

United States midterm elections competitive, but polarized and with efforts to undermine trust, international observers say

WASHINGTON DC, 9 November 2022 – The 8 November midterm congressional elections were competitive and professionally managed, with active voter participation, but also with threats against election workers and efforts to undermine voters' trust in the electoral process by baselessly questioning its integrity, international observers said in a statement released today. Candidates could campaign freely, but many contests were highly polarized and marred by harsh rhetoric, and partisan redistricting resulted in many instances of uncompetitive constituencies, the statement says.

The economy, inflation and abortion rights were prominent issues across the country. Political campaigns by both major parties were intensely divisive, and the inflammatory rhetoric was accompanied by racist and transphobic tropes invoked by some candidates and prominent commentators. A number of Republican candidates in key races, including those who, if elected as secretaries of state, will have direct responsibility for overseeing future elections in their states, challenged or refused to accept the legitimacy of the 2020 results.

“The American people once again demonstrated their commitment to democratic elections in a hard-fought campaign and professionally run process,” said Margareta Cederfelt, the OSCE Special Co-ordinator and leader of the short-term observers. “Unfortunately, we also noted that baseless allegations of fraud continued to have a serious result, in harassment of and threats against election officials. Certain systemic challenges, such as gerrymandering, enabling politicians to choose their voters, rather than the opposite, and the outsized influence of money on campaigning, must be addressed to ensure real equality of the vote.”

Disclosure mechanisms for campaign finance are generally comprehensive, but loopholes in the regulatory framework make the impact of money in politics less transparent, the observers said.

Following the 2020 population census, the 435 seats in the House of Representatives were reapportioned among the states, and electoral districts were redrawn. Redistricting is highly political, with state legislatures responsible in 33 states, and external commissions in the remaining 11. A total of 78 legal challenges were filed against congressional district maps, often alleging partisan or racial gerrymandering, and court decisions changed district maps in 8 states. In designing the maps, competent bodies use algorithms that at times took into account politically favourable variables, including past voting results and racial demographics at the precinct level. As currently implemented, redistricting does not fully ensure competitiveness, representativeness and the fair representation of minorities.

“As a robust and well-established democracy, it is crucial that the United States continues to demonstrate its commitment to improving its electoral system by increasing the franchise, enhancing election security, and countering misinformation,” said Pere Joan Pons, Head of the Delegation from the OSCE Parliamentary Assembly. “The challenges to democracy that the U.S. faces are common to many OSCE countries, and we must all work together to ensure that the citizens have trust in their democratic processes.”

While citing the concerns over harassment, threats and instances of violence, the observers noted that Congress allocated funds for election security, including to counter threats against election administrators, and a joint taskforce of the Department of Justice and the Federal Bureau of Investigation was created to gather information on threats and to address these at the federal level.

While many outlets in the diverse – but polarized – media landscape made efforts to present accurate information, widespread disinformation by others affected voters' ability to inform themselves.

“A vibrant, pluralistic media environment, like that we have observed here, is in itself, a prerequisite for competitive elections,” said Tana de Zulueta, Head of the Limited Election Observation Mission from the OSCE Office for Democratic Institutions and Human Rights. “But when the content and character of the coverage and commentary consists of derogatory, often offensive language towards those involved in the process – political opponents, election officials and, in some cases, voters themselves – this creates an atmosphere that, as we have observed, can lead to threats and intimidation, and even violence, while doing no service to citizens seeking objective, factual information.”

Alternative voting methods include early in-person and absentee voting, providing multiple options for voters to cast their ballots. While absentee voting does not guarantee the secrecy of the vote, the convenience of these methods was seen by the majority of those the observers spoke with as increasing participation in the electoral process, and most were confident of their integrity. Disproven claims by politicians and commentators in the media that absentee ballots and the use of ballot drop boxes resulted in fraud in the 2020 elections negatively impacted trust in the current election process.

The statement also highlights a number of other issues. Regarding campaign finance, the observers noted that, while the disclosure of incomes and expenditures by candidates, party and “independent” committees provides reasonable transparency, this is undermined by a lack of disclosure by tax-exempted organizations involved in the campaign. While noting that voter ID requirements, present in 35 states, are in line with good practice and safeguards for election integrity, the observers highlighted that IDs were not equally accessible to all eligible citizens in some states, thus infringing on the right to equal suffrage of members of some minorities and economically disadvantaged communities.