

CHAPTER 6 - PARTISAN ELECTIONS AND BALLOTS

SUBCHAPTER 6A - METHOD OF COUNTING VOTES CAST IN ALL PARTISAN ELECTIONS UNTIL MARCH 1, 1985

08 NCAC 06A .0101	SPLIT TICKET
08 NCAC 06A .0102	MARKING PARTY CIRCLE AND CROSS OVER WRITE-INS
08 NCAC 06A .0103	MULTI-CANDIDATE OFFICES

History Note: Filed as a Temporary Rule Eff. July 31, 1984, for a period of 120 days to expire on November 28, 1984; Authority G.S. 1099, Session Laws of 1983 (Regular Session, 1984); Eff. November 1, 1984; Repealed Eff. June 1, 1988; Recodified from 08 NCAC 06 to 08 NCAC 06A Eff. April 15, 2002.

SUBCHAPTER 06B – BALLOTS

08 NCAC 06B .0101	GENERAL BALLOT GUIDELINES
08 NCAC 06B .0102	USE OF PAPER BALLOTS WHERE VOTING SYSTEMS ARE USED

History Note: Authority G.S. 163-22; 163-165.3; 163-165.4; Temporary Adoption Eff. April 15, 2002; Eff. August 1, 2004; Expired Eff. February 1, 2017 pursuant to G.S. 150B-21.3A.

08 NCAC 06B .0103 ARRANGEMENT OF OFFICIAL BALLOTS

(a) After the close of the filing period, the State Board of Elections shall certify to the county boards of elections the order of the offices and candidate names to be voted on the official ballot. The State Board of Elections shall provide the text and arrangement of referenda to be voted on the official ballot.

(b) The order of precedence for ballot items shall be as follows:

- (1) Federal Offices:
 - (A) President and Vice President of the United States
 - (B) US Senate
 - (C) US House of Representatives
- (2) State Offices:
 - (A) NC Governor
 - (B) NC Lieutenant Governor
 - (C) NC Attorney General
 - (D) NC Auditor
 - (E) NC Commissioner of Agriculture
 - (F) NC Commissioner of Insurance
 - (G) NC Commissioner of Labor
 - (H) NC Secretary of State
 - (I) NC Superintendent of Public Instruction
 - (J) NC Treasurer
 - (K) NC Supreme Court Chief Justice
 - (L) NC Supreme Court Associate Justice, in numerical order by seat number
 - (M) NC Court of Appeals Judge, in numerical order by seat number
- (3) District offices:
 - (A) NC Senate
 - (B) NC House of Representatives
 - (C) NC Superior Court Judge
 - (D) NC District Court Judge
 - (E) NC District Attorney
- (4) Partisan county offices

- (5) Partisan municipal offices
- (6) Nonpartisan county offices
- (7) Nonpartisan municipal offices
- (8) Referenda in the order of precedence established in G.S. 163-165.6(h), unless the voting system design requires referenda to be before candidate ballot items.

Ballot items for offices in the same class shall be listed in alphabetical order by office name or in numerical or alphabetical order by district name. Ballot items for full terms of an office shall be listed before ballot items for partial terms of the same office. The term of the unexpired office only shall be listed as part of the title of the office.

(c) Names of candidates shall be printed in the exact form either certified by the State Board of Elections for those candidates who are required to file the Notice of Candidacy with the State Board of Elections, by convention or by petition. Candidates for all offices shall provide their name as it is to appear on the ballot. Candidates may request in writing a change in the manner that their name is to appear on the ballot during the time the filing period is open.

History Note: Authority G.S. 163-22; 163-165.6;
 Temporary Adoption Eff. April 15, 2002;
 Eff. August 1, 2004;
 Readopted Eff. June 1, 2019;
 Amended Eff. January 1, 2022.

08 NCAC 06B .0104 LATE CHANGES IN BALLOTS

After the official ballots for a general or special election have been printed and the absentee voting period has begun, the death, resignation, or disqualification of a candidate whose name appears on the official ballots shall not require that the ballots be reprinted. If the vacancy occurs before the absentee voting period begins, the responsible county board of elections, or State Board of Elections if the contests spans more than one county, may determine whether it is practical to have the ballots reprinted with the name of the replacement nominee as authorized by G.S. 163-114. If the ballots are not reprinted, a vote cast for the candidate whose name is printed on the ballot shall be counted as a vote for the replacement nominee.

History Note: Authority G.S. 163-22; 163-165.3;
 Temporary Adoption Eff. April 15, 2002;
 Eff. August 1, 2004;
 Readopted Eff. June 1, 2019.

08 NCAC 06B .0105 COUNTING OF OFFICIAL BALLOTS

(a) Following the close of the polls the official ballots shall be counted in accordance with G.S. 163-182.1(a). Precinct officials shall follow the procedures specified by the voting system manufacturer and in compliance with G.S. 163-182.1 and 163-182.2. The counting of the ballots shall be completed in the presence of the precinct election officials, observers, and any persons desiring to observe the count. All official ballots shall be counted at the precinct unless authorized by the State Board of Elections.

(b) The counting of the ballots at the precinct shall be continuous until completed. From the time the counting of the ballots is begun until the votes are counted and the requisite documentation, including results tapes, is signed, certified as required, and delivered to the chief judge or judge chosen to deliver the documentation to the county board of elections, the precinct chief judge and judges shall not separate, nor shall any of them leave the voting place except for unavoidable necessity, in which case the chief judge or judge who left the polling place shall not be permitted to return to the polling place. Unavoidable necessity means an emergency as determined by the departing precinct official.

(d) When the counting is completed the chief judge or his or her designee shall verbally announce the results at the precinct. The announcement of the results shall state the results are unofficial. The unofficial results shall be transmitted to the county board of elections in the manner determined by the county board of elections and the voting system. This report shall be unofficial and shall have no binding effect upon the official county canvass to follow. As soon as the precinct reports are received, the chair, secretary or designee shall publish the unofficial reports to the news media.

(e) Provisional official ballots shall be counted by the county board of elections before the canvass. 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.

History Note: Authority G.S. 163-22; 163-47(a); 163-182.1; 163-182.2;

Temporary Adoption Eff. April 15, 2002;
Eff. August 1, 2004;
Readopted Eff. June 1, 2019.