



NORTH CAROLINA

State Board of Elections & Ethics Enforcement

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NUMBERED MEMO 2018-09

TO: County Boards of Elections
FROM: Kim Strach, Executive Director
RE: Preservation of Documents from 2016 General Election and Ballot Secrecy
DATE: September 7, 2018

Retention of 2016 General Election Records

In light of recent subpoenas issued by the U.S Attorney's Office for the Eastern District of North Carolina, county boards of elections are instructed to preserve documents described below. A number of key terms in the below descriptions are exceedingly vague. Out of an abundance of caution, when in doubt, do not delete, alter, or destroy any document that may reasonably fall within any descriptions below:

Any and all voter registration applications and/or other documents, as identified below, that were submitted to, filed by, received by, or maintained by the North Carolina State Board of Elections from January 1, 2010, through August 30, 2018, within any of the counties in North Carolina. To include, but not limited to:

1. Standard Voter Registration Application forms
2. Federal Post Card Applications (FPCA)
3. Federal Write-In-Absentee Ballots (FWAB)
4. One-Stop (Early Voting) application forms
5. Provisional Voting forms
6. N.C. Absentee Ballot Request forms
7. Any and all "Admission or Denial of Non-Citizen Return Form" that were generated by the North Carolina State Board of Elections, or were caused to be generated by the North Carolina Board of Elections, and/or the Ethics Enforcement Office.
8. Any and all Voter Registration Cancellation or Voter Revocation forms that have been generated by the North Carolina State Board of Elections, and/or the Ethics Enforcement Office.

Any and all poll books, e-poll books, voting records, and/or voter authorization documents, and executed official ballots (including absentee official ballots), that were submitted to, filed by, received by, and/or maintained by the [redacted] County Board of Elections from August 30, 2013 through August 30, 2018.

Furthermore, we wish to clarify, especially for the County Boards, that the request for voting records and voting authorization documents would include, without limitation, all Absentee Applications and Certificates (including envelopes) for the time period specified in the subpoenas.

This retention request expands the scope of [Numbered Memo 2018-04](#). Due to the broad scope of the subpoena issued to the State Board, all 100 county boards of elections are instructed to preserve the above documents.

Secrecy of Voted Ballots

State law protects the right of voters to a secret ballot. County boards of elections are reminded that G.S. § 163A-1105(e) prohibits the disclosure of voted ballots or paper or electronic records of individual voted ballots absent a court order. It is a Class 1 misdemeanor for you or anyone with access to voted ballots or records to knowingly disclose these documents without a court order.

State Board Order

The State Board's Order regarding representation by the Attorney General's office is enclosed. No additional action by the county boards or county attorneys is required at this time.

STATE OF NORTH CAROLINA
WAKE COUNTY

BEFORE THE STATE BOARD OF ELECTIONS & ETHICS ENFORCEMENT

IN THE MATTER OF: SUBPOENAS)
ISSUED BY THE U.S. ATTORNEY'S)
OFFICE FOR THE EASTERN)
DISTRICT OF NORTH CAROLINA)

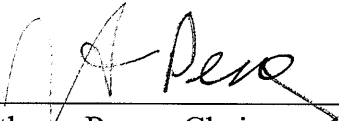
ORDER

THE STATE BOARD OF ELECTIONS & ETHICS ENFORCEMENT ("State Board") held a public meeting on September 7, 2018, after considering certain grand jury subpoenas issued on or about August 31, 2018 to the State Board and forty-four county boards of elections (the "Subpoenas") within the jurisdiction of the U.S. Attorney's Office for the Eastern District of North Carolina.

Upon the unanimous vote of its members, and pursuant to its supervisory authority over elections administration under G.S. §§ 163A-741(a) and 163A-745, the State Board hereby **ORDERS:**

The Attorney General of North Carolina is authorized to take steps necessary to quash the Subpoenas and any associated subpoenas on behalf of the State Board and all affected county boards of elections.

This the seventh day of September, 2018.



J. Anthony Penry, Chair
STATE BOARD OF ELECTIONS
& ETHICS ENFORCEMENT