

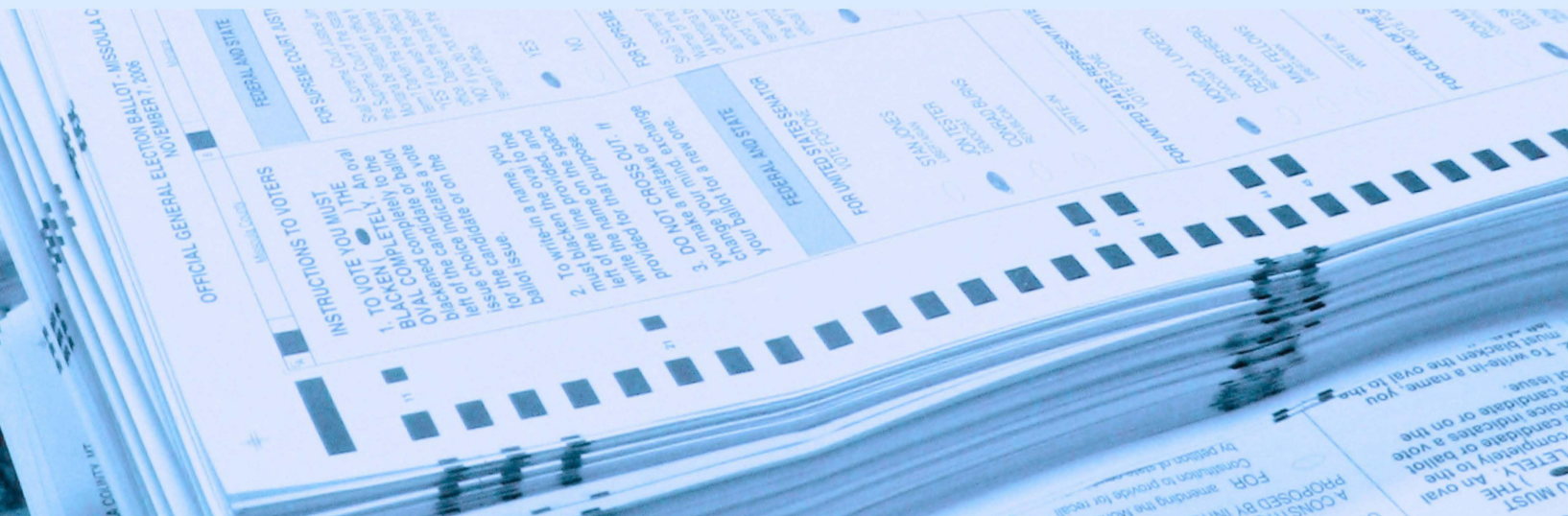
September 9, 2026

Appendix

50-State Chain of Custody Survey

The Safeguarding Democracy Project
UCLA School of Law

This survey is publicly available at:
<https://tinyurl.com/SDPAppendix>



Appendix

50-State Chain of Custody Survey¹

The Safeguarding Democracy Project, UCLA School of Law

September 2026

The following is an overview of each state's chain of custody requirements. This is not a comprehensive guide, and local election officials or other interested parties should consult their specific state's election code. Rather, this overview provides sample chain of custody provisions throughout all stages of an election's administration to demonstrate procedural safeguards ensuring an uncompromised chain of custody for election materials and protecting electoral integrity.

Chain of custody, tabulation, certification, retention of election materials, and other election administration practices vary widely by state. Many states have specific regulations to address unique state, regional, and local restrictions or concerns. All states have robust chain of custody procedures protecting election integrity, many of which are specific to that jurisdiction's unique needs.

* Thank you to UCLA law student research team including Aaminah Babatunde-Bey, Alessio Frenda, Grace Han, and especially Jake Silverman.

Table of Contents

Alabama	4
Alaska	6
Arizona	8
Arkansas	10
California	12
Colorado	14
Connecticut	16
Delaware	18
Florida	21
Georgia	23
Hawaii	25
Idaho	27
Illinois	29
Indiana	31
Iowa	33
Kansas	35
Kentucky	38
Louisiana	40
Maine	42
Maryland	45
Massachusetts	47
Michigan	49
Minnesota	51
Mississippi	53
Missouri	55
Montana	57
Nebraska	59
Nevada	61
New Hampshire	63
New Jersey	65

Appendix: 50-State Chain of Custody Survey

New Mexico	67
New York	70
North Carolina	72
North Dakota	74
Ohio	76
Oklahoma	78
Oregon	80
Pennsylvania	82
Rhode Island	84
South Carolina	86
South Dakota	88
Tennessee	90
Texas	92
Utah	94
Vermont	96
Virginia	99
Washington	102
West Virginia	104
Wisconsin	107
Wyoming	109

Alabama

ALA. CODE § 17-10-2: Provisional Ballots; Certification; Tabulation; Identification of Ballots

(d) Upon the closing of the polls, the sealed ballot box containing the provisional ballots shall be returned unopened to the sheriff, or in municipal elections to the municipal clerk, who shall keep it securely until such time as the provisional ballots are counted in accordance with subsection (f). The written affirmations of the provisional voters, inspector challenge statements, and all voter reidentification forms shall be placed in a sealed envelope addressed to the board of registrars and delivered by the sheriff, or in municipal elections by the municipal clerk, to the board of registrars no later than noon on the day following the election.

: Count of Votes to Be Sealed, Certified, and Delivered to Sheriff; Public Inspection of Results

As soon as the ballots are counted, the inspectors shall ascertain the number of votes received for each person and for what office and shall make a statement of the same in writing, which statement shall be signed by them. They shall also certify in writing on both the clerk's poll list and the voters' poll list, that the poll list is the poll list of the voting places at which they were inspectors, the day and year on which the election was held, and for what offices, which certificates shall be signed by them. The clerk's poll list, as sealed and certified, shall be placed in the records of election containers to be furnished for each voting place. The record of election containers shall be securely sealed and delivered by the precinct returning officer to the sheriff as county returning officer. No later than two hours after the polls are closed, the voting place election results as tabulated by the inspectors shall be posted by the inspectors for public inspection at a place in the county courthouse designated by the judge of probate.

The statement of votes and the poll list delivered to the returning officer of the precinct shall be delivered to the returning officer of the county within two hours of departing the precinct.

ALA. CODE § 17-12-12: Returns of Election – Sealing, Delivery, and Disposition of Records

After completing and signing the certificate of result, the election officials shall seal the ballots, certificates, and other records as follows:

(1) Where precinct ballot counters are used:

c. All voted ballots shall be placed in a voted ballot box and sealed. All spoiled ballots, unused ballots, and ballot stubs, one copy of the certificate of results, and the clerk's poll list (already sealed in a separate envelope) shall be placed in the records of election container which shall be sealed and signed by all election officials. The inspector shall deliver the sealed memory pack to the judge of probate.

d. Each envelope or container shall be sealed and signed across the seal by the inspectors. On the outside of each envelope the inspectors shall record the voting place and date of

Appendix: 50-State Chain of Custody Survey

the election. The envelopes or containers shall remain unopened and be returned by the inspector immediately in the manner provided by law.

e. The State Records Commission shall develop and keep current a schedule for the retention and disposition of election records for the guidance of the officials to whom these records are sent.

Retention of Election Materials

ALA. CODE § 17-16-1: Preservation of Voted Ballot Containers and Records of Election Containers; Electronic Voting Specialists

(a) The voted ballot containers and records of election containers shall remain sealed for the time provided by law for the filing of contests and then shall have the seal broken only on the order of that body which, under the general provisions of law, now has charge of and control over voted ballot containers and records of election containers in that county, municipality, or other political subdivision. If, in the opinion of such body, a contest has developed or is likely to develop, the containers shall remain sealed until such time as ordered opened by the court hearing the contest, or until a final determination of the contest. On the order of any court of competent jurisdiction or on the order of any legislative body or governing body having jurisdiction over such election, the seal may be broken for the purpose of proper investigation and when such investigation is completed, the voted ballot containers and records of election containers shall again be sealed and across the containers shall be written the signature of the person or persons having broken the seal. The inspector shall securely seal all records taken from an electronic voting machine in an envelope or container and on the outside thereof label the envelope or container in such manner as to indicate plainly the electronic voting machine from which they were removed and the month, day, and the year of the election of which they are records. Each election official shall certify to the accuracy of the record and shall sign the envelope or container across the seal. This certificate and all other records removed from the electronic voting machines shall be delivered to the sheriff after an election and preserved by the sheriff for the appropriate length of time and then destroyed.

ALA. CODE § 17-12-7: Preservation of Ballots by Sheriff

When no federal elections are on the ballot, the sheriff shall keep the ballots six months in the voted ballot box, without opening or unsealing the voted ballot box, and thereafter destroy the ballots unless within six months the sheriff having them in custody is notified that the election of some officer for which the election was held will be contested, in which case the sheriff must preserve the box containing the ballots cast for such contestant until such contest is finally determined or until such box is demanded by some legally constituted custodian during such contest.

Alaska

ALASKA STAT. § 15.15.330: Commencement of Ballot Count

When the polls are closed and the last vote has been cast in a hand-count precinct, the election board shall immediately proceed to open the ballot box and to count the votes cast. In all cases, the election board shall cause the count to be continued without adjournment until the count is complete.

ALASKA STAT. § 15.15.370: Completion of Ballot Count; Certificate

The election board shall, immediately upon completion of the certificate or as soon thereafter as the local mail service permits, send in one sealed package to the director one copy of the certificate and the register. In addition, all ballots properly cast shall be mailed to the director in a separate, sealed package. Both packages, in addition to an address on the outside, shall clearly indicate the precinct from which they come. Each board shall, immediately upon completion of the certification and as soon thereafter as the local mail service permits, send the duplicate certificate to the respective election supervisor. The director may authorize election boards in precincts in those areas of the state where distance and weather make mail communication unreliable to forward their election results by telephone or radio. The director may authorize the unofficial totaling of votes on a regional basis by election supervisors, tallying the votes as indicated on duplicate certificates. To ensure adequate protection, the director shall prescribe the manner in which the ballots, registers, and all other election records and materials are thereafter preserved, transferred, and destroyed.

ALASKA STAT. § 15.15.420: Duty to Review the Ballot Counting

The director shall review the counting of the ballots with the assistance of and in the presence of the appointed representatives from the political parties.

ALASKA STAT. § 15.15.480: Security of Ballots

All official ballots in the possession of election officials, whether voted or not voted, shall be kept in a secure manner until destroyed in accordance with law. The director shall provide for the security of ballots during transportation and storage under AS 44.62 (Administrative Procedure Act).

ALASKA STAT. § 15.20.480: Procedure for Recount

The ballots and other election material must remain in the custody of the director during the recount, and the highest degree of care shall be exercised to protect the ballots against alteration or mutilation. (emphasis added).

Appendix: 50-State Chain of Custody Survey

ALASKA STAT. § 15.20.510: Provision for Appeal to Courts

Upon order of the court, the director shall furnish the record of the recount taken, including all ballots, registers, and other election material and papers pertaining to the election contest.

Retention of Election Materials

ALASKA STAT. § 15.15.470: Preservation of Election Ballots, Papers, and Materials

The director shall preserve all precinct election certificates, tallies, and registers for four years after the election. All ballots and stubs for elections other than national elections may be destroyed 30 days after the certification of the state ballot counting review unless an application for recount has been filed and not completed, or unless their destruction is stayed by an order of the court. All ballots for national elections may be destroyed in accordance with federal law. The director may permit the inspection of election materials upon call by the Congress, the state legislature, or a court of competent jurisdiction.

Arizona

ARIZ. REV. STAT. ANN. § 16-532: Instruction of Election Board Inspectors and Judges; Certificate of Qualification; Optional Training; Instruction of Counting Center Election Officials

A. Not more than forty-five days before to an election the board of supervisors or other authority in charge of elections shall conduct a class for the instruction of inspectors and judges of the election board in their duties, which shall include instruction in the voting system to be used and the election laws applicable to such election. Each election board member receiving instructions and properly qualified shall receive a certificate of qualification. Only inspectors and judges of the election board who have received the required instruction class shall serve at any election, except as provided pursuant to §§ 16-533 and 16-534.

ARIZ. REV. STAT. ANN. § 16-621: Proceedings at the Counting Center

E. The county recorder or other officer in charge of elections shall maintain records that record the chain of custody for all election equipment and ballots during early voting through the completion of provisional voting tabulation.

ARIZ. REV. STAT. ANN. § 16-602: Tabulation Designated Margin; Hand Counts; Vote Count Verification Committee

H. Notwithstanding any other law, the county officer in charge of elections shall retain custody of the ballots for purposes of performing any required hand counts and the officer shall provide for security for those ballots.

ARIZ. REV. STAT. ANN. § 16-603: Inspection of Ballots by Party Representative

A mutually agreed on number of representatives and alternates of each political party represented on the ballot by a party designation and column, appointed in the manner provided by § 16-590, may remain inside the voting area from the time the polls are closed, and, without unduly hindering or delaying the count, one representative from each party at a time may inspect the ballots, but the ballots shall at all times remain under the personal charge and keeping of the election officers and shall not be permitted to pass from their hands.

ARIZ. REV. STAT. ANN. § 16-621: Proceedings at the Counting Center

D. For any statewide, county or legislative election, the county recorder or officer in charge of elections shall provide for **a live video recording of the custody of all ballots while the ballots are present in a tabulation room in the counting center.** The live video recording shall include date and time indicators and shall be linked to the secretary of state's website. The secretary of state shall post links to the video coverage for viewing by the public. The county recorder or officer in charge of elections shall record the video coverage of the ballots at the counting center and shall retain those recordings as a public record for at least as long as the challenge period for the general election. (emphasis added).

E. The county recorder or other officer in charge of elections shall maintain records that record the chain of custody for all election equipment and ballots during early voting through the completion of provisional voting tabulation.

Retention of Election Materials

ARIZ. REV. STAT. ANN. § 16-624: Disposition of Official Returns and Ballots

A. After the canvass has been completed, the officer in charge of elections shall deposit the package or envelope containing the ballots in a secure facility managed by the county treasurer, who shall keep it unopened and unaltered for twenty-four months for elections for a federal office or for six months for all other elections, at which time he shall destroy it without opening or examining the contents.

B. Irregular ballots shall be preserved for six months after the election and the packages containing them may be opened and the contents examined only upon an order of court. At the expiration of such time, the ballots may be disposed of in the discretion of the officer or board having charge of them.

C. The officer in charge of elections shall produce the other packages or envelopes before the board of supervisors when it is in session for the purpose of canvassing the returns.

D. If a recount is ordered or a contest begun within six months, the county treasurer may be ordered by the court to deliver to it the packages or envelopes containing the ballots, and thereupon they shall be in the custody and control of the court.

Arkansas

ARK. CODE ANN. § 7-5-603: Counting Paper Ballots

(2)(A) After being run through a tabulation device, the paper ballots shall be placed in a sealed double-locking hard shell ballot box for transport to the designated hand count location **and the seal initialed by a minimum of two (2) election officials.** (emphasis added).

(C) A minimum of two (2) election officials shall transport the paper ballots to the hand count location.

(5) A minimum of two (2) poll workers are required to verify the vote on each hand-counted paper ballot.

ARK. CODE ANN. § 7-5-617: Transport of Ballots and Chain of Custody

(b) Marked absentee ballots shall be transported in a secure manner by at least two (2) election officials with the marked absentee ballots inside of a sealed ballot transfer container to the location designated by the county board of election commissioners.

(c) Marked absentee or provisional ballots are subject to the following procedure as a chain of custody:

(1) A person collecting marked absentee or provisional ballots shall swear an oath in the same form as § 7-4-110;

(2) A marked absentee or provisional ballot team shall include a minimum of two (2) election officials;

(3) The ballot transport team shall complete and sign a ballot transfer form upon removing the marked absentee or provisional ballots, including the following information, the:

(A) Date;

(B) Time;

(C) Location the marked absentee or provisional ballots are picked up;

(D) Number of marked absentee or provisional ballots per container;

(E) Identity of each person collecting the ballots; and

(F) Destination location for delivery of the marked absentee or provisional ballots;

(e)(1) Once the polls have closed, two (2) election officials shall return the secure container of provisional ballots to the county board of election commissioners with the following information

Appendix: 50-State Chain of Custody Survey

marked clearly on the exterior of each secure container, the:

- (A) Total number of marked provisional ballots;
- (B) Location the provisional ballots were collected; and
- (C) Identity of the election officials transporting the marked provisional ballots.

Retention of Election Materials

ARK. CODE ANN. § 7-5-702: Preservation of Ballots, Stubs, Certificates, and Other Election Materials

(a) After the election has been finally certified by the county board of election commissioners, the county board of election commissioners shall retain the custody of and safely keep in a sealed container appropriately marked in a secure location in the county courthouse or other county storage facility all ballots, ballot stubs, and certificates returned to it from the several precincts for a period of twenty (20) days, after which time the ballots and certificates shall be stored in a secure location in the county courthouse or other county storage facility for a period of two (2) years from the date of the election, unless the county board of election commissioners shall be sooner notified in writing that:

- The election of some person voted for at the election and declared to have been elected has been contested;
- (2) Criminal prosecution has begun before a tribunal of competent jurisdiction against any officer of election or person voting thereat for any fraud in the election; or
- (3) The results of the election will be audited by the State Board of Election Commissioners under § 7-4-121.

(c) During the time the ballots may be retained or stored, the package containing them shall not be opened by anyone unless:

(1) Directed to do so by some competent tribunal before which an election contest or prosecution is pending in which the ballots are to be used as evidence;

(2) Upon written instruction signed by the Director of the State Board of Election Commissioners under § 7-4-121; or

(3) Upon receipt of a subpoena issued by the State Board of Election Commissioners under § 7-4-120.

California

CAL. ELEC. CODE § 14434: Delivery of Sealed Packages

The sealed packages containing the lists, papers, and ballots shall be delivered by two of its members without delay, unopened, to the elections official or to a receiving station designated by the elections official.

CAL. ELEC. CODE § 17603: Certified Voting Technology Equipment and Components; Destruction; Chain of Custody Compromised or Security Breach

(a) Certified voting technology equipment and components that are at the end of lifecycle may be securely disposed of or destroyed with the written approval of the manufacturer and the Secretary of State.

(b) With respect to any part or component of certified voting technology for which the chain of custody has been compromised or the security or information has been breached or attempted to be breached, all of the following shall occur:

(1) The chief elections official of the city, county, or special district and the Secretary of State shall be notified within 24 hours of discovery.

(2) The equipment shall be removed from service immediately and replaced if possible.

(3) The integrity and reliability of the certified voting technology system, components, and accompanying electronic data shall be evaluated to determine whether they can be restored to their original state and reinstated.

CAL. CODE REGS. tit. 2 § 20314: Chain of Custody

(a) The elections official shall maintain and document at all times the chain of custody for each ballot included in the one percent manual tally. Ballots shall be kept securely, and the chain of custody maintained at all times during the one percent manual tally.

(b) Chain of custody logs shall be available for public inspection after the canvass of the election pursuant to Division 15, Chapters 2 through 4, of the Elections Code is complete.

(c) The elections official shall secure and maintain in sealed ballot containers all tabulated ballots.

(d) The elections official shall establish written procedures to ensure the security, confidentiality, and integrity of any ballot cards, cast vote records, or any other data collected, stored, or otherwise used pursuant to this section.

Retention of Election Materials

CAL. ELEC. CODE § 17302: State or Local Elections; Preservation of Specified Items; Destruction or Recycling

(a) The following provisions shall apply to all state or local elections not provided for in subdivision (a) of Section 17301. An election is not deemed a state or local election if votes for candidates for federal office may be cast on the same ballot as votes for candidates for state or local office.

(b) The packages containing the following items shall be kept by the elections official, unopened and unaltered, for six months from the date of the election:

- (1) Voted polling place ballots.
- (2) Paper cast vote records, as defined by Sections 305.5 and 19271.
- (3) Voted vote by mail voter ballots.
- (4) Vote by mail voter identification envelopes.
- (5) Voted provisional voter ballots.
- (6) Voted conditional voter registration ballots.
- (7) Provisional ballot voter identification envelopes, including conditional voter registration voter identification envelopes cast pursuant to subdivision (e) of Section 2170.
- (8) Spoiled ballots.
- (9) Canceled ballots.
- (10) Unused vote by mail ballots surrendered by the voter pursuant to Section 3015.

(c) If a contest is not commenced within the six-month period, or if a criminal prosecution involving fraudulent use, marking or falsification of ballots, or forgery of vote by mail voters' signatures is not commenced within the six-month period, either of which may involve the vote of the precinct from which voted ballots were received, the elections official shall have the items identified in subdivision (b) destroyed or recycled. The packages shall otherwise remain unopened until the items are destroyed or recycled.

Colorado

8 COLO. CODE REGS. § 1505-1:20.4.2: Surveillance of Secure Areas

(b) The county clerk of a county with 50,000 or more registered voters must also make video security surveillance recordings of secure ballot areas if those areas do not contain any components of a voting system, beginning at least 35 days before election day and continuing uninterrupted through at least 30 days following election day. If a recount or contest occurs, the recording must continue through the conclusion of all related activity.

8 COLO. CODE REGS. § 1505-1:20.5.1: Chain-of-Custody Requirements

(a) County clerks must continuously comply with the seal requirements of the most recent conditions of use issued by the Secretary of State for the county's voting system. County clerks may not allow any unattended voting system component to remain unsealed at any point after the trusted build has been installed on a component. A county clerk may not remove a seal to allow access to the interior of the physical computer or hard drive slot without the express written permission of the Secretary of State.

(b) The county clerk must maintain and document uninterrupted chain of-custody for each voting system component from the installation of trusted build to the present, throughout the county's ownership or leasing of the device.

(c) To maintain uninterrupted chain-of-custody for each voting system component the county clerk must:

(1) Record the serial number of every seal required by the conditions of use on the appropriate chain-of-custody log; and

(2) When removing or replacing seals, use two election officials to verify, and indicate by signing and dating the log, that the seal serial numbers match the logged serial numbers. The election officials should be of different party affiliations whenever possible.

8 COLO. CODE REGS. § 1505-1:20.5.4: Transporting Voting System

(b) During or after transportation, if there is any evidence of possible tampering with a seal, or if the seal numbers do not match those listed in the chain-of-custody log, the county clerk must be immediately notified and must file an incident report required by Rule 20.12.2(a).

(c) Voting system components are not required to be under video security surveillance while in transit. In the plan required by Rule 20.5.4(a), the county clerk must describe how they will maintain bipartisan chain-of-custody while the components are not under video surveillance.

8 COLO. CODE REGS. § 1505-1:20.7.1: Unvoted Ballots

(c) When election judges are actively issuing ballots, **the unvoted ballots must be in clear view of a minimum of two election judges of different party affiliations** and one of the election

Appendix: 50-State Chain of Custody Survey

judges must actively monitor the ballots unless the ballots are stored in a locked location accessible only to election officials. (emphasis added).

(d) A minimum of two election judges of different party affiliations must reconcile and document all unvoted, issued, and spoiled paper ballots at the end of each day the polling center is open and immediately report any inventory discrepancies to the county clerk.

(e) If unvoted paper ballots are stored overnight at the polling location, the ballots must be sealed in containers and stored in a locked location accessible only to election officials.

Retention of Election Materials

COLO. REV. STAT. § 1-7-802: Preservation of Election Records

The designated election official shall be responsible for the preservation of any election records for a period of at least twenty-five months after the election or until time has expired for which the record would be needed in any contest proceedings, whichever is later. Unused ballots may be destroyed after the time for a challenge to the election has passed. If a federal candidate was on the ballot, the voted ballots and any other required election materials shall be kept for at least twenty-five months after the election.

COLO. REV. STAT. § 1-7-803: Custody and Lawful Transfer of Election Materials

(1) A designated election official must not transfer custody or control of election records or other election materials, as designated by the secretary of state, to a third party unless the transfer is authorized or required by the secretary of state or a mandatory legal obligation imposed by a court of competent jurisdiction.

(2) The secretary of state may adopt rules as necessary to administer and enforce this section, including rules regarding the creation of an inventory of election records or election materials transferred due to a mandatory legal obligation imposed by a court of competent jurisdiction.

(3) Nothing in this section alters or amends the requirements or limitations for or any duties of a designated election official with respect to the disclosure of public records as set forth in the “Colorado Open Records Act”, part 2 of article 72 of title 24.

Connecticut

CONN. GEN. STAT. § 9-309: Procedure for Announcing Results. Temporary Interruption of Canvass After Transmission of Preliminary Totals to Secretary of the State. Security of Tabulators and Other Materials.

The moderator shall make a preliminary list from the vote totals produced by the tabulators and shall prepare such preliminary list for transmission to the Secretary of the State pursuant to section 9-314. After such preliminary list has been transmitted to the Secretary of the State, the canvass may be temporarily interrupted, during which time the moderator shall

- (1) return the keys for all tabulators to the registrars of voters,
- (2) seal the tabulators against voting or being tampered with,
- (3) prepare and seal individual envelopes for all
 - (A) write-in ballots,
 - (B) absentee ballots,
 - (C) moderators' returns, and
 - (D) other notes, worksheets or written materials used at the election, and
- (4) store all such tabulators and envelopes in a secure place or places directed by the registrars of voters.

At the end of such temporary interruption, the moderator shall receive such keys from the registrars and shall take possession of and break the seal on all such tabulators and envelopes for the purpose of completing the canvass. The result totals shall remain in full public view until the statement of canvass and all other reports have been fully completed and signed by the moderator, checkers and registrars, or assistant registrars, as the case may be.

CONN. GEN. STAT. § 9-310: Sealing of Tabulator by Moderator.

As soon as the count is completed and the moderator's return required under the provisions of section 9-259 has been executed, the moderator shall place the sealed tabulator in the tabulator bag, and so seal the bag, and the tabulator shall remain so sealed against voting or being tampered with for a period of fourteen days, except as provided in section 9-309 or 9-311 or pursuant to an order issued by the State Elections Enforcement Commission. If it is determined that a recanvass is required pursuant to section 9-311 or 9-311a, immediately upon such determination the tabulators, write-in ballots, absentee ballots, moderators' returns and all other notes, worksheets or written materials used at the election shall be impounded at the direction of the Secretary of the State. Such package shall be preserved for one hundred eighty days after such election and may be opened and its contents examined in accordance with section 9-311 or

Appendix: 50-State Chain of Custody Survey

upon an order of a court of competent jurisdiction. At the end of one hundred eighty days, unless otherwise ordered by the court, such package and its contents may be destroyed.

CONN. GEN. STAT. § 9-311: Recanvass in Case of Discrepancy. Authority of Moderator to Prevent or Suppress Disorder.

If, within three days after an election, it appears to the moderator that there is a discrepancy in the returns of any voting district, such moderator shall forthwith within said period summon, by written notice delivered personally, the recanvass officials, consisting of at least two checkers of different political parties and at least two absentee ballot counters of different political parties who served at such election, and the registrars of voters of the municipality in which the election was held and such other officials as may be required to conduct such recanvass.

Retention of Election Materials

CONN. GEN. STAT. § 9-5b: Retention of Records by Registrars.

When the registrars of voters are required by law to maintain, have on file or retain any document, record, list or other paper, the same shall be kept in their office or, if they do not have a permanent office, in the office space provided under section 9-5a.

CONN. GEN. STAT. § 9-232f: Preservation and Counting of Challenged Ballots.

The town clerk shall preserve such ballots in the sealed envelopes for a period of one hundred eighty days after the election. However, in the case of a contested election, either party to such action may request the court to order that the sealed envelopes containing challenged ballots be delivered to the board of admissions by the town clerk together with any memorandum or remarks which were attached to the election returns or required to be so attached. If so ordered, the board of admissions shall then convene and consider each challenged ballot and rule as to which ballots shall be counted. The results thereof shall be added to the vote totals. Federal offices shall not be counted on a challenged ballot that was issued to a person who was also issued a provisional ballot.

Delaware

DEL. CODE ANN. tit. 15 § 5510: Opening and Preparing Absentee Ballots for Tabulation

(f)(1) After the completion of the process under this section, the election judges shall do all of the following:

- a. Secure the ballots in a secure container.
- b. Seal the secure container.
- c. Each election judge must sign their name on the outside of the secure container, affirming that the election judges sealed the container and that the container contains ballots for the election district to which the container is assigned.

(2) A secure container under paragraph (f)(1) of this section must contain absentee ballots for no more than 1 election district and only 1 secure container may be filled at a time. Each signed and sealed container must be placed in a secure location until such time as it is required to be moved or destroyed under § 4980 of this title or other legal process.

DEL. CODE ANN. tit. 15 § 5511: Carrier Envelope Specifications; Carrier Envelopes as Ballot Boxes

(c) A sealed carrier envelope may be reopened only when necessary to certify an election or recount votes cast in an election. (emphasis added).

(d) In the event the Department must move absentee ballots for the purposes of certifying an election, or recounting votes cast in an election, it shall select the carrier envelopes for the affected election districts and move them, in a secure fashion, to the location where the carrier envelopes will be opened and the votes inside inspected.

(e) Upon completion of any inspection of votes pursuant to this subsection, absentee ballots shall be returned to the carrier envelopes from which they were removed and the carrier envelopes shall be:

- (1) Resealed in a secure manner, or shall be placed in another security envelope, for the purposes of securely protecting the contents thereof from tampering, removal, or substitution without detection; and
- (2) Placed in a secure location and held there until such time as it is destroyed or moved for further legal process.

DEL. CODE ANN. tit. 15 § 5522: Duties of Department of Elections; Political Balance of Absentee Judges; Security

- (a) The Department shall ensure that each panel of absentee judges selected to officiate the procedures set forth in this **chapter represent a politically balanced cross section of the major political parties** participating in the election for which absentee ballots are being counted.
- (b) The Department shall promulgate regulations to ensure the security and integrity of the procedures set forth in this chapter and that the counting process for absentee ballots is not subject to improper influences. (emphasis added).

DEL. CODE ANN. tit. 15 § 5618: Required Records

(a) The Department shall maintain records providing for the prevention of fraud and to make possible the tracing and detection of any attempt to do so. Such records must include all of the following entries:

- (1) The name of the elector.
- (2) The address at which elector is registered.
- (3) The address where the ballot is to be mailed.
- (4) The date the application for a mail ballot is received by the Department.
- (5) The elector's election district and representative district.
- (6) The ballot envelope identification number.
- (7) The date the ballot is mailed or delivered to the elector.
- (8) The date the ballot is returned.

Retention of Election Materials

DEL. CODE ANN. tit. 15 § 4980: Return and Custody of Voting Devices, Media Containing Election Results, and Ballot Container

- (a) Immediately after the election, and within the 2 days immediately following the day of election, all voting materials, including the voting devices, media containing the election results, and secured containers of voted paper ballots, must be stored in a safe and secure place provided by the Department. While the board of canvass is conducting its canvass of the vote, all voting materials must be in the custody of the Prothonotary. While in the Prothonotary's custody, the voting materials may be examined by order of the board of canvass or any other court of competent jurisdiction.
- (b) After the board of canvass has completed its canvass of the vote, the Prothonotary shall turn custody of the voting materials over to the Department. The Department shall leave the voted

Appendix: 50-State Chain of Custody Survey

paper ballots and all documentation extracted from the media containing the election results undisturbed and locked for 22 months after the day of the election. During this period, the voted paper ballots and all documentation extracted from the media containing the election results may be inspected for the purpose of conducting an audit under Chapter 50 of this title or by any duly authorized member or agent of the General Assembly or the Attorney General.

Florida

FLA. STAT. ANN. § 101.131: Watchers at Polls

1. Each political party and each candidate may have one watcher in each polling room or early voting area at any one time during the election. A political committee formed for the specific purpose of expressly advocating the passage or defeat of an issue on the ballot may have one watcher for each polling room or early voting area at any one time during the election. No watcher shall be permitted to come closer to the officials' table or the voting booths than is reasonably necessary to properly perform his or her functions, but each shall be allowed within the polling room or early voting area to watch and observe the conduct of electors and officials. The poll watchers shall not obstruct the orderly conduct of any election. They may not interact with voters. Each poll watcher shall be a qualified and registered elector of the county in which he or she serves.

FLA. ADMIN. CODE ANN. r. 1S-2.015: Minimum Security Procedures for Voting Systems

(g)(2) The establishment and maintenance of a secured location for storing the electronic media when not in use, for coding an election, for creating the election media, for transferring and installing the election media into the voting device, and for storing these devices once the election parameters are loaded. This process shall ensure that:

a. No election media is left unattended or in an unsecured location once it has been coded for an election. Where applicable, coded election media must be immediately loaded into the relevant voting device, logged, and made secure or must be placed in a secured and controlled environment and inventoried.

b. Each election media is sealed in its relevant voting device or container utilizing one or more uniquely identified tamper-resistant or tamper-evident seals. A combined master tracking log of the voting device, the election media, and the seal(s) must be created and maintained. For election media that are device independent (for example, voter card encoders) these devices must be stored in a secured, sealed container and must also be identified on the master tracking log.

c. A procedure is created and maintained for tracking the custody of these voting devices once these devices are loaded with an election definition. The chain of custody must specifically provide for the identifying, documenting, handling, and tracking of such devices from the point of loading to final post-election disposition. These voting devices must be given the same level of attention that one would give to official ballots.

(3) A recovery plan that is to be followed should there be any indication of a security breach in the accountability and chain of custody procedures. **Any indication of a security breach must be confirmed by more than one individual.** (emphasis added).

(k) Transport of ballots and/or election materials. The security procedures shall describe the steps necessary to ensure a complete written record of the chain of custody of ballots, paper outputs from a hybrid voting system, and election materials on Election Day and during the early voting period and shall include:

1. A description of the method and equipment used to transport all ballots, paper outputs from a hybrid voting system, and/or election materials.
2. A method of recording the names of the individuals who transport the ballots and/or election materials from one site to another and the time they left the sending site.
3. A method of recording the time the individuals who transport the ballots, paper outputs from a hybrid voting system, and/or election materials arrived at the receiving site and the name of the individual at the receiving site who accepted the ballots, paper outputs from a hybrid voting system, and/or election materials.
4. A description of the process to create and maintain a secured location for storing and transporting voting devices once the election definitions are loaded. This description shall include procedures that are to be used at locations outside the direct control of the supervisor of elections, such as overnight storage at a polling location or early voting site. This description shall include:
 - a. A process for creating and maintaining an inventory of these items for each storage location, for each election. These voting devices must be given the same level of attention that one would give to official ballots.
 - b. A chain of custody process that specifically provides for the identifying, documenting, handling, and tracking of such voting devices from the point of storage to transfer to final disposition or when the voting devices have been left unattended for any length of time. Particular attention must be given to the integrity of the tamper-resistant or tamper-evident seals. These voting devices must be given the same level of attention that one would give to official ballots.

Retention of Election Materials:

FLA. STAT. ANN. § 101.545: Retention and Destruction of Certain Election Materials

All ballots, forms, and other election materials shall be retained in the custody of the supervisor of elections for a minimum of 22 months after an election and in accordance with the schedule approved by the Division of Library and Information Services of the Department of State. All unused ballots, forms, and other election materials may, with the approval of the Department of State, be destroyed by the supervisor after the election for which such ballots, forms, or other election materials were to be used.

Georgia

GA. CODE ANN. § 21-2-437: Count and Return of Votes

(a) All ballots, after being removed from the box, shall be kept within the unobstructed view of all persons in the voting room until replaced in the box. No person, while handling the ballots, shall have in his or her hand any pencil, pen, stamp, or other means of marking or spoiling any ballot.

GA. CODE ANN. § 21-2-493: Computation of Returns by Superintendent; Certification

(j.2)(1) On or after January 1, 2025, in the event that a superintendent receives a request pursuant to Code Section 50-18-71 for scanned ballot images at a resolution higher than the ballot images available from the Secretary of State pursuant to subsection (j.1) of this Code section, and such request is received following the final certification of the results of the election in which such ballots were created, the superintendent shall, consistent with Code Section 50-18-71, **produce digital scans of the requested ballots at a resolution of no less than 600 dots per inch and deliver such scans to the requestor. A person making a request pursuant to this subsection may observe the scanning and related handling process, but under no circumstances shall anyone other than an authorized election official touch or handle a physical ballot.**

(emphasis added).

(2) Notwithstanding any seal provided for by Code Section 21-2-500, a superintendent shall have access to the ballots cast within its jurisdiction so as to comply with the provisions of this subsection. Upon receiving a request pursuant to this subsection, the superintendent shall notify the clerk of the superior court or, if designated by the clerk of the superior court, the county records manager or other office or official under the jurisdiction of a county governing authority which maintains or is responsible for maintaining such sealed ballots, and such official or office that maintains such requested ballot shall provide the superintendent access to such ballot without the need for obtaining a court order. All ballots provided to a superintendent pursuant to this paragraph shall be immediately returned by such superintendent to the official or office that maintains such ballots upon the scanning of such ballot.

GA. CODE ANN. § 21-2-500: Delivery of Ballots and Other Documents to Designated County or Municipal Officers

(c) Immediately upon completing the returns required by this article, the municipal superintendent shall deliver in sealed containers to the city clerk the used and void ballots and the stubs of all ballots used; one copy of the oaths of poll officers; and one copy of each numbered list of voters, tally paper, voting machine paper proof sheet, and return sheet involved in the primary or election. In addition, the municipal superintendent shall deliver copies of the voting machine ballot labels, computer chips containing ballot tabulation programs, copies of computer records of ballot design, and similar items or an electronic record of the program by

Appendix: 50-State Chain of Custody Survey

which votes are to be recorded or tabulated, which is captured prior to the election, and which is stored on some alternative medium such as a CD-ROM or floppy disk simultaneously with the programming of the PROM or other memory storage device. Such ballots and other documents shall be preserved under seal in the office of the city clerk for at least 24 months; and then they may be destroyed unless otherwise provided by order of the mayor and council if a contest has been filed or by court order, provided that the electors list, voter's certificates, and duplicate oaths of assisted electors shall be immediately returned by the superintendent to the county registrar.

GA. COMP. R. REGS. 183-1-14-.02: Advance Voting

(8) The registrar and at least one sworn witness shall deliver the ballot container to the election superintendent for secured storage until time for the tabulation of votes, and the election superintendent shall complete a chain of custody form indicating the delivery of the secure container. The form shall be signed by the registrar and any witnesses who travelled with the registrar indicating that no sealed documents were unsealed enroute and have not been tampered with. In the discretion of the registrar, the same procedure for emptying the ballot box may be followed if there are less than 1,500 ballots in the ballot box at the end of any advance voting day, but the ballot box shall not be opened while voting is taking place except as authorized by Rule 183-1-12-.10(5).

GA. COMP. R. REGS. 183-1-15-.04: Audit

(2) Chain of custody for each ballot shall be maintained at all times during the audit, including but not limited to, a log of the seal numbers on the ballot containers before and after completing the manual audit.

Retention of Election Materials

GA. CODE ANN. § 21-2-73: Preservation of Records

All primary and election documents on file in the office of the election superintendent of each county, municipal governing authority, superintendent, registrar, committee of a political party or body, or other officer shall be preserved therein for a period of at least 24 months and then the same may be destroyed unless otherwise provided by law.

Hawaii

HAW. REV. STAT. § 11-152: Method of Counting

For votes cast using the electronic voting system, the ballots shall be taken in the sealed ballot containers to the counting center according to the procedure and schedule adopted by the chief election officer to promote the security of the ballots. For all votes cast in an election, in the presence of official observers, counting center employees may start to count the ballots before election day, as specified in section 11-108.

HAW. CODE R. § 3-177-61: Security of Ballots and Election Supplies

(a) The procedure for ensuring the security of a container used to store or transport ballots, voter verifiable paper audit trails, vote data storage media, and other sensitive election materials shall be as follows:

(1) Made of suitable materials to prevent breakage or tampering;

(2) Securable using a nonreusable seal;

(b) A record shall be maintained to list the seals used to secure such containers and to provide an accurate chronological posting of seals used during the opening and closing of each container. A section for witnesses' signatures shall also be provided.

(c) Election officials shall make periodic checks of the seals on such containers to ensure that no tampering has occurred.

HAW. CODE R. § 3-177-250: Access to Election Documents; General Procedures

(a) Access to government records shall be provided in accordance with chapter 92F, Hawaii Revised Statutes, and the rules adopted under that chapter, unless public inspection of said records is prohibited by state or federal law; provided that the legal counsel for the chief election officer may determine which records may be exempted from public inspection when the records pertain to the preparation of the prosecution or defense of any action or proceeding to which the chief election officer is or may be a party or to maintain the attorney-client and attorney work product privileges.

(b) Copying of government records maintained by the office of elections is governed by section 92-21, Hawaii Revised Statutes, unless otherwise provided by law. Copies shall be provided upon the furnishing of the payment of the reasonable cost of reproducing such copies, including costs for searching and segregating the records.

HAW. CODE R. § 3-177-453: Accountability and Security of Ballots

(a) The chief election officer or designated representative shall maintain a complete count of marksense ballots. All ballots shall be safeguarded to prevent mishandling or misuse.

Appendix: 50-State Chain of Custody Survey

(b) The clerk shall maintain a complete and current count of all marksense ballots issued, spoiled, and received in their county. The accounting of marksense ballots by the clerk shall be recorded on forms prescribed by the chief election officer.

HAW. CODE R. § 3-177-705: Experimental Voting Systems; Rules and Procedures

In an election where the chief election officer experiments with voting systems of a different kind, all rules which can be reasonably applied to that system shall be followed. Temporary procedures shall be used as required for the experimental voting systems only. Nothing herein is to be used to diminish, take away or otherwise impair the rights of the voter.

Retention of Election Materials

HAW. REV. STAT. § 11-154: Records, etc.; Disposition

The voted ballots shall be kept secure and handled only in the presence of representatives not of the same political party or official observers in accordance with rules adopted for the various voting systems. After all the ballots have been tabulated they shall be sealed in containers. Thereafter, these containers shall be unsealed and resealed only as prescribed by rules governing elections.

The ballots and other election records may be destroyed by the chief election officer or clerk when all elected candidates have been certified by the chief election officer, or in the case of candidates for county offices, by the clerk and after compliance with retention schedules of applicable federal law.

Idaho

IDAHO CODE ANN. § 34-1103: Opening Ballot Boxes

- (1) In the presence of bystanders the judges of elections shall break the sealed packages of election ballots and other supplies.
- (2) Before receiving any ballots the judges shall open and exhibit, close and lock the ballot boxes, and thereafter they shall not be removed from the polling place until all ballots are counted. They shall not be opened until the polls are closed unless the precinct is using a duplicate set of ballot boxes.

IDAHO CODE ANN. § 34-1201: Canvass of Votes

- (4) After being counted, all ballots shall be sealed and stored until such time as the recount period has passed or a recount has been completed. Ballots may be unsealed and resealed as part of a postelection audit conducted pursuant to section 34-1203A, Idaho Code.

IDAHO CODE ANN. § 34-1204: Transmission of Supplies to County Clerk

After the counting of the votes, the judges of the election shall enclose and seal the combination election record and poll book, tally books, all ballot stubs, unused ballot books, and other supplies in a suitable container and deliver them to the county clerk's office. If the office of the county clerk is closed, the articles shall be delivered to the sheriff or one (1) of his deputies who shall deliver them to the county clerk no later than the day after the election.

Retention of Election Materials

IDAHO CODE ANN. § 34-217: Retention of County Election Materials

County election records shall be maintained by the county clerk for the time periods outlined in this section. Records shall be maintained for the period specified beginning with the date the record is created or has become no longer valid, whichever is greater.

- (1) The following records shall be retained for not less than five (5) years:
 - (a) Voter registration cards for electors whose registration has been terminated;
 - (b) Correspondence relating to an elector's voter registration;
 - (c) Combination election record and poll book, including the ballot accounting page;
 - (d) Declaration of candidacy and petition of candidacy forms filed with the county clerk;
 - (e) Maps of precinct boundaries with legal descriptions;
 - (f) List of absentee voters; and
 - (g) County initiatives and petitions that qualify for placement on the ballot.

Appendix: 50-State Chain of Custody Survey

(2) The following shall be retained for two (2) years

- (a) Completed absentee ballot request forms;
- (b) Tally books;
- (c) Voted ballots;
- (d) Any ballots that were required to be duplicated before being counted;
- (e) Certified lists of candidates or declaration of candidacy forms from special districts used for ballot preparation;
- (f) Certified ballot language from special districts for any question placed on the ballot; and
- (g) Absentee ballot affidavit envelopes, including the indication of the signature's acceptance or rejection.

Illinois

ILL. COMP. STAT. 5/17-18.1.

Before a ballot box may be reused, it shall in the presence of all of the judges of election be verified to be empty, whereupon it shall be resealed. After the close of the polls, and after the tally of votes cast by vote by mail voters, the special judges of election shall add together the tallies of all the ballot boxes used throughout the day, and complete the canvass of votes for retention of judges in the manner established by this Act. All of these procedures shall be carried out within the clear view of the other judges of election. The sealed containers of used retention ballots shall be returned with other voted ballots to the County Clerk or Board of Election Commissioners in the manner provided by this Act.

ILL. COMP. STAT. 5/17-20.

After making such proclamation and before separating, the judges of all counties shall fold or roll all of the ballots which have been counted by them, except those ballots which have been in the ballot box but have not been counted and marked "defective" or "objected to", securely bind them, lengthwise and in width, with a soft cord having a minimum tensile strength of 60 pounds, and wrap the same with heavy wrapping paper on which the judges of election shall write their signature and seal the package with filament over the signatures and around the package lengthwise and crosswise, at least twice each way, so that the ballots cannot be removed from the package without breaking the seal and the filament tape and disturbing the signatures, and enclose the ballots so wrapped, together with the envelope containing the ballots marked "defective" or "objected to", in a secure canvass covering, which the judges of election shall sign and seal with filament tape as above specified.

ILL. ADMIN. CODE tit. 26 § 204.55: Provision of the Voting System Computer Code

c) To maintain a chain of custody for the Computer Code, a log shall be maintained by the State Board of Elections tracking the whereabouts, handling and movement of any kind of the medium containing the code from the moment it comes into possession of the State Board of Elections until its return to the vendor who submitted it.

1) The log for the Computer Code shall include but not be limited to the following:

- A) The name of the vendor submitting the code;
- B) the name of the voting system containing the code;
- C) whether the submission is for an approved or existing system, a proposed system or a modification of an existing system (if it is a modification of an existing system, the reason for the modification, along with the new version number, shall also be included);

Appendix: 50-State Chain of Custody Survey

D) the date the code was received, opened and examined by the designated State Board of Elections staff member, along with that staff member's name;

E) the date and initials of the designated staff person who delivered the medium to the safety deposit box; and

F) the date the old version of the Computer Code (if a newer source code is provided) was returned to the vendor.

Retention of Election Materials

ILL. COMP. STAT. 5/17-20.

The precinct judges of election shall elect 2 judges (one from each of the major political parties), who shall immediately return the ballots, in such sealed canvass covering, to the election authority who shall keep their respective offices, or any receiving stations designated by them, open for at least 12 consecutive hours after the polls close, or until the ballots from all precincts within the jurisdiction of any such election authority are returned to the office of such election authority, signed and sealed as above specified. Ballots returned to the office of an election authority which are not signed and sealed as above specified shall not be accepted until the judges returning the same sign and properly seal the same. Upon acceptance of the returned ballots by the election authority, the judges returning the same shall take a receipt signed by the election authority and stamped with the time and date of such return. The election judges whose duty it is to return any ballots as above provided shall, in the event such ballots cannot be found when needed, on proper request, produce the receipt which they are to take as above provided. Upon receiving the ballots so returned, the election authority shall carefully preserve the ballots for 2 months, subject to their examination in a discovery recount proceeding in accordance with law.

However, where electronic voting systems are used, the apparatus or frame in which the ballot booklet is contained shall not be subject to the 2 month preservation requirement. At the expiration of that time such election authority shall remove the same from original package and shall destroy the same, together with all unused ballots returned from the polling places. If any contest of election is pending at such time in which such ballots may be required as evidence, and such election authority has notice thereof the same shall not be destroyed until after such contest is finally determined.

Where voting machines or electronic voting systems are used, the provisions of this section may be modified as required or authorized by Article 24 or Article 24A, whichever is applicable.

Indiana

IND. CODE. ANN. § 3-11-15-46: Access Policies Defined by County Election Board; Security Protocols; Seals

(c) The county election board shall place a uniquely numbered seal on each voting system and electronic poll book used in an election to secure the voting system and electronic poll book and permit post-election auditing. The form of the seal and information contained on the seal shall be prescribed by the election division and must make it impossible to access the sealed part of the unit without detection.

(d) The county election board shall place the seal described in subsection (c) on the voting system or electronic poll book immediately upon completion of the canvass of votes cast in an election in which the voting system or electronic poll book was made available for use at a precinct or vote center.

(e) The seal must remain in place except when the county election board orders unsealing of the voting system or electronic poll book in one (1) of the following cases when the board finds unsealing to be necessary:

- (1) To conduct maintenance on the voting system or electronic poll book.
- (2) To prepare the voting system or electronic poll book for use in the next election to be conducted by the county in which the voting system or electronic poll book will be made available.
- (3) To install certified voting system hardware, firmware, or software on a voting system or certified upgrades on an electronic poll book.
- (4) To conduct a public test of the voting system or electronic poll book required by state law.
- (5) To conduct an audit authorized or required by this title.
- (6) For the county election board to correct an error under IC 3-12-5-14.
- (7) When ordered during a recount or contest proceeding under IC 3-12.

(f) The county election board shall reseal the voting system or electronic poll book immediately after the completion of the maintenance, installation, audit, correction, recount proceeding, or contest proceeding. When the county election board orders the unsealing of the voting system or electronic poll book to prepare for the use of the equipment in an election, the voting system or electronic poll book may remain unsealed until the canvassing is completed under subsection (d).

(g) The county election board shall document when each voting system or electronic poll book is sealed or unsealed under this section, identifying:

Appendix: 50-State Chain of Custody Survey

- (1) the serial number of each voting system or electronic poll book that is sealed or unsealed;
- (2) the date on which the sealing or unsealing occurred; and
- (3) the individual who performed the sealing or unsealing.

IND. CODE. ANN. § 3-11-7.5.-24: Care and Custody While Note in Use

The county election board is responsible for the care and custody of all electronic voting systems while not in use.

IND. CODE. ANN. § 3-12-2-9: Delivery of Envelope or Bag Containing Ballots, etc. to Circuit Court Clerk; Notification of Number of Ballots in Bag and Condition of Seals of Ballot Packages

The inspector and the judge of the opposite political party shall deliver the envelope or bag prepared under section 8 of this chapter to the circuit court clerk immediately upon tabulation of the votes. The inspector shall notify the clerk of the number of ballots placed in the envelope or bag and the condition of the seals of the ballot packages.

IND. CODE. ANN. § 3-12-2-11: Envelope or Bag to Be Placed in Receptacle Having Two Locks; Disposition of Keys

Upon receipt of the envelope or bag under section 9 of this chapter, the envelope or bag shall be placed in a receptacle having two (2) different locks provided by the county executive. The receptacle shall be locked, and one (1) key shall be given to the circuit court clerk and the **other key shall be given to the county election board member of the other political party.** (emphasis added).

Retention of Election Materials

IND. CODE. ANN. § 3-11-15-37: Retention of Ballots for Verification of Election Results

Ballot card voting systems must rely on the retention of ballots as a redundant means of verifying election results. As a means of assuring accuracy in electronic voting systems, the unit must incorporate multiple memories in the machine itself and in the unit's programmable memory devices. To attain a measure of integrity over the process, an electronic voting system must also maintain images of each ballot that is cast so that records of individual ballots are maintained by a subsystem independent and distinct from the main vote detection, diagnostic, processing, and reporting path.

IND. CODE. ANN. § 3-11-15-38: Stored Images of Ballots

The stored images of each ballot must protect the integrity of the data and the anonymity of each voter by such means as storage location scrambling. The ballot image records may be either machine readable or manually transcribed, or both, at the discretion of the vendor.

Iowa

IOWA ADMIN. CODE r. 721-22.50: Voting System Security

(1) Staff access. The security policy shall describe who shall have access to the voting equipment, including the computers used in the commissioner's office to prepare ballots and voting equipment programs or to compile election results.

(2) Computers. For security purposes, computers used in the commissioner's office to prepare ballots and voting equipment programs or to compile election results shall not be used for any other function and shall not be linked to any computer network or to the Internet unless the commissioner has on file in the office of the state commissioner a current Election Computer Risk Acceptance Form indicating acceptance of this security risk.

IOWA ADMIN. CODE r. 721-26.203: Audit Board and Audit Procedure

(1)(c) Not more than a simple majority of the members of the audit board shall be members of the same political party or organization if one or more registered voters of another political party or organization are qualified and willing to serve on the audit board.

(5) The audit board shall reseal the ballots after they have been audited and before adjournment of the audit board. The signatures of the audit board members shall be placed across the seal or opening of the container so that it cannot be opened without breaking the seal, following the same procedure described in Iowa Code section 50.12. Audited ballots shall be stored separately from nonaudited ballots and clearly marked "AUDITED," along with the date the audit was conducted. If an absentee and special voters precinct is selected for an audit, the ballots that were audited shall be sealed and kept separately from any ballots that were not selected for audit.

IOWA CODE ANN. § 43.45: Canvass of Votes.

c. Open the ballot container. Secure all ballots counted by the vote-tabulating device. Sort the remaining ballots by party. Tally all write-in votes and any other ballots not yet counted. Record the results in the tally list.

d. Put all ballots in an envelope or other package and seal it. All members of the board shall sign their names across the seal of the envelope. The seal shall be placed so that the envelope or package cannot be opened without breaking the seal.

Retention of Election Materials

IOWA CODE ANN. § 50.12: Return and Preservation of Ballots

Immediately after making the proclamation, and before separating, the board members of each precinct in which votes have been received by paper ballot shall enclose in an envelope or other container all ballots which have been counted by them, except those endorsed "Rejected as double", "Defective", or "Objected to", and securely seal the envelope. The signatures of all

board members of the precinct shall be placed across the seal or the opening of the container so that it cannot be opened without breaking the seal. The precinct election officials shall return all the ballots to the commissioner, who shall carefully preserve them for twenty-two months. The sealed packages containing voted ballots shall be opened only for an official recount authorized by section 50.48, 50.49, or 50.50, for an election contest held pursuant to chapters 57 through 62, to conduct an audit pursuant to section 50.51, or to destroy the ballots pursuant to section 50.19.

IOWA CODE ANN. § 50.13: Destruction of Ballots

1. If, at the expiration of the length of time specified in section 50.12, a contest is not pending, the commissioner, without opening the package in which they have been enclosed, shall destroy the ballots.
2. If the ballots are to be shredded, the package may be opened, if necessary, but the ballots shall not be examined before shredding. Shredded ballots may be recycled. The commissioner shall invite the chairperson of each of the political parties to designate a person to witness the destruction of the ballots.

Kansas

KAN. STAT. ANN. § 25-433: Handling and Canvass of Ballots

(f) The county election officer shall supervise the procedures for the handling and canvassing of ballots to insure the safety and confidentiality of all ballots properly cast.

KAN. STAT. ANN. § 25-437: Canvass of Votes; Form of Abstract; Special Election Board to be Appointed

The county election officer of each county within the electoral district shall appoint a special election board pursuant to the requirements of K.S.A. 25-2801 to be composed of at least three members who shall make the original canvass of all ballots cast in that county. For the purposes of any canvass under this act, the electoral district within that county shall constitute one voting area, and ballots shall not be sorted according to precinct or ward. The abstract shall be prepared on a form prescribed by the secretary of state.

KAN. STAT. ANN. § 25-2705: Security of Ballot Boxes at Polls; Application of Section

(a) At the time a voting place is opened, the supervising judge shall cause the ballot boxes to be opened in the presence of people there assembled. The ballot boxes shall be turned upside down so as to empty such boxes of everything therein. Each ballot box shall then be locked securely and shall not be opened again until opened for the purpose of canvassing.

KAN. ADMIN. REGS. § 7-24-2: Chain of Custody Documents

(a) All chain of custody documents for election supplies, including ballots and poll books, shall be on forms provided by the county election officer so that photocopies are clearly legible. The county election officer shall make provisions for each of the kinds and types of election supplies received by the supervising judge. The forms shall clearly state the in-person early voting location or polling place including all precincts assigned to the polling place.

(b) At the time the supervising judge receives election supplies, including ballots and poll books, a chain of custody document shall be made, signed, and dated by the supervising judge.

(c) Upon the return of the election supplies required by law to be returned to the county election officer, a chain of custody document shall be made, signed and dated by the county election officer, or the duly authorized deputy, for the supplies returned.

(d) Items that shall be included on chain of custody documents are poll books, ballots, party affiliation lists, USB drives, ballot containers, provisional ballot envelopes, returned mail ballots, and miscellaneous supplies.

(e) A chain of custody document, on a form approved by the secretary of state, shall be completed for every remote ballot drop box used in any election.

Appendix: 50-State Chain of Custody Survey

(f) A chain of custody document, on a form approved by the secretary of state, shall be completed each time the U.S. postal service delivers returned ballots or undeliverable ballots.

KAN. STAT. ANN. § 25-3007: Return of Election Materials by Supervising Judge

When the canvass of an election board has been completed, the supervising judge shall return to the county election officer the following:

- (a) All election supplies.
- (b) All valid ballots.
- (c) All ballots not used and all that have been spoiled by the voter while attempting to vote, together with all ballots marked "blank," "void" or "objected to."
- (d) All tally sheets, poll books, all abstracts and all other books and records in possession of the election board.

KAN. STAT. ANN. § 25-3008: Packing and Separation of Ballots and Materials; Appointment of Write-in Board, When

Before leaving the voting place the supervising judge shall ascertain that the election supplies and ballots that are to be returned have been packaged, packed and separated as provided in this section:

- (a) All ballots both voted and unvoted, except void, objected to and provisional ballots, shall be placed in bags or sacks. Such bags or sacks shall be sealed and appropriately labeled. The method of sealing and labeling shall be a method approved by the secretary of state and directed by the county election officer.
- (i) (1) If upon receiving the sealed bags or sacks of ballots after the original canvass, the county election officer discovers that the board which conducted the original canvass failed to provide a tally sheet of write-in votes, the county election officer may appoint a special write-in board to unseal the ballots and count any write-in votes which appear on the ballots. Such write-in votes shall be reported to the county election officer, who shall include them with the official results of the election. When the board completes its tally of write-in votes, the bags or sacks shall be resealed.
- (2) The special write-in board shall be appointed by the county election officer from the election boards of the county or from a pool of trained board workers maintained by the county election officer. One member of the board shall be designated by the county election officer as a supervising judge, and the remaining members of the board shall be of different political parties to the extent practicable.

Retention of Election Materials

KAN. STAT. ANN. § 25-2708: Preservation of Ballots and Election Records; Distribution of Abstracts of Voting

(a) The county election officer shall preserve all ballots, books and records delivered to such officer by election boards and make the same available to any canvassing board or election court who it is provided by law shall have access to the same.

(b) The county election officer shall preserve all county, city, school district and township ballots for six months and all state and national ballots for 22 months. At the expiration of such time, the county election officer shall destroy them without previously opening any of the envelopes, in the presence of two electors of approved integrity and good repute, members of the two leading political parties. Such electors shall be designated by the board of county commissioners. If the election of any officer or any question submitted at such time is being contested, the ballots shall not be destroyed until such contest is finally decided. In all cases of contested elections, either of the parties contesting shall have the right to have such ballots opened and to have all errors of the judges in counting the ballots corrected by the court or body trying such contest. Such ballots shall be opened in open court or in an open session of such body and the presence of the officer having the custody thereof.

KAN. STAT. ANN. § 25-2709: Destruction of Election Records

The following election records may be destroyed after they have been on file for the period stated:

- (1) Appointments and oaths of office of election board members, two years.
- (2) Registration lists, five years.
- (3) Poll books, five years.
- (4) Party affiliation lists, five years.
- (5) Abstracts of voting records, 20 years.
- (6) Affidavits required to be filed by the election laws of the state of Kansas, including advance voting and mail ballot envelopes containing voters' declarations, two years.
- (7) All other election records used at polling places, two years.
- (8) Declination forms maintained by voter registration agencies and the division of motor vehicles, two years.
- (9) Confirmation notices, two years.
- (10) Confirmation responses, two years.

Kentucky

KY. REV. STAT. ANN. § 117.135: Custody and Security of Voting Equipment

When voting equipment is acquired by any county, the voting equipment shall:

- (1) Be immediately placed in the custody of the county clerk;
- (2) Remain in the county clerk's custody at all times except when in use during in person absentee voting, during an election, or when in the custody of a court or court officer during contest proceedings;
- (3) Be properly protected and preserved by the county clerk from damage or unnecessary deterioration;
- (4) Be protected by the county clerk from any unauthorized tampering with the voting equipment; and
- (5) Be secured and locked by the county clerk to ensure that access is restricted to only members of the county board of elections or other persons as authorized by law.

KY. REV. STAT. ANN. § 117.155: Duties of County Clerk Relating to Voting Equipment

The county clerk shall place all ballots required to be placed upon voting equipment in such a manner as will most nearly conform to the plan of arrangement prescribed by the Secretary of State under KRS 118.215. The county clerk shall then see that the counters referred to in KRS 117.125(1)(q) and (r) are set at zero, and shall lock the operating device and mechanism and the devices protecting the counters and ballots, which shall then be covered with a tamper-resistant seal. The county clerk shall then enter in an appropriate book, opposite the number of each precinct the distinguishing number of the voting equipment or the unique designation to be used in that precinct.

KY. REV. STAT. ANN. § 117.195: Delivery of Equipment to Clerks; Voting Supplies; County Clerk to Take Receipt and Retain Keys to All Ballot Boxes and Ballot Receptacles

- (1) At least one (1) hour prior to the opening of the polls, the county clerk shall deliver the voting equipment, with the operating device and mechanism and the device covering the registering counters securely locked, to the clerk of the precinct in which it is to be used, and shall take a receipt indicating the distinguishing number or the unique designation of the voting equipment. The clerk of the precinct shall cause any voting equipment to be arranged in the voting place so that the front of the equipment on which the ballots appear, if applicable, and the operating devices, will not be visible, when being operated, to any person other than the voter.

KY. REV. STAT. ANN. § 117.275: Counting and Certification of Votes; Locking and Sealing of Equipment; Return Sheets; Transmission of Records; Return of Keys...

(2) As soon as the polls are closed and the last voter has voted, the judges at that time shall immediately lock and seal the voting equipment so that the voting and counting mechanisms will be prevented from operating, and they shall sign a certificate stating:

- (a) That the voting equipment has been locked against voting and sealed;
- (b) The number of voters, as shown on the public counters;
- (c) The number registered on the protective or cumulative counter or device; and
- (d) The number or other designation of the voting equipment.

The certificate, with any additional certificate previously prepared under KRS 117.035, shall be returned by the judges of election to the officials authorized by law to receive it. The judges shall compare the number of voters, as shown by the counter of the voting equipment, with the number of those who have voted as shown by the protective or cumulative counter or device.

31 KY. ADMIN. REGS. 4:201: Chain of Custody for Records During an Election Contest

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties. KRS 120.205 and KRS 120.215 require the State Board of Elections to promulgate administrative regulations to provide for a form that documents any individuals transporting all voting equipment, ballots, boxes, precinct rosters, and other voting records related to an election contest involving an election of a Governor and Lieutenant Governor or a member of the General Assembly. This administrative regulation establishes that form.

Retention of Election Materials:

KY. REV. STAT. ANN. § 117.275: Counting and Certification of Votes...Retention Schedule for Documents

(15) Except as otherwise required in this chapter, all records and papers relating to specified elections shall be retained for twenty-two (22) months, and the county clerk shall retain the voted federal provisional ballots, voter affirmations, election official affirmations, and the supplemental paper ballots for twenty-two (22) months and the unvoted federal provisional ballots, the voter affirmations, election official affirmations, and the supplemental paper ballots for sixty (60) days after each election day, after which time they shall be destroyed in a manner to render them unreadable by the county board of elections if no contest or recount action has been filed.

Louisiana

LA. STAT. ANN. § 18:553: Inspection and Preparation of Voting Machines at Polling Places; Precinct Registers and Supplemental List

A. Delivery of the key envelope. The parish custodian of voting machines shall seal the keys, if applicable, to the voting machines at each polling place in an envelope on which shall be written the ward and precinct number of the polling place, the location of the polling place, the numbers of the seal and protective counter of each voting machine at the polling place, and the number of the seal for each precinct register. The parish custodian shall deliver the sealed key envelope to the deputy parish custodian appointed for the polling place, and the deputy parish custodian shall deliver the sealed key envelope to the commissioner-in-charge at the polling place at least thirty minutes before the time for opening the polls on election day.

B. Inspection of the voting machines. After the commissioners take their oath and before the time for opening the polls, the commissioners, in the presence of the watchers, shall prepare the polling place for voting as follows:

(1)(a) The commissioners shall compare the voting machine serial numbers on either side of the machines with the numbers on the envelope containing the keys to the voting machines received from the deputy custodian, verify that the numbers on the keys also match the serial numbers of the machines, compare the protective counter numbers on the key envelope with the protective counter numbers on the machines, and compare the numbers on the key envelope with the seal numbers on the machines.

(b) If the numbers do not agree, the commissioners shall notify the parish custodian, and the commissioners shall not proceed further in the preparation of the voting machine for voting until a representative of the parish custodian has reexamined the voting machine and certified that it is properly arranged. If the numbers agree, the commissioners shall open the envelope, take out the keys, and open the door of the voting machine.

(c) When the door of the voting machine is opened, the commissioners shall compare the cartridge seal number on the key envelope with the protective seal number for the results cartridge.

LA. STAT. ANN. § 18:572: Transmission of Election Returns; Voting Machine Keys; Machine Certificates

A. (1) After the results are printed from the voting machines and all election paperwork is complete, the commissioner-in-charge shall immediately deliver to the clerk of court in a clear plastic zipper bag the following:

(a) The envelope marked “Secretary of State's Envelope”.

(b) The completed and signed key envelope for the voting machines.

Appendix: 50-State Chain of Custody Survey

- (c) The original of the machine certificates.
- (d) The original affidavit of payroll and nondisclosure for the commissioners.
- (e) One copy of the official election results report from the voting machines.
- (f) A copy of each completed notation of irregularities form.
- (g) All election result cartridges, if applicable.
- (h) For a federal election, the return provisional ballot envelope containing all voted provisional ballots and unused provisional ballots and envelopes.
- (i) A duplicate record of each challenge.

(2)(a) Upon receipt of the items listed in Paragraph (1) of this Subsection, the clerk of court shall affix the time of receipt upon the election documents which contain election results. The clerk of court shall make a copy of the election results available to the press and public.

- (b) For a federal election, the clerk of court shall deliver to the registrar of voters the return provisional ballot envelope containing all voted provisional ballots not later than 8:30 a.m. on the first business day following the election.

B. The commissioner-in-charge shall complete the procedures prescribed by this Section not later than midnight on the day of the election. Failure to comply with this time limit shall not void the election.

Retention of Election Materials

LA. STAT. ANN. § 18:403: Election Records and Papers; Preservation; Public Record

A. Except as otherwise provided by law, every election official shall retain and preserve, for at least six months after the date of a primary or general election, all records and papers which come into his possession relating to the qualifying of candidates, the selection of commissioners, alternate commissioners, and watchers, and the conduct or results of a primary or general election. **These records and papers shall be public records open to inspection by anyone.** (emphasis added).

B. In an election involving the office of the president of the United States, vice president of the United States, presidential elector, United States senator, or United States representative, all records and papers which come into the possession of an election official relating to any application, registration, or other act requisite to voting in such election shall be kept and maintained for a period of twenty-two months from the date of the election.

Maine

ME. REV. STAT. ANN. tit. 21-A, § 698: Packaging and Return of Ballots and Lists

1. Paper ballots wrapped. The election clerks shall wrap the tabulation of the count for each lot of ballots around that lot and secure it. Referendum ballots must be wrapped separately with their own tabulations unless the referendum ballot is combined with the candidate ballot. The tabulations must be signed by the 2 election clerks who counted that ballot lot.

2-A. Used ballots secured. The election officials shall use the tamper-proof ballot security containers described in section 609 to seal the used state ballots, wrapped with their tabulations if hand counted or loose if machine tabulated; spoiled ballots; defective ballots; void ballots; envelopes containing challenge certificates; and the official tally tape from the electronic tabulating system. The containers must be further secured as follows.

A. Each tamper-proof ballot security container must be secured with the security mechanism supplied or approved by the Secretary of State before leaving the voting place. Each sealed container must be recorded on a certificate identifying the container number, any unique numbers associated with the security mechanism and the person sealing the container and the time of sealing.

B. Ballots and election materials for municipal elections conducted at the same time as a state election must be sealed separately from state ballots and other state election materials and may not be sealed in the state-supplied tamper-proof ballot security containers. If municipalities wish to use tamper-proof ballot security containers to seal municipal election materials, they must obtain the containers and security mechanisms at their own expense.

The sealed tamper-proof ballot security containers of used ballots must remain sealed for at least 2 months after the election, unless the Secretary of State authorizes the clerk to open the containers prior to that date. After 2 months, the clerk shall open the containers in the presence of one or more witnesses and transfer the ballots to other containers for the remainder of the retention period described in section 23. The new containers must be securely sealed. Except as expressly authorized in this Title, rules adopted under this Title or other applicable state or federal law, the ballot security containers of state election materials and the ballot security containers of municipal election materials must remain sealed and in the possession, custody and control of the clerk until the contents of the containers are destroyed in accordance with section 23.

ME. REV. STAT. ANN. tit. 21-A, § 711: Preparation of Returns

4. After giving notice to the state chair of each political party, the Secretary of State may authorize the municipal clerk, in the presence of one or more witnesses from each of the major parties, to open the sealed tamper-proof ballot security containers as described in section 609

Appendix: 50-State Chain of Custody Survey

holding used ballots to retrieve the incoming voting list or a copy of any election return forms that were improperly sealed in the containers. If there is a recount requested for a local election that was held at the same time as a state election, the Secretary of State may authorize these election officials to open the sealed tamper-proof ballot security containers to remove any local ballots that were sealed in the containers of state ballots, except that any requested state recount must be held prior to such authorization. The Secretary of State also may authorize these election officials to review and make copies of tabulation sheets that would assist in properly reporting or correcting the results recorded on election night, as well as to review machine-tabulated ballots that were hand counted because they were not read by the tabulator or because they contained write-in votes, and to correct errors in the hand tabulation. The clerk must reseal the containers and secure them for the remainder of the time required for retention of ballots under section 23.

29 ME. CODE R. § 250-502-2: Preparation for the Recounts

3. Upon receiving a request for a recount, the State Police will collect the ballots and other election materials as requested by the Secretary of State pursuant to section 2, subsection 4 of these rules. The State Police will deliver these materials to a secure storage area under the control of the State Police or the Secretary of State. The Recount Supervisor and Secretary of State staff will have access to the secure storage area to organize and log the materials prior to the start of the recounts. While the recounts are being conducted, the Recount Supervisor and Recount Assistants will maintain control over the ballots and other recount materials. No recount personnel will have access to the areas where ballots are stored unless accompanied by at least one other authorized person. At the conclusion of the recounts, the Recount Supervisor will return the recount materials to the secure storage area until the materials are returned to the applicable municipalities by the State Police.

ME. REV. STAT. ANN. tit. 21-A, § 814: Custody

The municipal clerk has custody of a voting machine used by the municipality.

1. Storage and maintenance. The municipal clerk is responsible for the proper storage and maintenance of each machine.

A. The municipal clerk shall have each machine locked, sealed and stored in a safe, dry building.

B. The municipal clerk shall have each machine kept in proper operating condition.

2. Transfer prohibited. The municipal clerk may not transfer possession, custody or control of a voting machine to any person except as expressly authorized by the Secretary of State.

29 ME. CODE R. § 250-535-6: Process for Ranked-choice Counting

1. Security of the ranked-choice counting area. There will be a guardrail enclosure set up to separate the ranked-choice counting area from the public viewing area at the RCV counting

facility. Only the ranked-choice counting personnel designated in Section 5 of this rule will be allowed inside the guardrail enclosure. All persons allowed inside the guardrail must sign in each day, on a form provided by the Secretary of State. Candidates, media and members of the general public must remain outside the guardrail area. Only limited conversation will be permitted in the RCV counting facility. Cell phones must be silenced during the count and may be used within the guardrail area only by the ranked-choice counting personnel as needed to conduct the process. Any person who causes a disruption of the RCV count may be removed from the room, at the discretion of the RCV Supervisor.

2. Inspection of Materials. Prior to opening tamper-proof containers of ballots that were hand-counted on election night, or sealed packages containing memory devices for ballots that were machine tabulated on election night, the ranked-choice counting personnel will inspect each container or package to document whether it was properly sealed. As each container or package is opened and ballots or memory devices are removed and processed, personnel will complete a tracking log.

Retention of Election Materials:

ME. REV. STAT. ANN. tit. 21-A, § 23: Preservation and Destruction of Records

7. For 22 months following an election in which a candidate for a federal office is on the ballot, the clerk shall keep the ballots, tabulation materials related to those ballots and challenge certificates, if any, in the clerk's office or other secure location under the control of the clerk, unless sooner released to the Secretary of State or required by the Secretary of State to be kept longer. Once released to the Secretary of State, they must be kept by the Secretary of State until any appeal period bearing on the validity of the election has expired. Notwithstanding this subsection, test ballots and documentation of preelection testing of tabulating or accessible voting devices must be kept for 6 months and ballots used for municipal elections conducted under this Title, referenda elections or special legislative elections must be kept for 2 months.

Maryland

MD. CODE ANN., ELEC. LAW § 2-305: Security of Ballot Drop Boxes; Removal of Material from Ballot Drop Boxes

(a)(1) A local board shall ensure the security of ballot drop boxes, including through the use of the following:

(i) monitoring by security cameras at all times; and

(ii) periodic in-person visits by appropriate personnel.

(2) A local board shall have immediate access or access within a reasonable amount of time to a security camera used for monitoring a ballot drop box under paragraph (1)(i) of this subsection.

(b)(1) Except as otherwise provided in law, a local board shall remove the election-related materials from each ballot drop box at least once each day that the ballot drop box is open in accordance with the chain of custody procedures established in accordance with paragraph (2) of this subsection.

(2) The State Board shall establish chain of custody procedures governing removal of election-related materials from ballot drop boxes and the return of the materials to the local board.

MD. CODE ANN., ELEC. LAW § 11-306: Custody and Security of Documents and Records Related to the Canvass

The person designated to maintain custody of the documents and records required under this title shall maintain and secure those items in accordance with the regulations adopted by the State Board.

MD. CODE ANN., ELEC. LAW § 9-216: Accountability System Required

(a) Consistent with the regulations adopted by the State Board for the voting system or systems used in the county, and subject to the approval of the State Board, each local board shall establish and maintain a system to account for, and maintain control over, the ballots from the beginning of production through postelection storage and disposition.

(b) The State Board shall monitor and periodically review the performance of the local boards in their compliance with subsection (a) of this section.

Retention of Election Materials

MD. CODE REGS. 33.03.01.05 (2026): Retention and Disposition – Statewide Schedules

A. Administrator to Develop.

(1) With the assistance of the Records Division and the State Archivist, the State Administrator shall prepare and obtain legal authorization to implement one or more Statewide retention

Appendix: 50-State Chain of Custody Survey

schedules to govern the retention and disposition of all election-related records of the various boards.

(2) These Statewide schedules shall encompass, among other records designated by the State Administrator:

- (a) Voted ballots;
- (b) Unvoted ballots;
- (c) Spoiled ballots;
- (d) Ballot stubs;
- (e) Voter authority cards;
- (f) Precinct registers;
- (g) Canvass sheets;
- (h) Certificates of candidacy;
- (i) Campaign finance reports;
- (j) Absentee ballot applications and envelopes;
- (k) Provisional ballot applications and envelopes;
- (l) Petitions for nomination;
- (m) Petitions for referendum;
- (n) Election judges' forms, reports, and logs; and
- (o) Pre-election proofing, testing, and certification documents.

B. Governing Law.

(1) The Statewide schedules shall be developed and implemented in accordance with:

- (a) COMAR 14.18.02; and
- (b) COMAR 14.18.04.

(2) Retention periods shall comply with all applicable federal laws, State laws, and this title.

C. Local Compliance. Each local board shall comply with the Statewide retention schedules established under this regulation.

Massachusetts

MASS. GEN. LAWS ANN. ch. 54, § 28: Care, Custody and Repair of Ballot Boxes, Counting Apparatus, and Voting Machines

The clerk of each city or town shall provide therein a place for the safe keeping of the ballot boxes and counting apparatus furnished by the commonwealth, and of voting machines used in such city or town. He shall have the care and custody thereof, and see that they are kept in good order and repair. The custody, care and repair of all such voting machines, ballot boxes and apparatus shall be at the expense of the city or town, but shall be subject to the supervision and control of the state secretary, who may, at the expense of the commonwealth, subject to approval as provided in section thirty-two, cause necessary improvements to be made in any of such voting machines, ballot boxes or apparatus.

MASS. GEN. LAWS ANN. ch. 54, § 30: Voting Place or Precinct Seals; Use and Custody

The city or town clerk shall furnish to the clerk of each voting place or precinct a seal of suitable device with a designation thereon of such voting place or precinct; and such seal shall be used in sealing all envelopes or other containers required by law to be used at elections. The clerk of the voting place or precinct shall retain custody of the seal, and shall, at the end of his term of office, deliver it, with the records of the voting place or precinct and other official documents in his custody to the city or town clerk.

MASS. GEN. LAWS ANN. ch. 54, § 105: Proceedings at Close of Polls; Counting Votes; Announcing and Recording Results

The voting lists and all ballots removed from the ballot box shall be kept in open view of the voters present until enclosed and sealed up, and all proceedings in the canvass and counting of votes shall be public and in open view of the voters, and there shall be no adjournment or postponement until the canvass and counting have been completed, and the voting lists and ballots have been enclosed and sealed up.

Upon the completion of the canvass and the counting, the warden shall place all ballots including absentee ballots, and all lists into a container and place a seal upon all such containers. The clerk shall receive from all the polling places such sealed containers and shall place all election material, so far as practical, in a locked facility.

950 MASS. CODE REGS. 46:05: Conduct of the Audit

(4) Prior to the beginning of the audit, the local election official shall deliver to the audit location the envelopes or containers containing all records of the election, including the sealed envelopes containing the ballots cast, the original tally sheets, the envelopes containing the spoiled and unused ballots, the voting lists used at the election, the certificates issued to voters omitted from the voting list, the precinct clerk's election record, the absentee ballot envelopes and applications for such absentee ballots as were cast at the election, the lists of voters who were sent absentee

Appendix: 50-State Chain of Custody Survey

ballots with the notation as to whether such ballots were cast or rejected or whether such voter voted in person, the early ballot envelopes and applications for early voting ballots by mail as were cast at the election, the lists of voters who were sent early voting ballots with the notation as to whether such ballots were cast or rejected or whether such voter voted in person at an early voting location or by mail, and the sealed envelopes containing the ballots rejected as defective.

(5) To conduct the audit, the board or commission shall unseal the envelopes or containers containing the ballots.

(a) Ballots for an audited precinct shall be separated into blocks of 50.

(b) Blocks of ballots shall be audited by a team of two workers, both of whom shall view each ballot. One worker shall read the votes, and the other shall record the votes on a tally sheet. Only the worker actually marking the tally sheet shall have any marking device, which must be a red pencil or red pen.

(c) Each team shall receive a block of ballots, the corresponding block tally sheet, and an envelope. The block tally sheet and envelope shall be marked with a block number.

(d) Tellers shall count each audited office and ballot question in its entirety before proceeding to the next ballot. They shall begin with the office at the top of the ballot, reading aloud the names of the candidates selected by the voter. They shall continue reading each office aloud in turn in the order in which they are printed on the ballot and proceed to the selected ballot question, if any. They shall count all offices on one ballot and then proceed to the next. They shall keep the ballots in the order counted.

Retention of Election Materials

MASS. GEN. LAWS ANN. ch. 54, § 109: Ballots and Lists; Custody; Disposition

City and town clerks shall retain in their custody the envelopes or containers containing the ballots cast, without examining them or permitting them to be examined by any person except as required by law, and upon the expiration of the period fixed for their preservation shall cause such ballots to be destroyed.

City and town clerks shall retain in their custody the voting lists as long as they retain the ballots cast. They shall then transmit such voting lists to the registrars of voters, and shall destroy the ballots marked "Spoiled", without examining them or permitting them to be examined. Such voting lists shall be preserved by the registrars of voters for reference for two years after the expiration of which they may be destroyed.

City and town clerks shall retain in their custody ballots not cast for 30 days or until any contest is determined or claim is withdrawn under section 134, and shall then make such disposition of the ballots not cast as they consider proper.

Michigan

MICH. COMP. LAWS ANN. § 168.666: Metal Seals, Red Gummed Paper Seals, and Blank Forms; Furnishing to County Clerks by Secretary of State

(a) Before each primary, general, or special election at which state, district, or county officers are to be nominated or elected, a supply of self-sealing metal seals adapted and suitable for sealing the ballot boxes used at the election. The metal seals shall have the words “State of Michigan” and serial numbers stamped on them. The secretary of state shall provide a sufficient number of metal seals for each voting precinct within the county at least 30 days before an election.

(b) A substantial supply of red gummed paper seals for use of the precinct boards of election inspectors in sealing the package of ballots and the envelopes containing the tally sheets or poll books and the statement of returns. Each seal shall have inscribed on it the words “Election Seal-State of Michigan” and the date of the primary or election at which it is to be used. A space shall also be provided on the seal in which 2 members of the board of election inspectors shall write their initials after the seal has been applied.

MICH. COMP. LAWS ANN. § 168.870: Delivery of Ballots, Ballot Containers, and Other Election Materials to Board of County Canvassers

The individual in charge of the ballot containers for each precinct referred to in the recount petition, as well as the individual in charge of any other election materials that are considered necessary, shall bring those ballot containers and election materials to the board of county canvassers as requested by the board. The board shall safely guard the ballots, ballot containers, and other election materials, and when those are no longer required, shall return those ballots, ballot containers, and other election materials to the individuals in charge of those ballots, ballot containers, and other election materials.

MICH. COMP. LAWS ANN. § 168.875: Completion of Recount; Deadline; Return of Ballots and Election Materials

(3) As soon as the recount is completed, the board shall return any ballots to the respective containers and seal the containers. The board shall then return the ballots and election materials to the individuals having the care and custody of those items.

MICH. ADMIN. CODE r. 168.792 (2025): Canvass

(1) A board of canvassers may, for reasonable cause, require the individual who programmed the tabulators to appear before the board, to bring documents pertinent to the programming, and to answer questions relevant to the programming.

(4) When an examination of documents or programs is completed or the ballots have been counted or retabulated, they must be returned to the ballot container or containers and sealed and delivered to their legal custodian. The number of the seal must be recorded on a certificate to be filed with the clerk of the board of canvassers.

MICH. ADMIN. CODE r. 168.927 (2025): Public Observance of Recounts; Handling of Ballots

(1) The recount must be open to the public for observation, but the public is not allowed within the confines of the actual working area and no individual may vocally or otherwise disturb the recount staff or interfere with the recount process. Violation of this rule results in removal from the recount area by law enforcement.

(2) Only the recount staff, the county board of canvassers, the state board of canvassers or its representative, or a clerk responsible for maintaining the custody of election materials may handle ballots. No member of the public, observer, candidate or the candidate's representative, or a representative of a ballot question committee may touch or otherwise handle a ballot or other election materials.

MICH. ADMIN. CODE r. 168.929 (2025): Completion of Recount; Procedure

On completion of the recount of any precinct, all ballots must be placed in the ballot container. The ballot containers must be properly sealed with a state seal supplied by the board of state canvassers. The ballot containers must be returned to the officers charged with their care and custody under R 168.902. The recount staff shall record the new seal number on the ballot container certificate.

(2) At the conclusion of the recount, the board of state canvassers shall notify each interested party that the recount is complete. The board of state canvassers shall provide notice by mail or email.

Retention of Election Materials

MICH. COMP. LAWS. ANN. § 168.811: Election Returns and Records; Preservation and Destruction

All election returns, including poll lists, statements, tally sheets, absent voters' return envelopes bearing the statement required by section 761,¹ absent voters' records required by section 760,² and other returns made by the election inspectors of the several precincts must be carefully preserved and may be destroyed after the expiration of 22 months following the primary or election at which the same were used. All applications executed under section 523,³ all voter registration applications executed by applicants under section 497(3) and (4),⁴ and all absent voters' applications must be carefully preserved and may be destroyed after the expiration of 6 years following the primary or election at which those applications were executed. All ballots used at any primary or election, other than ballots containing a federal office, may be destroyed after 30 days following the final determination of the board of canvassers with respect to the primary or election unless a petition for recount has been filed and not completed or unless the destruction of the ballots is stayed by an order of a court. All ballots containing a federal office, and all presidential primary ballot selection forms, may be destroyed after the expiration of 22 months following the primary or election at which those ballots were cast or forms were used.

Minnesota

MINN. R. § 8210.2450: Duties of Ballot Board Members When Examining Return Envelopes

Review. Two or more ballot board members from different major political parties must review the absentee ballots returned for the precinct under Minnesota Statutes, section 203B.121, unless they are deputy county auditors or deputy city clerks who have received training in the processing and counting of absentee ballots, or are exempt from that requirement under Minnesota Statutes, section 205.075, subdivision 4, or Minnesota Statutes, section 205A.10, subdivision 2.

MINN. R. § 8235.0400: Securing Ballots and Materials

The official who has custody of the voted ballots is responsible for keeping secure all election materials. Registration cards of voters who registered on election day may be processed as required by part 8200.2700. All other election materials must be kept secure by precinct as returned by the election judges until all recounts have been completed and until the time for contest of election has expired.

MINN. R. § 8235.0700: General Procedures

At the opening of a recount the recount official or legal adviser shall present the procedures contained in this rule for the recount. The custodian of the ballots shall make available to the recount official the precinct summary statements, the precinct boxes or the sealed containers of voted ballots, and any other election materials requested by the recount official. If the recount official needs to leave the room for any reason, the recount official must designate a deputy recount official to preside during the recount official's absence. A recount official must be in the room at all times. If the recount includes ballot format as provided in Minnesota Statutes, section 206.80, paragraph (b), clause (2), item (ii), and the ballots were used by ten or fewer voters in the precinct, the election judges from that precinct are not eligible to participate in conducting a recount or postelection review in that precinct.

The containers of voted ballots must be unsealed and resealed within public view. No ballots or election materials may be handled by candidates, their representatives, or members of the public. There must be an area of the room from which the public may observe the recount. Cell phones and video cameras may be used in this public viewing area, as long as their use is not disruptive. The recount official shall arrange the counting of the ballots so that the candidates and their representatives may observe the ballots as they are recounted. Candidates may each have one representative observe the sorting of each precinct. One additional representative per candidate may observe the ballots when they have been sorted and are being counted pursuant to part 8235.0800, subpart 2. Candidates may have additional representatives in the public viewing area of the room. If other election materials are handled or examined by the recount officials, the candidates and their representatives may observe them. The recount official shall ensure that

Appendix: 50-State Chain of Custody Survey

public observation does not interfere with the counting of the ballots. The recount official shall prepare a summary of the recount vote by precinct.

MINN. STAT. § 204B.182: Chain of Custody Plans

- (a) The county auditor must develop a county elections chain of custody plan to be used in all state, county, municipal, school district, and special district elections held in that county. If any of the political subdivisions cross county lines, the affected counties must make efforts to ensure that the elections chain of custody procedures affecting the local jurisdiction are uniform throughout the jurisdiction. County auditors must file the elections chain of custody plans with the secretary of state.
- (b) The chain of custody plan must account for both the physical and cyber security of elections-related materials. The plan must include sample chain of custody documentation.
- (c) The secretary of state may provide additional guidance to counties on elections chain of custody best practices and planning.
- (d) A municipal clerk, school district clerk, or special district clerk must utilize either the county chain of custody plan or create a local chain of custody plan for use in local elections not held in conjunction with federal, state, or county elections that meets or exceeds the requirements of the county elections chain of custody plan. Any plan adopted under this paragraph must be adopted and filed with the secretary of state and the county auditor at least 84 days before the first election in which it will be used.
- (e) Each political subdivision clerk who develops a local elections chain of custody plan pursuant to paragraph (d) and each county auditor must review their respective elections chain of custody plan prior to each state primary election. Any revisions to the elections chain of custody plan must be completed and filed with the secretary of state by June 1 prior to the state primary election.

Retention of Election Materials

MINN. R. § 8230.4150: Retention of Ballots

After the last precinct has been counted, the election official in charge of the central counting center shall retain ballots and related documents for one year for local elections and 22 months for federal elections unless otherwise ordered by a court order or recount procedure pursuant to Minnesota election laws.

Mississippi

MISS. CODE ANN. § 23-15-581: Public Counting

When the last qualified voter, who was standing in line at the polling place at 7:00 p. m., has cast his or her ballot, or 7:00 p. m., whichever is later, the poll managers shall proclaim that the polls are closed and publicly break the seal and open the ballot box to immediately proceed to count the ballots, at the same time reading aloud the names of the persons voted for, which shall be taken down. During the holding of the election and the counting of the ballots, the whole proceedings shall be in fair and full view of the voting public, candidates or their duly authorized representatives and other authorized poll watchers, without unnecessary interference, delay or encroachment upon the good order of the duties and proceedings of the poll managers and other officers of the election. There shall be no unnecessary delay and no adjournment except as provided by law.

MISS. CODE ANN. § 23-15-593: Ballot Box Irregularities

When the ballot box is opened and examined by the county executive committee in the case of a primary election, or county election commissioners in the case of other elections, and it is found that there have been failures in material particulars to comply with the requirements of Section 23-15-591 and Section 23-15-895 to such an extent that it is impossible to arrive at the will of the voters at such precinct, the entire box may be thrown out unless it be made to appear with reasonable certainty that the irregularities were not deliberately permitted or engaged in by the poll managers at that box, or by one (1) of them responsible for the wrong or wrongs, for the purpose of electing or defeating a certain candidate or candidates by manipulating the election or the returns thereof at that box in such manner as to have it thrown out; in which latter case the county executive committee, or the county election commission, as appropriate, shall conduct such hearing and make such determination in respect to the box as may appear lawfully just, subject to a judicial review of the matter as elsewhere provided by this chapter. Or the executive committee, or the election commission, or the court upon review, may order another election to be held at that box appointing new poll managers to hold the same.

MISS. CODE ANN. § 23-15-595: Sealing, Reopening and Resealing of Ballot Boxes

The box containing the ballots and other records required by this chapter shall, immediately after the ballots have been counted, be delivered by one (1) of the poll managers to the clerk of the circuit court of the county and the clerk shall, in the presence of the poll manager making delivery of the box, place upon the lock of such box a tamper-evident seal. The seals shall be numbered consecutively to the number of ballot boxes used in the election in the county, and the clerk shall keep in a place separate from such boxes a record of the number of the seal of each separate box in the county. The board of supervisors of the county shall pay the cost of providing the seals. Upon demand of the chair of the county executive committee in the case of primary elections, or the county election commissioner in the case of other elections, the boxes and their

contents shall be delivered to the county executive committee, or the county election commission, as appropriate, and after such committee or commission, as appropriate, has finished the work of tabulating returns and counting ballots as required by law on the night of the election, the committee or commission, as appropriate, shall return all papers and ballots to the box of the precinct where the election was held, and it shall make redelivery of the boxes and their contents to the circuit clerk who shall reseal the boxes. Upon every occasion the boxes shall be reopened and each resealing shall be done as provided in this chapter. The tabulating of all returns and the counting of all ballots other than affidavit ballots must be finished on the night of the election and reported to the tabulating center.

1.10 MISS. CODE R. § 8.3: Ballot Bags

Ballot bag specifications:

- A. All ballot bags utilized in an election must be comprised of a sufficient material and security system so as to prevent ballots from being tampered with before, during or after the conduct of the election.
- B. Procedures which document the chain-of-custody of the bag and the tracking of seals used each time the bag is opened must be incorporated into the use of the ballot bag.
- C. Additionally, all ballot containers must be compliant with the security, confidentiality and integrity requirements of the Help America Vote Act of 2002.

Retention of Election Materials

MISS. CODE ANN. § 23-15-645: Ballot Processing, Tally; Preservation of Materials

(3) Notwithstanding any other provision of law to the contrary, for federal and presidential general, special or primary elections, packages of protested, void and wholly blank ballots, voted ballots, open packages of unused ballots, sealed packages of unused ballots, and all absentee and military ballots and ballot envelopes, if any, shall be preserved for twenty-two (22) months after the date of any such general, special or primary election. For all other statewide, county or municipal elections, sealed packages of unused ballots, packages of protested, void and wholly blank ballots, open packages of unused ballots and all absentee and military ballots and ballot envelopes shall be retained for four (4) months, and may then be destroyed, provided a certificate articulating the election district identifying data and numbers of such ballots is filed with the balance of ballots described in this section, for the balance of the twenty-two-month retention period.

Missouri

MO. CODE REGS. ANN. tit. 15, § 30-10.140: Electronic Ballot Tabulation—Counting Preparation and Logic and Accuracy Testing

(H) All logic and accuracy test materials shall be sealed in a tamperproof container securely sealed in such a manner that if the container is opened, the seal will be broken beyond repair. All members of the accuracy certification team(s) shall verify, by signature or initials, the date and time the container was sealed on a certificate placed on the outside of the container. The election authority shall have custody of the logic and accuracy test materials, including the program, until called for by the accuracy certification team.

(I) After being prepared for voting, each electronic ballot tabulator shall be safely and securely stored until such time as the unit is transported to the polling location in which such unit is to be used.

MO. CODE REGS. ANN. tit. 15, § 30-10.060: Election Ballot Tabulation—Election Procedures

(1) (B) In those cases where the election authority determines it is more efficient to move voted ballots by use of a single person, those items shall be placed into a tamperproof container and sealed with a numbered seal. Members of a bipartisan team shall witness the sealing and verify the number of the seal by their signatures on a certificate placed on the exterior of the container. The container shall only be opened in the presence of a bipartisan team which shall verify the accuracy of the seal number before the seal is broken.

MO. CODE REGS. ANN. tit. 15, § 30-10.160: Electronic Ballot Tabulation—Election Procedures (Ballot Marking Devices and Precinct Counters)

(3) The election authority or his/her representative shall be on hand at all times in the counting center when the ballots, paper cast vote records, and memory components are unsealed. The units and containers shall be unsealed in the presence of bipartisan teams which shall verify that the seal is intact, and verify the seal number where numbered seals are used, before the seal is broken. When sealing and unsealing the containers, the members of the bipartisan teams shall verify the seal numbers by their signatures on a log sheet designed for that purpose.

Retention of Election Materials

Mo. Sec'y of State, Election Authority Records Retention Schedule,
<https://www.sos.mo.gov/CMSImages/LocalRecords/Election.pdf> (last visited Aug. 28, 2026).

028.007 Ballots

Also Called: Voted Ballots; Absentee Ballots; Federal Ballots; Sample Ballots; Unused Ballots; Defective Ballots; Spoiled Ballots, Verified Provisional Ballots; Unverified Provisional Ballots; includes all ballot types.

Appendix: 50-State Chain of Custody Survey

Function: The official list showing all candidates, ballot issues and ballot questions upon which an eligible elector is entitled to vote at an election, including ballots that are unused, voted, absentee, provisional, defective, spoiled, replacement, or mailed and returned by post office as undeliverable to inactive voters in mail ballot elections.

Content: May include, but is not limited to: jurisdiction; name and date of election; instruction to voters; candidates or issues for election. Sample ballots will have the words "sample ballot" in a prominent position on the form.

Minimum Retention: 22 months Disposition: Destroy Note: See RSMo 115.493. Unused ballots may be destroyed after canvass and challenge period have passed.

Approval Date: 8/24/2005; Updated 3/16/2015

Montana

MONT. CODE ANN. § 13-15-301: Disposition of Items by Election Administrator

- (1) The election administrator shall file the envelopes or packages containing the precinct registers, pollbooks, tally sheets, certificates of registration, and oaths of election officers. Except as provided in subsection (2), the election administrator shall keep them unopened until the county board of canvassers meets to canvass the returns. The board shall open the envelopes or packages.
- (2) The election administrator may open a package containing a precinct register to resolve questions concerning provisional ballots.
- (3) Immediately after the returns are canvassed, the election administrator shall file the pollbooks, election records, and papers delivered to the board of canvassers with the unopened packages of ballots and ballot stubs.

MONT. CODE ANN. § 13-17-211: Uniform Procedures for Using Voting Systems

- (1) For each voting system approved under 13-17-101, the secretary of state shall adopt rules specifying the procedures to be uniformly applied in elections conducted with the voting system.
- (2) The rules must, at a minimum, specify procedures that address the following:
 - (a) performance testing and certification under 13-17-212;
 - (b) how electors ensure the proper disposition of a ballot pursuant to 13-13-117 (2);
 - (c) the procedures to be followed if the comparison under 13-15-206 (2)(b) reveals discrepancies;
 - (d) how to operate and test the system during counts; and
 - (e) the security measures necessary to secure the voting system before, during, and after an election.

MONT. CODE ANN. § 13-19-308: Disposition of Ballots Returned in Person

If a ballot is returned in person by the elector or the elector's agent or designee to a place of deposit other than the election administrator's office, the election officials on location shall:

- (1) keep a log of the names of all electors for whom the officials receive ballots;
- (2) deposit the unopened signature envelope in the sealed ballot transport box provided for that purpose; and
- (3) securely retain all voted ballots until they are transported to the election administrator's office. The transport boxes must then be opened and the ballots handled in the same manner provided for ballots returned under 13-19-309.

Retention of Election Materials

Mont. Sec'y of State, Election Authority Records Retention Schedule,
<https://www.sos.mo.gov/CMSImages/LocalRecords/Election.pdf> (last visited Aug. 28, 2026).

BALLOTS –COUNTY AND LOCAL GOVERNMENT

a. Voted and un-voted and detached stubs -- 1 year if no recount is pending * see MCA 13-1-303
(FEDERAL LAW applies for fed elections)

Nebraska

NEB. REV. STAT. § 32-909: Ballot Box; Inspection and Use; Election Officials; Duties

Before any ballot is deposited in the ballot box, the ballot box shall be publicly opened and exhibited and the judges and clerks of election shall see that no ballot is in the box. The ballot box shall then be locked and the key delivered to one of the judges of election or, in counties having an election commissioner, to the precinct inspector. A ballot box which contains ballots that will be counted using a scanner may be opened prior to the hour established by law for the closing of the polls at the discretion of the election commissioner or county clerk.

NEB. REV. STAT. § 32-1010: Ballots; Where Counted; Delivery; Requirements

Ballots shall be counted at a centralized location or at polling places as provided in sections 32-1012 to 32-1018. If counting takes place at a centralized location:

- (1) The receiving board shall deliver the ballot box and other election materials to the centralized location as directed by the election commissioner or county clerk;
- (2) The election worker delivering the ballots shall deliver the ballots directly to such centralized location and shall make no stops other than at the centralized location or a polling location; and
- (3) In a county in which a midday pickup of ballots occurs on election day, ballots shall not be removed from the ballot box at a polling location but shall be transported to the centralized location in the ballot box in which they were originally deposited unless the poll watchers of two different political parties appointed in accordance with section 32-1013 observe such removal.

NEB. REV. STAT. § 32-1018: Centralized Location; Vote Counting Devices; Sealing and Storage; Reuse

All tapes, programming boards, and other materials used with vote counting devices for the election shall be sealed and stored with the ballots and election materials for that election for the amount of time required by law. Programming boards may be reused after six months have elapsed following an election in which they were used.

NEB. REV. STAT. § 32-1044. Vote Counting Device; Verify Accuracy; Tests; Certify; Watchers and Observers

(1) An election commissioner or county clerk using a vote counting device to count ballots shall conduct at least three independent tests before counting begins to verify the accuracy of the counting process, which includes the computerized program installed for counting various ballots by vote counting device. The test shall be conducted by:

- (a) The election commissioner or county clerk;

(b) The chief deputy election commissioner or a registered voter with a different party affiliation than that of the election commissioner or county clerk; and

(c) The person who installed the program in the vote counting device or the person in charge of operating the device.

(2) Watchers may be appointed to be present and observe the tests. Each political party shall be entitled to one watcher appointed and supplied with credentials by the county central committee of such political party. All other persons shall be excluded, except for observers authorized by the election commissioner or county clerk. Watchers and observers shall comply with the requirements for watchers and observers under section 32-1525. Watchers and observers cannot be excluded from the testing location unless the election commissioner or county clerk provides an unobstructed view of the testing by use of closed-circuit television, window, or similar device.

(3) Prior to any statewide primary or general election, the election commissioner or county clerk shall certify the date the testing was completed to the Secretary of State. The Secretary of State shall post the certification on the Secretary of State's website.

Retention of Election Materials

NEB. REV. STAT. § 32-1032: County Canvassing Board; Election Materials; Preservation; Duration; How Treated

Upon the completion of the canvass by the county canvassing board, all books shall again be sealed, and the election commissioner or county clerk shall keep all election materials, including the ballots-cast containers from each precinct, the sealed envelopes containing the precinct list of registered voters, the precinct sign-in register, the official summary or summaries of votes cast, and the container for early voting materials, for not less than twenty-two months when statewide primary, general, or special elections involve federal offices, candidates, and issues and not less than fifty days for local elections not held in conjunction with a statewide primary, general, or special election. No person other than the Secretary of State, the election commissioner or county clerk, law enforcement, or the courts shall be allowed to make copies of the precinct sign-in register. The election commissioner or county clerk shall not allow any other election materials to be inspected, including ballots, the names of voters who filled out a provisional voter identification verification envelope pursuant to section 32-915.03, and provisional ballot envelopes, except when an election is contested or the materials become necessary to be used in evidence in the courts. The election commissioner or county clerk shall direct the destruction of such materials after such time, except that the election commissioner or county clerk may retain materials for the purposes of establishing voter histories.

Nevada

NEV. ADMIN. CODE § 293B.022: Maintenance of Documentary Record for Mechanical Voting System, Mechanical Voting Device and Other Voting Equipment; Inspection; Seals

1. For any mechanical voting system, mechanical voting device and other voting equipment in the custody of a county or city, including, without limitation, central counting equipment, precinct scanners, electronic rosters, direct recording equipment, voting machines and ballot marking devices, each county clerk and city clerk shall maintain in permanent ink a written documentary record of:

(a) Any transport of a mechanical voting system, mechanical voting device or other voting equipment between parties, including, without limitation, documentation of seals, chain-of-custody access logs and any other related information;

(b) The uninterrupted chain of custody of each mechanical voting system and mechanical voting device and all other voting equipment in the custody of the county or city, which must span the entire time the mechanical voting system, mechanical voting device or voting equipment has been in the custody of the county or city, as applicable; and

(c) The serial numbers of each mechanical voting system, mechanical voting device and other voting equipment that is repaired or replaced, including, without limitation:

(1) The date the mechanical voting system, mechanical voting device or other voting equipment was sent for repairs or replacement; and

(2) A description of the repairs or the serial number of the replacement mechanical voting system, mechanical voting device or other voting equipment, as applicable.

NEV. ADMIN. CODE § 293.334: Receipt, Recording and Verification of Signature of Mail Ballot; Procedure for Rejected Mail Ballot; Records of Chain of Custody

3. Each county clerk shall keep records of the chain of custody for all mail ballots, including, without limitation, the mailing of mail ballots, reissued mail ballots, rejected mail ballots, verified mail ballots, duplicated mail ballots and tabulated mail ballots.

NEV. ADMIN. CODE § 293B.055: Security of and Access to Mechanical Voting System, Mechanical Voting Device and Voting Equipment, Records of Persons Who Access

1. Each county clerk and city clerk shall ensure that each mechanical voting system and mechanical voting device and all other voting equipment used by the county or city is secured in a facility with controlled access when not in use. A person shall not access the mechanical voting system, mechanical voting device or voting equipment unless he or she has been given specific written authorization from the county or city clerk. The county or city clerk shall notify the Secretary of State in writing within 24 hours if any

person accesses a mechanical voting system, a mechanical voting device or any other voting equipment without such authorization.

2. Each county and city clerk shall maintain a record of each person who accesses a mechanical voting system, a mechanical voting device or any other voting equipment pursuant to subsection 1. The record must include the name of the person, the signature of the person and the time and date of the access. If access is controlled using a key card or similar door access system, the system must produce records that meet the requirements of this subsection.

NEV. REV. STAT. ANN. § 293B.335: Delivery of Ballots and Election Materials to Receiving Center or Counting Place; Disposition of Other Materials; Members of General Public Allowed to Observe Delivery

1. At least two members of the election board shall deliver the sealed container to a receiving center or to the central counting place, as directed by the county clerk. **If practicable, the members must be of different political parties.** (emphasis added).
2. At least two members of the election board shall provide for the transportation or other disposition of all other supplies and election materials as directed by the county clerk.
3. Any member of the general public may observe the delivery of a sealed container to a receiving center or to the central counting place if he or she does not interfere with the delivery of the sealed container.

Retention of Election Materials

NEV. REV. STAT. ANN. § 293.391: Disposition and Inspection of Ballots, Lists, Records and Stubs of Voted Ballots after Canvass by County Commissioners

1. The voted ballots, rejected ballots, spoiled ballots, challenge lists, records printed on paper of voted ballots collected pursuant to NRS 293B.400, reports prepared pursuant to NRS 293.269937 and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes by the board of county commissioners, be sealed and deposited in the vaults of the county clerk. The tally lists collected pursuant to this title must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk without being sealed. All materials described by this subsection must be preserved for at least 22 months, and all such sealed materials must be destroyed immediately after the preservation period. A notice of the destruction must be published by the clerk in at least one newspaper of general circulation in the county not less than 2 weeks before the destruction.

New Hampshire

N.H. REV. STAT. ANN. § 659:62: Return of Materials from Additional Polling Place

Except as provided in RSA 659:59, upon the closing of the polls at each additional polling place, the ballot box at such polling place shall be sealed by the assistant moderator. Such sealing shall be done in the presence of the inspectors of election and shall be certified by the assistant clerk at such polling place. The assistant moderator shall also seal in a package the duplicate checklists used at the additional polling place together with the unused and spoiled ballots. The ballot box and the package shall be delivered to the moderator at the central polling place without unnecessary delay and with the seals unbroken by 2 election officials designated by the assistant moderator. Such 2 election officials shall be of different political parties.

N.H. REV. STAT. ANN. § 659:77: General Neglect by Town or Ward Moderator and Clerk

IV. An election monitor appointed under paragraph III shall have full access to the polling place, including authority to directly observe the registration of voters on election day, the checking in of voters by inspectors of elections, assistance to voters with disabilities, the use of the accessible voting system, the receipt of ballots, the processing of absentee ballots, and the counting of ballots, and may handle marked ballots for the purposes of instruction during the counting and tabulating process.

N.H. REV. STAT. ANN. § 659:95: Sealing and Certifying Ballots

I. Immediately after the ballots cast at a state election have been tabulated and the result has been announced and the return has been made, the moderator or the moderator's designee, in the presence of the selectmen or their designee, shall place the cast, cancelled, and uncast ballots, including such ballots from any additional polling places, and further including the successfully challenged and rejected absentee ballots still contained in their envelopes, in the containers provided by the secretary of state as required by RSA 659:97 and shall seal such container with the sealer provided by the secretary of state as required by RSA 659:97. The moderator or the moderator's designee shall then enter in the appropriate blanks on such sealer on each container the number of cast, cancelled, and uncast ballots in such container and shall endorse in the appropriate place on such sealer a certificate in substance as follows:

Enclosed are the ballots from the state election in the town of _____ (or in ward _____ in the city of _____) held on _____, 20____, Box _____ of _____, to be preserved in accordance with RSA 33-A:3-a. The moderator and the selectmen or their designee shall sign their names in the appropriate blanks on the sealer.

II. Ballots, including cast, cancelled, and uncast ballots and successfully challenged and rejected absentee ballots still contained in their envelopes, prepared or preserved in accordance with the election laws shall be exempt from the provisions of RSA 91-A. This exemption shall apply to

Appendix: 50-State Chain of Custody Survey

any ballots or absentee voter affidavits prepared for or used in any election conducted by the state or any political subdivision, including federal elections.

N.H. REV. STAT. ANN. § 659:98: Delivery of Ballots to Town Clerk

The moderator, or the moderator's designee, and the selectmen, or their designee, after they have sealed and certified the state election ballots as provided in RSA 659:95 and RSA 659:96, shall deliver the sealed containers to the town or city clerk, or to the clerk's designee, who shall in their presence enter in the appropriate place on each sealer the time of day and shall sign his or her name in the appropriate blank on the sealer. The clerk or the clerk's designee shall, without breaking the seals or otherwise changing the condition of the containers, deposit the containers in the town or city hall. Containers containing ballots and absentee balloting materials that have been sealed after an election according to instructions provided by the secretary of state shall be stored in a location under the direction of the clerk. A log shall be maintained by the clerk specifying the location and the containers at the location. Once stored, the containers shall be accessible only to individuals working under the direction of the town clerk, as required for recounts, or as necessary for the secretary of state to verify the container storage. When the containers are removed to allow for destruction of ballots in accordance with RSA 33-A:3-a, the destruction of the ballots and absentee balloting materials shall be the final entry in the log.

Retention of Election Materials

N.H. REV. STAT. ANN. § 33-A:3-a: Disposition and Retention Schedule

XXXVI. Elections-federal elections: ballots and absentee ballot applications, affidavit envelopes, lists, and electronic ballot counting device external storage devices: by the town clerk until the contest is settled and all appeals have expired or at least 22 months after the election, whichever is longer. Extra electronic ballot counting device external storage devices programmed for, but not used during the election are exempt from preservation. The external storage devices of electronic ballot counting devices, including those that capture digital images, shall be disposed of in the same manner as ballots, absentee ballot applications, affidavit envelopes, and lists. Disposal may be achieved by either physically destroying the storage device or by secure erasure that permanently destroys all election-related data on the storage device, including election programming, vote tallies, and digital images.

XXXVII. Elections-not federal: ballots and absentee ballot applications, affidavit envelopes, lists, and electronic ballot counting device external storage devices: by the town clerk until the contest is settled and all appeals have expired or at least 60 days after the election, whichever is longer. Extra electronic ballot counting device external storage devices programmed for, but not used during the election are exempt from preservation.

New Jersey

N.J. STAT. ANN. § 19:32-11: Sealing, Preserving and Opening Ballot Boxes

The superintendent, his chief deputy or assistants, shall have the power, when in his or their judgment it is deemed necessary at any election, upon the completion of the counting and canvassing of the ballots by any district board, to enter any place containing ballot boxes for the purpose of taking possession and sealing any ballot box or boxes with a seal to be adopted by the superintendent. When any ballot box shall be so sealed it may be removed to a vault or other place of security by the superintendent, his chief deputy or assistants, but shall not be opened and the seal thereof destroyed or affected without an order first had and obtained from a judge of the Superior Court assigned to the county. Taping or any other mechanical device may be used to make such sealing secure.

N.J. STAT. ANN. § 19:48-6: Duties of Officials Concerning Machines

Before preparing a voting machine for any election, written notice shall be mailed by such board of elections or such superintendent of elections or such municipal clerk, as the case may be, to the chairman of the county committee of at least two of the principal political parties, stating the time and place where the machines will be prepared, at which time one representative of each such political party shall be afforded an opportunity to see that the machines, including the emergency ballot boxes, are in proper condition for use in the election; such representatives shall be sworn to faithfully perform their duties and shall be regarded as election officials, but shall not interfere with the custodian or custodians or other persons employed or appointed as aforesaid or assume any of his or their duties. When a machine and the affixed emergency ballot box have been so examined by such representatives, the emergency ballot box shall be sealed with a numbered green seal and the voting machine shall be locked against voting and sealed with a numbered seal. Such representatives shall certify, upon a form to be provided by such county board of elections or such superintendent of elections or such municipal clerk, as the case may be, as to the numbers of the machines and emergency ballot boxes, that all of the counters are set at zero (000) and the ballot boxes are furnished with the emergency ballots, and as to the numbers registered on the protective counter, if one is provided, and on the seals. Such certificate shall be filed by them with such county board of elections or such superintendent of elections or such municipal clerk, as the case may be. After a voting machine and an emergency ballot box have been properly prepared for the election and the machine locked against voting and sealed, the keys for the voting machine shall be delivered to such county board of elections or such superintendent of elections or such municipal clerk, as the case may be, together with a written report made by a custodian stating that the machine and the affixed emergency ballot box are in every way properly prepared for the election.

N.J. STAT. ANN. § 19:52-5: Announcing the Vote and Locking the Machine Against Voting

Immediately upon the close of the polls, the district election officers shall lock and seal the voting machine against further voting and open the counter compartment in the presence of persons who may be lawfully present at that time, giving full view of the counters. The judge of the district board, under the scrutiny of a member of such board who is not a member of the same political party as the judge, shall then in the order of the offices as their titles are arranged on the machine, read and announce in distinct tones the result as shown by the counters, and shall then read the votes recorded for each office on the irregular ballots. He shall also, in the same manner, read and announce the vote on each constitutional amendment, proposition or other question. As each vote is read and announced, it shall be recorded in two statements of canvass by two other members of such district board who are not members of the same political party, and when completed the record thereof shall be compared with the numbers on the counters of the machine. If found to be correct, the result shall be announced by the judge of such board and the statement of canvass, after being duly certified, shall be filed as now provided by law for filing election returns.

Retention of Election Materials

N.J. STAT. ANN. § 19:63-24: Two Year Record Retention of All Requests, Applications and Returned Mail-In Ballot Documents

The county board of elections shall keep, for two years, all of the requests and applications for mail-in ballots, all voted mail-in ballots, and all of the certificates that have been detached or separated by them from the inner envelopes. All inner envelopes together with their certificates, and the contents of those envelopes not opened by order of the county board or Superior Court, shall also be retained for the same period by the board. The superintendent of elections in counties having a superintendent of elections and the prosecutor in all other counties shall have the authority to impound all mail-in ballots whenever the superintendent or prosecutor, as may be appropriate, shall deem such action to be necessary.

New Mexico

N.M. CODE R. § 1.10.34.8: Security Requirements

A. The storage facility used for county storage of voting systems shall employ a sign-in and sign-out sheet to document each individual entering or leaving the facility, to include election officials.

B. Unless located in a secure, locked area in the county clerk's office, the storage facility used for county storage of voting systems:

- (1) shall be provided with an intrusion detection alarm system and a video surveillance system meeting ISO or ANSI standards; and
- (2) shall be provided with exterior lighting of sufficient intensity to afford observers immediate recognition of illegal acts such as breaking and entering or unauthorized removal of equipment during non-working hours; switches for exterior lights shall be installed only in the interior of the building; exterior lights shall be protected from damage or replaced if damaged within 72 (seventy-two) hours of such occurrence; and
- (3) shall have access doors for the storage facility constructed of materials that will render forcible entry extremely difficult in a period of 5 minutes;
- (4) in addition, the county clerk shall limit unescorted access to the storage facility to election 1.10.34 NMAC officials, individuals authorized by the county clerk and those individuals permitted access under the provisions of the New Mexico Election Code (Chapter 1, Articles 1 through 24, NMSA 1978); and
- (5) the county clerk and county clerk staff shall have unlimited access to the storage facility and access shall not be controlled by any third party.

C. During transit from the storage facility to or from a polling place, vehicles transporting voting systems shall not be left unlocked if unattended. Moving companies contracted with by a county for the transport of voting systems shall be insured and bonded.

D. The storage facility shall include a locked and restricted access area for removable storage media devices, which will preserve the integrity of the devices. If the voting system's removable storage media devices are to be programmed outside of the storage facility, chain of custody documentation shall be preserved by the county clerk.

E. The board of county commissioners shall be responsible for the costs of the security requirements associated with properly storing state or county-owned voting systems in the custody of the county clerk.

N.M. CODE R. § 1.10.39.9: County Clerk Reconciliation Procedures

E. After the county clerk has completed all duties pursuant to 1.10.39.9 NMAC, the county clerk shall deliver the qualified provisional ballots to be counted and sealed containers containing ballots to be hand counted (regular hand tally ballots and ballots containing write-in votes) to the canvass election board along with the verified roster covers and the completed provisional ballot reconciliation form.

N.M. CODE R. § 1.10.19.9: Secured Container Security Requirements

A. A county clerk shall request approval from the secretary of state prior to installation of a secured container to ensure it meets minimum security requirements. The secretary of state shall respond to such requests within 14 days.

B. A secured container shall be permanently bolted to the ground in accordance with the instructions provided by the container manufacturer. A secured container shall be constructed of weather-resistant metal and capable of securely receiving and holding voted mailed ballots. A secured container shall have network accessibility and shall have installed heat, humidity and motion sensors.

C. A secured container and monitoring network hardware shall be secured and locked at all times. Only the county clerk or deputy county clerk, election board member or appointed messenger shall have access to the keys or combination of the lock. The county clerk shall maintain a key control log on a form prescribed by the secretary of state to document the utilization of and to account for secured container keys. All keys issued by the secretary of state shall be controlled, accounted for, and not easily accessible. Upon the election or appointment of a new county clerk and after each U.S. presidential election, lock combinations shall be changed and documented on a form prescribed by the secretary of state. All forms utilized pursuant to this section shall be retained by the county clerk as a record related to voting pursuant to Subsection G of Section 1-12-69 NMSA 1978.

D. In addition to locks, all secured containers shall be sealed with one or more tamper-evident seals while in use. Lock combinations shall be changed when a new clerk is appointed or elected and after each U.S. presidential election. Combination lock changes shall be documented by the county clerk.

E. Secured containers shall be installed in a lighted area and monitored by a centralized video surveillance camera system provided by the secretary of state. The video surveillance system shall otherwise be monitored and controlled by the county clerk through a video surveillance dashboard. The county clerk shall immediately review video surveillance footage upon receiving a report of an irregular or illegal incident or upon receipt of a sensor alert and:

- (1) Beginning 28 days prior to election day and through the certification of the county canvass, the county clerk shall log into the video surveillance dashboard each day. During

Appendix: 50-State Chain of Custody Survey

all other weeks of a calendar year, the county clerk shall log into the video surveillance dashboard on a weekly basis.

(2) The county clerk shall maintain a list of the clerk's office personnel with access to the video surveillance dashboard and shall notify the secretary of state's office of any changes to the list. The county clerk shall contact the secretary of state for required training and shall ensure that all persons granted dashboard access complete required training, provided by the secretary of state, prior to utilizing the dashboard.

N.M. CODE R. § 1.10.19.13: Ballot Retrieval Procedures

E. The person collecting the ballots from the permanent or temporary drop box shall also record the date, time, drop box location, and identity of the person collecting the boxes on each of the official mailing envelopes collected.

Retention of Election Materials

N.M. CODE R. § 1.10.19.10: Video Surveillance Record Retention

A. Video recordings shall operate during the start of absentee voting through election day for all elections conducted under the election code.

B. Video recordings shall be maintained as a record related to voting pursuant to the provisions of Section 1-12-69 NMSA 1978, except that recordings shall be retained beyond the normal retention period pending the resolution of any reported incident.

C. The relevant county clerk is responsible for maintaining all camera recordings, is the proper custodian of these recordings, and is responsible for fulfilling public record requests associated with these video recordings. (emphasis added).

N.M. STAT. ANN. § 1-12-69: Disposition of Paper Ballots and Records Requisite to Voting

A. Paper ballots marked by voters and records requisite to voting in any election shall be retained and preserved for the greater of:

(1) twenty-two months from the date of the election for any election in which a federal office appears on the ballot;

(2) ten months from the date of the election for all other elections; or

(3) four months following resolution of a contest or other judicial inquiry, including all appeals, for any election, precinct or polling place that is the subject of the contest or other judicial inquiry.

New York

N.Y. ELEC. LAW §3-226: Boards of Elections; Ownership, Care, Custody and Control of Voting Machines

1. Boards of elections shall direct the purchase, acquisition or lease of voting machines, of a kind authorized by law, which shall be selected by such board provided, however, nothing in this section shall preclude the state board of elections from distributing voting machines to boards of elections without charge. All voting machines, and appliances and equipment relating to or used in the conduct of elections shall be in the care, custody and control of the board of elections. Such board shall cause all necessary repairs and maintenance to be made and employ such help as may be necessary in making such repairs and in moving, setting up and caring for all election materials, equipment and appliances, including voting machines.

N.Y. ELEC. LAW § 4-132: Polling Places; Equipment For

The board of elections or the town, city or village clerk, when a town, city or village holds an election not conducted by the board of elections, shall provide in each polling place, as required, the following articles:

- a. Material to define the voting area.
- b. Separate boxes for the purposes of receiving ballots. Such boxes shall have an opening on the top, large enough to allow a single ballot to be passed easily through the opening, but no larger, and shall be supplied with a protective lock or seal.

N.Y. ELEC. LAW § 5-230: Local Registration; Disposition of Records and Supplies

2. If allowed by the board of elections, at the end of each day of registration, the chairman may, after locking and sealing the same, leave the registration poll records in the custody of a member of the board of one political party and the corresponding central file registration records with a member of the board of the opposite political party and himself retain custody of all other articles, or securely store such other articles in the place of registration if the same be a public building.

N.Y. ELEC. LAW § 9-120: Returns of Canvass; Generally

1. Upon completing the canvass, the inspectors shall prepare their returns of the canvass on a printed form supplied to them by the board of elections. The results tape(s) and the tally sheet(s) for any office, party position or ballot proposal, if separate from such form, shall be securely attached by the chair or an inspector under the scrutiny of an inspector of the opposite party to such form returns and it shall not be necessary to transcribe information provided by such results tapes onto such form. Results tape(s) or a tally sheet(s), when so annexed, or forming part of the same paper as the return, shall be treated as part of the return. The inspectors, and clerks, if any, shall subscribe in ink the certificate at the end of the set of returns. Each set of returns shall be

securely sealed in an envelope properly endorsed on the outside by the inspectors. At an election at which voting machines are not used, the ballot boxes, if any, supplied by the board of elections, may when securely locked be used instead of sealed envelopes.

Retention of Election Materials

N.Y. ELEC. LAW § 3-222: Preservation of Ballots and Records of Voting Machines

2. Voted ballots shall be preserved for two years after such election and the packages thereof may be opened and the contents examined only upon order of a court or judge of competent jurisdiction, or by direction of such committee of the senate and assembly if the ballots relate to the election under investigation by such committee, and at the expiration of such time, such ballots may be disposed of at the discretion of the officer or board having charge of them.

North Carolina

N.C. GEN. STAT. § 163-165.1: Scope and General Rules

(e) 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.

N.C. GEN. STAT. § 163-166.7: Voting Procedures

(c)(3) Except as provided by G.S. 163-166.9, no official ballots leave the voting enclosure during the time voting is being conducted there. The rules shall also provide that during that time no one shall remove from the voting enclosure any paper record or copy of an individually voted ballot or of any other device or item whose removal from the voting enclosure could permit compromise of the integrity of either the machine count or the paper record.

8 N.C. ADMIN. CODE 10B.0105: Procedures at the Close of Voting

(k)(5) The container shall be sealed with non-transparent tape of sufficient size to contain signatures. It shall be signed by the Chief Judge and two Judges.

(l) Consolidation sheets, including the statement of returns for all voted official ballots, shall be completed by adding curbside votes to the totals. In any precinct using direct record electronic voting equipment, the county board of elections may provide for any paper ballots to be transported upon closing of the polls to the office of the county board of elections for counting. An accounting form shall be completed that accounts for every used and unused ballot providing the number of blank ballots received from the board of elections, the number of regular voted ballots, provisional voted ballots, and spoiled ballots.

(m) Voted provisional ballots must be placed in a sealed envelope or container and the seal must be signed by the Chief Judge and Judges.

(n) The Chief Judge or precinct official shall bring the results cartridge (or reading) from each unit to the board of elections office.

(o) All supplies must be collected for return to the board of elections office. Any items brought into the polling place facility shall be removed upon vacating the polling place. Precinct Judges shall ensure that the facility is left in the same condition in which it was received for voting purposes.

Appendix: 50-State Chain of Custody Survey

(p) Under no circumstance shall voting items be left in the polling place facility out of the custody of the Chief Judge or other designee.

8 N.C. ADMIN. CODE 10B.0106: Election Supplies Return

(a) After an election or primary, all election supplies, including but not limited to election results materials, registration and voter history materials, provisional voting materials, challenged voter materials, ballots, and completed forms, shall be taken to the county board of elections office as soon as all procedures described in 8 NCAC 10B.0105 are complete.

(b) Election materials and supplies, used or unused, shall not remain in the custody of the Chief Judge, Judges, or any other person and shall be returned to the county board of elections office. If it is not possible for a county board of elections to have all precincts return materials and supplies on the night of the election, the county board of elections must submit a security plan describing how election materials and supplies shall be temporarily stored to the Executive Director of the State Board of Elections 30 days prior to the election. The Executive Director will provide either approval or required modifications to the plan in writing no later than 15 days prior to the election. Factors to be used in making a determination under this Paragraph may include:

- (1) the distance of the round trip from the precinct to the county board of elections office;
- (2) whether heavy traffic exists, including due to tourism or construction; and
- (3) anticipated weather conditions.

(d) All materials shall be transported with a “chain of custody” form that includes a list of the supplies used at the voting site, the signatures and times in which the supplies are in the custody of each official. All supplies, once received at the board of elections, shall be verified and signed for by a board of elections representative.

Retention of Election Materials

N.C. GEN. STAT. § 163-22: Powers and Duties of State Board of Elections

(s) 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.

North Dakota

N.D. CENT. CODE § 16.1-07-10: Care and Custody of Ballot—Submitted Ballot May Not Be Returned

Upon receipt of an envelope containing the absent voter's ballot, the proper officer immediately shall attach the application of the absent voter and file the ballot with other absentee ballots from the same precinct. If the election official has reason to suspect the signature on the application was made by a different individual than the individual who signed the affidavit on the return ballot envelope, the election official shall attempt to contact the absent voter as soon as practicable to provide an opportunity to validate the signatures. Contact shall first be attempted by phone if the absent voter provided a phone number on the submitted application. If the election official is unable to speak with the absent voter, the election official shall mail a notice informing the absent voter the absentee ballot has been identified as having a signature mismatch and will be rejected if not verified. After submission to the appropriate election officer, a marked absent voter's ballot may not be returned to the voter for any reason other than to complete any missing information required on the affidavit on the back of the return envelope. Before delivering the absentee ballots to the absentee ballot precinct, the proper officer shall package the ballots in a manner so the ballots are sealed securely. The package must be endorsed with the name of the proper voting precinct, the name and official title of the officer, and the words "This package contains an absent voter's ballot and must be opened only according to the processing provisions of section 16.1-07-12." The officer shall keep the package safely in the officer's office until the package is delivered by the officer as provided in this chapter.

N.D. CENT. CODE § 16.1-15-12: Care and Custody of Ballot Boxes and Voting Machines

Ballot boxes and voting machines are to be under the care and custody of the county auditor and assigned staff members.

N.D. CENT. CODE § 16.1-06-18: Delivery of Ballots

County auditors shall deliver, or cause to be delivered, by reliable method, to the inspector of elections in each polling place the official ballots. The ballots must be delivered in sealed packages marked plainly with the name of the precinct. The county auditor also shall deliver or cause to be delivered a suitable seal for the wrapper containing the ballots as provided in section 16.1-15-08.

Retention of Election Materials:

N.D. CENT. CODE § 16.1-15-13: County Recorder to Keep Ballots—Exception—Use of Ballots as Evidence

Immediately upon receiving the ballots as provided in section 16.1-15-08, the county recorder shall give a receipt to the election judges and shall place the ballots in boxes that are securely locked. The boxes must be placed in a fireproof vault and must be kept securely for forty-five

days if the ballots do not contain federal offices and twenty-two months if the ballots contain federal offices. The ballots may not be opened nor inspected, except upon court order in a contested election, when it is necessary to produce them at a trial for any offense committed at an election, or to permit election officials to complete their duties. Either forty-five days or twenty-two months after the election dependent upon the retention schedule outlined in this section, upon determination by the county recorder that no contest is pending, the ballots must be destroyed. If any contest of the election of any officer voted for at the election or a prosecution under the provisions of this title is pending at the expiration of the time, the ballots may not be destroyed until the contest or prosecution is finally determined. The ballots returned to the county recorder as provided in this section must be received in evidence without introducing further foundation.

Ohio

OHIO REV. CODE ANN. § 3505.16: Ballot Boxes and Supplies

Before the opening of the polls, the package of supplies and the ballot box shall be opened in the presence of the precinct officials. The ballot box, the package of ballots, registration forms, and other supplies shall at all times be in full sight of the observers, and no ballot box or unused ballots during the balloting or counting shall be removed or screened from their full sight until the counting has been closed and the final returns completed and the certificate signed by the judges.

OHIO REV. CODE ANN. § 3505.31: Disposition of Ballots, Pollbooks, Poll Lists, and Tally Sheets

When the results of the voting in a polling place on the day of an election have been determined and entered upon the proper forms and the certifications of those results have been signed by the precinct officials, those officials, before leaving the polling place, shall place all ballots that they have counted in containers provided for that purpose by the board of elections, and shall seal each container in a manner that it cannot be opened without breaking the seal or the material of which the container is made. They shall also seal the pollbook, poll list or signature pollbook, and tally sheet in a manner that the data contained in these items cannot be seen without breaking the seals. On the outside of these items shall be a plain indication that they are to be filed with the board. The voting location manager and an employee or appointee of the board of elections who has taken an oath to uphold the laws and constitution of this state, including an oath that the person will promptly and securely perform the duties required under this section and who is a member of a different political party than the voting location manager, shall then deliver to the board the containers of ballots and the sealed pollbook, poll list, and tally sheet, together with all other election reports, materials, and supplies required to be delivered to the board.

Retention of Election Materials

OHIO REV. CODE ANN. § 3505.31: Disposition of Ballots, Pollbooks, Poll Lists, and Tally Sheets

The board shall carefully preserve all ballots prepared and provided by it for use in an election, whether used or unused, including any electronic images of ballots, for at least eighty-one days after the day of the election, except that, if an election includes the nomination or election of candidates for any of the offices of president, vice-president, presidential elector, member of the senate of the congress of the United States, or member of the house of representatives of the congress of the United States, the board shall carefully preserve all ballots prepared and provided by it for use in that election, whether used or unused, for twenty-two months after the day of the election. If an election is held within that eighty-one-day period, the board shall have authority to transfer those ballots to other containers to preserve them until the eighty-one-day period has expired. After that eighty-one-day period, the ballots shall be disposed of by the board in a manner that the board orders, or where voting machines have been used the counters may be turned back to zero; provided that the secretary of state, within that eighty-one-day period, may

Appendix: 50-State Chain of Custody Survey

order the board to preserve the ballots or any part of the ballots for a longer period of time, in which event the board shall preserve those ballots for that longer period of time.

Oklahoma

OKLA. STAT. tit. 26, § 3-131: Authority to Employ Security Measures to Protect Voting Process

Subject to available funding, the Secretary of the State Election Board is authorized to employ such security measures as may be necessary to protect the voting devices, election system or voter registration system, and any associated hardware, software or networks of these systems, from cyber security threats or physical security threats. The Secretary may promulgate rules and procedures to implement the requirements of this section.

OKLA. STAT. tit. 26, § 7-132.2: Voting Devices – Removal and Transfer of Election Results Storage Medium

After the results have been printed from the election results storage medium, the voting device shall be unlocked and the seal removed from the election results storage medium compartment. The election results storage medium shall be removed and prepared for transfer to the county election board as prescribed by the Secretary of the State Election Board.

OKLA. STAT. tit. 26, § 7-134: Retention of Transfer Case

The county election board shall not disturb anything in the transfer case, and the case shall remain sealed and retained by the secretary of the county election board until opened by court order or until it is necessary to open same for use at another election, at which time the ballots shall be destroyed; provided, however, that in no case shall the ballots be destroyed until thirty (30) days after the election at which they were cast. Provided, the secretary of the county election board shall be authorized to open a sealed transfer case for the purpose of conducting a post-election audit as described in Section 1 of this act.

OKLA. STAT. tit. 26, § 7-137: Methods of Sealing

The State Election Board shall prescribe methods of sealing all ballots, all certificates of vote and all materials used in recording the count of the ballots in such a manner that any tampering with, or altering of same after said sealing has been accomplished can be detected.

OKLA. ADMIN. CODE § 230:35-5-17: Receiving Supplies and Ballots

(c)(3) Keys. The Inspector receives two keys - the round ballot box key and the square voting device key. The round ballot box key unlocks both locks on the main compartment of the ballot box, the door of the emergency compartment of the ballot box and the rear door of the ballot box. The square voting device key unlocks both locks on the voting device case. The keys are together on a key ring and enclosed in the unsealed voting device key envelope.

(c)(4) Ballots. The Inspector receives the ballots for the precinct. The precinct's ballots are listed on the Precinct Check List form. There may be only one ballot or several ballots depending on the type of election or elections being conducted on a particular date. Ballots are bound in books

Appendix: 50-State Chain of Custody Survey

of 100 ballots. The Inspector must be sure that the ballot quantities listed on the Precinct Check List are included in the supplies.

(c)(5) Voting Device. The Inspector receives the voting device that has been prepared for the precinct.

(d) Inspector signs form. After verifying that all items listed on the Precinct Check List are present in the correct quantities, the Inspector signs the form in the space provided at the bottom and returns the signed form to the Secretary.

(e) Inspector takes custody of supplies. The Inspector takes the supplies, ballots, and voting device with him or her from the County Election Board office and keeps them in a safe place until election day.

OKLA. ADMIN. CODE § 230:30-7-11.3: Sheriff Provides Security for Election Results Storage Media and Voted Ballots

(a) The Sheriff is required to provide security for the election results storage device from each in-person absentee voting device and for the voted ballots in the same manner as for mail and nursing home absentee ballots and regular ballots on election night. [26:14-115.4] See 230:35-3-86. The Sheriff shall receive the election results storage device, sealed inside the appropriate envelope, and the voted ballots, sealed inside a ballot transfer box, at the end of each day of in-person absentee voting. The Sheriff shall return the election results storage device to the in-person Absentee Voting Board members no later than 7:45 a.m. on each following day of in-person absentee voting. On election day, the Sheriff shall return the election results storage device to the Secretary in the presence of the members of the County Election Board when it is time to begin counting absentee ballots received through the mail or from the nursing home Absentee Voting Board. The Sheriff retains custody of the voted in-person absentee ballots unless an election night recount is required.

(b) In the event that the County Election Board Secretary establishes a second in-person absentee polling place for an election, the Sheriff shall have the same responsibility for providing security for the electronic results storage device and for voted ballots at the second polling location as described in (a) of this Section.

Retention of Election Materials

OKLA. STAT. tit. 26, § 3-126: Maintenance of Records

Records required to be maintained by the State Election Board or any county election board in the performance of their duties shall be retained for a period of twenty-four (24) months, unless otherwise provided by law. However, the State Election Board and county election boards shall continuously maintain records of all official acts and certifications made by such boards.

Oregon

OR. REV. STAT. § 254.074: County Elections Security

(1)(a) Each county clerk shall file a county elections security plan with the Secretary of State not later than:

- (A) A date established for each calendar year by the Secretary of State by rule; and
- (B) One business day after any revision is made to the county elections security plan.

(b) A county elections security plan shall include, but is not limited to:

- (A) A written security agreement entered into with any vendor handling ballots;
- (B) Security procedures for transporting ballots;
- (C) Security procedures at official places of deposit for ballots;
- (D) Security procedures for processing ballots;
- (E) Security procedures for ensuring the integrity of printed ballots;
- (F) Cybersecurity procedures for the process of casting and tallying ballots that are consistent with best practices recommended by federal authorities such as the Cybersecurity and Infrastructure Security Agency of the United States Department of Homeland Security or the National Institute of Standards and Technology of the United States Department of Commerce;
- (G) Security procedures governing election observers;
- (H) Security procedures for ballots located in county elections work areas, buildings and storage areas;
- (I) Security procedures for vote tally systems, including computer access to vote tally systems;
- (J) The number and location of all video surveillance cameras within the elections office;
- (K) Security procedures for scanning ballots into a vote tally system before the date of the election, if applicable;
- (L) Post-election ballot security; and
- (M) Any other security measure that the Secretary of State requires by rule.

(2) A security plan, and all communications relating to the development and review of a security plan, developed and filed under subsection (1) of this section are confidential and not subject to disclosure under ORS 192.311 to 192.478.

Appendix: 50-State Chain of Custody Survey

(3) For each election, at the time the county clerk certifies the results of an election, the clerk shall submit to the Secretary of State a record of:

- (a) The number of ballot envelopes received.
- (b) The number of ballot envelopes accepted.
- (c) The number of ballot envelopes not accepted.
- (d) The number of ballot envelopes rejected.
- (e) The number of tallied ballots.

(4) A county clerk may not scan ballots as described in ORS254.478 (Preparation for counting ballots) unless the Secretary of State reviews and approves a security plan described in subsection (1) of this section.

OR. REV. STAT. § 254.483: Safekeeping and Disposition of Ballots; Destruction of Unused Ballots

(1) Each county clerk is responsible for the safekeeping, disposition and security of all ballots.

(2) As soon as practicable after the final day permitted for a contest of the election or for filing a demand for a recount, the county clerk shall destroy all unused ballots.

Retention of Election Materials

OR. REV. STAT. § 254.535: Preserving Certain Materials

(1) Except as provided in subsection (3) of this section, each tally sheet, return sheet, record relating to a risk-limiting audit conducted under ORS 254.532, record relating to a hand count of ballots conducted under ORS 254.529 and ballot return identification envelope shall be preserved for two years after the election to which it relates.

(2) Except as provided in subsection (3) of this section, the county clerk shall destroy the ballots and written challenge statements not sooner than the 90th day after the final day permitted for a contest of the election, unless otherwise ordered by the court.

(3) In accordance with 42 U.S.C. 1974, any ballot, voter registration records and any other materials relating to any election at which a candidate is nominated or elected to federal office shall be retained for not less than 22 months following the date of the election.

Pennsylvania

25 PA. CONS. STAT. AND CONS. STAT. ANN. § 2642: Powers and Duties of County Boards

The county boards of elections, within their respective counties, shall exercise, in the manner provided by this act, all powers granted to them by this act, and shall perform all the duties imposed upon them by this act, which shall include the following:

- (c) To purchase, preserve, store and maintain primary and election equipment of all kinds, including voting booths, ballot boxes and voting machines, and to procure ballots and all other supplies for elections.
- (d) To appoint their own employes, voting machine custodians, and machine inspectors.
- (e) To issue certificates of appointment to watchers at primaries and elections.
- (f) To make and issue such rules, regulations and instructions, not inconsistent with law, as they may deem necessary for the guidance of voting machine custodians, elections officers and electors.

25 PA. CONS. STAT. AND CONS. STAT. ANN. § 3031.14: Returns

(2) Each political party or political body represented on the official ballot may have one technically qualified person, authorized by the county chairman and deputized by the county board of elections, present during the testing of the central automatic tabulating equipment and the actual counting of the ballot or district totals cards. Such persons shall be allowed to make independent tests of the equipment prior to, during, and following the vote count: Provided, however, That such testing shall in no way interfere with the official tabulation of the ballots and district totals cards. In addition, each political party or political body shall be entitled to have observers at the central tabulation center, in a number, as determined by the county board of elections, sufficient to permit accurate observation of the receipt, handling, duplication, and processing of all ballots and district totals cards.

Retention of Election Materials

25 PA. CONS. STAT. AND CONS. STAT. ANN. § 2622: Records and Documents to be Open to Public Inspection

The records of the Secretary of the Commonwealth and all returns, nomination petitions, certificates and papers, other petitions, accounts, contracts, reports and other documents and records in his custody shall be open to public inspection, and may be inspected and copied by any qualified elector of the State during ordinary business hours at any time when they are not necessarily being used by the Secretary of the Commonwealth, or his deputy or employes having duties to perform in reference thereto: Provided, however, That such public inspection thereof shall only be in the presence of the Secretary of the Commonwealth, or his deputy or one of his

Appendix: 50-State Chain of Custody Survey

authorized employees, and shall be subject to proper regulation for safekeeping of the records and documents, and subject to the further provisions of this act.

25 PA. CONS. STAT. AND CONS. STAT. ANN. § 2623: Preservation of Records

All documents and records in the office of the Secretary of the Commonwealth shall be preserved therein for a period of two years, unless otherwise provided in this act.

25 PA. CONS. STAT. AND CONS. STAT. ANN. § 3031.14: Returns

(a) By the fourth day prior to each election, the county board of elections shall have the central automatic tabulating equipment tested to ascertain that it will accurately count the votes cast for all offices and all questions. Public notice of the time and place of the test shall be given at least forty-eight hours prior to the test by newspaper publication in the county in accordance with section 106, such notice to be published once. The test shall be conducted by processing a preaudited group of district totals cards or ballots on which are recorded votes for each candidate and on each question. In such test a different number of valid votes shall be assigned to each candidate for an office and for and against each question. If any error is detected, the cause of it shall be ascertained and corrected and an errorless count shall be made and certified to by the county board of elections prior to election day. All test and program materials shall then be sealed by the county board of elections until their use on election day. The central automatic tabulating equipment shall pass the same test at the conclusion of the actual election count before the election returns are approved as official. On completion of the count, the programs, test materials, and district totals cards or ballots shall be sealed and retained according to the provisions contained in this act for the retention of paper ballots.

(b)(1) All proceedings at the central tabulation center shall be under the direction of the county board of elections or of such persons as it may designate and shall be conducted under the observation of the public insofar as is practical, but no persons except those authorized for the purpose shall touch any ballot or district totals card. All persons who are engaged in processing and counting the ballots and district totals cards shall be deputized and take an oath that they will faithfully perform their assigned duties.

25 PA. CONS. STAT. AND CONS. STAT. ANN. § 2649: Preservation of Records

All documents, papers and records in the office of the county board of elections of each county shall be preserved therein for a period of at least eleven (11) months, and all official ballots and the contents of ballot boxes shall be preserved therein for a period of at least four (4) months; in the event the county board has been notified in writing by the district attorney of the county, or by a judge of a court of record, to preserve said papers or contents of ballot boxes for a longer period of time, for the purposes of pending prosecution or litigation, said records shall be preserved accordingly.

Rhode Island

17 R.I. GEN. LAWS § 17-19-17: Custody of Optical Scan Precinct Count Units and Voting Booths—Duties of Local Boards—Posting of Sample Ballots

Each local board shall be responsible for safeguarding the optical scan precinct count units and voting booths delivered to it, and shall properly and safely locate the optical scan precinct count units in the polling places where they are to be used. The local board shall also be responsible for the storage of all voting booths assigned to them, and shall cause the voting booths to be delivered and picked up at the polling places in which they are to be used. The local board shall cause the keys of the voting equipment to be delivered to the warden of the elective meeting at which optical scan precinct count units are to be used at least half an hour before the opening of the polls. The key or keys of each optical scan precinct count unit shall be placed in a sealed envelope upon which shall be written or printed the number and location of the optical scan precinct count unit, and any other information or certification required pursuant to regulations promulgated by the state board of elections. The envelope shall be opened by the warden in the presence of the other election officers. The custody of the voting equipment shall remain with the local board up to the time of the delivery of the keys to the warden, and the local board shall be held fully responsible for any damage or injury to any voting equipment while it is in its custody, and for the failure to have voting equipment ready for use at the time of the opening of the polls. The local board shall cause the sample ballots to be posted in a conspicuous place in each polling place, outside the guard rail.

17 R.I. GEN. LAWS § 17-19-19: Custody of Machines During Voting

During the time that the polls are open, and until the optical scan precinct count unit and voted computer ballots are finally locked and sealed and the removable keys thereof sealed up for transmission to the state board as provided in this chapter, the optical scan precinct count units, memory cartridges, and voted computer ballots shall remain in the care and custody of the warden, who shall see that the voting equipment is not defaced or injured by any voter or any other person. During the entire time in which the polls are open for voting, the ballot compartments shall be kept closed and locked; provided, that the emergency bin compartment slot shall be opened as provided in § 17-19-20. The vote totals are not to be printed under any circumstances during the time the polls are open for voting.

17 R.I. GEN. LAWS § 17-19-33: Sealing of Voting Equipment — Sealing and Forwarding of Results, Programmed Memory Devices and Keys

(a) The copies of the printout tape from the optical-scan precinct-count unit obtained pursuant to § 17-19-32 shall be distributed as follows:

- (1) The first copy, which includes the opening of the polling place information, signatures of the warden and clerk, a timed audit trail of certain events occurring with respect to the optical-scan precinct-count system, and the vote totals for each candidate, shall be

attached to the return sheet as provided in § 17-19-11 and immediately delivered to the local board of canvassers where it is processed and delivered to the state board of elections through a procedure promulgated by the state board;

(2) A copy shall be made available to the public at the polling place;

(3) A copy shall be immediately delivered to the local board of canvassers attached to the return sheet as provided in § 17-19-11, together with the polling place supplies, including the key to the optical-scan precinct-count unit and other voting equipment and containers; and

(4) A copy shall be included with the voted ballots and packaged pursuant to this chapter.

(5) The certified paper or electronic voter list containing voters' signatures shall be secured separately and returned to the local board of canvassers.

(6) All completed official affidavits, forms, reports, and supplies shall be packaged and delivered to the local board for subsequent delivery to the state board.

(b) The warden shall:

(1) Remove all voted ballots from the compartment of the optical-scan precinct-count unit and package them in the container provided and labeled as voted ballots and stored pursuant to § 17-19-39.1;

(3) Package all ballots from the emergency bin that have not been counted in the container provided and labeled as manual-count ballots and deliver to the local canvassing authority. Any ballots packaged and labeled as manual-count ballots shall remain sealed and delivered to the state board through a procedure promulgated by the state board.

Retention of Election Materials

17 R.I. GEN. LAWS § 17-19-39.1: Voted Ballot Storage and Security

(a) Voted computer ballots that were counted at the state board shall be stored in containers by the state board until the expiration of twenty-two (22) months from the date of election and voted computer ballots that were voted and packaged at a local precinct or counted at the local board shall be held and stored in containers by the local board in accordance with the regulations promulgated by the state board until the expiration of twenty-two (22) months from the date of election. The voted ballots shall remain stored in the appropriate containers unless ordered to be opened by the state board or a court of law. The computer file containing ballot layout information and candidate totals shall be transferred to a disk and retained permanently.

(b) Notwithstanding the requirements of this section, the state board shall have the authority to examine and inspect the voted ballots subsequent to the certification of an election.

South Carolina

S.C. CODE ANN. § 7-13-1480: Custody, Storage, and Care of Vote Recorders

The county election officials shall designate a person who shall have the custody of the vote recorders of the county when they are not in use at an election and shall provide for his compensation and for the safe storage and care of the vote recorders. All vote recorders when not in use shall be properly covered and stored in a suitable place or places.

S.C. CODE ANN. § 7-13-1680: Number of Voting Machines; Type and Use; Repair; Custody

The governing body of any county or municipality providing voting machines at polling places for use at elections shall provide for each polling place at least one voting machine for each two hundred fifty registered voters or portion thereof or as near thereto as may be practicable. The machines shall be of the type approved as provided for in this title and shall be kept in complete and accurate working order and in proper repair. The machines may be used in such election districts or precincts in the county or municipality as the officials holding the election or conducting the primary may determine. **The governing body of the county or municipality owning the machines shall have custody of such machines and other furniture or equipment of the polling places when not in use at an election.** (emphasis added).

S.C. CODE ANN. § 7-13-1750: Preparation of Machines for Elections; Party Representatives May Examine Machines

Before preparing a voting machine for an election at which candidates for more than one political party or candidates nominated by petition are to be voted for, written notice must be mailed to the chairman of the local committee of each of the political parties that have certified candidates, stating the time and place where the machines will be prepared. At this time, one representative of each of these political parties must be afforded an opportunity to see that the machines are in proper condition for use at the election. When a machine has been examined by these representatives, it must be locked or sealed with a numbered seal in their presence. The representatives must certify as to the numbers of the machines, that all counters are set at zero (000), as to the number registered on the protective counter, and the number on the seal. When a voting machine has been properly prepared for an election, it must be locked or sealed against voting, and any necessary seals or keys to the machine retained in the custody of the board of voter registration and elections or other electoral board and delivered to the managers of election as provided in this chapter.

S.C. CODE ANN. § 7-13-1880: Canvass and Return of Vote; Return of Provisional and Failsafe Ballots

As soon as the polls of election are closed, the managers shall immediately lock or seal the voting machine against further voting and open the counter compartment in the presence of all persons who may be lawfully present at the time giving full view to the results, and they shall

canvass and announce the results, including the votes recorded for each office on the independent ballots. They shall also announce the vote upon every amendment, proposition, or question voted upon, as provided by Section 7-13-110. The vote as registered shall be duly certified and sworn to and returned and filed as provided in this title for returning and filing election returns. No tally sheets or return blanks, as required by law for use in voting precincts in which paper ballots are used, need be furnished or used when voting machines are used, and no ballots need to be returned with the machine results except the provisional and failsafe ballots.

S.C. CODE ANN. § 7-13-1890: Machines Shall Remain Locked After Election; Certification of Managers or Election; Verification of Results of Election

A sealed envelope having endorsed thereon a certificate of the managers of election stating the number of the machine, the voting precinct, the numbers on the seals, and the number on the protective counter and containing all used seals for this election shall be returned and delivered by one of the managers of the election to the board of voter registration and elections or other electoral board from whom the envelope was received. After being locked or sealed by the managers of election, the voting machines shall remain locked or sealed for as long as may be necessary or advisable because of any contest of the result of the election, except as may be necessary to prepare the machines for another election and except that they may be opened and all data examined by the authority responsible for conducting the election in order to ascertain or verify the machine results of the election; however, this examination may be conducted only if all candidates in an affected race, or their representatives, are notified and given an opportunity to be present, or upon the order of a court of competent jurisdiction.

Retention of Election Materials

S.C. CODE ANN. § 7-13-1150: Accounting for Ballot After Election; Returns; Delivery of Poll Lists and Other Matters; Unused Ballots

The board of voter registration and elections shall keep in possession all unused ballots, as well as those that have been spoiled, until the time for contesting the election has expired. Any ballot that has been lost must be accounted for by a certificate from the chairman of the managers of the particular precinct covering the circumstances.

S.C. CODE ANN. § 7-13-1480: Custody, Storage, and Care of Vote Recorders

The county election officials shall designate a person who shall have the custody of the vote recorders of the county when they are not in use at an election and shall provide for his compensation and for the safe storage and care of the vote recorders. All vote recorders when not in use shall be properly covered and stored in a suitable place or places.

South Dakota

S.D. CODIFIED LAWS § 12-18-4.1: Preparation for Voting--Test Ballots--Custody of Key Activating System

Before any poll is opened, each electronic ballot marking system shall be prepared for voting. The precinct superintendent shall test the system by using the system to mark at least two ballots. The test ballots shall be provided by the person in charge of the election and clearly marked with words, Test Ballot. If the system does not properly mark the test ballots, the precinct superintendent shall work on the system until a successful test is conducted. The precinct superintendent shall maintain custody of the key to activate the system at all times.

S.D. CODIFIED LAWS § 12-16-26: Construction of Ballot Boxes--Openings

Ballot boxes shall be so constructed to preclude the removal of any material therefrom except by means of an opening which may be secured in the closed position by means of a metal seal which will preclude opening of the box without the destruction of the seal; materials used in the construction of ballot boxes shall be such that they will prevent tampering with or mutilation of ballots within them. There shall be a second opening in each such ballot box, at the top when the box is upright, not larger than is sufficient to admit a single closed ballot to be inserted therein at one time.

S.D. CODIFIED LAWS § 12-17B-9: Transporting Sealed Ballot Box

Upon completion of the voting and after sealing the ballot box, two of the members of the precinct election board, of different major political parties, shall, by the most direct route, transport the box to the central counting location designated by the person in charge of the election or the ballots may be transported to the counting location by a sheriff's deputy and two deputy county auditors, one of each major political party, or by two deputy county auditors, one of each major political party.

S.D. CODIFIED LAWS § 12-17B-15: Sealing and Storing Tabulated Ballots and Program Board

After the tabulating procedure is completed, the ballots shall be placed in boxes and resealed. Any program board which may be used in the automatic tabulating equipment shall be removed and stored similarly to the ballots.

S.D. ADMIN. R. 5:02:16:37: Sealing of Ballot Box

Following the deposit of all voted ballots except those in § 5:02:16:34, the precinct or counting board shall seal the ballot box with a security seal for each place where box and clasp connect. The security seal shall be of a design that would readily show if the seal has been broken. A paper seal shall be used to cover any other slot or opening which is not covered and sealed with the security seal.

Appendix: 50-State Chain of Custody Survey

S.D. ADMIN. R. 5:02:16:42: Return of Election Material

The sealed ballot box together with the sealed pollbook, sealed duplicate tally sheet and official vote count, sealed provisional ballot return envelope, registration lists, and envelopes containing the unofficial returns and all supplies and returns required shall be returned by the precinct superintendent or a precinct deputy designated by the precinct superintendent to the officer in charge of the election immediately after completing the vote count. The person delivering the supplies may not deface, destroy, or remove any seals or the pollbook, duplicate tally sheet, and registration lists or otherwise tamper with them.

S.D. ADMIN. R. 5:02:16:01.01: Ballot Drop Box Security

The person in charge of the election may place a receptacle or container at the person's office for voters to return a voted absentee ballot. If a receptacle or container is used, the person in charge of the election, or the person's designated staff must ensure the receptacle or container is:

- (1) Visible to the public and staff at all times while in use, or is monitored by a security camera that is recording with the recording stored for at least twenty-two months;
- (2) Secured by a seal with a serial number or by a padlock. If a seal is used, the serial number must be recorded and compared at the time the receptacle or container is opened and ballots are removed from the receptacle or container for processing. If a padlock is used, the key must be secured so only the person in charge of the election or the person's designated staff have access to it;
- (3) Audited each business day, to verify that the number of ballots received match the number of ballots shown as received in Total Vote; and
- (4) Emptied at least daily during normal business hours, moving the absentee ballots to a secure location in the office of the person in charge of the election that is only accessible to the person and the person's designated staff.

Retention of Election Materials

S.D. CODIFIED LAWS § 9-13-24.1: Certification of Returns--Preservation of Election Material

The returns from a municipal election must be certified by the precinct election board in each polling place, and the ballots, properly sealed in ballot boxes, together with the pollbooks, must be placed in the custody of the municipal finance officer. The finance officer may destroy voted ballots, pollbooks, and all other election material relating to a municipal election twenty-two months after the election at which the ballots were voted.

S.D. CODIFIED LAWS § 12-17B-25: Post-election Audit--Ballots Secured

The county auditor shall reseal and retain the ballots upon the completion of a post-election audit pursuant to § 12-20-31.

Tennessee

TENN. CODE ANN. § 2-7-130: Voting Machines; Counting Procedure

(a)(1) After the polls have closed and after disposal of unused paper ballots, the judges shall then lock and seal the voting machines against voting. The judges shall sign a certificate on the tally sheets, stating that:

- (A) Each machine has been locked against voting and sealed;
- (B) The number of voters as shown on the public counters;
- (C) The numbers on the seals; and
- (D) The numbers registered on the protective counters.

(2) The judges shall then open the counter compartment in the presence of the watchers and all other persons who are present, giving full view of all the counter numbers. One (1) of the judges, under the scrutiny of a judge of a different political party, in the order of the offices as their titles are arranged on the machine, shall read aloud in distinct tones the designating number and letter, if any, on each counter for each candidate's name and the result as shown by the counter number

TENN. CODE ANN. § 2-7-134: Voting Machines; Locking

After the tally sheets have been certified, the judges shall close and lock the voting machines and enclose the keys for each voting machine in a separate sealed envelope on which they shall certify the number of the machine, the polling place where it has been used, the number on the seal, and the numbers registered on the public and protective counters.

TENN. CODE ANN. § 2-7-138: Delivery of Ballot Box and Supplies to County Election Commission

The officer of elections, accompanied by either a judge or precinct registrar of another political party, shall immediately deliver the locked ballot box or boxes and remaining election supplies or equipment except the voting machines to the county election commission

Retention of Election Materials

TENN. CODE ANN. § 2-8-108: Preservation of Election Documents

a) The commission shall preserve all paper ballots for six (6) months after the election to which they were cast or offered to be cast and may then dispose of them. During the period in which they are preserved, the packages of ballots shall be kept securely locked and may be opened and the ballots examined only on court order or under chapter 18 of this title.

(b) All other election documents such as applications for all ballots, spoiled and rejected ballots, voter affidavits, records of assistance to voters, etc., shall be preserved by the county election commission for six (6) months or longer if so ordered by a court or by the coordinator of

Appendix: 50-State Chain of Custody Survey

elections. All election documents pertaining to a federal election shall be preserved by the county election commission for twenty-two (22) months.

Texas

TEX. ELEC. CODE. ANN. § 67.004: Procedure for Local Canvass

(a) At the time set for convening the canvassing authority for the local canvass, the presiding officer of the canvassing authority shall deliver the sealed precinct returns to the authority. The authority shall open the returns for each precinct and canvass them as provided by this section. Two members of the authority constitute a quorum for purposes of canvassing an election.

TEX. ELEC. CODE. ANN. § 51.036: Custodian of Equipment

Except as otherwise provided by this code, the authority responsible for distributing election supplies for an election ordered by an authority of a political subdivision is the custodian of the election equipment owned by the political subdivision.

TEX. ELEC. CODE. ANN. § 51.007: Record of Ballot Distribution

(a) As soon as practicable after the ballots are packaged for distribution, the authority responsible for distributing election supplies shall prepare a record of the number of ballots and the range of serial numbers on the ballots to be distributed to each presiding judge and the early voting clerk.

(b) The authority shall preserve the record for the period for preserving the precinct election records.

TEX. ELEC. CODE. ANN. § 129.051: Pre-Election Security Procedure

(a) The general custodian of election records shall create and maintain an inventory of all electronic information storage media.

(b) The general custodian of election records shall develop a procedure for tracking the custody of each electronic information storage medium from its storage location, through election coding and the election process, to its final post-election disposition and return to storage. The chain of custody must require two or more individuals to perform a check and verification check whenever a transfer of custody occurs.

(c) The general custodian of election records shall establish a secured location for storing electronic information storage media when not in use, coding a medium for an election, transferring and installing the medium into voting system equipment, and storing voting system equipment after election parameters are loaded.

(d) An election information storage medium shall be kept in the presence of an election official or in a secured location once the medium has been coded for an election.

(e) The general custodian of election records shall create a procedure for tracking the custody of voting system equipment once election parameters are loaded.

(f) The general custodian of election records shall create a recovery plan to be followed if a breach in security procedures is indicated. This plan must include immediately notifying the secretary of state.

Retention of Election Materials

TEX. ELEC. CODE. ANN. § 66.058: Preservation of Precinct Election Records

(a) Except as otherwise provided by this code, the precinct election records shall be preserved by the authority to whom they are distributed for at least 22 months after election day.

(b) For a period of at least 60 days after the date of the election, the voted ballots shall be preserved securely in a locked room in the locked ballot box in which they are delivered to the general custodian of election records. On the 61st day after election day, the general custodian of election records may:

(1) require a person who has possession of a key that operates the lock on a ballot box containing voted ballots to return the key to the custodian; and

(2) unlock the ballot box and transfer the voted ballots to another secure container for the remainder of the preservation period.

(b-1) Except as permitted by this code, a ballot box or other secure container containing voted ballots may not be opened during the preservation period.

(c) If during the preservation period an authorized entry is made into a ballot box or other secure container containing voted ballots, when the purpose for the entry is fulfilled, the box or container shall be relocked or resecured, and the box and key or secure container returned to the custodian.

(d) A custodian of a ballot box or secure container containing voted ballots commits an offense if, during the preservation period prescribed by Subsection (a), the custodian:

(1) makes an unauthorized entry into the box or container; or

(2) fails to prevent another person from handling the box or container in an unauthorized manner or from making an unauthorized entry into the box or container.

Utah

UTAH ADMIN. CODE r.623-8-4: Ballot Chain of Custody: General Duties

An election official shall be accompanied by at least one additional election official when active ballots are handled, collected, delivered to ballot processing centers, or processed.

UTAH ADMIN. CODE r.623-8-5: Ballot Chain of Custody: Ballot Collection

(1) An election official shall document the following information each time active ballots are collected:

- (a) names of any election official collecting ballots;
- (b) the name of the collection site, for example, drop box or post office;
- (c) date and time of the ballot collection;
- (d) the seal number used to secure the ballots; and
- (e) any damage to ballots, ballot box, and concerns, including unusual situations or irregularities.

(2) An election official shall document the following information each time active ballots are received by the ballot processing center:

- (a) the time and date active ballots are returned to the ballot processing center;
- (b) seal numbers when received at the ballot processing center; and
- (c) the recorded number of active ballots received at the ballot processing center.

(3) An election official shall be identifiable as an election official through the use of a badge, uniform, or other markings when engaging in ballot collection.

Any documentation required in this rule shall include any reporting problems or irregularities, and, if applicable shall include:

- (1) details of any observed issues or problems;
- (2) the date and time of when issues or problems occurred;
- (3) any action taken in response to issues or problems; and
- (4) any resolution to issues or problems.

Retention of Election Materials

UTAH ADMIN. CODE r623-8-10: Election Return Archiving

(1) An election official shall ensure that archived material, including every ballot after an election, is stored and sealed in a receptacle and clearly labeled with the following information:

- (a) a description of the contents;
- (b) the name and date of the election; and
- (c) the destruction date.

(2) Archived material shall include:

- (a) any electronic or physical ballot images and back-ups; and
- (b) any external storage medium used to collect ballot images or back-ups.

(3) Archived material containers shall be sealed and seal numbers, if used, shall be documented.

(4) Any access to archived material containers shall be documented.

(5) The storage area shall be secure and accessible only to authorized County Clerk staff and personnel.

(6) Chain of custody documentation shall be retained in accordance with Section 20A-4-202.

UTAH CODE ANN. § 20A-4-202: Election Returns and Election Material—Retention and Disposition Requirements—Public Records

(2) Each election officer shall:

- (a) before 5 p.m. on the day after the date of the election, determine the number of provisional ballots cast within the election officer's jurisdiction and make that number available to the public;
- (b) preserve ballots for 22 months after the date of the election or until the time has expired during which the ballots could be used in an election contest;
- (c) preserve all other official election returns for at least 22 months after the date of the election; and
- (d) after the time period described in Subsection (2)(c) destroy the ballots and election returns without examining the ballots and election returns.

Vermont

VT. STAT. ANN. tit. 17, § 2590: Securing and Storing Ballots, Tally Sheets, and Checklists

(a)(1) The following shall not be placed in a sealed container, but shall be delivered to the town clerk along with the sealed containers:

- (A) ballots that were never distributed to voters;
- (B) any vote tabulator memory card; and
- (C) the original entrance checklist.

(2) The presiding officer shall collect and deliver to the town clerk, securely sealed in the containers described in subsection (c) of this section, the following:

- (A) packages of voted ballots;
- (B) envelopes containing ballots that have been replaced;
- (C) envelopes containing defective ballots;
- (D) the exit checklist, if present;
- (E) tally sheets; and
- (F) other election material.

(3) A copy of the entrance checklist shall be placed in the outside pocket of the sealed container or otherwise stored along with but outside the sealed container for delivery to the court in the event of a recount.

(4) If the material collected from one polling place is sealed in more than one container, the presiding officer shall ensure that there shall be attached to the container in which the exit checklist is located, a tag stating that the checklist is in that container.

(5) The form of the seal shall be designated and furnished by the Secretary of State in sufficient quantities to each town clerk. The Secretary of State shall require that all seals be safely kept and fully accounted for.

(b) The Secretary of State shall furnish to all town clerks sufficient quantities of uniform-style containers. The Secretary shall establish a method by which the outside of each container shall indicate the contents of the container, the town to which it belongs, and such other pertinent information as may be required.

(c)(1) The town clerk shall safely store the sealed containers and shall not permit them to be removed from his or her custody or tampered with in any way.

(2)(A) In the event that a container breaks, splits, or opens through handling, or in the event the original entrance checklist or a vote tabulator memory card was inadvertently sealed in a container, the town clerk shall notify the Secretary of State in writing, and the Secretary shall order the town clerk in the presence of two other town election officials who are not members of the same political party to open the bag to remove the entrance checklist or vote tabulator memory card or to move the entire contents to new containers, affix new seals, and transmit the new seal numbers.

(B) Containers shall not be removed or tampered with in any other way, except under court order, or by order of any authorized committee of the General Assembly.

(C) If necessary for safe storage of the containers, the town clerk may store them in a bank vault or other secure place, within or outside the town, provided that access to them cannot reasonably be had without the town clerk's consent.

(d) Except as otherwise provided by federal law, all ballots and tally sheets shall be retained for a period of 90 days from the date of the election, after which time they may be destroyed; provided, however, that if a court order is entered prior to the expiration of the 90-day period, ordering some different disposition of the ballots, the town clerk shall abide by such order.

(e) After the sealed containers are opened as provided in subsection (d) of this section, the town clerk shall file a copy of the entrance or exit checklist and preserve it, together with a statement of discrepancies, as a public record. The checklist shall be retained for a period of at least five years from the date of the election and shall be made available at cost to the public upon request.

VT. STAT. ANN. tit. 17, § 2506: Ballot Boxes; Signs for Depositing Ballots

All ballot boxes shall be rigid wood or metal containers. Ballot boxes shall be furnished at the expense of the town where they are to be used. When not in use, ballot boxes shall be in the custody of the town clerk. During voting hours there shall be signs, provided by the Secretary of State, placed on or near ballot boxes telling voters to deposit their own ballots in the ballot boxes. This requirement shall not apply to the ballot boxes used during primary elections for the collection of unvoted ballots, in which instance unvoted ballots are inserted by election officials.

VT. STAT. ANN. tit. 17, § 2582: Presiding Officer to Direct Count; Transporting Ballots or Checklist

The presiding officer shall direct the manner in which the votes are counted, subject to the provisions of this title and as provided for in the rules for counting ballots adopted by the Secretary of State. Ballots shall be counted at the polling places where they are cast, except where the Secretary of State, upon request of the presiding officer, has issued a determination that the ballots should be counted elsewhere, or the checklist should be moved by two elections officials of different parties for the purpose of making a photocopy.

Appendix: 50-State Chain of Custody Survey

VT. STAT. ANN. tit. 17, § 2602m: Storage and Return of Election Materials

- (a)(1) After the recount, the county clerk shall store the sealed containers and any other recount materials in the county clerk's vault until returned to the towns.
- (2) The county clerk shall release all containers to the respective town clerks after issuance of the court's judgment, together with a copy of the judgment.
- (3) The respective town clerks or their designees shall transport the containers to the towns from which they came.
- (b) Upon receiving from the court any ballots containing questionable votes and defective ballots, the county clerk shall keep them in a sealed container for a period of two years.

Virginia

VA. CODE ANN. § 24.2-619: Sealing Ballots

A member of the electoral board or the general registrar, or some other person designated by the electoral board or the general registrar, shall cause the seal of the board to be affixed in his presence to every ballot printed as provided in this chapter. The seal shall be on the side reverse from that on which the names of the candidates appear. The seal may be affixed on the ballot either mechanically or manually. The member of the board, general registrar, or other person designated shall sign a statement, subject to felony penalties for making false statements pursuant to § 24.2-1016, that the seal of the electoral board was affixed to the ballots in his presence in the manner prescribed by law, setting forth the name of every person taking part in the affixing of the seal, and stating that he has faithfully performed his duties. His statement shall be filed with the minutes of the board.

VA. CODE ANN. § 24.2-617: Representative of Electoral Board or General Registrar to be Present at Printing; Custody of Ballots; Electoral Board or General Registrar May Disclose Contents, Style, and Size

The electoral board or general registrar shall designate one person to be continuously present in the room in which the ballots are printed from the start to the end of the work and ensure that the undertakings of the printer's statement are complied with strictly. For the discharge of this duty the person, other than a board member, shall receive at least \$20 per day.

As soon as the ballots are printed they shall be securely wrapped and sealed, and the designated person shall assure their delivery to the general registrar, allowing no one to examine them until delivery.

VA. CODE ANN. § 24.2-623: Ballot Containers to be Supplied by Governing Bodies; Construction and Custody

The governing body of each county and city shall provide a ballot container for each precinct. The container shall have a lock and key and an opening of sufficient size to admit a single folded or unfolded ballot and no more. The containers shall be kept by the electoral boards for use in the precincts.

VA. CODE ANN. § 24.2-624: Opening and Closing Ballot Containers; Opening Polls

Immediately before the opening of the polls, an officer of election shall open the ballot containers in the presence of the political party or candidate representatives authorized to be present for the examination of voting equipment pursuant to § 24.2-639, if such representatives are available. The officers shall inspect the containers to ensure that they are empty, lock them, and deliver the key to one of the officers. One of the officers shall forthwith proclaim that the polls are open. The containers shall not be opened until the close of the polls and shall then be

opened for the purpose of counting the ballots therein. The containers shall be kept in view of those voting within the polling place during the hours of the election.

VA. CODE ANN. § 24.2-634: Locking and Securing After Preparation.

When voting equipment has been properly prepared for an election, it shall be locked against voting and sealed, or if a voting or counting machine cannot be sealed with a numbered seal, it shall be locked with a key. The equipment keys and any electronic activation devices shall be retained in the custody of the general registrar and delivered to the officers of election as provided in § 24.2-639. After the voting equipment has been delivered to the polling places, the general registrar shall provide ample protection against tampering with or damage to the equipment.

VA. CODE ANN. § 24.2-659: Locking Voting Systems After Election and Delivering Keys to Clerk; Printed Returns as Evidence.

A. If the voting system is secured by the use of equipment keys, after the officers of election lock and seal each machine, the equipment keys shall be enclosed in an envelope that shall be sealed and have endorsed thereon a certificate of an officer of election stating the election precinct, the number of each machine, the number on the seal, and the number of the protective counter, if one, on the machine. The sealed envelope shall be delivered by one of the officers of the election to the clerk of the circuit court where the election was held. The custodians of the voting equipment shall enclose and seal in an envelope, properly endorsed, all other keys to all voting equipment in their jurisdictions and deliver the envelope to the clerk of the circuit court by noon on the day following the election.

B. If the voting systems are secured by the use of equipment keys or electronic activation devices that are not specific to a particular machine, after the officers of election lock and seal each machine, the equipment keys and electronic activation devices shall be enclosed in an envelope that shall be sealed and have endorsed thereon a certificate of an officer of election stating the election precinct. The sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit court where the election was held.

Retention of Election Records:

VA. CODE ANN. § 24.2-668: Pollbooks, Statements of Results, and Ballots to be Sealed and Delivered to Clerk or General Registrar

A. After ascertaining the results and before adjourning, the officers shall put the pollbooks, the duplicate statements of results, and any printed inspection and return sheets in the envelopes provided by the State Board. The officers shall seal the envelopes and direct them to the clerk of the circuit court for the county or city. The pollbooks, statements, and sheets thus sealed and directed, the sealed counted ballots envelope or container, and the unused, defaced, spoiled and set aside ballots properly accounted for, packaged and sealed, shall be conveyed by one of the

Appendix: 50-State Chain of Custody Survey

officers to be determined by lot, if they cannot otherwise agree, to the clerk of court by noon on the day following the election.

The clerk shall retain custody of the pollbooks, printed ballots, and other elections materials until the time has expired for initiating a recount, contest, or other proceeding in which the pollbooks, printed ballots, and other elections materials may be needed as evidence and there is no proceeding pending. The clerk shall (i) secure all pollbooks, printed ballots and other election materials in sealed boxes; (ii) place all of the sealed boxes in a vault or room not open to the public or to anyone other than the clerk and his staff; (iii) cause such vault or room to be securely locked except when access is necessary for the clerk and his staff; and (iv) upon the initiation of a recount, certify that these security measures have been taken in whatever form is deemed appropriate by the chief judge.

After that time the clerk shall deliver the pollbooks to the general registrar who shall return the pollbooks or transfer a copy of the electronic data to the State Board as directed by § 24.2-114 for voting credit purposes. After the pollbooks are returned by the State Board, the general registrar shall retain the pollbooks in his principal office for two years from the date of the election. The clerk shall retain the statement of results and any printed inspection and return sheets for two years and may then destroy them.

Washington

WASH. REV. CODE § 29A.60.110: Ballot Containers, Sealing, Opening

(1) Immediately after their tabulation, all ballots counted at a ballot counting center must be sealed in containers that identify the primary or election and be retained for at least sixty days or according to federal law, whichever is longer.

(2) In the presence of major party observers who are available, ballots may be removed from the sealed containers at the elections department and consolidated into one sealed container for storage purposes. The containers may only be opened by the canvassing board as part of the canvass, to conduct recounts, to conduct a random check under RCW 29A.60.170, to conduct an audit under RCW 29A.60.185, or by order of the superior court in a contest or election dispute. If the canvassing board opens a ballot container, it shall make a full record of the additional tabulation or examination made of the ballots. This record must be added to any other record of the canvassing process in that county.

WASH. REV. CODE § 29A.40.110: Processing Incoming Ballots

(2) All received return envelopes must be placed in secure locations from the time of delivery to the county auditor until their subsequent opening. After opening the return envelopes, the county canvassing board shall place all of the ballots in secure storage until processing. Ballots may be taken from the inner envelopes and all the normal procedural steps may be performed to prepare these ballots for tabulation.

WASH. REV. CODE § 29A.40.170: Ballot Drop Boxes

(1) The county auditor must prevent overflow of each ballot drop box to allow a voter to deposit his or her ballot securely. Ballots must be removed from a ballot drop box by at least two people, with a record kept of the date and time ballots were removed, and the names of people removing them. Ballots from drop boxes must be returned to the counting center in secured transport containers. A copy of the record must be placed in the container, and one copy must be transported with the ballots to the counting center, where the seal number must be verified by the county auditor or a designated representative. All ballot drop boxes must be secured at 8:00 p.m. on the day of the primary, special election, or general election.

Retention of Election Materials

WASH. REV. CODE § 29A.60.090: Voting Systems—Maintenance of Documents

In counties using voting systems, the county auditor shall maintain the following documents for at least sixty days after the primary or election:

(1) Sample ballot formats together with a record of the format or formats assigned to each precinct;

Appendix: 50-State Chain of Custody Survey

(2) All programming material related to the control of the vote tallying system for that primary or election; and

(3) All test materials used to verify the accuracy of the tabulating equipment as required by RCW 29A.12.130.

WASH. ADMIN. CODE § 13-110-140: Records Retention

(1) Unissued or undeliverable ballots must be retained for ten days after the election is certified and the official results announced, and then may be destroyed.

(2) All ballots submitted by voters, and all candidate filing records (including candidate information, verification of eligibility, and withdrawals of candidacy), must be retained for twelve months after the election is certified and the official results announced, and then may be destroyed.

(3) The conservation commission shall abide by the records retention schedule as set out for conservation district elections in the local government common records retention schedule (CORE), as established by the office of the secretary of state, Washington state archives, and its own records retention policy.

West Virginia

W. VA. CODE § 3-4A-10: County Clerk to be Custodian of Vote-Recording Devices, Tabulating Equipment and Electronic Poll Books; Duties

(a) When an electronic voting system is acquired by any county commission, the vote recording devices, where applicable, and the tabulating equipment shall be immediately placed in the custody of the county clerk and shall remain in his or her custody at all times except when in use at an election or when in custody of a court or court officers during contest proceedings. The clerk shall see that the vote-recording devices and the tabulating equipment are properly protected and preserved from damage or unnecessary deterioration and shall not permit any unauthorized person to tamper with them. The clerk shall also keep the vote-recording devices and tabulating equipment in repair and prepare the same for voting.

W. VA. CODE § 3-4A-28: Post-election Custody and Inspection of Vote-recording Devices and Electronic Poll Books; Canvass and Recounts

(a) The vote-recording devices, electronic poll books, tabulating programs and standard validation test ballots are to remain sealed during the canvass of the returns of the election, except that the equipment may be opened for the canvass and must be resealed immediately thereafter. During the seven-day period after the completion of the canvass, any candidate or the local chair of a political party may be permitted to examine any of the sealed materials: Provided, That a notice of the time and place of the examination shall be posted at the central counting center before and on the hour of nine o'clock in the morning on the day the examination is to occur and all persons entitled to be present at the central counting center may, at their option, be present. Upon completion of the canvass and after the seven day period has expired, the vote-recording devices, test results and standard validation test ballots are to be sealed for one year: Provided, however, That the vote-recording devices, electronic poll books and all tabulating equipment may be released for use in any other lawful election to be held more than ten days after the canvass is completed and any of the electronic voting equipment or electronic poll books discussed in this section may be released for inspection or review by a request of a circuit court or the Supreme Court of Appeals.

(b) In canvassing the returns of the election, the board of canvassers shall examine, as required by subsection (d) of this section, all of the vote-recording devices, electronic poll books, the automatic tabulating equipment used in the election and those voter-verified paper ballots generated by direct recording electronic vote machines, shall determine the number of votes cast for each candidate and for and against each question and, by this examination, shall procure the correct returns and ascertain the true results of the election. Any candidate or his or her party representative may be present at the examination.

(c) If any qualified individual demands a recount of the votes cast at an election, the voter verified paper ballot shall be used according to the same rules that are used in the original vote

count pursuant to section twenty-seven of this article. For purposes of this subsection, "qualified individual" means a person who is a candidate for office on the ballot or a voter affected by an issue, other than an individual's candidacy, on the ballot.

W. VA. CODE § 3-3-7: Delivery of Absentee Ballots to Polling Places

(a) Except as otherwise provided in this article, in counties using paper ballots systems or voting machines, the absentee ballots of each precinct, together with the applications for the absentee ballots, the affidavits made in connection with assistance in voting and any forms, lists and records as may be designated by the Secretary of State, are to be delivered in a sealed carrier envelope to the election commissioner of the precinct at the time he or she picks up the official ballots and other election supplies as provided in section twenty-four, article one of this chapter.

W. VA. CODE § 3-4A-13: Inspection of Ballots, Electronic Poll Books and Vote-recording Devices; Duties of County Commission, Ballot Commissioners and Election Commissioners; Records Relating to Ballots and Vote-recording Devices; Receipt of Election Materials by Ballot Commissioners

(d) The vote-recording devices, the electronic poll books and the ballots shall then be secured in double lock rooms. The clerk and the president or president pro tempore of the county commission shall each have a key. The rooms shall be unlocked only in their presence and only for the removal of the devices, electronic poll books and the ballots for transportation to the polls. Upon removal of the devices, the electronic poll books and the ballots, the clerk and president or president pro tempore of the county commission shall certify in writing signed by them that the devices, the electronic poll books and packages of ballots were found to be sealed when removed for transportation to the polls.

W. VA. CODE § 3-4A-16: Delivery of Vote-recording Devices and Electronic Poll Books; Time, Arrangement for Voting

The clerk of the county commission shall deliver or cause to be delivered each vote recording device, electronic poll book and the package of ballots to the polling place where they are to be employed. The delivery shall be made not less than one hour prior to the opening of the polls and in the presence of the precinct election commissioners. At the time of the delivery the device and electronic poll books are to be sealed to prevent any use prior to the opening of the polls and the ballots are to be packaged and sealed to prevent any tampering with the ballots. Immediately prior to the opening of the polls on election day, the sealed packages of ballots are to be opened, where applicable, and the seal of the vote recording device and the seal of the electronic poll book is to be broken in the presence of the precinct election commissioners, who shall certify in writing signed by them to the clerk of the county commission that the devices, where applicable, and the ballots have been delivered in their presence, that the devices and packages of ballots were found to be sealed upon delivery and that the seals have been broken and the devices opened in their presence, as may be appropriate. The election commissioners shall then cause the

vote-recording device and booth to be arranged so that the front of the vote-recording device will not be visible, when the vote-recording device is being operated, to any person other than the voter. The poll clerks shall ensure that the vote-recording device is placed in a location that maintains voter privacy through the entire period of voting.

W. VA. CODE § 3-1-21: Printing of Official and Sample Ballots; Number; Packaging and Delivery; Correction of Ballots

(d) The number of regular official ballots packaged for each precinct shall equal at a minimum seventy-five percent of the number of registered voters of the precinct. The remaining regular official ballots shall be packaged and delivered to the clerk of the county commission, who shall retain them unopened until they are required for an emergency. Each package of ballots shall be wrapped and sealed in a manner which will immediately make apparent any attempt to open, alter or tamper with the ballots. Each package of ballots for a precinct shall be clearly labeled, in a manner which cannot be altered, with the county name, the precinct number and the number of ballots contained in each package. If the packaging material conceals the face of the ballot, a sample ballot identical to the official ballots contained therein shall be securely attached to the outside of the package or, in the case of ballot cards, the type of ballot shall be included in the label.

Retention of Election Materials

W. VA. CODE § 3-1-43: Disposition of Miscellaneous Election Papers

At the expiration of twenty-two months after any election, the affidavits taken and returned by any registrar or any election officer, applications for absent voters' ballots, rejected absent voters' ballots, certificates of nominations of candidates, and the written designations of election officers and of ballot commissioners shall be destroyed. If the further preservation of any of the documents mentioned in this section shall be required by the order of the court, the same shall be destroyed at the expiration of the time fixed for the further preservation thereof by such order.

Wisconsin

WIS. STAT. § 5.85: Receiving, Counting, Tallying and Return of Ballots

(1) At any polling place at which an electronic voting system is utilized, the following procedures for receiving, counting, tallying and return of the ballots shall be used. Whenever paper ballots are utilized at a polling place in combination with ballots employed in an electronic voting system, the paper ballots shall be deposited in a separate ballot box or boxes, according to the types of ballots used. For the purpose of transporting the ballots or the record of the votes cast, the municipal clerk shall provide a secure container for each polling place. At each polling place, the applicable portions of the procedure prescribed for initiating the canvass under s. 7.51 (1) and (2) shall be performed, except that no count of the ballots, except write-in votes and paper ballots used for absentee voting and other purposes authorized by law, may be performed at a polling place if a central counting location is designated for the counting of ballots at that polling place by the municipality.

WIS. STAT. § 7.25: Voting Machine Officials' Duties

(c) After the inspection under par. (b), on the forms furnished, the election officials shall certify the condition of each voting machine and its counters. Each form shall be signed by each election official. After the election, one copy of each machine's certification shall be delivered with each copy of the election returns.

Retention of Election Materials

WIS. STAT. § 7.23: Destruction of Election Materials

(1) All materials and supplies associated with an election, except as provided in sub. (2), may be destroyed according to the following schedule:

(a) Except as provided in par. (am), unused materials after an election and the contents of the blank ballot box after a primary may be destroyed at a time and in a manner designated by the appropriate clerk.

(am) Unused ballots may be discarded or destroyed no earlier than the day after the latest day for the filing of a petition for a recount under s.901 for any office on the ballots.

(c) Registration forms of electors whose registrations are changed to ineligible status under s.6.50(7) may be destroyed 4 years after the change, unless an elector becomes eligible again during that period.

(d) Financial reports may be destroyed 6 years after the date of receipt. Financial registration statements may be destroyed 6 years after termination of registration.

Appendix: 50-State Chain of Custody Survey

- (e) Poll lists created for any election may be destroyed 22 months after the election at which they were created.
 - (f) Except as authorized in par. (g), ballots, applications for absentee ballots, registration forms, or other records and papers requisite to voting at any federal election, other than registration cards, may be destroyed after 22 months.
 - (g) Detachable recording units and compartments for use with tabulating equipment for an electronic voting system may be cleared or erased 14 days after any primary and 21 days after any other election. Before clearing or erasing the units or compartments, a municipal clerk shall transfer the data contained in the units or compartments to a disk or other recording medium which may be erased or destroyed 22 months after the election to which the data relates. The requirement to transfer data does not apply to units or compartments for use with tabulating equipment for an electronic voting system that was approved for use prior to January 1, 2009, and that is not used in a federal election.
 - (h) Except as provided in par. (f), ballots may be destroyed 30 days after any election.
 - (i) Official canvasses may be destroyed 10 years after the election to which they relate.
 - (j) Election notices, and proofs of publication and correspondence filed in connection with such notices may be destroyed one year after the date of the election to which they relate.
 - (k) All other materials and supplies associated with an election may be destroyed 90 days after the election.
- (2) If a recount is pending or if the time allowed for filing a recount petition at any election or an appeal or petition for review of any recount determination or decision at an election has not expired, no materials may be destroyed until after the recount is completed and the applicable time period has expired. In addition, if there is litigation pending with respect to a recount at an election, materials may be destroyed and recording units or compartments may be cleared or erased only by order of the court in which litigation is pending. Upon petition of the attorney general or a district attorney or U.S. attorney for the affected jurisdiction, a circuit judge for the affected jurisdiction may order that specified materials not be destroyed or that specified recorders, units or compartments not be cleared or erased as otherwise authorized under this subsection until the court so permits.

Wyoming

WYO. STAT. ANN. § 22-10-107: Custody and Maintenance

The county clerk shall have custody of voting machines and keep them in repair. The county clerk shall have custody and care of keys and seals for the voting machines.

WYO. STAT. ANN. § 22-9-115: Receipt by Clerk; Handling Procedure

- (a) After an absentee ballot has been accepted by the clerk, it shall not be returned to the voter.
- (b) The clerk shall place completed absentee ballot envelopes in a large precinct envelope for the precinct in which they shall be voted and keep custody of them until they are delivered to the polling place or the designated counting center. The clerk shall endorse on the precinct envelope the number of the district and precinct and the words "Envelope contains ballots of absentee qualified electors and shall be opened only on election day at the polls when the polls are open" and shall affix his signature, official title, and seal the envelope.

WYO. STAT. ANN. § 22-10-109: Key in Sealed Envelope; Matters to be Printed Thereon

- (a) When all voting machines to be used in an election are locked and sealed, the key to each machine shall be enclosed in a sealed envelope on which shall be printed:
 - (i) The number or designation of the election district and precinct in which the machine is to be used;
 - (ii) The number of the seal with which the machine is sealed;
 - (iii) The number registered on the protective counter as reported by the county clerk;
 - (iv) The signature of the clerk and the signatures of two (2) representatives, if any, placed across the seal.

WYO. STAT. ANN. § 22-12-108: Delivery of Ballots and Stamps; Breaking of Seals

Ballots shall be delivered under seal or otherwise properly secured and a receipt therefor signed by a judge of election shall be filed with the county clerk. Seals shall be broken on the morning of election day by the chief judge in the presence of the other judges before the polls are opened.

WYO. STAT. ANN. § 22-14-110: Sealing Paper Ballots and Voting Machine Records

Paper ballots shall be sealed by the election judges in an envelope after being counted and tallied, unless the ballots are being counted at a central counting center as authorized by W.S. 22-14-114(b). One (1) copy of each voting machine record shall be sealed in a separate envelope showing the district, precinct and machine number and endorsed by the election judges. These envelopes shall then be sealed in a single large container. The district and precinct number shall be written on each container.

Appendix: 50-State Chain of Custody Survey

WYO. STAT. ANN. § 22-14-111: Returning Records and Returns to Clerk

(a) Unless the votes are being counted at a central counting center as authorized by W.S. 22-14-114(b), an election judge or peace officer as defined under W.S. 7-2-101(a)(iv)(A) or (B) and acting under the authority of the county clerk shall, as soon as possible after the tabulation of votes is complete, return to the clerk who prepared the ballots for the election the following records and returns in a sealed and locked container with a numbered seal that includes a number or other identifier that is unique to that seal:

- (i) One (1) sealed copy from each electronic voting system printer pack;
- (ii) All ballots cast, including provisional ballots;
- (iii) Spoiled or rejected ballots;
- (iv) Ballots not cast;
- (vi) Affidavits, registration application forms and oaths where required;
- (vii) Tally sheets;
- (viii) Oaths of judges of election;
- (ix) Reconciliation of ballots;
- (x) Tally sheet if ballots are hand counted.

(b) The number or unique identifier on the numbered seal on the sealed and locked container required under subsection (a) of this section shall be documented by an election judge before departing the polling place and documented by the county clerk upon arriving at the county clerk's office.

WYO. STAT. ANN. § 22-14-113. Return of Voting Machine Keys and Supplies

(a) Keys to voting machines shall be returned to the county clerk in an envelope sealed and signed by an election judge and endorsed by an election judge of a different political party affiliation. On this envelope shall be recorded the number of the seal with which the machine was closed.

(b) All voting supplies, ballot boxes and voting machines shall be returned to the county clerk as soon as possible after the vote has been returned.

Retention of Election Materials

Wyo. Sec'y of State, State Agency Records Retention Schedule, [State-Agency_RRS_2024-09-06.pdf](#) (last visited Aug. 28, 2026).

Records related to the reporting on the administration and management of elections. Retain 5 years after create date, then destroy.