

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 770
Committee Substitute Favorable 9/19/23

Short Title: Cast Vote Records.

(Public)

Sponsors:

Referred to:

April 19, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE CAST VOTE RECORDS.

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.~~ Article. As used in this ~~Part.~~ Article:

8 ...

9 (3a) "Cast vote record" means a de-identified electronic record of voter's choices
10 for each ballot item electronically created by a voting system utilizing
11 mechanical or electronic voting equipment to tabulate ballots.

12"

13 SECTION 2. G.S. 163-165.1 reads as rewritten:

14 "§ 163-165.1. Scope and general rules.

15 ...

16 (e) Access to Voted Ballots. – Voted ballots and any paper and electronic records of
17 associated with those individual voted ballots shall be treated as confidential, and no person other
18 than elections officials performing their duties may have access to ~~voted ballots or paper or~~
19 electronic records of individual voted ballots those documents except by court order or by order
20 of the appropriate board of elections as part of the resolution of an election protest or investigation
21 of an alleged election irregularity or violation. Voted ballots and any paper and electronic records
22 of associated with those individual voted ballots shall not be disclosed to members of the public
23 in such a way as to disclose how a particular voter voted, unless a court orders otherwise. disclose
24 the identity of a voter. Elections officials shall redact any information identifying a voter before
25 releasing documents under this subsection to the public.

26 (f) Access to Cast Vote Records. – Cast vote records shall be a public record.

27 (g) Violation. – Any person who has access to ~~an official a~~ voted ballot ~~or record~~ and any
28 paper and electronic record associated with that individual voted ballot and knowingly discloses
29 in violation of this section how an individual has voted ~~that ballot~~ is guilty of a Class 1
30 misdemeanor."

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

32 "(9) That the voting system supports the creation of a cast vote record."

33 SECTION 3.(b) This section becomes effective January 1, 2024, for counties that
34 use voting equipment capable of collecting cast vote records, and July 1, 2024, for all other
35 counties, and applies to elections held on or after that date.

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



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

4 ...

5 (5) The county board of elections shall require all electronic voting systems to
6 create cast vote records."

7 **SECTION 5.** If Senate Bill 747, 2023 Regular Session, becomes law,
8 G.S. 163-33(17), as enacted by that act, reads as rewritten:

9 "(17) Notwithstanding any other provision of law, to retain and preserve all voted
10 ballots, election results tapes, cast vote records, and executed ballot
11 applications for a period of 22 months after the corresponding election or as
12 otherwise specified in federal law, whichever is greater."

13 **SECTION 6.** Except as otherwise provided, this act becomes effective January 1,
14 2024.