



Numbered Memo 2024-03

TO: County Boards of Elections
FROM: Karen Brinson Bell, Executive Director¹
RE: Retention of Election Records
DATE: March 19, 2024

This memo explains the requirements for county boards to retain certain election records, to comply with recent legislative changes under Session Law 2023-140 (Senate Bill 747). This memo replaces Numbered Memo 2021-02. The new retention requirements discussed in this memo became effective January 1, 2024 (unless otherwise noted in the memo) and apply to records currently in the county board's possession.

1. Executed Ballot Applications, Voted Ballots, and Election Results Tapes

As of January 1, 2024, county boards are required to retain and preserve the following election-related documents for a period of 22 months after the election that the records pertain to. If federal law requires a different period of retention, counties should follow whichever is greater.²

¹ This memo is issued under the authority delegated by the State Board to the executive director pursuant to G.S. § 163-22(p).

² G.S. § 163-22(s) (S.L. 2023-140, sec. 2) states: "Notwithstanding any other provision of law, the State Board shall ensure voted ballots, election results tapes, and executed ballot applications are retained and preserved for a period of 22 months after the corresponding election or as otherwise specified in federal law, whichever is greater."

G.S. § 163-33(17) (S.L. 2023-140, sec. 4) states: "Notwithstanding any other provision of law, to retain and preserve all voted ballots, election results tapes, and executed ballot applications for a period of 22 months after the corresponding election or as otherwise specified in federal law, whichever is greater."

G.S. § 163-233(c) (S.L. 2023-140, sec. 35) states: "All applications for absentee ballots shall be retained by the county board of elections for a period of 22 months after the corresponding election or as otherwise specified in federal law, whichever is greater."

These records include:

- Executed Ballot applications, including:
 - Authorization to vote forms,
 - Early voting applications/one-stop applications,
 - Provisional ballot applications,
 - Absentee ballot request forms, and
 - Absentee ballot container envelope application
- Voted Ballots
- Election Results Tapes

Note: The above requirements apply to records for all elections administered by the county board, including municipal elections.

2. Noncitizen List Maintenance

Starting July 1, 2024, there will be a new requirement to retain electronic records related to list maintenance for noncitizen status for four years.

On that date, portions of S.B. 747 will go into effect requiring voter list maintenance using lists of individuals who are excused from jury service because they claim they are not a U.S. citizen. The State Board will collect these lists from the North Carolina courts and will match them against the voter registration records, and then provide the names of matched registrants to the county boards to carry out procedures to remove the registrants from the voter rolls. The county board's removal procedures will be similar to existing procedures for the removal of registrants who are flagged as serving a felony sentence.³

Under the new law, electronic records retained by the county boards related to the noncitizen list maintenance process shall be retained for four years and may be destroyed thereafter.⁴ These records would include reports from the State Board identifying county registrants who are flagged for noncitizen status, county board communications with registered voters during noncitizen list maintenance efforts, and any records of challenge proceedings the county board

³ G.S. 163-82.14(c1) (effective July 1, 2024) (S.L. 2023-140, sec. 44(e)).

⁴ G.S. § 163-82.14(c1)(3) (S.L. 2023-140, sec. 44.(e)) states: "Except as provided by State and federal law, the records retained pursuant to this subsection are public records under G.S. 132-1, notwithstanding the requirement of G.S. 20-43.4(c). The State Board and county board of elections shall retain the electronic records for four years and may destroy the records thereafter."

conducts if a voter objects to their removal for noncitizen status. This retention period is for electronic records only. It does not apply to paper records, which have separate retention schedules, as discussed below.

3. Other Election Records

The new retention requirements are in addition to the preexisting requirements to retain other election-related records under state and federal law. Those preexisting requirements may be found in the N.C. Department of Natural and Cultural Resources' [Records Retention and Disposition Schedule for County Boards of Elections](#) and the [2012 Amendment to the Schedule](#). Whenever multiple retention schedules may apply, use the longer retention period.

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.

4. How to Destroy Records

Pursuant to [07 NCAC 04M .0510](#), when used in an approved records retention and disposition schedule, paper records may 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 wastepaper, 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 practicably read or reconstructed.

Additionally, 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.⁵

⁵ 07 NCAC 04M .0510.

It is a best practice for the county board to identify in its meeting minutes (1) when records are destroyed, (2) the method of destruction, (3) the vendor (if applicable), and (4) any election office staff or county board members who observed the destruction of the records.