

## WHO CAN OBSERVE – A partial list

How easy – or hard – is it to *observe how elections work* in your state or county?  
Wondering who may enter the polling place during the general election?

Here are some interesting facts:<sup>1</sup>

1. **California** makes no restrictions. Interested citizens may observe.
2. **Arizona, Delaware and Washington** allow watchers who are selected by a political party.
3. **Arkansas, Florida, Georgia and Vermont** allow watchers selected by a political party, and by candidates or groups of candidates.
4. **Colorado** allows watchers selected by a political party and by candidates or groups of candidates. The watcher must take an oath. Colorado also allows party candidates and party officers to be in the polling place (while not voting).
5. **Georgia**<sup>2</sup> allows watchers selected by a political party (and by candidates for primary elections). Vote tabulation is open to public view.
6. **Hawaii**<sup>3</sup> allows watchers selected by a political party, only if the watcher is a registered voter of Hawaii. Candidates' relatives are prohibited from being watchers.
7. **Illinois**<sup>4</sup> allows watchers selected by a political party, by candidates, and watchers selected by other organizations (civic organizations, organized proponents and opponents of a specific ballot measure). Candidates and party officers may also watch (if they have credentials, as required for other watchers).
8. **Iowa** allows watchers selected by a political party and by candidates or groups of candidates, and watchers selected by other organizations. Iowa also allows children and adults engaged in educational programs.
9. **Kansas**<sup>5</sup> allows watchers selected by a political party committee or chair, by candidates, and by organized proponents and opponents of a specific ballot measure. Candidates and party officers may also watch (if they have credentials, as required for other watchers).

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<sup>1</sup> Much of the information in this document was sourced from a survey done by the election law center at Ohio State University – for details: <http://moritzlaw.osu.edu/electionlaw/docs/polling-place.pdf> Additional sources are noted where applicable.

<sup>2</sup> GA Code, § 21-2-408(a)(1) & (2) and § 21-2-408(1)(b) & (3)

<sup>3</sup> <http://www.hawaii.gov/elections/factsheets/fspo402.pdf>

<sup>4</sup> <http://www.willclrk.com/images/pdffiles/Pollwatcher'sGuideforWebsite.pdf>

<sup>5</sup> <http://www.kslegislature.org/legsrv-statutes/getStatute.do?number=13572> (see also 13571)

10. **Kentucky** allows watchers selected by a political party, only if the watcher is a registered voter not just of Kentucky, but also of the county where s/he observes. Kentucky also allows children and adults engaged in educational programs.
11. **Louisiana** allows watchers selected by a candidate or group of candidates, but only if that watcher is a registered voter in Louisiana.
12. **Maine** allows watchers selected by a political party and by candidates or groups of candidates, and watchers selected by other organizations. Maine also allows party officers to be in the polling place (while not voting), and all other persons not engaged in political activities.
13. **Maryland**<sup>6</sup> allows watchers selected by a political party, by a candidate or group of candidates, or by other organization(s) such as organized proponents and opponents of a specific ballot measure or candidate. Watcher must be a registered voter.
14. **Massachusetts**<sup>7</sup> makes no restrictions, except limiting the number of observers if they are so many that they obstruct the election process.
15. **Michigan** allows watchers selected by a political party or by other organization(s), but only if that watcher is a registered voter in Michigan.
16. **Minnesota** allows watchers selected by a political party, but only if that watcher is a registered voter in Minnesota. Minnesota also allows children and adults engaged in educational programs, and representatives of the news media.
17. **Missouri** allows watchers selected by a political party, only if the watcher is a registered voter not just of Missouri, but also of the county where s/he observes. Missouri also allows children and adults engaged in educational programs, representatives of the news media, and international election observers.
18. **Montana**<sup>8</sup> allows watchers selected by a political party or by a candidate or group of candidates. Montana also allows watchers selected by “any group having an interest in the election.”
19. **Nevada** allows watchers who are not engaged in political activities, but expressly prohibits representatives of the news media.
20. **New Hampshire** allows watchers selected by a political party, and watchers selected by the state.

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<sup>6</sup> [http://www.elections.state.md.us/get\\_involved/challenger\\_watcher.html](http://www.elections.state.md.us/get_involved/challenger_watcher.html)

<sup>7</sup> MA Election Code, 950CMR, Section 54.04 (22) (a) and 54.06 (2)

<sup>8</sup> <http://data.opi.state.mt.us/bills/mca/13/13/13-13-121.htm>

21. **New Jersey** allows watchers selected by a political party and by candidates or groups of candidates, and also allows children and adults engaged in educational programs.
22. **New Mexico** allows watchers selected by a political party and by candidates or a group of candidates, only if the watcher is a registered voter not just of New Mexico, but also of the county where s/he observes.
23. **North Carolina** allows watchers selected by a political party and by candidates or a group of candidates, only if the watcher is a registered voter not just of North Carolina, but also of the county where s/he observes. North Carolina prohibits requiring observers to take any oath.
24. **Ohio** allows watchers selected by a political party and by candidates or a group of candidates, only if the watcher is a registered voter in Ohio. The watcher must take an oath.
25. **Oregon** allows watchers selected by a political party and by candidates or a group of candidates, and watchers selected by the state. Oregon also allows children and adults engaged in educational programs.
26. **Pennsylvania** allows watchers selected by a political party and by candidates or a group of candidates, only if the watcher is a registered voter not just of Pennsylvania, but also of the county where s/he observes.
27. **Rhode Island**<sup>9</sup> allows watchers selected by a political party.
28. **Tennessee** allows watchers selected by a political party and by candidates or a group of candidates, as well as representatives of the news media.
29. **Texas**<sup>10</sup> allows watchers selected by a political party and by candidates, as well as by proponents or opponents of a particular measure on the ballot and party officers, only if the watcher is a registered voter not just of Texas, but also of the county where s/he observes. Texas prohibits candidates who are not in the process of voting, as well as elected public officials, and anyone related to the election officials.
30. **Vermont** (see #3 above). Note that challengers are permitted only outside guardrail six feet from voting booths and ballot boxes.
31. **Virginia** allows watchers selected by a political party and by candidates or a group of candidates, only if the watcher is a registered voter not just of Virginia, but also of the county where s/he observes. Party candidates not in the process of voting are prohibited. Virginia also allows children and adults engaged in

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<sup>9</sup> <http://www.rilin.state.ri.us/Statutes/TITLE17/17-19/17-19-22.HTM>

<sup>10</sup> <http://www.sos.state.tx.us/elections/pamphlets/pollwatcher.shtml>

educational programs and representatives of the news media. Virginia's code also allows local electoral boards to authorize "neutral observers."

32. **Washington** (see #2 above).

33. **West Virginia** expressly prohibits all other persons not engaged in political activities.

34. **Wisconsin** prohibits party candidates not in the process of voting; and allows all other persons not engaged in political activities.

Is your state missing from this list?

That's part of the reason we put together the state and local versions of the Election Transparency Scorecard. We want to know more about who can observe and under what rules, in all 50 states. Let us know if you can provide this information to us!