



Frequently Asked Questions

What is the Election Observer Program?

The Election Observer Program exists to serve the official interests of the U.S. House of Representatives in free and fair congressional elections. House of Representatives staffers are designated and credentialed by the Chairman or Ranking Member of the Committee on House Administration.

The purpose is to have Observers on-site at polling locations, any location where processing, scanning, tabulating, canvassing, recounting, auditing, or certifying voting results is occurring, or any other part of the process associated with elections for Federal office, to observe the election procedures to ensure the certified winner was chosen in a free and fair election. Observers who are deployed are responsible for gathering information and monitoring the canvass, recount, or other stage of the election process taking place to build a factual record for the Committee in the event a contested election ensues but may not engage in political advocacy or interfere with the administration of the election.

What is the legal authority for the Committee's Election Observer Program?

States administer elections for congressional office, but the House of Representatives has the constitutional power to be the final arbiter over any contest to the seating of any recognized Member-elect.

Article I, Section 4, Clause 1 of the U.S. Constitution: “The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations...”

Article I, Section 5, Clause I of the U.S. Constitution: “Each House shall be the judge of the Elections, Returns and Qualifications of its own Members...”

The Confirmation of Congressional Observer Access Act of 2024, Pub. L. 118-06, 138 Stat. 1591, requires States to provide unimpeded and unfettered access to credentialed election observers from the U.S. House and Senate to observe all parts of the election administration process.

The Federal Contested Elections Act of 1969, 2 U.S.C. §§ 381-396, establishes procedures for how the U.S. House of Representatives handles election contests. It vests jurisdiction in the Committee on House Administration to hear all election contests.

Rule X(k)(12) of the Rules of the House of Representatives delegates specific authority to the Committee on House Administration to oversee federal elections.

Additionally, the Election Observer Program is authorized by the Speaker of the U.S. House of Representatives.



What does an Election Observer do?

Election Observers are the on-the-ground representatives of the U.S. House who are present to ensure that conduct of the election was free and fair. They are present at the election office or facility to observe, take notes, ask questions, and report back to the Committee. As official representatives of the House, Election Observers have the constitutional and statutory authority to be in the rooms where local elections officials process ballots and tabulate votes, to see where ballots are stored, and to observe other, nonpublic processes.

What are Election Observers prohibited from doing?

Election Observers are prohibited by statute from advocating for or against any candidate, political party, or ballot issue, from interfering with any aspect of the election administration process, including handling ballots and election equipment, and from taking any action to reduce ballot secrecy. They are not partisan, political operatives. Additionally, Observers are prohibited by House Rules from engaging in political activity while on official duty for the House of Representatives.

Who may serve as an Election Observer?

Only official employees of the U.S. House of Representatives, paid with government funds, may serve as House Election Observers. Congressional staff members who volunteer as House Election Observers may be regularly employed by a Republican or Democrat congressional office.

Who Determines When and Where Election Observers are Deployed?

The Committee on House Administration determines who, when, where, and for how long Election Observers are deployed. While we look into many factors when making deployment decisions, we strive to ensure that Observers are deployed to locations that align with their geographical preference. However, we will not deploy every Observer who has signed up and completed our training.

These are difficult decisions that are made based on real-time information leading up to, on, and after Election Day. We cannot promise every Observer will be deployed, or that they will be deployed based on their geographical preference. Observers should be aware that many parts of the election administration process happen the weeks following Election Day and the job will not end on Election Night.

Who Credentials House Election Observers?

The Chair or Ranking Member of the Committee on House Administration credentials House Election Observers pursuant to the Confirmation of Congressional Observer Access Act of 2024.



Do House Election Observers fill observer “slots” under State law?

No, House Election Observers exist independently of any State law access provisions. No House Election Observer, whether deployed by the Committee’s Majority or Minority, fills any observer “slot” (*e.g.*, for a particular candidate or political party) under State law.

What if my State does not permit observers? Can I refuse entry to House Election Observers based on State law?

No, you may not refuse entry to House Election Observers, even if your State law does not permit observers or does not specifically recognize House Election Observers. The Constitution grants the U.S. House of Representatives the authority to serve as the final “Judge of the Elections, Returns, and Qualifications of its own Members”... Additionally, the Confirmation of Congressional Observer Access Act of 2024 requires States to provide unimpeded and unfettered access to House Election Observers to observe all parts of the election administration process. These constitutional and statutory authorities supersede any State law to the contrary under the U.S. Constitution’s Supremacy Clause.

For more information, please contact the Committee on House Administration at 202-225-8281 or email us at CHA.Elections@mail.house.gov.