

§ 163-45.1. Observers.

(a) For purposes of this section, "observer" is defined as an individual appointed pursuant to this section to observe the voting process at a voting place.

(b) Observers may be appointed in accordance with the following:

- (1) The chair of each political party in the county may designate two registered voters of the county to serve as observers at each voting place in that county in which the political party has a candidate appearing on the ballot.
- (2) The chair of each political party in the county may designate up to 10 registered voters of the county to serve at any voting place in the county in which the political party has a candidate appearing on the ballot.
- (3) The chair of each political party in the State may designate up to 100 registered voters of the State to serve at any voting place in the State in which the political party has a candidate appearing on the ballot.
- (4) An unaffiliated candidate or the unaffiliated candidate's campaign manager may designate two observers to serve at each voting place in which that unaffiliated candidate appears on the ballot.

(c) The list of individuals appointed pursuant to this section shall be submitted electronically or in writing by noon on the business day before each observer is scheduled to serve. Individuals appointed to serve at a particular voting place or countywide shall be submitted to the director of the county board of elections for that county. Individuals appointed to serve statewide shall be submitted to the Executive Director of the State Board, who shall submit a copy to each affected county board of elections. Before each voting place opens for voting, the county board of elections shall provide a copy of the list of appointed observers for each voting place to the chief judge for that respective voting place, including any countywide or statewide observers.

(d) The chief judge at each voting place may use reasonable methods to verify the identity of individuals appearing at the voting place to serve as an observer. The State Board may require an observer to wear an identification tag or badge to make voters and election officials aware of the observer's role in the voting place.

(e) No more than three observers from the same political party shall be in the voting enclosure at any time. Observers appointed to serve at a particular voting place may be relieved during the day after serving no less than four hours. Observers appointed to serve countywide or statewide may be relieved anytime throughout the day. Observers shall not appear on the ballot as a candidate or serve as an election official in the primary or election in which the observer is serving as an observer. Observers shall take no oath of office.

(f) The county board of elections or a chief judge of a voting place shall only challenge the appointment of an observer pursuant to this section for good cause, which shall include evidence that the observer could impact the conduct of the election.

(g) Election officials shall not prohibit an observer from doing any of the following, provided that the observer does not interfere with the privacy of any voter or the conduct of the election:

- (1) Taking notes in the voting place, including using an electronic device to take notes.
- (2) Listening to conversations between a voter and election official that take place in the voting place, provided the conversation is related to election administration.
- (3) Moving about the voting place, including the designated area for curbside voting.
- (4) Leaving and reentering the voting enclosure.
- (5) Communicating via phone outside of the voting enclosure.

- (6) Witnessing any opening and closing procedures at the voting place.
- (h) Observers shall not do any of the following inside the voting place:
 - (1) Look at, photograph, videotape, or otherwise record the image of any voter's marked ballot.
 - (2) Impede the ingress or egress of any voter into the voting place.
 - (3) 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.
 - (4) Engage in electioneering.
 - (5) Make or receive phone calls while in the voting place.
- (i) An observer may take photographs inside the voting place before the voting begins and after voting has concluded, provided that the taking of photographs does not impair any election official in executing opening and closing procedures or compromise the security of ballots, election equipment, or election results. The State Board shall adopt rules to implement this subsection.
- (j) A chief judge may remove an observer who engages in prohibited behavior under this section. A chief judge may also remove an observer for good cause, which shall include evidence that the observer could impact the conduct of the election. Whenever possible, the chief judge shall first issue a verbal or written warning to the observer. The warning must include the time and nature of the offense, and the chief judge must provide the observer a reasonable opportunity to correct the behavior. If the chief judge determines the observer should be removed, 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. Nothing in this section prohibits a chief judge from reporting an alleged violation of State or federal law to the appropriate authority.
- (k) The State Board shall develop a uniform process for all county boards of elections and the State Board to implement for all of the following:
 - (1) The filing and hearing of challenges of the appointment of an observer pursuant to subsection (f) of this section.
 - (2) The hearing of appeals on challenges of the appointment of an observer.
 - (3) The hearing of appeals on the removal of an observer from the voting place pursuant to subsection (j) of this section.
- (l) An observer may obtain copies of the list of persons who have voted at each voting place during the times the voting place is open for voting. Counties using an "authorization to vote document" instead of pollbooks to indicate which persons have voted are in compliance with this requirement if they allow observers to inspect election records so that the observer can create a list of who has voted at each voting place. The State Board shall determine the times at which these lists may be obtained. However, observers must be able to obtain copies of the list at least three times each day with at least one hour between obtaining the copies. (2023-140, s. 7(b).)