GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023  

HOUSE BILL 770  

Short Title: Access to Voted Ballots. (Public)  

Sponsors: Representatives Davis, Cleveland, Mills, and Warren (Primary Sponsors).  

For a complete list of sponsors, refer to the North Carolina General Assembly web site.  

Referred to: Election Law and Campaign Finance Reform, if favorable, Rules, Calendar, and Operations of the House  

April 19, 2023  

A BILL TO BE ENTITLED  
AN ACT TO PROVIDE ACCESS TO VOTED BALLOTS.  
The General Assembly of North Carolina enacts:  

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

"§ 163-165. Definitions.  
In addition to the definitions stated below, the definitions set forth in Article 15A of this Chapter also apply to this Part. As used in this Part:  

…  

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

…  

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

…."  

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

"(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 court order or order one of the following means:  

(1) Court order.  
(2) 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.  
(3) Response to a public records request for all cast vote records (CVRs) 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 a particular voter voted, unless a court orders otherwise, disclose the identity of a voter. Elections officials shall redact any information identifying the voter before releasing these documents to the public.
Violation. — Any person who has access to an official voted ballot or record and knowingly discloses in violation of this section how an individual has voted that ballot is guilty of a Class 1 misdemeanor."

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

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

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

"(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:

…

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

…

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

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