



Memorandum

TO: Guilford and Rockingham County Boards of Elections
FROM: Sam Hayes, Executive Director.¹
RE: Recount for N.C. Senate District 26 Republican Party Primary
DATE: March 14, 2026

This memo provides guidance for an anticipated recount in the Republican Party primary contest for North Carolina Senate District 26 in Guilford County and Rockingham County to be conducted by the county boards of elections in those counties. Although a recount has not yet been demanded, this memorandum provides advance guidance to the counties so as to expedite preparations in the event a recount is called.

1. Preparation for Recount

1.1. Establish a schedule

Recounts may begin on Monday, March 16, 2026, and should be completed by the end of the day on Monday, March 23, 2026. Recounts must be scheduled to begin no later than three business days after the demand for a mandatory recount is received by the State Board.²

If a county board is not using a high-speed scanner, plan that it will take four to six seconds to scan each ballot. This means you should plan to scan 600 to 900 ballots per hour. If a county board is using a State Board or another county board's high-speed scanner, the board meeting and scanning must occur in the county conducting the recount. Recounts may not take place in another county.

All counting teams should take a 15-minute break approximately every two hours of counting to avoid fatigue, which may lead to unintended errors. It is recommended that teams take at least a 30-minute meal break after counting periods in both the morning and afternoon. When approaching the anticipated break time, the counting team should determine when to take a break based on the estimated amount of time for a package of ballots to be completely scanned. The counting team should not take a break in the middle of scanning a package of ballots. When

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

² 08 NCAC 09 .0107.

counting teams take a break, the ballots must be organized in a manner so that ballots are not counted twice when resuming the recount, and all ballots must be secured in a sealed container during the break. No ballots should be left unattended, even if in a sealed container.

When establishing a schedule, the county boards shall take into account other county board business that requires the presence of the county board members (e.g., hearings on protests). If a matter will require the presence of the county board members and timing considerations require the matter to be addressed while the recount is being conducted, then the county board should schedule that matter to be addressed at the end of the day so the recount itself remains as continuous as possible.

1.2. Notice the Recount

The county boards shall each notice a meeting to conduct a recount. The notice of the meeting shall be issued at least 48 hours before the recount begins. The notice of the recount shall be posted on the county board's website and sent to the county's notice list, county party chairs, and the candidates in the contest subject to the recount.³

The county boards shall provide the State Board and its Voting Systems Division with the locations and schedules of the recount by submitting a help desk ticket with that information. The State Board will inform the state parties and post the recount schedules on the State Board's website.

1.3. Secure a Location

Arrange for a location to conduct the recount. This may be the county board office or another location if more space is needed. The room should be arranged so that public observers are separated from the area where ballot tabulation is occurring. There should also be a designated area for board members to view the recount.

If a county board uses multiple rooms or locations for a recount, a permanent county staff member shall be assigned at each site and the staff member shall be designated as the recount captain for that location. Assigning a recount captain helps maintain control over the recount and ensures that ballots and other items remain accounted for at all times.

³ 08 NCAC 09 .0106(a). Note that the county can also notice the sample hand-to-eye recount in the same notice for the first recount. 08 NCAC 09 .0110 ("No separate notice of a hand-to-eye recount is required if the hand-to-eye recount occurs on the same day as and following the conclusion of the first recount under 08 NCAC 09 .0107 and the notice of the first recount stated that a hand-to-eye recount, if required, could take place upon the conclusion of the first recount.").

1.4. Secure Bipartisan Teams

The county board shall arrange for two-person bipartisan teams for each tabulator, consisting of:

1. Tabulator Attendant – will feed ballots into tabulator
2. Tabulator Observer – will provide individual ballots to the tabulator attendant

The county board shall arrange for one person to manage the distribution of the voted ballots for each of the voting sites that are subject to the recount. Extra persons may be needed to assist or in case of emergencies.

Trained personnel, such as county board staff or appointed precinct officials, may be assigned by the county board to operate the tabulator in place of the bipartisan team described above, but only if they are overseen by a bipartisan team of supervisors. A bipartisan team of supervisors may assist the trained personnel as needed and may be assigned to oversee the operation of no more than four tabulators.

For the purpose of the recount, “bipartisan team” or “bipartisan team of supervisors” refers to a team with members who are registered as affiliated with each of the two parties in the State with the largest number of registered voters.⁴

1.5. Organize Recount Materials

The location for the recount must have the necessary equipment and supplies to conduct the recount. This includes the voting equipment, blank USB sticks, blank ballots for any ballots that cannot be tabulated, additional paper rolls, extension cords and power strips, and a copy of this memo.

The county board shall also create a back-up copy of its official canvass data within its vendor’s tabulation software module (e.g. Unity/Electionware ERM).

2. Presence of Board Members

Recounts are open to the public and must be performed in the presence of a quorum of the county board or a bipartisan team of two board members.⁵

⁴ Note that a bipartisan team of four voters affiliated with each of the two parties in the State with the largest number of registered voters may be required. *See* 08 NCAC 09 .0107 (“All ballots that are rejected for tabulation purposes by the machines during the recount shall be recounted by hand by a bi-partisan team of four in accordance with 08 NCAC 09 .0106(d.)”); *see also* Section 6.3, ¶ 8 of this memo.

⁵ 08 NCAC 09 .0106(h).

A quorum of board members, with at least one board member of each party represented on the board, must also be present to make determinations of voter intent when in question (e.g., damaged or “kicked out” ballots).⁶

3. Public Observance

Any person may attend the recount, including the candidates, their representatives or legal counsel, media representatives, and any other interested persons. These persons may observe the counting process but may not observe individual ballots. The bipartisan counting teams, members of the county board staff, and the county board members are the only persons who may view or handle the ballots.

The county board shall exercise control over the conduct of the recount to ensure that the bipartisan counting teams do not experience interference from any person observing the recount. All persons who are not under the supervision of the county board are considered observers and shall not impede or disrupt the recount process in any way. If a county board has a practice of allowing public comment at its meetings, the county board shall inform those in attendance that there is no public comment period during the recount process. The county board shall issue a warning to any observer who engages in disruptive behavior that in the opinion of the county board threatens the orderly conduct of the recount. If the observer does not cease the offending conduct, the county board shall order the observer’s removal.⁷

It is recommended that observers wear badges or nametags identifying themselves and their role (candidate, media, etc.). The county board shall mark observer areas and require that observers remain within those areas unless otherwise permitted by the county board (e.g., in the case of an emergency, or if a candidate will view the results tape). If there is not sufficient room for all observers to view the recount, preference shall be given to candidates or their designees. The county board must select a recount location that provides sufficient space for observation by at least the affected candidates or their designees.

The use of video or still cameras by the public inside the recount room is not permitted because of the statutory prohibition on photographing or videotaping individual ballots.⁸ The county

⁶ 08 NCAC 09 .0106(h).

⁷ N.C.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. No witness shall interfere with the orderly counting of the official ballots. Witnesses shall not participate in the official counting of official ballots.”

⁸ N.C.G.S. § 163-165.1(e). This does not preclude providing an area from which observers can take picture or video of the recount, so long as they do not capture the image of a voted ballot.

board may enforce reasonable restrictions on items brought into the recount room such as telephones, food, or drink. The county board may also enforce reasonable restrictions on noise or other disruptions in the counting location.⁹

4. Combining Recounts

It is permissible to combine this recount with a recount in a local contest, if one has been requested, or if the board has decided to perform a discretionary recount in accordance with G.S. § 163-182.7(a). However, the combined recount must be properly noticed to the parties and candidates who may be affected by the recount.

5. Counting of Ballots and Voter Intent

Official ballots must be counted according to the principles and rules contained in N.C.G.S. § 163-182.1(a) during the initial count and for any recount¹⁰:

G.S. § 163-182.1. Principles and rules for counting official ballots.

(a) General Principles That Shall Apply. - The following general principles shall apply in the counting of official ballots, whether the initial count or any recount:

1. Only official ballots shall be counted.
2. No official ballot shall be rejected because of technical errors in marking it, unless it is impossible to clearly determine the voter's choice.
3. If it is impossible to clearly determine a voter's choice in a ballot item, the official ballot shall not be counted for that ballot item, but shall be counted in all other ballot items in which the voter's choice can be clearly determined.
4. If an official ballot is marked in a ballot item with more choices than there are offices to be filled or propositions that may prevail, the official ballot shall not be counted for that ballot item, but shall be counted in all other ballot items in which there is no overvote and the voter's choice can be clearly determined.
5. If an official ballot is rejected by a scanner or other counting machine, but human counters can clearly determine the voter's choice, the official ballot shall be counted by hand and eye.
6. Write-in votes shall not be counted in party primaries or in referenda, but shall be counted in general elections if all of the following are true:
 - a) The write-in vote is written by the voter or by a person authorized to assist the voter pursuant to G.S. 163-166.8.

Nor does it preclude the county board from livestreaming the recount so long as the video feed does not reveal a voted ballot.

⁹ N.C.G.S. § 163-33(1).

¹⁰ 08 NCAC 09 .0106(c).

- b) The write-in vote is not cast for a candidate who has failed to qualify under G.S. 163-123 as a write-in candidate.
- c) The voter's choice can be clearly determined.

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For examples on how to apply the standards in N.C.G.S. § 163-182.1(a) to real-world scenarios, please see [Numbered Memo 2019-07](#).

6. Recount Procedures

6.1. Opening Procedures

1. Keep a log of attendees.
2. Close the room when it reaches capacity as designated by the fire marshal. If possible, provide a video feed or a viewing area if attendance exceeds capacity, while making sure the camera is not positioned such that a viewer could view the voted ballots. As noted above, the recount room must provide sufficient space for observation by at least the affected candidates or their designees, and candidates or their designees shall be offered preference for seating in the recount room.
3. Give attendees a name badge.
4. Have signage to instruct those in attendance and communicate processes.
5. Review recount procedures with those in attendance.

6.2. Preliminary Procedures

1. The bipartisan team of officials and any assigned trained personnel shall take an oath.¹¹
2. The county board shall announce the name of each precinct, in-person early voting site, or absentee group to be tallied before beginning the recount process for that unit.
3. The county board shall make a record of the number of the tamper-evident seal, protective counter, or other device, if any, before opening any of the voting equipment. The bipartisan team shall examine the electronic voting equipment to determine that any other tamper evident seals are intact and match the log maintained by the county board. The team shall note on the Recount Audit Sheet any irregularities or evidence of possible tampering with the device.

¹¹ Suggested oath: “I, ____, do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State not inconsistent with the Constitution of the United States; that I will honestly discharge the duties of recounting ballots in ____ County for the primary (or election) held this day, and that I will fairly and honestly tabulate the votes cast in said primary (or election); so help me, God.”

4. The bipartisan teams, with the assistance of any assigned trained personnel, together shall complete an audit sheet to record the following:
 - Machine serial number
 - Precinct/unit name or code
 - Voter history count
 - Bipartisan team and assigned trained personnel name
 - Date and time of beginning and end of recount
5. The team or assigned trained personnel shall open the ballot box and inspect all compartments to ensure the bin is empty.
6. A member of the bipartisan team or assigned trained personnel shall open the polls on the voting equipment and print a zero tape.
7. Once the zero tape prints, the bipartisan team shall inspect the tape and confirm that there are no results on the tape. The bipartisan team shall sign the zero tape. If a candidate or their designee is in attendance, they shall be offered the opportunity to view the zero tape.
8. A member of the bipartisan team or assigned trained personnel shall open the sealed ballot container for the voting site. This shall be done in full view of elections officials and observers.
9. A member of the bipartisan team or assigned trained personnel shall remove ballots from the sealed ballot container and place ballots on the table.
10. A member of the bipartisan team or assigned trained personnel may use an air spray can or give the ballots a gentle shake to remove any residue from the ballots.
11. The tabulator observer shall take the stack of ballots that have been placed on the table and hand a ballot to the tabulator attendant one at a time (unless using a high-speed tabulator, in which case ballots can be processed in stacks by grouping).
12. If more than one ballot container is used per tabulator, then the ballots must be returned to their container after being scanned and the container resealed before a new container is unsealed.

6.3. Counting Procedures.¹²

1. The tabulator attendant shall feed the ballots into the tabulator.
2. If after trying to insert the ballot by other orientations (i.e., front top, front bottom, back top, back bottom) a ballot cannot be tabulated, the ballot should be fed into the emergency bin on the tabulator (high-speed tabulators will automatically separate such ballots). Before the ballot is placed into the emergency bin, the ballot attendant shall announce: “Damaged Ballot.” An overvoted ballot is not a damaged ballot. Ballots with overvotes can be tabulated by machine and should be accepted by the tabulator after it provides a warning message.
3. If any individual ballot is marked as a provisional ballot and is found in the tabulator for a precinct or early voting site, and that ballot is for a provisional application that was not

¹² If any tasks in this section are performed by trained personnel in lieu of a bipartisan team, then a bipartisan team of supervisors must be able to view and observe the completion of that task.

approved by the county board for counting at its provisional meeting, the ballot shall not be fed into the tabulator, but instead shall be placed into the emergency bin. Before the ballot is placed into the emergency bin, the ballot attendant shall announce: “Provisional Ballot.”

4. The bipartisan team or assigned trained personnel will continue to tabulate ballots removed from the ballot container and have them fed into the tabulator throughout the counting process.
5. The counting process will be conducted in two-hour intervals. After one hour, the team members shall reverse roles.
6. At the end of each counting period, the ballot box will be opened by the tabulator attendant and the ballots will be bundled and sealed. The number of ballots sealed in the ballot container shall be recorded.
7. At the start of each counting period, at the one-hour role switch, and at the end of each counting period, a bipartisan team member shall record the number of ballots on the public count of each machine, along with the number of ballots placed in the emergency bin, and the number of ballots that have been removed from the ballot container.
8. Once all ballots have been removed from the ballot container, the tabulator attendant shall open the emergency bin and remove any damaged ballots or provisional ballots that were required to be entered into the bin. Each ballot type shall be handled as follows:
 - Damaged ballots: Examine “kicked out” ballots to determine the reason and show to board members for their determination as to voter intent, in accordance with the Section above for **Counting Ballots and Voter Intent**. All ballots that were rejected for tabulation purposes by the machine shall be recounted by hand by a bipartisan team of four, with two officials (one from each of the two parties in the State with the largest number of registered voters) to relay the results of each ballot with one person reading the ballot and the other official observing the ballot and the person reading the results of the ballot, and two officials (one from each of the two parties in the State with the largest number of registered voters) recording the tally of votes for each candidate on paper while stating aloud after each choice is read on the fifth tally for a particular candidate, the word "tally." Where possible, the bipartisan team of four should be overseen by the bipartisan team or bipartisan team of supervisors originally assigned to the tabulator.
 - Provisional ballots found in the tabulator for a precinct or early voting site, and that ballot is for a provisional application that was not approved by the county board for counting at its provisional meeting: place ballot in envelope marked “retrieved provisional.”
9. Finally, the bipartisan team shall review a report showing the number of reported ballots cast per precinct or site and verify that this is the total number of ballots tabulated for that site in the recount.

6.4. Tabulation

1. Close the polls: Once the bipartisan teams and any assigned trained personnel have completed their work, a member of the county board or a county board staff member shall

place the optical scan tabulator into postelection mode and generate a results tape for the reporting unit.

2. Once the tape prints, the bipartisan team members shall sign the results tape. If a candidate or their designee is in attendance, they shall be offered the opportunity to view the results tape/report or its equivalent, but only for the contest or contests subject to the recount. All other contests not subject to a recount must be masked from view.
3. In the presence of at least two members of the county board, a county board staff member shall compare the contest results on the results tape to the canvassed results in the results tabulation software for any contest that is being recounted.
4. If the results of any contest being recounted have changed from the Canvass results for that contest, county board staff shall edit the results of the recounted contest manually within the Election Management System (EMS) to accommodate such changes, for all precincts/reporting groups in which such edits are necessary.
5. The county board shall print a block style canvass report and create a results file (ASCII, CSV, etc.).
6. The county board shall import the results file from the vendor's tabulation software module (ASCII, CSV etc.) into Election Reporting under the "Canvass Recount" menu. Contests that are eligible for a recount will be enabled.
7. The county board must compare the results on the results tabulation software report to the totals in Election Reporting.

6.5. Wrap Up

1. Replace all the voted ballots in the security containers in which they were stored and reseal the container.
2. The container shall be labeled with the precinct name and the bipartisan team members shall sign the seal.
3. Board members shall sign a seal to be placed on the ballot boxes/containers after results are obtained.

7. Precinct Sort

County boards shall not conduct the precinct sort until all recounts, and any protests involving the recounts, have been completed. This could mean a county board may not be able to complete the precinct sort by 30 days after the election. Even if this is the case, N.C.G.S. § 163-132.5G(d) requires that "the chair of the county board of elections appear and explain the delay at the next official meeting of the State Board." The county board chair may report that the delay was due to the recount by sending an email with that explanation to the State Board's legal department so that the board chair does not need to appear in person at a State Board meeting.

8. Possible Sample Hand-to-Eye Count

A sample hand-to-eye recount may be necessary if one of the candidates demands one. Any demand for a sample hand-to-eye recount must be made within 24 hours of the conclusion of the first recount across all counties in the jurisdiction.¹³

If a sample hand-to-eye recount is conducted, it shall be conducted in a sample of precincts, drawn at random by the State Board. That sample shall be all the ballots in three percent (3%) of the precincts casting ballots in each county in the jurisdiction of the office, rounded up to the next whole number of precincts. The sample chosen by the State Board shall be of one or more full precincts, full counts of one or more in-person early voting sites, or a combination.¹⁴ If a sample hand-to-eye recount is necessary, such a recount would begin within two business days of the demand for a hand-to-eye recount.

¹³ N.C.G.S. § 163-182.7A; 08 NCAC 09 .0107.

¹⁴ See N.C.G.S. §§ 163-182.7A and 163-182.1(b)(1).