

08 NCAC 18 .0505 is adopted with changes as published in 40:22 NCR 1801 as follows:

08 NCAC 18 .0505 IRREGULARITIES THAT REQUIRE FURTHER ACTION

(a) An irregularity that requires county board staff to contact the voter ~~to determine whether the irregularity is a curable or non-curable deficiency~~ before the county board makes a final decision on the application includes the following:

- (1) The absentee ballot is inside the ~~ballot container-return~~ envelope that appears to have been opened and re-sealed, but the ~~ballot container-return~~ envelope is received by the county board of elections in a sealed outer return envelope.
- (2) The absentee ballot is not inside a sealed ~~ballot container-return~~ envelope, but the ~~ballot container-return~~ envelope and ballot are received by the county board of elections in a sealed outer return envelope.
- (3) The county board has approved the application, but ~~upon the opening of the ballot envelope staff determines that~~ the ballot in the container-return envelope is ~~a different ballot than the ballot transmitted to the voter.~~ identified as a ballot that the voter is not eligible to vote.

(b) When county board staff identify an irregularity listed in Subparagraph (a)(1) of this Rule, the irregularity shall be documented in writing and ~~the voter shall be contacted in accordance with Paragraph (c) of this Rule. Staff shall, before re-sealing the absentee ballot materials, determine whether there is a deficiency under Rule .0501 of this Section.~~

~~(c) Staff~~ county board staff shall send written notice of the irregularity to the voter by mail to the address at which the voter requested their ballot be sent. sent within one business day of identifying the irregularity. The written notice shall identify the irregularity and state that the voter is required to contact the county board to ~~determine whether the absentee ballot can be cured or should be spoiled.~~ attest to the manner in which they sealed their ballot in the container-return envelope before the application can be approved. ~~The notice~~ voter shall be informed by county board staff of the irregularity ~~shall also be provided by telephone or and email if the~~ using any telephone number or email address that was provided by the voter on the request form for the absentee ballot or, if one was not provided on the request form, in the voter's record. ~~County board staff~~ The county board shall then proceed as follows:

- (1) If the voter attests in writing that they ~~transmitted the absentee ballot package~~ sealed the container-return envelope in the manner in which it was received, then the county board ~~staff~~ shall treat the irregularity as ~~cured and proceed in accordance with Rule .0502(d) of this Section. The voter shall provide the attestation in person, by mail, or by email to the county board of elections.~~ a curable deficiency under Rule .0502 of this Section. The voter's attestation shall be submitted in the same manner provided under Rule .0502(c) of this Section. The county board shall consider the attestation together with the application and photo identification documentation when making its decision whether to approve the application. The county board shall not disapprove the application or otherwise refuse to count the absentee ballot solely because of the irregularity if the attestation has been submitted by the deadline in G.S. 163-230.1(e1).

1 (2) If the voter confirms in writing that they did not ~~transmit the absentee ballot package~~ seal the
2 container-return envelope in the manner in which it was received, then county board staff shall spoil
3 the ballot and proceed in accordance with Rule .0503(b) of this Section.

4 (c) When county board staff identify an irregularity listed in Subparagraph (a)(2) or (a)(3) of this Rule, the irregularity
5 shall be documented in writing and staff shall proceed in accordance with Rule .0503 of this Section within one
6 business day of identifying the irregularity. The notice required under Rule .0503(b) of this Section shall be provided
7 to the voter by telephone and email using any telephone number or email address that was provided by the voter on
8 the request form for the absentee ballot or, if one was not provided on the request form, in the voter's record.

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