



NORTH CAROLINA

State Board of Elections

Mailing Address:
P.O. Box 27255
Raleigh, NC 27611-7255

Phone: (919) 733-7173
Fax: (919) 715-0135

November 15, 2016

Via E-Mail Only

Garth K. Dunklin, Chair
N.C. Rules Review Commission
garth.dunklin@bassdunklin.com

Re: Request for waiver of the filing deadline set forth in 26 NCAC 05 .0203(c)

Dear Mr. Dunklin:

I am writing to you pursuant to 26 NCAC 05 .0204(a) to request an extension of time within which to file the Periodic Review and Expiration of Existing Rules Reports for submission to the Rules Review Commission for the North Carolina State Board of Elections. The Board will not be able to make the November 15th filing deadline, but we expect to be able to file the reports in time for the Commission to review the reports as scheduled at its December 2016 meeting.

The State Board of Elections has experienced a critical shortage of staff resources with the departure of our rulemaking coordinator at a time that agency responsibilities have demanded the full attention of legal counsel. Our General Counsel, Joshua Lawson, agreed to serve as rulemaking coordinator during a time that he has also spearheaded agency response to multiple administrative challenges associated with statutory directives, subsequent amendments to those directives, court orders, and more than a dozen lawsuits that have been filed in association with both the primary and general elections of 2016.

We have received no public comment in response to our notice of periodic review for eleven reports [08 NCAC 01; 02; 03; 04; 05; 06; 07; 08; 09; 10; and 12], the comment period for which began August 15th and ended October 14th. We anticipate that the Board will make a final decision on the proposals at its canvass meeting November 29th, which would enable the Rules Review Commission to review the reports at its December 15th meeting.

We truly regret having missed this filing deadline, but respectfully ask that you consider the extraordinary number of legal issues that our staff has confronted during this critical election season as you evaluate our request for a waiver of the filing deadline set forth in 26 NCAC 05 .0203(c).

Sincerely,

Kimberly Westbrook Strach
Executive Director, North Carolina State Board of Elections