

Midterms 2022: The Poll Observer Landscape | Louisiana

Poll observers — members of the public permitted to monitor conduct at polling places — are a feature of elections in nearly every state. They add a degree of transparency in the electoral process that promotes the public confidence in elections that is the lifeblood of democracy. However, in some cases, poll observers have also caused major disruption at the polls. For example, during the 2020 election in Michigan, large groups including partisan poll observers crowded polling sites and attempted to enter vote counting rooms.

The States United Democracy Center’s report “Midterms 2022: The Poll Observer Landscape” examines the relevant laws governing poll observers. We use this term to describe both poll watchers, private individuals who observe the election process, and election challengers, who have many of the same privileges and can also dispute whether a prospective voter is eligible to cast a ballot. (Our definition of “poll observers” for the purposes of this report does not include poll workers or other categories of officials permitted to be present at polling places.). We intend for this report to provide guidance regarding the power, privileges, and limitations of poll observers to statewide elected officials, law enforcement professionals, elections administrators, election protection groups, and others—regardless of partisan affiliation.

This report includes detailed summaries of 12 key states that saw record voter participation, many of which were also subject to significant attempts to undermine the electoral process by a variety of partisan actors in 2020. These summaries provide a review of state regulatory schemes concerning poll observers, detailing credentialing and training requirements as well as rights and responsibilities afforded to both poll watchers and election challengers in each state. The state summary provided here is among those included in our full report. We have excerpted it for greater ease of use, as we hope that these summaries will support the administration of free, fair, and secure elections.

Please note: this summary does not purport to catalog all state statutes or rules that may regulate the behavior of individuals who serve as poll observers and should not be relied upon as legal advice. To ensure accuracy, completeness, and the most up-to-date language, please consult official sources before relying on the authorities described in this report.



Louisiana

WHO IS PERMITTED TO WATCH OR CHALLENGE VOTERS AT THE POLLS AND HOW ARE THOSE ROLES DEFINED?

Poll Watchers:

Louisiana permits appointed poll watchers to observe conduct at the polls. (La. Rev. Stat. § 18:435(A)(1)(a)).

Challengers:

In Louisiana a watcher or registered voter may challenge any voter's right to vote in the election. (La. Rev. Stat. § 18:565(A)).

HOW ARE WATCHERS AND CHALLENGERS APPOINTED OR DESIGNATED?

Poll Watchers:

Each candidate on the ballot is entitled to have one watcher at every precinct on election day. (La. Rev. Stat. § 18:435 (A)(1)(a)). Candidates shall file one list of watchers on a form provided by the secretary of state, signed by the candidate, and delivered to the clerk of court before 4:30 pm on the tenth business day before election day. (La. Rev. Stat. §§ 18:435(A)(1)(a), (B)(1)(a)). In the case of a presidential election, each slate of candidates is entitled to one watcher at every precinct. (La. Rev. Stat. § 18:435(A)(1)(b)). The state central committee of each party on the ballot is responsible for filing the list of watchers, and the list shall be signed by the chairman. (*Id.*). Additionally, candidates may designate one “super watcher” who shall be admitted as a watcher in every precinct. (La. Rev. Stat. § 18:435(A)(1)(b)(2)). Commissioners may reduce the number of poll watchers within a polling place if there are too many watchers to allow for the orderly conduct of the election. (La. Rev. Stat. § 18:427(C)).

Challengers:

There is no formal credentialing process for challengers in Louisiana.



ARE THERE ANY RESIDENCY OR TRAINING REQUIREMENTS FOR WATCHERS OR CHALLENGERS?

Poll Watchers:

Watchers must be registered Louisiana voters. (La. Rev. Stat. § 18:427(A)). Training is not required.

Challengers:

Persons attempting to challenge other voters must be registered Louisiana voters. (La. Rev. Stat § 18:565(A)).

WHAT PRIVILEGES OR SPECIAL RIGHTS DO WATCHERS OR CHALLENGERS HOLD AT POLLING SITES?

Poll Watchers:

On election day, watchers shall be admitted within all parts of the polling place and provided access to printing results from voting machines. (La. Rev. Stat. § 18:427(B)). Watchers may also keep notes recording conduct during the election. (*Id.*).

Challengers:

No explicit privileges or additional rights exist for individuals making challenges. There are no limits on the number of good faith challenges a person may bring.

WHAT ARE WATCHERS OR CHALLENGERS RESTRICTED FROM DOING AT THE POLLS?

Poll Watchers:

Watchers are prohibited from taking part in the printing of results from voting machines. (La. Rev. Stat. § 18:427(B)). Watchers also may not electioneer, engage in political discussions, or cause unnecessary delay for voters. (*Id.*). Watchers remain subject to the authority of election commissioners and may not interfere in a commissioner's performance of their duties. (*Id.*).

Challengers:

There are no explicit restrictions for persons attempting to challenge other voters, but general rules of conduct apply.



WHAT ARE THE GENERALLY APPLICABLE CIVIL OR CRIMINAL PROHIBITIONS ON INTERFERING WITH THE VOTING PROCESS?

Failure to obey lawful instructions from officials seeking to maintain order at a polling place may be punished by a fine of up to \$500 or six months in the parish jail. (La. Rev. Stat. §§ 18:1461.3(C)(4), (D)). Louisiana law also imposes criminal penalties on intimidating or threatening voters or election officials. (La. Rev. Stat. §§ 18:1461.4, 1461.5).

WHAT ARE THE CIVIL OR CRIMINAL PENALTIES FOR PEOPLE WHO INTERFERE WITH THE LAWFUL ACTIVITIES OF WATCHERS OR CHALLENGERS?

A person who knowingly, willfully, or intentionally attempts to “influence” a poll watcher in the performance of his duties on election day may be fined up to \$500 or imprisoned in the parish jail for up to six months. (La. Rev. Stat. §§ 18:1461.3(C)(4), (D)).

This report does not constitute legal advice. Please consult official sources before relying on any of the authorities described in this report.

This guidance document was prepared by the States United Democracy Center.

The States United Democracy Center is a nonpartisan organization advancing free, fair, and secure elections. We focus on connecting state officials, law enforcement leaders, and pro-democracy partners across America with the tools and expertise they need to safeguard our democracy. For more information visit www.statesuniteddemocracy.org or follow us at @statesunited.