

INTERIM REPORT
30 September – 21 October 2024

23 October 2024

I. EXECUTIVE SUMMARY

- On 5 November, federal elections will be held for the president, the vice president, 34 of 100 senators, and all 435 representatives. The presidential race is primarily contested between Vice President Kamala Harris, who secured the Democratic Party nomination after President Biden withdrew and endorsed her, and former President Donald Trump, the Republican Party nominee. A total of 2,710 candidates, including 263 women, are running for the House, while 69 candidates, including 21 women, are running for the Senate.
- The Constitution and a number of federal laws provide a broad framework for federal elections, also focusing on protecting the voting rights of racial and linguistic minorities, military, overseas voters, and persons with disabilities and setting standards for the use of voting technologies and campaign finance. Detailed electoral aspects are established by state law, resulting in significant variation. Federal and state court decisions further influence the electoral legal landscape. In 2022, the Electoral Count Reform and Presidential Transition Improvement Act was passed to increase clarity on counting Electoral College votes. Numerous laws have been enacted on the state level since the last federal elections, including on regulating the use of artificial intelligence in election campaigns, alternative voting methods, and voter registration and identification.
- States are responsible for managing elections, and some 8,000 entities are charged with administering elections across the country. Many states elect the top election official. At the county level, most bodies are partisan with appointees from the governing party at the local level. All ODIHR LEOM interlocutors noted that recruiting election workers continues to be a major challenge, primarily due to threats and harassment. The safety of election workers, polling locations, and post-election developments is a main concern for most interlocutors.
- Elections heavily depend on technology for voter registration, ballot casting, and vote counting. There is a strong emphasis on enhancing cybersecurity due to previous breaches of election campaigns and potential vulnerabilities in voting systems, although there are no noted cases of misuse during these or prior elections. Many ODIHR LEOM interlocutors view this election cycle as the most extensive effort to secure election technology but expressed concerns about wider information operations and threats of violence that election organizers are not necessarily fully equipped to handle.
- Different states offer various modalities for alternative voting, including early voting, absentee voting, and mail-in ballots, which vary greatly. In response to recent devastating hurricanes, state and county authorities have implemented emergency measures to facilitate existing alternative voting options. Lawsuits challenging rules for overseas voting, including in several closely contested states, are regarded by many ODIHR LEOM interlocutors as unsubstantiated attempts to undermine the validity of election results.
- Some 4.1 million citizens in the District of Columbia and the U.S. territories lack full representation in Congress. In most states, the voting rights of current and former felons are limited, even where reinstated by law, while many voters with intellectual disabilities remain disenfranchised. Voter registration is managed at the state level, leading to varying rules on registration and identification

requirements, with some states tightening the legal restrictions that particularly impact students and absentee voters. ODIHR LEOM interlocutors noted that voter registration is disproportionately challenging for urban residents, low-income individuals, and some racial minorities. States affected by recent hurricanes implemented measures for the impacted voters.

- The election campaign, including online, is largely unregulated. Traditional campaign methods, like rallies, remain important, but candidates increasingly rely on digital outreach. ODIHR LEOM interlocutors noted that while Artificial Intelligence has not played a major role in the campaign so far, concerns remain about widespread disinformation from domestic and foreign actors targeting candidates and the election's integrity. The campaign is highly polarized, and characterized by aggressive rhetoric, personal attacks, and instances of election-related violence, including assassination attempts on one presidential candidate. Key contestants are focusing their efforts on closely contested states, with both major parties fundamentally divided over issues such as foreign policy, the economy, immigration, abortion, healthcare and LGBTI rights. The most prominent foreign policy issues include the war in Gaza and the escalation of hostilities in the Middle East, as well as the war in Ukraine.
- 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 features 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 legal framework for campaign finance in federal elections is primarily shaped by federal and state laws, as well as case law. Political Action Committees play a central role in supporting candidates, with no limits and reporting obligations on independent expenditures. ODIHR LEOM interlocutors have raised concerns about the transparency of the process, particularly due to undisclosed contributions. Many election stakeholders indicate this will be the most expensive election campaign until now.
- The highly concentrated media landscape is divided along political lines. The First Amendment provides protections for free speech. However, ODIHR LEOM interlocutors noted in some states inadequate safeguards against defamation lawsuits, insufficient protection for journalists' sources, and cases of intimidation and harassment. On 14 October, LEOM commenced quantitative and qualitative assessment of political and election-related coverage by several major audiovisual media outlets and news websites.
- Election dispute resolution involves both judicial and administrative channels, allowing individuals to file lawsuits at the state and federal levels. Lawsuits by candidates and political parties are common, addressing issues like voter registration, voting methods, and election administration. With hundreds of lawsuits filed in the run-up to elections, many ODIHR LEOM interlocutors expect widespread post-election litigation due to a highly contested electoral environment.
- Election observation is regulated by state laws, with access to the different stages of the process varying between states. Legal restrictions on observation by international observers are in place in 18 states, and where international observation is not permitted by law, further restrictions may be imposed by state or county election authorities.

II. INTRODUCTION

Following an invitation from the United States (U.S.) government to observe the 5 November 2024 general elections, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human

Rights (ODIHR) established a Limited Election Observation Mission (LEOM) on 30 September.¹ The mission, led by Tamás Meszerics, consists of a 15-member core team based in Washington, District of Columbia (D.C.) and 64 long-term observers (LTOs) deployed on 5 October throughout the country. Mission members come from 25 OSCE participating States.

III. BACKGROUND AND POLITICAL CONTEXT

The U.S. is a federal republic composed of 50 states, D.C. and overseas territories. Executive authority rests with the president, who serves as both the head of state and government, as well as the commander in chief of the armed forces. The legislative power lies with the Congress, consisting of the Senate and the House of Representatives.

On 5 November, federal elections will be held for the president, the vice president, 34 of the 100 seats in the Senate, and all 435 House Representatives. The 2020 presidential election saw Democrat Joe Biden elected over Republican Donald Trump. In the outgoing Congress, the Senate has 47 Democrats, four Independents caucusing with them, providing the Democratic Party with the majority in the Senate, and 49 Republicans. The House comprises 220 Republicans, 211 Democrats, and four vacant seats. Despite recent gains, women remain under-represented, holding 28 per cent of all congressional seats and 32 per cent in state legislatures.²

In March 2024, President Biden secured the Democratic nomination but withdrew on 21 July, endorsing Vice President Kamala Harris, who was officially nominated in August at the Democratic National Convention (DNC).³ 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 several legal challenges, including a felony conviction, federal charges related to the 2020 elections and two other criminal charges. He maintains that the indictments have been politically motivated.

These elections are taking place in an intensely polarized political environment, with immigration, abortion, trust in government, the economy, and climate change dominating public debate. An ongoing war in Ukraine and the war in Gaza, along with the recent escalation of hostilities in the Middle East, have intensified discussions on foreign policy, including the U.S. role globally. Additionally, the impact of the two recent hurricanes in the American Southeast reshaped campaign messaging on the government's emergency response. Concerns about foreign interference, including through cyberattacks, disinformation campaigns, and potential incitement of political violence, threaten public trust in the democratic process. According to numerous election stakeholders, these issues, along with former President Trump's repeated claims of widespread electoral fraud in the 2020 elections, have led some voters to distrust the credibility of the electoral process.

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The U.S. is a party to international and regional instruments related to democratic elections.⁴ The U.S. Constitution and its amendments establish a broad framework for federal elections, with additional federal laws focusing on the protection of voting rights of racial and linguistic minorities, basic voter registration

¹ See previous [ODIHR election reports on the United States](#).

² See the January 2023 Pew Research Center [report](#).

³ Following pressure within the Democratic party structure, 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. In the [televised interview](#) he also added that he dropped out of his re-election bid because “his highest priority was to defeat Donald Trump in November.”

⁴ 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](#).

requirements, military and overseas voters, and persons with disabilities, as well as provide minimum standards for new voting technologies and the regulation of campaign finance.⁵ 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 (see also *Electoral Dispute Resolution*).

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 on counting of Electoral College votes in Congress by limiting grounds and raising the threshold for objections, defining the sole authority for certifying state electors and clarifying that the role of the Vice President is only to oversee the process procedurally. At the state level, several hundred election-related amendments have been enacted since the last federal elections, mostly related to the use of Artificial Intelligence (AI) in campaigns, alternative voting methods, and voter registration and identification.⁶ Several ODIHR LEOM interlocutors raised concerns that the volume, timing and nature of these changes may have a restrictive impact on the exercise of voting rights in some states. Under the Voting Rights Act (VRA), the Department of Justice (DoJ) monitors the compliance of the states with the implementation of federal legislation and 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 making changes to election laws and procedures.⁷

The president and vice president are elected jointly for a four-year term through an indirect election conducted by an Electoral College of 538 members (electors), with 270 votes required to win the election.⁸ By marking a ballot for a given presidential candidate, voters in all 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 the available Electoral College votes.⁹ Some ODIHR LEOM interlocutors criticized the system for potentially undermining the equality of the vote, as it is possible to win the presidency without the popular vote.

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.¹⁰ Congressional district maps in Alabama, Georgia, Louisiana, New York and North Carolina, which had been delineated before the 2022 mid-term elections, were redrawn again ahead of these elections due to court decisions following disputes. The U.S. Supreme Court reaffirmed that using race as the primary factor in redistricting decisions,

⁵ 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](#)).

⁶ See the overview of the state-level election legislation enacted in [2023](#) and [2024](#) maintained by the National Conference of State Legislatures (NCSL).

⁷ Section 5 of the VRA requires jurisdictions with a history of discrimination to obtain federal pre-clearance for electoral law changes from the DoJ or the federal district court in D.C. In [Shelby v. Holder](#) (2013), the Supreme Court deemed the pre-clearance formula outdated and called for Congress to establish a new one.

⁸ The number of electoral college members per state corresponds to the number of its delegates in Congress. In addition, the D.C. has three delegates.

⁹ 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.

¹⁰ 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.

resulting in racial gerrymandering, violates the VRA and may be unconstitutional.¹¹ However, challenges to maps drawn for partisan purposes cannot be tried in federal courts.¹² Several ODIHR LEOM interlocutors raised concerns about the issue of partisan bias in the redistricting of electoral boundaries.

V. 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 Federal Election Commission (FEC), composed of six commissioners, oversees campaign finance. The Election Assistance Commission (EAC) is a four-member bipartisan advisory body that 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 distributes election security funds to the states, with USD 55 (approximately EUR 50.7) million allocated for these elections. Some local election officials expressed concerns to the ODIHR LEOM about the decline of federal funds, particularly given evolving cybersecurity threats, the need to protect election infrastructure, the spread of misinformation, and threats against election workers.

Many states elect the top election official. At the county level, most bodies are partisan, with appointees from the governing party. 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. In 40 states, elections are managed by elected or appointed secretaries of state or lieutenant governors, while bipartisan election boards oversee elections in the nine states. Four incumbent state secretaries are up for election in 2024, raising concerns among some ODIHR LEOM interlocutors that partisanship may create a conflict of interest in standing as candidates in the same election that they are administering.¹³

All ODIHR LEOM interlocutors reported that recruiting election workers remains a major challenge, primarily due to threats and harassment, with many expressing concerns over the potential increase of such incidents closer to election day and during the result certification. Several states introduced legislative changes in 2023 and 2024 in response to potential threats, focusing on enhancing security, work compensation, and procedural transparency.¹⁴ The DoJ and the Federal Bureau of Investigation (FBI) have reinstated the Election Threats Joint Taskforce to investigate such threats.¹⁵ In addition, the Cybersecurity and Infrastructure Security Agency (CISA) has been training election administrators on cyber and physical security and de-escalation techniques dealing with mis- and disinformation. Most ODIHR LEOM interlocutors identified the overall security of the elections, encompassing the safety of election workers, polling locations, and post-election developments, as their primary concern.

Hurricanes Helene and Milton significantly impacted 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 ballot requests and delivery, adjusting rules for poll worker recruitment and modifying voter identification requirements.¹⁶

¹¹ 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.

¹² See the Supreme Court decisions in *Rucho v. Common Cause* (2019) and *Moore v. Harper* (2023). Cases against partisan gerrymandering may still be brought before state courts.

¹³ In Missouri, Montana, Vermont and Washington.

¹⁴ For example, in Alabama, D.C., Indiana, New Mexico, Virginia and Washington.

¹⁵ Established in 2022, the Task Force is led by the DoJ [Criminal Division's Public Integrity Section](#) and includes several other DoJ entities.

¹⁶ See the 3 October [Florida Emergency Order](#) and the 7 October [North Carolina Emergency Resolution](#). In 13 Florida counties, the requirement for a signed request to send mail ballots to a different address was waived for the affected areas.

VI. VOTING TECHNOLOGIES AND CYBERSECURITY

U.S. elections rely heavily on technology for voter registration, ballot casting and tallying. In 2024, strengthening cybersecurity is a key focus following known breaches of campaigns and technology supply chains and noted vulnerabilities in voting machines during earlier election cycles, although there are no noted cases of being misused during elections. About 70 per cent of voters reside in jurisdictions that use hand-marked paper ballots, typically scanned to record the voters' choices, while 25 per cent are in jurisdictions using ballot marking devices (BMD), and the remaining 5 per cent are in jurisdictions using Direct Recording Electronic (DRE) systems, some of which still rely on machines that do not produce a voter-verifiable paper audit trail (VVPAT).¹⁷ In some jurisdictions DREs are available only for voters with disabilities. While election organizers recognize the risks of using DREs without a VVPAT, particularly the inability to conduct recounts, they raised concerns about aging machines and the need for proper maintenance, which could otherwise negatively impact voting and vote count processes. Risk-limiting audits are commonly used to detect possible errors during vote count and tabulation of results but are not universally mandated across jurisdictions.

The CISA, part of the Department of Homeland Security (DHS), helps protect election infrastructure and organizers against cyber and physical threats, offering a range of tools, exercises, training sessions and advisories.¹⁸ The EAC maintains the voluntary voting system guidelines (VVSG) and certifies voting equipment, while the Election Infrastructure Information Sharing and Analysis Center (EI-ISAC) provides a security operations centre, technical tools, and guidance.¹⁹ While these agencies offer training and security advisories, state or local governments can also choose to certify equipment. ODIHR LEOM interlocutors described clear roles and effective co-operation between federal institutions and states with joint threat advisories and public guidance from the intelligence community and CISA.²⁰ However, implementing these advisories is not mandatory, and according to some ODIHR LEOM interlocutors, not all election organizers have the skills or capacity to fully benefit from them.²¹ In addition, interlocutors stressed the need for more specialists and reliance on state or local government systems, processes, networks, and service providers, especially in smaller or less-resourced jurisdictions.

Many ODIHR LEOM 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 and results, fuelled by conspiracy theories about the use of technology to steal votes.²²

VII. ALTERNATIVE VOTING METHODS

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

¹⁷ See [an interactive map](#) showing voting equipment used across the U.S. by state and jurisdiction for the 2024 elections.

¹⁸ The most frequently cited cybersecurity threats include ransomware, distributed denial of service (DDoS) attacks, and injection of malicious files, particularly in processes that rely on opening email attachments from unknown email addresses, such as the ballots emailed from abroad.

¹⁹ See the [EI-ISAC's Essential Guide to Election Security](#).

²⁰ For unified voice on election security, 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.

²¹ Some states employ dedicated election technology and cybersecurity teams, while smaller counties may lack even basic IT staff.

²² Some of which were dismissed by courts, 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.

ballots automatically for every election.²³ Rules on identification requirements, deadlines, and ballot processing also vary greatly. Twenty states use the postmark to determine if ballots should be accepted and counted, with election day as the deadline. In states not using postmarks, 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.²⁴

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.²⁵ Some ODIHR LEOM interlocutors raised concerns about legislation in several states that criminalizes assistance with absentee ballot applications and returns, negatively affecting voting rights for persons with disabilities.²⁶ Court cases challenging changes to absentee voting requirements and the criminalization of assisted voting are ongoing in multiple states.²⁷ Forty-three states allow the processing of absentee ballots to begin before election day. In contrast, seven states allow processing to start only on election day.²⁸ Thirty-three states and D.C. allow for ballot curing, a process which addresses issues with absentee or mail-in ballots, ensuring that voters are notified of any problems and have the opportunity to correct them.

All voters abroad can request an absentee ballot. In addition to mailing, depending on the state, voters can use email, fax or online voting.²⁹ As faxing and emailing ballots do not guarantee the secrecy of the vote, voters are required to waive their right to secrecy. Lawsuits filed in several closely contested states challenge previously established and widely accepted rules for overseas voting. Many ODIHR LEOM interlocutors view these lawsuits as unsubstantiated attempts to undermine the validity of election results (See also *Electoral Dispute Resolution*).³⁰

VIII. VOTER RIGHTS, 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. However, further limitations to voting rights are determined by the respective laws of each state and vary considerably. Some 4.1 million citizens residing in D.C. and in the U.S. territories do not have full representation in Congress, and residents of U.S. territories cannot vote in presidential elections.

In 48 states, restrictions exist for citizens with current or prior criminal convictions, disenfranchising an estimated four million citizens, many of whom have already served their sentences.³¹ While several states enacted legislation in recent years to restore voting rights to former felons, some ODIHR LEOM interlocutors remarked that, in practice, many have difficulties in restoring their voting rights.³² Restrictions on voting rights based on intellectual disability or guardianship are extensive and vary across the country, affecting an estimated 1.5 million adult citizens. Only ten states have no restrictions on the right to vote on account of disability.

²³ 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 65.

²⁴ In North Dakota, mail-in ballots must be postmarked the date before election day and received not later than the day after election day.

²⁵ For a detailed overview, see for example, the [2023](#) and [2024](#) Brennan Center reports.

²⁶ States that enacted restrictive legislation include Arkansas, Georgia, Florida, Kansas, Mississippi and South Dakota.

²⁷ Lawsuits are ongoing in Alabama, Louisiana, North Carolina, Michigan, Ohio and Pennsylvania.

²⁸ In Pennsylvania, the election authorities reported that they introduced changes in certain counties to significantly 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 includes purchasing new equipment. For example, Allegheny county upgraded to equipment that opens ballot envelopes faster than their previous systems.

²⁹ 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.

³⁰ For example, in Michigan, North Carolina and Pennsylvania.

³¹ See the 10 October 2024 [report](#) from the Sentencing Project.

³² The states that reinstated felons' voting rights include Alabama, Colorado, D.C., Minnesota, Nebraska, New Mexico, and Wyoming. In Maine, Vermont, and Puerto Rico, felons never lose their voting rights.

In 49 states, eligible citizens must register to become voters.³³ They can register in person in the jurisdiction of their residence at a department for motor vehicles, county election offices, state agencies, online, or through third parties. Online voter registration is available in 42 states. Requests for extensions to voter registration deadlines were made in three states affected by hurricanes. While in Florida and Georgia requests were denied, South Carolina granted a 10-day extension.³⁴

The National Voter Registration Act (NVRA) and HAVA set minimum registration standards.³⁵ Currently, 23 states and D.C. offer election-day registration, while 23 states have automatic registration during license applications or renewals, with opt-out options. D.C. and 24 states participate in the interstate data-sharing Electronic Registration Information Center (ERIC), which helps maintain the accuracy of voter lists, for example, by removing outdated entries. In 2023, nine states withdrew from ERIC due to political pressures and diverging views on voter registration.³⁶ Depending on the state, voter registration eligibility can be challenged by other voters, party observers, or election officials. ODIHR LEOM interlocutors highlighted that voter registration is disproportionately difficult for urban residents, low-income individuals, and some racial minorities, who continue to have lower-than-average registration rates. Recent court cases challenging the citizenship of naturalized citizens and attempts to remove them from the voter rolls raised concerns among some ODIHR LEOM interlocutors about potential voter suppression and attempts to raise doubts about the legitimacy of the election process.³⁷ Since 2020, some states have passed legislation limiting voter registration by third-party initiatives.³⁸ According to some ODIHR LEOM interlocutors, several organizers have ceased voter registration operations to avoid prosecution.³⁹

Identification (ID) requirements vary across states, with 35 states requiring an ID 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. The longstanding debate over the use of ID continues, with critics arguing that strict laws disproportionately disenfranchise vulnerable groups, such as Native Americans, persons with disabilities, the homeless, economically disadvantaged populations, racial and ethnic minorities, as well as LGBTI voters. Supporters contend these measures enhance election integrity by preventing fraud without significantly affecting voter turnout. In the run-up to the elections, some states tightened ID laws, particularly affecting students and absentee voters.⁴⁰ In response to recent hurricanes, Georgia, North Carolina, and Tennessee implemented special provisions for voters who lost their IDs, such as offering photo ID exemption forms or expediting the process to obtain a free ID.

IX. 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.

³³ In North Dakota prior registration to vote is not required.

³⁴ As of 24 September, 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.

³⁵ The NVRA requires states to allow driver's license applications to also serve as voter registration, with registration typically starting 30 days before elections, though deadlines vary.

³⁶ Alabama, Florida, Iowa, Missouri, Ohio, Texas, Virginia and West Virginia withdrew in 2023.

³⁷ Lawsuits on voter registration have been filed in several states, including in Alabama, Nevada, North Carolina and Virginia with allegations of purges of voters from the voter rolls.

³⁸ Florida, Idaho, Kansas, Missouri, Montana and Tennessee.

³⁹ In Texas among the provisions drawing concern is the increased criminal penalties for anyone who receives compensation for assisting a voter, which especially affected the ability to recruit high school and college students for voter registration drives. On 11 October, a federal judge [repealed](#) the provision based on NVRA following five consolidated lawsuits.

⁴⁰ Indiana, Nebraska, Wyoming adopted more restrictive identification requirements for absentee voting. Idaho removed student ID as a form of a valid ID 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.

Senatorial candidates must be at least 30 years old and have been citizens for at least nine years. Congressional candidates must be at least 25 years old and have been citizens for at least seven years.⁴¹

All prospective candidates are required to file a statement of candidacy with the FEC within 15 days of receiving any financial contributions or making expenditures that exceed USD 5,000 (approximately EUR 4,600). All states allow recognized political parties to nominate candidates, though the definition of a ‘recognized party’ varies by state and is typically based on the number of registered voters affiliated with the party or the votes received by the party in previous federal elections. For presidential elections, this support must be from 1 to 20 per cent of the electorate, depending on the state. All but nine states allow for ‘write-in’ candidates.⁴²

Four presidential candidates have been registered in a sufficient number of states to be elected, two of whom are women.⁴³ In total, 2,710 candidates (263 women, or only 9.7 per cent) are running for the House and 69 (21 women, or 30 per cent) for the Senate. In 37 states, there is only one major party on the House ballot.⁴⁴ ODIHR LEOM interlocutors have raised concerns that some uncompetitive congressional elections undermine pluralism in those races.

X. CAMPAIGN ENVIRONMENT

The election campaign, including online, is largely unregulated. Traditional campaign methods, including campaign rallies, play a significant role.⁴⁵ Candidates use social networks extensively, engaging with social media influencers and appearing on popular podcasts, reflecting a shift toward more digital and personalized forms of voter outreach. Clips and excerpts from appearances, interviews and campaign activities are frequently shared on social networks widely used by all contestants, with Facebook, Instagram and X, being the most popular platforms, while TikTok is used to a lesser extent. As a notable exception, former President Trump posts primarily on Truth Social. Although concerns about AI’s role in the campaign exist, ODIHR LEOM interlocutors noted that it had not played a significant role so far, including creating fictitious audiovisual impersonations of candidates. However, they voiced concerns about widespread disinformation campaigns by domestic and foreign actors, targeting candidates and their policies and questioning the integrity of the election.

The campaign is polarized and marked by aggressive and confrontational rhetoric, including personal attacks and inflammatory language. Additionally, there have been incidents of election-related violence, including three assassination attempts on former President Trump.⁴⁶ The campaigns of key contestants focus on hotly contested states, with the two major political parties fundamentally divided over key issues, including foreign policy, economy, immigration, abortion and LGBTI rights. Following the 2022 U.S. Supreme Court decision to remove federal protections for abortion rights, women’s political activism has increased and features prominently in these elections. Project 2025, seen as controversial by many

⁴¹ Both senators and congressional representatives, when elected, must be residents of the state in which they are elected.

⁴² These are Arkansas, Hawaii, Louisiana, Mississippi, Nevada, New Mexico, Oklahoma, South Carolina, South Dakota.

⁴³ 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.

⁴⁴ This includes elections in Alabama (three seats), Florida (one seat), Illinois (two seats), Kentucky (two seats), Massachusetts (seven seats), Mississippi (one seat), Oklahoma (one seat), Pennsylvania (one seat) and Texas (six seats).

⁴⁵ To date, the ODIHR LEOM has observed 28 campaign events, of which 63 featured women speakers. In total, 22 of these events were accessible to persons with disabilities, and 3 included sign-language interpretation. The ODIHR LEOM has also been following the campaign activities of contestants and main political actors on social networks.

⁴⁶ 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. In addition to assassination attempts on former President Trump, it was reported that the Democratic campaign office in Tempe, Arizona, had closed down after being shot at three times in three weeks.

Democrats, has become a significant topic in the campaign.⁴⁷ While former President Trump distanced himself from it, Democrats have repeatedly linked his agenda to the conservative policy proposals underpinned in this document. Furthermore, the impact of the hurricanes that hit the American Southeast, including in key battleground states, dominated the campaign messaging since the end of September, with President Biden and Vice President Harris heavily criticising Mr. Trump’s claims on the government’s emergency response to the hurricanes and calling them false.⁴⁸

The most salient foreign policy issues include 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 specifically targeted Latino, Native American, as well as Muslim and Arab American voters. According to ODIHR LEOM interlocutors, former President Trump addresses immigration with negative rhetoric, linking it to election integrity by making repeated claims – deemed unsubstantiated by the interlocutors – about the inclusion of undocumented immigrants as voters.⁴⁹ The Democrats, criticized for inadequate border control during their governing, seek to counter the Republican narratives on immigration by balancing the need for security with a commitment to human rights and economic vitality. In his messaging, Mr. Trump is denouncing alleged fraud in the 2020 presidential election and claims that widespread use of absentee and postal voting threatens election integrity, although some other campaigners for the Republican candidates are calling voters to cast an early ballot.⁵⁰ Ms. Harris frames the election as a fight to preserve freedoms. ODIHR LEOM interlocutors expressed concerns about the risk of political violence that may arise from questioning the integrity of the elections, paving the way for post-election litigation.⁵¹

XI. CAMPAIGN FINANCE

The legal framework governing campaign finance is shaped primarily by the Federal Election Campaign Act and the Bipartisan Campaign Reform Act, which regulate the sources and limits of donations as well as the disclosure requirements. 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. The federal campaign finance legislation is supplemented by FEC regulations.

Campaign contributions can be received through designated campaign committees, which must register with the FEC and are responsible for collecting contributions and making expenditures on behalf of the campaign. The law imposes limits on individual contributions to USD 3,300 (approximately EUR 3,045) per candidate and USD 5,000 (EUR 4,620) per Political Action Committee (PAC), with disclosure requirements for contributions exceeding USD 200 (EUR 184). Anonymous and cash contributions are

⁴⁷ See the [Project 2025 website](#), a political initiative organized by the Heritage Foundation, designed to prepare a conservative governing agenda for a future Republican administration, focusing on reshaping federal government policies and operations to align with conservative values by 2025.

⁴⁸ On 4 October, the Federal Emergency Management Agency (FEMA) set up a “[Hurricane Rumor Response](#)” page to respond to the misinformation and conspiracy theories surrounding Hurricane Helene and the federal government’s response. On 8 October, the Wall Street Journalist published Republican Vice Presidential candidate JD Vance’s [opinion piece](#) in which he denounced the “administration’s incompetence” and response to the hurricane and criticized the alleged allocation of FEMA funds to immigration issues.

⁴⁹ After being accused by many political commentators of [denigrating](#) immigrants during the 10 September presidential debate, on 11 October, during a rally in Aurora, Colorado, former President Trump [continued to use derogative language](#) describing immigrants as “animals,” “barbaric thugs”, and “sadistic monsters”.

⁵⁰ At the 10 September [presidential debate](#) and on 3 October at a rally in [Michigan](#), former President 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”.

⁵¹ The Brennan Center’s 2024 [annual survey](#) found that 38 per cent of local election officials have experienced threats, harassment, or abuse. A 10 October, the [Pew Research Center report](#) reported on widespread concerns about political violence.

limited to USD 50 (EUR 46) and USD 100 (EUR 92), respectively, while in-kind contributions are treated as monetary donations. Donations from foreign nationals are prohibited; however, FEC has determined that they can contribute to ballot measure campaigns, and legislation does not restrict their participation in advocacy campaigns.⁵² PACs that receive cryptocurrencies must convert them to USD before using them for campaign expenses.

PACs and Super PACs allow interest groups to contribute to candidates and can spend unlimited funds on independent expenditures. Consequently, candidates benefiting from such expenditures have no reporting obligations. ODIHR LEOM interlocutors expressed concern that undisclosed contributions undermine the transparency of the process and can create possibilities for evading disclosure of third-party contributions. In the current electoral campaign, several PACs have undertaken various popular initiatives that may potentially influence the election outcomes.⁵³ The FEC has announced that Super PACs and other outside groups may co-ordinate with election campaigns on voter turnout strategies.

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. Campaign committees must report to the FEC quarterly or monthly and submit pre- and post-election reports. Approximately USD 4.3 (EUR 3.97) billion was fundraised by the candidates until now. This includes USD 1.9 (EUR 1.75) billion for the presidential elections, USD 1.4 (EUR 1.29) billion for the House and USD 1.10 (EUR 1.01) billion for the Senate. Many election stakeholders indicate this will be the most expensive election campaign to date.

XII. MEDIA

The U.S. media market is highly concentrated, with five corporations owning over 90 per cent of television stations and over half of daily newspapers. ODIHR LEOM interlocutors expressed concern that this consolidation has created a partisan media environment, negatively impacting local advertisement markets and leading to “news deserts” with few or no media outlets serving grassroots communities.⁵⁴ This gap is partially filled by two decentralized public networks, Public Broadcasting Service (PBS) and National Public Radio (NPR), which serve as umbrella organizations for 357 public television and 1,207 radio stations, respectively, facilitating content exchange while maintaining editorial independence.

While the First Amendment guarantees robust protections of freedom of speech, ODIHR LEOM interlocutors noted insufficient protections against defamation lawsuits in some states, protection for journalists’ sources, and surveillance by state institutions.⁵⁵ They also reported an increased number of cases of intimidation and harassment of journalists, including violence, online harassment, legal challenges, and attacks by police.⁵⁶ This hostile environment has been further exacerbated by statements of several senior politicians who often label journalists with derogatory terms and question their professional integrity.⁵⁷

⁵² 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 issue advocacy.

⁵³ For example, one Super PAC circulated a petition in which voters pledged their support for the First and Second Amendments and offered USD 47 for each voter recruited to sign it. Another Super PAC funded ads in key states like Michigan and Wisconsin, while a different Super PAC focused on spending in battlegrounds like Georgia, Pennsylvania, Wisconsin.

⁵⁴ The 2023 “State of Local News” [report](#) by Northwestern University Medill School of Journalism found 203 counties without any local news outlet, and 1,558 counties served by only one, usually a weekly local news source.

⁵⁵ The OSCE Representative on Freedom of the Media, in their 13 June 2024 [Regular Report to the Permanent Council](#), expressed concerns regarding the surveillance-enabling law in the U.S. known as Section 702.

⁵⁶ The 1 October 2024 [report](#) by the Committee to Protect Journalists noted an increase in attacks on journalists by more than 50 per cent since 2023.

⁵⁷ In particular, Mr. Trump, in public speeches and posts on Truth Social, often labels journalists and media critical of him as “[fake news](#),” “[enemy of the people](#),” and calls for [investigation](#) of certain media for treason.

The federal law, supplemented by the regulations of the Federal Communications Commission (FCC), as well as various case law, requires broadcasters to provide “reasonable access” for federal candidates during the 60 days prior to elections and equal opportunities for all contestants, with some exceptions for editorial freedom in the news coverage. Public broadcasters are prohibited from supporting or opposing any candidate for political office or airing any advertisements intended to do so. Although not formally regulated, the three debates between Republican and Democratic presidential and vice-presidential candidates were agreed upon directly with major broadcasters (ABC, CBS and CNN), departing from the tradition of debates organized by the bipartisan Commission on Presidential Debates.⁵⁸ The presidential and vice-presidential contestants also appeared in numerous interviews on a wide range of media outlets, blogs, and social platforms, primarily choosing those aligned with their political views.⁵⁹

On 14 October, the ODIHR LEOM commenced quantitative and qualitative assessment of political and election-related coverage by several major audiovisual media outlets and news websites.⁶⁰

XIII. ELECTION 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 some states, election result challenges are permitted, while the conditions for requesting recounts vary across jurisdictions.⁶¹ Under the *Purcell* principle, federal courts are generally prohibited from enjoining state election laws in the period leading up to an election.⁶² In addition to lawsuits filed in court, complaints can also be filed with county election boards, election supervisors, secretaries of state and state attorneys general. Law enforcement agencies can investigate election-related threats or incidents. In addition, the DoJ maintains a portal where election-related violations can be reported.⁶³

There is a high volume of lawsuits filed by candidates, political parties and their affiliate organizations, mainly on voter registration, voting methods, redistricting, felony disenfranchisement, and election administration issues. Most notably, the Republican Party and its affiliate organizations have filed or are involved in at least 72 voting rights lawsuits, including 25 cases focused on election administration, 21 challenging voter registration procedures and maintenance, and at least 6 lawsuits targeting voting by

⁵⁸ In addition, two open presidential debates were organized by the Free and Equal Elections Foundation, although only Mr. Oliver, Dr. Stein, and Mr. Terry chose to participate.

⁵⁹ On 10 October, Mr. Trump, following his refusal to be interviewed by the prominent weekly news programme “60 Minutes” on the CBS network, [alleged](#) that the network had altered an interview with Ms. Harris to present her in a positive manner 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.

⁶⁰ The Media Monitoring sample includes main evening news programmes on public PBS and NPR, as well as main television networks – ABC, CBS, NBC. The sample also includes one-hour prime-time sample programming on cable broadcasters CNN (8 PM), Fox News (6 PM), MSNBC (6 PM) and Newsmax (7 PM). The media monitoring is also analyzing political and election sections of New York Times, New York Post, Wall Street Journal and Washington Post

⁶¹ 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.

⁶² 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.”

⁶³ See the DoJ [portal](#) for reporting voting issues.

mail.⁶⁴ The Democratic Party and its affiliate organizations have filed or are involved in 21 lawsuits, including 6 on ballot count rules and at least 2 on voter registration rules.⁶⁵ The DoJ has recently filed three election-related lawsuits: 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.⁶⁶ Many ODIHR LEOM interlocutors indicated a highly contested electoral environment, with a high expectation for widespread post-election litigation.

XIV. ELECTION OBSERVATION

Election observation is regulated by state legislation, 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.⁶⁷ Tennessee explicitly forbids international observers, while California, Missouri, Nebraska, New Mexico, and the District of Columbia explicitly provide for international observation.⁶⁸ The remaining states have various statute language or conditions under which international observers may be permitted or banned.⁶⁹

Non-partisan groups and political parties plan to deploy a great number of poll watchers, including lawyers who aim 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. From international observer groups other than ODIHR and the OSCE PA, the Organization of American States plans to deploy observers prior to election day.

XV. ODIHR LEOM ACTIVITIES

The ODIHR LEOM opened in Washington, D.C., on 30 September. The Head of Mission has met with the Department of State, Election Assistance Commission, and Federal Election Commission, among others. The LEOM has also established contacts with the lower-level election administration and government institutions involved in the electoral process, as well as representatives of political parties, media, and civil society. The OSCE Parliamentary Assembly (OSCE PA) will deploy an observer delegation for election-day observation. The OSCE PA President, Pia Kauma, has been appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and leader of the OSCE short-term observer mission.

⁶⁴ For example, one was [filed](#) against Pennsylvania Secretary of the Commonwealth Al Schmidt and Pennsylvania's 67 county boards of elections challenging the authority of county boards to develop mail-in ballot notice-and-cure procedures for voters. The petition was declined by the Supreme Court of Pennsylvania as it was filed too close to the election. Lawsuits filed in [Michigan](#) and [North Carolina](#) allege that unlawful rules extended overseas voting eligibility to individuals whose residency in those states had not been verified. 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 ID requirements as other absentee voters. There are multiple lawsuits in Georgia regarding the manual count and certification of elections. 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.

⁶⁵ Most notably, a [lawsuit](#) filed by the South Carolina Democratic Party against the South Carolina Elections Commission requested a 10-day extension to the state's deadline for voter registration following Hurricane Helene. On 4 October, a trial judge [granted](#) the request to extend the voter registration deadline to October 14, 2024. On 30 September [lawsuit](#) was filed against the Georgia State Election Board challenging the board's new rule requiring poll workers to verify the final results from voting machines by hand counting ballots, and the new rule was struck down by a county court judge on 16 October.

⁶⁶ 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](#).

⁶⁷ In line with paragraph 8 of the [1990 OSCE Copenhagen Document](#), the U.S. Government timely invited ODIHR to observe these general elections.

⁶⁸ Three other states (Hawaii, North Dakota, and South Dakota) have inclusive language for all observers.

⁶⁹ In 17 states, regulations implicitly prohibit international observation, while 16 states have regulations that, under certain conditions and criteria, may allow access to international observers. In nine states, there are no specific norms that can be applicable to international observers.