Numbered Memo 2022-09

TO: County Boards of Elections
FROM: Karen Brinson Bell, Executive Director
RE: Absentee Ballot Return Deadline
DATE: August 17, 2022

This numbered memo provides guidance for when the civilian absentee-by-mail deadline falls on a holiday. This guidance applies to all future elections.

State law provides that absentee ballots must be either:

- Received by 5 p.m. on Election Day; or
- Postmarked by Election Day and received no later than 5 p.m. three days after the election.¹

In 2022, the deadline for receipt of postmarked absentee ballots falls on Friday, November 11, Veterans Day, a state and federal holiday.² When a deadline for doing an act to be performed in a public office falls on a weekend or holiday, the deadline moves to the next day the public office is open.³ Accordingly, when the deadline for the return of postmarked absentee ballots falls on a holiday, the deadline moves to the next business day, pursuant to G.S. § 103-5(a).

Therefore, in 2022, the deadline for receipt of absentee ballots that are postmarked by Election Day is Monday, November 14.

¹ G.S. § 163-231(b)(2)b.
³ G.S. § 103-5(a) states: “Except as otherwise provided by law, when the day or the last day for doing any act required or permitted by law to be performed in a public office or courthouse falls on a Saturday, Sunday, or legal holiday when the public office or courthouse is closed for transactions, the act may be performed on the next day that the public office or courthouse is open for transactions.”