

Preliminary Report of the OAS Electoral Observation Mission for the General Elections of November 5, 2024, in the United States

November 8, 2024

The Electoral Observation Mission (EOM) of the Organization of American States (OAS) for the 2024 General Election commends the United States of America on the successful organization of one of the largest elections in the world. The Mission congratulates President-elect Donald J. Trump, as well as all other candidates who secured victories in federal, state, and local seats on November 5th. While the Mission noted some challenges in the campaign, as described later in this report, the high level of political participation, with strong turnout rates and the dedicated work of thousands of election officials, poll workers, poll watchers and observers across the country, speaks to the vibrancy of the United States' democracy.

Following an invitation from the United States Department of State, the OAS accepted the request to deploy its third ever EOM in the U.S. Led by the OAS Secretary General Luis Almagro, the Mission comprised 40 experts and observers from 14 countries, who were present in California, Colorado, Georgia, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Nebraska, Nevada, Virginia, Wisconsin, and the District of Columbia. Two members worked virtually. The Mission also included experts on substantive elements of the electoral process, namely, organization and technology, postal voting, electoral justice, electoral boundaries, political-electoral financing, political participation of women, political participation of Indigenous peoples and Afro-descendants, and campaigns, media, and digital communication.

As part of its activities, the Mission met with electoral authorities, government officials, representatives of political parties, civil society organizations, experts and academics, and other relevant actors. In the days prior to the election, OAS/EOM observers visited early voting centers in nine states and the District of Columbia. On election day, the Mission was present in 198 polling stations across the 13 states of deployment and the District of Columbia.

Because of the highly decentralized nature of election administration in the United States, there is great variation in statutory and customary provisions regarding the authorization of international observation of the electoral process. Some states and the District of Columbia explicitly allow international electoral observation in their statutes or written regulations, while other states explicitly prohibit it or only allow observation from categories not including international observers.¹ The remaining states are generally open to public observation, have statutory language that allows for international observation, or have been open to international observation in the past. With this in mind, the Mission reached out to individual states to request authorization to observe in their jurisdictions. In some cases, communication from the OAS/EOM was well-received and our observers were able to liaise with electoral authorities on the ground and have sufficient access to conduct their activities, under the guidelines and regulations of each jurisdiction. In other cases, it was much harder for the Mission to establish contact, receive responses, and in general implement its methodology.

¹ National Conference of State Legislatures (*Updated 2024, October 24*). Policies For Election Observers | Who Can Observe the Election Process. <https://www.ncsl.org/elections-and-campaigns/policies-for-election-observers>

Two states directly refused the presence of the Mission,² and one did not respond to requests to observe.³ In some jurisdictions where access was approved, our observers were at times received in an unfriendly manner or were unwelcomed in the performance of their duties.

While the Mission recognizes the value that the United States places on federalism and on states' prerogative to determine their own electoral rules and procedures, it also respectfully encourages state and local authorities to be more open to international electoral observation, as an opportunity to receive specialized, impartial analyses of their electoral processes and recommendations for their enhancement, under the established principles of objectivity and neutrality, respect for internal legislation, non-substitution of domestic actors, respect and promotion of Human Rights, independence and transparency, cooperation, and diversity of views.⁴ These are the principles under which the OAS operates, with a track record of over 320 EOMs in 28 countries of the Western Hemisphere.

In this regard, the Mission believes that there is a vital role that the National Association of Secretaries of State (NASS) and the National Association of State Election Directors (NASED) can play in promoting international election observation in the United States. During non-election periods, activities that facilitate engagement between the different states and international organizations that conduct electoral observation can assist in ensuring state and local election authorities, as well as the general public, are better informed about the role and impact of international electoral observation.

The OAS/EOM also wishes to acknowledge the work of national, state, and local nonpartisan observers, including the work of the Carter Center and its monitoring partners, as well as other organizations committed to citizen observation of the electoral process. The Mission considers there is an opportunity to continue expanding this practice, which is an electoral guarantee that helps build trust in the system.

This report contains preliminary findings and recommendations in the interest of contributing to the continued strengthening and deepening of democracy and respect for human rights in the United States. Despite the opportunities for improvement that are detailed below, the Mission acknowledges that the United States once again successfully organized a massive electoral process, which itself displayed the structure of checks and balances that is in place to safeguard its democratic system. As votes are still being counted, the OAS/EOM will remain engaged over the upcoming days, to verify that the will of the electorate is fully recorded and respected.

PRE-ELECTION PERIOD

Political environment

The campaign took place amidst a highly polarized political environment, with frequent use of divisive rhetoric and personal attacks from different actors in the process, including at the highest level of political competition.

² Pennsylvania and West Virginia.

³ North Carolina.

⁴ General Secretariat of the Organization of American States (2024). Manual for OAS Electoral Observation Missions – Second Edition.

<https://www.oas.org/ext/DesktopModules/MVC/OASDnnModules/Views/Item/Download.aspx?type=1&id=958&lang=1>

Two assassination attempts were perpetrated against the candidate, now president-elect Donald J. Trump,⁵ which shows that citizen polarization exceeded rhetoric and that the rationality of political discussion was seriously affected. The two assassination attempts against the republican candidate were condemned in the strongest terms by all political actors on the national level as well as in the international community. Violence has absolutely no place in an election, in politics or in our societies. The Mission strongly rejects the use of political violence and calls for tolerance, dialogue and peace in all aspects of political campaigns.

Acts of political violence were also perpetrated against elected officials, poll workers and ordinary citizens.⁶ The Mission learned there was an increase in threats against election officials.⁷ In 2021, the Department of Justice set up the Election Threats Task Force “to address violence against election workers and to ensure that all election workers—whether elected, appointed, or volunteer—are able to do their jobs free from threats and intimidation.”⁸ The Mission was informed that since 2021 the Task Force had conducted more than one hundred investigations over threats that met the minimum threshold of “intent to commit an act of unlawful violence,”⁹ charging more than 20 individuals and securing 16 convictions. The day before the election, an individual was arrested for making bomb threats to poll workers in Jones County, Georgia,¹⁰ and several non-credible bomb threats were reported on election day, at least some of which were alleged to have originated from Russian email domains.¹¹ The OAS/EOM deplors any act of political violence or intimidation and insists that any attack against the electoral process or its actors is an attack against democracy itself.

The Mission observed that the increase in violence and threats coincided with a created narrative which questioned the integrity of the elections. This rhetoric partly led to the enactment of legislation to address unfounded concerns of voter fraud. Many of these allegations about potential voter fraud had been investigated or adjudicated by administrative and judicial authorities and found to be unfounded. Still, the narrative continued. The Mission acknowledges and values the right of every citizen to question and even criticize their electoral authorities. At the same time, it warns that democratic systems require that political actors and political parties act responsibly and defend institutions and the Rule of Law when issues are addressed and resolved through institutional channels.

⁵ Department of Homeland Security (n.d.). Independent Review of July 13, 2024, Attempted Assassination of Former President Donald J. Trump. <https://www.dhs.gov/independent-review-2024-attempted-assassination>
U.S. Department of Justice (2024, September 24). Ryan Wesley Routh Indicted for Attempted Assassination of Former President Trump [Press Release]. <https://www.justice.gov/opa/pr/ryan-wesley-routh-indicted-attempted-assassination-former-president-trump>

⁶ Parker, N., & Eisler, P. (2023, August 9). Political violence in polarized U.S. at its worst since 1970s. Reuters Special Report. <https://www.reuters.com/investigates/special-report/usa-politics-violence/>

⁷ Brennan Center for Justice (2024, May 1). Local Election Officials Survey – May 2024. <https://www.brennancenter.org/our-work/research-reports/local-election-officials-survey-may-2024>

⁸ U.S. Department of Justice (n.d.). Election Threats. <https://www.justice.gov/voting/election-threats>

⁹ The doctrine, known as “true threats,” addresses threatening communications that can be prosecuted under the law.

¹⁰ U.S. Department of Justice (2024, November 4). Georgia Poll Worker Arrested for Making Bomb Threat to Election Workers [Press Release]. <https://www.justice.gov/usao-mdga/pr/georgia-poll-worker-arrested-making-bomb-threat-election-workers>

¹¹ Federal Bureau of Investigation (2024, November 5). FBI Statement on Bomb Threats to Polling Locations. <https://www.fbi.gov/news/press-releases/fbi-statement-on-bomb-threats-to-polling-locations>

Many stakeholders with whom the Mission spoke coincided in their belief that the 2016 and especially the 2020 general elections were pivotal in terms of the level of scrutiny, mistrust, and, in many cases, harassment directed towards election officials and poll workers in the United States. The OAS/EOM laments the hostile environment under which many election officials and poll workers had to carry out their duties and acknowledges the efforts made to enhance voting center security, establish alert systems to protect election personnel, and train poll workers in de-escalation techniques, including with the participation of civil society and academic organizations.¹²

In this context, the Mission observed that routine elements of election management have become heavily politicized. This includes everything from electoral calendar deadlines to voter list maintenance to regulations regarding the delivery of mail-in ballots. The Mission recognizes the importance of having a watchful and demanding citizenry, but notes that a strong, functioning democracy also relies on the construction and defense of solid, trustworthy, and independent institutions.

Electoral reforms and litigation

Legal reforms were adopted at the federal and state level in the period following the last general election, including the Electoral Count Reform Act of 2022 (ECRA), which updated the process of Electoral College certification by the U.S. Congress in response to the events occurring in the 2020 post-election period. Additionally, as many as 704 new election laws and regulations were passed since 2020 in every state and the District of Columbia,¹³ mostly regarding voting access and procedures corresponding to the processing and counting of absentee and/or mail-in ballots. This prompted widespread judicial action. By late September 2024, there were already three times the number of lawsuits filed before Election Day in 2020.¹⁴

According to an analysis by the OAS/EOM, as of November 1st, 2024, over 200 cases had been filed concerning the election. While lawsuits were filed in 40 states, half of the cases were concentrated in seven states.¹⁵ Litigation regarding the electoral process picked up in the months and days close to election day, concentrated in battleground states and, in some cases, concerning rules that had been in place for months or even years prior to the legal challenge. The Mission noted that half of the cases were filed between the months of August and November, with a high focus on challenges to voter roll maintenance and voter registration policies, general election administration rules, and regulations governing the processing and counting of mail-in/absentee ballots, including overseas ballots.

Notwithstanding the specific findings and recommendations detailed below in the corresponding section on electoral justice, the constant challenges to electoral rules and regulations introduced a degree of uncertainty into the electoral process.

Nomination process

¹² The Mission recognizes the work of the nonpartisan Bridging Divides Initiative at Princeton University.

¹³ Avore, L. (2024, October 7). Battleground 2024: How new voting laws will impact the election. Voting Rights Lab. <https://votingrightslab.org/2024/10/07/battleground-2024-how-new-voting-laws-will-impact-the-election/>

¹⁴ Hakim, D.; Berzon, A.; Corasaniti, N. (2024, September 29). Trump Allies Bombard the Courts, Setting Stage for Post-Election Fight. The New York Times. <https://www.nytimes.com/2024/09/29/us/politics/trump-2024-presidential-campaign-election-lawsuits.html>

¹⁵ According to an analysis of the Democracy Docket database done by the Mission. Data available at <https://www.democracymocket.com/cases/>

The Mission did not observe the primary process, which was widely covered by the media and the political campaigns themselves. Out of this process emerged the four main tickets that contested the presidential election in enough states to win a majority of the electoral college: the Presidential and Vice-Presidential candidates for the Republican, Democratic, Libertarian and Green parties.

Former President Donald J. Trump emerged as the presumptive Republican nominee early in the nomination process, after decisive wins in the earlier caucuses and primaries of the Republican party. He was officially nominated at the Republican National Convention in mid-July 2024, when he also announced his vice-presidential running mate, Senator James David (JD) Vance. In the months leading up to the election, the former president faced a series of legal and criminal proceedings, which did not affect his ability to stand in the election.

President Biden also emerged as the presumptive Democratic nominee early in the primary process, as he did not face significant challengers. After announcing his candidacy, Biden chose Vice-President Kamala Harris to again join his ticket. Following pressures within the Democratic party over his performance in the first presidential debate, on July 21st President Biden announced he would step down from the race, stating: “while it has been my intention to seek reelection, I believe it is in the best interest of my party and the country for me to stand down and to focus solely on fulfilling my duties as President for the remainder of my term.”¹⁶ This was the first time that a presumptive nominee abandoned a reelection bid in modern primary history.¹⁷ President Biden endorsed Vice-President Harris to become the presidential candidate in his place and she received the Democratic nomination in early August. Vice-President Harris selected Minnesota Governor Tim Walz as her vice-presidential running mate.

Early voting observation

In the days prior to the election, the Mission visited early voting centers in nine states and the District of Columbia. Electoral authorities informed the OAS/EOM that the electoral calendar had been followed in all the states under observation, as well as in the District of Columbia. In most states, the Mission was also able to observe the return of mail ballots. Generally, poll workers seemed adequately trained to perform their duties and assist voters, and voters themselves seemed familiar with the voting process. Waiting times were long in more than half of the early voting centers, including waits of up to two hours in Indiana and Virginia. The OAS/EOM did not observe any instance of voters being turned away from polling stations during early voting.

OAS/EOM observers in general reported a positive and even a happy atmosphere in polling stations, despite the waiting times. The Mission did not observe any act of harassment or voter intimidation at early voting sites. The OAS/EOM also observed political rallies of the national political parties in eight states and the District of Columbia, which were peaceful and generally transpired in an atmosphere of civic participation.

ELECTION DAY

¹⁶ Official X account of President Joe Biden (2024, July 21).

<https://x.com/JoeBiden/status/1815080881981190320>

¹⁷ Skelley, Geoffrey (2024, July 24). Biden isn't the first president to drop a reelection bid. ABC News.

<https://abcnews.go.com/538/biden-president-drop-reelection-bid/story?id=112248267>

On the day of the election, the members of the Mission were present at polling places in California, Colorado, Georgia, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Nebraska, Nevada, Virginia, Wisconsin, and the District of Columbia, observing from the opening of the voting centers until closing time. In the states that it observed, all polling stations opened on time, according to the specific opening hours of each jurisdiction. In general, all polling stations were located in adequate spaces and had all the materials necessary to carry out their activities. About half of the polling stations observed by the OAS Mission used hand-marked paper ballots, roughly one quarter used Ballot-Marking Devices (BMD), and one quarter used Direct Recording Electronic (DRE) systems.

The Mission observed a large presence of women as poll workers, including as chiefs or managers of the polling stations. OAS/EOM observers reported the presence of partisan poll watchers in many of their polling places, chiefly from the Democratic, Republican, Libertarian, and Green parties. Domestic electoral observers were also present in some of the polling places. The Mission observed that polling stations followed their respective regulations and guidelines and, in general, voters appeared to understand how to vote. Observers reported that the design of the ballot allowed voters to accurately record their preferences and that the secrecy of the ballot was protected.

OAS/EOM observers reported long lines in certain polling stations from the early hours of the morning. Through media reports, the Mission learned about scanners malfunctioning in Cambria County, Pennsylvania, which led to all voters having to cast paper ballots. To solve the issue local electoral authorities extended the voting hours from 8:00pm to 10:00pm.¹⁸ The Mission also received information through the media about scanners that malfunctioned in Story County,¹⁹ in central Iowa, which led to hand counting of ballots in those sites after polls closed.

Polling stations closed on time and people queuing were able to cast their votes. Observers reported that the closing procedures they witnessed complied with expectations and local regulations. Once again, the OAS Mission commends the electoral authorities across the states, as well as the thousands of poll workers and supervisory personnel, for their efficient and professional conduct of the voting process prior to and on Election Day.

In general, the Mission found that the day progressed in a peaceful manner. Nevertheless, the OAS/EOM also observed a proliferation of disinformation and misinformation about the election, including false allegations of fraud, from which not even the federal authorities were exempt. Among the most relevant disinformation circulated on digital platforms, the Mission learned about the use of the FBI's name and image in fake videos;²⁰ also, about bomb threats to polling locations, which were determined not to be credible by the FBI,²¹ and which, according to the Bureau, originated from abroad. This impacted the electoral process in the state of Georgia where at least 12 polling stations

¹⁸ Official X account of the Department of State of Pennsylvania (2024, November 5).

<https://x.com/PASStateDept/status/1853810980414697806>

Court of Common Pleas of Cambria County, Pennsylvania Civil Division. Order No. 2024-4706.

¹⁹ Jett, Tyler (2024, November 5). Story County hand-counts ballots at about a dozen polling places after machine failure. Ames Tribune. <https://www.amestrib.com/story/news/politics/elections/2024/11/05/story-county-to-hand-count-12-precincts-ballots-after-machine-failure/76074061007/>

²⁰ Federal Bureau of Investigation (2024, November 5). FBI Statement on Additional Inauthentic Uses of Bureau Name, Insignia in Promoting False Election-Related Narratives. <https://www.fbi.gov/news/press-releases/fbi-statement-on-additional-inauthentic-uses-of-bureau-name-insignia-in-promoting-false-election-related-narratives>

²¹ Federal Bureau of Investigation (2024, November 5). FBI Statement on Bomb Threats to Polling Locations. <https://www.fbi.gov/news/press-releases/fbi-statement-on-bomb-threats-to-polling-locations>

had to close for 20 to 30 minutes due to the threats and in Centre County, Pennsylvania, where the elections office had to be evacuated.²² Despite these challenges, the Cybersecurity and Infrastructure Security Agency (CISA) of the Department of Homeland Security (DHS) said on November 6th that the agency had “no evidence of any malicious activity that had a material impact on the security or integrity of [the country’s] election infrastructure.”²³ The Mission addresses the issue of disinformation and misinformation in the corresponding section below.

Throughout the night, as is tradition in the United States, media outlets presented the results of the election. At midnight Eastern Time no candidate had secured at least a projection of a majority of the electoral college votes to be declared winner. Around 3:00am on November 6th, former President Donald J. Trump delivered remarks to his supporters declaring victory. At 6:00am the Associated Press (AP) called the election, projecting former President Trump had garnered enough support to become the 47th President of the United States.

FINDINGS AND RECOMMENDATIONS

As a federal republic with no centralized electoral authority, the United States has a distinct electoral system made up of limited federal electoral legislation and a diversity of state and local laws and regulations. Aside from statewide provisions in the 50 states, the District of Columbia, and five territories, rules and practices governing the electoral process vary greatly across the more than 8,000 electoral jurisdictions in the country.²⁴ Recognizing the differentiated nature of this system, based on its interviews with key actors in the process and following its own research and direct observation, the Mission shares the following preliminary findings and recommendations.

I. Electoral Organization and Postal Voting

The Mission observed that in the pre-election period, states in the Southeast United States were severely affected by hurricanes Helene and Milton, which directly impacted election preparation. In order to guarantee the right to vote of affected populations, reforms were adopted, for instance allowing outreach teams to visit disaster shelters and other areas to help people complete their ballots; permitting local election officials to modify early-voting hours, locations, and staffing plans as needed; and enabling residents to pick up absentee ballots at local election offices and return them at any polling place on Election Day.²⁵ Even though some early voting sites were damaged or needed to be used as shelters or supply warehouses, election officials in the affected areas managed to successfully conduct the electoral process and allow voters to exercise their right.

²² Woodruff Swan, B.; Otterbein, H.; Sakellariadis, J.; Gedeon, J. (2024, November 5). False bomb threats briefly disrupted voting sites in some battleground states. Politico. <https://www.politico.com/live-updates/2024/11/05/2024-election-results-live-coverage-updates-analysis/false-bomb-threats-00187644>

²³ Cybersecurity & Infrastructure Security Agency (2024, November 6). Statement from CISA Director Easterly on the Security of the 2024 Elections [Press Release]. <https://www.cisa.gov/news-events/news/statement-cisa-director-easterly-security-2024-elections>

²⁴ For an overview, see: NSCL (n.d.) Election Administration at State and Local Levels. <https://www.ncsl.org/elections-and-campaigns/election-administration-at-state-and-local-levels>

²⁵ Sullivan, Andy (2024, October 7). North Carolina changes election rules to help voters hit by hurricane Helene. Reuters. <https://www.reuters.com/world/us/north-carolina-changes-election-rules-help-voters-hit-by-hurricane-helene-2024-10-07/>

Funding and capabilities

The highly fragmented nature of U.S. electoral administration translates into a great variation in procedures governing the casting and counting of votes. The 2002 Help America Vote Act (HAVA) created the U.S. Election Assistance Commission (EAC), with the aim of assisting states in implementing the law and developing improved practices for election administration, including voting technology and voter access. Between 2003 and September 2023, the EAC had awarded and disbursed around US\$4.3 billion in federal formula funds to the 50 states, the District of Columbia, and the five U.S. territories. Funds have been appropriated to improve the administration of federal elections with an emphasis on security enhancements to election systems.²⁶ Nevertheless, the Mission learned that the bulk of those funds were allocated in the first few years after enactment and appropriations had fallen to just US\$55 million in 2024.²⁷ Stakeholders coincided in the need to provide better and more predictable resources to election authorities around the country. The OAS/EOM acknowledges the complex fiscal environment the U.S. faces, as do most economies around the world, but stresses the need for countries to invest in their democracies, particularly in light of growing demands in terms of election security, cybersecurity, and the need to educate voters and combat disinformation and misinformation.

The Mission recommends:

- Increasing the amount and stability of funds disbursed to states and to election officials to support the enhancement of their electoral security, improve electoral administration, and educate voters.

Voter registration and list maintenance

In this general election, around 245 million citizens were eligible to vote, of which around 64.5% cast their ballots.²⁸ The Mission congratulates the high levels of political participation.

The OAS/EOM observed that the requirements, deadlines, and processes regarding voter registration varied significantly between states, and many states reformed their legislation on voter registration since the last presidential election. Overall, 18 states plus the District of Columbia implemented automatic voter registration (AVR), 44 jurisdictions facilitated online registration and 22 allowed same-day registration. This diversification expanded access to voter registration and participation, but it also led to debates regarding how registration and list maintenance should be implemented to ensure electoral integrity, without restricting voting rights.

The United States lacks a national voter registry. States bear the responsibility for maintaining accurate statewide voter rolls. To this end, election officials verify and cross-reference information with state²⁹

²⁶ Election Assistance Commission (2024). 2023 Grand Expenditure Report. https://www.eac.gov/sites/default/files/2024-06/EAC_Report_on_State_Expenditures_of_HAVA_Funds_2023.pdf

²⁷ Election Assistance Commission (n.d.). FY2024 Election Security Allocation.

<https://www.eac.gov/sites/default/files/2024-04/State%20by%20State%20Allocation%20FY%202024.pdf>

²⁸ University of Florida (n.d.). 2024 General Election Turnout. Election Lab. <https://election.lab.ufl.edu/2024-general-election-turnout/>

²⁹ State vital records, court records, DMVs, and contributing agencies.

and federal³⁰ databases. However, interstate data exchange is not automatic, requiring specific agreements or participation in interstate associations such as the Electronic Registration Information Center (ERIC), which facilitates cross-verification of voter information. The Mission noted that since 2022, nine states had withdrawn from the ERIC program.³¹

To mitigate the risk of registration duplication and enhance voter eligibility verification, the Mission recommends:

- Promoting bipartisan efforts to encourage greater uniformity in voter registration requirements, procedures, and deadlines across states.
- Fostering interstate agreements and bipartisan associations for continuous data exchange and list maintenance.

The Mission observed that voter list maintenance became a focal point of political debate. Despite stringent criminal penalties for voting by ineligible individuals,³² an array of cross-checks, and the rarity of cases,³³ national polling revealed significant voter concern regarding potential voting by ineligible individuals, particularly non-citizens.³⁴ Some authorities implemented specific list maintenance programs to target suspected non-citizens; however, these programs highlighted the limitations of existing mechanisms to verify declared citizenship in voter registries. For example, records of the Department of Motor Vehicles (DMV) and other agencies might not reflect up-to-date citizenship status. Three state programs faced legal action due to their potential impact on citizens' legitimate voting rights. In Virginia, the Department of Justice (DoJ) contested the voter removal program, but the U.S. Supreme Court allowed the withdrawal of 1,600 registered voters.³⁵ In Iowa, a federal judge permitted the state to continue challenging and potentially removing 2,000 names, even amid legal action by citizens wrongfully included on the list.³⁶ Conversely, in Alabama, a federal judge halted the voter removal program after finding that the suspicion criteria had flagged over 2,000 naturalized citizens.³⁷

The Mission recommends:

³⁰ Records from the social security administration, from the Department of Homeland Security (DHS) and from the United States Postal Service (USPS) National Change of Address Database (NCOA).

³¹ Underhill, Wendy (2023, June 20). More Withdrawals From Voter Data Group ERIC Likely. National Conference of State Legislatures. <https://www.ncsl.org/state-legislatures-news/details/more-withdrawals-from-voter-data-group-eric-likely>

³² U.S. legislation explicitly prohibits any non-citizen from voting in federal elections, with penalties including fines, imprisonment, and possible deportation. 18 U.S. Code 611 (1996). Voting by Aliens; and 8 U.S. Code § 1227, a, 6 (1996) Deportable Aliens.

³³ The Heritage Foundation, which compiles a database of voter fraud incidents, has recorded fewer than 100 cases from over 1 billion ballots cast between 2002 and 2022. See: The Heritage Foundation (n.d.) Election Fraud Map | Explore the Data. https://www.heritage.org/voterfraud/search?combine=&state=All&year=&case_type=24519&fraud_type=24491

³⁴ Saad, Lydia (2024, September 25). Partisan Split on Election Integrity Gets Even Wider. GALLUP <https://news.gallup.com/poll/651185/partisan-split-election-integrity-gets-even-wider.aspx>

³⁵ Supreme Court of the United States (2024, October 30). Order in pending case 24A407. https://www.supremecourt.gov/orders/courtorders/103024zr_f2ah.pdf

³⁶ U.S. District Court C.D. of Iowa (2024, November 2). Case No. 4:24-cv-00390 <https://www.democracymocket.com/wp-content/uploads/2024/10/312024-11-02-IA-Secretary-of-States-supplemental-briefing.pdf>

³⁷ U.S. District Court N.D. of Alabama (2024, September 28). Case No.: 2:24-cv-1329-MHH <https://www.democracymocket.com/wp-content/uploads/2024/09/22024-09-28-Order-consolidating-cases.pdf>

- Collaborating with the Systematic Alien Verification for Entitlements (SAVE) program to confirm the citizenship status of registered voters in real time.

Early voting

The 2024 election registered a significant expansion of early voting.³⁸ This comprised nearly 47 million in-person early votes and around 40 million mail-in ballots.³⁹ The diversity of voting methods facilitated electoral participation, particularly in states where voters could choose their preferred voting method. However, the high demand for early voting resulted in increased financial and operational burdens on election offices. These offices had to organize multiple concurrent voting processes, train staff for new roles and manage voter services across consecutive voting days. OAS/EOM observers documented the organizational differences across different jurisdictions, with waiting times of up to two hours in some crowded polling places, while in other jurisdictions the waiting time was less than 10 minutes and there were online tools to inform voters of the estimated waiting time. In Bucks County, Pennsylvania, a judge ordered an extension for early ballot drop-off due to extensive queues observed at the end of the original deadline.⁴⁰

To ensure equal vote access for all citizens in the United States, the OAS/EOM reiterates the recommendation made in 2020:

- Promoting access to in-person early voting in those states that do not currently offer this option.

Additionally, the OAS/EOM recommends:

- Increasing funding and staffing of electoral authorities at the state and local level to better accommodate the anticipated demand for early voting in person and by mail.
- Developing comprehensive logistical plans that include simulations of peak voting periods to identify potential bottlenecks and address them proactively.

Postal Voting

In 2024, 27% percent of the electorate used some form of postal voting.⁴¹ Mail-in and absentee ballot voting varied significantly by state and region. In six West Coast states ballots were sent by mail to all voters; in eleven states in the central and southern parts of the country, postal voting was only authorized for voters who provided an excuse.⁴² This heterogeneity included variations in the deadlines for requesting and submitting ballots, the availability of ballot tracking systems, and the

³⁸ As of November 6, 158,549,000 votes had been counted, of which 85,903,679 were early votes. University of Florida Election Lab (2024, November 6). 2024 General Election Turnout. <https://election.lab.ufl.edu/2024-general-election-turnout/>

³⁹ University of Florida Election Lab (2024, November 6) Early voting tracker. <https://election.lab.ufl.edu/early-vote/2024-early-voting/>

⁴⁰ Court of Bucks County (2024, November 30). No. 2024-06880 <https://www.democracydocket.com/wp-content/uploads/2024/10/2024-10-31-order.pdf>

⁴¹ University of Florida Election Lab (2024, November 4) Early voting tracker. <https://election.lab.ufl.edu/early-vote/2024-early-voting/>

⁴² MIT Election Data + Science Lab (October 18, 2024) Voting by mail and absentee vote. <https://electionlab.mit.edu/research/voting-mail-and-absentee-voting>

procedures and deadlines for counting ballots. The Mission acknowledges the legal reforms enacted by ten states to begin processing mail-in ballots before election day, in line with recommendations from 2020.⁴³ However, eight states—including the pivotal states of Wisconsin and Pennsylvania—retained their provisions to begin processing mail-in ballots only on election day.⁴⁴ This led to an accumulation of workload on November 5th.

The Mission noted that, while postal voting provided convenience, it also sparked controversies, leading to over thirty legal challenges related to verification procedures, submission deadlines, and the placement of drop boxes. In the days leading up to the election, several disputes were raised in different counties in Pennsylvania, Georgia and Nevada.⁴⁵ On the other hand, there were three isolated incidents of drop boxes set on fire, resulting in three damaged ballots in Portland, Oregon, 20 damaged ballots in Phoenix, Arizona, and 475 damaged ballots in Vancouver, Washington. These represented less than a thousandth of a percent of ballots. The OAS/EOM learned that electoral authorities asked their communities to track their ballots, so that they could receive a replacement in case their votes were among the ballots destroyed.

To enhance the efficiency and transparency of the postal voting system, the Mission recommends:

- Establishing deadlines for registration to vote via mail that allow ample time for election authorities and provide the public with a clearer understanding of their rights and responsibilities.
- Expanding the use of secure ballot tracking systems to improve voter confidence and reduce disputes over the handling and timing of mail-in ballots.
- Facilitating efforts to provide timely and accurate information to citizens on changes to deadlines and voting rules.

II. Electoral Technology

Electoral technology plays a crucial role in the administration, security, and integrity of elections in the United States. Due to the decentralized nature of the electoral process in the country, the technological requirements, tools, and procedures vary significantly between states, and, in some cases, even between counties of the same state. This technological diversity extends not only to voting systems, but also to other technology-based steps of the process, such as voter registration, verification and tabulation, and transmission of results.

Voting systems

⁴³ Organization of American States. (2020, November 6). Preliminary Report of the Electoral Observation Mission deployed during the General Elections held in USA on November 3, 2020. <https://www.oas.org/documents/eng/press/Preliminary-Report-of-the-OAS-EOM-USA-2020.pdf>

⁴⁴ National Association of State Election Directors (2024). 2024 General Election Administrative Dates and Deadlines. <https://www.nased.org/2024dates>

⁴⁵ Democracy Docket (2024, November 4). Court Cases: vote by mail. <https://www.democracydocket.com/cases/topic/vote-by-mail/>

Voting system certification aims to standardize voting regulations to ensure safe, stable, accessible, and accurate elections. Under the Help America Vote Act of 2002 (HAVA) the Electoral Assistance Commission (EAC) was mandated to create guidelines against which voting systems could be tested and certified, which resulted in the publication of the Voluntary Voting System Guidelines (VVSG) 1.0 in 2005⁴⁶. As prior OAS/EOMs have emphasized, adhering to the EAC's VVSG is voluntary except in some jurisdictions where it is required by their own state law.⁴⁷ Furthermore, some states use the VVSG as a baseline, to which they add technical requirements.

The OAS/EOM to the 2020 elections found that the VVSG 1.0 requirements were significantly outdated and did not include a penetration testing process against system vulnerabilities. The Mission recognizes as a very positive development that, in line with its 2020 recommendation, the VVSG were updated to version 2.0 in 2021, with improvements in key areas, including cybersecurity, data protection, accessibility, voter experience, ballot secrecy, improved auditability, penetration testing and component testing.⁴⁸

Nevertheless, because the VVSG 2.0 was recently approved and it takes time for equipment to be manufactured, tested, and certified under the new guidelines, none of the systems deployed in 2024 were certified to the VVSG 2.0 standard—although some might meet a VVSG 1.2.0 standard. The Mission was informed that only systems submitted for testing after November 15, 2023, could be certified using VVSG 2.0 standards. The OAS/EOM notes that, because of this lag in updating technologies, some states were potentially excluded from valuable security enhancements.

For the 2024 election, up to 84 different electronic voting systems, developed by seven vendors,⁴⁹ were EAC certified and could have been used according to the rules in each jurisdiction. Additionally, because thirteen states⁵⁰ do not have federal testing or certification requirements for their voting systems and can then certify equipment under their own regulations, the number of voting systems in actual use across the country could potentially be higher. All the above resulted in systems varying widely in type and date of certification, ranging from 2002 certification (pre-EAC guidelines),⁵¹ to certification under VVSG 1.0.

In this regard, the Mission recommends:

- Encouraging jurisdictions to update their voting system certifications to the latest standards before each round of elections, in order to increase security and accessibility requirements,

⁴⁶ U.S. Election Assistance Commission. (2024). Voluntary Voting System Guidelines. <https://www.eac.gov/voting-equipment/voluntary-voting-system-guidelines>

⁴⁷ 38 states and D.C. use some aspect of federal testing and certification in addition to state-specific testing and certification, while 13 states have no federal testing or certification requirements, but have state-specific processes that incorporate VVSG and/or HAVA to test and approve equipment. <https://www.clearballot.com/election-insights/certification>

⁴⁸ U.S. Election Assistance Commission. (2024). Major Updates of the Voluntary Voting System Guidelines 2.0. https://www.eac.gov/sites/default/files/TestingCertification/VVSG_2_Major_Updates.pdf

⁴⁹ Elections Systems and Software (ES&S), 30 systems; Dominion Voting Systems Group, 16 systems; Unisyn Voting Solutions, 13 systems; Hart Intercivic, 12 systems; MicroVote General Corp, 7 systems; Clear Ballot Group Inc., 5 systems; and Premiere Election Solutions Inc, 1 system.

⁵⁰ Alaska, Hawaii, California, Montana, Nebraska, Oklahoma, Florida, Mississippi, Tennessee, New Jersey, Maine, New Hampshire, and Vermont. See: Clear Ballot (2024, April 12). Certification 101: Demystifying Voting System Certification. <https://www.clearballot.com/election-insights/certification>

⁵¹ Voting System Standards 2002. Legacy set of pre-HAVA and pre-EAC guidelines.

mitigate risk and address preventable vulnerabilities. This implies improved budgeting and procurement planning for electoral technology.

In 2024, 69.9% of voters were located in jurisdictions that used hand-marked paper ballots, mostly counted through optical scanners; 25.1% used ballot marking devices (BMD), which also produce a human-readable paper ballot; and 5% of the jurisdictions had Direct Recording Electronic (DRE) Systems, which electronically store voter selections, and, in most cases are not equipped with Voter Verified Paper Audit Trail (VVPAT) printers that allow the voter to confirm their selections on a paper record before recording their votes into computer memory.⁵² The Mission observed that, for the 2024 elections, the number of jurisdictions using DREs for all voters had decreased by 6.6 percentage points, in comparison with the 2020 elections, which were estimated to affect only around 2% of voters⁵³.

A constant issue raised by stakeholders in the process regarding voting modality and election security was the importance of conducting recounts and audits, for which a paper trail is instrumental. In line with its 2020 report, the Mission recommends:

- All states and counties still using Direct Recording Electronic (DRE) machines that only store votes electronically, analyze the possibility of replacing them with voting systems that produce a voter-verifiable paper trail of each voter's selections.

Finally, the Mission was informed of the establishment of EAC's Election Supporting Technology Evaluation Program (ESTEP) in 2022, formally adopted in 2023, which aims to address the standards for the technologies that are not covered under the VVSG, including electronic poll books, electronic ballot delivery systems, election night reporting systems and voter registration portals and databases.⁵⁴ Recognizing the challenges posed to election management and security standards, by the use of multiple technologies across the country, and considering the importance of promoting good practices, the Mission recommends:

- The Election Supporting Technology Evaluation Program (ESTEP) continues advancing common requirements and guidelines related to election technology, which are not covered by the VVSG.

III. Electoral Justice

The decentralized nature of electoral administration is reflected in a similarly decentralized system of electoral dispute resolution (EDR), involving state courts, federal courts, and even the legislature, with different procedures, rules and deadlines for the adjudication of election complaints across state jurisdictions. In that sense, there is no centralized judicial process to submit election-related complaints. Rather, each state administers both national and state elections in their jurisdiction

⁵² Verified Voting (n.d.) The Verifier | Election Day Equipment | November 2024.

<https://verifiedvoting.org/verifier/#mode/navigate/map/ppEquip/mapType/normal/year/2024>

⁵³ Tisler, D.; Norden, L. (2024, August 23). Some Good News for Donald Trump: We Already Use Paper Ballots. Brennan Center for Justice. <https://www.brennancenter.org/our-work/analysis-opinion/some-good-news-donald-trump-we-already-use-paper-ballots>

⁵⁴ U.S. Election Assistance Commission. (2024). Election Supporting Technology Evaluation Program (ESTEP). <https://www.eac.gov/estep-program>

according to individual state laws, with varying interpretations across states, even regarding federal elections.

As indicated earlier, 704 new election laws and regulations were passed since 2020 in every state and the District of Columbia regarding the electoral process,⁵⁵ which prompted intense litigation. OAS/EOM analyses revealed that over 200 cases had been filed in 2024 alone, with lawsuits concentrated in a few states and in the three months prior to the election.

While electoral dispute resolution timelines vary between states and in some cases do not exist, the Mission acknowledges efforts by the courts to expedite the resolution of election-related disputes. As was the case in the 2020 election, there has been a focus on the timing of election litigation, particularly with reference to the Purcell Principle, which warns federal courts against making last-minute changes to voting rules close to an election. However, excessive litigation in the days leading up to the election impacts certainty and prompts confusion among all the stakeholders in the electoral process. In line with the recommendations of OAS Electoral Observation Missions in other countries, the Mission recommends:

- Considering reforms to discourage excessive and/or frivolous litigation.
- Introducing into electoral regulations the principle of preclusion so that the electoral stages are controverted opportunely within fixed and conclusive deadlines in order to avoid changes in close proximity to the election.

The Mission also acknowledges recent reforms to standardize rules regarding the certification process for the electoral college, in line with previous OAS/EOM recommendations. The Electoral Count Reform Act (ECRA) of 2022, which updated the Electoral Count Act of 1887, provides clarity on the process and timeline to cast and count electoral votes, as well as on the roles of state and federal actors in that process. Likewise, the ECRA gives federal courts a clear and expedited role in ensuring that states send lawful certifications of election results to Congress and makes it more difficult for members of Congress to make frivolous objections to state election results.

The Mission recognizes that the newly established timeline for the certification process will also have a positive impact on the timeline for recounts and audits, as they must now be conducted in accordance with ECRA provisions. The Mission also takes note of efforts undergone in states to establish election laws and rules to comply with ECRA provisions, as well as other efforts by courts in states like Arizona, Pennsylvania and Michigan⁵⁶ to set clear timelines in the resolution of post-election disputes.

The Mission also observed the use of emergency applications in the Supreme Court of the United States (SCOTUS), informally known as the “shadow docket”. These cases are regularly handled on an expedited basis with limited briefing and no oral arguments. In the week prior to the election, SCOTUS

⁵⁵ Avore, L. (2024, October 7). Battleground 2024: How new voting laws will impact the election. Voting Rights Lab. <https://votingrightslab.org/2024/10/07/battleground-2024-how-new-voting-laws-will-impact-the-election/>

⁵⁶ See Arizona Administrative Order No. 2024- 199 at: https://fingfx.thomsonreuters.com/gfx/legaldocs/egvbjynwjqv/10152024arizona_election.pdf; Pennsylvania Order No. 622, <https://www.democracydocket.com/wp-content/uploads/2024/08/PACertified-Copy-Order-Entered-JAD-No.-622-FILED-8-27-2024.pdf> ; and Michigan Memorandum <https://www.courts.michigan.gov/4a5ca4/siteassets/court-administration/scao-communications/2024/2024-09-11-memo-re-election-related-litigation.pdf>.

issued orders from cases in the “shadow docket” on four separate occasions - on the removal of a presidential candidate from the ballot in Wisconsin and Michigan; on the removal of voters from voter rolls in Virginia during the so-called “quiet period”, which prohibits the systematic removal of voters from the rolls 90 days before an election; and on the counting of provisional ballots of voters whose mail-in ballots were deemed invalid by a sorting machine in Pennsylvania. However, no reasoning or arguments were provided by the high court in three of the four decisions.

It has become standard practice that SCOTUS often resolves cases in the emergency docket, issuing unsigned orders with little or no arguments. Also, they typically do not receive an extensive briefing or a hearing. Emergency docket matters often involve requests to reverse or stay a lower court’s orders. In the context of electoral disputes, these can have high stakes, particularly so close to the election. In that sense, the Mission reiterates the importance of:

- Providing written, reasoned decisions on election cases, including on all emergency applications heard and decided, with a clear indication of accompanying and dissenting votes. If necessary, written reasons can be provided after the ruling has been made.

IV. Electoral Boundaries

The drawing of electoral boundaries is the process of partitioning a territory into electoral constituencies from which representatives are elected. It is a key part of the United States’ democratic process and is mandated by law to be conducted every ten years, following a populational census. Boundary delimitation for the 2024 congressional elections occurred in 2021, and the maps drawn then were first used in the 2022 congressional midterm elections.

The process of redistricting was directly affected by the COVID-19 pandemic, since the sanitary emergency delayed the census, and it did not become available until late September 2021.⁵⁷ This shortened state timetables for map-drawing in a semester, disrupting political negotiations that inevitably accompany the process.

Redistricting has been historically politicized in the United States. The U.S. Constitution gives the authority for conducting the times, places and manner of elections to state legislatures, which has been interpreted to include the power for congressional boundary delimitation. In two thirds of the states the process of redistricting is legislature-dominant,⁵⁸ and the resulting map is voted on like any other statute of law, and then sent to the governor for signature. In case of gubernatorial objection, the assembly may try to override the veto. Additional challenges of maps are also common, as the Voting Rights Act of 1965⁵⁹ entitles voters to seek judicial relief if they believe that a state or local government has denied or limited their voting rights based on their race, color or membership in a language minority group.

⁵⁷ U.S. Census Bureau (2024). 2020 Census Operational Timeline and Adjustments Due to COVID-19.

<https://www.census.gov/programs-surveys/decennial-census/decade/2020/planning-management/operational-adjustments.html>

⁵⁸ Ballotpedia (n.d.) State-by-state redistricting procedures. https://ballotpedia.org/State-by-state_redistricting_procedures#cite_note-9

⁵⁹ See Section 2, United States of America (1965). Voting Rights Act. <https://www.govinfo.gov/content/pkg/COMPS-350/pdf/COMPS-350.pdf>.

It should be noted that several court rulings have weakened the ability to adopt general guidelines and principles for fair election boundary setting across different states beyond voting rights protection, in particular *Rucho v. Common Cause*, where the U.S. Supreme Court found that federal courts do not have the authority to intervene in cases of *partisan* gerrymandering, where electoral districts are drawn to favor one political party, as the court found that gerrymandering claims are nonjusticiable because they present a political question beyond the reach of the federal courts.⁶⁰

Following the latest redistricting in 2021, in several states congressional maps were challenged in court, with rulings mandating redrawing after the 2022 midterm elections: in Alabama, Louisiana and Georgia federal courts found districting violated the Voting Rights Act.⁶¹ In New York and North Carolina, courts also struck down the redrawing of electoral maps.⁶² Other pending legal challenges could still change delimitations for future elections, before the next census takes place.⁶³

The manipulation of boundaries for electoral gain, known as gerrymandering, has been a recurrent issue in past U.S. elections, as stressed by the OAS/EOM of 2020. Different stakeholders have manifested to the 2024 Mission their belief that having the delimitation of boundaries under state assembly competence allows the local majority party to distort representation by drawing maps in pursuit of overt political goals. Those would be achieved by splitting a community of like-minded people between two or more districts, and diluting their potential influence in politics, or on the contrary, by packing those groups within one district, wasting votes that could have afforded them another House seat.

Considering the effects of gerrymandering on voter representation, the Mission recommends:

- Strengthening guidelines for the management of redistricting processes, with the aim of promoting the adoption of best practices in election boundary delimitation.

Independent redistricting boards have been promoted as a way to reduce the risk of gerrymandering in the boundaries' delimitation equation, and the number of states that delegate the authority to an independent commission has been slowly growing in the U.S. since the state of Washington adopted it in 1983. As noted by the OAS Mission to the 2016 and 2020 elections in the United States, this practice guarantees clearer standards in the definition of district lines, thus increasing the possibilities for political alternation.

For the 2020 cycle, nine states had commissions drawing congressional district lines, with eight of them being non-politician commissions.⁶⁴ The Mission recognizes that, in comparison with the previous election, the number of states with independent or hybrid redistricting boards has grown considerably,

⁶⁰ Rucho et al. V. Common Cause et al. (2018). https://www.supremecourt.gov/opinions/18pdf/18-422_9ol1.pdf

Oyez (n.d.) Rucho v. Common Cause. <https://www.oyez.org/cases/2018/18-422>

⁶¹ Burton, C.; Rakich, N.; Skelley, G. (2024, October 9). How redistricting could play a key role in the fight to control the House in 2024. ABC News. <https://abcnews.go.com/538/redistricting-play-key-role-fight-control-house-2024/story?id=114640271>

⁶² Wasserman, D. (2024, February 12). With the Clock Ticking, Future of New York's Congressional Map Still Uncertain. The Cook Political Report. <https://www.cookpolitical.com/analysis/house/redistricting/clock-ticking-future-new-yorks-congressional-map-still-uncertain>

⁶³ Brennan Center for Justice (2021, December 20. Updated 2024, September 30). Redistricting Litigation Roundup. <https://www.brennancenter.org/our-work/research-reports/redistricting-litigation-roundup-0>

⁶⁴ Arizona, California, Colorado, Hawaii, Idaho, Michigan, Montana, and Washington are non-politician, and New Jersey has a politician Commission.

from five to nine.⁶⁵ Additionally, two states (New York and Virginia) adopted hybrid models in which the legislatures share redistricting authority with politician and/or non-politician commissions. Conversely, in 33 states the state legislature retained the dominant role in redistricting, and six more did not redistrict because they elect a single House member in the state at-large.⁶⁶

In spite of the growing adoption of independent commissions and their potential advantage for unbiased delimitation of boundaries, the measure still faces resistance from states and constituents. In one state in particular, Ohio, the November 5th elections included a citizen-initiated constitutional amendment to establish the Ohio Citizens Redistricting Commission (CRC), a 15-member board with equal partisan representation,⁶⁷ in replacement of the current Commission, which has a partisan majority composition. The initiative, also known as “Ohio Issue 1,” was the third attempt in the state to create an independent redistricting board through ballot initiatives, after previous efforts were rejected in 2005 and 2012.⁶⁸ Like its predecessors, it did not pass in 2024: election night preliminary results showed that 53.9% of Ohio’s constituents voted against it.⁶⁹

In the spirit of providing clear standards that allow fair electoral boundary delimitation and remove the possibility of partisan gerrymandering in future processes, the Mission reiterates its 2020 recommendations:

- Promoting reform that delegates redistricting to bipartisan or non-partisan commissions instead of state legislators. Successful reform cases offer insights on possible approaches that can be considered.
- Enhancing access for stakeholders (political parties, organized interests, advocacy groups) and the general public, to encourage greater transparency and accountability in the design of electoral maps, and ensure greater participation, trust and certainty regarding the boundary delimitation process.

V. Political Finance

The election campaign finance system

The FEC is the independent regulatory agency responsible for administering and enforcing federal campaign finance laws, with jurisdiction over financing of campaigns for President and Vice-President, the U.S. House, and the U.S. Senate. Federal campaign finance laws cover public disclosure of funds

⁶⁵ All About Redistricting (2024) National Summary. Loyola Marymount University Loyola Law School. <https://redistricting.lls.edu/national-overview/?colorby=Institution&level=Congress&cycle=2010>

⁶⁶ Alaska, Delaware, North Dakota, South Dakota, Vermont, and Wyoming encompass only one congressional district each.

⁶⁷ Commissioners in the 15-member CRC would include five Democrats, five Republicans, and five individuals who are independent of the major parties. A bipartisan screening panel of retired judges (two Democrats and two Republicans) would appoint six commissioners from the list of applicants, two from each partisan grouping. These six commissioners would then appoint the remainder nine members of the CRC from the list of applicants, three from each partisan grouping. See also: Ballotpedia (2024). Ohio Issue 1, Establish the Citizens Redistricting Commission Initiative (2024). [https://ballotpedia.org/Ohio_Issue_1,_Establish_the_Citizens_Redistricting_Commission_Initiative_\(2024\)](https://ballotpedia.org/Ohio_Issue_1,_Establish_the_Citizens_Redistricting_Commission_Initiative_(2024))

⁶⁸ Secretary of State of Ohio (n.d.). Statewide Issue History. <https://www.ohiosos.gov/elections/election-results-and-data/historical-election-comparisons/statewide-issue-history/>

⁶⁹ NBC News (2024). Ohio Ballot Measures 2024. <https://www.nbcnews.com/politics/2024-elections/ohio-ballot-measures>

raised and spent to influence federal elections, restrictions on contributions and expenditures made to influence federal elections, and the public financing of presidential campaigns.⁷⁰

Despite the variation in regulatory provisions across states, campaign finance regulations all incorporate requirements for disclosure, including thresholds and who must declare. The Mission recognizes that states have enacted several campaign finance reforms since the 2020 election.⁷¹

In recent decades, campaign finance law has been subject to a series of constitutional and legal challenges that have significantly weakened its effectiveness in regulating the role of money in politics in the United States. Chief among them was *Citizens United v. Federal Election Commission (FEC)* (2010), in which the U.S. Supreme Court ruled that the FEC had exceeded its mandate and limited “independent political spending” from corporations and other groups, which in the Court’s opinion constituted a violation of the First Amendment right to free speech.⁷² The court ruling opened the door to undisclosed donations from private and corporate individuals through a series of legal loopholes, as detailed below.

While the Mission understands that reversing *Citizens United* is not feasible under the current political and judicial landscape, it is nonetheless mindful of the risks of conflict of interest and undue influence over decision making that comes with unlimited and undisclosed funding flows into political campaigns. In this sense, the current system introduces distortions to the very nature of democratic representation, making candidates responsive to donors and not just to their constituents, including—and in particular—on issues that receive widespread popular support that nonetheless remain unaddressed by the U.S. political system.

In addition to these challenges, in 2020, the OAS/EOM observed that the FEC was not fully constituted, being composed of only three out of six Commissioners, which impacted the Commission’s oversight ability and its capacity to impose fines and sanctions under the circumstance of campaign finance laws violations. The Mission recognizes that the FEC has since then been fully constituted and has addressed some of the backlog in cases, in line with what was recommended in 2020. Nevertheless, different actors reported to the Mission that the FEC continues to struggle to enforce its regulations because of partisan gridlock.

In light of continuously record-breaking election costs, and the growing influence of big money and concerns over the risk of undue influence of money in politics, it is important to ensure that the independent regulatory agency is capable of enforcing the rules governing federal campaign finance, for which the Mission recommends:

- Considering reforming the governance structure of the FEC to ensure majority decisions, for example adding an unaffiliated seventh Commissioner.
- Strengthening the FEC’s technical resources and capabilities to conduct investigations, crosscheck information with relevant agencies (tax authorities, state-level organizations), and collect evidence on violations to campaign finance laws, to enhance enforcement.

⁷⁰ Federal Election Commission (n.d.). Mission and history. <https://www.fec.gov/about/mission-and-history/>

⁷¹ National Conference of State Legislatures (Updated 2024, October 31). Campaign Finance Legislation Database.

<https://www.ncsl.org/elections-and-campaigns/campaign-finance-legislation-database>

⁷² For details, see FEC (n.d.) *Citizens United v. FEC*. <https://www.fec.gov/legal-resources/court-cases/citizens-united-v-fec/>

Election spending, private financing, and the influence of large donors

The 2024 election was the costliest election in the history of the United States, with an estimated expenditure of around US\$ 16 billion; about US\$ 10 billion on congressional races with a further US\$ 5.5 billion on presidential races.⁷³ Concerns over the role of money in the campaign—and in U.S. politics in general—were among the issues more frequently brought up by actors interviewed by the Mission. Many were worried about the lack of transparency in campaign contributions made through outside organizations, the possibility of undue or foreign influence through corporate donations, and the role of large donors in shaping the campaign. Previously uncommon political finance practices received wide media coverage and were subject to intense legal debate, in particular instances of private donations from a large political donor to individual registered voters,⁷⁴ as well as the power of debate moderation by that same large donor through his ownership of a widely used social media platform.

The OAS/EOM underscores that the United States is unique from a comparative regional perspective in terms of the extraordinarily high spending in each election cycle, including on a per-voter basis. Simply put, electoral campaigns in the United States are by far the most expensive in the region, following the interpretation in *Citizens United v. FEC* that equates political donations with freedom of speech. The Mission notes that having less expensive and more regulated political campaigns does not mean that there is less freedom of expression in other countries in the Americas. Rather, other advanced democracies have found a way to balance their respect for individual freedom of expression with democratic guardrails meant to prevent the undue influence of money in politics.

While not exclusively private, the current system of election spending in the US is dominated by contributions from private non-governmental sources with non-mandatory (optional) federal and state funding, subject to limitations. Public financing, however, remains an important component of election spending, especially for independent candidates and those representing the third and minor political parties.

As stated, *Citizens United v. FEC* reshaped the landscape of political campaign financing in the United States. By allowing corporations and unions to spend unlimited amounts on political advocacy, it cleared the way for the emergence of so-called Super PACs⁷⁵ and other outside groups that raise and spend money for political campaigns, with the only caveat that such spending—particularly on communication—should not be directly coordinated with candidates. These independent groups must disclose their donors to the FEC, but their donors themselves can shield their sources of funding,

⁷³ Although campaign expenditure grew at a much slower rate between 2020 and 2024, than in the period between 2016 and 2020, and 2020 remains costlier in 2024 dollars.

Bryner, S.; Glavin, B. (2024, October 8). Total 2024 election spending projected to exceed previous record. Open Secrets.

<https://www.opensecrets.org/news/2024/10/total-2024-election-spending-projected-to-exceed-previous-record/>

⁷⁴ Official X account of America PAC (2024, October 19). <https://x.com/america/status/1847794197832556895>

⁷⁵ Political Action Committee (PAC): a political committee that is neither a party committee nor an authorized committee of a candidate. Super PACs are committees that may receive unlimited contributions from individuals, corporations, labor unions and other PACs for the purpose of financing independent expenditures and other independent political activity. Federal Election Commission (n.d.). Political Action Committees (PACs). <https://www.fec.gov/press/resources-journalists/political-action-committees-pacs/>

clearing the way for shell companies and dark money⁷⁶ groups to effectively inject funds into the campaigns. In the last decade, there has been an unprecedented level of undisclosed donations through these channels, which the FEC has struggled to oversee.⁷⁷

The Mission notes that many of the stakeholders with whom it met saw this development as having a deleterious impact on the transparency and accountability of the election campaign finance system, as it confers a disproportionate power in elections to affluent individuals and corporations. Under the circumstances, a few wealthy donors can potentially have a determining influence on elections. Moreover, voters' right to exercise an informed vote is weakened, as they are unable to learn which interests might be influencing the decision-making of their candidates and representatives.

As stated, the 2024 election saw the emergence of previously uncommon forms of political finance at the federal level, including donations from private individuals to private individuals. Specifically, the Mission noted the legal debate over an initiative by a billionaire donor to randomly award US\$ 1 million a day every day until election day⁷⁸ to registered voters in battleground states who signed a petition in favor of free speech and the right to bear arms; signatories received US\$47—or US\$100 in the case of residents of Pennsylvania—for each person they referred for signature.⁷⁹ The debate concerned the extent to which the lottery could constitute payment in exchange for registration, which is prohibited under Section 10307 (c) of the Federal criminal code.⁸⁰ The initiative was challenged in court and a judge in Pennsylvania allowed it to continue.⁸¹

By October 2024, spending by Super PACs and hybrid PACs in this election was estimated at \$2.6 billion, more than 150% greater than that spent during the same period in 2020.⁸² Small donors played an important role, although the Mission acknowledges that raising large amounts through small donations entails a significantly larger effort than raising the same funding through big-donor contributions. Small-donor contributions represented less than 10 percent of all money raised by the top six presidential candidates in this election, around half a billion dollars.⁸³ Conversely, the cost of election imposes significant barriers to entry at the local level and for minority candidates, making it hard to compete and affecting equity in political competition. The OAS/EOM notes that polling

⁷⁶ The term “dark money” generally refers to federal election spending by groups that do not disclose their donors, in part because they claim they are not “political committees.” Federal Election Commission (2014). MUR 6538 & MUR 6589.

<https://www.fec.gov/files/legal/murs/6538/14044361995.pdf>

⁷⁷ Massoglia, Anna (2024, November 5). Outside spending on 2024 elections shatters records, fueled by billion-dollar ‘dark money’ infusion. Open Secrets. <https://www.opensecrets.org/news/2024/11/outside-spending-on-2024-elections-shatters-records-fueled-by-billion-dollar-dark-money-infusion/>

⁷⁸ Musk made the pledge through his Super PAC, America PAC. Official X account of America PAC (2024, October 19). <https://x.com/america/status/1847794197832556895>

⁷⁹ The petition and details on the payment program can be found in: <https://petition.theamericapac.org/>

⁸⁰ Section 10307(c) of the Criminal code prohibits vote-buying but does so in broad terms, covering any payment made or offered to a would-be voter “for registering to vote or for voting” in an election when the name of a federal candidate appears on the ballot. See <https://www.iustice.gov/criminal/file/1029066/dl?inline>. The bribe extends to anything of monetary value, including cash, liquor, lottery chances, and welfare benefits such as food stamps. However, offering free rides to the polls or providing employees paid leave while they vote are not prohibited.

⁸¹ Queen, Jack (2024, November 4). Pennsylvania judge allows Elon Musk’s \$1 million voter giveaway. Reuters.

<https://www.reuters.com/legal/judge-weighs-challenge-elon-musks-1-million-voter-giveaway-2024-11-04/>

⁸² Bryner, S.; Glavin, B. (2024, October 8). Total 2024 election spending projected to exceed previous record. Open Secrets.

<https://www.opensecrets.org/news/2024/10/total-2024-election-spending-projected-to-exceed-previous-record/>

⁸³ OpenSecrets. (2024). Small Donor Donations as a Percentage of Total Fundraising, Current Candidates Only. OpenSecrets. <https://www.opensecrets.org/2024-presidential-race/small-donors>

suggests that most U.S. citizens favor spending limits for political campaigns and that an overwhelming majority of them believe that donors have too much influence over the decisions of their representatives.⁸⁴

The Mission recommends:

- Undertaking greater federal-level efforts and continuing state-level efforts at enhancing transparency and accountability in the political finance system, including more stringent disclosure regulations and limiting the loopholes that allow for undisclosed donations through outside groups.
- Evaluating the enactment of explicit limits on the ability of private individuals and/or outside groups to offer financial incentives to voters, beyond the prohibition of payment to register or to vote.
- Increasing the level of public financing to candidates, which could potentially expand opportunities for underrepresented communities and grassroots candidates from smaller parties. This could include strengthening and/or updating current matching funds programs.

VI. Political Participation of Women

Women candidates and training around women in politics

Overall, less women ran for legislative elected offices in 2024 than in previous periods (record highs were achieved for most offices in either the 2020 or 2022 cycles).⁸⁵ Although the bulk of the decline has been in women running for office from the Republican party, the Democratic party has not achieved significant increases in their number of women candidates compared to previous years. The effective representation of women in the 119th Congress will be analyzed in the Mission's final report as the results are still being processed.

Regarding gubernatorial contests, only 4 out of the 11 states holding elections had women running for government and a total of 5 female candidates competing for the position.⁸⁶ While the number represented an increase from 2020, when a total of 3 women competed for office in the same states, it is still far from the standard of equality in representation in the competition for elected posts. Preliminary results show that one woman was elected governor in 2024, although in the state where both main party candidates were women.⁸⁷

⁸⁴ Cerda, A.; Daniller, A. (2023, October 23). 7 facts about Americans' views of money in politics. Pew Research Center. <https://www.pewresearch.org/short-reads/2023/10/23/7-facts-about-americans-views-of-money-in-politics/>

⁸⁵Center for American Women and Politics. (2024). 2024 summary of women candidates. Rutgers University. <https://cawp.rutgers.edu/election-watch/2024-summary-women-candidates>

⁸⁶ In New Hampshire, both the Democrat and Republican candidates were women, while Indiana, Missouri and Vermont had Democrat candidates for Governor.

⁸⁷The Washington Post. (2024, November 5). Election Results 2024. Governor. The Washington Post. <https://www.washingtonpost.com/elections/results/2024/11/05/governor/>

In general, women who decide to run for office are equally or even more qualified to do so than their male counterparts.⁸⁸ They are also just as likely to be elected, as recent studies show there is little to no bias among voters in terms of electing women candidates.⁸⁹ According to numerous studies however, equally qualified women are less likely to consider running for office; less likely to believe they are qualified to run for office; less likely to receive encouragement from others to run for office; and more likely to underestimate their chances of winning in a competitive, biased electoral environment.⁹⁰ In addition, women are widely regarded as having to do more to prove themselves than men, they get less support from political party leaders, face diverse types of gendered discrimination, harassment and violence, and it is more difficult for them to balance family responsibilities with running for office.⁹¹

In a polarized context in which the political discussion had a lot to do with exchanges of insults, the fact that one of the main parties had a female candidate made the issues of attacks on women to have an unprecedented dimension of aggressiveness. The safety of women is essential to advance gender equality. It should be ensured that all political environments, including virtual, are respectful, inclusive and safe for all women. It is necessary to ensure that political and electoral processes are conducted with respect for all colleagues and political participation is implemented equally for everyone, promoting a culture of respect and equity in the political life.

In the absence of specific quota or parity measures in the United States, previous OAS Electoral Observation Missions (2016 and 2020) have made general recommendations around training for women candidates in an effort to bolster the confidence of both potential women candidates and the political parties that could support them. In this regard and with a view to building on previous recommendations, the Mission recommends:

- Political parties and other relevant organizations should offer specialized tools and training to women candidates, on the one hand covering such topics as digital communication or financing and, on the other hand, addressing the particular challenges that women continue to face in running for office, including gender-based violence and gendered disinformation.
- Political parties and other stakeholders should intensify their outreach efforts to potential women candidates and incumbents in order to increase the recruitment and retention of qualified women candidates.

Women candidates and financing

⁸⁸ Lawless, J.; R. Fox (2022, February 8). Running for office is still for men—some data on the “Ambition Gap”. Brookings, <https://www.brookings.edu/articles/running-for-office-is-still-for-men-some-data-on-the-ambition-gap/>

⁸⁹ Fox, R. (n.d.). Gender, Political Ambition and the Decision Not to Run for Office. Center for American Women and Politics/Rutgers University, https://cawp.rutgers.edu/sites/default/files/resources/initialdecisiontorun_0.pdf

⁹⁰ Fox, R.; J. Lawless (2014). Uncovering the Origins of the Gender Gap in Political Ambition. American Political Science Review (No.169). Cambridge University Press, <https://www.cambridge.org/core/journals/american-political-science-review/article/uncovering-the-origins-of-the-gender-gap-in-political-ambition/F982DF854F45E1954AD0F5C7B9509353>

⁹¹ Menasce, J.; I. Goddard (2023, September 27). Views of obstacles for women seeking high political office. Pew Research Center, <https://www.pewresearch.org/social-trends/2023/09/27/views-of-obstacles-for-women-seeking-high-political-office/>

Campaign financing remains a challenge for many women who wish to run for elected office, particularly if they are women of color.⁹² The majority of funding for women comes from small dollar individual donations (less than \$200), while men have greater access to larger donors and donations,⁹³ and women are less able than men to self-fund their campaigns.⁹⁴ This has meant that women candidates have had to do more work than men to raise similar amounts of money.⁹⁵ Despite this, in the most competitive congressional races in 2024, women candidates raised slightly higher (Senate) or similar (House) amounts to men.⁹⁶ Vice President Kamala Harris raised nearly three times more funds than her main opponent, former President Donald J. Trump.⁹⁷ In this context, the Mission recommends:

- Political parties and other actors to provide support, tools, and training to women candidates as appropriate to strengthen their access to larger individual donors.

Violence against women in politics

Women in politics in the United States do not have specific protection against violence that is perpetrated against them as a result of the intersection of their gender and political roles, despite the fact that women candidates and other stakeholders repeatedly cite discrimination, harassment and violence as a problem and an obstacle to their equal participation in politics.⁹⁸ A growing number of studies find that women and people of color are far more likely than men to be abused on social media, to be targeted more personally and with more gendered language,⁹⁹ and women and people of color are also less likely to be able to afford the precautionary measures that some candidates put in place to protect themselves.¹⁰⁰ Young women in particular point to the “chilling effect” of violence and harassment on their engagement in public life.¹⁰¹

⁹² Haley, G; S. Bryner (2021, June 9). Which Women Can Run? The Fundraising Gap in the 2020 Elections' Competitive Primaries. Open Secrets: Gender, Race and Money in Politics, https://dkftve4js3etk.cloudfront.net/OpenSecrets_RaceGenderReport2020_BrynerHaley.pdf

⁹³ Fishman, J.; M. Pino (2024, March 29). Small Donor Public Financing Can Help More Women Get Elected. Brennan Center for Justice. <https://www.brennancenter.org/our-work/analysis-opinion/small-donor-public-financing-can-help-more-women-get-elected>

⁹⁴ CAWP/Rutgers university (2024, May 14). Women Candidates Less Likely to Self-Finance Campaigns in Election 2024. Center for American Women and Politics, <https://cawp.rutgers.edu/news-media/press-releases/women-candidates-less-likely-self-finance-campaigns-election-2024>

⁹⁵ CAWP/Rutgers University (2024, September 16). The National View: Congressional Elections in Women, Money, & Politics Watch 2024. Center for American Women and Politics, <https://cawp.rutgers.edu/research/cawp-women-money-and-politics-series/money-watch-2024/national?sectionAnchor=highlights>

⁹⁶ Ibid.

⁹⁷ Durkee, A. (2024, October 25). Trump Vs. Harris Fundraising Race: Harris Outraised Trump 3-To-1 With Last Pre-Election Report. Forbes <https://www.forbes.com/sites/alisondurkee/2024/10/25/trump-vs-harris-fundraising-race-harris-outraised-trump-3-to-1-with-last-pre-election-report/>

⁹⁸ Spencer Sairam, E. (2022, November 2). Women In Politics Have To Deal With More Harassment And Violence. A New Database Tracks The Threats. Forbes, <https://www.forbes.com/sites/erinspencer1/2022/11/02/women-in-politics-have-to-deal-with-more-harassment-and-violence-a-new-database-is-tracking-those-threats/>

⁹⁹ Ohlheiser, A. (2020, October 6). How much more abuse do female politicians face? A lot. MIT Technology Review, <https://www.technologyreview.com/2020/10/06/1009406/twitter-facebook-online-harassment-politicians/>

¹⁰⁰ Yuthok Short, G.; M. Kornberg (2024, February 27). Hostility and Abuse Threaten to Undermine Gains in Representative Democracy. Brennan Center for Justice, <https://www.brennancenter.org/our-work/analysis-opinion/hostility-and-abuse-threaten-undermine-gains-representative-democracy>

¹⁰¹ Ibid.

Women are similarly more likely to be the victims of “gendered disinformation” campaigns that may include fake stories and threats, humiliating and sexually charged images, and attempts to distort their political track records,¹⁰² that are also compounded along race, ethnic, religious and disability lines.¹⁰³ Gendered disinformation is increasingly viewed as a threat to democracy because it deepens polarization, fuels violent extremism¹⁰⁴ and undermines political representation.¹⁰⁵ As with violence against women in politics, gendered disinformation may also have a “chilling effect” on women in politics or considering their involvement in politics.¹⁰⁶

A particular concern around these elections was violence against election workers, who most studies indicate are 80% women.¹⁰⁷ The Mission notes that a recent resolution of the Inter-American Commission of Human Rights (IACHR/OAS) recognized election monitors as human rights defenders, drawing the connection between respecting, and protecting human rights and defending democracy.¹⁰⁸

In this regard, the Mission recommends:

- Including the specific issue of violence against women in politics in the Violence Against Women Act (VAWA), including technology-facilitated gender-based violence against women in politics.
- Enacting specific measures to protect women election workers from gender-based violence.

VII. Political Participation of Indigenous Peoples and Afro descendants

The United States, with a population of 334,914,895 according to the 2020 Census¹⁰⁹, is home to approximately 9,666,058 million people who identify as Indigenous, representing around 2.9% of the

¹⁰² Di Meco, L.; K. Wilfore (2021, March 8). Gendered disinformation is a national security problem. Brookings, <https://www.brookings.edu/articles/gendered-disinformation-is-a-national-security-problem/>

¹⁰³ Halstian, M. (2024, March 29). Gendered Disinformation Is Not a “Women-only” Issue, It Poses a Threat to Election Integrity. Georgetown Security Studies Review, <https://georgetownsecuritystudiesreview.org/2024/03/29/gendered-disinformation-is-not-a-women-only-issue/>

¹⁰⁴ Bundtzen, S. (2023, September 13). Misogynistic Pathways to Radicalisation: Recommended Measures for Platforms to Assess and Mitigate Online Gender-Based Violence. Institute for Strategic Dialogue, <https://www.isdglobal.org/isd-publications/misogynistic-pathways-to-radicalisation-recommended-measures-for-platforms-to-assess-and-mitigate-online-gender-based-violence/>

¹⁰⁵ Halstian, M. (2024, March 29). Gendered Disinformation Is Not a “Women-only” Issue, It Poses a Threat to Election Integrity. Georgetown Security Studies Review, <https://georgetownsecuritystudiesreview.org/2024/03/29/gendered-disinformation-is-not-a-women-only-issue/>

¹⁰⁶ Blatnik, A. (n.d.). An Overlooked Threat To Democracy? Gendered Disinformation About Female Politicians. Women in International Security, <https://wiisglobal.org/an-overlooked-threat-to-democracy-gendered-disinformation-about-female-politicians/>

¹⁰⁷ Gronke, P. et. al. (2021, May 20). Pursuing Diversity and Representation among Local Election Officials. Democracy Fund, <https://democracyfund.org/idea/pursuing-diversity-and-representation-among-local-election-officials/>

¹⁰⁸ Organization of American States. (2024, May 23). IACHR Issues Resolution About Election Monitors As Human Rights Defenders. Inter-American Commission on Human Rights. Press Release No. 112/24 https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2024/112.asp

¹⁰⁹ U.S. Census Bureau. (2020). Demographic and housing characteristics for American Indian and Alaska Native populations: 2020 Decennial Census. U.S. Department of Commerce. <https://data.census.gov/table/DECENNIALDHC2020.P6?t=American+Indian+and+Alaska+Native&g=010XX00US&y=2020&d=DEC+Demographic+and+Housing+Characteristics>

total population. This includes individuals from the 574¹¹⁰ federally recognized Native American tribes, as well as others. States with high Indigenous populations include Alaska, New Mexico, Oklahoma, South Dakota, and Montana, but they live throughout the country. Regarding the Afro descendant population, there are an estimated 47 million African Americans,¹¹¹ who represent about 13.6% of the U.S. population. Afro descendant communities are notably concentrated in states such as Georgia, Mississippi, Louisiana, and Maryland, and the District of Columbia, but are present throughout the country just as Native Americans.

The Mission was informed that the redistricting after the 2020 census and the possibility of splitting communities and diminishing their influence was a source of concern for African descent and Native American populations in the 2024 election, as the boundaries redrawing process produced new electoral maps in states with significant demographics, such as Alabama, Georgia, and Louisiana, along with North Carolina and New York. Different actors had indicated that with the redistricting, minority groups' representation might be weakened in some states, while it might be strengthened in others.¹¹²

Despite some improvements, the 2020 and 2022 elections saw Indigenous and Afro descendant communities continuing to be impacted by restrictive ID laws, limited polling sites, and registration barriers. Indigenous voters on reservations faced remote polling sites and address issues, and Afro descendant communities were especially vulnerable to voter roll purges, fewer polling locations,¹¹³ and restricted voting hours. The OAS/EOM recognizes that the Election Assistance Commission (EAC) offers best practices and toolkits to states to address these issues, however, actual changes depend on state action. The EAC manifested to the Mission its commitment to expanding mail-in voting access for Indigenous voters on remote reservations but stressed that it faces constraints due to limited funding.

The OAS/EOM also acknowledges key affirmative measures to remove structural barriers and expand voting access such as acceptance of alternative forms of identification, like tribal IDs for Native American voters,¹¹⁴ and language assistance under Section 203 of the Voting Rights Act,¹¹⁵ which supports voters from language-minority backgrounds, ensuring that ballot materials and assistance are available in languages like Spanish, Navajo, and other Indigenous languages. Additionally, recent advocacy has targeted states to allow same-day voter registration, automatic voter registration, and no-excuse absentee voting, which disproportionately benefit minority communities who often face work and travel limitations on Election Day.

While candidates for Congress, state, and district offices typically do not disclose their race or ethnicity,¹¹⁶ the OAS/EOM observed that the preliminary results indicate that 27 black women and one

¹¹⁰ USA.gov. (n.d.). Federally recognized American Indian tribes and Alaska Native entities. U.S. General Services Administration. <https://www.usa.gov/indian-tribes-alaska-native>

¹¹¹ United States Census Bureau. (2023). QuickFacts: United States. Census Bureau QuickFacts; United States Census Bureau. <https://www.census.gov/quickfacts/>

¹¹² Schouten, F. (2024, January 24). Redistricting fights in these states could determine which party controls the US House. CNN. <https://www.cnn.com/politics/redistricting-states-congressional-maps-house/index.html>

¹¹³ Teale, C. (2024, March 14). There Are 100,000 Fewer Election Day Polling Places in 2024. Route Fifty. <https://www.route-fifty.com/management/2024/03/there-are-100000-fewer-election-day-polling-places-2024/394959/>

¹¹⁴ VoteRiders. (n.d.). Can you use a Tribal ID to vote?. VoteRiders. <https://www.voteriders.org/tribal-id/>

¹¹⁵ U.S. Department of Justice, Civil Rights Division. (n.d.). Language minority citizens. U.S. Department of Justice. <https://www.justice.gov/crt/language-minority-citizens>

¹¹⁶ Federal Election Commission. (n.d.). Presidential, Senate, and House candidates. U.S. Federal Election Commission. <https://www.fec.gov/press/resources-journalists/presidential-senate-and-house-candidates/>

Native American woman will serve on the 119th Congress,¹¹⁷ and a milestone was achieved as for the first time two Black women were elected to serve in the Senate simultaneously.¹¹⁸

In a tense election year marked by a charged political climate, election workers face mounting challenges, including harassment and intimidation fueled by election misinformation. Since 2020, officials in predominantly African American and minority jurisdictions in cities like Philadelphia, Detroit, and Milwaukee have reported increased threats and harassment aimed at African American staff.¹¹⁹ Similarly, security concerns persist for 70% of election workers, with African American poll workers feeling especially vulnerable.¹²⁰

In light of the above, the OAS/EOM recommends:

- The EAC to continue working with state legislatures and state boards of electors to find ways to improve voting accessibility for Indigenous and Afro descendant communities.
- Improving diversity data through encouraging greater voluntary reporting and public records to highlight representation gaps and trends in Congress and state legislatures.

VIII. Campaigns, Media and Digital Communication

Modern political campaigns use a combination of traditional and nontraditional forms of advertising, with a growing role for social media. It is estimated that US\$ 10.5 billion was spent on campaign ads for the 2024 elections,¹²¹ representing about a 10% increase from the 2020 election.¹²² Two online companies accounted for more than US\$ 600 million,¹²³ while a record US\$ 1.2 billion was spent on advertising in the state of Pennsylvania alone.¹²⁴

During the days of deployment, the Mission observed that top-of-the-ticket candidates from the two main parties received ample media coverage, advertised extensively and benefitted from significant paid advertising by political action committees advocating for their candidacies. The OAS/EOM also observed that political ads often centered more on attacks against the opponent than on

¹¹⁷ As of November 6. See Center for American Women and Politics. (2024). 2024 Election Results Tracker. Rutgers University. <https://cawp.rutgers.edu/election-watch/2024-election-results-tracker>

¹¹⁸ Morris, A. (2024, November 6). Black women notch historic Senate wins in an election year defined by potential firsts. Associated Press. <https://apnews.com/article/election-2024-historic-firsts-lisa-blunt-rochester-angela-alsobrooks-b57c89eb263e47071853372e91177256>

¹¹⁹ Edlin, R; Norden, L. (2024, July 17). Election Officials in Communities of Color Face More Abuse. Brennan Center for Justice. <https://www.brennancenter.org/our-work/analysis-opinion/election-officials-communities-color-face-more-abuse>

¹²⁰ Tensley, B. (2024, September 25). Black Election Workers Brace for Security Threats. Capital B News. <https://capitalbnews.org/black-election-workers-security-battleground-states/>

¹²¹ Brennan Center; OpenSecrets; Wesleyan Media Project. (2024, October 16). Online political spending in 2024. Brennan Center for Justice. <https://www.brennancenter.org/our-work/analysis-opinion/online-political-spending-2024>

¹²² Montanaro, D. (2024, November 1). More than \$10 billion has been spent on ads in the 2024 election. NPR. <https://www.npr.org/2024/11/01/nx-s1-5173712/2024-election-ad-spending-trump-harris>.

¹²³ Brennan Center; OpenSecrets; Wesleyan Media Project. (2024, October 16). Online political spending in 2024. Brennan Center for Justice. <https://www.brennancenter.org/our-work/analysis-opinion/online-political-spending-2024>

¹²⁴ Ibid. See also: Montanaro, D. (2024, November 1). More than \$10 billion has been spent on ads in the 2024 election. NPR. <https://www.npr.org/2024/11/01/nx-s1-5173712/2024-election-ad-spending-trump-harris>.

For more details and a breakdown on the merging pattern.

programmatic proposals. The Mission also observed that the use of artificial intelligence was instrumental in facilitating the production and dissemination of political content, at unprecedented speed.

As stated earlier, one of the noteworthy developments of 2024 was the increasing participation of social media platforms. The Mission considers this election to be an inflection point in the wider role of internet in democratic elections. Until now, social media platforms had argued they simply provided a space for the free exchange of ideas; a vehicle for organic, people-driven public debate. Using this interpretation, they had advocated for self-regulation and voluntary, internally devised community guidelines to conduct minimum-level content moderation on information, misinformation, and disinformation around elections. What the OAS/EOM observed in this election was the power of social media platforms to amplify voices and narratives, with potentially significant impact on electoral outcomes. In particular, the Mission notes the widespread circulation of baseless claims of voter fraud and questions about electoral integrity. Social media platforms, like any group or organization, should be subject to basic rules and principles to protect democracy, public interests and public goods.

The Mission recommends:

- To open a public and intense debate on the use of social media platforms in electoral campaigns. Norms should be enacted that safeguard the fairness of competition and the right to an informed vote, without infringing upon the right to freedom of expression.

In the days prior to the election, the Mission observed widespread disinformation and misinformation around the electoral process, its actors, and other elements of U.S. politics, geared towards sowing doubts about the integrity of the process, instilling fear in voters, stoking polarization, and casting the country in a negative light. Intelligence authorities identified several efforts at disinformation and election influence from Russian and, to a lesser extent, Iranian sources.¹²⁵ Instances of disinformation included nonexistent terrorist warnings, machine “vote flipping,” illegal voting by migrants, illegal voting by inmates, bribe taking by candidates, cyberattacks, fake overseas ballots, changes in voter rolls, and destruction of ballots, among other false claims,¹²⁶ which circulated widely on social media.

¹²⁵ Federal Bureau of Investigation. (2024, November 4). Joint ODNI, FBI, and CISA Statement. Federal Bureau of Investigation. <https://www.fbi.gov/news/press-releases/joint-odni-fbi-and-cisa-statement-110424>

Federal Bureau of Investigation. (2024, November 4). Joint ODNI, FBI, and CISA Statement on Russian Election Influence Efforts. Federal Bureau of Investigation. <https://www.fbi.gov/news/press-releases/joint-odni-fbi-and-cisa-statement-on-russian-election-influence-efforts>

Office of the Director of National Intelligence. (2024, October 29). Joint ODNI, FBI, and CISA Statement. Office of the Director of National Intelligence. <https://www.dni.gov/index.php/newsroom/press-releases/press-releases-2024/4015-pr-29-24>

¹²⁶ Federal Bureau of Investigation. (2024, November 5). FBI Statement on Inauthentic Use of Bureau Name, Insignia in Promoting False Election-Related Narratives. FBI. <https://www.fbi.gov/news/press-releases/fbi-statement-on-inauthentic-use-of-bureau-name-and-insignia>

Cybersecurity & Infrastructure Security Agency. (2024, November 4). Joint ODNI, FBI, and CISA Statement. CISA. <https://www.cisa.gov/news-events/news/joint-odni-fbi-and-cisa-statement-1>

Cybersecurity & Infrastructure Security Agency. (2024, November 1). Joint ODNI, FBI, and CISA Statement on Russian election influence efforts. CISA. <https://www.cisa.gov/news-events/news/joint-odni-fbi-and-cisa-statement-russian-election-influence-efforts>

Cybersecurity & Infrastructure Security Agency. (2024, October 25). Joint ODNI, FBI, and CISA Statement. CISA. <https://www.cisa.gov/news-events/news/joint-odni-fbi-and-cisa-statement-0>

The Federal Bureau of Investigation (FBI) and the Cybersecurity and Infrastructure Security Agency (CISA) issued warnings about the potential for AI-generated deepfakes and other deceptive content to disrupt the electoral process, including the tactic to mimic national media outlets and the use of paid influencers.¹²⁷ Experts highlighted that, while concerns about foreign interference and generative AI were prevalent, the most significant threats could come from domestic sources exploiting these technologies.¹²⁸

The Mission commends the joint efforts of intelligence, security, and cybersecurity authorities to address electoral disinformation. Several electoral authorities also shared with the Mission that they had invested in fighting misinformation regarding the electoral process in their jurisdictions. This is a good practice that, nonetheless, requires resources, a topic this report addressed in the section on electoral organization. In addition, the OAS/EOM acknowledges journalistic and academic factchecking efforts, which have become a vital element in modern electoral processes and play a crucial role in dispelling unfounded claims of voter fraud. Nevertheless, the Mission also notes that partisan differences¹²⁹ in news consumption and trust in sources of information may lead to a situation in which voters have partial, incomplete, or inaccurate information regarding the electoral process. This makes it hard for a democracy to operate under a minimum shared sense of truth and reality.

ACKNOWLEDGEMENTS

The Mission wishes to thank the Government of the United States, in particular the U.S. Department of State, for its invitation to observe the elections. The Mission also thanks the authorities of the jurisdictions to which it deployed for their kind collaboration, including the Secretaries of State and election officials of California, Colorado, Georgia, Indiana, Iowa, Maine, Massachusetts, Michigan and Nebraska, and the State Boards of Elections of Maryland, Nevada, Virginia and Wisconsin and the Board of Elections of the District of Columbia.

The Mission is grateful to the Election Assistance Commission, the Federal Election Commission, the National Association of Secretaries of State, the National Association of State Election Directors and the other federal and state authorities with which it engaged, for their assistance in facilitating the work of the Mission. The Mission also thanks all other stakeholders with whom it met for their

Cybersecurity & Infrastructure Security Agency. (2024, October 18). FBI and CISA Issue Public Service Announcement Warning of Tactics Foreign Threat Actors are Using to Spread Disinformation in the 2024 U.S. General Election. CISA. <https://www.cisa.gov/news-events/news/fbi-and-cisa-issue-public-service-announcement-warning-tactics-foreign-threat-actors-are-using>

Thompson, Stuart A. (2024, November 4). No, voting machines are not intentionally ‘flipping’ votes between candidates. The New York Times. <https://www.nytimes.com/2024/11/04/business/voting-machines-fact-check.html>

¹²⁷ Cybersecurity and Infrastructure Security Agency (2024, October 18). FBI and CISA Issue Public Service Announcement Warning of Tactics Foreign Threat Actors are Using to Spread Disinformation in the 2024 U.S. General Election. <https://www.cisa.gov/news-events/news/fbi-and-cisa-issue-public-service-announcement-warning-tactics-foreign-threat-actors-are-using>

¹²⁸ Council on Foreign Relations (2024). Understanding the Threats to U.S. Election Security in 2024. <https://www.cfr.org/expert-brief/understanding-threats-us-election-security-2024>

¹²⁹ Jurkowitz, M.; Mitchell, A.; Shearer, E.; Walker, M. (2020, January 24). U.S. media polarization and the 2020 election: A nation divided. Pew Research Center. <https://www.pewresearch.org/journalism/2020/01/24/u-s-media-polarization-and-the-2020-election-a-nation-divided/>



willingness to share their perspectives on the different aspects of the electoral process. These discussions were critical to the successful completion of the Mission's work.

The Mission is also grateful to the governments of Brazil, the Dominican Republic, Korea, Morocco, the Netherlands, and Panama for their financial contributions, which made this Mission possible.