

## CHAPTER 15 – RULE-MAKING

### SECTION .0100 - PETITION FOR RULE-MAKING

#### **08 NCAC 15 .0101 INSTRUCTIONS FOR FILING A PETITION FOR RULE-MAKING**

(a) Any person may petition the State Board of Elections to adopt a new rule, or amend or repeal an existing rule, by submitting a rule-making petition to the office of the State Board of Elections. The petition shall be titled "Petition for Rule-making" and include the following information:

- (1) the name and address of the person submitting the petition;
- (2) a citation to any rule for which an amendment or repeal is requested;
- (3) a draft of any proposed rule or amended rule;
- (4) an explanation of why the new rule or amendment or repeal of an existing rule is requested and the effect of the new rule, amendment, or repeal on the procedures of the State Board of Elections; and
- (5) any other information the person submitting the petition considers relevant.

(b) The State Board of Elections shall decide whether to grant or deny a petition for rule-making within 120 days of receiving the petition. In making its decision, the Board shall consider the information submitted with the petition.

(c) When the State Board of Elections denies a petition for rule-making, it shall send written notice of the denial to the person who submitted the request. The notice shall state the reason for the denial. When the State Board of Elections grants a rule-making petition, it shall initiate rule-making proceedings and send written notice of the proceedings to the person who submitted the request.

*History Note:* Authority G.S. 150B-20;  
Eff. October 1, 2014.

#### **08 NCAC 15 .0102 DECLARATORY RULINGS: AVAILABILITY**

(a) The State Board of Elections may issue declaratory rulings pursuant to G.S. 150B-4. All requests for declaratory rulings shall be in writing and submitted to the office of the State Board of Elections.

(b) A request for a declaratory ruling shall include the following information:

- (1) the name and address of the petitioner;
- (2) the reference to the statute or rule in question;
- (3) a statement as to why the petitioner is a person aggrieved; and
- (4) the consequences of a failure to issue a declaratory ruling.

(c) A declaratory ruling shall not be issued on a matter requiring an evidentiary proceeding.

*History Note:* Authority G.S. 150B-4;  
Eff. October 1, 2014.