



Global Expertise. Local Solutions.
Sustainable Democracy.

Elections in the United States

2018 General Elections

Frequently Asked Questions

United States

International Foundation for Electoral Systems

2011 Crystal Drive | Floor 10 | Arlington, VA 22202 | www.IFES.org

October 30, 2018

Frequently Asked Questions

When is Election Day?.....	1
Who are citizens voting for on Election Day?	1
What is the United States’ electoral system?.....	1
How are elections administered?	2
How are election management bodies strengthening their technology and procedures to increase security and counter interference?	2
Who can vote in these elections?	3
What provisions are in place to guarantee equal access to the electoral process for persons with disabilities?	3
What provisions are in place to promote the equal participation of women and the LGBTQ community?	4
What provisions are in place to promote the equal participation of people of color and speakers of English as a second language?	5
Is out-of-country voting allowed?.....	6
Who can observe during Election Day? How can they get accreditation?	7
What are the campaign expenditure and donation limits?	7
When will official results be announced?	8
How will election disputes be adjudicated?	8
Resources.....	9

When is Election Day?

In accordance with the Constitution, the United States holds general elections every two years and presidential elections every four years.¹ Elections are held on the Tuesday that follows the first Monday in November.² This year's federal election will take place on November 6, 2018.³

In 37 states and the District of Columbia (D.C.), voters may cast their ballots prior to Election Day through a process known as *early voting*. Early voting allows citizens to vote in person at a satellite voting location. Voters who participate in early voting are not required to provide justification for their inability to vote on Election Day.⁴ The dates, duration, and locations where early voting takes place vary by state. In some states, voters are also permitted to cast an absentee ballot in person at a satellite voting location through a process known as *in-person absentee voting*.⁵ In 2016, there were 116,990 polling stations, including 8,616 early voting locations, staffed by 917,694 poll workers.⁶

Absentee voting, available in all 50 states and D.C., is another process enabling voters to cast ballots prior to Election Day. Absentee voters receive a paper ballot in the mail, fill it in, and return it by mail or in person. The eligibility and application requirements for absentee voting vary by state.⁷

Who are citizens voting for on Election Day?

During this year's midterm elections, citizens will vote for all 435 members of the House of Representatives and 35 members of the Senate. In addition to voting for members of Congress, citizens will vote for many state and local representatives, including 39 governors (in 36 states and three United States territories). Candidates are elected by direct vote.⁸

What is the United States' electoral system?

The United States (U.S.) is a presidential republic with a bicameral legislature. The president is elected by absolute majority (at least 270 electoral votes) in the Electoral College to serve a four-year term. The two chambers of Congress are the Senate and the House of Representatives. Each state has two Senators, and the number of a state's seats in the House of Representatives is determined by its population. States receive Electoral College votes equal to their two Senators plus the number of seats they have in the House of Representatives. The District of Columbia receives three electoral votes but

¹ U.S. Const. art. I, sec. II, <https://www.archives.gov/founding-docs/constitution-transcript>.

² "Elections & Voting," Our Government, The White House, <https://www.whitehouse.gov/about-the-white-house/elections-voting/>.

³ "Midterm Congressional, State, and Local Elections," USA.gov, <https://www.usa.gov/midterm-state-and-local-elections>.

⁴ "Absentee and Early Voting," National Conference of State Legislatures, <http://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx#early>.

⁵ *Ibid.*

⁶ U.S. Election Assistance Commission, *EAVS Deep Dive: Poll Workers and Polling Places*, November 15, 2017, <https://www.eac.gov/documents/2017/11/15/eavs-deep-dive-poll-workers-and-polling-places/>.

⁷ "Absentee and Early Voting," National Conference of State Legislatures.

⁸ "Midterm Congressional, State, and Local Elections," USA.gov.

does not have any representation in the House or the Senate. More detail on the seats and chambers at stake in this election is below.

Senate: The Senate is made up of 100 members (two from each state) elected by plurality vote in multi-member constituencies to serve six-year terms. One-third of Senate seats are up for election every two years. Candidates must be at least 30 years old, have been a U.S. citizen for at least nine years, and be an inhabitant of the state in which they are running.⁹

House of Representatives: In the House of Representatives, 435 members are elected by plurality vote in single-member constituencies to serve two-year terms. Every state receives at least one seat, and the rest are awarded by population. Members of the House must be at least 25 years old, have been a U.S. citizen for at least seven years, and be an inhabitant of the state in which they are running.¹⁰

Governors: The governor of each state is its chief executive officer. The governor's specific powers vary by state, but mandates include executing and implementing legislation, making court and administrative appointments, and approving the state's budget and appropriations. Term limits and legal requirements to run for the office of governor vary by state. Most states limit governors to two consecutive terms of four years (Vermont and New Hampshire have terms of two years, and some states have no limit on consecutive terms served).¹¹

How are elections administered?

The United States (U.S.) has no centralized federal election management body, and each state administers its own elections. The chief election official is elected in 33 states, with the secretary of state serving as the chief election official in 24 of the 50 states. Two federal bodies regulate and support states in their elections: the Federal Election Commission (FEC) and the U.S. Election Assistance Commission (EAC). The FEC regulates campaign finance, and the EAC oversees state compliance with Help America Vote Act funds and provides guidance and accreditation to states.

How are election management bodies strengthening their technology and procedures to increase security and counter interference?

Under the Help America Vote Act (HAVA), originally passed in 2002, states can submit funding requests to improve the administration of their elections. In 2018, \$380 million in new funding was made available under HAVA for states to improve their electoral security.¹² States and their election management bodies have used much of this money to strengthen their cybersecurity and elections technology against interference. This includes upgrading existing technology, buying new equipment, training staff, and making other improvements in election administration.

⁹ U.S. Constitution, art. I, sec. III.

¹⁰ U.S. Constitution, art. I, sec. II.

¹¹ "Governors' Power & Authority," National Governors Association, <https://www.nga.org/management/powers-and-authority/>.

¹² "HAVA Funds State Chart View," Payments & Grants, U.S. Election Assistance Commission, <https://www.eac.gov/payments-and-grants/hava-funds-state-chart-view/>.

Who can vote in these elections?

United States (U.S.) citizens who are at least 18 years of age at the time of the election are eligible to vote if they meet their state’s residency requirements and if they registered to vote by their state’s registration deadline. The state of North Dakota is the only U.S. state in which there is no voter registration requirement; however, voters must provide identification with a street address to vote. Some citizens who have felony convictions and some citizens deemed “mentally incompetent” may not be eligible to vote, depending on state laws. Additional restrictions, such as voter identification requirements, vary by state and may render a citizen ineligible to vote.¹³

What provisions are in place to guarantee equal access to the electoral process for persons with disabilities?

Nearly one out of every four American adults has a disability, yet Americans with disabilities are severely underrepresented in political life as elected officials and voters.¹⁴

The National Council on Independent Living has compiled a [database](#) of current elected officials and candidates with disabilities running campaigns for elected positions at national, state and local levels of government in 2018.¹⁵ Of the 153 candidates running for 35 open seats in the upcoming Senate race, there are two candidates with disabilities. Among the 1,193 candidates running for open seats in the House of Representatives, nine are candidates with disabilities. At the state level, 25 candidates with disabilities are running in the upcoming midterm elections, while at the local level, there are 21 candidates with disabilities running for elected office.

There are no constitutional or legislative provisions for equal participation of persons with disabilities through either reserved seats, legal candidate quotas or voluntary political party quotas in the United States, for either the House of Representatives or the Senate.

A 2017 report by the United States (U.S.) Government Accountability Office found that 60 percent of polling places assessed in a national survey had potential impediments for people with physical disabilities.¹⁶ The most common impediments included steep ramps located outside buildings, lack of signs indicating accessible paths, and poor parking or path surfaces.¹⁷

The 15th and 19th Amendments to the Constitution prohibit the government from denying the right to vote to any U.S. citizen on account of “race, color, or previous condition of servitude” or sex.¹⁸ Beyond

¹³ “Register to Vote and Check or Change Registration,” USA.gov, <https://www.usa.gov/register-to-vote>.

¹⁴ Ruth Igielnik, “A political profile of disabled Americans,” Pew Research Center, September 22, 2016, <http://www.pewresearch.org/fact-tank/2016/09/22/a-political-profile-of-disabled-americans/>.

¹⁵ National Council on Independent Living, *Candidates with Disabilities Running for Office in 2018 and 2019*, October 16, 2018, <https://www.ncil.org/candidates/>.

¹⁶ “Voters with Disabilities:

Observations on Polling Place Accessibility and Related Federal Guidance,” GAO.gov, reissued December 4, 2017, <https://www.gao.gov/products/GAO-18-4>.

¹⁷ Ibid.

¹⁸ U.S. Constitution, Amendments 11-27, <https://www.archives.gov/founding-docs/amendments-11-27>.

these prohibitions, however, the Constitution gives states the power to set qualifications for voting. Current restrictions in 39 states and the District of Columbia prohibit people under guardianship or with judicially-determined “mental incapacity” from exercising their right to vote, often solely on the basis of a medical diagnosis or legal guardianship status.¹⁹ According to the American Association of Retired Persons, an estimated 1.5 million adults are under legal guardianship nationwide, but there is no data indicating how many people with disabilities have lost their right to vote due to their legal guardianship status.²⁰

What provisions are in place to promote the equal participation of women and the LGBTQ community?

The United States (U.S.) is currently ranked 103 out of 190 countries in the Interparliamentary Union’s rank of women’s participation in Parliament.²¹ The current, 115th Congress has 535 seats, including 107 occupied by women or 20 percent; this includes 84 women (20 percent) in the House of Representatives, and 23 women (23 percent) in the Senate.²² There are currently six women (12 percent) and 44 men (88 percent) serving as governors of U.S. states.

The 2018 midterm elections will include record numbers of female candidates on the ballot, with women representing 25 percent of all 2018 midterm congressional candidates.²³ In the upcoming Senate races, a total of 153 candidates are running for 35 open seats, including 39 women (25 percent) and 114 men (75 percent). In the House of Representatives, a total of 1,193 candidates are running for 435 open seats, including 298 women (25 percent) and 895 men (75 percent).

There are seven current openly-LGBTQ congressional elected officials, including one senator and six representatives. Of these seven members of Congress, two are women and five are men. Six of these members of Congress identify as gay or lesbian, and one candidate identifies as bisexual. There is currently one governor who identifies as gay or lesbian. Currently, throughout all levels of government, openly-LGBTQ elected officials hold just 559 positions, or 0.1 percent of all elected positions nationwide.

In the upcoming midterm elections, there are two LGBTQ candidates for Senate seats, 20 LGBTQ candidates for House seats, and five LGBTQ candidates for gubernatorial positions. Of these 27 candidates, 24 identify as gay or lesbian, three identify as bisexual, and one identifies as transgender.²⁴

¹⁹ Matt Vasilogambros, “Thousands Lose Right to Vote Under ‘Incompetence’ Laws,” The Pew Charitable Trusts, March 21, 2018, <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2018/03/21/thousands-lose-right-to-vote-under-incompetence-laws>.

²⁰ Ibid.

²¹ “Women in National Parliaments,” Interparliamentary Union, <http://archive.ipu.org/wmn-e/classif.htm?month=6&year=2018>.

²² Ibid.

²³ IFES research data includes major party candidates, independent candidates and third party candidates.

²⁴ “Transgender” is an expression of gender identity, while gay, lesbian, or bisexual are expressions of sexual orientation, and individual candidates may identify with multiple identities under each or either category.

The 2018 midterm elections represent record-high numbers of LGBTQ candidates, despite the fact that the LGBTQ population continues to be severely underrepresented at all levels of government.²⁵

There are no constitutional or legislative provisions for equal participation of men and women (“gender quotas”), through either reserved seats, legal candidate quotas or voluntary political party quotas in the U.S., for either the House of Representatives or the Senate.

According to the most recent data available, the U.S. has an eligible voting population of 224 million, with 157.6 million registered voters (70 percent), and voter turnout of 137.5 million (61 percent) in 2016. In the 2016 presidential election, there were an estimated 73.8 million male registered voters (47 percent of registered voters) and 83.8 million female registered voters (53 percent of registered voters). Actual voter turnout rates were proportionally similar, with 63.8 million men who voted (46 percent of voters who turned out) and 73.7 million women who voted (54 percent of voters who turned out).²⁶

What provisions are in place to promote the equal participation of people of color and speakers of English as a second language?

Several constitutional amendments and federal voting rights laws have been put in place to affirm and protect the right to vote for people of color²⁷ and for people who speak English as a second language. These include:

- the 15th Amendment, which gave (at least in statute) black men the right to vote;
- the 24th Amendment, which removed poll taxes;
- the Civil Rights Act, which protects against voter discrimination; and
- the Voting Rights Act of 1965, which protects against voter discrimination and requires that election materials be provided in languages other than English in some jurisdictions.

To further protect against discriminatory behavior in elections, the Department of Justice’s Civil Rights Division and Election Crimes Branch can investigate and prosecute discriminatory electoral practices, as defined in the law.

Additionally, the United States (U.S.) Election Assistance Commission provides [a voter information guide](#) in 11 languages and the [National Mail Voter Registration Form](#), which can be used to register to vote in most states, in 10 languages.²⁸ People of color in the U.S. have long been underrepresented in federal, state, and local elections. Currently, people of color make up approximately 38 percent of the U.S.

²⁵ Victory Institute, *Out for America 2018: A Census of Out LGBTQ Elected Officials Nationwide*, June 2018, https://3zyna148sctp38fwo2q3djou-wpengine.netdna-ssl.com/wp-content/uploads/2018/06/Victory_Out-For-America-2018.pdf.

²⁶ Thom File, “Characteristics of Voters in the Presidential Election of 2016,” U.S. Census Bureau, September 2018, <https://www.census.gov/content/dam/Census/library/publications/2018/demo/P20-582.pdf>.

²⁷ Among this group are individuals who identify as black, African American, Latino/Latina, Asian, American Indian, Alaska native, native Hawaiian, Pacific Islander, and multiple races or ethnicities.

²⁸ “Voter Accessibility Laws,” USA.gov, <https://www.usa.gov/voting-laws#item-212487>.

population and only approximately 19 percent of Congress.²⁹ However, in the 2018 election, the U.S. has seen an increase in the percent of candidates of color. Of the 43 states for which data was available, people of color make up 20 percent of the 2018 nominees to Congress, with women of color comprising 7 percent of congressional nominees and men of color comprising 13 percent of congressional nominees. Male candidates of color as a share of total congressional candidates have increased by 8 percent since 2016, while female candidates of color as a share of total congressional candidates have increased by 75 percent.³⁰

Most states do not gather or track candidates' complete demographic data, making this information more difficult to capture and verify at the state legislature level. However, based on a sample of 15 states, Reflective Democracy Campaign found that people of color make up approximately 16 percent of 2018 state legislature nominees, with women of color comprising 7 percent of state legislature candidates and men of color comprising 9 percent of state legislature candidates. Male candidates of color as a share of state legislature candidates have increased by 13 percent since 2016, while female candidates of color as a share of state legislature candidates have increased by 75 percent.³¹

Unlike the more significant demographic changes in congressional and state legislature nominees, there has been little change in the demographics of gubernatorial candidates in 2018. In the 34 states for which race data was available, people of color make up only 12 percent of 2018 candidates for governor. Women of color comprise 3 percent of gubernatorial nominees (up from 2 percent in 2014) and men of color comprise 9 percent of gubernatorial nominees (down from 11 percent in 2014).³²

Is out-of-country voting allowed?

Members of the United States (U.S.) military and their eligible family members currently residing overseas, as well as U.S. citizens who previously resided in the U.S. but are currently residing overseas, are permitted to vote via the absentee voting process. This right is enshrined in the Uniformed and Overseas Citizens Absentee Voting Act of 1986. U.S. citizens currently residing overseas and who have never resided in the U.S. may or may not be permitted to vote from abroad. Their eligibility for absentee voting varies by state, based on where their parent or legal guardian last resided in the U.S.^{33, 34} In 2016, 950,836 ballots were sent to out-of-country voters.³⁵

²⁹ Kristen Bialik and Jens Manuel Krogstad, "115th Congress Sets New High for Racial, Ethnic Diversity," Pew Research Center, January 24, 2017, <http://www.pewresearch.org/fact-tank/2017/01/24/115th-congress-sets-new-high-for-racial-ethnic-diversity/>.

³⁰ Reflective Democracy Campaign, *A Rising Tide? The changing demographics on our ballots*, October 2018, <https://wholeads.us/wp-content/uploads/2018/10/2018-Rising-Tide-Report-.pdf>.

³¹ [Ibid.](#)

³² [Ibid.](#)

³³ "Absentee and Early Voting," USA.gov, <https://www.usa.gov/absentee-voting>.

³⁴ "United States," *Voting from Abroad Database*, International IDEA, <https://www.idea.int/data-tools/country-view/295/52>.

³⁵ "DoD Releases New Estimates, Survey of Overseas Voters," Federal Voting Assistance Program, <https://www.fvap.gov/info/reports-surveys/2016-post-election-report-to-congress>.

Who can observe during Election Day? How can they get accreditation?

Due to the high level of decentralization in the United States (U.S.) electoral process, rules governing election observation vary not just by state, but also by county within states, of which there are 3,141.³⁶ There are many types of groups who may observe U.S. elections, including: partisan citizen observers (e.g. candidates, political parties), non-partisan citizen observers, international non-partisan observers, academic observers, media observers, youth observers, state-appointed observers, and federal observers. However, not all state or county rules permit all types of observer groups to observe during Election Day.³⁷

As with rules governing who may observe elections on Election Day, the accreditation process for U.S. election observers is highly decentralized, and often it is not formalized in electoral law or regulations. While most states have a formal process for accrediting or appointing partisan citizen observers, most states do not have an accreditation or appointment process for nonpartisan observer groups.³⁸

What are the campaign expenditure and donation limits?

There are no limits to campaign spending, although spending is limited for presidential candidates if they accept public funding. Groups that do not coordinate with the candidate or party but that spend money on their behalf – commonly called political action committees (PACs) – may also spend as much as they choose.

There are federally prescribed limits to what an individual can contribute to a campaign. Individuals cannot donate more than \$2,700 per election to a federal candidate or their campaign committee, \$5,000 per calendar year to a PAC, \$10,000 per calendar year to a state or local party committee, \$33,900 per calendar year to a national party committee, or \$100 in cash to any political committee.³⁹

While there are fairly strict regulations limiting the amount of money individuals and PACs can contribute to a campaign or political party committee, individuals are not limited in the amount of money they can spend on their own campaign, and corporations and trade unions are not limited in the amount of money they spend on independent political expenditures. Individuals, corporations, and unions often use independent expenditure-only committees called Super PACs for this purpose. Super PACs can raise and spend unlimited amounts of money for or against political candidates, but they must report their donors to the Federal Election Commission (FEC) and they may not donate money directly

³⁶ “How many counties are there in the United States?” U.S. Department of the Interior, <https://www.usgs.gov/faqs/how-many-counties-are-there-united-states>.

³⁷ “Policies for Election Observers,” National Conference of State Legislatures, October 12, 2016, <http://www.ncsl.org/research/elections-and-campaigns/policies-for-election-observers.aspx>.

³⁸ Ibid.

³⁹ Federal Election Commission, *Citizens’ Guide*, updated February 2017, <https://transition.fec.gov/pages/brochures/citizens.shtml>.

to candidates.^{40, 41} According to the FEC’s regulations, Super PACs “may not accept contributions from foreign nationals, federal contractors, national banks or federally chartered corporations.”⁴²

Public funding is available for presidential campaigns and for state legislature and other local elections. Limits to spending on and contributions to gubernatorial campaigns, as well as public funding for these campaigns, are determined at the state level.

When will official results be announced?

Election results are announced on election night as polls close. Those results become official once states certify them, the date for which depends on each state’s relevant legislation. Some states have potential run-off elections scheduled after November 6, and those results would not be made official until later than the results from the first round. The Mississippi special Senate election run-off, for example, is scheduled for November 27. The new Congress will take office January 3, 2019, and all results will be made official in November or December.

How will election disputes be adjudicated?

The United States does not have a centralized process for submitting election complaints. However, if individuals suspect a violation of federal voting rights laws – including voter intimidation or suppression – they may contact and report it to their state or local election office, or they may report it to the Department of Justice by completing an [Election Complaint Report](#).⁴³ However, not all state or local elections offices have a complaint process.

In original disputes, state courts have jurisdiction to adjudicate state cases and federal courts have jurisdiction to adjudicate challenges relating to federal elections. According to the Constitution, the House of Representatives and the Senate may choose to arbitrate electoral disputes for the election of their members, respectively.⁴⁴

⁴⁰ Thad E. Hall, *Primer on the U.S. Election System*, IFES, 2016, https://www.ifes.org/sites/default/files/2016_USEP_Primer_FINAL_English.pdf.

⁴¹ Federal Election Commission, “Making disbursements as a PAC,” FEC.gov, accessed October 22, 2018, <https://www.fec.gov/help-candidates-and-committees/making-disbursements-pac/>.

⁴² Federal Election Commission, “Glossary,” FEC.gov, accessed October 22, 2018, <https://www.fec.gov/help-candidates-and-committees/making-disbursements-pac/>.

⁴³ “Voter Accessibility Laws,” USA.gov, <https://www.usa.gov/voting-laws#item-212487>.

⁴⁴ U.S. Constitution, art. I, sec. V, <https://www.archives.gov/founding-docs/constitution-transcript>.

Resources

- [Census Data on the 2016 Election](#)
- [Department of Justice's Election Complaint Report](#)
- [Election Assistance Commission's Voter's Guide to Federal Elections](#) (available in Cherokee, Chinese, Dakota, English, Japanese, Korean, Navajo, Spanish, Tagalog, Vietnamese, and Yupik)
- [Federal Election Commission Guide on Campaign Finance](#)
- [Federal Election Commission Website](#)
- [Help America Vote Act Spending by State](#)
- [International Foundation for Electoral Systems' Primer on the U.S. Election System](#) (available in Arabic, English, French, and Spanish)
- [National Conference of State Legislatures' Elections Resources](#)
- [National Conference of State Legislatures on Election Administration](#)
- [U.S. Election Assistance Commission](#)
- [U.S. Election Commission Chapter on Certifying an Election](#)
- [U.S. Constitution](#)
- [USA.gov's Voting and Elections Online Resource](#)