

## OBSERVING THE ELECTION INSIDE (appointed by political party or unaffiliated candidate)

Members of the public may not enter a voting site to observe the election. Only observers appointed in advance by a political party or unaffiliated candidate may be inside. In general, observers are permitted to move around the voting place and observe the voting process. Observers are not permitted to interfere with the privacy of any voter or the conduct of the election, or to violate any other election law. Each county party may assign site-specific observers and at-large observers for the county. No more than 3 observers from the same party may be in the voting place at the same time. Unaffiliated candidates can assign 2 site-specific observers. Site-specific observers may be relieved after serving no less than four hours. At-large observers (statewide and party observers countywide) may be relieved at any time throughout the day. Observers who engage in misconduct are subject to removal from the voting place.

### Observers may:

- Take notes in the voting place, including on an electronic device (but video or audio recording in the voting place is prohibited)
- Listen to non-private conversations between a voter and election official that take place in the voting place (see FAQ 8)
- Move about the voting place, including the designated area for curbside voting, with some limitations (see FAQ 8)
- Leave and reenter the voting enclosure
- Communicate via phone outside of the voting enclosure
- Witness opening and closing procedures at the voting place
- Take photographs inside the voting place BEFORE voting begins and AFTER voting has concluded, if it does not impair any election official in the opening and closing procedures or compromise the security of ballots, election equipment, or election results. Observers may not photograph security features of the voting system, including passwords entered into the tabulator or the Election Qualification Code (EQC) on tabulator tapes, or record video or audio of opening or closing procedures

### Observers may NOT:

- Interfere with the privacy of the voter
- Look at, photograph, videotape, or otherwise record the image of any voter's marked ballot
- Attempt to see how a voter voted or, if an observer somehow learns how a voter voted, reveal that information
- Photograph, videotape, or otherwise record the image of any voter within the voting enclosure, except with the permission of both the voter and the chief judge
- Impede the access of any voter to the voting place
- Interfere with a voter at any point inside the voting enclosure, including questioning voters inside the voting place
- Harass voters, voter assistants, election officials, or other observers
- Intimidate voters
- Interfere with the conduct of the election
- Assault, intimidate, or attempt to intimidate a chief judge, judge, or other election official
- Inhibit or interfere with any election official in the performance of his or her duties, including interfering with the transport of sealed ballot boxes, election equipment, or election results to the county board of elections
- Interfere with the performance of any duty imposed by law on election officials (duties related to voters include determining a voter's qualifications at check-in, instructing voters on voting procedures, assisting provisional voters, deciding whether a voter bears a reasonable resemblance to their photo ID, and counting ballots)
- Engage in electioneering including wearing campaign paraphernalia
- Make or receive phone calls while in the voting place
- Retain a voter's signature, full or partial Social Security number, date of birth, the identity of the public agency at which the registrant registered, any email address submitted for the voter's registration, or driver's license number
- Provide false information to voters about the voting process
- Knowingly swear falsely on a voter challenge form
- Remove official ballots, paper records or copies of individually voted ballots, or any other device or item whose removal from the voting enclosure could permit compromise of the integrity of either the machine count or the paper record

### **RUNNERS (appointed by political party only)**

Runners are appointed in advance by a political party to collect lists of people who have voted at the voting site specified intervals (generally 10am, 2pm, 4pm). The runner must identify themselves to the chief judge and immediately leave the voting enclosure after receiving the list of voters. G.S. 163-45.1. Observers are also entitled to obtain a list of the individuals who have voted.

### **OUTSIDE MONITORS**

Anyone has the right to watch or monitor the election outside the voting place. This activity must remain outside the buffer zone, which typically extends 50 feet from the entrance of the voting place and is clearly marked. Outside monitors must stay within the area designated for election-related activity, if provided. Outside monitors may not disrupt voting, intimidate voters, or otherwise impede access to the polls. On-site elections officials have the duty to ensure a safe and orderly voting site where voters are not obstructed. These officials are authorized to remove anyone who is disruptive. G.S. 163-48.

# Frequently Asked Questions About Observers

1. A countywide observer arrives at the voting site at 8am and leaves at 9am, when they are replaced by a different countywide observer. Is this allowed?

Yes. There is no minimum amount of time a countywide or statewide observer may serve before being replaced.

2. How will election officials and voters know that there is an observer on-site?

Observers will check in with the chief judge on arrival at the voting site and the chief judge will confirm the identity of the observer. Observers are required to wear an identification tag to indicate their role at the voting site.

3. When may a site-specific observer be replaced?

A site-specific observer, whether on Election Day or at an early voting site, may be replaced after serving for at least four hours. For example, if the observer arrives at 6:30 a.m., the observer may be replaced by another site-specific observer at 10:30 a.m. This assumes that there are two site-specific observers from that party or unaffiliated candidate serving. If there is only one site-specific observer serving, a second site-specific observer may arrive and serve at the same time.

4. An observer continually leaves and returns to the voting place. Is this allowed?

In general, yes. An observer is allowed to leave and reenter the voting enclosure. However, if the observer's activity interferes with the conduct of the election or otherwise constitutes prohibited conduct, the observer is subject to removal.

5. What should county boards of elections do if an observer refuses to comply with this guide?

If possible, the chief judge must first give the observer a written or oral warning. It is preferable that the warning be in writing to document the warning. The warning shall include the time and nature of the offense, and if possible, the observer should be provided a reasonable opportunity to correct the behavior. If the observer does not correct their behavior and the chief judge determines the observer should be removed, and the chief judge must immediately notify the director of the county board of elections. The director of the county board of elections must immediately notify the appointing authority so that a replacement observer can be appointed.

6. Are observers permitted to board a bus that contains curbside voters?

Observers may observe the voting process from outside the vehicle provided they respect the privacy of the voter, including not standing so close that they may observe how the voter marks their ballot. The county board of elections cannot authorize observers to board a vehicle.

7. Are immediate family members of candidates allowed to be observers?

Yes. A candidate who appears on the ballot may not serve as an observer, but a family member of the candidate may serve as an observer.

8. Where is an observer allowed to be in the voting place?

In general, observers are permitted to move around the voting place. However, observers are not permitted to interfere with the privacy of any voter or the conduct of the election, or to violate any other election law. Observers may not stand so close to a voting booth or tabulator that they can see how a voter voted. Depending on the setup of a given voting place, there are certain areas that may be completely off-limits, such as in a small voting place where all the voting booths are located close together.

- To protect the privacy of the voter, an election official may not allow an observer to listen to a voter (1) discussing how they will vote their ballot (with an election official or an authorized voter assistant), or (2) sharing personal information with an election official that the law makes confidential (e.g., birth date, Social Security number, driver's license number, confidential address for confidential voters).
- Observers must be able to hear conversations involving election administration between a voter and election official in the voting place (i.e., check in), but State law requires county boards to provide a space in the voting place for private discussion with voters concerning irregular situations. Election officials should exercise their discretion to prevent observers from listening to conversations with voters concerning sensitive personal matters (e.g., discussions of impairments or disabilities, registration while applying for public assistance, domestic issues and restraining orders, etc.).

9. What constitutes voter intimidation?

Voter intimidation is conduct that would make the voter reasonably fearful, threatened, or coerced during the voting process. It is a crime under state and federal law. Voter intimidation can include threats of violence, bodily harm, economic harm, legal action, dissemination of personal information, and surveillance. Voter intimidation includes an attempt to intimidate a voter that is not completed or is not successful. Whether an action constitutes voter intimidation depends on the circumstances. In determining whether a person's conduct is voter intimidation, the election official should ask themselves whether the specific circumstances confronting the voter would make the voter reasonably fearful, threatened, or coerced during the voting process, considering those circumstances from the voter's point of view.

10. Who may receive voter assistance?

Any voter is entitled to assistance entering/exiting the voting booth and filling out a ballot. Any voter may receive such assistance from a near relative. A near relative is a spouse, parent, grandparent, sibling, child, grandchild, mother- or father-in-law, son- or daughter-in-law, stepparent, or stepchild.

Voters who need assistance due to disability, blindness, or illiteracy (including lack of English proficiency) may receive assistance from anyone the voter chooses, except the voter's employer or agent of the voter's union.

Assistants may not influence the voter's selections, take notes on anything occurring in the voting booth, or reveal how the person voted. There is no limit on the number of voters an assistant may assist. Anyone entering the polling place to assist a voter will complete a voter assistant log.