



NCEIT's Access to Voted Ballots (Cast Vote Records)

§ 163-165. Definitions.

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- (4) "Cast Vote Record" (CVR) means a de-identified electronic record of each voter's ballot selections, electronically retained on a ballot tabulation machine, which may be used to count election results for each ballot entry on that machine.
- (5)(4) "Election" means the event in which voters cast votes in ballot items concerning proposals or candidates for office in this State or the United States. The term includes primaries, general elections, referenda, and special elections.
- (6)(5) "Official ballot" means a ballot that has been certified by the State Board of Elections and produced by or with the approval of the county board of elections. The term does not include a sample ballot or a specimen ballot.
- (7)(6) "Provisional official ballot" means an official ballot that is voted and then placed in an envelope that contains an affidavit signed by the voter certifying identity and eligibility to vote. Except for its envelope, a provisional official ballot shall not be marked to make it identifiable to the voter.
- (8)(7) "Referendum" means the event in which voters cast votes for or against ballot questions other than the election of candidates to office.
- (9)(8) "Voting booth" means the private space in which a voter is to mark an official ballot.
- (10)(9) "Voting enclosure" means the ~~room~~ area within the voting place location that is used for to complete the voting process. It includes any vehicle compartment containing one or more voters parked in the designated curbside voting area.
- (11)(10) "Voting place" means the building or area of the building that contains the voting enclosure.
- (12)(11) "Voting system" means a system of casting and tabulating ballots. The term includes systems of paper ballots counted by hand as well as systems utilizing mechanical and electronic voting equipment. (2001-460, s. 3; 2001-466, s. 3(a), (b); 2002-159, s. 21(h); 2006-262, s. 4; 2013-381, ss. 30.1, 30.2; 2015-103, ss. 4(a), 5(a), 6(b); 2017-6, s. 3; 2018-13, s. 3.11(b); 2018-146, s. 3.1(a), (b).)

§ 163-165.1. Scope and general rules.

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(e) Access to Voted Ballots. – Voted ballots and any paper and electronic records ~~of~~ associated with those individual voted ballots shall be treated as confidential, and no person other than elections officials performing their duties may have access to ~~voted ballots or paper or electronic records of individual voted ballots~~ those documents except ~~by~~ as follows:

- (1) By court order or order, or



- (2) By order of the appropriate board of elections as part of the resolution of an election protest or investigation of an alleged election irregularity or violation, or
(3) By response to a public records request for all cast vote records or voted ballots captured in a tabulation or voting machine, precinct, ward, district, city, or county.

Voted ballots and paper and electronic records of ~~individual~~-voted ballots, including cast vote records, shall not ~~be disclosed to members of the public in such a way as to disclose how the identity of a voter voted, unless a court orders otherwise.~~ These documents shall first be redacted of any information identifying the voting individual prior to public release.

(f) Violation. – Any person who has access to an official voted ballot or record and knowingly discloses in violation of subsection (e) of this section how an individual has voted that ballot is guilty of a Class 1 misdemeanor. This section refers to "voted ballots"; not to other derived documents such as Cast Vote Records, tabulation tapes, etc.

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§ 163-165.7. Voting systems: powers and duties of State Board.

(a) ... Among other requirements as set by the State Board of Elections, the certification requirements shall require at least all of the following elements:

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(9) The voting system must support the casting of a ballot, recording each vote precisely as indicated by the voter subject to the rules of the election jurisdiction, and creating a de-identified cast vote record that can be tabulated, audited, and publicly disclosed.

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§ 163-165.9. Voting systems: powers and duties of county board of elections.

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

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

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(5) The county board of elections shall require all tabulators or other electronic voting systems to create and retain the Cast Vote Records (CVRs) and ballot images for the duration specified for election-related records.