

Checks and Balances in North Carolina: The Post-Election Day Process

American elections serve as a model for the world, thanks to our rigorous system of checks and balances and our neighbors serving as election workers faithfully carrying out those duties.

Working in teams made up of people from both parties, poll workers and election officials count, canvass, and audit votes – whether they are cast in-person or by mail. These election workers verify voters' identities. They inspect ballots. They resolve errors. They confirm that every legal ballot is counted as voters intended them.

When these checks and balances are complete, then the final phase of our election process happens: certification. This is the straightforward step in the process where election officials declare the winners. The multiple layers of checks and balances involved in the casting, counting, canvassing, and audit stages ensure that results are accurate prior to the final stage of certification.

This memo details the safeguards specific to the counting and canvassing processes and describes how county and state certification must occur following all of these checks and balances. For greater detail about verifying absentee voting applications and ballots and a detailed timeline, please [visit the rest of our series on checks and balances in North Carolina elections](#).

Importantly, this is nonpartisan educational research intended for 501(c)(3)-compliant purposes only. It is *not* to be used for any partisan, political, or electioneering activities by any organization.

Counting: Technology and Bipartisan Oversight Work to Triple-Check Results for Accuracy

North Carolina statutes provide some general guiding principles applicable to the counting of ballots. Among these principles are requirements that only official ballots be counted; that technical errors in marking a ballot not prevent it from being counted; and that if it is impossible to determine a voter's choice for a single ballot item, then this does not prevent the rest of the ballot from being counted.¹

Quality-Tested Technology Leads to Trustworthy Results

North Carolina requires the county board of elections to test all voting systems before an election to ensure that the voting system counts the votes accurately.² The board must maintain a record of

¹ [NCGA § 163-182.1](#)

² [N.C. Admin. Code 04.0307](#)

each test indicating the dates, times, and method of testing used, the results, and the persons conducting the test.³ The test must additionally be open for public observation.⁴

Both Parties Participate Throughout a Transparent Process

Vote counting occurs immediately after polls close and must be continuous until completed.⁵ Precinct officials affiliated with all political parties must participate during counting. Any member of the public who wishes to observe the counting process must be permitted to do so. Precinct officials must provide a preliminary report of the vote counting on Election Day to the county board of elections as quickly as possible. This report is unofficial and must include the number of provisional ballots cast in that precinct. This preliminary report has no binding effect on the upcoming county canvass.⁶

Random Sample Hand Count Audits Give a Final Check Before Canvassing

In any election in which ballots are counted by automatic tabulation equipment, state law requires that election officials conduct a sample manual hand count audit of the paper ballots of a sampling of a statewide race in every county. For presidential elections, the ballot item is required to be the presidential race. The random selection of precincts in any county must be done publicly after the initial election results are released or 24 hours after the polls close, whichever comes first.⁷ Election officials choose enough sample precincts to create a statistically significant sample. In the event of a material discrepancy between the electronic count or the manual one, the manual count controls.⁸

Canvassing: Boards of Election Make Sure Ballots Have Been Counted Correctly

North Carolina law defines “canvass” to mean “the entire process of determining that the votes have been counted and tabulated correctly, culminating in the authentication of the official election results.”⁹

County Canvass: An Open Meeting of the County Board of Elections

The county board of elections meets at 11 a.m. on the 10th day after every election to complete the canvass of votes cast to verify and finalize the vote count for all races. The county board examines the returns from precincts – absentee official ballots, the sample hand count audit, ballot counts, and provisional official ballots – to verify the accuracy of reported results. The canvass meeting must occur at the county board of elections office, unless the county board unanimously votes for

³ [Id.](#)

⁴ [Id.](#)

⁵ [NCGA § 163-182.2](#)

⁶ [Id.](#)

⁷ [NCGA § 163-182.1](#)

⁸ [Id.](#)

⁹ [NCGA § 163-182.5](#)

another site within the county.¹⁰ The county canvass meeting must be open to the public. At the meeting, the board prepares and signs all relevant, permanent public documents. Once the canvass is complete, the county board of elections prepares abstracts of all the races. The county board retains one copy; files one copy with either the clerk of superior court or, in the case of municipal elections, with the municipal clerk; and files another copy with the state board of elections. The state board provides the original abstract to the secretary of state.¹¹

State Canvass: State Board of Elections Verifies and Finalizes Vote Count

After each general election, the state board of elections must meet at 11 a.m. on the Tuesday three weeks after Election Day to verify and finalize the vote count for all races. After each primary, the state board sets the date for its canvass meeting.¹² Once the state canvass is complete, the state board prepares composite abstracts of all those races in duplicate originals. The state board retains one of the originals and the secretary of state keeps the other original copy.

Certification: The Voters Have Spoken

Once canvassing is complete, winning candidates receive a certificate of election. For races that are determined by the county canvass, the county board issues certificates of election. The county board issues certificates six days after the completion of the canvass, unless there is an election protest pending.¹³

For races canvassed at the state level, the state board of elections issues certificates of election. The state board issues the certificate six days after the completion of the canvass, unless there is an election protest pending. The secretary of state keeps a copy of each certificate of election issued by the state board.¹⁴ The secretary of state notifies the governor when they issue a certificate of election for certain offices.¹⁵ The governor gives each elected official a commission confirming their election.¹⁶

After receiving the certifications from the state board, the secretary of state notifies the governor of the chosen electors for president and vice president. The governor issues a proclamation listing the electors' names and instructing them to meet in the old Hall of the House of Representatives in Raleigh at 12 p.m. on the first Tuesday after the second Wednesday in December to vote for president and vice president. This proclamation must be published in the daily newspapers published in the City of Raleigh. The secretary of state is responsible for making the arrangements for the meeting, preparing the agenda, and inviting guests.¹⁷

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¹⁰ [Id.](#)

¹¹ [NCGA § 163-182.6](#)

¹² [NCGA § 163-182.5](#)

¹³ [Id.](#)

¹⁴ [Id.](#)

¹⁵ Members of the U.S. House of Representatives, justices, judges, and district attorneys of the General Court of Justice.

¹⁶ [NCGA § 163-182.16](#)

¹⁷ [NCGA § 163-210](#)