

## **Fundamental freedoms respected in highly competitive US elections, while campaign was characterized by personal attacks, intolerant rhetoric, international observers say**

WASHINGTON, 9 November, 2016 – The 8 November general elections in the United States were highly competitive and demonstrated commitment to fundamental freedoms of expression, assembly and association. The presidential campaign was characterized by harsh personal attacks, as well as intolerant rhetoric, particularly by one candidate, international observers from the OSCE Office for Democratic Institutions and Human Rights and the OSCE Parliamentary Assembly concluded in a preliminary statement released today.

“Yesterday’s elections followed a particularly divisive campaign, but Americans in high numbers took the opportunity to freely choose their leadership,” said Christine Muttonen, Special Co-ordinator and leader of the short-term OSCE observer mission. “Recent legal changes and limitations on some citizens’ rights added unnecessary obstacles for voters, but I’m pleased that the casual talk of ‘vote-rigging’ during the campaign proved to be just that – talk.”

Diverse media coverage allowed voters to make an informed choice. Recent changes to election laws and decisions on technical aspects of the process were often motivated by partisan interests, causing undue obstacles for voters, and suffrage rights are not guaranteed for all citizens, leaving many sections of the population without the right to vote, the statement says. These elections were administered by competent and professional staff, including on election day, which was assessed positively by the observers, despite instances of long queues and malfunctioning voting equipment.

The dynamic and vivid campaign demonstrated commitment to fundamental freedoms, the observers said. The two major candidates in the presidential race, which dominated the campaign, offered distinct policy alternatives, but often employed highly charged rhetoric and personal attacks. There was frequent use by one presidential candidate of intolerant discourse aimed at women, minorities and people with disabilities.

Variations in rules make it cumbersome for third-party or independent candidates to register across all states for presidential elections, and the two such candidates in these elections drew minimal attention. A large number of candidates, including independents and representatives of small parties, were registered for congressional elections in an inclusive manner. This provided voters with a variety of choice, the statement says.

“The highly decentralized approach to elections here means that it is almost better to think of this as 50 different elections. Even key issues like whether prisoners can vote and what ID voters need to have varies from one state to the next, and this lack of country-wide standards is a weakness,” said Makis Voridis, Head of the OSCE PA delegation. “In the end, of course, the elections were well-run and even in places where legislation on international observation is ambiguous, we were generally warmly welcomed.”

In 2013, provisions of the Voting Rights Act were struck down, removing a timely and effective safeguard for the protection of rights for racial and linguistic minorities. As a result, a wide range of ongoing electoral litigation, including on voter identification, continued up until election day, generating confusion among voters and election officials, the statement says. Voter identification rules are politically divisive and vary from state to state.

“The elections were administered by competent and committed staff, and the dynamic campaign took place in an open atmosphere where fundamental freedoms were respected,” said Ambassador Audrey Glover, Head of the OSCE/ODIHR election observation mission. “At the same time, millions of citizens were disenfranchised and unable to vote, so their voices were not heard.”

Various initiatives have been undertaken to improve voter list accuracy and inclusiveness, but an estimated more than 35 million eligible voters were not registered for these elections, underscoring the need for continued efforts to enhance registration, particularly among minority and marginalized communities.

The media landscape is pluralistic and vibrant, although significantly polarized. There is a robust system of protection for media independence, but one presidential candidate charged that media did not play their role as critical watchdog in a balanced manner. The media covered the campaign extensively, and a series of presidential debates drew record numbers of viewers. Media monitoring revealed partisan campaign coverage, in particular on cable television. Overall, the media provided voters with a wide range of information and enabled them to make an informed choice, the observers said.

The Federal Election Commission oversees a campaign finance regime that imposes few actual limits on donations and does not limit expenditures. All financial reports are published expeditiously, but transparency is diminished by the absence of disclosure for some types of non-profit organizations that play an important role in the campaign.

Some 4 million residents of overseas United States territories and 600,000 residents of the District of Columbia do not have voting representation in Congress. In addition, residents of overseas territories do not have the right to vote in presidential elections. More than 6 million convicts, including those who have served their sentences, as well as many still facing trial, are widely disenfranchised, although several states have recently taken steps to restore their voting rights.

While this was the first time a major party nominated a woman as candidate for president, women are underrepresented in elected office, the statement says. Women made up 17 per cent of congressional candidates in these elections. They were well represented among electoral staff, including in decision-making positions.

Most states do not comprehensively regulate election observation, with decisions on access often left to the discretion of state or county officials. Contrary to OSCE commitments, the international observers were not allowed to observe early voting and election day in all states. Citizen observers and party representatives were active and widespread through the country, providing added transparency and increasing confidence in the election process, the observers said.

More than one-third of voters are estimated to have cast their vote before election day, either in person or by post, including citizens abroad. Early voting enjoys broad public trust and a number of measures were implemented to ensure security, the statement says. However, secrecy of the vote was not always guaranteed for postal voting and out-of-country voting by electronic means.

New Voting Technologies are used extensively across the country. Contrary to good practice, 15 states use machines that do not provide a voter-verified paper audit trail, so voters are unable to be sure their votes have been recorded properly and authorities unable to conduct recounts. Despite guidance and a range of testing and security measures implemented across the states, concerns were voiced regarding security gaps due to outdated equipment.

*For further information, please contact:*

Andreas Baker, OSCE PA, +45 60 10 81 26, [andreas@oscepa.dk](mailto:andreas@oscepa.dk)

Thomas Rymer, OSCE/ODIHR, +48 609 522 266, [thomas.rymer@odihr.pl](mailto:thomas.rymer@odihr.pl)