

**RULES REVIEW COMMISSION SPECIAL MEETING
MINUTES
August 25, 2022**

The Rules Review Commission met for a Special Meeting on Thursday, August 25, 2022, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via WebEx. The special meeting was called pursuant to G.S. 150B-21.1(b1), to review temporary rules filed by the State Board of Elections.

Commissioners Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeanette Doran, Jeff Hyde, Barbara Jackson, and Bob Rucho were present in the Commission Room. Commissioners Randy Overton and Paul Powell were present via WebEx.

Staff members present were Alexander Burgos, Commission Counsel Lawrence Duke, Brian Liebman, and Bill Peaslee.

The meeting was called to order at 10:30 a.m. with Chair Doran presiding.

The Chair read the notice required by G.S. 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearance of conflicts of interest.

Review of Log of Filings (Temporary Rules) for any rule filed within 15 business days prior to the RRC Meeting

State Board of Elections

08 NCAC 10B .0101

Commissioner Atkins made a motion to adopt staff's recommendation to object to the rule on the grounds outlined in Commission Counsel's staff opinion. The motion was seconded by Commissioner Bryan.

At the discretion of the Chair, Rule 26 NCAC 05 .0104 was waived, and the written public comments of Clela Mitchell were accepted by the Commission.

Following the discussion of the Rule, Commissioner Jackson entered a motion to amend the main motion of Commissioner Atkins to remove all staff recommendations to the permanent rule not subject to the amendment of this temporary rule. The Motion was seconded by Commissioner Rucho. The motion carried by roll-call vote, ayes 5, noes 4 as follows: Voting in the affirmative: Bobby Bryan, Jeanette Doran, Barbara Jackson, Paul Powell, and Bob Rucho – 5. Voting in the negative: Andrew Atkins, Wayne R. Boyles III, Jeff Hyde, and Randy Overton - 4.

Commissioner Atkins made a motion that was seconded by Commissioner Jackson to waive Rule 26 NCAC 05 .0105 and consider the late amendment of Rule 08 NCAC 10B .0101 to strike out "policies" and "numbered memos". The motion carried by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: - 0.

The Commission entered discussion on the main motion. After some discussion, Commissioner Atkins withdrew the motion without objection.

Commissioner Boyles made a motion to reinstate the original motion to accept staff's recommendation to object to the rule outlined in the staff opinion. There was no second and the motion was withdrawn.

Commissioner Hyde made a motion to object to the temporary rule finding that the State Board of Elections had not satisfied the findings of need statutory threshold to adopt temporary rules. The motion was seconded by Commissioner Rucho.

Commissioner Rucho made a motion to amend the main motion to include objections based upon the rule being unclear and ambiguous and lack of necessity. The motion was seconded by Commissioner Boyles. Commissioner Rucho withdrew his motion without objection.

The Commission objected to temporary Rule 08 NCAC 10B .0101 finding that the State Board of Elections' statements of the findings of need pursuant to G.S. 150B-21.1(b) do not meet the criteria listed in G.S. 150B-21.1(a). Specifically, the Commission found that the Board failed to establish that adherence to the notice and hearing requirements of G.S. 150B-21.2 was contrary to the public interest or the need for the rule to become immediately effective in order to preserve the integrity of the November 2022 elections and the election process, by roll-call vote, ayes 7, noes 1 as follows: Voting in the affirmative: Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 7. Voting in the negative: Andrew Atkins - 1.

Paul Cox, with the Department of Justice and representing the agency, addressed the Commission.

Karen Raines, a citizen, addressed the Commission.

Jim Womack, with the North Carolina Election Integrity Team, addressed the Commission.

Andy Jackson, with The John Locke Foundation, addressed the Commission.

Cleta Mitchell, with the Conservative Partnership Institute, addressed the Commission.

Lynn Bernstein, with Transparent Elections North Carolina, addressed the Commission.

The Chair called the meeting into a brief recess at 12:17 p.m.
The meeting resumed at 12:25 p.m.

08 NCAC 20 .0101

Commissioner Hyde made a motion to object to the temporary rule finding that the State Board of Elections had not satisfied the findings of need statutory threshold to adopt temporary rules. The motion was seconded by Commissioner Rucho.

The Commission objected to temporary Rule 08 NCAC 20 .0101 finding that the State Board of Elections' statements of the findings of need pursuant to G.S. 150B-21.1(b) do not meet the criteria listed in G.S. 150B-21.1(a). Specifically, the Commission found that the Board failed to establish that adherence to the notice and hearing requirements of G.S. 150B-21.2 was contrary to the public interest or the need for the rule to become immediately effective in order to preserve the integrity of the November 2022 elections and the election process, by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: 0.

Paul Cox, with the Department of Justice and representing the agency, addressed the Commission.

Jim Womack, with the North Carolina Election Integrity Team, addressed the Commission.

COMMISSION BUSINESS

The Chair announced that the Commission will be holding the RRC Election of Commission Officers at the next meeting.

The meeting adjourned at 12:55 p.m.

The next regularly scheduled meeting of the Commission is Thursday, September 15, 2022, at 9:00 a.m.



Alexander Burgos, Paralegal



Minutes approved by the Rules Review Commission:
Jeanette Doran, Chair

Rules Review Commission Special Meeting August 25, 2022
Held Via WebEx

Name	Agency
Philip Thomas	ncgop
Matt Mercer	northstatejournal.com
Ross Smith	myncma
Anne Coan	ncfb
Hannah Jernigan	ncdot
Laura Rowe	nctreasurer
Z Johnson	ncgop
Ann Wall	sosnc
Cleta Mitchell	Conservative Partnership Institute
Andy Jackson	The John Locke Foundation
James Womack	
Karen Raines	
Jordan Wilkie	
John Branch	nelsonmullins.com
Will Doran	newsobserver.com
Scott Laster	kganc.com
Buddy Norton	ncdp.org
Alyssa Specht	gop.com
Helen L	ncdot
Lynn Bernstein	transparent elections nc
Kevin Cline	kevinclinelaw.com
Lawrence Graham	
Greg Flynn	gregflynn.org
Amber May	icnc
Jeff Moore	ncgop.org
Brittany Conrad	kganc.com
Patrick Gannon	ncsbe
Josh Yost	ncleg
Buddy Norton	ncdp.org