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Department of Justice Election Monitors Factsheet – *New Hampshire*

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This factsheet provides background and relevant federal and state law on the Department of Justice's (DOJ) election monitoring program.[1]

In advance of the November 2026 elections, DOJ announced plans to send more than 1,000 monitors to jurisdictions across the country.[2] Election monitoring is a decades-old effort that DOJ regularly engages in for federal elections. Even so, stakeholders are understandably concerned that current DOJ leadership may abuse its election monitoring program to disrupt election administration and interfere with voting, target certain voters based on their race, ethnicity, primary language, or perceived political affiliation, and ultimately sow distrust in election results.

This factsheet explains how DOJ election monitoring operates and clarifies that DOJ election monitors are subject to state laws governing the conduct of private 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, poll workers, or election officials.

1. Background

During the 2026 primaries, DOJ deployed monitors to 11 states and notified many of those states in advance,[3] though certain jurisdictions in Wyoming were not notified in advance that DOJ monitors would be present at their polling places.[4] DOJ is expected to significantly expand its monitoring

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

[2] Sarah N. Lynch, *Justice Department to send a record 1,000 monitors to polling places in midterm elections*, CBS News (Aug. 18, 2026), https://www.cbsnews.com/news/justice-department-election-monitors-midterms/.

[3] Andrew Goudsward and Dan Rosenzweig-Ziff, *Monitoring the monitors: US states prepare for surge of Justice Dept election watchers*, Reuters (Oct. 21, 2026), https://www.reuters.com/legal/government/monitoring-monitors-us-states-prepare-surge-justice-dept-election-watchers-2026-10-21/.

[4] Yunior Rivas, *Trump DOJ to deploy election monitors in 6 states amid intense pressure campaign*, Democracy Docket (July 7, 2026), https://www.democracydocket.com/news-alerts/trump-doj-to-deploy-election-monitors-in-6-states-amid-pressure-campaign/; Dep't of Justice, Press Release, Justice Department to Conduct Election Monitoring in Florida and Wyoming Primary Elections (Aug. 18, 2026), https://www.justice.gov/opa/pr/justice-department-conduct-election-monitoring-florida-and-wyoming-primary-elections.

program for the November elections, potentially to cover all 50 states.[5] DOJ has already notified New Hampshire that it will deploy DOJ monitors to polling places in Manchester and Nashua on Election Day.[6]

Despite the increased media attention to the department's monitoring program, the majority of deployments during the 2026 primaries were uneventful. Most monitors went about their business without disrupting voters or election officials and followed department protocols and applicable federal and state laws. However, in Wyoming, monitors improperly sought access to voting machines,[7] while in Arizona and Minnesota DOJ deployed monitors with documented histories of engaging in election crimes, including a lawyer who previously pleaded guilty to hacking election websites.[8]

In addition, DOJ's recruitment of monitors has raised concerns. In an effort to reach 1,000 monitors nationwide, DOJ has expanded its recruitment beyond the typical pool of government attorneys in DOJ's Civil Rights Division and others with voting rights and civil rights experience.[9] DOJ deployed multiple criminal prosecutors and at least one Federal Bureau of Investigation (FBI) agent on detail to the U.S. Attorney's Office in Arizona to monitor Arizona's primary election this year.[10] Attorneys from outside the department's Civil Rights Division may lack knowledge and training on how to engage in election monitoring, raising the possibility that these monitors will run afoul of state laws or the monitoring program's standard operating procedures.

While Assistant Attorney General Harmeet Dhillon cited typical reasons for deploying election monitors (such as monitoring compliance with federal voting and civil rights laws), she has also invoked long-running conspiracy theories about noncitizen voting and suggested that monitors would

[5] On October 16, 2026, NAACP and individual voters sued the Department of Justice over its reported plans to deploy an expanded number of DOJ monitors for the November 3, 2026 elections. *See* Complaint, *NAACP v. Blanche*, No. 1:26-cv-03626 (D.D.C. Oct. 16, 2026). No relief has been ordered, and the lawsuit currently has no impact on the federal government's ability to deploy election monitors. If relief is ordered, this document will be updated to reflect any court-ordered changes to the program.

[6] Ricky Podgorski, *Federal election monitors to observe midterm polling in Manchester, Nashua*, WMUR 9 News (Oct. 27, 2026), https://www.wmur.com/article/federal-election-monitors-to-observe-nh-polls/74254483.

[7] Mead Gruver, *Wyoming governor requests investigation into activity of Justice Department monitors during primary*, AP News (Aug. 28, 2026), https://apnews.com/article/wyoming-primary-justice-department-monitors-gordon-3d454cdb2834025b3b82364888f226d0.

[8] Yunior Rivas, *DOJ lawyer convicted of hacking election sites monitored voting in Maricopa County, Arizona*, Democracy Docket (Oct. 6, 2026), https://www.democracydocket.com/news-alerts/doj-lawyer-convicted-of-hacking-election-sites-monitored-voting-in-maricopa-county-arizona/.

[9] Eric Katz and Derek Hawkins, *DOJ Leader Encourages Employees to Sign Up for Election Monitor Duty*, The Washington Sun (Sept. 1, 2026), https://www.washingtonsun.com/2026-election/doj-encourages-election-monitor?redirected=notus_org.

[10] Jacob Knutson, *DOJ dispatched criminal prosecutors, FBI agent to monitor Arizona's primary, documents reveal*, Democracy Docket (Oct. 6, 2026), https://www.democracydocket.com/news-alerts/doj-dispatched-criminal-prosecutors-fbi-agent-to-monitor-arizonas-primary-documents-reveal/.

ensure that no citizen's vote would be cancelled out by someone who "should not be voting."[11] AAG Dhillon's comments come at the same time as DOJ has sought voter records from states and has sent unprecedented letters to all 50 states and Washington, D.C., threatening election officials with potential criminal charges over alleged noncitizen voting.[12]

In light of heightened concerns about abuse of DOJ's election monitoring program, this factsheet provides stakeholders with information on the limits of the monitoring program and the standards of behavior monitors should follow during the upcoming 2026 election.

Election officials, poll workers, and civic and community organizations engaged in their own poll monitoring should expect and prepare for the possibility that DOJ monitors will be present in your jurisdiction this November.

2. Department of Justice Election Monitors

DOJ election monitors[13] 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 compliance with the federal voting rights law."[14] 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"),[15] National Voter Registration Act ("NVRA"),[16] Help America Vote Act ("HAVA"),[17]

[11] 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.

[12] Jessica Huseman, Department of Justice warns election officials they could be criminally charged over noncitizen voters, Votebeat (July 7, 2026), https://www.votebeat.org/national/2026/07/07/trump-department-justice-letter-noncitizens-voter-rolls-election-officials/.

[13] 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., https://www.justice.gov/crt/about-federal-observers-and-election-monitoring (last visited Oct. 13, 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.

[14] *Election Monitoring*, U.S. Dep't of Just. (Oct. 2024), https://www.justice.gov/crt/media/1348571/dl?inline.

[15] 52 U.S.C. § 10308; *see Sections Enforced By The Voting Section*, U.S. Dep't of Just. (last visited Oct. 13, 2026), https://www.justice.gov/crt/statutes-enforced-voting-section#cra.

[16] 52 U.S.C. § 20510.

[17] 52 U.S.C. § 21111.

Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"),[18] the Voting Accessibility for the Elderly and Handicapped Act,[19] and Civil Rights Acts.[20]

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.[21] 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 dictate whether the state or local official makes the final 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, provided that they do not violate any other state or federal law, including voter intimidation laws and laws restricting political activity by federal officials.

Importantly, the purpose of these observers is to **monitor**, **document**, and **report** on compliance with federal voting laws.[22] **They are not authorized to intervene** to address compliance with federal law.

3.Standards of Behavior

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.[23] These laws apply at all times while the monitors are on duty, even when state or local officials have consented to the monitors' presence within polling places or other election administration facilities. 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.

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[18] 52 U.S.C. § 20307.

[19] 52 U.S.C. § 20101-20107.

[20] 52 U.S.C. §§ 10101, 20701-20706.

[21] 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.

[22] *See* 52 U.S.C. § 10305(e).

[23] 52 U.S.C. § 10307; 18 U.S.C. § 594; 5 U.S.C. §§ 7323(a), 7324(a).

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.[24]

A. 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.**

DOJ monitors should **not** identify themselves to voters or election officials as federal prosecutors, federal agents, or anything other than Department of Justice election monitors.[25] DOJ monitors presenting themselves as federal prosecutors to voters may constitute voter intimidation.[26]

Local officials should verify that any person purporting to be an election observer from the federal government is who they say they are. If requested, DOJ monitors should identify themselves as employees of DOJ conducting election monitoring and provide documentation of their identity. Impersonation of a federal official, including a DOJ employee, is a federal crime.[27] Suspected impersonation of a federal official should be reported to the Election Protection Hotline.

B. PROHIBITION ON VOTER INTIMIDATION, INTERFERENCE, & POLITICAL ACTIVITY

Federal and state[28] law strictly prohibit 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.[29] 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 or leaving a polling place; using threatening language in or near a polling place; and, disrupting, following, or interrogating a voter.[30]

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[24] 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).

[25] Note that some DOJ monitors may erroneously refer to themselves as "DOJ observers" or something similar. As discussed *supra* at n. 10, observers must be authorized by a federal court. Observers are currently only authorized for three jurisdictions in Louisiana (St. Landry Parish), New Jersey (Union County), and Rhode Island (Pawtucket). Any other individuals in any other jurisdictions referring to themselves as "observers" are incorrect and are actually DOJ *monitors*.

[26] *See infra* at B.

[27] 18 U.S.C. § 912.

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

[29] 52 U.S.C. § 10307; 18 U.S.C. § 594 (criminalizing voter intimidation in federal elections and elections in Washington, D.C.).

[30] *See* Protecting Voters from Intimidation, Campaign Legal Center (last visited Oct. 13, 2026), https://campaignlegal.org/democracyu/inclusion/protecting-voters-intimidation?trk=article-ssr-frontend-pulse_little-text-block; *see*

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.[31] 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.[32]

Coordination with poll observers sent on behalf of political parties, political organizations, 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's prohibition on political activity, which then results in adjudications before the Merit Systems Protection Board ("MSPB").[33] 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. Hatch Act and other ethics violations should also be reported to the **Election Protection Hotline, 866-OUR-VOTE.**

C. 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.[34] In New Hampshire, "[o]bservers have no special status in law."[35] They, like all members of the public, may

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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.

[31] 5 U.S.C. §§ 7323(a), 7324(a); Justice Management Division, *Political Activities*, U.S. Dep't of Just. (Updated June 18, 2026), 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 June 18, 2026), 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 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)

[32] *Id.*

[33] U.S. Office of Special Counsel, *How to File a Hatch Act Complaint*, (last visited Oct. 14, 2026), https://www.osc.gov/services/hatch-act/filecomplaint/.

[34] 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.

[35] 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.

"silently" observe the conduct of elections without disrupting voting or tabulation.[36] 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.[37]

Once in a polling place, DOJ monitors are restricted from entering certain areas. Monitors are not permitted within the guardrail at polling locations.[38] Observers and members of the public, including DOJ monitors, may not be within five feet of the voter registration table[39] or within six feet of the ballot clerk check-in table.[40] Election officials may use a designated observation area at a polling location to ensure observers comply with these rules.[41]

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.

D. 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:

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[36] *Id.*

[37] *Id.*

[38] N.H. Rev. Stat. § 659:21; 2026 EPM at 50. The guardrail prevents anyone who is not an election official, a representative of the Secretary of State or Attorney General, or registered voter casting a ballot or a person assisting a voter from being within six feet of voting booths, voting privacy screens, or ballot counting devices/ballot boxes. N.H. Rev. Stat. § 658:9(I); 2026 EPM at 50. There are narrow exceptions when an election official may authorize other individuals to enter the guardrail area that do not apply to DOJ monitors. N.H. Rev. Stat. § 659:21.

[39] N.H. Rev. Stat. § 654:7-c.

[40] N.H. Rev. Stat. § 659:13-a.

[41] 2026 EPM at 50.

- **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, ask about prior convictions, or to otherwise interfere with a voter's ability to enter the polling site or cast a ballot.**[42]
- **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.**[43]

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.

During previous elections, DOJ monitors have been present at election facilities to observe and report on potential intimidation of election facility staff on the part of outside groups seeking to agitate or disrupt post-election processes. However, they have historically not sought to inspect voted ballots, tabulators, or other equipment. While DOJ monitors may be present at ballot processing and counting facilities, they may not disrupt, interfere with, or attempt to exert authority over election administration at these facilities.

4.Other Types of Observers and Monitors

In addition to expecting DOJ monitors this November, stakeholders should prepare for nonpartisan,[44] partisan,[45] Congressional,[46] and state-affiliated election observers and monitors. For example, California's Attorney General deployed monitors to observe DOJ monitors during the state's

[42] DOJ monitors should not challenge a voter's eligibility because that lies outside the bounds of the monitoring program's mission to observe, document, and report back on the voting process—not to intervene in it.

[43] This includes requests or demands from monitors to access or obtain information on voting machines.

[44] Ashley Lopez, *Civil rights advocates plan to send thousands of observers to midterm polling places*, NPR (Oct. 14, 2026), https://www.npr.org/2026/10/14/nx-s1-5991802/election-polling-place-observers; Andrew Garber and Sara Steele, *Roles and Rules for the Federal Election Monitor Programs, Brennan Center for Justice* (Sept. 15, 2026), https://www.brennancenter.org/our-work/research-reports/roles-and-rules-federal-election-monitor-programs.

[45] Gabe Cohen and Tierney Sneed, *Inside Trump's plan for the 'biggest DOJ election observer effort in history'*, CNN (Sept. 25, 2026), https://www.cnn.com/2026/09/25/politics/trump-election-monitors-voting-machines-vis; Jen Rice, *GOP trained Wisconsin election observers to target voting machines in pivotal swing state*, Democracy Docket (Sept. 29, 2026), https://www.democracydocket.com/news-alerts/gop-trained-wisconsin-election-observers-to-target-voting-machines-in-pivotal-swing-state/.

[46] This includes staff observers from the U.S. House and U.S. Senate. The congressional observer program is strictly regulated by the Confirmation of Congressional Observer Access (COCOA) Act of 2024. *See* 52 U.S.C. § 21083a. Unlike DOJ monitors, congressional observers are authorized to enter polling places and election administration facilities even if state and local officials do not consent to their presence. *Id.*

November 2025 election.[47] Various states followed suit during the 2026 primary elections, and this so-called 'monitoring of monitors' is expected to ramp up for the November 2026 election.[48]

Election officials and poll workers should be prepared for multiple types of monitors, request they identify themselves, and understand and inform them of their varying obligations under federal and state law depending on their status.[49] **Regardless of the type of observer or monitor, federal and state law prohibits them from interfering with election administration or with a voter's right to cast a ballot**.[50]

5. 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.

Updated: October 2026

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[47] Zoë Richards, *California says it will monitor the Justice Department's election watchers next week*, NBC News (Oct. 27, 2025), https://www.nbcnews.com/politics/elections/california-monitor-justice-department-election-watchers-rob-bonta-rcna240148.

[48] *See, e.g.,* Joey Swanson, *Federal election monitors watching Minnesota polling sites during state primary*, ABC 5 News (Aug. 11, 2026), https://kstp.com/kstp-news/top-news/federal-election-monitors-watching-minnesota-polling-sites-during-state-primary/.

[49] Congressional observers, for example, must be given access to observe all aspects of election administration. *See* 52 U.S.C. § 21083a(b)(1). DOJ monitors, meanwhile, may be denied entry to or asked to leave a polling site by local election officials.

[50] *See supra* at 3(B); 52 U.S.C. § 21083a(b)(2).