

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: State Board of Elections

RULE CITATION: All rules

DEADLINE FOR RECEIPT: August 18, 2026

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

It appears that these rules are intended to go into effect for the 2026 election. Is this correct?

I am aware of some legal principles that limit how close to an election certain election changes can be made (i.e., changing voter rolls within 90 days of election, the Purcell principle limiting court's from making changes "too close" to an election). Are there timing limitations that the State Board of Elections considered in relation to these rules?

The RRC has already received several comments suggesting that the envelope provisions (particularly the irregularities and deficiencies in 08 NCAC 18 .0502 - .0505) would create burdens for the overseas active military. I am aware that the federal UOCAVA sets standards in this area and plan to review this issue further before the RRC meeting. Is it the State Board of Elections position that these rules meet the conditions required by the relevant federal law?

Many of these rules have potentially confusing terminology about "bipartisan teams" or something similar. Sometimes that is defined within the rule as a team with equal members from the two largest political parties in the state, but sometimes it isn't. Is there an overarching definition somewhere for this? If not, I would consider whether that might be better handled in a definition rule rather than in a rule by rule basis.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher
Commission Counsel

Date submitted to agency: August 6, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: State Board of Elections

RULE CITATION: 08 NCAC 09 .0106

DEADLINE FOR RECEIPT: August 18, 2026

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In reviewing this Rule, the staff recommends the following changes be made:

Regarding paragraph (d), it is unclear to me how assigning a member from a third party (someone from a party other than the two with the largest number of registered voters) to the team will work.

When a county board adds a third party member (lines 22-25) are they replacing an existing member? Or increasing the size of the team to five?

If there is a third party member, how does that impact the requirements in line 15 through 20? I.e. lines 18 through 20 are explicit that officials from each of the two largest parties will be recording and saying tally.

Because it is unclear to me how the Board imagines this working, I don't have specific suggestions to make. But as written, I tend to think there is a clarity problem in this paragraph.

On p. 2, line 2, the phrase "if the apparent winner is the apparent loser after the discretionary recount" is somewhat difficult to parse, since I believe you mean the apparent winner of the original count and the apparent loser of the machine recount. Could you change this to something like "if the machine recount changed the apparent outcome of the election"?

On p. 2., line 10, you reference "the bipartisan team of two county board members overseeing the recount". Is there a rule or statute that creates this team? If not, there needs to be more information about it in this rule.

On p. 2., line 19, you have the phrase "each political party". What does this mean in this context? Each political party with members on the board, each political party with members in the state, each of the two political parties with the most membership, something else?

Seth Ascher
Commission Counsel

Date submitted to agency: August 6, 2026

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher
Commission Counsel
Date submitted to agency: August 6, 2026

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.

20

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;*
26 *Amended Eff. September 1, 2026.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: State Board of Elections

RULE CITATION: 08 NCAC 09 .0107

DEADLINE FOR RECEIPT: August 18, 2026

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In reviewing this Rule, the staff recommends the following changes be made:

Is the bipartisan team describe in paragraph b the same as the bipartisan team in 08 NCAC 09 .0106? If so these contradict, as 09 .0106 (pg. 2 line 10) has board members on the team and this rule (line 17) prevents board members from being on the team.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

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.
5

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.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: State Board of Elections

RULE CITATION: 08 NCAC 10C .0101

DEADLINE FOR RECEIPT: August 18, 2026

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In reviewing this Rule, the staff recommends the following changes be made:

I don't understand the interplay between the definitions of voting place and voting enclosure. In particular, on line 19 "Voting place" includes the part of a building used for voting, but on line 18 "Voting enclosure" means the room or designated area that is used for voting. It seems to me rooms and designated areas are parts of buildings, so these definitions would merge.

If it helps, illustrate my confusion:

One of the places I've voted is in the multipurpose room at a local library. The check in table, the voting booths, and the ballot deposit were all in that room and people lined up outside. If I understand correctly, the entire library property (parking lot, stacks, etc.) would be the "voting site", but the multipurpose room seems like it would be both a voting place and a voting enclosure under these definitions.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher
Commission Counsel
Date submitted to agency: August 6, 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.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: State Board of Elections

RULE CITATION: 08 NCAC 10C .0103

DEADLINE FOR RECEIPT: August 18, 2026

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In reviewing this Rule, the staff recommends the following changes be made:

On line 17, I'm not sure why you include "or caused to be marked". I think "The zone shall be marked with..." is sufficient.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

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.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: State Board of Elections

RULE CITATION: 08 NCAC 18 .0503

DEADLINE FOR RECEIPT: August 18, 2026

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In reviewing this Rule, the staff recommends the following changes be made:

Item (a)(9), lines 24-26, seems like it could be written more clearly. Could this just be "A witness or assistant signed the application but did not include all required information."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

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.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: State Board of Elections

RULE CITATION: 08 NCAC 18 .0504

DEADLINE FOR RECEIPT: August 18, 2026

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Am I understanding correctly that this rule requires boards to keep track of these outer return envelope issues, but not to spoil votes because of them?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

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.*