

#### 2024 SECOND PRIMARY ELECTION 05/14/2024 ABSTRACT OF VOTES FOR

#### **GUILFORD COUNTY, NORTH CAROLINA**

#### **INSTRUCTIONS**

The county board shall prepare abstracts of all the ballot items in triplicate originals. The county board shall retain one of the triplicate originals, and shall distribute one each to the clerk of superior court for the county and the State Board of Elections. The State Board of Elections shall forward the original abstract it receives to the Secretary of State. (GS § 163-182.6)

#### STATE OF NORTH CAROLINA COUNTY OF GUILFORD

The County Board of Elections for said county, having opened, canvassed, and judicially determined the original returns of the election in the precincts in this county, held as above stated, do hereby certify that the attached is a true abstract thereof, and contains the number of legal ballots cast in each precinct for each office or referendum named, the name of each person or choice voted for, their party affiliation (where applicable), and the number of votes cast for each person or choice for the item named.

This is the 24th day of May, 2024.

Paraulut mes lu	Lelita Racosado Board Member Cawlyn Blinker
Board Chair  Board Secretary	Board Member  Board Member
This day personally appeared before me, <b>Richard V</b> Elections, who being duly sworn, says the abstract of vo made to said Board.	V. Forces fer, Chairman of the County Board of, tes herein contained is true and correct, according to the returns
IN TESTIMONY WHEREOF, I have hereunto set my han	d and affixed my notarial seal this the 24th day of May, 2024.
Official Signature of Notary Public	Christopher D. Duffey
Official Signature of Notary Public	Printed/Typed Name of Notary Public
My Commission Expires: 11-29-2028	CHRISTOPHER D. D. LEET

#### Memorandum

TO:

County Boards of Elections, Clerks of Superior Court

FROM:

Paul Cox, General Counsel, State Board of Elections

RE:

Abstracts for the May 14, 2024, Second Primary Election as Public Records

**DATE:** 

May 23, 2024

Please retain a copy of this memorandum with the abstract filed for the May 14, 2024, second primary.

#### Memo Summary

- State Board of Elections legal staff concludes that, to comply with North Carolina's ballot secrecy laws and public records laws, it may be necessary to redact portions of the official abstracts for the May 14, 2024, second primary before disclosing those records, or copies of those records, to the public.
- Election abstracts are public records, as defined by G.S. § 132-1, and therefore may be requested by any member of the public. However, to comply with the requirement that "records of individual voted ballots shall not be disclosed to members of the public in such a way as to disclose how a particular voter voted," G.S. § 163-165.1(e), State Board legal staff advises that abstracts viewed by, or copies of abstracts provided to, any member of the public must be redacted to ensure the secrecy of any individual's voted ballot.

#### **Analysis**

This memorandum provides the interpretation of the legal staff of the State Board of Elections with respect to any public records requests for official abstracts for the May 14, 2024, second primary election. The county boards of elections and the clerks of superior court are encouraged to consult their own counsel, as needed, to address any questions related to requests for records they receive.

State Board legal staff concludes that, to comply with North Carolina's ballot secrecy laws and public records laws, it may be necessary to redact portions of the official abstracts for the May

14, 2024, second primary before disclosing those records, or copies of those records, to the public.

Under North Carolina's election laws, the county boards of elections are required to certify the official abstract of the votes for all items on the ballot in an election conducted within the county. G.S. §§ 163-182(1), 163-182.5, 163-182.6(a). General Statute section 163-182(1) defines an abstract as follows:

"Abstract" means a document signed by the members of the board of elections showing the votes for each candidate and ballot proposal on the official ballot in the election. The abstract shall show a total number of votes for each candidate in each precinct and a total for each candidate in the county. It shall also show the number of votes for each candidate among the absentee official ballots, among the provisional official ballots, and in any other category of official ballots that is not otherwise reported.

North Carolina election law also requires the preservation of the secrecy of a voter's ballot selections. General Statute section 163-165.1(e) states:

Voted ballots and paper and electronic records of 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 except by court order or 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. Voted ballots and paper and electronic records of individual voted ballots 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. 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.

The State Board and county boards of elections make available and publish records showing which voters cast ballots in any given election. This information appears on "voter history" files, and absentee and provisional voting files, that are posted on the State Board's website, and it is information that can be obtained through other public records such as applications to vote that voters complete before receiving a ballot in an election. These public records can identify the method a voter used to vote (e.g., absentee, early voting, election day, provisional), the date on which a voter voted, and the precinct to which the voter belongs.

Voter turnout in the May 14, 2024, Second Primary was so low that, in many cases, it would be possible to identify how a particular voter voted, using these records and the abstract produced by the relevant county. This would be the case where all voters who voted at a particular voting site, or used a particular voting method, cast a ballot for the same candidate. This occurred often across the state in this election.

Nonetheless, under state law as noted above, the abstract produced by each county board of elections must include vote totals by precinct and by voting method. And State Board legal staff do not believe that a county board may redact an abstract before providing it to the clerk of superior court. That office is designated by statute to be an official repository of certified election records—in this case, one of the "triplicate originals" of the abstract. *See* G.S. § 163-182.6(a).

Finally, election abstracts are public records, as defined by G.S. § 132-1, and therefore may be requested by any member of the public. However, to comply with the requirement that "records of individual voted ballots shall not be disclosed to members of the public in such a way as to disclose how a particular voter voted," G.S. § 163-165.1(e), State Board legal staff advises that abstracts viewed by, or copies of abstracts provided to, any member of the public must be redacted to ensure the secrecy of any individual's voted ballot, where applicable, as follows:

- For any vote totals per voting method or precinct on an abstract that show every voter for that voting method or precinct having selected any single candidate, those results should be redacted.
- Vote totals for multiple voting methods or precincts would need to be redacted so that the voters for a single voting method or precinct cannot be identified as having voted the same way through simple subtraction (*i.e.*, if a member of the public were to subtract from the sum total the votes for a candidate in all reported voting groups except for a single redacted group, that member of the public could determine the votes for that candidate in the redacted group). For example, if all provisional votes were all cast for one candidate, you would need to redact provisional vote counts and perhaps the absentee vote counts to preserve ballot secrecy.
- Total aggregated results per county for any contest should not need to be redacted.

State Board legal staff advises that an explanatory cover letter should be included where such redacted abstracts are provided to a member of the public. That letter could state, for example, "Certain ballot groups were redacted from the attached records to preserve the secrecy of the ballot for certain voters, pursuant to G.S. § 163-165.1."

If you or your counsel have any questions, please refer them to <u>legal@ncsbe.gov</u> or 919-814-0700.

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JAM1	19	30	0	0	31	17	0	1
JAM2	4	24	0	0	16	10	0	2
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JEF3	8	10	0	0 (	7	11	0 0	0 0
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MON1	7	13	0	0	9	9	0	2
MON2A	ω	6	0	0	5	4	0	0
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NCLAY1	22	24	0	0	28	15	0	ω
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NMAD	6	20	0	0	14	12	0	0
NWASH	21	30	0	0	37	14	0	0
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OR2	18	47	0	0	36	28	0	1
PG1	) ) ()	24	0	0	14	15	0	0
RC1	11	27	0		63	31	0	2
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188	1	2216	3103	13	0	3296	2199	TOTALS
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0	0	15	27	0	0	30	12	SWASH
ω	0	49	34	0	0	64	22	SUM4
4	0	19	19	0	0	16	26	SUM3
3	0	2	9	0	0	11	3	SUM2
0	0	3	6	0	0	6	ω	SUM1
7	0	35	52	0	0	62	32	STOK
0	0	14	19	0	0	27	6	SMAD
ω	0	27	37	0	0	45	22	SF4
2	0	8	22	0	0	20	12	SF3
4	0	21	23	0	0	32	16	SF2
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SUMMARY REPT-GROUP DETAIL Guilford County, NC OFFICIAL RESULTS

Republican 2nd Primary May 14, 2024

Run Date:05/24/24 11:00 AM STATISTICS Report EL45A Page 001

	TOTAL VOTES	%	ElectDay	EarlyVote	Absentee	Prov	Suppl-ABS
PRECINCTS COUNTED (OF 168)	166	98.81					
REGISTERED VOTERS - TOTAL	219,460						
BALLOTS CAST - TOTAL	5,508		3,905	1,468	129	3	3
BALLOTS CAST - REPUBLICAN	5,508	100.00	3,905	1,468	129	3	3
BALLOTS CAST - NONPARTISAN	0		0	0	0	0	0
BALLOTS CAST - BLANK	3	.05	0	2	1	0	0
VOTER TURNOUT - TOTAL		2.51					
VOTER TURNOUT - BLANK							

SUMMARY REPT-GROUP DETAIL

Run Date: 05/24/24 11:00 AM

Guilford County, NC Republican 2nd Primary May 14, 2024

NONPARTISAN

OFFICIAL RESULTS

Report EL45A

Page 002

						•	-
	TOTAL VOTES	%	ElectDay	EarlyVote	Absentee	Prov	Supp1-ABS
1001_NC LIEUTENANT GOVERNOR - REP (VOTE FOR) 1     (WITH 166 OF 168 PRECINCTS COUNTED Jim O'Neill Hal Weatherman Over Votes Under Votes	. 2,199 . 3,296 . 0	40.02 59.98	1,566 2,333 0 6	568 895 0 5	62 65 0 2		
1002_NC AUDITOR - REP (VOTE FOR) 1    (WITH 166 OF 168 PRECINCTS COUNTED Dave Boliek	. 3,103 . 2,216 . 1	58.34 41.66	2,213 1,551 0 141	823 601 0 44	65 60 1 3		