



OSCE Parliamentary Assembly
Post-Election Statement – U.S. General Elections
2 November 2010

The 2 November 2010 mid-term elections in the United States demonstrated again the country's commitment to democracy. In general, the vote reflected the will of the people, although some problems were noted by international parliamentarians observing the polling in several key states.

In a highly competitive and at times intense and dirty campaign environment with many close races, candidates and their advocates and/or opponents fought hard, with money playing a significant role in creating an uneven playing field between candidates. Upwards of four billion dollars were spent on the campaigns, making it the most expensive mid-term election in the United States to date. About three-quarters of that money was spent on political campaign ads on television and radio. The ads inundated the airwaves, made huge profits for many television and radio stations, and also turned off many voters.

On election day, polling proceeded in a calm and well-organized manner. The ability of voters to vote early and the encouragement of such early voting clearly eased any capacity problems that might have occurred.

On election day, observers witnessed the opening of polling stations, voting and the closing process, including the vote count. Local election officials and poll workers appeared well-trained, and it was encouraging to see the important role played by the thousands of volunteers on election day. Technical difficulties with the machines were generally solved quickly and did not seem to negatively influence the integrity of the vote. Observers also noted what they thought to be a lack of voter secrecy. Voting booths and electronic voting machines were often placed too close to each other, which enabled clear insight as to how a voter marked the ballot. Observers were generally impressed by the efficiency of the vote tabulation. Overall, the atmosphere at the polling stations was calm and friendly.

In January 2010, the Supreme Court ruled in *Citizens United v. FEC* that private corporations should enjoy the same rights as individuals regarding campaign spending, tying this to the right of freedom of speech in the U.S. Constitution. The decision created expanded possibilities for interest groups, including private corporations, to get involved and provide funds for political commercials on television and radio. This likely helped to determine the outcome in a number of races.

Many political ads did not reveal the source of the funding, as this is not required by law. However, international parliamentary observers found that the lack of information concerning

the sponsorship of the ads undermined the transparency and accountability in the elections. The lack of transparency could be linked to the overall negative tone in the campaign, with 30 second political ads used to attack opponents by undisclosed sources in the lead. The lack of transparency could also lead to questions of whether all donations originated in the U.S., as the law stipulates in the Federal Election Campaign Act, or whether any funds came from foreign sources.

In general, the U.S. election system is open and democratic, and most of the states allow for late voter registration, provisional voting, and early voting as ways to increase voter turnout. However, the electoral system continues to be decentralized and highly diverse with a lack of uniform country-wide standards, creating vulnerabilities in the system, particularly with regards to the integrity and complexity of voter registration, voter identification, and electronic voting machines. It is noteworthy that there are several voting systems within some states, as regulations are made at the local county level. OSCE PA observers encourage further debate to develop more uniform standards within the U.S. election system.

The 2002 Help America Vote Act (HAVA), which was initiated after the problems in the 2000 elections, established some minimum standards for states, and it has generally served the electoral process well. HAVA set standards for voting systems and introduced provisional ballots for voters who either do not find themselves listed on the voter register or have been declared ineligible to vote. It is noteworthy that states are now mainly in compliance with HAVA provisions.

The possibilities to verify the correctness of the voter register and to crosscheck it with neighboring states, in order to avoid double registrations or multiple voting, are limited and not widely used. Identification requirements, in particular the widespread possibility to vote without any picture I.D., also limit the possibility of identifying instances of double voting. Double voting is a third-degree felony in most states and also violates federal election fraud laws.

Over the years, the United States has made use of several different voting technologies. Today, two systems are mostly used: the Direct Recording Electronic (DRE) voting machines and optical scanning of marked paper ballots. The trend to use voting technologies producing a paper record, which would allow for recounts or checking in case of voting errors or fraud, is recognized as a positive step forward by OSCE PA observers.

The frequent presence of observers/poll watchers from political parties and civil rights organizations, including thousands of attorneys and volunteers to provide legal assistance to voters, was positive, although it may also be a reflection of the complexity of the system.

The right to access polling stations by international election observers is regulated by state law, and in some cases parliamentary observers were not able to observe the voting inside polling stations.

The political landscape has long been dominated by the Republican Party and the Democratic Party. Since 1856, every president elected by U.S. voters has belonged to one of these two parties, and in practice these two parties play a lead role in the organization of the elections.

The number of voters registering as Independents continues to grow in the United States and they played a decisive role in these elections.

So-called ‘third parties’ rarely win national elections, although they have had some success on the local level in recent years. The current ‘third parties’ that have national voter registrations of more than 100,000 people include the Green Party and the Libertarian Party.

Ballot access laws continue to pose a challenge to ‘third party’ candidacies. While the Democrat and Republican parties are virtually guaranteed ballot access in all 50 states in every election, ‘third parties’ often need to meet difficult criteria in order to get on the ballot, such as registration fees or, in many states, petition requirements in which a large number of voters must sign a petition for a third party or independent candidate to gain ballot access

Voting rights of felons and ex-felons are determined by state law, and the content of such laws vary broadly. However, international observers welcome the development in many states allowing for increased participation in the voting process by felons and ex-felons.

Mission Information

The OSCE Parliamentary Assembly assessed the 2010 Mid-Term U.S. elections as well as the Governors’ races for their conformity with the OSCE commitments as stated in the 1990 Copenhagen Document, to which the United States has subscribed.

The OSCE Parliamentary Assembly Observation Mission, including a total of 56 observers of whom 42 are Members of Parliament from 21 countries. The Election Observation Mission was headed by João Soares, President Emeritus of the OSCE PA and Member of the Portuguese Parliament.

Observers received briefing material prior to arriving in the United States. The Delegation had thorough briefings in Washington D.C. on 30 October, and were subsequently deployed to six states for further meetings and observation: Virginia, Maryland, Colorado, Illinois, Pennsylvania and Delaware, and in addition, the District of Columbia.