

## CHAPTER 01 – DEPARTMENTAL RULES

### **08 NCAC 01 .0101      AGENCY NAME: ADDRESS: AND HOURS**

The offices of the State Board of Elections are located at 441 North Harrington St., Raleigh, North Carolina, and the operating hours are 8:00 a.m. to 5:00 p.m., Monday through Friday.

*History Note:*      Authority G.S. 163-22;  
                                 Eff. March 12, 1976;  
                                 Amended Eff. May 1, 2012; January 1, 2004;  
                                 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017.

### **08 NCAC 01 .0102      DUTIES OF BOARD**

### **08 NCAC 01 .0103      MEETINGS OF BOARD**

*History Note:*      Authority G.S. 163-20; 163-22;  
                                 Eff. March 12, 1976;  
                                 Repealed Eff. June 1, 1988.

### **08 NCAC 01 .0104      PROCEDURES FOR POLITICAL COMMITTEES (TRANSFERRED TO 08 NCAC 21 .0201 EFF. MAY 1, 2020)**

### **08 NCAC 01 .0105      MUNICIPAL FINANCING OF ELECTION CAMPAIGNS**

*History Note:*      Authority G.S. 163-278.19; 163-278.21;  
                                 Temporary Adoption Eff. July 3, 2003;  
                                 Temporary Adoption Expired April 27, 2004.

### **08 NCAC 01 .0106      EMERGENCY POWERS OF EXECUTIVE DIRECTOR**

(a) In exercising his or her emergency powers and determining whether the "normal schedule" for the election has been disrupted in accordance with G.S. 163A-750, the Executive Director shall consider whether one or more components of election administration has been impaired. The Executive Director shall consult with State Board members when exercising his or her emergency powers if feasible given the circumstances set forth in this Rule.

(b) For the purposes of G.S. 163A-750, the following shall apply:

- (1) A natural disaster or extremely inclement weather include a:
  - (A) Hurricane;
  - (B) Tornado;
  - (C) Storm or snowstorm;
  - (D) Flood;
  - (E) Tidal wave or tsunami;
  - (F) Earthquake or volcanic eruption;
  - (G) Landslide or mudslide; or
  - (H) Catastrophe arising from natural causes resulted in a disaster declaration by the President of the United States or the Governor.
- (2) An armed conflict includes mobilization, pre-deployment, or deployment of active or reserve members of the United States armed forces or National Guard during a national emergency or time of war.

(c) The Executive Director acting under G.S. 163A-750 to conduct an election in a district where the normal schedule for the election is disrupted must ensure that remedial measures are calculated to offset the nature and scope of the disruption(s). In doing so, the Executive Director shall consider the following factors:

- (1) Geographic scope of disruption;
- (2) Effects on contests spanning affected and non-affected areas;
- (3) Length of forewarning and foreseeability of disruption;
- (4) Availability of alternative registration or voting opportunities;
- (5) Duration of disruption;
- (6) Displacement of voters or election workers;

- (7) Access to secure voting locations;
- (8) Sufficiency of time remaining for the General Assembly and the Governor to adopt emergency legislation addressing the disruption;
- (9) Detrimental effects on election integrity and ballot security; and
- (10) Aggregate effects on important Federal and State certification deadlines.

*History Note:* Authority G.S. 163A-750;  
Eff. October 1, 2018;  
Emergency Amendment Eff. March 20, 2020;  
Emergency Amendment Expired on June 18, 2020 pursuant to G.S. 150B-21.1A(d)(3).

#### **08 NCAC 01 .0107 POLITICAL PARTY FORMATION, TERMINATION, AND REINSTATEMENT**

(a) Pursuant to G.S. 163-97, a political party ceases to be a political party on the date the State Board certifies the general State election in which the political party failed to poll for its candidate for Governor, or for presidential electors, at least two percent of the entire vote cast in the State for Governor or for presidential electors. Any voter registration form received after that date by a county board of elections where the applicant chooses to affiliate with an expired political party shall be registered as "unaffiliated," except that if the person is already registered to vote in the county and that person's registration already contains a party affiliation, the county board of elections shall not change the registrant's political party affiliation.

(b) Notwithstanding Paragraph (a) of this Rule, a political party shall not cease to be a political party under G.S. 163-97 if it submits to the State Board of Elections by the date of the State canvass documentation that the group of voters had a candidate nominated by that group on the general election ballot of at least 70 percent of the states in the prior Presidential election.

(c) Voters affiliated with an expired political party shall be changed to "unaffiliated designation" as required by G.S. 163-97.1 on the twentieth day before the opening of the candidate filing period for the next regularly scheduled election held after the date the political party failed to continue its legal status as provided in G.S. 163-97.

(d) The State Board shall order the county boards of elections to change the registration affiliation of all voters who are recorded on the registration books as being affiliated with an expired political party at 5:00 p.m. on the 20<sup>th</sup> day before the opening of the candidate filing period for the next regularly scheduled election held after the date of expiration. Upon making the change, the county board of elections shall send each affected voter verification of the party change by mail in accordance with G.S. 163-82.17(b). However, an expired political party that submits to the State Board one of the following prior to noon on the twentieth day before the opening of the candidate filing period for the next regularly scheduled election held after the date of expiration shall not have its affiliated voters changed to "unaffiliated designation":

- (1) A petition approved pursuant to G.S. 163-96(a)(2). The political party shall comply with all other petition processes and deadlines in G.S. 163-96(a)(2), (b), and (c), including submitting the signatures to each county board of elections no later than 5:00 p.m. on the 15<sup>th</sup> day preceding the date the petitions are due to be filed with the State Board as provided in this Paragraph; or
- (2) Documentation that the group of voters had a candidate nominated by that group on the general election ballot of at least 70 percent of the states in the prior presidential election.

(e) For purposes of this Rule, "expired political party" means a party that failed to continue its legal status as provided in G.S. 163-97.

(f) Documentation required under G.S. 163-96(a)(3) for the creation of a political party and under Subparagraph (d)(2) of this Rule for the reinstatement of an expired political party shall include any official State or federal government source, including official election results or statistics from a state or federal government website or publication.

*History Note:* Authority G.S. 163-22; 163-97.1;  
Eff. September 1, 2021.