

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 323

Short Title: Observers at Polls.

(Public)

Sponsors: Senators Horton, Gulley, McDaniel, Sawyer, Clark, McKoy, Blackmon, Cochrane, Shaw, Carrington, Foxx, Forrester, Little, Hartsell, Parnell, and Carpenter.

Referred to: Judiciary II/Election Laws

March 8, 1995

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT OBSERVERS AT A PRECINCT'S VOTING PLACE
2 NEED NOT BE REGISTERED VOTERS IN THAT PRECINCT BUT SHALL BE
3 REGISTERED VOTERS IN THE COUNTY.
4

5 The General Assembly of North Carolina enacts:

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

7 "**§ 163-45. Observers; appointment.**

8 The chairman of each political party in the county shall have the right to designate
9 two observers to attend each voting place at each primary and election and such observers
10 may, at the option of the designating party chairman, be relieved during the day of the
11 primary or election after serving no less than four hours and provided the list required by
12 this section to be filed by each chairman contains the names of all persons authorized to
13 represent such chairman's political party. Not more than two observers from the same
14 political party shall be permitted in the voting enclosure at any time. This right shall not
15 extend to the chairman of a political party during a primary unless that party is
16 participating in the primary. In any election in which an unaffiliated candidate is named
17 on the ballot, he or his campaign manager shall have the right to appoint two observers
18 for each voting place consistent with the provisions specified herein. Persons appointed

1 as observers must be registered voters of the ~~precinct~~ county for which appointed and
2 must have good moral character. Observers shall take no oath of office.

3 Individuals authorized to appoint observers must submit in writing to the chief judge
4 of each precinct a signed list of the observers appointed for that precinct. Individuals
5 authorized to appoint observers must, prior to 10:00 A.M. on the fifth day prior to any
6 primary or general election, submit in writing to the chairman of the county board of
7 elections two signed copies of a list of observers appointed by them, designating the
8 precinct for which each observer is appointed. Before the opening of the voting place on
9 the day of a primary or general election, the chairman shall deliver one copy of the list to
10 the chief judge for each affected precinct. He shall retain the other copy. The chairman,
11 or the chief judge and judges for each affected precinct, may for good cause reject any
12 appointee and require that another be appointed. The names of any persons appointed in
13 place of those persons rejected shall be furnished in writing to the chief judge of each
14 affected precinct no later than the time for opening the voting place on the day of any
15 primary or general election, either by the chairman of the county board of elections or the
16 person making the substitute appointment.

17 An observer shall do no electioneering at the voting place, and he shall in no manner
18 impede the voting process or interfere or communicate with or observe any voter in
19 casting his ballot, but, subject to these restrictions, the chief judge and judges of elections
20 shall permit him to make such observation and take such notes as he may desire.

21 Whether or not the observer attends to the polls for the requisite time provided by this
22 section, each observer shall be entitled to obtain at times specified by the State Board of
23 Elections, but not less than three times during election day with the spacing not less than
24 one hour apart, a list of the persons who have voted in the precinct so far in that election
25 day. Counties that use an "authorization to vote document" instead of poll books may
26 comply with the requirement in the previous sentence by permitting each observer to
27 inspect election records so that the observer may create a list of persons who have voted
28 in the precinct so far that election day; each observer shall be entitled to make the
29 inspection at times specified by the State Board of Elections, but not less than three times
30 during election day with the spacing not less than one hour apart."

31 Sec. 2. This act becomes effective January 1, 1996, and applies to all primaries
32 and elections occurring on or after that date.