

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Elections

RULE CITATION: 08 NCAC 06B .0103

DEADLINE FOR RECEIPT: Wednesday, September 8, 2021

NOTE: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (b)(8), Page 2, lines 1 and 2, what do you mean by “unless the voting system design requires referenda to be before ballot items.”? Will your regulated public know? And this will be determined solely based upon the voting system design?

In (c), line 8, who does the candidate provide his or her name to – the county board?

How will the request on lines 8 and 9 be handled after it is received?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: August 24, 2021

1 08 NCAC 06B .0103 is amended with changes as publishes in 35:24 2675-2676 as follows:

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3 **08 NCAC 06B .0103 ARRANGEMENT OF OFFICIAL BALLOTS**

4 (a) After the close of the filing period, the State Board of Elections shall certify to the county boards of elections the
5 order of the offices and candidate names to be voted on the official ballot. The State Board of Elections shall provide
6 the text and arrangement of referenda to be voted on the official ballot.

7 (b) The order of precedence for ~~candidate~~ ballot items shall be as follows:

8 (1) ~~Federal Offices;~~ Offices:

9 (A) President and Vice President of the United States

10 (B) US Senate

11 (C) US House of Representatives

12 (2) ~~State Offices in the order certified by the State Board of Elections;~~ Offices:

13 (A) NC Governor

14 (B) NC Lieutenant Governor

15 (C) NC Attorney General

16 (D) NC Auditor

17 (E) NC Commissioner of Agriculture

18 (F) NC Commissioner of Insurance

19 (G) NC Commissioner of Labor

20 (H) NC Secretary of State

21 (I) NC Superintendent of Public Instruction

22 (J) NC Treasurer

23 (K) NC Supreme Court Chief Justice

24 (L) NC Supreme Court Associate Justice, in numerical order by seat number

25 (M) NC Court of Appeals Judge, in numerical order by seat number

26 (3) ~~District and local offices;~~ offices:

27 (A) NC Senate

28 (B) NC House of Representatives

29 (C) NC Superior Court Judge

30 (D) NC District Court Judge

31 (E) NC District Attorney

32 (4) ~~Non-partisan offices; and Partisan county offices~~

33 (5) ~~Referenda, unless the voting system design requires referenda to be before candidate ballot items.~~

34 Partisan municipal offices

35 (6) Nonpartisan county offices

36 (7) Nonpartisan municipal offices

1 (8) Referenda in the order of precedence established in G.S. 163-165.6(h), unless the voting system
2 design requires referenda to be before candidate ballot items.

3 Ballot items for offices in the same class shall be listed in alphabetical order by office name or in numerical or
4 alphabetical order by district name. Ballot items for full terms of an office shall be listed before ballot items for partial
5 terms of the same office. The term of the unexpired office only shall be listed as part of the title of the office.

6 (c) Names of candidates shall be printed in the exact form either certified by the State Board of Elections for those
7 candidates who are required to file the Notice of Candidacy with the State Board of Elections, by convention or by
8 petition. Candidates for all offices shall provide their name as it is to appear on the ballot. Candidates may request in
9 writing a change in the manner that their name is to appear on the ballot during the time the filing period is open. ~~For~~
10 partisan ballot items, the official ballot shall display party designation by listing a candidate's name followed by the
11 nominating political party and "Nominee." When a candidate qualifies by petition to appear on a partisan ballot item,
12 the official ballot shall display the candidate's name, followed by "Unaffiliated Candidate." This Paragraph applies to
13 ballot items for the general election.

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15 *History Note: Authority G.S. 163-22; 163-165.6;*
16 *Temporary Adoption Eff. April 15, 2002;*
17 *Eff. August 1, 2004;*
18 *Readopted Eff. June 1, 2019.*
19 *Amendment Eff. January 1, 2022.*