

08 NCAC 20 .0101 is proposed for amendment under temporary procedures as follows:

08 NCAC 20 .0101 ELECTION OBSERVERS

(a) Observer Lists. The chair of each political party in a county may designate two ~~specific precinct-specific~~ observers to attend each voting place at any one time on Election Day and each one-stop site at any one time during a primary or general election in accordance with this Rule. The ~~precinct-specific observer list~~ lists of observers assigned to particular precincts or one-stop sites may include up to eight names per voting place and shall include the times and days that each observer shall ~~serve~~ at each voting place. The county party chair may designate 10 additional at-large observers who may attend any voting place in the ~~county~~ county, including one-stop sites. ~~The list of observers for one stop must designate the names of the observers who will be present on each day of early voting and, for precinct specific observers, at each one stop site. At large observers may serve at any one stop site.~~ The chair of each State political party may designate up to 100 additional at-large observers who are residents of the State who may attend any voting place in the State.

(b) Submission of Lists.

(1) ~~Precinct-specific observers.~~ The county party chair shall submit a written, signed list of ~~county at-large~~ large observers for each precinct to the county director of ~~elections~~ elections, ~~with two copies provided to the chair of the county board of elections,~~ prior to 10:00 a.m. on the fifth day prior to Election Day. On Election Day, the county party chair shall provide the same signed list to the chief judge of each precinct, and the list may be delivered by a party-appointed observer. The county party chair shall submit a written, signed list of the observers appointed for each precinct to the chief judge of each precinct, with two copies provided to the chair of the county board of elections, prior to 10:00 a.m. on the fifth day prior to Election Day; the list may be delivered in care of the county director of elections. The list of precinct-specific observers to serve on Election Day may not be amended after 10:00 a.m. on the fifth day prior to Election Day.

(2) ~~One-stop observers.~~ The county party chair shall submit ~~the~~ a written, signed list of observers for each one-stop site to the county director of elections before 10:00 a.m. on the fifth day before the observer is to observe. Any changes to the list of one-stop observers submitted after 10:00 a.m. on the fifth day before the start of one-stop voting will not take effect until the fifth day after submission if submitted before 10:00 a.m., or on the sixth day after submission if submitted after 10:00 a.m.

(3) ~~County at-large observers.~~ The county party chair shall submit a written, signed list of county at-large observers to the county director of elections prior to 10:00 a.m. on the fifth day prior to Election Day. The list of at-large observers to serve on Election Day may be amended prior to Election Day to substitute one or all of the at-large observers, but no later than 5:00 p.m. on the day before Election Day. For any at-large observers to serve during one-stop voting, the county party chair must submit the at-large observer list by 10:00 a.m. on the fifth day before any at-large observer on the list is to observe.

1 (4) State at-large observers. The list of at large observers to serve on Election Day may be amended
2 prior to Election Day to substitute one or all of the at large observers. The list of at large observers
3 who serve during early voting may not be amended after 10:00 a.m. on the fifth day before the at-
4 large observer is to observe. The list of precinct specific observers to serve on Election Day may
5 not be amended after 10:00 a.m. on the fifth day prior to Election Day. The State party chair shall
6 submit the written, signed list of State at-large observers to the State Board of Elections by 10:00
7 a.m. on the fifth day prior to Election Day. to the State Board, which The State Board shall
8 disseminate the list to the county boards of elections. The list shall include the full name of each
9 at-large observer and the county in which the observer is registered. The State Board shall confirm
10 that each State at-large observer is a registered voter of the State. The list of State at-large
11 observers to serve on Election Day may be amended prior to Election Day to substitute one or all
12 of the at-large observers, but no later than 5:00 p.m. on the day before Election Day. For any at-
13 large observers to serve during one-stop voting, the state party chair must submit the at-large
14 observer list by 10:00 a.m. on the fifth day before any at-large observer on the list is to observe.
15 The county director shall provide copies of each list they receive to the chair of the county board of elections. Party
16 chairs may provide the lists by facsimile or email provided the letters are signed. Scanned Typed signatures are
17 permissible. When a deadline to submit an observer list falls on a weekend, a holiday, or another day when the
18 county board office is closed, the list may be submitted on the next day the office is open, consistent with G.S. 103-
19 5.

20 (c) Observers at Voting Place. No more than two precinct-specific observers from each political party may be in the
21 voting enclosure at any time. Only one at-large observer from each political party may be in the voting enclosure at
22 any time, even if no precinct-specific observers are present. All observers, whether precinct-specific or at-large, may
23 be relieved after serving no less than four hours; however, the total number of observers from each party cannot
24 exceed three total observers in the voting enclosure at one time: two precinct-specific observers and one county or
25 State at-large observer. An observer may leave the voting place without having served for four hours, but the
26 observer cannot be replaced by a new observer until at least four hours have passed since the first observer began
27 serving. An observer who repeatedly exits and reenters leaves the voting place for any reason may be
28 prohibited removed from observing at the voting location by the chief judge from returning if the observer's return
29 would cause conduct is causing a disruption in the voting enclosure.

30 (d) Observer Conduct. Observers who engage in prohibited conduct after receiving a warning may be required by
31 the chief judge to leave the voting enclosure. Prohibited activities by observers include:

- 32 (1) Wearing or distributing campaign material or electioneering;
- 33 (2) Impeding or disrupting the voting process or speaking with voters or election assistants;
- 34 (3) Interfering with the privacy of the voter, including positioning themselves in such a way that they
35 can so close to a tabulator, laptop, pollbook, or other voting document that they are able to view
36 confidential voter information on poll books or laptops or standing in such a way that they can
37 view or the contents of marked ballots inserted into a tabulator;

- 1 (4) Using an electronic device to film or take photographs inside the voting enclosure;
2 (5) Taking photographs, videos, or recording a voter without the consent of the voter and the chief
3 judge;
4 (6) Entering the voting booth area or attempting to view voted ballots;
5 (7) Boarding a vehicle containing curbside voters; ~~and~~
6 (8) Providing voter ~~assistance~~-assistance;
7 ~~(9) Using doors designated for precinct officials or one-stop workers;~~
8 ~~(10) Leaving the area designated for observers by the county board of elections, provided the area~~
9 ~~designated allows the observer to observe each part of the voting process except for the marking of~~
10 ~~ballots; and~~
11 ~~(11) Distributing or posting any written material in the voting enclosure.~~

12 (e) Eligibility. No person who is a candidate on the ballot in a primary or general election may serve as an observer
13 or runner in that primary or that general election. No person who serves ~~as an observer or runner in a primary or~~
14 ~~general election may serve~~ as a county board member, county board staff, precinct official, or one-stop
15 election official in that primary or that general election, may serve as an observer or runner in that primary or
16 general election. No person who is a parent, parent in-law, spouse, child, child in-law, sibling, or sibling in-law of a
17 precinct official or one-stop election official may serve as an observer or runner in that primary or that general
18 election.

19 (f) Observers for unaffiliated candidates. An unaffiliated candidate or the candidate's campaign manager may
20 appoint two observers at each voting place as set forth in this Rule.

21 (g) The use of the term "chief judge" includes one-stop site managers.
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23 *History Note: Authority G.S. 163-22; 163-45; 163-166.6; 163-166.7;*

24 *Eff. October 1, 2018;*

25 *Amended Eff. September 1, 2021.*