



## **INTERNATIONAL ELECTION OBSERVATION MISSION United States of America – General Elections, 5 November 2024**

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### **STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS**

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#### **PRELIMINARY CONCLUSIONS**

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The 5 November general elections demonstrated the resilience of the country's democratic institutions, with a well-run process in a highly polarized environment, candidates campaigning freely across the country, and voters engaging actively. The campaign was marked by disinformation and instances of violence, including harsh and intolerant language against women and immigrants by one candidate. Repeated unfounded claims about election fraud negatively impacted the public trust. Substantial efforts were undertaken to ensure election integrity and security, and election officials conducted their duties professionally despite numerous threats against them. Women remain significantly under-represented as candidates and in high elected office. Certain segments of the U.S. citizenry remain disenfranchised despite prior ODIHR recommendations, and voter registration and identification remain politically charged issues. Record-high spending in these elections amplified concerns over unregulated financial contributions and disproportionate advantage for candidates with extensive funding. Media coverage was extensive and vibrant but largely paralleled the partisan political divide, which, along with instances of hostile rhetoric toward journalists, eroded trust in the media. Election day was well managed, and polling took place in a peaceful and orderly atmosphere where observed.

These elections were held for the president, the vice president, 34 of the 100 Senate seats, and all 435 House Representatives. The presidential race dominated a highly polarized political discourse. In March 2024, President Biden secured the Democratic nomination but later withdrew, endorsing Vice President Kamala Harris, who was officially nominated in August. Former President Donald Trump was nominated as the Republican candidate. He faced multiple legal challenges, including a felony conviction and criminal charges, which he claimed were politically motivated. Disinformation campaigns, threats and political violence, concerns about foreign interference, including through cyberattacks, and continued repeated claims by Mr. Trump of widespread electoral fraud in the 2020 elections, dismissed by state and federal courts, have eroded public trust in democratic processes.

The Constitution and a number of federal laws provide a broad and sound framework for federal elections, with detailed electoral aspects being established by state laws, resulting in significant variations but establishing a basis for holding democratic elections. The 2022 amendments to the Electoral Count Reform and Presidential Transition Improvement Act aimed at increasing clarity on counting Electoral College votes. There were no other legislative changes at the federal level since the last elections, leaving the majority of previous ODIHR recommendations unaddressed. Numerous laws have been enacted on the state level, with some further facilitating and others having a restrictive impact on the exercise of voting rights. Some of those changes were challenged in courts with legal rulings effectively changing the rules, including close to the elections, contributing to legal uncertainty, contrary to international good practice.

The election administration enjoyed general trust and is highly decentralized, with the states and over 8,000 local jurisdictions managing elections. However, the affiliation of several local chief election administrators appointed by the party governing locally may result in a conflict of interest or partial decisions. The increased number of threats, harassment, and violence against election administrators ahead of these elections raised significant concerns and posed challenges in recruiting election workers and necessitated additional security measures to protect both election sites and personnel. Nationwide concerns about election security—including the safety of workers, infrastructure, and post-election developments—may have adversely affected the electoral environment and resulted in reduced

transparency in some areas. Some local election officials expressed concerns to the IEOM about the insufficient funds, exposing them to operational challenges, especially amid physical and cybersecurity threats. Observers noted extensive voter information efforts, including in easy-to-read and minority languages.

Elections heavily depend on technology for voter registration, ballot casting, and vote counting. There was a strong emphasis on enhancing cybersecurity following previous breaches of election campaigns and the discovery of potential vulnerabilities in voting systems, and there has been no indication that votes or election results have been altered. To mitigate the evolving risks, federal agencies provided a range of tools, training, and advisories to state and county election officials, which strengthened election security. Nonetheless, the concerns about security and the persistence of discourse from both foreign and domestic sources that sought to sow doubt and delegitimize the electoral process through conspiracy theories continue to impact public trust.

Alternative voting methods offer multiple ballot-casting options. For these elections, there is an increased public confidence in absentee voting, with most contestants encouraging their supporters to use any available method to cast a vote. In the run-up to the elections, most states amended absentee and postal voting laws, with some easing and others restricting access. While most states allow processing of absentee ballots before election day, some mandate it only on election day, including some key contested states. Several IEOM interlocutors expressed concerns about potential delays in election results in such states and claims by some groups that the late process, although set by law, is an attempt to manipulate vote counting. Positively, special provisions were adopted for most states affected by hurricanes, including provisions for voters who lost their identification cards. Some Native Americans in remote communities had difficulties with absentee voting due to a lack of mailing addresses or access to post offices.

Though constitutionally guaranteed, voting rights are subject to various restrictions. About 4.1 million citizens in D.C. and U.S. territories lack full congressional representation, and residents of U.S. territories cannot vote in presidential elections. Many felons, including those who have served their sentences, remain disenfranchised despite some state efforts to restore their rights. Intellectual disability or guardianship-based restrictions vary widely but, in total, could impact up to 1.3 million citizens. Such restrictions contradict OSCE commitments and international standards for universal and equal suffrage.

Voter registration is active and implemented at the state level, and an estimated 244 million voters are eligible to vote. There is no nationwide mechanism for comprehensive voter registration data sharing, which may lead to outdated or erroneous voter list entries. Voter identification remained a politically contentious issue, with supporters of stricter voter identification laws claiming they safeguard election integrity and opponents arguing these laws fail to address real threats and disproportionately affect groups like students, Native Americans, transgender, economically disadvantaged people, and minorities, especially in states without a state-wide identification. Criminal penalties in some states for voter assistance groups have hindered the recruitment for registration drives, with several groups halting voter registration efforts to avoid the risk of prosecution. In response to recent hurricanes, some states implemented special provisions for voters who lost their identification cards.

Four presidential candidates were registered nationwide with Vice President Kamala Harris and former President Donald Trump being the lead candidates. In total, 2,710 candidates (263 women, or only 9.7 per cent) ran for the House and 69 (21 women, or 30 per cent) for the Senate. In some states, burdensome requirements for registration, including a high number of supporting signatures, disproportionately limited the opportunities for smaller parties and independent candidates to run, which is at odds with OSCE commitments and international standards. In 37 congressional districts, only one major party candidate contested elections, limiting competitiveness in these races.

Despite gains in the previous federal elections, women remain under-represented, holding 28 per cent of all congressional seats and 32 per cent in state legislatures. Following the 2022 U.S. Supreme Court decision to remove federal protections for abortion rights, women's political activism has increased and featured prominently in these elections. Women are well represented as election administrators on the local level, and 21 of the 51 chief election officers at the state level, including D.C., are women. The United States has signed but not ratified the Convention on the Elimination of All Forms of Discrimination Against Women.

The campaign, including online, unfolded in a competitive and highly polarized environment, and fundamental rights, including civil and political rights, were upheld. It was marked by harsh, confrontational rhetoric, including personal attacks, inflammatory language, and mutual accusations between Ms. Harris and Mr. Trump, deepening existing divides. Incidents of election violence included assassination attempts on Mr. Trump. Ms. Harris framed the election as a fight to preserve freedoms and democracy, while Mr. Trump campaigned to reverse President Biden's policies and strengthen immigration controls, as well as addressed immigration through negative rhetoric. Mr. Trump initially pledged to accept the election results despite the outcome but later refused to confirm this commitment, fueling doubts about peaceful post-election transitions. Mr. Trump frequently made misogynistic remarks and employed racist stereotypes, and questioned Ms. Harris' racial and ethnic identity. The use of artificial intelligence intensified during the campaign, and cyber threats and disinformation campaigns by domestic and foreign actors attempted to undermine candidates and their policies.

Campaign finance is regulated by federal laws and court rulings, comprising detailed regulations on the funding of electoral contestants, but the possibility of unconstrained spending gives a disproportionate advantage to the well-established parties. Furthermore, gaps remain in contribution limits and some reporting requirements. Candidates, parties, and political action committees (PACs) must disclose income and expenditures, ensuring reasonable funding transparency. However, PACs and Super PACs allow interest groups to spend unlimited funds on independent expenditures. The Federal Election Commission delayed addressing multiple complaints received during this campaign period, raising concerns about its effectiveness and ability to make unified decisions. Donations to non-profit organizations are exempt from disclosure, raising concerns about the influence of interest groups, undermining transparency and limiting voters' ability to make fully informed choices. Foreign donations to candidates are prohibited, but foreign entities may participate in advocacy campaigns.

There was extensive and vibrant media coverage of the campaign and electoral process, and freedom of expression was respected, providing a basis for an informed choice. Ownership of media has become increasingly concentrated in a handful of corporations, challenging the sustainability of local media. The ODIHR LEOM Media monitoring noted that the majority of media outlets tailored their coverage to partisan audiences, amplifying political messaging and contributing to political polarization. Strong legal protections for media freedom are in place, yet the increased number of cases of intimidation and harassment targeting journalists, including violence, online harassment, legal challenges, and attacks by police, were of concern. Several senior politicians exacerbated this hostile environment by using derogatory terms against critical journalists and questioning their professional integrity, especially during the campaign. While the partisan divide in the media impacted broadcast news reporting and contributed to a generally low public trust in the media, some provided extensive analytical coverage.

Many lawsuits were filed against new electoral legislation and implementing regulations, primarily driven by the two main parties or their affiliate organizations, including at least 92 election-related lawsuits submitted by the Republicans and 59 by the Democrats, mostly on voting rights. According to a long-established principle, federal courts generally refrain from enjoining state election laws close to an election, although courts have discretion in interpreting this principle. While some courts issued rulings effective after the elections, others applied their decisions immediately, undermining effective implementation on key issues, including voter identification and registration, voting, and counting procedures. Many IEOM interlocutors indicated a high expectation for widespread post-election

litigation and further appeals on currently considered cases. Nevertheless, courts enjoyed trust in adjudicating these appeals.

Election observation is regulated by state legislation, with a significant variation of rules regulating different types of observers and their access to the electoral process. Partisan and non-partisan observers were present in great numbers, contributing to the transparency and quality of the electoral process. There is a legal prohibition of international election observation in 17 states and, in practice, in many other jurisdictions, contrary to the OSCE commitments. Several state election officials refused or ignored requests to meet with the ODIHR LEOM observers due to perceived concerns over foreign interference.

Election day was managed professionally where observed. The atmosphere at the polling stations visited by the IEOM was calm, peaceful, and orderly. Polling stations were generally accessible and well-staffed, with precautions in place to ensure voter and staff safety. While some technical and procedural challenges were reported in the limited number of polling stations observed, such as ballot scanning errors and voter ID mismatches, they were addressed promptly. The presence of partisan and civil society poll watchers ensured transparency throughout the process. Counting was efficient, with media outlets announcing preliminary results as they were made available. Final results are expected in several days.

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## PRELIMINARY FINDINGS

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### Background and Political Context

On 5 November, federal elections were held for the president, the vice president, 34 of the 100 Senate seats, and all 435 in the House of Representatives.<sup>1</sup> The last presidential election was held in 2020 when Democrat Joe Biden defeated Republican Donald Trump. The last congressional elections were held in 2022, giving Democrats a Senate majority with 47 seats and four Independents caucusing with them, while Republicans held 49 seats. The outgoing House comprises 220 Republicans, 211 Democrats, and four vacant seats.<sup>2</sup> Despite recent gains, women remain under-represented, holding 28 per cent of all congressional seats and 32 per cent in state legislatures.<sup>3</sup> Minorities and Native Americans are also underrepresented.<sup>4</sup>

In March 2024, President Biden secured the Democratic Party nomination but withdrew on 21 July, endorsing Vice President Kamala Harris, who was officially nominated on 5 August at the Democratic National Convention (DNC).<sup>5</sup> Former President Donald Trump was nominated as the Republican candidate for a third time at the July Republican National Convention (RNC). Mr. Trump is facing multiple legal challenges, including a felony conviction, federal charges tied to the 2020 elections, and two other criminal charges. He maintained that these indictments are politically motivated and vowed to initiate criminal investigations into President Biden, his family, and several government officials, journalists, and political adversaries whom he accuses of corruption or misconduct.

These elections took place in a highly polarized political environment, with immigration, women's reproductive rights, trust in the government, the economy, and climate change dominating the public discourse. The wars in Ukraine and Gaza, along with the escalation of hostilities in the Middle East, heightened debates about foreign policy and the U.S. role globally. Additionally, the impact of two recent

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<sup>1</sup> Thirty-three Senate seats were contested in regular elections and one in a special election in Nebraska, to fill in a vacant seat following a resignation.

<sup>2</sup> The 4 vacant seats are due to one resignation in Wisconsin and 3 deaths, one in Texas and two in New Jersey, where 1 seat had already been won in the 18 September 2024 special election by the Democratic Party candidate.

<sup>3</sup> See also the January 2023 Pew Research Center [report](#).

<sup>4</sup> See the Congressional Research Service [overview](#) of the composition of the outgoing Congress.

<sup>5</sup> Following pressure within the party, President Biden withdrew his candidacy stating it was in the best interest of the party and the country to focus on fulfilling his duties for the remainder of his term.

hurricanes in the south-eastern U.S. reshaped campaign messaging regarding the government's emergency response. Concerns over foreign interference through cyberattacks, disinformation campaigns, and potential incitement of political violence, including assassination attempts on a leading presidential candidate, threatened public trust in the democratic process (see also *Campaign Environment*).<sup>6</sup> Mr. Trump's repeated claims of widespread electoral fraud in the 2020 presidential elections further undermined the trust among some voters, especially many Republican Party voters, in the credibility of the electoral process.<sup>7</sup>

## Legal Framework and Electoral System

The U.S. is a party to international and regional instruments related to democratic elections.<sup>8</sup> The Constitution and its amendments establish a broad framework for federal elections, with additional federal laws regulating certain aspects of the electoral process.<sup>9</sup> They also regulate the voting rights of racial and linguistic minorities, basic voter registration, voting by military and overseas voters, campaign finance and minimum standards for the use of voting technologies, including by persons with disabilities. Detailed aspects of the electoral legal framework are established by state laws and regulations, which vary across states. In addition, federal and state court decisions interpreting laws form an integral part of the legal framework, with the ability to change important aspects of the electoral process, including in the days leading up to the elections. The legal framework on the federal and state levels establishes the basis for holding democratic elections.

In 2022, the Electoral Count Reform and Presidential Transition Improvement Act was passed at the federal level, with an aim to increase the legal certainty of counting Electoral College votes by limiting grounds and raising the threshold for objections, clarifying state certification deadlines, defining the sole authority for certifying state electors and clarifying that the role of the Vice President is only to oversee the process procedurally. There have been no other changes to federal election-related legislation since the last elections. Most previous priority ODIHR recommendations remain unaddressed.<sup>10</sup>

At the state level, several hundred election-related amendments have been enacted, mostly related to the use of artificial intelligence (AI), alternative voting methods, and modifying voter registration and identification requirements.<sup>11</sup> Many of these changes have been challenged in courts, some in the days

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<sup>6</sup> See for example, reports on foreign disinformation attempts from [Department of Justice](#) and [Microsoft](#).

<sup>7</sup> The [Gallup poll](#) found that most Democrats and independents continued to trust the voting process (84 per cent), whereas Republican confidence has declined to 28 per cent, or a "56-percentage-point partisan gap".

<sup>8</sup> The U.S. has signed but not ratified the [1979 Convention for Elimination of All Forms of Discrimination against Women](#) (CEDAW) and the [2006 Convention on the Rights of Persons with Disabilities](#) (CRPD). The [1966 International Covenant on Civil and Political Rights](#) (ICCPR) was ratified in 1992, with a number of [reservations and declarations](#). The U.S. is also a member of the Council of Europe's Group of States against Corruption and the European Commission for Democracy through Law (Venice Commission). The U.S. has signed, but not ratified the American Convention on Human Rights.

<sup>9</sup> Federal legislation includes the 1965 Voting Rights Act ([VRA](#)), [the 1986 Uniformed and Overseas Citizens Absentee Voting Act \(UOCAVA\)](#), the 2009 Military and Overseas Voting Empowerment Act ([MOVE](#)), [the 1984 Voting Accessibility for the Elderly and Handicapped Act](#), the 1990 Americans with Disabilities Act ([ADA](#)), the 1993 National Voter Registration Act ([NVRA](#)), [the 1971 Federal Electoral Campaign Act](#), [the 2002 Bipartisan Campaign Reform Act](#), and the 2002 Help America Vote Act ([HAVA](#)).

<sup>10</sup> Including reconsidering the system of the Electoral College in terms of vote equality, redistricting processes independent of partisan considerations, ratification of the signed U.N. conventions, effective federal safeguards preventing legal changes that have a discriminatory impact, full representation rights to all U.S. citizens residing on U.S. territory, reviewing restrictions on voting rights for persons with criminal convictions, further measures to reduce the number of unregistered voters, harmonizing federal standards for voter identification, and allowing unimpeded access to international and citizen observers. See the [ODIHR's recommendation database](#) for more information.

<sup>11</sup> See the overview of the changes in [2023](#) and [2024](#), maintained by the National Conference of State Legislatures (NCSL).



leading up to the elections.<sup>12</sup> These late changes may lead to procedural confusion and cause legal uncertainty, contrary to international good practice.<sup>13</sup> Election administrations and various civil society organizations made efforts to inform voters of the scope of these changes, though resources and time were limited. The volume, timing, and nature of these changes may have restricted the exercise of voting rights in some states.<sup>14</sup>

Under the Voting Rights Act (VRA), the Department of Justice (DoJ) monitors the implementation of federal legislation by the states, and it can initiate lawsuits in cases of non-compliance. A legislative gap remains, as Congress has yet to enact a new formula for determining which jurisdictions should undergo pre-clearance before changing election laws and procedures.<sup>15</sup>

The president and vice president are elected for a four-year term through an indirect election conducted by an Electoral College of 538 electors, with 270 votes required to win the election.<sup>16</sup> By voting for a presidential candidate, voters in 50 states and D.C. select the slate of electors representing that candidate in the state. In 48 states, the candidate with the most popular votes wins all electoral college votes for that state.<sup>17</sup> Some IEOM interlocutors criticized the system for potentially undermining the equality of the vote, as it is possible to win the presidency without winning the popular vote.<sup>18</sup>

Senators and House Representatives are directly elected, primarily through first-past-the-post contests. Senators serve six-year terms, with approximately one-third of Senate seats contested every two years. Elections for all 435 congressional seats are held every two years. Senators represent entire states, while Representatives are elected from single-member districts. All states have at least one Representative, and all other seats are allocated to states in proportion to their population.<sup>19</sup> Congressional district maps in Alabama, Georgia, Louisiana, New York, and North Carolina, which had been delineated before the 2022 mid-term elections, were redrawn ahead of these elections following court decisions. The U.S. Supreme Court reaffirmed that using race as the primary factor in redistricting decisions, resulting in racial gerrymandering, violates the VRA and may be unconstitutional.<sup>20</sup> On the other side, it ruled repeatedly that challenges to maps drawn for partisan purposes cannot be tried in federal courts; they should be brought before the state courts.<sup>21</sup> Several IEOM interlocutors criticized these rulings for potentially limiting federal judicial control over the issue of partisan bias in redistricting.

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<sup>12</sup> Examples include challenges in Georgia over the vote counting method and result certification; in Pennsylvania regarding counting provisional mail ballots and ID requirements for overseas voters, and in Mississippi over counting mail-in ballots arriving after election day.

<sup>13</sup> Section II.2.b. of the Venice Commission's 2002 [Code of Good Practice in Electoral Matters](#) recommends that "the fundamental elements of electoral law [...] should not be open to amendment less than one year before an election." Paragraph 63 of the [Explanatory Report to the Code of Good Practice](#) states that "[s]tability of the law is crucial to credibility of the electoral process, which is itself vital to consolidating democracy".

<sup>14</sup> For example, reducing the timeframe and period for requesting and receiving mail ballots in Georgia and North Carolina, stricter voter identification rules in Arkansas, Idaho and Ohio, and more stringent registration requirements in Arizona, Florida, Indiana, Louisiana, New Hampshire, Mississippi, and Tennessee.

<sup>15</sup> Section 5 of the VRA requires jurisdictions with a history of discrimination to obtain federal pre-clearance for electoral law changes. In [Shelby County v. Holder](#) (2013), the U.S. Supreme Court called for Congress to establish a new one. The number of electoral college members per state corresponds to the number of its delegates in Congress. In addition, D.C. has three delegates.

<sup>16</sup> Electoral college votes in Maine (total of 4 electors) and Nebraska (5 electors) may be split, with two votes allocated to the winner of the state-wide popular vote and one vote allocated to the winner of each congressional district.

<sup>17</sup> ODIHR has previously recommended to review the electoral college system for the election of the president and vice president, to keep with the principle of equality of the vote.

<sup>18</sup> Following the [2020 Census](#), Texas gained two seats. Colorado, Florida, Montana, North Carolina and Oregon each gained one seat, while California, Illinois, Michigan, New York, Ohio, Pennsylvania and West Virginia all lost one seat. The Fourteenth Amendment, *inter alia*, prohibits certain forms of racial gerrymandering in drawing electoral districts. See also [Shaw v. Reno](#), 509 U.S. 630 (1993). The DoJ has issued [guidance](#) on Section 2 of the Voting Rights Act related to redistricting and methods for electing government bodies.

<sup>19</sup> See [Rucho v. Common Cause](#) (2019) and [Moore v. Harper](#) (2023).

## Election Administration

The administration of elections is highly decentralized, with states managing the process and over 8,000 local jurisdictions responsible for implementing elections. At the federal level, the Election Assistance Commission (EAC), a four-member bipartisan advisory body, provides guidance on meeting the Help America Vote Act (HAVA) requirements by the states, develops guidelines for testing and certifying election technology, and serves as an information center for election administrators. The EAC distributed USD 55 million for these elections.<sup>22</sup> Some local election officials expressed concerns to the IEOM about the decline of federal funds approved by Congress, particularly given evolving cybersecurity threats, the need to protect election infrastructure, and threats against election workers.<sup>23</sup> Some local election administrations filled funding gaps with private donations, while some states imposed a total ban on private funding.<sup>24</sup> In general, the federal and some state governments failed to provide sufficient funds to meet the administrative and operational needs of the election bodies across the country.

In 40 states, elections are managed by elected or appointed secretaries of state or lieutenant governors as chief election officers, while bipartisan election boards oversee elections in nine states. Four incumbent state secretaries are up for election in 2024. At the county level, many election offices have partisan appointees from the governing party on the local level. While there is a general trust in the work of election administration, the one-sided party affiliation of the chief election administrators is at odds with international standards as it may result in a conflict of interest or impartial decisions.<sup>25</sup> Women are well represented as election administrators on the local level, and 21 of the 51 chief election officers at the state level, including in D.C., are women.

Most IEOM interlocutors noted that recruiting election workers was a major challenge, primarily due to threats and harassment, with many reporting an increased number of such incidents closer to election day.<sup>26</sup> A joint task force by the DoJ and the Federal Bureau of Investigation (FBI) was formed to investigate such threats and prosecute the perpetrators.<sup>27</sup> In addition, several states passed laws to enhance security for voters, election officials, and election infrastructure.<sup>28</sup> The Cybersecurity and Infrastructure Security Agency (CISA) also conducted training for election workers on cyber and physical security, de-escalation techniques, and crisis communication when dealing with disinformation. The overall security of the elections, including the safety of election workers, infrastructure, and post-election developments, was a primary concern across the country and may have negatively impacted the overall electoral environment and transparency of the process in some jurisdictions.<sup>29</sup>

Election administrators distributed reliable voter information through community sessions, media announcements, pamphlets, and social media to educate the electorate about the electoral process. They also took a proactive stance in countering misinformation and disinformation related to the elections.<sup>30</sup> Most election websites feature accessible, easy-to-read text for individuals with visual impairments, in

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<sup>22</sup> USD 1 corresponds to EUR 0.92.

<sup>23</sup> See a [report](#) on the difficulties in reaching a bipartisan agreement in Congress to appropriate the funds. See also the [table](#) illustrating funds allotted in previous elections.

<sup>24</sup> A grant [programme](#) by the Center for Tech and Civil Life's donated up to USD 2.5 million to local election offices in smaller jurisdictions to help them modernize voting equipment, improve voting access and enhance election security.

<sup>25</sup> Paragraph 20 of the [1996 UNHRC General Comment No. 25](#) states that "an independent electoral authority should be established to supervise the electoral process". See also Section II.3.1. of the Venice Commission's 2002 [Code of Good Practice in Electoral Matters](#).

<sup>26</sup> For example, packages containing white powder were mailed to election officials in Iowa, Kansas, Nebraska, Tennessee, Wyoming and Oklahoma. In Nebraska, election officials received threatening letters. Numerous threats were also reported to ODIHR LEOM observers in Maryland, Missouri and Wyoming.

<sup>27</sup> As of October 2024, the [Task Force](#) published information on 20 ongoing criminal cases, mostly related to previous elections.

<sup>28</sup> For example, in Alabama, D.C., Indiana, New Mexico, Virginia and Washington. The Brennan Center's [annual survey](#) suggests that reports of threats, harassment, or abuse have risen since 2023.

<sup>29</sup> Dropboxes were set on fire in Washington and Oregon, with hundreds of ballots destroyed or damaged.

<sup>30</sup> See for example the [initiative](#) in Pennsylvania.

line with the Americans with Disabilities Act (ADA) guarantees for equal opportunities. Additionally, 30 states complied with the VRA's minority language assistance requirements, providing multilingual ballots, voter registration materials, and voter information.<sup>31</sup>

Hurricanes Helene and Milton significantly disrupted the election preparations in Florida, Georgia, and North Carolina, and to a lesser extent, in South Carolina, Tennessee, and Virginia. Special provisions were adopted for the most affected counties, including relocating early voting and election-day polling locations, facilitating absentee voting, adjusting rules for poll worker recruitment, and modifying voter identification requirements.<sup>32</sup> Positively, such efforts generally enabled voter participation.

## Voting Technologies and Cybersecurity

Voter registration, ballot casting, and the tallying and publication of results all depend heavily on technology. Cybersecurity concerns stem from past vulnerabilities in voting machines and technology supply chains, with threats to election infrastructure compounded by reports of domestic and foreign efforts to undermine public trust in the system.<sup>33</sup> In response, federal agencies and state and local election administrators have adopted a more comprehensive approach to managing risks. CISA helps protect election infrastructure against cyberattacks and threats, offering a range of tools, training sessions, and advisories as well as expert advisers.<sup>34</sup> IEOM observers noted that election administrators in some jurisdictions often lacked the skills and tools necessary to mitigate the dynamic, hybrid threats; however, observers positively assessed the efforts to mitigate cybersecurity risks.

Federal agencies supporting election offices offer resources and services to address emerging threats. Voting equipment is certified by laboratories accredited by the EAC or the states. The EAC maintains the voluntary voting system guidelines (VVSG) which detail the EAC certification requirements. Election organizers generally voiced confidence in technology, commonly citing the existing practices in testing and certification of equipment as the main reason. Independent observers could test voting machines, and they assessed the process as generally clear, transparent, and well-documented. Certification processes were well communicated and clearly documented. In some cases, the scope of testing and certification was limited to equipment functionality.

The Election Infrastructure Information Sharing and Analysis Center (EI-ISAC) provides a security operations centre and technical tools to its members.<sup>35</sup> IEOM observed well-defined roles and effective co-operation among institutions responsible for protecting elections.<sup>36</sup>

About 70 per cent of voters reside in jurisdictions that use hand-marked paper ballots, typically scanned to record the votes, 25 per cent are in jurisdictions using ballot marking devices (BMD), and the remaining 5 per cent are in jurisdictions with Direct Recording Electronic (DRE) systems, some of which

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<sup>31</sup> Most notably, Los Angeles County has the most extensive language support, providing ballots and election materials in 20 languages.

<sup>32</sup> See the 3 October [Florida Emergency Order](#) and the 7 October [North Carolina Emergency Resolution](#) and 10 October [North Carolina Legislation](#). In 13 Florida counties, the requirement for a signed request to send mail ballots to a different address was waived for the affected areas.

<sup>33</sup> The most frequently cited cybersecurity threats include ransomware, distributed denial of service attacks, and injection of malicious files, particularly in processes that rely on opening email attachments from unfamiliar e-mail addresses.

<sup>34</sup> Following the designation of election infrastructure as critical infrastructure by the Department of Homeland Security (DHS) in 2017, CISA focused mainly on improving cybersecurity. It has now expanded to "all hazards" approach to mirror the existing threat landscape, which includes addressing AI, digital communications and physical threats.

<sup>35</sup> The EI-ISAC, part of the Centre for Internet Security, offers network monitoring, threat intelligence, real-time alerts, and incident response to election administrators. See the [EI-ISAC's Essential Guide to Election Security](#).

<sup>36</sup> See, for example, [the Joint Statement on Iranian Election Influence Efforts](#) that was followed by a CISA and FBI [Fact Sheet](#) on Protecting Against Iranian Targeting of Accounts Associated with National Political Organizations. This was then followed by [joint technical advisory](#) with international partners addressing tools, techniques, protocols and mitigations.



do not produce a voter-verifiable paper audit trail (VVPAT).<sup>37</sup> Several states' laws mandate the use of VVPAT.<sup>38</sup> Election administrations acknowledge the risks of using DREs without a VVPAT, particularly the inability to conduct recounts. U.S. citizens serving in the military, stationed overseas, or residing abroad can register to vote, request and receive ballots electronically through fax, internet downloads, and email, and cast their vote using the same methods or mail. However, these electronic methods do not always have strong security measures, including cryptographic protection against intercepting information.

Election stakeholders are generally aware of incident reporting mechanisms and collaborate with law enforcement and cybersecurity providers, including vendors. Risk-limiting audits are commonly used to detect possible errors in the vote count and tabulation and increase confidence in the results, but are not universally mandated across jurisdictions. IEOM interlocutors stressed the need for more specialists and noted dependence on state or local government systems, processes, networks, and managed IT service providers. Many IEOM interlocutors consider these elections to involve the most extensive efforts to safeguard election technology. However, they also expressed concerns about the broader discourse that seeks to delegitimize election processes, coupled with conspiracy theories about the use of technology to steal votes.<sup>39</sup>

### Alternative Voting Methods

Alternative voting methods include early in-person and absentee voting. These methods were viewed by most IEOM interlocutors as an important tool for enhancing voter inclusion while at the same time facilitating the work of the election officials. Generally, there was increased public confidence, including among key contestants, in the integrity of the absentee voting process in these elections, as most contestants called their supporters to use any means available to them to cast a vote.

Early voting by mail or in person is available in 43 states and D.C., with voting periods ranging from 3 to 51 days, starting from 20 September. Absentee voting is available in all states, with 36 states allowing ballot requests without justification and 14 requiring it. Some states offer permanent absentee voter lists, sending ballots automatically for every election.<sup>40</sup> Twenty states use the postmark to determine if ballots should be accepted and counted, with election day as the deadline. In other states, ballots must arrive before election day, except in Louisiana and Vermont, where they can arrive by 8 PM and 7 PM on election day, respectively. Ballot drop boxes are permitted by law in 27 states and explicitly forbidden in 11.<sup>41</sup> Ten states have legislation that requires video surveillance of drop boxes.<sup>42</sup>

In the run-up to the elections, most states amended laws regarding absentee and postal voting, with some restricting and others further facilitating access to such methods.<sup>43</sup> Notably, the criminalization of some

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<sup>37</sup> See [an interactive map](#) showing voting equipment used across the U.S. by state and jurisdiction.

<sup>38</sup> Such requirements for VVPAT are in place, for example, in Indiana, Mississippi and Tennessee where we observed a smooth transition. ODIHR LEOM observed that in one Virginia county, outdated printers, which were not upgraded due to resource constraints, produced poor quality, not easily read by scanners.

<sup>39</sup> Some of these assertions were dismissed by courts as baseless, such as [DeKalb County Republican Party v. Raffensperger](#) (Georgia). Similarly, [Law v. Whitmer](#) (Michigan) was dismissed, and other conspiracy theories were not proven by recounts, such as in Maricopa County, Arizona, in 2020. Furthermore, election technology providers have successfully sued cable news channels over false claims, such as [Smartmatic USA v. Newsmax](#) and [Dominion Voting Systems v. Fox News Network](#).

<sup>40</sup> Nine states and D.C. mail ballots to all registered voters, while an additional eleven states do so only for persons with disabilities. Texas mails ballots to all registered voters over the age of 65.

<sup>41</sup> Idaho, Kansas, North Dakota, Pennsylvania, Wisconsin and Wyoming do not have an explicit mention on drop boxes in the state laws, but some jurisdictions in those states use them.

<sup>42</sup> Iowa, Maine, New Jersey, New Mexico, Utah (if unattended), Vermont, Kentucky, Maryland, Ohio, Rhode Island.

<sup>43</sup> For a detailed overview, see for example, the [2023](#) and [2024](#) Brennan Center reports. New measures facilitating voting through absentee and mail ballots were challenged in Alabama, Louisiana, Ohio and Pennsylvania.

forms of assistance with absentee voting negatively affected voting rights for persons with disabilities.<sup>44</sup> Forty-three states allow the processing of absentee ballots to begin before election day, whereas seven states only allow processing to start only on election day. Several IEOM interlocutors expressed concerns about the potential delays in establishing election results in some states due to this requirement, even in light of recent changes in certain counties.<sup>45</sup> They opined that although this delay is set by the law, it might be perceived by some as an attempt to manipulate the counting of vote totals.

States have varying requirements for identification and signatures accompanying returned absentee ballots.<sup>46</sup> Thirty-three states and D.C. allow for ballot curing, which addresses issues with absentee or mail-in ballots, ensuring that the voters are notified of any problems and have an opportunity to correct them. This significantly reduces absentee ballot rejection rates and, therefore, improves voter inclusion.<sup>47</sup>

All eligible voters abroad can request an absentee ballot.<sup>48</sup> In addition to mailing, depending on the state, voters can use email, fax, or online voting, in many cases waiving their right to secrecy.<sup>49</sup> As it was reported to IEOM, some Native Americans living in remote communities had difficulties accessing absentee voting methods due to a lack of standard mailing addresses or access to post offices. Additionally, high poverty rates, housing instability, lack of stable internet access, and language barriers further complicate their ability to register, receive, and complete postal ballots.<sup>50</sup>

## Voting Rights, Voter Registration and Identification

Citizens who are at least 18 years old on election day and are registered residents of a state have the right to vote. This is further protected by the Fifteenth Amendment and the VRA, which grant equal voting rights to citizens. Some 4.1 million citizens residing in D.C. and the U.S. territories do not have full representation in Congress, and residents of U.S. territories cannot vote in presidential elections. The VRA explicitly permits each state to enact laws to deny the right to vote to individuals “by reason of criminal conviction or mental incapacity”, and most states impose one or both restrictions. Only ten states have no restrictions on the right to vote on account of intellectual disability.<sup>51</sup> Restrictions based on intellectual disability or guardianship are extensive, potentially affecting an estimated 1.3 million adult citizens.<sup>52</sup> These restrictions contravene principles of universal and equal suffrage, as provided for in the 1990 OSCE Copenhagen Document and other international standards.<sup>53</sup>

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<sup>44</sup> Arkansas, Georgia, Florida, Kansas, Mississippi and South Dakota States enacted restrictive laws in this respect, typically restricting who can provide the assistance in completing or submitting the completed absentee ballots.

<sup>45</sup> Pennsylvania does not allow processing absentee or mail ballots until 7 AM on election day. The election authorities reported that they introduced changes in certain counties to speed up the processing of mail ballots and allow for quicker completion of the vote count shortly after the polls close, which in some cases included purchasing new equipment.

<sup>46</sup> These include verification of the voter’s signature in 31 states; 30 confirm there is a signature on the return envelope, 7 require the signature of a witness, 3 require that the voter’s signature is notarized, 1 requires a copy of the voter’s ID, and 3 require disclosing an ID number.

<sup>47</sup> See [Absentee Ballot Rejection Rates](#) State by State.

<sup>48</sup> Lawsuits challenged rules for overseas voting in closely contested Michigan, North Carolina and Pennsylvania.

<sup>49</sup> See an [overview](#) per state on electronic ballot returns maintained by the NCSL. Eleven states provide for online voting for some voters, typically those residing abroad or persons with disabilities.

<sup>50</sup> See the report on [Vote by Mail by Native American Communities](#) maintained by the Native American Rights Fund.

<sup>51</sup> Colorado, Idaho, Illinois, Indiana, Kansas, Michigan, New Hampshire, North Carolina, Pennsylvania, and Vermont.

<sup>52</sup> See for example a [letter](#) from 31 May 2023 by the U.S. Senate Special Committee on Aging.

<sup>53</sup> Paragraphs 7.3 and 24 of the [1990 OSCE Copenhagen Document](#) state that participating States will “guarantee universal and equal suffrage to adult citizens,” and that “...any restriction on rights and freedoms must, in a democratic society, relate to one of the objectives of the applicable law and be strictly proportionate to the aim of that law”. Paragraph 14 of the [1996 UNHRC General Comment No. 25](#) states that grounds for deprivation of voting rights should be “objective and reasonable.” Deprivation of the right to vote on the basis of intellectual incapacity is inconsistent with Articles 12 and 29 of the [CRPD](#). Paragraph 48 of the 2022 [General Comment No 1](#) to Article 12 of the CRPD states that “a person’s decision-making ability cannot be a justification for any exclusion of persons with disabilities from exercising [...] the right to vote [and] the right to stand for election”.

In Maine, Vermont, D.C. and Puerto Rico, felons can exercise their full voting rights. In the remaining 48 states, citizens with current or prior criminal convictions forfeit this right, disenfranchising an estimated four million citizens, many of whom have already served their sentences. Racial minorities are disproportionately affected by felony disenfranchisement; it is estimated that 4.5 per cent of the adult African American population is unable to vote.<sup>54</sup> While several states enacted legislation to restore voting rights to former felons, some IEOM interlocutors remarked that, in practice, many voters face challenges in regaining their rights due to lack of awareness, the limited time between rulings and registration deadlines or outstanding conviction-related fees.<sup>55</sup>

An estimated 244 million voters were eligible to vote in these elections. In all states except North Dakota, eligible citizens must register to become voters. They can do so in person in the jurisdiction where they reside, at a department for motor vehicles, county election offices, state agencies, online, or through third parties. Online voter registration is also available in 42 states. Requests for extensions to voter registration deadlines were made in three states affected by the hurricanes. While in Florida and Georgia requests were denied, South Carolina granted a 10-day extension.<sup>56</sup>

The National Voter Registration Act (NVRA) and HAVA set minimum registration standards. Currently, 23 states and D.C. offer election-day registration, while 23 states have automatic registration during driver's license applications or renewals, with opt-out options. D.C. and 24 states participate in the interstate, non-governmental data-sharing Electronic Registration Information Center (ERIC), which helps maintain the accuracy of voter lists. In 2023, nine states withdrew from ERIC due to political pressures and diverging views on voter registration.<sup>57</sup> The absence of a comprehensive nationwide tool for cross-checking voter lists further increased the uncertainty among some stakeholders about their accuracy.

Depending on the state, voter registration eligibility can be challenged by other voters, party observers, or election officials. Recent court cases challenging attempts to remove recently naturalized voters from the voter list were of concern.<sup>58</sup> These actions may contribute to undermining trust in the electoral process, as they could be perceived as attempts to disenfranchise eligible voters and also cast doubt on the legitimacy of the elections.

Since 2020, some states have passed legislation limiting voter registration by third-party initiatives.<sup>59</sup> Some IEOM interlocutors connected such legal provisions with the increased criminal penalties for anyone who receives compensation for assisting a voter, which notably affected the ability to recruit high school and college students for voter registration drives due to the fear of possible prosecution. Several organizers have ceased voter registration operations to avoid the risk of prosecution which may have impacted the voter registration of voters needing assistance.<sup>60</sup>

Identification requirements vary, with 35 states requiring an identification card to vote, while the remaining 15 states and D.C. accept non-documentary proof of identity, such as signing an affidavit against a penalty of perjury or providing personal information for multiple-factor identification. Voter ID remained a politically contentious issue, with supporters of stricter voter ID laws suggesting they

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<sup>54</sup> See the 10 October 2024 [report](#) from the Sentencing Project.

<sup>55</sup> The states that reinstated felons' voting rights since last elections include Alabama, Colorado, Minnesota, Nebraska, New Mexico, and Wyoming. Notably, Nebraska Supreme Court ruled to reinstate voting rights to former felons on 16 October, but the deadlines for online voter registration was 18 October, and 25 October for in-person registration.

<sup>56</sup> In total, 67 counties in Florida have declared a state of emergency due to the hurricanes. The last days of voter registration on 7 October coincided with new evacuation orders for more than 10 million residents in 15 counties.

<sup>57</sup> Alabama, Florida, Iowa, Louisiana, Missouri, Ohio, Texas, Virginia and West Virginia withdrew in 2023.

<sup>58</sup> Lawsuits on voter registration purges were filed and dismissed in Alabama, Michigan, Nevada, North Carolina and Virginia. The case in Virginia was further appealed to the Supreme Court, where an emergency injunction application to stop the purge was declined on 30 October.

<sup>59</sup> Florida, Idaho, Kansas, Missouri, Montana, Texas and Tennessee.

<sup>60</sup> See the [ruling](#) by the U.S. District Court of Texas San Antonio Division.

prevent fraud without affecting turnout and opponents arguing they fail to address credible threats and may suppress voters who struggle to obtain an appropriate ID. In the run-up to the elections, some states tightened their ID laws, particularly affecting students and absentee voters.<sup>61</sup> Also, such requirements, combined with the absence of state-wide ID laws in some states, disproportionately affected Native Americans, persons with disabilities, the homeless, economically disadvantaged populations, racial and ethnic minorities, as well as transgender voters.<sup>62</sup> In addition, South Carolina denied registration of over 17,000 citizens of 17 years of age who turned 18 by election day.<sup>63</sup> In response to recent hurricanes, Georgia, North Carolina, and Tennessee implemented special provisions for voters who lost their IDs, such as offering photo identification exemption forms or expediting the process of obtaining a free ID.

## Candidate Registration

Candidates for president and vice-president must be natural-born U.S. citizens, at least 35 years old, and U.S. residents for a minimum of 14 years. No person can be elected as president for more than two terms. In order to run for the Senate, candidates must be at least 30 years old and have been citizens for at least 9 years. Candidates for the House must be at least 25 years old and have been citizens for at least seven years. Congressional candidates, upon election, must be residents of the state in which they are elected.

All prospective candidates were required to file a statement of candidacy with the Federal Election Commission (FEC) within 15 days of receiving any financial contributions that exceed USD 5,000. All states allow recognized political parties to nominate candidates, though the definition of a ‘recognized party’ varies by state and is based on the number of registered voters affiliated with the party or the votes received by the party in previous federal elections. In some states, requirements for smaller parties to qualify included a share of votes cast in previous elections or a certain number of registered voters.

Several states require that federal candidates submit supporting signatures of 1 per cent or more, either of registered voters in the respective district or of total votes cast in previous elections. A total of 6 states require signatures of more than 1 per cent for Senate elections, and 16 states require signatures of more than 1 per cent for House elections. For the presidential election, this support must be from 1 to 20 per cent of the electorate, depending on the state. The practice of allowing write-in candidates offers voters an additional choice. However, these candidates have historically had limited success in federal elections.<sup>64</sup> Ballot access regulations at the state level may disproportionately impact ballot access for smaller parties or independent candidates, thereby reducing opportunities for meaningful participation in elections, contrary to OSCE commitments and international standards.<sup>65</sup>

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<sup>61</sup> Indiana, Nebraska, Wyoming adopted more restrictive identification requirements for absentee voting. Idaho removed student ID as a form of a valid identification and added a proof of residency requirements in certain cases. North Dakota requires voters with IDs that are not driver's licenses to also show proof of citizenship. The student IDs of some Wisconsin universities are considered not to meet the legal requirements.

<sup>62</sup> According to [Potential Impact of Voter Identification Laws on Transgender Voters in the 2024 General Elections](#), there are estimated voting-eligible 210,800 transgender citizens without IDs that reflect their correct name and/or gender and 172,800 of them live in states with strict voter ID laws, impacting their participation in elections.

<sup>63</sup> In total, 18 states permit pre-registration beginning at age of 16; 3 states permit pre-registration beginning at age 17; 22 states do not specify age and instead allow an individual to register if they will turn 18 by the next election.

<sup>64</sup> Arkansas, Hawaii, Louisiana, Mississippi, Nevada, New Mexico, Oklahoma, South Carolina, South Dakota do not allow ‘write-in’ candidates. See also the April 2024 EAC explanatory note on [Write-in Voting](#).

<sup>65</sup> Paragraph 7.5 of the [1990 OSCE Copenhagen Document](#) commits the participating states to “respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination”. Furthermore, paragraph 7.6 points that states will “respect the right of individuals and groups to establish, in full freedom, their own political parties or other political organizations and provide such political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities”. See also Section 1.3.ii of the Venice Commission [Code of Good Practice](#), which states that “The law should not require collection of the signatures of more than 1 per cent of voters in the constituency concerned”, as well as paragraph 17 of [1996 UNHCR General Comment No. 25](#), which states that the minimum number of supporters for a nomination “should be reasonable and not act as a barrier for candidacy”.



Four presidential candidates have been registered in a sufficient number of states to be elected, two of whom are women.<sup>66</sup> In total, 2,710 candidates (263 women, or only 9.7 per cent) ran for the House and 69 (21 women, or 30 per cent) for the Senate. In 37 congressional districts, only one major party candidate contested the race.<sup>67</sup> Uncompetitive congressional elections limit competitiveness in these races.

## Campaign Environment

The First Amendment of the Constitution strongly protects fundamental freedoms, including those of expression, assembly, and association. The campaign, including online, unfolded in a highly polarized environment, but the fundamental rights were largely upheld. Candidates campaigned through a combination of traditional activities, including rallies, and innovative digital strategies, including engaging with social media influencers and appearing on popular podcasts.<sup>68</sup> Social networks were widely utilized by all contestants, with X, Facebook, and Instagram being the most popular, while TikTok was used to a lesser extent.<sup>69</sup> The tone of social network posts frequently leaned negative, featuring a considerable amount of harsh rhetoric from both sides of the political spectrum, reflecting the tone of the offline campaign.<sup>70</sup>

In general, the campaign was often marked by aggressive and confrontational rhetoric and inflammatory language.<sup>71</sup> The mutual accusations between the two leading presidential candidates further exacerbated the existing polarization.<sup>72</sup> Additionally, there have been incidents of election violence, including assassination attempts on former President Trump.<sup>73</sup> Instances of threats of violence or aggressive behavior targeting voters, including minorities, election administrators, officials, campaigners, and media representatives, were reported to IEOM.<sup>74</sup> Mr. Trump frequently questioned Ms. Harris' racial and ethnic identity and employed racist stereotypes regarding black individuals in his remarks about her.<sup>75</sup>

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<sup>66</sup> Kamala Harris, Chase Oliver, Jill Stein and Donald Trump. A total of 127 individuals have registered as candidates for president with the FEC, including 21 women.

<sup>67</sup> The U.S. states with one or more uncontested House races in 2024 include Alabama, Florida, Illinois, Kentucky, Massachusetts, Mississippi, Oklahoma, Pennsylvania, and Texas.

<sup>68</sup> Among others, Ms. Harris participated in "[All The smoke](#)" podcast on 30 September and "[Call Her Daddy](#)" podcast on 6 October, and Mr. Trump on [Shawn Ryan Show](#) on 26 August, the [Lex Fridman](#) show on 3 September, and in the [Joe Rogan Experience](#) podcast on 25 October.

<sup>69</sup> The ODIHR LEOM followed the campaign activities of contestants and main political actors on the social networks X and Facebook as well as former President Trump's Truth Social account.

<sup>70</sup> Mr. Trump often [called](#) Ms. Harris "[lying](#) Kamala Harris", while Ms. Harris denounced her opponent for "having incited an [attack](#) on our nation's democracy" and for being "[exhausted, unstable, and unfit](#) to be President of the United States."

<sup>71</sup> Mr. Trump referred to Ms. Harris as "[mentally impaired](#)" on 29 September, repeatedly questioned Ms. Harris' [ethnicity](#), and turned to more [profane](#) language on 19 October. Ms. Harris [referred](#) to Mr. Trump as "weak" and a "disgrace" during the 10 September presidential debate. On 31 October, Mr. Trump verbally attacked his most vocal Republican critic, Elizabeth Cheney, noting that one should aim "nine barrels shooting at her face", further intensifying the violent rhetoric.

<sup>72</sup> Mr. Trump described the vice president as "[radical, left lunatic](#)" on 24 July and his political opponents as "[enemy from within](#)" on 14 October. In response, Ms. Harris called former President Trump "[unstable](#)" and "[unhinged](#)" on the same day. Following Mr. Trump's former chief of staff, John Kelly's 22 October [New York Times interview](#), in which he linked Mr. Trump to fascism and recounted his comments praising Hitler and his loyal Nazi generals, Ms. Harris on 23 October, called the reports "[deeply troubling](#)" adding that the former president is "unhinged, unstable, and given a second term, there would be no one to stop him from pursuing his worst impulses."

<sup>73</sup> This includes an attempt on 13 July in Butler, Pennsylvania, on 15 September in West Palm Beach, Florida, and on 12 October in Coachella, California. It was also [reported](#) that the Democratic campaign office in Tempe, Arizona, had closed down after being shot at three times in three weeks.

<sup>74</sup> Latino canvassers in Arizona were [intimidated](#) and accused of registering undocumented people; North Carolina activists [accused](#) the Election Integrity Team of intimidating Latino voters with Spanish "warning" signs.

<sup>75</sup> See examples of [reports](#) of Mr. Trump's use of racial [stereotypes](#). On 27 October, during the rally in New York City, speakers, supported by him, used derogatory racial rhetoric against Ms. Harris as well as immigrants.



Key issues in the campaign included foreign policy, economy, immigration, reproductive rights, and LGBTI rights.<sup>76</sup> A conservative governing agenda, Project 2025 was a major and controversial topic in the campaign.<sup>77</sup> While Mr. Trump publicly distanced himself from it, Democrats consistently linked his agenda to the project.<sup>78</sup> Moreover, the effects of the hurricanes that struck the south-eastern U.S., including critical battleground states, overshadowed campaign messaging since late September. President Biden and Vice President Harris strongly criticized Mr. Trump's assertions regarding the government's emergency response to the hurricanes, labelling them as false.<sup>79</sup>

The most prominent foreign policy issues included the war in Gaza and the escalation of hostilities in the Middle East, as well as the war in Ukraine. While focusing on the closely contested states, presidential candidates pursued the support of Latino, Native American, as well as Muslim, and Arab American voters. The Democrats, facing criticism for insufficient border control during their administration, emphasized the importance of security with a commitment to human rights and economic growth, while Mr. Trump addressed immigration through negative rhetoric, linking it to the legitimacy of the elections with repeated claims about undocumented immigrants being included on voter lists.<sup>80</sup> In addition, Ms. Harris framed the election as a fight to preserve freedoms, and Mr. Trump denounced alleged fraud in the 2020 presidential election, arguing, without presenting evidence, that the extensive use of absentee and mail-in voting jeopardized election integrity.<sup>81</sup> After previously pledging peaceful post-electoral transitions following the 2024 election, on 15 October, Mr. Trump declined to confirm his respective commitment.<sup>82</sup> Such statements, especially following the 6 January 2021 violent events during Congress's certification of the 2020 presidential election, may have further eroded the credibility and trust in the electoral process and democratic institutions.<sup>83</sup> IEOM interlocutors raised concerns about the potential for political violence stemming from doubts about election integrity, paving the way for post-election litigation.<sup>84</sup>

IEOM interlocutors noted intensified use of AI during the campaign. Cyber threats, along with disinformation campaigns by domestic and foreign actors identified by the fact-checkers, attempted to

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<sup>76</sup> The ODIHR LEOM observed 88 campaign events, of which 69 featured women speakers. In total, 83 of these events were accessible to persons with disabilities, and 3 included sign-language interpretation.

<sup>77</sup> The [Project 2025 website](#), an initiative led by the Heritage Foundation, offers a conservative blueprint for reshaping government policies and operations, to align with conservative values.

<sup>78</sup> Mr. Trump [disavowed](#) Project 2025, which Ms. Harris' campaign [tied](#) to the former president with a [series](#) of [ads](#).

<sup>79</sup> On 4 October, the Federal Emergency Management Agency (FEMA) set up a "[Hurricane Rumor Response](#)" page to counter misinformation and conspiracies surrounding hurricanes and the federal government's response. On 8 October, in an [opinion piece](#), Republican vice presidential candidate James David Vance denounced the "administration's incompetence" and alleged that FEMA funds were diverted to immigration issues. On 21 October, Mr. Trump [reiterated](#) his earlier claim that FEMA had redirected disaster relief funds to support immigrants.

<sup>80</sup> State and federal courts, as well as the U.S. Supreme Court, repeatedly rejected claims of widespread fraud or procedural misconduct in the 2020 elections. Mr. Trump [employed a rhetoric](#) about immigrants during the presidential debate through statements which were false and largely seen as preposterous. On 11 October, during a rally in Aurora, Colorado, he intensified his [anti-immigration rhetoric](#), describing immigrants as "animals," "barbaric thugs", and "sadistic monsters". On 27 October, during Mr. Trump's rally in New York City, a campaign guest speaker referred to Puerto Rico as a "[floating island of garbage](#)". In response, among other, Ms. Harris [criticized](#) what she described as Mr. Trump's failed policies on Puerto Rico during his presidency related to humanitarian crises.

<sup>81</sup> At the 10 September [presidential debate](#) and on 3 October at a rally in [Michigan](#), Mr. Trump claimed that he won the 2020 elections. During the 1 October [vice presidential debate](#), when asked whether former President Trump had lost the 2020 elections, Vice Presidential Republican candidate James David Vance replied that he is "focused on the future". In April 2024, Mr. Trump [posted](#) on Truth Social that the absentee ballots were also a good option to use.

<sup>82</sup> On 15 October, Mr. Trump [declined](#) to confirm his commitment to a peaceful post-election transition.

<sup>83</sup> According to a January 2024 [research](#), by the States United Democracy Center, almost a third of Congress consists of election deniers, 180 of whom were on the [ballot](#).

<sup>84</sup> See also the 10 October study by the [Pew Research Center](#) raising widespread concerns about political violence.

undermine candidates, their policies, and election integrity overall.<sup>85</sup> While the usage of AI-generated content in political advertising is not regulated at the federal level, at least 17 states have introduced requirements for AI disclosures or banned AI-generated content that could damage the reputation of a candidate.<sup>86</sup> Both Meta and Google established disclaimer requirements for third-party AI-generated political ads and automated checks for flagging content, while X.com largely relied on its Community Notes for fact-checking. However, except for the obvious violations, the enforcement of these policies is often unsuccessful due to inconsistent enforcement and difficulties in detection.

Following the 2022 U.S. Supreme Court ruling removing federal protections for abortion rights, women's political activism has increased and featured prominently in these elections. Rallies observed by ODIHR LEOM featured messages such as abortion, reproductive rights, and affordable childcare.<sup>87</sup> In some cases, gender issues and transgender people were addressed negatively during the campaign rallies.<sup>88</sup> Donald Trump's pledge to be a "protector" for female voters appealed to culturally conservative voters who support traditional gender roles and family structures. Ms. Harris prioritized women's reproductive rights in her electoral platform and committed to restoring these rights for women. The venues were generally accessible for persons with disabilities; however, promoting and facilitating their access to public office was not highlighted in the campaign messaging.

## Campaign Finance

The legal framework governing campaign finance is shaped primarily by the Federal Election Campaign Act (FECA) and the Bipartisan Campaign Reform Act, which regulate the sources and limits of donations as well as the disclosure requirements.<sup>89</sup> These are amended by case law, including *Buckley v. Valeo* (1976), which removed the limits on campaign expenditures, and *Citizens United v. Federal Election Commission* (2010), which gave corporations the right to independent campaigning, and in which the U.S. Supreme Court equated spending with freedom of speech. Generally, campaign finance is well-regulated, but the possibility of unconstrained spending gives a disproportionate advantage to the well-established parties. Furthermore, gaps remain in contribution limits and some reporting requirements.<sup>90</sup>

Campaign contributions can be received through designated campaign committees, which must register with the FEC. There are limits on individual contributions to USD 3,300 per candidate and USD 5,000 per Political Action Committee (PAC), with disclosure requirements for contributions exceeding USD 200. Anonymous and cash contributions are limited to USD 50 and USD 100, respectively; in-kind contributions are treated as monetary donations. Foreign donations are prohibited; however, the FEC has determined that foreign subjects can contribute to ballot measure campaigns, and the law does not restrict

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<sup>85</sup> For example, the Democratic Party's vice presidential nominee was falsely [accused](#) of sexually molesting [students](#). An AI generated [video](#) alleging to show one victim has garnered over 5 million views on X. The same troll farm falsely [claimed](#) Ms. Harris' involvement in a 2011 hit-and-run [accident](#). Mr. Trump [shared](#) an AI image depicting Ms. Harris addressing a group dressed in communist-style uniforms. Earlier, a fake AI-generated [robocall](#), impersonating President Joe Biden, urged New Hampshire voters to skip voting in first-in-the-nation Democratic primary. Also, in August [email accounts](#) of Mr. Trump campaign aides and others had been targeted and compromised by Iranian hackers. In October, Chinese hackers [targeted](#) phones of Mr. Trump and Mr. Vance.

<sup>86</sup> In July 2024, the Federal Communications Commission (FCC) [proposed](#) rules for disclosing of AI-generated content in broadcast ads, but they were not adopted before election day.

<sup>87</sup> In Arizona, Georgia, Idaho, Indiana, Maine, Maryland, Nebraska, Nevada, North Carolina, Pennsylvania, and Wisconsin

<sup>88</sup> For example, in Arizona, Colorado, and Wisconsin. A transgender congressional candidate in Louisiana reported encountering hateful responses during voter outreach efforts.

<sup>89</sup> The federal campaign finance legislation is supplemented by FEC regulations.

<sup>90</sup> According to paragraph 19 of the 1996 UN Human Rights Committee [General Comment No. 25](#) "reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party." See also paragraph 263 of the 2020 [ODIHR-Venice Commission Guidelines on Political Party Regulation](#).

their participation in advocacy campaigns.<sup>91</sup> PACs that receive cryptocurrencies must convert them to USD before using them to support candidates.

PACs and Super PACs provide a mechanism for interest groups to contribute to candidates and also to spend unlimited funds on independent expenditures.<sup>92</sup> Consequently, candidates benefiting from such expenditures have no reporting obligations. While the Supreme Court emphasized the importance of transparency for informed electoral decisions, donations to non-profit organizations and corporations are not held to the same disclosure standards as PACs, which allows for circumvention of the transparency principle.<sup>93</sup> Non-profit organizations and corporations can also accept foreign donations. Notably, payments to influencers are not considered “public communications” and are not subject to disclosure requirements. Such undisclosed contributions raise concerns over the undue influence of interest groups over candidates, as well as undermine the transparency of the process and limit voters’ informed choice.<sup>94</sup>

The oversight of campaign finance is vested with the FEC, the bipartisan campaign finance oversight body. It is composed of six commissioners appointed by the President and confirmed by the Senate, with no more than three commissioners representing one party. The FECA requires at least four votes for the FEC to approve official actions, thus requiring bipartisan decision-making. Campaign committees must report to the FEC quarterly or monthly and submit pre- and post-election reports. The FEC is also mandated to review complaints pertaining to violations of campaign finance rules. When deciding on complaints, the FEC can use prosecutorial discretion to dismiss them; a complaint thus dismissed cannot be subject to judicial review, contrary to OSCE commitments.<sup>95</sup> While the FEC is in full composition and has made steps to improve the effectiveness of its decision-making, its capacity for decisive action remains somewhat constrained in case of a split vote due to its partisan composition.<sup>96</sup> These constraints have contributed to delays in addressing multiple complaints received by the FEC during this campaign period, raising concerns about its effectiveness and ability to make decisions.<sup>97</sup>

In March 2024, the FEC issued an advisory allowing Super PACs and other outside groups to co-ordinate with election campaigns on voter turnout strategies, making a shift in regulatory interpretation, especially given the evolving political landscape and the growing dependence on Super PACs for campaign financing.<sup>98</sup> During this campaign, several PACs launched various popular initiatives that may potentially influence the election outcome. Notably, a Super PAC supported by the businessman Elon Musk, who endorsed Mr. Trump, awarded USD 1 million daily from 19 October until election day to

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<sup>91</sup> In [Bluman v. FEC](#), a district court ruled that the constitutionality of the foreign nationals prohibition is tied to candidate advocacy but did not ban foreign nationals from engaging in advocacy on issues.

<sup>92</sup> Super PACs cannot donate directly to candidates or co-ordinate with campaigns, but they can fund ads, events, and advocacy to support or oppose specific candidates, parties, or policies.

<sup>93</sup> In [Citizens United v. FEC](#), the U.S. Supreme Court ruled that corporations have the right to campaign independently because spending constitutes freedom of speech, hence overruling its earlier decision in [Austin v. Michigan State Chamber of Commerce](#), in which it ruled that a state law prohibiting independent expenditures was constitutional.

<sup>94</sup> According to Article 7.3 of the [UN Convention Against Corruption](#), “Each State Party shall consider taking appropriate legislative and administrative measures [...] to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties.” Paragraph 256 of the 2020 [Joint ODIHR and the Venice Commission Guidelines on Political Party Legislation](#), stipulates that third parties that are involved in the campaign “should be subjected to similar rules on donations and spending as political parties to avoid situations where third parties can be used to circumvent campaign finance regulations”.

<sup>95</sup> Paragraph 5.10 of the 1990 OSCE Copenhagen Document states that “everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity”.

<sup>96</sup> Out of the 451 cases that were considered by the FEC in [Executive Session](#) after 1 April 2019, and that were closed as of 1 May 2023, only 64 of these cases (14 per cent) had split votes.

<sup>97</sup> Complaints include the Trump campaign’s allegations about the transfer of President Biden’s campaign funds to Ms. Harris’ campaign the DNC claim about illegal ballot access scheme, [a complaint](#) filed by End Citizens United Files against the Trump campaign and X.com over allegedly illegal corporate contribution.

<sup>98</sup> See the 20 March 2024 FEC [Advisory Opinion](#).

registered voters in select states who backed petitions in support of the First and Second Amendments.<sup>99</sup> This initiative sparked a debate about its compliance with federal laws.<sup>100</sup> On 22 October, a complaint was filed by Mr. Trump’s campaign against the Labour Party of the United Kingdom and Ms. Harris’ campaign for making and accepting illegal foreign contributions.<sup>101</sup>

Approximately USD 6.1 billion was fundraised by the candidates until now. This includes USD 2.7 billion for the presidential election, USD 1.9 billion for the House, and USD 1.5 billion for the Senate. In addition, super PACs raised USD 4.2 billion and spent USD 2.7 billion.<sup>102</sup> There are no expenditure limits. The total expenditure for these elections is projected to reach USD 15.9 billion, with about USD 5.5 billion spent on the presidential race and over USD 10 billion on congressional races, making it the most expensive election campaign in the history of federal elections.<sup>103</sup>

## Media

The vibrant and extensive U.S. media environment operates through a multitude of platforms that increasingly tailor content to partisan audiences, with major private media outlets being divided along political lines, amplifying political messaging rather than serving as independent information sources. Political polarization of media has contributed to increased incidents of intimidation and harassment of journalists, including violence, online harassment, and attacks by police.<sup>104</sup> Senior politicians have exacerbated this hostile environment by using derogatory terms against critical journalists and questioning their professional integrity, especially during the campaign.<sup>105</sup> While the partisan divide in the media impacted broadcast news reporting and contributed to a diminished public trust in the media, some media provided extensive analytical coverage.<sup>106</sup>

The media market is dominated by five corporations that control over 90 per cent of television stations and over half of daily newspapers. While major traditional media outlets have successfully expanded into the digital market, smaller local media outlets have struggled to survive, leading to significant layoffs or closures. Consequently, more than half of American counties are served by only one or no media outlets.<sup>107</sup> Two decentralized public networks, Public Broadcasting Service (PBS) and National Public Radio (NPR), partially fill this coverage gap, operating as umbrella networks for 357 public television and 1,207 radio stations, respectively, while maintaining editorial independence.<sup>108</sup>

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<sup>99</sup> Earlier in October, the same Super PAC (*America PAC*) circulated a petition in which voters pledged their support for the First and Second Amendments and offered USD 47 (later USD 100) for each voter. According to media reports on donation filings, another Super PAC funded ads in key states like Michigan and Wisconsin, while a different Super PAC focused on spending in Georgia, Pennsylvania, Wisconsin. One super PAC directed half of its USD 450 million budget toward digital advertising, prioritizing platforms like YouTube to reach non-political, younger, and diverse audiences critical for Ms. Harris’s votes.

<sup>100</sup> Reportedly, the DoJ sent a [letter](#) to Elon Musk indicating that this action may constitute a violation of federal law. See also [DOJ Election Crimes Manual](#), page 44. In addition, on 28 October, the Philadelphia District Attorney [filed a civil legal action](#) under Pennsylvania law against Elon Musk and his Super PAC.

<sup>101</sup> See [the complaint](#) submitted to the FEC. The FEC did not consider it before election day.

<sup>102</sup> As of 3 November, super PACs [have reported](#) total independent expenditures of USD 2.7 billion in the 2023-2024 cycle.

<sup>103</sup> See the projected [cost of elections](#) maintained by OpenSecrets.org.

<sup>104</sup> The October 2024 [report](#) by the Committee to Protect Journalists noted a 50 per cent increase in attacks on journalists since 2023.

<sup>105</sup> Mr. Trump, in public speeches and posts on Truth Social, frequently labelled journalists and media critical of him as “[fake news](#),” “[enemy of the people](#),” and [calls](#) for [investigation](#) of certain media for treason.

<sup>106</sup> The October 2024 Gallup [poll](#) found that 31 per cent of Americans trust the media to report news accurately and fairly, 33 per cent “not very much” confidence and 36 “no trust at all” in the media.

<sup>107</sup> The 2023 “State of Local News” [report](#) by Northwestern University Medill School of Journalism found that 203 counties are without any local news outlet, and 1,558 counties served by only one, usually a weekly local news source.

<sup>108</sup> PBS and NPR primarily rely on individual and corporate donations, while up to a third of their funding comes from the Federal Government through Corporation for Public Broadcasting. In July 2024, the House Appropriations Committee [proposed](#) eliminating funding of USD 535 million for the Corporation for Public Broadcasting and USD 60 million for public media interconnection system.



While the First Amendment guarantees robust protections of freedom of speech, defamation and libel remain criminalized in at least 13 states, though rarely enforced. An increasing number of states have adopted laws to protect against frivolous civil defamation lawsuits, but 16 states lack such protections, and this remains unregulated on the federal level. Many IEOM interlocutors highlighted insufficient protections for journalists' sources and from surveillance by federal institutions.<sup>109</sup> Despite the Freedom of Information Act's provisions for information access, the IEOM interlocutors noted inconsistent implementation among federal institutions.<sup>110</sup>

The federal legislation, supplemented by the regulations of the Federal Communications Commission (FCC), requires broadcasters to provide "reasonable access" for federal candidates, allowing them to purchase paid political airtime at the lowest rate charged for a comparable commercial advertisement in the 60 days prior to elections. Broadcasters are also required to provide equal opportunities for all contestants, with some exceptions for editorial freedom in the news coverage.<sup>111</sup> Only public broadcasters are prohibited from supporting or opposing any candidate for political office or airing advertisements intended to do so. The FCC's role in these elections was largely limited to responding to media inquiries and facilitating mediation between contestants and the media in relation to paid political advertisements.

Although not regulated, the three debates between Republican and Democratic presidential and vice-presidential candidates were agreed upon with major broadcasters (ABC, CBS, and CNN) departing from the tradition of debates organized by the bipartisan Commission on Presidential Debates.<sup>112</sup> The presidential and vice-presidential contestants also appeared in numerous interviews on a wide range of media outlets and social platforms, mainly choosing those aligned with their political views (see also *Campaign Environment*).<sup>113</sup>

The ODIHR LEOM media monitoring results reflect the bipartisan polarization of the media landscape, with the majority of outlets tailoring their coverage to partisan audiences and amplifying political messaging.<sup>114</sup> Most monitored broadcast media dedicated the bulk of their politically relevant coverage

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<sup>109</sup> In June 2023, the House of Representatives introduced a bill for the [Press Act](#), to protect journalists from revealing their confidential sources and prevent government surveillance of their communications, with exceptions for cases involving terrorism or imminent violence. The bill passed unanimously in the House on 18 January 2024 and was forwarded to the Senate's Committee of Judiciary where it remains pending, before it can advance to a full Senate vote. The OSCE Representative on Freedom of the Media, in the 13 June 2024 [Regular Report to the Permanent Council](#), while welcoming the initiation of the Press Act, expressed concerns regarding the surveillance-enabling law in the U.S. known as [Section 702](#).

<sup>110</sup> The U.S. Government Accountability Office [noted](#), that, in 2022, the backlog of freedom of information requests had exceeded 200,000 requests. [According](#) to Muckrock, an American non-profit organization specializing in requesting public records, the average response time for such requests was 288 days, despite a legal threshold of just 20 days.

<sup>111</sup> On 2 November Ms. Harris appeared for 90 seconds on a comedy show Saturday Night Live, which was broadcast through a television network affiliated with NBC. After her appearance, Mr. Trump has requested and received two free time slots, 55 seconds each, that he has used for his promotions aired shortly after major sport events on 3 November.

<sup>112</sup> Dr. Stein and Mr. Kennedy filed individual complaints to the FEC on 29 May and 19 June regarding their exclusion from the presidential debate, but FEC did not decide on these complaints before election day. The [Free and Equal Elections Foundation](#) has organized two presidential debates on 12 July and 23 October inviting all contestants, though only Mr. Oliver, Dr. Stein, and Mr. Terry chose to participate.

<sup>113</sup> On 10 October, Mr. Trump, following his refusal to be interviewed by the CBS's "60 Minutes", [alleged](#) that the network had altered an interview with Ms. Harris to present her favorably and called for the [revocation](#) of their broadcasting license. The FCC Chairperson [responded](#) that the FCC does not revoke licenses simply because an electoral candidate disagrees with or dislikes content. On 16 October the Center for American Rights filed a formal complaint with the FCC on similar grounds requesting the FCC to direct the CBS to release the complete transcript of the interview of Ms. Harris. The complaint was not resolved before election day.

<sup>114</sup> During the campaign, from 14 October, the ODIHR LEOM monitored evening news programs on public PBS and NPR, and on private television networks – ABC, CBS, NBC. The monitoring included one-hour programming on cable broadcasters CNN (8 PM), Fox News (6 PM), MSNBC (6 PM) and Newsmax (7 PM) and covered political and election sections of the New York Times, New York Post, Wall Street Journal and Washington Post.



to Mr. Trump (between 30 and 49 per cent) and Ms. Harris (between 24 and 41 per cent). Other parties and presidential candidates were marginalized, receiving less than two per cent of coverage across all monitored broadcasters except ABC, which has dedicated 4 per cent of coverage to Robert F. Kennedy Jr.

The polarization was more evident in cable television, which was largely instrumentalized by main political parties as their campaign platforms, with programming dominated by partisan commentary rather than balanced reporting. Fox News and Newsmax covered Ms. Harris predominantly negatively, with 50 and 79 per cent negative coverage, respectively, often employing demeaning language. In contrast, approximately half of her coverage on CNN and MSNBC was positive. The evening newscasts of public radio NPR and the three major networks (ABC, CBS, and NBC) covered Ms. Harris primarily in a neutral tone (between 56 and 74 per cent), with a notable portion of positive coverage (between 22 and 41 per cent). Public Television PBS provided balanced coverage, with nearly equal proportions of positive (23 per cent) and negative (20 per cent) coverage. Mr. Trump received negative coverage (ranging from 37 to 87 per cent of all coverage dedicated to him) on all monitored broadcast media, except Fox News and Newsmax, where 40 and 63 per cent of his coverage was positive.

In print media, The New York Times and The Washington Post dedicated 40 and 39 per cent of their political coverage to Mr. Trump and 24 and 25 per cent to Ms. Harris, maintaining mainly a critical stance toward Mr. Trump and a predominantly neutral tone toward Ms. Harris. The Wall Street Journal offered more balanced reporting of both candidates, though with increased criticism of Mr. Trump (33 per cent negative, 58 per cent neutral). The New York Post displayed clear bias, covering Mr. Trump predominantly positively (44 per cent) while portraying Ms. Harris mainly negatively.

## Electoral Dispute Resolution

Election dispute resolution encompasses both judicial and administrative channels to address election-related issues. State and federal law allow everyone to file lawsuits in both state and federal courts in relation to legal doctrines pertaining to elections and congressional districting decisions. In addition to lawsuits filed in court, complaints can be filed with county election boards, election supervisors, secretaries of state, and state attorneys general. In some states, election result challenges are permitted, while the conditions for requesting recounts vary across jurisdictions.<sup>115</sup> Under the *Purcell* principle, federal courts are generally prohibited from enjoining state election laws in the period leading up to an election, however, courts have the discretion in interpreting this principle.<sup>116</sup> While some courts ruled with the decision effective after the elections, some delayed decisions until after the election date, and some decisions were in force for these elections.<sup>117</sup> Decisions close to election day raised concerns about effective implementation related to lawsuits that impact key issues, including voter identification and registration, voting, and counting procedures.<sup>118</sup> Despite previous ODIHR recommendations, legislative

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<sup>115</sup> In 48 states, state law includes a recount provision. Automatic or mandatory recounts are possible in 26 states and D.C., and requested recounts are possible in 43 states.

<sup>116</sup> In *Purcell v. Gonzalez* (2006), the U.S. Supreme Court established that (i) federal district courts ordinarily should not enjoin state election laws in the period close to an election, i.e., issue a court order that either prohibits a party from performing a specific act or compel a party to take a particular action; and (ii) that federal appellate courts should stay injunctions when lower federal courts contravene that principle. In *Reynolds v. Sims* (1964), the Supreme Court also ruled that “[i]n awarding or withholding immediate relief, a court [...] should consider the proximity of a forthcoming election and the mechanics and complexities of state election laws, and should act and rely upon general equitable principles.”

<sup>117</sup> In a notable example, the Supreme Court of Pennsylvania have [declined](#) to decide until after election day on petitions from both [the RNC](#) and [voting rights organizations](#) related to absentee mail-in ballots.

<sup>118</sup> In [a case in Georgia](#), the Fulton County Superior Court Judge described the controversial rule change that was being sought as “too much, too late.” In North Carolina, the Court of Appeals granted a temporary injunction against the use of digital ID by university students based on a [lawsuit](#) filed by the RNC; however, a [motion to dismiss](#) was filed on 22 October. On 30 October, the Supreme Court [declined an application to stop](#) Virginia state to implement a program aimed at removing suspected noncitizens from its voter registration rolls. State officials argue the initiative

measures to establish clear and objective criteria and timeframes for challenging and enjoining state election laws remain inadequate.

The pre-election period has included a high volume of election-related litigation, primarily centered on closely contested states. At least 284 election-related lawsuits have been filed with state and federal courts. The Republican Party and its affiliate organizations have filed or are involved in at least 120 election-related lawsuits, and the Democratic Party and its affiliate organizations have filed or are involved in at least 38 voting rights lawsuits. The key areas of voting rights subject to litigation included absentee voting, with Republicans or affiliates having initiated 23 cases, including 19 in battleground states, and Democrats or affiliates having 19 total, including 11 in swing states.<sup>119</sup> Voter registration and voter list purges were also highly contested by Republicans with a total of 35 cases and Democrats with 18 cases.<sup>120</sup> In addition, a number of voter eligibility and vote processing lawsuits were submitted.<sup>121</sup> In addition, overseas voting and voting by non-citizens have been targeted by lawsuits.<sup>122</sup>

The DoJ maintains a portal where election-related violations can be reported.<sup>123</sup> The DoJ has recently filed at least three election-related lawsuits, including two cases related to violations of federal prohibitions on systematic efforts to remove voters within 90 days of an election and a challenge to the failure to provide an accessible voting system for voters with disabilities.<sup>124</sup>

Generally, many IEOM interlocutors indicated a highly contested electoral environment, with a high expectation for widespread post-election litigation. Some remarked that the currently filed lawsuits would be used as a platform to build upon further appeals. Despite the high volume of cases, many IEOM interlocutors expressed confidence in the state and federal courts' capacity to manage the surge. However, concerns persisted among IEOM interlocutors regarding the politicization of the Supreme Court as the final appeals instance, largely stemming from some of its recent decisions, structural makeup, and appointment process.

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is designed to safeguard the integrity of voter lists, while the decision aligns with Republican interests just days before the upcoming election.

<sup>119</sup> A lawsuit filed in [Louisiana](#) challenged several recently passed laws that could disenfranchise absentee voters. In Ohio, the Supreme Court [upheld](#) a directive from the Secretary of State that effectively prohibits authorized individuals from returning an absentee ballot to a drop box on behalf of a family member with disabilities. In Alabama, a judge [partially blocked](#) a state law which had made it illegal to help voters request absentee ballots.

<sup>120</sup> A [lawsuit](#) claimed that ballots are at risk of fraud because overseas voters do not face the same ID requirements as other absentee voters. In Alabama, a federal judge [ordered](#) a pause to a program that targeted voter registrations of naturalized citizens. In Nevada, a judge [dismissed](#) a lawsuit brought by the RNC regarding voter roll maintenance. In Michigan, a judge [dismissed](#) a lawsuit filed by the RNC regarding voter roll maintenance and ordered existing voter registration practices to remain in place. In North Carolina, a federal judge [dismissed](#) a lawsuit filed by the RNC seeking to gain access to voter registration maintenance roll information for the purposes of removing voters from the list, while the DNC also filed an [amicus brief](#) in the case alleging that the RNC lawsuit was baseless.

<sup>121</sup> In Georgia, voting rights groups filed a [lawsuit](#) challenging [Senate Bill 189](#), arguing that it makes it easier to invalidate a voter's eligibility contrary to the [National Voter Registration Act](#) (NVRA). There are multiple lawsuits in Georgia regarding the ballot count. On 15 October, the county court [overturned](#) the State Election Board's decision to require county election officials to make a "reasonable inquiry" before certifying election results. On 21 October, a [lawsuit](#) in Virginia challenged [statements by the state Election Board](#) that they would refuse to certify election results based on voting machine tabulation. A Pennsylvania court [ruled](#) that counties must count provisional ballots cast by voters who mistakenly submitted mail-in ballots without including a supplementary secrecy envelope.

<sup>122</sup> On 21 October, judges in [Michigan](#) and [North Carolina](#) separately issued decisions rejecting RNC lawsuits challenging overseas voters including overseas military voters based on residency verification requirements, and the North Carolina decision was [appealed](#) by RNC on 22 October. A [lawsuit](#) from a group of Republican Members of Congress in Pennsylvania claimed that ballots are at risk of fraud because overseas voters do not face the same identification requirements.

<sup>123</sup> See the DoJ [portal](#) for reporting voting issues.

<sup>124</sup> These are [United States v. Commonwealth of Virginia](#), [Virginia State Board of Elections](#), [United States v. State of Alabama](#) and [United States v. Town of Thornapple, Wisconsin](#).

## Election Observation

Election observation is regulated by states, resulting in a significant variance of rules regulating various types of observers and their access to different stages of the electoral process. The categories of recognized observers vary between states, and they include domestic non-partisan groups, partisan groups or poll watchers and challengers, international observers, and academic observers. Tennessee explicitly forbids international observers, while California, Missouri, Nebraska, New Mexico, and D.C. explicitly provide for international observation.<sup>125</sup> The remaining states have various statute language or conditions under which international observers may be permitted or banned.<sup>126</sup> The legal prohibition of election observers in 17 states and, in practice, in many other jurisdictions, are not in line with OSCE commitments.<sup>127</sup> Several state election officials either refused to or ignored requests to meet with ODIHR LEOM observers, impeding observation. In several of these states, the primary reason for declining was the perceived concerns over foreign interference.<sup>128</sup>

Non-partisan groups and political parties deployed and trained a high number of poll watchers, including lawyers, to assist in cases of disputes and volunteers to help with voter access where needed. In most cases, poll watchers must be registered voters of the state where they will observe. The non-partisan groups organized many voter education initiatives, promoting balanced, non-partisan, and factual information to help voters make informed choices, and in some cases, collaborated with election administration to hold events addressing electoral to counter misinformation.

## Election Day

Early voting commenced on 20 September, allowing voters to vote in person and by mail.<sup>129</sup> More than 85 million voters have taken advantage of early voting options across states and abroad. On election day, the atmosphere at the polling stations visited by the IEOM was calm, peaceful, and orderly. Significant voter interest and queuing were noted in some places, especially in the morning. Almost all polling stations visited were accessible for voters with physical disabilities, and voter information was readily available.

Election administrators undertook additional security precautions, especially in the highly contested states, by implementing visible security enhancements, including the presence of police. This move, aimed at protecting polling staff and voters, reflected heightened concerns about election-related threats. While there were no significant security incidents reported on election day, the FBI announced that polling stations in several states received bomb threats which were determined to be non-credible.<sup>130</sup>

Despite initial concerns regarding the recruitment of polling staff, the IEOM observers did not witness shortages that would have adversely affected the election process and further noted they performed their duties professionally. The election officials appeared well-trained and adhered to polling procedures.

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<sup>125</sup> Three other states, Hawaii, North Dakota, and South Dakota, have inclusive language for all observers.

<sup>126</sup> In 18 states, Alabama, Alaska, Arizona, Connecticut, Delaware, Florida, Illinois, Kentucky, Louisiana, Mississippi, Montana, New Jersey, North Carolina, Oklahoma, Tennessee, Texas, West Virginia and Wyoming, international observers were not allowed through regulation or by decision of the election officials; 16 states have regulations that, under certain conditions and criteria, may allow access to international observers. In 9 states, there are no specific norms that can be applicable to international observers.

<sup>127</sup> Paragraph 8 of the [1990 OSCE Copenhagen Document](#) provides that “the participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place”. The [last resolution](#) of the National Association of Secretaries of State welcoming OSCE international election observers expired in summer 2020 and has not yet been renewed.

<sup>128</sup> Requests were declined or ignored in Alabama, Connecticut, Georgia, Louisiana, Mississippi, Montana, Nevada, New Jersey, North Carolina, North Dakota, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, Wisconsin and Wyoming.

<sup>129</sup> Start of the early voting varied per state.

<sup>130</sup> The FBI [reported](#) that many of these threats received in day Arizona, Georgia, Michigan and Wisconsin “appear to originate from Russian email domains.”

While issues with voting equipment were reported in a few locations, these were generally isolated and addressed quickly.<sup>131</sup> Notably, Cambria and Bedford County officials in Pennsylvania experienced significant ballot scanning errors, prompting officials to extend voting hours until 10 PM to accommodate affected voters. Voters were instructed to place their provisional ballots in auxiliary bins for later counting.

There were no significant issues reported on the accuracy of voter lists during voter identification, but in some isolated cases, the IEOM noted that addresses in voters' IDs did not match those recorded on voter lists, leading to a requirement to cast provisional ballots. In addition, voter assistance hotlines and resources have been used actively to support voters facing ID or registration issues, helping voters resolve these hurdles without leaving the polling station. Partisan poll watchers were present inside and outside polling stations, enhancing transparency. Additionally, civil society observers, who monitored the process for its compliance with the voting rights laws, were noted in many locations visited by IEOM. The DoJ also deployed monitors in 86 jurisdictions across 27 states for compliance with federal legislation.<sup>132</sup>

The vote-counting process was largely automated, leveraging technology to ensure efficiency and accuracy. In the few polling stations where vote counting was directly observed by IEOM, polling officials managed the process professionally.<sup>133</sup> Media outlets started announcing preliminary official results promptly after polls closed. Processing, counting and tabulation of results remain in progress and are anticipated to continue over the next several days.

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<sup>131</sup> In North Carolina, the elections board [approved](#) an extra half hour of voting at two precincts that reportedly were temporarily unavailable due to technical issues. Malfunctioning of voting machines was also [reported](#) in Iowa's Story County.

<sup>132</sup> See the DoJ [press release](#). On 1 November, Texas's Secretary of State issued a [decision](#) stating that the "Texas law is clear: Justice Department monitors are not permitted inside a polling place" and assured that Texas has robust measures for conducting elections. On 4 November, a federal judge rejected an effort by Missouri's Republican leaders to ban DoJ monitors from entering polling sites in St. Louis County on election day.

<sup>133</sup> Human error was [reported](#), but not observed in Milwaukee which required re-tabulating 30,000 absentee ballots.

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## MISSION INFORMATION & ACKNOWLEDGEMENTS

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Washington, D.C., 6 November 2024 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the OSCE Parliamentary Assembly (OSCE PA). The assessment was made to determine whether the elections complied with OSCE commitments, international obligations, and standards for democratic elections, and with national legislation. Each of the institutions involved in this International Election Observation Mission has endorsed the 2005 Declaration of Principles for International Election Observation.

The OSCE PA President, Pia Kauma, was appointed by the OSCE Chairperson-in-Office as Special Coordinator and leader of the OSCE short-term observer mission. The OSCE PA delegation was led by Pere Joan Pons. Tamás Meszerics is the Head of the ODIHR LEOM, deployed from 30 September.

This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the electoral process, including the count, tabulation, and announcement of results, and the handling of possible post-election day complaints or appeals. ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some two months after the completion of the electoral process. The OSCE PA will present its report at its next meeting.

The ODIHR LEOM includes 16 experts in the capital and 64 long-term observers deployed throughout the country. On election day, 250 observers from 45 countries were deployed, including 86 observers deployed by ODIHR, as well as a 164-member delegation from the OSCE PA. There were 36 per cent of women among observers.

The IEOM wishes to thank the United States government for the invitation to observe the elections and for their assistance. The IEOM wishes to also express their appreciation to other state institutions, political parties, media and civil society organizations, and the international community representatives for their co-operation.

For further information, please contact:

- Tamás Meszerics, Head of the ODIHR LEOM, in Washington, D.C. (+ 1 202 803 0145);
- Katya Andrusz, ODIHR Spokesperson (+48 609 522 266, [katya.andrusz@odihr.pl](mailto:katya.andrusz@odihr.pl));
- Goran Petrov, ODIHR Election Adviser (+ 48 697 990 989, [goran.petrov@odihr.pl](mailto:goran.petrov@odihr.pl));
- Nat Parry, Head of Communications and Press, OSCE PA (+45 60 10 81 77, [nat@oscepa.dk](mailto:nat@oscepa.dk))

### ODIHR LEOM Address:

Ronald Reagan Building and International Trade Center,  
1300 Pennsylvania Avenue NW, 7<sup>th</sup> floor,  
Washington, D.C., 20004,  
E: mail: [office@odihr.us](mailto:office@odihr.us)