

August 25, 2025

From: North Carolina Green Party
146 Robert Alston Jr. Drive
Pittsboro, NC 27312

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

Re: Petition rules affecting new political parties:
08 NCAC 22 .0104 PETITION SIGNATURE SHEETS
08 NCAC 22 .0105 PETITION CIRCULATORS
08 NCAC 22 .0106 SUBMISSION OF SIGNATURE SHEETS
08 NCAC 22 .0305 GENERAL PURPOSE AND INTENT OF THE NEW PARTY
08 NCAC 22 .0306 SUFFICIENCY OF NEW PARTY PETITIONS

Members of the Commission,

We appreciate the Commission's hearings on the proposed rules. We are aware of the deadline for comments of August 21, but these rules only came to our attention through notification from a third party, and we mistakenly believed we had time to contest these rules through the Board of Elections. By the time we were informed of the RCC hearing, the August 21 deadline had passed. Because of the deleterious effects these rules will impose on the North Carolina Green Party and on other minor parties, independent candidates, and other petitioning parties or individuals as provided for in the General Statutes, we ask that the commission accept these comments prior to the public hearing of August 28.

Our overall position on these rules is that, in effect, the state is substituting itself instead of the party as managers of the petition process, with no justification for how these rules will serve as other than to erect additional barriers to (in our case) new party participation

Regarding proposed rule 08 NCAC 22 .0104, which applies to the petition signature sheets, 08 NCAC 22 .0104(b)(3) states that the petition sheet shall contain "*a designated area for the petition circulator to write their first and last name and sign an affirmation that they witnessed the signing of the signatures on the signature sheet.*"

The implication is that the state will now require petitioners not to be (in our case) the party as represented by the party chair or co-chair, but the individual collecting the signatures. There are numerous problems with this rule.

First, as we have done for a quarter-century at this point, petitioning is a collective effort. Volunteers collect signatures, respecting the requirements that signers are registered voters residing in the county designated at the top of the sheet. Those sheets are returned to a central location and submitted to the appropriate county by people charged with managing the petition.

Also, those sheets that are not completely populated with signatures may be used by another person the next day, or the next opportunity during the petition period to complete the sheet. At events, where petitions may be at a table manned by numerous volunteers, the same person may not be available every day to oversee the management of that sheet.

Associating each sheet with a particular person, rather than simply with the party, will add a management burden to the petition process, and complicate the oversight of the process.

In addition, the implication is that the state intends to identify petitioners and potentially hold them legally responsible for potential problems with a signature sheet. This rule will make people less likely to volunteer as they will fear legal retribution over circumstances over which they may have no control.

We respectfully ask that this rule be deleted, or if that is not possible, implementation delayed until we can seek legal advice.

NCAC 22 .0104(b)(4) states that the petition signature sheet will contain the following statement: *"It is illegal to sign the name of another person to a petition. N.C.G.S. § 14 163-221."*

Our volunteers are well trained, and after decades of petitioning, we are well versed in the laws regarding signatures. We routinely tell potential signers that they cannot sign for another person, regardless of the convenience offered by doing so. This rule will add more language to a form already crowded and lacking space for signers to enter information legibly (as will other proposed rules to be addressed.)

We respectfully ask that this rule be deleted, or if that is not possible, implementation delayed until we can seek legal advice.

NCAC 22 .0104(b)(5) states that the petition signature sheet shall contain *"prompts for a petition signer to include their printed first and last name, current residential address (street number, street name, and zip code), date of birth, signature, and date of signature,"*

Date of Signature adds a new piece of information to the signature sheet. The signature sheet is already overcrowded. Signers struggle to write small enough to enter their information legibly. Taking space away from the columns on the sheet will only exacerbate this problem. Unless the board is willing to address legibility problems either with a different size of paper, such as Legal or A4 instead of Letter, this rule will only create signature validation problems, not solve them.

NCAC 22 .0104(c) states that *"If the petition type is to form a political party under Rule .0101(a)(1) of this Section, the signature sheet shall include a designated area for the petition signer to place their initials indicating that they were informed of the general purpose and intent of the new party."* This rule assumes the adoption of another rule, 08 NCAC 22 .0305 GENERAL PURPOSE AND INTENT OF THE NEW PARTY. We will comment on this rule further along in the document, but this is another instance of

cramming information onto an already problematic form, and will add to the problems of legibility and validation.

08 NCAC 22 .0105 applies to petition circulators. Heading (a), subsections (1), (2) and (3) contain language requiring the party (in our case) to provide to the personal information of anyone, volunteer or otherwise, who is collecting signatures on behalf of the party.

1. Our petitioners are volunteers. This rule requiring us to share their personal information with the state is an infringement of their rights to free association.
2. As previously noted with 08 NCAC 22 .0104 (b)(3), the requirement carries with it the implication that the state, in its capacity as an entity enforcing the legal obligations of its citizens, may identify the volunteer as someone who may face legal consequences in the event the state identifies some problem with signature verification or receives a complaint about the petition. This will depress the number of volunteers we can rely upon since they will be fearful of prosecution under circumstances of which they may have neither control nor knowledge.
3. Opponents of the party can bring frivolous complaints to the Board of Elections alleging rule violation, which will lead to the fear-inducing experience for volunteers of investigation by the Board of Elections. This is not an unfounded assertion, as we have experienced organized attacks on our petitions in the past. This rule only increases the likelihood of those attacks, and adds the new dimension of possible direct intimidation of our volunteers.
4. If a volunteer petitioner acts under the direction of an organization, whether another volunteer organization, a non-profit, another political party, or a hired petitioner, this additional information must also be provided to the Board of Elections.

In this activity, volunteers may come from many different political and/or organizational affiliations. They support our petition as a matter of freedom of choice in their political activities. If several petitioners happen to be from the same organization, does the state then propose that the organization is a de facto supporter of our petition? Will they disqualify, for example, any petitions submitted by the members of another political party who support our petition in principle, in cases where that affiliation is known and the party itself has not declared official support for the petition? This is a vague requirement and presupposes a situation that has no historical precedent in our petitioning activities.

5. Part of this rule requires that hired petitioning organizations, private companies that pay petitioners per signature, must also provide the personal information of their employees. We can assure the state that few or no private companies will agree to this provision as it adds to their administrative burden and costs.
6. Part of this rule requires that hired petitioning organizations be a registered entity, e.g. an LLC or other corporate designation, with the Secretary of State of North Carolina. Few such entities exist in North Carolina, as the profits for such activity are vastly higher in other states. The North Carolina Green Party has not

found such entities to be reliable or cost-effective, but we can again assure the state that any such company, incorporated in another state or jurisdiction, is unlikely to spend the money or effort to be a recognized entity in North Carolina. The rule is effectively filtering competitors in this market to those companies willing to pay such expense, with no guarantee that this will somehow further the state's interest in controlling the petition process to this degree. In fact, as with volunteers, such companies will have to weigh the legal implications of registering with the state, and thus exposing themselves to the same kinds of legal risk as described above for volunteers.

We respectfully ask that this rule be deleted, or if that is not possible, implementation delayed until we can seek legal advice.

As described above in paragraph 2, page 1, 08 NCAC 22 .0104(b)(3) states that the petition sheet shall contain "*a designated area for the petition circulator to write their first and last name and sign an affirmation that they witnessed the signing of the signatures on the signature sheet,*". However, 08 NCAC 22 .0106, which applies to the submission of signature sheets, has the following language: "*The petitioner shall submit to the board of elections the original signature sheets completed in support of their petition by in-person delivery or mail. ~~The signatures on a signature sheet shall not be counted if the sheet does not contain the petition circulator's first and last name and signature in the area designated for their name and affirmation.~~*" Note that the stricken language directs the board to ignore whether or not 08 NCAC 22 .0104 is satisfied prior to signature validation, which obviates the need for the prior rule in the first place.

Rule 08 NCAC 22 .0305 applies to the "General Purpose and Intent of the New Party". Part (a) of this rule requires that: "*... the petitioner shall submit written documentation to the State Board demonstrating how the petition circulators will inform a petition signer of the prospective party's general purpose and intent when collecting signatures.*"

As stated earlier, we have extensive experience in petitioning over decades. Our volunteers understand quite well what our party represents and are able to answer questions about party policy and intent in participating in electoral politics. We have never experienced any questions about party intent and purpose as a factor in gathering signatures until the previous petition in 2022, where third parties (see *North Carolina Green Party et al v. North Carolina State Board of Elections*, U.S. District Court for the Eastern District of North Carolina, particularly intervening defendants *DSSC and the North Carolina Democratic Party*) began an effort to challenge signatures by calling petition signers directly and exhorting them to withdraw their signatures from our petitions. These efforts often focused on whether the signer of the petition understood the political impact of their signature, with the implication that the North Carolina Green Party had misrepresented itself.

That they could obtain the personal information of petition signers was an outrage in the first place, as the state should be protecting this information from abuse, and as we scrupulously do not use our signature sheets as sources for mailing or call lists. But to infer from the actions of our opponents that another barrier must be erected to make the petition process slower and less likely to succeed is to turn the intent of the rules from protecting the interests of the state to aiding the political interests of our opponents. This is an effect of the rule that we do not believe the Board of Elections really intends.

In addition the rule imposes new costs and management burdens on the (in our case) petitioning political party. The required materials must be created, printed and distributed, and training in their use conducted.

This rule should be deleted, or at the very least, implementation delayed until we can seek legal advice.

We thank the commission for considering our request to delete, or at least delay, the implementation of the rules cited above. It is our sincere belief that these rules do not aid the state in any appreciable way, and place unwarranted burdens on an already onerous process. The fact that a political party must expend time and money to participate in the political process in a democratic republic is already an unjustifiable barrier in principle. We see no reason to keep raising the bar through rulemaking that is at best weak in forwarding the interests of the state, and that will lower the rate of voter participation in the political process.

Respectfully,

M Wayne Turner

M. Wayne Turner
Co-Chair
North Carolina Green Party