

RRC STAFF OPINION

PLEASE NOTE: THIS COMMUNICATION IS EITHER 1) ONLY THE RECOMMENDATION OF AN RRC STAFF ATTORNEY AS TO ACTION THAT THE ATTORNEY BELIEVES THE COMMISSION SHOULD TAKE ON THE CITED RULE AT ITS NEXT MEETING, OR 2) AN OPINION OF THAT ATTORNEY AS TO SOME MATTER CONCERNING THAT RULE. THE AGENCY AND MEMBERS OF THE PUBLIC ARE INVITED TO SUBMIT THEIR OWN COMMENTS AND RECOMMENDATIONS (ACCORDING TO RRC RULES) TO THE COMMISSION.

AGENCY: State Board of Elections

RULE CITATION: 08 NCAC 22 .0103, .0201, .0202

RECOMMENDATION DATE: July 25, 2025

RECOMMENDED ACTION:

- X Approve, but note staff's comment
- Object, based on:
- Lack of statutory authority
 - Unclear or ambiguous
 - Unnecessary
 - Failure to comply with the APA
- Extend the period of review

COMMENT:

These three rules lay out the procedures for local officials to handle and examine various election petitions. In each case, these were adoptions for procedures that did not have clear analogs in existing rules. Because these processes have the potential to require staff time to complete, I asked the agency for information as to how they determined local funds would not be impacted, pursuant to G.S. 150B-21.4(b).

The agency provided individualized responses for each rule, included in their response to my questions. However, three points were consistent across their responses:

- 1. These rules are about how county boards meet existing statutory obligations, not new obligations.*
- 2. The procedures that are described by the rules are equivalent to procedures that are currently being implemented through training, guidance, and software.*
- 3. These procedures will not require additional staff time compared to prior election cycles.*

Absent conflicting information, I am persuaded that these rules do not impact local funds such that a fiscal note was required.