

§23. Preservation and destruction of records

The preservation and destruction of records and other materials required by this Title are governed by the following provisions. [PL 1985, c. 161, §6 (NEW).]

1. Registration and enrollment applications. The registrar shall keep registration and enrollment applications and requests and all documentation of changes in registration and enrollment as part of each active or inactive voter's permanent registration record. Records must be kept only 2 years for a voter whose registration has been cancelled or for an applicant whose registration application has been rejected.

[PL 2005, c. 453, §6 (AMD).]

2. Convention certificates. The Secretary of State shall keep the certificates required by section 322 in the Secretary of State's office for 2 years.

[RR 2019, c. 2, Pt. B, §28 (COR).]

3. Primary and nomination petitions. The Secretary of State shall keep primary petitions, nomination petitions and consents in the office of the Secretary of State through the end of the calendar year in which the petition was filed.

[PL 2013, c. 131, §2 (AMD).]

3-A. Direct initiative of legislation and people's veto petitions. The Secretary of State shall keep direct initiative of legislation and people's veto petitions in the Office of the Secretary of State for 6 months after any appeal period has passed.

[PL 2009, c. 253, §7 (NEW).]

3-B. Party formation documents. The Secretary of State shall keep party formation declarations of intent and certification forms filed pursuant to section 303 in the office of the Secretary of State for 6 months after any appeal period has passed.

[PL 2013, c. 131, §3 (NEW).]

4. Receipts for ballots. The Secretary of State and each clerk shall keep a record of receipts for ballots issued and received under sections 606 and 651 in their respective offices for 6 months.

[PL 2013, c. 457, §1 (AMD).]

5. Receipt of incoming voting list. The registrar shall keep the receipt for certified copies of the incoming voting list required by section 624, subsection 2 in the registrar's office for 6 months.

[PL 2019, c. 371, §2 (AMD).]

6. Election tabulations. The Secretary of State shall keep election tabulations in the Secretary of State's office for 10 years.

[RR 2019, c. 2, Pt. B, §29 (COR).]

7. Ballots and other election materials. 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.

[PL 2019, c. 371, §3 (AMD).]

7-A. Incoming voting lists. For 5 years following any election, the clerk shall keep the incoming voting lists in the clerk's office or other secure location under the control of the clerk.

[PL 2011, c. 534, §2 (AMD).]

7-B. Absentee envelopes and applications. For 2 years following any election, the clerk shall keep the absentee ballot envelopes, including the unopened envelopes containing rejected absentee ballots, the applications for absentee ballots and the list of voters who were issued absentee ballots in the clerk's office or other secure location under the control of the clerk.

[PL 2011, c. 534, §3 (NEW).]

8. Certificate of presidential electors. The Secretary of State shall keep the certificate of the votes of the presidential electors, delivered to the Secretary of State under section 805, in the Secretary of State's office for one year.

[RR 2019, c. 2, Pt. B, §30 (COR).]

9. Registration of treasurer. The Commission on Governmental Ethics and Election Practices shall keep the registration of a treasurer under section 1013-A in its office for 2 years.

[RR 2021, c. 2, Pt. A, §52 (COR).]

10. Records and campaign finances. Each treasurer and each candidate shall keep the records required by section 1016 for 2 years following the election to which they pertain.

[PL 1985, c. 161, §6 (NEW).]

11. Campaign reports. The Commission on Governmental Ethics and Election Practices shall keep the campaign reports or report data in its office for at least 8 years.

[IB 1995, c. 1, §10 (AMD).]

12. Certificate of appointment. The Secretary of State shall keep a certificate of appointment to fill a vacancy under section 363 in the Secretary of State's office for 2 years.

[RR 2019, c. 2, Pt. B, §31 (COR).]

12-A. Informational filings. The Secretary of State shall keep a copy of the election-specific informational filings and reports received from the municipal clerks and registrars in the office of the Secretary of State for 6 months after the election to which they pertain, except that the return of votes cast report must be kept for 2 years.

[PL 2013, c. 131, §5 (NEW).]

13. Miscellaneous. The official charged with the custody of any record not specifically provided for in this section shall keep it in that official's office for 2 years.

[RR 2019, c. 2, Pt. B, §32 (COR).]

14. Destruction of records. After the records and other materials have been kept for the required period, they may be destroyed. Posted notices, sample ballots and instruction posters may be destroyed as soon as the election to which they pertain is past. Ballots must be destroyed using a method that makes the contents unreadable.

[PL 2003, c. 447, §4 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 383, §1 (AMD). IB 1995, c. 1, §10 (AMD). PL 1995, c. 459, §2 (AMD). PL 1997, c. 436, §§10,11 (AMD). PL 2001, c. 310, §3 (AMD). PL 2003, c. 447, §4 (AMD). PL 2003, c. 584, §2 (AMD). PL 2005, c. 453, §§6,7 (AMD). PL 2009, c. 253, §7 (AMD). PL 2011, c. 342, §§6, 7 (AMD). PL 2011, c. 534, §§1-3 (AMD). PL 2013, c. 131, §§2-5 (AMD). PL 2013, c. 457, §1 (AMD). PL 2019, c. 371, §§2, 3 (AMD). RR 2019, c. 2, Pt. B, §§28-32 (COR). RR 2021, c. 2, Pt. A, §52 (COR).

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