



International Foundation  
for Electoral Systems

# **Elections in the United States**

## *2024 General Elections*

Frequently Asked Questions

United States

# International Foundation for Electoral Systems

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# Frequently Asked Questions

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## When is Election Day?

In accordance with the U.S. Constitution, the United States holds general elections every two years and presidential elections every four years.<sup>1</sup> Elections are held on the Tuesday that follows the first Monday in November.<sup>2</sup> This year's general and federal elections will take place on November 5, 2024.<sup>3</sup>

Most states also provide at least one early voting option. Forty-seven states, the District of Columbia (D.C.), and the territories of Guam, Puerto Rico, and the Virgin Islands allow all voters to cast their ballots prior to Election Day through a process known as *early in-person voting*. Early voting allows citizens to vote in person at satellite voting locations without providing a justification for their voting choice.<sup>4</sup> The dates, durations, and locations where early in-person voting takes place vary by state. In 2020, there were more than 130,000 polling stations, including 25,099 in-person early voting locations, staffed by more than 775,000 poll workers.<sup>5</sup>

*Absentee voting*, available to varying degrees in all 50 states and D.C., is another process through which voters can cast ballots prior to Election Day. Each absentee voter receives a paper ballot in the mail, fills it in, and returns it by mail or in person. The eligibility and application requirements for absentee voting vary by state, and 15 states allow absentee voting only for voters who provide certain reasons (travel, disability status, etc.). In contrast, eight states and D.C. conduct elections primarily by mail, automatically sending vote-by-mail ballots to all eligible voters.<sup>6</sup> The expansion of early and absentee voting in many states during the COVID-19 pandemic and high interest in the presidential election drove a substantial increase in early and absentee voting in 2020.<sup>7</sup>

## Why are these elections important?

The 2024 elections have the potential to shift the balance of power across the executive and legislative branches. President Joe Biden and the Democratic Party currently control the presidency and hold a very slight majority in the Senate, while the Republican Party controls a majority of the House of Representatives.

Pew Research found that inflation is a top concern among U.S. voters, with 62 percent describing it as a big problem for the country, down slightly from 65 percent in 2023. Other issues of focus include

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<sup>1</sup> U.S. Constitution, Article I, Section II. <https://www.archives.gov/founding-docs/constitution-transcript>.

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

<sup>3</sup> "Voting on Election Day." USA.gov. <https://www.usa.gov/election-day>.

<sup>4</sup> "Early In-Person Voting." National Conference of State Legislatures. <https://www.ncsl.org/elections-and-campaigns/early-in-person-voting>.

<sup>5</sup> U.S. Election Assistance Commission. *Election Administration and Voting Survey 2020 Comprehensive Report*. <https://www.eac.gov/research-and-data/studies-and-reports>.

<sup>6</sup> "Voting Outside the Polling Place: Absentee, All-Mail and Other Voting at Home Options." National Conference of State Legislatures. <https://www.ncsl.org/elections-and-campaigns/voting-outside-the-polling-place>.

<sup>7</sup> Fabina, Jacob, and Zachary Scherer. 2022. "Voting and Registration in the Election of 2020." U.S. Census Bureau. <https://www.census.gov/content/dam/Census/library/publications/2022/demo/p20-585.pdf>.

political polarization, healthcare affordability, drug addiction, illegal immigration, and gun violence.<sup>8</sup> Partisan divides are also particularly wide on issues linked to culture and values, such as race and racism; gender and family; and gun ownership.<sup>9</sup>

## Who are citizens voting for on Election Day?

During this year's elections, citizens will vote for the president and vice president, all 435 members of the House of Representatives, and 34 members of the Senate. The Senate races include special elections in Nebraska and California. In addition to voting for members of Congress, citizens will vote for many state and local representatives, including the governors of 11 states and two territories.

The two presidential candidates are current Vice President Kamala D. Harris and former President Donald J. Trump. Their respective running mates are Minnesota Governor Tim J. Walz and Ohio Senator JD Vance.

## What is the U.S. electoral system?

The 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. Each state receives Electoral College votes equal to its two senators plus the number of seats it has in the House of Representatives. D.C. has no representation in the Senate and is represented by a delegate in the House; it receives three electoral votes. More detail is provided below regarding the seats and chambers at stake in this election.

**President and vice president.** The president and vice president are not elected directly by voters but are instead chosen by electors through the Electoral College. Candidates must be at least 35 years old, natural-born U.S. citizens, and U.S. residents for at least 14 years.<sup>10</sup>

**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. Each candidate must be at least 30 years old, have held U.S. citizenship for at least nine years, and be a resident of the state in which he or she is running.<sup>11</sup>

**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 according to the size of the population. Each member of the House must be at least 25

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<sup>8</sup> "Public's Positive Economic Ratings Slip; Inflation Still Widely Viewed as Major Problem." Pew Research Center. May 23, 2024. <https://www.pewresearch.org/politics/2024/05/23/publics-positive-economic-ratings-slip-inflation-still-widely-viewed-as-major-problem/#views-of-top-problems-facing-the-nation>.

<sup>9</sup> "The Political Values of Harris and Trump Supporters." Pew Research Center. August 26, 2024.

<https://www.pewresearch.org/politics/2024/08/26/the-political-values-of-harris-and-trump-supporters/>.

<sup>10</sup> U.S. Constitution, Article II, Section I.

<sup>11</sup> U.S. Constitution, Article I, Section III.

years old, have been a U.S. citizen for at least seven years, and be a resident of the state in which he or she is running.<sup>12</sup>

**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).<sup>13</sup>

## How are elections administered?

The U.S. has no centralized federal election management body, and each state administers its own elections. A chief election official is elected in 33 states and selected by the governor, state legislature, or a state elections commission in the other 17 states.<sup>14</sup> 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.

## Has there been election reform at the federal level since the 2020 elections?

In December 2022, Congress passed the [Electoral Count Reform Act](#) (ECRA), providing key updates to the Electoral Count Act (ECA) which defined procedures for casting and counting electoral votes in presidential elections. The new law eliminates loopholes created by ambiguous language in the ECA and clarifies the roles of state actors, Congress, and the judiciary throughout the electoral voting process.<sup>15</sup> The ECRA requires states to appoint electors on Election Day (Sec. 102 § 1) and establishes that governors must certify the appointment of their states’ electors within a set timeframe (Sec. 104 § 5). Additionally, the law provides for an expedited judicial review process for claims of presidential and vice presidential candidates related to the certification of electors (Sec. 104 § 5). The ECRA also helps prevent unnecessary impediments to the electoral voting process by clarifying that the vice president, acting in his or her official role as president of the Senate, does not have the power to accept or reject electoral votes and by limiting when members of Congress can object to elements of the electoral voting process (Sec. 109 § 15).

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<sup>12</sup> U.S. Constitution, Article I, Section II.

<sup>13</sup> “Governors’ Power & Authority.” National Governors Association. <https://www.nga.org/management/powers-and-authority/>.

<sup>14</sup> “Election Administration at State and Local Levels.” National Conference of State Legislatures. December 22, 2023. <https://www.ncsl.org/elections-and-campaigns/election-administration-at-state-and-local-levels>.

<sup>15</sup> “Understanding the Electoral Count Reform Act.” Protect Democracy. September 18, 2024. <https://protectdemocracy.org/work/understanding-the-electoral-count-reform-act-of-2022/>.

## 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. HAVA Election Security grants were introduced in 2018; since then, states have spent over \$638 million to improve their electoral security.<sup>16</sup> 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.

## Who can vote in these elections?

U.S. citizens who are at least 18 years old 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 26th Amendment to the Constitution, enacted in 1971, lowered the voting age from 21 to 18.<sup>17</sup> North Dakota is the only U.S. state that has no voter registration requirement; however, voters must provide identification with a street address to vote. Some citizens who have been convicted of a felony and some citizens who have been disenfranchised by a court decision 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.<sup>18</sup>

## Why is 2024 being called the “year of elections”?

Over 70 countries are holding elections in 2024 that will impact more than 4 billion people – roughly half the global population.<sup>19, 20</sup> More people have the opportunity to vote this year than in any other year in history, due both to the growing global population and the alignment of electoral calendars in several large countries, such as Bangladesh, India, Indonesia, Mexico, Pakistan, Russia, and the U.S. A third reason for heightened attention on the 2024 elections is their implications for democracy far beyond Election Day. Given the global state of democracy, this year poses both risks for further democratic backsliding and a deepening of autocratic power in a large number of countries, as well as opportunities for democratic recoveries or “bounce-backs.”<sup>21</sup>

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<sup>16</sup> “Election Security Grant.” Payments & Grants, U.S. Election Assistance Commission. <https://www.eac.gov/grants/election-security-funds>.

<sup>17</sup> “26th Amendment.” National Constitution Center. <https://constitutioncenter.org/interactive-constitution/amendment/amendment-xxvi>.

<sup>18</sup> “Register to Vote and Check or Change Registration.” USA.gov. <https://www.usa.gov/register-to-vote>.

<sup>19</sup> “2024 Elections.” ElectionGuide, International Foundation for Electoral Systems. October 10, 2024. <https://electionguide.org/electionresults/?years%5B%5D=2024>.

<sup>20</sup> Sen, Sumanta, and Mark John. 2024. “How this year of elections is set to reshape global politics.” Reuters, July 9, 2024. <https://www.reuters.com/graphics/GLOBAL-ELECTIONS2024/gdvzmkejkw/?eType=EmailBlastContent&eld=52132d99-e60f-4c6c-ae2d-b8d8d8d760da>.

<sup>21</sup> Nord, Marina, et al. 2024. *Democracy Report 2024: Democracy Winning and Losing at the Ballot*. University of Gothenburg: V-Dem Institute. March 2024. [https://www.v-dem.net/documents/43/v-dem\\_dr2024\\_lowres.pdf](https://www.v-dem.net/documents/43/v-dem_dr2024_lowres.pdf)

## 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 underrepresented in political life as both elected officials and voters.<sup>22</sup>

The Americans with Disabilities Act, which was passed in 1990 and revised in 2008, includes accessibility requirements for voter registration, polling site selection, and casting ballots. The Help America Vote Act ensures the right to vote privately and independently, and it requires all polling places to have at least one accessible voting machine and voting booth.<sup>23</sup>

The National Council on Independent Living compiled a [database](#) of incumbent elected officials and candidates with disabilities who ran campaigns for elected positions at the national, state, and local levels of government in 2022.<sup>24</sup> In that year, of the 767 candidates<sup>25</sup> running for 35 open seats in the Senate race, two candidates had disabilities. Among the 3,785 candidates<sup>26</sup> running for open seats in the House of Representatives, nine were candidates with disabilities. At the state level, 24 candidates with disabilities ran in the election.

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

A 2022 report by Rutgers University found that approximately one in seven voters with disabilities surveyed – including over half of voters with vision impairments – experienced difficulties while voting during the 2022 midterm elections.<sup>27</sup> Voters with disabilities who voted in person reported difficulties waiting in line and reading their ballots, while those who voted by mail most often experienced difficulties in receiving and reading their ballots.<sup>28</sup>

The 15th and 19th amendments to the U.S. 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.<sup>29</sup>

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<sup>22</sup> Aluri, Lilian and Rachita Singh. 2020. “The Fight for Accessible Voting During COVID-19.” American Association of People with Disabilities. September 22, 2020. <https://declarationforindependence.org/the-fight-for-accessible-voting-during-covid-19/>.

<sup>23</sup> Harris, Jason. 2020. “Voting Accessibility: Responsibilities and Rights,” February 6, 2020. <https://www.adaanniversary.org/blog/2020-02-voting-accessibility#content>.

<sup>24</sup> National Council on Independent Living. *Candidates with Disabilities Running for Elected Office in 2022*. <https://ncil.org/candidates/>.

<sup>25</sup> “Candidates for Senate.” Federal Election Commission. [https://www.fec.gov/data/candidates/senate/?election\\_year=2022&cycle=2022&election\\_full=true](https://www.fec.gov/data/candidates/senate/?election_year=2022&cycle=2022&election_full=true).

<sup>26</sup> “Candidates for House of Representatives.” Federal Election Commission. [https://www.fec.gov/data/candidates/house/?election\\_year=2022&election\\_full=True](https://www.fec.gov/data/candidates/house/?election_year=2022&election_full=True).

<sup>27</sup> Schur, Lisa, Douglas Kruse, Mason Ameri, and Meera Adya. 2023. “Disability and Voting Accessibility in the 2022 Elections.” U.S. Election Assistance Commission and Rutgers University, July 2023. [https://www.eac.gov/sites/default/files/2023-07/EAC\\_2023\\_Rutgers\\_Report\\_FINAL.pdf](https://www.eac.gov/sites/default/files/2023-07/EAC_2023_Rutgers_Report_FINAL.pdf).

<sup>28</sup> Ibid.

<sup>29</sup> U.S. Constitution, Amendments 11–27, <https://www.archives.gov/founding-docs/amendments-11-27>.



Beyond those prohibitions, however, the Constitution gives states the power to set qualifications for voting. Current restrictions in 35 states and D.C. prohibit people under guardianship or who have been disenfranchised by a court decision from exercising their right to vote, often solely on the basis of a medical diagnosis or legal guardianship status.<sup>30</sup> According to AARP, an estimated 1.5 million adults are under legal guardianship nationwide, but there is no data indicating how many people with disabilities have lost the right to vote due to their legal guardianship status.<sup>31</sup>

## **How many women candidates, elected officials, and voters are there?**

No woman has served as president of the United States. Of the two major parties, current Vice President Kamala D. Harris is a woman, and her running mate, Tim J. Walz, is a man. In 2020, Harris became the first woman, first Black American, and first Asian-American vice president. If she wins the 2024 election, she will become the first woman, the first Asian-American, and the second Black American president. The Republican nominee, former President Donald J. Trump, and vice presidential candidate, JD Vance, are both men.

The U.S. is currently ranked 75th of 190 countries in the Interparliamentary Union's ranking of women's participation in their legislatures.<sup>32</sup> The current 118th Congress has 535 seats, including 151 (28.2 percent) occupied by women; this includes 126 women (29 percent) in the House of Representatives and 25 women (25 percent) in the Senate.<sup>33</sup> Sixty women of color serve in the 118th Congress: four senators (one Black woman, one Latina woman, and two Asian Pacific Islander women). Of the 56 women members of the House of Representatives, 27 are Black women, 18 are Latina women; seven are Asian Pacific Islander women; two are Native American, Alaska Native, or Native Hawaiian women; one is a Middle Eastern or North African woman; and one is a multiracial woman.<sup>34</sup>

Women hold 99 of 310 available elected statewide executive offices (31.9 percent). Of those, 23 are women of color (10 Black women, seven Latina women, four Asian Pacific Islander women, one Native American or Native Alaskan woman, and one multiracial woman). Twelve women (24 percent) currently serve as governors across the 50 U.S. states, a record high, and 22 women (44 percent) serve as lieutenant governors across 45 states.<sup>35</sup> One woman of color serves as a governor, Michelle Lujan Grisham, a Latina woman from New Mexico, and eight women of color are lieutenant governors. Other elected statewide positions include attorney general, secretary of state, and state treasurer or chief financial officer. In state legislatures, women make up 2,424 of 7,386 positions (32.8 percent). Of those

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<sup>30</sup> Bazelon Center for Mental Health Law. 2020. *Guide to Voting Rights of People with Mental Disabilities*. <https://www.bazelon.org/wp-content/uploads/2020/10/Bazelon-2020-Voter-Guide-Full.pdf>.

<sup>31</sup> Jason Harris. 2020. Op. cit.

<sup>32</sup> "Monthly ranking of women in national parliaments." Interparliamentary Union. [https://data.ipu.org/women-ranking/?date\\_year=2024&date\\_month=09](https://data.ipu.org/women-ranking/?date_year=2024&date_month=09).

<sup>33</sup> "Women in Elective Office 2024." Center for American Women and Politics. <https://cawp.rutgers.edu/facts/current-numbers/women-elective-office-2024>.

<sup>34</sup> "Women Officeholders by Race and Ethnicity." Center for American Women and Politics. <https://cawpdata.rutgers.edu/women-elected-officials>.

<sup>35</sup> "Women in Elective Office 2024." Center for American Women and Politics. <https://cawp.rutgers.edu/facts/current-numbers/women-elective-office-2024>.

women, 706 are women of color, just 9.6 percent of all state legislators. Nevada is the only state that has a majority of women representatives, at 60 percent, followed by Arizona (50 percent) and Colorado (49 percent) to round out the three states with the highest proportion of women representatives. West Virginia (11.9 percent women representatives), Tennessee (15.2 percent), and Mississippi (15.5 percent) are the three states with the lowest proportion of women representatives.<sup>36</sup>

The 2024 elections will include fewer women candidates running for Congress than in 2022 and 2020.<sup>37</sup> In the upcoming Senate races, 50 women (23.4 percent of candidates) entered the race for 34 open seats, and 21 secured candidate nominations.<sup>38</sup> A total of 466 women (29.1 percent of candidates) entered the race for 435 open seats in the House of Representatives, and 256 secured nominations.<sup>39</sup>

The U.S. has no constitutional or legislative provisions for the equal participation of women and men (“gender quotas”) for the House of Representatives, Senate, or presidency.

Historically, women vote at slightly higher rates than their male counterparts. In a U.S. Census Bureau survey following the 2020 presidential election, 68.4 percent of eligible women reported voting versus 55 percent of eligible men.<sup>40</sup> Following the 2022 midterm elections, 55 percent of eligible women surveyed reported voting compared to 51.3 percent of eligible men.<sup>41</sup>

## **How many current elected officials or candidates in the 2024 general elections are members of the LGBTQI+ community?**

There are currently 1,303 openly LGBTQI+ elected officials in the U.S., or 0.25 percent of all elected positions nationwide, although LGBTQI+ people make up approximately 7.6 percent of the U.S. adult population.<sup>42</sup> In Congress, there are 12 openly LGBTQI+ elected officials, including three senators (all women) and nine representatives (three women and six men). All those members of Congress identify as part of a sexual minority (lesbian, bisexual, or gay); there are no openly transgender members of Congress.

Three current governors identify as gay, lesbian, or bisexual: Jared Polis of Colorado, Maura Healey of Massachusetts, and Tina Kotek of Oregon. Nine statewide executives out of 358 (2.5 percent) and 235 state legislators out of 7,572 (3.1 percent) identify as LGBTQI+.<sup>43</sup>

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<sup>36</sup> Ibid.

<sup>37</sup> “Post-Primary Analysis: Women in 2024 Congressional Elections.” Center for American Women and Politics. <https://cawp.rutgers.edu/blog/post-primary-analysis-women-2024-congressional-elections>.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

<sup>40</sup> “Voting and Registration in the Election of November 2020 – Table 1.” U.S. Census Bureau. April 2021. <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-585.html>.

<sup>41</sup> “Voting and Registration in the Elections of November 2022 – Table 1.” U.S. Census Bureau, April 2023. <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-586.html>.

<sup>42</sup> LGBTQ Victory Institute. *Out for America 2024*. <https://victoryinstitute.org/out-for-america-2024/>.

<sup>43</sup> Ibid.

The LGBTQI+ population continues to be severely underrepresented at all levels of government, and no legal provisions guarantee the representation of LGBTQI+ people in elected office in the U.S. However, LGBTQI+ people have demonstrated extremely high levels of electoral engagement in the run-up to the 2024 election. An estimated 95 percent of eligible LGBTQI+ citizens are registered to vote, compared to just 69 percent of eligible Americans in general. Approximately 94 percent of registered LGBTQI+ voters report that they will vote in the upcoming presidential election.<sup>44, 45</sup>

## **What provisions are in place to promote the equal participation of voters of color and voters who do not speak English?**

Several constitutional amendments and federal voting rights laws affirm and protect the right to vote for people of color<sup>46</sup> and for those who do not speak English. These include:

- The 15th Amendment, which (at least in statute) gave 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 U.S. Election Assistance Commission provides [a voter information flyer](#) in 20 languages and the [National Mail Voter Registration Form](#), which can be used to register to vote in most states, in 21 languages, including three Native American and Native Alaskan languages (Apache, Navajo, and Yup’ik Akuzipik).<sup>47</sup> People of color in the U.S. have long been underrepresented in federal, state, and local elections. Currently, people of color make up approximately 41 percent of the U.S. population and 25 percent of Congress, an all-time high on both counts.<sup>48</sup>

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<sup>44</sup> “LGBTQ+ Americans and the 2024 Election.” 2024. Human Rights Campaign Foundation. September 16, 2024. <https://www.hrc.org/press-releases/national-voter-registration-day-human-rights-campaign-foundation-report-finds-more-than-95-of-lgbtq-adults-are-registered-to-vote-nearly-75-are-very-motivated-to-vote-in-2024-elections>.

<sup>45</sup> “Election 2024: GLAAD’s Voter Poll Indicates Anti-Trans Campaigning is Failing.” GLAAD. March 7, 2024. <https://glaad.org/election-2024-voter-poll/>.

<sup>46</sup> 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.

<sup>47</sup> “Voter Accessibility Laws.” USA.gov, <https://www.usa.gov/voting-laws#item-212487>.

<sup>48</sup> Schaeffer, Katherine. 2023. “U.S. Congress continues to grow in racial, ethnic diversity.” Pew Research Center, January 9, 2023. <https://www.pewresearch.org/short-reads/2023/01/09/u-s-congress-continues-to-grow-in-racial-ethnic-diversity/>.

The Reflective Democracy Campaign has found that, since 2012, there has been a marked increase in candidates of color.<sup>49</sup> This includes:

- A 36 percent increase in women of color and 121 percent increase in men of color as candidates for the U.S. Senate between 2012 and 2020;
- A 184 percent increase in women of color and a 25 percent increase in men of color as candidates for the U.S. House of Representatives between 2012 and 2020; and
- A 68 percent increase in women of color and 1 percent increase in men of color as candidates for state legislature between 2012 and 2020.

These increases held especially true in the 2020 elections. In the 22 states that held primary elections before June 22, 2020, 30.6 percent of candidates for the House of Representative were people of color. In 2018, people of color in the same states made up 22.3 percent of candidates for the House of Representatives.<sup>50</sup> As of June 2020, 31.6 percent of candidates who won primaries, or advanced to run-offs, have been people of color. In comparison, in 2018 and 2016, around 25 percent of primary winners or run-off candidates were people of color.<sup>51</sup> In addition, at least 266 women of color are major-party candidates for Congress, including 248 candidates for the House of Representatives and 18 for the Senate, compared to the reported 179 women of color who ran in 2018.<sup>52</sup> Notably, Senator Kamala D. Harris, the Democratic party's 2020 vice presidential candidate, has since become the first woman of color to be nominated for national office by a major political party.<sup>53</sup>

Unlike the more significant demographic changes among congressional and state legislature nominees, there the demographics of gubernatorial candidates changed little in 2020. This November, gubernatorial elections will be held in 11 states and two territories. In the 11 states for which race data was available, people of color made up only 11 percent of 2020 major party candidates for governor. No gubernatorial nominees identify as women of color (down from 3 percent in 2018), and men of color comprise 11 percent of gubernatorial nominees (up from 9 percent in 2014).<sup>54</sup>

## Is out-of-country voting allowed?

Members of the 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 currently reside overseas, are permitted to vote via

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<sup>49</sup> Reflective Democracy Campaign. "Who is running on November 3rd? US Senate, House and State Legislature Candidates by Race & Gender." <https://wholeads.us/wp-content/uploads/2020/10/RDC-Briefing-Memo-Electoral-Landscape-2020-.pdf>.

<sup>50</sup> Fraga, Bernard. 2020. "The next Congress will probably be the most diverse ever." The Washington Post. June 22, 2020. <https://www.washingtonpost.com/politics/2020/06/22/next-congress-will-probably-be-most-diverse-ever/>.

<sup>51</sup> Ibid.

<sup>52</sup> Dittmar, Kelly. 2020. "What You Need to Know About the Record Numbers of Women Candidates in 2020." Center for American Women and Politics. August 10, 2020. <https://cawp.rutgers.edu/election-analysis/record-numbers-women-candidates-2020>.

<sup>53</sup> Burns, Alexander, and Katie Glueck. 2020. "Kamala Harris Is Biden's Choice for Vice President." The New York Times. August 11, 2020. <https://www.nytimes.com/2020/08/11/us/politics/kamala-harris-vp-biden.html>.

<sup>54</sup> "Gubernatorial elections, 2020." Ballotpedia. [https://ballotpedia.org/Gubernatorial\\_elections,\\_2020](https://ballotpedia.org/Gubernatorial_elections,_2020).

the absentee voting process. This right is enshrined in the Uniformed and Overseas Citizens Absentee Voting Act of 1986. U.S. citizens who currently reside overseas and 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.<sup>55, 56</sup> In 2022, out-of-country voters cast 94,927 ballots. Out-of-country voter turnout rates are typically far lower than in-country rates, ranging from a recent low of 3.4 percent in the 2022 midterm elections to 9.2 percent in the 2016 presidential election.<sup>57</sup>

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

Due to the high level of decentralization in the U.S. electoral process, rules governing election observation vary not just by state but by counties within states (of which there are 3,144).<sup>58</sup> Many types of groups may observe U.S. elections, including partisan citizen observers (e.g., candidates and political parties), nonpartisan citizen observers, international nonpartisan 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.<sup>59</sup>

As with rules governing who may observe elections on Election Day, accreditation processes for U.S. election observers is highly decentralized, and often they are not formalized in electoral law or regulations. While most states have a formal process for accrediting or appointing partisan citizen observers, most do not have an accreditation or appointment process for nonpartisan observer groups.<sup>60</sup>

## **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 a candidate or party but that spend money on their behalf – commonly called political action committees (PACs) – may spend as much as they choose.

There are federally prescribed limits to what an individual can contribute to a campaign. As of 2024, individuals may not donate more than \$3,300 per election to a federal candidate or his or her campaign

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<sup>55</sup> “Absentee and Early Voting.” USA.gov. <https://www.usa.gov/absentee-voting>.

<sup>56</sup> “United States.” *Voting from Abroad Database*. International IDEA. <https://www.idea.int/data-tools/country-view/295/52>.

<sup>57</sup> Federal Voting Assistance Program. *2022 Overseas Citizen Population Analysis (OCPA) Technical Report*. 2023. [https://www.fvap.gov/uploads/FVAP/Reports/2022-OCPA-Report\\_Combined\\_Final\\_20230925.pdf](https://www.fvap.gov/uploads/FVAP/Reports/2022-OCPA-Report_Combined_Final_20230925.pdf).

<sup>58</sup> U.S. Census Bureau. “More Counties Saw Population Gains in 2023.” March 14, 2024. <https://www.census.gov/newsroom/press-releases/2024/population-estimates-more-counties-population-gains-2023.html>.

<sup>59</sup> “Policies for Election Observers.” National Conference of State Legislatures. May 29, 2024. <http://www.ncsl.org/research/elections-and-campaigns/policies-for-election-observers.aspx>.

<sup>60</sup> Ibid.

committee; \$5,000 per calendar year to a PAC (other than “super PACs”); \$10,000 per calendar year to a state or local party committee; and \$41,300 per calendar year to a national party committee.<sup>61</sup>

While fairly strict regulations limit the amount of money that individuals and PACs can contribute to a campaign or political party committee, individual candidates are not limited in the amount they can spend on their own campaigns, and corporations and trade unions are not limited in the amount they can 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 to support or oppose political candidates, but they must report their donors to the Federal Election Commission (FEC), and they may not donate money directly to candidates.<sup>62, 63</sup> According to FEC regulations, super PACs “may not accept contributions from foreign nationals, federal contractors, national banks or federally chartered corporations.”<sup>64</sup>

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 those campaigns, are determined at the state level.

## When will official results be announced?

Unofficial election results are typically announced on Election Night as polls close. Those results become official once states certify them; the date of certification depends on each state’s relevant laws. Some states may schedule potential run-off elections after November 5, and those results will be made official later than the results from the first round. However, delays in verifying mail-in ballots for the 2024 elections may slow some states’ results by days or weeks. Whereas some states pre-process mail-in ballots weeks in advance, others are only allowed to begin counting these ballots on Election Day.<sup>65</sup> In 14 states and D.C., mail-in ballot counting will not begin until after polls close on November 5.<sup>66</sup> Each state will count and certify the vote according to its respective timeline and statutory and procedural requirements, and all results will be made official in November or December.

For the presidential race, electors participating in the election for each state meet in their respective state capitals and, based on the certified state results of the election, vote for president. This occurs on

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<sup>61</sup> Federal Election Commission. *Citizens’ Guide*. <https://www.fec.gov/introduction-campaign-finance/understanding-ways-support-federal-candidates/>.

<sup>62</sup> Hall, Thad E. *Primer on the U.S. Election System*. IFES. 2016. [https://www.ifes.org/sites/default/files/2016\\_USEP\\_Primer\\_FINAL\\_English.pdf](https://www.ifes.org/sites/default/files/2016_USEP_Primer_FINAL_English.pdf).

<sup>63</sup> Federal Election Commission. “Making disbursements as a PAC.” FEC.gov. <https://www.fec.gov/help-candidates-and-committees/making-disbursements-pac/>.

<sup>64</sup> Federal Election Commission. “Who can and can’t contribute to a nonconnected PAC.” FEC.gov. <https://www.fec.gov/help-candidates-and-committees/taking-receipts-pac/who-can-and-cant-contribute-nonconnected-pac/>.

<sup>65</sup> Corasaniti, Nick, and Denise Lu. 2020. “How Quickly Will Your Absentee Vote Be Counted? A State-by-State Timeline.” *The New York Times*. October 13, 2020. <https://www.nytimes.com/interactive/2020/10/13/us/politics/when-votes-counted.html>.

<sup>66</sup> “Table 16: When Absentee/Mail Ballot Processing and Counting Can Begin.” National Conference of State Legislatures. September 23, 2024. <https://www.ncsl.org/elections-and-campaigns/table-16-when-absentee-mail-ballot-processing-and-counting-can-begin#toggleContent-12088>.

the first Monday after the second Wednesday in December (3 U.S. §5), which is December 16 this year. Importantly, each state must resolve any controversies in its election results and have its elections finalized and electors chosen by the “safe harbor” date (3 U.S. §5), which is December 10 this year. On January 6, the Senate and House of Representatives will assemble in a joint session and count the electoral votes and declare the results (3 U.S. §15).

In the event that the Electoral College’s results are inconclusive when it meets on December 16 – for example, if no candidate receives a majority of the electoral votes – the Constitution provides for resolution of the election by Congress.<sup>67</sup> The new Congress will take office on January 3, 2024 (2 U.S. §7), and the new president will take office on January 20 (3 U.S. §101).

## How will election disputes be adjudicated?

Because of the decentralized nature of election administration in the U.S., there is no single centralized process for submitting election complaints. Each state has the authority to administer elections within its jurisdiction – even for federal office.<sup>68</sup> Therefore, the procedures, rules, and deadlines for the adjudication of election complaints can be found in state laws and may vary substantially across jurisdictions.<sup>69</sup>

For disputes regarding the presidential election, complaints are brought to state courts according to their respective laws and rules of procedure. Cases can then be appealed to the U.S. Supreme Court. The process for congressional elections is more complicated. According to the Constitution, the House of Representatives and the Senate have the authority to arbitrate electoral disputes for the election of their respective members.<sup>70</sup> Divergent and ambiguous interpretation of this provision has led to divisions among states, with the majority allowing congressional election contests to proceed in state courts, others prohibiting judicial jurisdiction altogether, and still others adopting a hybrid approach.<sup>71</sup>

However, some centralized processes exist for specific types of violations of federal legislation pertaining to elections. For example, if individuals suspect a violation of federal voting rights laws – including voter intimidation or suppression – they may report it to the Department of Justice by completing an [Election Complaint Report](#),<sup>72</sup> or they may report it to their state or local election office.<sup>73</sup> Similarly, complaints related to federal campaign finance laws or regulations can be filed with the [Federal Election Commission](#).

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<sup>67</sup> U.S. Constitution, Amendment XII. <https://www.archives.gov/founding-docs/amendments-11-27>.

<sup>68</sup> U.S. Constitution, Article I, Section IV; Article II, Section I.

<sup>69</sup> Maskell, Jack. 2016. “Legal Processes for Contesting the Results of a Presidential Election.” Congressional Research Service. P. 3 <https://fas.org/sgp/crs/misc/R44659.pdf>. Examples of differing state procedures are found on pp. 3–7).

<sup>70</sup> U.S. Constitution, Article I, Section V. <https://www.archives.gov/founding-docs/constitution-transcript>.

<sup>71</sup> Manheim, Lisa Marshall. 2017. “Judging Congressional Elections.” Georgia Law Review. <https://digitalcommons.law.uw.edu/cgi/viewcontent.cgi?article=1180&context=faculty-articles>.

<sup>72</sup> “Voter Accessibility Laws. USA.gov. <https://www.usa.gov/voting-laws#item-212487>.

<sup>73</sup> However, not all state or local election offices have an established complaints process.

The 2020 elections yielded an unprecedented amount of electoral litigation, including over 600 cases and appeals linked to COVID-related election adaptations and several cases disputing presidential election results.<sup>74, 75</sup> The 2024 election cycle has already seen a Supreme Court ruling on presidential candidate eligibility,<sup>76</sup> and both presidential campaigns are preparing legal teams for post-Election Day disputes, in addition to monitoring Election Day activity and ballot counting.

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<sup>74</sup> COVID-Related Election Litigation Tracker. Stanford-MIT Health Elections Project. <https://healthyelections-case-tracker.stanford.edu/cases>.

<sup>75</sup> Goins, Frances, and Lauren Garretson. 2022. "Litigation in the 2020 Election." American Bar Association Standing Committee on Election Law. October 27, 2022. [https://www.americanbar.org/groups/public\\_interest/election\\_law/litigation/](https://www.americanbar.org/groups/public_interest/election_law/litigation/)

<sup>76</sup> Trump v. Anderson. U.S. Supreme Court. March 4, 2024. [https://www.supremecourt.gov/opinions/23pdf/23-719\\_19m2.pdf](https://www.supremecourt.gov/opinions/23pdf/23-719_19m2.pdf).



## Resources

- [Census Data on the 2022 Midterm Election](#)
- [Congressional Research Service's \*Legal Processes for Contesting the Results of a Presidential Election\*](#)
- [Department of Justice's Election Complaint Report](#)
- [Election Assistance Commission's Voter's Guide to Federal Elections](#) (available in Amharic, Apache, Arabic, Bengali, Chinese, French, Haitian Creole, Hindi, Japanese, Khmer, Korean, Navajo, Polish, Portuguese, Russian, Somali, Spanish, Tagalog, Vietnamese, and Yup'ik-Akuzipik)
- [Federal Election Commission Guide on Campaign Finance](#)
- [Federal Election Commission Website](#)
- [Help America Vote Act Spending by State](#)
- [International Foundation for Electoral Systems' 2016 \*Primer on the U.S. Election System\*](#) (available in Arabic, English, French, and Spanish)
- [International Foundation for Electoral Systems' Frequently Asked Questions on \*Elections in the United States: 2020 General Elections\*](#)
- [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](#)

## Disclosure

These FAQs reflect decisions made by U.S. election authorities as of October 25, 2024, to the best of our knowledge. This document does not represent any International Foundation for Electoral Systems policy or technical recommendations.