



**Legislative Advisory**  
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## **Observer Bill of Rights**

Problem: VIP-NC has received numerous reports of Election Observers being abused by Chief Judges at their precincts and would like the Legislature to correct this problem (IAW HB 589, Section 11.2) during the 2014 “short” session.

HB 589 SECTION 11.2. says the following: “The Joint Legislative Elections Oversight Committee shall study a bill of rights for election observers to guarantee their right to help assist proper voting while ensuring proper protection for voters and recommend to the General Assembly any legislation it deems advisable. It may make an interim report prior to the date that the General Assembly reconvenes the 2013 Regular Session in 2014 and shall make a final report before the convening of the 2015 Regular Session of the General Assembly.”

Under § 163-45. (c) An observer shall do no electioneering at the voting place, and shall in no manner impede the voting process or interfere or communicate with or observe any voter in casting a ballot, but, subject to these restrictions, the chief judge and judges of elections shall permit the observer to make such observation and take such notes as the observer may desire.”

### **Talking Points:**

We ask the Legislature to grant these explicit rights for Observers:

1. Election Observers shall have the explicit right to begin observation duties from before the polling location is opened and through the occasion of all ballot containers being officially sealed by the Chief Judge.
2. Election Observers shall have the explicit right to hear the name of the voter when he/she first announces it at the initial check-in table.
3. Election Observers shall have the right to ask a voter to repeat his/her name if the Observer is unable to hear it when the name was initially announced.
4. The election Observer shall have the explicit right to observe curbside voting and to hear the name of the voter as it is announced.
5. The Observer shall have the explicit right to traverse freely between the curbside voting area and the voting enclosure throughout the curbside voting process.
6. The Observer shall have the explicit right to observe curbside voting at such a distance to enable the observer to hear any instruction or verbal communication between the election assistant and the curbside voter.
7. Election observers shall have the explicit right to keep all ballot boxes within the Observer's view until after all ballot boxes are sealed at the end of any day of early voting or on Election Day.
8. Chief Judges may only expel an Observer for cause and in writing. The written notice of expulsion shall be signed by the Chief Judge and at least one other Judge assigned to that Precinct before it is served to the Observer.

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