CHAPTER 01 – DEPARTMENTAL RULES

SUBCHAPTER 01A - GENERAL

SECTION .0100 – ORGANIZATION OF DEPARTMENT

Codifier's Note: The rules in Chapter 01 were transferred to Subchapter 01A effective April 1, 2026.

18 NCAC 01A .0101 SECRETARY OF STATE

The Secretary of State is the head of the Department of the Secretary of State. The office of the Secretary of State is located in the Old Revenue Complex, 2 S. Salisbury Street, Raleigh, North Carolina. The mailing address is: North Carolina Department of the Secretary of State, P.O. Box 29622, Raleigh, North Carolina 27626-0622 and the normal business hours are 8:00 a.m. to 5:00 p.m.

History Note: *Authority G.S. 143A-19; 147-34;*
Eff. February 1, 1976;
Amended Eff. April 1, 2003; September 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017;
Transferred from 18 NCAC 02 .0102 Eff. April 1, 2024.

18 NCAC 01A .0102 STRUCTURE

History Note: *Authority G.S. 147-36;*
Eff. February 1, 1976;
Repealed Eff. September 1, 1988.

SECTION .0200 – PETITIONS FOR RULEMAKING

18 NCAC 01A .0103 PETITION FOR RULE-MAKING OR DECLARATORY RULING

(a) Petition for Rule-Making. Any person wishing to petition the Department of the Secretary of State requesting the adoption, amendment, or repeal of a rule shall submit his petition in writing to the Department of the Secretary of State, P.O. Box 29622, Raleigh, North Carolina 27626-0622, in the following form:

(1) Name and address of petitioner;
(2) Any employment or activity engaged in which would be affected by the adoption, amendment, or repeal of the rule;
(3) The text of the proposed rule, amendment or rule to be repealed;
(4) Any data or arguments in support of the petition.

The Secretary of State shall consider the contents of the petition, the opinion of his staff, and the comments of any other interested persons and render a decision within 30 days after submission of a petition.

(b) Petition for Declaratory Ruling. Any person aggrieved may submit a request in writing to the Department of the Secretary of State, P.O. Box 29622, Raleigh, North Carolina 27626-0622 for issuance of a declaratory ruling as to the validity of a rule or as to the applicability to a given state of facts of a statute administered by the department or of a rule or order of the department. A request for a declaratory ruling shall contain the following information:

(1) Name and address of person aggrieved;
(2) Substance of request;
(3) Manner in which the person is directly or indirectly affected substantially in their person, property, or public office or employment by the rule, statute or order of the department.

The Secretary of State shall not issue a declaration ruling if he finds that the person requesting the ruling is not directly or indirectly affected substantially in their person, property, or public office or employment by the rule, statute or order of the department which is the subject of the request; or if the ruling would adversely affect a pending contested case or judicial review of a final decision in a contested case.

History Note: *Authority G.S. 150B-18; 150B-20;*
Eff. December 10, 1980;
Amended Eff. April 1, 2003; November 1, 1988;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 20, 2015.

SECTION .0200 - EMPLOYEE RELATIONS PROGRAM (REPEALED)

18 NCAC 01A .0201 PURPOSE
18 NCAC 01A .0202 POLICY
18 NCAC 01A .0203 PROCEDURE

History Note: *Authority G.S. 126-34;*
Eff. February 1, 1976;
Repealed Eff. September 1, 1988.

SECTION .0300 - EQUAL EMPLOYMENT OPPORTUNITY (REPEALED)

18 NCAC 01A .0301 POLICY
18 NCAC 01A .0302 AFFIRMATIVE ACTION COMMITMENT

History Note: *Authority G.S. 126-16;*
Eff. February 1, 1976;
Repealed Eff. September 1, 1988.

SECTION .0400 - PETITION FOR RULEMAKING (REPEALED)

18 NCAC 01A .0401 CONTENTS OF PETITION
18 NCAC 01A .0402 SUBMISSION OF PETITION

History Note: *Authority G.S. 150A-16;*
Eff. February 1, 1976;
Repealed Eff. December 10, 1980.

SECTION .0500 - DECLARATORY RULINGS(REPEALED)

18 NCAC 01A .0501 RIGHT TO REQUEST
18 NCAC 01A .0502 CONTENTS OF REQUEST
18 NCAC 01A .0503 SUBMISSION OF REQUEST
18 NCAC 01A .0504 REFUSAL OF REQUEST

History Note: *Authority G.S. 150A-17;*
Eff. February 1, 1976;
Repealed Eff. December 10, 1980.

SECTION .0600 – RECORDS (REPEALED)

18 NCAC 01A .0601 INSPECTION
18 NCAC 01A .0602 COPIES

History Note: *Authority G.S. 25-9-407; 147-37; 132-6; 55-155; 55A-77;*
Eff. February 1, 1976;
Amended Eff. December 10, 1980; July 1, 1979;
Expired Eff. January 1, 2016 pursuant to G.S. 150B-21.3A.

SUBCHAPTER 01B GENERALLY APPLICABLE RUL RULES (RESERVED)

SECTION .0100 – GENERAL (RESERVED)

SECTION .0200 – FEES PAID TO THE DEPARTMENT (RESERVED)

SECTION .0300 – FILINGS – GENERAL (RESERVED)

SECTION .0400 – WAIVERS AND EXTENSIONS (RESERVED)

SUBCHAPTER 01C PETITIONS FOR RULEMAKING (RESERVED)

SECTION .0100 – GENERAL PROCEDURES (RESERVED)

SECTION .0200 – PETITION CONTENTS (RESERVED)

SECTION .0300 – DEPARTMENT ACTION ON PETITIONS (RESERVED)

SUBCHAPTER 01D REQUESTS FOR DECLARATORY RULINGS (RESERVED)

SECTION .0100 – GENERAL PROCEDURES (RESERVED)

SECTION .0200 – REQUESTS CONTENTS (RESERVED)

SECTION .0300 – DEPARTMENT ACTION ON REQUESTS (RESERVED)