

08 NCAC 18 .0503 is adopted with changes as published in 40:22 NCR 1800-1801 as follows:

08 NCAC 18 .0503 NON-CURABLE DEFICIENCIES

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

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

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

- (1) If the deficiency is identified more than three days before the date of the election under G.S. 163-1 or G.S. 163-279, staff shall spoil the returned absentee ballot and reissue the absentee ballot package

1 to the voter by mail to the address ~~to~~ at which the voter requested their ballot be sent. County board
2 staff shall include with the reissued absentee ballot package a written notice identifying the
3 deficiency, explaining the spoil and reissue process, explaining that the voter will need to resubmit
4 photo identification documentation when submitting the reissued ballot, and informing the voter of
5 their options to vote in person during the early voting period or on election day. The ~~notice~~ voter
6 shall also be ~~provided~~ notified about the deficiency by telephone or email if ~~the~~ a telephone number
7 or email address was provided by the voter on the request form for the absentee ballot or is in the
8 voter's record. If the voter is notified by telephone, then staff shall document when the telephone
9 call was made.

- 10 (2) If the deficiency is identified on or after the third day before the date of the election under G.S. 163-
11 1 or G.S. 163-279, county board staff shall, on the same day the deficiency is identified, ~~of~~
12 ~~identifying the deficiency~~, contact the voter using any telephone number or email address that was
13 provided by the voter on the request form for the absentee ballot or is in the voter's record. Staff
14 shall ~~inform~~ notify the voter that their ballot must be spoiled, that there is not sufficient time to mail
15 them a reissued absentee ballot ~~package~~, package that can be timely returned by mail, and that they
16 may vote in-person during the early voting period or on election day if the time for the polls to close
17 under G.S. 163-166.25 has not passed. If the notification is provided by telephone, or if the county
18 board lacks a phone number and email address for the voter, then county board staff shall mail a
19 written notice with the same information to the address at which the voter requested their ballot be
20 sent. If the voter is notified by telephone, then staff shall document when the telephone call was
21 made.

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

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