

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 304
HOUSE BILL 548

AN ACT TO PROHIBIT A COUNTY BOARD OF ELECTIONS FROM MAKING A
RECOUNT WHEN THE STATE BOARD HAS DENIED A RECOUNT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-175 is rewritten to read as follows:

"§ 163-175. **County board of elections to canvass returns.** — On the second day (Sunday excepted) next after every primary and election, the county board of elections shall meet at 11:00 A.M. at the county courthouse to canvass the votes cast in the county and prepare the county abstracts. If the returns from any precinct have not been received by the county board by 12:00 noon on that day, or if the returns of any precinct are incomplete or defective, the board shall have authority to dispatch a peace officer to the residences of the election officials of the delinquent precinct for the purpose of securing proper returns for that precinct.

In the presence of such persons as choose to attend, the members of the county board of elections shall open the precinct returns, canvass and judicially determine the results of the voting in the county, and prepare and sign duplicate abstracts showing:

- (1) In a primary, the total number of votes cast in each precinct and in the county for each candidate of each political party for each office.
- (2) In an election, the number of legal votes cast in precinct for each candidate, the name of each person voted for, the political party with which he is affiliated, and the total number of votes cast in the county for each person for each different office.

In complying with the provisions of this section, the county board of elections shall have power and authority to pass judicially upon all facts relative to the primary or election, to make or order such recounts as it deems necessary, and to determine judicially the result of the primary or election. Provided, however, that where a petitioner has been denied a recount upon a verbal or written order of the State Board of Elections pursuant to regulations of the State Board, the county board of elections shall not make or order a further recount. The board shall also have power to send for papers and persons and to examine them and to pass upon the legality of any disputed ballots transmitted to it by any precinct election official.

When, on account of errors in tabulating returns and filling out abstracts, the result of a primary or election in any one or more precincts cannot be accurately known, the county board of elections shall be allowed access to the ballot boxes in such precincts to make or order a recount and to declare the result."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of May, 1981.