 2014.*

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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  
11 ~~facility~~”) covered facility in that county in requesting or casting absentee ballots as provided by Subchapter VII of  
12 Chapter 163 of the General Statutes. For the purposes of this Rule, a “covered facility” is any hospital, clinic,  
13 nursing home, or rest home ~~facility~~ that provides residential healthcare in the State that is licensed or operated  
14 pursuant to Chapter 122C, Chapter 131D, or Chapter 131E of the General Statutes; or by the federal government or  
15 an Indian tribe.

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

21  
22 *History Note: Authority G.S. 163-226.3(a)(4); S.L. 2013-381, Sec. 4.6(b);*  
23 *Temporary Adoption Eff. January 1, 2014;*  
24 *Eff. October 1, 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) For purposes of this Chapter, the County Board of Elections shall compose the~~The~~ Team ~~shall be composed~~ as  
5 follows:

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

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

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

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



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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 Rules of this Chapter as well as G.S. 163-226.3, 163-230.1, 163,230.2, and 163-231,  
6 including the statutory deadlines associated with absentee voting, and provide information to help Team members  
7 interact with persons who have disabilities. Every Team member shall confirm in writing that he or she has reviewed  
8 and understands the content of the training. Each County Board of Elections shall administer training for every  
9 Team member as directed by the State Board of Elections in this Rule.

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

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





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

11 (1) an owner, manager, director, employee of the hospital, clinic, nursing home, or rest home in which  
12 the voter is a patient or resident;

13 (2) an individual who holds any elective office under the United States, this State, or any political  
14 subdivision of this State;

15 (3) an individual who is a candidate for nomination or election to such office; or

16 (4) an individual who holds any office in a State, congressional district, county, or precinct political  
17 party or organization, or who is a campaign manager or treasurer for any candidate or political  
18 party; provided that a delegate to a convention shall not be considered a party office.

19 None of the persons listed in (1) through (4) of this Paragraph may sign the application or certificate as a witness for  
20 the patient.

21 (c) On a facility visit, the composition of the visiting Team members shall comply with the requirements of Rule  
22 .0102(a)(1) or (a)(2) of this Section.

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

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

28 (1) Assistance in requesting a mail-in absentee ballot: The Team shall collect any ~~completed~~request  
29 forms submitted by voters and promptly deliver those request forms immediately to the County  
30 Board of Elections office upon leaving the facility.

31 (2) Assistance in casting a mail-in absentee ballot: Before providing assistance in voting by mail-in  
32 absentee ballot, a Team member shall be in the immediate presence of another Team member  
33 whose registration is not affiliated with the same political party. Team members shall sign the  
34 return envelope as witnesses to the marking of the mail-in absentee ballot. If the Team members  
35 provide assistance in marking the mail-in absentee ballot, the Team members shall also sign the  
36 voter's ~~container~~ return envelope to indicate that they provided assistance as allowed by law in

37 marking the ballot. ~~Team members may also sign the container return envelope as a witness to the~~  
38 ~~marking of the mail in absentee ballot.~~

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

42  
43 *History Note: Authority G.S. 163-226.3(a)(4); S.L. 2013-381, Sec. 4.6(b);*  
44 *Temporary Adoption Eff. January 1, 2014;*  
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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~~revoke, pursuant to G.S. 163-33(2), a Team member's  
5 ~~certification~~,certification granted under Rule .0103 of this ~~Section~~,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. 163-33(2), 163-226.3(a)(4); S.L. 2013-381, Sec. 4.6(b);*

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

16 *Eff. October 1, 2014.*