



## 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 .0104 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 .0104 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 language of the proposed rule accurately reflects the substantive requirements of North Carolina statutory law.

## 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.

## Date Requirements for Notice to Challenged Voters

The proposed rule would require “the county board [to] send written notice of the challenge hearing to the challenged voter *no later than three business days after the county board has ordered the challenge to proceed* to a challenge hearing”; however, G.S. § 163-86 (b) requires that, “*at least 10 days prior to the hearing* scheduled under G.S. 163-86(c), the board of elections shall mail by first-class mail, a written notice of the challenge to the challenged voter.” (emphases added).

While these date requirements for notice to challenged voters set only minimum requirements and are not generally in inherent conflict, CEC recommends that the State Board clarify the language in the proposed rule to (1) acknowledge the date requirement in the underlying statute; (2) explain how the statutory date requirement and date requirement in the proposed rule function together; and (3) describe how the proposed rule’s date requirement would function with respect to challenges filed pursuant to G.S. § 163.87, for which a voter may already be present and the timing of which would not generally allow for a 10-day notice window.

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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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### **Inclusion of Written Decision in Voter’s Official Record of Registration**

In order to promote voter confidence, election integrity, and government efficiency, CEC recommends that the State Board consider methods for including the written decision discussed in Section .0104 (d) in the voter’s official record of registration. A full copy of such written decision should be maintained at least in the non-public version of the voter’s official record of registration unless the State Board otherwise makes such written decisions public, in which case the State Board should include a copy of the written decision in the publicly accessible version of the voter’s official record of registration.

Inclusion of the written decision in the voter’s official record of registration would support the efficient closure of any challenges filed against such voter on the same grounds because North Carolina law requires that “no challenge shall be sustained unless the challenge is substantiated by affirmative proof”. In this case, “affirmative proof” would need to explain why the county board of elections should re-examine a previously closed issue. G.S. § 163-90.1.

Moreover, inclusion in the public version of the voter’s official record of registration of a copy of the written decision, appropriately redacted if necessary to protect the voter’s privacy, would—barring substantiated allegations of changes to the voter’s citizenship status—also serve to limit further challenges filed against such voter on the same grounds. G.S. § 163-90.1 requires that “challenges . . . may only be made if the challenger, knows, suspects or reasonably believes such a person not to be qualified and entitled to vote”. The public availability of such information would put any would-be challenger on notice of the facts underlying the previous challenge.

### **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,

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