

SECTION .0400 - EXAMINATIONS

08 NCAC 21 .0401 EXAMINATIONS BY STATE BOARD OF ELECTIONS

(a) After completing an examination of reports for a given period, State Board staff shall submit in writing to the treasurer any requests to inspect detailed accounts, requests to inspect bank records, including checks or other written verifications of payment, or other questions related to a report's conformance to Article 22A, Article 22M, or to the truth, as set forth in G.S. 163-278.24. If a candidate committee, a copy of the correspondence shall also be submitted in writing to the candidate. The treasurer or assistant treasurer shall respond with the requested records or written answers to questions within 15 business days. An extension of time may be granted for good cause. To obtain an extension of time, the treasurer or assistant treasurer shall submit the request in writing within 15 business days of receiving the request for records or written answers. For purposes of this Rule, "good cause" exists when:

- (1) there is a death in the family of the candidate, treasurer, assistant treasurer, or custodian of books;
- (2) the candidate, treasurer, assistant treasurer, or custodian of books, or someone in his or her family, is ill or hospitalized;
- (3) the candidate, treasurer, assistant treasurer, or custodian of books is unable to provide a timely response due to a State-declared natural disaster;
- (4) there is any change in the name, address or email address of the treasurer within 10 calendar days preceding the submission of the written requests or questions; or
- (5) due to the complexity of the response required, State Board staff determines additional time is necessary for the committee to provide a sufficient response.

(b) State Board staff shall submit any subsequent requests to inspect detailed accounts, requests to inspect bank records, or other questions in writing to the treasurer. For each subsequent submission of requests or questions, the treasurer or assistant treasurer shall respond within 15 business days. An extension of time may be granted for good cause consistent with Paragraph (a) of this Rule.

(c) After the expiration of time for all requests and questions in Paragraphs (a) and (b) of this Rule, State Board staff shall prepare a draft examination memorandum. The draft examination memorandum shall set forth any potential prohibited transactions, reporting errors, or informational items identified by State Board staff during the examination. The draft examination memorandum shall include any recommendations for corrective actions and requests that the committee amend any reports. A copy of the draft examination memorandum shall be submitted in writing to the treasurer. If a candidate committee, a copy of the draft examination memorandum shall also be submitted in writing to the candidate. The treasurer or assistant treasurer shall respond in writing within 20 business days.

(d) After the expiration of time in Paragraph (c) of this Rule, State Board staff shall finalize the examination memorandum. State Board staff shall note any amended reports filed by the treasurer prior to the expiration of time in Paragraph (c) of this Rule. State Board staff shall publish a copy of the final examination memorandum and a copy of any written response provided by the treasurer or assistant treasurer on the State Board of Elections website.

(e) Any day that the State Board of Elections office is closed shall not be counted as a business day for the purpose of this Rule.

(f) This Rule shall not apply to any examination by a county board of elections of a committee that files reports with the county board of elections.

*History Note: Authority G.S. 163-278.8; 163-278.21;
Eff. September 1, 2021.*