



International Foundation
for Electoral Systems

Elections in the United States

2020 General Elections

Frequently Asked Questions

United States

International Foundation for Electoral Systems

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

October 19, 2020

Frequently Asked Questions

| | |
|---|----|
| When is Election Day? | 1 |
| Why are these elections important? | 1 |
| Who are citizens voting for on Election Day? | 2 |
| What is the United States’ electoral system? | 2 |
| How are elections administered? | 3 |
| How are election management bodies strengthening their technology and procedures to increase security and counter interference? | 3 |
| Who can vote in these elections? | 4 |
| Why is this election being called the “year of the young”? | 4 |
| What provisions are in place to guarantee equal access to the electoral process for persons with disabilities? | 5 |
| What is the level of women’s representation among candidates, elected officials and voters? | 6 |
| How many current elected officials or candidates in the 2020 general elections are members of the LGBTQ community? | 7 |
| What provisions are in place to promote the equal participation of voters of color and voters who do not speak English? | 8 |
| Is out-of-country voting allowed? | 9 |
| What are election authorities doing to safeguard the elections and voters during the COVID-19 pandemic? | 10 |
| Who can observe during Election Day? How can they get accreditation? | 11 |
| What are the campaign expenditure and donation limits? | 11 |
| When will official results be announced? | 12 |
| How will election disputes be adjudicated? | 13 |
| Resources | 14 |
| Disclosure | 14 |

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 3, 2020.³

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.

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.⁵ In some states, voters are permitted to cast an absentee ballot in person at a satellite voting location through a process known as *in-person absentee voting*.⁶ In 2016, there were more than 200,000 polling stations, including 79,417 in-person early voting locations, staffed by more than 600,000 poll workers.⁷

As of October 6, more than 4 million Americans had already voted, more than 50 times the 75,000 who had voted at that point in 2016.⁸ The expansion of early and absentee voting in many states during the COVID-19 pandemic and a high interest in the presidential election have driven much of the increase.

Why are these elections important?

The 2020 elections have the potential to shift the balance of power across the executive, legislative and judicial branches. President Donald Trump and the Republican Party currently control the presidency and a majority in the Senate, while the Democratic Party controls a majority of the House of Representatives. With the passing of Justice Ruth Bader Ginsburg in September, the Supreme Court

¹ U.S. Constitution, Article I, Section 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 "Voting on Election Day," USA.gov, <https://www.usa.gov/election-day>.

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

⁶ Ibid.

⁷ U.S. Election Assistance Commission, *2018 Election Administration and Voting Survey Report*, <https://www.eac.gov/research-and-data/studies-and-reports>.

⁸ Pew Research Center, "Election 2020: Voters Are Highly Engaged, but Nearly Half Expect To Have Difficulties Voting," August 13, 2020, <https://www.pewresearch.org/politics/2020/08/13/election-2020-voters-are-highly-engaged-but-nearly-half-expect-to-have-difficulties-voting/>.

currently has one vacant seat. At the time of this writing, confirmation hearings for a new Justice are ongoing in the Senate.

These will also be the first general elections to take place during a pandemic in the United States since the 1918 midterm elections, which were conducted amid an influenza outbreak. The United States currently has the world's highest numbers of confirmed COVID-19 infections and deaths, at more than 7 million and 208,000 respectively.⁹ COVID-19's economic impact will be a key factor in voters' choices on the ballot; Gallup has found that the proportion of voters saying the economy is extremely important rose from 30 to 45 percent between December 2019 and September 2020. Voters' other top concerns include terrorism, national security, education, health care, crime and race relations.¹⁰

Who are citizens voting for on Election Day?

During this year's general elections, citizens will vote for the president and vice president, all 435 members of the House of Representatives and 35 members of the Senate. The Senate races include special elections in Georgia and Arizona. In addition to voting for members of Congress, citizens will vote for many state and local representatives, including 11 governors.

The two presidential candidates are incumbent President Donald J. Trump and former Vice President Joseph R. Biden. Their respective running mates are current Vice President Michael R. Pence and Senator Kamala D. Harris.

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

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 a U.S. resident for 14 years.¹¹

⁹ Carla K. Johnson and Jim Salter, "Trump's diagnosis shows US vulnerability to the coronavirus," Associated Press, October 3, 2020, <https://apnews.com/article/virus-outbreak-donald-trump-melania-trump-archive-5dd4bc14b74361d8f926f5cb69b8fe23>.

¹⁰ Megan Brenan, "Economy Tops Voters' List of Key Election Issues," Gallup, October 5, 2020, <https://news.gallup.com/poll/321617/economy-tops-voters-list-key-election-issues.aspx>.

¹¹ U.S. Constitution, Article II, Section I.

Senate: The Senate is made up of 100 members – two from each state – elected by plurality vote in multimember 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.¹²

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.¹³

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).¹⁴

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 2020, \$425 million in new funding was made available under HAVA for states to improve their electoral security.¹⁵ 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.

¹² U.S. Constitution, Article I, Section III.

¹³ U.S. Constitution, Article I, Section II.

¹⁴ “Governors’ Power & Authority,” National Governors Association, <https://www.nga.org/management/powers-and-authority/>.

¹⁵ “Election Security Funds,” Payments & Grants, U.S. Election Assistance Commission, <https://www.eac.gov/payments-and-grants/election-security-funds>.

Who can vote in these elections?

United States (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 18.¹⁶ 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 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.¹⁷

Why is this election being called the “year of the young”?

Given demographic changes in the United States, political analysts believe that eligible millennial and Generation Z voters could make up about 37 percent of overall voters¹⁸ and heavily influence the November election. The Center for Information and Research on Civic Learning and Engagement (CIRCLE) estimates that more than 15 million people have reached the voting age since 2016.¹⁹ In August, CIRCLE reported that voter registration for young people ages 18 to 24 was higher in 20 states compared to registration numbers in the 2016 presidential election.²⁰ Of further interest is data from the Pew Research Center, which states that eligible Generation Z voters are more racially and ethnically diverse than years prior with estimates of voters to be “55% white and 45% nonwhite, including 21% Hispanic, 14% black, and 4% Asian or Pacific Islander.”²¹ While voter registration does not equate to voter turnout, researchers contend that the high rates of young voters registering coupled with the momentum of the record-high youth turnout in 2018 midterm election²² and recent youth-led social movements could profoundly impact the election results.

¹⁶ “26th Amendment,” National Constitution Center, <https://constitutioncenter.org/interactive-constitution/amendment/amendment-xxvi>.

¹⁷ “Register to Vote and Check or Change Registration,” USA.gov, <https://www.usa.gov/register-to-vote>.

¹⁸ “‘Our country is in a state of emergency.’ First-time voters reflect on why they are voting in 2020,” <https://www.pbs.org/newshour/politics/our-country-is-in-a-state-of-emergency-first-time-voters-reflect-on-why-they-are-voting-in-2020>.

¹⁹ “Growing Voters: A Profile of the Youngest Eligible Voters in 2020,” <https://circle.tufts.edu/latest-research/growing-voters-profile-youngest-eligible-voters-2020>.

²⁰ “Youth Voter Registration Already Above or Closing In on 2016 Election Levels,” <https://circle.tufts.edu/latest-research/youth-voter-registration-already-above-or-closing-2016-election-levels>.

²¹ Anthony Cilluffo and Richard Fry, “An early look at the 2020 electorate,” <https://www.pewsocialtrends.org/essay/an-early-look-at-the-2020-electorate/>.

²² Ibid.

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 elected officials and voters.²³

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 a ballot. The Help America Vote Act, enacted in 2002, ensures the right to vote privately and independently, and requires that all polling places must have at least one accessible voting machine and voting booth.²⁴

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 2020.²⁵ Of the 531 candidates²⁶ running for 35 open seats in the upcoming Senate race, there is one candidate with a disability. Among the 3,354 candidates²⁷ running for open seats in the House of Representatives, four are candidates with disabilities. At the state level, 10 candidates with disabilities are running in the upcoming general elections.

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 the House of Representatives, Senate or presidency.

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.²⁸ The most common impediments included steep ramps located outside buildings, lack of signs indicating accessible paths, and poor parking or path surfaces.²⁹

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.³⁰ Beyond 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 who

²³ Lilian Aluri and Rachita Singh, “The Fight for Accessible Voting During COVID-19,” American Association of People with Disabilities, 2020, <https://declarationforindependence.org/the-fight-for-accessible-voting-during-covid-19/>.

²⁴ Jason Harris, “Voting Accessibility: Responsibilities and Rights,” February 6, 2020, <https://www.adaanniversary.org/blog/2020-02-voting-accessibility#content>.

²⁵ National Council on Independent Living, *Candidates with Disabilities Running for Office*, October 14, 2020, <https://ncil.org/candidates/>.

²⁶ “Candidates for Senate,” Federal Election Commission, https://www.fec.gov/data/candidates/senate/?election_year=2020&cycle=2020&election_full=true.

²⁷ “Candidates for House of Representatives,” Federal Election Commission, https://www.fec.gov/data/candidates/house/?election_year=2020&election_full=True.

²⁸ “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>.

²⁹ Ibid.

³⁰ U.S. Constitution, Amendments 11-27, <https://www.archives.gov/founding-docs/amendments-11-27>.

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.³¹ 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 their right to vote due to their legal guardianship status.³²

What is the level of women’s representation among candidates, elected officials and voters?

There have been no women presidents in United States (U.S.) history. Of the two major parties, current President Donald J. Trump and Vice President Michael R. Pence, who are the Republican nominees, are both men. The Democratic nominee for president, Joseph R. Biden, is a man and his running mate, Kamala D. Harris, is a woman. She is the first African American, the first Asian American, and the third woman vice presidential running mate on a major party ticket. If she is successful, she will be the first woman vice president in U.S. history.

The U.S. is currently ranked 87 out of 190 countries in the Interparliamentary Union’s rank of women’s participation in the legislature.³³ The current, 116th Congress has 535 seats, including 127 occupied by women or 23.7 percent; this includes 101 women (23.2 percent) in the House of Representatives and 26 women (26 percent) in the Senate.³⁴ There are 48 women of color serving in the 116th Congress: four senators (one Latina woman, two Asian Pacific Islander women and one multiracial woman, Harris, who is the Democratic nominee for vice president) and 44 members of the House of Representatives. Of these 44 representatives, 22 are Black women, 12 are Latina women, six are Asian Pacific Islander women, two are Middle Eastern/North African women and two are Native American/Native Alaskan women.³⁵

Out of 311 available elected statewide offices, women hold 90 of these positions (28.9 percent), 16 of whom are women of color (five Black women, six Latina women, three Asian Pacific Islander women, one Native American/Native Alaskan woman in Minnesota and one multiracial woman in Delaware). There are currently nine women (18 percent) serving as governors across 50 U.S. states and 15 women (33.3 percent) serving as lieutenant governors across 45 states.³⁶ There is one woman of color serving as governor, Michelle Lujan Grisham, a Latina woman from New Mexico, and four women of color serving

³¹ Bazelon Center for Mental Health Law, *Guide to Voting Rights of People with Mental Disabilities*, 2016, <https://secureservercdn.net/198.71.233.254/d25.2ac.myftpupload.com/wp-content/uploads/2018/10/2018-Voter-Guide-plain-language-Updated.pdf>.

³² Jason Harris, “Voting Accessibility: Responsibilities and Rights,” February 6, 2020, <https://www.adaanniversary.org/blog/2020-02-voting-accessibility#content>.

³³ “Monthly ranking of women in national parliaments,” Interparliamentary Union, <https://data.ipu.org/women-ranking?month=10&year=2020>.

³⁴ “Women in Elective Office 2020,” Center for American Women and Politics, <https://cawp.rutgers.edu/women-elective-office-2020>.

³⁵ “Women of Color in Elective Office 2020,” Center for American Women and Politics, <https://cawp.rutgers.edu/women-color-elective-office-2020>.

³⁶ “Women in Elective Office 2020,” Center for American Women and Politics, <https://cawp.rutgers.edu/women-elective-office-2020>.

as 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 2,161 of 7,383 positions, or 29.3 percent. Of those women, 550 are women of color, just 7.4 percent of all state legislators. Nevada is the only state that has a majority of women representatives, or 54 percent, followed by Colorado (44 percent) and Oregon (42.2 percent) to represent the three states with the highest proportion of women representatives. West Virginia (13.4 percent women representatives), Tennessee (15.2 percent), and Wyoming (15.6 percent) represent the three states where the proportion of women representatives is the lowest.³⁷

The 2020 elections will include record numbers of women candidates running for Congress.³⁸ In the upcoming Senate races, 60 women are running for 35 open seats, or 23.9 percent of all Senate candidates.³⁹ There are 583 women running for the 435 open seats in the House of Representatives, or 29.1 percent of all candidates.⁴⁰

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

Historically, women have higher voter turnout than their male counterparts. In the last presidential elections in 2016, 63 percent of eligible women voters versus 59 percent of male eligible voters reported voting.⁴¹ In the 2018 midterm elections, 55 percent of eligible women voters versus 51.8 percent of male eligible voters reported voting.⁴²

How many current elected officials or candidates in the 2020 general elections are members of the LGBTQ community?

There are currently 843 openly LGBTQ elected officials in the United States, or 0.17 percent of all elected positions nationwide, though LGBTQ people make up 4.5 percent of the U.S. population.⁴³ In Congress, there are nine openly LGBTQ elected officials, including two senators (both women) and seven representatives (two women and five men). All of these members of Congress identify as part of a sexual minority (lesbian, bisexual or gay); there are no openly transgender members of Congress.

³⁷ Ibid.

³⁸ “What You Need to Know About the Record Numbers of Women Candidates in 2020,” Center for American Women and Politics, <https://cawp.rutgers.edu/election-analysis/record-numbers-women-candidates-2020>.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Ruth Egielnik, “Men and women in the U.S. continue to differ in voter turnout rate, party identification,” Pew Research Center, August 18, 2020, <https://www.pewresearch.org/fact-tank/2020/08/18/men-and-women-in-the-u-s-continue-to-differ-in-voter-turnout-rate-party-identification/>.

⁴² Hannah Hartig, “In year of record midterm turnout, women continued to vote at higher rates than men,” Pew Research Center, May 3, 2019, <https://www.pewresearch.org/fact-tank/2019/05/03/in-year-of-record-midterm-turnout-women-continued-to-vote-at-higher-rates-than-men/>.

⁴³ “Out for America 2020,” LGTBQ Victory Institute, <https://victoryinstitute.org/out-for-america-2020/>.

There are currently two governors who identify as gay, lesbian or bisexual: Jared Polis of Colorado and Kate Brown of Oregon. Six statewide executives out of 296 (2 percent) identify as LGBTQ and 160 state legislators out of 7,383 (2.2 percent) identify as LGBTQ.⁴⁴

In the upcoming general elections, 850 LGBTQ candidates are running for elected office.⁴⁵ The 2020 general elections will represent a record-high number of LGBTQ candidates, despite the fact that the LGBTQ population continues to be severely underrepresented at all levels of government.⁴⁶

There are no legal provisions that guarantee the representation of LGBTQ people in elected office.

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 have been put in place to affirm and protect the right to vote for people of color⁴⁷ and for those who do not speak English. 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 12 languages and the [National Mail Voter Registration Form](#), which can be used to register to vote in most states, in 15 languages.⁴⁸ People of color in the U.S. have long been underrepresented in federal, state and local elections. Currently, people of color make up approximately 39 percent of the U.S. population and only approximately 22 percent of Congress.⁴⁹

⁴⁴ Ibid.

⁴⁵ David Crary, "Record number of LGBTQ candidates running for office in US," Washington Post, July 16, 2020, https://www.washingtonpost.com/politics/record-number-of-lgbtq-candidates-running-for-office-in-us/2020/07/16/27a2229e-c75d-11ea-a825-8722004e4150_story.html.

⁴⁶ Ibid.

⁴⁷ 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.

⁴⁸ "Voter Accessibility Laws," USA.gov, <https://www.usa.gov/voting-laws#item-212487>.

⁴⁹ Kristen Bialik, "For the fifth time in a row, the new Congress is the most racially and ethnically diverse ever," Pew Research Center, February 8, 2019, <https://www.pewresearch.org/fact-tank/2019/02/08/for-the-fifth-time-in-a-row-the-new-congress-is-the-most-racially-and-ethnically-diverse-ever/>.

The Reflective Democracy Campaign has found that since 2012, there has been a marked increase in candidates of color.⁵⁰

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

This increase holds especially true, in the 2020 elections. In the 22 states that held primary elections before June 22, 2020, 30.6 percent of House candidates were people of color. In 2018, people of color in the same states made up 22.3 percent of House candidates.⁵¹ As of June 2020, 31.6 percent of candidates winning primaries, or advancing to run-offs, have been people of color – whereas in 2018 and 2016, around 25 percent of primary winners or run-off candidates were people of color.⁵² In addition, at least 266 women of color are major-party candidates for Congress, including 248 candidates for the House and 18 candidates for the Senate – as compared to the reported 179 women of color who ran in 2018.⁵³ Notably, Senator Kamala Harris, the Democratic party’s vice presidential candidate, is the first woman of color to be nominated for national office by a major political party.⁵⁴

Unlike the more significant demographic changes in congressional and state legislature nominees, there has been little change in the demographics of gubernatorial candidates 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 make 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).⁵⁵

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

⁵⁰ 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>

⁵¹ Bernard Fraga, “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/>.

⁵² Ibid.

⁵³ Kelly Dittmar, “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>.

⁵⁴ Alexander Burns and Katie Glueck, “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>.

⁵⁵ “Gubernatorial elections, 2020,” Ballotpedia, https://ballotpedia.org/Gubernatorial_elections,_2020.

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.^{56, 57} In 2018, out-of-country voters received 135,507 ballots.⁵⁸

What are election authorities doing to safeguard the elections and voters during the COVID-19 pandemic?

Because each state administers its own elections, election authorities' responses to COVID-19 have varied widely. As COVID-19 spread across the United States, many states postponed primary elections and expanded absentee and vote-by-mail options. Other states continued to hold in-person elections, taking various measures to safeguard the health of voters and election workers. The Centers for Disease Control and Prevention and Election Assistance Commission released guidance for election officials, poll workers and voters on preventing the spread of COVID-19, including potential changes to operations, procedures and facilities.⁵⁹ CDC guidelines include, for example, the proper use of face masks, frequent and thorough hand hygiene, social distancing, disinfection of shared surfaces and equipment, and ventilation of polling stations.

By October 6, more than 4 million Americans had already voted in the general elections, more than 50 times the number who had voted at that point in 2016.⁶⁰ Much of the increase has been attributed to the expansion of early and absentee voting in many states and a high interest in the presidential election.

At the same time, COVID-19 has posed some obstacles to voting. Ahead of the 2018 midterm elections, 85 percent of registered U.S. voters said it would be easy to vote in that year's elections. A survey conducted in July and August 2020 found that just 50 percent of registered voters say it will be very or somewhat easy to vote in the 2020 elections and 49 percent expect to have difficulties voting.⁶¹

⁵⁶ "Absentee and Early Voting," USA.gov, <https://www.usa.gov/absentee-voting>.

⁵⁷ "United States," *Voting from Abroad Database*, International IDEA, <https://www.idea.int/data-tools/country-view/295/52>.

⁵⁸ "Overseas Citizen Population Analysis Report," Federal Voting Assistance Program, <https://www.fvap.gov/info/reports-surveys/overseas-citizen-population-analysis>.

⁵⁹ Centers for Disease Control and Prevention and Election Assistance Commission, "Considerations for Election Polling Locations and Voters," June 22, 2020, https://www.eac.gov/sites/default/files/electionofficials/coronavirus/Considerations_for_Election_Polling_Locations_and_Voters_CDC_EAC%20Guidance.pdf.

⁶⁰ Pew Research Center, "Election 2020: Voters Are Highly Engaged, but Nearly Half Expect To Have Difficulties Voting," August 13, 2020, <https://www.pewresearch.org/politics/2020/08/13/election-2020-voters-are-highly-engaged-but-nearly-half-expect-to-have-difficulties-voting/>.

⁶¹ Ibid.

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 3,141.⁶² There are many types of groups who may observe U.S. elections, including: partisan citizen observers (e.g. candidates, 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.⁶³

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.⁶⁴

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 \$2,800 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, \$35,500 per calendar year to a national party committee or \$100 in cash to any political committee.⁶⁵

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

⁶² “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>.

⁶³ “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>.

⁶⁴ Ibid.

⁶⁵ Federal Election Commission, *Citizens’ Guide*, <https://www.fec.gov/introduction-campaign-finance/understanding-ways-support-federal-candidates/>.

to candidates.^{66, 67} According to the FEC’s regulations, super PACs “may not accept contributions from foreign nationals, federal contractors, national banks or federally chartered corporations.”⁶⁸

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?

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 have potential run-off elections scheduled after November 3, and those results would not be made official until later than the results from the first round. However, delays in verifying mail-in ballots for the 2020 elections may slow some states’ results by days or weeks. Whereas some states preprocess mail-in ballots weeks in advance, others are only allowed to begin counting these ballots on Election Day.⁶⁹ In 16 states, mail-in ballot counting will not begin until after polls close on November 3.⁷⁰ Each state will count and certify the vote according to their respective timeline, 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 “the first Monday after the second Wednesday in December” (3 U.S. §5), which will be on December 14 this year. Importantly, each state must resolve any controversies in their election results and have their elections finalized and electors chosen by the “safe harbor” date (3 U.S. §5), which is December 8 this year. On January 6, the Senate and House of Representatives 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 14 – for example, if no candidate receives a majority of the electoral votes – the Constitution provides for resolution of the election by Congress.⁷¹ The new Congress will take office January 3, 2021, and the new president will take office January 20.

⁶⁶ 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.

⁶⁷ 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/>.

⁶⁸ Federal Election Commission, “Who can and can’t contribute to a nonconnected PAC,” FEC.gov, accessed October 8, 2020, <https://www.fec.gov/help-candidates-and-committees/taking-receipts-pac/who-can-and-cant-contribute-nonconnected-pac/>.

⁶⁹ Nick Corasaniti and Denise Lu, “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>.

⁷⁰ “When states can begin processing and counting absentee/mail-in ballots, 2020,” Ballotpedia, https://ballotpedia.org/When_states_can_begin_processing_and_counting_absentee/mail-in_ballots_2020.

⁷¹ U.S. Constitution, Amendment XII, <https://www.archives.gov/founding-docs/amendments-11-27>.

How will election disputes be adjudicated?

Because of the decentralized nature of election administration in the United States, there is no single centralized process for submitting election complaints. Individual states have the authority to administer elections within their jurisdiction – even for federal office.⁷² Therefore, the procedures, rules and deadlines for the adjudication of election complaints can be found in state law and may vary substantially across jurisdictions.⁷³

For disputes regarding the presidential election, complaints are brought to state courts according to respective state law and rules of procedure. Cases can then be appealed to the U.S. Supreme Court. On the other hand, the process is more complicated for congressional elections. According to the Constitution, the House of Representatives and the Senate have the authority to arbitrate electoral disputes for the election of their members, respectively.⁷⁴ Divergent and ambiguous interpretation of this provision has led to a division 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.⁷⁵

However, there are some centralized processes 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](#)⁷⁶ or they may contact and report it to their state or local election office.⁷⁷ Similarly, complaints relating to federal campaign finance laws or regulations can be filed with the [Federal Election Commission](#).

Both presidential campaigns are preparing legal teams for post-Election Day disputes, in addition to monitoring Election Day activity and ballot counting. Many observers anticipate an unprecedented amount of litigation for the 2020 elections – in part due to changes in voting processes in response to COVID-19. Several universities and publications are tracking ongoing election litigation, including [SCOTUSblog](#), [The Ohio State University](#) and the [Stanford-MIT Healthy Elections Project](#).

⁷² U.S. Constitution, Article I Section IV, Article II Section I.

⁷³ Jack Maskell, “Legal Processes for Contesting the Results of a Presidential Election,” Congressional Research Service (2016), p. 3 <https://fas.org/sgp/crs/misc/R44659.pdf> (examples of differing state procedures can be found on pp. 3-7).

⁷⁴ U.S. Constitution, Article I, Section V, <https://www.archives.gov/founding-docs/constitution-transcript>.

⁷⁵ Lisa Marshall Manheim, “Judging Congressional Elections,” Georgia Law Review (2017), <https://digitalcommons.law.uw.edu/cgi/viewcontent.cgi?article=1180&context=faculty-articles>.

⁷⁶ “Voter Accessibility Laws,” USA.gov, <https://www.usa.gov/voting-laws#item-212487>.

⁷⁷ However, not all state or local election offices have an established complaints process.

Resources

- [Census Data on the 2018 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 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' 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: 2018 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 the United States election authorities as of October 19, 2020, to the best of our knowledge. This document does not represent any International Foundation for Electoral Systems policy or technical recommendations.