



## Introduction

Center for Election Confidence, Inc. (“CEC”) is a non-profit organization recognized as a key “civil society group”<sup>1</sup> 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 .0102 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”.<sup>2</sup>

## Support for Proposed Rule

CEC supports the adoption of 08 NCAC 23 .0102 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. CEC offers the included suggestions to ensure that the proposed rule accurately reflects the substantive requirements of North Carolina statutory law and is consistent with other rules proposed to amend Title 08 of the NCAC.

## Challenge Statement

The proposed rule would require any challenge to be filed using “a form provided by the State Board”, which must include the following statement:

The voter’s eligibility to remain registered to vote in North Carolina is being challenged because the county board of elections has been notified by the State Board of Elections that information available from official government records or databases indicates that the voter is not a U.S. citizen.

In order to provide complete information concerning the challenge, CEC recommends that the State Board amend the statement to include language that reflects (1) that the State Board may become aware of an individual’s status as a non-citizen including through means not enumerated in G.S. § 163-82.14 (c1), such as the challenge process; and (2) that the county board has also engaged in a “review [of] the county board’s records to determine if the presumptive noncitizen has previously provided documentation of citizenship.”

## Public Availability of Information Concerning Challenge Filing

To avoid confusion, the State Board should clarify the public availability of information concerning the challenge filing itself, including whether any filed challenge constitutes part of the voter’s official record of registration pursuant to G.S. § 163-82.10.

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

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

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**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  
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