

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10380-LU-135A

Short Title: Access to Voted Ballots.

(Public)

Sponsors: Representative Davis.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE ACCESS TO VOTED BALLOTS.

3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** G.S. 163-165 reads as rewritten:

5 "**§ 163-165. Definitions.**

6 In addition to the definitions stated below, the definitions set forth in Article 15A of this
7 Chapter also apply to this Part. As used in this Part:

8 ...

9 (3a) "Cast vote record" means a de-identified electronic record of each voter's
10 ballot selections, electronically retained on a ballot tabulation machine that
11 may be used to count election results for each ballot entry on that machine.

12 ...

13 (9) "Voting enclosure" means the room-area within the voting place-location that
14 is used for voting to complete the voting process. The term includes any
15 vehicle compartment containing one or more voters parked in the designated
16 curbside voting area.

17"

18 **SECTION 2.** G.S. 163-165.1(e) reads as rewritten:

19 "(e) Access to Voted Ballots. – Voted ballots and any paper and electronic records of
20 associated with those individual voted ballots shall be treated as confidential, and no person other
21 than elections officials performing their duties may have access to voted ballots or paper or
22 electronic records of individual voted ballots those documents except by court order or order one
23 of the following means:

24 (1) Court order.

25 (2) Order of the appropriate board of elections as part of the resolution of an
26 election protest or investigation of an alleged election irregularity or violation.

27 (3) Response to a public records request for all cast vote records (CVRs) or voted
28 ballots captured in a tabulation or voting machine, precinct, ward, district,
29 city, or county.

30 Voted ballots and paper and electronic records of individual voted ballots, including cast
31 vote records, shall not be disclosed to members of the public in such a way as to disclose how a
32 particular voter voted, unless a court orders otherwise. disclose the identity of a voter. Elections
33 officials shall redact any information identifying the voter before releasing these documents to
34 the public.



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1 (f) Violation. – Any person who has access to an official voted ballot or record and
2 knowingly discloses in violation of this section how an individual has voted that ballot is guilty
3 of a Class 1 misdemeanor."

4 **SECTION 3.** G.S. 163-165.7(a) is amended by adding a new subdivision to read:

5 "(9) That the voting system must support the casting of a ballot that records each
6 vote precisely as indicated by the voter, subject to the rules of the election
7 jurisdiction, and creates a de-identified cast vote record (CVR) that can be
8 tabulated, audited, and publicly disclosed."

9 **SECTION 4.** G.S. 163-165.9(b) reads as rewritten:

10 "(b) After the acquisition of any voting system, the county board of elections shall comply
11 with any requirements of the State Board of Elections regarding training and support of the voting
12 system by completing all of the following:

13 ...
14 (3) The county board of elections shall ~~not~~ notify the State Board of Elections of
15 its intent to replace any voting system, or any portion thereof, without
16 approval of the State Board of Elections thereof.

17 ...
18 (5) The county board of elections shall require all tabulators or other electronic
19 voting systems to create and retain cast vote records (CVRs) for the duration
20 specified for election-related records."

21 **SECTION 5.** This act is effective when it becomes law and applies to voting systems
22 used in elections held on or after that date.