

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 816
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30284-ST-43

Short Title: Poll Observers.

(Public)

Sponsors: Representative Mills.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE CERTIFIED POLL OBSERVERS TO OBSERVE OPENING
3 PROCEDURES AT EARLY ONE-STOP VOTING SITES AND ON ELECTION DAY.

4 The General Assembly of North Carolina enacts:

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

6 "§ 163-166.5. Procedures at voting place before voting begins.

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

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

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

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

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

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

27 The county board of elections may begin counting absentee ballots issued
28 under Article 21A of this Chapter between the hours of 9:00 a.m. and 5:00
29 p.m. and may begin counting all absentee ballots between the hours of 2:00
30 p.m. and 5:00 p.m. upon the adoption of a resolution at least two weeks prior
31 to the election in which the hour and place of counting absentee ballots shall
32 be stated. The resolution also may provide for an additional meeting following
33 the day of the election and prior to the day of canvass to count absentee ballots
34 received pursuant to G.S. 163-231(b)(2)b. or c. as provided in subdivision (11)
35 of this section. A copy of the resolution shall be published once a week for
36 two weeks prior to the election, in a newspaper having general circulation in



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

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