

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 323
House Committee Substitute Favorable 6/28/95

Short Title: Observers at Polls.

(Public)

Sponsors:

Referred to:

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 AND TO AMEND THE LAW
4 GOVERNING ACCESS TO VOTER REGISTRATION INFORMATION.
5

6 The General Assembly of North Carolina enacts:

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

8 **"§ 163-45. Observers; appointment.**

9 The chairman of each political party in the county shall have the right to designate
10 two observers to attend each voting place at each primary and election and such observers
11 may, at the option of the designating party chairman, be relieved during the day of the
12 primary or election after serving no less than four hours and provided the list required by
13 this section to be filed by each chairman contains the names of all persons authorized to
14 represent such chairman's political party. Not more than two observers from the same
15 political party shall be permitted in the voting enclosure at any time. This right shall not
16 extend to the chairman of a political party during a primary unless that party is
17 participating in the primary. In any election in which an unaffiliated candidate is named
18 on the ballot, he or his campaign manager shall have the right to appoint two observers
19 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. G.S. 163-82.10 reads as rewritten:

32 **"§ 163-82.10. Official record of voter registration.**

33 (a) Application Form Becomes Official Record. – A completed and signed
34 registration application form described in G.S. 163-82.3, once approved by the county
35 board of elections, becomes the official registration record of the voter. The county board
36 of elections shall maintain custody of the official registration records of all voters in the
37 county and shall keep them in a place where they are secure.

38 (b) Access to Registration Records. – Upon request by that person, the county
39 board of elections shall provide to any person a list of the registered voters of the county
40 or of any precinct or precincts in the county. The county board may furnish selective lists
41 according to party affiliation, gender, race, date of registration, precinct name, precinct
42 identification code, congressional district, senate district, representative district, and,
43 where applicable, county commissioner district, city governing board district, fire district,

1 soil and water conservation district, and voter history including primary, general, and
2 special districts, or any other reasonable category. The following shall apply if a county
3 maintains or has its voter registration list maintained on a computer:

4 (1) In addition to the typed, mimeographed, photocopied, computer printout
5 or label lists, the county board of elections shall make the voter
6 registration information available to the public on magnetic medium.
7 Magnetic medium for the purpose of this section shall consist of nine
8 track tape or 3.5 inch diskettes and 5.25 inch diskettes readily accessible
9 using MS-DOS or Microsoft Windows operating systems or both such
10 systems; and

11 (2) Information requested on magnetic medium shall contain the following:
12 voter name, county voter identification number, residential address,
13 mailing address, sex, race, age or date of birth or both, party affiliation,
14 precinct name, precinct identification code, congressional district,
15 senate district, representative district, and, where applicable, county
16 commissioner district, city governing board district, fire district, soil and
17 water conservation district, and any other district information available,
18 and voter history including primary, general, and special districts, or any
19 other reasonable category.

20 provided that this subsection shall not require a county to computerize its lists, but if a
21 county does computerize it shall comply with subdivisions (1) and (2) of this subsection.
22 The county board shall require each person to whom a list is furnished to reimburse the
23 board for the actual cost incurred in preparing it, except as provided in subsection (c) of
24 this section. Actual cost for the purpose of this section shall not include the cost of any
25 equipment or any imputed overhead expenses. It may include the actual cost of paper,
26 labels, and magnetic medium. The purchaser at its discretion may provide the magnetic
27 medium. When furnishing information under this subsection to a purchaser on a
28 magnetic medium provided by the county board or the purchaser, the county board may
29 impose a service charge of up to twenty-five dollars (\$25.00).

30 (c) Free Lists. – Free lists of all registered voters in the county shall be provided in
31 the following cases:

32 (1) A county board that maintains voter records on computer shall provide,
33 upon written request, one free list to:

34 a. The State chair of each political party; and

35 b. The county chair of each political party

36 once in every odd-numbered year, once during the first six calendar
37 months of every even-numbered year, and once during the latter six
38 calendar months of every even-numbered year.

39 (2) A county board that does not maintain voter records on computer shall
40 provide one free paper list every two years to the county chair of each
41 political party.

42 Each free list shall include the name, address, gender, date of birth, race, political
43 affiliation, voting history, ~~and precinct~~ precinct name, precinct identification

1 code, congressional district, senate district, representative district, and, where applicable,
2 county commissioner district, city governing board district, fire district, soil and water
3 conservation district, and voter history including primary, general, and special districts of
4 each registered voter. The free paper list to the county party chairs shall group voters by
5 precinct. All free lists shall be provided as soon as practicable but no later than 30 days
6 after written request. Each State party chair shall provide the discs or tapes received from
7 the county boards to candidates of that party who request the discs or tapes in writing.
8 Each State party chair shall return discs and tapes to the county boards within 30 days
9 after receiving them. As used in this section, 'political party' means a political party as
10 defined in G.S. 163-96."

11 Sec. 3. This act becomes effective January 1, 1996. Section 1 applies to all
12 primaries and elections occurring on or after that date.