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U.S. ELECTION 2020
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Election Observation in the U.S.

What is election observation?

Election observation is a way for citizens and the public to directly engage with the democratic process to enhance transparency and to protect election integrity. It must be performed in accordance with relevant laws and regulations, and should not disrupt the orderly administration of the election processes or be used to intimidate voters or election officials. Each state has its own laws regulating the observation of elections.

Who can observe elections?

There are various types of observers with different motives and goals:

Partisan observers or party poll watchers represent candidates, political parties, or groups who support or oppose a ballot proposition. Their goal is to ensure that election processes do not disadvantage their side. Party poll watchers document problems they observe, which, if they may have affected the election outcome, can be presented as evidence in post-election disputes or lawsuits.

Challengers are most often party poll watchers who are authorized to challenge a voter's eligibility at the polling place. In some states, any registered voter can challenge another voter's eligibility.

Nonpartisan citizen observers are not associated with any political party and represent American nonpartisan organizations (and sometimes academic institutions). They aim to ensure the fairness and equity of the election process, including the conduct of poll watchers.

Non-citizen/non-resident observers represent an international organization that conducts election observation. These observers do not have a stake in the outcome and can document every activity in the election process, including the conduct of partisan and nonpartisan observers.

What can observers observe?

The Carter Center, with the National Conference of State Legislatures, compiled a comprehensive [state-by-state summary of election observation](#) rules. While the rules vary, observers may be granted:

- Access to activities involved in preparing for Election Day, such as reviewing voter registration rolls or testing of voting equipment.
- Access to physical polling places during early- and Election Day-voting and counting following the closing of the polls.
- Access to the processing of absentee/mail ballots, including receiving, verifying signatures, and counting.
- Access to tabulation of ballots, the canvass, post-election audits, and recounts.

It is important to note that it is the responsibility of polling officials to ensure an orderly election, which may involve limiting the number of observers inside the polling site at a given time or dictating where observers may be situated when inside the polling site.

The COVID-19 pandemic may impact the degree to which election observers have access, because of shifts from in-person to mail voting and concerns about health and safety protocols in polling places. State election laws may not clearly guide election officials on how to handle requests for election observation during the pandemic, resulting in greater variation across and within states on how access will be facilitated.

Should we be worried about interference in the process or intimidation of voters by poll watchers?

No observer or party poll watcher or challenger is allowed to disrupt the election process, nor to deter a voter from casting a vote, nor intimidate a voter wishing to exercise the right to vote.

The selection of party poll watchers and challengers is regulated by state law. Poll watchers have to meet specific eligibility criteria (involving citizenship, residence, voter registration status, local party membership) and often receive authorization from local election officials to assume their role. With a few exceptions, states limit poll watchers to one per political party per polling site.

However, it is possible that the very presence of individuals who are not voters, election officials, or poll workers might be intimidating. Indeed, legal experts caution of "[modern day forms of voter intimidation](#)," such as [aggressive poll watching](#) or frivolous voter registration challenges, which can effectively result in voter intimidation or the disruption of election processes such as counting ballots and recounts. Some partisan observers might intentionally abuse their role and take actions that intimidate voters.

Voters may turn out to vote and see groups of armed individuals, or individuals wearing military-style uniforms and tactical gear, outside the polls, claiming that their purpose is to protect the integrity of elections. State law [prohibits the activity of unauthorized private militia](#), and this includes their presence in polling places.

In all these cases, **the right to vote can be compromised**; if this occurs, voters have the right to alert their poll workers, election officials, as well as the [Election Protection Hotline](#) (866-OUR-Vote).

Interference in the election process, and any action that misleads voters, physically deters them from accessing their polling location, or intimidates them before, during, or after voting (such as interrogating voters), is **not** election observation. Voter intimidation is illegal by [federal law](#) and can lead to a year imprisonment or a fine of up to \$1,000.

What kind of political activity is allowed around the polls, and what guidelines are there for observers in this regard?

Electioneering at the polls, which broadly relates to visibly supporting or opposing a political candidate – by distributing campaign materials, holding political party or candidate flags, or wearing items of clothing that represent candidates or parties – is regulated by state law. Specifically, states impose [restrictions on how close to a polling site electioneering can take place](#), from as close to 30 feet to as far as 300 feet, depending on the state. Observers, the public, and members of the media cannot engage in electioneering beyond what is permitted by states and must not deter voters from accessing their polling place.

Can a member of the general public also observe elections?

Unless authorized, the general public is not allowed to enter polling precincts as a self-declared observer. However, some states allow the public access to specific aspects of the election process. For example, voting technology demonstrations, recounts, and post-election audits are accessible to the public in at least 34 states and Washington D.C. Utah is the only state that requires prior registration to attend any election process.

How can I become an observer?

If you are interested in becoming a nonpartisan observer, you could consider signing up for [Election Protection](#), which provides both remote and in-person opportunities.

If you wish to be a party poll watcher or challenger, you should contact your local party office and be familiar with relevant state laws and regulations. The party should provide adequate training to all party poll watchers and challengers to ensure they understand their roles.

What else should I know about my rights as a voter?

Voters have the right to cast their vote without being coerced, intimidated, or physically deterred from doing so. They have the right to alert poll workers, election officials, election protection hotlines, and the Department of Justice if they experience any form of intimidation. If their eligibility is questioned, they have a right to receive and cast a provisional ballot, and failure by the election officials to provide one is a violation of federal law.

[Federal laws](#) allow for voters with disabilities to request independent assistance when casting their vote inside and outside of the polling place (such as curbside voting).

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