

1 08 NCAC 09 .0107 is proposed for amendment as follows:

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3 **08 NCAC 09 .0107 FIRST RECOUNT**

4 (a) In the first recount conducted by the county board of elections in accordance with G.S. 163-182.7, all ballots that
5 were originally counted shall be recounted by machine, notwithstanding the method by which the ballots were
6 originally counted.

7 (b) In conducting the machine recount, the county board of elections shall assign a bipartisan team of two officials for
8 each tabulator, consisting of a tabulator attendant to feed ballots into the tabulator and a tabulator observer to provide
9 individual ballots to the tabulator attendant. The county board shall assign at least one additional official to manage
10 the distribution of the voted ballots that are subject to the recount. Trained personnel, county board of elections staff,
11 or precinct officials appointed pursuant to G.S. 163-41, G.S. 163-42, or G.S. 163-166.35(b), shall be assigned by the
12 county board to operate the tabulator in place of the bipartisan team only when those personnel are overseen by a
13 bipartisan team of supervisors. A bipartisan team of supervisors shall consist of two officials and shall be assigned to
14 oversee the operation of no more than four tabulators. For the purpose of this Rule, “bipartisan team” or “bipartisan
15 team of supervisors” refers to a team of two officials assigned by the county board of elections with one official each
16 being registered as affiliated with one of the two parties in the State with the largest number of registered voters.
17 County board members shall not serve on the bipartisan team or bipartisan team of supervisors.

18 (c) All ballots that are rejected for tabulation purposes by the machines during the recount shall be recounted by hand
19 by a bi-partisan team of four in accordance with 08 NCAC 09 .0106(d). using one of the following methods:

20 (1) By hand. The hand count shall be done by a bipartisan team of four in accordance with Rule .0106(d)
21 of this Chapter, and any questions regarding voter intent in the hand recount of those ballots shall
22 be resolved in accordance with Rule .0109 of this Chapter.

23 (2) By ballot duplication. The ballot duplication shall be performed by a bipartisan team assigned under
24 Paragraph (b) of this Rule. The bipartisan team shall replicate the voter’s selections in all contests
25 on the rejected ballot onto a blank ballot that is reviewed by the county board members in attendance
26 and then fed into the tabulator. Any questions regarding voter intent in the selections on the ballot
27 shall be resolved in accordance with Rule .0109 of this Chapter prior to replicating the selections
28 onto the blank ballot. The duplicated ballot shall be marked by the bipartisan team with an identifier
29 that it is a duplicated ballot, and the duplicated ballot shall be securely stored with the rejected ballot
30 after it has been successfully read by the machine.

31 Ballots accepted by the machines during the recount shall not be counted by hand, regardless of whether the ballot is
32 marked, contains overvotes, or is blank.

33 (d) The board of elections having jurisdiction over the ballot item shall schedule the first recount to begin within three
34 business days of the demand for a mandatory recount or the decision to conduct a discretionary recount under G.S.
35 163-182.7, except any mandatory recount shall begin no earlier than the conclusion of the county canvass meeting
36 pursuant to G.S. 163-182.5.

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1 *History Note: Authority G.S. 163-22; 163-182.7;*
2 *Temporary Adoption Eff. April 15, 2002;*
3 *Eff. August 1, 2004;*
4 *Readopted Eff. June 1, 2019;*
5 *Amended Eff. September 1, 2021;*
6 *Temporary Amendment Eff. August 8, 2024;*
7 *Temporary Amendment Exp. May 31, 2025;*
8 *Amended Eff. August 1, ~~2025~~ 2025;*
9 *Amended Eff. September 1, 2026.*