

To: North Carolina Rules Review Commission (RRC) - (rrc.comments@oah.nc.gov)

From: Stephanie F. McGuire

RE: Formal Comments & Request for Legislative Review Rule Citations: [08 NCAC 23 .0101](#), [.0102](#), [.0103](#), and [.0104](#)

I am writing to formally comment on the "List Maintenance" rules adopted by the North Carolina State Board of Elections (NCSBE). I am requesting that these rules be subjected to legislative review pursuant to [G.S. § 150B-21.3\(b2\)](#).

It is my contention that each of the four rules, 08 NCAC 23.0101, .0102, .0103, and .0104, fail to meet the standards of statutory authority, clarity, reasonable necessity and procedural compliance with the [North Carolina Administrative Procedure Act](#), as established by the North Carolina General Assembly. Let me begin, please, by noting the passage of these proposed rules showed flagrant apparent disregard for the public comment that was delivered to the North Carolina State Board of Elections during the period ending 3/16/2026, my own personal testimony included. Fiscal data also highlights disregard for the state's financial well-being, and thus places undue burden on NC tax payers and local boards of elections, as implementation of the rules is not fiscally responsible. As a concerned citizen and taxpayer in Durham, I find these proposed rules to be both technically flawed and fiscally irresponsible.

My specific objections are as follows:

Regarding Rule .0101: The Board's reliance on the federal SAVE database is technically unsound. According to USCIS data, this database has a documented 97.6% false-positive rate (error rate) when used for voter registration purposes.

Relying on such imprecise "other government records" fails the technical necessity test when so few episodes of registered noncitizens occurred, as captured by the 2016 audit, and risks the disenfranchisement of naturalized citizens. At the very least, a flawed database system certainly fails to bring clarity to the process. In fact, a flawed database system brings additional burden to those affected individuals now tasked to literally defend themselves and their right to vote. Additionally local election board officials likely absorb the administrative burden to sort out the errors at the expense of their employees' valuable time and resources as first line responders to voters' inquiries. However, I remain unsatisfied as to a clear and reliable process for determining accuracy and legitimacy in a timely manner. This certainly reflects a lack of clarity in this Rule .0101, even as the term "potential noncitizen" fails to define a threshold to trigger a challenge.

Regarding Rule .0102: The NCSBE has failed to provide a sufficient Fiscal Note to account for the burdens these rules place on voters. Requiring a citizen to produce expensive documentation—such as a \$160 passport—within a 5-day administrative window constitutes an illegal financial barrier to a fundamental right. This rule clearly violates statutory authority and unduly places the burden of proof on the voter, not on the challenger. Procedural compliance is violated in that the "zero-impact" claim is not

substantiated and appears highly unlikely. This potentially violates the 5-year statutory allowance identified by the Administrative Procedure Act (APA)

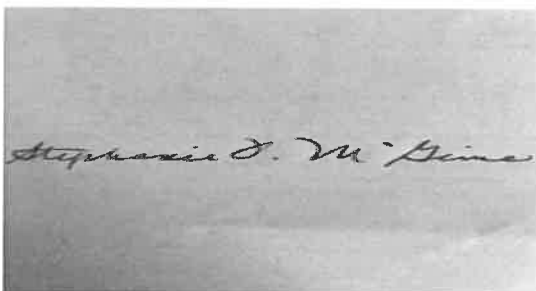
Regarding Rule .0103: This rule facilitates the allowance of unverified third-party groups to trigger mass challenges based on flawed data. A 2016 state audit proved that non-citizen voting is statistically insignificant (0.00085%). Creating a massive, taxpayer-funded manual challenge process for a non-existent problem is a gross misuse of public resources and reflects no reasonable necessity.

Regarding Rule .0104: NCSBE Executive Director Sam Hayes recently characterized the Agency as moving toward a "digital age" to cut costs, yet Rule .0104 mandates a labor-intensive, manual process. Furthermore, the State is already spending \$4.66 million on the ReFrame (SEIMS) modernization project to handle these exact issues. Implementing a manual workaround is fiscally irresponsible and technically redundant. Again, it fails to be established by reasonable necessity.

I formally object and urge the Commission to return these rules to the NCSBE for further review because the NCSBE has failed to follow the standards set by the Administrative Procedure Act regarding technical necessity and fiscal impact. Additionally, I request that the Commission delay the effective date of these rules to allow for the legislative review requested above and call for the NCSBE to establish a public timeline for implementation and process. I encourage the Commission to compel the NCSBE to improve their transparency with the public as this process progresses. Honest transparency would help to reduce the confusion that has already been generated by press releases from the NCSBE, such as the announcement of the identification of the names of 34,000 dead persons on the voter rolls. (<https://www.ncsbe.gov/news/press-releases/2026/04/27/state-board-identifies-deceased-individuals-voter-rolls-through-federal-database-comparison>) Even this statement lacks clarity as it fails to give detail, including what the investigative process is/will be and how North Carolinians will learn the outcome.

Thank you for your review and for upholding the review to insure the rights and best interests of ALL North Carolinians.

Sincerely,

A rectangular area containing a handwritten signature in cursive script, which reads "Stephanie F. McGuire". The signature is written in dark ink on a light-colored background.

Stephanie F. McGuire

6 Drakesway Court

Durham, NC 27713 (Durham County)

Burgos, Alexander N

From: Jane Robbins <jmurobbins@gmail.com>
Sent: Thursday, May 21, 2026 4:48 PM
To: rrc.comments
Cc: Burgos, Alexander N
Subject: Re: [External] Comment on Permanent Rules re: Non-Citizen List Maintenance

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Yes, that is correct. Making it harder to vote is not what we should be doing.

On May 21, 2026, at 3:57 PM, rrc.comments <rrc.comments@oah.nc.gov> wrote:

Good afternoon,

The RRC has received your letter of objection referencing G.S. 150B-21.3.

Could you clarify whether you are requesting legislative review pursuant to subsection (b2) of that law? Responding by email will suffice.

Seth Ascher

Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1934

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

From: Jane Robbins <jmurobbins@gmail.com>
Sent: Friday, April 17, 2026 4:08 PM
To: rrc.comments <rrc.comments@oah.nc.gov>
Subject: [External] Comment on Permanent Rules re: Non-Citizen List Maintenance

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In accord with § 150B-21.3. , I would like to enter my objections to the rules cited above.

General objection: The rules, as approved, take extreme actions that, given the intention of the State Board to use the frequently outdated and therefore unreliable SAVE database to target "potential noncitizens" in the North Carolina voters rolls, will reap few benefits and burden county boards of elections with an unpredictable expenditures of time and money. The procedures in these rules will also cause alarm, public embarrassment, and unlawful expenses to an unpredictable number of honorable citizens.

Rule 1: 08 NCAC 23 .0101

- I object to the lack of clear list including and excluding the sources of evidence the SBE may use in entering a challenge--this opens the procedure to random malicious challenges by individual and groups;
- I object to what is definitely a poll tax (to acquire the documents required for proof) --in other words, the challenged voter must follow all these rules, but the State Elections Board can pick and choose which laws to follow

Rule 2: 08 NCAC 23 .0102

I object to the lack of a clear statement that challenges will not be entered during the 90 days prior to an election--again, these rules require the challenged voter to follow the law, but the State Board can pick and choose which laws to follow--and can demand that County Boards violate the law on the State Board's behalf as well.

Rule 3: 08 NCAC 23 .0103

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Rule 4: 08 NCAC 23 .0103 4

- I object to this shocking due process violation: **If the challenged voter or an authorized representative does not appear at the challenge hearing, and the challenged voter has not submitted any documentation of citizenship for the county board's consideration, then the notice of non-citizenship shall be treated by the county board as affirmative proof necessary to sustain the challenge under G.S. 163-90.1(b).**
- I object to the lack of a clear statement that challenges will not be entered during the 90 days prior to an election--again, these rules require the challenged voter to follow the law, but the State Board can pick and choose which laws to follow--and can demand that County Boards violate the law on the State Board's behalf as well.

Thank you for your consideration.

Thanks,

Jane Robbins
Durham, NC

Burgos, Alexander N

From: Deborah Barnette <debbarnette@bellsouth.net>
Sent: Friday, May 22, 2026 9:22 AM
To: rrc.comments
Cc: Burgos, Alexander N
Subject: Re: [External] Objection in accordance with § 150B-21.3

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Hello,

Yes I am requesting legislative review.

Best Regards,

Deborah Barnette
debbarnette@bellsouth.net
(919) 302-9054

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On May 21, 2026, at 3:58 PM, rrc.comments <rrc.comments@oah.nc.gov> wrote:

Good afternoon,

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Seth Ascher
Counsel to the North Carolina Rules Review Commission
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(984) 236-1934

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From: Deborah Barnette <debarnette@bellsouth.net>
Sent: Friday, April 17, 2026 4:55 PM
To: rrc.comments <rrc.comments@oah.nc.gov>
Subject: [External] Objection in accordance with § 150B-21.3

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To the NC Rules Review Commission rrc.comments@oah.nc.gov

re: *NON-CITIZEN LIST MAINTENANCE RULES adopted April 16, 2026 at the NC State Board of Elections*

08 NCAC 23 .0101

08 NCAC 23 .0102

08 NCAC 23 .0103

08 NCAC 23 .0104

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Deborah Barnette
debbarnette@bellsouth.net
Durham, NC 27703

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Burgos, Alexander N

From: rrc.comments
Sent: Friday, May 22, 2026 10:51 AM
To: Burgos, Alexander N
Subject: Fw: [External] Objection to BOE rules on Non-Citizen List Maintenance

Seth Ascher

Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1934

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From: Michael Rodemeyer <mrodemeyer@outlook.com>
Sent: Friday, May 22, 2026 10:33 AM
To: rrc.comments <rrc.comments@oah.nc.gov>
Subject: Re: [External] Objection to BOE rules on Non-Citizen List Maintenance

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Yes, I am requesting legislative review. Thank you for the opportunity to clarify.
Sent from my iPad

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From: Michael Rodemeyer <mrodemeyer@outlook.com>
Sent: Friday, April 17, 2026 4:47 PM
To: rrc.comments <rrc.comments@oah.nc.gov>
Subject: [External] Objection to BOE rules on Non-Citizen List Maintenance

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Michael Rodemeyer
8 Tottenham
Chapel Hill, NC 27517
434 960-7375