



# HOUSE BILL 369: Election Observer Bill of Rights.

2019-2020 General Assembly

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<b>Committee:</b>	House Elections and Ethics Law. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 24, 2019
<b>Introduced by:</b>	Rep. Speciale	<b>Prepared by:</b>	Erika Churchill
<b>Analysis of:</b>	First Edition		Staff Attorney

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**OVERVIEW:** *House Bill 369 would establish certain statutory rights for observers of elections, effective when it becomes law.*

**CURRENT LAW:** The chair of each political party in each county has the right to designate 2 observers to attend each voting place at each primary and election. The chair of each political party in the county also has the right to designate 10 additional at-large observers who are residents of that county who may attend any voting place in that county, by providing a list to the county director of elections. This right does not extend to a political party during a primary unless that party is participating in that primary. In any election in which an unaffiliated candidate is on the ballot, the candidate or the candidate's campaign manager has the right to appoint 2 observers for each voting place.

Individuals appointed as observers must be a registered voter of the county and have good moral character. No candidate on the ballot in a primary or election may serve as an observer.

The chair of the county board of elections, or the chief judge and judges for each affected precinct, may for good cause reject any observer and require that another be appointed. Observers may be appointed at early voting one-stop sites, and at-large observers may serve at any early voting one-stop site. Not more than 2 observers from the same political party are permitted in the voting enclosure at any time, except that 1 of the at-large observers from each party may also be in the voting enclosure.

Observers may not do any of the following:

- Electioneering at the voting place
- Impede the voting process
- Interfere or communicate with or observe any voter in casting a ballot.

The chief judge and judges of elections are required to permit the observer to make such observation and take such notes as the observer may desire.

Whether or not the observer attends to the polls for at least four hours, observers are entitled to obtain a list of the persons who have voted in the precinct that election day. This is to occur at times specified by the State Board, but not less than 3 times each election day with the spacing not less than 1 hour apart. Runners may also be sent by the county party chair for this purpose, even if an observer has not been appointed for that precinct. G.S. 163A-821.

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**BILL ANALYSIS:** The bill would establish specified rights of each observer, allowing each observer to :

- Begin observation duties from the time the judge enters the polling location until all ballot containers are officially sealed and the voting enclosure is secured for the day.
- Hear the name and address of each voter when the voter first announces the voter's name at the initial check-in table. The observer may ask any election official to repeat the name or address of the voter if the observer was unable to hear the voter's name or address when it was initially announced. This also applies to curbside voting.
- Traverse freely between the curbside voting area and the voting enclosure throughout the curbside voting process.
- Observe curbside voting at such a distance as to enable the observer to hear any instruction or verbal communication between the election assistant and the curbside voter. However, the observer is not permitted to stand within 5 feet of the curbside voter's vehicle.
- Keep in view the ballot boxes until after the ballot boxes are sealed at the end of the day.

The bill would also specify that an observer county only be expelled for cause, in writing. The written notice of expulsion would need to be signed by the chief judge and at least one other judge assigned to that precinct.

**EFFECTIVE DATE:** Effective when it becomes law and applies to observations for elections held on or after that date.