



Office for Democratic Institutions and Human Rights

**UNITED STATES OF AMERICA**

**2 NOVEMBER 2004 ELECTIONS**

**OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT**  
**7-10 September 2004**



Warsaw  
28 September 2004

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**UNITED STATES OF AMERICA**  
**2 November 2004 Elections**

**OSCE/ODIHR Needs Assessment Mission Report**  
**28 September 2004**

**I. INTRODUCTION**

Following the invitation to the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) to observe the 2 November 2004 elections, transmitted by Ambassador Stephan M. Minikes, Head of the United States of America's Delegation to the OSCE, the OSCE/ODIHR undertook a Needs Assessment Mission (NAM) to Washington D.C. between 7 September and 10 September 2004. The invitation is in line with the 1990 Copenhagen Document and follows those invitations extended by the U.S. authorities on earlier occasions.

The NAM was led by Ambassador Christian Strohal, the Director of OSCE/ODIHR, and included Mr. Gerald Mitchell, OSCE/ODIHR Head of Election Section, Mr. Nikolai Vulchanov, OSCE/ODIHR Deputy Head of Election Section, and Mr. Konrad Olszewski, OSCE/ODIHR Election Adviser. The NAM was joined by Mr. Paul LeGendre, Programme Officer with the OSCE Parliamentary Assembly.

The purpose of the NAM was to identify relevant pre-election issues in relation to the 2 November elections, comprising presidential, congressional and other elections. The NAM determined that OSCE/ODIHR activities will primarily focus on elections at the federal level, and therefore the presidential election is of particular interest. In this context, there will be an emphasis on the implementation of the Help America Vote Act<sup>1</sup>. However, some issues that will be followed will pertain to elections at both the federal and state level, and therefore the OSCE/ODIHR may focus its attention on some aspects of elections for Congress or other state electoral competition. The range of OSCE commitments will be considered during the course of OSCE/ODIHR activities.

The NAM held meetings in Washington D.C. with representatives of the State Department, the Department of Defense, the National Association of Secretaries of States (NASS), the Federal Election Commission (FEC), the Election Assistance Commission (EAC), the national committees of political parties and civil society organizations (see annex for list of meetings).

The OSCE/ODIHR is grateful to the authorities of the United States of America for their co-operation and assistance provided during the preparation and conduct of the NAM.

**II. EXECUTIVE SUMMARY**

The electoral system in the United States of America reflects the decentralized nature of the US system of government. While elections are conducted according to different legislation in all

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<sup>1</sup> Help America Vote Act of 2002, Public Law 107-252, 107th Congress.

50 states and the District of Columbia, important differences in polling procedures can also occur between different counties within the same state.

Since the passage of the Voting Rights Act in 1965, which focused largely on seeking to redress the historical impact of racial discrimination within the electoral process, the conduct of elections in the U.S. has enjoyed a high level of confidence among most of its citizenry. However, weaknesses and vulnerabilities in the election process that were exposed in Florida and a few other states during the 2000 presidential elections have to some extent affected the level of public confidence in the integrity of the process. The NAM noted concerns expressed with regard to the right to vote, and the possibility that this right may not be evenly applied or protected throughout the country.

The prompt adoption of HAVA underlined a high degree of responsiveness by the political system, and bi-partisan commitment, in order to ensure minimum standards for conducting elections for U.S. federal office. However, the implementation of HAVA has been delayed<sup>2</sup> due to the late appointment of the Election Assistance Commission (which was established by HAVA), with a commensurate delay in the allocation of federal funds to individual states to update their voting equipment. Thus, although HAVA is historic legislation which achieved passage in a single session of Congress, its actual impact on the upcoming presidential elections may fall short of expectations.

The problems that emerged with punch-card machines during the 2000 elections, particularly in Florida, inspired a nationwide interest in reform of voting technology, as reflected in the passage of HAVA. However, some interlocutors of the NAM expressed the opinion that the introduction of new electronic voting equipment, which already has been the subject of litigation, has the potential to become a serious controversy. Generally, the software used in the new voting machines has not been made available for domestic independent public scrutiny, and several states have invested in new electronic equipment that does not provide for a manual audit and recount capacity.

The nationwide introduction of the provisional ballot is intended to enfranchise those whose names are not on the voter list in the polling station. However, interlocutors pointed out that lack of uniform procedures and deadlines for verification and processing of provisional ballots – one of the features of the decentralized system – has the potential to fuel post-election disputes and litigation, and therefore possibly delay the announcement of final results.

While voting by absentee ballot, primarily sending ballots by mail (postal voting), recognizably enfranchises a sizable portion of the electorate who would otherwise not be able to vote, the risk for coercion of voters and unauthorized proxy voting cannot be excluded. Moreover, out-of-country absentee voters in some states have the option to waive the secrecy of their vote and to fax their marked ballots. Such a provision is not consistent with the principle of the secrecy of the vote as enshrined in the Universal Declaration of Human Rights and OSCE commitments.

The NAM noted concerns, particularly expressed by some civic organizations, regarding the so-called suppression of the vote. This term referred to the decrease of voter participation, either intentionally or through administrative shortcomings, such as inaccurate voter registers,

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<sup>2</sup> The HAVA legislation must be fully implemented by January 2006.

purges of the register intended to remove ex-felons in some states which may also deregister persons with no criminal record, inaccurate voter information, and cases of voter intimidation<sup>3</sup>.

The NAM acknowledged the vibrant civil society in the United States, as exemplified by the dedicated and informed efforts of a variety of non-governmental organizations and domestic election observation efforts, and the thorough and transparent dialogue that is now taking place in the national media, concerning many of the topics outlined above. The ongoing public discourse is a valuable contribution, and will help to identify workable solutions.

On the basis of the NAM, and in line with the OSCE/ODIHR's growing level of activity in assessing specific electoral issues in advanced democracies, the OSCE/ODIHR will respond to the U.S. invitation by undertaking an Election Observation Mission of a targeted nature. While OSCE/ODIHR activities will primarily focus on elections at the federal level, namely the presidential election with an emphasis on the implementation of the Help America Vote Act, the OSCE/ODIHR may focus its attention on some aspects of elections for Congress or other statewide electoral competition, as well.

In addition to a core team of experts to be deployed for approximately four to five weeks, the Mission should include some 100 observers to follow election process in a sampling of states throughout the country. In addition, the OSCE Parliamentary Assembly has expressed its intention to send observers to join the observation effort.

### III. BACKGROUND

In line with the commitments outlined in the 1990 Copenhagen Document, the OSCE/ODIHR was invited to observe the U.S. elections in 1996, 1998 and 2000. In 2002, following an invitation from the head of the U.S. Delegation to the OSCE, the Office undertook an Election Assessment Mission to follow the congressional mid-term elections of that year, which focused mainly on Florida. As a result of that assessment, the OSCE/ODIHR identified a number of issues that required attention by the relevant authorities, such as access for non-partisan domestic observers to all levels of the election administration, reform in the use of the felons list, and the development of more effective links between the state and county levels of election administration<sup>4</sup>.

The OSCE/ODIHR sent two members of its Election Section to the gubernatorial recall election in California in 2003 to follow the process and developments in voting technologies. The OSCE/ODIHR representatives also visited Washington DC in February 2004 to meet with the newly established Election Assistance Commission, Congressional staff involved in the drafting of HAVA legislation, and to observe the winter session of the National Association of Secretaries of State (NASS) which dealt largely with the implementation of HAVA.

As the United States of America is a signatory to the OSCE 1990 Copenhagen Document, it is assumed that individual states have an obligation to abide by the aforementioned document in a uniform and consistent manner, including access for OSCE observers at polling station level.

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<sup>3</sup> The “voter intimidation” term in the U.S. context was explained as a police or private security guard presence around polling stations, usually in minority communities, who act in ways that may cause some potential voters to turn away from the polls.

<sup>4</sup> [http://www.osce.org/documents/odihhr/2003/01/1465\\_en.pdf](http://www.osce.org/documents/odihhr/2003/01/1465_en.pdf).

#### **IV. THE SYSTEM TO ELECT THE PRESIDENT OF THE UNITED STATES OF AMERICA**

The President of the United States of America is elected by a special body introduced in the Constitution of 1789 – the Electoral College. The Electoral College consists of U.S. citizens (Electors), elected as the respective State Legislature directs, with the sole task of electing the President and Vice President of the U.S.A. Although not uniformly required, all 50 states currently choose their electors by a popular vote. Electors cast their votes in person, in the capitals of their own states, on the Monday following the second Wednesday of December in the election year.

Each state elects a number of Electors equal to the sum of the number of senators, two for each state, and the number of representatives of that state to the U.S. House of Representatives. The latter number varies from state to state according to the size of population and is updated every ten years, following the national census. With the exception of the states of Nebraska and Maine, Electors are elected through the “winner takes all” system: the list of Electors for a presidential candidate that wins the popular vote in each state wins all Electors of that state. Once the Electoral College is elected and certified, it elects the President and the Vice-President by absolute majority vote. However, failure of the Electoral College to elect the President and the Vice-President transfers the process to the U.S. Congress, where the House of Representatives determines the President (in a vote in which each state delegation casts one vote) and the Senate decides the Vice President (each Senator having one vote).

An interesting aspect of the Electoral College is that it is possible for a candidate to secure a majority of votes in the Electoral College without winning the majority of votes nationwide, as occurred in 2000.

The U.S. system for election of the President reflects the principle of decentralization and autonomy which states enjoy under the federal system of U.S. government. The system preserves the prerogatives of the states, and especially smaller states, carefully limiting the powers of the federal government.

There is no central election body which would have powers to conduct nationwide elections. In fact, except for overseeing the campaign finance arena and safeguarding certain voter rights pursuant to federal legislation and Supreme Court decisions, the federal authorities cannot interfere in elections even for federal office, including the election of the President of the United States. Voting procedures for federal office are conducted according to states’ legislation, which vary across the 50 states and the District of Columbia. Important differences in voting and counting procedures may occur in different counties of the same state. There are no uniform rules regarding key aspects of the electoral process such as voter registration, voting procedures, vote re-count, and processing of absentee and provisional ballots.

A number of interlocutors of the NAM pointed out that such a decentralized system of conducting elections leaves the implementation of the right to vote to diverse local jurisdictions, which may not necessarily be in a position to ensure equal protection of this right<sup>5</sup>.

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<sup>5</sup> The Fifteenth Amendment to the U.S. Constitution states: “Section 1. The right of citizens of the United States to vote shall not be abridged by the United States or by any state on account of race, color, or

An impressive feature of the election process in the U.S. is its vibrant civil society. Hundreds of civil society organizations follow all aspects of the elections, from campaign finance to polling procedures. In addition, the media are paying attention not only to the immediate campaign issues, but also to the emergent challenges in the election process itself. The public interest in the U.S. election process intensified, both domestically and internationally, after weaknesses and vulnerabilities were exposed during the 2000 elections in Florida and a few other states<sup>6</sup>.

## V. U.S. ELECTORAL REFORM

Since the Voting Rights Act of 1965, which focused largely on seeking to redress the historical impact of racial discrimination within the electoral process, the system of conducting elections in the U.S. has enjoyed a high level of confidence amongst U.S. citizens. However, the controversies related to the 2000 elections in Florida, and a few other states, appear to have affected public confidence in the process.

In an unprecedented bi-partisan effort to reform the electoral system, within a single congressional session in 2002, the Congress adopted federal legislation known as Help America Vote Act. HAVA sets minimum standards for conducting elections for federal office and has provided federal funds to assist the states in these reforms. HAVA provided, *inter alia*, for the establishment of the U.S. Election Assistance Commission, and authorized 3.86 billion USD for the implementation of the reform in all states, including, but not limited to, replacement of voting equipment.

HAVA set a general deadline for the reforms by 1 January 2006, whilst a number of modifications were to be implemented by 1 January 2004. Nevertheless, it provided an opportunity for all states, who wished to apply HAVA reforms before 2006, to be eligible for funding at earlier stages. The relatively expeditious adoption of HAVA gave rise to expectations for equally fast implementation of reforms. However, the appropriation of funds, as well as the tardy appointment of the members of the EAC has delayed implementation<sup>7</sup>.

Although the scale of the reforms envisaged in HAVA could serve as an example of a prompt and comprehensive legislative effort to improve the electoral system, the impact of HAVA on the forthcoming November 2004 elections may fall short of expectations.

### A. ELECTION ASSISTANCE COMMISSION

The U.S. EAC is a bipartisan body established by HAVA to, *inter alia*, review electoral procedures, provide minimum election administration standards and administer payments to states in relation to the implementation of HAVA requirements. It consists of four members, appointed by the President, by and with the advice and consent of the Senate. Any action of the EAC requires the approval of at least three of its members. The EAC does not have any powers over individual states' election administration; its role is limited to developing advisory

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previous condition of servitude. Section 2. The Congress shall have the power to enforce this article by appropriate legislation”.

<sup>6</sup> The 2000 presidential election was decided by 537 votes in the state of Florida, after a 36-day legal standoff, and was finally determined by the U.S. Supreme Court.

<sup>7</sup> Thus far, around 1.5 billion USD was disbursed to the States.

guidelines and administering the 3.86 billion USD reform programme available, *inter alia*, to update voting equipment.

The establishment of the EAC was noticeably delayed. Following the submission of nominees by majority and minority leaders in the Congress and the Senate, the members of the EAC were nominated by President George W. Bush in October 2003 and approved by the Senate in December 2003, nine months after the deadline set by HAVA. As a result of the late appointment, the respective Secretaries of State, with the primary responsibility in most states for election administration, were left without needed guidelines, and found it impossible to avail themselves of the funding for new voting technology much in advance of the 2004 elections, which began with the primary elections in February 2004.

## **B. VOTER REGISTRATION AND STATEWIDE VOTER REGISTERS**

Voter registration in the U.S. is managed by county or municipal authorities and registration rules vary widely. There is no uniform practice to maintain voter registry databases at state or federal levels. Relevant authorities compile polling station voter lists for each election on the basis of the voter lists from the previous election, reflecting also records of newly registered voters and deleting records of deceased voters or voters who moved to reside in another area. Thus, the voter registration depends on regular reporting by citizens for changes of residence and diligent maintenance of records by relevant authorities. Failures in reporting and/or maintenance create the possibility for errors, leading potentially to the disenfranchisement of voters, or the multiple registration of some voters in more than one jurisdiction.

Following the 2000 elections in Florida, media and civil society organizations have frequently noted such problems in voters lists, which have led to allegations of widespread errors. Although the scale of this problem is difficult to assess, a report published jointly by the Massachusetts Institute of Technology and the California Institute of Technology, estimates that 4 to 6 million voters could have been disenfranchised during the 2000 elections<sup>8</sup>.

Following the adoption of HAVA, all states were required to develop and maintain statewide voter registration databases by 1 January 2004, with a possibility to apply for a waiver until 1 January 2006, provided there was a good cause for the delay and certified reasons for such postponement. A vast majority of states applied for a waiver to postpone the statewide voter register deadline until 1 January 2006, due to delayed funding and the voluminous workload necessary to accomplish such a task. Thus, only modest progress on this aspect of HAVA is to be expected during the forthcoming 2 November elections.

## **C. VOTER IDENTIFICATION**

There is no national identification (ID) document for citizens or residents of the United States. Indeed, the lack of the obligation to carry ID is seen as an integral element of fundamental freedoms. While some sort of voter identification documents are required in around one third of the states, the majority of U.S. citizens can vote without presenting any form of ID at the polling stations. Thus, the voter identification requirement was one of the most disputed issues during the adoption of HAVA. The NAM was informed that traditionally the Republican Party supported the idea of voter ID checks to ensure the integrity of the ballot against fraud, while

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<sup>8</sup> Massachusetts Institute of Technology / California Institute of Technology's Voting Technology Project: Voting - What is - and What it Could be.



the Democratic Party interpreted such a proposition as an attempt to narrow its perceived electorate, claiming that many of the potential Democratic Party voters come from poor and minority groups who often have no form of government issued ID.

As a result, a bipartisan compromise was reached on this aspect of HAVA. Under HAVA, only first-time voters who register to vote by mail, and who do not attach a copy of an identification document with a picture during the registration application, are required to produce ID in order to be allowed to vote at a polling station, however, state laws and regulations are not uniform on the identification requirement. The list of acceptable documents under HAVA to prove voter's identity and domicile is very broad and includes drivers' licenses and even utility bills, although the means of applying these provisions by state and county officials may not be fully settled.

#### **D. PROVISIONAL BALLOT**

In order to avoid situations where eligible voters were turned away from polling stations if their names could not be found on the voter lists, HAVA now introduces a nationwide requirement that such voters be given the option to vote with a provisional ballot. Such provisional ballots would be counted only if the eligibility of a voter is confirmed by the election administration after the election day.

Due to the decentralized nature of U.S. elections, the implementation of the provisional ballot procedures is left to individual states and counties to determine. There are no uniform rules describing procedures for issuance, verification of voter's eligibility and processing of provisional ballots. Deadlines for verification and processing of provisional ballots vary between 3 and 32 days. A number of interlocutors of the NAM expected that, in the case of close results, this may cause post-election disputes and litigation, and it may delay the announcement of final results.

#### **E. VOTING TECHNOLOGY**

The voters in the United States cast their votes using a range of equipment which may vary not only from state to state, but also from county to county within a state. Five different voting technologies may be in use in a particular state. These typically include lever and punch-card machines, paper ballots, optical scan and electronic machines such as touch-screens (direct-recording electronic or DREs).

After the problems experienced during the 2000 elections in Florida and other parts of the country with relation to punch-card equipment, the reform of voting technology was given a central role in HAVA, which established a separate fund to replace punch-card devices with other voting equipment. The new equipment has to meet HAVA requirements, such as to notify a voter of an over-vote (voting for more than one option on one ballot), allow voters with disabilities to cast votes in secrecy and allow language minority voters to cast ballots in their own language.

According to HAVA, the states should replace their outdated voting machines by equipment that satisfies the requirements of HAVA by 1 January 2006. Although the replacement of punch-card machines is not mandatory, the states that choose to continue voting with punch cards may not be eligible to receive relevant HAVA funds. The lever and punch-card

machines will still be in use in almost half of the states during the upcoming November 2004 elections.

In general, the nationwide replacement of voting equipment, inspired by the disputes witnessed during the 2000 elections, primarily in Florida, may potentially become a source of even greater controversy during the forthcoming elections. This is particularly the case as the results are projected to be close in some states. A majority of new DRE machines do not produce the necessary paper trail of votes needed for a manual recount of votes, which is envisioned in many state laws and required in certain cases in the event of very close outcomes. In addition, the software used in DREs has not been a subject of independent domestic public scrutiny, which has already raised questions among election stakeholders as to the reliability of the equipment and protection against unauthorized interference. As in the case of provisional ballots, it is also expected that DREs may cause post-election disputes and litigation, potentially delaying the announcement of final results.

Due to its delayed appointment, the EAC has not been able to publish voting system guidelines, which would include minimum security measures required from the new equipment; nor has the National Institute for Standards and Technology been able to set the conditions for certification of such machines. Instead, some states adopted their own standards while others have not.

Confidence in the new electronic equipment was further affected after media reports on political activities of DREs vendors, such as financial contributions to political campaigns, and in particular after the public statement of the CEO of one of the main vendors that he would help to deliver votes to one of the candidates.

## **VI. OTHER FINDINGS**

### **A. POSTAL, ABSENTEE AND EARLY VOTING**

Voting other than in polling stations is very popular in the United States. This option is often called “voting of convenience” and includes some forms of absentee voting such as sending ballots by mail, and voting in person before election-day in designated locations (early voting). Reportedly, an estimated 20 per cent of voters use this form of voting, and in Oregon postal voting is the only option. As in other areas, there are no uniform standards for processing postal / absentee ballots. Even the deadlines for approval of such votes vary from state to state. Interlocutors expressed concerns that the postal / absentee voting system is more prone to potential fraud than voting in person at a polling station, as there could be no safeguards to ensure that voters vote in person and without coercion.

An estimated 3.7 million absentee voters reside abroad, in addition to an estimated 1.4 military personnel posted overseas<sup>9</sup>. The out-of-country voting provisions for elections to federal office are coordinated and overseen by the Department of Defense under the federal Voting Assistance Programme, and administered with the assistance of U.S. Embassies and Consulates worldwide. One of the features of this system is that in some states, voters residing abroad have an option to waive the secrecy of their vote, and fax their marked ballots from abroad.

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<sup>9</sup> Figures provided by the Department of Defense.

While such a provision enables participation by voters who otherwise may not be able to take part, any compromise in the secrecy of the ballot is not in line with Article 21(3) of the Universal Declaration of Human Rights<sup>10</sup>, and Paragraph 7.4 of the 1990 OSCE Copenhagen Document<sup>11</sup>.

Interlocutors expressed the view that there is a trend for political parties to encourage their supporters to take advantage of a growing number of absentee ballot provisions, whereby voters do not have to provide an excuse for not turning up to vote in person. It was stated that some parties are actively encouraging their voters to vote through the means provided before election day.

## **B. VOTE SUPPRESSION ALLEGATIONS**

A number of civic activists met by the NAM alleged that intentional suppression of the vote occurred in the 2000 election, in mid-term and statewide elections conducted since, and may occur in the upcoming elections. The NAM was informed that deliberate voter suppression tactics, largely associated with a bygone pre-civil rights era, may still be employed to some extent, particularly in southern states and urban areas with certain large minority communities.

Such incidents have reportedly included an enhanced police presence around polling stations on election day, allegedly aimed at intimidating minority voters, and assertions of unidentified persons outside polling stations who may ask voters to show their ID or conduct other activities that discourage voting. Cases of minority and student voters who registered to vote but whose names ultimately fail to be posted on the register were also mentioned to the NAM.

Although the scale of this phenomenon is difficult to assess, the NAM noted that such concerns were mostly expressed by civic activists, associated with civil rights organizations, and that they were reported in some respected news media. The NAM noted that such allegations were repeated by Democratic Party representatives, while the Republican Party officials did not seem to share these concerns.

Another example of vote suppression quoted by civil society representatives is the disenfranchisement of ex-felons<sup>12</sup>. Apparently, the lists of ex-felons which are prepared by the state's administration, and then used to purge the voter lists of ex-felons either by the state authorities or private companies that are selected by tender to undertake this service on behalf of the state, are on occasion inaccurate and reportedly include people who have never committed any crime.

## **C. CAMPAIGN FINANCE**

The NAM had an opportunity to meet with a member of the Federal Election Commission (FEC), a six-member bi-partisan body that is appointed by the President, and confirmed upon

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<sup>10</sup> Art. 21 (3) *The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret ballot or by equivalent free voting procedures.*

<sup>11</sup> (7.4) [OSCE Participating States...] *ensure that votes are cast by secret ballot or by equivalent free voting procedure, and that they are counted and reported honestly with the official results made public.*

<sup>12</sup> In some States, persons who committed crimes are deprived of their right to vote, sometimes even after they have completed serving their sentence. The OSCE/ODIHR will research this issue to assess whether the provisions in place are in line with OSCE Commitments.

the advice and consent of the Senate, whose primary function is to oversee and regulate campaign finance.

Stringent legislation that limits the scale of donations provide a transparent regulatory framework. However, a new feature of the campaign finance, namely campaign related advertisements by civic society groups, that represent issues rather than candidates (so-called 527's), are not regulated by the campaign finance regulations, although their message potentially impacts on public opinion about candidates. Such groups have thus far played a prominent and controversial role in the presidential campaign.

#### **D. ACCREDITATION OF INTERNATIONAL AND DOMESTIC OBSERVERS**

The absence of a central body administering elections in the U.S. creates a lack of clarity as to which authority or authorities should provide accreditation to international observers. One of the possibilities discussed with various interlocutors was the accreditation of the OSCE observers at the state level, although it is not clear if the respective election legislation of all 50 states allow for the presence of international observers. Nonetheless, the State Department and the National Association of the Secretaries of States (NASS) offered their assistance in obtaining accreditation.

In addition to international observers, the OSCE commitments also state that domestic observers can enhance the process<sup>13</sup>. Normally, in a society where there is a high level of confidence in an electoral process, the organization of domestic non-partisan civic observer networks, as distinct from party representatives and observers, are not such a common occurrence. However, whenever the level of confidence in an election process is affected, including in advanced democracies, as has been the case recently in the U.S., domestic non-partisan civic observers can promote confidence through the right to observe the process, including at polling station level.

Despite the vibrant and well established civil society sector found in the U.S., many civic activists involved in organizing domestic non-partisan civic observation efforts expressed concern to the NAM that their volunteers may not be accredited to be located inside polling stations. This may be the result, as is the case in several advanced democracies, of legislation not taking into account the more recent global trends towards domestic non-partisan civic election observation.

### **VII. CONCLUSIONS**

As a result of problems associated with the 2000 elections, the United States has entered a period of dynamic election reform, and HAVA is a legislative act that represents an important milestone for U.S. election officials and voters alike. The OSCE/ODIHR would therefore plan to undertake an Election Observation Mission (EOM) of a targeted nature, to follow the election process primarily at the federal level, with regard to the presidential election and the implementation of HAVA. The EOM may also choose to comment on aspects of Congressional races and other relevant electoral issues. The range of OSCE election-related commitments will be considered during the course of OSCE/ODIHR activities. The

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<sup>13</sup> The right of citizens to participate in governmental affairs by monitoring election process is internationally recognized and it is within Paragraph 8 of the OSCE Copenhagen Commitments.

OSCE/ODIHR will not make any public comments about the election process until after the election day.

In response to the U.S. invitation to observe the upcoming 2 November elections, the OSCE/ODIHR will therefore establish an Election Observation Mission, with the core analytical team to be deployed to Washington D.C. for approximately four to five weeks. The EOM would further be composed of some 100 observers, including 25 longer-term observers and 75 short-term observers deployed throughout a sampling of states. More information concerning the secondment of observers will be issued shortly by the OSCE/ODIHR to the OSCE participating States.

## ANNEX - LIST OF MEETINGS

### U.S. State Department

Robert Bradtke, Principal Deputy Assistant Secretary, Bureau of European and Eurasian Affairs  
Michael Kozak, Acting Assistant Secretary, Bureau of Democracy, Human Rights and Labor  
Susan Archer, OSCE Desk Officer, Office of European Security and Political Affairs  
Daniel A. Russell, Director of the Office of European Security and Political Affairs  
Daniel Rosenblum, Deputy Coordinator of the Office for U.S. Assistance to Europe and Eurasia  
David Goldberg, Democracy Programs, Office for U.S. Assistance to Europe and Eurasia  
Sally Kux, Acting Director of Democracy Programs, Office for U.S. Assistance to Europe and Eurasia  
Patricia Davis, Office of Human Rights and Democracy  
John Markey, Director for Law Enforcement Programs, Office of the Coordinator for U.S. Assistance for Europe and Eurasia  
Carol Finerty, Bureau for Democracy, Human Rights and Labor, Department of State

### Department of Defense

Polli Brunelli, Director of Federal Voting Assistance Programme  
J. Scott Wiedmann, Deputy Director of Federal Voting Assistance Programme

### U.S. Congress

Hon. Eddie Bernice Johnson, (D- Texas)  
Murat Gokcigdem, Legislative Director/Office of Rep. Eddie Bernice Johnson  
Gloria B. Smith, Office of Eddie Bernice Johnson  
Kennie L. Gill, Democratic Staff Director and Chief Counsel/Committee on Rules and Administration of U.S. Senate  
Veronica M. Gillespie, Democratic Elections Counsel/Committee on Rules and Administration of U.S. Senate  
Leon R. Sequeira, Legal Counsel/Senator Mitch McConnell Office  
Fred Turner, Office of Congressman Alcee Hastings  
Vanessa Griddine, Office of Congressman Alcee Hastings

### Federal Election Commission

David M. Mason, Commissioner

### Election Assistance Commission

Gracia M. Hillman, Vice Chair  
Paul DeGregorio, Commissioner  
Ray Martinez III, Commissioner  
Sheila Banks, Special Assistant to Vice Chair Hillman  
Adam Ambrogi, Special Assistant to Commissioner Martinez  
Dan Murphy, Special Assistant to Commissioner DeGregorio

### U.S. Helsinki Commission

Ronald McNamara, Deputy Chief of Staff, Commission on Security and Cooperation in Europe (CSCE)

Chadwick R. Gore, Staff Advisor, CSCE  
John Finerty, Staff Advisor, CSCE  
Orest Deychakiwsky, Staff Advisor, CSCE  
Marlene Kaufmann, Counsel, CSCE  
Erika Schlager, Counsel, CSCE

**U.S. Commission on Civil Rights**

Professor Mary Frances Berry

**National Association of the Secretaries of State**

Rebecca Vigil-Giron, NASS President and New Mexico Secretary of State  
Leslie D. Reynolds, Executive Director  
Meredith B. Imwalle, Director of Communications & Marketing

**Democratic National Committee**

Vincent Fry, Executive Director of Voting Rights Institute  
Josh Kravitz, Executive Director of Democrats Abroad

**Republican National Committee**

Lauren Brown Sigler, Contracts and Special Legal Projects  
Sean Cairncross, Deputy Counsel  
Caroline Critchfield Hunter, Deputy Counsel

**Civil Society and other Organizations**

Sameera Ali, Lawyers' Committee for Civil Rights Under Law  
Barbara R. Arnwine, Lawyers' Committee for Civil Rights Under Law  
Terry Au, National Asian Pacific American Legal Consortium  
Jean Bennett, National Association for the Advancement of Colored People  
Doug Chapin, Electionline.org  
Mary Jean Collins, People for the American Way  
Julie Fernandes, Lawyers' Committee for Civil Rights Under Law  
John Fortier, American Enterprise Institute  
Wade J. Henderson, Leadership Conference on Civil Rights  
Lisa Haywood, Lawyers' Committee for Civil Rights Under Law  
Keith Jennings, African American Human Rights Foundation  
Karen Lawson, Lawyers' Committee for Civil Rights Under Law  
Gregory T. Moore, National Association for the Advancement of Colored People  
Lisa Prosienski, Common Cause  
Rob Randhava, Lawyers' Committee for Civil Rights Under Law  
Kareem W. Shora, American-Arab Anti-Discrimination Committee  
Jean Stokan, Pax Christi  
Eric Tars, Global Rights  
Nancy E. Tate, The League of Women Voters  
William L. Taylor, Lawyers' Committee for Civil Rights Under Law  
Frank H. Wu, Lawyers' Committee for Civil Rights Under Law  
Nancy Zirkin, Lawyers' Committee for Civil Rights Under Law

## ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Document).

The ODIHR, based in Warsaw, Poland, was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 100 staff.

The ODIHR is the lead agency in Europe in the field of **election observation**. It co-ordinates and organizes the deployment of thousands of observers every year to assess whether elections in the OSCE area are in line with national legislation and international standards. Its unique methodology provides an in-depth insight into all elements of an electoral process. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include the following thematic areas: rule of law, civil society, freedom of movement, gender equality, and trafficking in human beings. The ODIHR implements a number of targeted assistance programmes annually, seeking both to facilitate and enhance State compliance with OSCE commitments and to develop democratic structures.

The ODIHR monitors participating States' compliance with OSCE human dimension commitments, and assists with improving the protection of **human rights**. It also organizes several meetings every year to review the implementation of OSCE human dimension commitments by participating States.

The ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies. The Office also acts as a clearing-house for the exchange of information on Roma and Sinti issues among national and international actors.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website ([www.osce.org/odihr](http://www.osce.org/odihr)).