

08 NCAC 10B .0105 PROCEDURES AT THE CLOSE OF VOTING

(a) Before each primary and election, the chairman of the county board of elections shall furnish each chief judge written instructions provided by the State Board pursuant to G.S. 163-182.1, G.S. 163-182.2, and 08 NCAC 06B.0105 on how ballots shall be marked and counted. Before starting the counting of ballots in the precinct, the chief judge shall instruct all of the judges, assistants, and ballot counters in how marked ballots shall be counted and tallied.

(b) The Chief Judge shall announce or have it announced that the polls are closed at 7:30 p.m. unless the time has been extended pursuant to G.S. 163-166.01. Time shall be determined by the same timepiece used to determine the opening of the polls.

(c) Any person who is in line at the close of polls shall be afforded an opportunity to vote. A list shall be made, starting at the end of the line and moving forward, of everyone standing in line at the close of polls and anyone whose name is on that list shall be permitted to vote. No person entering the voting enclosure after the close of polls has been announced, other than those whose names are on the list, shall be permitted to vote under any circumstance.

(d) The Chief Judge and Judges must subscribe their names to each pollbook.

(e) Only official ballots shall be voted and counted in accordance with G.S. 163-182.1(a). No official ballot shall be rejected because of technical errors in marking it, unless it is impossible to determine the voter's choice under the rules for counting ballots. Such determination shall be made by the county board of elections if the chief judge and judges are unable to determine the voter's choice, or whether a particular ballot shall be counted.

(f) No person shall intentionally deface or tear an official ballot in any manner, and no person, other than the voter, shall intentionally erase any name or mark written on a ballot by a voter.

(g) The Chief Judge, along with a Judge of another political party, shall "close the polls" on each voting unit. The results sheet from each unit shall be placed in an "Official Precinct Returns Envelope." As soon as the polls are closed the chief judge and judges shall, without adjournment or postponement, count the ballots. The counting of ballots at the precinct shall be continuous until completed. More than one voting unit may be counted at the same time by the precinct officials, assistants, and ballot counters, but the chief judge and judges shall supervise the counting of all units and shall be responsible for them. From the time the first unit is read or opened and the count of votes begun until the votes are counted and the statement of returns made out, signed, certified and provided to the chief judge or judge responsible for delivering them to the county board office, the precinct chief judge and judges shall not separate, nor shall any one of them leave the voting place except in case of unavoidable necessity as determined by the Chief Judge.

(h) The counting of the ballots shall be made in the presence of the precinct election officials and witnesses and observers who are present and desire to observe the count. Observers shall not interfere with the counting of the ballots.

(i) As soon as the votes have been counted and the precinct returns certified, the chief judge, or one of the judges selected by the chief judge, shall do the following:

- (1) report the total precinct vote for each ballot item to the witnesses and observers who are present; and
- (2) report by telephone or other electronic means the total precinct vote for each ballot item to the county board of elections.

The total precinct vote shall be unofficial and shall have no binding effect upon the official county canvass to follow.

(j) The Chief Judge and Judges shall sign the consolidation and accounting sheets and statement of returns and shall place them in the "official precinct returns" envelope or container.

(k) The Chief Judge shall place or cause to be placed in a sealed container by an authorized person under the Chief Judge's direction and control the following:

- (1) voter registration documents and information;
- (2) provisional ballot envelope;
- (3) payroll information for precinct officials;
- (4) county board communication devices, unit keys and security devices; and
- (5) the official returns envelope.

The container shall be sealed with non-transparent tape of sufficient size to contain signatures. It shall be signed by the Chief Judge and two Judges.

(l) Consolidation sheets, including the statement of returns for all voted official ballots, shall be completed by adding curbside votes to the totals. In any precinct using direct record electronic voting equipment, the county board of elections may provide for any paper ballots to be transported upon closing of the polls to the office of the county

board of elections for counting. An accounting form shall be completed that accounts for every used and unused ballot providing the number of blank ballots received from the board of elections, the number of regular voted ballots, provisional voted ballots, and spoiled ballots.

(m) Voted provisional ballots must be placed in a sealed envelope or container and the seal must be signed by the Chief Judge and Judges.

(n) The Chief Judge or precinct official shall bring the results cartridge (or reading) from each unit to the board of elections office.

(o) All supplies must be collected for return to the board of elections office. Any items brought into the polling place facility shall be removed upon vacating the polling place. Precinct Judges shall ensure that the facility is left in the same condition in which it was received for voting purposes.

(p) Under no circumstance shall voting items be left in the polling place facility out of the custody of the Chief Judge or other designee.

*History Note: Authority G.S. 163-22; 163-166.10;
Temporary Adoption Eff. April 15, 2002;
Eff. August 1, 2004;
Readopted Eff. September 1, 2019.*