



NORTH CAROLINA

State Board of Elections & Ethics Enforcement

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NUMBERED MEMO 2017-07

TO: Alamance, Buncombe, Burke, Camden, Carteret, Catawba, Chatham, Craven, Cumberland, Davidson, Durham, Edgecombe, Forsyth, Guilford, Harnett, Iredell, Mecklenburg, Moore, Nash, Orange, Pasquotank, Person, Randolph, Richmond, Vance, Wake

FROM: Kim Strach, Executive Director

RE: **URGENT:** Post-Primary/Election Instructions

DATE: October 11, 2017

Thanks to everyone for all of your hard work yesterday and for all the preparations made for yesterday. As we have all understood, the challenges of this municipal election year are like no other municipal year. Early voting for November begins next Thursday, which means most of you will not only be preparing for canvass but also preparing for early voting to begin three days after canvass.

Additionally, some contests appear to be in the margins for a recount and some of you have contests that may be subject to a runoff election. Both recounts and runoffs require the entitled candidate to make a request for the recount or runoff. And, to add another challenge, if entitled candidates wait until the statutory deadlines to request a recount or a runoff, early voting would likely not begin on time. **Therefore, if you know a candidate is entitled to a recount or runoff, please reach out to that candidate and explain the necessity to make the request immediately.** If a candidate entitled to a recount or runoff advises you that they intend to wait until the deadline to make the request, please contact me immediately. Also, if an entitled candidate requests a recount, please let me know your plan to conduct the recount.

The disposition of provisional ballots could also impact the margins for entitlement to a recount or runoff. Please research your provisionals as soon as possible. Turnout and victory margins are much smaller for municipals, which magnifies the impact of any mistake made during the canvassing process.

Recounts for non-statewide ballot items (G.S. § 163-182.7)

A county board of elections may order a recount “when necessary to complete the canvass,” and therefore a county board may decide to order a discretionary recount in advance of canvass if a candidate is in the margin to demand a recount but does not do so early. Provided the discretionary recount is properly noticed to the relevant parties and candidates, the discretionary recount may avoid the need for an eligible candidate to request a mandatory recount.

The deadline for a candidate in a single-county contest to request a recount is 5 p.m. on the first business days after canvass: **5 p.m. October 17**. For a single-seat ballot item, a candidate has the right to demand a recount if the difference between the votes for that candidate and a prevailing candidate is not more than 1% of the total votes cast in the ballot item.

Example: 1,000 total votes are cast in a vote-for-one contest. Candidate A receives 500 votes, Candidate B receives 490 votes, and Candidate C receives 10 votes. Because Candidate B is within 1% of the total votes cast (10 votes), she has the right to demand a recount.

For a multi-seat ballot item, a candidate has a right to demand a recount if the difference between the votes for that candidate and the votes for a prevailing candidate is not more than 1% of the votes cast for those two candidates.

Example: 2,000 total votes are cast in a vote-for-two contest. Candidate A receives 900 votes, Candidate B receives 505 votes, Candidate C receives 495 votes, and Candidate D receives 100 votes. Add up the votes for B and C (1,000). Because Candidate C is within 1% of the sum of the votes cast for those two candidates (10 votes), he has the right to demand a recount.

The deadline for a candidate in a multi-county contest to request a recount is noon on the second day after canvass: **noon October 18**.

Runoffs (G.S. § 163-293)

The deadline to request a runoff is noon on the Thursday after canvass: **noon October 19**. As with recounts, it is imperative that you communicate with any candidate eligible for a runoff to convey the necessity of making the request early.

In an election for a single office, a prevailing candidate who receives more than 50% of the total votes cast for all candidates has obtained a majority and avoids the possibility of a runoff. If no candidate receives a majority of the votes cast, the candidate receiving the second-highest number of votes may request a runoff, in which case a runoff election shall be held with only the names of the candidates who receive the highest and next highest number of votes printed on the ballot.

In an election for a multi-seat office, the majority is determined by dividing the total votes cast for all candidates by the number of offices to be filled, and dividing the result by two. A candidate who obtains more than that number has received a majority and shall be declared the winner. A shortcut for this determination is to divide 50% by the number offices to be filled – so in a vote-for-two contest, each candidate must receive more than 25% of the total votes cast to avoid the possibility of a runoff.

Post-Primary/Election Audits

If you will be unable to complete your sample audit count, hold your provisional board meeting and conclude reconciliation audits – including finalizing voter history – by 3 p.m. Friday, please let me know. I know and understand you are being asked to do numerous critical tasks in what **is** an impossible amount of time. The good news is that you all have proven over the last several years your ability to rise to the challenge and get the job done. We want to assist you in any way

possible. Our plan is to complete our audits before you canvass so that we can help identify any potential issue that could delay or impact your canvass. We want to be another set of eyes for you. If you need additional help in completing these important canvassing tasks, please let me know immediately.

Canvass is scheduled for Monday, October 16. Just because we are short on time doesn't mean we can shortcut our integrity processes. In order to complete our post-election audits, we need the following data:

- Provisional data: All provisional data should be uploaded into the SEIMS Provisional Module. The disposition of each provisional module need not be decided for us to get started with our analysis. Nevertheless, it is helpful to have the administrative decision populated (full count, partial count, or not counted), so that we can audit those decisions. We understand that the Boards of Elections have authority to make different decisions during the Provisional Canvass.
- Voter History Data: Voter history data (ATVs, etc.) should be loaded into One-Stop System Manager as soon as possible. This facilitates our audits that reconcile voter history and ballots cast counts at different levels of specificity (e.g. county, precincts, ballot styles, etc.)

As soon as possible after canvass (Monday), we will also need the following:

- Elecddata folder: Please save the folder to the following location on Filezilla:
[FTP SECURE\CountyUploads_SBE\2017\20171010_October\elecddata\](ftp://secure@countyuploads.sbe.gov/2017/20171010_October/elecddata/)

You may zip the folder if you would like to. If necessary, please delete any voted image logs or ballot images from the copy of your elecddata folder.

- Results Correction Log: Please upload the file here:
[FTP SECURE\CountyUploads_SBE\2017\20171010_October\Manual_Edit_Log\](ftp://secure@countyuploads.sbe.gov/2017/20171010_October/Manual_Edit_Log/)

Do not make manual entries in Unity. Any manual entries must be done in Election Reporting.

- System Log: Please upload the file here:
[FTP SECURE\CountyUploads_SBE\2017\20171010_October\System_Log\](ftp://secure@countyuploads.sbe.gov/2017/20171010_October/System_Log/)

Again, thank you for all you have done and continue to do to make these municipal elections successful. It cannot be done without each of you.