Numbered Memo 2021-02

TO: County Boards of Elections

FROM: Karen Brinson Bell, Executive Director

RE: Retention of Elections Records

DATE: March 25, 2021

This numbered memo provides updated information about records retention of certain election-related documents. It replaces the requirements to retain certain records for an extended period of time in Numbered Memo 2019-01, Numbered Memo 2018-09, and Numbered Memo 2018-04.

County boards are now permitted to destroy records according to their regularly scheduled retention period. On March 5, 2021, a federal district court issued a sealed order that all records currently being preserved pursuant to the August 31, 2018 grand jury subpoenas are released from those subpoenas. That order was unsealed by the court on March 20, 2021.

You should carefully review the NC Department of Natural and Cultural Resources’ Records Retention and Disposition Schedule for County Boards of Elections and Amendment for additional information about the above-listed records and for information about retention requirements for other types of records.

In accordance with the records retention schedule, this means that for elections in 2018 and earlier (and for non-federal elections in 2019), you may destroy the following items:

- Absentee applications, including container-return envelopes and one-stop applications
- Absentee request forms
- Absentee voter register
- Absentee, provisional, and Election Day pollbooks
- List of executed absentee ballots
- Ballot preparation and approval records
- Used ballots (unused ballots may be destroyed 2 months after certification of any election)
- Provisional ballot applications (for non-federal elections retain for 1 year)
- Authorizations to vote, unused stickers, lists, etc.
- Records from voter challenges
- Records from candidate challenges
- Recount records
- Sample audit counts
You may destroy paper voter registration applications and cancellations two years after the date they were signed; the official copy will remain in SEIMS.

The above is not an exhaustive list. **No record involved in a pending audit or investigation, legal, or other official action shall be destroyed before that action is resolved.** If you are unsure about whether a particular document is the subject of a pending audit, investigation, legal action, or other official action, please contact your county attorney and/or State Board Legal staff.

**How to Destroy Records**

Pursuant to [07 NCAC 04M .0510](https://www.gpo.gov/fdsys/search?branch=ga&node=ga法令&query=07%20NCAC%2004M%20.0510), when used in an approved records retention and disposition schedule, paper records may be destroyed using one of the following means:

1. Burning, unless prohibited by local ordinance;
2. Shredding or tearing so as to destroy the record content of the documents or materials concerned;
3. Placing in acid vats so as to reduce the paper to pulp and to terminate the existence of the document or materials concerned; or
4. Selling as waste paper, provided that the purchaser agrees in writing that the documents or materials concerned will not be resold without pulverizing or shredding the documents so that the information contained within cannot be practically read or reconstructed.

You should consult your county’s policies when determining the method used for destruction.

Electronic records shall be destroyed so that the data and metadata are to be overwritten, deleted, and unlinked so the information contained in them cannot be used or reconstructed.

It is a best practice for the county board of elections to note in its meeting minutes when records are destroyed.