

08 NCAC 09 .0106 is amended with changes as published in 40:22 NCR 1789-1790 as follows:

08 NCAC 09 .0106 GENERAL GUIDELINES

(a) Prior to each recount under G.S. 163-182.7, the county board of elections or State Board shall inform the political parties and candidates of the recount and describe to them the process of conducting recounts. A county board of elections shall notice the recount at least 48 hours prior to the start of the recount. The county board shall send notice by email to the county board's regular notice list, county party chairs, and the candidates in the contest subject to the recount.

(b) In the case of tie votes, the winner shall be determined by lot only in the case set out in G.S. 163-182.8(2). Where there are 5,000 or fewer votes cast, there shall be only one determination by lot for each tied election. There shall be no determination by lot until the time has expired for the affected candidate(s) to request a recount, unless all of the affected candidate(s) waive their right in writing to request a recount.

(c) During the conduct of recounts, ballots shall be counted in accordance with the principles in G.S. 163-182.1(a).

(d) In conducting ~~hand-to-eye recounts~~ hand-to-eye recounts pursuant to G.S. 163-182.7A and Rule .0110 of this Chapter, or recounts of paper ballots, a bipartisan team of four officials shall be ~~used~~ assigned; two officials (one from each of the two parties in the State with the largest number of registered voters) to relay the results of each ballot with one person reading the ballot and the other official observing the ballot and the person reading the results of the ballot, and two officials (one from each of the two parties in the State with the largest number of registered voters) each separately recording the tally of votes for each candidate on paper while stating aloud after each choice is read on the fifth tally for a particular candidate, the word "tally." ~~If, after diligently seeking to fill the positions with voters affiliated with each of the two parties in the State with the largest number of registered voters, the county board still has an insufficient number of officials for the recount, the~~ The county board by a majority vote of its members, including at least one board member of each political party represented on the board, may ~~appoint~~ assign to the bipartisan team an unaffiliated voter or voter affiliated with one of the other political ~~parties~~ parties recognized in the State under G.S. 163-96. In no instance shall the county board ~~appoint~~ assign more than two ~~members~~ officials to a bipartisan team who are unaffiliated or affiliated with one of the other political ~~parties~~ parties, and a bipartisan team of four shall include at least one official from each of the two parties in the State with the largest number of registered voters. Bipartisan team ~~members~~ officials shall be registered voters in the ~~State~~ State and shall wear identification during the recount to make observers aware of the official's role in the recount. County board members shall not serve on the bipartisan team.

(e) The county board of elections shall conduct recounts only as follows:

- (1) the recount is mandatory under G.S. 163-182.7(b) or (c) or G.S. 163-182.7A; or
- (2) ~~the recount is not mandatory but~~ the county board of elections or the State Board of Elections determines, using its authority in G.S. 163-182.7(a), that in order to complete the canvass a recount is necessary.

(f) A candidate shall have the right to call for a ~~hand-eye~~ hand-to-eye recount within 24 hours after the board of elections having jurisdiction over the ballot item under G.S. 163-182.7 declares the completion of a discretionary

1 ~~machine recount in~~ that is ordered pursuant to G.S. 163-182.7(a) or by noon on the next business day of the ~~county~~
2 board of elections office, whichever is later, if the apparent winner is the apparent loser after the discretionary recount.
3 A candidate shall have the right to call for a ~~hand-eye~~ hand-to-eye sample ~~recount~~ recount, pursuant to G.S. 163-
4 182.7A, within 24 hours after the board of elections having jurisdiction over the ballot item under G.S. 163-182.7
5 declares the completion of a mandatory machine ~~recount~~, ~~pursuant to G.S. 163-182.7A~~. recount. A machine recount
6 shall not be declared completed until the results have been reported to the State Board. The county board shall provide
7 written notice to the candidates of the date and time that the recount was declared completed, and that notice shall be
8 provided by email or hand-delivery within one hour of the declaration being made. For machine recounts of ballot
9 items under the jurisdiction of a county board of elections, the declaration of the completion of the recount may be
10 delegated by the county board to the bipartisan team of two county board members overseeing the recount. For
11 machine recounts of ballot items under the jurisdiction of the State Board, the declaration of the completion of the
12 recount may be delegated by the State Board to the Executive Director of the State Board.

13 (g) Any candidate in the contest subject to a recount shall have the right to file an election protest within 24 hours
14 after a recount is declared completed or by noon of the next business day of the county board office, whichever is
15 later, if the protest relates to the conduct of the recount. Allegations unrelated to the recount may not be included in
16 the protest.

17 (h) Recounts shall be performed in the presence of a quorum of county board members or in the presence of a
18 bipartisan team of two county board members. Determinations of voter intent shall be made by a quorum of the board
19 and at least one board member of each political party shall be represented.

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21 *History Note: Authority G.S. 163-22; 163-182.1; 163-182.7; 163-182.7A;*
22 *Temporary Adoption Eff. April 15, 2002;*
23 *Eff. August 1, 2004;*
24 *Readopted Eff. June 1, 2019;*
25 *Amended Eff. September 1, ~~2021~~, 2021;*
26 *Amended Eff. September 1, 2026.*

08 NCAC 09 .0107 is amended with changes as published in 40:22 NCR 1790 as follows:

08 NCAC 09 .0107 FIRST RECOUNT

(a) In the first recount conducted by the county board of elections in accordance with G.S. 163-182.7, all ballots that were originally counted shall be recounted by machine, notwithstanding the method by which the ballots were originally counted.

(b) In conducting the machine recount, the county board of elections shall assign a bipartisan team of two officials for each tabulator, consisting of a tabulator attendant to feed ballots into the tabulator and a tabulator observer to provide individual ballots to the tabulator attendant. The county board shall assign at least one additional official to manage the distribution of the voted ballots that are subject to the recount. Trained personnel, county board of elections staff, or precinct officials appointed pursuant to G.S. 163-41, G.S. 163-42, or G.S. 163-166.35(b), shall be assigned by the county board to operate the tabulator in place of the bipartisan team only when those personnel are overseen by a bipartisan team of supervisors. A bipartisan team of supervisors shall consist of two officials and shall be assigned to oversee the operation of no more than four tabulators. For the purpose of this Rule, “bipartisan team” or “bipartisan team of supervisors” refers to a team of two officials assigned by the county board of elections with one official each being registered as affiliated with one of the two parties in the State with the largest number of registered voters. County board members shall not serve on the bipartisan team or bipartisan team of supervisors.

(c) All ballots that are rejected for tabulation purposes by the machines during the recount shall be recounted ~~by hand~~ by a bipartisan team of four in accordance with 08 NCAC 09 .0106(d), using one of the following methods:

(1) By hand. The hand count shall be done by a bipartisan team of four in accordance with Rule .0106(d) of this Chapter, and any questions regarding voter intent in the hand recount of those ballots shall be resolved in accordance with Rule .0109 of this Chapter.

(2) By ballot duplication. The ballot duplication shall be performed by a bipartisan team assigned under Paragraph (b) of this Rule. The bipartisan team shall replicate the voter’s selections in all contests on the rejected ballot onto a blank ballot that is reviewed by the county board members in attendance and then fed into the tabulator. Any questions regarding voter intent in the selections on the rejected ballot shall be resolved in accordance with Rule .0109 of this Chapter prior to replicating the selections onto the blank ballot. The duplicated ballot shall be marked by the bipartisan team with ~~an~~ a unique identifier that it is a duplicated ballot, and the duplicated ballot shall be securely stored with the rejected ballot after it has been successfully read by the machine. The bipartisan team shall mark the rejected ballot with a unique identifier that it is the rejected ballot and which corresponds to the identifier on the duplicated ballot, but shall not alter the voter’s selections, either permanently or temporarily, on the rejected ballot.

A county conducting a machine recount shall use only one of the methods in the recount and shall inform the political parties and candidates in writing which method it will use under this Paragraph prior to using that method. Ballots accepted by the machines during the recount shall not be counted by hand, regardless of whether the ballot is marked, contains overvotes, or is blank.

1 (d) The board of elections having jurisdiction over the ballot item shall schedule the first recount to begin within three
2 business days of the demand for a mandatory recount or the decision to conduct a discretionary recount under G.S.
3 163-182.7, except any mandatory recount shall begin no earlier than the conclusion of the county canvass meeting
4 pursuant to G.S. 163-182.5.

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6 *History Note: Authority G.S. 163-22; 163-182.7;*
7 *Temporary Adoption Eff. April 15, 2002;*
8 *Eff. August 1, 2004;*
9 *Readopted Eff. June 1, 2019;*
10 *Amended Eff. September 1, 2021;*
11 *Temporary Amendment Eff. August 8, 2024;*
12 *Temporary Amendment Exp. May 31, 2025;*
13 *Amended Eff. August 1, ~~2025~~ 2025;*
14 *Amended Eff. September 1, 2026.*

08 NCAC 09 .0110 is amended as published in 40:22 NCR 1790 as follows:

08 NCAC 09 .0110 SECONDARY RECOUNTS

For any hand-to-eye recount conducted under G.S. 163-182.7A, each county board of elections involved in the recount shall provide notice at least 24 hours in advance of the recount by email to the county board's notice list under G.S. 143-318.12(b)(2), county party chairs, and the candidates in the contest subject to the recount. No separate notice of a hand-to-eye recount is required if the hand-to-eye recount occurs on the same day as and following the conclusion of the first recount under 08 NCAC 09 .0107 and the notice of the first recount stated that a hand-to-eye recount, if required, could take place upon the conclusion of the first recount. The board of elections having jurisdiction over the ballot item under G.S. 163-182.7 shall schedule any hand-to-eye recount to begin within ~~two~~ three business days of the demand for a hand-to-eye recount, whether that recount is a sample recount or a full recount.

*History Note: Authority G.S. 163-22; 163-182.7; 163-182.7A;
 Temporary Adoption Eff. August 8, 2024;
 Temporary Adoption Exp. May 31, 2025;
 Adoption Eff. August 1, ~~2025~~, 2025;
 Amended Eff. September 1, 2026.*

08 NCAC 10C .0101 is adopted with changes as published in 40:22 NCR 1791 as follows:

SUBCHAPTER 10C – VOTING SITES

08 NCAC 10C .0101 DEFINITIONS

For purposes of this Subchapter:

- (1) “Chief judge” means the precinct official appointed as the chief judge for a voting site in accordance with G.S. 163-41 or G.S. 163-166.35.
- (2) “Curbside buffer zone” means the area designated by a county board of elections where the activities under G.S. 163-166.4(a) are prohibited around a curbside voting zone.
- (3) “Curbside voting zone” means the area designated by a county board of elections for qualified voters to vote curbside at a voting site pursuant to 08 NCAC 10B ~~.0109(e)~~ .0108 and G.S. 163-166.9.
- (4) “Electioneering zone” means the ~~area~~ area, or areas, designated by a county board of elections where the activities under G.S. 163-166.4(b) are permitted at a voting site.
- (5) “Judge” means the precinct official appointed as a judge of election for a voting site in accordance with G.S. 163-41 or G.S. 163-166.35.
- (6) “Voting enclosure” means the room or designated area within the voting place that is used for voting.
- (7) “Voting place” means the building, or part thereof, used for voting on election day in each precinct established under G.S. 163-128 or during early voting at an early voting site approved in an early voting plan under G.S. 163-166.35. Voting place shall mean the county board of elections office when that building, or part thereof, is used for voting.
- (8) “Voting place buffer zone” means the area designated by a county board of elections where the activities under G.S. 163-166.4(a) are prohibited at a voting site.
- (9) “Voting site” means the ~~property~~ property, or portion of the property under the possession and control of the county board of elections, on which the voting place is located.

History Note: Authority G.S. 163-22; 163-129; 163-166.4; 163-166.5; 163-166.6; 163-166.7; 163-166.9; Eff. September 1, 2026.

08 NCAC 10C .0102 is adopted with changes as published in 40:22 NCR 1791-1792 as follows:

08 NCAC 10C .0102 VOTING SITE BUFFER ZONES

(a) The voting place buffer zone at a voting site shall be ~~established~~ designated as follows:

- (1) Before each election, the county board of elections shall ~~adopt a resolution establishing~~ designate a voting place buffer zone at each voting site in the county in accordance with G.S. 163-166.4(a). When ~~adopting a resolution establishing~~ designating a voting place buffer zone, the county board shall take into account the physical layout and dimensions of the voting site, location of the entrances for ingress to and egress from the voting place, walkways voters will use to access the voting place at the voting site, parking areas at the voting site, and the electioneering zone ~~established~~ designated under Rule .0103 of this Subchapter and G.S. 163-166.4(b). If a voting place has multiple entrances, the county board shall ~~establish~~ designate a voting place buffer zone at each entrance. Notice of the ~~resolution~~ designation shall be given to the public in accordance with G.S. 163-166.4.
- (2) Prior to the start of voting, the chief judge or a judge designated by the chief judge shall mark the boundary of the voting place buffer zone consistent with the county board of election's ~~resolution~~ adopted designation made under Subparagraph (a)(1) of this Rule. The zone shall be marked or caused to be marked with signage, cones, rope, tape, or some other visible marker that the chief judge determines is appropriate for ensuring peace and good order at the voting place in accordance with 08 NCAC 10B .0101(b)(18) and (19) when taking into account the physical layout, dimensions, and parking areas of the voting site.

(b) The curbside voting zone and curbside buffer zone at a voting site shall be ~~established~~ designated as follows:

- (1) Before each election, the county board of elections shall ~~adopt a resolution establishing~~ designate a curbside voting zone at each voting site in the county. The curbside voting zone shall be sufficient in size to accommodate at least ~~two vehicles~~ one vehicle and measure not less than 150 square feet in area for voters to engage in the act of voting curbside in accordance with 08 NCAC 10B. 0108.
- (2) Before each election, the county board of elections shall ~~adopt a resolution establishing~~ designate a curbside buffer zone at each voting site in the county. The county board of elections shall establish the curbside buffer zone of a distance no less than 6 feet and no more than 15 feet as measured in a straight line from the nearest marked boundary of the curbside voting zone, taking into account the physical layout and dimensions of the voting site, parking areas, voting place buffer zone, and the electioneering zone at the voting site. Notice of the ~~resolution~~ designation shall be given to the public in accordance with G.S. 163-166.4.
- (3) Prior to the start of voting, the chief judge or a judge designated by the chief judge shall mark the boundary of the curbside voting zone and curbside buffer zone consistent with the county board of election's ~~resolution~~ adopted designation made under this Rule in the same manner as marking the voting place buffer zone under Subparagraph (a)(2) of this Rule.

1 (c) This rule shall not prevent the chief judge of the voting site from changing a boundary or location of a zone
2 designated under this Rule when that change is required because of circumstances at the voting site that make it
3 impractical to maintain the zone's designated boundary or location. Circumstances that may require a change in a
4 zone's boundary or location under this Paragraph include, but are not limited to, changes in the physical layout or
5 topography of the voting site, construction activities at the voting site, adverse weather, disruptions in access to the
6 voting place and voting site, and the safety of persons at the voting site. Notice of the change in a zone's boundary or
7 location at a voting site shall be given to the public in the same manner as the original designation within one business
8 day of the change.

9 *History Note: Authority G.S. 163-22; 163-48; 163-129; 163-166.4; 163-166.5; 163-166.6; 163-166.7; 163-166.9;*
10 *Eff. September 1, 2026.*

08 NCAC 10C .0103 is adopted with changes as published in 40:22 NCR 1792 as follows:

08 NCAC 10C .0103 VOTING SITE ELECTIONEERING ZONE

(a) Before each election, the county board of elections shall ~~adopt a resolution establishing~~ designate an electioneering zone at each voting site in the county in accordance with G.S. 163-166.4(b) that shares a physical border with the voting place buffer zone. When ~~adopting a resolution establishing~~ designating an electioneering zone, the county board shall take into account the physical layout and dimensions of the voting site, parking and vehicle access areas at the voting site, walkways voters will use to access the voting place at the voting site, and the voting and buffer zones established under Rule ~~.0103~~ .0102 of this Subchapter. The county board shall ~~establish~~ designate additional electioneering zones at a voting site that do not share a border with the voting place buffer zone if the county board determines that the physical layout of the voting site will result in an insufficient amount of space for electioneers to engage in the election-related activity permitted under G.S. 163-166.4(b) as a result of there being only a single electioneering zone. Notice of the ~~resolution~~ designation shall be given to the public in accordance with G.S. 163-166.4.

(b) Prior to the start of voting at the voting site, the chief judge or a judge designated by the chief judge shall mark the boundary of the electioneering zone consistent with the county board of election's ~~resolution-adopted~~ designation made under this Rule. The zone shall be marked or caused to be marked with signage, cones, rope, tape, or some other visible marker that the chief judge determines is appropriate for ensuring peace and good order at the voting place in accordance with 08 NCAC 10B .0101(b)(18) and (19) when taking into account the physical layout, dimensions, and parking areas of the voting site.

(c) This Rule does not apply to a voting site that has been granted approval to not permit election-related activities at the voting site under G.S. 163-166.4(c).

(d) This rule shall not prevent the chief judge of the voting site from changing a boundary or location of a zone designated under this Rule when that change is required because of circumstances at the voting site that make it impractical to maintain the zone's designated boundary or location. Circumstances that may require a change in a zone's boundary or location under this Paragraph include, but are not limited to, changes in the physical layout or topography of the voting site, construction activities at the voting site, adverse weather, disruptions in access to the voting place and voting site, the number of persons in the designated electioneering zone, and the safety of persons at the voting site. Notice of the change in a zone's boundary or location at a voting site shall be given to the public in the same manner as the original designation within one business day of the change.

History Note: Authority G.S. 163-22; 163-48; 163-129; 163-166.4; 163-166.5; 163-166.6; 163-166.7;
Eff. September 1, 2026.

08 NCAC 10C .0104 is adopted with changes as published in 40:22 NCR 1792-1793 as follows:

08 NCAC 10C .0104 CONDUCT AT VOTING SITES

(a) The chief judge and judges shall ensure peace and good order at the voting site in accordance with 08 NCAC 10B .0101 and G.S. 163-48 by requiring persons at the voting site to comply with this Rule. ~~This Rule applies to persons who are located on a portion of the voting site property that is subject to the control of the county board of elections and to persons who make or cause noise that is audible within the voting enclosure, regardless of their location.~~

(b) Persons at a voting site shall only engage in ~~election-related activities~~ the activities under G.S. 163-166.4(b) while in the designated electioneering zone.

(c) Noise and sound that is disruptive to the voting site shall be addressed by the chief judge or a judge as follows:

(1) No person outside of the voting place and at a voting site during the hours of voting shall make or cause any noise at a volume that is audible to the chief judge or a judge when that official is in the voting enclosure. If the chief judge or a judge determines that a person has made or is making a noise in violation of this Rule, and that noise is detected by the official for a duration of no less than one minute or on a repeated basis during the hours of voting, they shall inform the person that the noise is disrupting the orderly conduct of voting and the ability for persons to communicate when they are within the voting enclosure. The chief judge or judge shall require the person to decrease the volume such that it is no longer audible in the voting enclosure. For the purposes of this Rule, “audible” means any sound, or vibration that is caused by sound, that can be detected by a person using their unaided hearing faculties.

(2) No person outside of the voting place and at a voting site shall use a sound amplification device during the hours of voting. If the chief judge or a judge determines that a person at the voting site is using a sound amplification device in violation of this Rule, they shall inform the person that the use of the device is disrupting the orderly conduct of voting and the ability for persons to communicate when they are within the voting enclosure and electioneering zones. The chief judge or judge shall require the person to cease operation of the device and remove the device from the voting site. For the purposes of this Rule, “sound amplification device” means a mechanical or electronic device that increases a sound’s volume, including portable speakers, bullhorns, megaphones, public address systems, vehicle-mounted speakers or audio systems, and any vehicle’s internal audio system that is audible beyond the interior of the vehicle. A sound amplification device does not include a device that is used for accessibility or emergency purposes, or that is used by or at the request of the chief judge or a judge when facilitating the orderly conduct of voting at the voting site.

History Note: Authority G.S. 163-22; 163-48; 163-129; 163-166.4; 163-166.5; 163-166.6; 163-166.7; Eff. September 1, 2026.

08 NCAC 17 .0101 is amended as published in 40:22 NCR 1793-1796 as follows:

08 NCAC 17 .0101 VERIFICATION OF PHOTO IDENTIFICATION DURING IN-PERSON VOTING

(a) When a person presenting to vote checks in at a voting site, an election official shall ask the voter to show photo identification in accordance with G.S. 163-166.16 and this Rule. The election official shall examine any photo identification provided by the person presenting to vote and shall determine the following:

- (1) The photo identification is of the type acceptable for voting purposes pursuant to G.S. 163-166.16(a). A valid United States passport book or passport card is acceptable pursuant to G.S. 163-166.16(a)(1)c.
- (2) The photograph appearing on the photo identification bears a reasonable resemblance to the person presenting to vote. A reasonable resemblance is a similarity in appearance such that an ordinary person would conclude that the photograph on the identification is more likely than not the person presenting to vote. The election official shall make this determination based on the totality of the circumstances, bearing in mind that there are many reasons that a person's appearance could change (such as, for illustrative purposes only, changes in hair, facial hair, or weight; or the effects of medical conditions, aging, or medical treatment). The election official shall also be guided by the purpose of the photo identification requirement, which is to confirm the person presenting to vote is the registered voter on the voter registration records.
- (3) The name appearing on the photo identification is the same as or substantially equivalent to the name contained in the voter's voter registration record. The election official shall make this determination based on the totality of the circumstances, construing all evidence, along with any explanation or documentation voluntarily offered by the person presenting to vote, in the light most favorable to that person. The election official shall consider the name appearing on the photo identification to be substantially equivalent to the name contained in the registration record if differences are attributable to a reasonable explanation, which shall include but is not limited to one or more of the following reasons:
 - (A) Omission or inclusion of one or more parts of the name (such as, for illustrative purposes only, Mary Beth Smith versus Beth Smith, or Patrick Todd Jackson, Jr. versus Patrick Todd Jackson, or Maria Guzman-Santana versus Maria Guzman);
 - (B) Use of a variation or nickname rather than a formal name (such as, for illustrative purposes only, Bill versus William, or Sue versus Susanne);
 - (C) Use of an initial in place of one or more parts of a given name (such as, for illustrative purposes only, A.B. Sanchez versus Aaron B. Sanchez);
 - (D) Use of a former name, including maiden names (such as, for illustrative purposes only, Emily Jones versus Emily Gibson), or a variation that includes or omits a hyphenation or hyphen (such as, for illustrative purposes only, Chantell D. Jacobson-Smith versus

Chantell D. Jacobson or Chantell D. Jacobson Smith), an accent (such as, for illustrative purposes only, José Muñoz versus Jose Munoz), or an apostrophe (such as, for illustrative purposes only, Andrea D'Antonio versus Andrea Dantonio);

(E) Ordering of names (such as, for illustrative purposes only, Maria Eva Garcia Lopez versus Maria E. Lopez-Garcia); or

(F) Variation in spelling or typographical errors (such as, for illustrative purposes only, Dennis McCarthy versus Denis McCarthy, or Aarav Robertson versus Aarav Robertsson).

If a voter is casting a provisional ballot because the voter's record does not appear in the poll book, the election official shall instead compare the name on the photo identification with the name provided by the voter on the provisional ballot application.

(b) The election official checking in the person presenting to vote, when examining the photo identification of that person, shall not require the voter to provide any evidence regarding the identification apart from the identification itself. If the face of the person presenting to vote is covered to such an extent that the election official cannot determine reasonable resemblance under Subparagraph (a)(2) of this Rule, then the election official shall inform the voter that the face covering is preventing the official from determining that the photo on the identification is that of the voter and shall offer the voter the option to briefly remove the face covering. If the voter chooses not to remove the covering, then the election official shall enter a challenge in accordance with Subparagraph (d)(3) of this Rule.

(c) Differences between the address appearing on the photo identification of a person presenting to vote and the address contained in the registration record of that person shall not be considered as evidence that the photographic identification fails to meet the requirements of G.S. 163-166.16 or this Rule.

(d) After examining the photo identification according to Paragraphs (a) through (c) of this Rule, the election official shall proceed as follows:

(1) If the election official determines that the photo identification meets all the requirements of Paragraph (a) of this Rule, then the election official shall allow the person to vote pursuant to G.S. 163-166.7.

(2) If the election official determines that the photo identification is not an acceptable type of photo identification under Subparagraph (a)(1) of this Rule, the election official shall inform the person presenting to vote of the reasons for that determination (such as, for illustrative purposes only, that the photo identification is not on the list of student identifications approved by the State Board of Elections) and shall invite the person to provide any other photo identification that is acceptable under Subparagraph (a)(1) of this Rule that the person may have. If the person presenting to vote does not produce photo identification that meets all the requirements of Subparagraph (a)(1) of this Rule, then the election official shall inform the person presenting to vote of both options to vote by provisional ballot in accordance with Paragraph (e) of this Rule.

(3) If the election official determines that the photo or name on the photo identification do not satisfy Subparagraphs (a)(2) and (a)(3) of this Rule, the election official shall inform the person

1 presenting to vote of the reasons for that determination and shall invite the person to provide any
2 other photo identification that the person may have that is acceptable under Subparagraph (a)(1)
3 and satisfies Subparagraphs (a)(2) and (a)(3) of this Rule. If the person presenting to vote does not
4 produce photo identification that meets all the requirements of Paragraph (a) of this Rule, then the
5 election official shall enter a challenge pursuant to G.S. 163-87 and immediately notify the voting
6 site's judges of election of the challenge. The judges of election shall then conduct a challenge
7 hearing, in accordance with the applicable procedures in G.S. 163-88. At the conclusion of the
8 hearing, the judges of election shall vote on whether the photo appearing on the photo
9 identification of the person presenting to vote bears a reasonable resemblance to that person or
10 whether the name appearing on the photo identification is the same as or substantially equivalent
11 to the name contained in the voter's voter registration record, applying the same standards as the
12 election official initially reviewing the identification under Subparagraphs (a)(2) and (a)(3). Each
13 judge shall record the judge's findings in writing. Only if the judges of election unanimously find
14 that the photo appearing on the photo identification does not bear a reasonable resemblance to the
15 person presenting to vote, or that the name appearing on the photo identification is not the same as
16 or substantially equivalent to the name contained in the voter's voter registration record, the voter
17 shall be offered both options to vote by provisional ballot in accordance with Paragraph (e) of this
18 Rule. Absent such a unanimous finding, the person shall vote with a regular ballot pursuant to
19 G.S. 163-166.7. When the judges of election conduct a challenge hearing under this Rule and the
20 challenge is to a curbside voter, to ensure the voting enclosure remains properly attended, the
21 judges may separately visit the curbside location to assess the voter's identification.

22 (e) A person presenting to vote who does not present acceptable photo identification in accordance with this Rule
23 shall be offered both of the following options:

24 ~~(1) To vote by provisional ballot with an affidavit claiming an exception to the identification~~
25 ~~requirement, pursuant to G.S. 163-166.16(d). If the voter has completed the affidavit as required in~~
26 ~~G.S. 163-166.16(d) and is otherwise eligible to vote, the county board shall count the provisional~~
27 ~~ballot unless the county board unanimously finds that the affidavit is false. The county board shall~~
28 ~~substantiate any finding of falsity with grounds recorded in a written decision, and those grounds~~
29 ~~shall be based only on facts and not speculation. Before disapproving a voter's provisional ballot~~
30 ~~because of a finding of falsity, the county board shall provide the voter advance notice and an~~
31 ~~opportunity to address the county board prior to completion of the canvass on any grounds that the~~
32 ~~county board is considering regarding the falsity of the affidavit. The notice shall identify the~~
33 ~~specific reasons the county board is considering the affidavit to be potentially false and inform the~~
34 ~~voter how the voter may address the reasons for potential falsity, which shall include the options~~
35 ~~to provide a written explanation or documentation or to address the board at a meeting in person.~~
36 ~~The county board shall send the notice via U.S. Mail within one business day of a county board's~~
37 ~~preliminary finding of falsity, provided that the opportunity to be heard is at least five days from~~

1 the date of mailing. The notice shall be mailed for next day delivery if the opportunity to be heard
2 is less than five days from the date of mailing. Notice shall also be provided within one business
3 day of a county board's preliminary finding of falsity by any email address or phone number that
4 the county board possesses for the voter. The notice and opportunity to address the county board
5 provided for in this Subparagraph shall be offered only to those provisional voters for whom a
6 number of county board members equal to one less than all of the members of the county board, or
7 more, have identified a specific reason, based only on facts and not speculation, to find that the
8 affidavit claiming an exception to the identification requirement is false.

9 ~~(2)~~ (1) To vote by provisional ballot and then bring to the office of the county board identification
10 acceptable under G.S. 163-166.16 and this Rule before 5 p.m. on the business day before county
11 canvass, the deadline for doing so in G.S. 163-166.16(c). If the voter brings photo identification to
12 the office of a county board in a timely manner, a county board staff member shall examine the
13 photo identification in accordance with Paragraphs (a), (b), and (c) of this Rule. After examining
14 the photo identification, the staff member shall proceed as follows:

15 (A) If the photo identification meets all the requirements of Paragraph (a) of this Rule, the
16 staff member shall recommend approval of the provisional ballot to the county board.

17 (B) If the photo identification is not an acceptable type of photo identification under
18 Subparagraph (a)(1) of this Rule, then the staff member shall inform the voter of the
19 reasons for that determination, while the voter is at the county board office, and invite the
20 voter to provide an acceptable photo identification in accordance with Subparagraph
21 (d)(2) of this Rule. If the voter does not provide acceptable identification by 5:00 p.m. on
22 ~~the business day prior to the canvass,~~ the deadline for doing so in G.S. 163-166.16(c),
23 then county board staff shall recommend disapproval of the provisional ballot to the
24 county board.

25 (C) If the photo or name on the photo identification do not satisfy Subparagraphs (a)(2) and
26 (a)(3) of this Rule, then the staff member shall inform the voter of the reasons for that
27 determination and shall invite the voter to provide any other photo identification that
28 meets the requirement of Paragraph (a) of this Rule. If the voter does not produce photo
29 identification that meets the requirement of Paragraph (a) of this Rule, then the staff
30 member shall recommend disapproval of the provisional ballot to the county board.
31 While the voter is at the county board office, the staff member shall inform the voter of
32 the recommendation and provide notice to the voter of the county board meeting at which
33 the voter's provisional ballot will be reviewed and considered by the county board. If the
34 voter appears at that meeting and desires to address the county board on whether their
35 photo identification meets the requirement of Paragraph (a) of this Rule, the county board
36 members are subject to the requirements of this Rule in the same manner as a staff
37 member initially examining a voter's photo identification.

1 If the voter brings photo identification that is an acceptable type of photo identification under
2 Subparagraph (a)(1) of this Rule to the county board office before ~~5 p.m. on the business day prior~~
3 ~~to the canvass~~, the deadline for doing so in G.S. 163-166.16(c), the county board shall count the
4 provisional ballot unless the county board unanimously decides the photo identification presented
5 does not satisfy Subparagraphs (a)(2) and (a)(3) of this Rule, in which case the county board shall
6 record in writing the grounds for its decision.

7 (2) To vote by provisional ballot with an affidavit claiming an exception to the identification
8 requirement, pursuant to G.S. 163-166.16(d). If the voter has completed the affidavit as required in
9 G.S. 163-166.16(d) and is otherwise eligible to vote, the county board shall count the provisional
10 ballot unless the county board finds by majority vote that the affidavit is false. The county board
11 shall substantiate any finding of falsity with grounds recorded in a written decision, and those
12 grounds shall be based only on facts and not speculation. Before disapproving a voter's provisional
13 ballot because of a finding of falsity, the county board shall provide the voter advance notice and
14 an opportunity to address the county board on any grounds that the county board is considering
15 regarding the falsity of the affidavit at the meeting at which the voter's provisional ballot will be
16 reviewed and considered by the county board. The notice shall identify the specific reasons the
17 county board is considering the affidavit to be potentially false and inform the voter how the voter
18 may address the reasons for potential falsity, which shall include the options to provide a written
19 explanation or documentation or to address the board at a meeting in person. The county board
20 shall send the notice via U.S. Mail within one business day of a county board's preliminary finding
21 of falsity, provided that the opportunity to be heard is at least five days from the date of mailing.
22 The notice shall be mailed for next-day delivery if the opportunity to be heard is less than five
23 days from the date of mailing. Notice shall also be provided within one business day of a county
24 board's preliminary finding of falsity by email to any email address or by phone to any phone
25 number that the county board possesses for the voter. The notice and opportunity to address the
26 county board provided for in this Subparagraph shall be offered only to those provisional voters
27 for whom a majority of county board members, or more, have identified a specific reason, based
28 only on facts and not speculation, to find that the affidavit claiming an exception to the
29 identification requirement is false.

30
31 *History Note: Authority G.S. 163-22; 163-166.7; 163-166.11; 163-166.16;*
32 *Eff. January 1, 2016;*
33 *Temporary Amendment Eff. August 23, 2019;*
34 *Temporary Amendment Expired Eff. June 12, 2020;*
35 *Temporary Amendment Eff. August 1, 2023;*
36 *Amended Eff. April 1, 2024; 2024;*
37 *Amended Eff. September 1, 2026.*

08 NCAC 17 .0109 is amended with changes as published in 40:22 NCR 1796-1798 as follows:

08 NCAC 17 .0109 PHOTO IDENTIFICATION FOR ABSENTEE-BY-MAIL BALLOTS

(a) Identification Requirement for Absentee-by-Mail Ballots. Photo identification accompanying a voter's absentee ballot pursuant to G.S. 163-230.1(f1) is acceptable if it is a photocopy of a type of photo identification acceptable for voting purposes under 08 NCAC 17 .0101(a)(1), is readable, and the name appearing on the identification is the same as or substantially equivalent to the name contained in the voter's voter registration record in accordance with 08 NCAC 17 .0101(a)(3). As used in this Rule, "readable" means that, on the photocopy of identification required by this Rule, the name on the identification can be read and the photograph depicts a person, as opposed to displaying, for example, a mere shadow or outline of a person. A photo identification shall not be rejected due to differences between the address appearing on an absentee voter's photo identification and any address contained in the voter's absentee request form, absentee ballot application, or registration record. A copy of photo identification that is acceptable under this Rule need include only the side of the identification (or, if the identification is a booklet, the page of the identification) where the person's name and photo appears.

(b) Initial Review by County Board Staff. County board staff shall, upon receipt of a voter's absentee ballot application, determine whether the application is accompanied by a photocopy of photo identification that is acceptable under Paragraph (a) of this Rule, or, if the application is accompanied by an affidavit claiming an exception to the identification requirement pursuant to G.S. 163-166.16(d), determine whether the affidavit includes the affirmations required by G.S. 163-166.16(d) for that exception and, if applicable, the personal identification number required to be provided by G.S. 163-230.1(g)(2). Staff shall review the registration records to determine whether the number provided matches the corresponding number in the registration records. The number required to be provided by G.S. 163-230.1(g)(2) is deficient only if it does not match the corresponding number listed in the voter's voter registration record.

If staff identify any deficiency, they shall mail written notice of the deficiency to the voter within one business day of identifying the deficiency, informing the voter that the voter, the voter's verifiable legal guardian or near relative, or a person of the voter's choice if the voter needs assistance due to the voter's disability, may provide a photocopy of the voter's acceptable photo identification or a completed affidavit claiming an exception. The notice shall state the photocopy or affidavit must be received by the county board by ~~5 p.m. on the business day before the county canvass~~ the deadline for doing so in G.S. 163-230.1(e1). The notice of the deficiency shall also be provided by telephone or email if the telephone number or email address was provided by the voter on the request form for the absentee ballot. The voter may transmit either of the above documentation curing the deficiency in person, by mail, or by email.

(c) Final Review by County Board. The county board shall, at the first meeting held pursuant to G.S. 163-230.1(f) after the application and ballot is received, proceed as follows:

- (1) If the voter has submitted a photocopy of their photo identification, the county board shall make its determination whether the identification is acceptable under Paragraph (a) of this Rule. A final determination that the photocopy of photo identification is not acceptable under Paragraph (a) of

1 this Rule shall require a unanimous vote by the county board. If the county board makes a final
2 determination that a voter's photocopy of photo identification is not acceptable, staff shall notify
3 the voter as provided in Paragraph (b) of this Rule, and the county board shall reserve its final
4 decision on the approval of the absentee application until the next official meeting after it receives
5 documentation curing the deficiency or the ~~county canvass~~, final meeting to count cured absentee
6 ballots as required [under] by G.S. 163-234(12), whichever occurs first.

- 7 (2) If the voter has completed an affidavit claiming an exception to the identification requirement
8 pursuant to G.S. 163-166.16(d) and is otherwise eligible to vote, the county board may reject that
9 person's ballot only if the county board ~~unanimously~~ finds by majority vote that the affidavit is
10 false. The county board shall substantiate any finding of falsity with grounds recorded in a written
11 decision, and those grounds shall be based only on facts and not speculation. Before rejecting a
12 voter's ballot because of a finding of falsity, the county board shall provide the voter advance
13 notice and an opportunity to address the county board ~~prior to the completion of canvass at its~~
14 final meeting to count cured absentee ballots as required [under] by G.S. 163-234(12) on any
15 grounds that the county board is considering regarding the falsity of the affidavit. The notice shall
16 identify the specific reasons the county board is considering the affidavit to be potentially false
17 and inform the voter how the voter may address the reasons for potential falsity, which shall
18 include the options to provide a written explanation or documentation or to address the board at a
19 meeting in person. The county board shall send the notice via U.S. Mail within one business day
20 of a county board's preliminary finding of falsity, provided that the opportunity to be heard is at
21 least five days from the date of mailing. The notice shall be mailed for next-day delivery if the
22 opportunity to be heard is less than five days from the date of mailing. Notice shall also be
23 provided within one business day of a county board's preliminary finding of falsity by email to any
24 email address or by phone to any phone number that the county board possesses for the voter. The
25 notice and opportunity to address the county board provided for in this Subparagraph shall be
26 offered only to those voters for whom a ~~number of majority of county board members equal to one~~
27 ~~less than all of the members of the county board~~, majority of county board members, or more,
28 have identified a specific reason, based only on facts and not speculation, to find that the affidavit
29 claiming an exception to the identification requirement is false.

- 30 (3) If a voter's photocopy of photo identification or affidavit claiming an exception to the
31 identification requirement pursuant to G.S. 163-166.16(d) is deemed deficient upon initial review
32 under Paragraph (b) of this Rule, the county board shall reserve its final decision on the approval
33 of the absentee application until the next official meeting after it receives documentation curing
34 the deficiency identified pursuant to Paragraph (b) of this Rule or the ~~county canvass~~, final
35 meeting to count cured absentee ballots as required [under] by G.S. 163-234(12), whichever
36 occurs first.

1 (d) Exception for Military and Overseas Voters. A voter who is casting a ballot pursuant to G.S. 163, Article 21A,
2 Part 1 is not required to submit a photocopy of acceptable photo identification under Paragraph (a) of this Rule or
3 claim an exception under G.S. 163-166.16(d).

4 (e) Return of Original Form of Identification. If a voter sends their original form of photo identification in the
5 container-return envelope, or if a voter or other person permitted to return the voter's absentee ballot hand-delivers
6 an absentee ballot to the county board of elections that is not accompanied by a photocopy of the voter's photo
7 identification and the voter or other person has the voter's photo identification that is a type acceptable for voting
8 purposes under 08 NCAC 17 .0101(a)(1) on hand, the county board shall make a photocopy of the identification,
9 which shall serve as an acceptable photo identification accompanying the voter's absentee ballot. When a voter
10 sends their original form of photo identification in the container-return envelope, the county board shall notify the
11 voter by mail and by any email address or phone number that the county board possesses for the voter that the
12 original photo identification will be returned to the voter. The county board shall use a method of return that
13 documents receipt of the photo identification.

14
15 *History Note: Authority G.S. 163-22; 163-166.7; 163-166.16; 163-230.1;*
16 *Temporary Adoption Eff. August 23, 2019; January 1, 2020;*
17 *Temporary Rule Exp. Eff. October 11, 2020;*
18 *Temporary Adoption Eff. August 1, 2023;*
19 *Eff. April 1, ~~2024~~. 2024;*
20 *Amended Eff. September 1, 2026.*

08 NCAC 18 .0201 is adopted with changes as published in 40:22 NCR 1798-1799 as follows:

SECTION .0200 – GENERAL RULES FOR ABSENTEE VOTING

08 NCAC 18 .0201 DEFINITIONS

For purposes of this Chapter:

- (1) “Application” means the absentee ballot application printed on the ~~ballot~~ ballot container-return envelope as provided by G.S. 163-229.
- (2) “Absentee ballot package” means the combination of the outer return envelope, ~~ballot container-return~~ return envelope, application, instructions, absentee ballot, and blank photo identification affidavit.
- (3) “Absentee voter” means a registered voter who has requested to vote by absentee ballot.
- (4) ~~“Ballot envelope”~~ “Container-return envelope” means the envelope provided by a county board of elections to a voter pursuant to G.S. 163-230.1 that is designated to contain a voted absentee ballot when the ballot is returned to the county board of elections.
- (5) “Curable deficiency” means a deficiency that can be cured with supplemental documentation or an attestation provided by the absentee voter.
- (6) “Cure” means the process by which a voter submits additional documentation or an attestation that corrects a curable deficiency.
- (7) “Cure notice” means a written notice sent to an absentee voter identifying a curable deficiency and informing the voter that the voter, the voter's verifiable legal guardian or near relative, or a person of the voter's choice if the voter needs assistance due to the voter's disability, may cure the deficiency by submitting required documentation or a completed attestation with required information.
- (8) “Deficiency” means noncompliance with the requirements for absentee voting in this Chapter and Article 20 of Chapter 163 of the North Carolina General Statutes that requires the voter to cure the deficiency or the county board of elections to spoil the ballot and reissue the absentee ballot package.
- (9) “Irregularity” means noncompliance with the requirements for absentee voting in this Chapter and Article 20 of Chapter 163 of the North Carolina General Statutes that requires documentation and may require further action to determine if the irregularity is a curable or non-curable deficiency.
- (10) “Non-curable deficiency” means a deficiency that requires the absentee ballot to be spoiled because the deficiency does not meet the definition of a curable deficiency.
- (11) “Photo identification affidavit” means the affidavit to claim an exception to the photo identification requirement under G.S. 163-166.16 and 163-230.1.

1 (12) "Photo identification documentation" means the photocopy of an acceptable photo identification
2 or a photo identification affidavit required to be included with an application pursuant to G.S. 163-
3 230.1(f1).

4 (13) "Outer return envelope" means the envelope provided by a county board of elections to a voter for
5 the voter to transmit the voter's sealed ~~ballot~~ container-return envelope and photo identification
6 documentation to the county board of elections.

7 (14) "Spoil" means the act of cancelling an absentee ballot that has been or will be issued to a
8 registered ~~voter~~ voter under G.S. 163-230.1.

9
10 *History Note: Authority G.S. 163-22; 163-229; 163-230.1; 163-231; 163-234;*
11 *Eff. September 1, 2026.*

08 NCAC 18 .0501 is adopted with changes as published in 40:22 NCR 1799 as follows:

SECTION .0500 – ABSENTEE DEFICIENCIES AND IRREGULARITIES

08 NCAC 18 .0501 REVIEW FOR DEFICIENCIES

County board staff shall, within one business day of the receipt of a voter's returned absentee ballot, document the date of receipt and determine whether there is a deficiency or irregularity. If staff identify a deficiency, then they shall determine whether the deficiency is one identified in Rule .0502 or Rule .0503 of this Section and proceed in accordance with the corresponding Rule. If staff identify an irregularity, then they shall determine whether the irregularity is one identified in Rule .0504 or Rule .0505 of this Section and proceed in accordance with the corresponding Rule.

History Note: *Authority G.S. 163-22; 163-229; 163-230.1; 163-231; 163-234;*
 Eff. September 1, 2026.

08 NCAC 18 .0502 is adopted with changes as published in 40:22 NCR 1799-1800 as follows:

08 NCAC 18 .0502 CURABLE DEFICIENCIES

(a) A curable deficiency includes the following:

- (1) The absentee voter did not sign or make their mark on the application. If county board staff determine the voter's signature on the application appears to be the name of the voter assigned the application number on the ~~ballot~~ container-return envelope that is required under G.S. 163-230.1(c)(2) and not some other person, then that is not a deficiency even if the signature is illegible.
- (2) The absentee voter signed the application in the wrong place.
- (3) The photo identification is not an acceptable type of identification under 08 NCAC 17 .0101(a)(1).
- (4) The photo identification does not meet an applicable expiration date requirement under G.S. 163-166.16(a).
- (5) The photocopy of the photo identification is not readable under 08 NCAC 17 .0109(a).
- (6) The name on the photo identification is not the same as or substantially equivalent to the name contained in the voter's voter registration record in accordance with 08 NCAC 17 .0101(a)(3).
- (7) The absentee voter did not sign the photo identification affidavit. If an absentee voter is unable to sign the affidavit due to a disability, then it is not a deficiency if the person of the voter's choice assisting the voter ~~signed the affidavit on the absentee voter's behalf~~ indicated on the signature line of the affidavit that the voter cannot sign the affidavit due to disability and completed the assistant certification on the application.
- (8) The absentee voter did not print their name on the photo identification affidavit. If the absentee voter signed the affidavit and that signature appears to be the name of the voter and not some other person, then the lack of a printed name is not a deficiency.
- (9) The absentee voter did not indicate their claimed exception or reasonable impediment to the photo identification requirement on the photo identification affidavit.
- (10) The absentee voter's personal identification number, when required to be provided by G.S. 163-230.1(g)(2) on the photo identification affidavit is deficient under 08 NCAC 17 .0109(b).
- (11) The absentee voter has failed to include any photo identification documentation with their application.

(b) When county board staff identify a curable deficiency under this Rule, staff shall document the deficiency and send a cure notice to the voter by mail to the address at which the voter requested their ballot be sent within one business day of identifying the deficiency. The ~~cure notice~~ voter shall also be ~~provided~~ notified about the deficiency by telephone or email if ~~the a~~ a telephone number or email address was provided by the voter on the request form for the absentee ballot or, if one was not provided on the request form, in the voter's record. If the voter is notified by email, then the email notification shall include a copy of the cure notice. If the voter is notified by telephone, then staff shall document when the telephone call was made. If the curable deficiency involves photo identification documentation, county board staff shall also proceed in accordance with 08 NCAC 17 .0109. If county board staff

1 identify a likely curable deficiency but are unable to make such a determination, then staff shall present the deficiency
2 to the county board to make the determination at its next absentee meeting held pursuant to G.S. 163-230.1.

3 (c) The voter, the voter's verifiable legal guardian or near relative, a bipartisan assistance team appointed under
4 G.S. 163-226.3, or a person of the voter's choice if the voter needs assistance due to the voter's disability, may ~~transmit~~
5 submit the cure documentation or the voter's attestation to the county board of elections in person, by mail, or by
6 email. ~~email to the county board of elections~~. If the voter submits their cure attestation ~~is submitted~~ electronically, the
7 voter shall not use a typed name as their signature or mark unless they are unable to sign the attestation due to a
8 disability.

9 (d) The cure documentation or attestation shall be timely only if received by the county board by the deadline for
10 curing a deficiency in G.S. 163-230.1(e1). County board staff shall review an absentee voter's cure documentation or
11 attestation within one business day of receipt to determine whether the voter's submission is responsive to what was
12 requested in the cure notice. The county board shall consider the cure documentation together with the application and
13 photo identification documentation when making its decision whether to approve the application. The county board
14 shall not disapprove an application or otherwise refuse to count the absentee ballot solely because it had a curable
15 deficiency if the county board determines that the deficiency has been cured.

16
17 *History Note: Authority G.S. 163-22; 163-229; 163-230.1; 163-231; 163-234;*
18 *Eff. September 1, 2026.*

08 NCAC 18 .0503 is adopted with changes as published in 40:22 NCR 1800-1801 as follows:

08 NCAC 18 .0503 NON-CURABLE DEFICIENCIES

(a) A non-curable deficiency includes the following:

- (1) The absentee ballot is inside the ballot container-return envelope which is not sealed or which appears to have been opened and re-sealed, and the ballot container-return envelope is not received in any outer return envelope.
- (2) The absentee ballot is inside the ballot container-return envelope which is not sealed or which appears to have been opened and re-sealed, and the ballot container-return envelope is received in an outer return envelope which is not sealed or which appears to have been opened and re-sealed.
- (3) The absentee ballot includes an indication that the voter is requesting a replacement ballot.
- (4) The ballot envelope includes an indication that the voter is requesting a replacement ballot.
- (5) The voter's signature on the application is the name of a person other than the voter assigned the application number on the ballot container-return envelope that is required under G.S. 163-230.1(c)(2). If the voter's signature is the same signature as an assistant's signature on the application, then that is a curable deficiency and staff shall proceed in accordance with Rule .0502.
- (6) The name of a witness or an assistant is not printed on the application or is not legible such that the name can be identified, unless their name can be identified using the witness's or assistant's signature on the application.
- (7) A witness or assistant did not print their address on the application or their address cannot be determined using the address information provided on the application. If the only information missing from the address is a ZIP code, then the lack of a ZIP code is not a deficiency.
- (8) A witness or assistant did not sign the application.
- (9) A witness or assistant signed the application on the wrong line. If the witness or assistant signed the application and included all required information, then the signature on the wrong line is not a deficiency.
- (10) The notary used to satisfy the witness requirement did not sign the application.
- (11) The notary used to satisfy the witness requirement failed to include the notarial seal on the application or the notarial seal lacks information required by law for the seal to be valid.
- (12) The county board has approved the application, but upon opening the ballot container-return envelope determines the envelope does not contain a ballot.
- (13) The county board has approved the application, but upon opening the ballot container-return envelope determines the envelope contains more than one ballot.

(b) When county board staff identify a non-curable deficiency, staff shall document the deficiency and proceed as follows within one business day of identifying the deficiency:

- (1) If the deficiency is identified more than three days before the date of the election under G.S. 163-1 or G.S. 163-279, staff shall spoil the returned absentee ballot and reissue the absentee ballot package

1 to the voter by mail to the address ~~to~~ at which the voter requested their ballot be sent. County board
2 staff shall include with the reissued absentee ballot package a written notice identifying the
3 deficiency, explaining the spoil and reissue process, explaining that the voter will need to resubmit
4 photo identification documentation when submitting the reissued ballot, and informing the voter of
5 their options to vote in person during the early voting period or on election day. The ~~notice~~ voter
6 shall also be ~~provided~~ notified about the deficiency by telephone or email if ~~the~~ a telephone number
7 or email address was provided by the voter on the request form for the absentee ballot or is in the
8 voter's record. If the voter is notified by telephone, then staff shall document when the telephone
9 call was made.

- 10 (2) If the deficiency is identified on or after the third day before the date of the election under G.S. 163-
11 1 or G.S. 163-279, county board staff shall, on the same day the deficiency is identified, ~~of~~
12 ~~identifying the deficiency~~, contact the voter using any telephone number or email address that was
13 provided by the voter on the request form for the absentee ballot or is in the voter's record. Staff
14 shall ~~inform~~ notify the voter that their ballot must be spoiled, that there is not sufficient time to mail
15 them a reissued absentee ballot ~~package~~, package that can be timely returned by mail, and that they
16 may vote in-person during the early voting period or on election day if the time for the polls to close
17 under G.S. 163-166.25 has not passed. If the notification is provided by telephone, or if the county
18 board lacks a phone number and email address for the voter, then county board staff shall mail a
19 written notice with the same information to the address at which the voter requested their ballot be
20 sent. If the voter is notified by telephone, then staff shall document when the telephone call was
21 made.

22 (c) If the non-curable deficiency is one that is not identified until after the application is approved, the county board
23 of elections shall revisit the decision to approve the application, and staff shall proceed under Paragraph (b) of this
24 Rule.

25
26 *History Note: Authority G.S. 163-22; 163-229; 163-230.1; 163-231; 163-234;*
27 *Eff. September 1, 2026.*

08 NCAC 18 .0504 is adopted with changes as published in 40:22 NCR 1801 as follows:

**08 NCAC 18 .0504 IRREGULARITIES THAT DO NOT REQUIRE FURTHER ACTION FROM THE
VOTER**

(a) An irregularity that does not require further action from the voter to have their application approved and ballot counted includes the following:

(1) The absentee ballot is inside a sealed ~~ballot container-return~~ envelope, but the outer return envelope is not sealed or appears to have been opened and re-sealed.

(2) The absentee ballot is inside an unsealed ~~ballot container-return~~ envelope that is not in an outer return envelope when it is initially hand-delivered by the voter to an early voting site or the county board office, but the voter then seals the ~~ballot container-return~~ envelope before an election official or county board ~~staff~~ staff, who then take receipt of the sealed ~~ballot container-return~~ envelope.

(b) When county board staff or an election official at an early voting site identify an irregularity listed in this Rule, the irregularity shall be documented in ~~writing and county writing.~~ County board staff shall inform the county board of elections of the irregularity at the meeting at which the county board will consider approval of the application. The county board shall not disapprove the application or otherwise refuse to count the absentee ballot solely based on an irregularity that is listed in this Rule.

*History Note: Authority G.S. 163-22; 163-229; 163-230.1; 163-231; 163-234;
Eff. September 1, 2026.*

08 NCAC 18 .0505 is adopted with changes as published in 40:22 NCR 1801 as follows:

08 NCAC 18 .0505 IRREGULARITIES THAT REQUIRE FURTHER ACTION

(a) An irregularity that requires county board staff to contact the voter ~~to determine whether the irregularity is a curable or non-curable deficiency~~ before the county board makes a final decision on the application includes the following:

- (1) The absentee ballot is inside the ~~ballot container-return~~ envelope that appears to have been opened and re-sealed, but the ~~ballot container-return~~ envelope is received by the county board of elections in a sealed outer return envelope.
- (2) The absentee ballot is not inside a sealed ~~ballot container-return~~ envelope, but the ~~ballot container-return~~ envelope and ballot are received by the county board of elections in a sealed outer return envelope.
- (3) The county board has approved the application, but ~~upon the opening of the ballot envelope staff determines that the ballot in the container-return envelope is a different ballot than the ballot transmitted to the voter.~~ identified as a ballot that the voter is not eligible to vote.

(b) When county board staff identify an irregularity listed in Subparagraph (a)(1) of this Rule, the irregularity shall be documented in writing and ~~the voter shall be contacted in accordance with Paragraph (c) of this Rule. Staff shall, before re-sealing the absentee ballot materials, determine whether there is a deficiency under Rule .0501 of this Section.~~

~~(c) Staff~~ county board staff shall send written notice of the irregularity to the voter by mail to the address at which the voter requested their ballot be sent. sent within one business day of identifying the irregularity. The written notice shall identify the irregularity and state that the voter is required to contact the county board to ~~determine whether the absentee ballot can be cured or should be spoiled.~~ attest to the manner in which they sealed their ballot in the container-return envelope before the application can be approved. ~~The notice~~ voter shall be informed by county board staff of the irregularity shall also be provided by telephone or and email if the using any telephone number or email address that was provided by the voter on the request form for the absentee ballot or, if one was not provided on the request form, in the voter's record. County board staff The county board shall then proceed as follows:

- (1) If the voter attests in writing that they ~~transmitted the absentee ballot package sealed the container-return envelope~~ in the manner in which it was received, then the county board staff shall treat the irregularity as ~~cured and proceed in accordance with Rule .0502(d) of this Section. The voter shall provide the attestation in person, by mail, or by email to the county board of elections. a curable deficiency under Rule .0502 of this Section. The voter's attestation shall be submitted in the same manner provided under Rule .0502(c) of this Section. The county board shall consider the attestation together with the application and photo identification documentation when making its decision whether to approve the application. The county board shall not disapprove the application or otherwise refuse to count the absentee ballot solely because of the irregularity if the attestation has been submitted by the deadline in G.S. 163-230.1(e1).~~

1 (2) If the voter confirms in writing that they did not ~~transmit the absentee ballot package~~ seal the
2 container-return envelope in the manner in which it was received, then county board staff shall spoil
3 the ballot and proceed in accordance with Rule .0503(b) of this Section.

4 (c) When county board staff identify an irregularity listed in Subparagraph (a)(2) or (a)(3) of this Rule, the irregularity
5 shall be documented in writing and staff shall proceed in accordance with Rule .0503 of this Section within one
6 business day of identifying the irregularity. The notice required under Rule .0503(b) of this Section shall be provided
7 to the voter by telephone and email using any telephone number or email address that was provided by the voter on
8 the request form for the absentee ballot or, if one was not provided on the request form, in the voter's record.

9
10 *History Note: Authority G.S. 163-22; 163-229; 163-230.1; 163-231; 163-234;*
11 *Eff. September 1, 2026.*