

Nonpartisan Election Observers FAQ

[Numbered Memo 2023-06](#) was revised by the State Board to clarify an interpretation of N.C.G.S. § 163-45.1(a) with respect to the appointment of observers in nonpartisan elections. The State Board has interpreted the statute as follows for nonpartisan primaries and elections:

- For observers appointed by a **political party**, the party may appoint observers only when a candidate on the ballot is registered as affiliated with that party.
- For observers appointed by an **unaffiliated candidate**, a candidate in a nonpartisan contest may appoint observers only if they are registered as unaffiliated with a party.

Frequently Asked Questions

1. Where can party-appointed and candidate-appointed observers serve in nonpartisan elections?

Where an observer can serve will be determined by the ballots at each specific voting site.¹

If a ballot at the voting site has a candidate who is registered with a party, then that party can appoint site-specific observers for that site. Countywide party observers can also be appointed and can observe at any site where the party has a candidate on the ballot.

If a ballot at the voting site has a candidate who is registered as unaffiliated, then the candidate or their campaign manager can designate observers for that site.

If a party or unaffiliated candidate is eligible to appoint observers for at least one Election Day precinct in the county, then they can appoint observers to serve at any early voting site in the county. As a reminder, the party's or candidate's list of appointed observers must be submitted by noon on the business day before the observer is scheduled to observe. See Section 2 of [Numbered Memo 2023-06](#).

¹ N.C.G.S. § 163-45.1(a) says the following about where party observers may be designated to serve: Site-Specific Party Observers may serve "at each voting place in that county in which the political party has a candidate appearing on the ballot"; Countywide Party Observers may serve "at any voting place in the county in which the political party has a candidate appearing on the ballot"; and Unaffiliated Candidate Observers may serve "at each voting place in which that unaffiliated candidate appears on the ballot."

2. How many party-appointed observers can be in a voting place at one time?

No more than 3 party-appointed observers can be in the voting place at one time, even if there are multiple candidates on the ballot who are affiliated with a party. See N.C.G.S. § 163-45.1(e) (“No more than three observers from the same political party shall be in the voting enclosure at any time.”); see Section 4 of Numbered Memo 2023-06.

3. Are party-appointed observers identified with a specific candidate in the voting place?

No. Under 08 NCAC 20 .0103, party-appointed observers’ identification tags have the appointing party only—the observer is not identified as being a certain candidate’s observer. The only time an observer’s identification tag should have a candidate’s name on it would be if they are appointed by an unaffiliated candidate.

4. How many unaffiliated candidate-appointed observers can be in a voting place at one time? Can they be replaced during the day?

Each candidate can designate up to two observers per site. Because all unaffiliated candidate-appointed observers are site-specific, they follow the same timing rules as site-specific party observers (i.e., a new observer could not take their place until at least 4 hours after the observer first checked in). See Section 4 of Numbered Memo 2023-06.

5. How do unaffiliated candidates submit their observer appointments?

Because all unaffiliated candidate-appointed observers are site-specific, they follow the same submission process as site-specific party observers. See Section 2 of Numbered Memo 2023-06.

6. Should the county board notify the unaffiliated candidates and county parties that they can now appoint observers for the November nonpartisan elections?

The county board does not have to proactively ask each candidate or party to send them an observer list, but the county board should at the very least make sure it is publicly known that candidates and county parties can appoint observers. County boards may do so by posting a notice on their website, which may include a link to Numbered Memo 2023-06. The county board can also do so by sending the county parties and unaffiliated candidates an email or letter.

7. What if there are more observers designated to serve at a site than the site can physically handle?

There could end up being more observers designated to be in the voting place than would normally be expected in a partisan contest. This means a county may need to consider whether it is possible to rearrange a voting site, which includes taking into account if there is sufficient time to do so. Counties will need to do what is possible to balance the needs of the voting site and voters with the conduct that observers are permitted to engage in as listed in Section 6 of Numbered Memo 2023-06. Additional considerations to keep in mind are that the voting enclosure must meet certain minimum requirements for space and furniture under NCGS § 163-166.2 and [08 NCAC 10B .0102](#), and the chief just must ensure that there is “peace and good order in and about the place of registration and voting” under NCGS § 163-47(a). Also, if a building’s maximum occupancy may be reached, such that it will impact the voting process, then the county director should contact the appointing parties and candidates ahead of time to work out a solution that will ensure voters are not unnecessarily delayed in the voting process.

8. Does this interpretation of the observer statute change the appointment of observers in partisan elections?

No. This change only applies in nonpartisan contests. In partisan contests, it remains the case that the candidate must have a party designation with their name on the ballot for the party to appoint observers or an unaffiliated designation with their name on the ballot for that candidate to appoint observers.