



U.S. ELECTION ASSISTANCE COMMISSION
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**U.S. Committee on House Administration
Subcommittee on Elections
“2022 Midterms Look Back Series: Election Observer Access” Hearing**

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U.S. Election Assistance Commission
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Good morning. Thank you, Chairwoman Lee, Ranking Member Sewell, and members of the Subcommittee for the opportunity to testify before you today. I am Ben Hovland, Vice Chair of the United States Election Assistance Commission, or EAC. The EAC is an independent, bipartisan agency and is the only federal agency solely focused on election administration.

Any discussion of the 2022 elections should acknowledge the tremendous job that state and local election officials did to run the midterm elections smoothly while facing unprecedented challenges. Leading up to the 2022 election, there were widely reported concerns about the potential for violence on Election Day, which thankfully did not materialize. However, election officials still had to take necessary precautions to assure the public it was safe to vote. The effort required to conduct this election was substantial, and the officials who managed this task deserve our thanks and praise.

Today’s topic of election observer access raises important questions of how to balance transparency, security, integrity, and safety in the elections process. Transparency is key to building confidence and fostering trust in our election outcomes. Election observers have been a long-standing critical component of promoting public confidence, by affirming our elections are conducted in a fair and impartial manner. Additionally, observers can provide credible observations, reports, and suggest recommendations to improve the elections process.

Let me be clear: election observers who are properly trained and abide by the rules in their jurisdictions are needed, and encouraged, in order to maintain transparency and accountability in our elections.

With the decentralized nature of our election system in the United States, each state approaches these issues a little differently. Even the terminology varies across the country. When it comes to observers, watchers, or challengers, each state has its own laws and procedures on when and where observers can be present, as well as who can observe the election. Election observers may be members of organizations, such as a political party or nonpartisan group, candidate representatives, international observers, exit polling groups, academics, or relevant federal and state agencies. Some states also allow members of the public to view election processes in person, though these rules and availability also vary.

While policies related to how to become an observer, when they are allowed to observe, and where they can be present vary from state to state, it is critical that election officials provide clear communication about the rules and responsibilities of observers in their jurisdictions. Access to information about observer policies, necessary training about elections procedures, and guidance about acceptable and prohibited conduct is crucial for a successful observation program.

No matter who is observing an election, the role of a poll watcher is to observe and monitor the election, without violating voter privacy or disrupting the election. As noted in reporting from last fall, there have been reports of observers disrupting or attempting to interfere in the elections process. That behavior should not be tolerated and the rule of law must be followed. It is essential that observers conduct themselves in a professional manner and follow the rules, so they do not interfere with the election.

Too often we have seen individuals unfamiliar with the elections process mistake regular election activity for something nefarious. The EAC has created and updated a number of resources¹ related to the topic of election observation including our Quick State Guide on Poll Watchers,² a brief Election Observers Overview document³ and a Communicating Election and Post-Election Processes toolkit⁴ that provides election officials with customizable signs, pocket guides and handouts. These educational materials can help anyone observing the election have a better understanding of what is taking place.

Election procedure education efforts, along with proper training for election observers, can go a long way toward increasing understanding of the many safeguards election officials have in place to ensure the accuracy and integrity of our elections.

The public needs credible, accurate information they can rely on. Efforts to increase awareness about everything from the most basic election information about where and how to vote, to more complex issues such as eligibility, are critical as we are seeing a number of Americans lose faith in the process and in our democracy. In the last several election cycles, there has been unprecedented levels of mis- and dis- information, particularly spread on social media, that have sown distrust and even motivated some Americans to threaten and harass the public servants that run our elections.

My fellow Commissioners and I regularly meet with election officials across the country. Since the 2020 elections, we have heard many distressing stories about the threats and harassment election officials have faced simply for doing their jobs.

While I wish there was a simple solution to the challenges we face, I do not know of one. What I do know is that the answer begins with fact-based conversations about how our elections are administered. Beyond that, it is going to take work and resources from the federal government as well as states and local jurisdictions.

We must invest in our democracy, including voter education. We need to depoliticize election administration and recognize that election administration should not be about partisanship, but rather good governance and customer service. We must put the voters first and respect the voice of the American people. That we can all agree on.

Thank you again for the opportunity to testify today and I look forward to any questions you may have.

¹ <https://www.eac.gov/election-officials/poll-watchers>

² https://www.eac.gov/sites/default/files/electionofficials/QuickStartGuides/Poll_Watchers_EAC_Quick_Start_Guide_508.pdf

³ https://www.eac.gov/sites/default/files/electionofficials/Election_Observers_508.pdf

⁴ <https://www.eac.gov/election-officials/communicating-election-and-post-election-processes-toolkit>