



NOTICE OF TEXT

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

OAH USE ONLY

VOLUME:

ISSUE:

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 23 .0101; 08 NCAC 23 .0102; 08 NCAC 23 .0103; 08 NCAC 23 .0104

AMENDMENT:

REPEAL:

READOPTION with substantive changes:

READOPTION without substantive changes:

REPEAL through READOPTION:

4. Proposed effective date: 05/01/2026

5. Is a public hearing planned? Yes No

If yes: **Public Hearing date:** February 2, 2026

Public Hearing time: 10:00 am

Public Hearing location: 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): The State Board of Elections is authorized by G.S. 163-82.14 to conduct list maintenance and remove the names of ineligible voters from the voter rolls, and the State Board is authorized by G.S. 163-82.26 to adopt rules regarding list maintenance. The State Board has proposed a series of four rules that direct the county boards of elections on carrying out procedures for conducting list maintenance based on a registered voter's possible ineligibility due to not being a citizen of the United States. These rules direct the county boards to follow procedures already in statute for conducting voter registration challenges while providing structure to the process. Proposed Rule 08 NCAC 23 .0101 is a definitions rule. Proposed Rule 08 NCAC 23 .0102 covers the first stage of the process after a county board receives a notice from the State Board that a voter registered in the county may not be a citizen. Proposed Rule 08 NCAC 23 .0103 covers the next stage of the process—a preliminary hearing where the county board decides whether there is probable cause to advance to an evidentiary hearing. Proposed Rule 08 NCAC 23 .0104 covers the final stage of the process—a challenge hearing where evidence and testimony is received before the county board makes a final decision.

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: Adam Steele, Rulemaking Coordinator

Address: P.O. Box 27255

Raleigh, NC 27611

Phone (optional):

Fax (optional):

E-Mail (optional): rulemaking.sboe@ncsbe.gov

Comments may be submitted online at <https://www.ncsbe.gov/about-elections/legal-resources/rulemaking>

10. Comment Period Ends: 03/16/2026

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

- State funds affected**
- Local funds affected**
- Substantial economic impact ($\geq \$1,000,000$)**
- Approved by OSBM**
- No fiscal note required**

12. Rule-making Coordinator: Adam Steele

Phone: 919-814-0654

E-Mail: adam.steele@ncsbe.gov

Additional agency contact, if any:

Phone:

E-mail:

13. The Agency formally proposed the text of this rule(s) on
Date: 12/17/2025

14. Signature of Agency Head* or Rule-making Coordinator:



Typed Name: Adam Steele
Title: Rulemaking Coordinator

**If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.*