

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 816

Short Title: Poll Observers. (Public)

Sponsors: Representatives Mills, Davis, Warren, and Zenger (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Election Law and Campaign Finance Reform, if favorable, Rules, Calendar, and Operations of the House

April 19, 2023

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE CERTIFIED POLL OBSERVERS TO OBSERVE OPENING PROCEDURES AT EARLY ONE-STOP VOTING SITES AND ON ELECTION DAY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-166.5 reads as rewritten:

"§ 163-166.5. Procedures at voting place before voting begins.

(a) The State Board of Elections shall ~~promulgate~~ adopt rules for ~~precinct officials to~~ regarding the set up of the voting place before voting begins. Those rules shall ~~emphasize~~ emphasize all of the following:

- (1) Continual participation or monitoring by officials of more than one party.
- (2) Security of official ballots, records, and equipment.
- (3) The appearance as well as the reality of care, efficiency, impartiality, and honest election administration.

(b) The rules shall permit the observers appointed under G.S. 163-45 to witness, but not participate in, the set up of each voting place prior to voters entering the voting place to vote.

(c) The county boards of elections and precinct officials shall adhere to these procedures: the rules adopted pursuant to this section."

SECTION 2. G.S. 163-234(2) reads as rewritten:

"(2) The county board of elections shall meet at 5:00 p.m. on election day in the board office or other public location in the county courthouse for the purpose of counting all absentee ballots except those which have been challenged before 5:00 p.m. on election day and those received pursuant to G.S. 163-231(b)(2)b. or c. Any elector of the county shall be permitted to attend the meeting and allowed to observe the counting process, so long as the elector does not in any manner interfere with the election officials in the discharge of their duties.

The county board of elections may begin counting absentee ballots issued under Article 21A of this Chapter between the hours of 9:00 a.m. and 5:00 p.m. and may begin counting all absentee ballots between the hours of 2:00 p.m. and 5:00 p.m. upon the adoption of a resolution at least two weeks prior to the election in which the hour and place of counting absentee ballots shall be stated. The resolution also may provide for an additional meeting following the day of the election and prior to the day of canvass to count absentee ballots received pursuant to G.S. 163-231(b)(2)b. or c. as provided in subdivision (11)



1 of this section. A copy of the resolution shall be published once a week for
2 two weeks prior to the election, in a newspaper having general circulation in
3 the county. Notice may additionally be made on a radio or television station
4 or both, but the notice shall be in addition to the newspaper and other required
5 notice. The count shall be continuous until completed and the members shall
6 not separate or leave the counting place except for unavoidable necessity,
7 except that if the count has been completed prior to the time the polls close, it
8 shall be suspended until that time pending receipt of any additional ballots.
9 Nothing in this section prohibits a county board of elections from taking
10 preparatory steps for the count earlier than the times specified in this section,
11 as long as the preparatory steps do not reveal to any individual not engaged in
12 the actual count election results before the times specified in this subdivision
13 for the count to begin. By way of illustration and not limitation, a preparatory
14 step for the count would be the entry of tally cards from direct record
15 electronic voting units into a computer for processing. The county board shall
16 not announce the result of the count before 7:30 p.m. Upon announcement of
17 the result of the count, the documents associated with that count are a public
18 record and shall be available for public inspection in accordance with Chapter
19 132 of the General Statutes."

20 **SECTION 3.** This act is effective when it becomes law and applies to elections
21 conducted on or after that date.