



## Numbered Memo 2023-04

**TO:** County Boards of Elections

**FROM:** Karen Brinson Bell, Executive Director<sup>1</sup>

**RE:** Provisional Ballots and Canvass Procedures

**DATE:** October 12, 2023 (Updated February 26, 2024)<sup>2</sup>

---

This Numbered Memo outlines administrative procedures for rendering decisions on provisional ballots and for canvassing elections, including the procedures for counting votes cast through the different means for doing so in our elections. Procedures implementing election laws generally should be uniformly applied throughout North Carolina, and the directives in this memo help ensure consistency in practices by county boards.

### Table of Contents

1.	Review of Provisional Ballots .....	3
2.	Provisional Review: Voter Eligibility .....	3
2.1	Missing Information on Provisional Application .....	4
2.2	DMV Provisional Research .....	5
2.2.1	Conducting DMV Provisional Research.....	5
2.2.2	Understanding the DMV Research Report .....	6
2.3	Removed Due to List Maintenance.....	7
2.4	Unreported Moves .....	8
2.5	Incorrect Precinct .....	9
2.6	No Record of Registration .....	9
2.7	Voters Removed Due to Felony Conviction .....	10

---

<sup>1</sup> This memo is issued under the authority delegated by the State Board to the executive director pursuant to G.S. § 163-22(p).

<sup>2</sup> Much of the guidance in this numbered memo was previously issued as Numbered Memo 2018-05 by Executive Director Kim Westbrook Strach. This memo replaces that prior memo and includes many critical updates, including the processes for when a voter casts a provisional ballot for a photo ID-related reason. This memo was updated on February 26, 2024, to reflect changes in various election laws after the enactment of N.C. Session Law 2023-140.

2.8	Voters Removed Due to Moving Out of County .....	10
2.9	NCOA Notification .....	10
2.10	Residency .....	11
2.11	Denied Registration .....	11
2.12	Same-Day Registrant Without Proof of Residence .....	11
2.13	Incorrect Party .....	11
2.14	Voted During Extended Hours on Election Day .....	12
2.15	Already Voted .....	12
3.	Provisional Review: Photo ID .....	13
3.1	When the Voter Has Completed a Photo ID Exception Form .....	13
3.2	When the Voter Brings a Photo ID to the County Board Office After Voting .....	15
4.	Canvass Procedures .....	16
4.1	All Members Present .....	17
4.2	Public Notice .....	17
4.3	Reconciliation .....	17
4.4	Counting of Early Voting Ballots .....	18
4.5	Counting of Absentee Ballots on Election Day .....	19
4.5.1	Documents to be prepared and signed by the county board .....	19
4.6	Counting of Absentee Ballots After Election Day .....	20
4.6.1	Documents to be prepared and signed by the Board .....	20
4.7	Hearing Absentee Ballot Challenges .....	21
4.8	Counting of Write-in Votes .....	22
4.9	Reporting Provisional Ballot Counts .....	22
4.10	Counting Provisional Ballots .....	23
4.10.1	Partial-Count Procedures .....	24
4.10.2	Documents to be prepared and signed by the county board .....	25
4.11	Final Canvass Proceedings and Certifying the Election .....	26

## 1. Review of Provisional Ballots

A provisional ballot is used to record a vote when there are questions about an individual's eligibility to vote in the contests on the ballot.<sup>3</sup> A provisional ballot is also used when a voter does not or cannot present photo ID when voting in person.<sup>4</sup> Different county board processes are utilized for eligibility-based provisional ballots and photo ID-based provisional ballots, and as such, each topic is separately discussed below. Provisional voting for any of these reasons, though, involves an application completed by a voter and a ballot that will count in full, in part, or not at all, depending on the outcome of the review by the county board.

## 2. Provisional Review: Voter Eligibility

When a voter votes a provisional ballot due to questions about their eligibility to vote, the county board staff will conduct research after Election Day on that voter's eligibility and make a recommendation whether to approve or disapprove the application. Staff-level provisional research occurs throughout the canvass period and is not an open meeting. County board members must ultimately decide whether the applicant was properly registered and eligible to participate in the contests on their provisional ballot. The county board's meeting to approve or reject provisional ballots must be open to the public. All eligible votes—including provisional votes—must be counted before election results are finally certified. Federal law requires election officials to offer provisional ballots, and it is the duty of county board members to ensure all provisional applications are fully reviewed.

In determining whether to count a provisional ballot in full, in part, or not at all, county boards are guided by the following:

1. The applicant must be a registered voter in the county.<sup>5</sup>
2. If the applicant's name was not on the list of registered voters, he or she must have personally made a valid attempt to register to vote in the county before the registration deadline. This means either:
  - a. A Voter Registration Application was received by the county on or before the registration deadline.<sup>6</sup>

---

<sup>3</sup> G.S. § 163-166.11.

<sup>4</sup> G.S. § 163-166.16.

<sup>5</sup> G.S. § 163-82.1.

<sup>6</sup> G.S. § 163-82.6(d).

- b. A Voter Registration Application was submitted at a public assistance agency or the Division of Motor Vehicles (agencies required to offer registration services under the National Voter Registration Act) on or before the voter registration deadline.<sup>7</sup>
3. Contests in which the applicant may be eligible to participate are based on their residence as of 30 days before Election Day.<sup>8</sup>
4. Contests in which the applicant may be eligible to participate are based on his or her party when the voter rolls are closed following the voter registration deadline.<sup>9</sup>
5. The applicant must meet the requirements for voting under G.S. § 163-166.7(a). Guidance regarding the requirement to present photo ID when voting in person can be found in [Numbered Memo 2023-03](#).
6. The applicant was required to execute a written affirmation before an election official at the voting place, stating that he or she is a registered voter in the jurisdiction (county) and is eligible to vote in the election.<sup>10</sup>

An applicant may choose provisional voting for a variety of reasons. The following sections describe important resources and how best to handle the different scenarios under which provisional voting occurs. Whatever the circumstances, the county board's task is to determine whether the applicant is eligible to participate in the contests on their provisional ballot.

## 2.1 Missing Information on Provisional Application

If an election official failed to obtain all required information on the Provisional Voting Application, all reasonable attempts must be made to obtain this information.<sup>11</sup> It is acceptable to contact the election official or the voter for this purpose. **Due to the time constraints associated with canvassing elections, it is important to make an initial review of all provisional applications as early in the process as possible to allow sufficient time to contact voters.**

---

<sup>7</sup> G.S. §§ 163-82.19(a), 163-82.20(h).

<sup>8</sup> G.S. § 163-55.

<sup>9</sup> G.S. §§ 163-59, 163-82.17(d).

<sup>10</sup> G.S. § 163-166.11(2).

<sup>11</sup> G.S. § 163-182.2 ("If a voter was properly registered to vote in the election by the county board, no mistake of an election official in giving the voter a ballot or in failing to comply with G.S. 163-82.15 or G.S. 163-166.11 shall serve to prevent the counting of the vote on any ballot item the voter was eligible by registration and qualified by residency to vote.").

## 2.2 DMV Provisional Research

### 2.2.1 Conducting DMV Provisional Research

DMV provisional research includes in-person transactions and online transactions that occurred when the person received services. County board staff have access to a *DMV Web Match* report and will use it as a reference in conducting DMV research.

If the research shows that the provisional applicant made an attempt to register to vote at the DMV (or opted for voter registration services using the online system) on or before the voter registration deadline, the provisional application must be approved as long as there is no information showing the provisional applicant was registered elsewhere in the state after the date of the DMV activity.<sup>12</sup> The vote must count even if the county board office has not yet received the signed application as a follow-up to the DMV data indicating a valid registration attempt.

If the applicant's registration activity with the DMV occurred after the voter registration deadline, and the applicant is not otherwise properly registered, the provisional application must be disapproved.

In the image below, which shows a portion of what is displayed in the report, Ms. Doe voted provisionally in Davie County. Her DMV record shows DMV registration activity on 12/23/2011 and at the time, she lived in Rowan County. On 02/23/2016, Ms. Doe selected voter registration services through the DMV's online portal. At the time of the recent transaction, she reported an address in Davie County. However, the activity was after the voter registration deadline of 2/19/2016. [Example is based on March 15, 2016 election date.]

Remember, the [DMV Provisional Research Report](#) is one of the reports on the intranet (not the internet).

	PV Last Name	PV First Name	PV Middle	PV Suffix	PV Vote Date	PV County of Registration
3	DOE	JANE			03/15/2016	DAVIE
DMV Status	DMV Last Name	DMV First Name	DMV Middle	DMV Suffix	DMV Date of Registration	DMV County of Registration
FOUND	DOE	JANE			12/23/2011	ROWAN
DMV WEB MATCH	DOE	JANE			02/23/2016	DAVIE

Provisional DMV research must be conducted for all provisional applications that are denied due to one of the following reasons:

---

<sup>12</sup> G.S. § 163-82.19(a) (“Applications to register to vote accepted at a drivers license office under this section until the deadline established in G.S. 163-82.6(d)(2) shall be treated as timely made for an election, and no person who completes an application at that drivers license office shall be denied the vote in that election for failure to apply earlier than that deadline.”).

- Not registered;
- Moved out of county more than 30 days; or
- Registered after deadline.

All records checked by 4:45 p.m. each afternoon will be queued for overnight research. You will see the report by the next morning. This process runs nightly, including weekends. DMV is generally the greatest single source of voter registration activity in North Carolina, and DMV research is a vital tool in the county board's review of provisional applications.

## 2.2.2 Understanding the DMV Research Report

### 2.2.2.1 No Record of Registration

County board staff should bear in mind a number of details necessary to properly understand the DMV research reports.

If there is no date in the *DMV Date of Registration* field, there is no information that the voter made an attempt to register to vote at the DMV. Unless staff finds evidence of some other registration attempt, the provisional application should be disapproved.

In the image below, the person voted provisionally in Union County. Mr. Doe's DMV record shows no record of DMV registration activity – there is no date listed in the field.

	PV Last Name	PV First Name	PV Middle	PV Suffix	PV Vote Date	PV County of Registration
1489	DOE	JOHN			03/15/2016	UNION
DMV Status	DMV Last Name	DMV First Name	DMV Middle	DMV Suffix	DMV Date of Registration	DMV County of Registration
FOUND	DOE	JOHN				UNION

### 2.2.2.2 DMV Record of Registration – Wrong County

If there is a date in the *DMV Date of Registration* field, staff should next look at the county in which the voter resided at the time of the DMV activity. If the voter was not living in the same county as the county in which he or she cast the provisional ballot, then the provisional application should be disapproved (unless there is some other record of timely voter registration in the county).

In the image below, Ms. Doe voted provisionally in Union County on 3/15/2016. Her DMV record does show DMV registration activity on 8/27/2014, but the activity occurred when she was living in Mecklenburg County. Unless Union County is able to find some other timely voter registration attempt for her, Jane Doe's provisional application would have to be disapproved. [Example is based on March 15, 2016 election date.]

	PV Last Name	PV First Name	PV Middle	PV Suffix	PV Vote Date	PV County of Registration
1491	DDE	JANE	B		03/15/2016	UNION
DMV Status	DMV Last Name	DMV First Name	DMV Middle	DMV Suffix	DMV Date of Registration	DMV County of Registration
FOUND	DDE	JANE	B		08/27/2014	MECKLENBURG

### 2.2.2.3 DMV Record of Registration – Same County as County of Provisional Vote

Just as before, if there is a date in the *DMV Date of Registration* field, staff should next look at the county in which the voter was residing at the time of the DMV activity. If the voter was residing in the same county as the county in which the provisional ballot was cast, then the provisional application should be approved, provided that the date of registration was on or before the voter registration deadline for the current election and the DMV activity date is later than any other registration activity for the person in another county or state.

In the image below, Mr. Doe voted provisionally in Person County on 3/15/2016. His DMV record shows DMV registration activity on 8/14/2015 and the activity occurred when he was living in Person County. If there is no additional evidence or information that Johnny Doe was domiciled or registered/voted in another jurisdiction (county or state) between 8/14/2015 and 2/14/2016\* (30 days prior to the date of the election), then his provisional application should be approved. [Example is based on March 15, 2016 election date.]

	PV Last Name	PV First Name	PV Middle	PV Suffix	PV Vote Date	PV County of Registration
1199	D.OE	JOHNNY	P		03/15/2016	PERSON
DMV Status	DMV Last Name	DMV First Name	DMV Middle	DMV Suffix	DMV Date of Registration	DMV County of Registration
FOUND	D.OE	JOHNNY	P		08/14/2015	PERSON

## 2.3 Removed Due to List Maintenance

A provisional applicant may not appear on the voter rolls because he or she was previously removed as part of a uniform list maintenance action (e.g., biennial list maintenance). If the voter has maintained continuous residence in the county, the voter remains eligible to vote. The county board should verify that there is no evidence within our election systems indicating that the voter in fact resided elsewhere (ex. move-within-state, move-out-of-county). The voter's written or verbal affirmation regarding their continuous residency is sufficient to confirm ongoing

eligibility, absent evidence in official records to the contrary, and the county board must approve the provisional application.<sup>13</sup>

## 2.4 Unreported Moves

A registered voter who has moved within the same county but had not previously updated their registration may vote in the new precinct, the old precinct, or a central location designated by the county board. A voter in this situation may prefer the provisional voting process rather than transferring to their proper precinct.

If the voter moved within the same county 30 or more days before Election Day, their proper precinct is the new precinct. A provisional application submitted in the old precinct must be approved, but the county board must only count votes cast in contests for which the voter is eligible based on their new residence.<sup>14</sup>

If the voter moved within the state fewer than 30 days before Election Day, their proper precinct is the one associated with their old address, because they are not yet qualified to vote in the jurisdiction associated with their new address. If such a voter moved to a *new county* and votes at the new precinct, their provisional ballot cannot be approved. However, if such a voter moved to a new precinct in the *same county* and votes at the new precinct, their provisional ballot must be approved, and the county board should count all votes cast in contests for which the voter is eligible based on their old residence.<sup>15</sup>

A provisional application submitted in a new county in which the voter had not timely registered must be disapproved. Similarly, a provisional application submitted in a voter's former county must be disapproved if the voter established residency in a new county 30 or more days before Election Day.<sup>16</sup>

---

<sup>13</sup> G.S. § 163-82.14(d)(3) (“Any registrant who is removed from the list of registered voters pursuant to this subsection shall be reinstated if the voter appears to vote and gives oral or written affirmation that the voter has not moved out of the county but has maintained residence continuously within the county. That person shall be allowed to vote as provided in G.S. 163-82.15(f).”).

<sup>14</sup> G.S. § 163-82.15(e).

<sup>15</sup> G.S. § 163-182.2(a)(4) (2012 version). A court decision, *NAACP v. McCrory*, 831 F.3d 204 (4th Cir. 2016), invalidated a change to this statutory section made in 2013. As a result, the version of this statute prior to that change is in effect. That prior version reads, in relevant part: “. . . If the county board finds that an individual voting a provisional official ballot is not eligible to vote in one or more ballot items on the official ballot, the board shall not count the official ballot in those ballot items, but shall count the official ballot in any ballot items for which the individual is eligible to vote. Eligibility shall be determined by whether the voter is registered in the election district as provided in G.S. 163-82.1 and whether the voter is qualified by residency to vote in the election district as provided in G.S. 163-55 and G.S. 163-57. . . .”

<sup>16</sup> See G.S. § 163-57 for the rules for determining residency.



**Note:** If an election official mistakenly required a provisional application from an inactive voter who affirmed that there was no change of address, the provisional application must be approved. Inactive voters should not be required to cast a provisional ballot if there has been no change to their address or they have moved from one address to another within the same precinct.<sup>17</sup> This is not an Unreported Move.

## 2.5 Incorrect Precinct

If a voter submits a Provisional Voting Application simply because they presented in a precinct other than their proper precinct within the same county, the county board must approve the application and count all votes cast in contests for which the voter is eligible.<sup>18</sup>

**Note:** An Incorrect Precinct provisional review is different from an Unreported Move.

## 2.6 No Record of Registration

If a voter submits a Provisional Ballot Application because their name did not appear on the voter list or the precinct official could not locate the individual's name on the voter list, staff must research the applicant's eligibility. If it can be determined after Election Day and before the canvass that the applicant had properly registered or timely attempted to register by submitting all the required application information before the voter registration deadline, the county board must approve the application and count all votes cast in contests for which the voter is eligible. If the applicant timely attempted to register and there is any missing information required to register the voter, the county board must attempt to contact the voter to get the missing information to register the voter; if such information is provided by 5 p.m. on the day before canvass, the county board must approve the application and count all votes cast in contests for which the voter is eligible.<sup>19</sup>

In researching voter registration, the county board must look at all available resources, including, but not limited to the following:

- *VoterView* (Is the person already registered in the county? Did the election official simply fail to locate the record? Could the voter be registered in a different name?)
- *VoterScan* (Is there a record in the Review, Incomplete, or Archive Queue and the application date is on or before the voter registration deadline?)
- *Statewide Voter Lookup (intranet site)* (Is the voter registered in another county and if so, what was the date of the last application in the other county?)

---

<sup>17</sup> G.S. § 163-82.15(d).

<sup>18</sup> See footnote 15.

<sup>19</sup> G.S. § 163-82.4(f).

- *DMV Database* (Did the person register to vote at the DMV on or before the voter registration deadline? If so, in which county was the voter residing at the time of his or her voter registration activity at the DMV?)
- *NVRA Agency records* (Did the person inform an election official or staff that they registered to vote at a NVRA agency on or before the voter registration deadline?)

## 2.7 Voters Removed Due to Felony Conviction

Voters who were previously (and properly) removed due to felony conviction are not automatically reinstated after completing their felony sentence, at which time their voting rights are restored. Persons whose voting rights are restored must re-register on or before the voter registration deadline. There is an exception for those who are restored to citizenship rights after the voter registration deadline; such voters may register in person and vote on Election Day, which can be done by completing the Provisional Ballot Application.<sup>20</sup>

Unless the voter has properly re-registered to vote, the county board must disapprove the provisional application.

## 2.8 Voters Removed Due to Moving Out of County

Voters who were previously (and properly) removed because the county received a cancellation notice from the voter or from another jurisdiction (another county or state) are not eligible unless the voter timely registers to vote, or timely attempted to register to vote, upon their return to the county. An application submitted by a provisional voter in this circumstance must be disapproved.

## 2.9 NCOA Notification

A National Change of Address (NCOA) Confirmation Card returned by a voter to their former county of residence confirming a change of address to another county is a proper cancellation notice in the former county. If the former county transfers the notice to the new county and the new county sends a courtesy voter registration notice to the voter, the courtesy application shall not be deemed a voter registration attempt in the new county. After sending a *Need Voter Registration Application* incomplete notice, the new county should have archived the incomplete record in the voter registration database (SEIMS). If the provisional voter did not attempt to register to vote in a new county of residence by the voter registration deadline, the provisional application must be disapproved.

---

<sup>20</sup> This is why the election official at the voting site must note on the provisional application that the voter became qualified after the voter registration deadline, and “if in doubt as to the right of the applicant to register, may require other evidence satisfactory to that official as to the applicant’s qualifications.” G.S. § 163-82.6(f).

## 2.10 Residency

If no record of registration can be found for a voter and the voter provides a residential address outside of the jurisdiction of the county in which the provisional ballot was cast, the Provisional Voting Application must be disapproved and the Voter Registration Application must be denied.

## 2.11 Denied Registration

If a voter's registration was properly denied because the applicant failed mail verification, the applicant is not a registered voter. The Provisional Voting Application must be disapproved but the Voter Registration Application must be processed after canvass, allowing the voter to participate in future elections.<sup>21</sup> However, staff should confirm, when conducting provisional research, that the failed mail verification was not a result of a data entry error on the part of county board staff during the voter registration process. If it was, the provisional application must be approved and the voter should be processed again through VoterScan using the correct address.

## 2.12 Same-Day Registrant Without Proof of Residence

During the early voting period, a person seeking to use same-day registration is required to provide proof of voting residence. (For guidance regarding the same-day registration options and identification requirements, *see* [Numbered Memo 2023-05](#)). If the registrant did not provide the proof of residence, and instead submitted a Provisional Voting Application, the applicant must produce the required proof of residence to the county board office on or before the day preceding canvass.

If required proof is timely provided, the county board should approve the application and count all votes cast in contests for which the voter is eligible. If proof is not timely provided, the Provisional Voting Application must be disapproved but the Voter Registration Application must be processed after canvass, allowing the voter to participate in future elections.

## 2.13 Incorrect Party

Sometimes a voter affiliated with one political party submits a Provisional Voting Application to vote a ballot for a different political party's primary. Staff should conduct research to confirm the voter's affiliation. If the record confirms the voter is registered in the county and the voter has an eligible ballot for this election, but is affiliated with a different political party than the political party in whose primary the voter cast a provisional ballot, the county board must count only the contests in which the voter was eligible to participate (non-partisan contests, if any). In the provisional module in SEIMS this would be considered a partial vote.

---

<sup>21</sup> See G.S. § 163-82.7.

If the county board finds that the voter's party affiliation was incorrectly listed in their voter record, then the application must be approved and the ballot must be fully counted.<sup>22</sup>

## 2.14 Voted During Extended Hours on Election Day

The State Board may order that one or more voting places remain open after 7:30 p.m. on Election Day. In that case, all voters arriving after 7:30 p.m. during the extended time that the polls remain open will be permitted to vote, but they must vote by provisional ballot. In this case, the provisional process is in place merely to preserve the ability of a court or other tribunal to consider whether the polls should have remained open. Under statute, provisional applications submitted solely due to extended voting hours must be approved and the votes counted if no contrary judicial order has been issued by the time canvass occurs.<sup>23</sup>

## 2.15 Already Voted

If the poll book indicates that a voter has already voted, that individual may wish to submit a Provisional Voting Application and provisional ballot. The county board must then determine whether the individual had in fact voted previously in the same election. Because no voter is entitled to vote more than once in an election, the county board must disapprove the application of any voter who has already voted.

If the poll book inaccurately indicated that the voter had already voted, no administrative error should act to prevent a qualified voter from participating, and the county board should approve the application.

Any instances of attempted double voting must be reported immediately to the State Board of Elections investigators for further review.

\* \* \*

The above scenarios provide guidance on the proper approach for county boards reviewing provisional applications and the determinations regarding the contests for which a voter may be eligible. As elections officials are keenly aware, however, multiple reasons may converge in a single instance of provisional voting (e.g., a voter may try to vote in the wrong party and the wrong precinct). County boards are encouraged to keep in mind that their core objective is to research the applicant and ultimately count votes cast in races for which the voter was eligible, if any.

---

<sup>22</sup> See G.S. § 163-82.17(e).

<sup>23</sup> G.S. § 163-166.01.

Under any scenario where a provisional ballot is counted, in whole or in part, voter history should be given to the voter. If any errors are made regarding voter history, amendments to voter history can still be made after canvass.<sup>24</sup>

### 3. Provisional Review: Photo ID

There are two instances when a voter who does not present acceptable photo ID will cast a provisional ballot while voting in person:<sup>25</sup>

- The voter completes a Photo ID Exception Form, claiming an exception to the photo ID requirement, and then votes a provisional ballot.
- The voter votes a provisional ballot and then brings an acceptable photo ID to the county board office before the close of business on the day before county canvass.

#### 3.1 When the Voter Has Completed a Photo ID Exception Form

If the voter completed a Photo ID Exception Form and is otherwise eligible to vote, staff are required to recommend approval of the application and the county board is required to count the provisional ballot, unless the county board unanimously finds that the Form is false.<sup>26</sup>

If staff are aware of any specific information that may lead the county board to conclude the Form is false, staff should note this for the county board's consideration. Staff should not conduct independent research into the truthfulness of the Form; the General Statutes do not specifically authorize this activity, and it would be nearly impossible to guarantee the equal treatment of voters across all 100 counties if such independent investigations were to take place. [Numbered Memo 2023-03](#) provides guidance on what may be considered when reviewing a voter's Photo ID Exception Form.

Before the county board makes a final determination that a Photo ID Exception Form is false, and as a result disapproves the voter's provisional ballot, the voter must be given notice and an opportunity to address the county board on any grounds that the county board is considering regarding the falsity of the Form. The opportunity to address the county board must be at a meeting of the county board prior to completion of the canvass, which could include the canvass meeting. The board should offer the voter the options to address the board in person or, if

---

<sup>24</sup> The State Board is now required to compile an annual report on any revisions made to any voter's voter history, other than routine updates, following each election. G.S. § 163-182.15(b1) (*see* N.C. Session Law 2023-140 § 33, effective January 1, 2024). If county board staff must make a manual change to a voter's voter history, then staff should submit a help desk ticket to the State Board. A form will then be provided for county board staff to identify the reason for the change.

<sup>25</sup> G.S. § 163-166.16(c)–(e).

<sup>26</sup> 08 NCAC 17 .0101(e)(1).

feasible, remotely via videoconference or telephone. Notice must be by U.S. mail and the voter must be contacted by any email address or phone number that the county board has for the voter.<sup>27</sup>

**Because of the requirement to give notice and an opportunity to address the board, staff should group provisional ballots together that were cast with a Photo ID Exception Form, and prioritize their review at the start of the canvass period so the voter can be timely informed if the board may be questioning the truth of the voter's Form.**

The notice and opportunity to address the county board must only be offered to those provisional voters for whom the county board has identified a reason to find that their Form is false. If the county board lacks specific information regarding a voter's Form, then that voter should not be sent a notice letter or otherwise be made to think they must address the county board to have their ballot counted.

County board members should conduct an initial review of the Photo ID Exception Forms as early as possible in the canvass period, ideally within two-to-three days after Election Day when the canvass period is ten days and within one-to-two days when the canvass period is seven days, so that notice letters can be timely mailed. While the board members' initial review can occur during a meeting of the county board, it is not required that all county board members initially review the Forms at the same time. For instance, county board members could review Photo ID Exception Forms individually or in pairs, noting for staff their initial determination as to the truthfulness of the Form.<sup>28</sup> Each county board should employ the process that works best for it to ensure an efficient review of the Forms.

In conducting its final review of a Form at a meeting, the county board should discuss the Form in an open session, determine whether the voter is in attendance, and confirm whether that voter wishes to address the board regarding their Form. This opportunity is an opportunity for the voter to provide any information they think is relevant to the truthfulness of what they wrote on the Form—it is not an adversarial or quasi-judicial hearing. Once the voter has been given the opportunity to address the board and present any information relevant to the Form, the county board should vote on whether to approve the Form. If the county board unanimously finds that the Form is false, the county board must state those grounds in a written decision. The decision can be in a written order of the county board or in the official minutes of the meeting, so long as the minutes are in writing, specifically state the grounds for the county board's findings, and are

---

<sup>27</sup> 08 NCAC 17 .0101(e)(1).

<sup>28</sup> If this is accomplished by email, staff are reminded that board members should be BCC'd to avoid running afoul of North Carolina's open meetings law. G.S. § 143-318.10(d) ("Official meeting" means . . . the simultaneous communication by . . . electronic means of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the public body.").

approved by the county board. The county board's decision that a Form is false must be based on facts, not speculation or personal opinion.

### 3.2 When the Voter Brings a Photo ID to the County Board Office After Voting

Voters who choose to vote a provisional ballot and then bring their photo ID to the county board office must do so no later than 5:00 pm on the business day before county canvass. A county board staff member must examine the photo ID in the same way a check-in official does at the voting site—determining (1) whether the ID is an acceptable type, (2) whether the photo bears a reasonable resemblance to the voter, and (3) whether the name is the same as or substantially similar to the voter's name in the registration records.<sup>29</sup> It is recommended that a staff member trained to review a voter's photo ID card be designated to conduct this review.

After examining the photo ID, the staff member must proceed as follows:

- If the staff member determines the photo ID is acceptable, they must recommend approval of the application if the voter is otherwise eligible to vote.<sup>30</sup> Staff should consult the State Board's latest Approved Photo IDs List to confirm an ID is an acceptable type.
- If the photo ID is not an acceptable type of photo ID, staff must tell the voter why that is the case and ask the voter to provide an acceptable photo ID.<sup>31</sup>
- If the photo ID does not satisfy the photo or name requirements, staff must recommend disapproval of the application, even if the voter is otherwise eligible to vote.<sup>32</sup> If disapproval is recommended, the voter must be immediately told by staff the reason for their recommendation of disapproval and when their provisional ballot will be reviewed and considered by the county board. If the voter appears at that meeting and desires to address the county board as to whether their photo ID is acceptable, the county board members must apply the same standards as election officials when reviewing the ID.

If the voter does not bring an acceptable photo ID to the county board office by 5pm on the day before canvass, staff must recommend disapproval of the application even if the voter is otherwise eligible to vote.

If the voter timely brings a photo ID that is an acceptable type of photo ID and is otherwise eligible to vote, the county board must count the provisional ballot unless the county board

---

<sup>29</sup> 08 NCAC 17 .0101(e)(2).

<sup>30</sup> 08 NCAC 17 .0101(e)(2)(A).

<sup>31</sup> 08 NCAC 17 .0101(e)(2)(B).

<sup>32</sup> 08 NCAC 17 .0101(e)(2)(C).

unanimously decides the photo ID presented does not satisfy the photo and name requirements, and records in writing the grounds for its decision.<sup>33</sup>

## 4. Canvass Procedures

**Canvass is the board's responsibility.** The members of the county board are responsible for ensuring the accuracy and integrity of election results in the county. Canvass is a key part of carrying out that duty.

By law, canvass is:

[T]he entire process of determining that the votes have been counted and tabulated correctly, culminating in the authentication of the official election results.<sup>34</sup>

In support of this process, a board of elections conducting canvass has the authority to send for papers and persons, and to examine such documents or question such persons for the purpose of making determinations as to the legality of disputed ballots.

The county canvass date and time are set by statute: at 11:00 a.m. on the 10th day after every election.<sup>35</sup> At that meeting the board's purpose is:

[T]o complete the canvass of votes cast and to authenticate the count in every ballot item in the county by determining that the votes have been counted and tabulated correctly. If, despite due diligence by election officials, the initial counting of all the votes has not been completed by that time, the county board may hold the canvass meeting a reasonable time thereafter. The canvass meeting shall be at the county board of elections office, unless the county board, by unanimous vote of all its members, designates another site within the county. The county board shall examine the returns from precincts, from absentee official ballots, from the sample hand-to-eye paper ballot counts, and from provisional official ballots and shall conduct the canvass.<sup>36</sup>

Ensuring the integrity of every election is our primary responsibility as elections administrators. County board members have a critical role in this process. Ultimately, county board members

---

<sup>33</sup> 08 NCAC 17 .0101(e)(2).

<sup>34</sup> G.S. § 163-182.5(a).

<sup>35</sup> G.S. § 163-182.5(b). However, canvass is seven days after the municipal primaries and elections in September and October in odd-numbered years. See [Numbered Memo 2023-01](#).

<sup>36</sup> G.S. § 163-182.5(b).



will sign the certification documents that authenticate and certify that the election results are true and accurate.

### **The items that follow must occur as part of every election canvass:**

#### **4.1 All Members Present**

All county board members must be present<sup>37</sup> for canvass under G.S. § 163-89: “All members of the board shall attend the canvass and all members shall be present for the hearing of challenges to absentee ballots.”

#### **4.2 Public Notice**

County boards of elections members may take no action outside a meeting for which there has not been proper public notice.<sup>38</sup>

The county board must issue public notice of any meeting involving the counting of ballots. In addition to being posted in public, the notice lists for a canvass meeting shall include all individuals and institutions that usually receive notice of meetings. It is best practice to notify leadership of any recognized political parties with a presence in the county.

Any voter of the county or other member of the public must be permitted to attend the meeting and be allowed to observe the counting process, provided that no one shall interfere with the election officials as they count the ballots or are engaged in the discharge of their other duties. If media or the public are filming or photographing proceedings, the county board should remind those present that state law forbids anyone from taking an image of a voted ballot, and no one but election officials may have access to and review voted ballots.<sup>39</sup>

#### **4.3 Reconciliation**

One of the most important tasks conducted during the canvass process is reconciliation. Many levels of reconciliation take place before the final certification of results are concluded and involve comparing data against inventories of voting supplies (such as ballots and data storage cards), and total ballots cast (including provisional and absentee ballots). The process begins with the start of absentee-by-mail voting and continues through early voting and precinct reconciliation and until final canvass.

---

<sup>37</sup> See [Numbered Memo 2022-08](#) regarding physical and virtual presence at canvass.

<sup>38</sup> See G.S. §§ 143-318.10, 143-318.12(b).

<sup>39</sup> G.S. §§ 163-165.1, 163-166.3.

If any issues are identified in a county board's efforts to reconcile, those issues must be addressed immediately. If you do not address reconciliation issues initially, problems may carry forward and affect your broader canvass process. The State Board Office conducts a number of audits to assist counties in identifying issues throughout the canvassing process, but there are certain reconciliation processes that are not captured in electronic data and that county staff must vigilantly review. For example, the State Board Office does not have data that captures the physical number of provisional ballots you receive from the polling location, and it is imperative county reconciliation processes includes comparing the physical number of provisional ballots to the provisional module application within SEIMS and any poll book information. If there is a discrepancy, you must investigate, identify, and document the reason for the discrepancy.

Any staff reconciliation process that is conducted must include documentation that is signed by two staff members. This documentation must be maintained and available for county board members during their canvassing meetings. The two-staffer requirement is to combat inadvertent errors and potential misconduct.

#### 4.4 Counting of Early Voting Ballots<sup>40</sup>

If ballots cast during early voting are counted electronically, that count is required to occur “at the time the polls close” on Election Day. This means that elections officials cannot “close the polls” on early voting machines until 7:30 P.M. on Election Day. Because this is a count of the ballots that will occur at the county board office, it must be in the presence or under the supervision of board members of all political parties then present. As with the counting of ballots at any precinct at the close of the polls, any member of the public wishing to witness the vote count must be allowed to do so, but no witness shall interfere with the orderly counting of the official ballots, nor may any witness participate in the official counting of official ballots.<sup>41</sup>

There is no longer a requirement to formally accept early voting applications during an absentee meeting. Instead, the voter signs the early voting application and it is treated the same as an authorization to vote (ATV) for election day voters—i.e., as a record of the voter's check-in, not as a document the county board must later approve at a meeting.

---

<sup>40</sup> G.S. § 163-182.2(a). Early voting is no longer a form of absentee voting. *See* N.C. Sess. Laws 2023-140. As such, the counting of early voting ballots is no longer guided by the statutes governing the processes for approving absentee envelopes (*i.e.*, absentee applications) and counting absentee ballots. Instead, the initial counting of early voting ballots is now guided by G.S. § 163-182.2(a) (“The initial counting of official ballots cast on election day and under Part 5 of Article 14A of this Chapter shall be conducted according to the following principles . . .”).

<sup>41</sup> 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.”).

#### 4.5 Counting of Absentee Ballots on Election Day<sup>42</sup>

County boards meet at 5 p.m. on Election Day (or earlier if a resolution is adopted at least two weeks before the date of the election) in the board office or other public location for the purpose of counting all absentee ballots, except those:

- Challenged before 5 p.m. on Election Day, or
- Received on or after Election Day.

The counting of absentee ballots shall be continuous until completed and the members shall not separate or leave the counting place except for unavoidable necessity. As each ballot envelope is opened, the board shall check off the name of the absentee voter. For the preservation of secrecy, the ballots shall be placed in the appropriate ballot box or container for tabulation. After all ballots have been placed in the boxes, the counting process shall begin.

At each of the absentee meetings prior to Election Day, it is permissible for the Board, after approval of each absentee ballot, to cause staff to take preparatory steps and remove those ballots from their envelopes and have them read by an optical scanning machine, without printing the totals.

##### *4.5.1 Documents to be prepared and signed by the county board*

The following documents shall be prepared for the county board's review and signatures:

1. **The poll book of absentee voters.** As soon as the absentee ballots have been counted on Election Day, the board members and assistants employed to count the absentee ballots shall each sign the poll book of absentee voters, with the signature to be affixed immediately beneath the last absentee voter's name. The county board shall be responsible for the safekeeping of the poll book of absentee voters.
2. **The results tapes of electronic absentee ballot count.** When absentee ballots are counted electronically, the members of the board present shall sign the results tape, which shall be retained for purposes of review and examination at the official county canvass proceeding.
3. **The absentee abstract.** The board members shall cause the results of the tally to be entered on the absentee abstract. The abstract shall be signed by the members of the board in attendance and shall then be scanned and uploaded electronically to the State Board.

---

<sup>42</sup> G.S. § 163-234.

4. **The chain of custody report(s).** Voted ballots shall be properly secured and a documented chain of custody shall be maintained for the ballots, tapes, poll book and other documentation/media related to tabulation.

#### 4.6 Counting of Absentee Ballots After Election Day<sup>43</sup>

County boards of election must have an additional meeting following the day of the election and prior to the date of the county canvass to review and approve absentee ballot envelopes/applications received on Election Day by the close of polls, and any military and overseas ballot envelopes/applications received timely after Election Day. Civilian absentee ballots are timely if received by 7:30 p.m. on Election Day.<sup>44</sup> Military and overseas ballots that are received after Election Day are timely if they were submitted for mailing, electronic transmission, or other authorized means of delivery not later than 12:01 a.m., at the place where the voter completes the ballot, on Election Day and are received no later than 5 p.m. on the last business day prior to the county canvass.<sup>45</sup> If the ballot was mailed and is timely received, it may not be rejected on the basis that it has a late postmark, an unreadable postmark, or no postmark.<sup>46</sup>

The counting of absentee ballots received on Election Day is required to take place before or on the day of the county canvass. Military and overseas ballots that are received by mail after the close of the polls on Election Day must be counted by the county board of elections on the day of canvass (unless a resolution is adopted at least two weeks before the date of the election to count them during the canvass period).<sup>47</sup>

A quorum, with at least one board member of each political party, shall be present for the counting of absentee ballots. This fact shall be publicly declared and entered in the official minutes of the absentee board meeting. The county may use assistants in the counting of the official ballots, but the county board members are responsible for observing and supervising the opening and tallying of the ballots.

##### *4.6.1 Documents to be prepared and signed by the Board*

The following documents shall be prepared for the county board's review and signatures:

1. **The results tape for electronically counted absentee ballots.** When absentee ballots are counted electronically, the members of the board present at the canvass meeting shall

---

<sup>43</sup> G.S. § 163-232 and G.S. § 163-234.

<sup>44</sup> G.S. § 163-230.1(b)(1).

<sup>45</sup> G.S. §§ 163-258.10 and -258.12(a).

<sup>46</sup> G.S. § 163-258.12(b).

<sup>47</sup> G.S. § 163-234(11).

sign the results tape, which shall be retained for purposes of review and examination at the official county canvass proceeding, along with the Election Day absentee results tape.

2. **The civilian and military-overseas certified lists of executed absentee ballots returned on or after Election Day.**<sup>48</sup> The county board staff shall prepare these lists in triplicate and the board shall sign all three originals of each list. One signed original of each list shall be electronically uploaded to the State Board.
3. **The supplemental absentee abstract.** The county board members shall cause the results of the tally to be entered on the supplemental absentee abstract. The abstract shall be signed by the members of the board in attendance and the original Election Day absentee abstract and the supplemental absentee abstract shall be mailed immediately to the State Board.
4. **The poll book of absentee voters.** The board shall sign the final poll book of absentee voters at this time.
5. **The chain of custody report(s).** Voted ballots shall be properly secured and a documented chain of custody shall be maintained for the ballots, tapes, poll book and other documentation/media related to tabulation.

#### 4.7 Hearing Absentee Ballot Challenges<sup>49</sup>

The following must be heard by the county board on the day of the county canvass:

- Any challenge to an absentee ballot that was properly brought by 5:00 P.M. on the fifth business day after the primary or general election; and
- Any challenge to a military or overseas ballot that was timely received after Election Day, and was properly challenged no later than the time set by statute.

Notice must be provided to all challenged voters. All members of the board of elections shall attend the canvass and must be present for the hearing of the challenges to an absentee ballot under G.S. § 163-89.

**Note:** Challenges to absentee ballots may not be heard any sooner than the day and time set for the county canvass.

---

<sup>48</sup> G.S. § 163-232.1(a) provides that this list includes the ballots that “have not been included on the certified list prepared pursuant to G.S. 163-232.” Because the list prepared pursuant to G.S. § 163-232(a) includes only those ballots “which have been received as of 5:00 P.M. on the day before the election,” the list for ballots received on Election Day must also include any ballots received after 5:00 P.M. on the day before the election.

<sup>49</sup> G.S. § 163-89.

**Also Note:** Absentee ballot challenges may only be used for absentee voting, not early voting ballots. Previously, early voting was a type of absentee voting, but that is no longer the case.<sup>50</sup>

The State Board's [Voter Challenge Procedures Guide](#) contains additional information and guidance regarding absentee ballot challenges.

#### 4.8 Counting of Write-in Votes<sup>51</sup>

If write-in votes are not counted at the precinct after the close of polls, any write-in votes counted at the county board office shall be counted in the presence or under the supervision of the bipartisan county board.

Write-in votes shall be recorded on a write-in tally sheet, which shall be signed by the members of the county board.

#### 4.9 Reporting Provisional Ballot Counts<sup>52</sup>

No later than 12:00 P.M. two days after the close of the polls, the county board of elections shall publish the number of provisional ballots cast for the following voting methods:

- Election Day
- Early Voting
- Absentee by-mail received as of election day
- Military and Overseas Absentee Ballots

To comply with this requirement, the State Board sends out a survey to all county boards the day after Election Day and uses the information gathered from the survey to report provisional ballots for all counties. County boards must complete this survey by the morning of the second day after Election Day. In the survey, if no provisional ballots were cast for a specific category, the county board should enter zero.

---

<sup>50</sup> See N.C. Session Law 2023-140, secs. 1(a)–(c), 27(b).

<sup>51</sup> G.S. § 163-182.2(a)(2); see also [Numbered Memo 2019-07](#) for guidance in applying the standards for determining voter intent for write-in votes.

<sup>52</sup> G.S. § 163-166.11(5).

#### 4.10 Counting Provisional Ballots<sup>53</sup>

The county board shall meet between Election Day and canvass to make a determination as to each provisional ballot. A meeting before canvass may include a meeting on the day of canvass, but such a meeting must occur before 11 a.m.

Under no circumstances shall any county board staff open a provisional envelope or tabulate results before the county board members have made their official determination on the provisional ballot application. In making its determination, the county board may rely on the provisional research conducted by county board staff, but county board members may make additional inquiries of staff as they see fit. When a voter casts a provisional ballot for one or more eligibility-related reasons and a photo ID-related reason, staff should make recommendations on all reasons the voter cast a provisional ballot. Approval of a provisional application for a photo ID-related reason will not override a determination that the voter was otherwise ineligible to vote.

**Please refer to the “Review of Provisional Ballots” section in this Numbered Memo regarding the proper review processes necessary to make decisions on Provisional Voting Applications and the counting of votes in eligible contests.**

When conducting provisional research, county board staff shall, at a minimum, follow the instructions in this Memo and review the following resources:

- the voter’s provisional voting application
- the county’s voter registration database (active, inactive, removed and denied voters)
- pending voter registration applications, including applications in the incomplete, review, or archive queue
- the non-public access to statewide voter registration information (intranet site)
- DMV provisional research results

Every effort must be made by county boards of elections to correct administrative errors well before the board meets to consider and count the provisional ballots. If a voter was properly registered to vote in the election by the county board, no mistake of an election official shall serve to prevent the counting of the vote on any ballot item for which the voter was eligible by registration and qualified by residency to vote.<sup>54</sup> A county board shall never reject a voter’s provisional application due solely to an administrative error by an election official.

Staff must review provisional voting applications soon after Election Day to determine if more information is needed from a provisional voter to assist the county board in making the proper

---

<sup>53</sup> G.S. § 163-182.2(a)(4).

<sup>54</sup> G.S. § 163-182.2(a)(4).

determination as to whether to count a person's ballot. Such administrative efforts may include, for example, following up with a voter to:

- Have the voter sign the provisional voting application, if it was not signed.
- Have a voter who claims to have registered at the NCDMV, but for whom no record of registration was found, provide his or her driver license number if it was not provided on the provisional voting application.

If, in the course of reviewing provisional applications, a staff member suspects that improper instructions were given by an election official or finds that information is missing on the application, the staff member shall make every effort to ensure that the voter is given the opportunity to provide the required information.

It is essential that the process for handling provisional ballots is followed. County boards should be making decisions as to the disposition of provisional ballots based on information presented from staff research, rather than from unofficial or unverified sources of information.

Again, no provisional envelopes shall be opened and tabulated prior to the county board voting on the disposition of a provisional ballot. The opening and tabulation of approved ballots shall be done in the presence and under the supervision of board members. [**Note:** The correct PCT (where the voter should have voted) shall be written on the ballot before it is tabulated, so that the ballot can be sorted into the correct precinct during the 30-day sort process.]

#### ***4.10.1 Partial-Count Procedures***

With respect to ballots that must be partially counted,<sup>55</sup> the county board shall have a process to count the contests for which the voter is eligible. The county board shall select one of the following processes to count eligible contests:

- **Ballot duplication** – Either the county board members or a bipartisan team shall assemble to duplicate the original provisional ballot. Until certain auditing improvements are made to SEIMS and in light of the 30-day precinct sort, it is within the county board's discretion to duplicate the partially counted ballots either onto a ballot of the *same style* as that cast by the provisional voter or on a ballot of the *proper style* assigned to the voter, but using the ballot of the *proper style* is the recommended method. The team shall mark the blank ballot for all contests which the voter is eligible to vote. The board shall annotate the blank ballot by some indication or marking that the ballot is a duplicate of the original ballot, minus the contests in which the voter was ineligible to participate. When using this method, one team member shall call out the voter's ballot choice and the

---

<sup>55</sup> When a voter casts a provisional ballot solely for a photo ID-related reason, there is no partial counting of ballots—the voter's ballot is counted in full or not at all.



other team member shall mark the blank ballot. Ideally, a third person will then review and compare the original ballot to the duplicated ballot, or, in the absence of a third person, the two-person team can switch ballots and roles and permit the caller to review the ballot marked by the first person, and vice versa. The duplicated ballot shall then be tabulated along with fully counted provisional ballots.

- **Hand-tally** – Either the county board or a bipartisan team of election officials shall assemble to hand-tally the votes cast for all eligible contests and ballot choices. When using this method, one team member shall call out the voter’s ballot choice and the other team member shall mark a tally sheet. A third person shall observe the team’s actions of calling and marking the tally sheet. Tally sheets should be organized by precinct, in light of the 30-day precinct sort.

Once the county board has made a final determination as to the provisional ballots for the election, the county board staff shall prepare a final disposition report for the board of elections members to review and sign. Once signed, the ballots that are to be counted (fully or partially approved) shall be tabulated. Regardless of whether the ballots are electronically tabulated with the use of certified and tested voting equipment, or are instead hand-tallied, the results of the tabulation shall be signed by the county board members or the bipartisan team of election officials who participated in the count.

The final disposition report and the counted official provisional ballots shall be sealed together and maintained as part of the official documentation of the election. The signed results tapes shall be retained for purposes of review and examination at the official county canvass proceeding.

#### *4.10.2 Documents to be prepared and signed by the county board*

The following documents shall be prepared for the county board’s review and signatures:

1. The report of “provisional voters by precinct voted.”
2. The results tapes. When provisional ballots are counted electronically, the results tape must be signed by the members of the board present at the meeting. Board members shall sign the tape before the tabulation begins (the “zero tape”) and then again after the tabulation is complete. These signed results tapes shall be retained for purposes of review and examination at the official county canvass proceeding.
3. Chain of custody report(s). Voted ballots shall be properly secured and a documented chain of custody must be maintained for the ballots, tapes, poll book and other documentation/media related to tabulation.

#### 4.11 Final Canvass Proceedings and Certifying the Election

To complete the canvass of votes cast and to authenticate the count in every ballot item in the county by determining that the votes have been counted and tabulated correctly, the county board must:

- examine the returns from all Early Voting sites and Election Day precincts,
- examine the returns from absentee official ballots,
- examine the sample hand-to-eye paper ballot counts, and
- examine the returns from provisional ballots.

After examining the returns, the board shall conduct the canvass and sign the official abstract of results.

**The county board is required by law to authenticate the election results at the conclusion of canvass in the form of an official abstract of the vote totals.**<sup>56</sup> This event may only be delayed when there is an election protest pending and that protest concerns the manner in which votes were counted or results tabulated.<sup>57</sup> There is no other legal basis for a county board member to withhold authentication of the election results in the form of an official abstract.<sup>58</sup> Moreover, federal law does not permit election officials to decline to count or report eligible voters' ballots.<sup>59</sup> Canvassing and certifying election results is the way, under North Carolina law, that county boards count and report the votes of their county's voters.

The issuance of a certificate of nomination or election to the winner of an election contest occurs six days after the election results are certified via the abstract at canvass. The county board is required by law to issue such a certificate, based on the official results determined at canvass and as reported in the abstract. Only a pending election protest may delay or prevent the issuance of a certificate of nomination or election, and only as provided for in state law.<sup>60</sup> **If there is a**

---

<sup>56</sup> G.S. §§ 163-182.5(b), 163-182.6.

<sup>57</sup> See G.S. § 163-182.10(a)(2). The county board should attempt to resolve such a protest before the canvass is completed. If necessary to provide time to resolve the protest, the county board may recess the canvass meeting, but shall not delay the completion of the canvass for more than three days unless approved by the State Board of Elections. At the conclusion of the protest proceedings, the county board must supplement the abstract with the results for the ballot item that is the subject of the protest. Resolution of the protest shall not delay the canvass of ballot items unaffected by the protest.

<sup>58</sup> See [Order](#), *In Re Complaint of Bob Hall*, State Bd. of Elections (March 30, 2023).

<sup>59</sup> The federal Voting Rights Act of 1965 makes it illegal to willfully decline to count or report a lawful vote. 52 U.S.C. § 10307(a) (“No person acting under color of law shall fail or refuse to permit any person to vote who is entitled to vote under any provision of chapters 103 to 107 of this title or is otherwise qualified to vote, or willfully fail or refuse to tabulate, count, and report such person’s vote.”).

<sup>60</sup> See G.S. § 163-182.15.

**pending protest, no certificate should be issued until the time set in G.S. § 163-182.15 following the resolution of the protest.**