

BEFORE THE NORTH CAROLINA STATE BOARD OF ELECTIONS

Petition for Declaratory Ruling

Pursuant to N.C.G.S. § 150B-4 and 08 NCAC 15 .0102

Petitioner: High Priestex Mortellus
also identified in certain government records as Terrayle Leigh Amorello
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Attached: Statement of Facts
Exhibits A-N

I. Nature of the Petition

Pursuant to N.C.G.S. § 150B-4 and Rule 08 NCAC 15 .0102, Petitioner requests that the North Carolina State Board of Elections issue a Declaratory Ruling concerning the proper interpretation and application of North Carolina election law governing candidate names appearing on Notices of Candidacy and election ballots, **and** concerning the authority of the State Board to alter an accepted Notice of Candidacy and associated candidate records without the execution of amended filing documents by the candidate.

Petitioner is a person aggrieved by the actions and legal interpretations of the State Board of Elections because those interpretations directly affected Petitioner's accepted candidacy for Rutherford Soil and Water Conservation District Supervisor and resulted in the alteration of Petitioner's candidate records without Petitioner's signature, consent, or prior notice.

II. Statutes, Rules, and Agency Authorities at Issue

This Petition concerns the interpretation and application of the following authorities:

- N.C.G.S. § 163-106
- N.C.G.S. § 163-165.5
- N.C.G.S. § 163-294.2
- N.C.G.S. § 163-82.16
- N.C.G.S. § 150B-4
- 08 NCAC 15 .0102
- The State Board of Elections' Nickname Guidelines
- Any unpublished policies, memoranda, advisory interpretations, or internal guidance relied upon by the State Board in making the determinations described herein.

III. Statement of Facts

Petitioner incorporates by reference the attached Statement of Facts Regarding Candidate Filing/ Ballot Name Determination together with the attached exhibits. In summary:

Before filing for office, Petitioner expressly informed the Rutherford County Board of Elections that the request involved the use of Petitioner's established religious name, Mortellus, rather than the use of a nickname. At that time Director Dawn Lovelace required the petitioner to text an image of their passport featuring the name and signature Mortellus, to Sr. Election Specialist Clay Randall, to demonstrate use of the name. Petitioner further clarified that the mononym is the name under which they are published. ***The County Board declined to accept the filing until guidance had been obtained*** from the State Board of Elections.

After consulting with the State Board, the County Board advised Petitioner to change Petitioner's voter registration to "Mortellus," in which case the mononym could appear on the ballot. Relying upon those instructions, Petitioner returned, and with the direct assistance of Director Dawn Lovelace and Angela Rhymer, changed their voter registration to reflect first name Mortellus, last name "Nln" (No last name), and completed the filing, paid the filing fee, and was accepted as a candidate. Petitioner's candidacy was certified and publicly listed. Director Lovelace instructed the petitioner to bring their passport on election day when voting, assuring the petitioner that they would be fine to vote under these circumstances.

Later that same day, the State Board reversed or modified its guidance and advised that Petitioner's ballot name instead would have to include a surname, and Director Dawn Lovelace noted that this was a requirement of how names are alphabetized on the ballot. Petitioner was informed that they would be required to sign an amended Notice of Candidacy.

Before executing any amended filing documents, Petitioner requested clarification concerning the legal basis for the State Board's interpretation and specifically requested guidance regarding the treatment of religious names under North Carolina election law.

The response received from the State Board and provided to the petitioner by Director Lovelace treated Petitioner's religious name as though it were merely a nickname and cited statutes governing nicknames, but did not address Petitioner's questions regarding religious names, constitutional considerations, or the authority relied upon for the actions subsequently taken.

While Petitioner's requests for clarification remained unresolved, Petitioner's candidate record, ballot designation, and voter registration were altered without Petitioner's execution of amended documents, without Petitioner's signature, without Petitioner's consent, and without prior notice.

IV. Questions Presented

Petitioner requests that the State Board issue a Declaratory Ruling answering the following questions.

Question One: Does North Carolina law require that every candidate's ballot name include a surname, or does the State Board possess discretion to recognize an established religious or mononymic public identity where doing so would not create voter confusion?

Question Two: When a candidate expressly identifies a name as a religious name rather than a nickname, does North Carolina law: (a) require the State Board to treat that religious name as a nickname; (b) recognize religious names as a legally distinct category; or (c) contain no provision governing religious names, leaving the issue unaddressed by statute or rule?

Question Three: After accepting a Notice of Candidacy, accepting the filing fee, certifying the candidacy, and publicly listing the candidate, what authority permits the State Board to **require** execution of amended filing documents?

Question Four: If amended filing documents are required, what authority permits the State Board or a county board of elections to alter an accepted Notice of Candidacy or associated candidate records without obtaining the candidate's execution of those amended documents?

Question Five: Did the State Board correctly interpret the statutes identified above when applying them to Petitioner's circumstances?

V. Why Petitioner Is Aggrieved

Petitioner is directly and personally affected by the legal interpretations and actions of the State Board of Elections. The Board's interpretation determined the name under which Petitioner may appear on the ballot, required amendment of an accepted Notice of Candidacy, and resulted in changes to Petitioner's candidate records without Petitioner's execution of amended filing documents, signature, consent, or prior notice.

Petitioner has, for many years, publicly conducted religious, professional, publishing, educational, and civic activities under the mononym "**Mortellus.**" It is the name by which the Petitioner is known within the community, by constituents, congregants, readers, colleagues, and members of the public. Petitioner's candidacy was initially accepted and publicly listed under that name.

By requiring Petitioner to appear on the ballot under a substantially different name, the Board's interpretation is alleged to undermine the very objective that ballot-name regulations are intended to serve: enabling voters to identify candidates accurately. Rather than reducing confusion, Petitioner contends that requiring a name by which Petitioner is not generally known is likely to create confusion among voters who know the candidate as "Mortellus," impair recognition of Petitioner's candidacy, and place Petitioner at a disadvantage in communicating with the electorate.

The challenged interpretation also affects Petitioner's ability to stand for public office under Petitioner's established religious and public identity and therefore directly affects Petitioner's legal rights and interests as a candidate.

For these reasons, Petitioner is a person aggrieved within the meaning of N.C.G.S. § 150B-4.

VI. Consequences of Failing to Issue a Declaratory Ruling

Failure to issue a Declaratory Ruling will leave unresolved important questions concerning the administration of North Carolina election law. Specifically, county boards of elections and future candidates will continue to lack published guidance regarding:

- the treatment of religious names;
- the treatment of mononyms;
- the distinction between religious names and nicknames;
- the authority of the State Board to alter accepted candidate filings;
- the procedures governing amendment of accepted Notices of Candidacy; *and*
- the procedures to be followed when a candidate disputes the legal basis for a ballot-name determination.

These questions are capable of recurring yet presently lack a published declaratory interpretation or administrative rule.

The need for a ruling is also time-sensitive. Candidate names must be finalized sufficiently in advance of ballot preparation and the mailing of absentee ballots. For the November 2026 general election, county boards begin issuing absentee ballots on September 4, 2026. Once ballots have been prepared and distributed, the practical ability to correct an erroneous ballot-name determination may be substantially diminished, and any error may affect both the administration of the election and voters' ability to identify candidates accurately.

A prompt Declaratory Ruling will therefore provide guidance not only for Petitioner's candidacy but also for county boards of elections in administering future filings involving religious names, mononyms, and other established public identities.

VII. Relief Requested

Petitioner respectfully requests that the State Board:

1. Accept this Petition for Declaratory Ruling.
2. Issue a written Declaratory Ruling pursuant to N.C.G.S. § 150B-4 addressing each of the Questions Presented.
3. Identify the statutory, regulatory, or other legal authority supporting each conclusion reached.
4. Identify any unpublished policies, memoranda, or internal guidance relied upon in reaching those conclusions.

Respectfully submitted,
High Priestex Mortellus