OSCE Election Observers for the 2022 U.S. Midterm Elections

Kami Witmer

August 2022

NCSL Legislative Summit
The Organization for Security and Cooperation in Europe (OSCE)

- The world’s largest regional security organization with 57 participating States in North America, Europe and Eurasia

- Works to promote security, good governance, and democracy for more than a billion people
OSCE’s Office for Democratic Institutions and Human Rights (ODIHR)

- OSCE/ODIHR promotes democracy, rule of law, human rights, and non-discrimination across all OSCE countries.

- ODIHR is a leader in the field of international election observation.
The Value of International Election Observation

- **Showcase U.S. Democracy and Values:** Transparency in our electoral process helps the United States set a good global example and sets us apart from Russia and others. It allows us to showcase our free, vibrant, and democratic system.

- **Reciprocity:** Inviting the OSCE to observe U.S. elections gives us standing to participate in OSCE election observation missions abroad.

- **First-Hand Assessment of Foreign Elections:** The U.S. government often uses the OSCE’s assessments to inform our own evaluation of whether elections in other OSCE countries are free and fair.
• OSCE election observation activities focus on election processes, not outcomes. Observers review: the legal framework; election administration; candidate registration; voter registration; new voting technologies; the election campaign; media freedom; the participation of women and minorities; voting, counting, and tabulation; the complaints and appeals process; and the announcement of results.
Observation by the Numbers

• Since 2000, the United States has sent more than 5,400 Americans to participate in 185 election observation missions in OSCE countries.

• The United States hosted over 900 OSCE observers for U.S. elections since 2002.
OSCE’s Assessment of U.S. Elections

- The OSCE has consistently commended the conduct of U.S. elections.
- In 2020, the OSCE observation mission concluded:
  - The elections were competitive and well managed, despite legal uncertainties and logistical challenges.
  - The media, although sharply polarized, provided comprehensive coverage of the campaign.
  - Arrangements put in place by the election administrators, including for early and postal voting, together with committed civic engagement, allowed for high voter participation.
  - It did not find evidence of widespread voter fraud.
- As in prior years, and as it does for all elections it observes, the OSCE offered recommendations on elements of the election process that it assesses could be improved.
OSCE’s Assessment of Other Elections

Germany (2021): Elections vibrant and competitive. Recommendations included clearer guidance on campaign rules at the municipal level and more transparency on campaign finance and political party spending.

Serbia (2022): Observers noted unbalanced access to media, undue pressure on public sector employees to support incumbents, and significant campaign finance disparities gave the ruling party undue advantage.

Russia (2021): Russia prevented the OSCE from observing.
Observation Mission Components

OSCE Election Observation Mission

Two Parts

OSCE
Office for Democratic Institutions and Human Rights

ODIHR

OSCEPA
Organization for Security and Co-operation in Europe
PARLIAMENTARY ASSEMBLY

Core Team
Experts based in Washington
Late September through mid-November

Long-Term Observers (LTOs)
Teams of two across several states
Early October through early November

Short-Term Observers (STOs)
Teams of two at polls (where allowed)
Week around Election Day

Parliamentary Short-Term Observers (STOs)
Small groups at polls (where allowed)
Week around Election Day

Time in the USA

Number of Observers
Role of State and Local Officials

- State and local officials can determine whether to meet with OSCE/ODIHR observers.
- Officials can determine the information they wish to share.
- The OSCE will work closely with state and local election officials to ensure that observers' activities are permitted and welcome.
Role of State and Local Officials

• State and local officials cannot choose which OSCE observers are assigned to their state or jurisdiction.

• They cannot prevent observers from entering their state to conduct meetings with private citizens or groups, such as political parties, media organizations, civil society groups, and academics.
What to Expect From Observers

- The observers' role is to assess the U.S. electoral process, not the outcome.

- They are subject to the ODIHR or OSCE PA code of conduct.

- Observers follow ODIHR's methodology, which is outlined in its election observation handbooks. They do not instruct, assist, or interfere in the voting process.

- Where permitted, they will seek to visit polling stations to observe voting, counting, and tabulation.
ODIHR Code of Conduct

All ODIHR observers are required to sign the Code of Conduct when they receive their accreditation. The Code of Conduct is binding on all ODIHR observers, and any serious infraction of the code will lead to immediate withdrawal of an observer’s accreditation. The OSCE PA Code of Conduct is virtually identical.

- Observers will maintain strict impartiality in the conduct of their duties and will, at no time, publicly express or exhibit any bias or preference in relation to national authorities, parties, candidates, or with reference to any issues in contention in the election process.
- Observers will undertake their duties in an unobtrusive manner and will not interfere in the electoral process. Observers may raise questions with election officials and bring irregularities to their attention, but they must not give instructions or countermand their decisions.
- Observers will remain on duty throughout election day, including observation of the vote count and, if instructed, the next stage of tabulation.
- Observers will base all conclusions on their personal observations or on clear and convincing facts or evidence.
ODIHR Code of Conduct (cont’d)

- Observers will not make any comments to the media on the electoral process or on the substance of their observations, and any comment to the media will be limited to general information about the observation mission and the role of the observers.
- Observers will not take any unnecessary or undue risks. Each observer’s personal safety overrides all other considerations.
- Observers will carry any prescribed identification issued by the host government or election commission and will identify themselves to any authority upon request.
- Observers will comply with all national laws and regulations.
- Observers will exhibit the highest levels of personal discretion and professional behavior at all times.
- Observers will attend all required mission briefings and debriefings and adhere to the deployment plan and all other instructions provided by the OSCE Election Observation Mission.
Consular Role and Screening

• **Visas:** The Department of State has issued guidance to all consular officers in OSCE countries with instructions on proper visa classification for election observers.

• **Screening:** OSCE observers are subject to biographic and biometric screening against U.S. law enforcement and counterterrorism databases.
  - Some visa applicants may be subject to additional scrutiny.
  - Visa applicants are screened, both at the time of their application and afterwards, to ensure they remain eligible to travel to the United States.
State Department Points of Contact

- The Department of State will operate a hotline for the period surrounding Election Day if there are questions about OSCE election observers. That number will be distributed in fall 2022.

- If you have questions or concerns, please contact:
  - OSCE Desk Officer: 202-736-7291
  - EUR-RPM-OSCE-DL@state.gov
Apply to be an OSCE Observer!

- Short-term observers typically travel for one week.
  - Arrive 2-3 days before Election Day
  - Receive in-depth briefing and background materials
  - Deploy in multi-national teams of 2 (plus local interpreter and driver) to locations throughout the country to assess opening, voting, closing, and counting procedures on Election Day

- Complete an online application at https://www.amentum.com/current-opportunities-react

- You can create a user profile. But to be considered, you must apply for a specific mission.
Questions and Answers

- Thank you for your cooperation with OSCE observers.
- Any questions?