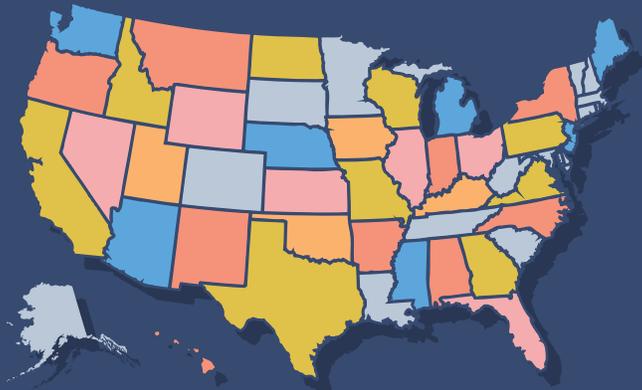


U.S. ELECTION **2020**
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WHO CAN OBSERVE U.S. ELECTIONS?

A State-by State Breakdown
of Policies Governing Partisan
and Nonpartisan Observers



Introduction

Several kinds of groups conduct election observation in the U.S. The most common group of observers in states are partisan observers, often referred to as poll watchers or challengers, that represent political parties, candidates, or groups in favor of or against a ballot proposition.

Another group of observers are nonpartisan observers, who are trained by U.S. nonpartisan organizations and not associated with organized political parties. Nonpartisan observers work to protect the integrity of the electoral process and advance electoral quality and accountability regardless of the political outcome.

This document gives a state by state examination of U.S. nonpartisan observers, including their level of access to observe the electoral process in each state, and whether any special accommodations have been made to ensure observer access in light of the covid-19 pandemic. It notes when certain aspects of the voting process are held in public and therefore accessible to all interested parties, when access is limited to partisan observers, and when nonpartisan observers are able to observe.

In this document, pre-election day processes include activities that occur before election day to prepare for the voting process, most notably the logic and accuracy testing of voting equipment.

In-person voting addresses the ability for observers to be present at physical voting locations, including election day and during the early voting period (if applicable).

Absentee ballot processing and counting addresses the ability for observers to be present when absentee/mailed ballots are received, signatures on envelopes are verified, and other activities that occur to prepare absentee ballots for counting, as well as the process of counting these ballots.

Post-election processes include the ability for observers the tabulation of ballots, the canvass, post-election audits and recounts.

The section on special accommodations or restrictions due to the pandemic includes any special accommodations that states are making to ensure the transparency of the voting process, such as livestreaming certain aspects of a process that is usually held in public. It also includes additional restrictions that are in place for observers, such as limiting the number of individuals in a polling location.

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The research for this project was conducted by The Carter Center, with support from the National Conference of State Legislatures. This information is available online at the NCSL website, where it will be regularly updated. To offer comments or corrections, please contact elections-info@ncsl.org.

Alabama

Pre-election day processes

- Not specified.

In-person voting

- Access for nonpartisan observers is not specified. Partisan observers are authorized to observe at election day polling places (Ala. Code §17-8-7).

Absentee ballot processing and counting

- Access for nonpartisan observers is not specified. Partisan observers are authorized (Ala. Code §17-11-11).

Post-election processes

- Access for nonpartisan observers is not specified. Partisan observers are authorized (Ala. Code §17-8-7).
- Nonpartisan observers are not permitted to observe recounts. Only representatives of opposing interests are invited to participate (Ala. Code §17-16-21).

Special accommodations or restrictions for observers due to pandemic

- Not specified.

Alaska

Pre-election day processes

- Not specified

In-person voting

- Access for nonpartisan observers is not specified.
- Partisan observers are authorized to observe at election day polling places (Alaska Stat. §15.10.170).
- International observers are not permitted. Statute specifies that poll watchers must be citizens (Alaska Stat. §15.10.170).

Absentee ballot processing and counting

- Not specified.

Post-election processes

- Access for nonpartisan observers is not specified.
- Partisan observers are authorized to observe at count centers (Alaska Stat. §15.10.170).
- Access to other post-election processes is not specified.

Special accommodations or restrictions for observers due to pandemic

- Not specified

Arizona

Pre-election day processes

- Voting equipment testing is open to the general public, political parties, and the press from a public viewing area. Partisan observers may observe the proceedings from inside the room where they happen (Ariz. Rev. Stat. §16-449; 2019 Elections Procedures Manual p.87).

In-person voting

- Access for nonpartisan observers is not specified.
- Partisan observers are authorized to observe at election day polling places and early voting locations (Ariz. Rev. Stat. §16-590; 2019 Elections Procedures Manual p.139).

Absentee ballot processing and counting

- Access for nonpartisan observers is not specified.
- Partisan observers are authorized to observe processing at the county recorder's office (Ariz. Rev. Stat. §16-590; 2019 Elections Procedures Manual p.139).

Post-election processes

- All proceedings at the counting center are open to the public (Ariz. Rev. Stat. §16-621).
- For any statewide, county or legislative election, election officials shall provide a live video recording of the custody of all ballots while they are in the tabulation room in the counting center. The live video is linked from the secretary of state's website for viewing by the public. A recording is also made and kept as public record for at least as long as the challenge period for the general election (Ariz. Rev. Stat. §16-621(C)).
- Post-election audits are not subject to the live video recording cited above and are only open to partisan observers. However partisan observers may bring their own video camera to record it (Ariz. Rev. Stat. §16-602(B)).
- The official canvass of results is open to the public (Ariz. Rev. Stat. §16-643; 2019 Elections Procedures Manual p.239).

Special accommodations or restrictions for observers due to pandemic

- Not specified, but for any statewide county or legislative election, officials must provide a live video recording of the custody of ballots while in the tabulation room, available from the secretary of state's website.

Arkansas

Pre-election day processes

- Voting equipment testing is open to the public (Arkansas Code § 7-5-515).

In-person voting

- Access for nonpartisan observers is not specified.
- Partisan observers are authorized to observe at early voting locations and election day polling places (Arkansas Code § 7-5-312).

Absentee ballot processing and counting

- The processing and counting of absentee ballots is open to the public (Arkansas Code § 7-5-416).

Post-election processes

- The counting of paper ballots is open to the public (Arkansas Code § 7-5-603).
- The canvass of results and any recounts are conducted by the county boards of election commissioners, which are held in public (A.C.A. § 7-4-105(b)).

Special accommodations or restrictions for observers due to pandemic

- Executive Order EO 20-44, issued by Governor Asa Hutchison on August 7, 2020, encouraged county election officials to livestream the processing, canvassing, and counting of absentee ballot envelopes online for remote observation.

California

Pre-election day processes

- Nonpartisan observers (defined as a bona fide association of citizens or a media organization) may have representatives in attendance at any and all phases of the election. They may review the preparation and operation of tabulating devices, and their programming and testing (Cal Elec. Code §15004).
- International observers (defined as official representatives of an international organization such as the United Nations, the Organization for Security and Cooperation in Europe, or the Organization of American States) also have access to all stages of the election process that are open to the public, including the public review period for the certification of a ballot marking system (Cal Elec. Code §2301).

In-person voting

- Observers as defined above may observe the proceedings at polling places and early voting locations (Cal. Elec. Code §15004; Election Observation Rights and Responsibilities – January 2020. Note: this will be updated before the Nov. 3 election).

Absentee ballot processing and counting

- The processing of vote-by-mail ballots is open to the public, but prior to and after the election (Cal Elec. Code §15104).
- Observers may attend any and all phases of the election (Cal. Elec. Code §15004).
- International observers may be provided access to the processing and counting of mail ballots (Cal Elec. Code §2301).

Post-election processes

- All proceedings at the central counting place shall be open to the view of the public, but access to the area where electronic data processing equipment is being operated may be restricted (Cal. Elec. Code §15204).
- Nonpartisan observers may attend any and all phases of the election, including activities at the central counting site on election day, vote-by-mail and provisional ballot processing, and the canvass (Cal. Elec. Code §15004).

- International observers may be provided access the canvassing and recounting of ballots (Cal Elec. Code §2301).
- The canvass is open to the public (Cal. Elec. Code §15301)
- Post-election audits are open to the public (Cal. Elec. Code §15360)
- Recounts are open to the public (Cal Elec. Code §15629).

Special accommodations or restrictions for observers due to pandemic

- In order to provide a safe and secure election for election workers, voters, and observers for the November 3, 2020, General Election, the Secretary of State's Office, in consultation with California public health officials, developed guidance document, Election Administration Guidance under COVID-19. The guidance document may be found on the Secretary of State's website. The guidance document provides health and safety measures for observers, which includes a requirement that all observers wear a face covering while in the polling location.

Colorado

Pre-election day processes

- Voting equipment testing is open to the public (Colo. Rev. State. 1-7-509(2))

In-person voting

- Partisan observers are permitted to observe each step in the conduct of the election. This includes setup and breakdown of Voter Service and Polling Centers prior to and including election day (Colo. Rev. State 1-7-108; 8 CCR 1505-1(8.10.2)).
- Nonpartisan observers may be approved at the discretion of the secretary of state (Colo. Rev. Stat. 1-1.5-104; 8 CCR 1505-1(8.17)).

Absentee ballot processing and counting

- Partisan observers are permitted to observe each step in the conduct of the election. This includes observing ballot receipt and processing, signature verification of mail ballot envelopes, ballot duplication and ballot tabulation (Colo. Rev. State 1-7-108; 8 CCR 1505-1(8.10.2)).
- Nonpartisan observers may be approved at the discretion of the secretary of state (Colo. Rev. Stat. 1-1.5-104; 8 CCR 1505-1(8.17)).

Post-election processes

- Partisan observers are permitted to observe each step in the conduct of the election. This includes ballot tabulation, provisional ballot processing, the canvass, recount and post-election audit (Colo. Rev. State 1-7-108; 8 CCR 1505-1(8.10.2)).
- Nonpartisan observers may be approved at the discretion of the secretary of state (Colo. Rev. Stat. 1-1.5-104; 8 CCR 1505-1(8.17)).
- Members of the public have explicit access to certain parts of the post-election audit and may observe the entire process at the discretion of state and local election officials (8 CCR 1505-1 Rule 25).

Special accommodations or restrictions for observers due to pandemic

- All observers must follow public health guidelines, wear masks and other personal protective equipment required by the county or location where election activities are occurring, and maintain strict social distancing guidelines. If observers are at a location for an hour or more, counties must use infrared thermometers to take their temperature. Anyone experiencing COVID-19 symptoms must immediately report it to the county official and leave the location (8 CCR 1505-1(27.1.2), 8 CCR 1505-1(27.5)).

Connecticut

Pre-election day processes

- The preparation, test voting and sealing of tabulators for the election is open to the public (Conn. Gen. Stat. §9-244).

In-person voting

- Access for nonpartisan observers is not specified.
- Partisan observers are authorized to observe at election day polling places (Conn. Gen. Stat. §9-235).

Absentee ballot processing and counting

- Partisan observers are permitted to observe absentee ballot counting at polling places (Conn. Gen. Stat. §§9-236, 9-261; Procedure Manual for Counting Absentee Ballots, Secretary of the State of Connecticut, rev. 7/2013).
- Absentee ballot counting at a central location is open to the public (Conn. Gen. Stat. §§9-147a, 9-147c)

Post-election processes

- The canvass of votes at the polling place is open to the public (Conn. Gen. Stat. §9-242b(2)).
- Post-election audits are open to the public (Conn. Gen. Stat. §9-242b(5)).
- The recanvass (aka recount) is open to the public (Conn. Gen. Stat. §9-311(b)).

Special accommodations or restrictions for observers due to pandemic

- Not specified.

Delaware

Pre-election day processes

- Voting equipment testing is open to the public (Delaware Code, Title 15, § 5008A).

In-person voting

- Partisan observers are permitted in the voting area, and nonpartisan observers would be permitted if accompanied by members and employees of the Department of Elections or the State Election Commissioner and the Commissioner's employees, identified by a badge or written authorization (Delaware Code, Title 15, §§ 4933, 4913).

Absentee ballot processing and counting

- A department of elections may open absentee ballots in public meetings beginning the Friday before the day of the election in order to prepare them for tabulation (Delaware Code, Title 15, § 55510A). Partisan observers may also be present.
- Notwithstanding any other provision of this chapter or regulations adopted by the Department, the Department may open mail ballot envelopes in public meetings at any time between the 30th calendar day before the election and the closing of the polls on election day in order to prepare them for tabulation. The Department shall notify each party on the ballot that they may have challengers at the meetings during which the Department opens the mail ballots. The challengers may challenge ballots as provided elsewhere in this title (Delaware Code, Title 15, Section 5611 (a)).

Post-election processes

- Partisan observers may be present to observe the counting and tabulation of votes (Delaware Code, Title 15, § 4977).
- The official canvass and recounts are open to the public (Delaware Code, Title 15, § 5701)
- Post-election audits are open to the public (Delaware Code, Title 15, § 5012A).

Special accommodations or restrictions for observers due to pandemic

- The earliest time the department of elections may begin processing absentee ballots, which is open to the public, is extended from the Friday before the day of the election to 10 calendar days before the election (Sixth Modification of the Declaration of a Statement Emergency for the State of Delaware Due to a Public Health Threat (A.6)).

District of Columbia

Pre-election day processes

- Voting equipment testing is open to the public (D.C. Mun. Regs. §3-801.2).

In-person voting

- Persons who wish to witness the administration of elections, including nonpartisan or bipartisan, domestic or international organizations, may petition the board of elections to observe at any early voting center or polling place (D.C. Mun. Regs. §3-706.2).

Absentee ballot processing and counting

- Not specified.

Post-election processes

- Persons who wish to witness the administration of elections, including nonpartisan or bipartisan, domestic or international organizations, may petition the board of elections to observe at any ballot counting place (D.C. Mun. Regs. §3-706.2).
- Post-election audits are open to the public (D.C. Code Ann. §1-1001.09a).
- Space permitting, members of the public are given access to the location where recounts occur (D.C. Mun. Regs. §3-816.6).

Special accommodations or restrictions for observers due to pandemic

- Not specified.

Florida

Pre-election day processes

- Voting equipment testing is open to the public (§101.5612, Fla. Stat.).
- State appointed staff, upon direction of Department of State, may examine the registration and election processes, and the condition, custody, and operation of voting system. (§101.58, Fla. Stat.).

In-person voting

- Access for nonpartisan observers is not allowed. (§ 102.031, Fla. Stat.)
- Partisan observers (officially designated poll watchers) may be present in each polling room or early voting area anytime during the election and must be a qualified and registered elector of the county in which he or she serves (§§101.131 and 102.031, Fla. Stat.)

Absentee ballot processing and counting

- Canvassing board meetings are open to the public.
- If a vote-by-mail ballot is physically damaged and cannot be counted by the automatic tabulation equipment, a true duplicate copy is made in the presence of witnesses. Partisan observers may request to observe this process (§101.5614, Fla. Stat.).

Post-election processes

- The public may observe the process of verifying number of vote ballots, unused ballots, provisional ballots and spoiled ballots to ensure the number corresponds with the number of ballots issued after the polls close (§101.5614, Fla. Stat.).
- Post-election audits are open to the public (§101.591, Fla. Stat.).
- Any machine or manual recount is open to the public (§§102.141, 102.166(3), Fla. Stat.).

Special accommodations or restrictions for observers due to pandemic

- Accommodations are to be made such as audio-video access, that continue to afford public access as may be required under Florida's sunshine laws.

Georgia

Pre-election day processes

- Voting equipment testing is open to the public (Code of Georgia §§ 21-2-374, 21-2-379.6, 21-2-379.25).

In-person voting

- Nonpartisan observers and the public may observe elections as long as they are not violating election law. All persons except poll watchers, poll workers, voters and voters' children must stay outside the enclosed space during voting (Code of Georgia § 21-2-413 (f)).
- Partisan observers are permitted within the enclosed space for the purpose of observing the conduct of the election and the counting and recording of votes (Code of Georgia §21-2-408(d)).

- Officials engaged in the conducting of elections shall perform their duties in public (Code of Georgia § 21-2-406).

Absentee ballot processing and counting

- Rooms under the control or supervision of the absentee ballot clerk in which absentee ballots are being cast shall be considered polling places, subject to the same rules listed above (Code of Georgia § 21-2-414(b)).

Post-election processes

- Counting of ballots at tabulating centers and precincts are open to the public (Code of Georgia § 21-2-483(b)).
- Post-election audits are open to the public (Code of Georgia § 21-2-498).
- Recounts are open to the public (Rule 183-1-15-.03)

Special accommodations or restrictions for observers due to pandemic

- Not specified.

Hawaii

Pre-election day processes

- Electronic voting equipment is subject to inspection, audit, and experimental testing, by qualified observers, before and after the election (Hawaii Rev. Stat. § 16-42).

In-person voting

- Any person or nonvoter group may be authorized by the clerk to observe at any voter service center or place of ballot deposit for educational purposes (Hawaii Rev. Stat. §11-132).

Absentee ballot processing and counting

- At least two official observers must be present when absentee ballots are prepared for counting (Hawaii Rev. Stat. §16-47).
- Observers must be present during the processing of return envelopes and counting of ballots (Hawaii Rev. Stat. §11-108).

Post-election processes

- Counting is open to observers. No person shall be permitted in the counting center without the written authorization of the chief election officer or clerk (Hawaii Rev. Stat. §16-45).
- Electronic voting equipment is subject to inspection, audit, and experimental testing, by qualified observers, before and after the election (Hawaii Rev. Stat. § 16-42).
- Observers may request to conduct a manual audit (Haw. Admin. Rules § 3-172-102).

Special accommodations or restrictions for observers due to pandemic

- Not specified.

Idaho

Pre-election day processes

- Access for nonpartisan observers is not specified.
- Partisan observers may examine voting machines prior to the election (Idaho Stat. §34-2416).

In-person voting

- Access for nonpartisan observers is not specified.
- Partisan observers may be present at polling locations (Idaho Stat. §34-2416).

Absentee ballot processing and counting

- Not specified.

Post-election processes

- Recounts are open to the public (Idaho Stat. §34-2304).
- Access to observing other post-election processes is not specified.

Special accommodations or restrictions for observers due to pandemic

- Not specified.

Illinois

Pre-election day processes

- Voting equipment testing is open to the public (10 ILCS 5/24A-9, 5/24B-9, 5/24C-9).

In-person voting

- Nonpartisan observers, defined as citizen organizations interested in the investigation or prosecution of election frauds, or as a state of Illinois nonpartisan civic organization that provides voter information and education, the protection of voter's rights, and the promotion of free and equal elections, may observe at polling places. Note that in the case of a citizen organization the authorized observers must be registered to vote in Illinois, and in the case of nonpartisan civic organizations, the group must continually maintain an office in Illinois (10 ILCS 5/17-23).
- Nonpartisan observers as defined above may observe early voting (10 ILCS 5/19A-60, 5/19-10).

Absentee ballot processing and counting

- Nonpartisan observers as defined above may be present where vote by mail ballots are counted and may observe election judges comparing signatures on ballot envelopes to those on file (10 ILCS 5/19-10, 5/19-7).

Post-election processes

- After the polls close observers are authorized to remain until the canvass of votes is completed (10 ILCS 5/17-23).
- Nonpartisan observers as defined above may observe the post-election audit (10 ILCS 5/24A-15).

- Access to observing recounts is not specified.

Special accommodations or restrictions for observers due to pandemic

- Some jurisdictions in Illinois are making plans to move to larger facilities to process absentee ballots, so that observers may be present and able to safely socially distance (conversation with a local election official in Illinois 8/26/2020).

Indiana

Pre-election day processes

- Voting equipment testing is open to the public (IC 3-11-13-23).

In-person voting

- Access for nonpartisan observers is not permitted.
- Partisan observers and the media are authorized to observe at election day polling places and early voting satellite offices (IC 3-6-8-1, IC 3-6-10-1, IC 3-6-8-7, IC 3-11-8-15).

Absentee ballot processing and counting

- Central count of absentee ballots may be observed by the public in an area designated by the county election board.
- Partisan observers and the media are authorized to serve as a watcher for the central count of absentee ballot (IC 3-11.5-3).

Post-election processes

- After election day the county board of elections meet to determine whether or not each provisional ballot is counted. This meeting is public and is also open to partisan and media observers (IC 3-11.7-4, generally).
- Recounts for local and school board offices are open to the public, and each candidate affected by the recount may have a person serve as the watcher and the affected candidate and the media may also serve as a watcher (IC 3-12-6-21).
- Recounts for federal and state offices are open to the public, and each candidate affected by the recount may have a person serve as a watcher and the affected candidate and the media may also serve as a watcher (IC 3-12-11-17).
- For counties using a direct record electronic (DRE) voting system, the county election board must perform an audit if the numbers reported by poll workers and the tapes coming from the system fall outside the audit constraints. If such an audit is required, then the public is informed of a post-election being conducted as it is a public meeting subject to the Open Door law (IC 3-12-3.5-8).

Special accommodations or restrictions for observers due to pandemic

- By executive order, Indiana requires masks to be worn in all public locations. The current order expires before election day, but it may be renewed.

Iowa

Pre-election day processes

- Voting equipment testing is open to the public (Iowa Code §52.35).

In-person voting

- Partisan observers and members of the media may observe at polling locations (Iowa Code §49.104). There cannot be more than three partisan observers at a time from each political party and they are appointed and accredited by the executive or central committee for that party.
- Persons interested in conducting and attending education voting programs may be permitted at the discretion of state and local election officials (Iowa Code §49.104).

Absentee ballot processing and counting

- Partisan observers may be present. Each political party may appoint up to five observers (Iowa Code §53.23).

Post-election processes

- The canvass of votes is open to the public (Iowa Code §50.1A, §50.46).
- Partisan observers (one selected by each of the two political parties) may observe the post-election audit (Iowa Code §50.51).
- Recounts are open to the public (Iowa Admin. Code 721—26.106).

Special accommodations or restrictions for observers due to pandemic

- Not specified.

Kansas

Pre-election day processes

- Voting equipment testing is open to the public (Kan. Stat. §25-4411).

In-person voting

- Nonpartisan observers are not explicitly permitted in statute but may be permitted if the observer is a registered Kansas voter and is appointed by an authorized poll agent. Authorized poll agents include chairpersons of political parties, chairpersons of ballot question committees, any candidate, or any precinct committeeperson (Kan. Stat. §§25-3005, 25-3005a).
- Nonpartisan observers, including international groups, may be granted permission to observe on a case-by-case basis (2019 Kansas Election Standards Chapter II p.64).
- Partisan observers, and nonpartisan observers if approved, may be present at the time and place of casting ballots (Kan. Stat. §25-3005).

Absentee ballot processing and counting

- Not specified.

Post-election processes

- Partisan observers, and nonpartisan observers if approved, may be present and observe the proceedings at all original, intermediate and final canvasses of elections (Kan. Stat. §25-3005).
- Post-election audits are conducted in a public setting, and observers may attend (Kan. Stat. §25-3009).
- Recounts are open to the public, and observers may attend (Kan. Stat. §25-3107; 2019 Kansas Election Standards Chapter III p. 24).

Special accommodations or restrictions for observers due to pandemic

- Not specified.

Kentucky

Pre-election day processes

- Voting equipment testing is open to the public (Ky. Rev. Stat. §117.165).

In-person voting

- Partisan observers may be present at polling places, and at in-person absentee early voting locations for qualified voters (Ky. Rev. Stat. §§117.235, 117.315, 117.085).
- Nonpartisan observers are not explicitly permitted but may be accepted on a case-by-case basis.

Absentee ballot processing and counting

- Partisan observers may be present (Ky. Rev. Stat. §117.087).

Post-election processes

- Partisan observers may witness the tally at polling places after they have closed (Ky. Rev. Stat. §117.275).
- If a discrepancy is found in the canvass, a recanvass is conducted. Partisan observers and the media may observe (Ky. Rev. Stat. §117.305).
- Access to observing recounts is not specified.

Special accommodations or restrictions for observers due to pandemic

- Not specified.

Louisiana

Pre-election day processes

- Voting equipment testing is open to the public (LRS 18:1373).

In-person voting

- Partisan observers are permitted, and any qualified voter of the state of Louisiana may serve as an observer (LRS 18:435, 18:427).

- Each candidate or slate of candidates for presidential elector is entitled to have one watcher at every precinct on election day and the watcher is issued a commission by the parish board of election supervisors (La. R.S. 18:427 and 435).
- A watcher who is commissioned by the parish board of election supervisors shall be admitted within all parts of the polling place during the election day and the printing of results from the voting machines. (La. R.S. 18:427(B)).
- Candidates, their representatives, and qualified electors may be present during the preparation, verification, counting, and tabulation of early voting ballots (La. R.S. 18:1313(E)).
- For parishes with one thousand or more absentee by mail ballots returned to the registrar of voters for a primary or general election, candidates, their representatives, and qualified electors may be present during the preparation and verification process for the counting and tabulation of early voting ballots on the day before the election and the counting and tabulation of absentee by mail and early voting ballots on election day. (La. R.S. 18:1313.1(E))

Absentee ballot processing and counting

- Partisan observers and qualified electors may be present during the tabulation of absentee ballots, including in cases when tabulation begins prior to the closing of the polls (LRS 18:1313(D)).
- Candidates, their representatives, and qualified electors may be present during the preparation, verification, counting, and tabulation of absentee by mail ballots (La. R.S. 18:1313(E)).
- For parishes with one thousand or more absentee by mail ballots returned to the registrar of voters for a primary or general election, candidates, their representatives, and qualified electors may be present during the preparation and verification process for the counting and tabulation of absentee by mail ballots on the day before the election and the counting and tabulation of absentee by mail and early voting ballots on election day (La. R.S. 18:1313.1(E)).

Post-election processes

- Partisan observers are admitted to all parts of the polling place during the election and during the counting and tabulation of votes (Poll Watchers Booklet p.4).
- Partisan observers may be present at recounts (LRS 18:1313(J), 18:1453). Immediately upon receiving any request for a recount, the clerk of court shall prominently post in his office a notice of the time and place where the absentee by mail and early voting ballots will be recounted (La. R.S. 18:1313(K)(2)(b) and 1313.1(L)(2)(b)).
- When a recount is ordered by a trial judge, the parties, or their representatives may be present at the recount. (La. R.S. 18:1453(A) and (B)).

Special accommodations or restrictions for observers due to pandemic

- Watchers will be required to follow the same safety guidelines for social distancing and use of personal protective equipment that are followed by the commissioner-in-charge and commissioners at each precinct on election day.

Maine

Pre-election day processes

- Voting equipment testing is open to the public (21-A M.R.S.A. §854).

In-person voting

- Partisan observers may be present at polling places outside of the guardrail. Additional party workers and others are allowed if there is sufficient space at the polling place (21-A M.R.S.A. §627).

Absentee ballot processing and counting

- Local election officials must publicly post the time when absentee ballot processing will begin on election day and notify partisan observers that this process is to occur. A member of the public may request to inspect absentee ballot applications and envelopes before they are processed (21-A M.R.S.A. §759).

Post-election processes

- Ballot counting is conducted in public (21-A M.R.S.A. §695).
- Partisan observers may be present at a recount (21-A M.R.S.A. §737-A).

Special accommodations or restrictions for observers due to pandemic

- The number of observers permitted at a given location may be limited to ensure there is adequate space to take social distancing precautions.

Maryland

Pre-election day processes

- Pre-election demonstrations of voting systems are open to public observation. This includes the preparation, configuration and testing of the equipment that tabulates ballots (Maryland Challenger and Watchers Manual p.11-12).

In-person voting

- The state board of elections may designate a registered voter as an observer for any polling place in the state, and a local board may designate a registered voter as an observer for any polling location in the county. Partisan observers are also authorized (Md. Election Law Code Ann. § 10-311).
- Other individuals may be authorized to access the voting room by the state board or local board of elections (Md. Election Law Code Ann. § 10-308).
- The provisions above also apply to early voting (Md. Election Law Code Ann. § 10-301.1).

Absentee ballot processing and counting

- The canvass of mail-in ballots is open to public observation (Maryland Challenger and Watchers Manual p.11).

Post-election processes

- If election results are produced in the polling place, observers may be admitted to hear the announced results (Md. Election Law Code Ann. § 10-314).
- Authorized observers may witness the closing of the polls (Md. Election Law Code Ann. § 11-202).
- The return of supplies on election night is open to public observation (Maryland Challenger and Watchers Manual p.11).

- The counting of provisional and absentee ballots and verification of vote count is open to public observation (Maryland Challenger and Watchers Manual p.12).
- Post-election audits are open to the public (Md. Election Law Code Ann. § 11-309).
- Recounts are open to the public (COMAR 33.12.03.02.).

Special accommodations or restrictions for observers due to pandemic

- For each step of the process above that is open to observers, limitations may be placed on the number of public observers to allow for social distancing and to limit the number of people in a room. Depending on the local board, public observation may be available via livestream in lieu of in-person observation. Anyone interested in observing should contact the individual local boards of elections for specifics.
- The State Board of Elections adopted emergency regulations allowing local boards to begin canvassing mail-in ballots no earlier than October 1, 2020. Each local board will determine their specific canvassing schedule. The provisional canvass will still take place on the 2nd Wednesday after election day.
- Several jurisdictions in Maryland plan to livestream the canvass, a process that is usually open to the public but would be difficult for the public to observe due to social distancing requirements (conversation with Maryland local election official 8/26/2020).

Massachusetts

Pre-election day processes

- Voting equipment testing is open to the public (950 CMR 54.00).

In-person voting

- The election is held in public view. Observers are allowed in every polling location outside of the guardrail (950 CMR 54.04(22)).
- Observers can be in polling places, but local election officials can restrict the numbers. The regulations provide that to achieve the legal requirement that the election be held in public view, observers shall be allowed inside the polling place, outside the guardrail, unless they are disorderly or obstruct the access of voters. Observers may keep notes including marked voting lists. If there are so many observers in the polling place that they obstruct voters, they may be asked to cooperate in collecting information. The warden may exclude from the polling place any person who is disorderly or who obstructs the access of voters. 950 C.M.R. § 54.04(22)(a).

Absentee ballot processing and counting

- Election officials open each envelope in view of any persons who may be present (Mass. Gen. Law Ann. ch. 54 §94).

Post-election processes

- Ballot counting is open to the public (950 CMR 54.05(1)).
- Post-election audits are open to the public (Mass. Gen. Law Ann. ch. 54 §109A; 950 CMR 46.00).
- Recounts are open to the public (Election Recounts, Secretary of the Commonwealth, p.5).

Special accommodations or restrictions for observers due to pandemic

- Given COVID, some local election officials will be requiring advance notice for observers either at early voting locations or at polling places.

Michigan

Pre-election day processes

- Voting equipment testing is open to the public (M.C.L.A. § 168.798).

In-person voting

- Elections are an open process that may be observed by any interested person. There are “election challengers” and “poll watchers,” though challengers having greater access to the process. Nonpartisan observers could fall into either category, but challengers must be registered voters in Michigan (The Appointment, Rights and Duties of Election Challengers and Poll Watchers, Michigan Department of State).
- Observers are permitted at polling locations (M.C.L.A. §§ 168.730, 168.733).

Absentee ballot processing and counting

- Observers may observe the absentee voter counting board at any time during election day (M.C.L.A. §§ 168.765a; The Appointment, Rights and Duties of Election Challengers and Poll Watchers, Michigan Department of State).

Post-election processes

- Observers may observe counting (M.C.L.A. § 168.730).
- Post-election audits are open to the public (Michigan Department of State, Post-Election Audit Manual).
- Recounts are open to the public (M.C.L.A. § 168.874).

Special accommodations or restrictions for observers due to pandemic

- Not specified.

Minnesota

Pre-election day processes

- Voting equipment testing is open to the public (Minn. Stat. Ann. §206.83).

In-person voting

- Partisan observers and the media may enter the polling place during voting hours to observe the voting process.
- Partisan observers must be a resident of the state and are referred to as “challengers.” Challengers may be appointed by partisan or nonpartisan candidates and their statutory role is to challenge a person’s eligibility to vote, based on personal knowledge (Minn. Stat. Ann. §§ 204C.06, 204C.07).
- There are no provisions for nonpartisan observers, but those interested in observing could send a request to the secretary of state to be appointed as representatives of the secretary of state’s office to observe election procedures. Note that nonpartisan candidates can also appoint

challengers, as defined above. (Minn. Stat. Ann. §204C.06; conversation with state election director in 2016 and 2020).

Absentee ballot processing and counting

- The counting of absentee ballots is open to the public (Minn. Stat. Ann. §203B.212 Subd. 5).

Post-election processes

- Partisan observers and any member of the public after voting is over can remain at the polling location until the votes are counted and the results declared (Minn. Stat. Ann. §204C.07).
- Proceedings at counting centers are open to the public (Minn. Stat. Ann. §§206.85, 206.86).
- Post-election audits are open to the public (Minn. Stat. Ann. §204C.07).
- Recounts are open to the public (Minn. Admin. Rules 8235.0600).

Special accommodations or restrictions for observers due to pandemic

- There is a governor's executive order that requires masks in indoor settings. Challengers will be required to wear masks in the polling place.

Mississippi

Pre-election day processes

- Voting equipment testing is open to the public (Miss. Code Ann. § 23-15-521).

In-person voting

- Access for nonpartisan observers is not specified.
- Partisan observers may observe at polling locations (Miss. Code Ann. § 23-15-577).

Absentee ballot processing and counting

- Absentee ballot processing and counting is open to the public (Rule: 1 Miss Admin Code, Part 17 Chapters 1 - 3, Rule 1.1 - 3.1, in comment period as of 9/16 but will be final soon)

Post-election processes

- The counting of ballots after the polls close is open to the public (Miss. Code Ann. § 23-15-581).
- All proceedings at a counting center are open to the public (Miss. Code Ann. § 23-15-523).

Special accommodations or restrictions for observers due to pandemic

- Not specified.

Missouri

Pre-election day processes

- Voting equipment testing is open to the public (Missouri Rev. Stat. § 115.233).

In-person voting

- International observers who have registered with the election authority may be admitted to a polling place (Missouri Rev. Stat. §115.409).

- Partisan observers may be present at the polling place until all ballots are cast on the day of the election (Missouri Rev. Stat. §§ 115.105, 115.107).

Absentee ballot processing and counting

- Partisan observers may be present at each location where absentee ballots are counted (Missouri Rev. Stat. §§ 115.105, 115.107).

Post-election processes

- Partisan observers may observe the counting of votes (Missouri Rev. Stat. §§ 115.105, 115.107).
- Post-election audits are open to the public (15 CSR 30-10.110)
- Nonpartisan observers directly involved in requesting a recount may observe the process (Missouri Rev. Stat. §115.601).

Special accommodations or restrictions for observers due to pandemic

- Not specified.

Montana

Pre-election day processes

- Voting equipment testing is open to the public (Mont. Code Ann. §13-17-212).

In-person voting

- Nonpartisan observers, defined as any group having an interest in the election, may request the election administrator to allow observers at any polling location (Mont. Code Ann. §12-12-121).
- Partisan observers may observe at polling locations (Mont. Code Ann. §12-12-121).

Absentee ballot processing and counting

- Absentee ballot preparation, which includes signature comparisons and preparing the ballots to be counted, is open to the public (Mont. Code Ann. §13-13-241).
- Any official vote count, including of absentee ballots, is open to the public (Mont. Code Ann. §§13-15-101, 13-13-241).

Post-election processes

- Tabulation is open to the public (Mont. Code Ann. §13-15-101).
- Partisan observers may observe vote counting procedures after the closing of the poll, and all entries of the results of the elections (Mont. Code Ann. §12-12-120).
- Post-election audits are open to the public (Mont. Code Ann. §13-17-506).
- Recounts are open to the public and the media (Mont. Code Ann §13-16-411).

Special accommodations or restrictions for observers due to pandemic

- Not specified.

Nebraska

Pre-election day processes

- In practice, voting equipment testing is open to the public and the media.

In-person voting

- There is not currently a statutory provision for observers, but LB 1055 was enacted by the Nebraska legislature in 2020 and will go into effect after the November 2020 election. It defines poll watcher as an individual representing a state-based, national, or international election monitoring organization and establishes an appointment process for these observers to be present at polling locations (Neb. Rev. Stat. §32-1525, effective November 14, 2020).

Absentee ballot processing and counting

- Poll watchers appointed by each political party may be present at each counting location. Other observers may be authorized by local election officials, but may not be connected with any candidate, political party or measure on the ballot (Neb. Rev. Stat. §32-1013).

Post-election processes

- Poll watchers appointed by each political party may be present at each counting location. Other observers may be authorized by local election officials, but may not be connected with any candidate, political party or measure on the ballot (Neb. Rev. Stat. §32-1013).
- Candidates affected by a recount have the right to send a representative (partisan observer) (Neb. Rev. Stat. §32-1115).

Special accommodations or restrictions for observers due to pandemic

- Not specific to the pandemic, but some of the larger counties have windows into the counting room which allows for a separation between observers and election workers counting ballots.
- Local election officials have the right to limit political observers to one if at any time space becomes an issue (Neb. Rev. Stat. §32-1013).

Nevada

Pre-election day processes

- Not specified.

In-person voting

- The conduct of voting at a polling place is open to the public. Any person may observe (Nev. Rev. Stat. §293.274, Nev. Admin. Code 293.245).

Absentee ballot processing and counting

- Members of the general public may observe the preparation of absentee ballots at central counting boards (Nev. Admin. Code 293.311).
- Counting of absentee ballots is open to the public (Nev. Rev. Stat. 293.385).

Post-election processes

- The public is allowed to observe the handling of ballots after the polls close and observe the delivery of the sealed container of ballots to a receiving center or central counting place (Nev. Rev. Stat. 293B.330, 293B.335).
- Counting of ballots at polling locations is open to the public (Nev. Rev. Stat. 293.363).
- The counting of ballots at central counting places are open to the public (Nev. Rev. Stat. NRS 293B.353, 293B.380).
- Post-election audits are open to the public (Nev. Admin. Code 293.255).
- Access to observe recounts is not specified, but access to the public may be permitted under provisions allowing public access to the counting process.

Special accommodations or restrictions for observers due to pandemic

- Not specified.

New Hampshire

Pre-election day processes

- Voting equipment testing is open to the public (NH Rev. Stat. Ann. 656:42 VIII(e)(1)).

In-person voting

- Polling locations are open to the public, who may observe from behind a guardrail (Election Procedure Manual 2020, p.87).
- Partisan observers are also permitted (NH Rev. Stat. Ann. 666.4).
- Ballot counting occurs at the polling location and is open to the public, who may observe from behind a guardrail. Ballots may not be hand counted before the polls close, but device counted ballots may be inserted into the ballot counting device (NH Rev. Stat. Ann. 659:63, 659:49).

Absentee ballot processing and counting

- Absentee ballot processing occurs at the polling location and is open to public observation (NH Rev. Stat. 659:50; Election Procedure Manual 2020 p.70).

Post-election processes

- Recounts are conducted in public (NH Rev. Stat. 660:4).

Special accommodations or restrictions for observers due to pandemic

- There is a recommendation that the public be placed at least six feet away from where absentee ballots are being processed (Election Procedure Manual, Special Guidance COVID-19, p.5).

New Jersey

Pre-election day processes

- Automatic tabulating equipment testing is open to the public (NJSA 19:53A-8).
- Partisan observers may examine voting equipment before they are sent to polling locations (NJSA 19:48-6).

In-person voting

- Partisan observers may be present while votes are cast, but others are not permitted in the polling place (NJSA 19:7-5, 19:15-8).

Absentee ballot processing and counting

- Not specified.

Post-election processes

- Proceedings at the counting center are conducted under the observation of the public (NJSA 19:53A-8(b)).
- Partisan observers may be present while votes are being counted (NJSA 19:7-5).
- All proceedings of canvass boards are open to the public (NJSA 19:6-28).
- Post-election audits are open to the public (NJSA 19:61-9).
- Recounts are open to the public (NJSA 19:28-3).

Special accommodations or restrictions for observers due to pandemic

- Not specified.

New Mexico

Pre-election day processes

- Not specified.

In-person voting

- Nonpartisan election observers, defined as a person registered with the U.S. State Department as an international election observer or a person registered with the New Mexico Secretary of State as an academic engaged in research on elections and the election process, may observe at polling locations (NM Stat. Ann. §§1-1-3.2, 1-2-25, 1-2-29).
- Nonpartisan observers as defined above may observe in an alternate or mobile voting location (NMAC 1.10.12.11).

Absentee ballot processing and counting

- Nonpartisan observers as defined above are allowed in the room where absentee ballots are counted (NM Stat. Ann. §1-2-25(6)).

Post-election processes

- Nonpartisan observers may be appointed to observe county and state canvasses, and post-election audits (NM Stat. Ann. §§1-2-31, 1-2-32, 1-14-13.2).
- Nonpartisan observers as defined above may observe recounts (NM Stat. Ann. §1-2-25(6)).

Special accommodations or restrictions for observers due to pandemic

- Not specified.

New York

Pre-election day processes

- Partisan observers may examine voting equipment before it is sent out to polling locations (NY Election Law § 7–207).

In-person voting

- Partisan observers may be present at polling locations and must be a qualified voter of the city or county in which he or she serves (NY Election Law § 8–500).
- There is no provision for nonpartisan or international observers, but in the past when visitors from other states or countries have wanted to view the election process arrangements have been made with county election boards (conversation with state election director in 2016 and confirmed 2020).

Absentee ballot processing and counting

- Partisan observers may be present during the examination of absentee ballot envelopes (NY Election Law § 8–506).

Post-election processes

- Partisan observers may observe the canvass of votes at the polling location and the canvass of absentee ballots (NY Election Law §§ 9–102, 9–209).
- Partisan observers may observe the post-election audit (NY Election Law § 9–211).

Special accommodations or restrictions for observers due to pandemic

- Not specified.

North Carolina

Pre-election day processes

- Voting equipment testing is open to the public (N.C.G.S. § 163-165.7; 08 NCAC 04 .0307).

In-person voting

- During the time allowed for voting, only election officials, partisan observers, runners, voters, those authorized to provide assistance, and minor children, are allowed in the voting enclosure. (N.C.G.S. §163-166.3).
- Partisan observers that are appointed by the county political party are permitted and must be registered voters of the county in which they observe. Additionally, the State political parties can each designate 100 at-large observers who are North Carolina registered voters, and they can observe any voting place in the State. No more than two county observers and one at-large observer from the same political party are permitted in the voting enclosure at any time. (N.C.S.G.S. § 163-45).
- Partisan observers may also be present at early voting locations, which is called one-stop voting in North Carolina (N.C.S.G.A § 163-227.6).

Absentee ballot processing and counting

- Absentee ballot counting is open to the public (N.C.S.G.S. § 163-234). Note: counting can take place at the absentee meetings under G.S. 163-230.1(f) but cannot be tabulated and results reported until Election Day. In some counties, these meetings may only be accessible to the public via live video stream due to COVID-19.

Post-election processes

- Procedures for closing the polling place is open to public inspection. This includes the return and accounting of all ballots, the certification of ballots by officials of more than one political party, the delivery of registration documents to the county board of elections, and the return to the county board of all issued equipment (N.C.S.G. § 163-166.10). See also 08 NCAC 10B .0105.
- The vote count is open to the public (N.C.S.G. § 163-182.2(3)).
- Recounts provide opportunities for public observation (N.C.S.G. § 163-182.7).

Special accommodations or restrictions for observers due to pandemic

- County boards of elections shall require that election workers to encourage any observers to wear face coverings and offer face coverings to those not wearing them, unless they state that an exception applies (North Carolina State Board of Elections Numbered Memo 2020-18, DHHS Interim Guidance for Election Voting Locations, p.3). Observers must at all times remain socially distanced from election workers and voters in the curbside voting area. See Numbered Memo 2020-20, page 2.
- In some counties, public meetings for counting absentee ballots may only be accessible to the public via live video stream due to COVID-19.

North Dakota

Pre-election day processes

- Nonpartisan observers are allowed access to all stages of the election process, including the certification of election technologies (NDCC § 16.1-05-09).

In-person voting

- Nonpartisan observers are allowed access to all stages of the election process, including early voting (NDCC § 16.1-05-09).

Absentee ballot processing and counting

- Nonpartisan observers are allowed access to all stages of the election process, including absentee voting (NDCC § 16.1-05-09).

Post-election processes

- Nonpartisan observers are allowed access to all stages of the election process, including vote tabulation and recounts (NDCC § 16.1-05-09).

Special accommodations or restrictions for observers due to pandemic

- Not specified.

Ohio

Pre-election day processes

- Voting equipment testing is open to the public (Ohio Rev. Code § 3506.14).

In-person voting

- Nonpartisan and international observers are prohibited (Ohio Secretary of State Election Official Manual, rev. 12/18/2019, Section 1.08).
- Partisan observers may observe during the casting of ballots, which includes in-person absentee voting and at precinct polling places on election day (Ohio Rev. Code § 3505.21). The observers may be present from the opening until the closing of the polls on election day, as well as after the polls close (Ohio Secretary of State Election Official Manual, rev. 12/18/2019, Section 1.08).

Absentee ballot processing and counting

- Partisan observers may be present at any time which a board of elections processes absentee voter's ballots before the time for counting those ballots (Ohio Rev. Code §§ 3505.21, 3509.06).

Post-election processes

- Partisan observers may be present during the counting of ballots, which includes any time during which election officials count and tally ballots, make the official canvass of election returns, or conduct an audit of the official results of an election (Ohio Rev. Code § 3505.21).
- Partisan observers are permitted to observe post-election audits, and results of the audit are made public (Ohio Rev. Code § 3505.331(C)).
- Partisan observers may be present during recounts (Ohio Rev. Code § 3515.04).

Special accommodations or restrictions for observers due to pandemic

- Observers must practice social distancing and wear facial coverings.
- For the unofficial and official canvass, the boards of elections may offer remote access to recognized observers via livestream, video conference, or similar technology. If observers attend in person, observers should have their own personal protective equipment or facial coverings and wear it while present at the office of a board of elections. Boards may provide such equipment to an observer who is unable to secure it (Ohio Secretary of State Health Guidance for Boards of Elections).

Oklahoma

Pre-election day processes

- Partisan observers may observe voting equipment testing. Recognized political parties are notified of the date, time, and place that a test will be performed and may send one or more observers (Oklahoma Stat. §§26-9-115, 26-7-130).

In-person voting

- No one other than voters and election officials are permitted in the polling place during voting hours. Partisan observers, including those appointed by an independent candidate, may be present before the polls open and after they close but may not be present at the polling place at other times (Oklahoma Stat. §26-7-130).

- Nonpartisan observers are not permitted.
- Members of the media may be permitted inside the polling place for a period not to exceed five minutes (Oklahoma Stat. §26-7-112).

Absentee ballot processing and counting

- The county election board meets publicly to remove the outer envelopes from all absentee ballots and examine and remove properly executed affidavits to prepare for counting (Oklahoma Stat. §26-14-123).

Post-election processes

- Partisan observers may be present at any place where an official count is being conducted (Oklahoma Stat. §26-7-130).
- The candidate or an authorized individual may be present at a recount. If the recount is to be conducted using electronic voting devices, the devices shall be tested for accuracy by the county election board within view of all contestants or their agents (Oklahoma Stat. §§26-8-113, 114).

Special accommodations or restrictions for observers due to pandemic

- Social distancing should be maintained in the polling place at all times, and election workers and voters are strongly recommended to wear masks at in-person voting sites (Oklahoma Covid-19 Polling Place Protocols).

Oregon

Pre-election day processes

- Vote tabulation equipment testing is open to the public (Ore. Rev. Stat. § 254.525).

In-person voting

- Elections are conducted entirely by-mail in Oregon. Though voters can go to county offices to cast a ballot if they need certain services, there are not traditional polling locations.

Absentee ballot processing and counting

- Members of the public may observe all ballot processes except those that are confidential (Oregon Secretary of State, Vote by Mail Procedures Manual, rev. March 2020, p.22).
- Observers may watch the receiving of mailed ballots and counting of votes and are authorized by a political party, a candidate, or the county clerk. Nonpartisan observers may be able to observe if authorized by the county clerk (Ore. Rev. Stat. §254.482).

Post-election processes

- Post-election audits are open to the public (Ore. Rev. Stat. § 254.532).
- Partisan observers may watch the recount (Ore. Rev. Stat. § 258.211).

Special accommodations or restrictions for observers due to pandemic

- Not specified, but county clerks determine the number of observers allowed at any given time based on spaced, security and staff availability (Oregon Secretary of State, Vote by Mail Procedures Manual, rev. March 2020, p.22).

Pennsylvania

Pre-election day processes

- Partisan observers may be present during the preparation of voting equipment (25 P.S. § 3031.10, § 3011).

In-person voting

- Access for nonpartisan observers is not specified.
- Partisan observers may observe at polling locations and may stay until the time that the counting of votes is complete (25 P.S. § 2687).

Absentee ballot processing and counting

- Partisan observers are permitted to be present when absentee and mail-in ballot envelopes are opened, and when the ballots are counted and recorded (25 P.S. § 3146.8).

Post-election processes

- Partisan observers may be present at the tabulation or canvassing of unofficial and official returns, and any recount or recanvass (25 P.S. § 2650).

Special accommodations or restrictions for observers due to pandemic

- County boards of elections should consider conducting public meetings remotely using electronic services (Pennsylvania Department of State, Election Operations During COVID-19, p.3).

Rhode Island

Pre-election day processes

- Voting equipment testing is open to the public (R.I.G.L. § 17-19-14).

In-person voting

- The conduct of elections is open to the public.
- Partisan observers are permitted to sit at a table in the room where voting is conducted (R.I.G.L. § 17-19-22).

Absentee ballot processing and counting

- The opening of mail ballot envelopes, as well as the counting, canvassing and tabulation of mail ballots at the state board of elections is open to the public. There is a railed space where counting takes place and while the general public must stay outside of the rail, partisan observers are permitted within the railed space and may scrutinize the open, count, canvass and tabulation. The state board may allow others into the railed space at its discretion (R.I.G.L. § 17-22-2).

Post-election processes

- The counting, canvassing and tabulation of ballots at the state board of elections is open to the public. There is a railed space where counting takes place and while the general public must stay outside of the rail, partisan observers are permitted within the railed space and may scrutinize

the open, count, canvass and tabulation. The state board may allow others into the railed space at its discretion (R.I.G.L. § 17-22-2).

- Post-election audits are open to the public (R.I.G.L. § 17-19-37.4).
- Recounts are open to the public (Rhode Island Board of Elections, Guide to Election Recounts, p.2).

Special accommodations or restrictions for observers due to pandemic

- Not specified.

South Carolina

Pre-election day processes

- Voting equipment testing is open to the public (S.C. Code Ann. §7-13-1390).

In-person voting

- Elections are a public process, and anyone is allowed to observe as long as they behave in an orderly manner and do not interfere with the election process (South Carolina Election Commission, Poll Managers Handbook, rev. January 2020, p.43).
- Partisan observers may be present at the polling location in a designated area where they can observe the entire election process (S.C. Code Ann. § 7-13-860).

Absentee ballot processing and counting

- The process of examining envelopes contains absentee ballots is open to the public (S.C. Code Ann. § 7-13-35).

Post-election processes

- The canvassing process and counting of ballots after the polls close is open to the public (South Carolina Election Commission, Poll Managers Handbook, rev. January 2020, p.43).
- Access to observation of post-election audits or recounts is not specified.

Special accommodations or restrictions for observers due to pandemic

- During the pandemic, watchers and observers at polling places are required to wear masks and social distance (COVID-19 Requirements for Poll Watchers, Observers, Candidates, and Candidate Representatives).

South Dakota

Pre-election day processes

- Voting equipment testing is open to the public (S.D.C.L. §12-17B-5).

In-person voting

- Any person (other than a candidate on the ballot at that polling place) may observe the voting process (S.D.C.L. §12-18-9).

Absentee ballot processing and counting

- Any person may observe the absentee counting process (S.D.C.L. §12-19-44).
- If a county uses an absentee precinct board, there is not an option for persons to watch the signature verification process as those counties can start the signature verification process as soon as the voted ballot is received by the county auditor. That is a daily process they conduct when the ballots are received. If the county does not use an absentee ballot precinct the signature verification process is done at the polling places by the precinct election boards.

Post-election processes

- Any person may observe the counting process, as well as recounts (S.D.C.L. §12-18-9; SDLRC 5:02:19:04).

Special accommodations or restrictions for observers due to pandemic

- Not specified.

Tennessee

Pre-election day processes

- Not specified.

In-person voting

- Nonpartisan observers, defined as any organization of citizens interested in preserving the purity of elections and in guarding against abuse of the elective franchise, and partisan observers may observe at polling locations. Observers must be residents of the state (Tenn. Code Ann. § 2-7-104).

Absentee ballot processing and counting

- Nonpartisan observers (as defined above) and partisan observers may observe the counting of absentee ballots (Tenn. Code Ann. § 2-7-104).

Post-election processes

- Nonpartisan observers (as defined above) and partisan observers may observe the counting of ballots (Tenn. Code Ann. § 2-7-104).
- Post-election audits are open to the public (Tenn. Code Ann. § 2-20-103).

Special accommodations or restrictions for observers due to pandemic

- Not specified, but no more than two observers per candidate or organization may be at each polling place (Tenn. Code Ann. § 2-7-104).

Texas

Pre-election day processes

- Voting equipment testing is open to the public (Texas Election Code §§127.096, 129.023).

- Partisan observers may observe the inspection and securing of voting equipment before the election (Texas Election Code §33.059).

In-person voting

- Access for nonpartisan observers is not permitted. Bystanders are not permitted and loitering is a Class C Misdemeanor (Texas Election Code §§61.001, 61.003).
- Partisan observers may be present at each polling place and early voting location (Texas Election Code §§33.001 – 33.007).
- Partisan observers must be a qualified voter of the county or political subdivision in which he or she serves (Texas Election Code §33.031).

Absentee ballot processing and counting

- Partisan observers can be appointed to observe the ballot board process and count mail ballots and provisional ballots (Texas Election Code §33.054).

Post-election processes

- Partisan observers may be present at each central counting station (Texas Election Code §§33.001 – 33.007).

Special accommodations or restrictions for observers due to pandemic

- Observers may be asked to adhere to certain health and safety measures to protect the health and well-being of other observers, election workers and voters. Observers cannot be required to wear a face covering, but it is recommended. Election officials may consider having extras masks or face shields available at polling locations and ask observers to maintain at least six feet of separation from other individuals. Election officials can ask observers to review the health protocols and self-screen before entering the polling place, and if an observer arrives with signs or symptoms of possible COVID-19 election officials may request that another observer is appointed (Texas Secretary of State, Election Advisory No. 2020-19 Voting in Person During COVID-19).
- The presiding judge of the polling place/ballot board/central count is the keeper of the peace in that location on election day. The presiding judge may decide that not wearing a mask when close to others is a breach of the peace. He or she may eject watchers who breach the peace (Texas Election Code §32.075).

Utah

Pre-election day processes

- Anyone may register as an observer and observe voting equipment testing (UCA 20A-3a-801).
- Those that register as observers may also observe the collection, receipt, transport or transmission, and processing of a ballot (UCA 20A-3a-801).

In-person voting

- Anyone may register as an observer and may observe the setup and take down of a polling location, voter check-in, the collection, receipt and processing of a ballot, and the transport or transmission of a ballot that is in an election official's custody (UCA 20A-3a-801).

Absentee ballot processing and counting

- Anyone may register as an observer and observe the opening and inspection of a manual ballot and ballot duplication (UCA 20A-3a-801).

Post-election processes

- Anyone may register as an observer and observe ballot tabulation, the post-election audit, a canvassing board meeting, the certification of the results of an election, and a recount (UCA 20A-3a-801).
- The canvass is open to the public (UCA 20A-4-303).

Special accommodations or restrictions for observers due to pandemic

- Utah SB 6007 made temporary changes to the Election Code as they relate to the 2020 regular general election to protect public health and safety in relation to the COVID-19 pandemic. It included a provision that permits election officials to reduce the number or otherwise regulate the placement and conduct of observers as the election officer determines is appropriate. It also permits the requirement for a public canvass be fulfilled by recording the canvass and making the recording available to the public.

Vermont

Pre-election day processes

- Voting equipment testing is open to the public (17 V.S.A. § 2493).

In-person voting

- Anyone may observe the election process from outside of the guardrail, but partisan observers may also challenge a person's right to vote (17 V.S.A. § 2564; conversation with state election director, 2016).

Absentee ballot processing and counting

- If absentee ballots are processed before election day, the public may be present and inspect the certificate envelopes (17 V.S.A. § 2546a).

Post-election processes

- Anyone may observe outside the guardrail or within a designate area in which ballots are being counted (17 V.S.A. § 2581).
- Recounts are open to the public (17 V.S.A. § 2602c).

Special accommodations or restrictions for observers due to pandemic

- Any member of the public can request to observe the processing of ballots returned by mail. If in-person observation by members of the public is not possible due to restrictions related to COVID-19, the process may be live-streamed to allow for remote review, or may be recorded (Vermont Secretary of State, First Statewide Elections Directive, July 20, 2020).

Virginia

Pre-election day processes

- Partisan observers may observe voting equipment testing and sealing to prepare for voting (VA Code Ann. § 24.2-633).

In-person voting

- Nonpartisan observers, referred to as “additional neutral observers,” may be authorized by local election officials (VA Code Ann. § 24.2-604.5).
- Partisan observers are authorized and must be a qualified voter of the Commonwealth (VA Code Ann. § 24.2-604.4).
- Members of the media may visit and film or photograph inside the polling place for a reasonable and limited amount of time (VA Code Ann. § 24.2-604.5).

Absentee ballot processing and counting

- Partisan observers are permitted at central absentee voter precincts where absentee ballots are received, counted and recorded (VA Code Ann. § 24.2-604.4).
- Nonpartisan observers, referred to as "additional neutral observers," may be authorized by local election officials (VA Code Ann. § 24.2-604.5). Since the central absentee precinct is considered a precinct, it falls under the same rules for observers as other precincts.

Post-election processes

- The canvass of the election is an open public meeting.
- Partisan observers may attend the meeting where results are reported (VA Code Ann. § 24.2-671).
- Partisan observers may observe the post-election audit (VA Code Ann. § 24.2-671.1).
- Partisan observers may observe a recount (VA Code Ann. § 24.2-802.1).

Special accommodations or restrictions for observers due to pandemic

- Not specified, but no more than three partisan observers per political party or candidate may be in a polling location at one time (VA Code Ann. § 24.2-604.4).

Washington

Pre-election day processes

- Voting equipment testing is open to the public (RCW 29A.12.130).

In-person voting

- The county auditor may request a list of partisan observers from each major political party (RCW 29A.60.170) and nonpartisan observers may be requested by the county auditor from any organization (RCW 29A.60.170). Note that this is not a common practice and is only used in special circumstances. Since the proceedings are already open to the public, there isn't normally a need to request additional observers.

Absentee ballot processing and counting

- The proceedings at counting centers are open to the public (RCW 29A.60.170).

- County auditors must request that the major political parties appoint partisan observers and county auditors have the discretion to also request that nonpartisan observers be appointed (RCW 29A.40.100).

Post-election processes

- Appointed partisan and nonpartisan observers may be present for the post-election audit (RCW 29A.60.170).
- Partisan observers may witness a recount (RCW 29A.64.041).

Special accommodations or restrictions for observers due to pandemic

- Different parts of the state are classified at different phases in reopening and each county legislative authority has made decisions for their county facility in this ever-changing pandemic. How counties are allowing for public access varies.
- Public observers are allowed only as space allows. There are some small counties that have limited space for observers and must prioritize those who wish to observe. Also, the amount of working space they have may limit the social distancing available, thereby limiting the number of observers.
- Some counties already provide opportunities to observe ballot processing activities remotely. King County, where Seattle is located, provides an online stream of election activities. Some of the larger counties have also added video viewing of ballot process this year, but not all.

West Virginia

Pre-election day processes

- Voting equipment testing is open to the public (W. Va. Code §3-4A-26).

In-person voting

- Observers are not permitted in polling locations (W. Va. Code §3-1-37).

Absentee ballot processing and counting

- Not specified.

Post-election processes

- Proceedings at the central counting center are open to the public (W. Va. Code §3-4A-27).
- The canvass is open to the public (W. Va. Code §3-6-9).
- Post-election audits are open to the public (W. Va. §3-4A-28).
- Recounts are open to the public (WV State Rules 153-20-6.2).

Special accommodations or restrictions for observers due to pandemic

- For activities listed above that are open to the public, counties may choose to live-stream the proceedings online. This is optional but not required.

Wisconsin

Pre-election day processes

- Voting equipment testing is open to the public (Wis. Stat. § 5.84).

In-person voting

- Any member of the public may be present at any polling place or any place where in-person absentee voting is taking place (Wis. Stat. § 7.41).

Absentee ballot processing and counting

- Absentee ballot processing and counting is open to the public (Wis. Stat. §§ 6.88, 7.52).

Post-election processes

- The local and county canvass is open to the public (Wis. Stat. §§ 7.51, 7.60).
- Post-election audits are open to the public (Wisconsin Elections Commission, Voting Equipment and Election Audits).
- Recounts are open to the public (Wis. Stat. §9.01(3)).

Special accommodations or restrictions for observers due to pandemic

- Local election officials can require election observers to be at least six feet away from the voting and registration table and limit observers if necessary (Wisconsin Board of Elections, Poll Worker Training – COVID).

Wyoming

Pre-election day processes

- Access for nonpartisan observers is not specified.
- Partisan observers may be present for voting equipment testing (Wyo. Stat. Ann. §§ 22-10-108, 22-11-104).

In-person voting

- Access for nonpartisan observers is not specified.
- Partisan observers may serve at polling places (Wyo. Stat. Ann. § 22-15-109).

Absentee ballot processing and counting

- Not specified.

Post-election processes

- Not specified.

Special accommodations or restrictions for observers due to pandemic

- Not specified.