

North Carolina Election Certification Processes and Guardrails

Certification, the statutory process by which officials sign off on the completion of election results, has historically been an uncontroversial postelection formality in North Carolina and across the country. State law has long established that officials have a mandatory, nondiscretionary duty to certify elections.

Despite this well-settled law, states across the country — including [North Carolina](#) — faced a new phenomenon following the 2020 presidential election. Dozens of local [officials](#) nationwide refused or threatened to refuse to certify election results, often based on claims rooted in election denialism — the false idea that the 2020 election was stolen and that widespread fraud pervades our election system. Attempts to interfere with certification [persisted](#) throughout the 2024 election cycle, evolving into a vehicle to express disagreement or doubt as to any aspect of an election, including the outcomes of downballot races.

Those efforts did not succeed, often because state courts and state officials intervened to protect the certification process. But the threat remains that rogue officials in North Carolina may attempt to interfere with the timely certification of this year's midterm election results. Fortunately, North Carolina officials have several legal tools available to respond to any certification issues that arise — and to help prevent them in the first place. These guardrails are detailed below.

Timeline for Canvassing and Certifying the 2026 General Election in North Carolina

General Schedule

County Elections Board Canvasses

State law directs that North Carolina county election boards “shall meet at 11 a.m.” ten days after the **November 3, 2026** election, on **November 13, 2026**, to “complete the canvass of votes cast and to authenticate the count in every ballot item in the county by determining that the votes have been counted and tabulated correctly.” N.C. Gen. Stat. § 163-182.5(b).

If the initial count of all the votes has not been completed by that time despite “due diligence,” the county board must hold the canvass meeting at a “reasonable time thereafter.” N.C. Gen. Stat. § 163-182.5(b).

“As soon as the county canvass” is complete, the county boards shall prepare abstracts authenticating the election results for all the ballot items. N.C. Gen. Stat. § 163-182.6(a); N.C. Gen. Stat. § 163-182(1) (defining abstract as “a document signed by the members of the board of elections showing the votes for each candidate and ballot proposal on the official ballot in the election”).

State Board of Elections Canvass and Certification

The State Board of Elections must meet on the Tuesday three weeks after Election Day, **November 24, 2026**, to complete the canvass for nonlocal elections. N.C. Gen. Stat. § 163-182.5(c). If the state board has not received the county canvasses by November 24, it may adjourn for not more than 10 days (i.e., until **December 4, 2026**) to secure the missing abstracts. N.C. Gen. Stat. § 163-182.5(c).

Six days after the completion of the statewide canvass, if no election protest is pending, the state board must issue a certificate of election and provide a copy to the secretary of state. N.C. Gen. Stat. §§ 163-182.15(b), 163-182.17(d)(9). For elections to the U.S. House of Representatives, state law requires the secretary of state to send notice to the governor that a certificate of election has been issued, and upon receiving the notice, the governor “shall provide to each elected official a commission attesting to that person’s election.” N.C. Gen. Stat. § 163-182.16.

Impact of Election Protests on the Canvassing and Certification Timeline

North Carolina allows for both county elections boards and the State Board of Elections to consider election protests.

Election Protests Before County Boards

At the county level, if a valid election protest is filed before the county canvass and concerns the counting and tabulating of votes, state law requires the county board to resolve the protest before the canvass is complete. N.C. Gen. Stat. § 163-182.10(a)(2). Election protests cannot delay the county canvass if they do not concern the

manner in which votes were counted or the results tabulated, or if they allege an election law violation “regarding an insufficient number of votes to change the outcome of a contest” within a county. 8 N.C. Admin. Code 2.0110(f)(2); N.C. Gen. Stat. § 163-182.10(a)(3).

A county board may delay the canvass for a qualifying protest if it needs more time to resolve it, but it may not delay for more than **three days** unless approved by the State Board of Elections. N.C. Gen. Stat. § 163-182.10(a)(2). And resolving a protest “shall not delay the canvass of ballot items unaffected by the protest.” N.C. Gen. Stat. § 163-182.10(a)(2). If a county board dismisses or denies a protest in a local election, the certificate of election should be issued **five days** after the dismissal or denial unless the decision has been appealed to the State Board of Elections. N.C. Gen. Stat. § 163-182.15(a)(1).

The appeal of a dismissal similarly cannot delay the county canvass. N.C. Gen. Stat. § 163-182.10(a)(2). If there is an appeal to the State Board of Elections, the certificate should be issued on the **tenth day** after the board’s final decision unless the board orders a new election or the Superior Court of Wake County, which hears appeals of decisions by the state board on election protests, issues a stay of certification. N.C. Gen. Stat. § 163-182.15(a)(2). If the Superior Court of Wake County does issue a stay order, the certificate must generally be issued **five days** after the entry of a final order. N.C. Gen. Stat. § 163-182.15(a)(3).

In some instances, election protests may be filed after the county canvass. If a protest concerns the counting and tabulating of votes and “states good cause for delay in filing,” or if it concerns an irregularity other than the counting and tabulation of votes, it may be filed until 5pm on the second business day after a county board has completed the canvass and declared the results. N.C. Gen. Stat. § 163.182.9(b)(4)(b)-(c). Protests filed under these circumstances are subject to the same resolution and appeal requirements detailed for pre-canvass protests. See generally N.C. Gen. Stat. § 163.182.15.

Election Protests Before the State Board of Elections

The State Board of Elections may also hear election protests, including appeals from county boards and protests originating at the state board. N.C. Gen. Stat. §§ 182.11, 182.12. The certificate of election shall be issued **ten days** after the state board’s final decision on an election protest, unless the state board orders a new election or the Superior Court of Wake County orders a stay of the certification pending an appeal of the protest. N.C. Gen. Stat. § 163-182.15(b)(1). If the state board’s decision is appealed and the Superior Court of Wake County does issue a stay order, the certificate generally must be issued **five days** after the entry of a final order. N.C. Gen. Stat. § 163-182.15(b)(2).

Appeals Before the Superior Court of Wake County

To prevent a stay order from serving as the basis for undue certification delays, state law sets forth strict parameters for the Superior Court of Wake County when considering an appeal from the state board on an election protest: “The court shall not issue a stay of certification unless the petitioner shows the court that the petitioner has appealed the decision by the State Board of Elections, that the petitioner is an aggrieved party, and that the petitioner is likely to prevail in the appeal.” N.C. Gen. Stat. § 163-182.14(b).

Impact of Recounts on the Canvassing and Certification Timeline

County boards and the State Board of Elections may order a discretionary recount “when necessary to complete the canvass in an election.” N.C. Gen. Stat. § 163-182.7(a). A county board may not order a recount if the state board has already denied a recount to the petitioner. N.C. Gen. Stat. § 163-182.7(a). Any discretionary recounts must be complete before the date set for the applicable county canvass. North Carolina State Board of Elections, “[Post-Election Procedures and Audits](#).”

For races within a county’s jurisdiction, the county board must order a mandatory recount if a candidate requests it and the difference between the votes is not more than one percent of the votes cast. N.C. Gen. Stat. § 163-182.7(b). A request for a mandatory county recount must be made in writing and received by the board by 5:00 p.m. on the **first business day** after the county canvass.

For races within the state board’s jurisdiction, the state board must order a mandatory recount if a candidate requests it and the difference between the votes is not more than half a percent of the votes or 10,000 votes (whichever is less) for a statewide election, or if the difference between the votes is not more than one percent of the votes for a nonstatewide election. N.C. Gen. Stat. § 163-182.7(c). A request for a mandatory state recount must be made in writing and received by the state board by noon on the **second business day** after the county canvass. N.C. Gen. Stat. § 163-182.7(c).

Authority to Prevent and Respond to Certification Abuses

State Officials Can Issue Opinions and Guidance

The attorney general has authority to respond to requests for legal advice in the form of legal opinions. N.C. Gen. Stat. § 114-2(5).

The state board has authority to issue rules and regulations governing elections consistent with state law. N.C. Gen. Stat. § 163-22(a). The state board’s executive director also issues [numbered memos](#) to provide guidance and updates about election administration to county boards of elections.

State officials may choose to exercise this authority to emphasize the mandatory, nondiscretionary nature of election certification and the importance of timely completing postelection processes.

State Officials Have Broad Statutory Authority Over County Boards of Elections That Delay or Refuse to Complete Postelection Processes

If the State Board of Elections has not received all of the county canvass results by its scheduled canvass date, **November 24, 2026**, state law authorizes it “to secure the originals or copies [of the missing abstracts] from the appropriate clerks of superior court or county boards of elections” at the county’s expense. N.C. Gen. Stat. § 163-182.5(c).

State law also requires the state board to “compel observance of the requirements of the election laws by county boards of elections and other election officers.” N.C. Gen. Stat. § 163-22(c). In doing so, the state board “shall have the right to hear and act on complaints arising by petition or otherwise, on the failure or neglect of a county board of elections to comply with any part of the election laws imposing duties upon such a board.” N.C. Gen. Stat. § 163-22(c). This authority should provide a sufficient basis for the state board to issue an administrative order against a rogue county board.

State law also grants the state board “power to remove from office any member of a county board of elections for incompetency, neglect or failure to perform duties, fraud, or for any other satisfactory cause.” N.C. Gen. Stat. § 163-22(c). Consistent with this authority, the state board [removed](#) two county board members who threatened to refuse to certify election results in 2022.

If a county board is facing an undue delay in the election protest process, the state board may decline to grant permission to extend the delay for more than three days, as noted above. The state board also maintains broad authority to intervene and seize jurisdiction over a protest pending before a county board. N.C. Gen. Stat. § 163-182.12.

State Officials and Other Affected Parties Can Obtain a Writ of Mandamus

If the State Board of Elections is unable or unwilling to intervene pursuant to its statutory authority, or if the board itself is the cause of an unlawful delay or certification refusal, a mandamus action provides alternative relief. State courts award the remedy when the party seeking relief has a clear legal right to the requested act; the defendant has a legal duty to perform the requested act; the act at issue is “ministerial in nature and does not involve the exercise of discretion”; the time for performing the act has expired; and no legally adequate remedy exists. *Morningstar Marinas/Eaton Ferry LLC v. Warren Cnty.*, 777 S.E.2d 733, 736 (N.C. 2015). It is well-established that the use of “shall” language in North Carolina’s certification statutes creates a ministerial (i.e., mandatory) duty. *Morningstar*, 777 S.E.2d at 737. See also *Johnston v. Bd. of Elections of Wake Cnty.*, 90 S.E. 143, 144-45 (N.C. 1916) (issuing a writ of mandamus for a county board to give effect to the results of a primary election).

Either an aggrieved candidate, an affected voter, or the state board represented by the attorney general (given the state board’s duty to certify statewide results by a statutory deadline) could establish a clear legal right to relief to bring the mandamus action. N.C. Gen. Stat. § 114-2(2) (requiring the attorney general to “represent all State departments, agencies, institutions, commissions, bureaus or other organized activities of the State which receive support in whole or in part from the State”). See also *Ponder v. Joslin*, 138 S.E.2d 143 (N.C. 1964) (considering mandamus action brought by a candidate); and *Bd. of Educ. of Yancey Cnty. v. Bd. of Comm’rs of Yancey Cnty.*, 127 S.E. 692 (N.C. 1925) (considering mandamus action brought by taxpayers, citizens, and a county board of education).

Even if the timeline for certification has not technically expired under state law due to an ongoing recount or protest, mandamus should still provide effective relief whenever “it clearly appears” that a local or state official has abused their discretion in creating delays. *St. George v. Hanson*, 78 S.E.2d 885, 888 (N.C. 1954).

Courts Have Tools to Enforce Court Orders If an Official Still Refuses to Certify

Rule 70 of the North Carolina Rules of Civil Procedure provides a mechanism for a court to direct another individual to perform a court order if the ordered party refuses to comply. N.C.G.S. § 1A-1, 70. See also, e.g., *Pachas by Pachas v. N.C. Dep’t of Health & Hum. Servs.*, 822 S.E.2d 847, 854-55 (N.C. 2019) (considering a Rule 70 motion against a government agency).

If a local or state official refuses to comply with a mandamus order, the party that obtained the order can also petition the court for criminal or civil contempt sanctions under state law. *Galyon v. Stutts*, 84 S.E.2d 822, 825 (N.C. 1954). See also N.C. Gen. Stat. §§ 5A-11(a)(3), 5A-21.

State Officials Can Impose Penalties Against Rogue Certifying Officials

As noted above, the State Board of Elections has broad authority to remove rogue members of county boards of elections. N.C. Gen. Stat. § 163-22(c).

Refusing to certify an election or otherwise engaging in unlawful delays or refusals to complete other parts of the election process could violate several state criminal laws and result in charges. See, e.g., N.C. Gen. Stat. §§ 163-274(a)(1), 163-274(a)(11), 163-275(3), 14-230.

District attorneys generally have authority to prosecute criminal conduct that takes place within their jurisdictions. N.C. Gen. Stat. § 7A-61. The attorney general also has broad authority to intervene in criminal actions. N.C. Gen. Stat. § 114-2.

Additional Resources

- Brennan Center, [“Election Certification: How to Strengthen State Frameworks”](#) (June 17, 2025)
- Brennan Center, [“The Roadmap to the Official Count”](#) (October 26, 2020)
- Campaign Legal Center, [“What is Election Certification?”](#) (October 8, 2024)
- Citizens for Responsibility and Ethics in Washington, [“Election Certification Under Threat”](#) (August 15, 2024)
- Lauren Miller Karalunas, [“How State and Local Election Certification Works”](#) (July 30, 2024)
- Protect Democracy, [“Election Certification, Explained”](#) (July 24, 2024)
- Protect Democracy, [“Election Certification Is Not Optional”](#) (March 2024)