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Helsinki on the Hill Podcast

"Welcome to Observe: OSCE Election Observation and the United States"

Guests:

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TIERSKY: Hello, and welcome back to Helsinki on the Hill, a series of conversations hosted by the United States Helsinki Commission on human rights and comprehensive security in Europe and beyond. I'm your host, Alex Tiersky.

Listeners, it's election season here in the United States. And this election, as in many before – both here in the United States and elsewhere, the process will be watched very carefully by official observers from outside the country. Now, previous observations of U.S. elections have not always been without controversy, shall we say.

We can recall, for instance, the elections in 2012, when the then-Texas attorney general now Governor Greg Abbott threatened to arrest international election observers from the Organization for Security and Cooperation in Europe, the OSCE, stating that the OSCE's representatives, quote, "are not authorized by Texas law to enter a polling place." That election also saw another candidate railing against what he suggested was United Nations monitors who were attempting to interfere in U.S. elections. Eventually, all this was sorted out. And just as in every election since 2002, OSCE observers were on hand to observe the U.S. elections in one way or another.

But given that the issue of international election observers remains ripe for misunderstanding, we here at Helsinki in the Hill were moved to put together an episode for you on exactly what international election observation is, how it became accepted international practice, and why so many countries value it so highly. On today's episode we'll be bringing you an interview with German politician Michael Link, who is among the world's leading experts and practitioners of election observation. We'll also be talking to Scott Bates, the deputy secretary of state of the great state of Connecticut, on what this process looks like at the local level here in the United States.

Listeners, before we get to those interviews I do want to bring in a voice that may be familiar to some of you who know the Helsinki Commission well. Let me welcome for the first time on our podcast, my dear friend and mentor, my former colleague at the Commission, Orest Deychakiwsky. Orest, welcome to Helsinki on the Hill.

DEYCHAKIWSKY: Thank you, Alex. I'm pleased to be here.

TIERSKY: Well, it's great to have you, Orest. You left the Helsinki Commission in 2017, after an incredible 36 years working on countries like Ukraine, Belarus, Bulgaria. During that time you obviously had a number of other responsibilities, but when I joined the staff of the Commission one of the things I quickly learned that you were among our top election observation experts. Let's start with a few questions about kind of how you lived this life of an international election observer. Am I right that you've been an official observer for literally dozens of elections?

DEYCHAKIWSKY: I think that's accurate. I'd have to do an exact count. But I think it could approach close to three dozen. More than half of them, the majority, probably in two countries, Ukraine and Belarus, which I had responsibility for.

TIERSKY: Can you remember when the first election was that you observed?

DEYCHAKIWSKY: I do. It was in March 1990 in Ukraine, when Ukraine was still a Soviet republic, before the Soviet Union fell. At that time you had perestroika and glasnost, and the Soviet Union clearly was in the process of unraveling, but also it was opening up. Things were changing. And those elections actually, remarkably, were relatively free and fair. Colleagues were in other republics, sometimes referred to as the captive nations. They were effectively colonies of Moscow, right?

And we got to actually not only observe the elections, but write reports based on what we had seen on the ground. The republics, not many people paid attention to them at the time, our observations and our reports were a very valuable source of information not only for our commissioners but for U.S. policymakers, and actually for the people in those republics who were striving for democracy and independence. They really valued the fact that we were paying attention to them.

TIERSKY: So who were you representing when you – in 1990, in this historic time of transition, particularly in a country like Ukraine – who were you representing as an international election observer at that time?

DEYCHAKIWSKY: Well, in '90 and '91, we were representing just the Helsinki Commission. This was well before the OSCE was involved in election monitoring. Our election observation efforts, when I kind of look at it, we were rookies. They were pretty primitive. It wasn't the elaborate, sophisticated election observation with unbelievable methodology and logistics and organization that OSCE election observation efforts have developed into, that I'm sure Michael Link will be speaking about.

TIERSKY: Sure. Well, Orest, I'd love to hear a little bit how that transition happened in your view, why the Helsinki Commission was sending observers, and how we got from, you know, let's call them, lonely observers – (laughs) – such as yourself – coming from the Helsinki Commission to what you're describing and what Michael Link will talk about as an extraordinarily well-organized methodological system that the OSCE is running today. Where did this all originate? Where did it come from?

DEYCHAKIWSKY: It really came from, initially, the Helsinki Final Act, and its call for respect for human rights and democracy as a key component for peace and security in Europe and the OSCE region. That's how it began to evolve. First, from mid-'70s to the late '80s, the focus was sort of on human rights, the human dimension. But then, as things started to change, you started seeing the focus become more on democracy.

At the Paris meeting in May-June 1989, of the OSCE, then it was known as CSCE, the Conference on Security and Cooperation in Europe, the U.S. – actually, the Helsinki Commission, Steny Hoyer who was then our chairman introduced a resolution calling for free and fair elections, and international observation.

We were a little bit ahead of our time. And others were not forthcoming on that. Well, lo and behold, what happens a few months later? The Berlin Wall falls. All the East European countries, you know, that fall, the fall of '89, all the leaders of those countries are overthrown. Communism ceases. And there's a transition to democracy, even though it was an imperfect process, and they were very, very new at it.

So a year later after Paris, and after the fall of the wall and everything that came with it, you had a meeting in Copenhagen. And at that meeting, you had detailed principles articulated and commitments on elections, including calls for international election observation. This is the first time that had ever happened in the OSCE context.

This Copenhagen document has served as a guide and as a standard for election observation. As the Cold War was coming to an end, the OSCE countries agreed to adhere to democratic principles and, through election observation, to help each other protect the rights of individuals to choose their political leaders. And this is important. As we all know, free and fair elections are necessary, if not sufficient – but they're absolutely necessary for democratic governance.

TIERSKY: Mmm hmm. And, Orest, it's a tremendous linkage between that time of incredibly rapid transformation, till today, where the Helsinki Commission and the OSCE, they're grounded on these principles that countries that are participating are still supposed to hold each other accountable to. So these democratic principles, one way in which we hold each other to account is by participating in these election observation missions. Is that the case?

DEYCHAKIWSKY: Absolutely. That's why the Helsinki Commission was clearly involved. That's part of our job, to monitor and encourage compliance by all the signatory states of the OSCE with their OSCE commitments, including on human rights and democracy. Elections are a key part of this. There's a lot of other benefits, including us showing that we have concern in those countries, including with forces in those countries that are struggling for greater democracy and freedom.

So there's an element of showing the flag there too, although obviously in our all our assessments, we are very objective and impartial in how we assess elections. Not only people like me and from the Commission as short-term observers, basically a little before the election day and a few days after, but also something called long-term observers, who would get out there from OSCE four to six weeks ahead of time and really look at the pre-election environment, issue and write reports, et cetera.

TIERSKY: Sure. Orest, I want to ask you one more thing before we get to the guest interviews here. We've been talking about big principles, and the sweep of history and democracy, and accountability. I want to ask you, for you personally, 36 times, more or less, you found the resources to fly halfway around the world to be a part of some of these observation efforts. Tell me why you think your participation made a difference in these processes.

DEYCHAKIWSKY: You know, I think anybody's participation in a tiny way made a difference, because it was all about helping countries in transition make changes. It was critical

for these countries undergoing change from a one-party system to democracy. Some of these countries obviously still very much need it. Countries like Belarus—we've seen that even recently.

I saw it as part of my job. I saw it as something interesting. I saw it as something valuable. I saw myself as a cog as part of a much, much larger effort to promote democratic change that would enhance peace and security in Europe.

Democratic countries tend not to go to war with each other, you know? They tend not to export terrorism. They tend not to export refugee flows. They're more peaceful. So it helps the peace and security of Europe in its own way.

TIERSKY: Sure.

DEYCHAKIWSKY: I'll give a very concrete example. I wonder that maybe if Russia was not the authoritarian state it is under Vladimir Putin, that perhaps if they were more democratic – if there were checks and balances, if there was a real functioning opposition, if you had a parliament that wasn't essentially controlled – that maybe they wouldn't have invaded Ukraine, annexed Crimea, violating international law with unbelievable impunity, and then their intervention into the Donbas, and continued occupation of territory of another country. Same could apply to Georgia, which happened a few years earlier. So you know, perhaps if they were democratic this kind of thing would not have happened.

TIERSKY: You know, you've mentioned Ukraine a couple of times. I, myself, observed the most recent parliamentary elections there. And I have to share with our listeners – I wrote something about this on our website – what was fascinating to me was among the polling places that I had the opportunity to observe, one of them actually had some pretty disastrous outcomes in terms of the leadership in the polling place and the dissatisfaction of voters during different parts of the day. And as I was observing some of these challenges firsthand – first of all, I certainly would never have dreamed of interfering; I was simply there to observe. But as I was logging all of this, I was thinking to myself: Boy, you know, why would the Ukrainians want to invite us in to see this kind of thing?

Well, the answer is actually quite clear. The transparency of having invited the international election observers across the country actually was able to demonstrate that the kinds of problems that I saw were really isolated and not any kind of systematic problem of functioning of anyone trying to cheat, or anything like that. And it's exactly that transparency that ratified the nature of the election as credible. And I just thought that was a terrific learning experience for me in democracy.

Orest, I really want to thank you for kicking us off on the right foot with this episode. I hope you'll be willing to stick around with us for the rest of the episode and join me as we talk to Michael Link from Germany and Scott Bates for Connecticut. Can you stick around a bit?

DEYCHAKIWSKY: I'd be very happy to. Thanks.

TIERSKY: Terrific, Orest. Thanks a lot.

Listeners, it is now my great privilege to welcome onto the show Michael Link. Mr. Link, welcome to Helsinki on the Hill.

LINK: Great to be with you.

TIERSKY: Well, I want to make sure our listeners know that you, Mr. Link, are three times an expert as far as today's subject matter is concerned. You are not only an extremely distinguished member of the German parliament, you are also a very distinguished member and leader at the OSCE Parliamentary Assembly, but in a third role, you've also served as the head of the OSCE Office for Democratic Institutions and Human Rights, or what we call ODIHR in the business. And of course, this office when it was created was originally known as the Office for Free Elections. So I can't think of anyone better to have this conversation with about what an observation mission looks like, particularly in the OSCE context.

In the introduction to this episode I reminded our listeners that in the run-up to the 2012 election here in the United States the attorney general of the state of Texas threatened to have OSCE election observers arrested if they showed up where they weren't supposed to. Now this is, as you know, hardly the only time international election observers have been viewed, fairly or unfairly, with suspicion. I know you've been neck-deep in some of these discussions in the past. And what I would love for you to do is to tell our listeners your own experience with observation missions to the United States. You've been here before. Can you tell us a little bit about the role that you've played?

LINK: Yes. Thank you, Alex. I think it's really a great opportunity to elaborate a little bit, and to clarify and to demystify what these observers are doing. First of all, we are not an electoral police. Nor are we validating thumbs up/thumbs down the whole thing. No. It is – well, we call it observation, observing. It is more reporting, yeah? We come and watch. We have a clear methodology. We have a very clear role which we have to stick to. And then we report what we see. And it's up to the general public to draw the conclusions from it. It's up to the media and to the state concerned where we observe, to the political parties, to whoever, to the lawmakers.

They can use, and should make use, of our report. And that is why it's so extremely important that we are reporting and observing in full neutrality. Again, we are not an electoral police. We simply want to witness what is happening and then to report. That is a general principle in the OSCE – this principle of openness and mutual observation in all places which participate in this OSCE.

TIERSKY: Sure. You've been on missions clearly to the United States. And I wonder – you've also been to observation missions in other countries. How do – how does a mission to the United States compare to, say, a mission in Ukraine, for example?

LINK: Well, first of all, the whole situation is completely different. In the Ukraine, especially in the first elections after the Maidan and after the ousting of the former President Yanukovych, we had a very, very, very complicated situation, with foreign interference, with a partial observation of the territory of Crimea and partially Donbas by an external state, in this case the Russian Federation. So whether it's in such a complicated situation or in totally peaceful times, election observation is an obligation, a commitment which has been signed in by all participating states. And the fact that they come and observe is not in any way a sign of political mistrust in the democratic credentials of the country observed. It's a general principle.

So therefore, my own country, Germany, as the United States – a country which we consider, you consider as a developed democracy – we also have to be open for that sort of observation, because we can learn from that. In my own country it was very important to have this observation because we had, for example, cases where people with mental illnesses, disabilities, were barred from voting. And this observation, this report brought a very, very important political debate after the election, so that we changed in Germany our electoral law after the observation.

TIERSKY: But could you clarify, whether it's the United States or Ukraine or Germany that's being observed, the methodology stays the same, is that the case?

LINK: Absolutely. It's the same, and therefore exactly the same format of preparation is being made in Germany, in the Russian Federation, in Tajikistan, and in Canada.

And that begins with a needs assessment. So whatever elections come up, our experts come together in Warsaw. We examine what has been happening since the last election. We look at new legislation. Then we decide to go there, if possible, as early as possible, when we have an observation invitation. And then we make a needs assessment. How many observers do we need? And then we begin with a long-term observation, which is the key. And then on electoral day we have the short-term observations.

This is always the same process. And followed, of course, by several reports. A short report after electoral day. We call it the preliminary statement. And a long report, much more important but usually not very much published in the press. If you really are interested in what happens in an election, you should real the final report. And all the database of hundreds of elections in the OSCE in any places – be it in developed democracy or be it a recent young democracy – everything is on the database and can be easily accessed on the OSCE website.

TIERSKY: Mr. Link, I want to come back to a fundamental point that you mentioned briefly. You said that the observation missions go to countries where they have been invited. Is that the case, an invitation is required to have an observation mission? Is that correct?

LINK: That is correct. Every participating State in the OSCE has an obligation under its commitments in the OSCE to invite. We need that invitation to actually really prepare and to come. And if I may add, the invitation should be without limits. That is very important.

There have been cases in history, and quite recently so, where some countries wanted to issue limited invitations, and saying we invite, let's say, 20 observers, or 100 – no. It's up to ODIHR to decide where and how much the observers we do send, actually based upon the needs.

TIERSKY: Mr. Link, I know you've spoken publicly about the elections in Belarus and the process of an invitation for election observation. Would you like to make a comment about how that process unfolded?

LINK: What is happening right now in Belarus is extremely troublesome. We are really, really shocked to see what's happening there with repression which we are witnessing right now. Unfortunately, Belarus did invite at the very, very, very, very, very last stage of the electoral preparation – so late that ODIHR could not send a mission. You simply cannot come one and a half week ahead of the election, and then to say we have a full-scale electoral mission, which of course would be needed in a case such as Belarus.

And why would it be so important to have a full-scale mission? In the last elections we had observed extremely clear violations of the international commitments of Belarus. With clear violations of the secrecy of the law, and especially with manipulations ahead of the elections. And when you have such a negative and critical report on the last election, of course, you cannot simply come next time and observe the electoral day. We need to have a long-term mission. Otherwise, you completely lose your credibility.

And credibility, that is the main capital of ODIHR and of the OSCE. Therefore, we cannot act spontaneously. We need always, always to act in a predictable way, not offending anybody, without fear nor favor, but predictably.

TIERSKY: Mr. Link, I'd like to transition us back to the United States' elections – of course, the context for which we are recording this podcast. Our listeners probably don't have much of an idea of the scale of an observation mission from the ODIHR and the OSCE Parliamentary Assembly to the United States. How many people are we talking about, roughly?

LINK: Well, a huge country like the United States is a country where we cannot come with thousands of observers. It is more about symbolical visits in statistically chosen places, in the states where observation is possible. And you can imagine, around a number of maybe 30 – 3-0 – long term observers visiting several states and watching the electoral proceedings in, say, the preparations and the run-up to the elections, the mail-in voting, the absentee, and the early voting process.

And then you have maybe 200-300 short-term observers. It varies a little bit. Some of them are coming seconded from ODIHR, meaning they are professionals in doing that in many places in the world, with a lot of experience. Very often these are retired civil servants. And then, you have the third group of observers, which are the parliamentary observers. The U.S. Helsinki Commission is made up of, what? Of parliamentarians. And these parliamentarians – great colleagues from the U.S. Senate and the House of Representatives – they, as myself, from time to time do electoral observation. And they cannot come as long-term observers – that's for sure. But they can come maybe for one or two days, or three days maximum.

And they can then build on the experience of the long-term observers and of ODIHR to make their electoral day reporting. And all three of them – the short-term observers [from] ODIHR, short-term observers [who are] parliamentarians, and the long-term observers – they make up the final picture which gets into the report. This is the same methodology in all places. And we try to the best of our capacities to guarantee for neutrality by mixing always teams of two persons who usually don't know each other before the day when they are on the electoral day on a mission together.

TIERSKY: Well, Mr. Link, that actually leads me to my next question. What if one country or another is seeking to influence the conclusions of the election observation mission, the reporting of the mission, by swamping the mission with its own nationals in a concerted way – whether it be the long-term or the short-term observers? What prevents one country from kind of dominating those proceedings in an unhelpful way?

LINK: That is a very important question. We had situations where some countries wanted to influence the whole thing. That happened. But therefore, we have limited since long the maximum number of observers from one country to a maximum of 10 percent. In very few exceptions where we had extremely difficult situations – such as in, for example, Ukraine after the brutal events at the time of Maidan, we had at one time also 15 percent from Scandinavian countries, or from Germany. But usually the maximum number of observers is limited to 10 percent per country.

But more important than the percentage of observers, where they come from, is that the leadership of the mission – the so-called special coordinator and the head of the delegation and ODIHR, which has a very strong mandate in the OSCE, that they are really free and independent in the formulation and the setting up of their report. This report is drafted exclusively by these different observer groups. The parliamentarians, they have their representative. ODIHR and the special coordinator, they are sitting together. And they are drafting, in consensus principle, their report. By having these three groups co-authoring the report, you already can reduce to a very large extent external influences.

Let's be honest – you will never 100 percent reach neutrality. But I think what we have reached in ODIHR is pretty much coming close to 99.9 percent objectivity, which is something which is very rare in the international community. And that is why also our reports enjoy a very, very high credibility. For example, before the membership of Montenegro, for example, or Albania in NATO, we have seen that NATO was very clearly looking at our reports on the democratic credentials of the last elections.

TIERSKY: Mr. Link, given the prominence of these reports, and the value and the esteem that they're held in internationally, I imagine the governments that are hosting these election observation missions from time to time disagree with the findings of the missions. How are those situations handled? And to the extent that you can talk about this, does a host government have input into the conclusions that are reached by the election observation missions?

LINK: Well, the host country is the first to see the report when we publish it. But there is no influence of the host country itself. There is no consultation with the host country. And there is no sort of approving by the host country of that report. If the host country does not agree – we've had such situations several times. For example, in Turkey after the last presidential elections we had President Erdogan did not agree with some of the findings. Well, that is the normal political process that a host country, of course, can disagree. Again, we are not validating an election. We are simply, according to an existent, objective methodology, reporting what we see. And then it's up to the general public to draw the political conclusions.

We don't draw political conclusions. That is very important. We simply establish facts where the host country, is respecting its own national legislation and international obligations, or not. And we stated very clearly that the secrecy of the vote, in the case of the elections in the Turkish Republic, was very clearly violated, especially also by blocking a lot of candidates from running and putting them into jail.

TIERSKY: Mr. Link, I think you've made a tremendous case for the methodology and reliability of these observation missions and leading to their objectivity. What I'd like to ask you about is a phenomenon that seems to have emerged in recent years of observers that are not part of these OSCE efforts, so-called election observers from, perhaps, less democratic-minded countries, who go to elections in places like Crimea, disputed territories, and endorse what they would call democratic processes. Do you agree that this is a phenomenon that bears watching and that is problematic? And if so, how does that type of observation differ from what the OSCE is doing? And of course, the next question is, what do we do about it?

LINK: (Laughs.) That is the million-dollar question, because there is an inflation of fake observers which we have right now, especially in Eastern Europe. But before I answer the question, let me repeat, the word is also – the word "observers" is never perfect. I described to you the ideal picture. You can prepare whatever you want, but nevertheless human beings make mistakes. And the job of ODIHR, and the head of missions, and of those in charge, is also to check whether the observers remain neutral.

So if we detect somebody in our mission not to be neutral, he or she will immediately fly home. That is something which happened quite often over the years. I wouldn't say it's more than 1 or 2 percent of the cases, but it happens. And that it happens – that is not the problem. The problem is that you need to sanction this sort of behavior. You need to be very tough and very strict on that because otherwise the neutrality of the mission is clearly undermined.

And undermining electoral observation – we had it only recently with the Russian Federation. We had a constitutional referendum in the Russian Federation, or we had the elections in the Republic of Belarus. And there have been observers by the CIS Parliamentary Assembly, the assembly of the Commonwealth of Independent States. But the only international organization which has the mandated legitimacy to do these sort of observations is the OSCE, according to the documents we have signed in the Copenhagen document, in the OSCE Charter, et cetera.

So election observation needs international legitimacy. And if you don't have an international mandate to do it, then it's nothing else than a fake observation, invited bilaterally or privately by, say, in this case, the Russian Federation, who invited, for example, individual members of the German parliament, of the French parliament, of the Italian parliament to do a so-called observation, which has no international legitimacy at all. Without the OSCE brand on the observation, you can't call this electoral observation according to international standards.

What can we do? I think it's very important that we identify parliamentarians from whatever state, who participate in these sort of fake observations. And their parliaments – their home parliaments – let's say, for example, we had in the German Bundestag several such cases. Without sanctions these people will continue to undermine the international reputation of observation. And let's not forget that the damage is enormous. When in the countries, when on the TV screens in Belarus you have in the evening a lawmaker from Germany saying everything was fine and everything was great, and he wasn't a part of an international mission by OSCE but invited bilaterally, privately, then this clearly undermines the whole image, not only of the observation but also of our parliament in Germany. So this should have consequences.

TIERSKY: Mr. Link, we've covered a tremendous amount of ground. I want to thank you very much for your clarity, and your candor as well. As we wrap up our time with you, I would like to offer you the opportunity to recall the conversation you had with the secretaries of the various American states who were deliberating on how best to interact with your observation colleagues from the OSCE. What was the case that you made for what the United States gains from hosting an international election observation mission?

LINK: Well, this is – (laughs) – it was a tremendous experience for me. To better understand the highly complex electoral system of the United States is a really, really positive challenge, because you have an enormous democratic mission with competitive elections, and based, of course, on individual state laws very, very differing from each other. That was fascinating to discuss with them. And I detected at the same time that they sometimes really think that we are coming and trying to lecture them on how to vote. (Laughter.) Of course it's absolutely not our role to come and to lecture.

But it is our role to remind them that we share values where we are all stronger if we lead by example. Developed democracies have nothing to hide. We lead by example, and the United States should lead by example, by really being open for that sort of observation, because how can really press for observation in places like Russian Federation and Belarus, when you yourself give at least the impression that you don't need it or that you are not open to that. It's about leadership by example of developed democracies, that we have nothing to hide, and we always try to improve step by step our electoral systems.

Germany has changed its electoral laws after OSCE observation. And I know that a lot of states in the U.S. in the last years also have, as a reaction, of course, of the exchange with our experts, worked on their electoral practice. And I think that's the best thing we can do, learn from each other and try to open up, of course, especially in a situation where we have so much new challenges.

What really impressed me, there was one secretary of state from a state who is not so keen on international observers – without now naming, of course, the state. He was fascinated, of course, by our conversation. And he said in the end – he said: OK, I understood now. Can I go and observe in Russia? (Laughter.) And of course, we gave him the opportunity to do that, because when we have civil servants from the United States, from state administrations, I think that is the best we can do in terms of making each other better to understand what this process is about. So I hope for many more U.S. participants in electoral observations outside, of course, of the U.S., and in other places in the OSCE. And I hope for a lot of openness for electoral observation, of course. Also for us when we come to the U.S.

TIERSKY: Well, Mr. Link, on that note I do want to thank you for your time today. I want to thank you for the excellent and longstanding cooperation that the U.S. Helsinki Commission has been fortunate enough to have with your and colleagues. Will you be coming to the elections that are coming up here in the States?

LINK: Well, the pandemic permitting, yes. But nobody knows what happens until November. But my plans are very clearly on. And I would be glad to come to the United States to be part of that mission.

TIERSKY: Well, we hope to have the opportunity to welcome you very soon. Thank you for your time, sir. Thank you for joining us on Helsinki on the Hill today.

LINK: Thank you for having me.

TIERSKY: Listeners, now that we've heard from a leader in OSCE election observation, we wanted to bring you the perspective of a local official whose job is organizing elections to talk a little bit about what it's like to receive international election observers. Let's go now to my conversation with Scott Bates, from Connecticut.

Scott Bates, welcome to Helsinki on the Hill.

BATES: Well, it's great to be with you, Alex. Thanks very much.

TIERSKY: Scott, you've led an extraordinary career, both internationally and domestically. And of course, we are always especially happy to welcome back former Hill staffers to the podcast.

Putting all that aside, today we're most interested in your role, your current role, as a senior official in the government of the state of Connecticut, the constitution state. So you currently serve as the deputy secretary of the state. Can you describe for listeners how your position relates to the organization of elections?

BATES: Sure. So in all 50 American states there's a chief elections officer. And usually it's the secretary of the state. And in Connecticut, the secretary of the state is the chief elections officer. I am deputy, which means that I'm, like, the chief operating officer for our office. And the way our elections are organized in Connecticut, we don't have counties. We

have 169 towns. The whole population of Connecticut is about 3.5 million people. So a relatively small American state, but with a lot of little municipalities, some as small as – one, Union, Connecticut has 800 people. Whereas you have cities over 150,000, like New Haven, Hartford, Bridgeport. So it's a very diverse state with very diverse systems of local control over elections. And what we try to do is be the ultimate arbiter on laws and regulations on elections, and also be a resource for those local election officials.

TIERSKY: Well, Scott, I'm thrilled to have you, particularly in that context, on this episode. As you know, what we're doing with this discussion is we're talking about international election observation missions, both those that are going abroad from the United States but also those coming here to the United States. And those happen really on a frequent basis for our elections as well. I wondered whether you, yourself, have had experience in your position with incoming teams of foreigners coming to observe elections in Connecticut.

BATES: Yeah. Most recently was 2018. And there was an OSCE team led by a German and Irish duo. And a couple others were attached. I was honored to host them in my office, and we talked about pre- and post-election processes, and kind of walked them through the sometimes-complex election structure in a state like Connecticut. It was great talking with them. we had a lot in common. I find that it's super valuable for someone like me who is toiling away in an election administration to understand you're part of an international movement of people who love democracy, care about it, make it their career or an aspect of their career.

And regardless of differences in culture, or legal structure, or language, you speak the same language because you really do want to lift each other up in the work that we do. So that trip was fantastic. And in my previous career, working with the National Democratic Institute, I worked in a lot of different – I think about 10 or 12 different countries doing democracy assistance missions. And I saw and worked with international election observer teams in places like Kosovo, and Afghanistan, and Macedonia, and a lot of other places. So same principle applies, which is there's a sense of comradery and esprit de corps with international election observers, that we're all in it together.

TIERSKY: Do I take it from your description of a discussion and the comradery of that tone, I don't suppose it was particularly challenging. Were the OSCE officials, the German-Irish duo and their colleagues, were they there kind of with gotcha questions, and why isn't Connecticut doing this better and, you know, why is – why do you have these democratic, you know, quote/unquote, "problems"? What was the tone of the conversation?

BATES: No, it was very collegial, because there's so much to learn from each other. Again, asking about their system and the differences between the systems come to light in a general conversation. So, no, it's not in the least bit confrontational. That said, you know, it was a serious conversation, lasting for, you know, an hour, hour and a half. And there was some follow up to questions that I couldn't answer right away, but I wanted to share the information. Because we're proud of our system of elections in Connecticut. It's been going on for a couple of hundred years and happy to share that information with the world. So, no, it was very much – viewed it as kind of sharing our story – the Connecticut story with the rest of the world.

TIERSKY: Now, Scott, as we've discussed earlier in this episode of the podcast, there are different elements of an observation mission. There are long-term observers who come weeks and months in advance to assess the overall climate. There are short-term observers, and then there are observers who are really there on polling day. Can you give me a sense of Connecticut's posture on these different phases of an international election observation mission? It sounds like broadly you're welcoming of this exchange. Tell me a little bit more about what it looks like kind of on the day of elections, and during different stages of the election process.

BATES: Well, as I recall with the 2018 mission, I did put the OSCE team in touch with some local election officials that were interested in talking with them, and tried to make it representative of the diversity of our state, so that they might have a picture of a small town, a suburb, and a large city. And you know, different states have different laws about election observer – international election observers, or just anyone in general. In Connecticut, the law in particular talks about those that are allowed in a polling place. And it's obviously voters, poll workers, people that are appointed by political parties to do that, the press, and representatives from our office as well.

So theoretically in our state and some other states – and I don't know if that OSCE mission went into the polling places in Connecticut. I can't remember because they had a big territory to cover. They were kind of running around all of New England. So I can't recall. But they certainly focused on pre- and post-election observation. We talked about the media in Connecticut and how people are getting their information about elections, and then the counting process that we have as well.

TIERSKY: Well, clearly that language would seem to exclude the presence of international election observers on election day itself. But it sounds like the overall posture of Connecticut is to welcome them in the other phases of election observation.

BATES: Well, that's for sure. And you know, as I said, various states have different permutations of this law that – essentially to, you know, make it a transparent process, but also orderly. And I'd suggest that our office also has the ability to authorize people to go into polling places. And, you know, technically I need to carry a letter from my boss if I'm going to more than my polling place. And I think this reflects, at least in our state, that the local election officials really are running the show on a day-to-day basis. In Connecticut, in each municipality, the people that run the election are registrars and voters. One is Republican, one is Democratic. So you have registrars from both parties.

This goes to setting up the polling places, deciding who is allowed in when you're talking about the political parties wanting people to observe and/or do unofficial counting to be able – and checking, they call it, to see who's kind of voted. And then most importantly, from my perspective, is after – while the votes are being counted, you have representatives from each party present at all times. And then you have a kind of umpire, the town clerk, who in many cases is appointed, is nonpartisan or who knows what party they belong to. But they and their staff do things like absentee ballot process. And they're present as well throughout the day of the election and then for the counting, for sure. So you know, I think that our law is a reflection

of respect for the localities so that not everyone is coming down on them, but we talk with them about, oh, hey, we might be stopping by.

TIERSKY: Sure. Sure. You've put quite a bit of emphasis on the deference to the local level. Of course, observers from outside of the United States may be less knowledgeable about the fact that each state in our country has its own responsibilities for elections. And I imagine that the subject of international observers comes up when you are talking to your colleagues from other states. Is that in fact the case?

BATES: Yeah. That's absolutely right. So Connecticut belongs to the National Association of Secretaries of State. And we have a standing committee, an international committee, so that when we have our meetings of all 50 states' election officials – and we gather once a year in Washington and then somewhere else around the country, the international committee always meets. And I think we always have somebody from [the] OSCE there. And we talk about how we might do missions elsewhere, and also missions that are in the United States as well. So that's a long-standing engagement with state officials.

And, you know, I think it's not without some new conversation, because there are, I think, some state election officials that maybe they don't focus on the international aspect too much. And what they're hearing is that there may be – I mean, it's well-documented that Russia in particular engaged in some disinformation practices, or the GRU is doing some activity. So state election officials might think twice, and that would be sad if that's the case. But they might think twice if they're getting observers from countries they don't know about, aren't familiar with, or even Russia itself. I think, you know, we really do have a lot to be proud of in America. And if we close our door to election observation missions, that actually plays into the hands of those that are trying to undermine democracy.

TIERSKY: Scott, I think that is a terrific point to actually end our conversation on. I'm really grateful for your time. That was a very powerful conclusion. And with that, I'd like to thank you for joining us on Helsinki on the Hill.

BATES: OK. Great to be with you, and good luck to everyone. And go, democracy.

TIERSKY: Thanks, Scott.

BATES: You bet.

TIERSKY: Orest, here we are at the close of this episode of Helsinki on the Hill. And, wow, I just have to say, those were really two terrific interviews with our guests today. But before I let you go, I wanted to first thank you for kicking us off on the right foot by reminding us that this whole election observation effort internationally, it launched from a set of proposals by the United States and, in particular, significant engagement by members of the U.S. Helsinki Commission. Secondly, I wanted to give you an opportunity, as someone who's been, as you said, in some three dozen election observation missions abroad, what struck you most about the interviews we just did with Michael Link and Scott Bates? Are there some highlights you want to make sure our listeners really get?

DEYCHAKIWSKY: Thank you. First of all, I completely agree. They both did a terrific, terrific job. Scott did a great job in emphasizing the benefit of international election observation by the OSCE in the United States. One takeaway from that is developed democracies have nothing to hide. So we should have nothing to fear. And often we are our own worst critics. Second of all, in terms of Michael Link's presentation, he perfectly described in a comprehensive way the whole OSCE election process.

Having observed elections myself in the OSCE since 1990, I've really noticed an evolution in the methodology of the OSCE election observation over the decades. It's become truly comprehensive, consistent, and systematic election observation methodology. And this facilitates neutrality and impartiality. And this is key. And it's not accidental that OSCE election observation efforts have become the gold standard globally.

But also, these election observation efforts – impartial and neutral – they serve an even larger purpose. Democratic elections are a key component of the human dimension of the OSCE, the protection and promotion of democratic institutions, and human rights, and the rule of law. And all of these are essential to the peace, stability, and security in the OSCE region. And that's important. You know, that's the bottom line. Democracy and peace go hand in hand.

TIERSKY: Boy, what a terrific way to wrap up our episode. Orest Deychakiwsky, thank you so much, again, for joining me for the podcast. It was great fun having you here. I hope you'll come back soon. I'd like to also thank my colleague Bob Hand for helping prepare this conversation.

Listeners, as you know, we're always interested in hearing from you with feedback. You can get in touch with us via our website, CSCE.gov, our Facebook page, or on Twitter. With that, this is the end of this episode of Helsinki on the Hill. I'm Alex Tiersky signing off.

(END)