

1 08 NCAC 18 .0505 is proposed for adoption as follows:

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3 **08 NCAC 18 .0505 IRREGULARITIES THAT REQUIRE FURTHER ACTION**
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5 (a) An irregularity that requires county board staff to contact the voter to determine whether the irregularity is a curable
6 or non-curable deficiency includes the following:

7 (1) The absentee ballot is inside the ballot envelope that appears to have been opened and re-sealed, but
8 the ballot envelope is received by the county board of elections in a sealed outer return envelope.

9 (2) The absentee ballot is not inside a sealed ballot envelope, but the ballot envelope and ballot are
10 received by the county board of elections in a sealed outer return envelope.

11 (3) The county board has approved the application, but upon the opening of the ballot envelope staff
12 determines that the ballot in the envelope is a different ballot than the ballot transmitted to the voter.

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

16 (c) Staff shall send written notice of the irregularity to the voter by mail to the address at which the voter requested
17 their ballot be sent. The written notice shall identify the irregularity and state that the voter is required to contact the
18 county board to determine whether the absentee ballot can be cured or should be spoiled. The notice of the irregularity
19 shall also be provided by telephone or email if the telephone number or email address was provided by the voter on
20 the request form for the absentee ballot or, if one was not provided on the request form, in the voter's record. County
21 board staff shall then proceed as follows:

22 (1) If the voter attests in writing that they transmitted the absentee ballot package in the manner in which
23 it was received, then county board staff shall treat the irregularity as cured and proceed in accordance
24 with Rule .0502(d) of this Section. The voter shall provide the attestation in person, by mail, or by
25 email to the county board of elections.

26 (2) If the voter confirms in writing that they did not transmit the absentee ballot package in the manner
27 in which it was received, then county board staff shall spoil the ballot and proceed in accordance
28 with Rule .0503(b) of this Section.
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30 History Note: Authority G.S. 163-22; 163-229; 163-230.1; 163-231; 163-234;

31 Eff. September 1, 2026.