

1 08 NCAC 09 .0106 is proposed for amendment as follows:

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3 **08 NCAC 09 .0106 GENERAL GUIDELINES**

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

9 (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
10 there are 5,000 or fewer votes cast, there shall be only one determination by lot for each tied election. There shall be
11 no determination by lot until the time has expired for the affected candidate(s) to request a recount, unless all of the
12 affected candidate(s) waive their right in writing to request a recount.

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

14 (d) In conducting ~~hand-to-eye recounts~~ hand-to-eye recounts pursuant to G.S. 163-182.7A and Rule .0110 of this
15 Chapter, or recounts of paper ballots, a bipartisan team of four officials shall be ~~used~~; assigned; two officials (one
16 from each of the two parties in the State with the largest number of registered voters) to relay the results of each ballot
17 with one person reading the ballot and the other official observing the ballot and the person reading the results of the
18 ballot, and two officials (one from each of the two parties in the State with the largest number of registered voters)
19 each separately recording the tally of votes for each candidate on paper while stating aloud after each choice is read
20 on the fifth tally for a particular candidate, the word "tally." ~~If, after diligently seeking to fill the positions with voters~~
21 ~~affiliated with each of the two parties in the State with the largest number of registered voters, the county board still~~
22 ~~has an insufficient number of officials for the recount, the~~ The county board by a majority vote of its members,
23 including at least one board member of each political party represented on the board, may ~~appoint~~ assign to the
24 bipartisan team an unaffiliated voter or voter affiliated with one of the other political ~~parties~~; parties recognized in the
25 State under G.S. 163-96. In no instance shall the county board ~~appoint~~ assign more than two ~~members~~ officials to a
26 bipartisan team who are unaffiliated or affiliated with one of the other political ~~parties~~; parties, and a bipartisan team
27 of four shall include at least one official from each of the two parties in the State with the largest number of registered
28 voters. Bipartisan team ~~members~~ officials shall be registered voters in the ~~State~~; State and shall wear identification
29 during the recount to make observers aware of the official's role in the recount. County board members shall not serve
30 on the bipartisan team.

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

- 32 (1) the recount is mandatory under G.S. 163-182.7(b) or (c) or G.S. 163-182.7A; or
33 (2) ~~the recount is not mandatory but~~ the county board of elections or the State Board of Elections
34 determines, using its authority in G.S. 163-182.7(a), that in order to complete the canvass a recount
35 is necessary.

36 (f) A candidate shall have the right to call for a ~~hand-eye~~ hand-to-eye recount within 24 hours after the board of
37 elections having jurisdiction over the ballot item under G.S. 163-182.7 declares the completion of a discretionary

1 machine recount ~~in that is ordered pursuant to~~ G.S. 163-182.7(a) or by noon on the next business day of the ~~county~~
2 board of elections office, whichever is later, if the apparent winner is the apparent loser after the discretionary recount.
3 A candidate shall have the right to call for a ~~hand-eye~~ hand-to-eye sample ~~recount~~ recount, pursuant to G.S. 163-
4 182.7A, within 24 hours after the board of elections having jurisdiction over the ballot item under G.S. 163-182.7
5 declares the completion of a mandatory machine ~~recount~~, pursuant to G.S. 163-182.7A. recount. A machine recount
6 shall not be declared completed until the results have been reported to the State Board. For machine recounts of ballot
7 items under the jurisdiction of a county board of elections, the declaration of the completion of the recount may be
8 delegated by the county board to the bipartisan team of two county board members overseeing the recount. For
9 machine recounts of ballot items under the jurisdiction of the State Board, the declaration of the completion of the
10 recount may be delegated by the State Board to the Executive Director of the State Board.

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

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

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19 *History Note: Authority G.S. 163-22; 163-182.1; 163-182.7; 163-182.7A;*
20 *Temporary Adoption Eff. April 15, 2002;*
21 *Eff. August 1, 2004;*
22 *Readopted Eff. June 1, 2019;*
23 *Amended Eff. September 1, ~~2021~~, 2021;*
24 *Amended Eff. September 1, 2026.*