



FROM: Campaign Legal Center
TO: New Hampshire Partners
RE: DOJ Election Monitors Partner Primer – *Distribution Permitted*
DATE: September 02, 2026

Following reports that the U.S. Department of Justice (DOJ) will send election monitors to six states for their upcoming primary elections, Campaign Legal Center (“CLC”) writes to provide information regarding the authority of these monitors, as well as the applicable scope and limitations on monitoring efforts.¹ While election officials and community members may be apprehensive about these efforts, the election monitor program is a long-running effort by DOJ to monitor compliance with civil and voting rights laws that generally proceeds without incident. Indeed, the Department dispatched election observers to California and New Jersey during the November 2025 general election and no issues were reported.² Even so, stakeholders are understandably concerned that this DOJ might abuse its election monitoring program to disrupt election administration, interfere with voting, and target certain voters based on their race, ethnicity, primary language, or perceived political affiliation.

This primer explains how the election monitor program operates and clarifies that DOJ election monitors are subject to state laws governing the conduct of election observers and other people at polling places and may not: (1) order, direct, or assert authority over poll workers or election officials, (2) disrupt, interfere with, or curtail a voter’s right to vote based on perceived ineligibility or violations of federal law, (3) attempt to influence voters’ choices, or (4) otherwise intimidate voters.

I. Background

On July 7, 2026, Assistant Attorney General Harmeet Dhillon announced that the Department of Justice will send election monitors to 15 jurisdictions in six states,

¹ This letter is not legal advice; it is intended to present a summary of relevant federal and state law.

² Press Release, Dep’t of Justice, Justice Department to Monitor Polling Sites in California, New Jersey (Oct. 24, 2025), <https://www.justice.gov/opa/pr/justice-department-monitor-polling-sites-california-new-jersey>.

including New Hampshire, during upcoming primary elections.³ While AAG Dhillon cited typical reasons for deploying election monitors, she also invoked long-running conspiracy theories about noncitizen voting and suggested that the monitors would ensure no citizen's vote would be cancelled out by someone who "should not be voting."⁴ AAG Dhillon also announced that DOJ would unveil an "expanded" program for the November 2026 election. This announcement comes shortly after DOJ sent unprecedented letters to all 50 states and Washington, D.C., threatening election officials with potential criminal charges over alleged noncitizen voting, heightening concerns about possible abuse of the DOJ to interfere with the democratic process.⁵

Reporting indicates DOJ will send monitors to Manchester and Nashua for New Hampshire's September 8th primary election.⁶ While DOJ has not announced their intention to send monitors to any other jurisdictions in New Hampshire, they have appeared unannounced or provided notice only on the day of the election in other states' primary elections this year.⁷

II. Department of Justice Election Monitors

DOJ election monitors⁸ are employees of the DOJ—typically attorneys from the civil rights division—who are sent "to monitor polling places on election day to help assess

³ Yunior Rivas, *Trump DOJ to deploy election monitors in 6 states amid intense pressure campaign*, Democracy Docket (July 7, 2026), <https://www.democracymonitor.com/news-alerts/trump-doj-to-deploy-election-monitors-in-6-states-amid-pressure-campaign/>. The states include Arizona, Michigan, Massachusetts, Minnesota, New Hampshire, and Virginia. *Id.*

⁴ Video posted by Harmeet Dhillon (@AAGDhillon), X, *We @TheJusticeDept are proud to safeguard every American's right to vote — and we will continue routine, nonpartisan election monitoring that's been standard under both Republican & Democrat administrations for decades. Stay tuned for more!* (July 7, 2026), <https://x.com/AAGDhillon/status/2074616926941114411>.

⁵ Yunior Rivas, *Trump DOJ threatens election officials with criminal prosecution over noncitizen voting*, Democracy Docket (July 7, 2026), <https://www.democracymonitor.com/news-alerts/trump-doj-threatens-election-officials-with-criminal-prosecution/>.

⁶ Yunior Rivas, *Trump DOJ to target Democratic strongholds for election monitoring: 'The more eyes on elections' the better*, Democracy Docket (July 8, 2026), <https://www.democracymonitor.com/news-alerts/trump-doj-to-target-democratic-strongholds-for-election-monitoring/>; see also Video posted by Harmeet Dhillon (@AAGDhillon), X, *In past administrations, Republican and Democrat, @TheJusticeDept monitored elections to protect election integrity. This @CivilRights Division is sending monitors to 15 jurisdictions to ensure voter confidence in the upcoming primary elections!* (July 8, 2026), <https://x.com/AAGDhillon/status/2074847798340514225?s=20>.

⁷ Mead Gruver, *Wyoming governor requests investigation into activity of Justice Department monitors during primary*, Associated Press (Aug. 28, 2026), <https://apnews.com/article/wyoming-primary-justice-department-monitors-gordon-3d454cdb2834025b3b82364888f226d0>; DOJ monitors also appeared in a third jurisdiction in Massachusetts on September 1, 2026, with the department notifying the jurisdiction the morning of the election.

⁸ The DOJ election monitor program is distinct from election observer program authorized by the Voting Rights Act and staffed by the Office of Personnel Management, which was significantly limited following the Supreme Court's decision in *Shelby County v. Holder*, 570 US 529 (2013). See *About Federal Observers And Election Monitoring*, U.S. Dep't of Just.,

compliance with the federal voting rights law.”⁹ These monitors are tasked with **observing** election day activities at polling places and documenting compliance with federal civil rights laws, including: the Voting Rights Act (“VRA”),¹⁰ National Voter Registration Act (“NVRA”),¹¹ Help America Vote Act (“HAVA”),¹² Uniformed and Overseas Citizens Absentee Voting Act (“UOCAVA”),¹³ the Voting Accessibility for the Elderly and Handicapped Act,¹⁴ and Civil Rights Acts.¹⁵

Because they are not specifically authorized by any federal statute, DOJ monitors are generally only permitted to enter polling places or election facilities with the consent of state and local election officials, though the question of just how much access monitors have remains unresolved.¹⁶ This means that poll workers are **not required to allow federal monitors inside polling places or election facilities**, unless state or local authorities have directed them otherwise. Where state and local officials disagree on allowing monitors inside a polling place, state election law will likely determine whether a state or local official can make that determination. DOJ monitors, however, are entitled to remain outside polling places and talk to voters (if those voters wish to do so) while entering and leaving the polls.

Importantly, the purpose of these observers is to **monitor, document, and report** on compliance with federal voting laws.¹⁷ **They are not authorized to intervene** to address compliance with federal law.

III. Standards of Behavior

<https://www.justice.gov/crt/about-federal-observers-and-election-monitoring> (last visited July 9, 2026). It is also distinct from Congress’s election observer program, which is operated by congressional staff and regulated under the Confirmation of Congressional Observer Access (COCOA) Act of 2024. 52 U.S.C. 21083a.

⁹ *Election Monitoring*, U.S. Dep’t of Just. (Oct. 2024), <https://www.justice.gov/crt/media/1348571/dl?inline>.

¹⁰ 52 U.S.C. § 10308; *see Sections Enforced By The Voting Section*, U.S. Dep’t of Just. (last visited July 13, 2026), <https://www.justice.gov/crt/statutes-enforced-voting-section#cra>.

¹¹ 52 U.S.C. § 20510.

¹² 52 U.S.C. § 21111.

¹³ 52 U.S.C. § 20307.

¹⁴ 52 U.S.C. § 20101-20107.

¹⁵ 52 U.S.C. §§ 10101, 20701-20706.

¹⁶ Hannah Rabinowitz & Fredreka Schouten, *What to know about Justice Department election monitors*, CNN (Nov. 3, 2025), <https://www.cnn.com/2025/11/03/politics/justice-department-election-monitors>; Jacob Knutson, *The biggest obstacle to the Trump DOJ’s election monitors? The right’s long attack on federal oversight*, Democracy Docket (July 9, 2026), <https://www.democracydocket.com/news-alerts/trump-justice-department-election-monitors-conservative-legal-movement/>; Harry Baumgarten, *Failure to Observe: The Federal Observer Program After Shelby County*, Campaign Legal Center (July 21, 2016), <https://campaignlegal.org/update/failure-observe-federal-observer-program-after-shelby-county>; *Overview of Federal Election Laws*, U.S. Election Assistance Comm’n (Dec. 23, 2025), <https://www.eac.gov/election-officials/clearinghouse-resources-election-law-policy/overview-federal-election-laws>.

¹⁷ *See* 52 U.S.C. § 10305(e).

What DOJ monitors can and cannot do is regulated both by federal statutes and by the norms that have governed the program for decades. Under federal law, DOJ monitors (like all other persons) are barred from intimidating voters or interfering with voters' ability to cast a ballot and also from engaging in political activity while on duty.¹⁸ Moreover, prior administrations have established standards of behavior for election monitors designed to ensure they do not inadvertently intimidate voters, confuse election officials, or interfere in the electoral process.

Any perceived violations of federal law or departures from norms by election monitors should be documented and immediately reported to the nonpartisan Election Protection Hotline at 866-OUR-VOTE (866-687-8683) or online at 866OurVote.org.¹⁹

1. Notice to Jurisdictions

Although not expressly required by federal law, DOJ has traditionally provided advanced notice to jurisdictions where election monitors will be present. **Election monitors showing up without notice is abnormal and should be reported to the nonpartisan Election Protection Hotline, 866-OUR-VOTE.**

If requested, DOJ monitors should identify themselves as employees of DOJ conducting election monitoring. Impersonation of a federal official, including a DOJ employee, is a federal crime.²⁰ Suspected impersonation of a federal official should be reported to the Election Protection Hotline.

2. Prohibition on Voter Intimidation, Interference, and Political Activity

Federal (and state²¹) law strictly prohibits DOJ election monitors from intimidating, threatening, or coercing, or attempting to intimidate, threaten, or coerce, anyone who is voting, attempting to vote, or helping another person vote or attempt to vote.²² This includes aggressively questioning voters about their citizenship, criminal record, or other qualifications to vote, as well as requesting "documentation" from voters; physically blocking polling places or deterring voters from entering a polling place; using threatening language in or near a polling place; and, disrupting, following, or interrogating a voter.²³

¹⁸ 52 U.S.C. § 10307; 18 U.S.C. § 594; 5 U.S.C. §§ 7323(a), 7324(a).

¹⁹ This hotline is also available in Spanish at 888-VE-Y-VOTA (888-839-8682), Asian languages at 888-API-VOTE (888-274-8683), and Arabic at 844-YALLA-US (844-925-5287).

²⁰ 18 U.S.C. § 912.

²¹ N.H. Rev. Stat. §§ 659:40(II); 640:3(I)(a); 659:37; 659:40(III)(b)(c).

²² 52 U.S.C. § 10307; 18 U.S.C. § 594 (criminalizing voter intimidation in federal elections and elections in Washington, D.C.).

²³ See Protecting Voters from Intimidation, Campaign Legal Center (last visited July 9, 2026), <https://campaignlegal.org/democracyu/inclusion/protecting-voters-intimidation?trk=article-ssr-frontend-pulse-little-text-block>; see also Jonathan Diaz, *Is Voter Intimidation Illegal? What Should I Do If I Experience It?*, Campaign Legal Center (Mar. 11, 2024), <https://campaignlegal.org/update/voter-intimidation-illegal-what-should-i-do-if-i-experience-it>.

Federal law also prohibits monitors from engaging in political activity while on duty and from using their official position to interfere with or affect the results of an election.²⁴ This includes any behavior “directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group,” like wearing political attire, displaying campaign materials, or otherwise encouraging voters to cast their ballot for or against a specific candidate while on duty.²⁵

Coordination with poll observers sent on behalf of political parties or candidates may also constitute improper political activity for DOJ and should be immediately reported to the Election Protection Hotline for follow up.

The U.S. Office of Special Counsel (“OSC”) is authorized to investigate and charge violations of the Hatch Act, which then results in adjudications before the Merit Systems Protection Board (“MSPB”).²⁶ While state and localities cannot enforce the Hatch Act, state or local officials should submit potential Hatch Act violations by election monitors to the OSC if the officials suspect monitors have engaged in prohibited political activity.²⁷ Hatch Act and other ethics violations should also be reported to the **Election Protection Hotline, 866-OUR-VOTE**.

3. State Law Requirements

Beyond the prohibitions on voter intimidation and political activity in federal law, DOJ monitors are bound by state law requirements governing what nongovernmental election observers may or may not do at polling places and other facilities where election administration takes place.²⁸ In New Hampshire, “[o]bservers have no special

²⁴ 5 U.S.C. §§ 7323(a), 7324(a); Justice Management Division, *Political Activities*, U.S. Dep’t of Just. (Updated Aug. 14, 2024), <https://www.justice.gov/jmd/political-activities>. Employees are also prohibited from engaging in political activity in buildings being occupied in the discharge of official duties, while wearing a uniform or insignia identifying their office or position, and while using a vehicle owned or leased by the federal government. 5 U.S.C. § 7324(a). *see also* Memorandum from Jolene Ann Lauria, Assistant Attorney General for Administration, on Restrictions on Political Activities to all Department of Justice career employees (July 8, 2024), <https://www.justice.gov/jmd/file/834486/dl>; Memorandum from Attorney General Merrick Garland on Election Year Sensitivities to all Department of Justice employees (June 24, 2024), <https://www.justice.gov/ag/media/1359366/dl>; Justice Management Division, *Political Activities*, U.S. Dep’t of Just. (Updated Aug. 14, 2024), <https://www.justice.gov/jmd/political-activities>. In addition to the limits placed on all department employees, certain employees are subject to heightened restrictions based on the nature of their job. Of relevance, employees from the Federal Bureau of Investigation (“FBI”) and employees in the DOJ’s Criminal Division are prohibited from engaging in political activity on duty **and even off-duty**. 5 U.S.C. §§ 7323(a)(1), 7324(a)(1)

²⁵ *Id.*

²⁶ U.S. Office of Special Counsel, *How to File a Hatch Act Complaint*, (accessed Jan. 21, 2026), <https://osc.gov/Services/Pages/HatchAct-FileComplaint.aspx>.

²⁷ New Hampshire state law prohibits public officials from electioneering while fulfilling their public duty or while using public resources. N.H. Rev. Stat. § 659:44-a.

²⁸ This is because DOJ monitors—unlike election observers from the Office of Personnel Management who are provided for in the Voting Rights Act, 52 U.S.C. §§ 10302(a); 10303(b), 10305(a)—are not expressly authorized in federal law and are therefore subject to the same restrictions as private election observers.

status in law.”²⁹ Observers, like all members of the public, may “silently” observe the conduct of elections without disrupting voting or tabulation.³⁰ The moderator, the chief election official at each polling place, should instruct observers, including any DOJ monitors, not to interfere with voters or election officials.³¹ Monitors are not permitted within the guardrail at polling locations without authorization from election officials.³² The guardrail prevents anyone who is not an election official or registered voter from being within six feet of voting booths, voting privacy screens, or ballot counting devices/ballot boxes.³³ Additionally, DOJ monitors must remain within the designated observation area at a polling location. Observers and members of the public, including DOJ monitors, may not be within five feet of the voter registration table³⁴ or within six feet of the ballot clerk check-in table.³⁵

If DOJ monitors refuse to comply with relevant state law, election officials should contact the appropriate state and/or local authorities and the incident should be documented and reported to the Election Protection Hotline, 866-OUR-VOTE.

4. Other Limitations on Conduct

DOJ monitors are also bound by their limited authority under federal law meaning that they cannot do anything other than observe and report on compliance with federal law. To that end, DOJ monitors generally only show up to a polling place if state or local officials have not objected to them doing so and if asked to leave the premises or remain outside the polling place, monitors have historically done so.

DOJ personnel are NOT authorized to enforce executive orders or state or local law, or to prevent reported or alleged instances of voter fraud. If monitors identify potential violations of or noncompliance with federal law, or other issues of election administration at a polling site or election facility, they should report that information to their supervisor and it should be handled through the appropriate chain of command. **DOJ monitors are not authorized to attempt to address the issue through direct interaction between the monitor and a voter or poll worker/election official on-site.**

The following actions would exceed DOJ monitors’ authority and should be immediately reported to the Election Protection Hotline, 866-OUR-VOTE:

- Stopping a voter heading into a polling site or at the check-in table to attempt to verify that the individual is a registered voter or U.S. citizen, or to otherwise interfere with a voter’s ability to enter the polling site or cast a ballot.³⁶

²⁹ N.H. Sec’y of State, Election Procedure Manual (“2026 EPM”) at 104, <https://mm.nh.gov/files/uploads/sos/docs/nhsos-2026-epm-complete-book-remediated.pdf>.

³⁰ *Id.*

³¹ *Id.*

³² N.H. Rev. Stat. § 659:60; 2026 EPM at 50.

³³ *Id.*

³⁴ N.H. Rev. Stat. § 654:7-c.

³⁵ N.H. Rev. Stat. § 659:13-a.

³⁶ State law prohibits challenges by anyone who is not a registered voter in the town/ward in question, an election official, or a challenger appointed by a political party or the state Attorney

- Attempting to interfere with a voter’s ability to cast a ballot due to perceived noncompliance with state voter identification laws or HAVA.
- Directing or ordering poll workers or election officials to take any action.
- Attempting to interfere with the operations, administration, management, or activities of a polling place due to perceived noncompliance with federal or state law.³⁷

DOJ has historically taken steps to ensure that their monitors do not inadvertently intimidate voters. Generally, they engage with voters only as they are *leaving* the polling place after they have voted.

Additionally, DOJ monitors cannot claim to be enforcing HAVA, the VRA, or any federal disability rights laws at election facilities where voters are not present. During previous elections, federal monitors have been present at election facilities to prevent intimidation of election facility staff on the part of outside groups seeking to agitate or disrupt post-election processes.

IV. Conclusion

Federal and state law, as well as program norms, create meaningful constraints on how DOJ monitors conduct election monitoring. State partners should be aware of these guardrails and be prepared to assist poll workers, election officials, and voters in identifying when DOJ monitors are engaging in abnormal or unlawful behavior and thoroughly document such incidents and report them to the nonpartisan Election Protection Hotline, 866-OUR-VOTE (866-687-8683) or 866ourvote.org, for review and follow up.

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General. *See* N.H. Rev. Stat. §§ 659:27, 666:4, 666.5; *see also* 2026 EPM at 56. DOJ monitors are, therefore, not allowed to challenge a voter’s qualifications on any bases. Challengers must have a signed appointment letter from either the political party or the NH Attorney General.

³⁷ *See* 2026 EPM at 109 (“There is no authority nor mechanism for a challenger or observer to protest how a particular ballot is being counted.”); 2026 EPM at 64 (observers may not be within four feet of the counting of ballots).