



Introduction

Center for Election Confidence, Inc. (“CEC”) is a non-profit organization recognized as a key “civil society group”¹ that promotes ethics, integrity, and professionalism in the electoral process. CEC works to ensure that all citizens can vote freely within an election system of reasonable procedures that promote election integrity, prevent vote dilution and disenfranchisement, and instill public confidence in election systems and outcomes.

CEC submits these comments concerning the proposed 08 NCAC 23 .0101 to the North Carolina State Board of Elections (“NCSBE” or “State Board”) in response to the Notice of Proposed Rules published at 40:14 *North Carolina Register* 1195-96 (Jan. 15, 2026).

CEC’s interest in this proposed rule relates directly to its purpose of “advancing the role of ethics, integrity, and legal professionalism in the electoral process, including safeguarding the right of eligible voters to vote” by undertaking efforts that “increas[e] confidence in election results and election systems”.²

Support for Proposed Rule

CEC supports the adoption of 08 NCAC 23 .0101 as part of the State Board’s larger efforts to ensure that only eligible American citizens resident in North Carolina are included on the state’s voter registration list.

The definitions included in Section 0.0101 are well-drafted, concise, and clear, represent the State Board’s practical and fair-minded approach to voter list maintenance, and accurately reflect the substantive requirements of North Carolina statutory law. In particular, CEC appreciates both the detail and clarity provided in the definitions for “documentation of citizenship” in subsection (6) and for “presumptive noncitizen” in subsection (9). The specific language in these definitions is vital because they represent the weight of the State Board’s responsibilities under G.S. § 163-82.14 (c1) to ensure that North Carolina’s voter registration lists do not contain identified non-citizens.

Proposed Definition: “Director of Elections”

CEC recommends that the State Board alter this phrase to include “county” as a descriptor (*i.e.*, “County Director of Elections”) in order to mirror the language used in the underlying statute and to reduce the likelihood of confusion between the “director of elections” referenced here and the Executive Director of the State Board. *See* G.S. § 163-35 and -26.

Proposed Definition: “Documentation of Citizenship”

This proposed rule will assist the State Board’s faithful compliance with the law by providing an enumerated definition for “documentation of citizenship” that includes a comprehensive list of documents that may be used generally to prove citizenship affirmatively. To the extent that the proposed definition may be read not to be limited to United States citizenship, CEC recommends that the State Board make this important distinction express.

¹ Elena Patel, Brookings Institute (Dec. 30, 2025), <https://www.brookings.edu/articles/when-a-postmark-no-longer-tracks-mailing/>.

² *About CEC*, Center for Election Confidence, <https://electionconfidence.org/about/>.

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Proposed Definition: “Presumptive Noncitizen”

The proposed rule will assist the State Board’s faithful compliance with the law by providing a detailed and concise definition of “presumptive noncitizen” that recognizes that the State Board may become aware of an individual’s status as a non-citizen including through methods not enumerated in G.S. § 163-82.14 (c1). This expansion through regulation is an appropriate exercise of the State Board’s authority pursuant to G.S. § 163-22 (a) to “make such reasonable rules and regulations with respect to the conduct of primaries and elections as it may deem advisable so long as they do not conflict” with the underlying statutory law. To the extent that the language of the proposed definition may be read to include only “information obtained by the State Board from official government records and databases”, CEC recommends that the State Board clarify that the State Board may also obtain useful information through the challenge process. *See* G.S. § 163-85 and -87.

Applicability to Challenges on Primary or Election Day

The State Board should either clarify applicability of this proposed rule to challenges filed on Primary or Election Day pursuant to G.S. § 163-87 or engage in a separate rulemaking to promulgate similar rules to govern such challenges.

Conclusion

The Center for Election Confidence urges the State Board to take the necessary steps to implement the proposals contained in this Comment for the benefit of North Carolina voters’ confidence in the state’s elections.

Respectfully submitted this 16th day of March 2026,

/s/ Caleb J. Hays
Chief Policy Counsel
Center for Election Confidence, Inc.