

Political Parties' Observation and Participation in Elections

Laws in many states provide political parties and their representatives with the ability to observe and participate in elections.¹ The contours of this access are determined by state law, and these laws vary from state to state. Given the heightened interest in understanding American election administration and procedures, this guide provides an overview of how states have chosen to provide election access – through both observation and direct participation – to political parties and their representatives.

As detailed below, this access for political parties and their representatives can include the opportunity to receive voter registration lists at no cost, to challenge voters' qualifications and/or registrations, to observe testing of voting machines, to physically monitor voting locations and places where ballots are being counted, and/or to have observers present at post-election audit and recount proceedings.

Elections are administered on a nonpartisan basis by state, county, and local election officials. The contours of election administration vary by state.² A state's chief election official (CEO) may be an individual who is elected by the voters, appointed by the governor, or selected by the legislature. Other states have a nonpartisan or bipartisan board or commission handling some, or all, of the responsibilities of the CEO. State law determines whether elections are administered at the county level and/or municipal level.³ Then, local election officials administer the elections for their respective jurisdictions.

Election administration involves participation from numerous stakeholders to run and oversee the more than 10,000 election jurisdictions in the country.⁴ State and local election officials frequently hire temporary or seasonal election workers to cover the surge of election responsibilities in preparing for, and administering, the election period. Hundreds of thousands of people also serve as volunteer poll workers on voting days.⁵

Throughout the election administration cycle, different external stakeholders have opportunities to observe and participate in elections.⁶ Representatives of political parties, candidates, civic engagement and nonprofit organizations, academic institutions, and international entities all have varying levels of access to election administration and voting procedures depending on state law.

As detailed below, access for political parties and their representatives can include the opportunity to receive voter registration lists at no cost, to challenge voters' qualifications and/or registrations, to observe testing of voting machines, to physically monitor voting locations and places where ballots are being counted, and/or to have observers present at post-election audit and recount proceedings.

Selection of members of election boards or commissions: States use election-related boards and commissions for a variety of roles at the state and local level. Some states have a state-level board or commission that serves as the state's chief election official.⁷ Other states have state-level boards that carry out a specific election administration function, such as certifying the state canvass (e.g., Michigan has a Secretary of State that serves as the chief election official and a Board of State Canvassers that is charged with canvassing and certifying statewide elections). While some jurisdictions have a single officer in charge of local election administration (e.g., a county or municipal clerk), others bestow this election authority on a county or municipal election board.⁸ People are appointed to these positions with boards and commissions at the state and/or local level. Political parties frequently play a key role in these appointments. Examples include:

- In Illinois, members of the State Board of Elections are appointed in a manner that ensures equal representation from members of the top two political parties (10 Ill. Comp. Stat. §5/1A-2).
- In North Carolina, the governor appoints members of the State Board of Election from a list of nominees submitted by the state party chair of each of the top two political parties (N.C. Gen. Stat. § 163-19).⁹ County election boards consist of five members.¹⁰ Four members receive appointments from the State Board of Elections based on recommendations from the state party political chairs (two Democrats and two Republicans). The fifth member, who serves as the chair, is appointed by the governor (N.C. Gen. Stat. § 163-30).
- In New York, the State Election Board has four commissioners appointed by the governor.¹¹ Two of the commissioners are selected by the governor from individuals recommended by the top two political parties. The other two commissioners are selected from recommendations made by each major political party's state legislative leadership (N.Y. Elec. Law § 3-100).
- In Wisconsin, the statewide Wisconsin Election Commission is governed by six commissioners who are equally divided between Democratic and Republican members.¹² Republican legislative leadership selects two commissioners; Democratic legislative leadership selects two commissioners; and then one Democrat and Republican, who must be former municipal or county clerks, are appointed by the governor and confirmed by the state Senate (Wis. Stat. § 15.61).

Voter registration lists: A state's voter registration list is a database of the individuals registered to vote in that jurisdiction. Voter registration lists are dynamic because election officials regularly update them to add newly registered voters, change addresses when people have moved, remove voters who are newly deceased, or remove voters who have become ineligible to vote under state law because they were judged to be mentally incapacitated or suffered disqualifying criminal convictions.¹³ Many states provide political parties with free access to these registration lists.¹⁴

Examples include:

- In Arizona, political parties are regularly provided copies of the voter registration list while members of the public must view the list at a local election office or submit a public records request and pay for the list (Ariz. Rev. Stat. § 16-168, § 41-166, § 16-153).
- In Nevada, North Carolina, Oregon, and Pennsylvania, political parties can receive a copy of the list for free while the public must pay a fee (Nev. Rev. Stat. 293.440, 293.558; N.C. Gen. Stat. § 163-82.10; Or. Rev. Stat. §247.940, §247.945, §247.955; 25 Pa. Con. Stat. § 1207, § 1403 et seq., § 1325).
- In Maine, political parties can request access to the voter registration list (21-A Me. Rev. Stat. §196-A; 5-A Me. Rev. Stat. § 90-B).

Challenges to voter registration and qualifications: In many states, individuals can play a role in challenging another person's eligibility to cast a vote.¹⁵ State laws and regulations set forth who can serve as a challenger, when and what they can challenge, and what rules they must follow in making a challenge.¹⁶ In many states, representatives from political parties are entitled to serve as challengers. Examples include:

- In Arizona, the county chair for each political party may appoint representatives to challenge early ballots and to challenge the eligibility of voters on Election Day (Ariz. Rev. Stat. § 16-590).
- In Kentucky, each political party is entitled to have challengers at each precinct who can challenge the eligibility of a voter (Key. Rev. Stat. § 117.315).
- In Maryland, political parties can designate representatives to challenge a voter's eligibility (Md. Elec. Law § 10-311-12).
- In Michigan, political parties can designate representatives who can challenge a voter's eligibility (Mich. Comp. Laws Ann. §168.730).

Selection of election workers: For the 2020 general election, states reported having over 775,000 poll workers supporting people voting early and on Election Day.¹⁷ In general, election workers are hired by local election officials according to local requirements, which can include pre-Election Day trainings. Election workers perform a variety of functions depending on the jurisdiction: they set up voting locations; check in voters as they arrive and verify any required documentation; distribute ballots; make sure voters can vote privately and free from harassment or intimidation; help voters with specialized needs; make sure all ballots are accounted for and collected when the polls close; and/or assist in the counting of the ballots.¹⁸

In an effort to create bipartisan representation amongst election workers, numerous states dictate how many election workers should come from each political party.¹⁹ Some statutes incorporate flexibility to account for difficulties in achieving parity in jurisdictions with wide partisan spreads and in situations where poll worker cancellations or no-shows result in a last-minute, uneven distribution (see, e.g., Mich. Comp. Laws § 168.674). Many states require poll workers to be nominated by the local chapter of their political party. Examples include:

- In Arizona, election worker appointments are made from a list of names submitted by the chairs of the two largest parties (Ariz. Rev. Stat. § 16-531(A)).
- In Colorado, election workers are drawn equally from the two major political parties (Colo. Rev. Stat. § 1-6-109; 8 C.C.R. 1505-1, Rule 6.1.5).
- In Michigan, political parties are permitted to submit lists of people to serve as election workers, and local authorities are required to try to staff polling places with equal numbers from each party. Political parties are permitted to challenge the appointment of election inspectors (Mich. Comp. Laws § 168.673a, 168.674(2)-(3)).
- In Texas, the presiding and alternate election workers must be affiliated or aligned with different political parties (Tex. Elec. Code § 32.002(c)).
- In Wisconsin, election workers must be affiliated with one of the two recognized political parties which received the largest number of votes in the last election (Wis. Stat. § 7.30(2)(a)).

Selection of voting locations: States reported providing over 132,000 polling places for early and Election Day voting in the 2020 general election.²⁰ State law prescribes where voting locations can be sited, with varying levels of specificity. State law also dictates which entity is responsible for selecting places within the community to serve as voting locations: state or local boards of election, municipal or county clerks, county boards of supervisors, or the legislature.²¹

In states where the selection is delegated to state or local election boards, political parties often have a significant role in deciding who sits on these boards. Examples include:

- In Kentucky, the county election boards select the voting locations (Ken. Rev. Stat. § 117.065). The county election boards have four members: the county clerk, the sheriff, and two members appointed by the State Board of Elections.²² The State Board selects members for the county board from lists submitted by the Republican and Democratic political party county executives.
- In New Jersey, the county boards select the voting locations (N.J. Rev. Stat. § 19:8-2). The boards are composed of commissioners appointed by the governor, with two Republican and two Democratic commissioners (N.J. Rev. Stat. A 19:6-17, 19:6-17.1, 19:6-18).
- In North Carolina, the county boards of elections select the voting locations (N.C. Gen. Stat. § 163-128). The county election boards consist of five members.²³ Four members are appointed by the State Board of Elections (two Democrats and two Republicans) to each county board of elections based on recommendations from the state party chairs. The fifth is appointed by the governor.
- In Pennsylvania, the county boards of elections select the voting locations (25 Pa. Con. Stat. § 2726). The county elections boards consist of the county commissioners. If the county commissioners are all from one party, an appointment is made from a list submitted by the opposing party (25 Pa. Con. Stat. § 2641).
- In Wisconsin, while certain jurisdictions administer elections through a board of election commissions, the majority of the elections in the state are administered at the municipal level. Where board of election commissions are used, they have the authority to select the polling locations (Wis. Stat. § 5.25). These board of election commissioners consist of three members chosen from a list of names selected and approved by the two political parties (Wis. Stat. § 7.20)

Testing of voting machines: Voting machines are used to capture and count votes.²⁴ States set their own standards for the voting systems they use, either via statute or through regulations.²⁵ These standards may comport with the federal guidelines governing voting machines.²⁶ These standards ensure the systems function accurately and provide the requisite privacy and security.

In many states, election officials test and certify voting machines prior to their use in elections. Sometimes these tests are conducted in public.²⁷ These tests, often called “logic and accuracy” tests, verify the accuracy of the machines and that they meet applicable standards of reliability.²⁸ In some jurisdictions, representatives from political parties are given access to these tests. Examples include:

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- In Arizona, election officials must provide written notice to the chair of the top two political party county central committees of when logic and accuracy testing will occur. The parties are entitled to have their representatives at these tests (Ariz. Rev. Stat. § 16-449(A)).
- In Tennessee, representatives from political parties are one set of stakeholders entitled to witness logic and accuracy testing of voting machines (Tenn. Code § 2-9-105).
- In Texas, elections officials are required to set up a voting machine logic and accuracy testing board that includes at least one member of each political party that holds a primary election (Tex. Elec. Code § 129.023).
- In Nevada, representatives of political parties are allowed to observe such tests (Nev. Rev. Stat. § 293B.145).
- Minnesota allows political parties to examine the source code for voting machines to verify that they function as represented (Minn. Stat. § 206.57).

Observation at voting locations: Poll watchers are private individuals who observe the election process, both at polling places (during the early voting period and on Election Day) and at locations where ballots are reviewed and counted.²⁹ They are frequently appointed by political parties and when so appointed, they serve to protect the interests of the party that appoints them. In most states, state law regulates how poll watchers may engage in the electoral process—setting standards for their appointment process, their conduct during poll watching, and the number of poll watchers permitted at any particular voting location. Examples include:

- Alabama allows one poll watcher per political party to observe at a polling location (Ala. Code §17-8-7).
- Arizona allows each county party chair to appoint one poll watcher per precinct (Ariz. Rev. Stat. §16-590).
- In North Carolina, a county party chair can designate two observers per polling place and 10 at-large observers who can observe at any polling place in the county in which they reside (N.C. Gen. Stat. Ann. §163-45).
- In Michigan, political parties can appoint challengers, but not more than two per political party can serve at the same time at the same precinct (Mich. Comp. Laws § 168.730(1)).
- For additional information on this topic, see [States United's reports on poll observers](#).³⁰

Observation at ballot counting facilities: After the polls close on Election Day, election workers process and tabulate all votes cast in person and by mail.³¹ Some jurisdictions count votes at the precinct level, while others bring ballots from multiple precincts to a centralized count facility.³² In many states, representatives from political parties can observe the processing and tabulation of ballots. Examples include:

- In Arizona, political parties are permitted to have their representatives observe at voting locations and central ballot counting places (Ariz. Rev. Stat. § 16- 590(A)-(B), § 16-621(A)).
- In Michigan, political parties can designate challengers who have the right to be present at locations where ballots are being counted (Mich. Comp. Laws Ann. § 168.730, § 168.733).
- In Missouri, representatives from political parties may have a designated representative at all locations where absentee ballots are processed and counted (Mo. Rev. Stat. § 15-115.105.1).
- Texas allows political parties to appoint poll watchers who may observe ballot counting (Tex. Elec. Code, Ch.33).
- Utah allows political parties to certify an individual as an official watcher of election proceedings, which includes the ability to observe ballot tabulation (Utah Code §20A-3a-801).

Canvass of election results: Election officials certify a state's official election results after verifying the accuracy of the ballot tabulation and canvass in that state.³³ Certification is conducted through a variety of methods. Some states rely on state and local boards to canvass and certify election results, while others give that role to the CEO. In some jurisdictions where canvassing boards are used, the members are often selected from lists of people put forth by the parties. Other localities give representatives from political parties the ability to observe the canvass. Examples include:

- In Colorado, party representatives are permitted to observe the canvassing process (Colo. Rev. Stat. §1-7-108; 8 CCR 1505-1(8.10.2)).
- In Kentucky, partisan observers may witness any re-canvass if discrepancies are discovered during the initial canvass (Ky. Rev. Stat. §117.305).
- In New Mexico, the county chair of each political party can appoint observers to watch the county canvass process, and each state party chair can appoint observers for the statewide canvass process (New. Mex. Stat. § 1-2-31, 1-2-32).
- In Michigan, members of the State Board of Canvassers are evenly split by party and chosen by the governor from nominees put forth by the parties (Mich. Comp. Laws § 168.22a). County canvassers are also evenly split by party and chosen by the county commission from nominees put forth by the county committee of each party (Mich. Comp. Laws § 168.24c, 24d).

Recounts: Under certain circumstances set by state law, recounts may be conducted after an election to verify the accuracy of the initial election results. Recounts may occur automatically when the margin of victory in a ballot contest falls within a range specified by state law.³⁴ Recounts can also take place at the request of a political party or because of a court order. In many places, political parties have a role in requesting recounts and in observing them. Examples include:

- Georgia allows a political party to petition for a recount when there are concerns with the accuracy of the paper ballot results (Ga. Code Ann. § 21-2-495).
- Michigan allows a chair of a state political party to petition on behalf of a candidate for a recount when the election results fall within a designated vote margin (Mich. Comp. Laws §168.879).
- Oregon allows an officer of a political party, on behalf of a candidate, to file a demand for a recount that is then reviewed by the secretary of state (Or. Rev. Stat. § 258.161).
- Utah allows representatives from a political party to serve as election watchers who can observe many election proceedings, including recounts (Utah Code Ann. §20A-3a-801).

Post-election audits: States regularly conduct post-election audits to verify the accuracy of election results. These audit procedures are set forth by state law, with some states engaging in traditional post-election audits that examine a pre-determined percentage of voting districts, voting machines, or ballots and analyze the paper record against the results produced by the electronic voting system.³⁵ Other states employ risk-limiting audits that use statistical analysis to determine the number of votes that must be audited to ensure a designated level of statistical confidence in the outcome of the election.³⁶ Certain states allow political parties to observe these election audits. Examples include:

- In Alaska, state law allows political parties to observe election audits (Alaska Stat. §15.15.420, §15.15.430, §15.15.440, §15.15.450, §15.10.170).
- In Arizona, audits are conducted publicly, but political parties have additional access to directly participate in the process (Ariz. Rev. Stat. §16-602). Prior to Election Day, election officials notify the county chairpersons of each recognized political party of their duty to designate members to a hand count board.³⁷ These individuals perform post-election hand count audits under the supervision of election officials (Ariz. Rev. Stat. § 38-231(E)).
- In Idaho, political parties can observe audits where a candidate from their party is on the ballot (Idaho Code § 34-1203A).

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- In Illinois, Kentucky, and New York, representatives from political parties are one of several categories of stakeholders that may observe the audits (10 Ill. Comp. Stat. § 5/24A-15, § 5/24B-15, § 5/24C-15; Ky. Rev. Stat. §117.383, §117.305, §117.275(9); N.Y. Elec. Law § 9-211, 9 N.Y. Comp. Rules & Regs. 6210.18).
- In Iowa, the top two political parties may designate representatives to observe audit proceedings (Iowa Code. Ann. § 50.51).

Conclusion

While elections are national events, they are run by the states and shaped largely by state law. While state laws vary, most states provide numerous opportunities for major political parties and their representatives to observe or participate in the pre-election process, voting, counting, and canvassing, as well as recounts and audits. As a result, political parties have access to election processes, including granular information. The overarching theme in this access is the effort to try to ensure parity in representation between the major political parties.

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