

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 819
May 4, 2021
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH10382-BK-3

Short Title: Alternate Observers at Voting Places.

(Public)

Sponsors: Representative Mills.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT AN OBSERVER SERVING AT A VOTING PLACE MAY
3 ALTERNATE WITH ANOTHER OBSERVER DURING THE DAY OF A PRIMARY OR
4 ELECTION AT THE OPTION OF THE APPOINTING AUTHORITY.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 163-45 reads as rewritten:

7 "§ 163-45. Observers; appointment.

8 (a) The chair of each political party in the county shall have the right to designate two
9 observers to attend each voting place at each primary and election and such observers may, at the
10 option of the designating party chair, be relieved during the day of the primary or election after
11 serving no less than four hours and provided the list required by this section to be filed by each
12 chair contains the names of all persons authorized to represent such chair's political party. The
13 election. In addition, the chair of each political party in the county shall have the right to designate
14 10 additional county at-large observers who are residents of that county who may attend any
15 voting place in that county. observers. The chair of each political party in the State shall also
16 have the right to designate up to 100 additional State at-large observers who are residents of the
17 State who may attend any voting place in the State. The list submitted by the chair of the political
18 party may be amended between the one stop period under G.S. 163-227.2, 163-227.5, and
19 163-227.6 and general election day to substitute one or all at-large observers for election day.
20 Not more than two observers from the same political party shall be permitted in the voting
21 enclosure at any time, except that in addition one of the at-large observers from each party may
22 also be in the voting enclosure. observers. This right shall not extend to the chair of a political
23 party during a primary unless that party is participating in the primary. In any election in which
24 an unaffiliated candidate is named on the ballot, the unaffiliated candidate or the unaffiliated
25 candidate's campaign manager shall have the right to appoint two observers for each voting place
26 consistent with the provisions specified herein in this section.

27 (a1) For purposes of this section, an "observer" is a person appointed by the chair of a
28 county political party, the chair of a State political party, or an unaffiliated candidate or an
29 unaffiliated candidate's campaign manager to serve at voting places during a primary or election.
30 A "precinct-specific observer" is appointed by the chair of a county political party or an
31 unaffiliated candidate or an unaffiliated candidate's campaign manager to serve at a particular
32 voting place. A "county at-large observer" is appointed by the chair of a county political party
33 and may serve at any voting place in that county. A "State at-large observer" is appointed by the
34 chair of a State political party and may serve at any voting place in the State.

35 (a2) Persons appointed as observers by the chair of a county political party
36 Precinct-specific observers and county at-large observers must be registered voters of the county



* D R H 1 0 3 8 2 - B K - 3 *

1 for which appointed and must have good moral character. ~~Persons appointed as observers by the~~
2 ~~chair of a State political party~~ State at-large observers must be registered voters of the State and
3 must have good moral character. No person who is a candidate on the ballot in a primary or
4 election may serve as an observer or runner in that primary or election. Observers shall take no
5 oath of office.

6 (b) ~~Individuals~~ Prior to 10:00 A.M. on the fifth day prior to any primary or general
7 election, individuals authorized to appoint precinct-specific observers and county at-large
8 observers must submit in writing to the chief judge of each precinct county board of elections a
9 signed list of the observers appointed for that precinct, except that the list of at large observers
10 authorized in subsection (a) of this section shall be submitted to the county director of
11 elections. Individuals authorized to appoint observers must, prior to be appointed. Prior to 10:00
12 A.M. on the fifth day prior to any primary or general election, individuals authorized to appoint
13 State at-large observers must submit in writing to the chair of the county board of elections two
14 signed copies of a list of observers appointed by them, designating the precinct or at large status
15 for which each observer is appointed. State Board of Elections a signed list of the observers to
16 be appointed. The State Board of Elections shall provide a signed copy of the list of State at-large
17 observers to each county board of elections. Before the opening of the voting place on the day of
18 a primary or general election, the chair county board of elections shall deliver one copy of the
19 each list of appointed observers to the chief judge for each affected precinct, except that the list
20 of at large observers shall be provided by the county director of elections to the chief judge. The
21 chair shall retain the other copy. precinct. The lists of observers submitted by each appointing
22 authority may be amended no later than the time for opening the voting place on the day of any
23 primary or general election.

24 (b1) ~~The chair, county board of elections, or the chief judge and judges for each affected~~
25 ~~precinct, may for good cause reject any appointee and require that another observer be appointed.~~
26 ~~The names of any persons appointed in place of those persons rejected shall be furnished in~~
27 ~~writing to the chief judge of each affected precinct no later than the time for opening the voting~~
28 ~~place on the day of any primary or general election, either by the chair of the county board of~~
29 ~~elections or the person individual making the substitute appointment.~~

30 (b2) ~~If party chairs~~ Individuals authorized to appoint observers under this section may
31 appoint observers to serve at one-stop sites under G.S. 163-227.2, 163-227.5, and 163-227.6,
32 those party chairs shall provide a 163-227.6. A list of the observers to be appointed must be
33 submitted pursuant to subsection (b) of this section before 10:00 A.M. on the fifth day before the
34 observer is to observe. At large observers may serve at any one-stop site. A county at-large
35 observer may serve at any one-stop site in the county and a State at-large observer may serve at
36 any one-stop site in the State.

37 (b3) No more than two precinct-specific observers appointed from each political party
38 shall be permitted in the voting enclosure at each voting place at any time. In addition to the two
39 precinct-specific observers, one at-large observer from each political party, whether designated
40 as a county at-large observer or a State at-large observer, may be in the voting enclosure at each
41 voting place. No more than two precinct-specific observers designated by an unaffiliated
42 candidate or an unaffiliated candidate's campaign manager appearing on the ballot shall be
43 permitted in the voting enclosure at each voting place at any time.

44 (b4) Observers may be relieved during the day of the primary or election. At the option of
45 the appointing authority, a precinct-specific observer may alternate with another precinct-specific
46 observer, and a county at-large observer or State at-large observer may alternate with another
47 county at-large observer or State at-large observer, throughout the day as needed, provided that
48 each observer's name is on the list submitted by the appointing authority as required by this
49 section.

50 (c) An observer shall do no electioneering at the voting place, and shall in no manner
51 impede the voting process or interfere or communicate with or observe any voter in casting a

1 ballot, but, subject to these restrictions, the chief judge and judges of elections shall permit the
2 observer to make such observation and take such notes as the observer may desire.

3 (d) Whether or not the observer attends to the polls for the requisite time provided by this
4 section, each observer shall be entitled to obtain at times specified by the State Board of
5 Elections, but not less than three times during election day with the spacing not less than one
6 hour apart, a list of the persons who have voted in the precinct so far in that election day. Counties
7 that use an "authorization to vote document" instead of poll books may comply with the
8 requirement in the previous sentence by permitting each observer to inspect election records so
9 that the observer may create a list of persons who have voted in the precinct so far that election
10 day; each observer shall be entitled to make the inspection at times specified by the State Board
11 of Elections, but not less than three times during election day with the spacing not less than one
12 hour apart.

13 (e) Instead of having an observer receive the voting list, list in accordance with subsection
14 (d) of this section, the chair of a county party chair political party, or an unaffiliated candidate or
15 an unaffiliated candidate's campaign manager, may send a runner to do so, even if an observer
16 has not been appointed for that precinct. The runner may be the precinct party chair or any person
17 named by the county party chair. Each county party chair or unaffiliated candidate or unaffiliated
18 candidate's campaign manager, appointing authority using runners in an election shall provide to
19 the county board of elections before 10:00 A.M. on the fifth day before election day a list of the
20 all runners to be used. That party chair used and must notify the chair of the county board of
21 elections or the board chair's designee of the names of all runners to be used in each precinct
22 before the runner goes to the precinct. The runner may receive a voter list from the precinct on
23 the same schedule as an observer. Whether obtained by an observer or runner, each party or
24 unaffiliated candidate is entitled to only one voter list at each of the scheduled times. No runner
25 may enter the voting enclosure except when necessary to announce that runner's presence and to
26 receive the list. The runner must leave immediately after being provided with the list."

27 **SECTION 2.(a)** G.S. 163-166.7(c)(9) reads as rewritten:

28 "(9) ~~Party observers~~ Observers are given access as provided by G.S. 163-45 to
29 current information about which voters have voted."

30 **SECTION 2.(b)** G.S. 163-227.6(a) reads as rewritten:

31 "(a) Notwithstanding any other provision of G.S. 163-227.2, 163-227.5, and this section,
32 a county board of elections by unanimous vote of all its members may provide for one or more
33 sites in that county for absentee ballots to be applied for and cast under these sections. Every
34 individual staffing any of those sites shall be a member or full-time employee of the county board
35 of elections or an employee of the county board of elections whom the board has given training
36 equivalent to that given a full-time employee. Those sites must be approved by the State Board
37 as part of a Plan for Implementation approved by both the county board of elections and by the
38 State Board which shall also provide adequate security of the ballots and provisions to avoid
39 allowing persons to vote who have already voted. The Plan for Implementation shall include a
40 provision for the presence of ~~political party~~ observers at each one-stop site equivalent to the
41 provisions in G.S. 163-45 for ~~party~~ observers at voting places on election day. A county board
42 of elections may propose in its Plan not to offer one-stop voting at the county board of elections
43 office; the State Board may approve that proposal in a Plan only if the Plan includes at least one
44 site reasonably proximate to the county board of elections office and the State Board finds that
45 the sites in the Plan as a whole provide adequate coverage of the county's electorate. If a county
46 board of elections has considered a proposed Plan or Plans for Implementation and has been
47 unable to reach unanimity in favor of a Plan, a member or members of that county board of
48 elections may petition the State Board to adopt a plan for it. If petitioned, the State Board may
49 also receive and consider alternative petitions from another member or members of that county
50 board. The State Board may adopt a Plan for that county. The State Board, in that plan, shall take

1 into consideration whether the Plan disproportionately favors any party, racial or ethnic group,
2 or candidate."

3 **SECTION 3.** This act becomes effective October 1, 2021, and applies to elections
4 held on or after that date.