



NOTICE OF TEXT

[Authority G.S. 150B-21.2(c)]

OAH USE ONLY

VOLUME: 41

ISSUE: 01

CHECK APPROPRIATE BOX:

- Notice with a scheduled hearing
- Notice without a scheduled hearing
- Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 14. If a hearing is scheduled, complete block 5.
Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: [State Board of Elections](#)

2. Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncsbe.gov/about-elections/legal-resources/rulemaking>

3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

ADOPTION: [08 NCAC 21 .0901-.0907](#)

AMENDMENT:

REPEAL:

READOPTION with substantive changes:

READOPTION without substantive changes:

REPEAL through READOPTION:

4. Proposed effective date: [11/01/2026](#)

5. Is a public hearing planned? [Yes](#)

If yes:

Date	Time	Location
08/03/2026	10:00 am	State Board of Elections, Dobbs Building, 430 N. Salisbury St., Raleigh, NC 27603

6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

7. Explain Reason For Proposed Rule(s):

Under G.S. 163-278.22(7), it is the duty and power of the State Board to investigate potential violations of Article 22A and Article 22M of Chapter 163 of the General Statutes. The rules proposed by the State Board direct the process and procedures to be followed by when the State Board receives a signed and sworn campaign finance complaint from a registered voter. As stated in proposed rule 08 NCAC 21 .0901, the series of rules are not intended to apply to complaints involving potential violations of Part 1A of Article 22A regarding disclosure requirements in media advertisements. The proposed rules are ultimately intended to replace the Campaign Finance Complaint Policy adopted by the State Board in 2019. Definitions for the section can be found in proposed 08 NCAC 21 .0902.

Proposed rule 08 NCAC 21 .0903 outlines the contents of complaints and how complaints may be filed with the State Board. After receipt of a complaint, proposed rule 08 NCAC 21 .0905 outlines the notice that will be provided by the State Board to the subject the complaint, and the opportunity and timeline in which the subject may provide a written response to the allegations. Rules 08 NCAC 21 .0906 and 08 NCAC 21 .0907 outline the preliminary investigation, when a case will be opened, and any subsequent formal investigation. Rule 08 NCAC 21 .0907 articulates when a case may be closed for lack of probable cause and in paragraph (b) describes the notice that will be provided to the State Board of Elections prior to staff closure of the complaint.

08 NCAC 21 .0904 interprets confidentiality provision in G.S. 163-278.22(7) to state that complaints and other documents gathered by the State Board during an investigation are confidential and may not be released by the State Board for public inspection or copying.

8. Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or email. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

Rule(s) is automatically subject to legislative review. Cite statutory reference:

9. The person to whom written comments may be submitted on the proposed rule(s):

Name: [Lindsey Wakely](#)
Address: [P.O. Box 27255](#)
[Raleigh, NC 27611](#)
Phone (optional):
Fax (optional):
EMail (optional) rulemaking.sboe@ncsbe.gov

10. Comment Period Ends: [08/31/2026](#)

11. Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

[No fiscal note required](#)

12. Rule-making Coordinator:

Name: [Lindsey Wakely](#)
[919-814-0729](#)
lindsey.wakely@ncsbe.gov

Agency contact, if any:

Name: [Lindsey Wakely](#)
Phone: [919-814-0729](#)
Email: lindsey.wakely@ncsbe.gov

13. The Agency formally proposed the text of this rule(s) on

Date: [05/20/2026](#)

1 08 NCAC 21 .0901 is proposed for adoption as follows:
2

3 **SECTION .0900 – CAMPAIGN FINANCE COMPLAINTS AND INVESTIGATIONS**
4

5 **08 NCAC 21 .0901 SCOPE**

6 The rules in this Section apply only to complaints of violations of Part 1 and Part 2 of Article 22A and Article 22M
7 of Chapter 163 of the North Carolina General Statutes. The rules of this Section do not apply to Part 1A of Article
8 22A regarding Disclosure Requirements for Media Advertisements.
9

10 *History Note: Authority G.S. 163-278.21; 163-278.22;*
11 *Eff. November 1, 2026.*

1 08 NCAC 21 .0902 is proposed for adoption as follows:

2

3 **08 NCAC 21 .0902 DEFINITIONS**

4 For the purposes of this Section:

5 (a) "Complainant" means a North Carolina registered voter who submits an acceptable complaint pursuant to Rule
6 .0903 of this Section.

7 (b) "Respondent" means the candidate, treasurer, individual, person, political committee, referendum committee,
8 media or other entity alleged to have violated North Carolina law.

9

10 *History Note: Authority G.S. 163-278.21; 163-278.22;*

11 *Eff. November 1, 2026.*

1 08 NCAC 21 .0903 is proposed for adoption as follows:

2

3 **08 NCAC 21 .0903 COMPLAINTS**

4 (a) Any North Carolina registered voter with knowledge of a potential violation may submit a written complaint,
5 signed and sworn under oath or affirmation, which shall include:

6 (1) The name and residential address of the complainant;

7 (2) The name and residential address of the respondent, if known;

8 (3) A statement of the facts constituting the alleged violation; and

9 (4) The names of any individuals with knowledge of the matter.

10 (b) A form for submitting a complaint shall be available on the State Board’s website at www.ncsbe.gov.

11 (c) Complaints shall be emailed to investigations@ncsbe.gov or mailed to P.O. Box 27255, Raleigh, North Carolina,
12 27611-7255.

13 (d) State Board staff may decline a complaint that does not meet the requirements set forth in G.S. 163-278.22(7) or
14 this Rule, or does not allege a violation.

15

16 *History Note: Authority G.S. 163-278.21; 163-278.22;*

17 *Eff. November 1, 2026.*

1 08 NCAC 21 .0904 is proposed for adoption as follows:

2

3 **08 NCAC 21 .0904 CONFIDENTIALITY**

4 Complaints and any other documents gathered by the State Board during an investigation are confidential and shall
5 not be made available for public inspection or copying until the investigation is concluded.

6

7 History Note: Authority G.S. 163-278.21; 163-278.22;

8 *Eff. November 1, 2026.*

1 08 NCAC 21 .0905 is proposed for adoption as follows:

2

3 **08 NCAC 21 .0905 NOTICE AND WRITTEN RESPONSE**

4 (a) Within 15 calendar days of receiving a complaint alleging that a statement filed with the State Board does not
5 conform to Article 22A or Article 22M or to the truth, or that an individual, candidate, treasurer, political committee,
6 referendum committee, media, or other entity has failed to file a statement required by this Article, the State Board
7 shall notify the respondent that a complaint has been received.

8 (b) The State Board may temporarily withhold notice under Paragraph (a) if release of the information would
9 materially compromise a criminal investigation.

10 (c) Before any action is taken requiring compliance, the respondent shall be provided with a copy of the complaint
11 and an opportunity to submit a written response. The respondent shall submit the written response no later than 30
12 calendar days after receiving a written request for a response from the State Board. The Executive Director may extend
13 the deadline in this Paragraph for up to 60 calendar days upon good cause shown.

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15 *History Note: Authority G.S. 163-278.21; 163-278.22; 163-278.23;*

16 *Eff. November 1, 2026.*

1 08 NCAC 21 .0906 is proposed for adoption as follows:

2

3 **08 NCAC 21 .0906 Preliminary Investigation**

4 (a) State Board staff shall complete a preliminary investigation of a complaint within 120 days of receipt.

5 (b) When conducting a preliminary investigation, the scope of the State Board’s investigation shall not be limited to
6 the allegations in the complaint.

7 (c) If the preliminary investigation establishes reason to believe that a respondent may have engaged in conduct that
8 could result in the issuance of a civil penalty under G.S. 163-278.34(b) or could result in a criminal penalty under G.S.
9 163-278.27, the State Board staff shall open a case and initiate a formal investigation. Staff shall also open a case and
10 initiate a formal investigation if there is reason to believe that a respondent may have willfully attempted to conceal
11 contributions or expenditure under G.S. 163-278.34(a).

12 (d) The Executive Director may extend the deadline in Paragraph (a) of this Rule if an audit of the political committee
13 or referendum committee is required to identify potential violations.

14

15 *History Note: Authority G.S. 163-278.21; 163-278.22;*

16 *Eff. November 1, 2026.*

1 08 NCAC 21 .0907 is proposed for adoption as follows:

2

3 **08 NCAC 21 .0907 Formal Investigation**

4 (a) The State Board shall conduct a formal investigation to the extent necessary to either close the case for lack of
5 probable cause; for the State Board to decide to proceed with a civil penalty or other civil remedy under G.S. 163-
6 278.34; or for the State Board to decide to proceed with a criminal referral under G.S. 163-278.27.

7 (b) If the formal investigation establishes a lack of probable cause, State Board staff shall prepare a closure report and
8 transmit that report to State Board members. If within five business days of transmission two State Board members
9 request further briefing, the State Board shall receive a full briefing on the results of the investigation at a meeting
10 scheduled consistent with G.S. 163-20.

11

12 *History Note: Authority G.S. 163-278.21; 163-278.22;*

13 *Eff. November 1, 2026.*