

File
5/28/26
DHH

Trey Kennedy
6539 Clarksdale Ln.
Durham, NC
TreKeny@outlook.com

March 28th, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Formal Objection and Request for Legislative Review on the following rule citations:
08 NCAC 23 .0101 08 NCAC 23 .0102 08 NCAC 23 .0103 08 NCAC 23 .0104

Rules Review Commission Chair Representative Parker and Members
Senators Doran, Dixon, Hahn, Hyde and Nelson
Representatives Loutit, Overton, Powell, and
Rules Coordinators Seth Ascher, Travis Wiggs and
Rules Codifier Brian Liebman, and
NCBOE Rules Coordinator Adam Steele

I am writing to formally object to the adoption of the North Carolina State Board of Elections List Maintenance rule revisions on 08 NCAC 23 .0101 through 08 NCAC 23 .0104. I am requesting that these rules be reviewed in the legislative short session, or upcoming legislative session as set out in G.S. § 150B-21.3 and G.S. § 150B-21.3(b2) should they conform to the "Rule of 10" in entirety, or in part.

It would be more appropriate to return these rules to the State Board of Elections for further review and revision. The proposed rules procedurally violate NC General Statutes, the Administrative Procedures Act and/or the Federal Help America Vote Act (HAVA). The specific procedural issues are specified in my submissions of the rule objections that were time-stamped Tuesday morning, May 19th, 2026. I therefore request that these rules be thoroughly reviewed and the effective date delayed as set out in the same provisions.

Without your careful review and scrutiny, should these rules advance with the many procedural errors and not receive further revision, it would be an embarrassment to our state.

Thank you for your consideration.

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March 28th, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

**Re: Formal Objection and Request for Legislative Review on the following rule citations:
08 NCAC 23 .0101. DEFINITIONS**

Rules Review Commission Chair Representative Parker and Members
Senators Doran, Dixon, Hahn, Hyde and Nelson
Representatives Loutit, Overton, Powell, and
Rules Coordinators Seth Ascher, Travis Wiggs and
Rules Codifier Brian Liebman, and
NCBOE Rules Coordinator Adam Steele

I am writing to formally object to the adoption of the North Carolina State Board of Elections List Maintenance rule revision of 08 NCAC 23 .0101. I am requesting that this rule be reviewed in the legislative short session, or upcoming legislative session as set out in G.S. § 150B-21.3 and G.S. § 150B-21.3(b2) should they conform to the "Rule of 10" in entirety, or in part.

The proposed rule is procedurally in violation of NC General Statutes, the Administrative Procedures Act and/or the Federal Help America Vote Act (HAVA). These procedural issues are called out in my submission of objection to the rule that was time stamped Tuesday morning, May 19th, 2026. I therefore request that this rule be thoroughly reviewed and the effective date delayed as set out in the same provisions.

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May 28th, 2026

N.C. Rules Review Commission
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Raleigh, NC 27609

**Re: Formal Objection and Request for Legislative Review on the following rule citation:
08 NCAC 23 .0102. ENTRY OF CHALLENGE**

Rules Review Commission Chair Representative Parker and Members
Senators Doran, Dixon, Hahn, Hyde and Nelson
Representatives Loutit, Overton, Powell, and
Rules Coordinators Seth Ascher, Travis Wiggs, and
Rules Codifier Brian Liebman, and
NCBOE Rules Coordinator Adam Steele


I am writing to formally object to the adoption of the North Carolina State Board of Elections List Maintenance rule revision of 08 NCAC 23 .0102. I am requesting that this rule be reviewed in the legislative short session, or upcoming legislative session as set out in G.S. § 150B-21.3 and G.S. § 150B-21.3(b2) should they conform to the "Rule of 10" in entirety, or in part.

The proposed rule is procedurally in violation of NC General Statutes, the Administrative Procedures Act and/or the Federal Help America Vote Act (HAVA). These procedural issues are called out in my submission of objection to the rule that was time stamped Tuesday morning, May 19th, 2026. I therefore request that this rule be thoroughly reviewed and the effective date delayed as set out in the same provisions.

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May 28th, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

**Re: Formal Objection and Request for Legislative Review on the following rule citation:
08 NCAC 23 .0103 PRELIMINARY HEARING**

To: Rules Review Commission Chair Representative Parker and Members
Senators Doran, Dixon, Hahn, Hyde and Nelson
Representatives Loutit, Overton, Powell, and
Rules Coordinators Seth Ascher, Travis Wiggs, and
Rules Codifier Brian Liebman, and
NCBOE Rules Coordinator Adam Steele

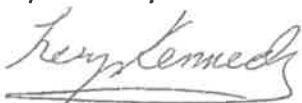
I am writing to formally object to the adoption of the North Carolina State Board of Elections List Maintenance rule revision of 08 NCAC 23 .0103. I am requesting that this rule be reviewed in the legislative short session, or upcoming legislative session as set out in G.S. § 150B-21.3 and G.S. § 150B-21.3(b2) should they conform to the "Rule of 10" in entirety, or in part.

The proposed rule is procedurally in violation of NC General Statutes, the Administrative Procedures Act and/or the Federal Help America Vote Act (HAVA). These procedural issues are called out in my submission of objection to the rule that was time stamped Tuesday morning, May 19th, 2026. I therefore request that this rule be thoroughly reviewed and the effective date delayed as set out in the same provisions.

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TreKeny@outlook.com

May 28th 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

**Re: Formal Objection and Request for Legislative Review on the following rule citation:
08 NCAC 23 .0104 CHALLENGE HEARING**

To: Rules Review Commission Chair Representative Parker and Members
Senators Doran, Dixon, Hahn, Hyde and Nelson
Representatives Loutit, Overton, Powell, and
Rules Coordinators Seth Ascher, Travis Wiggs, and
Rules Codifier Brian Liebman, and
NCBOE Rules Coordinator Adam Steele

I am writing to formally object to the adoption of the North Carolina State Board of Elections List Maintenance rule revision of 08 NCAC 23 .0103. I am requesting that this rule be reviewed in the legislative short session, or upcoming legislative session as set out in G.S. § 150B-21.3 and G.S. § 150B-21.3(b2) should they conform to the "Rule of 10" in entirety, or in part.

The proposed rule is procedurally in violation of NC General Statutes, the Administrative Procedures Act and/or the Federal Help America Vote Act (HAVA). These procedural issues are called out in my submission of objection to the rule that was time stamped Tuesday morning, May 19th, 2026. I therefore request that this rule be thoroughly reviewed and the effective date delayed as set out in the same provisions.

Without your careful review and scrutiny, should this rule advance with the many procedural errors and not receive further revision, it would be an embarrassment to our state.

Thank you for your consideration.

Trey Kennedy



Burgos, Alexander N

From: Ann Pace <apcoler@gmail.com>
Sent: Saturday, May 30, 2026 10:35 PM
To: rrc.comments
Subject: [External] Voter rules

You don't often get email from apcoler@gmail.com. [Learn why this is important](#)

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Ann Scott Pace
412 Moultonboro Ave
Wake Forest, NC 27587

May 30, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104
Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Ann Scott Pace
Ann Scott Pace (electronic signature)
919 426 1832

Burgos, Alexander N

From: Russ Neale <russ.c.neale@gmail.com>
Sent: Saturday, May 30, 2026 10:13 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

You don't often get email from russ.c.neale@gmail.com. [Learn why this is important](#)

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Russ Neale
2419 Hatherly Rd, Charlotte, NC 28209
May 30, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Russell Neale

Burgos, Alexander N

From: Marilyn Hartman <marilyndhartman@gmail.com>
Sent: Saturday, May 30, 2026 9:42 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

You don't often get email from marilyndhartman@gmail.com. [Learn why this is important](#)

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May 30, 2026

**N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609**

Members of the Commission:

Regarding 08 NCAC 23 .0101, .0102, .0103, and .0104

I request that these rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3.

In addition, I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Marilyn Hartman

**Marilyn Hartman
2517 Perkins Road
Durham NC 27705**

Burgos, Alexander N

From: DECorum <decorum2025@proton.me>
Sent: Saturday, May 30, 2026 6:04 PM
To: rrc.comments
Subject: [External] Simple Request for Legislative Review of the rules/procedures for non-citizen list maintenance

You don't often get email from decorum2025@proton.me. [Learn why this is important](#)

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

D. Corum
2805 Herring Blvd
Durham, NC 27704

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

D. Corum

Burgos, Alexander N

From: Mirela Riden <mireille_prof@yahoo.com>
Sent: Saturday, May 30, 2026 5:10 PM
To: rrc.comments
Cc: Steele, Adam
Subject: [External]

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Mirela Riden
605 North Howard Cir, Tarboro NC, 27886

May 30, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104
Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3.
I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Mirela Riden

Burgos, Alexander N

From: Karen Meyers <kfinnmeyers@gmail.com>
Sent: Saturday, May 30, 2026 5:00 PM
To: rrc.comments
Subject: [External] Objection and Request for Legislative Review

You don't often get email from kfinnmeyers@gmail.com. [Learn why this is important](#)

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May 29, 2026

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

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Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Karen Meyers

1518 Anthology Drive

Durham, NC 27703

Burgos, Alexander N

From: Katie Courtland <katie.courtland@gmail.com>
Sent: Saturday, May 30, 2026 4:59 PM
To: rrc.comments
Subject: [External] Rules Revision

You don't often get email from katie.courtland@gmail.com. [Learn why this is important](#)

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Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Katherine Courtland

Durham, NC

Burgos, Alexander N

From: Andrew Slaughter <the.slaughters@gmail.com>
Sent: Saturday, May 30, 2026 4:36 PM
To: rrc.comments
Subject: [External] Letter of Objection

You don't often get email from the.slaughters@gmail.com. [Learn why this is important](#)

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Andrew Slaughter
1712 Chester Springs Rd

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

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I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Andrew Slaughter

Burgos, Alexander N

From: SZ Rosenthal <szrcoho@mindspring.com>
Sent: Saturday, May 30, 2026 3:25 PM
To: rrc.comments
Cc: vopro@ncdp.org; Ascher, Seth M; Steele, Adam
Subject: [External] Objection to and Request for Legislative Review of 08 NCAC 23.0101, .0102, .0103 and .0104

Some people who received this message don't often get email from szrcoho@mindspring.com. [Learn why this is important](#)

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

**Sherri Zann Rosenthal
2205 Wilson Street
Durham, NC 27705**

May 30, 2026

**N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609**

Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

I have several reasons for objecting to these rule changes. First, many studies have found that the number of people voting without being a citizen is so small that it has never affected or come anywhere close to affecting the outcome of any election in North Carolina. Recent cases of voter fraud or improper voting have involved “vote harvesting” in Eastern NC and a high profile member of the first Trump Administration who improperly claimed a residence in North Carolina. Voting by a non-citizen was not involved in either of these cases.

The cost and staff time to enforce these rules will fall heavily on local election boards. It is an unfunded mandate requiring significant cost—without any commensurate problem that it is addressing.

I feel strongly that the SAVE database is an inappropriate means of determining whether a person is qualified to vote in North Carolina elections. It was not developed

Tiqeece Brown
3320 Gallaher Peak Cir.
Raleigh, NC 27606

May 30, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

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and .0104

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out in that same provision.

Thank you for your consideration.

Tiqeece Brown

Tiqeece Brown

Burgos, Alexander N

From: Margaret Elise <elise.dickinsonnc@gmail.com>
Sent: Saturday, May 30, 2026 2:52 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

You don't often get email from elise.dickinsonnc@gmail.com. [Learn why this is important](#)

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Margaret Dickinson

101 E Delafield Ave

Durham NC 27704

May 29, 2026

**N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609**

Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

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I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Margaret Dickinson

Durham Nc



Calile DeThomas <caliledethomas2@gmail.com>

(no subject)

1 message

Calile DeThomas <caliledethomas2@gmail.com>

Sat, May 30, 2026 at 2:21 PM

To: Calile <caliledethomas2@gmail.com>

Simple Request for Legislative Review of the rules/procedures for non-citizen list maintenance:

Calile DeThomas
3600 Ameshia Dr
Hillsborough NC 27278

May 30, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

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Thank you for your consideration.

<i>Calile DeThomas</i>	dotloop verified 05/30/26 2:23 PM EDT USCR-WUU1-HBUY-QLEC
------------------------	---

Calile DeThomas

REALTOR
Century 21 Triangle Group
720-878-8030

Burgos, Alexander N

From: Mary Sellars <marysell@bellsouth.net>
Sent: Saturday, May 30, 2026 2:12 PM
To: rrc.comments
Subject: [External] Request for legislative review

You don't often get email from marysell@bellsouth.net. [Learn why this is important](#)

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Mary M Sellars
130 NW 12th St.
Oak Island, NC 28465

May 30, 2026

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Thank you for your consideration.

Mary M Sellars

Burgos, Alexander N

From: Leanna Murphy Dono <murphyk2@yahoo.com>
Sent: Saturday, May 30, 2026 2:09 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

You don't often get email from murphyk2@yahoo.com. [Learn why this is important](#)

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Leanna K. Murphy
1208 Goldenview Court
Durham NC 27713

May 29, 2026

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Thank you for your consideration.

Leanna K. Murphy

Burgos, Alexander N

From: Ascher, Seth M
Sent: Saturday, May 30, 2026 1:54 PM
To: rrc.comments
Subject: Fw: [External] Elections

Sent via the Samsung Galaxy A52 5G, an AT&T 5G smartphone
Get Outlook for Android

From: Jane Hale <janeshale@nc.rr.com>
Sent: Saturday, May 30, 2026 1:41:05 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>
Subject: [External] Elections

[You don't often get email from janeshale@nc.rr.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Sent from my iPhone
Jane Hale
Rowland, NC 28348

May 30, 2026

Dear Commissioners.

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

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Thank you for your consideration.

Jane Hale

Burgos, Alexander N

From: Susan Pochapsky <schapek@yahoo.com>
Sent: Saturday, May 30, 2026 1:10 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

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Susan Pochapsky
901 Vickers Ave., Durham NC 27701

May 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Please note that I entered a previous emailed objection, which I also designated as intended to be a request for review under NCGS 150B. I submit this letter to make sure that my request is received in the proper window for consideration.

In addition to requesting that the rules be reviewed in the upcoming legislative session, and that the rules be subject to a delayed effective date, I feel compelled to formally object to the adoption of the rules for the following reasons:

08 NCAC 23.0101 (Definitions)

- This rule fails to specify the forms of documentation (other than photo ID) that are acceptable for citizens who have changed their names.
- The definition for “potential noncitizen” should, at a minimum, include examples of the “official government records and databases” that will be used to identify a voter as a “potential noncitizen.”

prohibit the sending of any notices of non-citizenship during that 90-day period, and should also include a similar prohibition before state elections.

08 NCAC 23 .0104 (Challenge Hearing)

- This rule should be written in plain English. Many of those tasked with administering them are not attorneys.
- This rule absolutely makes County Board facilities, and everyone arriving to attend the hearing, vulnerable to demonstrations, counter-demonstrations, and other types of public disorder and violence, including interference by Federal agents. This rule must require the State to reimburse counties for all costs related to security, including remuneration for damages.
- Boards should be required to consider all evidence in the light most favorable to the challenged voter, and a finding that a voter is not a citizen must be based on at least clear and convincing evidence.
- The challenged voter should have the opportunity to review the evidence presented at the preliminary hearing well in advance of the challenge hearing, regardless of whether the challenged voter has made an appearance at the preliminary hearing.
- As written, this rule appears to conflict with Federal law requiring that all non-specific voter challenges, notices, and hearings are paused 90 days before a Federal election. It should be amended to expressly prohibit the sending of any notices of non-citizenship during that 90-day period, and should also include a similar prohibition before state elections.

Thank you for your consideration.

Susan Pochapsky

Burgos, Alexander N

From: Rae Dawson <rae01dawson@gmail.com>
Sent: Saturday, May 30, 2026 12:33 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

You don't often get email from rae01dawson@gmail.com. [Learn why this is important](#)

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Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

**Rae Dawson
1000 Haven Hollow Way, Apt 1020
Durham, NC 27713**

Burgos, Alexander N

From: Mark Hellman <markhellman10@gmail.com>
Sent: Saturday, May 30, 2026 12:00 PM
To: rrc.comments
Subject: [External] Objection and Request for Legislative Review

You don't often get email from markhellman10@gmail.com. [Learn why this is important](#)

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Submitted by:

Mark Hellman, 1101 Wells St, Durham, NC 27707

May 30, 2026

**N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609**

Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Mark Hellman

Mark Hellman

1101 Wells Street
Durham, NC 27707-1623

Burgos, Alexander N

From: sandyogburn@gmail.com
Sent: Saturday, May 30, 2026 11:52 AM
To: rrc.comments
Subject: [External] Request for Legislative Review

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May 29, 2026

Sandra Valentine Ogburn
1320 Carroll St.
Durham, NC

To: N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

Members of the Commission: I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration of this matter of grave concern to we citizens of the state of North Caolina.

Sandra Valentine Ogburn

Sandra Valentine Ogburn

Burgos, Alexander N

From: Debbie Matsushima <dmnc56@gmail.com>
Sent: Saturday, May 30, 2026 11:46 AM
To: rrc.comments
Subject: [External] Simple Request for Legislative Review of the rules/procedures for non-citizen list maintenance

You don't often get email from dmnc56@gmail.com. [Learn why this is important](#)

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Deborah Matsushima
4920 Vistawood Way
Durham, NC 27713

May 30, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Deborah Matsushima

Deborah Matsushima

Burgos, Alexander N

From: Johanna Bernhardt <johanna.bernhardt@gmail.com>
Sent: Saturday, May 30, 2026 11:13 AM
To: rrc.comments
Subject: [External] Objection to rules passed by the State Board of Elections.

You don't often get email from johanna.bernhardt@gmail.com. [Learn why this is important](#)

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Johanna C. Bernhardt

234 Mt Evans Dr.

Durham, NC 27705

May 30, 2026

**N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609**

**Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101,
.0102, .0103, and .0104**

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Johanna Bernhardt

Burgos, Alexander N

From: Sara Greene <sgreeneaud@gmail.com>
Sent: Saturday, May 30, 2026 11:04 AM
To: rrc.comments
Subject: [External] : Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

You don't often get email from sgreeneaud@gmail.com. [Learn why this is important](#)

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Sara Greene
126 Victorian Oaks Dr, Durham, NC 27713

May 30, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of
08 NCAC 23 .0101, .0102, .0103, and .0104

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Sara Greene

Burgos, Alexander N

From: Lois Wright <lwright2812@gmail.com>
Sent: Saturday, May 30, 2026 11:01 AM
To: rrc.comments
Subject: [External] Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

You don't often get email from lwright2812@gmail.com. [Learn why this is important](#)

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Lois L. Wright
926 W Markham Ave
Durham NC 27701

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Lois L. Wright

Lois L. Wright

Burgos, Alexander N

From: BC Barrington1989 <bcbarrington1989@gmail.com>
Sent: Saturday, May 30, 2026 11:01 AM
To: rrc.comments
Subject: [External] Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

You don't often get email from bcbarrington1989@gmail.com. [Learn why this is important](#)

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Blake Cano-Barrington, M.Sc.
315 Villanova Dr, Durham, NC 27713

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Respectfully,

Blake Cano-Barrington, M.Sc.

Burgos, Alexander N

From: Shannon Greene <sehinson76@gmail.com>
Sent: Saturday, May 30, 2026 11:00 AM
To: rrc.comments
Subject: [External] Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

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Shannon Greene
126 Victorian Oaks Dr, Durham, NC 27713

May 30, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Shannon Greene

Shannon Greene

Burgos, Alexander N

From: cogscilibrarian@gmail.com
Sent: Saturday, May 30, 2026 10:58 AM
To: rrc.comments
Cc: cogscilibrarian@gmail.com
Subject: [External] removal of non-citizen voters from the NC voter rolls

You don't often get email from cogscilibrarian@gmail.com. [Learn why this is important](#)

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Stephanie Willen Brown
111 Trawick Place
Durham, NC 27712-1016

May 29, 2026
N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Stephanie Willen Brown
111 Trawick Place
Durham, NC 27712-1016

Burgos, Alexander N

From: George Spransy <george.spransy43@gmail.com>
Sent: Saturday, May 30, 2026 10:56 AM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

You don't often get email from george.spransy43@gmail.com. [Learn why this is important](#)

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George Spransy
214 Sailfish Ct.
Durham, NC. 27703

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

George Spransy

Burgos, Alexander N

From: Tom & Cathy Smith <smithtcr@gmail.com>
Sent: Saturday, May 30, 2026 10:39 AM
To: rrc.comments
Subject: [External] Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

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Catherine Smith
202 Daniels Post Ct
Durham NC 27703

May 30, 2026
N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.
Catherine Smith

--

smithtcr@gmail.com

Burgos, Alexander N

From: George Bernhardt <george.lynn.bernhardt@gmail.com>
Sent: Saturday, May 30, 2026 10:25 AM
To: rrc.comments
Subject: [External] Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

You don't often get email from george.lynn.bernhardt@gmail.com. [Learn why this is important](#)

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George L. Bernhardt
234 Mt Evans Dr, Durham, NC 27705

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

George L. Bernhardt

George L. Bernhardt

828-754-7245

Burgos, Alexander N

From: Tom Clark <tomcie@gmail.com>
Sent: Saturday, May 30, 2026 10:06 AM
To: rrc.comments
Cc: vopro@ncdp.org; Ascher, Seth M; Steele, Adam
Subject: [External] Request for Legislative Review of the rules/procedures for non-citizen list maintenance

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Thomas C. Clark
905 Alabama Ave, Durham, NC 27705

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Tom Clark

Thomas C. Clark

919-274-7463
tomcie@gmail.com

--

Burgos, Alexander N

From: Kristin McGee <kemcgee2018@gmail.com>
Sent: Saturday, May 30, 2026 9:51 AM
To: rrc.comments; Ascher, Seth M; Steele, Adam
Subject: [External] 08 NCAC 23 .0101, 08 NCAC 23 .0102, 08 NCAC 23 .0103, 08 NCAC 23 .0104

You don't often get email from kemcgee2018@gmail.com. [Learn why this is important](#)

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Kristin McGee
85 Hawk Point Rd
Chapel Hill NC 27516

May 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0101, 08 NCAC 23 .0102, 08 NCAC 23 .0103, 08 NCAC 23 .0104

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Kristin McGee

Burgos, Alexander N

From: Andrew Silver <agsilver@stanfordalumni.org>
Sent: Saturday, May 30, 2026 9:46 AM
To: rrc.comments
Subject: [External] Request for Legislative Review of the rules/procedures for non-citizen list maintenance

You don't often get email from agsilver@stanfordalumni.org. [Learn why this is important](#)

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Andrew G. Silver

6 Sedley Place

Durham, NC 27705

May 30, 2026

**N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609**

Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Andrew G. Silver
Andrew G. Silver

Burgos, Alexander N

From: Cathy McCarthy <csuspect@gmail.com>
Sent: Saturday, May 30, 2026 9:43 AM
To: rrc.comments
Subject: [External] Legislative Review of he rules/procedures for non-citizen list maintenance

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May 30, 2026, 9:35 AM

**N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609**

Cathy McCarthy

913 Dashwood Dr.

Durham, NC 2703

Dear Committee

Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

The imposition of these new rules will overwhelm local BOEs, judicial bodies and result in the denial of legally valid voters their Constitutional right to vote.

It is FACT that the national list compiled under the failed SAVE Act is riddled with error and built from faulty and out of date data. As such, using this instrument to strike people from the voter list is a violation of our Constitutional rights and a blatant attempt for the majority party to choose their voters and not the other way around.

Burgos, Alexander N

From: Laura Garfinkel <laura@fsmail.bradley.edu>
Sent: Saturday, May 30, 2026 9:28 AM
To: rrc.comments
Subject: [External] Objection to Legislative Review

You don't often get email from laura@fsmail.bradley.edu. [Learn why this is important](#)

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Laura Garfinkel
105 Victorian Oaks Drive
Durham, NC 27713

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3.
I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Laura Garfinkel

Burgos, Alexander N

From: Karen Gray <hebgray2@gmail.com>
Sent: Saturday, May 30, 2026 9:23 AM
To: rrc.comments
Subject: [External] Request for legislative review of rules

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May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Karen Gray

Burgos, Alexander N

From: Jennifer <jenwren59@gmail.com>
Sent: Saturday, May 30, 2026 9:18 AM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review

You don't often get email from jenwren59@gmail.com. [Learn why this is important](#)

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Jennifer White
1015 Restoration Dr
Durham, NC 27703

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Jennifer White
Durham, NC

--

Jennifer White

"In the end, we will conserve what we love. We love only what we understand. We will understand only what we are taught."

Senegalese poet Baba Dioum

<https://www.parrots.org/>

Burgos, Alexander N

From: Jake Baldrige <3vc@durhamdemocrats.org>
Sent: Saturday, May 30, 2026 9:08 AM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

You don't often get email from 3vc@durhamdemocrats.org. [Learn why this is important](#)

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Jacob Baldrige
8 Heath Place
Durham, NC 27705

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Dear Members of the Commission:

As a concerned citizen and officer of a county political party, I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3.

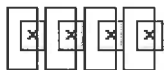
I further request that the rules be subject to a delayed effective date as set out in that same provision. Thank you for your consideration.

Jacob Baldrige

Jake Baldrige
3rd Vice Chair



m: 267-978-1648
e: 3vc@durhamdemocrats.org



www.durhamdemocrats.org

Burgos, Alexander N

From: Kaaren Haldeman <kaargav@gmail.com>
Sent: Saturday, May 30, 2026 9:06 AM
To: rrc.comments
Subject: [External] Objection & request for review of new rules

You don't often get email from kaargav@gmail.com. [Learn why this is important](#)

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Kaaren Haldeman

1 West Bridlewood Trail, Durham NC 27713

May 30, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Kaaren Haldeman

Kaaren Haldeman

Sent from Gmail Mobile

Burgos, Alexander N

From: Judith Bergman <bergmanj783@gmail.com>
Sent: Saturday, May 30, 2026 8:22 AM
To: rrc.comments
Subject: [External] Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

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CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Judith Levy Bergman
5500 Fortunes Ridge Dr #74C
Durham, NC 27713

Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Judith Levy Bergman

Burgos, Alexander N

From: Sarah Bickley <rahbickley@mac.com>
Sent: Saturday, May 30, 2026 5:04 AM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

You don't often get email from rahbickley@mac.com. [Learn why this is important](#)

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Sarah A. Bickley
12 Streamview Ct., Durham, NC 27713

May 30, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3.

I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Sarah A. Bickley

Burgos, Alexander N

From: Susan Sewell <mssewell2009@gmail.com>
Sent: Friday, May 29, 2026 10:29 PM
To: rrc.comments
Cc: Susan Sewell
Subject: [External] Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

You don't often get email from mssewell2009@gmail.com. [Learn why this is important](#)

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Mary S, Sewell
2904 Legion Ave
Durham, NC 27707

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

I strongly feel we need to have more work on this process. The major portion of this work must be at the state level. Right now these rules push all work and costs on already overworked counties and risk 100 different review processes rather than a single state level investigation of names before any challenge is filed. We must be careful to exercise care in this important area of access to voting.

Thank you for your consideration.

Mary S. Sewell

Mary S. Sewell

Burgos, Alexander N

From: Nan Friedman <nanfriedman4@gmail.com>
Sent: Friday, May 29, 2026 10:13 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

You don't often get email from nanfriedman4@gmail.com. [Learn why this is important](#)

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Nancy Friedman
2701 Pickett Rd unit 3111
Durham NC 27705

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

--

Nancy Friedman

Burgos, Alexander N

From: Jon H <hankj8195@gmail.com>
Sent: Friday, May 29, 2026 9:32 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review

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Jon Henry
1015 Restoration Dr
Durham, NC 27703

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Jon Henry
Durham, NC

Burgos, Alexander N

From: milo pyne <milopyne@yahoo.com>
Sent: Friday, May 29, 2026 9:17 PM
To: rrc.comments
Subject: [External] Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

You don't often get email from milopyne@yahoo.com. [Learn why this is important](#)

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Milo Pyne
806 Vickers Avenue
Durham, NC 27701

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Sincerely,

Milo Pyne

Milo Pyne [signature]

Burgos, Alexander N

From: Teresa O'Rourke <torourke28@gmail.com>
Sent: Friday, May 29, 2026 9:06 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

You don't often get email from torourke28@gmail.com. [Learn why this is important](#)

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Teresa ORourke
301 Newsom Street
Durham, NC 27704

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Teresa ORourke

--

301 Newsom Street
Durham, NC 27704
torourke28@gmail.com
919-699-9904

Burgos, Alexander N

From: Joy Morgan <joymorgan1@me.com>
Sent: Friday, May 29, 2026 8:53 PM
To: rrc.comments
Subject: [External] Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

You don't often get email from joymorgan1@me.com. [Learn why this is important](#)

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May 29, 2026

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

To the Members of the Commission:

I am requesting that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you in advance for your assistance with this matter.

Sincerely,

Erin Kalbarczyk
1907 Castleburg Drive
Apex, NC 27523

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0104 - Challenge Hearing

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Erin Kalbarczyk

Erin Kalbarczyk
1907 Castleburg Drive
Apex, NC 27523

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0103 - Preliminary Challenge

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Erin Kalbarczyk

Erin Kalbarczyk
1907 Castleburg Drive
Apex, NC 27523

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0102 - Entry of Challenge

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Erin Kalbarczyk

Erin Kalbarczyk
1907 Castleburg Drive
Apex, NC 27523

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0101: Definitions

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Erin Kalbarczyk

Burgos, Alexander N

From: DJ Oronzio <djodemocracy@gmail.com>
Sent: Thursday, May 28, 2026 9:52 PM
To: Ascher, Seth M
Cc: Rules, Oah; rrc.comments; Steele, Adam
Subject: [External] 08 NCAC 23 .0104: Challenge Hearing - Opposition - DJ Oronzio

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N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0104: Challenge Hearing

Members of the Commission,

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.


Signature

Deborah J Oronzio
5300 Arete Way, Raleigh, NC 27607
919.280.5228
djodemocracy@gmail.com

Burgos, Alexander N

From: DJ Oronzio <djodemocracy@gmail.com>
Sent: Thursday, May 28, 2026 9:52 PM
To: Ascher, Seth M
Cc: Rules, Oah; rrc.comments; Steele, Adam
Subject: [External] 08 NCAC 23 .0103: Preliminary Challenge - Opposition - DJ Oronzio

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N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0103: Preliminary Challenge

Members of the Commission,

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.


Signature

Deborah J Oronzio
5300 Arete Way, Raleigh, NC 27607
919.280.5228
djodemocracy@gmail.com

Burgos, Alexander N

From: DJ Oronzio <djodemocracy@gmail.com>
Sent: Thursday, May 28, 2026 9:52 PM
To: Ascher, Seth M
Cc: Rules, Oah; rrc.comments; Steele, Adam
Subject: [External] 08 NCAC 23 .0102: Entry of Challenge - Opposition - DJ Oronzio

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N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0102: Entry of Challenge

Members of the Commission,

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.


Signature

Deborah J Oronzio
5300 Arete Way, Raleigh, NC 27607
919.280.5228
djodemocracy@gmail.com

Burgos, Alexander N

From: DJ Oronzio <djodemocracy@gmail.com>
Sent: Thursday, May 28, 2026 9:51 PM
To: Ascher, Seth M
Cc: Rules, Oah; rrc.comments; Steele, Adam
Subject: [External] 08 NCAC 23 .0101: Definitions - Opposition - DJ Oronzio

You don't often get email from djodemocracy@gmail.com. [Learn why this is important](#)

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N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0101: Definitions

Members of the Commission,

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.


Signature

Deborah J Oronzio
5300 Arete Way, Raleigh, NC 27607
919.280.5228
djodemocracy@gmail.com

Hannah Khamvanthong
1106 Dixie St.
Burlington, NC 27217

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Objection to and Request for Legislative Review of 08 NCAC 23 .0101, .0102, .0103, and .0104

Members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Hannah Khamvanthong

A handwritten signature in black ink, appearing to read "Hannah Khamvanthong", written in a cursive style.

Kathleen A. Rickert
2709 Legion Avenue
Durham, North Carolina 27707

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0103 - Preliminary Challenge

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Kathleen A. Rickert
kitzrickert@hotmail.com
773-329-0847

Kathleen A. Rickert
2709 Legion Avenue
Durham, North Carolina 27707

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0102 - Entry of Challenge

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Kathleen A. Rickert
kitzrickert@hotmail.com
773-329-0847

Kathleen A. Rickert
2709 Legion Avenue
Durham, North Carolina 27707

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0101: Definitions

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Kathleen A. Rickert

Kathleen A. Rickert
2709 Legion Avenue
Durham, North Carolina 27707

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0104 - Challenge Hearing

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Kathleen A. Rickert
kitzrickert@hotmail.com
773-329-0847

Burgos, Alexander N

From: DJ Oronzio <djodemocracy@gmail.com>
Sent: Thursday, May 28, 2026 7:44 PM
To: Ascher, Seth M
Cc: Rules, Oah; rrc.comments; Steele, Adam
Subject: [External] 08 NCAC 23 .0101: Definitions - Rule Opposition

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N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0101: Definitions

Members of the Commission,

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.


Signature

Deborah J Oronzio
5300 Arete Way, Raleigh, NC 27607
919.280.5228
djodemocracy@gmail.com

Burgos, Alexander N

From: stephanie mcguire <sf.mcguire28@gmail.com>
Sent: Thursday, May 28, 2026 5:05 PM
To: Ascher, Seth M
Cc: Steele, Adam; rrc.comments; Rules, Oah
Subject: [External] Request for review: 08. NCAC 23.0104: Challenge Hearing

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May 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd
Raleigh, NC 27609

RE: 08. NCAC 23.0104: Challenge Hearing

Members of the Commission

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.



Stephanie F. McGuire
6 Drakesway Ct
Durham, NC 27713

Burgos, Alexander N

From: stephanie mcguire <sf.mcguire28@gmail.com>
Sent: Thursday, May 28, 2026 5:03 PM
To: Ascher, Seth M
Cc: Steele, Adam; rrc.comments; Rules, Oah
Subject: [External] Request for review: 08. NCAC 23.0103: Preliminary Hearing

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May 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd
Raleigh, NC 27609

RE: 08. NCAC 23.0103: Preliminary Hearing

Members of the Commission

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.



Stephanie F. McGuire
6 Drakesway Ct
Durham, NC 27713

Burgos, Alexander N

From: stephanie mcguire <sf.mcguire28@gmail.com>
Sent: Thursday, May 28, 2026 5:01 PM
To: Ascher, Seth M
Cc: Steele, Adam; rrc.comments; oah.rules@oah.nc
Subject: [External] Request for Review: 08. NCAC 23.0102: Entry of Challenge

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May 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd
Raleigh, NC 27609

RE: 08. NCAC 23.0102: Entry of Challenge

Members of the Commission

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.



Stephanie F. McGuire
6 Drakesway Ct
Durham, NC 27713

Burgos, Alexander N

From: stephanie mcguire <sf.mcguire28@gmail.com>
Sent: Thursday, May 28, 2026 4:59 PM
To: Ascher, Seth M
Cc: Steele, Adam; rrc.comments; Rules, Oah
Subject: [External] Request for review: 08.NCAC 23.0101: Definitions

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May 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd
Raleigh, NC 27609

RE: 08. NCAC 23.0101: Definitions

Members of the Commission

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.



Stephanie F. McGuire
6 Drakesway Ct
Durham, NC 27713

Melanie Katz
735 4th St NE
Hickory NC 28601
828-302-3357
katzmom@me.com

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609


Re: 08 NCAC 23 .0104 - Challenge Hearing

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Melanie Katz

A handwritten signature in cursive script that reads "Melanie Katz".

Melanie Katz
735 4th St NE
Hickory NC 28601
828-302-3357
katzmom@me.com

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

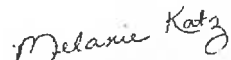
Re: 08 NCAC 23 .0103 - Preliminary Challenge

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Melanie Katz

A handwritten signature in cursive script that reads "Melanie Katz".

Melanie Katz
735 4th St NE
Hickory NC 28601
828-302-3357
katzmom@me.com

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

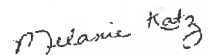
Re: 08 NCAC 23 .0102 - Entry of Challenge

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Melanie Katz

A handwritten signature in cursive script that reads "Melanie Katz".

Melanie Katz
735 4th St NE
Hickory NC 28601
828-302-3357
katzmom@me.com

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0101: Definitions

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Melanie Katz

Melanie Katz

May 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0103: Preliminary Challenge

Members of the Commission:

I request that the above rule be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Darline Rowe
1038 Carraway Lane
Durham, NC 27703

d.l.rowe@verizon.net
(703) 283-4260

May 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0104: Challenge Hearing

Members of the Commission:

I request that the above rule be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Darline Rowe
1038 Carraway Lane
Durham, NC 27703

d.l.rowe@verizon.net
(703) 283-4260

May 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0102: Entry of Challenge

Members of the Commission:

I request that the above rule be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Darline Rowe
1038 Carraway Lane
Durham, NC 27703

d.l.rowe@verizon.net
(703) 283-4260

May 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0101: Definitions

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Darline Rowe
1038 Carraeway Lane
Durham, NC 27703

d.l.rowe@verizon.net
(703) 283-4260

Mary Ross
119 Forestwood Drive
Durham NC 27707

May 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0101: Definitions

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Mary Ross

A handwritten signature in cursive script that reads "Mary A. Ross".

Mary Ross
119 Forestwood Drive
Durham NC 27707

May 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0102 - Entry of Challenge

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Mary Ross

A handwritten signature in cursive script that reads "Mary A. Ross".

Mary Ross
119 Forestwood Drive
Durham NC 27707

May 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0103 - Preliminary Challenge

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Mary Ross

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Mary Ross
119 Forestwood Drive
Durham NC 27707

May 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0104 - Challenge Hearing

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

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Mary Ross

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Ruth Strauss
8633 Abbotsbury Ct.
Raleigh, NC 27615

May 28, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0104: Challenge Hearing

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Thank you for your consideration.

Ruth Strauss



Ruth Strauss
8633 Abbotsbury Ct.
Raleigh, NC 27615

May 28, 2026

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8633 Abbotsbury Ct.
Raleigh, NC 27615

May 28, 2026

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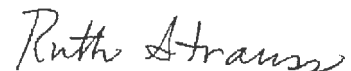
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Kathy M Martin
114 Bright Angel Dr.
Cary, NC 27513

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

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Mark E Swallow
604 Churton Pl,
Cary, NC 27518

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Mark E Swallow
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604 Churton Pl
Cary, NC 27518
919-931-2662

Mark E Swallow
604 Churton Pl,
Cary, NC 27518

May 29, 2026

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Cary, NC 27518
919-931-2662

Kym Whitecar
3604 Edgeview Dr.
Indian Trail, NC 28079

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

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Kym Whitecar

Kym Whitecar
3604 Edgeview Dr.
Indian Trail, NC 28079

May 29, 2026

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1711 New Hope Church Rd.
Raleigh, NC 27609

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Kym Whitecar

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3604 Edgeview Dr.
Indian Trail, NC 28079

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Thank you for your consideration.

Kym Whitecar

Burgos, Alexander N

Subject: FW: [External] Request for Legislative Review of 08 NCAC 23 .0101 – .0104

From: JR JR <jroanbrooks@fmail.com>

Sent: Wednesday, May 27, 2026 3:09 PM

To: rrc.comments <rrc.comments@oah.nc.gov>

Subject: [External] Request for Legislative Review of 08 NCAC 23 .0101 – .0104

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Dear Members and Staff of the Rules Review Commission:

I hereby formally object to the permanent rules **08 NCAC 23 .0101 – .0104** and **request legislative review** of these rules pursuant to **G.S. 150B-21.3(b2)**, return of the Rules to NCSBE for further revision, and likewise an extended date for review as accorded by **G.S. 150B-21.10** and **G.S. 150B-21.13**.

My comments of objection were submitted previously.

Thank you for your time and consideration.

Respectfully submitted,

Joan Roan
West Jefferson, NC

Burgos, Alexander N

Subject: FW: [External] Re: 08 NCAC 23 .0101, 08 NCAC 23 .0102, 08 NCAC 23 .0103, 08 NCAC 23 .0104

From: Rosemary McGee <rosemary.mcgee47@gmail.com>
Sent: Wednesday, May 27, 2026 3:35 PM
To: rrc.comments <rrc.comments@oah.nc.gov>; Ascher, Seth M <seth.ascher@oah.nc.gov>
Cc: Steele, Adam <adam.steele@ncsbe.gov>
Subject: [External] Re: 08 NCAC 23 .0101, 08 NCAC 23 .0102, 08 NCAC 23 .0103, 08 NCAC 23 .0104

You don't often get email from rosemary.mcgee47@gmail.com. [Learn why this is important](#)

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May 28, 2026

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: 08 NCAC 23 .0101, 08 NCAC 23 .0102, 08 NCAC 23 .0103, 08 NCAC 23 .0104

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Thank you for your consideration.

Rosemary E. McGee

919-247-1108

Karen Ziegler
1203 Shepherd St
Durham NC 27707

May 29, 2026

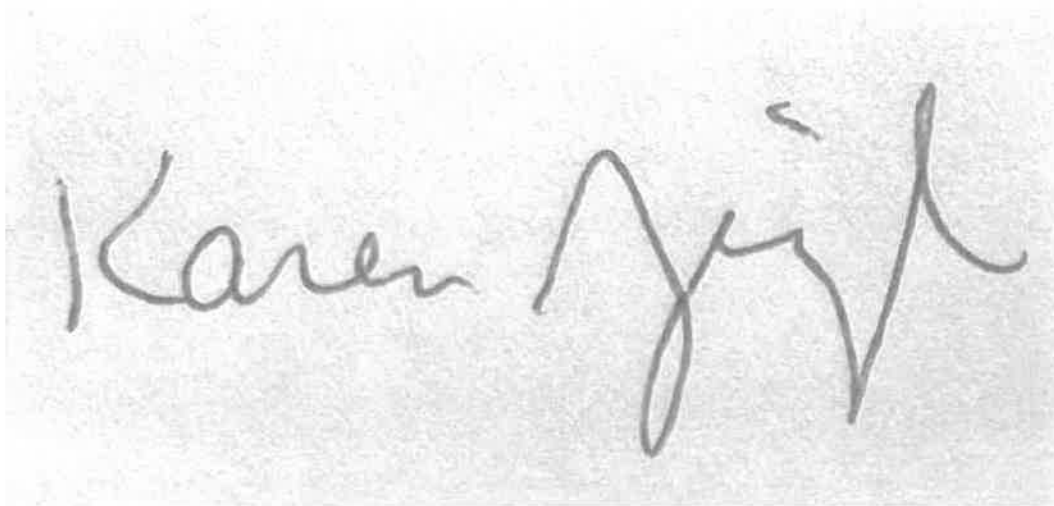
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Karen Ziegler

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Karen Ziegler
1203 Shepherd St
Durham NC 27707

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd
Raleigh, NC 27609

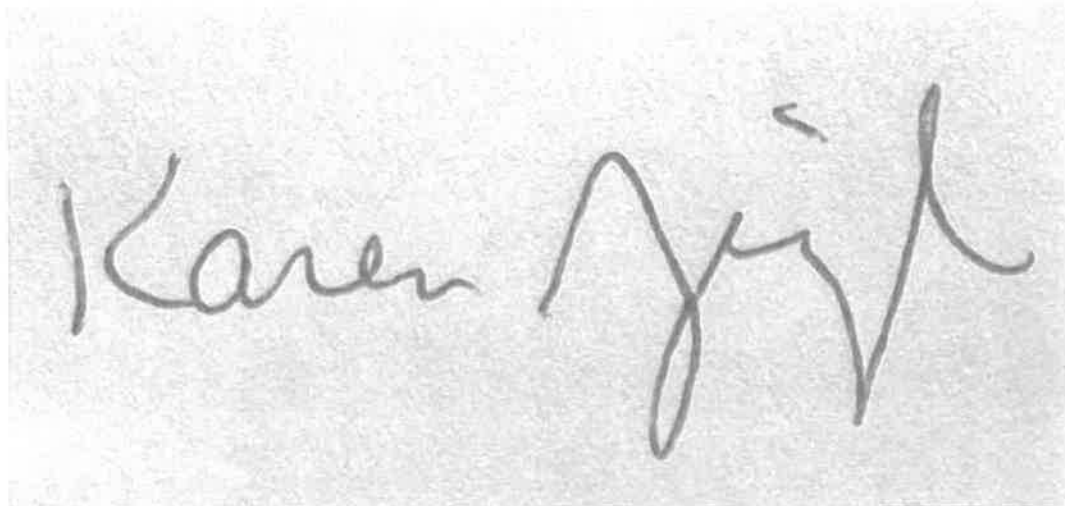
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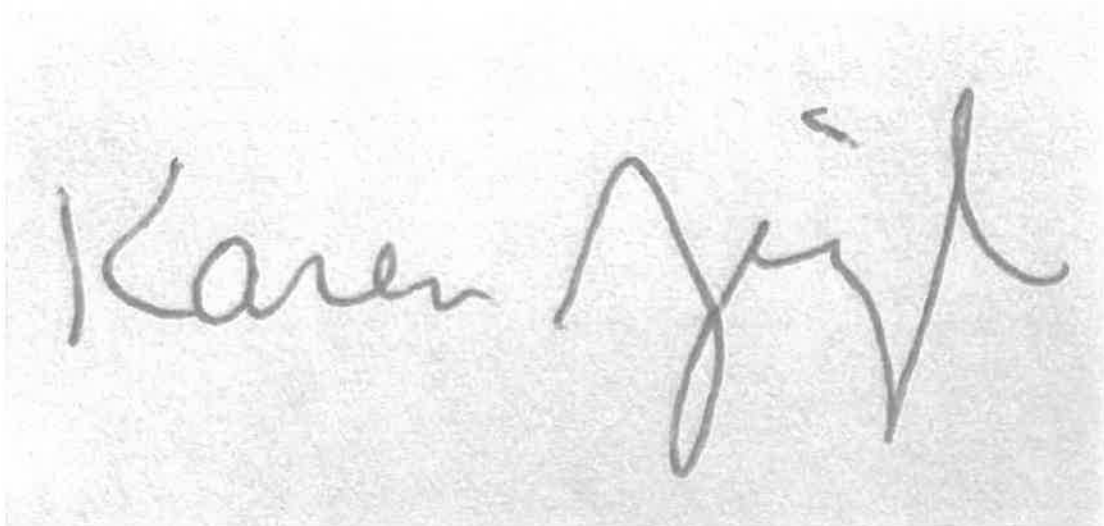
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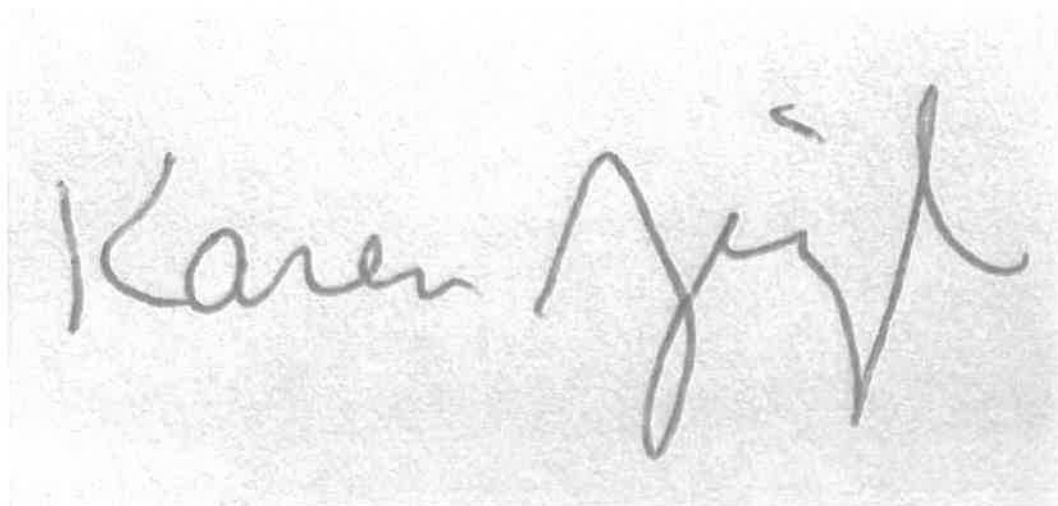
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Karen Ziegler

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Burgos, Alexander N

Subject: FW: [External] Re: 08 NCAC 23 .0101, 08 NCAC 23 .0102, 08 NCAC 23 .0103, 08 NCAC 23 .0104

From: Robert McGee <rjmcgee2011@gmail.com>

Sent: Wednesday, May 27, 2026 3:52 PM

To: Ascher, Seth M <seth.ascher@oah.nc.gov>; rrc.comments <rrc.comments@oah.nc.gov>; Steele, Adam <adam.steele@ncsbe.gov>

Subject: [External] Re: 08 NCAC 23 .0101, 08 NCAC 23 .0102, 08 NCAC 23 .0103, 08 NCAC 23 .0104

You don't often get email from rjmcgee2011@gmail.com. [Learn why this is important](#)

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Robert J. McGee

536 Middleton Place

Chapel Hill, NC 27516

May 28, 2026

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

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Thank you for your consideration.

Robert McGee

919-264-8286

Robert H. Uhl
1609 Park Drive
Raleigh, NC 27605

May 26, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0101: Definitions

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Thank you for your consideration.

Best regards,

A handwritten signature in black ink that reads "Robert H. Uhl". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Robert H. Uhl

Robert H. Uhl
1609 Park Drive
Raleigh, NC 27605

May 26, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0102 - Entry of Challenge

Members of the Commission:

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N.C. Rules Review Commission
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Raleigh, NC 27605

May 26, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0104 - Challenge Hearing

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Robert H. Uhl

Burgos, Alexander N

Subject: FW: [External] RE: Formal Objection & Request for Legislative Review Rule Citations: 08 NCAC 23 .0101, .0102, .0103, and .0104 –Katheen A. Rickert

From: Kitz Rickert <kitzrickert@hotmail.com>

Sent: Thursday, May 21, 2026 2:39 PM

To: Ascher, Seth M <seth.ascher@oah.nc.gov>

Cc: Postmaster, Oah <oah.postmaster@oah.nc.gov>; Steele, Adam <adam.steele@ncsbe.gov>; SVC_SBOE.Elections <Elections.SBOE@ncsbe.gov>; rrc.comments <rrc.comments@oah.nc.gov>

Subject: [External] RE: Formal Objection & Request for Legislative Review Rule Citations: 08 NCAC 23 .0101, .0102, .0103, and .0104 –Katheen A. Rickert

Some people who received this message don't often get email from kitzrickert@hotmail.com. [Learn why this is important](#)

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Public Comment on Proposed Rules 08 NCAC 23 .0101 - .0104

To the Members of the Rules Review Commission and Reviewing Staff:

I am writing to submit my formal public comments regarding the "List Maintenance" rules recently adopted by the State Board of Elections. As a concerned citizen and taxpayer living in Durham County, I have serious concerns about these rules. They are technically flawed, fiscally irresponsible, and fail to meet the mandatory administrative criteria that your Commission is required to review under G.S. § 150B-21.9.

Regarding Rule .0101: Why it fails on Technical Soundness and Clarity:

The SAVE Database is Unsound: The Board wants to rely primarily on the federal SAVE database to flag potential noncitizens. But according to USCIS data reviewed by the Brennan Center, this database has a massive 97.6% false-positive rate when people try to use it for voter registration cleaning ([Brennan Center SAVE Error

Analysis](<https://www.brennancenter.org/our-work/analysis-opinion/floridas-non-citizen-voter-purge-976-error-rate>)). Forcing a rule, though based on a database that is inaccurate completely violates the agency's duty to use sound technical information under G.S. § 150B-19.1(a)(5).

Undefined Triggers Create a "Trap": The rule also mentions using undefined "other government records" to flag people. This completely fails the "Clarity" standard set by G.S. § 150B-21.9(a)(2). If everyday citizens cannot look at a rule and understand what exactly triggers an enforcement action against them, the rule isn't clear. This ambiguity acts as an administrative trap for naturalized citizens or anyone who has changed their name during their lifetime.

Regarding Rule .0102: Imposes an Unfair Burden and Fails Fiscal Accountability

The 5-Day Window is an Unfair Barrier: This rule gives challenged voters a 5-day window to pull together incredibly restrictive, expensive documentation—like a birth certificate or a \$160 U.S. passport—just to prove their right to vote. Relying on the regular U.S. Postal Service to notify someone means a working citizen might only get a couple of days to respond. This fails the mandate under G.S. § 150B-19.1(a)(2) which requires agencies to actually minimize the administrative and financial burdens placed on citizens. The challenged individual may be employed and find difficulty to bring in documentation to the County Board of Elections, during working hours, more time should be given.

Operational Confusion: The rule is completely silent on whether the State Board or the local County Board of Elections is supposed to mail out this notice. This lack of operational detail is another clear failure of the "Clarity" standard required under G.S. § 150B-21.9(a)(2).

An Unfunded Mandate on Counties: Bypassing an accurate fiscal note by claiming "no economic impact" is a major failure of "Procedural Compliance" under G.S. § 150B-21.4(b1). Processing these labor-intensive manual hearings is going to place a massive financial burden directly on tightly financed county board budgets, which completely contradicts the State Board's fiscal claims.

Regarding Rule .0103: Violates Statutory Authority and Reasonable Necessity

Improperly Shifting the Burden of Proof: This rule, by allowing unverified third-party or groups to challenge voters eligibility based on secret data, without even requiring the challenger to show up to the preliminary hearing. Allowing a silent, unsworn database flag a citizen to show up and "prove their existence" completely flips the legal burden of proof. This directly violates the fundamental presumption of voter eligibility established under North Carolina law in G.S. § 163-90.1(b). Furthermore, letting officials bypass sworn testimony completely contradicts the mandatory dismissal rules in G.S. § 163-85(d). If this is indeed a valid challenge, they should be present at the preliminary hearing.

Inventing a Problem That Doesn't Exist: A 2016 North Carolina State Audit proved that non-citizen voting is statistically non-existent, tracking a microscopic infraction rate of just 0.00085%. Building a massive, taxpayer-funded manual challenge infrastructure to chase a non-existent issue completely fails the statutory test of "Reasonable Necessity" under G.S. § 150B-21.9(a)(3).

Regarding Rule .0104: is Totally Redundant and Lacks Clarity

No Provisional Protections: The rule doesn't explain if a voter can cast a provisional ballot if their paperwork is delayed past the 5-to-20-day hearing window. Leaving out basic voter protections makes the rule incredibly vague and non-compliant with standard clarity guidelines.

Wasteful Technological Redundancy: The State Board's leadership talks about moving into the "digital age" to save money, yet Rule .0104 sets up a slow, manual, paper-heavy process. What makes this a clear violation of "Reasonable Necessity" under G.S. § 150B-19.1(a)(4). North Carolina has already invested \$4.66 million into the ReFrame platform to modernize our State Elections Information Management System (SEIMS). ReFrame was specifically bought to handle real-time data validation securely and automatically. Forcing county staff into a manual workaround when an automated system is already bought and paid for is completely redundant.

Conclusion: When you look at the facts, the State Board of Elections has failed to meet the mandatory rulemaking standards set by the General Assembly. They are pushing through an expensive, labor-intensive system without a proper fiscal note, relying on a database with a known 97.6% error rate, ignoring pre-existing automated software we already bought, and rewriting state statutes on the fly.

Pursuant to [G.S. 150B-21.9], I am formally submitting these comments regarding proposed permanent rules 08 NCAC 23 .0101, .0102, .0103, and .0104.

I respectfully ask that the Rules Review Commission address these serious procedural defects and object to these permanent rules.

Sincerely,

Kathleen A. Rickert
2709 Legion Avenue
Durham, North Carolina 27707
cell 773-329-0847

Marsha L. Davenport
904 Monterey Valley Dr.
Chapel Hill, NC 27516

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0104 - Challenge Hearing

Members of the Commission:

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Thank you for your consideration.

Marsha L. Davenport, MD

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Marsha L. Davenport
904 Monterey Valley Dr.
Chapel Hill, NC 27516

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0103 - Preliminary Challenge

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Marsha L. Davenport, MD

A handwritten signature in cursive script that reads "Marsha L. Davenport". The signature is written in black ink and is positioned below the typed name.

Marsha L. Davenport
904 Monterey Valley Dr.
Chapel Hill, NC 27516

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0102 - Entry of Challenge

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Marsha L. Davenport, MD

A handwritten signature in cursive script that reads "Marsha L. Davenport". The signature is written in black ink and is positioned below the typed name.

Marsha L. Davenport
904 Monterey Valley Dr.
Chapel Hill, NC 27516

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0101: Definitions

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Marsha L. Davenport, MD

A handwritten signature in cursive script that reads "Marsha L. Davenport". The signature is written in black ink and is positioned below the typed name.

112 Assembly Ct
Cary NC 27511

May 20, 2026

To: North Carolina Rules Review Commission
NC Office of Administrative Hearings
1711 New Hope Church Road
Raleigh, NC 27609

RE: Formal Objection & Request for Legislative Review Rule , 08 NCAC 23 .0101 through .0104
Specifically: Compliance with the Administrative Procedure Act (APA)

Dear RRC:

I object to the "voter maintenance rules " adopted by the State Board of Elections. (**08 NCAC 23 .0101 through .0104**) I request that these rules be subjected to legislative review pursuant to G.S. 150B-21.3 (b2).

I specifically want to draw your attention to Compliance with the Administrative Procedure Act (APA), and want to point out that the Board failed to "fully consider" all 15,000 comments as it is required to do per G.S. 150B-21.2(f). *"An agency must consider fully all written and oral comments received."*

During the 04/16/26 State Board of Elections meeting, we were told that over 14,000 comments were received, and yes, a few administrative changes were made, ignoring the 98% of negative comments on relying on an unreliable database, and forcing false negatives to provide burdensome proof that they are in fact citizens.

My focus, when you watch the tape of the meeting occurs near the 01:46:36 mark, where Mr. Carmon accurately says "You are being tone deaf, what is minor to you ... may be burdensome to others." He later asks "You are going to pass this?" and Chairman De Luca responds, laughing, "Why wouldn't I?". The very fact that Chairman De Luca asks "why wouldn't I?" while laughing, shows he has ignored and/or doesn't understand the concerns of 98% of the commenters. It shows he has NOT considered fully the written and oral comments received. It shows he has NOT met the criteria established by the APA for establishing rules.

Because of this attitude and failure by the board to follow the APA, I formally object and urge this Commission to return these rules to the Agency for proper review. I also request the Commission delay the effective date of these rules.

Sincerely,

Pamela Shank
112 Assembly Ct
Cary NC 27500
Wake County
gigishank@gmail.com

Attachments: (Links to APA and Board Meeting.)

CC: Rulemaking Coordinator
P.O. Box 27255
Raleigh, NC 27611-7255

Burgos, Alexander N

From: tim_mckeown <tim_mckeown@protonmail.com>
Sent: Monday, May 25, 2026 8:00 AM
To: rrc.comments
Subject: Re: [External] Objections to proposed State of Elections rules pertaining to identifying noncitizens on the voter rolle

You don't often get email from tim_mckeown@protonmail.com. [Learn why this is important](#)

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Yes, I am requesting legislative review. My apologies for neglecting to mention that at the outset.

Timothy McKeown

Sent with [Proton Mail](#) secure email.

On Thursday, May 21st, 2026 at 3:58 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: tim_mckeown <tim_mckeown@protonmail.com>
Sent: Friday, April 17, 2026 4:53 PM
To: rrc.comments <rrc.comments@oah.nc.gov>
Subject: [External] Objections to proposed State of Elections rules pertaining to identifying noncitizens on the voter rolle

You don't often get email from tim_mckeown@protonmail.com. [Learn why this is important](#)

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

My objections follow:

Objections to Rules 08 NCAC 23 .0101, .0102, .0103, and .0104 published on https://dl.ncsbe.gov/?prefix=State_Board_Meeting_Docs/2026-04-16/Rules%20-%20List%20Maintenance/

1. Regarding Rule .0101, part (9) states merely that the classification of a registered voter as a “potential noncitizen” rests on “information obtained by the State Board from official government records and databases and which identifies a registered voter as not being a United States citizen.” The Board’s determination cannot be effectively challenged by an accused voter if the voter is not told the source of the information that they are not a citizen, and has an opportunity to inspect that source. Although the Board notes in proposed part (7) that the specific documentary basis upon which the determination of “potential noncitizen” is based shall be disclosed to the voter, the rules as stated do not obligate the Board to disclose other documents and databases that were also consulted that might convey a different conclusion about citizenship than the database selected as evidence of potential noncitizenship. Thus, all sources consulted must be disclosed to the voter.
2. Regarding Rule .0102, the rule states that written notice shall be provided to the voter both via US Mail with a receipt of delivery, and email, if an email for the voter is on file with the county Board of Elections. The rule as stated does not make clear whether a signed receipt from any resident of the address constitutes adequate proof of delivery. The language should specify that the receipt shall be signed by the voter in question.
3. This rule is also silent on the use of the phone numbers for voters that have been requested on NC voter registration forms. As with email addresses, not all voters have their phone number on file with the county Board, but the voter registration form requests that voters supply both a phone number and an email address, and public records show a substantial number of voters have provided a phone number. If the Board goes to the trouble of requesting and collecting voters’ phone numbers, why then would it not commit to using those phone numbers to aid in contacting voters, especially when the Board is uncertain whether the voter has received the notifications sent to them? Granted, a phone conversation is more difficult to document than a letter or an email, but if the point of contacting the voter is to remove uncertainty about their citizenship status, this is hardly a less important matter than any of the other reasons that the Board might have for calling a voter about their registration. If they call and do not reach the voter in question, the rules should also specify that the caller will leave voicemail about the reasons for the call, along with a return number for the voter to use.
4. Regarding Rule .0103, the rule states that “The county board’s determination of probable cause under Paragraph (b) of this Rule shall be announced at the preliminary hearing.” This implies that no evidence presented at the preliminary hearing requires significant time for the hearing officer to evaluate, and that no time will be spent outside of the hearing in such evaluation. That in turn suggests that the consideration of evidence is short, simple and easy. What if it is not? There is no provision here for a more lengthy consideration of the evidence.
5. Regarding Rule .0104 on Challenge Hearings, here again the Board makes no mention of its frequent possession of phone numbers for voters, and the subsequent possibility of using phone calls, voicemails, or text messages to alert voters to the existence of US Mail sent to them about their voter registration status and their citizenship. This information has already been collected for many voters, so time or expense is required for the Board to use that information as another channel whereby voters can be notified.

Submitted by

Timothy J. McKeown

27 Bermouth Court

Durham, NC 27705

April 17, 2026

Sent with [Proton Mail](#) secure email.

Marsha L. Davenport
904 Monterey Valley Dr.
Chapel Hill, NC 27516

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0104 - Challenge Hearing

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Marsha L. Davenport, MD

A handwritten signature in black ink that reads "Marsha L. Davenport". The signature is written in a cursive, flowing style.

Burgos, Alexander N

Subject: FW: [External] Fwd: Request for Rule Review

From: Jennifer Stuart <jen.s.stuart@gmail.com>
Sent: Monday, May 25, 2026 3:26 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>
Subject: [External] Fwd: Request for Rule Review

You don't often get email from jen.s.stuart@gmail.com. [Learn why this is important](#)

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----- Forwarded message -----

From: Jennifer Stuart <jen.s.stuart@gmail.com>
Date: Mon, May 25, 2026 at 3:18 PM
Subject: Request for Rule Review
To: <seth.ascher@oahnc.gov>, <rrc.comments@oah.nc.gov>
Cc: <adam.steele@ncsbe.gov>

Jennifer Stuart
132 Potomac River Street
Garner, NC 27529

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0104 - Challenge Hearing

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Jennifer Stuart



Legislative-Review-Request for 08 NCAC 23 .0104 - Challenge Hearing

Burgos, Alexander N

From: Ascher, Seth M
Sent: Tuesday, May 26, 2026 12:53 PM
To: Burgos, Alexander N
Subject: Fw: [External] Request for Rule Review

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: Jennifer Stuart <jen.s.stuart@gmail.com>
Sent: Monday, May 25, 2026 3:36 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; rrc.comments <rrc.comments@oah.nc.gov>
Cc: Steele, Adam <adam.steele@ncsbe.gov>
Subject: [External] Request for Rule Review

You don't often get email from jen.s.stuart@gmail.com. [Learn why this is important](#)

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Jennifer Stuart
132 Potomac River Street
Garner, NC 27529

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0103 - Preliminary Challenge

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Jennifer Stuart



Legislative-Review-Request for 08 NCAC 23 .0103 - Preliminary Challenge

Burgos, Alexander N

From: Ascher, Seth M
Sent: Tuesday, May 26, 2026 12:53 PM
To: Burgos, Alexander N
Subject: Fw: [External] Request for Rule Review

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: Jennifer Stuart <jen.s.stuart@gmail.com>
Sent: Monday, May 25, 2026 3:40 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; rrc.comments <rrc.comments@oah.nc.gov>
Cc: Steele, Adam <adam.steele@ncsbe.gov>
Subject: [External] Request for Rule Review

You don't often get email from jen.s.stuart@gmail.com. [Learn why this is important](#)

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Jennifer Stuart
132 Potomac River Street
Garner, NC 27529

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0102 - Entry of Challenge

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Jennifer Stuart



Legislative-Review-Request for 08 NCAC 23 .0102 - Entry of Challenge

Burgos, Alexander N

From: Ascher, Seth M
Sent: Tuesday, May 26, 2026 12:53 PM
To: Burgos, Alexander N
Subject: Fw: [External] Request for Rule Review

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: Jennifer Stuart <jen.s.stuart@gmail.com>
Sent: Monday, May 25, 2026 3:45 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; rrc.comments <rrc.comments@oah.nc.gov>
Cc: Steele, Adam <adam.steele@ncsbe.gov>
Subject: [External] Request for Rule Review

You don't often get email from jen.s.stuart@gmail.com. [Learn why this is important](#)

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Jennifer Stuart
132 Potomac River Street
Garner, NC 27529

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0101: Definitions

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Jennifer Stuart



Legislative-Review-Request for 08 NCAC 23 .0101- Definitions

Robert H. Uhl
1609 Park Drive
Raleigh, NC 27605

May 26, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0102 - Entry of Challenge

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Best regards,

A handwritten signature in black ink that reads "Robert H. Uhl". The signature is written in a cursive style with a large, looping initial "R".

Robert H. Uhl

Robert H. Uhl
1609 Park Drive
Raleigh, NC 27605

May 26, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0103 - Preliminary Challenge

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Robert H. Uhl". The signature is written in dark ink and has a long, sweeping horizontal line extending to the right.

Robert H. Uhl

Robert H. Uhl
1609 Park Drive
Raleigh, NC 27605

May 26, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0104 - Challenge Hearing

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

A handwritten signature in black ink that reads "Robert H. Uhl". The signature is written in a cursive style with a large, sweeping flourish at the end.

Robert H. Uhl

Burgos, Alexander N

From: Jennifer Stuart <jen.s.stuart@gmail.com>
Sent: Monday, May 25, 2026 3:46 PM
To: Ascher, Seth M; rrc.comments
Cc: Steele, Adam
Subject: [External] Request for Rule Review

You don't often get email from jen.s.stuart@gmail.com. [Learn why this is important](#)

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Jennifer Stuart
132 Potomac River Street
Garner, NC 27529

May 29, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 08 NCAC 23 .0101: Definitions

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Jennifer Stuart



Legislative-Review-Request for 08 NCAC 23 .0101- Definitions

Burgos, Alexander N

From: Postmaster, Oah
Sent: Friday, May 22, 2026 3:22 PM
To: Burgos, Alexander N
Subject: FW: [External] Formal Comments & Request for Legislative Review Rule Citations: 08 NCAC 23 .0101, .0102, .0103, and .0104
Attachments: RRC comments on voter list review rules (2).pdf

Julie B. Eddins
Publications Coordinator
NC Office of Administrative Hearings
Phone 984-236-1937 (direct)
[*julie.eddins@oah.nc.gov*](mailto:julie.eddins@oah.nc.gov)



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: stephanie mcguire <sf.mcguire28@gmail.com>
Sent: Thursday, May 21, 2026 4:27 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>
Cc: rrc.comments <rrc.comments@oah.nc.gov>; Postmaster, Oah <oah.postmaster@oah.nc.gov>; Steele, Adam <adam.steele@ncsbe.gov>; SVC_SBOE.Elections <Elections.SBOE@ncsbe.gov>
Subject: [External] Formal Comments & Request for Legislative Review Rule Citations: 08 NCAC 23 .0101, .0102, .0103, and .0104

You don't often get email from sf.mcguire28@gmail.com. [Learn why this is important](#)

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

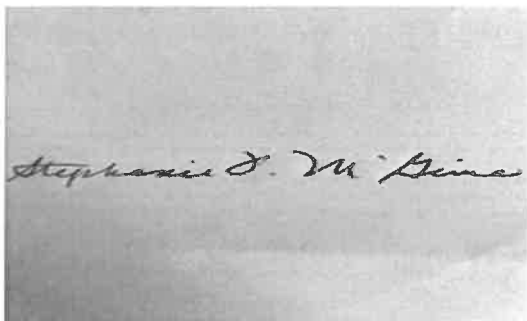
From: Stephanie F. McGuire

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). Attached are my formal comments.

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

Sincerely,

A photograph of a handwritten signature in cursive script, which reads "Stephanie F. McGuire". The signature is written in dark ink on a light-colored, slightly textured paper background.

Stephanie F. McGuire

6 Drakesway Court

Durham, NC 27713 (Durham County)

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)

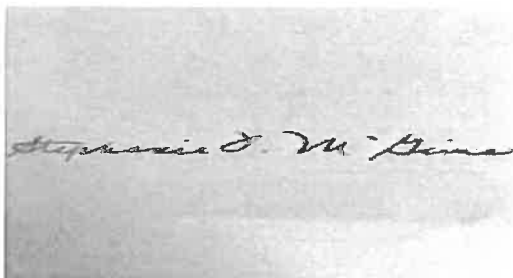
Regarding Rule .0103: This rule facilitates the allowance of unverified third-party groups to trigger mass challenges based on flawed data. A 2016 state audit proved that non-citizen voting is statistically insignificant (0.00085%). Creating a massive, taxpayer-funded manual challenge process for a non-existent 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 photograph of a handwritten signature in cursive script, which reads "Stephanie F. McGuire". The signature is written in dark ink on a light-colored, slightly textured paper.

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

You don't often get email from jmurobbins@gmail.com. [Learn why this is important](#)

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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

You don't often get email from jmurobbins@gmail.com. [Learn why this is important](#)

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

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.

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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,

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: Deborah Barnette <debbarnette@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

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.

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Thank you for your consideration.

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

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: 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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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: 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

You don't often get email from mrodemeyer@outlook.com. [Learn why this is important](#)

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re: *NON-CITIZEN LIST MAINTENANCE RULES adopted April 16, 2026 at the NC State Board of Elections*
08 NCAC 23 .0101
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08 NCAC 23 .0103
08 NCAC 23 .0104

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.

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Thank you for your consideration.

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

Trey Kennedy
6539 Clarksdale Ln.
Durham, NC
TreKeny@outlook.com

May 19th, 2026

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: Formal Objection and Request for a delayed effective date and for Legislative Review on the following rule citations:

- 08 NCAC 23 .0101.**
- 08 NCAC 23 .0102.**
- 08 NCAC 23 .0103.**
- 08 NCAC 23 .0104.**

Dear Commission: Chair Representative Parker and Members:
Senators Doran, Dixon, Hahn, Hyde and Nelson
Representatives Loutit, Overton, Powell
And Rules Coordinators Seth Ascher/ Travis Wiggs and Adam Steele

I am writing to formally object to the adoption of the North Carolina State Board of Elections (NCSBoE) rule revisions for List Maintenance of the rules enumerated above. I am requesting that the rules be reviewed and returned to the NCSBoE for further review and revision based on Administrative Procedures Act §150B-21.9(a) and to extend the period for review in accordance with §150B-21.10(3).

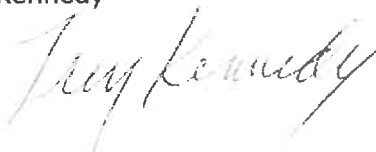
****NOTE: Each rule's objection begins on a separate page from the prior rule. Pages are numbered to allow for distribution convenience in the event a different Rule Coordinator is required for that specific rule set. Each rule will follow in numeric order and exhibits will follow the objections and are expected to be by order of appearance in the objection. Some exhibits may apply to more than one objection if closely following the previous and is found in the same statute **.**

The proposed rules are procedurally in violation of General Statutes and/or the Administrative Procedures Act. I therefore request that they be thoroughly reviewed and the effective date delayed as set out in the same provisions. Without this careful consideration, to advance them with the many procedural errors, without change, would be an embarrassment to our state.

Each rule is made into a "packet" for convenience.

Thank you for your consideration.

Trey Kennedy



RULE 23.0101
Objection packet
w/ exhibits (9)

1 08 NCAC 23 .0101 is adopted with changes as published in 40:14 NCR 1195-1196 as follows:

2
3 CHAPTER 23 – LIST MAINTENANCE

4
5 SECTION .0100 – NON-CITIZEN LIST MAINTENANCE

6
7 **08 NCAC 23 .0101 DEFINITIONS**

8
9 For purposes of this Section:

- 10 (1) “Chair” means a member appointed to be the chair of a county board of elections pursuant to G.S.
11 163-30.
- 12 (2) “Challenge” means a challenge entered by a county board under Rule .0102 of this Section.
- 13 (3) “Challenge hearing” means the hearing conducted under Rule .0104 of this Section.
- 14 (4) “Challenged voter” means a ~~presumptive potential~~ noncitizen whose eligibility to remain
15 registered to vote has been challenged pursuant to the procedures in this Section.
- 16 (5) “Director of elections” means the county director of elections for a county appointed pursuant to
17 G.S. 163-35.
- 18 (6) “Documentation of citizenship” means an original or copy of a document issued by a state,
19 federal, or tribal government showing the citizenship of the person to whom the document was
20 issued. Documentation of citizenship shall include, but is not limited to, a birth certificate, a
21 document showing place of birth issued by a vital records office, a passport or passport card issued
22 by the United States Department of State, a consular report of birth abroad issued by the United
23 States Department of State, ~~or~~ a certificate of citizenship or naturalization issued by the
24 Department of Homeland Security’s United States Citizenship and Immigration Services.
25 Documentation of citizenship shall also include documentation showing the citizenship of a
26 parent, when provided with documentation indicating the parental relationship to the person
27 presenting the documentation, to demonstrate citizenship derived from a parent pursuant to the
28 applicable provisions of the federal Immigration and Nationality Act.
- 29 (7) “Notice of non-citizenship” means a written notice sent by the State Board of elections to a county
30 board of elections identifying a registered voter in the county as a ~~presumptive potential~~
31 noncitizen. The notice of non-citizenship shall include the source of the information used to
32 identify the registered voter as a potential noncitizen.
- 33 (8) “Preliminary hearing” means the hearing conducted under Rule .0103 of this Section.
- 34 (9) ~~“Presumptive “Potential noncitizen”~~ means a registered voter who has been identified by the State
35 Board of Elections as potentially not being a United States citizen based on information obtained
36 by the State Board from official government records and databases and which identifies a
37 registered voter as not being a United States citizen. A potential noncitizen does not mean a

1 registered voter for whom the State Board has in its possession or control any information or
2 documents demonstrating that the voter has previously provided documentation of citizenship, nor
3 does it mean a registered voter who has previously been found to be a United States citizen by a
4 county board of elections.

5
6 *History Note: Authority G.S. 163-22; 163-82.14; 163-82.26; 163-85; 163-86;*
7 *Eff. ~~May~~ June 1, 2026.*

OBJECTION TO RULE 08 NCAC 23.0101, Definition (6)

Violation Of North Carolina Administrative Procedures Act Gs §150(B)-19.1(a)(3)

“Rules **shall** be written in a clear and unambiguous manner and must be reasonable necessary to implement or interpret federal or state law.”

Lack of Clarity

NCSBOE rule 08 NCAC 23.0101.(6) states:

“Documentation of citizenship” means an original or copy of a document issued by a state, federal, or tribal government showing the citizenship of the person to whom the document was issued. Documentation of citizenship shall include, but is not limited to, a birth certificate, a document showing place of birth issued by a vital records office, a passport or passport card issued

by the United States Department of State, a consular report of birth abroad issued by the United

States Department of State, or a certificate of citizenship or naturalization issued by the Department of Homeland Security’s United States Citizenship and Immigration Services.

Documentation of citizenship shall also include documentation showing the citizenship of a parent, when provided with documentation indicating the parental relationship to the person presenting the documentation, to demonstrate citizenship derived from a parent pursuant to the applicable provisions of the federal Immigration and Nationality Act.”

Objection: The “documentation of citizenship” is a misnomer on its face. The documents listed below do not state on them that you are a citizen, nor do they prove that you are, due to exceptions that can be made from them and must be considered on a case-by-case basis to determine validity.

- Birth certificate – reports where you were born, but does not prove citizenship.
 - One exception as an example - Foreign Ambassadors children born here are not citizens of the U.S.
- A vital records document that shows place of birth also may not be proof of citizenship – again you can use the previous example, but also to factually include that many elderly folks retain their only “original” record of birth as the black and white Xerox copy given them by the hospital, which was issued at their birth as a birth certificate, or given to them by their parent as proof of birth in the United States. This is NOT a Government document. Requiring someone elderly to produce a current vital records copy could eliminate that voter. Yet, requiring them to have the capacity to purchase one could place an undue financial burden, as well as a physical hardship. Exceptions should be included.
- Persons from other states who currently reside in North Carolina, adhered to those state laws in effect where they were born. A **vital records** original, or copy may not have been implemented as early as North Carolina (1913) and again, a hospital record

of birth was sufficient. However, there is no clarity on how a person (having a birth certificate that satisfied their state of birth) would obtain an “original” document that would satisfy the state of North Carolina. There is no guidance provided on this. Despite this discrepancy, whatever they can obtain will not state that they are a citizen.

- Persons born on sovereign Tribal Land also never had a requirement to have a birth certificate (especially true of those born prior to 1970). Likely they would not have access to anything that records them as “citizen.” There are also persons (like many grand and great grandparents) who legally immigrated from countries overseas to the United States, but may not have had vital records to support the birth of their children here. Guidance should be provided for these types of exceptions, also.
- A Passport – does not designate you are a citizen. It only allows an assumption of their status as a citizen. To take it at its face is also exclusionary as the majority of people who are U.S. citizens have never had a need to obtain a passport. For the NC Government to require someone to obtain something financially, or logistically (i.e., mobility issues, aging issues such as not driving) unattainable in order to prove their citizenship is sometimes completely unnecessary. We have citizens that have lived here all their lives, or have been voting long before any requirements were present, so to put such a requirement on them is once again placing an undue burden on them in violation of the Administrative Procedures GS Act §150(B)-19.1(a)(2) which reads “An agency **shall** seek to reduce the burden upon those persons or entities who must comply with the rule.”

Violation Of North Carolina Administrative Procedures Act GS §150(B)-19.1(a)(3)

“Rules **shall** be written in a clear and unambiguous manner and must be reasonably necessary to implement or interpret federal or State law.”

Lack of Clarity

08 NCAC 23.0101(6) follows with the current added revision (the underlined paragraph) as it reads:

“Documentation of citizenship” means an original or copy of a document issued by a state, federal, or tribal government showing the citizenship of the person to whom the document was issued. Documentation of citizenship **shall** include, but is not limited to, a birth certificate, a document showing place of birth issued by a vital records office, a passport or passport card issued by the United States Department of State, a consular report of birth abroad issued by the United States Department of State, or a certificate of citizenship or naturalization issued by the Department of Homeland Security’s United States Citizenship and Immigration Services.

Documentation of citizenship shall also include documentation showing the citizenship of a parent, when provided with documentation indicating the parental relationship to the person presenting the documentation, to demonstrate citizenship derived from a parent pursuant to the applicable provisions of the federal Immigration and Nationality Act.”

Objection: In the underlined addition created in the NCSBOE revision, the words “**shall also**” on the first underlined sentence indicates to any reasonable person

seeking that information, that as well as any of the other selected documentation, you SHALL ALSO present your parental birth certificate in order to validate your citizenship.

The above, along with other situations listed below, should be exceptions. These do not appear to have been given any consideration as to the request for citizenship through a parent who is a U.S. citizen.

EXCEPTIONS:

1. A war baby, certainly would not have access to a parental birth certificate, nor likely knowledge of a soldier's name (if the mother is/was not able to provide it) for the child to try to research for it.
2. An American citizen, established in another country due to a U.S. firm's employment requirement, had a child in that country. That child is now an adult. Should an outbreak of violence and/or mass destruction resulting from the effects of insurrection or war in that country, causing the parent, adult child and other family members to evacuate/flee from that situation to the U.S. for their safety, there should not be expectation to be able to provide a birth certificate of the parent. People on-the-run rarely are thinking that far ahead.
3. If a parent who is an American citizen, dies suddenly, the likelihood of their adult child asking that parent (if they even had an opportunity to ask) prior to their death for their birth certificate, or location of it, is unlikely. Thinking they would even need it likely would not even occur to them.

Should anyone in these, or similar circumstances, legitimately have a parent who is/was a U.S. citizen, the United States Citizenship and Immigration Service should be required to assist in a meaningful search of existing records prior to declaring them a non-citizen and guidance as to if one is found, or isn't found should be applied.

OBJECTION TO RULE 08 NCAC 23.0101. Definition (7)

Violation Of North Carolina Administrative Procedures Act GS §150(B)-19.1(a)(3)

" Rules shall be written in a clear and unambiguous manner and must be reasonably necessary to implement or interpret federal or State law."

Lack Of Clarity

08 NCAC 23.0101 (7) reads:

"“Notice of non-citizenship” means a written notice sent by the State Board of elections to a county board of elections identifying a registered voter in the county as a presumptive potential noncitizen. The notice of non-citizenship shall include the source of the information used to identify the registered voter as a potential noncitizen.”

Objection: If codified as “shall include the source,” then “the source” considered acceptable should also be codified. Information used to identify a registered voter as a potential non-citizen should be SPECIFIC and LIMITED by ensuring that no ambiguity exists to identify who, or what, source used is reputable, credible and factual and

establish guidelines that identify sources as such. As currently stated, the source could come from:

- sources of opposition
 - an individual with an ax to grind, an agenda that is not reputable, or a prejudice
 - a candidate using the lack of clarification as a campaign strategy to eliminate votes
- sources not reputable
 - A report coming from (hypothetically) Melanie Acrobat stating “I heard from John Smith, the neighbor across from me, that the guy living next to him was illegal.”

OBJECTION TO RULE 08 NCAC 23 .0101. Definition (9)

Violation Of North Carolina Administrative Procedures Act GS §150(B)-19.1(a)(3)

“Rules shall be written in a clear and unambiguous manner and must be reasonably necessary to implement or interpret federal or State law.”

LACK OF CLARITY

Definition (9) reads:

“Potential noncitizen” means a registered voter who has been identified by the State Board of Elections as potentially not being a United States citizen based on information obtained by the State Board from **official government records and databases** and which identifies a registered voter as **not being a United States citizen**. A potential noncitizen does not mean a registered voter for whom the State Board has in its possession or control any information or documents demonstrating that the voter has previously provided documentation of citizenship, nor does it mean a registered voter who has previously been found to be a United States citizen by a county board of elections.”

Objection: LINE 33- 36 of the rule – refers to: “**Official Government Records and Databases** being used to identify “...not being a United States citizen based on information obtained...” from those records and databases. The specific government records and databases were not defined, nor clarified as to what specific government records and databases were the ones that were being used, leaving the language ambiguous. There are many possibilities of databases that could fill that definition.

The NCSBOE relying on “official government records and databases” that identifies registered voters as being non-citizen, could perhaps refer to Department of Motor Vehicle databases:

- That would fail to take into account the flaws from the Department of Motor Vehicle (DMV) databases that are not regularly updated. Still, this does not mean the persons listed voted. They are simply capturing names of those not registered. Example:

- The DMV databases would not capture a person who since receiving a driver's license (from automatic voter registration), would have become a naturalized citizen. Nor would it capture all persons who initially registered under their original surname, who later married and co-joined it with their spouse's surname to a hyphenated last name (usually to assist in ancestral tracking opportunities of both families) UNLESS the database was updated on a frequent basis.
- The DMV has also not been given any leeway for making mistakes in registering persons. For instance, to "register" persons who misunderstood what they were being asked, and/or those who stated "no," to whether they wanted to be registered to vote who were misunderstood by the DMV worker. Even County Boards and other persons registering voters can err.

It also fails to take into account the flaws or errors in other databases it might refer to for use to "validate" non-citizens. One such database used by the United States Citizenship and Immigration Services (USCIS) has already been documented to have a propensity for returning false-positive rates when used for voter registration purposes. There are numerous accounts. Exhibits include:

- The first such document identified as exhibit for this item entitled "Flaws in Government Tool to ID Noncitizen Voters," from March 2026 and
- The second such document identified as exhibit for this item entitled "Update: Review of Claims of Noncitizen Registrants and Voters" from February 2026.
- Also, refer to the April 27th Press Release from the NCSBOE by Director Sam Hayes which identified 34,000 deceased individuals on the voter rolls – none of whom were identified as having voted. Since voting rolls are generally purged every 2 Presidential election cycles, this really is an irrelevant figure when dealing with the many deaths that are likely to have occurred during CoVid, and thus providing more false-positives and needless information.

Further, this rule fails to identify if the "official government records and databases" referred to are lab tested for accuracy and security and received Accreditation and Certification from the Election Assistance Commission. As this has been the standard for past years to prove the accuracy and data security of the machines, it seems odd that being required by the Help America Voting Act (HAVA), that no inclusion of Accreditation or Certification was documented.

These testing labs are also reliable scientific technology which, according to **ADMINISTRATIVE PROCEDURES ACT 150(B)-19.1(a)(5)** which states, "When

appropriate, rules **shall** be based on sound, reasonably available scientific, technical, economic, and other relevant information. **Agencies shall include a reference to this information in the notice of text required by G.S.150(B)-21.2(c).**" [Refer to the exhibit: Procedure for adopting a Permanent Rule (c)Notice of text., or the inset text below)

G.S.150(B)-21.2(c) states "Notice of Text. – A notice of the proposed text of a rule must include all of the following:" and in (c)(3)- (of the 9 items to be included)– that "A citation to the law that gives the agency the authority to adopt the rule" which I don't recall ever having seen and it was not present in the press release. [the entire text is included in an exhibit identified as the Administrative Procedures Act 150(B)]. If public participation is actually valued, then the publicity of these hearings should be driven to local news media.

In the NCSBOE Press Release dated February 25th by Sam Hayes, he identifies the Nationally recognized testing labs used to approve Certification and Accreditation for previous machines used, but fails to say that the ones intended for use will be also.

In that **February 25th, 2026 press release**), Director Hayes stated that ReFrame Solutions was selected to modernize the State Elections Information Management System (SEIMS); and that later this year, another bidding process for a vendor to replace that system would be completed. What was not mentioned neither by Hayes nor the NCSBOE is whether the acquiring of official government records and databases was going to be by ACCREDITED AND CERTIFIED machines. The Accredited and Certified voting systems: In 2021, the United States Election Assistance Commission certified and accredited only 2 companies as able to certify voting systems. They were **Pro V&V** and **SLI Compliance**. I've included a copy of that press release and of the Certified and Accredited voting systems entitled "The two- 2026 Accredited Testing Labs."

ADMINISTRATIVE PROCEDURES ACT 150(B)

§ 150B-19.1. Requirements for agencies in the rulemaking process.

(a) In developing and drafting rules for adoption in accordance with this Article, agencies shall adhere to the following principles:

- (1) An agency may adopt only rules that are expressly authorized by federal or State law and that are necessary to serve the public interest.
- (2) An agency shall seek to reduce the burden upon those persons or entities who must comply with the rule.
- (3) Rules shall be written in a clear and unambiguous manner and must be reasonably necessary to implement or interpret federal or State law.
- (4) An agency shall consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed. The agency shall not adopt a rule that is unnecessary or redundant.
- (5) When appropriate, rules shall be based on sound, reasonably available scientific, technical, economic, and other relevant information. Agencies shall include a reference to this information in the notice of text required by G.S. 150B-21.2(c).
- (6) Rules shall be designed to achieve the regulatory objective in a cost-effective and timely manner.

(b) Each agency subject to this Article shall conduct an annual review of its rules to identify existing rules that are unnecessary, unduly burdensome, or inconsistent with the principles set forth in subsection (a) of this section. The agency shall repeal any rule identified by this review.

(c) Each agency subject to this Article shall post on its website, no later than the publication date of the notice of text in the North Carolina Register, all of the following:

- (1) The text of a proposed rule.
 - (2) An explanation of the proposed rule and the reason for the proposed rule.
 - (3) The federal certification required by subsection (g) of this section.
 - (4) Instructions on how and where to submit oral or written comments on the proposed rule, including a description of the procedure by which a person can object to a proposed rule and subject the proposed rule to legislative review.
 - (5) Any fiscal note that has been prepared for the proposed rule.
- If an agency proposes any change to a rule or fiscal note prior to the date it proposes to adopt a rule, the agency shall publish the proposed change on its website as soon as practicable after the change is drafted. If an agency's staff proposes any such change to be presented to the rulemaking agency, the staff shall publish the proposed change on the agency's website as soon as practicable after the change is drafted.

(d) Each agency shall determine whether its policies and programs overlap with the policies and programs of another agency. In the event two or more agencies' policies and programs overlap, the agencies shall coordinate the rules adopted by each agency to avoid unnecessary, unduly burdensome, or inconsistent rules.

(e) Each agency shall quantify the costs and benefits to all parties of a proposed rule to the greatest extent possible. Prior to submission of a proposed rule for publication in accordance with G.S. 150B-21.2, the agency shall review the details of any fiscal note prepared in connection with the proposed rule and approve the fiscal note before submission.

ADMINISTRATIVE PROCEDURES ACT 150(B)

§ 150B-19.1. Requirements for agencies in the rulemaking process.

(a) In developing and drafting rules for adoption in accordance with this Article, agencies shall adhere to the following principles:

- (1) An agency may adopt only rules that are expressly authorized by federal or State law and that are necessary to serve the public interest.
- (2) An agency shall seek to reduce the burden upon those persons or entities who must comply with the rule.
- (3) Rules shall be written in a clear and unambiguous manner and must be reasonably necessary to implement or interpret federal or State law.
- (4) An agency shall consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed. The agency shall not adopt a rule that is unnecessary or redundant.
- (5) When appropriate, rules shall be based on sound, reasonably available scientific, technical, economic, and other relevant information. Agencies shall include a reference to this information in the notice of text required by G.S. 150B-21.2(c).
- (6) Rules shall be designed to achieve the regulatory objective in a cost-effective and timely manner.

(b) Each agency subject to this Article shall conduct an annual review of its rules to identify existing rules that are unnecessary, unduly burdensome, or inconsistent with the principles set forth in subsection (a) of this section. The agency shall repeal any rule identified by this review.

(c) Each agency subject to this Article shall post on its website, no later than the publication date of the notice of text in the North Carolina Register, all of the following:

- (1) The text of a proposed rule.
- (2) An explanation of the proposed rule and the reason for the proposed rule.
- (3) The federal certification required by subsection (g) of this section.
- (4) Instructions on how and where to submit oral or written comments on the proposed rule, including a description of the procedure by which a person can object to a proposed rule and subject the proposed rule to legislative review.
- (5) Any fiscal note that has been prepared for the proposed rule.

If an agency proposes any change to a rule or fiscal note prior to the date it proposes to adopt a rule, the agency shall publish the proposed change on its website as soon as practicable after the change is drafted. If an agency's staff proposes any such change to be presented to the rulemaking agency, the staff shall publish the proposed change on the agency's website as soon as practicable after the change is drafted.

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Flaws in Government Tool to ID Noncitizen Voters

By Robert Farley

Posted on March 30, 2026

This article is available in both English and Español

Republican Sen. Mike Lee said that he believes there are “at least tens of thousands, probably hundreds of thousands” of noncitizens illegally registered to vote in the U.S., adding that a federal tool used in nearly two dozen states would help identify the number. But the tool has wrongly flagged many as being noncitizens, and there’s no evidence of widespread noncitizen voting.

The data-matching program employed in those states over the last year identified about 10,000 potential noncitizens on voter registration lists, out of about 49 million voter registrations checked, according to reporting by the New York Times citing federal officials. But upon further investigation, county officials found U.S. citizens were among those identified.

In addition, election officials determined some noncitizens were inadvertently added by county officials to voter lists, and still others were noncitizens who mistakenly checked a box for voter registration even after acknowledging on the same forms that they were noncitizens.

Experts and state audits refute the idea of widespread noncitizen voting.

The SAVE America Act championed by Lee — and touted by President Donald Trump as necessary to stop illegal voting by noncitizens — would require all states to submit their voter registration lists to the Department of Homeland Security to be run through this tool, called the Systematic Alien Verification for Entitlements, or SAVE, program. The bill passed the House and is being debated in the Senate. Lee made his comments about noncitizens being registered to vote in a March 22 interview on Fox News’ “Sunday Morning Futures.”

Jasleen Singh, a senior counsel and manager in the Brennan Center for Justice’s democracy program, said that Lee’s speculation about the number of noncitizens on voter registration lists amounts to “another outlandish claim without evidence.” The reality, Singh said, is that “noncitizen voting is vanishingly rare.”

The SAVE program, Singh said, “is one of many tools that election officials have in their toolbox to use. It comes with a myriad of data flaws, and any results that come directly from a search to the SAVE program need to be viewed with that lens and with a good degree of skepticism.”

Acting upon an executive order from Trump in March 2025, DHS overhauled the SAVE program last spring to include Social Security data. Trump also waived fees to states to access the database, allowing bulk searches.

“What we do know is that in states that have started reviewing the voter registration files in order to weed out those [ineligible people] who might have registered, perhaps inadvertently ... already there have been thousands of voter registration files identified in just the handful of states doing their own reviews,” Lee told the Hill on March 20.

We reached out to Lee’s office but did not get a response.

Many states — predominantly ones run by Democrats — have refused to share their voting lists with the SAVE program. U.S. Attorney General Pam Bondi has sued 29 states and the District of Columbia for failing to provide the federal government with their lists.

But nearly two dozen states have utilized the SAVE program. Lee is correct that “thousands” of people have been flagged as potentially being noncitizens. As we said, of the 49.5 million voter registrations checked, DHS referred about 10,000 cases to investigators, according to a Jan. 14 New York Times report that attributed the figures to a spokesman for U.S. Citizenship and Immigration Services. (There were 174 million people registered to vote in the U.S. for the 2024 election, according to the U.S. Census. In other words, less than a third of all names on state voter registration lists nationwide have been run through the SAVE program.)

But the Times reported that local election officials began to discover that some of the names flagged by the SAVE program turned out to be citizens. That appeared to be particularly true for recently naturalized citizens. Tens of thousands of people are naturalized as citizens every month, according to U.S. Citizenship and Immigration Services data.

A joint investigation by ProPublica and the Texas Tribune found that in addition to many citizens being wrongly flagged as noncitizens, several election officials “came across instances in which voters marked on registration forms that they weren’t citizens, but were registered by election office staffers in error. Clerks also said voters have told them they’d misunderstood questions about eligibility when getting drivers’ licenses.”

Ongoing research by the Center for Election Innovation & Research “continues to find that sweeping allegations about noncitizen registrations or voting appear to arise from misunderstandings, mischaracterizations, or outright fabrications about complex voter data. In every examined case, when claims about large numbers of noncitizens on voting rolls are subject to scrutiny and properly investigated, the number of alleged instances falls drastically.”

Even in the states that have used the federal SAVE program, “Claims of large numbers of possible noncitizens on voter records are revised significantly downward after proper investigation and scrutiny. Most often, investigations into large claims reveal that at least some early flags were based on outdated, incomplete, or improperly matched data that incorrectly labeled eligible citizens as possible noncitizens,” CEIR reported in February. Those smaller, revised numbers “generally receive far less public attention.”

Lee's Home State of Utah

Interestingly, the SAVE America Act faces significant opposition from the top Republican election official in Lee's home state of Utah, which last year initiated a citizenship review of all registered voters in the state. Ultimately, officials announced in January that they were only able to confirm the state voter rolls included one noncitizen, and that person did not vote.

State officials first compared voter records against driver's license data, which records citizenship status. The conclusion: 99.9% of the state's 2 million voters were citizens. But that left the status of 71,314 people unclear, so officials checked those against the SAVE database, which narrowed the potential number of noncitizens to 8,836. Staff in the state elections office then reviewed the remaining voters' information. That narrowed the list to 486 they could not immediately verify were citizens. Officials sent letters to everyone in that group and got back 52 responses, including many from older voters who registered before the state required a driver's license or Social Security number.

"The bottom line is, there is not a widespread problem," Lt. Gov. Deidre Henderson, a Republican, said at the time. "You hear people say hundreds or thousands — it's just not."

Henderson, who oversees elections in the state, wrote in a January press release that through Utah's citizenship review, "We also learned that the federal government does not keep accurate databases."

The SAVE program, she said, "is notoriously inaccurate and frequently flags individuals who are, in fact, citizens."

Henderson and others have also raised concerns about the SAVE America Act requiring states to use the DHS database immediately, in the midst of a midterm election year.

"If we want a federal law mandating voter ID or DPOC [documentary proof of citizenship], and it's really not about disenfranchising a bunch of voters, then states and voters need an onramp with time to prepare — get the documents, obtain the right ID, set up the system," Henderson wrote in a social media post on March 17. "That's not what's happening with the SAVE America Act. This bill would be effective immediately in the middle of an election year."

SAVE Flaws Found in Other States

Similar stories have played out in other states that used the SAVE program.

One of the first states to implement the SAVE program was Texas, and on Oct. 22, Texas' secretary of state, Jane Nelson, announced that it had completed a full comparison of the state's voter registration list against citizenship data in the SAVE database. Calling it a "game changer," Nelson said the SAVE program identified 2,724 potential noncitizens on the state's voter registration rolls — or less than 0.02% of more than 18 million voters.

Nelson said the list of those potential noncitizens was sent to Texas counties to conduct investigations, with the understanding that those deemed to be noncitizens would be purged from voter registration lists and those who were found to have voted illegally would be referred to the Texas attorney general for prosecution.

“Everyone’s right to vote is sacred and must be protected. We encourage counties to conduct rigorous investigations to determine if any voter is ineligible — just as they do with any other data set we provide,” Nelson said.

But that’s where things began to fall apart.

As a joint investigation by ProPublica and the Texas Tribune documented, lacking clear guidance, some counties investigated; others didn’t. Some sent letters to people on the list and purged those who failed to respond; others didn’t purge any names.

Some counties compared the names on their list to databases kept by the Department of Public Safety, which requires proof of citizenship if residents register to vote when obtaining a driver’s license. Those checks found many of those on the list identified as potentially noncitizens were citizens.

In Potter County, for example, three of nine voters on the list had proof of citizenship on file, the ProPublica/Texas Tribune investigation found. In Travis County, it was 11 of the 97 voters flagged by the SAVE program. Overall, the counties that checked the SAVE-generated list against DPS records found “more than 5% of the voters SAVE identified as noncitizens proved to be citizens,” the investigation concluded.

“It has proven to be inaccurate,” Travis County’s voter registrar, Celia Israel, told the publications. “Why would I rely on it?”

While the SAVE program accurately identified many on the voter registration rolls who were ineligible to vote, “Several [counties] came across instances in which voters marked on registration forms that they weren’t citizens, but were registered by election office staffers in error. Clerks also said voters have told them they’d misunderstood questions about eligibility when getting drivers’ licenses,” the ProPublica/Texas Tribune report said.

In Louisiana, the SAVE program identified 403 potential noncitizens registered to vote, out of 2.96 million registered voters. That’s about 0.014%. Of those potential noncitizens, 83 cast at least one vote going back to the 1980s (though it was not clear how many of those were later verified to be noncitizens). In 2024, 2,006,975 people voted in the presidential election in Louisiana. Even if all 83 of them voted that year, that would translate to about 0.004% of all votes cast in the state.

“I want to be clear: noncitizens illegally registering or voting is not a systemic problem in Louisiana,” Louisiana Secretary of State Nancy Landry said when the preliminary results were revealed last September.

Missouri also employed the SAVE program and generated lists of potential noncitizens, which it then circulated to local officials.

On Dec. 3, more than 70 county election clerks from both parties wrote [a letter](#) to the state's speaker of the House warning, "These lists are deeply flawed: they are outdated, inaccurate, and include individuals we know to be U.S. citizens—our neighbors, colleagues, and even voters we have personally registered at naturalization ceremonies."

It's not clear how many noncitizens flagged by the SAVE database actually voted. But there have been relatively few arrests nationwide for illegal voting by noncitizens.

That makes sense, Singh told us, considering the stiff consequences for convictions for voting illegally as a noncitizen. Current [federal law](#) requires those registering to vote to attest that they are citizens under penalty of perjury. Noncitizens convicted of voting in federal elections face fines, jail time and deportation.

"Someone who is in this country, who may not have documents, or who has a legal presence and is not a citizen yet, whatever it is, they're not going to risk their ability to be in this country to cast a ballot, because they will be subject to deportation," Singh said. "And it's just not a risk that folks are, if we think about it logically and reasonably, that folks are going to be willing to take."

According to the conservative Heritage Foundation's [election fraud database](#), just under 100 noncitizens have been convicted of illegally voting or registering to vote since 1982.

There may be so few prosecutions, Singh said, because by and large, when noncitizens are on registration rolls "it's likely a mistake or because of an error by the person registering, or maybe the DMV ... whatever it is, it's a mistake rather than an actual intentional act."

"The evidence is that the number of noncitizens illegally voting in federal elections is extremely low, not high enough to have changed the party outcome of any federal election in recent years," Walter Olson, a senior fellow at the libertarian Cato Institute, [told us](#) last April. "Audits and investigations in states like Ohio, Nevada, and North Carolina have found the numbers to be tiny in relation to votes cast. ... The consistent experience has been that very few persons in this category mistakenly or deliberately vote."

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THE CENTER FOR
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Update: Review of Claims of Noncitizen Registrants and Voters

February 2026 11 min read
[Election Integrity & Security](#)

This short report provides an update on ongoing research. CEIR first published [early findings from this research in July 2025](#). This update examines relevant claims through Dec 31, 2025.

Over the last year, policymakers and news media have devoted much attention to broad claims about noncitizens registering to vote or even voting in recent elections. However, comparatively little attention has been given to the painstaking efforts undertaken by election officials and other government bodies to thoroughly investigate these claims in every state.

CEIR continues to find that sweeping allegations about noncitizen registrations or voting appear to arise from misunderstandings, mischaracterizations, or outright fabrications about complex voter data. In every examined case, when claims about large numbers of noncitizens on voting rolls are subject to scrutiny and properly investigated, the number of alleged instances falls drastically. When investigations do turn up rare instances of improper registration or voting, officials take swift action to ensure that American elections remain secure.

In July 2025, CEIR published findings from our ongoing, systematic efforts to review and analyze claims about noncitizen registrants and voters in all fifty states. This brief provides an update on this analysis, examining relevant claims made through December 31, 2025. CEIR has continued to rigorously search and analyze government publications, news media, and other public sources in all fifty states to compile an expansive list of allegations of noncitizen registration and voting, as well as the results of official investigations into such allegations. As part of this update, CEIR has paid special attention to any reports from states using data from the Systematic Alien Verification for Entitlements (SAVE) program to identify potential noncitizens on voter lists.

CEIR's key findings remain unchanged from the July 2025 review.

- **There are no “apples to apples” comparisons between states.** The allegations about noncitizen registration and voting in each state vary significantly, in ways that defy easy or meaningful comparison. Different state and nongovernment actors use different methodologies to identify potential noncitizens on the rolls, and the standard of evidence applied to claims can differ wildly from one allegation to the next. For example, some states have announced the number of records flagged by cursory reviews for possible

noncitizen registrants, while other states wait to only publish the number of records removed after a thorough investigation. Regardless of the state, the numbers announced after thorough investigation are invariably far smaller than those announced before review. These inconsistencies contribute to the broad confusion in public discussion. Due to the inconsistencies, this review is focused on broad trends and illustrative examples.

- **Scrutiny shrinks claims.** Claims of large numbers of possible noncitizens on voter records are revised significantly downward after proper investigation and scrutiny. Most often, investigations into large claims reveal that at least some early flags were based on outdated, incomplete, or improperly matched data that incorrectly labeled eligible citizens as possible noncitizens. The widespread use of SAVE by states has not changed this pattern. Unfortunately, when public announcements are made about the inflated initial numbers, the small numbers that follow from proper investigation generally receive far less public attention.
- **Even the largest claims represent tiny fractions of registered voters in any state.** Even when taken at face value, the largest claims never identify numbers of possible noncitizen registrants or voters that amount to more than a few tenths of one percent of the number of eligible voters in a state. The limited scope of even the most sweeping claims indicates that existing safeguards and procedures are broadly effective. Election officials in every state have rigorously followed (and continue to rigorously follow) citizenship requirements for registration, and officials in every state painstakingly investigate every claim of an alleged ineligible registrant or voter. The small number of noncitizens actually found underscores the robust checks already in place.

Insights into claims of noncitizen registrants and voters

CEIR has sought to be as expansive as possible in this analysis. Public claims of noncitizen registrants and voters have been documented spanning back over a decade, including instances where possible noncitizens may have registered to vote, instances where bureaucratic errors evidently registered noncitizens who did not seek to register themselves, instances where possible noncitizens may have cast a ballot in an election, and instances of voter records with unconfirmed citizenship status. Allegations were also documented regardless of the methodology used to produce them. Therefore, the list includes both careful, measured statements and speculative, opaque assertions. While this compilation should not be treated as a comprehensive catalog, it is a significant attempt at providing a shared basis for understanding and analysis.

Several broad trends emerge from this analysis, though the details of each case vary too widely for direct comparison across states. Claims vary significantly with respect to their focus, the relevant time period, and even the level of evidence upon which allegations are based. In some cases, public reports appear to conflate multiple claims, modify details without explanation, or repeat debunked allegations without new evidence, further adding to the public's confusion and complicating any direct comparison across states or across time.

Analysis reveals that initial claims alleging large numbers of noncitizen registrants or voters are almost certain to be a misleading overestimation of the actual number of records with unconfirmed citizenship. Frequently, early claims point to gaps in publicly available data as evidence of improper registration, only for subsequent investigation by election officials or

other authorities to reveal that the data was outdated, incomplete, or improperly matched to other datasets. For example, if a new voter is registered shortly after their naturalization ceremony, other datasets may not yet reflect their updated citizenship status. Unfortunately, while large claims are often highly publicized, the smaller numbers identified in subsequent investigations and scrutiny rarely receive the same level of public attention.

Public discussion appears to be largely driven by high profile claims in a subset of states. Careful search identified no allegations of noncitizen registrants or voters in 11 states, even after expanding parameters to include relatively minor or unsubstantiated claims. As elsewhere, election officials in these states take steps to protect the integrity of their elections, but claims about noncitizen registrants or voters appear not to be a major part of public dialogue. As states continue to report findings from ongoing list maintenance or new investigations, they find very few credible cases of potential noncitizen registration or voting.

Finally, in the context of each state's voting-eligible population, claims about noncitizen registrations and voting allege vanishingly small numbers. Even the largest claims (which are the most likely to be severe overestimates) never allege numbers that are more than a few tenths of a percent of the number of eligible voters in the state. This indicates that existing safeguards are broadly effective, since even highly motivated efforts identify only a very small number of records for potential concern. Election officials and other authorities thoroughly investigate these concerns and move swiftly to address any evidence of improper registration or voting that may be found. These small numbers underscore the overall integrity of the underlying system.

To illustrate the broad strokes of these trends, two illustrative examples from the public record are provided below. Both examples are typical of national trends: routine investigation by state officials identified a very large proportion of flagged records were citizens and only a small number were noncitizens who registered to vote or had cast a ballot. These individuals were referred to proper authorities for further investigation. However, public discourse focused the large initial number of flagged records (later found to include many citizens), rather than the small numbers of noncitizens identified after thorough review.

Illustrative example: Iowa

The Iowa Secretary of State's office announced in October 2024 that it had identified 2,176 voter registration records that *potentially* belonged to noncitizens.¹ This initial, inflated allegation is only roughly one-tenth of one percent of active registered voters in Iowa at that time.²

In March 2025, the secretary of state's office revised down its initial claim of 2,176 potential noncitizens to 277 confirmed noncitizens (just one in eight records from the original allegation). This revision came after subsequent investigation of the flagged records using citizenship data from the Iowa Department of Transportation and additional checks with the USCIS SAVE tool. The revised claim equates to roughly one-hundredth of one percent of registered voters and includes 35 alleged noncitizens who cast ballots that were counted in 2024 general election. All of these individuals were referred to the state attorney general and the Iowa Department of Public Safety for further investigation.³

Illustrative example: Michigan

In April 2025, the Michigan Department of State released the results of a systemwide audit of the state's voter rolls.⁴ The audit, which began in December 2024, compared citizenship data in 7.9 million active driving records for Michiganders of voting age to 7.2 million active registered voters on the state's rolls. It identified 16 instances of individuals who appeared to be noncitizens and who had cast a ballot in the 2024 general election, including a widely reported instance of a Chinese national who had voted in the election. Following standard procedure, these individuals were referred to the state attorney general for potential criminal charges. Taken together, these 16 instances represent roughly 0.00028% of votes cast by Michiganders in the 2024 general election.

In short, while proper investigations do reveal instances of noncitizens who have registered to vote or cast a ballot, such instances are rare, detected by election officials, and prosecuted by the proper authorities.

State participation in the SAVE program

The Systematic Alien Verification for Entitlements (SAVE) program is an online service administered by U.S. Citizenship and Immigration Services (USCIS) within the Department of Homeland Security. SAVE is intended as a tool to allow registered federal, state, and local governments to verify citizenship and immigration status.⁵

Historically, government agencies have used SAVE to confirm applicants' eligibility for entitlement benefits, licenses, and other authorized purposes. In 2025, USCIS announced changes to SAVE to permit registered agencies to use SAVE for voter eligibility verification and waived previous fees.⁶ As of December 2025, USCIS reports an agreement with election offices in at least 22 states to use SAVE in this way.⁷ Additionally, CEIR's review has identified at least two additional states where reports indicate that SAVE has been used to compare voter data through agreements with the state's department of motor vehicles. However, election officials have expressed ongoing concerns about the reliability and security of using SAVE with voter registration data.⁸

As part of this update, CEIR has paid special attention to reports and claims from states using SAVE to identify potential noncitizens on voter lists. CEIR's review finds that only some states with a SAVE agreement have publicized the results of their searches, and that these publicized results typically follow the same patterns as other claims about noncitizen registration or voting. Subsequent investigations of claims based on SAVE information have revealed systemic gaps, errors, and other limitations. Initial claims about non-citizen registrations based on SAVE are frequently walked back after further review.²

To illustrate these trends, another example is provided from the public record:

Illustrative example: Texas

In October 2025, the Texas Secretary of State's office announced that it had used SAVE to identify 2,724 voter registration records that potentially belonged to noncitizens. This initial,

inflated allegation is only roughly one-hundredth of one percent of active registered voters in Texas.¹⁰

The secretary of state's office distributed the list of identified records to county election officials for further investigation. A series of reports from December 2025 indicate that a large percentage of flagged records belong either to confirmed citizens or individuals who were registered in error by government officials.¹¹ These include hundreds of individuals who showed proof of citizenship when registering at Texas's Department of Public Safety (DPS), individuals who responded to county notices to provide proof of citizenship, and individuals who marked themselves as noncitizens on official forms but were incorrectly registered anyway by government agencies.

As one example, in October 2025, officials in Denton County, Texas, received a list from the secretary of state's office of 84 records registered in the county flagged for further review by SAVE. County officials identified that 37 of these flagged voters had registered to vote at DPS, which requires prospective voters to show proof of citizenship in order to register. However, because DPS could not share this data directly with counties under state law, county officials attempted to independently confirm citizenship for all 84 flagged records provided by the state.¹²

By December, Denton County officials had found that 14 of the flagged records belonged to citizens who responded to a mail notice to confirm their status. Officials also found that another 14 flagged records belonged to self-identified noncitizens who had been mistakenly registered by government agencies in error, even though they had disclosed that they were noncitizens and ineligible to vote. The remaining 56 flagged records were canceled after county officials did not receive a response to their mail notice. However, local reports identified at least one citizen among these canceled records, who stated they had been unable to travel to county offices within the allotted time and did not want to risk sending sensitive proof of citizenship documents through the mail.¹³

While SAVE may have some value as an additional tool to identify records with unconfirmed citizenship, the system's limitations mean it should not be relied upon as the sole source for list maintenance. In fact, USCIS guidance advises that there are gaps in the data available to SAVE and instructs agencies to conduct additional review of any records flagged by the tool.¹⁴

To avoid inadvertently disenfranchising citizens, states should check SAVE data against all available other data sources with citizenship information before asking individuals to prove citizenship or removing registration records.

In addition, unaddressed concerns about the apparent lack of protections for voter data input into SAVE have given many states pause about the tool's security.¹⁵

Analysis methodology

CEIR conducted a rigorous search, analyzing government publications, news media, and other public sources in all fifty states to compile an expansive list of allegations of noncitizen registration and voting. This search has also documented the results of official investigations into

such allegations, as well as reports about the use of SAVE. Multiple members of the research team have conducted several rounds of detailed analysis since March 2025 to ensure that the information gathered is as accurate, complete, and timely as possible. The current pass focuses on claims made through December 31, 2025.

For each state, members of the research team used several different tools to identify allegations of noncitizen registration and voting, including official state websites and press releases, news aggregators, and internet search engines. Afterwards, a different member of the team independently reviewed each identified source to check understanding of the allegations and important details. This entire process was repeated at multiple points in time to check for any new allegations or updates to documented claims.

Parameters were intentionally kept broad, in order to compile as expansive a list of allegations as possible. Team members documented any claims or reports that appeared relevant, including any alleged instances of noncitizens registering to vote, any alleged instances of noncitizens casting a vote, and any instances where it appeared that the citizenship status of registration records could not be readily confirmed. Special attention was given to documenting claims alleging large numbers of possible noncitizen registrants or voters. These allegations were documented regardless of the methodology used to produce them, though methodologies were also documented to the extent that they were made public. Team members prioritized documenting claims made in the last decade, but earlier claims were documented when found.

After this detailed documentation, team members had in-depth discussions about each claim to identify remaining questions, reconcile different interpretations, and note any areas for further analysis. Additional discussions followed whenever new information or updates were added to the compilation.

Citations

¹ [WOWT](#) (Oct 2024); [CBS News](#) (Dec 2024); [Iowa Secretary of State](#) (Mar 2025)

² [Iowa Secretary of State](#) (Oct 2024)

³ [Iowa Secretary of State](#) (Mar 2025)

⁴ [Michigan Secretary of State](#) (Apr 2025); [NPR](#) (Jul 2025)

⁵ [USCIS](#) (Aug 2025)

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⁷ [USCIS](#) (undated)

⁸ [NPR](#) (Sep 2025); [StateScoop](#) (Dec 2025)

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PRESS RELEASE
Monday, April 27, 2026
ncsbe.comms@ncsbe.gov
Jason Tyson, (984) 289-9542

State Board Identifies Deceased Individuals on Voter Rolls Through Federal Database Comparison

Raleigh, N.C. — The North Carolina State Board of Elections has identified approximately 34,000 deceased individuals on the state's voter rolls following a comprehensive data comparison with the federal Systematic Alien Verification for Entitlements (SAVE) database.

On April 17, 2026, the State Board submitted 7,397,734 voter records to the SAVE system as part of its initiative to strengthen the accuracy and integrity of the state's voter registration list.

The discovery comes as an added benefit of the State Board's ongoing effort to verify the citizenship status of registered voters. The primary goal of comparing voter registration records with the SAVE database is to identify any non-U.S. citizens on the voter rolls and ensure that only eligible individuals are registered to vote in North Carolina, but we expect that this process will also help identify other anomalies such as duplicate registrations, name mismatches and, as highlighted here, deceased voters.

"While we expected to find some cases, this is higher than we anticipated," said Sam Hayes, executive director of the State Board of Elections. "The benefit of entering into cross-state and federal database checks is that it allows us to uncover issues like this. Our goal is to use every available and legal tool at our disposal to achieve the most accurate voter rolls possible. Now, we must roll up our sleeves and begin the hard work to act of verifying that every person registered to vote in North Carolina is eligible. Our team, along with our state and federal will do what's necessary to meet this responsibility."

Election officials emphasize that list maintenance is a routine and necessary function to ensure compliance with state and federal law. The identification of deceased individuals on the voter rolls does not necessarily indicate that illegal votes were cast in their names, but it does underscore the importance of regular updates and strong interagency coordination.

The State Board will follow established procedures to verify records and will work with county boards of elections to remove deceased individuals from the voter rolls in accordance with state and federal law. These processes include cross-checking additional state and federal databases and providing due process before any removal occurs.

The comparison criteria for a SAVE database search uses voters' names, dates of birth, and the last four digits of Social Security numbers sent to the U.S. Citizenship and Immigration Services (USCIS), who then perform a cross check with the Social Security Administration.

For voters who have passed away in North Carolina, the State Board receives information from the N.C. Department of Health and Human Services, a process that occurs weekly and is handled at the county level. This new process of matching state voter records with the SAVE database where the result shows a person is deceased in federal records will help identify those voters who registered here at one time and then moved and passed away in another state.

For more information, including frequently asked questions regarding the use of the SAVE Database for Verification of U.S. Citizenship, please visit <https://www.ncsbe.gov/about-elections/maintaining-accurate-voter-rolls>.

About the North Carolina State Board of Elections

The North Carolina State Board of Elections oversees the administration of elections and the campaign finance disclosure system for North Carolina. The agency works to ensure fair and secure elections, provides guidance and oversight to county boards of elections, enforces election laws, and promotes public confidence in the integrity of the state's voting process. For more information, visit www.ncsbe.gov.

ncsbe.comms@ncsbe.gov
NC State Board of Elections
North Carolina State Board of Elections (NCSBOE)

PRESS RELEASE
Monday, April 27, 2026
ncsbe.comms@ncsbe.gov
Jason Tyson, (984) 289-9542

State Board Identifies Deceased Individuals on Voter Rolls Through Federal Database Comparison

Raleigh, N.C. — The North Carolina State Board of Elections has identified approximately 34,000 deceased individuals on the state's voter rolls following a comprehensive data comparison with the federal Systematic Alien Verification for Entitlements (SAVE) database.

On April 17, 2026, the State Board submitted 7,397,734 voter records to the SAVE system as part of its initiative to strengthen the accuracy and integrity of the state's voter registration list.

The discovery comes as an added benefit of the State Board's ongoing effort to verify the citizenship status of registered voters. The primary goal of comparing voter registration records with the SAVE database is to identify any non-U.S. citizens on the voter rolls and ensure that only eligible individuals are registered to vote in North Carolina, but we expect that this process will also help identify other anomalies such as duplicate registrations, name mismatches and, as highlighted here, deceased voters.

"While we expected to find some cases, this is higher than we anticipated," said Sam Hayes, executive director of the State Board of Elections. "The benefit of entering into cross-state and federal database checks is that it allows us to uncover issues like this. Our goal is to use every available and legal tool at our disposal to achieve the most accurate voter rolls possible. Now, we must roll up our sleeves and begin the hard work to act of verifying that every person registered to vote in North Carolina is eligible. Our team, along with our state and federal will do what's necessary to meet this responsibility."

Election officials emphasize that list maintenance is a routine and necessary function to ensure compliance with state and federal law. The identification of deceased individuals on the voter rolls does not necessarily indicate that illegal votes were cast in their names, but it does underscore the importance of regular updates and strong interagency coordination.

The State Board will follow established procedures to verify records and will work with county boards of elections to remove deceased individuals from the voter rolls in accordance with state and federal law. These processes include cross-checking additional state and federal databases and providing due process before any removal occurs.

The comparison criteria for a SAVE database search uses voters' names, dates of birth, and the last four digits of Social Security numbers sent to the U.S. Citizenship and Immigration Services (USCIS), who then perform a cross check with the Social Security Administration.

For voters who have passed away in North Carolina, the State Board receives information from the N.C. Department of Health and Human Services, a process that occurs weekly and is handled at the county level. This new process of matching state voter records with the SAVE database where the result shows a person is deceased in federal records will help identify those voters who registered here at one time and then moved and passed away in another state.

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NC State Board of Elections
North Carolina State Board of Elections (NCSBOE)

§ 150B-19.1. Requirements for agencies in the rulemaking process.

(a) In developing and drafting rules for adoption in accordance with this Article, agencies shall adhere to the following principles:

- (1) An agency may adopt only rules that are expressly authorized by federal or State law and that are necessary to serve the public interest.
- (2) An agency shall seek to reduce the burden upon those persons or entities who must comply with the rule.
- (3) Rules shall be written in a clear and unambiguous manner and must be reasonably necessary to implement or interpret federal or State law.
- (4) An agency shall consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed. The agency shall not adopt a rule that is unnecessary or redundant.
- (5) When appropriate, rules shall be based on sound, reasonably available scientific, technical, economic, and other relevant information. Agencies shall include a reference to this information in the notice of text required by G.S. 150B-21.2(c).
- (6) Rules shall be designed to achieve the regulatory objective in a cost-effective and timely manner.

(b) Each agency subject to this Article shall conduct an annual review of its rules to identify existing rules that are unnecessary, unduly burdensome, or inconsistent with the principles set forth in subsection (a) of this section. The agency shall repeal any rule identified by this review.

(c) Each agency subject to this Article shall post on its website, no later than the publication date of the notice of text in the North Carolina Register, all of the following:

- (1) The text of a proposed rule.
- (2) An explanation of the proposed rule and the reason for the proposed rule.
- (3) The federal certification required by subsection (g) of this section.
- (4) Instructions on how and where to submit oral or written comments on the proposed rule, including a description of the procedure by which a person can object to a proposed rule and subject the proposed rule to legislative review.
- (5) Any fiscal note that has been prepared for the proposed rule.

If an agency proposes any change to a rule or fiscal note prior to the date it proposes to adopt a rule, the agency shall publish the proposed change on its website as soon as practicable after the change is drafted. If an agency's staff proposes any such change to be presented to the rulemaking agency, the staff shall publish the proposed change on the agency's website as soon as practicable after the change is drafted.

(d) Each agency shall determine whether its policies and programs overlap with the policies and programs of another agency. In the event two or more agencies' policies and programs overlap, the agencies shall coordinate the rules adopted by each agency to avoid unnecessary, unduly burdensome, or inconsistent rules.

(e) Each agency shall quantify the costs and benefits to all parties of a proposed rule to the greatest extent possible. Prior to submission of a proposed rule for publication in accordance with G.S. 150B-21.2, the agency shall review the details of any fiscal note prepared in connection with the proposed rule and approve the fiscal note before submission.

(f) If the agency determines that a proposed rule will have a substantial economic impact as defined in G.S. 150B-21.4(b1), the agency shall consider at least two alternatives to the proposed rule. The alternatives may have been identified by the agency or by members of the public.

(g) Whenever an agency proposes a rule that is purported to implement a federal law, or required by or necessary for compliance with federal law, or on which the receipt of federal funds is conditioned, the agency shall:

- (1) Prepare a certification identifying the federal law requiring adoption of the proposed rule. The certification shall contain a statement setting forth the reasons why the proposed rule is required by federal law. If all or part of the proposed rule is not required by federal law or exceeds the requirements of federal law, then the certification shall state the reasons for that opinion.

(2) Post the certification on the agency website in accordance with subsection (c) of this section.

(3) Maintain a copy of the federal law and provide to the Office of State Budget and Management the citation to the federal law requiring or pertaining to the proposed rule.

(h) Repealed by Session Laws 2014-120, s. 6(a), effective September 18, 2014, and applicable to proposed rules published on or after that date. (2011-398, s. 2; 2012-187, s. 3; 2013-143, s. 1.1; 2014-120, s. 6(a); 2025-25, s. 29(5), (6).)

§ 150B-21.2. Procedure for adopting a permanent rule.

(a) Steps. - Before an agency adopts a permanent rule, the agency must comply with the requirements of G.S. 150B-19.1, and it must take the following actions:

- (1) Publish a notice of text in the North Carolina Register.
- (2) When required by G.S. 150B-21.4, prepare or obtain a fiscal note for the proposed rule.
- (3) Repealed by Session Laws 2003-229, s. 4, effective July 1, 2003.
- (4) When required by subsection (e) of this section, hold a public hearing on the proposed rule after publication of the proposed text of the rule.
- (5) Accept oral or written comments on the proposed rule as required by subsection (f) of this section.

(b) Repealed by Session Laws 2003-229, s. 4, effective July 1, 2003.

(c) Notice of Text. - A notice of the proposed text of a rule must include all of the following:

- (1) The text of the proposed rule, unless the rule is a readoption without substantive changes to the existing rule proposed in accordance with G.S. 150B-21.3A.
- (2) A short explanation of the reason for the proposed rule.
- (2a) A link to the agency's website containing the information required by G.S. 150B-19.1(c).
- (3) A citation to the law that gives the agency the authority to adopt the rule.
- (4) The proposed effective date of the rule.
- (5) The date, time, and place of any public hearing scheduled on the rule.
- (6) Instructions on how a person may demand a public hearing on a proposed rule if the notice does not schedule a public hearing on the proposed rule and subsection (e) of this section requires the agency to hold a public hearing on the proposed rule when requested to do so.
- (7) The (i) period of time during which and (ii) person within the agency to whom written comments may be submitted on the proposed rule.
- (8) If a fiscal note has been prepared for the rule, a statement that a copy of the fiscal note can be obtained from the agency.
- (9) Repealed by Session Laws 2013-143, s. 1, effective June 19, 2013.

(d) Mailing List. - An agency must maintain a mailing list of persons that have requested notice of rulemaking. When an agency publishes in the North Carolina Register a notice of text of a proposed rule, it must mail a copy of the notice of text to each person on the mailing list that has requested notice on the subject matter described in the notice or the rule affected. An agency may charge an annual fee to each person on the agency's mailing list to cover copying and mailing costs.

(e) Hearing. - An agency must hold a public hearing on a rule it proposes to adopt if the agency publishes the text of the proposed rule in the North Carolina Register and the agency receives a written request for a public hearing on the proposed rule within 15 days after the notice of text is published. The agency must accept comments at the public hearing on both the proposed rule and any fiscal note that has been prepared in connection with the proposed rule.

An agency may hold a public hearing on a proposed rule and fiscal note in other circumstances. When an agency is required to hold a public hearing on a proposed rule or decides to hold a public hearing on a proposed rule when it is not required to do so, the agency must publish in the North Carolina Register a notice of the date, time, and place of the public hearing. The hearing date of a public hearing held after the agency publishes notice of the hearing in the North Carolina Register must be at least 15 but not later than 60 days after the date the notice is published. If notice of a public hearing has been published in the North Carolina Register and that public hearing has been cancelled, the agency must publish notice in the North Carolina Register at least 15 days prior to the date of any rescheduled hearing.

(f) Comments. - An agency must accept comments on the text of a proposed rule that is published in the North Carolina Register and any fiscal note that has been prepared in connection with the proposed rule for at least 60 days after the text is published or until the date of any public hearing held on the proposed rule, whichever is longer. An agency must consider fully all written and oral comments received.

(g) Adoption. - An agency shall not adopt a rule until the time for commenting on the proposed text of the rule has elapsed and shall not adopt a rule if more than 12 months have elapsed since the end of the time for

PRESS RELEASE

ncsbe.comms@ncsbe.gov

February 25, 2026

Jason Tyson, (984) 289-9542

Elections Director Sam Hayes announces vendor to modernize SEIMS system

Raleigh, N.C. — North Carolina State Board of Elections Executive Director Sam Hayes announced today that the agency has selected ReFrame Solutions as the winning vendor to modernize the State Elections Information Management System (SEIMS).

The SEIMS modernization effort will enhance the current system's functionality and security while bridging the gap until a full system replacement can begin within the next two years.

"After a rigorous and highly competitive selection process, I am proud of the work our procurement team put into identifying the best partner to help modernize our aging legacy election management system," said Director Hayes. **"Their diligence and technical expertise ensured a fair and comprehensive evaluation. ReFrame Solutions stood out for its innovative approach and commitment to security, usability, and transparency, and we are confident this modernization effort will strengthen election administration across North Carolina."**

The large-scale replacement of the system, the biggest overhaul of election data management in N.C. history, will be handled by a separate bidding and proposal process. The vendor selection and project scope for that phase are expected to be completed later this year.

The upgraded system is expected to deliver enhanced security features aligned with state and federal best practices, improved usability for State Board personnel and North Carolina's 100 county boards of elections, greater transparency and public access to election data, and modernized workflows that comply with state law and support efficient election administration.

The recommended vendor was selected following a comprehensive procurement process that included a detailed scoring system and interviews with competing vendors. The evaluation process was thorough and highly technical, with two finalists demonstrating strong qualifications and competitive proposals.

ReFrame Solutions' bid totaled \$4.66 million.

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About the North Carolina State Board of Elections

The North Carolina State Board of Elections oversees the administration of the election process and campaign finance disclosure system for North Carolina. The agency works to ensure fair and secure elections, provide guidance and oversight to county boards of elections, enforce election laws, and promote public confidence in the integrity of the state's voting process. For more information, visit ncsbe.gov.

The two - 2026 ACCREDITED TESTING LABS

Pro V&V

6705 Odyssey Dr NW Suite C

Status: Accredited

Program Manager: Jack Cobb, Laboratory Director

Phone: 256-713-1111

CURRENT CERTIFICATE Dated 4/1/25 READS:

Original Accreditation Issued on: 2/24/15

Accreditation remains effective until revoked by a vote of the EAC pursuant to 52 U.S.C. § 20971(c)(2).

PRO V&V, INC., Huntsville, Alabama is recognized by the U.S. Election Assistance Commission for the testing of voting systems to the Voluntary Voting Systems Guidelines VVSG 1.0, 1.1 & 2.0 under the criteria set forth in the EAC Voting System Testing and Certification Program and Laboratory Accreditation Program. Pro V&V is also recognized as having successfully completed assessments by the National Voluntary Laboratory Accreditation Program for conformance to the requirements of ISO/IEC 17025 and the criteria set forth in NIST Handbooks 150 and 150-22.

Signed 4/1/2025 by Brianna Schletz, Executive Director of U.S. Election Assistance Commission EAC Lab Code 1501



United States Election Assistance Commission

Certificate of Accreditation

**Pro V&V, Inc.
Huntsville, Alabama**

is recognized by the U.S. Election Assistance Commission for the testing of voting systems to the Voluntary Voting Systems Guidelines VVSG 1.0, 1.1 & 2.0 under the criteria set forth in the Voting System Testing and Certification Program and Laboratory Accreditation Program. Pro V&V is also recognized as having successfully completed assessments by the National Voluntary Laboratory Accreditation Program for conformance to the requirements of ISO/IEC 17025 and the criteria set forth in NIST Handbooks 150 and 150-22.

A handwritten signature in black ink, appearing to be "BS" or similar initials.

D

SLI Compliance, a Division of Gaming Laboratories International, LLC

Status: Accredited

Program Manager: Traci Mapps, Vice President

Phone: 303-422-1566

CURRENT CERTIFICATE Dated 2/24/25 READS:

Original Accreditation Issued on: 2/28/2007

Accreditation remains effective until revoked by a vote of the EAC pursuant to 52 U.S.C. § 20971(c)(2).

Brianna Schletz Executive Director, U.S. Election Assistance Commission EAC Lab Code: 0701 is recognized by the U.S. Election Assistance Commission for the testing of voting systems to the Voluntary Voting Systems Guidelines VVSG 1.0, 1.1 & 2.0 under the criteria set forth in the EAC Voting System Testing and Certification Program and Laboratory Accreditation Program.

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United States Election Assistance Commission

Certificate of Accreditation

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Wheat Ridge, Colorado**

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Voluntary Laboratory Accreditation Program for conformance to the requirements of I
17025 and the criteria set forth in NIST Handbooks 150 and 150-22.*

A handwritten signature in black ink, appearing to be "RSE", is written over the bottom of the certificate text.

Below is information on the company who bought out Gaming Labs International, LLC who also owned the SLI company, the company that serviced and upgraded the current machines. CVC, who bought them out is no longer going to be updating and upgrading

the voting machines by 2028. A changeover and a changeover period long enough to accomplish it had to be done.

Below is the information about the company who bought out SLI.

CVC Capital Partners

Bought out Gaming Labs International in July 2025

Gaming Labs International LLC also had SLI Compliance who was last certified and accredited to manage VOTING ELECTION MACHINES on February 24th, 2025 Refer to Acronis bel

When Was CVC Capital Partners Founded?

CVC Capital Partners was founded in 1981 as Citicorp Venture Capital. Following its management buyout in 1993, it became an independent private equity firm. Over the decades, CVC has grown into a global powerhouse with investments spanning continents and industries.

List of Companies Owned by CVC Capital Partners

Some of the prominent companies owned by CVC Capital Partners:

Petco

CVC Capital Partners holds a stake in Petco, a leading pet retailer in the United States.

Stock Spirits Group

Stock Spirits Group, established in 1884 in Trieste, Italy, is one of Europe's largest alcohol beverage companies. The company offers a portfolio of over 70 brands, including Żołądkowa Gorzka, Lubelska, Božkov, Stock 84, Limoncè, Keglevich, 1906, Stock Prestige, and Grappa Distillerie Franciacorta.

Formula 1

CVC previously owned a controlling stake in Formula 1, the premier global motorsport series. Although it sold most of its stake in 2016, this investment marked a high-profile chapter in CVC's history.

Alvogen

Alvogen is a US-based pharmaceutical company founded in 2009, specializing in difficult-to-make generic drugs and injectables. The company operates in 35 countries and employs approximately 2,800 people.

Alvogen's product portfolio includes a range of pharmaceuticals, focusing on injectables under its Almaject division. CVC Capital Partners and Temasek Holdings acquired a controlling stake in Alvogen in 2015, supporting its growth in the global pharmaceutical market.

Sisal Group

An Italian gaming and payment services provider, Sisal Group is a key investment in CVC's portfolio. The company operates in lottery management, online gaming, and financial services.

System C Healthcare

System C Healthcare is a British supplier of health information technology systems and services, primarily serving National Health Service (NHS) organizations in the UK.

The company provides software solutions for electronic patient records, patient administration, and social care management. In 2021, CVC Capital Partners acquired System C from Symphony Technology Group, aiming to enhance healthcare IT solutions in the UK.

Since the acquisition, System C has expanded by acquiring WellSky International in 2021, Clevermed in 2023, and Oxford Computer Consultants in 2023.

PDC Energy

CVC has invested in PDC Energy, a leading oil and gas exploration company. This partnership supports sustainable energy initiatives and operational efficiency. Through this investment, CVC aims to foster innovation in energy production and ensure adherence to environmental, social, and governance (ESG) standards, while also delivering strong financial returns.

A Bathing Ape (BAPE)

A Bathing Ape, commonly known as BAPE, is a **Japanese fashion brand founded in 1993**, renowned for its streetwear clothing, accessories, and footwear. The brand has a significant influence on global street fashion and operates stores worldwide. CVC Capital Partners acquired a majority stake in BAPE, aiming to expand its international presence and capitalize on the growing demand for streetwear fashion.

Anchor Glass

Anchor Glass is a US-based manufacturer of glass containers for the beverage and food industries. The company operates six manufacturing facilities and serves major brands in the industry. CVC Capital Partners acquired Anchor Glass to enhance its manufacturing capabilities and expand its presence in the packaging industry.

Douglas

Douglas, Europe's leading premium **beauty retailer**, is another noteworthy investment. The company operates in over 20 countries, offering an extensive range of beauty and skincare products.

Aleph

Aleph is a leading global enabler of digital advertising in emerging countries, connecting advertisers with consumers in underserved markets. The company partners with major digital platforms to provide advertising solutions across various regions.

Sunrise Communications

CVC has invested in Sunrise Communications, a Swiss telecommunications provider known for its innovation in mobile and broadband services.

RAC

CVC owns a significant stake in RAC, the **UK-based roadside assistance and insurance company**. RAC's strong market presence and customer service focus align with CVC's investment strategy.

Ahlsell is a **Swedish distributor of installation products, tools, and supplies, serving professionals in the construction, installation, and industrial sectors**. The company operates in Sweden, Norway, Finland, Denmark, and Estonia.

Samsonite

CVC has a history with Samsonite, a global leader in travel luggage. This investment reflects its interest in consumer goods and brand-building potential.

During its ownership, CVC supported Samsonite's expansion into emerging markets and helped launch innovative products to meet the evolving needs of modern travelers.

Acronis

Acronis is a global technology company specializing in **cyber protection solutions, including backup, disaster recovery, and secure file access**. Founded in 2003, Acronis serves over 5.5 million consumers and 500,000 businesses worldwide. CVC Capital Partners invested in Acronis to support its growth in the cybersecurity market and enhance its product offerings.

Breitling

Breitling is a Swiss luxury watchmaker established in 1884, known for its precision-made chronometers designed for aviators. The brand offers a range of high-end timepieces and has a strong global presence.

Aleatica

CVC owns Aleatica, a global leader in **toll road infrastructure**. The investment reflects a strategic focus on transportation and infrastructure development.

Authentic Brands Group

Authentic Brands Group (**ABG**) is a brand development, marketing, and entertainment company that **owns a portfolio of global media, entertainment, and lifestyle brands**. Its holdings include renowned names such as Marilyn Monroe, Elvis Presley, and Sports Illustrated.

Rule 23.0102
Objection Packet
w/ exhibits (7)

1 08 NCAC 23 .0102 is adopted with changes as published in 40:14 NCR 1196 as follows:

2
3 **08 NCAC 23 .0102 ENTRY OF CHALLENGE**

4
5 (a) No later than five business days after receiving a notice of non-citizenship from the State Board of Elections,
6 county board staff shall review the county board's records to determine if the ~~presumptive potential~~ noncitizen has
7 previously provided documentation of citizenship. If county board staff cannot locate information or documents in
8 the county board's records demonstrating that the potential noncitizen has provided documentation of citizenship,
9 ~~citizenship for the presumptive noncitizen in the county board's records~~, then the director of elections for the county
10 board receiving the notice or their designee on the county board staff shall enter a challenge to the ~~presumptive~~
11 potential noncitizen's eligibility to remain registered to vote under G.S. 163-85(c)(7). The challenge shall be entered
12 by filing at the county board office a form provided by the State Board, which shall include the following:

- 13 (1) the physical address, mailing address, telephone number, and email address for the county board;
- 14 (2) the printed name and signature of the official entering the challenge;
- 15 (3) the date the challenge is entered;
- 16 (4) the challenged voter's name and current residential address contained in their registration record;
- 17 and
- 18 (5) the following statement: "The voter's eligibility to remain registered to vote in North Carolina is
19 being challenged because the county board of elections has been notified by the State Board of
20 Elections that information available from official government records or databases indicates that
21 the voter is not a U.S. ~~citizen.~~ citizen, and a review of information and documents in the county
22 board's records does not show that the voter has provided documentation of citizenship."

23 (b) Within three business days of the challenge being entered, the county board shall set a date for the preliminary
24 hearing in accordance with Rule .0103(a) of this Section and send notice of the challenge to the challenged voter
25 along with the date, time, and location of the preliminary hearing. The notice of the challenge shall be in writing and
26 sent by U.S. mail using a method of delivery that documents receipt. The notice shall also be provided by email
27 using any email address that the county board possesses for the challenged voter. The following shall be included
28 with the notice of the challenge:

- 29 (1) a copy of the entered challenge;
- 30 (2) the information contained within the notice of non-citizenship;
- 31 (3) information about the qualifications to vote in North Carolina;
- 32 (4) a copy of the rules in this Section;
- 33 (5) instructions for how the challenged voter may respond to the challenge, which shall include
34 examples of documentation of citizenship or information the challenged voter may submit for the
35 county board's consideration, how the challenged voter can submit such documentation or
36 information. ~~information before or at the preliminary hearing.~~ and how to voluntarily cancel their
37 registration should they desire to do so; and

1 (6) the following statement: "If the information we have that you are not a U.S. citizen is incorrect or
2 outdated, please contact the county board of elections to provide proof of citizenship, so that we
3 can update our records. If you are a U.S. citizen and meet all other qualifications to vote, then you
4 can remain registered and vote."
5

6 *History Note:* *Authority G.S. 163-22; 163-82.14; 163-82.26; 163-85;*
7 *Eff. ~~May~~ June 1, 2026.*

OBJECTION TO RULE 08 NCAC 23 .0102.(a)(2) and (a)(5) ENTRY OF CHALLENGE

Violation Of North Carolina Administrative Procedures Act GS §150(B)-19.1(a)(2)

“An agency shall seek to reduce the burden upon those persons or entities who must comply with the rule.”

UNDUE BURDEN

Objection: 08 NCAC 23 .0102(a) (lines 5-7) “No later than five business days after receiving a notice of non-citizenship from the State Board of Elections, county board staff shall review the county board’s records to determine if the potential noncitizen has previously provided documentation of citizenship.”

An example of why this is both an undue burden and why that undue burden results from a procedural error:

- The State BoE sends a list of potential non-citizens to the County Board with the assumption that the County Board (generally being short-staffed) will be able to act on those records within 5 business days of receiving the notice from the State Board. That list is not specified as to the timing so as not to overburden the County Board. The “list” could be sent during the time of an ongoing election, which would complicate having received a long list of potential non-citizens (often the case with SAVE program) and/or being short-staffed even further.

The failure by the County Board to PROCESS the list of potential non-citizens it received from the State Board is contrary to the County Board not being able to LOCATE (LINE 7 of the rule) those persons. Yet there is nothing allowing the County Board to be granted more time, request an extension, nor to show that they have not been able to process/search for the records due to time and/or staff constraints. This does not fall into a category of being unable to locate the information or documents of the person. It falls into a category of “We don’t know yet, because we haven’t been able to research and process it.”

Further, this would unduly harm the business of legitimate citizens who would be trying to register by limiting the amount of time to conduct their business due to the Board staff being too engaged in potential non-citizen searches for registration records, the information of which would mostly be erroneous if it stands on its history of false-positives.

Violation of the Administrative Procedures Act § 150(B)-19.1(a)(5) reads:

“When appropriate, rules shall be based on sound, reasonably available scientific, technical, economic, and other relevant information. Agencies **shall** include a reference to this information in the notice of text required by G.S.150(B)-21.2(c).”

Objection: Since the “list” of names will go to the County Board from the State Board AFTER it has been run through the Systematic Alien Verification Entitlement (SAVE) program, the voters of North Carolina should be told if the SAVE program machines were Accredited and Certified by testing labs as required by the Election Assistance Commission and as was previously completed when used in the North Carolina State Elections Information Management System (SEIMS). The Election Assistance Commission is specified in the Help America Voting Act (HAVA) to have such testing administered. Although the testing was ordered also in the March 25, 2025 Executive Order of President Trump to be accomplished within 180 days of the Order (which is still being contested as to the legality of the order in courts), there has been no such Press Release stating that the testing has occurred, nor by what companies. Transparency on this matter should be prioritized.

This rule was scrutinized in November 2025, following approximately 14,000 (a rounded figure) Public Comments many of which contested the number of false-positives previously reported and questioned whether the SAVE program that was to be implemented was “safe.” Many comments questioned if the private data of a registered voters would be protected,

Other questions revolved around whether the Federal Government was legally entitled to have the access. There are many ongoing lawsuits pending on that specific issue between the Department of Justice and several states. It seemed Director Hayes did not challenge the legality of the DOJ’s lawsuit before agreeing to a Memorandum of Agreement/Understanding leaving those initially questioning the decision, still without answers and wondering why Director Hayes did not wait out the decisions of the courts as they worked their way through the system with at least 4 currently pending court cases on the matter. The money involved in contesting the suit of the DOJ, seems trivial to the expense of changing over the systems with consults, and expenditures to comply with what could be an illegal act of contorting HAVA into changes being made to the SAVE program and not the SAVE program aiding HAVA as it reads.

The comments in November should have triggered a substantive review due to the SAVE program results having an effect on persons who are legally registered and therefore **not** being the target of non-citizenship in the SAVE system, yet those who are citizens (based on previous list results from the SAVE program and the research on those lists) are returned on that list as potential non-citizens, and are subjected to having to prove (again) that they are citizens.

Another issue is that flagging a citizen as a potential non-citizen could become costly. If for instance, the citizen proved previously that they were by presenting a Passport and now that Passport is expired, they must apply to get a new one which in itself could cause a delay due to not having the ability to financially afford it, or the delay could result in not being counted in the election, even if a provisional ballot was recorded. This does NOT make access to the **right** to vote in an election easy.

The registered voters who will find themselves targeted by the return in the false-positives data from the SAVE program and subsequently put in positions of having to prove (again) that they are **citizens**. That is not something that a legitimately registered voter could reasonably expect to occur.

Though this is not the intent of this rule at issue, the system's data results that end up at the County Board level certainly is, which directly effects this rule's intent.

SCREEN SHOT:



Registering ▾ Voting ▾ For Car

10 Facts About Election Security in North Carolina

--- END OF SCREEN SHOT ---

Again, as per the screen shot above, the North Carolina state system was working; and the evaluations of any reputable statistician will show that Federal election results are not affected at all by non-citizen voting. What then is the basis for allowing the voter data into a system that is appealing and ripe for breaching such as the SAVE program? Not only is there a concern for domestic data mining, but also for foreign assets. Why is North Carolina so anxious to give their state voter data up to potential breaches?

At the time of the signing of the Memorandum of Understanding/Agreement, the information was readily available about the numerous false-positives being returned to various states by the SAVE program. The embarrassingly high number of potential non-citizens, when "investigated" by the various states County Boards, went from upwards of 20,000 in many cases, down to under 100 in the entire state once researched.

The MAJORITY of those under 100 remaining (number after reconciling the original number given by the SAVE program) were errors by that state's Department of Motor Vehicle who inadvertently registered a person in error (and who had never voted, or by

that state's County Board – also inadvertent. Others were recorded in error by an Agency and were not due to applications filled out by the alleged non-citizen. When contacted those persons were never aware they had a voter registration (and had never been recorded as voting - like the reported dead persons in North Carolina's returns). Some of the persons remaining were voting for over 50 years and long before the current "proof" was required. They had been "grandfathered" in.

That leads to wondering if North Carolina's voting system was never penetrated by a cyber attack (refer to the above screen shot), and there was no voting count that would have changed any Federal election called, why are the people of North Carolina having their data exposed to a Federal system that increases the potential of their data being hacked. Federal systems are centralized hubs that scream out to be hacked with all the enticement of a bear to a honey bee hive. It's irresistible to those who seek to get financial reward, or nefarious acts by foreign operators. The hackers will be both foreign and domestic. North Carolina voters will be put at risk when it is foreseeable that this could put them at risk.

Violation Of Administrative Procedures Act § 150(B)-19.1 (a)(1) which states:

that "An agency may adopt only rules that are expressly authorized by federal or State law and that are **necessary to serve public interest.**"

Objection: Since placing voter data into the SAVE program has not been shown to serve any Public Interest -as it has not been shown to produce any amount of voter fraud that could/would affect any Federal election result, nor, per the **screen shot above**, has there been a reason to enter data into machines outside of those self-contained in North Carolina which were Accredited and Certified through the Election Assistance Commission - then it would be in violation of the **Administrative Procedures Act § 150(B)-19.1 (a)(1)**.

Violation of Administrative Procedures Act § 150(B)-19.1(a)(2) which states:

"An agency **shall** seek to **reduce the burden** upon those persons or entities who must comply with the rule."

Objection: This rule does not reduce the burden on those who must comply. Instead, it specifically enhances the burden by forcing them to prove that they need to pay out of pocket for documents that could cost them the equivalent of an entire week of pay, or more if they have to miss days of work to comply with acquiring documentation.

Further, rule 08 NCAC 23 .0102(a) **(Line 7-11)** reads:

"If county board staff cannot locate information or documents in the county board's records demonstrating that the potential noncitizen has provided documentation of citizenship, ~~citizenship for the presumptive noncitizen in the county board's records~~, then the director of elections for the county board receiving the notice or their

designee on the county board staff **shall** enter a challenge to the potential noncitizen's eligibility to remain registered to vote under G.S. 163-85.(c)(7).” Any return to the State Board that was “unable to locate” without a substantial reason for not being able to locate (which clearly could be an inability to PROCESS due to time constraints, short-staffing, or other reasons) could force the person whose documents have not yet had the opportunity to be searched for (processed), into a challenge simply because the County Board was unable to PROCESS the information properly and had no option to describe that situation to the State Board. It would certainly not be a failure to locate the information.

The processing TIME of 5 business days should have exception and allow for a request for extension when justifiably necessary. If a request from the County Board for more time was able to be submitted, it would allow the County Board staff to be able to manage any high volume of voters, or voter registrants, staff shortages, or other justifiable reasons during that extension period. The County Board would then be able to properly LOCATE and validate, or invalidate non-citizens properly sending accurate notices of non-citizenship. Such a provision exists for the State Board of Elections in G.S. § 163-86.(a).

Considering the high return of false-positives that could be generated from the data systems that will now be forthcoming, this should be a consideration in order to give the County Board time, if needed, to properly locate the records of each potential non-citizen before having to enter a challenge that may be mistaken.

Direct Conflict with NC G.S. § 163-85.(d) -- Setting Preliminary Hearing

NC G.S. § 163-85.(d) reads:

“When a challenge is made, the county board of election shall schedule a preliminary hearing on the challenge, and shall take such testimony under oath and receive such other evidence proffered by the challenger as may be offered. The burden of proof shall be on the challenger, and if no testimony is presented, the board shall dismiss the challenge.”

08 NCAC 23 .0102(b)(5) reads:

“Instructions for how the challenged voter may respond to the challenge, which shall include examples of documentation of citizenship or information the challenged voter may submit for the county board's consideration, how the challenged voter can submit such documentation or ~~information~~ information before or at the preliminary hearing, and how to voluntarily cancel their registration should they desire to do so; and...(6)”

Objection: This rule 08 NCAC 23 .0102(b)(5) further shifts the burden of proof from the challenger, to the challenged voter in direct conflict with NC G.S. § 163-85.(d) as read above.

Violation of Administrative Procedures Act § 150(B)-19.1(a)(3) – states:

“Rules shall be written in a clear and unambiguous manner and must be reasonable necessary to implement of interpret federal or State law..

Objection: 08 NCAC 23 .0102 (a)(5) (line 19) Again refers to “official government records or databases” without definition, or clarity is too ambiguous. It leaves a wide opening of interpretation as to whether the reporting returned from those “official...databases” is, or even can be, accurate. With the number of returns that are false-positives, it’s important to define exactly which government records, and which databases, both on State and Federal levels, will be responsible in the event of failures and inaccuracies for accountability purposes.

PROCEDURAL ERROR [on the part of **the entirety of the .0102 rule**]

Objection: 08 NCAC 23 .0102 (The entire rule) There is no process in place to challenges submitted directly to the County Board if those challenges or challengers appear suspicious, or biased. Nor is there any guidance on the ability to report anything suspicious back to the State Board.

There also is no check in place that would prevent a candidate from engaging the County Board of Elections in a partisan political action to try and gain an advantage. Potentially, the County Board could be presented with a situation where more time was necessary to process, or a notification to the State Board would be necessitated – either for more processing time, or to inform them of a delay, or to request an inquiry into this (or any other) unusual request exemplified in the hypothetical below.

A hypothetical-- A candidate who is behind in a tight polling, goes through a list of voter names and pulls specific names that LOOK like they could be potential non-citizens. The candidate then places those names onto their own list. The candidate then sends this list of names as challenges with a staff person (in an attempt to avoid suspicion) to submit to the County Board for validation a day or two prior to election day. The Board, not recognizing the staff member, but is suspicious about the list of names has no guidance on how to handle the situation related to the notification to the State Board that any of their requests may be delayed, but the inability to articulate to State Board members exactly why this is suspicious, biased or partisan. There is no **remedy, or procedure** in place for the County to respond, or to make requests of the State Board (in either situation) for more processing time, or to inform them of a delay, or to request an inquiry into this (or any other) unusual request.

- c. A transcript of a public hearing.
- d. A conference, workshop, or course.
- e. Data processing services.
- (6) Allows the agency to waive or modify a requirement set in a rule unless a rule establishes specific guidelines the agency must follow in determining whether to waive or modify the requirement.
- (7) Repealed by Session Laws 2011-398, s. 61.2, effective July 25, 2011.

§ 150B-19.1. Requirements for agencies in the rule-making process.

(a) In developing and drafting rules for adoption in accordance with this Article, agencies shall adhere to the following principles:

- (1) An agency may adopt only rules that are expressly authorized by federal or State law and that are necessary to serve the public interest.
- (2) An agency shall seek to reduce the burden upon those persons or entities who must comply with the rule.
- (3) Rules shall be written in a clear and unambiguous manner and must be reasonably necessary to implement or interpret federal or State law.
- (4) An agency shall consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed. The agency shall not adopt a rule that is unnecessary or redundant.
- (5) When appropriate, rules shall be based on sound, reasonably available scientific, technical, economic, and other relevant information. Agencies shall include a reference to this information in the notice of text required by G.S. 150B-21.2(c).
- (6) Rules shall be designed to achieve the regulatory objective in a cost-effective and timely manner.

(b) Each agency subject to this Article shall conduct an annual review of its rules to identify existing rules that are unnecessary, unduly burdensome, or inconsistent with the principles set forth in subsection (a) of this section. The agency shall repeal any rule identified by this review.

(c) Each agency subject to this Article shall post on its Web site, no later than the publication date of the notice of text in the North Carolina Register, all of the following:

- (1) The text of a proposed rule.
- (2) An explanation of the proposed rule and the reason for the proposed rule.
- (3) The federal certification required by subsection (g) of this section.
- (4) Instructions on how and where to submit oral or written comments on the proposed rule, including a description of the procedure by which a person can object to a proposed rule and subject the proposed rule to legislative review.
- (5) Any fiscal note that has been prepared for the proposed rule.

If an agency proposes any change to a rule or fiscal note prior to the date it proposes to adopt a rule, the agency shall publish the proposed change on its Web site as soon as practicable after the change is drafted. If an agency's staff proposes any such change to be presented to the rule-making agency, the staff shall publish the proposed change on the agency's Web site as soon as practicable after the change is drafted.

(d) Each agency shall determine whether its policies and programs overlap with the policies and programs of another agency. In the event two or more agencies' policies and programs overlap, the agencies shall coordinate the rules adopted by each agency to avoid unnecessary, unduly burdensome, or inconsistent rules.

(e) Each agency shall quantify the costs and benefits to all parties of a proposed rule to the greatest extent possible. Prior to submission of a proposed rule for publication in accordance with G.S. 150B-21.2, the agency shall review the details of any fiscal note prepared in connection with the proposed rule and approve the fiscal note before submission.

(f) If the agency determines that a proposed rule will have a substantial economic impact as defined in G.S. 150B-21.4(b1), the agency shall consider at least two alternatives to the proposed rule. The alternatives may have been identified by the agency or by members of the public.

(g) Whenever an agency proposes a rule that is purported to implement a federal law, or required by or necessary for compliance with federal law, or on which the receipt of federal funds is conditioned, the agency shall:

- (1) Prepare a certification identifying the federal law requiring adoption of the proposed rule. The certification shall contain a statement setting forth the reasons why the proposed rule is required by federal law. If all or part of the proposed rule is not required by federal law or exceeds the requirements of federal law, then the certification shall state the reasons for that opinion.
- (2) Post the certification on the agency Web site in accordance with subsection (c) of this section.
- (3) Maintain a copy of the federal law and provide to the Office of State Budget and Management the citation to the federal law requiring or pertaining to the proposed rule.

(h) Repealed by Session Laws 2014-120, s. 6(a), effective September 18, 2014, and applicable to proposed rules published on or after that date.

§ 150B-19.2: Repealed by Session Laws 2013-413, s. 3(c).

§ 150B-19.3. Limitation on certain environmental rules.

(a) An agency authorized to implement and enforce State and federal environmental laws may not adopt a rule for the protection of the environment or natural resources that imposes a more restrictive standard, limitation, or requirement than those imposed by federal law or rule, if a federal law or rule pertaining to the same subject matter has been adopted, unless adoption of the rule is required by one of the subdivisions of this subsection. A rule required by one of the following subdivisions of this subsection shall be subject to the provisions of G.S. 150B-21.3(b1) as if the rule received written objections from 10 or more persons under G.S. 150B-21.3(b2):

- (1) A serious and unforeseen threat to the public health, safety, or welfare.
- (2) An act of the General Assembly or United States Congress that expressly requires the agency to adopt rules.
- (3) A change in federal or State budgetary policy.

statement meets the criteria, the Codifier of Rules must notify the head of the agency and enter the rule in the North Carolina Administrative Code on the sixth business day following approval by the Codifier of Rules.

If the Codifier of Rules finds that the statement does not meet the criteria in subsection (a) of this section, the Codifier of Rules must immediately notify the head of the agency. The agency may supplement its statement of need with additional findings or submit a new statement. If the agency provides additional findings or submits a new statement, the Codifier of Rules must review the additional findings or new statement within one business day after the agency submits the additional findings or new statement. If the Codifier of Rules again finds that the statement does not meet the criteria in subsection (a) of this section, the Codifier of Rules must immediately notify the head of the agency.

If an agency decides not to provide additional findings or submit a new statement when notified by the Codifier of Rules that the agency's findings of need for a rule do not meet the required criteria, the agency must notify the Codifier of Rules of its decision. The Codifier of Rules must then enter the rule in the North Carolina Administrative Code on the sixth business day after receiving notice of the agency's decision. Notwithstanding any other provision of this subsection, if the agency has not complied with the provisions of G.S. 12-3.1, the Codifier of Rules shall not enter the rule into the Code.

(c) Standing. – A person aggrieved by an emergency rule adopted by an agency may file an action for declaratory judgment in Wake County Superior Court pursuant to Article 26 of Chapter 1 of the General Statutes. In the action, the court shall determine whether the agency's written statement of findings of need for the rule meets the criteria listed in subsection (a) of this section and whether the rule meets the standards in G.S. 150B-21.9. The court shall not grant an ex parte temporary restraining order.

Filing a petition for rule making or a request for a declaratory ruling with the agency that adopted the rule is not a prerequisite to filing an action under this subsection. A person who files an action for declaratory judgment under this subsection must serve a copy of the complaint on the agency that adopted the rule being contested, the Codifier of Rules, and the Commission.

(d) Effective Date and Expiration. – An emergency rule becomes effective on the date specified in G.S. 150B-21.3. An emergency rule expires on the earliest of the following dates:

- (1) The date specified in the rule.
- (2) The effective date of the temporary rule adopted to replace the emergency rule, if the Commission approves the temporary rule.
- (3) The date the Commission returns to an agency a temporary rule the agency adopted to replace the emergency rule.
- (4) Sixty days from the date the emergency rule was published in the North Carolina Register, unless the temporary rule adopted to replace the emergency rule has been submitted to the Commission.

(e) Publication. – When the Codifier of Rules enters an emergency rule in the North Carolina Administrative Code, the Codifier of Rules must publish the rule in the North Carolina Register.

§ 150B-21.1B: Expired pursuant to Session Laws 2009-475, s. 16, effective June 30, 2012.

§ 150B-21.2. Procedure for adopting a permanent rule.

(a) Steps. – Before an agency adopts a permanent rule, the agency must comply with the requirements of G.S. 150B-19.1, and it must take the following actions:

- (1) Publish a notice of text in the North Carolina Register.
- (2) When required by G.S. 150B-21.4, prepare or obtain a fiscal note for the proposed rule.
- (3) Repealed by Session Laws 2003-229, s. 4, effective July 1, 2003.
- (4) When required by subsection (e) of this section, hold a public hearing on the proposed rule after publication of the proposed text of the rule.
- (5) Accept oral or written comments on the proposed rule as required by subsection (f) of this section.

(b) Repealed by Session Laws 2003-229, s. 4, effective July 1, 2003.

(c) Notice of Text. – A notice of the proposed text of a rule must include all of the following:

- (1) The text of the proposed rule, unless the rule is a readoption without substantive changes to the existing rule proposed in accordance with G.S. 150B-21.3A.
- (2) A short explanation of the reason for the proposed rule.
- (2a) A link to the agency's Web site containing the information required by G.S. 150B-19.1(c).
- (3) A citation to the law that gives the agency the authority to adopt the rule.
- (4) The proposed effective date of the rule.
- (5) The date, time, and place of any public hearing scheduled on the rule.
- (6) Instructions on how a person may demand a public hearing on a proposed rule if the notice does not schedule a public hearing on the proposed rule and subsection (e) of this section requires the agency to hold a public hearing on the proposed rule when requested to do so.
- (7) The period of time during which and the person within the agency to whom written comments may be submitted on the proposed rule.
- (8) If a fiscal note has been prepared for the rule, a statement that a copy of the fiscal note can be obtained from the agency.
- (9) Repealed by Session Laws 2013-143, s. 1, effective June 19, 2013.

(d) Mailing List. – An agency must maintain a mailing list of persons who have requested notice of rule making. When an agency publishes in the North Carolina Register a notice of text of a proposed rule, it must mail a copy of the notice or text to each person on the mailing list who has requested notice on the subject matter described in the notice or the rule affected. An agency may charge an annual fee to each person on the agency's mailing list to cover copying and mailing costs.

(e) Hearing. – An agency must hold a public hearing on a rule it proposes to adopt if the agency publishes the text of the proposed rule in the North Carolina Register and the agency receives a written request for a public hearing on the proposed rule within 15 days after the notice of text is published. The agency must accept

comments at the public hearing on both the proposed rule and any fiscal note that has been prepared in connection with the proposed rule.

An agency may hold a public hearing on a proposed rule and fiscal note in other circumstances. When an agency is required to hold a public hearing on a proposed rule or decides to hold a public hearing on a proposed rule when it is not required to do so, the agency must publish in the North Carolina Register a notice of the date, time, and place of the public hearing. The hearing date of a public hearing held after the agency publishes notice of the hearing in the North Carolina Register must be at least 15 days after the date the notice is published. If notice of a public hearing has been published in the North Carolina Register and that public hearing has been cancelled, the agency shall publish notice in the North Carolina Register at least 15 days prior to the date of any rescheduled hearing.

(f) Comments. – An agency must accept comments on the text of a proposed rule that is published in the North Carolina Register and any fiscal note that has been prepared in connection with the proposed rule for at least 60 days after the text is published or until the date of any public hearing held on the proposed rule, whichever is longer. An agency must consider fully all written and oral comments received.

(g) Adoption. – An agency shall not adopt a rule until the time for commenting on the proposed text of the rule has elapsed and shall not adopt a rule if more than 12 months have elapsed since the end of the time for commenting on the proposed text of the rule. Prior to adoption, an agency shall review any fiscal note that has been prepared for the proposed rule and consider any public comments received in connection with the proposed rule or the fiscal note. An agency shall not adopt a rule that differs substantially from the text of a proposed rule published in the North Carolina Register unless the agency publishes the text of the proposed different rule in the North Carolina Register and accepts comments on the proposed different rule for the time set in subsection (f) of this section.

An adopted rule differs substantially from a proposed rule if it does one or more of the following:

- (1) Affects the interests of persons who, based on the proposed text of the rule published in the North Carolina Register, could not reasonably have determined that the rule would affect their interests.
- (2) Addresses a subject matter or an issue that is not addressed in the proposed text of the rule.
- (3) Produces an effect that could not reasonably have been expected based on the proposed text of the rule.

When an agency adopts a rule, it shall not take subsequent action on the rule without following the procedures in this Part. An agency must submit an adopted rule to the Rules Review Commission within 30 days of the agency's adoption of the rule.

(h) Explanation. – An agency must issue a concise written statement explaining why the agency adopted a rule if, within 15 days after the agency adopts the rule, a person asks the agency to do so. The explanation must state the principal reasons for and against adopting the rule and must discuss why the agency rejected any arguments made or considerations urged against the adoption of the rule. The agency must issue the explanation within 15 days after receipt of the request for an explanation.

(i) Record. – An agency must keep a record of a rule-making proceeding. The record must include all written comments received, a transcript or recording of any public hearing held on the rule, any

fiscal note that has been prepared for the rule, and any written explanation made by the agency for adopting the rule.

§ 150B-21.3. Effective date of rules.

(a) Temporary and Emergency Rules. – A temporary rule or an emergency rule becomes effective on the date the Codifier of Rules enters the rule in the North Carolina Administrative Code.

(b) Permanent Rule. – A permanent rule approved by the Commission becomes effective on the first day of the month following the month the rule is approved by the Commission, unless the Commission received written objections to the rule in accordance with subsection (b2) of this section, or unless the agency that adopted the rule specifies a later effective date.

(b1) Delayed Effective Dates. – ~~If Except as provided in G.S. 14-4.1, if~~ the Commission received written objections to the rule in accordance with subsection (b2) of this section, the rule becomes effective on the earlier of the thirty-first legislative day or the day of adjournment of the next regular session of the General Assembly that begins at least 25 days after the date the Commission approved the rule, unless a different effective date applies under this section. If a bill that specifically disapproves the rule is introduced in either house of the General Assembly before the thirty-first legislative day of that session, the rule becomes effective on the earlier of either the day an unfavorable final action is taken on the bill or the day that session of the General Assembly adjourns without ratifying a bill that specifically disapproves the rule. If the agency adopting the rule specifies a later effective date than the date that would otherwise apply under this subsection, the later date applies. A permanent rule that is not approved by the Commission or that is specifically disapproved by a bill enacted into law before it becomes effective does not become effective.

A bill specifically disapproves a rule if it contains a provision that refers to the rule by appropriate North Carolina Administrative Code citation and states that the rule is disapproved. Notwithstanding any rule of either house of the General Assembly, any member of the General Assembly may introduce a bill during the first 30 legislative days of any regular session to disapprove a rule that has been approved by the Commission and that either has not become effective or has become effective by executive order under subsection (c) of this section.

(b2) Objection. – Any person who objects to the adoption of a permanent rule may submit written comments to the agency. If the objection is not resolved prior to adoption of the rule, a person may submit written objections to the Commission. If the Commission receives written objections from 10 or more persons, no later than 5:00 P.M. of the day following the day the Commission approves the rule, clearly requesting review by the legislature in accordance with instructions posted on the agency's Web site pursuant to G.S. 150B-19.1(c)(4), and the Commission approves the rule, the rule will become effective as provided in subsection (b1) of this section. The Commission shall notify the agency that the rule is subject to legislative disapproval on the day following the day it receives 10 or more written objections. When the requirements of this subsection have been met and a rule is subject to legislative disapproval, the agency may adopt the rule as a temporary rule if the rule would have met the criteria listed in G.S. 150B-21.1(a) at the time the notice of text for the permanent rule was published in the North Carolina Register. If the Commission receives objections from 10 or more persons clearly requesting review by the legislature, and the rule objected to is one of a group of related

ADMINISTRATIVE PROCEDURES ACT 150(B)

§ 150B-19.1. Requirements for agencies in the rulemaking process.

(a) In developing and drafting rules for adoption in accordance with this Article, agencies shall adhere to the following principles:

- (1) An agency may adopt only rules that are expressly authorized by federal or State law and that are necessary to serve the public interest.
- (2) An agency shall seek to reduce the burden upon those persons or entities who must comply with the rule.
- (3) Rules shall be written in a clear and unambiguous manner and must be reasonably necessary to implement or interpret federal or State law.
- (4) An agency shall consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed. The agency shall not adopt a rule that is unnecessary or redundant.
- (5) When appropriate, rules shall be based on sound, reasonably available scientific, technical, economic, and other relevant information. Agencies shall include a reference to this information in the notice of text required by G.S. 150B-21.2(c).
- (6) Rules shall be designed to achieve the regulatory objective in a cost-effective and timely manner.

(b) Each agency subject to this Article shall conduct an annual review of its rules to identify existing rules that are unnecessary, unduly burdensome, or inconsistent with the principles set forth in subsection (a) of this section. The agency shall repeal any rule identified by this review.

(c) Each agency subject to this Article shall post on its website, no later than the publication date of the notice of text in the North Carolina Register, all of the following:

- (1) The text of a proposed rule.
- (2) An explanation of the proposed rule and the reason for the proposed rule.
- (3) The federal certification required by subsection (g) of this section.
- (4) Instructions on how and where to submit oral or written comments on the proposed rule, including a description of the procedure by which a person can object to a proposed rule and subject the proposed rule to legislative review.
- (5) Any fiscal note that has been prepared for the proposed rule.

If an agency proposes any change to a rule or fiscal note prior to the date it proposes to adopt a rule, the agency shall publish the proposed change on its website as soon as practicable after the change is drafted. If an agency's staff proposes any such change to be presented to the rulemaking agency, the staff shall publish the proposed change on the agency's website as soon as practicable after the change is drafted.

(d) Each agency shall determine whether its policies and programs overlap with the policies and programs of another agency. In the event two or more agencies' policies and programs overlap, the agencies shall coordinate the rules adopted by each agency to avoid unnecessary, unduly burdensome, or inconsistent rules.

(e) Each agency shall quantify the costs and benefits to all parties of a proposed rule to the greatest extent possible. Prior to submission of a proposed rule for publication in accordance with G.S. 150B-21.2, the agency shall review the details of any fiscal note prepared in connection with the proposed rule and approve the fiscal note before submission.

(f) If the agency determines that a proposed rule will have a substantial economic impact as defined in G.S. 150B-21.4(b1), the agency shall consider at least two alternatives to the proposed rule. The alternatives may have been identified by the agency or by members of the public.

(g) Whenever an agency proposes a rule that is purported to implement a federal law, or required by or necessary for compliance with federal law, or on which the receipt of federal funds is conditioned, the agency shall:

- (1) Prepare a certification identifying the federal law requiring adoption of the proposed rule. The certification shall contain a statement setting forth the reasons why the proposed rule is required by federal law. If all or part of the proposed rule is not required by federal law or exceeds the requirements of federal law, then the certification shall state the reasons for that opinion.
- (2) Post the certification on the agency website in accordance with subsection (c) of this section.
- (3) Maintain a copy of the federal law and provide to the Office of State Budget and Management the citation to the federal law requiring or pertaining to the proposed rule.

§ 163-86. Hearing on challenge.

(a) A challenge made under G.S. 163-85 shall be heard and decided before the date of the next primary or election, except that if the board finds that because of the number of challenges, it cannot hold all hearings before the date of the election, it may order the challenges to be heard and decided at the next time the challenged person appears and seeks to vote, as if the challenge had been filed under G.S. 163-87. Unless the hearing is ordered held under G.S. 163-87, it shall be heard and decided by the board of elections.

(b) At least 10 days prior to the hearing scheduled under G.S. 163-86(c), the board of elections shall mail by first-class mail, a written notice of the challenge to the challenged voter, to the address of the voter listed in the registration records of the county. The notice shall state succinctly the grounds asserted, and shall state the time and place of the hearing. If the hearing is to be held at the polls, the notice shall state that fact and shall list the date of the next scheduled election, the location of the voter's polling place, and the time the polls will be open. A copy of the notice shall be sent to the person making the challenge and to the chairman of each political party in the county.

(c) At the time and place set for the hearing on a challenge entered prior to the date of a primary or election, the county board of elections shall explain to the challenged registrant the qualifications for registration and voting in this State. The board chairman, or in his absence the board secretary, shall then administer the following oath to the challenged registrant:

"You swear (or affirm) that the statements and information you shall give in this hearing with respect to your identity and qualifications to be registered and to vote shall be the truth, the whole truth, and nothing but the truth, so help you, God."

After swearing the challenged registrant, the board shall examine him as to his qualifications to be registered and to vote. If the challenged registrant insists that he is qualified, the board shall tender to him the following oath or affirmation:

"You do solemnly swear (or affirm) that you are a citizen of the United States; that you are at least 18 years of age or will become 18 by the date of the next general election; that you have or will have resided in this State and in the precinct for which registered for 30 days by the date of the next primary or election; that you are not disqualified from voting by the Constitution or the laws of this State; that your name is _____, and that in such name you were duly registered as a voter of _____ precinct; and that you are the person you represent yourself to be, so help you, God."

If the challenged registrant refuses to take the tendered oath, or submit to the board the affidavit required by subsection (d), below, the challenge shall be sustained. If the challenged registrant takes the tendered oath, the board may, nevertheless, sustain the challenge if it finds the challenged registrant is not a legal voter.

The board, in conducting hearings on challenges, shall have authority to subpoena any witnesses it may deem appropriate, and administer the necessary oaths or affirmations to all witnesses brought before it to testify to the qualifications of the persons challenged.

(d) Appearance by Challenged Registrant. – The challenged registrant shall appear in person at the challenge hearing. If he is unable to appear in person, he may be represented by another person and must tender to the county board of elections an affidavit that he is a citizen of the United States, is at least 18 years of age or will become 18 by the date of the next general election, has or will have resided in this State and in the precinct for which registered for 30 days by the date of the next primary or election, is not disqualified from voting by the Constitution or laws of this State, is named _____ and was duly registered as a voter of _____ precinct in such name, and is the person represented to be by the affidavit. (1901, c. 89, s. 22; Rev., s. 4340; C.S., s. 5973; 1955, c. 871, s. 2; 1967, c. 775, s. 1; 1971, c. 1231, s. 1; 1973, c. 793, s. 35; 1979, c. 357, s. 2; 2008-150, s. 5(b); 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

ADMINISTRATIVE PROCEDURES ACT 150(B)

§ 150B-19.1. Requirements for agencies in the rulemaking process.

(a) In developing and drafting rules for adoption in accordance with this Article, agencies shall adhere to the following principles:

- (1) An agency may adopt only rules that are expressly authorized by federal or State law and that are necessary to serve the public interest.
- (2) An agency shall seek to reduce the burden upon those persons or entities who must comply with the rule.
- (3) Rules shall be written in a clear and unambiguous manner and must be reasonably necessary to implement or interpret federal or State law.
- (4) An agency shall consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed. The agency shall not adopt a rule that is unnecessary or redundant.
- (5) When appropriate, rules shall be based on sound, reasonably available scientific, technical, economic, and other relevant information. Agencies shall include a reference to this information in the notice of text required by G.S. 150B-21.2(c).
- (6) Rules shall be designed to achieve the regulatory objective in a cost-effective and timely manner.

(b) Each agency subject to this Article shall conduct an annual review of its rules to identify existing rules that are unnecessary, unduly burdensome, or inconsistent with the principles set forth in subsection (a) of this section. The agency shall repeal any rule identified by this review.

(c) Each agency subject to this Article shall post on its website, no later than the publication date of the notice of text in the North Carolina Register, all of the following:

- (1) The text of a proposed rule.
- (2) An explanation of the proposed rule and the reason for the proposed rule.
- (3) The federal certification required by subsection (g) of this section.
- (4) Instructions on how and where to submit oral or written comments on the proposed rule, including a description of the procedure by which a person can object to a proposed rule and subject the proposed rule to legislative review.
- (5) Any fiscal note that has been prepared for the proposed rule.

If an agency proposes any change to a rule or fiscal note prior to the date it proposes to adopt a rule, the agency shall publish the proposed change on its website as soon as practicable after the change is drafted. If an agency's staff proposes any such change to be presented to the rulemaking agency, the staff shall publish the proposed change on the agency's website as soon as practicable after the change is drafted.

(d) Each agency shall determine whether its policies and programs overlap with the policies and programs of another agency. In the event two or more agencies' policies and programs overlap, the agencies shall coordinate the rules adopted by each agency to avoid unnecessary, unduly burdensome, or inconsistent rules.

(e) Each agency shall quantify the costs and benefits to all parties of a proposed rule to the greatest extent possible. Prior to submission of a proposed rule for publication in accordance with G.S. 150B-21.2, the agency shall review the details of any fiscal note prepared in connection with the proposed rule and approve the fiscal note before submission.

(f) If the agency determines that a proposed rule will have a substantial economic impact as defined in G.S. 150B-21.4(b1), the agency shall consider at least two alternatives to the proposed rule. The alternatives may have been identified by the agency or by members of the public.

(g) Whenever an agency proposes a rule that is purported to implement a federal law, or required by or necessary for compliance with federal law, or on which the receipt of federal funds is conditioned, the agency shall:

- (1) Prepare a certification identifying the federal law requiring adoption of the proposed rule. The certification shall contain a statement setting forth the reasons why the proposed rule is required by federal law. If all or part of the proposed rule is not required by federal law or exceeds the requirements of federal law, then the certification shall state the reasons for that opinion.
- (2) Post the certification on the agency website in accordance with subsection (c) of this section.
- (3) Maintain a copy of the federal law and provide to the Office of State Budget and Management the citation to the federal law requiring or pertaining to the proposed rule.

RULE 23.0103
Objection Packet
w/ 2 exhibits

1 08 NCAC 23 .0103 is adopted with changes as published in 40:14 NCR 1196-1197 as follows:

2
3 **08 NCAC 23 .0103 PRELIMINARY HEARING**

4
5 (a) A preliminary hearing shall be held no earlier than 10 business days and no later than 15 20 business days after
6 the notice of preliminary hearing is mailed to the challenged voter in accordance with Rule .0102 of this ~~Section.~~
7 Section, unless the challenged voter voluntarily cancels their registration before the date of the hearing. The
8 preliminary hearing shall be noticed as a special meeting in accordance with G.S. 143-318.12(b). The written notice
9 required by G.S. 143-318.12(b)(2) shall be emailed at least five business days before the preliminary hearing to the
10 county board's notice list and any other person who has requested that the county board give them notice of
11 proceedings under this ~~Section.~~ Section, and to the challenged voter by separate email if the county board possesses
12 an email address for the challenged voter.

13 (b) The county board shall follow the procedures in G.S. 163-85(d) for the receipt of evidence at the preliminary
14 hearing, hearing, but the official entering the challenge shall not be required to present sworn testimony. At the
15 conclusion of the preliminary hearing, the county board shall make the probable cause determination required under
16 G.S. 163-85(d) as to whether the challenged voter is a United States citizen. The county board's determination of
17 probable cause shall be based on only the following:

- 18 (1) the notice of ~~non-citizenship;~~ non-citizenship and any related documentation or information
19 provided by the State Board;
20 (2) official government documents and information from official government records and databases
21 obtained by the county board; and
22 (3) any documentation of citizenship or information that can be used to determine the challenged
23 voter's citizenship that is submitted to the county board by the challenged ~~voter.~~ voter, whether
24 submitted before or at the preliminary hearing.

25 When reviewing documentation of citizenship provided by the challenged voter, the county board shall determine
26 whether the name on the documentation is the same as or substantially equivalent to the name contained in the
27 voter's voter registration record by applying the standards in 08 NCAC 17 .0101(a)(3).

28 (c) The county board's determination of probable cause under Paragraph (b) of this Rule shall be announced at the
29 preliminary hearing and the county board shall then proceed as follows:

- 30 (1) If the county board determines that probable cause exists that the challenged voter is not a United
31 States citizen, then the county board shall set a date for the challenge hearing and send notice of
32 the challenge hearing to the challenged voter in accordance with Rule .0104(b) of this Section.
33 (2) If the county board determines that probable cause does not exist that the challenged voter is not a
34 United States citizen, then the county board shall dismiss the challenge and proceed in accordance
35 with G.S. 163-90.2(b). The grounds for the county board's decision shall be recorded in a written
36 decision within ten business days of the preliminary hearing and a copy of the written decision
37 shall be provided to the challenged voter using the same method of delivery used to send the

1 notice of the challenge under Rule .0102(b) of this Section. The official entering the challenge
2 shall have no right of appeal of the county board's dismissal of the challenge.

3

4 *History Note:* *Authority G.S. 163-22; 163-82.14; 163-82.26; 163-85; 163-90.1; 163-90.2;*

5 *Eff. ~~May~~ June 1, 2026.*

OBJECTION TO RULE 08 NCAC 23.0103, PRELIMINARY HEARING

Violation of the Administrative Procedures Act § 150(B)-19.1(a)(3) “Rules shall be written in a clear and unambiguous manner and must be reasonably necessary to implement or interpret federal or State law.”

Objection: According to the 08 NCAC 23.0103((b)(2) – **(line 20)** of the Preliminary Hearing rule, states that there are three points that the County Board of Elections should use to determine if probable cause exists to challenge a voter’s citizenship. The **second** of those three are: “official government documents and information from official government records and databases obtained by the county board; and...”

Whereas we do not know what the “official government documents and information” are, and we do not know the **source** of the official government records and databases that are being used to generate that information to the County Board, this does not fulfill the “clear and unambiguous manner” referred to in the Administrative Procedures Act cited above. It should be clear if the databases being used are accredited and certified for use with voting systems and that government records being used are from reliable and reputable sources. Neither of which are explicit, and therefore also ambiguous.

Violation of the Administrative Procedures Act § 150(B)-19.1(a)(3) “An agency **shall** seek to reduce the burden upon those persons or entities who must comply with the rule.”

Objection: According to the 08 NCAC 23.0103((b)(3) – **(line 22)** of the Preliminary Hearing rule, offers the **third** of those three points for probable cause determination to be used by the County Board to decide if the challenged voter is a citizen by considering: “any documentation of citizenship or information that can be used to determine the challenged voter’s citizenship that is submitted to the county board by the challenged voter, whether submitted before or at the preliminary hearing.” This clearly violates seeking to REDUCE the burden upon those who must comply by:

- Placing the burden of proof on the challenged voter instead of on the challenger as prescribed in **G.S. § 163-85.(d)**, and
- Not considering the logistics and financial costs associated with acquiring documents accepted as proof by the Board. In order to be in compliance with reducing the burden on those that need to comply, some means of assistance should be provided to reduce the burden (or harm) to someone with mobility issues, or financial issues.

Violation of the NC G.S. § 163-85.(d) ““When a challenge is made, the county board of election shall schedule a preliminary hearing on the challenge, and shall take such testimony under oath and receive such other evidence proffered by the challenger as may be offered. **The burden of proof shall be on the challenger, and if no testimony is presented, the board shall dismiss the challenge.**”

Objection: Requesting the challenged voter to produce documents to prove they are a legitimate North Carolina precinct voter puts the burden of proof on the challenged voter and NOT on the challenger as per NC G.S. § 163-85.(d) "The burden of proof **shall** be on the challenger, and if no testimony is presented, the board **shall** dismiss the challenge."

Further, there is no guidance given on what should be considered as justifiable, reputable, credible, factual, or even reliable evidence to qualify a challenger as having provided proof of non-citizenship and no further processing should be followed until, or unless, the challenger can provide substantiated proof that is qualified according to some guidelines set.

§ 150B-19.1. Requirements for agencies in the rulemaking process.

(a) In developing and drafting rules for adoption in accordance with this Article, agencies shall adhere to the following principles:

- (1) An agency may adopt only rules that are expressly authorized by federal or State law and that are necessary to serve the public interest.
- (2) An agency shall seek to reduce the burden upon those persons or entities who must comply with the rule.
- (3) Rules shall be written in a clear and unambiguous manner and must be reasonably necessary to implement or interpret federal or State law.
- (4) An agency shall consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed. The agency shall not adopt a rule that is unnecessary or redundant.
- (5) When appropriate, rules shall be based on sound, reasonably available scientific, technical, economic, and other relevant information. Agencies shall include a reference to this information in the notice of text required by G.S. 150B-21.2(c).
- (6) Rules shall be designed to achieve the regulatory objective in a cost-effective and timely manner.

(b) Each agency subject to this Article shall conduct an annual review of its rules to identify existing rules that are unnecessary, unduly burdensome, or inconsistent with the principles set forth in subsection (a) of this section. The agency shall repeal any rule identified by this review.

(c) Each agency subject to this Article shall post on its website, no later than the publication date of the notice of text in the North Carolina Register, all of the following:

- (1) The text of a proposed rule.
- (2) An explanation of the proposed rule and the reason for the proposed rule.
- (3) The federal certification required by subsection (g) of this section.
- (4) Instructions on how and where to submit oral or written comments on the proposed rule, including a description of the procedure by which a person can object to a proposed rule and subject the proposed rule to legislative review.
- (5) Any fiscal note that has been prepared for the proposed rule.

If an agency proposes any change to a rule or fiscal note prior to the date it proposes to adopt a rule, the agency shall publish the proposed change on its website as soon as practicable after the change is drafted. If an agency's staff proposes any such change to be presented to the rulemaking agency, the staff shall publish the proposed change on the agency's website as soon as practicable after the change is drafted.

(d) Each agency shall determine whether its policies and programs overlap with the policies and programs of another agency. In the event two or more agencies' policies and programs overlap, the agencies shall coordinate the rules adopted by each agency to avoid unnecessary, unduly burdensome, or inconsistent rules.

(e) Each agency shall quantify the costs and benefits to all parties of a proposed rule to the greatest extent possible. Prior to submission of a proposed rule for publication in accordance with G.S. 150B-21.2, the agency shall review the details of any fiscal note prepared in connection with the proposed rule and approve the fiscal note before submission.

(f) If the agency determines that a proposed rule will have a substantial economic impact as defined in G.S. 150B-21.4(b1), the agency shall consider at least two alternatives to the proposed rule. The alternatives may have been identified by the agency or by members of the public.

(g) Whenever an agency proposes a rule that is purported to implement a federal law, or required by or necessary for compliance with federal law, or on which the receipt of federal funds is conditioned, the agency shall:

- (1) Prepare a certification identifying the federal law requiring adoption of the proposed rule. The certification shall contain a statement setting forth the reasons why the proposed rule is required by federal law. If all or part of the proposed rule is not required by federal law or exceeds the requirements of federal law, then the certification shall state the reasons for that opinion.

(2) Post the certification on the agency website in accordance with subsection (c) of this section.

(3) Maintain a copy of the federal law and provide to the Office of State Budget and Management the citation to the federal law requiring or pertaining to the proposed rule.

(h) Repealed by Session Laws 2014-120, s. 6(a), effective September 18, 2014, and applicable to proposed rules published on or after that date. (2011-398, s. 2; 2012-187, s. 3; 2013-143, s. 1.1; 2014-120, s. 6(a); 2025-25, s. 29(5), (6).)

§ 163-85. Challenge procedure other than on day of primary or election.

(a) **Right to Challenge; When Challenge May Be Made.** – Any registered voter of the county may challenge the right of any person to register, remain registered or vote in such county. No such challenge may be made after the twenty-fifth day before each primary, general, or special election.

(b) **Challenges Shall Be Made to the County Board of Elections.** – Each challenge shall be made separately, in writing, under oath and on forms prescribed by the State Board of Elections, and shall specify the reasons why the challenged voter is not entitled to register, remain registered, or vote. When a challenge is made, the board of elections shall cause the word "challenged" to be written in pencil on the registration records of the voter challenged. The challenge shall be signed by the challenger and shall set forth the challenger's address.

(c) **Grounds for Challenge.** – Such challenge may be made only for one or more of the following reasons:

- (1) That a person is not a resident of the State of North Carolina, or
- (2) That a person is not a resident of the county in which the person is registered, provided that no such challenge may be made if the person removed his residency and the period of removal has been less than 30 days, or
- (3) That a person is not a resident of the precinct in which the person is registered, provided that no such challenge may be made if the person removed his residency and the period of removal has been less than 30 days, or
- (4) That a person is not 18 years of age, or if the challenge is made within 60 days before a primary, that the person will not be 18 years of age by the next general election, or
- (5) That a person has been adjudged guilty of a felony and is ineligible to vote under G.S. 163-55(2), or
- (6) That a person is dead, or
- (7) That a person is not a citizen of the United States, or
- (8) With respect to municipal registration only, that a person is not a resident of the municipality in which the person is registered, or
- (9) That the person is not who he or she represents himself or herself to be.

(d) **Preliminary Hearing.** – When a challenge is made, the county board of election shall schedule a preliminary hearing on the challenge, and shall take such testimony under oath and receive such other evidence proffered by the challenger as may be offered. The burden of proof shall be on the challenger, and if no testimony is presented, the board shall dismiss the challenge. If the challenger presents evidence and if the board finds that probable cause exists that the person challenged is not qualified to vote, then the board shall schedule a hearing on the challenge.

(e) **Prima Facie Evidence That Voter No Longer Resides in Precinct.** – The presentation of a letter mailed by returnable first-class mail to the voter at the address listed on the voter registration card and returned because the person does not live at the address shall constitute prima facie evidence that the person no longer resides in the precinct. (1901, c. 89, s. 19; Rev., s. 4339; C.S., s. 5972; 1953, c. 843; 1955, c. 800; 1963, c. 303, s. 1; 1967, c. 775, s. 1; 1973, c. 793, s. 34; 1979, c. 357, s. 1; 1985, c. 563, ss. 11-11.2, 11.5; c. 589, s. 60; 1993 (Reg. Sess., 1994), c. 762, s. 25; 2009-526, s. 1.2; 2009-541, s. 16.1(a); 2009-550, s. 11; 2010-96, s. 18; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

Rule 23.0104
objection packet
w/ 3 exhibits

1 08 NCAC 23 .0104 is adopted with changes as published in 40:14 NCR 1197-1198 as follows:

2
3 **08 NCAC 23 .0104 CHALLENGE HEARING**

4
5 (a) A challenge hearing shall be held no earlier than 10 business days and no later than 20 business days after the
6 county board has ordered the challenge to proceed to a challenge hearing under Rule .0103(d)(1) of this ~~Section-~~
7 Section, unless the challenged voter voluntarily cancels their registration before the date of the hearing. If the county
8 board is unable to confirm that the challenged voter received the notice of the challenge hearing, then the county
9 board shall continue the hearing to a date no earlier than 10 business days from the date of the original challenge
10 hearing. The challenge hearing shall be noticed as a special meeting in accordance with G.S. 143-318.12(b). The
11 written notice required by G.S. 143-318.12(b)(2) shall be emailed at least 10 business days before the challenge
12 hearing to the county board's notice list and any other person who has requested that the county board give them
13 notice of proceedings under this Section.

14 (b) The county board shall send written notice of the challenge hearing to the challenged voter by the deadline to do
15 so in G.S. 163-86(b) and no later than three business days after the county board has ordered the challenge to
16 proceed to a challenge hearing under Rule .0103(d)(1) of this ~~Section-~~ Section or has continued the hearing as
17 provided in this Rule. The notice to the challenged voter shall include the information required under G.S. 163-86(b)
18 and shall be sent by U.S. mail using a method of delivery that documents receipt. The notice shall also be provided
19 by email to the challenged voter using any email address that the county board possesses for the challenged voter.

20 (c) The county board shall conduct the challenge hearing using the procedures in G.S. 163-86(c) and (d) as well as
21 the following additional procedures:

22 (1) The challenge hearing shall be recorded by a court reporter or by mechanical means.

23 (2) Upon request by the challenged voter, the chair or any two members of the county board shall
24 issue subpoenas for witnesses or documents, when the chair or two members of the county board
25 conclude that the witnesses or documents are likely to provide information that is both relevant
26 and material to the challenged voter's citizenship, the information sought is not unnecessarily
27 duplicative of other available evidence, and the subpoena is not likely to subject the recipient to
28 undue burden or expense. Such subpoenas shall be served in the same manner as allowed in the
29 North Carolina Rules of Civil Procedure. The county board shall continue the hearing to a date no
30 earlier than 10 business days from the date of the challenge hearing if the county board is unable
31 to confirm service of the subpoenas.

32 (3) After the challenged voter has been administered the first oath under G.S. 163-86(c), the county
33 board shall provide the challenged voter with the information and documents included with the
34 notice of the challenge under Rule .0102(b) of this Section as well as any additional information
35 and documents considered by the county board at the preliminary hearing.

36 (4) The challenged voter shall be permitted the opportunity to present documentation of citizenship
37 and sworn testimony as to their citizenship before being tendered the second oath under G.S. 163-

1 86(c). If the challenged voter submits documentation of citizenship, then the county board shall,
2 when reviewing the documentation of citizenship, determine whether the name on the
3 documentation is the same as or substantially equivalent to the name contained in the voter's voter
4 registration record by applying the standards in 08 NCAC 17 .0101(a)(3).

5 (5) The county board shall continue the challenge hearing to a later date upon oral or written request
6 to do so by the challenged voter if that request is accompanied by documentation showing the
7 challenged voter has made a request to a government agency to obtain documentation of
8 citizenship. In setting the date of the continued challenge hearing, the county board shall consider
9 information from the government agency regarding the time needed to process the challenged
10 voter's request.

11 (5) (6) If the challenged voter or an authorized representative does not appear at the challenge hearing,
12 and the challenged voter has not submitted any documentation of citizenship for the county
13 board's consideration, then the notice of non-citizenship shall be treated by the county board as
14 affirmative proof necessary to sustain the challenge under G.S. 163-90.1(b).

15 (6) (7) If the challenged voter has not submitted documentation of citizenship but has provided sworn
16 testimony or other evidence regarding their citizenship, then the county board shall consider that
17 testimony or other evidence when determining whether to sustain or overrule the challenge.

18 (d) The county board's decision on the challenge shall be announced at the conclusion of the challenge hearing and
19 the grounds for the county board's decision shall be recorded in a written decision within five business days of the
20 challenge hearing. A copy of the written decision shall be sent to the challenged voter using the same method of
21 delivery used to send the notice of the challenge under Rule .0102(b) of this Section. In making its decision on the
22 challenge, the county board shall do one of the following:

23 (1) If the challenged voter refuses to take the second oath under G.S. 163-86(c) or submit to the
24 county board the affidavit required by G.S. 163-86(d), or if the county board finds that the
25 challenged voter is not a United States citizen, citizen by the greater weight of the evidence, then
26 the county board shall sustain the challenge and proceed in accordance with G.S. 163-90.2(a). The
27 time in which the voter has the right to appeal under G.S. 163-90.2(c) shall be measured from the
28 date on which the written decision is recorded and sent to the challenged voter in accordance with
29 this Paragraph.

30 (2) If the county board decides that the challenge cannot be substantiated by the greater weight of the
31 evidence, affirmative proof, or finds that the challenged voter is a United States citizen, citizen by
32 the greater weight of the evidence, then the county board shall overrule the challenge and proceed
33 in accordance with G.S. 163-90.2(b). The official entering the challenge shall have no right of
34 appeal of the county board's decision to overrule the challenge.

35
36 History Note: Authority G.S. 163-22; 163-82.14; 163-82.26; 163-86; 163-90.1; 163-90.2;
37 Eff. ~~May~~ June 1, 2026.

OBJECTIONS TO RULE 08 NCAC 23 .0104. CHALLENGE HEARING

Violation of Administrative Procedures Act 150(B)-19.1(2) “An agency shall seek to reduce the burden upon those persons or entities who must comply with the rule.”

08 NCAC 23 .0104.(a) (lines 10-13)

“The challenge hearing shall be noticed as a special meeting in accordance with G.S.§ 143-318.12(b). The written notice required by G.S.§ 143-318.12(b)(2) shall be emailed at least 10 business days before the challenge hearing to the county board's notice list and any other person who has requested that the county board give them notice of the proceedings under this Section.

Objection: This is inconsistent with the delivery mechanism used for the first notice of delivery for the County preliminary hearing which included postal mail and by email if one was on file. An email is not mandated on the application form for registering a voter. This could cause communication error for the challenged voter and increases the possibility of challenged voter not showing up to a significant hearing. Including the postal mailing diminishes the possibility of the challenged voter not responding due to the possibility that the

1. Registered/challenged voter cannot afford wifi service,
2. Registered/challenged voter does not have access to a computer on a regular basis,
3. Registered/challenged voter is computer illiterate.

For uniformity in hearing notification, and to avoid any contest of appeal, postal mailing should be included as it was initially, so as to narrow the possibility of a “no show” due to the lack of contact (which was used to successfully contact the challenged voter in the initial preliminary County hearing. {Refer to 08 NCAC 23 .0102 (b) (lines 23-26)}

Violation of Administrative Procedures Act 150(B) -19.1 (a)(2) “An Agency shall seek to reduce the burden upon those persons or entities who must comply with the rule.”

08 NCAC 23 .0104 (c)(3) (lines 32-35)

“After the challenged voter has been administered the first oath under G.S. 163-86(c), the county board shall provide the challenged voter with the information and documents included with the notice of the challenge under Rule .0102(b) of this Section as well as any additional information and documents considered by the county board at the preliminary hearing.”

Objection: Since this hearing is a quasi- legal court, it would seem that evidence (information and documents that were included with the challenge) should be put forth as discovery/disclosure for the challenged voter to obtain prior to the hearing in order to prepare a defense prior to getting presented with it after taking an oath. The name of the challenger could be redacted until arrival at the hearing. But the challenged voter, would be able to provide a more immediate response at the hearing to defeat, or clarify the challenge with-out stress, or undue financial burden going back and forth to places to acquire what may already be on hand at home, or obtain it prior to appearing at the challenge hearing. If a challenged voter planned to not attend the scheduled hearing, that challenged voter, once receiving the notice of a challenge hearing, would likely make those plans regardless. If the

notice offered the documents for discovery to be received from the county board office, it could be possible to retrieve the items needed and clear allegations at that time eliminating the need for the challenge hearing.

08 NCAC 23 .0104 (c)(3) (line32) and (c)(4) (line37)

Objection: On administration of the 1st and 2nd oaths, should the challenged voter not have English as their first language, and since the oaths are not something common to the everyday language, an option for a translator should be offered in their native language so that there is no confusion, nor misunderstanding about the strengths of these oaths, or confusion as to what affirmation they are making so as not to open an avenue for appeal, or further actionable legal issues. .

Violation of Administrative Procedures Act 150(B) - 19.1 ((a)3) "Rules shall be written in a clear and unambiguous manner and must be reasonably necessary to implement or interpret federal or State law."

08 NCAC 23 .0104.(c)(5) reads: "The county board shall continue the challenge hearing to a later date upon oral or written request to do so by the challenged voter if that request is accompanied by documentation showing the challenged voter has made a request to a government agency to obtain documentation of citizenship. In setting the date of the continued challenge hearing, the county board shall consider information from the government agency regarding the time needed to process the challenged voter's request."

Objection: Once again the burden of proof shifts to the challenged voter, instead of to the challenger as defined in NC G.S. § 163-85.(d) which reads:

"Preliminary Hearing – When a challenge is made, the county board of election shall schedule a preliminary hearing on the challenge, and shall take such testimony under oath and receive such other evidence proffered by the challenger as may be offered. The burden of proof shall be on the challenger, and if no testimony is presented, the board shall dismiss the challenge. If the challenger presents evidence and if the board finds that probable cause exists that the person challenged is not qualified to vote, then the board shall schedule a hearing on the challenge."

Further, it puts an undue burden on the challenged voter by requiring them to incur costs that may not be affordable, nor a means available for them to acquire those requirements (finding a parental birth certificate for example).

§ 143-318.12. Public notice of official meetings.

(a) If a public body has established, by ordinance, resolution, or otherwise, a schedule of regular meetings, it shall cause a current copy of that schedule, showing the time and place of regular meetings, to be kept on file as follows:

- (1) For public bodies that are part of State government, with the Secretary of State;
- (2) For the governing board and each other public body that is part of a county government, with the clerk to the board of county commissioners;
- (3) For the governing board and each other public body that is part of a city government, with the city clerk;
- (4) For each other public body, with its clerk or secretary, or, if the public body does not have a clerk or secretary, with the clerk to the board of county commissioners in the county in which the public body normally holds its meetings.

If a public body changes its schedule of regular meetings, it shall cause the revised schedule to be filed as provided in subdivisions (1) through (4) of this subsection at least seven calendar days before the day of the first meeting held pursuant to the revised schedule.

(b) If a public body holds an official meeting at any time or place other than a time or place shown on the schedule filed pursuant to subsection (a) of this section, it shall give public notice of the time and place of that meeting as provided in this subsection.

(1) If a public body recesses a regular, special, or emergency meeting held pursuant to public notice given in compliance with this subsection, and the time and place at which the meeting is to be continued is announced in open session, no further notice shall be required.

(2) For any other meeting, except an emergency meeting, the public body shall cause written notice of the meeting stating its purpose (i) to be posted on the principal bulletin board of the public body or, if the public body has no such bulletin board, at the door of its usual meeting room, and (ii) to be mailed, emailed, or delivered to each newspaper, wire service, radio station, and television station that has filed a written request for notice with the clerk or secretary of the public body or with some other person designated by the public body. The public body shall also cause notice to be mailed, emailed, or delivered to any person, in addition to the representatives of the media listed above, who has filed a written request with the clerk, secretary, or other person designated by the public body. This notice shall be posted and mailed, emailed, or delivered at least 48 hours before the time of the meeting. The notice required to be posted on the principal bulletin board or at the door of its usual meeting room shall be posted on the door of the building or on the building in an area accessible to the public if the building containing the principal bulletin board or usual meeting room is closed to the public continuously for 48 hours before the time of the meeting. The public body may require each newspaper, wire service, radio station, and television station submitting a written request for notice to renew the request annually. The public body shall charge a fee to persons other than the media, who request notice, of ten dollars (\$10.00) per calendar year, and may require them to renew their requests quarterly. No fee shall be charged for notices sent by email.

(3) For an emergency meeting, the public body shall cause notice of the meeting to be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written request, which includes the newspaper's, wire service's, or station's telephone number, for emergency notice with the clerk or secretary of the public body or with some other person designated by the public body. This notice shall be given either by email, by telephone, or by the same method used to notify the members of the public body and shall be given immediately after notice has been given to those members. This notice shall be given at the expense of the party notified. Only business connected with the emergency may be considered at a meeting to which notice is given pursuant to this paragraph.

(c) Repealed by Session Laws 1991, c. 694, s. 6.

(d) If a public body has a website and has established a schedule of regular meetings, the public body shall post the schedule of regular meetings to the website.

(e) If a public body has a website that one or more of its employees maintains, the public body shall post notice of any meeting held under subdivisions (b)(1) and (b)(2) of this section prior to the scheduled time of that meeting.

(f) For purposes of this section, an "emergency meeting" is one called because of generally unexpected circumstances that require immediate consideration by the public body. (1979, c. 655, s. 1; 1991, c. 694, ss. 5, 6; 2009-350, s. 1; 2025-25, s. 29(1), (5).)

ADMINISTRATIVE PROCEDURES ACT 150(B)

§ 150B-19.1. Requirements for agencies in the rulemaking process.

(a) In developing and drafting rules for adoption in accordance with this Article, agencies shall adhere to the following principles:

- (1) An agency may adopt only rules that are expressly authorized by federal or State law and that are necessary to serve the public interest.
- (2) An agency shall seek to reduce the burden upon those persons or entities who must comply with the rule.
- (3) Rules shall be written in a clear and unambiguous manner and must be reasonably necessary to implement or interpret federal or State law.
- (4) An agency shall consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed. The agency shall not adopt a rule that is unnecessary or redundant.
- (5) When appropriate, rules shall be based on sound, reasonably available scientific, technical, economic, and other relevant information. Agencies shall include a reference to this information in the notice of text required by G.S. 150B-21.2(c).
- (6) Rules shall be designed to achieve the regulatory objective in a cost-effective and timely manner.

(b) Each agency subject to this Article shall conduct an annual review of its rules to identify existing rules that are unnecessary, unduly burdensome, or inconsistent with the principles set forth in subsection (a) of this section. The agency shall repeal any rule identified by this review.

(c) Each agency subject to this Article shall post on its website, no later than the publication date of the notice of text in the North Carolina Register, all of the following:

- (1) The text of a proposed rule.
- (2) An explanation of the proposed rule and the reason for the proposed rule.
- (3) The federal certification required by subsection (g) of this section.
- (4) Instructions on how and where to submit oral or written comments on the proposed rule, including a description of the procedure by which a person can object to a proposed rule and subject the proposed rule to legislative review.
- (5) Any fiscal note that has been prepared for the proposed rule.

If an agency proposes any change to a rule or fiscal note prior to the date it proposes to adopt a rule, the agency shall publish the proposed change on its website as soon as practicable after the change is drafted. If an agency's staff proposes any such change to be presented to the rulemaking agency, the staff shall publish the proposed change on the agency's website as soon as practicable after the change is drafted.

(d) Each agency shall determine whether its policies and programs overlap with the policies and programs of another agency. In the event two or more agencies' policies and programs overlap, the agencies shall coordinate the rules adopted by each agency to avoid unnecessary, unduly burdensome, or inconsistent rules.

(e) Each agency shall quantify the costs and benefits to all parties of a proposed rule to the greatest extent possible. Prior to submission of a proposed rule for publication in accordance with G.S. 150B-21.2, the agency shall review the details of any fiscal note prepared in connection with the proposed rule and approve the fiscal note before submission.

§ 163-85. Challenge procedure other than on day of primary or election.

(a) **Right to Challenge; When Challenge May Be Made.** – Any registered voter of the county may challenge the right of any person to register, remain registered or vote in such county. No such challenge may be made after the twenty-fifth day before each primary, general, or special election.

(b) **Challenges Shall Be Made to the County Board of Elections.** – Each challenge shall be made separately, in writing, under oath and on forms prescribed by the State Board of Elections, and shall specify the reasons why the challenged voter is not entitled to register, remain registered, or vote. When a challenge is made, the board of elections shall cause the word "challenged" to be written in pencil on the registration records of the voter challenged. The challenge shall be signed by the challenger and shall set forth the challenger's address.

(c) **Grounds for Challenge.** – Such challenge may be made only for one or more of the following reasons:

- (1) That a person is not a resident of the State of North Carolina, or
- (2) That a person is not a resident of the county in which the person is registered, provided that no such challenge may be made if the person removed his residency and the period of removal has been less than 30 days, or
- (3) That a person is not a resident of the precinct in which the person is registered, provided that no such challenge may be made if the person removed his residency and the period of removal has been less than 30 days, or
- (4) That a person is not 18 years of age, or if the challenge is made within 60 days before a primary, that the person will not be 18 years of age by the next general election, or
- (5) That a person has been adjudged guilty of a felony and is ineligible to vote under G.S. 163-55(2), or
- (6) That a person is dead, or
- (7) That a person is not a citizen of the United States, or
- (8) With respect to municipal registration only, that a person is not a resident of the municipality in which the person is registered, or
- (9) That the person is not who he or she represents himself or herself to be.

(d) **Preliminary Hearing.** – When a challenge is made, the county board of election shall schedule a preliminary hearing on the challenge, and shall take such testimony under oath and receive such other evidence proffered by the challenger as may be offered. The burden of proof shall be on the challenger, and if no testimony is presented, the board shall dismiss the challenge. If the challenger presents evidence and if the board finds that probable cause exists that the person challenged is not qualified to vote, then the board shall schedule a hearing on the challenge.

(e) **Prima Facie Evidence That Voter No Longer Resides in Precinct.** – The presentation of a letter mailed by returnable first-class mail to the voter at the address listed on the voter registration card and returned because the person does not live at the address shall constitute prima facie evidence that the person no longer resides in the precinct. (1901, c. 89, s. 19; Rev., s. 4339; C.S., s. 5972; 1953, c. 843; 1955, c. 800; 1963, c. 303, s. 1; 1967, c. 775, s. 1; 1973, c. 793, s. 34; 1979, c. 357, s. 1; 1985, c. 563, ss. 11-11.2, 11.5; c. 589, s. 60; 1993 (Reg. Sess., 1994), c. 762, s. 25; 2009-526, s. 1.2; 2009-541, s. 16.1(a); 2009-550, s. 11; 2010-96, s. 18; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)