

08 NCAC 20 .0102 APPEAL OF REMOVAL OF AN OBSERVER FROM A VOTING SITE

(a) Filing of Appeal. The decision by a chief judge to remove an observer pursuant to G.S. 163-45.1(j) may be appealed only by the chair of the political party or the candidate that appointed the observer. The appeal shall be filed with the county board of elections in the county where the observer was removed. To file the appeal, the appeal shall be emailed to the county director of elections or physically delivered to the county board office during business hours as follows:

- (1) If the observer was removed from an early voting site, the appeal shall be filed within one business day of when the observer was removed. For the purposes of this Rule, a business day includes regular business days of the county board of elections and any weekend days that the county board of elections has an early voting site open in the county during the period provided in G.S. 163-166.40.
- (2) If the observer was removed from an Election Day voting site, the appeal shall be filed within two calendar hours of when the observer was removed.

The appeal shall contain an argument explaining why the chief judge's decision should be reversed on account of one or more of the grounds listed in G.S. 150B-51(b). It shall state whether a hearing is requested and shall be signed by the person filing the appeal. The decision to remove an observer shall not be stayed pending appeal.

(b) Hearing of Appeal. The county board shall consider appeals filed pursuant to Paragraph (a) of this Rule as follows:

- (1) If the observer was removed from an early voting site, the county board shall decide the appeal as expeditiously as possible but no later than two business days after the appeal was received.
- (2) If the observer was removed from an Election Day voting site, the county board shall decide the appeal as expeditiously as possible but no later than four calendar hours after the appeal was received.

The county board shall provide notice of the meeting at which the appeal will be decided by electronic mail or telephone to the chair of the political party or the unaffiliated candidate that appointed the observer, in addition to providing the meeting notice required by G.S. 143-318.12. If notice is by telephone, the county board shall also provide the notice by email or text message. The county board's meeting may be held remotely, including by telephone. The county board shall accept written or oral submissions from elections officials, observers, witnesses, and other individuals with pertinent information. If no hearing is requested, the county board shall decide the appeal, based on written submissions only, at a meeting held at the same time as the noticed hearing. The decision shall be reduced to writing and served within 24 calendar hours after the meeting for early voting, and 2 calendar hours after the meeting on Election Day, either electronically or in person, to the chair of the political party or on the candidate appointing the observer.

(c) An observer who is removed from serving as an observer pursuant to G.S. 163-45.1(j) or this Rule shall not be permitted to serve as an observer in the primary or election during which they were removed.

*History Note: Authority G.S. 163-22; 163-45.1;
Temporary Adoption Eff. February 8, 2024;
Temporary Amendment Exp. November 26, 2024;
Adoption Eff. August 1, 2025.*