



HOUSE BILL 1129: Uniform Time Frame to Canvass Votes/CBOEs.

2016-2017 General Assembly

Committee:	House Elections	Date:	June 3, 2016
Introduced by:	Reps. Elmore, Brody, Jones	Prepared by:	Erika Churchill
Analysis of:	First Edition		Committee Co-Counsel

SUMMARY: *House Bill 1129 provides that canvass day by the county board of elections would always be the 10th day after an election.*

CURRENT LAW: Canvass is "the entire process of determining that the votes have been counted and tabulated correctly, culminating in the authentication of the official election results." G.S. 163-182.5. The board of elections conducting the canvass has authority to send for papers and persons and to examine them and pass upon the legality of disputed ballots.

By statute, the date and time set for a county board of elections to complete the canvass and authenticate the count in every ballot item is either:

- 11:00 A.M. on the 10th day after the general election in November of the even-numbered year, or
- 11:00 A.M. on the 7th day after every other election.

The county board may hold the canvass meeting a reasonable time after the required date and time, if the initial counting of all the votes has not been completed by the required date and time despite due diligence by the election officials.

Canvass day is also the time set for the hearing of challenges, including impediment evidentiary challenges, under G.S. 163.182.1B, regarding reasonable impediment declarations completed by voters without the appropriate photo identification upon appearing to vote in person. Election protests regarding the manner in which votes were counted or results tabulated must also be filed prior to the beginning of the county's canvass meeting. G.S. 163-182.9.

The day before canvass day is the time set for the following:

- Completion of Voter Registration – If a voter fails to complete any required item on the voter registration form, but provides enough information on the form to enable the county board of elections to identify and contact the voter, the voter is notified of the omission and given the opportunity to complete the form at least by 5:00 P.M. on the day before the county canvass in order to have that voter's provisional ballot counted. G.S. 163-82.4.
- Presentation of Photo ID – If a voter fails to present valid photo ID as required by G.S. 163-1.13 and votes a provisional ballot as a result, that voter has until 12:00 noon on the day before canvass to present the valid photo ID to the county board of elections in order for that provisional ballot to be counted. G.S. 163-182.1B.
- Acceptance of Military and Overseas Absentee Ballots. G.S. 163-258.12.

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Demands for recounts must be delivered by 5:00pm on the first business day after the canvass. G.S. 163-182.7.

Generally, the certificate of election is issued by the county board of election 6 days after the canvass is completed, unless there is an election protest pending. G.S. 163-182.15.

The statutes governing municipal elections provide for separate timing of the canvass.

BILL ANALYSIS: The bill would amend the statutory date and time for the county canvass to always be at 11:00 am on the 10th day after an election.

EFFECTIVE DATE: January 1, 2017, and applies to elections held on or after that date.