

## TITLE 08 – STATE BOARD OF ELECTIONS

*Notice is hereby given in accordance with G.S. 150B-21.2 that the State Board of Elections intends to adopt the rules cited as 08 NCAC 10C .0101-.0104.*

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

**Proposed Effective Date:** September 1, 2026

**Public Hearing:**

**Date:** June 29, 2026

**Time:** 10:00 A.M.

**Location:** State Board of Elections, Dobbs Building, 430 N. Salisbury St., Raleigh, NC 27603

**Reason for Proposed Action:** *The State Board of Elections is authorized to adopt rules governing the conduct of elections and is proposing a series of rules pertaining to voting sites. The proposed rules will guide how county boards of elections establish buffer zones and electioneering zones under G.S. 163-166.4, curbside voting areas under G.S. 163-166.9, and how elections officials maintain peace and good order about the voting site under G.S. 163-48. Proposed rule 08 NCAC 10C .0101 is a definitions rule. Proposed rule 08 NCAC 10C .0102 provides direction on establishing and marking buffer zones and curbside voting areas. Proposed rule 08 NCAC 10C .0103 provides direction on establishing and marking electioneering areas. Proposed rule 08 NCAC 10C .0104 provides direction on where electioneering may occur at a voting site and how loud noise or sound amplification devices at a voting site are to be addressed.*

**Comments may be submitted to:** Adam Steele, P.O. Box 27255, Raleigh, NC 27611; email [rulemaking.sboe@ncsbe.gov](mailto:rulemaking.sboe@ncsbe.gov) (Comments may be submitted online during the comment period at <https://www.ncsbe.gov/about-elections/legal-resources/rulemaking>)

**Comment period ends:** July 14, 2026

**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 a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

**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

### CHAPTER 10 - BALLOT ROTATION RULES FOR PRIMARY ELECTION BALLOTS

#### SUBCHAPTER 10C – VOTING SITES

##### 08 NCAC 10C .0101 DEFINITIONS

For purposes of this Subchapter:

- (1) "Chief judge" means the precinct official appointed as the chief judge for a voting site in accordance with G.S. 163-41 or G.S. 163-166.35.
- (2) "Curbside buffer zone" means the area designated by a county board of elections where the activities under G.S. 163-166.4(a) are prohibited around a curbside voting zone.
- (3) "Curbside voting zone" means the area designated by a county board of elections for qualified voters to vote curbside at a voting site pursuant to 08 NCAC 10B .0109(g) and G.S. 163-166.9.
- (4) "Electioneering zone" means the area designated by a county board of elections where the activities under G.S. 163-166.4(b) are permitted at a voting site.
- (5) "Judge" means the precinct official appointed as a judge of election for a voting site in accordance with G.S. 163-41 or G.S. 163-166.35.
- (6) "Voting enclosure" means the room or designated area within the voting place that is used for voting.
- (7) "Voting place" means the building, or part thereof, used for voting on election day in each precinct established under G.S. 163-128 or during early voting at an early voting site approved in an early voting plan under G.S. 163-166.35. Voting place shall mean the county board of elections office when that building, or part thereof, is used for voting.

- (8) "Voting place buffer zone" means the area designated by a county board of elections where the activities under G.S. 163-166.4(a) are prohibited at a voting site.
- (9) "Voting site" means the property on which the voting place is located.

*History Note:* Authority G.S. 163-22; 163-129; 163-166.4; 163-166.5; 163-166.6; 163-166.7; 163-166.9;  
Eff. September 1, 2026.

#### **08 NCAC 10C .0102 VOTING SITE BUFFER ZONES**

(a) The voting place buffer zone at a voting site shall be established as follows:

- (1) Before each election, the county board of elections shall adopt a resolution establishing a voting place buffer zone at each voting site in the county in accordance with G.S. 163-166.4(a). When adopting a resolution establishing a voting place buffer zone, the county board shall take into account the physical layout and dimensions of the voting site, location of the entrances for ingress to and egress from the voting place, parking areas at the voting site, and the electioneering zone established under Rule .0103 of this Subchapter and G.S. 163-166.4(b). If a voting place has multiple entrances, the county board shall establish a voting place buffer zone at each entrance. Notice of the resolution shall be given to the public in accordance with G.S. 163-166.4.
- (2) Prior to the start of voting, the chief judge or a judge designated by the chief judge shall mark the boundary of the voting place buffer zone consistent with the county board of election's resolution adopted under Subparagraph (a)(1) of this Rule. The zone shall be marked or caused to be marked with signage, cones, rope, tape, or some other visible marker that the chief judge determines is appropriate for ensuring peace and good order at the voting place in accordance with 08 NCAC 10B .0101(b)(18) and (19) when taking into account the physical layout, dimensions, and parking areas of the voting site.

(b) The curbside voting zone and curbside buffer zone at a voting site shall be established as follows:

- (1) Before each election, the county board of elections shall adopt a resolution establishing a curbside voting zone at each voting site in the county. The curbside voting zone shall be sufficient in size to accommodate at least two vehicles for voters to engage in the act of voting curbside in accordance with 08 NCAC 10B. 0108.
- (2) Before each election, the county board of elections shall adopt a resolution establishing a curbside buffer zone at each voting site in the county. The county board of elections shall establish the curbside buffer zone of a distance no less than 6 feet and no more than 15 feet as measured in a straight line from the nearest marked boundary of the curbside voting zone, taking into account the physical layout and dimensions of the voting site, parking areas, voting place buffer zone, and the electioneering zone at the voting site. Notice of the resolution shall be given to the public in accordance with G.S. 163-166.4.
- (3) Prior to the start of voting, the chief judge or a judge designated by the chief judge shall mark the boundary of the curbside voting zone and curbside buffer zone consistent with the county board of election's resolution adopted under this Rule in the same manner as marking the voting place buffer zone under Subparagraph (a)(2) of this Rule.

*History Note:* Authority G.S. 163-22; 163-129; 163-166.4; 163-166.5; 163-166.6; 163-166.7; 163-166.9;  
Eff. September 1, 2026.

#### **08 NCAC 10C .0103 VOTING SITE ELECTIONEERING ZONE**

(a) Before each election, the county board of elections shall adopt a resolution establishing an electioneering zone at each voting site in the county in accordance with G.S. 163-166.4(b) that shares a physical border with the voting place buffer zone. When adopting a resolution establishing an electioneering zone, the county board shall take into account the physical layout and dimensions of the voting site, parking and access areas at the voting site, and the voting and buffer zones established under Rule .0103 of this Subchapter. The county board shall establish additional electioneering zones at a voting site that do not share a border with the voting place buffer zone if the county board determines that the physical layout of the voting site will result in an insufficient amount of space for electioneers to engage in the election-related activity permitted under G.S. 163-166.4(b) as a result of there being only a single electioneering zone. Notice of the resolution shall be given to the public in accordance with G.S. 163-166.4.

(b) Prior to the start of voting at the voting site, the chief judge or a judge designated by the chief judge shall mark the boundary of the electioneering zone consistent with the county board of election's resolution adopted under this Rule. The zone shall be marked or caused to be marked with signage, cones, rope, tape, or some other visible marker that the chief judge determines is appropriate for ensuring peace and good order at the voting place in accordance with 08 NCAC 10B .0101(b)(18) and (19) when taking into account the physical layout, dimensions, and parking areas of the voting site.

(c) This Rule does not apply to a voting site that has been granted approval to not permit election-related activities at the voting site under G.S. 163-166.4(c).

*History Note:* Authority G.S. 163-22; 163-129; 163-166.4; 163-166.5; 163-166.6; 163-166.7;  
Eff. September 1, 2026.

#### **08 NCAC 10C .0104 CONDUCT AT VOTING SITES**

(a) The chief judge and judges shall ensure peace and good order at the voting site in accordance with 08 NCAC 10B .0101 and G.S. 163-48 by requiring persons at the voting site to comply with this Rule. This Rule applies to persons who are located on a portion of the voting site property that is subject to the control of the county board of elections and to persons who make or cause noise that is audible within the voting enclosure, regardless of their location.

(b) Persons at a voting site shall only engage in election-related activities while in the designated electioneering zone.

(c) Noise and sound that is disruptive to the voting site shall be addressed by the chief judge or a judge as follows:

- (1) No person outside of the voting place at a voting site during the hours of voting shall make or cause any noise at a volume that is audible to the chief judge or a judge when that official is in the voting enclosure. If the chief judge or a judge determines that a person has made or is making a noise in violation of this Rule, they shall inform the person that the noise is disrupting the orderly conduct of voting and the ability for persons to communicate when they are within the voting enclosure. The chief judge or judge shall require the person to decrease the volume such that it is no longer audible in the voting enclosure.
- (2) No person outside of the voting place at a voting site shall use a sound amplification device during the hours of voting. If the chief judge or a judge determines that a person at the voting site is using a sound amplification device in violation of this Rule, they shall inform the person that the use of the device is disrupting the orderly conduct of voting and the ability for persons to communicate when they are within the voting enclosure and electioneering zones. The chief judge or judge shall require the person to cease operation of the device and remove the device from the voting site. For the purposes of this Rule, "sound amplification device" means a mechanical or electronic device that increases a sound's volume, including portable speakers, bullhorns, megaphones, public address systems, vehicle-mounted speakers or audio systems, and any vehicle's internal audio system that is audible beyond the interior of the vehicle. A sound amplification device does not include a device that is used for accessibility or emergency purposes, or that is used by or at the request of the chief judge or a judge when facilitating the orderly conduct of voting at the voting site.

History Note: Authority G.S. 163-22; 163-48; 163-129; 163-166.4; 163-166.5; 163-166.6; 163-166.7; Eff. September 1, 2026.