

1 08 NCAC 18 .0503 is proposed for adoption as follows:

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3 **08 NCAC 18 .0503 NON-CURABLE DEFICIENCIES**

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

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

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

- 34 (1) If the deficiency is identified more than three days before the date of the election under G.S. 163-1
35 or G.S. 163-279, staff shall spoil the returned absentee ballot and reissue the absentee ballot package
36 to the voter by mail to the address to which the voter requested their ballot be sent. County board
37 staff shall include with the reissued absentee ballot package a written notice identifying the

1 deficiency, explaining the spoil and reissue process, explaining that the voter will need to resubmit
2 photo identification documentation when submitting the reissued ballot, and informing the voter of
3 their options to vote in person during the early voting period or on election day. The notice shall
4 also be provided by telephone or email if the telephone number or email address was provided by
5 the voter on the request form for the absentee ballot or is in the voter's record.

6 (2) If the deficiency is identified on or after the third day before the date of the election under G.S. 163-
7 1 or G.S. 163-279, county board staff shall, on the same day of identifying the deficiency, contact
8 the voter using any telephone number or email address that was provided by the voter on the request
9 form for the absentee ballot or is in the voter's record. Staff shall inform the voter that their ballot
10 must be spoiled, that there is not sufficient time to mail them a reissued absentee ballot package,
11 and that they may vote in-person during the early voting period or on election day if the time for the
12 polls to close under G.S. 163-166.25 has not passed.

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

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