

duce ballot secrecy or voter privacy, take any action to interfere with the ability of a voter to cast a ballot or an election administrator to carry the administrator's duties, or otherwise interfere with the election administration process.

(3) Rule of construction

Nothing in this section shall prohibit a designated congressional election observer from asking questions of an election administrator, election official, or election worker, or any other State or local official.

(c) Conduct of observers

(1) Removal

(A) Authorization removal by election official

If a State or local election official has a reasonable basis to believe that a designated congressional election observer has engaged in or imminently will engage in intimidation or deceptive practices prohibited by Federal law, or in the disruption of voting, processing, scanning, tabulating, canvassing, or recounting of ballots, or the certification of results, a State or local election official may remove that observer from the area involved.

(B) Notice to Committee

If a designated congressional election observer is removed from an area under subparagraph (A), the election official shall, within 24 hours of the observer's removal—

- (i) inform the chair and ranking minority member of the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate, as applicable; and
- (ii) provide written notice detailing the reason or reasons the designated congressional election observer was removed.

(2) Rule of construction

For purposes of this subsection, the mere presence of a designated congressional election observer during an observation of election administration procedures, without any additional indicia supporting a reasonable basis for removal, is not a sufficient reason for removal under paragraph (1)(A).

(3) Right to replace observer

If a designated congressional election observer is properly removed under paragraph (1)(A), the chair or ranking minority member of the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate, as appropriate, may send another designated congressional election observer as a replacement for the remaining duration of the observation of election administration procedures.

(d) Designated congressional election observer described

In this section, a “designated congressional election observer” is a House or Senate employee who is designated in writing by the chair or ranking minority member of the Committee

on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate, or a successor committee, to gather information with respect to an election, including in the event that the election is contested in the House of Representatives or the Senate and for other purposes permitted by article 1, section 5, clause 1 and article 1, section 4, clause 1 of the Constitution of the United States.

(e) State defined

In this section, the term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(Pub. L. 107-252, title III, §304, as added Pub. L. 118-106, §2(a)(2), Oct. 4, 2024, 138 Stat. 1591.)

Editorial Notes

PRIOR PROVISIONS

A prior section 304 of Pub. L. 107-252 was renumbered section 305 and is classified to section 21084 of this title.

§ 21084. Minimum requirements

The requirements established by this subchapter are minimum requirements and nothing in this subchapter shall be construed to prevent a State from establishing election technology and administration requirements that are more strict than the requirements established under this subchapter so long as such State requirements are not inconsistent with the Federal requirements under this subchapter or any law described in section 21145 of this title.

(Pub. L. 107-252, title III, §305, formerly §304, Oct. 29, 2002, 116 Stat. 1714; renumbered §305, Pub. L. 118-106, §2(a)(1), Oct. 4, 2024, 138 Stat. 1591.)

Editorial Notes

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title III of Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1704, which is classified principally to this subchapter. For complete classification of title III to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 15484 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 305 of Pub. L. 107-252 was renumbered section 306 and is classified to section 21085 of this title.

§ 21085. Methods of implementation left to discretion of State

The specific choices on the methods of complying with the requirements of this subchapter shall be left to the discretion of the State.

(Pub. L. 107-252, title III, §306, formerly §305, Oct. 29, 2002, 116 Stat. 1714; renumbered §306, Pub. L. 118-106, §2(a)(1), Oct. 4, 2024, 138 Stat. 1591.)