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HELSINKI COMMISSION BRIEFING: INTERNATIONAL ELECTION OBSERVATION IN THE US & BEYOND – WHY IT MATTERS. JUNE 19, 2019

- I wish to thank the Helsinki Commission for this important opportunity to present the Final Report and recommendations of the ODIHR Limited Election Observation Mission (LEOM) for the United States Mid-Term Congressional Elections of 6 November 2018 in Congress itself.
- These were the 8th elections observed by ODIHR in the US, but for me it was the first, and I wish to express my gratitude once more for the timely invitation and the support and assistance we received for the length of our mission from our hosts, the US State Department, and from NASS, the National Association of State Secretaries. In 2015 NASS renewed a longstanding resolution, welcoming OSCE international observers, where allowed by law. We are grateful to all our interlocutors, both in the election administration and other stakeholders, for the time they took to brief and inform our mission.
- Our mission, as I mentioned, was a Limited and therefore relatively small, composed of a Core Team of 14 experts based here in Washington, with 36 Long Term Observers deployed across the country to observe the election process in 47 States.
- We opened the mission with a press conference on 3 October last year and presented our Preliminary Statement of Findings and Conclusions together with our partners from the Parliamentary Assembly of the OSCE on 7 November. Such team-work, joining forces with our parliamentary partners to constitute an International Election Observation Mission is a well-established practice, allowing short term parliamentary observers to join forces with election experts and observers in order to make a joint assessment. Over time this collaboration has been extended to other parliamentary assemblies, such as NATO and the Council of Europe, as well as the European Parliament, when and where our election observation activities overlap.
- Our statement, which I presented together with the OSCE PA President, Mr. George Tsereteli, who was appointed Special Co-ordinator and leader of the OSCE short-term observer mission by the OSCE Chairperson-in-Office, and Ms. Isabel Santos, who headed the OSCE PA delegation, summed up our findings as follows:
‘The 6 November mid-term congressional elections were highly competitive and contestants could campaign freely, with media presenting a wide array of

information and views, enabling voters to make an informed choice. However, campaign rhetoric was often intensely negative and, at times, intolerant, including on social networks. The fundamental right to suffrage was undercut in places by disenfranchisement of some groups of citizens and lack of full representation in Congress. Campaign finance rules do not guarantee full transparency. While the elections were largely administered in a professional manner and voters turned out in high numbers, decisions on important aspects of the electoral process were often politicized’.

- In February this year ODIHR issued its final report on the elections, together with our recommendations – arguably the most important part of our work – which we have been discussing with different stakeholders during this follow up visit.
- To briefly sum up, the report recommends that residents of the District of Columbia and United States overseas territories should be provided with full representation rights in Congress. The report also recommends that widespread restrictions on those with criminal convictions be reviewed to ensure that all limitations are proportionate. The report further recommends several measures to ensure the opportunity to vote – and the equality of that vote – for all citizens. This includes the establishment of independent redistricting commissions to draw district boundaries free from political interference. The report also urges Congress to, without further delay, establish a formula to identify jurisdictions to be subject to Section Five of the Voting Rights Act, in line with *Shelby County v. Holder*, in which the Supreme Court ruled that the formula in place was based on data too old to respond to current needs.

To help address security, functionality and reliability concerns of using technologies in the elections, the report recommends that federal and state governments should provide sufficient and sustainable funding mechanisms to replace aging voting equipment and to improve cyber security.

Citing restrictions on election observation, the report recommends that legislation should guarantee access in all states to international observers invited by the United States authorities, to ensure full compliance with OSCE commitments.

Additional recommendations expand on these topics and further relate to improving the transparency of campaign finance, safety of journalists, participation of voters with disabilities, ballot access, early voting and election administration.

- Follow-up visits such as this one, and the frank discussion of our recommendations and their implementation, play an increasingly important part in what is now known as the election observation cycle. A fact which I welcome and to which I have been able to bear witness by participating in follow-up visits in countries as different as Ukraine, Belarus and Germany. Our presence here today and the ongoing commitment by the United States

sends a powerful signal throughout the OSCE region that all States recognize the value of continued improvement of their electoral processes.

- In conclusion, as a former member of parliament – and indeed, former vice-chair of the OSCE PA – I would like to say a few words of appreciation about the involvement of parliamentarians in election observation and ODIHR's own longstanding cooperation with the OSCE PA. The participation of elected members of parliament increases the political weight of an observation mission and its conclusions. Such collaboration gives our parliamentary partners the opportunity to strengthen their own observation activities by accessing the knowledge and collective competencies of a longer-term election observation mission, including crucial observation of the campaign and the media environment in which it took place.

Most important, however, and vital to their success, is the fact that such joint observation exercises are based on the same underlying principles and the methodology which Richard Lappin just outlined to you. I was pleased to see that the information pack distributed at this briefing includes a copy of the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers which was endorsed by all major international observation organizations in 2005. The US contribution to this document, at various levels, was significant. I am firmly convinced that sticking to these principles is essential for international election observation to continue to fulfill its potential in improving elections anywhere.