ROCKINGHAM COUNTY
BOARD OF ELECTIONS

Agenda

Regular Meeting
November 17, 2026 @ 6:00 p.m.

Rockingham County Governmental Center
371 NC 65
Reidsville, NC 27320

This will not be live streamed at the following link:
https://www.rockinghamcountync.gov/mediacenter.aspx?id=21335&catid=70

1. Welcome / Call to Order — Chairman Powell
2. Pledge of Allegiance
3. Invocation – Pastor
   Church, Mayodan
4. Approval of Agenda
5. Consent Agenda
   Consent Agenda as follows will be adopted with a single motion, second, and vote, unless a request for removal from the Consent Agenda is heard from a Board Member.

   A. Approval of Board Minutes
      1. September 29, 2026, Absentee Meeting Minutes
      2. October 13, 2026, Absentee Meeting Minutes
      3. October 20, 2026, Absentee Meeting Minutes
      4. October 20, 2026, Regular Meeting Minutes
      5. October 27, 2026, Absentee Meeting Minutes
      6. November 2, 2026, Pre-Election Absentee Meeting Minutes
      7. November 3, 2026, Election Day Absentee Meeting Minutes
6. Public Comments
7. Precinct Chief Judges — Chairman Powell
8. Principles of Conduct for Electioneering Area Activity — Chairman Powell
9. Director's Updates
   a. 2026 General Election Information
10. Board Comments
11. Adjournment

BOARD MEETING MINUTES
SEPTEMBER 29, 2026 – 5:00 PM
ABSENTEE MEETING

The Rockingham County Board of Elections met Tuesday, September 29, 2026, at 5:00 pm at the Board of Elections Office, 240 Cherokee Camp Road, Reidsville.

Board Members Present: Don Powell, Chairman; Bert Jones, Secretary; Basil Harris, Member; and Ophelia Wright, Member.

Absent: Sarah Totten, Member.

Staff Members Present: Paula Seamster, Director and Michelle Evans, Senior Deputy Director.

ITEM #1 – MEETING CALLED TO ORDER
The Board meeting was called to order at 5:00 pm by Chairman Powell.

ITEM #2 – APPROVAL OF AGENDA
Member Wright moved, seconded by Member Harris, to approve the agenda. The motion carried unanimously.

ITEM #3 – ABSENTEES
The Director stated that 376 Absentee Ballots had been mailed out. She stated that there were 36 absentee ballots for the Board to review, 27 Civilian absentee ballots with Photo IDs, 4 Civilian absentee ballots with Photo ID Exception Forms, and 5 Overseas absentee ballots.

She explained that the envelopes with the paperclips are the absentee ballots that were turned into the office.

The Director asked the Board if they would like to go through the absentee ballots separately by category or collectively. The Board stated that they would like to review each category separately.

The Director asked the Board if they would like to have a non-partisan team to duplicate the military and overseas ballots. The Board stated that they would like to perform the duplicating of the overseas and military ballots.

The Director informed the Board that the first category is the 36 Civilian Absentee ballots with photo IDs.

The Board began to review and open the 36 absentee ballots with photo IDs that had been received into the office, date stamped when received, and the ballot envelopes were reviewed by staff to make sure the requirements were met for eligibility.

Secretary Jones moved, seconded by Member Harris, to approve the 27 absentee ballots with photo IDs that were received. The motion carried unanimously.

BOARD MEETING MINUTES
SEPTEMBER 29, 2026 – 5:00 PM
ABSENTEE MEETING

The Director informed the Board that the next category is the 4 Civilian Absentee ballots with photo ID Exception forms.
The Board began to review and open the 4 absentee ballots with photo ID Exception Forms that had been received into the office, date stamped when received, and the ballot envelopes were reviewed by staff to make sure the requirements were met for eligibility.

Member Wright moved, seconded by Member Harris, to approve the 4 absentee ballots with photo ID Exception Forms that were received. The motion carried unanimously.

The Director informed the Board that the last category is the 5 Overseas Absentee ballots.

The Board began to duplicate and review the 5 absentee ballots that had been received via email, date stamped when received and were reviewed by staff to make sure the requirements were met for eligibility.

Member Jones moved, seconded by Member Harris, to approve the 5 Overseas ballots with that were received. The motion carried unanimously.

The Director inserted 36 absentee ballots into the DS200, the ballot count on the DS200 was 36.

ITEM #4 – ADJOURNMENT
At 5:52 p.m. **Member Harris moved, seconded by Secretary Jones to adjourn. The motion carried unanimously.**

Respectfully submitted,

Paula P. Seamster, Director

Don Powell, Chairman

BOARD MEETING MINUTES
OCTOBER 13, 2026 – 5:00 PM
ABSENTEE MEETING

The Rockingham County Board of Elections met Tuesday, October 13, 2026, at 5:00 pm at the Board of Elections Office, 240 Cherokee Camp Road, Reidsville.

Board Members Present: Don Powell, Chairman; Bert Jones, Secretary; Basil Harris, Member; Sarah Totten, Member; and Ophelia Wright, Member.

Staff Members Present: Paula Seamster, Director and Michelle Evans, Senior Deputy Director.

ITEM #1 – MEETING CALLED TO ORDER
The Board meeting was called to order at 5:00 pm by Chairman Powell.

ITEM #2 – APPROVAL OF AGENDA
Member Totten moved, seconded by Member Wright, to approve the agenda. The motion carried unanimously.

ITEM #3 – ABSENTEES
The Director stated that 563 Absentee Ballots had been mailed out and that the Board had approved 36 absentee ballots. She stated that there were 69 absentee ballots for the Board to review, 50 Civilian absentee ballots with Photo IDs, 12 Civilian absentee ballots with Photo ID Exception Forms, and 7 Overseas absentee ballots.

She reminded the Board about the envelopes with the paperclips are the absentee ballots that were turned into the office.

Chairman Powell ask the Board if it wanted to split the ballots in half and to have one Republican and one Democrat view the absentee ballots. Member Totten stated that she thought the full Board should review each of the ballots just in case someone missed something. Chairman Powell stated that 3 of the Board members would be reviewing the ballots. Member Wright agreed with Member Totten.

Director Seamster explained to the Board about expired Driver's Licenses.

The Director stated that the first category was the 50 Civilian Absentee ballots with photo IDs.

The Board began to review and open the 50 absentee ballots with photo IDs that had been received into the office, date stamped when received, and the ballot envelopes were reviewed by staff to make sure the requirements were met for eligibility.

Secretary Jones moved, seconded by Member Totten, to approve the 50 absentee ballots with photo IDs that were received. The motion carried unanimously.

The Director stated the next category was the 12 Civilian Absentee ballots with photo ID Exception forms.

BOARD MEETING MINUTES
OCTOBER 13, 2026 – 5:00 PM
ABSENTEE MEETING

The Board began to review and open the 12 absentee ballots with photo ID Exception Forms that had been received into the office, date stamped when received, and the ballot envelopes were reviewed by staff to make sure the requirements were met for eligibility.

Member Totten moved, seconded by Member Harris, to approve the 12 absentee ballots with photo ID Exception Forms that were received. The motion carried unanimously.

The Director informed the Board that the last category is the 7 Overseas Absentee ballots.

The Board began to duplicate and review the 7 absentee ballots that had been received via email, date stamped when received and were reviewed by staff to make sure the requirements were met for eligibility.

Secretary Jones moved, seconded by Member Harris, to approve the 7 Overseas ballots with that were received. The motion carried unanimously.

The Director inserted 69 absentee ballots into the DS200, the ballot count on the DS200 was 105.

ITEM #4 – ADJOURNMENT
At 6:18 p.m. **Member Totten moved, seconded by Member Wright to adjourn. The motion carried unanimously.**

Respectfully submitted,

Paula P. Seamster, Director

Don Powell, Chairman

BOARD MEETING MINUTES
OCTOBER 20, 2026 – 5:00 PM
ABSENTEE MEETING

The Rockingham County Board of Elections met Tuesday, October 20, 2026, at 5:00 pm at the Board of Elections Office, 240 Cherokee Camp Road, Reidsville.

Board Members Present: Don Powell, Chairman; Bert Jones, Secretary; Basil Harris, Member; Sarah Totten, Member; and Ophelia Wright, Member.

Staff Members Present: Paula Seamster, Director and Polly Makins, Deputy Director.

ITEM #1 – MEETING CALLED TO ORDER
The Board meeting was called to order at 5:00 pm by Chairman Powell.

ITEM #2 – APPROVAL OF AGENDA
Member Totten moved, seconded by Member Wright, to approve the agenda. The motion carried unanimously.

ITEM #3 – ABSENTEES
The Director stated that 670 Absentee Ballots had been mailed out and that the Board had approved 105 absentee ballots. She stated that there were 84 absentee ballots for the Board to review, 64 Civilian absentee ballots with Photo IDs, 16 Civilian absentee ballots with Photo ID Exception Forms, 2 Military absentee ballots, and 2 Overseas absentee ballots.

The Director stated that the first category was the 64 Civilian Absentee ballots with photo IDs.

The Board began to review and open the 64 absentee ballots with photo IDs that had been received into the office, date stamped when received, and the ballot envelopes were reviewed by staff to make sure the requirements were met for eligibility.

Secretary Jones moved, seconded by Member Totten, to approve the 64 absentee ballots with photo IDs that were received. The motion carried unanimously.

The Director stated the next category was the 16 Civilian Absentee ballots with photo ID Exception forms.

The Board began to review and open the 16 absentee ballots with photo ID Exception Forms that had been received into the office, date stamped when received, and the ballot envelopes were reviewed by staff to make sure the requirements were met for eligibility.

Member Harris moved, seconded by Member Wright, to approve the 16 absentee ballots with photo ID Exception Forms that were received. The motion carried unanimously.

The Director informed the Board that the next category is the 2 Military Absentee ballots.

BOARD MEETING MINUTES
OCTOBER 20, 2026 – 5:00 PM
ABSENTEE MEETING

The Board began to duplicate and review the 2 absentee ballots that had been received via email, date stamped when received and were reviewed by staff to make sure the requirements were met for eligibility.

Member Wright moved, seconded by Member Harris, to approve the 2 Military ballots with that were received. The motion carried unanimously.

The Director informed the Board that the last category is the 2 Overseas Absentee ballots.

The Board began to duplicate and review the 2 absentee ballots that had been received via email, date stamped when received and were reviewed by staff to make sure the requirements were met for eligibility.

Secretary Jones moved, seconded by Member Wright, to approve the 2 Overseas ballots with that were received. The motion carried unanimously.

The Director inserted 64 absentee ballots into the DS200, the ballot count on the DS200 was 189.

ITEM #4 – ADJOURNMENT
At 6:20 p.m. **Member Wright moved, seconded by Member Totten to adjourn. The motion carried unanimously.**

Respectfully submitted,

Paula P. Seamster, Director

Don Powell, Chairman

BOARD MEETING MINUTES
OCTOBER 20, 2026 – 5:30 PM
REGULAR MEETING

The Rockingham County Board of Elections met Tuesday, October 20, 2026, at 5:30 p.m. at the Rockingham County Governmental Center in the Commissioners Chamber.

Board Members Present: Don Powell, Chairman; Bert Jones, Secretary; Basil Harris, Member; Sarah Totten, Member; and Ophelia Wright, Member.

Staff Members Present: Paula Seamster, Director.

ITEM #1 – MEETING CALLED TO ORDER
Chairman Powell called the Board meeting to order at 6:27 p.m.

ITEM #2 – PLEDGE OF ALLEGIANCE
Chairman Powell asked Wally White, former Board member, to lead the Pledge of Allegiance.

ITEM #3 – INVOCATION
Invocation was given by Polly Makins, Board of Elections Deputy Director.

ITEM #4 – APPROVAL OF THE AGENDA
Member Wright moved, seconded by Member Harris, to approve the agenda. The motion carried unanimously.

ITEM #5 – CONSENT AGENDA

Member Totten moved, seconded by Member Harris, to approve the Consent Agenda containing the Regular Meeting Minutes of August 18, 2026. The motion carried unanimously.

ITEM #6 – PUBLIC COMMENTS
Chairman Powell asked the Director to read the Public Comments Policy.

Jeff Webster –

"Jeff Webster, 4135 NC Highway 135, Stoneville. Thanks to all of you for your diligence curing the ballots and counting the ballots. It is not an envious thing to do and I appreciate the diligence that you use in doing that. Our early voting started and like many of you I have been to all the precincts at the four locations. Most everything seems to be going well, however I have been told of some concerns at the new Eden early voting site, the Bridge Street Recreation Center, and I have been down there a couple of times and I understand how it could be difficult. I think the biggest thing is where the curbside voting is at the end of the park. If you're familiar with that building, at the very end and the handicap spaces are right here. I, as many of you know retired from the post office. We weren't allowed to back up, they didn't want us backing up because they claimed more accidents happen that way, and it does require backing to get out of there. Then on top of that, you know that handicap space is there, which there are two handicap spaces close by but there are a lot of people that don't have the best mobility that are not, that don't quite qualify as handicapped that have to walk a good distance there. If it was possible to find another way in and out of there as most of the parking spaces are on the far end of the building, which actually would be right off Early Avenue. You could come in on that side. There are spaces out on the street but you know it's a side street and it's not a lot of

traffic but you know people do come down streets way too fast sometime and I was actually told today, I wasn't aware of this, that it was a candidate, that someone backed into his truck down there, I think it was Friday. I would like to see some kind of different set up there in the interest of safety. We certainly don't want any kind of incident with safety. I would also like to encourage you, I know sometime it's not a lot on the agenda and you don't have a lot to discuss, but still, I don't know if y'all realize it but people actually look forward to your meetings and you wouldn't believe how many people will message me and say when is the next Board of Elections meeting. I can understand cancelling it for inclement weather. We don't want to risk anyone's safety but I, it's your communication with the public and it's the public's chance to speak with you and I would encourage you to do that. Thank you so much. Appreciate you all."

Chairman Powell thanked Mr. Webster.

ITEM #7 – RESOLUTION TO COUNT EARLY VOTING BALLOTS EARLY ON ELECTION DAY

Chairman Powell asked the Director to read the resolution:

RESOLUTION OF THE ROCKINGHAM COUNTY
To Count Early Voting Ballots at 5:00 p.m. on Election Day

WHEREAS, Be it hereby resolved, that in accordance with N.C.G.S 163-182.2(a1), the Rockingham County Board of Elections will begin counting early voting ballots for the General Election on Tuesday, November 3, 2026, at 5:00 p.m. at the following location: 240 Cherokee Camp Road, Reidsville, NC 27320.

WHEREAS, vote counting of early voting ballots will be conducted in the presence or under the supervision of county board members of all political parties then present. The results of the early voting ballot count will not be announced before the close of the polls at 7:30 p.m. on Election Day.

WHEREAS, any member of the public may attend these meetings and observe the counts.

Approved this 20th day of October 2026.

Member Wright moved, Secretary Jones seconded, motion carried with a unanimous vote.

ITEM #8 – DISCUSSION ON CANCELLATION OF MEETINGS

Member Wright stated that quite a few meetings have been cancelled and people were asking why. She asked that the Board discuss this issue. Chairman Powell stated that he cancelled the last meeting because the only item on the agenda was to approve the August minutes and he felt it was a waste of time to ask the Board members and employees to come to a meeting when there was no action to be taken. Mr. Webster stated that the people like to watch our meetings but the meeting would have been over in a couple of minutes. He stated he doesn't have a problem having a meeting as long as there is action is to be taken. Very seldom, except for the mandatory meetings that are regulated by the

State, do we have action to be taken. Chairman Powell added that this was discussed when he became Chairman and he made it clear that the Board may not have a meeting every month but if they did, it would be scheduled for the third Tuesday at 6:00 pm. He added that after seeing this on the agenda, he looked at the General Statutes and that there wasn't much pertaining to cancellation of meetings. On our website, the meetings are listed as tentative.

Member Harris stated he would not to want to change the meetings from the third Tuesday because he schedules his life around that date. Chair Powell stated that the meetings would remain on the third Tuesday, the question was did the Board want to make it mandatory regardless if there was no action to be taken by the Board.

Member Totten stated that in order to keep the public informed, could a notice be sent out letting the public know there will be no called meeting for that particular month. This would make the Board more transparent to the public.

Member Wright stated that it would also make it more transparent to the Board members and they could make a decision as a Board and not just state that the Board is not going to meet. Chairman Powell responded that he disagreed, adding there is no reason to make a decision as a Board if there is nothing on the calendar. If there is something the Board needs to discuss and it requires Board action, if the Board wanted or needed to cancel the meeting, for example due to inclement weather, then Ms. Seamster would call the Board members and take notice of what they want to do. Chairman Powell added that the language on our website could state there is a called meeting for the particular month on the third Tuesday at 6:00. When the notice is sent out, it will state there is a called meeting for the month or there is no called meeting for said month. Chairman Powell stated that the only time he is going to cancel a meeting is if there is no action to be taken.

Member Totten agreed with changing the language on the website and the notices in order to be more transparent with the public. She also agreed there was no reason to have a meeting if there is nothing to discuss. She added it is important to keep the public informed.

Chairman Powell added that there would never be a need for a cancellation and the called meetings will be done according to the statutes where the chair can call a meeting or three Board members together can call a meeting.

Member Harris asked in case of a cancellation will there be an established prior notice time period. Ms. Seamster stated that you must give at least a 48 hour notice. She added that she sends out the agendas on the Thursday before the meetings and in keeping with that schedule, she would send out the cancellation notices at that time or before.

Member Wright stated that the agenda should be sent out so the Board can see what is on it because they might want to see some things placed on the agenda that the public may want to see that are not necessarily action items. She added that Chairman Powell, when he first came on the Board, would call the other members to see if they wanted to have a meeting. Member Totten clarified with Ms. Seamster that she does still send out the agenda in case the members want to add items to it.

Member Totten moved, Secretary Jones seconded that the language on the website will be changed to "called meetings" and if there is not going to be a meeting in that month, it will state no "called meeting". A notice will be sent out stating there is a "called meeting" for this month on the third Tuesday at 6:00pm or there is no "called meeting" for this month. Motion carried 3 - 2 with Wright and Harris casting dissenting votes.

Member Harris stated it should be etched in stone unless it is cancelled.

Chairman Powell stated that it follows the General Statutes and the School of Government. Nothing is really changing, just the language from "meeting" to "called meeting". If there are items to discuss, then a meeting will be held on the third Thursday at 6:00 pm and a notice will be sent stating this. If there is no business to discuss, then there will be no called meeting held for that month and a notice will be sent stating there is no called meeting for this month.

Secretary Jones stated that to alleviate any confusion, the only difference would be if someone was counting on coming to the meeting and had been told there would be a meeting, they will know that the meeting is not going to be held due to the notice being sent out that there would be no called meeting.

Member Totten stated this is just an effort to keep the public better informed instead of not saying anything when a meeting is cancelled.

Member Wright said that the Board receives numbered memos and they are very important. She stated the public should know some of this information. Chairman Powell asked if the numbered memos are placed on the website. Ms. Seamster replied that they are on the State Board website and if there are press releases, she forwards them. Also, if the State says to share information with your voters, she shares it.

Chairman Powell said if a numbered memo is sent out that needs to be shared with the voters, then it will be placed on the agenda and the Board can decide if a meeting needs to be held. During the arguments for and against Sunday voting, the State Board complimented the Rockingham County Board on the increased number of votes in the county.

Secretary Jones stated that the Board is trying to address the concerns voiced here tonight.

Chairman Powell said that he had stated in his first meeting as the Chairman that the Board would probably not hold a meeting every month. He feels that these changes will better align with what the General Statutes state and what the public expects.

ITEM #9 – ADDITIONS TO THE AGENDA TO INFORM THE PUBLIC ON VOTING REMINDERS

Member Wright read from an earlier distributed list of reminders that the public needed to hear:

a. Check the polling places and voter status
b. Visit the NC State Board website
c. Find your assigned polling place
d. Confirm you voter status is ACTIVE

e. Provisional ballots – if you vote at a location other than your assigned polling place you must vote provisional
f. Photo ID required. Bring a valid NC driver's license or passport. Photo ID can be made at the Board of Elections office
g. Election day is November 3, 6:30 am – 7:30 pm
h. Early voting in person is Thursday, October 15, 2026 – Saturday, October 31, 2026 (Halloween). There is no Sunday voting.
i. Absentee by mail request deadline is today at 5:00 pm
j. Absentee by mail return ballot deadline - must reach the Rockingham County Board of Elections by 7:30pm Election Day, November 3, 2026
k. Stay updated. Visit the Rockingham County Board of Elections website for changes, reminders, polling locations, polling sites, notifications and etc. This list will be posted at all polling locations.
l. No photos of ballots. It is illegal
m. If a poll worker writes on your ballot, do not ask for another one. There is a reason they write on it so it will be easier to locate in case a ballot has to be pulled.

Chairman Powell informed that the public can expect to see an election worker writing on the ballot. It does not invalidate your ballot. As a matter of fact, if there is a problem with your ballot, the machine will spit it back out and the election worker can assist you in correcting whatever is wrong. Chairman Powell urged voters not to take their information from social media. He also informed the Board that there had been issues with electioneers/candidates putting up tents at the precincts. These tents are not republican or democrat tents. Anyone can use them. Tents must be taken down each evening due to safety issues with wind possibly blowing tents onto cars or property.

Member Totten asked if the guidelines (Principles of Conduct) was distributed to everyone. Ms. Seamster stated that coworkers had this in their notebooks, but wasn't sure if it was done until after Friday. Tents are to be shared by everyone. Just be kind

Chairman Powell asked the Director to look at the Bridge Street precinct to see if any of Mr. Webster's suggestions can be implemented. The Eden site was moved after the Primary due to complaints, but sites are limited.

ITEM #10 – DIRECTOR'S UPDATES

a. The 2026 General Election Reminders in your packets have the Early Voting Schedule and locations.
    1. Eden is Bridge Street Recreation Center, 319 Bridge Street, Eden;
    2. Reidsville is Penn Rose Mall in the old Strader's Shoe Store, 1531 S. Scales Street, Reidsville;
    3. The western part of the county is at the Madison-Mayodan Library, 611 Burton St, Madison;
    4. Rockingham County Board of Election office, 240 Cherokee Camp Road.

a. Election Day Site locations are the same as the Primary election. No voting at the Board of Elections on Election Day, November 3. A voter must go to their assigned precinct.
   1. Draper – Mill Avenue Recreation Center, 1718 Mill Avenue, Eden
   2. Eden – Douglass Elementary School, 408 Price Street, Eden
   3. Eden Central – Morehead High School, 134 N. Pierce Street, Eden
   4. Hogans 1 – Comer's Chapel, 1981 Bald Hill Loop, Madison
   5. Huntsville 1 – Huntsville Elementary School, 2020 Sardis Church Road, Madison
   6. Monroeton - Monroeton Elementary School, 8081 US 158 W., Reidsville
   7. Lincoln 1 – Lincoln Elementary School, 2660 Oregon Hill Road, Ruffin
   8. Reidsville 1 – Reidsville Elementary School, 419 Moss Street, Reidsville
   9. Reidsville 2 – Reidsville Middle School, 1903 S. Park Drive, Reidsville
   10. New Bethel – Bethany Elementary School, 271 Bethany Road, Reidsville
   11. Rock Central – Rockingham County Agricultural Building, 525 NC 65, Reidsville
   12. Stoneville – Sharon Community Outreach Center, 126 Deaton Loop, Stoneville
   13. Williamsburg – Williamsburg Elementary School, 2830 NC 87, Reidsville
   14. Western 1 – Madison Mayodan Public Library, 611 Burton Street, Madison

Voters can go to the State Board Website ncsbe.org, click on voting and find your voting location. Voters can also call the local Board of Elections office.

Chairman Powell stated that during the Primary, people were hanging signs in the shrubbery and trees. He instructed Ms. Seamster to please make sure the Chief Judges know this will not be tolerated. If they refuse to remove the signs, the person responsible for putting them up will be removed from that location. Chairman Powell also stated that at all of our precincts, we have a place for our workers to park, a place for our voting public to park, and the electioneers can find a place to park. We want to make sure we have available parking for the voters. Member Wright asked if someone has a problem at a voting location, how it should be handled. Ms. Seamster replied that the person should see the Chief Judge immediately and let them take care of it. Chairman Powell stated that the Board does not want any problems at our locations and encouraged Ms. Seamster to remind the Chief Judges to adequately take care of any problems that arise. Also, if people from the media or Political Action Committee (PAC)S come to the Board of Elections office, they should remain outside so as not to infringe on a voter's privacy when speaking with staff.

ITEM #11 – BOARD COMMENTS

Member Harris stated he had nothing to say right now.

Member Totten thanked everyone for coming out and for those who watched them. She asked if the meeting was live streamed and was told that it was not, but that the recording will be put on the website. She stated that she appreciated all that was done to make the meeting go smoothly.

Member Wright thanked everyone for coming out and hoped that something was said that can get one more voter to the precinct. She thanked everybody.

Secretary Jones, "I know all of us want to extend our appreciation to Ms. Seamster and staff here at the Board of Elections, and all of the precinct judges, workers and everybody that is working very hard to make things go smoothly. We appreciate the good job that they are doing".

Chairman Powell stated "I will echo that comment too, we thank all of our workers, those that volunteer year after year and Ms. Seamster and her staff for what they do. I will say that it looks like early voting has gotten off to a tremendous start and all the precincts are doing very well. If you haven't voted, get out and vote."

ITEM #12 – ADJOURNMENT
At 7:22 p.m. **Member Wright moved, seconded by Member Totten to adjourn. The motion carried unanimously.**

Respectfully submitted,

Paula P. Seamster, Director

Don Powell, Chairman

BOARD MEETING MINUTES
OCTOBER 27, 2026 – 5:00 PM
ABSENTEE MEETING

The Rockingham County Board of Elections met Tuesday, October 27, 2026, at 5:00 pm at the Board of Elections Office, 240 Cherokee Camp Road, Reidsville.

Board Members Present: Don Powell, Chairman; Bert Jones, Secretary; Basil Harris, Member; Sarah Totten, Member; and Ophelia Wright, Member.

Staff Members Present: Paula Seamster, Director and Michelle Evans, Senior Deputy Director.

ITEM #1 – MEETING CALLED TO ORDER
The Board meeting was called to order at 5:00 pm by Chairman Powell.

ITEM #2 – APPROVAL OF AGENDA
Member Totten moved, seconded by Member Wright, to approve the agenda. The motion carried unanimously.

ITEM #3 – ABSENTEES
The Director stated that 691 Absentee Ballots had been mailed out and that the Board had approved 189 absentee ballots. She stated that there were 83 absentee ballots for the Board to review, 62 Civilian absentee ballots with Photo IDs, 16 Civilian absentee ballots with Photo ID Exception Forms, 1 Military absentee ballot, and 4 Overseas absentee ballots.

The Director stated that the first category was the 62 Civilian Absentee ballots with photo IDs.

The Board began to review and open the 62 absentee ballots with photo IDs that had been received into the office, date stamped when received, and the ballot envelopes were reviewed by staff to make sure the requirements were met for eligibility.

Member Totten moved, seconded by Member Wright, to approve the 62 absentee ballots with photo IDs that were received. The motion carried unanimously.

The Director stated the next category was the 16 Civilian Absentee ballots with photo ID Exception forms.

The Board began to review and open the 16 absentee ballots with photo ID Exception Forms that had been received into the office, date stamped when received, and the ballot envelopes were reviewed by staff to make sure the requirements were met for eligibility.

Member Totten moved, seconded by Member Wright, to approve the 16 absentee ballots with photo ID Exception Forms that were received. The motion carried unanimously.

The Director informed the Board that the next category is the 1 Military Absentee ballot.

BOARD MEETING MINUTES
OCTOBER 27, 2026 – 5:00 PM
ABSENTEE MEETING

The Board began to duplicate and review the 1 absentee ballot that had been received via email, date stamped when received and were reviewed by staff to make sure the requirements were met for eligibility.

Member Totten moved, seconded by Member Wright, to approve the 1 Military ballot with that was received. The motion carried unanimously.

The Director informed the Board that the last category is the 4 Overseas Absentee ballots.

The Board began to duplicate and review the 4 absentee ballots that had been received via email, date stamped when received and were reviewed by staff to make sure the requirements were met for eligibility.

Member Harris moved, seconded by Secretary Jones, to approve the 3 Overseas ballots that were received. The motion carried unanimously.

Member Totten moved, seconded by Member Wright to disapprove the 1 Overseas ballot that needed to be cured. The motion carried Unanimously.

The Director inserted 83 absentee ballots into the DS200, the ballot count on the DS200 was 271.

Chain of Command and Polling Place Guidelines

Chairman Powell stated that he had contact the State Board's attorney in an effort to establish the proper chain of command. He added that he had been guilty of saying things to the electioneers.

Member Wright stated that if something is going on and if the Chief Judge does not take care of it the situation should be sent to the Director.

Chairman Powell stated that if a Board Member feels like the matter is not resolved let the Director know. He added that the only person that reports to the Board is the Director and some of the issues may end up coming before the Board in a hearing. Chairman Powell stated that he found it in the law where the Board delegates certain duties to the director. The Director responded that it is in the Delegation of Authority.

Member Wright asked who handles the issues an hour after the office closes. The director responded that if she was not in the office that staff would contact her.

ITEM #4 – ADJOURNMENT
At 6:30 p.m. **Member Jones moved, seconded by Member Totten to adjourn. The motion carried unanimously.**

Respectfully submitted,

Paula P. Seamster, Director

Don Powell, Chairman

BOARD MEETING MINUTES
NOVEMBER 2, 2026 – 5:00 PM
ABSENTEE MEETING

The Rockingham County Board of Elections met Monday, November 2, 2026, at 5:00 pm at the Board of Elections Office, 240 Cherokee Camp Road, Reidsville.

Board Members Present: Don Powell, Chairman; Bert Jones, Secretary; Basil Harris, Member; Sarah Totten, Member; and Ophelia Wright, Member.

Staff Members Present: Paula Seamster, Director and Michelle Evans, Senior Deputy Director.

ITEM #1 – MEETING CALLED TO ORDER
The Board meeting was called to order at 5:00 pm by Chairman Powell.

ITEM #2 – APPROVAL OF AGENDA
Member Wright moved, seconded by Member Totten, to approve the agenda. The motion carried unanimously.

ITEM #3 – ABSENTEES
The Director stated that 695 Absentee Ballots had been mailed out and that the Board had approved 271 absentee ballots. She stated that there were 109 absentee ballots for the Board to review, 74 Civilian absentee ballots with Photo IDs, 28 Civilian absentee ballots with Photo ID Exception Forms, 2 Military absentee ballots, and 5 Overseas absentee ballots.

The Director stated that the first category was the 74 Civilian Absentee ballots with photo IDs.

The Board began to review and open the 74 absentee ballots with photo IDs that had been received into the office, date stamped when received, and the ballot envelopes were reviewed by staff to make sure the requirements were met for eligibility.

Member Harris moved, seconded by Member Totten, to approve the 74 absentee ballots with photo IDs that were received. The motion carried unanimously.

The Director stated the next category was the 28 Civilian Absentee ballots with photo ID Exception forms.

The Board began to review and open the 28 absentee ballots with photo ID Exception Forms that had been received into the office, date stamped when received, and the ballot envelopes were reviewed by staff to make sure the requirements were met for eligibility.

Member Totten moved, seconded by Member Harris, to approve the 28 absentee ballots with photo ID Exception Forms that were received. The motion carried unanimously.

The Director informed the Board that the next category is the 2 Military Absentee ballots.

BOARD MEETING MINUTES
NOVEMBER 2, 2026 – 5:00 PM
ABSENTEE MEETING

The Board began to duplicate and review the 2 absentee ballots that had been received via email, date stamped when received and were reviewed by staff to make sure the requirements were met for eligibility.

Member Wright moved, seconded by Member Harris, to approve the 2 Military ballots with that was received. The motion carried unanimously.

The Director informed the Board that the last category is the 5 Overseas Absentee ballots.

The Board began to duplicate and review the 5 absentee ballots that had been received via email, date stamped when received and were reviewed by staff to make sure the requirements were met for eligibility.

Member Totten moved, seconded by Member Wright, to approve the 5 Overseas ballots that were received. The motion carried unanimously.

The Director inserted 74 absentee ballots into the DS200, the ballot count on the DS200 was 380.

One of the ballots was not accepted by the DS200. The Board duplicated the ballot and it was inserted into the DS200 machine.

The Director informed the Board that there would not be any more ballots inserted into this DS200 machine. The ballots received after today will be inserted into a different Absentee Ballot machine.

ITEM #4 – ADJOURNMENT
At 6:54 p.m. **Member Totten moved, seconded by Member Wright to adjourn. The motion carried unanimously.**

Respectfully submitted,

Paula P. Seamster, Director

Don Powell, Chairman

BOARD MEETING MINUTES
NOVEMBER 3, 2026 – 5:00 PM & 7:30 PM
ABSENTEE MEETING

The Rockingham County Board of Elections met Tuesday, November 3, 2026, at 5:00 pm at the Board of Elections Office, 240 Cherokee Camp Road, Reidsville.

Board Members Present: Don Powell, Chairman; Bert Jones, Secretary; Basil Harris, Member; Sarah Totten, Member; and Ophelia Wright, Member.

Staff Members Present: Paula Seamster, Director and Michelle Evans, Senior Deputy Director.

ITEM #1 – MEETING CALLED TO ORDER
The Board meeting was called to order at 5:00 pm by Chairman Powell.

The Director stated that the Early Voting machines needed to be closed out and asked if she could start those. The Board agreed.

ITEM #2 – APPROVAL OF AGENDA
Member Totten moved, seconded by Member Harris, to approve the agenda. The motion carried unanimously.

ITEM #3 – VOTER CHALLENGES
The Director explained the process of Voter Challenges and stated that she had 3 Voter Challenges that she would like the Board to consider holding a hearing on.

The Board reviewed the three voter challenges.

Member Totten moved, seconded by Member Wright to proceed with the Voter Challenge Hearing on Friday, November 13, 2026. The motion carried unanimously.

ITEM #4 – ABSENTEES
The Director stated that 695 Absentee Ballots had been mailed out and that the Board had approved 380 absentee ballots. She stated that there were 27 absentee ballots for the Board to review, 15 Civilian absentee ballots with Photo IDs, 5 Civilian absentee ballots with Photo ID Exception Forms, 4 Military absentee ballots, and 3 Overseas absentee ballots.

The Director stated that the first category was the 15 Civilian Absentee ballots with photo IDs.

The Board began to review and open the 15 absentee ballots with photo IDs that had been received into the office, date stamped when received, and the ballot envelopes were reviewed by staff to make sure the requirements were met for eligibility.

Secretary Jones moved, seconded by Member Wright, to approve the 14 absentee ballots with photo IDs that were received. The motion carried unanimously.

Member Wright moved, seconded by Secretary Jones to disapprove 1 absentee ballot with Photo ID and to have it cured. The motion carried unanimously.

The Director stated the next category was the 5 Civilian Absentee ballots with photo ID Exception forms.

The Board began to review and open the 5 absentee ballots with photo ID Exception Forms that had been received into the office, date stamped when received, and the ballot envelopes were reviewed by staff to make sure the requirements were met for eligibility.

Member Harris moved, seconded by Secretary Jones, to approve the 5 absentee ballots with photo ID Exception Forms that were received. The motion carried unanimously.

The Director informed the Board that the next category is the 4 Military Absentee ballots.

The Board began to duplicate and review the 4 absentee ballots that had been received via email, date stamped when received and were reviewed by staff to make sure the requirements were met for eligibility.

Member Totten moved, seconded by Member Harris, to approve the 4 Military ballots with that was received. The motion carried unanimously.

The Director informed the Board that the last category is the 3 Overseas Absentee ballots. She added that 1 of the 3 was from the October 27th meeting that needed to be cured.

The Board began to duplicate and review the 3 absentee ballots that had been received via email, date stamped when received and were reviewed by staff to make sure the requirements were met for eligibility.

Member Totten moved, seconded by Secretary Jones, to approve the 3 Overseas ballots that were received. The motion carried unanimously.

The Director inserted 26 absentee ballots into the DS200, the ballot count on the DS200 was 26.

One of the ballots was not accepted by the DS200. The Board duplicated the ballot and it was inserted into the DS200 machine.

ITEM #4 – RECESS
At 6:17 p.m. **Chairman Powell recessed the meeting until 7:30 pm.**

At 7:30 p.m. Chairman Powell called the meeting back to order.

The Director informed the Board that the 1 Civilian absentee ballot that was disapproved at the 5:00 p.m. meeting had been cured and 1 Overseas absentee ballot had came in.

BOARD MEETING MINUTES
NOVEMBER 3, 2026 – 5:00 PM & 7:30 PM
ABSENTEE MEETING

The Director presented the 1 Civilian Absentee ballot with photo ID to the Board.

The Board began to review and open the 1 absentee ballots with photo ID that had been cured, received into the office, date stamped when received, and the ballot envelope was reviewed by staff to make sure the requirements were met for eligibility.

Member Harris moved, seconded by Member Totten, to approve the 1 absentee ballot with photo ID that was cured. The motion carried unanimously.

The Director presented the 1 Overseas Absentee ballot.

The Board began to duplicate and review the 1 absentee ballot that had been received via email, date stamped when received and were reviewed by staff to make sure the requirements were met for eligibility.

Member Totten moved, seconded by Member Harris, to approve the 1 Overseas ballot that were received. The motion carried unanimously.

The Director inserted the 2 absentee ballots into the DS200 machine, the ballot count on the DS200 was 28.

The Director asked the Board if she could close out the Absentee machine from the previous meeting and the DS200 from today. The Board agreed.

ITEM #5 – ADJOURNMENT
At 7:45 p.m. **Member Wright moved, seconded by Member Totten to adjourn. The motion carried unanimously.**

Respectfully submitted,

Paula P. Seamster, Director

Don Powell, Chairman

Principles of Conduct for Electioneering Activity

To address rising concerns over activity occurring in or around areas adjacent to statutorily defines buffer zones at each polling place, the Rockingham County Board of Elections and participating political parties and candidates agree upon the following principles of conduct for electioneering activity. Unaffiliated candidates and individual campaigns are invited to join and participate in the implementation of these principles.

P1. Good Behavior. Everyone is expected to demonstrate good behavior. We recognize that political campaigns and those supporting them may disagree with others. Disagreeing does not mean being disagreeable. Good behavior includes control and management of anger; showing respect to others in speech and deed; and empathy or consideration for others.

P2. Election Activity. No election-related activities will be conducted in the parking lot outside of the designated area prescribed by the Board of Elections. Election related activity includes distribution of campaign literature, placement of political advertising, soliciting votes, or otherwise engaging in election-related activity.

P3. Participant Lists. Each party and all candidate campaigns are encouraged to develop and make available to the Board of Elections prior to election day a list of the names of every person who will be engaged in election-related activity for that party or candidate. Those engaged in election-related activity are encouraged to wear a name tag or button identifying the worker and the candidate or party they support.

P4. Tents. A tent may be placed at each polling place where the Board of Elections has determined that sufficient space exists to allow a tent. The size and placement of a tent must not interfere with access to the polling place. The Chief Judge of the precinct will determine the appropriateness of the tent size and its placement. Parties are encouraged to share their tent with all other electioneers.

P5. Tables. No more than two tables (to hold electioneering materials) are permitted in the electioneering area. Tables may not exceed 3 feet by 3 feet in size and must not interfere with access to the polling place. Participants are encouraged to share these tables with all other participants. Chairs are also permitted where appropriate.

P6. Food. Snacks are permitted in the election activity areas. All trash must be removed by the end of the day.

P7. Animals. Animals, except service dogs, are not allowed in the election activity area. Per the ADA, a service animal is a *dog* that is individually trained to do work or perform tasks for a person with a disability. Dogs (or other animals) whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA. Service animals should always be under the handler's control. Although not required, service animals should wear a vest, harness or ID tag identifying them as a service animal.

P8. Signs and Campaign Materials. Political signs may be posted in the election-related activity area 36 hours prior to the opening of the voting place and must be removed before midnight after the closing of the voting place. Each party and candidate will ensure that signs and campaign materials are removed within the allotted times. The Board of Elections will not store tables, chairs, tents, or materials. Individuals putting out campaign signs cannot place signs blocking other candidates' signs. No campaign signs can be placed closer than 1 foot of either side of the travel area from the parking lot to the polling place for safety reasons.

P9. Parking. At all precincts, election-related activity participants must not park in spaces immediately adjacent to the elections activity areas to ensure that those spaces are left for potential voters. This may mean use of remote parking lots such as nearby businesses, churches, schools, etc.

P10. Salvaged Campaign Materials. Voters will be allowed to deposit campaign materials in receptables provided by the Board of Elections. Board of Elections staff will periodically place the receptacles outside the polling place to allow electioneers to retrieve these materials.

P11. Incident Management. Nothing herein is intended to limit or usurp the authority granted the Chief Judge under NCGS 163-48. Upon being notified of an actual or potential incident in violation of these principles, the Chief Judge of the precinct will assess the situation and determine an appropriate course of action. The Chief Judge may, in his/her discretion, elect to notify the party chair or the appropriate candidate to request assistance. Once notified, the party chair or candidate will act immediately to support the Chief Judge and resolve the incident.

Approved by the Rockingham County Board of Elections on February 17, 2026.

Outlook

[External]Guidance in Numbered Memo 2026-01 - Conduct of Recounts

From Steele, Adam <adam.steele@ncsbe.gov>
Date Wed 11/11/2026 5:32 PM
To SBOE_Grp - Legal <Legal@ncsbe.gov>
Cc Hayes, Sam <sam.hayes@ncsbe.gov>; LiVecchi, Brian P <brian.livecchi@ncsbe.gov>

Directors and SEIMS.Add (bcc'd):

Executive Director Hayes has issued a new Numbered Memo 2026-01 after review by the State Board. The memo is available at this link and is being added to our numbered memos webpage. You may need to refresh the page.

The memo covers the conduct of recounts, including machine recounts, hand-to-eye recounts, and discretionary recounts. Past practice has been to issue a memo for a specific election when there is a demand (or very likely demand) for a mandatory recount in a contest under the State Board's jurisdiction (eg, Numbered Memos 2024-08 for the first recount and 2024-09 for the hand-to-eye recount in the 2024 general election). This memo sets the parameters for all recounts for this and future elections. It largely tracks with those prior memos, but there are many updates and improvements. **If you are likely to get a recount request, then you should make sure to review the memo carefully and provide it to your board.**

A few notes about the memo and recounts:

- The ballot markings used for the voter intent examples are the same as those used in prior memos, and the only differences are the contest and candidate names are now generic.
- If you receive a demand for a recount, or if your board makes a decision to conduct a discretionary recount, please submit the written demand/decision to the State Board through a help desk ticket for our tracking and coordination. Likewise, if we receive a demand for a recount in a contest in the State Board's jurisdiction, you will be notified by email.
- If you are a county that does not have a high-speed tabulator, the State Board has some that may be available. If that is something your county would want to explore, then please put in a help desk ticket so that our voting systems staff can coordinate with you. That should be done before you set your schedule for the recount.
- As with our other administrative rules that were adopted this summer, the changes to the rules for recounts are not yet in effect. The memo reflects the current and operative rules for recounts, which can be viewed in the administrative code at this link.
- Under 08 NCAC 09 .0106, "prior to each recount under G.S. 163-182.7, the county board of elections or State Board shall inform the political parties and candidates of the recount and describe to them the process of conducting recounts." An easy way to do that is to provide them with this memo.

If you have any questions, please submit a help desk ticket.

Thanks for all that you do,

Adam Steele | Deputy General Counsel
North Carolina State Board of Elections
430 N Salisbury Street
Raleigh, NC 27611
Main Line: 919.814.0700
Direct: 919.814.0654

NORTH CAROLINA
STATE BOARD OF ELECTIONS
www.ncsbe.gov

Numbered Memo 2026-01

TO: County Boards of Elections

FROM: Sam Hayes, Executive Director[1]

RE: Conduct of Recounts

DATE: November 11, 2026

This memo provides guidance for machine recounts and hand-to-eye recounts conducted by the county boards of elections. The section on the conduct of a hand-to-eye recount includes specific examples of how to determine questions of voter intent and covers both sample hand-to-eye recounts and full hand-to-eye recounts.

Table of Contents

I. Machine Recounts 2
1. Preparation for First Recount 2
2. Presence of Board Members 5
3. Public Observance 5
4. Combining Recounts 6
5. Counting of Ballots and Voter Intent 6
6. Recount Procedures 7
7. Possible Sample Hand-to-Eye Count 11
II. Hand-to-Eye Recounts 12
1. Preparation for Recount 13
2. Presence of Board Members 16
3. Public Observance 16
4. Counting of Ballots and Voter Intent 17
5. Guidelines for Determining Voter Intent 19
III. Precinct Sort 32
IV. Discretionary Recounts 32

[1] This memo is issued under the authority delegated by the State Board to the executive director pursuant to N.C.G.S. § 163-22(p) using the procedures in the State Board's August 6, 2026, resolution. This memo replaces the guidance for recounts in specific elections provided in previous Numbered Memos.

I. Machine Recounts

For contests within the jurisdiction of the county board of elections, a candidate can demand a machine recount if they are eligible to do so under N.C.G.S. § 163-182.7(b). The demand for a recount must be made in writing and must be received by the county board by 5:00 P.M. on the first business day after the county canvass.

For contests within the jurisdiction of the State Board of Elections, a candidate can demand a machine recount if they are eligible to do so under N.C.G.S. § 163-182.7(c). The demand for a recount must be in writing and must be received by the State Board by noon on the second business day after the county canvass.

1. Preparation for First Recount

1.1. Establish a schedule

Recounts must be scheduled to begin no later than three business days after the demand for a mandatory recount is received by the appropriate board of elections. However, if the demand for a recount is received before the county canvass, the earliest the recount can begin is the conclusion of the county canvass meeting.[2]

For recounts of contests within the State Board's jurisdiction, the State Board will notify the county boards within the jurisdiction of the contest that a demand for a recount has been received. The county boards shall then proceed as follows:

- If the demand is received before or on the date set for the county canvass and the county canvass results confirm the candidate is eligible to demand a mandatory recount, then the county board will schedule the recount to begin as early as the first business day after the completion of the county canvass and within three business days of the State Board's receipt of the demand for the recount, taking into account the notice requirements in Section I.1.2 of this memo.
- If the demand is timely received from an eligible candidate after the date set for the county canvass, then the county board shall schedule the recount to begin no later than three business days from being notified by the State Board that a recount has been demanded.

The county may combine multiple recounts of contests—both those within the county board's jurisdiction and the State Board's jurisdiction—into one recount when establishing the schedule, as discussed in Section I.4. of this memo.

---

[2] 08 NCAC 09 .0107.

The machine recount should be completed no later than the fifth business day after the recount begins. The county board shall endeavor to set a schedule where the recount can be completed by the day before the date of the State Board canvass meeting for the election.

If a county board is not using a high-speed scanner, the board should plan that it may be able to scan approximately 600 ballots per hour. If a county board is using a State Board or another county board's high-speed scanner, the board meeting and scanning must occur in the county conducting the recount. Recounts may not take place in another county.

All counting teams should take a 15-minute break approximately every two hours of counting to avoid fatigue, which may lead to unintended errors. It is recommended that teams take at least a 30-minute meal break after counting periods in both the morning and afternoon. When approaching the anticipated break time, the counting team should determine when to take a break based on the estimated amount of time for a package of ballots to be completely scanned. The counting team should not take a break in the middle of scanning a package of ballots. When counting teams take a break, the ballots must be organized in a manner so that ballots are not counted twice when resuming the recount, and all ballots must be secured in a sealed container during the break. No ballots should be left unattended, even if in a sealed container.

When establishing a schedule, the county boards shall take into account other county board business that requires the presence of the county board members (e.g., hearings on protests). If a matter will require the presence of the county board members and timing considerations require the matter to be addressed while the recount is being conducted, then the county board should schedule that matter to be addressed at the end of the day so the recount itself remains as continuous as possible.

1.2. Notice the Recount

The county boards shall each notice a meeting to conduct a recount. The notice of the meeting shall be issued at least 48 hours before the recount begins. The notice of the recount shall be posted on the county board's website and sent to the county's notice list, county party chairs, and the candidates in the contest subject to the recount.[3]

The county boards shall provide the State Board and its Voting Systems Division with the locations and schedules of the recount by submitting a help desk ticket with that information.

---

[3] 08 NCAC 09 .0106(a). Note that the county can also notice the sample hand-to-eye recount in the same notice for the first recount. 08 NCAC 09 .0110 ("No separate notice of a hand-to-eye recount is required if the hand-to-eye recount occurs on the same day as and following the conclusion of the first recount under 08 NCAC 09 .0107 and the notice of the first recount stated that a hand-to-eye recount, if required, could take place upon the conclusion of the first recount.").

The State Board will inform the state parties and post the recount schedules on the State Board's website.

1.3. Secure a Location

Arrange for a location to conduct the recount. This may be the county board office or another location if more space is needed. The room should be arranged so that public observers are separated from the area where ballot tabulation is occurring. There should also be a designated area for board members to view the recount.

If a county board uses multiple rooms for a recount, they shall require that a permanent county staff member be assigned to each room and the staff member shall be designated as the recount captain for that room with at least a bipartisan team of two board members also present in each room. Assigning a recount captain helps maintain control over the recount and ensures that ballots and other items remain accounted for at all times.

1.4. Secure Bipartisan Teams

The county board shall arrange for two-person bipartisan teams for each tabulator, consisting of:

1. Tabulator Attendant – will feed ballots into tabulator
2. Tabulator Observer – will provide individual ballots to the tabulator attendant

The county board shall arrange for one person to manage the distribution of the voted ballots for each of the voting sites that are subject to the recount. Extra persons may be needed to assist or in case of emergencies.

Trained personnel, such as county board staff or appointed precinct officials, may be assigned by the county board to operate the tabulator in place of the bipartisan team described above, but only if they are overseen by a bipartisan team of supervisors. A bipartisan team of supervisors may assist the trained personnel as needed and may be assigned to oversee the operation of no more than four tabulators.

For the purpose of the recount, "bipartisan team" or "bipartisan team of supervisors" refers to a team of only members who are registered as affiliated with each of the two parties in the State with the largest number of registered voters.[4]

---

[4] Note that a bipartisan team of four voters affiliated with each of the two parties in the State with the largest number of registered voters may be required. *See* 08 NCAC 09 .0107 ("All ballots that are rejected for tabulation purposes by the machines during the recount shall be recounted by hand by a bi-partisan team of four in accordance with 08 NCAC 09 .0106(d)."); *see also* Section I.6.3 of this memo.

1.5. Organize Recount Materials

The location for the recount must have the necessary equipment and supplies to conduct the recount. This includes the voting equipment, blank USB sticks, blank ballots for any ballots that cannot be tabulated, additional paper rolls, extension cords and power strips, and a copy of this memo.

The county board shall also create a back-up copy of its official canvass data within its vendor's tabulation software module (e.g. ERM/Results/Count).

2. Presence of Board Members

Recounts are open to the public and must be performed in the presence of a quorum of the county board or a bipartisan team of two board members.[5] If a county board is using multiple locations for the recount, as discussed in Section I.1.3 of this memo, then at least a bipartisan team of two board members must be present in each location to oversee the recount.

The county board oversees the recount, with direct participation limited to only making determinations of voter intent when required. A quorum of board members, with at least one board member of each party represented on the board, must also be present to make determinations of voter intent when in question (e.g., damaged or "kicked out" ballots).[6]

3. Public Observance

Any person may attend the recount, including the candidates, their representatives or legal counsel, media representatives, and any other interested persons. These persons may observe the counting process but may not observe individual ballots. The bipartisan counting teams, members of the county board staff, and the county board members are the only persons who may view or handle the ballots. It is a best practice to have a sign-in sheet for persons in attendance observing the recount.

The county board shall exercise control over the conduct of the recount to ensure that the bipartisan counting teams do not experience interference from any person observing the recount. All persons who are not under the supervision of the county board are considered observers and shall not impede or disrupt the recount process in any way. If a county board has a practice of allowing public comment at its meetings, the county board shall inform those in attendance that there is no public comment period during the recount process. The county board shall issue a warning to any observer who engages in disruptive behavior that in the opinion of the county

---

[5] 08 NCAC 09 .0106(h).

[6] 08 NCAC 09 .0106(h).

board threatens the orderly conduct of the recount. If the observer does not cease the offending conduct, the county board shall order the observer's removal.[7]

It is recommended that observers wear badges or nametags identifying themselves and their role (candidate, media, etc.). The county board shall mark observer areas and require that observers remain within those areas unless otherwise permitted by the county board (e.g., in the case of an emergency, or if a candidate will view the results tape). If there is not sufficient room for all observers to view the recount, preference shall be given to candidates or a designee for a candidate. The county board must select a recount location that provides sufficient space for observation by at least the affected candidates or their designees.

The use of video or still cameras by the public inside the recount room is not permitted because of the statutory prohibition on photographing or videotaping individual ballots.[8] The county board may enforce reasonable restrictions on items brought into the recount room such as telephones (e.g., requiring them to be put in silent mode and requiring that calls be made outside of the recount room) or food and drink (e.g., not permitting it within a certain distance of the recount materials). The county board may also enforce reasonable restrictions on noise or other disruptions in the counting location.[9]

4. Combining Recounts

It is permissible to combine recounts of multiple contests, if more than one recount has been properly requested, or if the board has decided to perform a discretionary recount in accordance with N.C.G.S. § 163-182.7(a). However, the combined recount must be properly noticed to the parties and candidates who may be affected by the recount.

5. Counting of Ballots and Voter Intent

Official ballots must be counted according to the principles and rules contained in N.C.G.S. § 163-182.1(a) during the initial count and for any recount[10]:

---

[7] N.C.G.S. § 163-182.2(a)(3): "Any member of the public wishing to witness the vote count at any level shall be allowed to do so. No witness shall interfere with the orderly counting of the official ballots. Witnesses shall not participate in the official counting of official ballots."

[8] N.C.G.S. § 163-165.1(e). This does not preclude providing an area from which observers can take picture or video of the recount, so long as they do not capture the image of a voted ballot. Nor does it preclude the county board from livestreaming the recount so long as the video feed does not reveal a voted ballot.

[9] N.C.G.S. § 163-33(1).

[10] 08 NCAC 09 .0106(c).

N.C.G.S. § 163-182.1. Principles and rules for counting official ballots.

(a) General Principles That Shall Apply. - The following general principles shall apply in the counting of official ballots, whether the initial count or any recount:

1. Only official ballots shall be counted.
2. No official ballot shall be rejected because of technical errors in marking it, unless it is impossible to clearly determine the voter's choice.
3. If it is impossible to clearly determine a voter's choice in a ballot item, the official ballot shall not be counted for that ballot item, but shall be counted in all other ballot items in which the voter's choice can be clearly determined.
4. If an official ballot is marked in a ballot item with more choices than there are offices to be filled or propositions that may prevail, the official ballot shall not be counted for that ballot item, but shall be counted in all other ballot items in which there is no overvote and the voter's choice can be clearly determined.
5. If an official ballot is rejected by a scanner or other counting machine, but human counters can clearly determine the voter's choice, the official ballot shall be counted by hand and eye.
6. Write-in votes shall not be counted in party primaries or in referenda, but shall be counted in general elections if all of the following are true:
    a) The write-in vote is written by the voter or by a person authorized to assist the voter pursuant to G.S. 163-166.8.
    b) The write-in vote is not cast for a candidate who has failed to qualify under G.S. 163-123 as a write-in candidate.
    c) The voter's choice can be clearly determined.

. . . .

For examples on how to apply the standards in N.C.G.S. § 163-182.1(a) to real-world scenarios, please see Numbered Memo 2019-07.

6. Recount Procedures

6.1. Opening Procedures

1. Keep a log of attendees.
2. Close the room when it reaches capacity as designated by the fire marshal. If possible, provide a video feed or a viewing area if attendance exceeds capacity, while making sure the camera is not positioned such that a viewer could view the voted ballots. As noted above, the recount room must provide sufficient space for observation by at least the affected candidates or their designees, and candidates or their designees shall be offered preference for seating in the recount room.
3. Give attendees a name badge.
4. Have signage to instruct those in attendance and communicate processes.
5. Review recount procedures with those in attendance.

6.2. Preliminary Procedures

1. The bipartisan team of officials and any assigned trained personnel shall take an oath. [11]
2. The county board shall announce the name of each precinct, in-person early voting site, or absentee group to be tallied before beginning the recount process for that unit.
3. The county board shall make a record of the number of the tamper-evident seal, protective counter, or other device, if any, before opening any of the voting equipment. The bipartisan team shall examine the electronic voting equipment to determine that any other tamper evident seals are intact and match the log maintained by the county board. The team shall note on the Recount Audit Sheet any irregularities or evidence of possible tampering with the device.
4. The bipartisan teams, with the assistance of any assigned trained personnel, together shall complete an audit sheet to record the following:
   - Machine serial number
   - Precinct/unit name or code
   - Voter history count
   - Bipartisan team and assigned trained personnel name
   - Date and time of beginning and end of recount
5. The team or assigned trained personnel shall open the ballot box and inspect all compartments to ensure the bin is empty.
6. A member of the bipartisan team or assigned trained personnel shall open the polls on the voting equipment and print a zero tape/report ("zero report").
7. Once the zero report prints, the bipartisan team shall inspect the report and confirm that it shows no results in the tabulator. The bipartisan team shall sign the zero report. If a candidate or their designee is in attendance, they along with any member of the public in attendance shall be offered the opportunity to view the zero report.
8. A member of the bipartisan team or assigned trained personnel shall open the sealed ballot container for the voting site. This shall be done in full view of elections officials and observers.
9. A member of the bipartisan team or assigned trained personnel shall remove ballots from the sealed ballot container and place ballots on the table.
10. A member of the bipartisan team or assigned trained personnel may use an air spray can or give the ballots a gentle shake to remove any residue from the ballots.

---

[11] Suggested oath: "I, ____, do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State not inconsistent with the Constitution of the United States; that I will honestly discharge the duties of recounting ballots in ___ County for the primary (or election) held this day, and that I will fairly and honestly tabulate the votes cast in said primary (or election); so help me, God."

11. The tabulator observer shall take the stack of ballots that have been placed on the table and hand a ballot to the tabulator attendant one at a time (unless using a high-speed tabulator, in which case ballots can be processed in stacks by grouping).
12. If more than one ballot container is used per tabulator, then the ballots must be returned to their container after being scanned and the container resealed before a new container is unsealed.

6.3. Counting Procedures[12]

1. The tabulator attendant shall feed the ballots into the tabulator.
2. If after trying to insert the ballot by other orientations (i.e., front top, front bottom, back top, back bottom) a ballot cannot be tabulated, the ballot should be fed into the emergency bin on the tabulator (high-speed tabulators will automatically separate such ballots). Before the ballot is placed into the emergency bin, the ballot attendant shall announce: "Damaged Ballot." An overvoted ballot is not a damaged ballot. Ballots with overvotes can be tabulated by machine and should be accepted by the tabulator after it provides a warning message.
3. If any individual ballot is marked as a provisional ballot and is found in the tabulator for a precinct or early voting site, and that ballot is for a provisional application that was not approved by the county board for counting at its provisional meeting, the ballot shall not be fed into the tabulator, but instead shall be placed into the emergency bin. Before the ballot is placed into the emergency bin, the ballot attendant shall announce: "Provisional Ballot."
4. The bipartisan team or assigned trained personnel will continue to tabulate ballots removed from the ballot container and have them fed into the tabulator throughout the counting process.
5. The counting process will be conducted in two-hour intervals. After one hour, the team members shall reverse roles.
6. At the end of each counting period, the ballot box will be opened by the tabulator attendant and the ballots will be bundled and sealed. The number of ballots sealed in the ballot container shall be recorded.
7. At the start of each counting period, at the one-hour role switch, and at the end of each counting period, a bipartisan team member shall record the number of ballots on the public count of each machine, along with the number of ballots placed in the emergency bin, and the number of ballots that have been removed from the ballot container.
8. Once all ballots have been removed from the ballot container, the tabulator attendant shall open the emergency bin and remove any damaged ballots or provisional ballots that were required to be entered into the bin. Each ballot type shall be handled as follows:
    - Damaged ballots: Examine "kicked out" ballots to determine the reason and show to board members for their determination as to voter intent, in accordance with the Section I.5 of this memo "Counting of Ballots and Voter Intent." All ballots that were rejected

---

[12] If any tasks in this section are performed by trained personnel in lieu of a bipartisan team, then a bipartisan team of supervisors must be able to view and observe the completion of that task.

for tabulation purposes by the machine shall be recounted by hand by a bipartisan team of four, who shall be designated and shall proceed as provided in Section II.1.4 of this memo. Where possible, the bipartisan team of four should be overseen by the bipartisan team or bipartisan team of supervisors originally assigned to the tabulator.

- Provisional ballots found in the tabulator for a precinct or early voting site, and that ballot is for a provisional application that was not approved by the county board for counting at its provisional meeting: place ballot in envelope marked "retrieved provisional" and then keep the envelope with that precinct/early voting site ballots.

9. Finally, the bipartisan team shall review a report showing the number of reported ballots cast per precinct or site and verify that this is the total number of ballots tabulated for that site in the recount.

6.4. Tabulation

1. Close the polls: Once the bipartisan teams and any assigned trained personnel have completed their work, a member of the county board or a county board staff member shall place the tabulator into postelection mode and generate a results tape/report ("results report") for the reporting unit.
2. Once the report prints, the bipartisan team members shall sign the results report. If a candidate or their designee is in attendance, they along with any member of the public in attendance shall be offered the opportunity to view the results tape/report or its equivalent, but only for the contest or contests subject to the recount. All other contests not subject to a recount must be masked from view.
3. In the presence of at least two members of the county board, a county board staff member shall compare the contest results on the results report to the canvassed results in the results tabulation software for any contest that is being recounted.
4. If the results of any contest being recounted have changed from the Canvass results for that contest, county board staff shall edit the results of the recounted contest manually within the Election Management System (EMS) to accommodate such changes, for all precincts/reporting groups in which such edits are necessary.
5. The county board shall print a block style canvass report and create a results file (ASCII, CSV, etc.) for import into SEIMS Election Reporting.
6. The county board shall import the results file from the vendor's tabulation software module (ASCII, CSV etc.) into Election Reporting under the "Canvass Recount' menu. Contests that are eligible for a recount will be enabled.
7. The county board must compare the results on the results tabulation software report to the totals in Election Reporting.

6.5. Wrap Up

1. Replace all the voted ballots in the security containers in which they were stored and reseal the container.
2. The container shall be labeled with the precinct name and the bipartisan team members shall sign the seal.

3. Board members shall sign a seal that has been placed on the ballot boxes/containers after results are obtained.

7. Possible Sample Hand-to-Eye Count

A sample hand-to-eye recount may be necessary if one of the candidates demands one. The demand for a sample hand-to-eye recount can be made orally or in writing. If the candidate makes the demand orally, then the board receiving the demand shall request that they put the demand in writing so it can be documented. The board receiving the demand shall date and time stamp the written demand.

Any demand for a sample hand-to-eye recount must be made within 24 hours of the conclusion of the first recount.[13] If the contest is a multicounty or statewide contest, then this is measured from the conclusion of the recount across all counties in the jurisdiction. The recount shall be considered to have concluded when the results have been uploaded into SEIMS Election Reporting. The county board staff should also submit a Help Desk ticket that the county board has finished once the results have been uploaded.

For contests within the county board's jurisdiction, the county board shall, within 1 hour of the conclusion of the recount, provide written notice of the date and time that the recount concluded by email or hand-delivery to the candidates in the contest. For contests within the State Board's jurisdiction, the State Board will, within 1 hour of the conclusion of the recount, provide written notice of the date and time that the recount concluded by email to the candidates in the contest.

If a sample hand-to-eye recount is timely-demanded, it shall be conducted in accordance with Section II of this memo.

[13] N.C.G.S. § 163-182.7A; 08 NCAC 09 .0107.

II. Hand-to-Eye Recounts

There are two kinds of hand-to-eye recounts: a sample recount and a full recount. A sample recount involves a hand-to-eye recount of all ballots cast in 3% of in-person voting sites in each county in the jurisdiction of the contest, in accordance with state law. In the event of a sample hand-to-eye recount, only contests where such a recount has been validly requested under N.C.G.S. § 163-182.7A shall be recounted. If more than one such recount has been validly requested and applies to a county, those sample hand-to-eye recounts may be combined.

If the county board is conducting a recount of a contest within the State Board's jurisdiction, the sample for each county shall be drawn at random by the State Board staff in a publicly noticed drawing, and selections will be distributed to the county boards of elections by email and posted to the State Board's website.

If a county board has combined sample hand-to-eye recounts of a contest within the county board's jurisdiction and a contest within the State Board's jurisdiction, and the jurisdiction of the contest within the county is the same (e.g., one contest is a congressional contest where the entire county is part of the district, and the local contest is a countywide county commission contest), then the precincts chosen by the State Board shall be used for the combined recount. However, if the jurisdiction of the contests do not completely coincide, the sample for the contest within the county board's jurisdiction shall be drawn by the county board at random in a publicly noticed drawing, with notice being provided in accordance with Section II.1.2 of this memo.

The sample shall be all the ballots in three percent (3%) of the precincts casting ballots in each county in the jurisdiction of the office, rounded up to the next whole number of precincts. The sample chosen shall be of one or more full precincts or full counts of one or more in-person early voting sites, or a combination. [14] Unlike the statute governing sample audits after Election Day, the sample hand-eye recount statute does not include absentee ballots in the sampling. For selecting the precincts or early voting sites for a contest within the jurisdiction of the State Board, the State Board will use the same randomization procedure that it used for the sample audit after Election Day.

In the event the results of the sample hand-to-eye recount differ from the machine recount results within those voting sites such that extrapolating the amount of the change to the entire district (based on the proportion of ballots recounted to the total votes cast for that office) would result in reversing the results, the State Board will order a full hand-to-eye recount in that contest.

---

[14] See N.C.G.S. § 163-182.7A.

1. Preparation for Recount

1.1 Establish a Schedule

Recounts must begin within two business days of the demand for a hand-to-eye recount being received by the board of elections with jurisdiction over the contest. [15] For hand-to-eye recounts of contests within the State Board's jurisdiction, the State Board will notify the county boards within the jurisdiction of the contest that a demand for a sample hand-to-eye recount has been received.

The random sample for the recount must be chosen within one business day of the timely receipt of a demand for a hand-to-eye recount, and the recount may begin as soon as the random sample has been chosen if the county has given notice of the recount. Otherwise, the recount must begin by the second business day after the timely demand. The sample hand-to-eye recount should be completed by the end of the day on the fifth business day after the start of the recount.

All counting teams should take a 15-minute break approximately every two hours of counting to avoid fatigue, which may lead to unintended errors. It is recommended that teams take at least a 30-minute meal break after counting periods in both the morning and afternoon. When approaching the anticipated break time, the counting team should determine when to take a break based on the estimated amount of time for a package of ballots to be completely recounted. The counting team should not take a break in the middle of recounting a package of ballots. When counting teams take a break, the ballots must be organized in a manner so that ballots are not counted twice when resuming the recount, and all ballots must be secured in a sealed container during the break. No ballots should be left unattended, even if in a sealed container.

When establishing a schedule, the county boards shall take into account other county board business that requires the presence of the county board members (e.g., hearings on protests). If a matter will require the presence of the county board members and timing considerations require the matter to be addressed while the recount is being conducted, then the county board should schedule that matter to be addressed at the end of the day so the recount itself remains as continuous as possible.

1.2 Notice the Recount

Prepare and publish notice of the recount at least 24 hours before the recount will begin by email to the county's notice list, county party chairs, the candidates in the contest, any attorneys for the candidates in the contest, and other interested parties. [16] The county board should also post it on its website, if possible. If the county board issued a proactive notice for a recount, that satisfies

---

[15] 08 NCAC 09 .0110.

[16] 08 NCAC 09 .0110.

the notice requirement so long as the notice was sent to the persons and parties identified above at least 24 hours before the recount will begin in the county.

The county boards shall provide the State Board and its Voting Systems Division with the locations and schedules of the recount by submitting a help desk ticket with that information. The State Board will inform the state parties and post the recount schedules on the State Board's website.

1.3 Secure a Location

Arrange for a space to conduct the recount. This may be the county board office or another location in the county if the county board office is not sufficiently large. The room should be arranged so that public observers are separated from the area where the hand tallying is occurring. There should also be a designated area for board members to view the recount.

The director or their designee shall be assigned the role of recount captain. Assigning a recount captain helps maintain control over the recount and ensures that ballots and other items are accounted for at all times. The recount captain shall have in their possession a report of the results of the contest from the election management software.

If a county board uses multiple rooms for a recount, they shall require that a permanent county staff member be assigned to each room and the staff member shall be designated as the recount captain for that room with at least a bipartisan team of two board members also present in each room. The county board of elections shall arrange for one person to manage the distribution of the voted ballots for each of the voting sites that are subject to the recount. The county board may need extra persons to assist or in case of unexpected staffing problems.

The county board must select a recount location that provides sufficient space for observation by at least the affected candidates or a designee for a candidate. If there is not sufficient room for all observers to view the recount, **preference shall be given to candidates or their designees**.

Public attendees must be able to see and hear the proceedings without compromising the secrecy of any voter's ballot or other confidential information. If broadcast by video feed, staff must ensure that the public cannot view any voted ballots or other confidential information, such as voter signature, on the video feed. A staff member should be assigned to monitor the video feed throughout the recount to ensure that confidential information is not viewable by the public. **County board members and staff must be particularly mindful of ballot secrecy throughout the recount proceedings.**

1.4 Secure Bipartisan Teams

The county board of elections shall arrange for a bipartisan team of four North Carolina registered voters to conduct the recount as follows:

- A team of two officials who are registered as affiliated with each of the two parties in the State with the largest number of registered voters (i.e., one Democrat and one Republican) to relay the results of each ballot. One person will read the ballot and the other official will ensure the correct vote was read aloud.
- A team of two officials who are registered as affiliated with each of the two parties in the State with the largest number of registered voters (i.e., one Democrat and one Republican) to record the tally of votes for each candidate on paper. Each of the two officials shall separately record the tally. For every vote for a candidate, each official shall place a vertical line on the tally sheet. After every fifth vote for each candidate, each official shall place a diagonal line across the four vertical lines and state aloud the word "tally." If the two officials do not both state the word "tally", the team shall resolve the difference before proceeding.

Bipartisan team members must be registered voters in the State. If a county board has diligently sought to fill the positions with voters affiliated with the Democratic and Republican parties, but still has an insufficient number of officials for the recount, the county board by a bipartisan majority vote of its members may appoint to the bipartisan team an unaffiliated voter or voter affiliated with one of the other political parties recognized in North Carolina.[17] In no instance shall the county board appoint more than two members to a bipartisan team who are unaffiliated or affiliated with one of the other political parties. Members of the bipartisan team should wear badges or nametags identifying themselves and their role.

1.5 Organize Recount Materials

The county board should place "Quiet Please – Counting in Progress" or other similarly worded signage in the recount location. Tables used for the recount should be clear of all items except for the ballots to be counted, pencils, tally sheets, and any reconciliation or chain of custody documents. Teams should not be permitted to have food or drink near the ballots. The room(s) used for the recount should be cleared of all other ballots, ballot boxes, and other storage items.

The county board shall also ensure that seals and other security materials to secure the ballots following the recount are readily available.

---

[17] 08 NCAC 09 .0106(d).

2. Presence of Board Members

Recounts are open to the public and must be performed in the presence of a quorum of the board (any three members) or a bipartisan team of two board members. [18] If utilizing a bipartisan team of two members, that bipartisan team shall be chosen by the county board.

County board members shall not serve on the bipartisan counting teams for hand-to-eye recounts. [19] Their role is to supervise the recount proceedings and determine questions of voter intent. See Section II.4 of this memo, Counting of Ballots and Voter Intent.

3. Public Observance

Any person may attend the recount. This includes the candidates, their representatives or legal counsel, media representatives, and any other interested persons. These persons may observe the counting process but may not observe individual ballots. The bipartisan counting teams, members of the county board staff, and the county board members are the only persons who may handle the ballots and other election materials. It is a best practice to have a sign-in sheet for persons in attendance observing the recount.

The county board of elections shall exercise control over the conduct of the recount to ensure that the bipartisan counting teams do not experience interference from any person observing the recount. All persons who are not under the supervision of the county board of elections are considered observers and shall not impede or disrupt the recount process in any way. If a county board has a practice of allowing public comment at its meetings, the county board shall inform those in attendance that there is no public comment period during the recount process. The county board shall issue a warning to any observer who engages in disruptive behavior that in the opinion of the board of elections threatens the orderly conduct of the recount. If the observer does not cease the offending conduct, the county board shall order the observer's removal. [20]

It is recommended that observers wear badges or nametags identifying themselves and their role (candidate, media, etc.). The county board of elections shall mark observer areas and require that observers remain within those areas unless otherwise permitted by the board of elections (e.g., in the case of an emergency). The county board should place signage designating the area and communicating instructions of the proceedings and permissible conduct. If there is not sufficient

---

[18] 08 NCAC 09 .0106(h).

[19] 08 NCAC 09 .0106(d).

[20] N.C.G.S. § 163-182.2(a)(3): "Any member of the public wishing to witness the vote count at any level shall be allowed to do so. No witness shall interfere with the orderly counting of the official ballots. Witnesses shall not participate in the official counting of official ballots."

room for all observers to view the election materials, preference shall be given to candidates or their designees.

The use of video or still cameras by the public inside the recount room is not permitted because of the statutory prohibition on photographing or videotaping individual ballots.[21] Members of the media are permitted to take photos or videos before or after the recount occurs, or in a manner that ensures no voted ballot can be recorded. The county board may enforce reasonable restrictions on items brought into the recount room such as telephones (e.g., requiring them to be put in silent mode and requiring that calls be made outside of the recount room) or food and drink (e.g., not permitting it within a certain distance of the recount materials). The county board may also enforce reasonable restrictions on noise or other disruptions in the counting location.[22]

4. Counting of Ballots and Voter Intent

4.1 Board Must Determine Voter Intent

Voter intent is the governing standard when questions arise about how to adjudicate markings on a ballot. Questions about voter intent can arise during a hand-to-eye recount if a voter marks the ballot in an inappropriate manner, places marks in the wrong location on the ballot, or otherwise marks the ballot in a manner that causes the voter's choice to be in dispute. This memo supplements Numbered Memo 2019-07, which is still in effect.[23]

Determinations of voter intent must be made by the county board. If the bipartisan counting team encounters a ballot that cannot be clearly identified as a vote for one candidate or another, the ballot must be set aside. All ballots with a potential overvote or undervote, including ballots that appear to be left completely blank for the contest, shall be adjudicated by the county board at the conclusion of the tallying for the precinct/early voting site by the bipartisan team. If the contest was clearly left blank—meaning there are no marks in the target or candidate area for the contest, or any other mark or comment indicating support for a candidate for the office—the county board shall treat that as an undervote and the ballot shall not be counted for any candidate. **Undervotes and overvotes must be accounted for in the county board's tally sheets, even though they do not count for any candidate in the contest, to ensure that the number of ballots counted is properly reconciled with the number of ballots cast and the number of ballots counted in the machine recount.**

---

[21] N.C.G.S. § 163-165.1(e). This does not preclude providing an area from which observers can take picture or video of the recount, so long as they do not capture the image of a voted ballot. Nor does it preclude the county board from livestreaming the recount so long as the video feed does not reveal a voted ballot.

[22] N.C.G.S. § 163-33(1).

[23] See also Numbered Memo 2020-32 and Numbered Memo 2024-09.

4.2 Statutory Requirements

Official ballots shall be counted according to the principles and rules contained in N.C.G.S. § 163-182.1(a):

"(1) Only official ballots shall be counted.

(2) No official ballot shall be rejected because of technical errors in marking it, unless it is impossible to clearly determine the voter's choice.

(3) If it is impossible to clearly determine a voter's choice in a ballot item, the official ballot shall not be counted for that ballot item, but shall be counted in all other ballot items in which the voter's choice can be clearly determined.

(4) If an official ballot is marked in a ballot item with more choices than there are offices to be filled or propositions that may prevail, the official ballot shall not be counted for that ballot item, but shall be counted in all other ballot items in which there is no overvote and the voter's choice can be clearly determined.

(5) If an official ballot is rejected by a scanner or other counting machine, but human counters can clearly determine the voter's choice, the official ballot shall be counted by hand and eye.

(6) Write-in votes shall not be counted in party primaries or in referenda, but shall be counted in general elections if all of the following are true:

a. The write-in vote is written by the voter or by a person authorized to assist the voter pursuant to G.S. 163-166.8.

b. The write-in vote is not cast for a candidate who has failed to qualify under G.S. 163-123 as a write-in candidate.

c. The voter's choice can be clearly determined."

4.3 Uploading Results

The county board shall reconcile the number of ballots counted at each voting site selected for the hand-to-eye recount with the number of ballots counted at those sites during the machine recount.

The results of the sample hand-to-eye recount **are not to be uploaded** into the county board's election management system or election night reporting. This is because N.C.G.S. § 163-182.2(a)(6) generally provides that, in its canvass, a board of elections shall rely on the mechanical or electronic count of the vote, rather than the sample hand-to-eye audit or sample hand-to-eye recount. County boards shall instead report the results of their sample recount in a survey that will be provided to collect this information. This survey will compare the results of the machine recount for the sample group against the hand-to-eye recount results for that same group of ballots.

Only in the event of a full hand-to-eye recount, if there is a material discrepancy between the electronic or mechanical count and the full hand-to-eye count or recount will the hand-to-eye count control, except where paper ballots or records have been lost or destroyed or where there is another reasonable basis to conclude that the hand-to-eye count is not the true count.[24]

The county board or State Board with jurisdiction over the contest will compare the full hand-to-eye recount results to the machine recount results to determine whether any differences are material.[25] County boards shall retain all media devices in a secure location in the event the State Board directs that the results are to be uploaded into the election management system.

4.4 Retaining Adjudicated Ballots

County boards must separately retain and store all ballots where voter intent was adjudicated by the board. This includes those ballots determined to be an undervote because they were completely blank for the contest. Any such ballots shall be placed in a labeled envelope or container and clearly marked as ballots for which voter intent was adjudicated, to ensure that the ballots can later be retrieved in the event of a dispute.

5. Guidelines for Determining Voter Intent

For any printed ballot that is to be counted hand-to-eye, the following guidelines shall be used in determining voter intent. Each of the below sections contains examples of the guidelines for determining voter intent listed in 08 NCAC 09 .0109(c). For purposes of this guidance, in accordance with 08 NCAC 09 .0109(b), the following definitions apply:

- "Target area" is the square or oval next to the candidate's name on the printed ballot.
- "Candidate area" is the area between the lines separating candidate names, or the area that is clearly closer to one candidate's name than another. "Candidate area" includes the candidate's name and party affiliation, if listed.

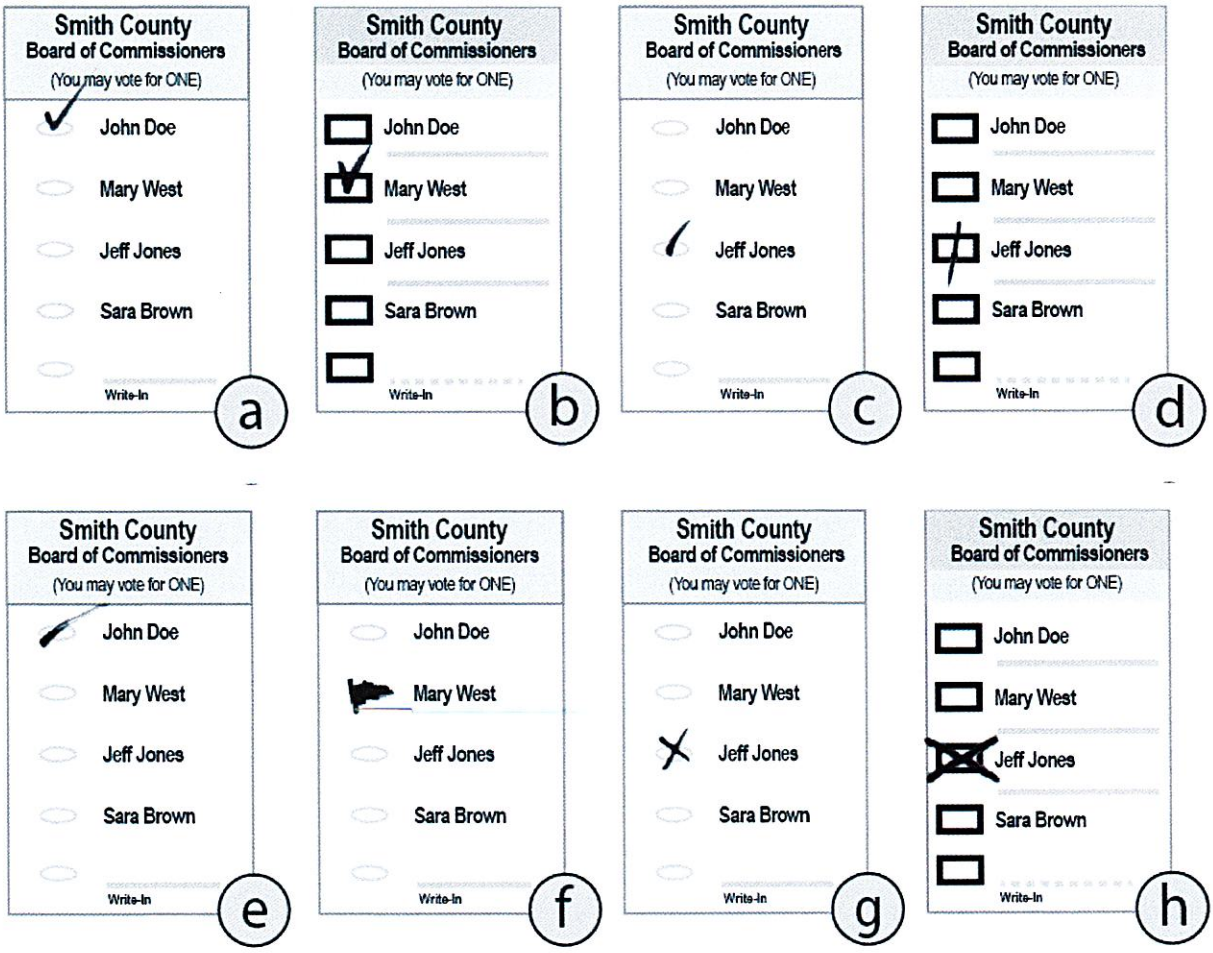
[24] N.C.G.S. § 163-182.2(a)(6).

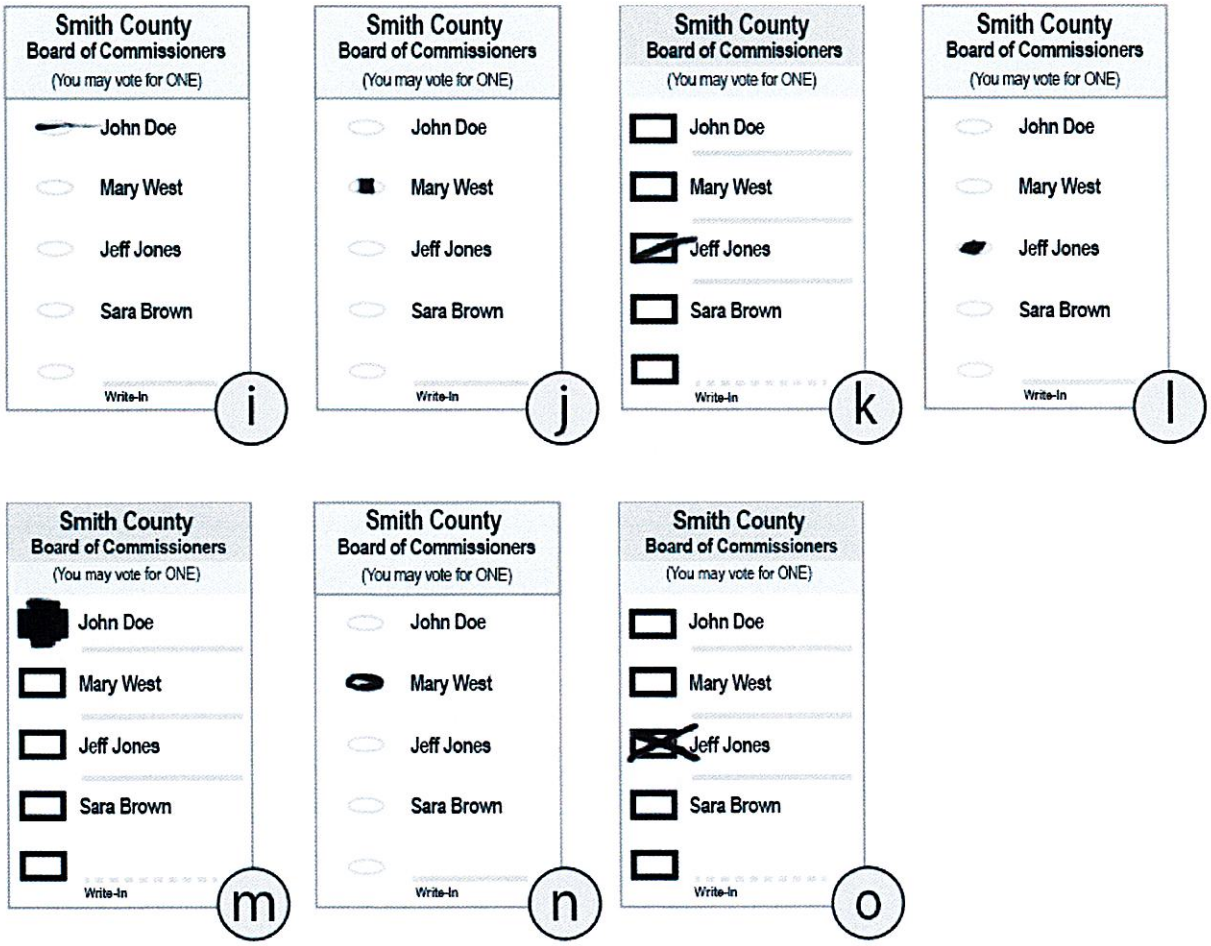
[25] See N.C.G.S. § 163-182.4.

5.1 Guidelines For Votes That Should Be Counted

5.1.1 Any ballot that is properly marked in the target area for one candidate only shall be designated as a vote for that candidate.

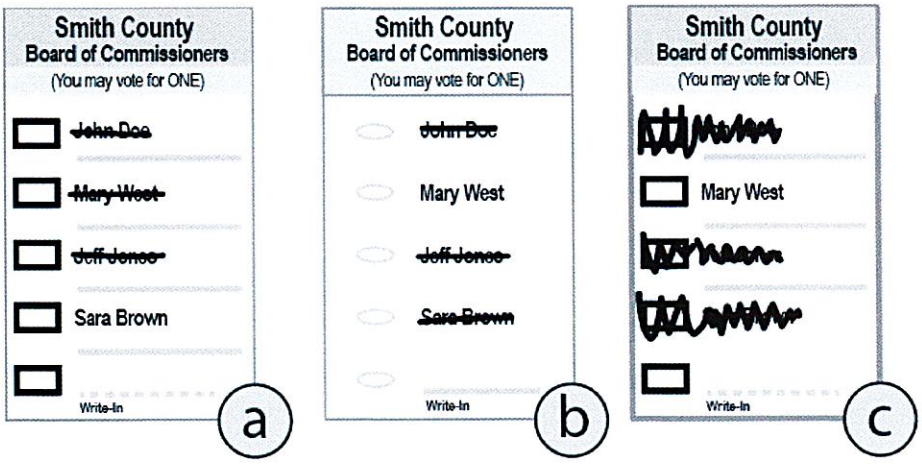
Examples of votes that shall be counted:





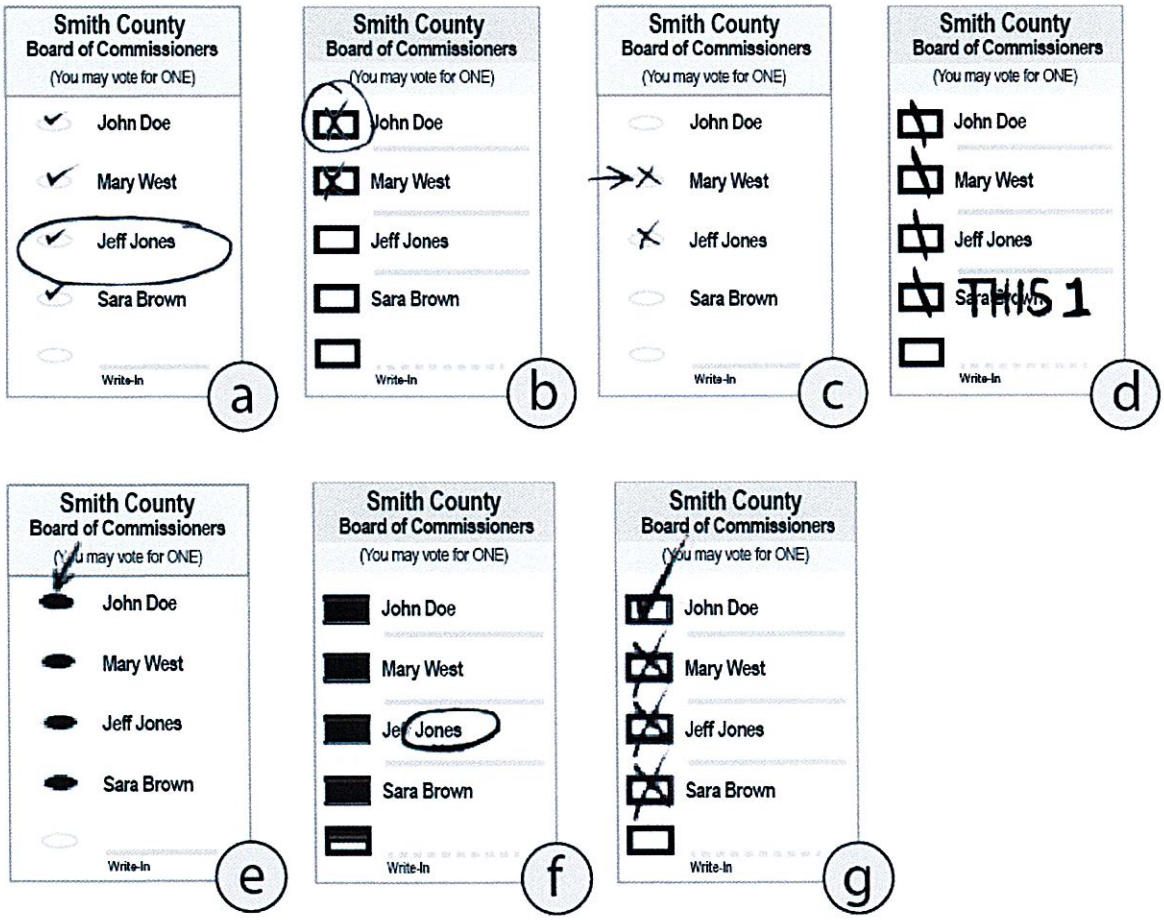
5.1.2 If the names of all but one candidate are stricken through, the ballot shall be counted for the one candidate whose name was not stricken through.

Examples of votes that shall be counted for the candidate whose name is NOT stricken through:



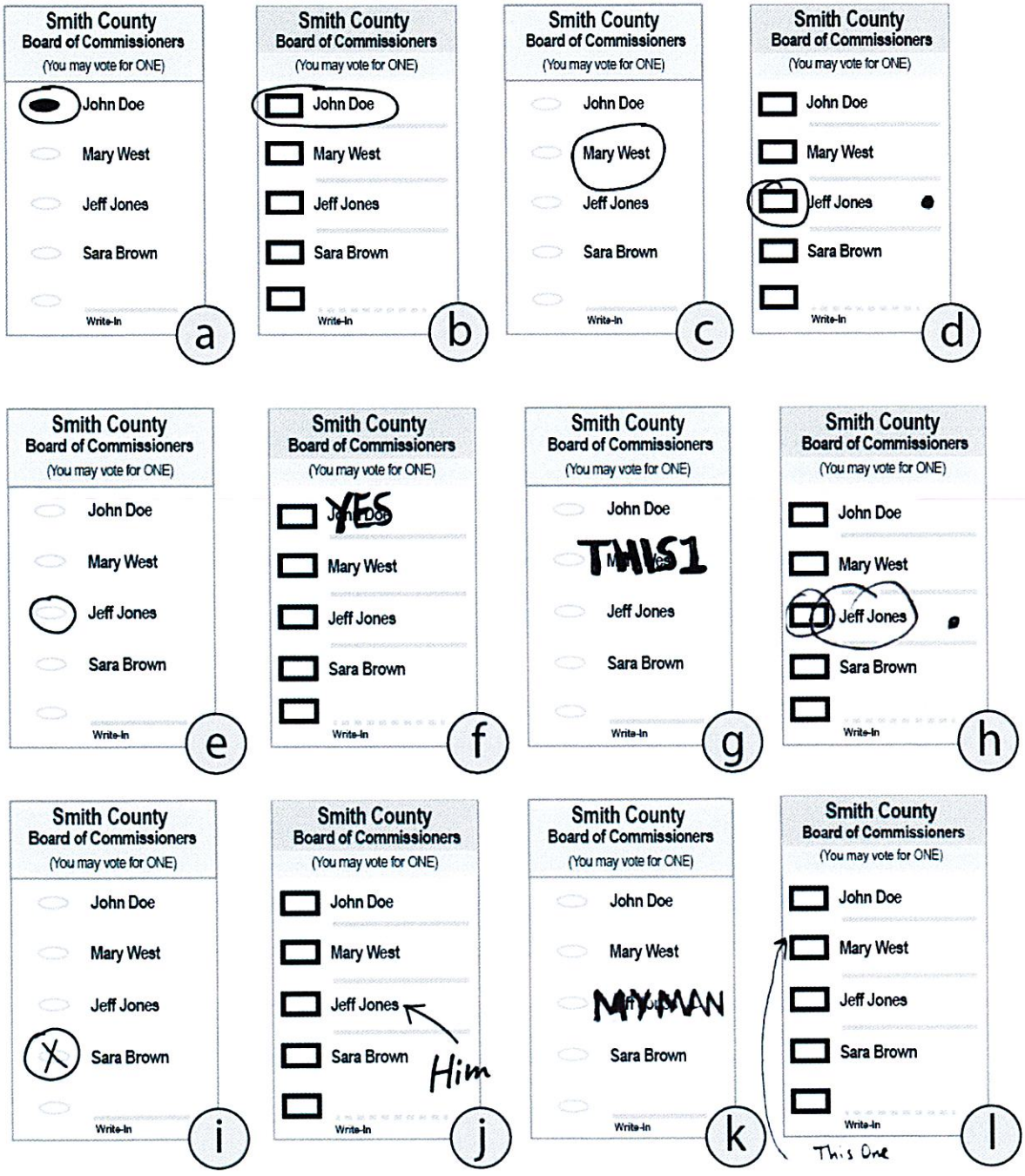
5.1.3 If there are identical marks for two or more candidates, clarified by an additional or different mark or marks that appear to indicate support for one candidate, the ballot shall be counted as a vote for the candidate with the additional or different marks.

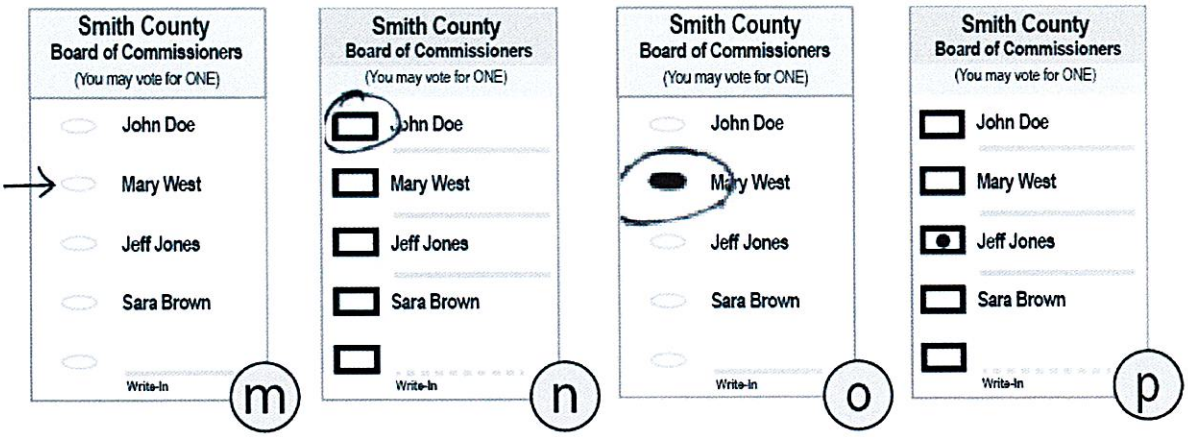
Examples of votes that shall be counted for the candidate with the additional clarifying mark:



5.1.4 Any ballot that has any other mark or marks in the target area or candidate area for one candidate only, including circling the target area and/or the candidate's name or making a mark through the target area or candidate's name, provided no other candidate for that office is similarly marked, shall be counted as a vote for that candidate.

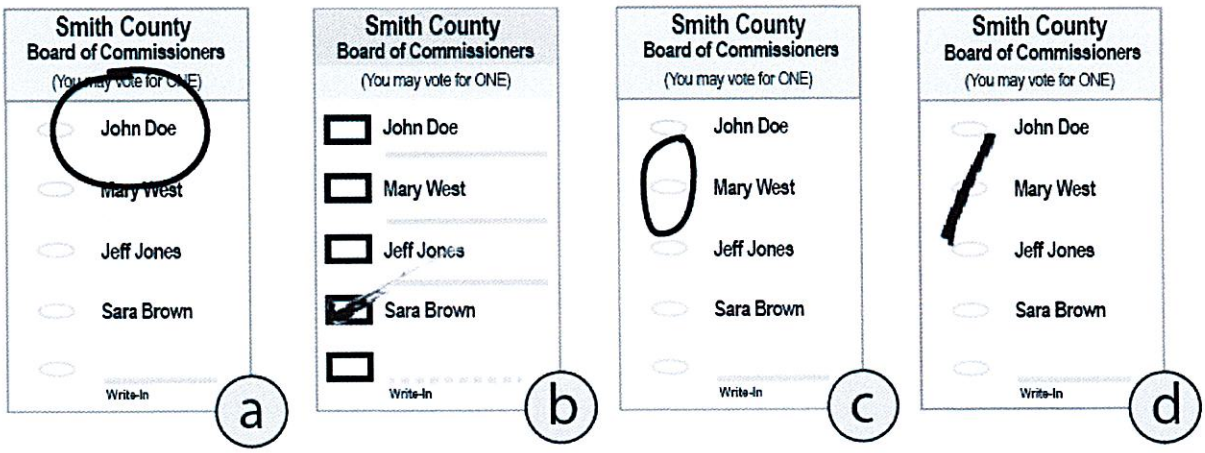
Examples of votes that shall be counted:

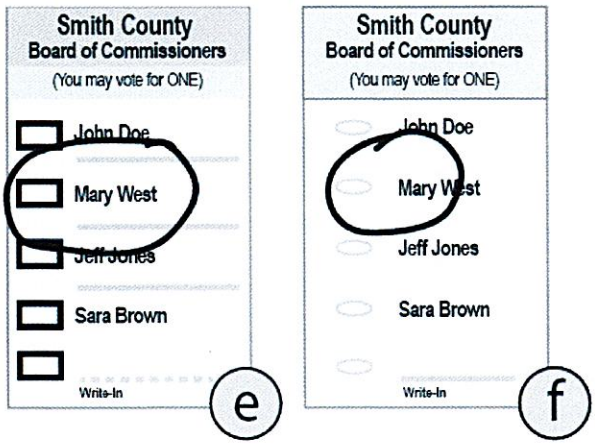




5.1.5 Any ballot that has a mark or marks in the target area or candidate area for one candidate, which extends partially into one or more other target areas or candidate areas, shall be counted as a vote for the candidate so marked only if a majority of the mark is in that candidate's area or target area, it is readily apparent that the voter intended to vote for that candidate, and no other candidate is similarly marked.

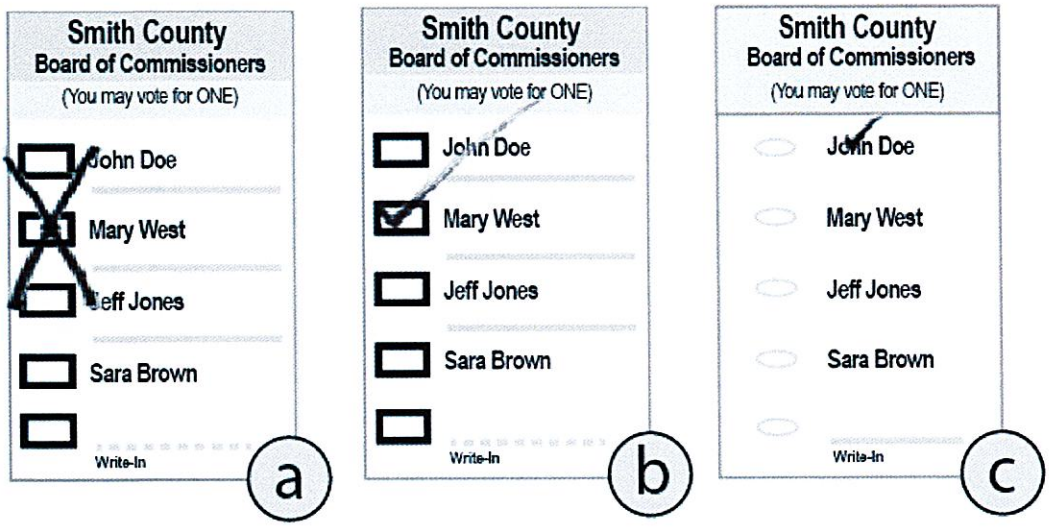
Examples of votes that shall be counted:





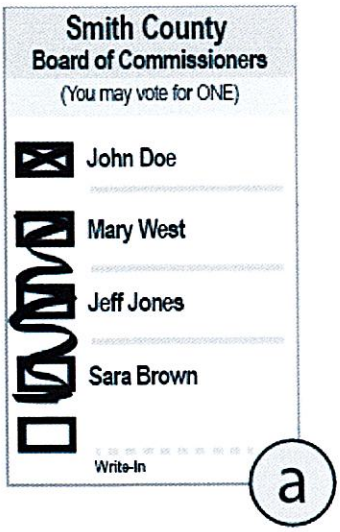
5.1.6 Marks extending across more than one candidate's area may be counted if the lines of the "x" or the bottom point of the check mark clearly lie inside the box or on top of the name or party affiliation or candidate area of one candidate, and no other candidate is similarly marked.

Examples of votes that shall be counted:

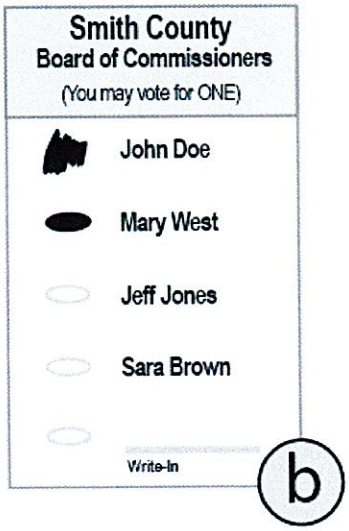


5.1.7 Any ballot that has a mark in the target area or candidate area for one candidate, and on which other marks in the target areas or candidate areas for any other candidates have been partially erased, scratched out, or otherwise obliterated, shall be counted as a vote for the candidate for which the mark was not erased, scratched out, or otherwise obliterated, provided no other candidate is similarly marked.

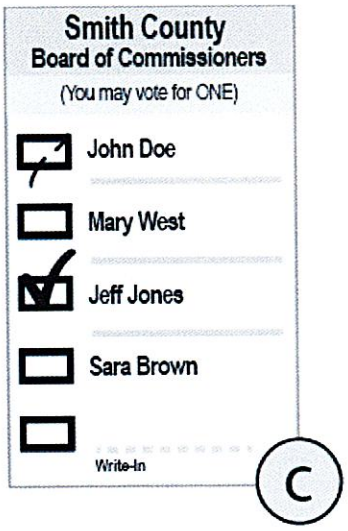
Examples of votes that shall be counted:



(To be counted for John Doe)



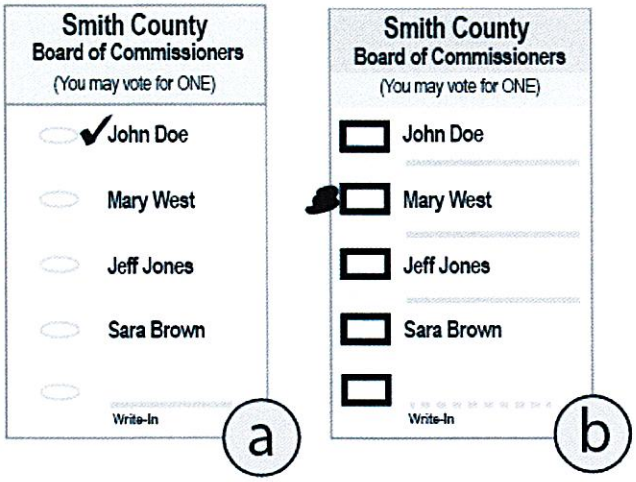
(To be counted for Mary West)



(To be counted for Jeff Jones)

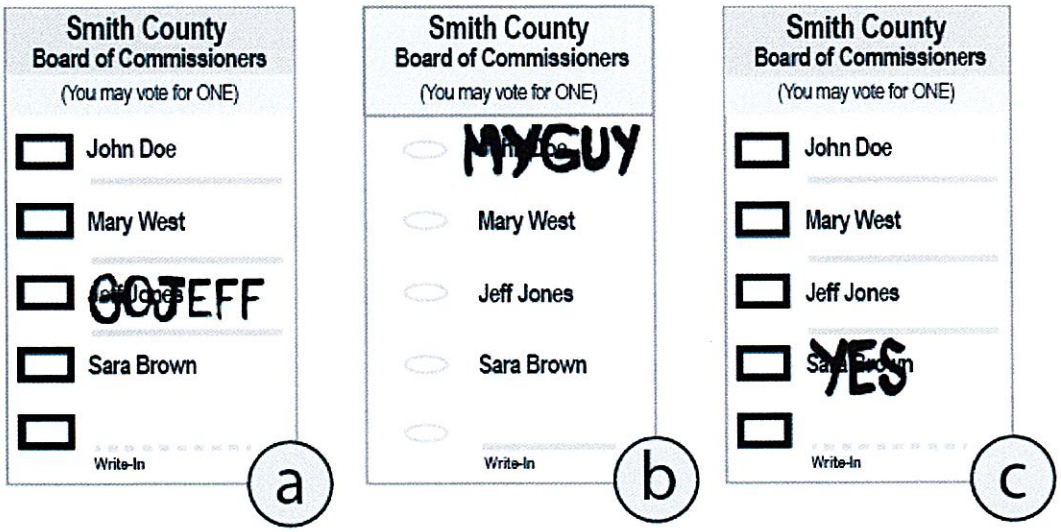
5.1.8 Any ballot that has a mark that is clearly next to (either before or after) a candidate's name, or across the name, shall be recognized as a mark for that candidate. Similarly, a mark between or over the "timing marks" of the ballot, that are clearly opposite or next to one candidate's name and not near another candidate's name, shall be recognized as a mark.

Examples of votes that shall be counted:



5.1.9 Any writing or comment on the ballot (other than a write-in) that clearly indicates the voter's support for one and only one candidate for the office, and that cannot be interpreted as a comment in favor of any other candidate in that election, shall be counted as a vote for that candidate.

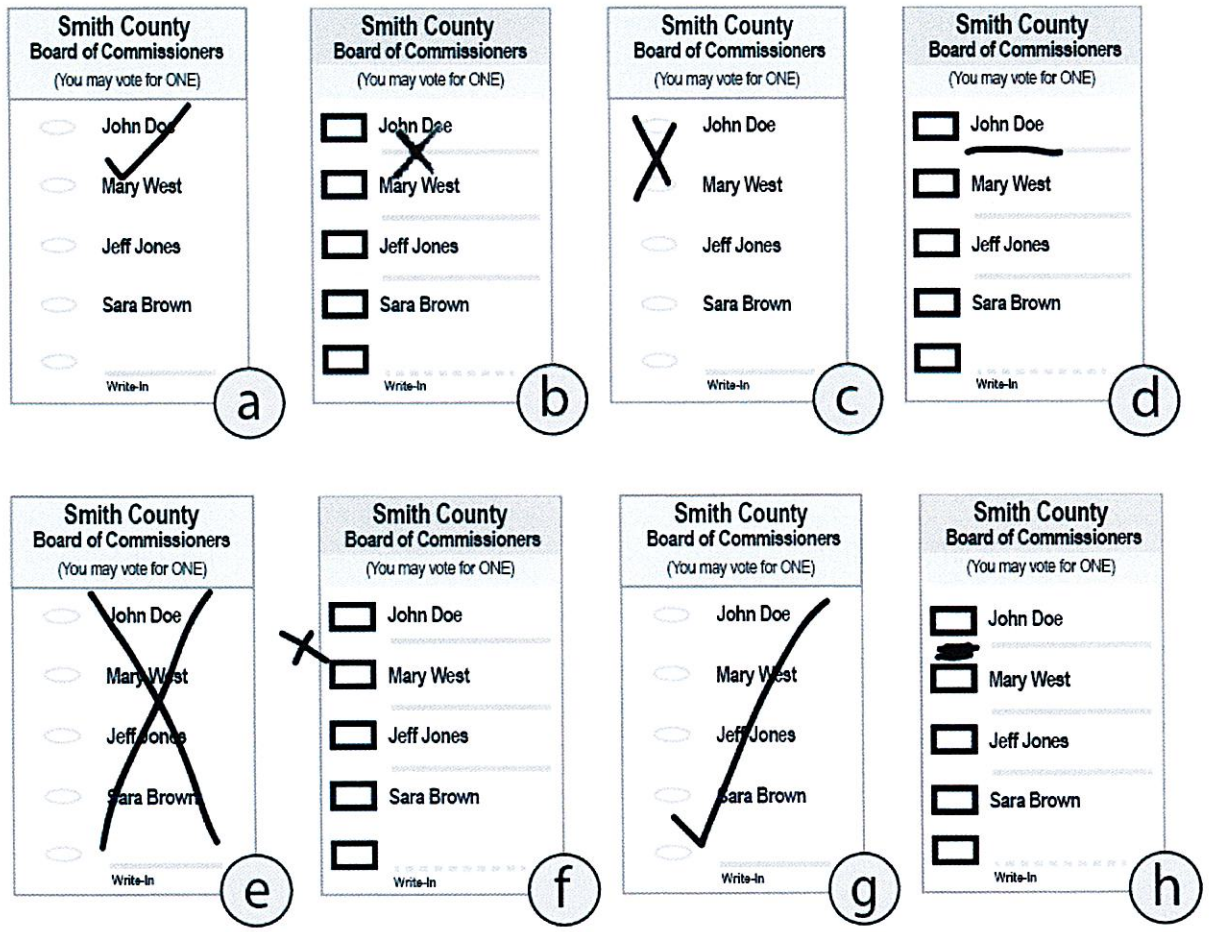
Examples of votes that shall be counted:



5.2 Guidelines For Votes That Should Not Be Counted

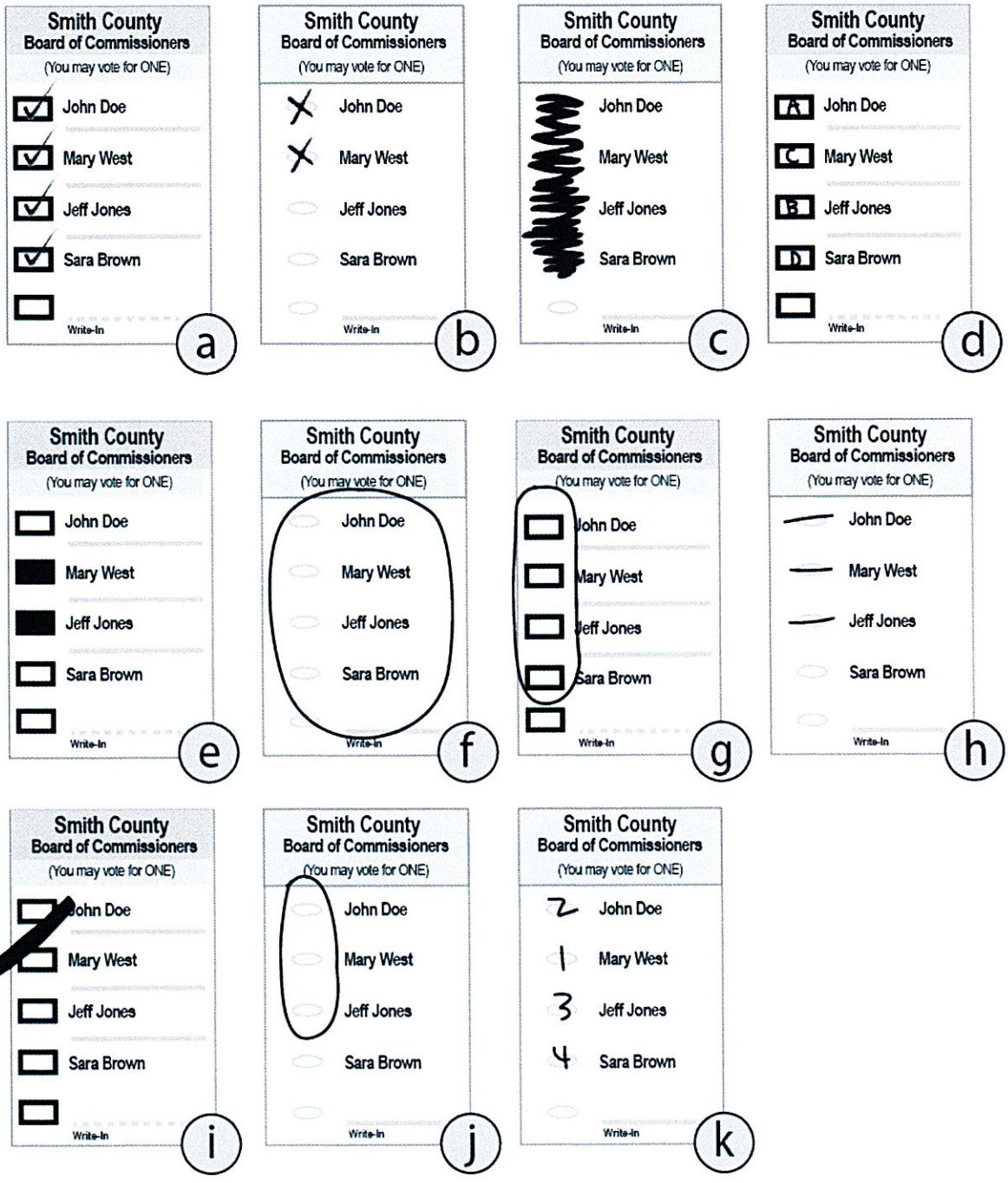
5.2.1 A mark that is between or across more than one candidate's name, candidate area, or target area shall not be recognized as a vote.

Examples of votes that shall **not** be counted:



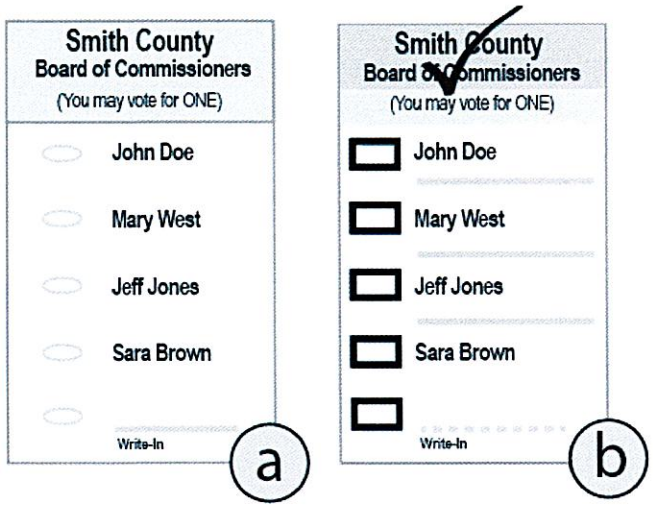
5.2.2 Any ballot that is marked for more than one candidate for the office shall be deemed an overvote and no vote shall be counted for that ballot item.

Examples of votes that shall **not** be counted:


Smith County
Board of Commissioners
(You may vote for ONE)
John Doe
Mary West
Jeff Jones
Sara Brown
Write-In
a
b
c
d
e
f
g
h
i
j
k

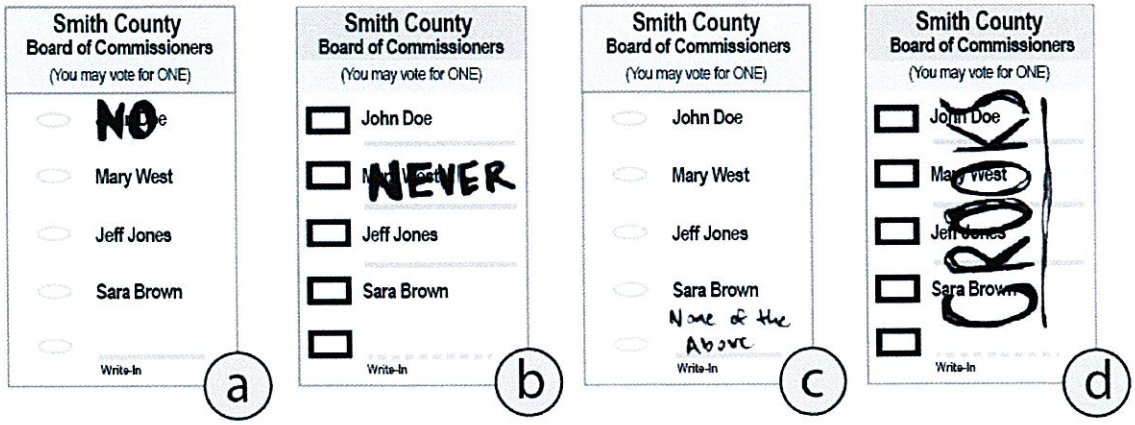
5.2.3 Any ballot on which there is no mark under the office, or any other mark or comment indicating support for a candidate for the office, is an undervote and shall not be counted as a vote for any candidate.

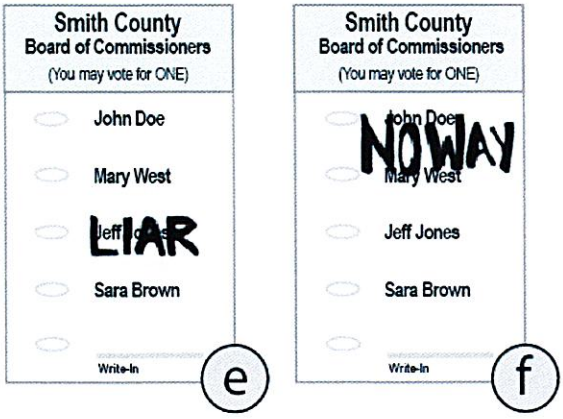
Examples of votes that shall **not** be counted:



5.2.4 A mark that is clearly a negative or extraneous comment, or which indicates the voter's opposition to one or more candidates, shall be considered an undervote, provided the ballot is not so marked to indicate which candidate the voter supports.

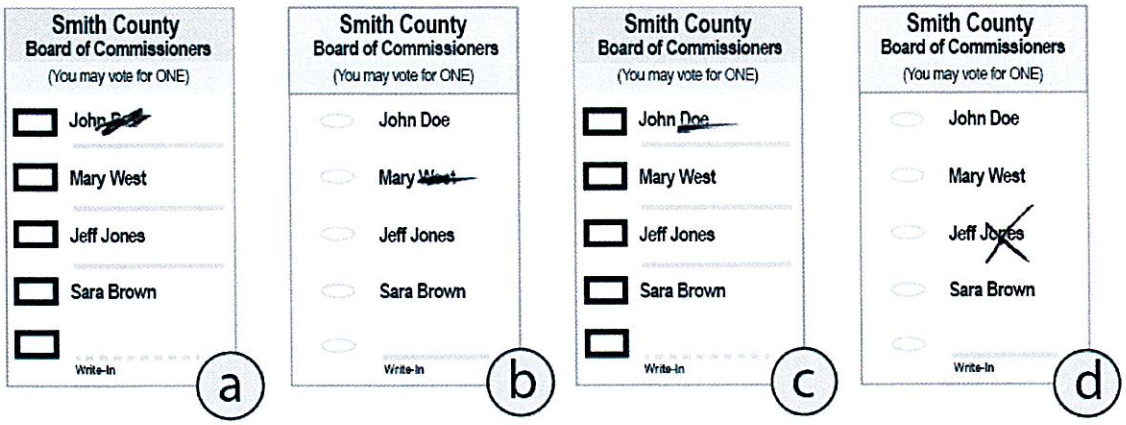
Examples of votes that shall **not** be counted:





5.2.5 If a substantial part of the candidate's name is crossed through or stricken out, the mark shall be considered an undervote and shall not be counted.

Examples of votes that shall **not** be counted:



III. Precinct Sort

County boards shall not conduct the precinct sort until all recounts, and any protests involving the recounts, have been completed. This could mean a county board may not be able to complete the precinct sort by 30 days after the election. Even if this is the case, N.C.G.S. § 132.5G(d) requires that "the chair of the county board of elections appear and explain the delay at the next official meeting of the State Board." The county board chair may report that the delay was due to the recount by sending an email with that explanation to the State Board's legal department so that the board chair does not need to appear in person at a State Board meeting.

IV. Discretionary Recounts

A county board of elections has the authority to order a discretionary recount "when necessary to complete the canvass in an election," unless the State Board has already denied a recount to the candidate requesting that recount.[26] A county board shall only order a discretionary recount when the board has made a finding with specific determinations as to why it is necessary to conduct the recount in order to complete the canvass. When doing so, that finding should be made in an open meeting, which could include the canvass meeting, and shall be reduced to writing in a resolution. Discretionary recounts ordered by a county board shall follow the procedures in this memo first for machine recounts and, if the board further finds it necessary to complete the canvass, hand-to-eye recounts.[27] A discretionary first recount must begin within three business days of the decision to conduct a discretionary recount.[28]

---

[26] N.C.G.S. § 163-182.7(a).

[27] If the discretionary recount proceeds to a full hand-to-eye recount, the county board "shall rely in its canvass on the mechanical or electronic count of the vote rather than the full hand-to-eye count of the paper ballots or records" unless there is "a material discrepancy between the electronic or mechanical count and a hand-to-eye count or recount, [in which case] the hand-to-eye count or recount shall control, except where paper ballots or records have been lost or destroyed or where there is another reasonable basis to conclude that the hand-to-eye count is not the true count." N.C.G.S. § 163-182.2(a3) (recodified from 163-182.2(a)(6) in Session Law 2026-60 § 1.2).

[28] 08 NCAC 09 .0107.

CHAPTER 09 - CONDUCT OF VOTE RECOUNTS BY COUNTY BOARDS OF ELECTIONS

08 NCAC 09 .0101	**RECOUNTS TO FOLLOW CUSTOMARY PROCEDURES**
08 NCAC 09 .0102	**LOCATIONS OF RECOUNTS**
08 NCAC 09 .0103	**NOTICE OF RECOUNT**
08 NCAC 09 .0104	**OFFICIALS CONDUCTING RECOUNT**
08 NCAC 09 .0105	**CHALLENGE OF RECOUNT PROCEDURES**

History Note: *Authority G.S. 163-179.1; 163-192.1;*
ARRC Objection May 19, 1988;
Temporary Rule Eff. April 18, 1988 for a period of 136 days to expire on August 31, 1988;
Expired Eff. August 31, 1988;
Eff. October 1, 1988;
Temporary Repeal Eff. April 15, 2002;
Repealed Eff. August 1, 2004.

08 NCAC 09 .0106 GENERAL GUIDELINES

(a) Prior to each recount under G.S. 163-182.7, the county board of elections or State Board shall inform the political parties and candidates of the recount and describe to them the process of conducting recounts. A county board of elections shall notice the recount at least 48 hours prior to the start of the recount. The county board shall send notice by email to the county board's regular notice list, county party chairs, and the candidates in the contest subject to the recount.

(b) In the case of tie votes, the winner shall be determined by lot only in the case set out in G.S. 163-182.8(2). Where there are 5,000 or fewer votes cast, there shall be only one determination by lot for each tied election. There shall be no determination by lot until the time has expired for the affected candidate(s) to request a recount, unless all of the affected candidate(s) waive their right in writing to request a recount.

(c) During the conduct of recounts, ballots shall be counted in accordance with the principles in G.S. 163-182.1(a).

(d) In conducting hand to eye recounts or recounts of paper ballots, a bipartisan team of four shall be used: two officials (one from each of the two parties in the State with the largest number of registered voters) to relay the results of each ballot with one person reading the ballot and the other official observing the ballot and the person reading the results of the ballot, and two officials (one from each of the two parties in the State with the largest number of registered voters) each separately recording the tally of votes for each candidate on paper while stating aloud after each choice is read on the fifth tally for a particular candidate, the word "tally." If, after diligently seeking to fill the positions with voters affiliated with each of the two parties in the State with the largest number of registered voters, the county board still has an insufficient number of officials for the recount, the county board by a majority vote of its members, including at least one board member of each political party represented on the board, may appoint to the bipartisan team an unaffiliated voter or voter affiliated with one of the other political parties. In no instance shall the county board appoint more than two members to a bipartisan team who are unaffiliated or affiliated with one of the other political parties. Bipartisan team members shall be registered voters in the State. County board members shall not serve on the bipartisan team.

(e) The county board of elections shall conduct recounts only as follows:

(1) the recount is mandatory under G.S. 163-182.7(b) or (c) or G.S. 163-182.7A; or

(2) the recount is not mandatory but the county board of elections or the State Board of Elections determines, using its authority in G.S. 163-182.7(a), that in order to complete the canvass a recount is necessary.

(f) A candidate shall have the right to call for a hand-eye recount within 24 hours after a discretionary recount in G.S. 163-182.7(a) or by noon on the next business day of the county board office, whichever is later, if the apparent winner is the apparent loser after the discretionary recount. A candidate shall have the right to call for a hand-eye sample recount within 24 hours after a mandatory machine recount, pursuant to G.S. 163-182.7A.

(g) Any candidate shall have the right to file an election protest within 24 hours after a recount is completed or by noon of the next business day of the county board office, whichever is later, if the protest relates to the conduct of the recount. Allegations unrelated to the recount may not be included in the protest.

(h) Recounts shall be performed in the presence of a quorum of county board members or in the presence of a bipartisan team of two county board members. Determinations of voter intent shall be made by a quorum of the board and at least one board member of each political party shall be represented.

History Note: *Authority G.S. 163-22; 163-182.7;*
Temporary Adoption Eff. April 15, 2002;
Eff. August 1, 2004;
Readopted Eff. June 1, 2019;
Amended Eff. September 1, 2021.

08 NCAC 09 .0107 FIRST RECOUNT

In the first recount conducted by the county board of elections in accordance with G.S. 163-182.7, all ballots that were originally counted shall be recounted by machine, notwithstanding the method by which the ballots were originally counted. All ballots that are rejected for tabulation purposes by the machines during the recount shall be recounted by hand by a bi-partisan team of four in accordance with 08 NCAC 09 .0106(d). Ballots accepted by the machines during the recount shall not be counted by hand, regardless of whether the ballot is marked, contains overvotes, or is blank. The board of elections having jurisdiction over the ballot item shall schedule the first recount to begin within three business days of the demand for a mandatory recount or the decision to conduct a discretionary recount under G.S. 163-182.7, except any mandatory recount shall begin no earlier than the conclusion of the county canvass meeting pursuant to G.S. 163-182.5.

History Note: *Authority G.S. 163-22; 163-182.7;*
Temporary Adoption Eff. April 15, 2002;
Eff. August 1, 2004;
Readopted Eff. June 1, 2019;
Amended Eff. September 1, 2021;
Temporary Amendment Eff. August 8, 2024;
Temporary Amendment Exp. May 31, 2025;
Amended Eff. August 1, 2025.

08 NCAC 09 .0108 RECOUNT OF DIRECT RECORD ELECTRONIC VOTING MACHINES

History Note: *Authority G.S. 163-22; 163-182.7;*
Temporary Adoption Eff. April 15, 2002;
Eff. August 1, 2004;
Readopted Eff. June 1, 2019;
Repealed Eff. September 1, 2021.

08 NCAC 09 .0109 GUIDELINES FOR DETERMINING VOTER INTENT

(a) As provided in G.S. 163-182.1(a), voter intent is the governing standard when questions arise about how to adjudicate markings on a ballot. Questions about voter intent may arise during a hand-to-eye recount if a voter marks the ballot in an inappropriate manner, places marks in the wrong location on the ballot, or otherwise marks the ballot in a manner that causes the voter's choice to be in dispute. Determinations of voter intent shall be made by the county board. If the bipartisan team of four provided for in 08 NCAC 09 .0106(d) encounters a ballot that cannot be clearly identified as a vote for one candidate or another, the ballot must be set aside. During a hand-to-eye audit or recount, all ballots with a potential overvote or undervote shall be adjudicated by the county board at the conclusion of the tallying by the bipartisan team. If the subject to the recount was left blank—meaning there are no marks in the target or candidate area for the contest—the county board shall not need to determine voter intent and the ballot shall not be counted for any candidate in that contest.

(b) For purposes of this Rule, the following definitions apply:

(1) "Target area" is the square or oval next to the candidate's name on the printed ballot.

(2) "Candidate area" is the area between the lines separating candidate names, or the area that is clearly closer to one candidate's name than another, and includes the candidate's name and party affiliation, if listed.

(c) For any printed ballot that is to be counted hand-to-eye, the following guidelines shall be used in determining voter intent:

(1) Any ballot that is properly marked in the target area for one candidate only shall be designated as a vote for that candidate.

(2) If the names of all but one candidate are stricken through, the ballot shall be counted for the one candidate whose name was not stricken through.

(3) If there are identical marks for two or more candidates, clarified by an additional or different mark or marks that appear to indicate support for one candidate, the ballot shall be counted as a vote for the candidate with the additional or different marks.

(4) Any ballot that has any other mark or marks in the target area or candidate area for one candidate only, including circling the target area, the candidate's name, or both, or making a mark in or around the target area or candidate's name, provided no other candidate for that office is similarly marked, shall be counted as a vote for that candidate.

(5) Any ballot that has a mark or marks in the target area or candidate area for one candidate, which extends partially into one or more other target areas or candidate areas, shall be counted as a vote for the candidate so marked only if a majority of the mark is in that candidate's area or target area, it is readily apparent that the voter intended to vote for that candidate, and no other candidate is similarly marked.

(6) Marks extending across more than one candidate's area may be counted if the lines of the "x" or the bottom point of the check mark clearly lie inside the box or on top of the name or party affiliation or candidate area of one candidate, and no other candidate is similarly marked.

(7) Any ballot that has a mark in the target area or candidate area for one candidate, and on which other marks in the target areas or candidate areas for any other candidates have been partially erased, scratched out, or otherwise obliterated, shall be counted as a vote for the candidate for which the mark was not erased, scratched out, or otherwise obliterated, provided no other candidate is similarly marked.

(8) Any ballot that has a mark that is clearly next to (either before or after) a candidate's name, or across the name, shall be recognized as a mark for that candidate. Similarly, a mark between or over the "timing marks" of the ballot, that are clearly opposite or next to one candidate's name and not near another candidate's name, shall be recognized as a mark.

(9) A mark that is between or across more than one candidate's name, candidate area, or target area shall not be recognized as a vote.

(10) Any writing or comment on the ballot (other than a write-in) that clearly indicates the voter's support for one and only one candidate for the office, and that cannot be interpreted as a comment in favor of any other candidate in that election, shall be counted as a vote for that candidate.

(11) Any ballot that is marked for more than one candidate for the office shall be deemed an overvote and no vote shall be counted for that ballot item.

(12) Any ballot on which there is no mark under the office, or any other mark or comment indicating support for a candidate for the office, is an undervote and shall not be counted as a vote for any candidate.

(13) A mark that is clearly a negative or extraneous comment, or that indicates the voter's opposition to one or more candidates, shall be considered an undervote, provided the ballot is not so marked to indicate which candidate the voter supports.

(14) If a substantial part of the candidate's name is crossed through or stricken out, the mark shall be considered an undervote and shall not be counted.

Examples of these guidelines applied to ballot markings are located in Numbered Memo 2020-32 on the State Board of Elections' website, http://www.ncsbe.gov.

History Note: *Authority G.S. 163-22; 163-182.7;*
Temporary Adoption Eff. April 15, 2002;
Eff. August 1, 2004;
RRC Objection August 16, 2018 and rule returned to agency on June 1, 2019;
Eff. September 1, 2021.

08 NCAC 09 .0110 SECONDARY RECOUNTS

For any hand-to-eye recount conducted under G.S. 163-182.7A, each county board of elections involved in the recount shall provide notice at least 24 hours in advance of the recount by email to the county board's notice list under G.S. 143-318.12(b)(2), county party chairs, and the candidates in the contest subject to the recount. No separate notice of a hand-to-eye recount is required if the hand-to-eye recount occurs on the same day as and following the conclusion of the first recount under 08 NCAC 09 .0107 and the notice of the first recount stated that a hand-to-eye recount, if required, could take place upon the conclusion of the first recount. The board of elections having jurisdiction over the ballot item under G.S. 163-182.7 shall schedule any hand-to-eye recount to begin within two business days of the demand for a hand-to-eye recount, whether that recount is a sample recount or a full recount.

History Note: *Authority G.S. 163-22; 163-182.7; 163-182.7A;*
Temporary Adoption Eff. August 8, 2024;
Temporary Adoption Exp. May 31, 2025;
Adoption Eff. August 1, 2025.