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↑ Next

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Subject: Legal Authorities and Resources Regarding Demands to Access Voting Machines

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Directors,

Thank you for joining today's Huddle about threatened demands to inspect voting equipment by unauthorized elected officials. This is to follow up with the legal citations and other information that we referenced in the call. In response to one of the chat questions during the Huddle, you are welcome to provide this information to your board members, if that would be helpful.

#### Relevant Legal Authorities (also attached)

The North Carolina Administrative Code requires county boards of elections to restrict access to voting systems to "county board of elections staff[,] and the system cannot be tampered with when not in use on election day." [08 NCAC 04 .0306\(a\)](#).

Additionally, if your county is conducting voting, [N.C.G.S. § 163-166.7\(c\)\(1\)](#) requires that voting systems "remain secure throughout the period voting is being conducted."

From what we understand, some members of the General Assembly are relying on [N.C.G.S. § 120-19](#) to demand access to voting systems. We do not believe that statute applies, because it permits individual members of the General Assembly to request only "information" and "data" within the possession of any "officers, agents, agencies and departments of the State."

Official committees of the General Assembly have some subpoena powers, but there are specific procedures that must be followed for such a subpoena to have legal authority, and we are not aware of any authority for a legislative subpoena to require the examination of property such as voting machines. See [N.C.G.S. § 120-19.2](#). There has been no suggestion that any subpoena has been issued or that anyone is relying on the legislative subpoena power to attempt to access county voting equipment.

## Resources Pertaining to Threats

As Karen mentioned in the Huddle, after incidents like today's demand to access voting machines due to misinformation about election irregularities, we may see an uptick in angry communications directed at elections officials. Attached are some of the resources Karen referred to, and below are some important notes:

- The FBI has modified their national tip line to include a prompt specifically for threats against election officials. You can call 1-800-CALL-FBI (255-5324) and follow the command prompts for reporting a threat to election officials.
- Attached is the list of Election Crimes Coordinators (ECC) with the FBI. We have been asked to share this with local election officials and vendors. The guidance we have received from the FBI is, "Reports of any threatening or harassing behavior or any communication that makes someone uncomfortable should be shared with the OPS ECC. This includes phone calls, emails, text messages, social media posts, and comments on blogs or articles. Not everything will be a crime, but the only way the federal government will have a true picture of what's going on is if we report everything."

Please let us know if we can provide further information or assistance.

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