Public Rights Project

Memorandum: November 2026 Considerations for Federal Election Observers

September 2026

This memo is in response to the rise in interest in and use of monitors and observers during elections.

Important note

This memo is for information purposes only. It is not intended to be legal advice or to create an attorney-client relationship.

If you have questions about your particular circumstances, please contact Public Rights Project or consult your own legal counsel.

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1. Introduction

Both Department of Justice (DOJ) election monitoring and Congress' use of election observers are long-standing practices intended to monitor compliance with federal voting and civil rights laws, and to ensure free and fair federal elections. Election observers have been visiting polling places and election centers for years, largely without incident.

However, since 2016, an increase in election conspiracy theories has resulted in increased "election integrity" efforts.[1] This has led to an increased interest in the federal government using election observers for "election integrity" purposes, often alongside conspiratorial claims.[2] Congress recently has also shown a renewed interest in the use of congressional observers to oversee federal elections after the passage of the Confirmation Of Congressional Observer Access Act in 2024.[3]

Earlier this year, the America First Policy Institute, which has extremely strong influence in the White House,[4] issued a paper encouraging the federal government to take additional steps to exercise its authority to send out election observers in federal elections.[5] And on August 17, 2026, Harmeet Dhillon, the assistant attorney general for the Civil Rights Division of the Department of Justice, announced that the Department would send a record-breaking 1,000 federal monitors to polling places for the general election.[6]

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[1] *See, e.g.*, Christina A. Cassidy, *Election Officials See a Range of Threats In 2024, from Hostile Countries to Conspiracy Theorists*, Associated Press (Dec. 28, 2023), https://apnews.com/article/election-security-2024-threats-cybersecurity-russia-69b130e9896a8e8a229b7a668000183f ; Nathan Layne et al., *In U.S. Swing States, Officials Brace for Conspiracy Theories and Violence*, Reuters (Oct. 30, 2024), https://www.reuters.com/world/us/us-swing-states-officials-brace-conspiracy-theories-violence-2024-10-30.

[2] Jasmine Laws, *Map Shows States Where Trump Admin Is Deploying Election Monitors*, Newsweek (July 10, 2026), https://www.newsweek.com/map-shows-states-where-trump-admin-is-deploying-election-monitors-12176817 ("[Assistant Attorney General for Civil Rights Harmeet Dhillon's announcement to send DOJ monitors to polling places] comes following President Donald Trump's repeated voter fraud claims over the years, especially during elections in which he has been a presidential candidate, and he recently doubled down on unsubstantiated fraud claims in California's primary elections last month.")

[3] *See, e.g.*, Comm. on House Admin. Republicans, *Election Observer Program*, https://cha.house.gov/election-observer-program (last visited Aug. 17, 2026); *see also* Press Release, Off. of Sen. Alex Padilla, Padilla, Schumer Launch First-Ever Senate Election Observer Program to Protect 2026 Midterms as Trump Escalates Attacks on Free & Fair Elections (June 25, 2026), https://www.padilla.senate.gov/newsroom/press-releases/padilla-schumer-launch-first-ever-senate-election-observer-program-to-protect-2026-midterms-as-trump-escalates-attacks-on-free-fair-elections/.

[4] Philip Wegmann, MAGA Think Tank Staffing Trump 2.0: America First Policy Institute, RealClear Pol. (May 19, 2025), https://www.realclearpolitics.com/articles/2025/05/19/maga_think_tank_staffing_trump_20_america_first_policy_institute.html ("Over 86% of the 196 federal policies that AFPI drafted and recommended in 2022 [. . .] have been advanced or enacted during the first 100 Days of the [second] Trump administration[.]")

[5] Thomas Lane, DOJ Election Monitoring Authority and Observer Deployment, Am. First Pol'y Inst. (Apr. 21, 2026), https://www.americafirstpolicy.com/issues/doj-election-monitoring-authority-and-observer-deployment.

[6] Sarah N. Lynch, *Justice Department to Send a Record 1,000 Monitors to Polling Places in Midterm Elections*, CBS News (Aug. 18, 2026), https://www.cbsnews.com/news/justice-department-election-monitors-midterms/.

Although DOJ election monitoring during the 2026 primary elections was generally uneventful, isolated incidents — including reports concerning aggressive conduct by DOJ monitors in Wyoming — illustrate the importance of ensuring that election officials understand the distinct roles and limits of each type of observer and are prepared to respond when those limits are exceeded.[7]

2. Types of Election Observers

There are several types of election observers under federal and state laws. Each type has its own set of authority, powers, and limitations. It's imperative that election officials understand these differences so that they may confidently manage the election observers on Election Day. Throughout this memo, the term "election observer" is used to describe all types of these individuals generally, but more specific terminology is used when referring to a particular type of election observer. Below is a table summarizing key information about each type of election observer authorized under federal law.

Type	Dispatcher[8]	Access to Polling Places and Tabulation Regardless of State Law	Requires Court Order to Dispatch
Election Monitor	Department of Justice	No	No
Federal Observer	Office of Personnel Management	Yes	Yes
Congressional Observer	Congressional committees overseeing elections	Yes	No

2.1. Election Monitors

Federal election monitors are DOJ employees, led by the Civil Rights Division, dispatched to polling places to monitor and document activities to ensure compliance with various federal civil rights laws under the DOJ's general enforcement authority. These civil rights laws include the National Voter Registration Act, the Help America Vote Act, the Voting Rights Act, the Voting Accessibility for the Elderly and Handicapped Act, the Americans with Disabilities Act, and the

[7] Mead Gruver, *Wyoming Governor Requests Investigation into Activity of Justice Department Monitors During Primary*, Associated Press (Aug. 28, 2026), https://apnews.com/article/wyoming-primary-justice-department-monitors-gordon-3d454cdb2834025b3b82364888f226d0.

[8] For the purposes of this memo, "dispatcher" means the government authority that employs and sends the election observers.

Civil Rights Acts.[9] They may be dispatched to any jurisdiction the Department chooses. **Unless authorized by court order or invitation under state law, monitors must follow the ordinary rules for public access to the polling place and non-interference.**[10]

Historically, monitors have not sought to observe or investigate election integrity or voter fraud, which are typically delegated to the DOJ's Public Integrity Section of the Criminal Division.[11] The DOJ also has traditionally notified jurisdictions ahead of the election if it will send monitors, either by a phone call or a letter, though nothing in law requires this outreach.

For the 2026 general election, the DOJ has announced that it plans to send 1,000 election monitors to polling places, but has not disclosed to which jurisdictions.[12] For comparison, during the general election in 2022, the DOJ sent 289 election monitors to 64 jurisdictions in 24 states, and in 2024, the DOJ sent 714 election monitors to 86 jurisdictions in 27 states.[13]

No law provides the DOJ authority to intervene directly in election administration or the voting process, which is constitutionally delegated to the states.[14] However, the DOJ has a unique power that other types of election observers typically do not have: The DOJ may demand to inspect or copy certain election records in limited circumstances.[15] The DOJ must have access to "all records and papers which come into [an election officer's] possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election."[16] But this power does *not* allow the DOJ to confiscate such records. It's not unthinkable that the DOJ might invoke this power to inspect and copy records when they send election monitors to a jurisdiction.

Courts have recently held there are two limitations to this authority to inspect or copy certain election records.[17] First, the DOJ may require access only to documents that election officials "come into possession" of, which several courts have held excludes documents that election

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[9] *See* DOJ Civ. Rts. Div., *Frequently Asked Questions* (July 30, 2026), https://www.justice.gov/crt/frequently-asked-questions-2#faq1.
[10] *See, e.g.*, Plfs.' Notice of Agreement at 2, *Texas v. Garland*, No. 2:24-CV-237 (N.D. Tex. Nov. 4, 2024), ECF No. 4, available at https://storage.courtlistener.com/recap/gov.uscourts.txnd.396536/gov.uscourts.txnd.396536.4.0_2.pdf.
[11] See DOJ Civ. Rts. Div., supra note 11 ("If you have information about voter fraud in federal elections, please contact the nearest office of the FBI or your local U.S. Attorney's office or the Public Integrity Section of the Criminal Division.").
[12] Lynch, supra note 8.
[13] Press Release, DOJ Off. of Pub. Affairs, Justice Department to Monitor Polls in 24 States for Compliance with Federal Voting Rights Laws (Nov. 7, 2022), https://www.justice.gov/archives/opa/pr/justice-department-monitor-polls-24-states-compliance-federal-voting-rights-laws; Lynch, supra note 8.
[14] U.S. Const. art. I, § 4, cl. 1.
[15] 52 U.S.C. § 20703. The power discussed here is an administrative-style demand; the DOJ may rely on search warrants and subpoenas as well.
[16] 52 U.S.C. § 20701.
[17] See id. for a description of the types of records that the DOJ may request to inspect or copy.

officials and poll workers generate themselves, such as voter registration lists.[18] Secondly, the Department must provide a legally legitimate basis and purpose in order to examine those records. This authorization is limited to inspection and copying only.[19] Several federal courts have recently held that the Department must state the basis and purpose together in its initial request and in writing or that the basis and purpose must survive a level of sufficiency.[20]

2.2. Federal Observers

Federal observers have broader access to polling places than DOJ election monitors, but their authority is narrowly defined: they may observe and report on whether eligible voters are permitted to vote and whether their votes are properly tabulated, but they do not have authority to direct or interfere with election administration.

Federal observers are employees of the Office of Personnel Management (OPM) authorized by court order under Section 3(a) of the Voting Rights Act to "enforce the voting guarantees of the fourteenth or fifteenth amendment[s]" in specific jurisdictions.[21] **Federal observers may only be dispatched to jurisdictions as authorized by court order.**[22] **As of July 2026, two jurisdictions are authorized to have federal observers: Union County, New Jersey and Pawtucket, Rhode Island.**[23] Federal observers are not currently authorized for any other jurisdictions.

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[18] See, e.g., United States v. Benson, 179 F.4th 470, 479 (6th Cir. 2026) ("Thus, the qualified voter file did not 'come into [Benson's] possession' as that term is ordinarily understood." (alteration in original)), rehearing en banc denied by 2026 WL 2364306 (6th Cir. Aug. 14, 2026); United States v. Fontes, 832 F. Supp. 3d 944, 953–54 (D. Ariz. 2026); United States v. Wis. Elections Comm'n, 833 F. Supp. 3d 949, 953–54 (W.D. Wis. 2026), appeal docketed, No. 26-2217 (7th Cir. June 5, 2026); United States v. Bellows, 834 F. Supp. 3d 113, 122–23 (D. Me. 2026), appeal docketed, No. 26-1676 (1st Cir. June 15, 2025); United States v. Schmidt, No. 25-cv-01481, 2026 WL 1850016, at *1–2 (W.D. Pa. June 27, 2026), appeal docketed, No. 26-2684 (3d Cir. July 7, 2026).

[19] 52 U.S.C. § 20703; Benson, 179 F.4th at 483; Schmidt, 2026 WL 1850016, at *2.

[20] Benson, 179 F.4th at 483; Schmidt, 2026 WL 1850016, at *2; United States v. Galvin, 830 F. Supp. 3d 122 (D. Mass. 2026), appeal docketed, No. 26-1657 (1st Cir. June 10, 2026).

[21] 52 U.S.C. § 10302(a).

[22] Id. Previously, the Attorney General could also certify jurisdictions using the preclearance coverage formula under Section 4(b) of the Voting Rights Act. Id. In 2013, the Supreme Court held the preclearance coverage formula to be unconstitutional. Shelby Cnty. v. Holder, 570 U.S. 529, 557, (2013) ("[Congress's] failure to act leaves us today with no choice but to declare § 4(b) unconstitutional. The formula in that section can no longer be used as a basis for subjecting jurisdictions to preclearance."). Since then, the DOJ has chosen not to use the precoverage formula as a basis for sending federal observers, relying on election monitors instead. DOJ Civ. Rts. Div., Fact Sheet On Justice Department's Enforcement Efforts Following Shelby County Decision (July 18, 2016), available at https://www.justice.gov/crt/file/876246/dl ("In light of the Shelby County decision, the department is not relying on the Section 4(b) coverage formula as a way to identify jurisdictions for election monitoring. The department will continue to engage OPM observers where there is a relevant court order and will continue to conduct our own monitoring around the country, without relying on the Section 4(b) formula.").

[23] DOJ, Election Monitoring 1–2 (Oct. 2024), available at https://www.justice.gov/crt/media/1348571/dl?inline. The consent decree that authorized federal observers for St. Landry, Louisiana, was terminated by court order in June 2025. Order Granting Joint Mot. Stipulating to Termination of Consent Decree, United States. v. St. Landry Par. Sch. Bd. (June 5, 2025), ECF No. 6, available at https://storage.courtlistener.com/recap/gov.uscourts.lawd.211578/gov.uscourts.lawd.211578.6.0.pdf.

In authorized jurisdictions, federal observers are only permitted to "enter and attend at any place" to watch "whether persons who are entitled to vote are being permitted to vote" and "whether votes cast by persons entitled to vote are being properly tabulated."[24] They must "investigate and report to the Attorney General, and [if applicable] . . . to the court."[25]

Because federal observers must be authorized by a federal court, the DOJ or other "aggrieved person" would need to bring a suit "to enforce the voting guarantees of the fourteenth or fifteenth amendment[s]" for the court order.[26] Owing to the notice and hearing requirements of federal civil procedure, election officials would be notified well in advance of Election Day whether federal observers would be sent to their jurisdictions. And even when a suit is brought, a jurisdiction has the ability to defend itself against an order for federal observers. A court is not required to authorize federal observers where violations of voting rights "have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future."[27]

In short, jurisdictions not currently the subject of a court order authorizing federal observers — which is all but two jurisdictions nationwide — need not spend time preparing for this type of federal election observer.

2.3. Congressional Observers

Congressional observers have broad authority to access polling places and other locations where ballots are processed, but they remain observers and are expressly prohibited from interfering with voting or election administration.

Congressional observers are U.S. House or U.S. Senate employees designated in writing by the chair or ranking member of the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate. They are appointed "to gather information with respect to an election, including in the event that the election is contested . . . and for other purposes permitted by [the U.S. Constitution.]"[28] Under the Confirmation of Congressional Observer Access Act, Congress announced its finding of constitutional authority to send observers to observe polling places and other parts of the election process for any federal office.[29] Congress determined it has authority to send observers under powers granted to it by "article 1, section 5, clause 1 and article 1, section 4, clause 1" of the

[24] 52 U.S.C. § 10305(d).
[25] *Id.* § 10305(e).
[26] *Id.* § 10302(a).
[27] *Id.*
[28] *Id*. § 21083a(d).
[29] *Id* § 21083a(a).

U.S. Constitution.[30] Congressional observers are limited only to elections and jurisdictions where an election for a federal office is on the ballot.[31] Over 200 House staff were trained as Congressional observers for the 2024 presidential primary.[32]

Congressional observers are typically dispatched to highly competitive districts. For example, most recently, congressional observers were dispatched during a recount of the election for Iowa's First Congressional District in 2024.[33] Congressional observers were also dispatched to Pennsylvania in 2018 to monitor canvassing for a highly contentious special election.[34] The House Committee on Administration also sent congressional observers to watch several competitive races in 2010 in Texas, New York, California, Illinois, and Kentucky.[35]

States are required by federal law to provide congressional observers "with full access to clearly observe all elements of election administration procedures, including, but not limited to, access to any area in which a ballot is cast, processed, scanned, tabulated, canvassed, recounted, audited, or certified, including during pre- and post-election procedures."[36] This means that congressional observers must have access not only to polling places, but also other spaces where any ballot processing, tabulation, recount, canvass, certification, or audit may occur, such as where absentee ballot processing or tabulation occurs. However, the Act also explicitly provides limitations on activities by congressional observers. They must not:

- Handle any ballot, tabulator, or equipment;
- Advocate for any position or candidate;
- Take any action to reduce ballot secrecy or voter privacy;[37]
- Interfere with the ability of a voter to cast a ballot;
- Interfere with the ability of an election administrator to carry their duties; or

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[30] *Id.*
[31] *Id.* § 21803a(b)(1) (specifying "for an election for *Federal* office" (emphasis added)).
[32] Press Release, Comm. on H. Admin., Committee on House Administration Launches 2026 Election Observer Program (July 15, 2026), https://cha.house.gov/2026/7/committee-on-house-administration-launches-2026-election-observer-program.
[33] Press release, Comm. on H. Admin., Chairman Steil Announces Deployment of Congressional Election Observers to Iowa's First Congressional District for Official Recount (Nov. 19, 2024), https://cha.house.gov/2024/11/chairman-steil-announces-deployment-of-congressional-election-observers-to-iowa-s-first-congressional-district-for-official-recount).
[34] David Weigel, *House Election Observers Monitor Pennsylvania Count, as Democrat Gains Votes*, Wash.Post (Mar. 16, 2018), https://www.washingtonpost.com/news/powerpost/wp/2018/03/16/house-election-observers-monitor-pennsylvania-count-as-democrat-gains-votes/.
[35] Daniel Newhauser, *House Panel Could Hold Hearings on Close Races*, Roll Call (Nov. 11, 2010), https://rollcall.com/2010/11/11/house-panel-could-hold-hearings-on-close-races/.
[36] 52 U.S.C. § 21803a(b)(1).
[37] There is no case law interpreting this phrase, but there is a reasonable argument that could be made that it prohibits congressional observers from creating photographs or audio or visual recordings inside or around polling places if the content of the photo or recording could endanger ballot secrecy or voter privacy by including images of ballots cast, voter records, voter identities, voter faces, etc.

- Interfere with the election administration process.[38]

Congressional observers may ask questions of an election administrator, election official, or election worker, or any other State or local official.[39] Where the line is between asking questions and interrupting an election administrator to the point of interfering with the election administration process is unclear and likely requires a fact-specific evaluation.

Election officials may remove congressional observers from an area "[i]f a State or local election official has a reasonable basis to believe that a designated congressional election observer has engaged in or imminently will engage in intimidation or deceptive practices prohibited by Federal law, or in the disruption of voting, processing, scanning, tabulating, canvassing, or recounting of ballots, or the certification of results." The election official must then provide notice detailing the reason(s) for removal to the applicable appointing authorities within 24 hours.[40] The applicable appointing authority may send another observer to replace a removed observer for the remainder of the election period.[41]

2.4. Election Observers Under State Law

While this memo is not intended to detail other types of election observers that are authorized under *state* law, it's important for election officials to fully understand each kind and the powers and limits attributed to each. Depending on state law, individuals who might be present inside polling locations might include nonpartisan or partisan observers, challengers, petition signature collectors, or other categories of individuals. For more details about the requirements, privileges, and limitations of election observers authorized under state law, refer to the National Conference of State Legislatures' brief that compiles those laws.[42]

3. General Prohibitions on Conduct

In addition to the limitations listed above for each type of election observer, they all are subject to the general conduct requirements listed in other areas of law. These requirements derive from both federal and state law. These laws generally fall into four categories, each concerning a different area: federal criminal law, federal civil rights protections, the Hatch Act, and various state laws.

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[38] 52 U.S.C. § 21803a(b)(2).
[39] *Id.* § 21803a(b)(3).
[40] *Id.* § 21803a(c)(1).
[41] *Id.* § 21803a(c)(3).
[42] Nat'lConf. of State Legislatures, *Poll Watchers and Challengers*, https://www.ncsl.org/elections-and-campaigns/poll-watchers-and-challengers (last updated Sept. 1, 2026); *see also* U.S. Election Assistance Comm'n, *Poll Watchers* (Dec. 23, 2025), https://www.eac.gov/election-officials/poll-watchers.

3.1. Federal Criminal Laws

Federal criminal laws provide important limits on the conduct of election observers and other individuals in and around polling places. Local election officials should understand these prohibitions so they can recognize, document, and appropriately respond to potential violations. A variety of federal laws criminalize certain conduct in or around polling places or conduct toward voters or election officials. These laws carry the threat of prosecution by the U.S. Attorney General or U.S. District Attorney. By the same token, because the theoretical defendants would be agents of the DOJ themselves, it seems unlikely that the current Attorney General would initiate prosecution against a federal election monitor or observer.

However, these laws are still useful for two reasons. First, so long as the election observers at issue are not issued a presidential pardon and the statute of limitations has not run out, a future Attorney General or U.S. District Attorney could still prosecute them. Secondly, while a violation of criminal law does not create a private right of action,[43] it may still provide the basis for showing either negligence per se, in the context of torts or injury under civil claims, or that an action was arbitrary, capricious, and contrary to law under the federal Administrative Procedures Act.

3.1.1. Interference with Federally Protected Activities

One federal statute, 18 U.S.C. 245(b)(1), makes it unlawful for any person, whether under color of law or not, to "by force or threat of force willfully injure[], intimidate[,] or interfere[] with" any person from "voting or qualifying to vote" or "qualifying or acting as a poll watcher, or any legally authorized election official, in any primary, special, or general election," or to attempt to do so.[44] This provision is particularly relevant when an election observer's conduct uses force or threats to interfere with voters, election observers, or election officials. At least one court has held that this statute applies to interference in a "mixed" election with both federal and state/local races, even where the defendant intended to interfere only with the state/local election.[45] This is important because even if a defendant's conduct is aimed at a state race, e.g., attempting to interfere with the outcome of a gubernatorial election, the conduct remains prosecutable under federal law as interference with a federal election.[46]

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[43] *Ziglar v. Abbasi*, 582 U.S. 120, 133 (2017) ("If the statute itself does not display an intent to create a private remedy, then a cause of action does not exist and courts may not create one, no matter how desirable that might be as a policy matter, or how compatible with the statute.") (cleaned up); *Cannon v. Univ. of Chi.*, 441 U.S. 677, 688 (1979) ("[T]he fact that a federal statute has been violated and some person harmed does not automatically give rise to a private cause of action in favor of that person."), *abrogation on other grounds recognized by Medina v. Planned Parenthood S. Atl.*, 606 U.S. 357, 369 n.1 (2025).

[44] 18 U.S.C. § 245(b)(1).

[45] *United States v. Peña*, 768 F. Supp. 3d 1335, 1341–42 (D.N.M. 2025).

[46] Internal guidance from the DOJ indicates that if a case involves both race-based discrimination and voting, the case is referred to the Criminal Section of the Civil Rights Division; however, if the case involves only voting, then the case is referred to the Public Integrity Section of the Criminal Division. DOJ, Just. Manual § 9-85.200 (2022).

Note that the term "poll watcher" is not defined by the statute's text, nor does any other federal statute or administrative rule provide a definition for "poll watcher," let alone in the context of 18 U.S.C. § 245. Federal courts have acknowledged that there is no federal constitutional right to be a poll watcher.[47] Instead, these courts have recognized that the right or privilege of being a poll watcher is established by state law.[48] Thus, there is a lack of federal statutory definition combined with a variety of state law definitions. In such circumstances, "in the absence of a plain indication of an intent to incorporate diverse state laws into a federal criminal statute, the meaning of the federal statute should not be dependent on state law."[49] Instead, a court will rely on the ordinary meaning canon.[50]

3.1.2. Intimidation of Voters

Federal election observers, like all people, are not permitted to intimidate voters in any way. Specifically, no person may "intimidate[], threaten[], coerce[], or attempt[] to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose [in an election for federal office.]"[51]

3.1.3. Interference by Administrative Employees

No "person employed in any administrative position" of any federal, state, or tribal government or political subdivision may use their "official authority for the purpose of interfering with, or affecting, the nomination or the election of any [federal] candidate."[52] This section applies to interference with any portion of the election process, including after when the voter submits a ballot. The term "administrative position" is not defined by statute or clarified by case law.

3.1.4. Conspiracy Against Civil Rights

An act of conspiracy against civil rights occurs "[i]f two or more persons conspire to injure, oppress, threaten, or intimidate any person . . . in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States. "[53] The statute may therefore be relevant even when the conduct does not prevent someone from voting outright. This may be helpful in circumstances where a victim cannot prove that an action *prevented* them from voting (because, e.g., potential voters might be too afraid to come forward), but where they

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[47] *See, e.g.*, *Donald J. Trump for President, Inc. v. Boockvar*, 493 F. Supp. 3d 331, 413–14 (W.D. Pa. 2020); *Republican Party of Pa. v. Cortés*, 218 F. Supp. 3d 396, 408 (E.D. Pa. 2016); *Dailey v. Hands*, No. 14-00423, 2015 WL 1293188, at *5 (S.D. Ala. Mar. 23, 2015); *Turner v. Cooper*, 583 F. Supp. 1160, 1162 (N.D. Ill. 1983).
[48] *E.g.*, *Boockvar*, 493 F. Supp. 3d at 367 ("The position of 'poll watcher' is a creation of state statute.").
[49] *United States v. Turley*, 352 U.S. 407, 411 (1957).
[50] *Perrin v. United States*, 444 U.S. 37, 42 (1979) ("A fundamental canon of statutory construction is that, unless otherwise defined, words will be interpreted as taking their ordinary, contemporary, common meaning.").
[51] 18 U.S.C. § 594.
[52] *Id.* § 595.
[53] *Id.* § 241.

have *already voted* and were affected by the defendant's actions. This situation might apply where, e.g., an election observer allows a person to vote but then attempts to intimidate or harass them as the person leaves the polling place to determine if they were eligible to vote.

This provision may be particularly relevant when multiple election observers or other individuals coordinate their conduct to interfere with voters or election officials. Because Section 1985(3) can reach conduct that causes an injury to a person's exercise of federally protected rights, election officials should document not only the conduct of individual election observers, but also evidence that individuals may be acting together or coordinating their actions.

Additionally, courts have broadly defined "injure" beyond mere physical or psychological intimidation, even where a defendant never interacted with a voter. For example, a defendant who stuffed a ballot box with fake ballots in a federal primary election was found guilty under this statute because his act injured the right to vote by diluting the vote of eligible voters.[54]

3.2. Federal Civil and Voting Rights Laws

Federal civil and voting rights laws provide important protections for voters, election officials, and others involved in the election process. For local election officials, these laws are particularly important because violations may provide a basis for civil claims against individuals or the federal government, and because documenting conduct that interferes with protected rights may be important to preserving those claims.

These federal civil rights laws may create a private right of action or require a lesser burden of proof than do federal criminal laws. Violations of rights established under these civil rights laws might form the basis of a civil claim against the federal government.

3.2.1. Intimidation of Voters (Civil Rights Act of 1957)

Under the Civil Rights Act, "[n]o person, whether acting under color of law or otherwise, shall intimidate, threaten, [or] coerce" any person "for the purpose of interfering with the right of such other person to vote[."[55] The Attorney General may commence suit under this section.[56] One district court has held that this provision does not simply protect individuals. "When the Government initiates proceedings under [52 U.S.C. § 10101], it is acting not simply to protect the rights of the particular individuals who have been harassed but also to prevent the intimidation of

[54] *Anderson v. United States*, 417 U.S. 211, 226 (1974) ("It has long been settled that [section 241] embraces a conspiracy to stuff the ballot box at an election for federal officers, and thereby to dilute the value of votes of qualified voters.") (citing *United States v. Saylor*, 322 U.S. 385 (1944), and *United States v. Mosley*, 238 U.S. 383 (1915)).
[55] 52 U.S.C. § 10101(b)
[56] *Id.* § 10101(c).

[Black people] as a group and of citizens generally who may be frightened away from the registration office and the polls because others have been unjustly harassed."[57]

3.2.2. Intimidation of Voters, Aides, or Federal Observers (Voting Rights Act)

Under the Voting Rights Act, no person, whether acting under color of law or otherwise may "intimidate, threaten, or coerce any person for voting or attempting to vote," or "for urging or aiding any person to vote or attempt to vote," or for "exercising any powers or duties" protected under the statute."[58] Note that this provision protects individuals exercising certain powers or duties under the Voting Rights Act, including federal observers authorized by court order. While no explicit right of action is provided for, "persuasive authority across multiple districts has found congressional intent to create an implied right of action for § 11(b) specifically within the statutory text, meeting the 'high bar' for implied causes of action."[59] If § 11(b) provides an implied private right of action, a local election official seeking to bring a claim must also establish that their interests fall within the statute's "zone of interests." At least one district court has held that a local election official may satisfy this requirement.

In *Krabach v. King County*, No. 2:22-CV-1252-BJR, 2023 WL 7018431, at *4 (W.D. Wash. Oct. 25, 2023), the court held that their duties as election officials satisfied the "zone of interests" test:

> Washington's constitution and statutes charge [county election officials] with operating free and fair elections in the county (see e.g. Wash. Const. Art. I, § 19 ("All Elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage"); RCW 29A.04.216); potential voter intimidation is antithetical to a free and fair election, thus disrupting the County Defendants' legal obligations and placing them squarely within the zone of interests the Voting Rights Act is meant to protect. See *Hawaii v. Trump*, 859 F.3d 741, 766 (9th Cir.) ("State's interest in effectuating its refugee resettlement policies and programs [ ] falls within zone of interests protected by the [Immigration and Nationality Act]."), vacated on other grounds by *Trump v. Hawaii*, 138 S. Ct. 377 (2017). Thus, the County Defendants have standing to pursue their Voting Rights claim.

The court also held that at the earlier stages of litigation, operational and legal costs incurred to respond to the counter-defendant's illegal actions that diverted funds away from administration of an election were sufficient to establish injury-in-fact.[60]

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[57] *United States v. McLeod*, 385 F.2d 734, 746 (5th Cir. 1967) (citing *United States v. Manning*, 215 F. Supp. 272 (E.D. La. 1962) (three-judge panel)).
[58] 52 U.S.C. § 10307(b).
[59] *Mich. Welfare Rts. Org. v. Trump*, 600 F. Supp. 3d 85, 105 (D.D.C. 2022 (quoting *Johnson v. Interstate Mgmt. Co.*, 849 F.3d 1093, 1097—98 (D.C. Cir. 2017)).
[60] *Krabach*, 2023 WL 7018431, at *4 n.3.

3.2.3. Intimidation of Voters, Urgers, and Aides (National Voter Registration Act)

The National Voter Registration Act criminalizes conduct by any person who "knowingly and willfully intimidates, threatens, or coerces" any person for registering to vote or vote (or attempting to do so), urging or aiding any person to register to vote (or attempting to do so), or exercising any other right under the Act.[61] Note that this statute protects not only voters, but also individuals who aid them or urge them to vote or register to vote.

Unlike other civil rights laws discussed *supra*, the National Voter Registration Act has an explicit private right of action.[62] However, the aggrieved person must provide notice to the state's chief election official and wait a period of either 20 or 90 days (depending on how close it is to a federal election) before they may bring a civil action.[63] A voter who fails to comply with this notice provision lacks standing to bring suit.[64]

3.2.4. Conspiracy to Interfere with Civil Rights (Ku Klux Klan Act)

The Ku Klux Klan Act has two relevant provisions that might be useful in the context of elections.[65] First, 42 U.S.C. § 1985(3) prohibits two or more people from conspiring "to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States[,] or to injure any citizen in person or property on account of such support or advocacy[.]"

However, there is a dispute whether and to what degree Section 1985(3) can be enforced against a government because of the intracorporate conspiracy doctrine.[66] Second, 42 U.S.C. § 1986 creates liability for any person who knows about any wrongdoing under 42 U.S.C. 1985, has the ability to aid in preventing it, and neglects or refuses to do so. Victims of these wrongful acts may recover damages from these individuals. However, this section is limited to actions brought within one year of the wrongful act.

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[61] 52 U.S.C. § 20511(1).
[62] *Id.* § 20510(b)(1).
[63] *Id.* § 20510(b)(2). It's unclear how this provision relates to violations of the Act by non-state actors, such as private individuals or federal officials, as presumably the chief election official of the state has no authority over those actors.
[64] *Scott v. Schedler*, 771 F.3d 831, 835–36 (5th Cir. 2014).
[65] 42 U.S.C. § 1985(1) also prohibits interference with or injuring an official in discharging their duties. However, this protection is available only to federal officers. *Kush v. Rutledge*, 460 U.S. 719, 724 (1983).
[66] *See, e.g.*, *Tex. Democratic Party v. Abbott*, 961 F.3d 389, 410 (5th Cir. 2020) (holding that the state attorney general could not "conspire" against the right to vote with his own employees for the purposes of § 1985(3)); *Grider v. City of Auburn*, 618 F.3d 1240, 1261 (11th Cir. 2010) (holding two police officers from the same department could not "conspire" for the purposes of § 1985(3) due to the intracorporation conspiracy doctrine).

3.3. Political Activity by Federal Employees (Hatch Act)

The Hatch Act provides an additional set of restrictions on the conduct of federal employees who may be present at polling places in their official capacities. Employees of the executive branch or independent agencies[67] may not "use [their] official authority or influence for the purpose of interfering with or affecting the result of an election[.]"[68] Nor may they "engage in political activity . . . while the employee is on duty;" while wearing an "official insignia "identifying the office or position of the employee;" or while "using any vehicle owned or leased by" the federal government.[69] A violation occurs even if the political activity does not interfere with the employee's official duties.[70]

Because this section is limited to executive and agency employees, it does not apply to congressional observers. However, as discussed *supra*, congressional observers' conduct is limited in similar ways under 52 U.S.C. § 21803(b)(2). The Hatch Act is investigated by the Office of the Special Counsel and does not create a private right of action.[71] Though local election officials cannot directly enforce this law, recording and reporting violations is still an important and necessary part of enforcement by the Office of the Special Counsel, which might still deter misconduct.

3.4. State Law

All federal election observers are generally required to follow state laws concerning conduct in or around polling locations, voting, and election administration. This requirement may be subject to an exception where a court order or federal law expressly authorizes conduct that would otherwise be prohibited by state law. State laws limiting election observers vary widely from state to state. Restrictions may include, for example, bans on possession of weapons in or around the

[67] The Hatch Act is limited to employees of the executive branch or independent agencies. *See* 5 U.S.C. § 7322(1) (defining "employee").
[68] *Id.*§ 7323(a)(1).
[69] *Id.*. § 7324(a).
[70] "Section 7324 do[es] not turn on a showing of 'interference' with duty . . . ." *Burrus v. Vegliante*, 336 F.3d 82, 90 (2d Cir. 2003).
[71] 5 U.S.C. § 1504; *President & Fellows of Harv.Coll. v. U.S. Dep't of Homeland Sec.*, No. 25-CV-11472-ADB, 2025 WL 1869319, at *1 (D. Mass. July 7, 2025) ("[T]he Hatch Act does not provide for a private right of action.") (citing *Komatsu v. City of New York*, No. 20-cv-07046, 2021 WL 3038498, at *14 (S.D.N.Y July 16, 2021), and *Connolly v. Cnty. of Hudson*, No. 09-cv-04509, 2011 WL 2489815, at *6 (D.N.J. June 21, 2011)).

polling place.[72] There may also be restrictions regarding photography or audiovisual recording in or around polling places.[73] Conduct can be restricted despite First Amendment concerns.[74]

State law may provide local election officials with authority to deny federal election monitors access to polling places. Most states also have restrictions on presence in or near polling places and on electioneering in or around polling places, and those restrictions typically apply to federal election observers acting in the state unless federal law or a court order provides otherwise.[75] Where state law would otherwise prohibit a federal monitor from entering a polling place, local election officials should determine whether federal law or a court order independently requires access before denying the monitor entry.

However, while jurisdictions may reject entry to election monitors, for example, under state restrictions on who may be present inside polling places, jurisdictions should consider that doing so could elicit allegations of misconduct against the local election officials (e.g., "What are they hiding?"). Local election officials should consult with other government officials and partners to determine the risks involved in applying state restrictions to election observers.

4. Best Practices When Expecting Election Observers

An election official expecting that election observers might appear at their polling places should plan ahead accordingly. Preparation should include not only understanding the roles and limits of election observers, but also implementing concrete actions that will reduce the likelihood of friction or, in the event of escalation, initiate a quick and appropriate response with little impact on voters and election administration.

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[72] Nat'l Conf. of State Legislatures, *Polling Places*, https://www.ncsl.org/elections-and-campaigns/polling-places (last updated July 30, 2025) (providing a table with various state laws regarding guns in polling places).

[73] *See, e.g.*, Tex. Elec. Code Ann. § 61.014(b) ("A person may not use any mechanical or electronic means of recording images or sound within 100 feet of a voting station."); N.C. Gen. Stat. Ann. § 163-166.3(b) ("No person shall photograph, videotape, or otherwise record the image of any voter within the voting enclosure, except with the permission of both the voter and the chief judge of the precinct.").

[74] *See* States United Democracy Ctr., *The First Amendment and the Government's Authority to Regulate Poll Observer Conduct*, https://statesunited.org/resources/poll-observers-first-amendment/ (last updated July 15, 2026).

[75] *See* Nat'l Conf. of State Legislatures, *Electioneering Prohibitions Near Polling Places*, https://www.ncsl.org/elections-and-campaigns/electioneering-prohibitions (last updated June 15, 2026). For further discussion regarding criminal liability for federal officials under state laws, *see* Danielle Friedman, Bryan Godar, & Emily Lau, *Can State Prohibitions on Election Interference Constrain Federal Actors?*, Univ. of Wis. L. Sch. State Democracy Rsch. Initiative (July 17, 2026), https://statedemocracy.law.wisc.edu/assets/files/Explainer_Can-State-Prohibitions-on-Election-Interference-Constrain-Federal-Actors.pdf; *see also* Bryna Godar, *Explainer: Can States Prosecute Federal Officials?*, Univ. of Wis. L. Sch. State Democracy Rsch, Initiative (July 17, 2026), https://statedemocracy.law.wisc.edu/assets/files/report-can-states-prosecute-federal-officials.pdf.

4.1. Coordinating with Other Government Officials

- ☐ Prepare a printed handout that lists conduct prohibited by federal or state law concerning action taken in, toward, or around polling places, ballots, election equipment, voters, and election officials. Consider using the Quick References from the Committee of Safe and Secure Elections as a model.[76]

- ☐ Established a clear process with local law enforcement officials seeking their involvement, including the need to summon law enforcement to a polling place or to eject an election observer who continues prohibited conduct.

- ☐ Provide guidance on prohibited conduct with statutory citations to law enforcement leadership. Law enforcement officials should fully understand the elements of each crime so that they can establish probable cause for arrest if necessary.

- ☐ Clarify stakeholders, roles, and points of contact for election day. Each government office should have a redundancy or backup point of contact in the event that one person from the office becomes unavailable or indisposed. This is particularly important for law enforcement and local election officials, who may need to handle more than one crisis at a time.

- ☐ Emphasize the importance of discretion and de-escalation to law enforcement officials in order to avoid disruption of election administration. Consider consulting with local community organizations on recommendations on how to build a positive experience for voters even if an incident occurs.

Additional Resources

- It Starts with a Team: Building Your Election Security Working Group - Election Security Exchange
- Five Steps to Safer Elections - The Committee for Safe and Secure Elections
- Information Breakdowns in Elections - Election Security Exchange

4.2. Training and Reference Materials

- ☐ Update poll worker training to include

[76] Comm. for Safe & Secure Elections, *Law Enforcement Quick Reference Guides*, https://safeelections.org/referenceguides/ (last visited September 8, 2026).

- ☐ basic information about the types of election observers, their powers and limits, and the differences between them. *Consider providing poll workers with a script, such as the one provided in Appendix C.*
- ☐ clear instructions that poll workers are permitted to and expected to ask election observers for identification.
- ☐ procedures for addressing misconduct by election observers, including steps for how to handle a situation if it escalates, such as if an election observer refuses to follow poll worker instructions.
- ☐ roleplaying scenarios that provide poll workers the opportunity to review and practice the procedures, rather than being expected to initiate the procedure in real time during a crisis.
- ☐ the chain for escalating incidents involving election observers and reporting them in real time to the chief local election official, even if the incident is resolved without issue.
- ☐ guidance on the use of audio or visual recording devices or photography in or around polling places, especially by election observers, which will largely depend on state law.

☐ In continuity of operations plans, include template responses to possible disruptions to election administration caused by election observers.

☐ Consider facilitating table top exercises for lead poll workers to practice responding to incidents involving election observers.

☐ Instruct lead poll workers to station themselves so that election observers are in their line of sight, allowing them to monitor them and intervene quickly if necessary.

4.3. Public/External Communications

- ☐ *Well before* Election Day, build relationships with and establish clear points of contact with regional media organizations, voting rights organizations, and community advocacy organizations.
- ☐ Work with a team of communication professionals to draft an incident response communication plan that includes:
    - ☐ a "holding statement" that can be used in a variety of situations involving election observers. This allows a local election official to quickly plug in relevant facts without needing to draft an entire statement from scratch. *See Appendix B for an example of a holding statement template.*
    - ☐ *tailored* statements for different audiences, including media, mayors, city council members, state legislators, and possibly even state officials.
    - ☐ distribution plans to the public and/or media when more than one government office is implicated in an incident response (e.g., if an election observer is ejected from a polling place by police for misconduct, the local police department and the local election officials should have a shared communications plan).
- ☐ Arrange for communication professionals to be on standby in case any incident needs rapid communication response.
- ☐ Create social media graphics and statements that inform voters of their rights, summarize election observer limitations, and inform voters how to report concerns.The primary purpose of this communication should be *reassurance* to voters. *For an example used by Hennepin County in the 2026 primary election, see Appendix A.*
- ☐ Consider working with local organizations to recruit individuals to become poll workers, become trusted messengers for accurate election information, and conduct lawful get-out-the-vote activities.

Additional Resources

- Election Infrastructure Incident Response Communications Guide - Election Assistance Commission
- Communicating During an Election Incident - Election Security Exchange - Election Security Exchange

- Best Practices for Media Engagement Building Media Relationships - Partnership for Large Election Jurisdictions
- Information Breakdowns in Elections - Election Security Exchange
- When Something Happens | Voter Messaging Toolkit
- Community Resilience in the 2026 Elections - Protect Democracy

4.4. Polling Place Preparation

☐ If state law prohibits presence or any activities within a certain distance of the polling place, consider providing each polling with a printed map that shows the boundaries of where such conduct is prohibited.

☐ Require that election observers wear clear identification, such as a color-coded sticker or lanyard with name tag. Have these pre-printed and available to the election observers (plus spares) and distributed either in advance of election day or at polling places.

☐ If election observers will be inside of a polling place, consider providing poll workers with materials to clearly designate the area(s) in which election observers may be stationed. This designation may be by posted signs, masking tape outlines on the floor, or even tape, ribbon, or ropes on stanchions.

☐ Establish a system of contemporaneous recording and reporting polling place incidents, such as a written incident form.

- ☐ The form should provide plenty of space for the poll worker(s) to provide as much detail as possible. (For example, a log in the back of a poll book that only provides for a few lines may not be sufficient.)
- ☐ The form should proactively guide poll workers to provide specified details and observable facts that would be relevant to establish elements necessary to civil claims or criminal prosecution. For example, the form could prompt specific details relating to injury or interference with particular voters or election administrators, record the amount of times and number of poll workers taken to address an incident to establish diversion of resources, or describe any communication or relationship between two individuals for the purposes of establishing conspiracy. Other information to include: time and place of incident and the names, titles, and contact information of all persons involved and any witnesses. The form or guide might even include examples of “bad” and “good” reports. *For an example Election Incident Report Form that gathers details, see Appendix D.*

- ☐ Once an incident is recorded, the poll workers should use a defined chain of command to report the incident.

☐ Identify staging and parking locations for first responders for each polling place and recorded in incident report plans shared with first responders.

Additional Resources

- Toolkit: Election Incident Reporting - Election Security Exchange
- Crisis Communications Intake Response Forms - Elections Group

4.5. Interaction with Election Observers

☐ Document all communication with election observers, their dispatchers, and other federal officials.

☐ Create written procedures governing election observers. *For examples, see the Additional Resources section below.*

☐ Work with dispatchers to obtain information concerning which polling places election observers may go to and when, as well as the names and titles of election observers.

☐ Instruct election observers to communicate with a designated poll worker as a point of contact at a polling place. Election observers should also be instructed to check in with this point of contact as soon as they arrive at the polling place.

☐ Instruct non-designated poll workers to avoid interacting with election observers as much as practicable and to direct the election observers to the designated point of contact.

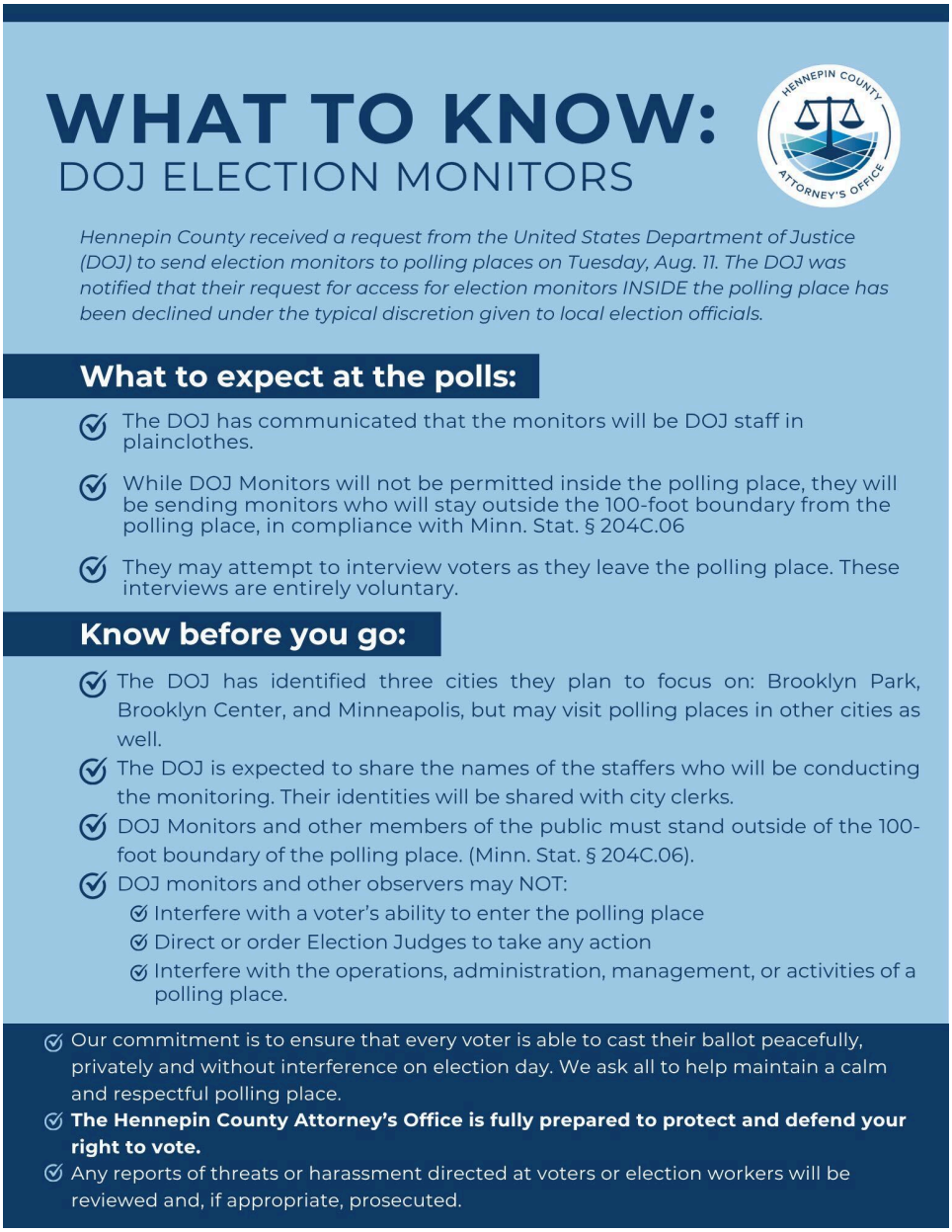
☐ To the extent feasible, if state law prohibits presence or any activities within a certain distance of the polling place, consider providing each election observer with a map that shows the boundaries of where such conduct is prohibited.

Additional Resources

- Brief Policies for Election Observers - National Conference of State Legislatures
- Philadelphia Absentee and Mail-in Ballot Pre-Canvass and Canvass Observer Procedures
- San Francisco Guide to Observing the Elections Process

Appendix A - Example Social Media Graphic

A sample graphic [from the Hennepin County Attorney's Office](#) for the August 2026 Minnesota primary election, in which the Department of Justice dispatched election monitors.



Appendix B - Example Holding Statement

Tips

- Stick to facts: do not include speculation
- If relevant, address early on whether voting is affected or will continue as usual
- Include a clear statement of core values

Template

Around [TIME] our office received reports of [SHORT DESCRIPTION OF THE INCIDENT AND LOCATION]. We are working to determine the extent of the situation and will provide more details as we confirm what happened. [ADD INFORMATION ON ANY CHANGES TO VOTING OR IF IT WILL PROCEED AS NORMAL]

[DESCRIBE WHO IS TAKING WHAT STEPS TO INVESTIGATE THE SITUATION FURTHER, E.G., ELECTION OFFICIAL CALLS WITH POLL WORKERS OR LAW ENFORCEMENT INVESTIGATION]. We are committed to ensuring that the success of this election, and the safety and well-being of voters and poll workers our priority.

We will provide further updates [DESCRIPTION OF UPDATE METHOD, E.G., WEBSITE, SOCIAL MEDIA, ETC.]. [OPTIONAL: CONTACT DETAILS IF SEEKING WITNESSES ACCOUNTS; CONTACT FOR PRESS AND OTHER INQUIRIES.]

Example of a Filled-In Template

Around 1:30 p.m., our office received reports of a possible assault on a poll worker at one of our polling places, where an ambulance had to be called. We are working to determine the extent of the situation and provide more details as we confirm what happened. Voting at this location remains open and unaffected.

My office is speaking with other poll workers on site and communicating with law enforcement officials about possible next steps. We are committed to ensuring the success of this election, and the safety of voters and poll workers is our priority. We will publish prompt updates if there are any changes to voting at this location on our website.

Voters who may have witnessed this incident may contact the City Police Department at 555-5555 to report what they saw. For questions about the investigation, please contact the City Police Department directly. For press inquiries, contact [name, title, email]. To find the voting location nearest you and to check the latest updates, visit our website, at [yoursite.elections.gov].

Appendix C - Sample Script for Poll Workers

Sample Poll Worker Scripts for Interacting with Federal Election Observers

Training aid for local election officials and poll workers. Adapt these scripts to your jurisdiction's state law, election procedures, and designated points of contact.

When a Federal Election Observer Arrives

Non-lead poll worker:

> "Welcome. Please wait here to speak to our lead poll worker."

Lead poll worker:

> "Welcome. I'm happy to assist you with your authorized observation of the election. Before you enter, I need to verify your name, agency or appointing authority, and the basis for your authorization to be present at this polling place. *[Review credentials.]*

When Credentials are Verified

> *"*Thank you, your credentials are in order and you are permitted to enter the polling place to observe. While you are here, please do not interfere with voting or election administration, communicate with voters about their eligibility or ballots, handle ballots or election equipment, or otherwise disrupt the polling place. If you have questions or requests, please direct them to [designated point of contact]."

If There Is a Disagreement About Access or Authority, or Authorization is Unclear

> "I want to make sure we follow the applicable requirements. I'm not authorized to resolve questions about your legal authority or access. Please remain here while I contact [designated point of contact] for guidance."

If Prohibited Conduct Occurs

> "You may not engage in that conduct at this polling place. Please stop and direct any questions or concerns to [point of contact]. If you do not comply, I will contact the [point of contact] for further instructions."

Key Reminders for Poll Workers

- **Do not debate legal authority at the polling place.** If access or authority is unclear, escalate to the designated election office contact.
- **Do not improvise.** Follow the jurisdiction's established procedures for federal election observers and observers.
- **Keep voters first.** Prioritize voter access, ballot secrecy, privacy, and uninterrupted election administration.
- **Document incidents.** Record observable facts, including what was said or done, who was involved, when it occurred, and how it affected voting or election administration.
- **Escalate when necessary.** Follow the established chain of command and contact the election office or other designated authority when a situation cannot be resolved.

Important: *These scripts are examples for training purposes. They should be adapted to applicable state and local law, court orders, and jurisdiction-specific procedures. A poll worker should not make independent legal determinations about a federal election observer's authority.*

Appendix D - Sample Election Incident Report Form

Election Incident Report Form

DATE, TIME, AND REPORTER

DATE: _____ NUMBER OF PAGES ATTACHED: _____ (Write “0” if none)

REPORTER FULL NAME: _____

REPORTER ROLE/TITLE: _____

NAME OF POLLING PLACE OR EARLY VOTING LOCATION: _____

ADDRESS: _____

APPROXIMATE START TIME: _____ APPROX. END TIME: _____
(If start time is unknown, put “Unknown”; if incident did not end, put “None”).

LIST PEOPLE INVOLVED

List every person who participated in, was affected by, or may have information about the incident. Use an attachment if more space is needed.

NAME (if unknown, use “John Doe 1,” “Jane Doe 2,”, etc.)	**ROLE** (e.g., Election Judge, Witness, Challenger, etc.)	**CONTACT INFO** (phone number or or email address, if available; *do not* include voter data)

DESCRIBE THE INCIDENT

Describe the incident using specific, observable facts. Attach additional pages as needed; number each page and record the total number attached at the top of the form.

Describe the events in chronological order, including:

- **Who, what, when, and where**: Identify everyone involved or affected, the date and times, and the specific location or locations (for example, at the voter-registration table, ballot next to the tabulator, or within 100 feet of the polling place to the south of the entrance).
- **What was said or done**: Quote exact words when reasonably remembered. Describe any touching, blocking, following, threats, pressure, directions, or other interference, including how it occurred. State how many times the conduct occurred, if repeated.
- **Connections or communications**: Record observable facts such as people arriving together, communicating before or during the incident, sharing transportation, being related, representing the same organization, or referring to another person's instructions.
- **Effect on voting and operations**: State how many voters may have been affected and how (for example, the length of any delay, whether anyone left without voting, or whether a voter or election official was injured or otherwise affected).
- **Election-official response**: State how many officials responded or were consulted, what duties they were pulled away from and for how long.
- **Materials or equipment**: Describe whether an unauthorized person touched, moved, viewed, or accessed ballots, poll books, voter information, voting equipment, or other election materials.
- **Resolution**: Describe all actions taken, including additional warnings, instructions, requests to leave, involuntary removal from the polling place, or other responses.

Avoid legal or conclusory statements such as "they committed fraud," "the workers conspired," or "the voter was intimidated." Instead, describe the facts supporting the concern.

Example of a good, detailed report:

At approximately 10:15 a.m., a person wearing a blue campaign shirt stood about two feet from the entrance to the check-in table and told three voters, 'If you vote for them, we will know." The person repeated the statement twice after the precinct judge instructed the person to move outside the restricted area. One voter left the line without checking in. Two poll workers spent approximately 12 minutes addressing the conduct and were unavailable for check-in duties. The precinct head pollworker called the county election office at 10:31 a.m. and summarized the incident for [name/title].

DESCRIBE THE INCIDENT

ESCALATED COMMUNICATION

Log the times, people, and means of communication with election officials outside the polling place.

TIME	NAMES OF PEOPLE INVOLVED	METHOD AND SUMMARY OF COMMUNICATION (e.g., by phone, in person, by text)

CERTIFICATION

I certify under penalty of perjury that the contents of this report are true and correct to the best of my personal knowledge.

Reporter signature: _____

Printed name/title: _____

REVIEW

Precinct head pollworker or supervisor:

Signature: _____

Printed name/title: _____