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**Report of the Canadian Parliamentary Delegation respecting  
its participation at the Election Observation Mission of the  
OSCE Parliamentary Assembly**

**Canadian Delegation to the Organization for Security and  
Co-operation in Europe Parliamentary Assembly (OSCE PA)**

**Washington, D.C. and Raleigh, North Carolina, United States  
of America**

**November 5-8, 2016**

# Report

From November 5 to 8, 2016, a Canadian delegation to the Organization for Security and Co-operation in Europe Parliamentary Assembly (OSCE PA), composed of Mr. Earl Dreeshen, M.P., and Ms. Leona Alleslev, M.P, participated in an election observation mission that monitored the General Elections held in the United States of America.

## **A. The Election Observation Mission in The United States of America**

A key element of the OSCE's mandate is the promotion of democratic elections. To this end, the Canadian delegation to OSCE PA has participated in numerous international election observation missions. As a community of countries committed to democracy, the OSCE has placed great emphasis on promoting democratic elections as a key pillar of stability. All OSCE participating States have committed themselves to invite international observers to their elections, in recognition that election observation can play an important role in enhancing confidence in the electoral process. Deploying election observers offers demonstrable support to a democratic process and can assist OSCE participating States in their objective to conduct genuine elections in line with OSCE commitments.

The OSCE election observation mission in the United States of America was a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the OSCE Parliamentary Assembly (OSCE PA). The mission was deployed at the invitation of the Government of the United States, pursuant to commitments made by all OSCE participating states.

The OSCE/ODIHR EOM includes 13 experts in the capital and 26 long-term observers deployed throughout the country. On election day, 298 observers from 44 countries were deployed, including 192 long-term and short-term observers deployed by the OSCE/ODIHR, as well as a 106-member delegation from the OSCE PA. Opening was observed in 88 polling stations and voting was observed in 932 polling stations across the country. Counting was observed in 77 polling stations.

## **B. Activities of the Canadian Delegation**

Canadian delegates attended briefing sessions provided by the OSCE for parliamentarians on Saturday November 5th and Sunday November 6th in Washington, D.C. Over the course of the two days, delegates were provided with an overview of the political background to the election. They were also briefed on the administration of the election, as well as the process for election-day reporting and statistical analysis.

On Monday December 7th delegates were deployed to different regions across the United States to observe the election. Ms. Alleslev and Mr. Dreeshen were deployed to Raleigh, North Carolina.

On election-day, Tuesday November 8th, the delegates observed several aspects of the election process, including:

- the voting process in a number of polling stations throughout election day;
- the use of electronic ballots and provisional ballots;
- the voter identification requirements.

The delegates reported regularly on their observations throughout the day by completing observation report forms at each polling station visited and submitting them to their assigned long-term observers.

On the evening of Tuesday, November 8th, the Canadian delegation attended election debriefings in Raleigh, North Carolina.

### **C. Executive Summary of the OSCE PA's Preliminary Findings and Conclusions**

The November 8 general elections were highly competitive and demonstrated commitment to fundamental freedoms of expression, assembly and association. The presidential campaign was characterized by harsh personal attacks, as well as intolerant rhetoric by one candidate. Diverse media coverage allowed voters to make an informed choice. Recent legal changes and decisions on technical aspects of the electoral process were often motivated by partisan interests, adding undue obstacles for voters. Suffrage rights are not guaranteed for all citizens, leaving sections of the population without the right to vote. These elections were administered by competent and professional staff, including on election day, which was assessed positively by IEOM observers, despite some instances of long queues and malfunctioning voting equipment.

The legal framework for general elections is highly decentralized and complex, with significant variation between states. A number of previous OSCE/ODIHR priority recommendations remain unaddressed and certain deficiencies in the legal framework persist, such as the disenfranchisement of citizens living in various territories, restrictions on the voting rights of convicted criminals and infringements on secrecy of the ballot. In 2013, provisions of the Voting Rights Act were struck down, removing a timely and effective safeguard for the protection of rights for racial and linguistic minorities. As a result, a wide range of electoral litigation remains ongoing.

Individual states are responsible for administering elections with duties often delegated to some 10,500 jurisdictions across the country. The elections were administered by competent and committed staff and enjoyed broad public confidence. The work of the Election Assistance Commission (EAC) has had a positive impact for state and county officials, enabling the exchange of best practices and providing standards for New Voting Technologies. A number of practical recommendations made by the 2014 Presidential Commission on Election Administration were addressed.

US citizens 18 years of age and older are eligible to vote. Some 4 million residents of US overseas territories and 600,000 residents of the District of Columbia do not have voting representation in Congress. In addition, residents of US overseas territories do not have the right to vote in presidential elections. More than 6 million convicts, including those who have served their sentences as well as many still facing trial, are

widely disenfranchised, although several states have recently taken steps to restore their voting rights. These restrictions contravene the principle of universal and equal suffrage, as provided in OSCE commitments.

Voter registration is active and implemented at the state level. Various initiatives have been undertaken to improve voter list accuracy and inclusiveness, including online registration and inter-state projects to identify potential duplicate records and inaccuracies. Notwithstanding, more than an estimated 35 million eligible voters were not registered for these elections, underscoring the need for continued efforts to enhance voter registration, particularly among marginalized communities. Voter identification rules are politically divisive and vary across the states, with 32 states requiring photo identification. A high volume of litigation regarding voter identification continued up to election day, generating confusion among voters and election officials regarding the application of rules. Efforts to ensure the integrity of the vote are important, but should not lead to the disenfranchisement of eligible voters.

Candidate registration requirements vary considerably between states. A large number of candidates, including independents and representatives of small parties, were registered for congressional elections in an inclusive manner. This provided voters with a variety of choice. Four presidential candidates were registered in a sufficient number of states to be elected. Variations in rules make it cumbersome for third party or independent candidates to register across all states for presidential elections. Women are underrepresented in elected office, holding only 20 per cent of seats in the outgoing Congress. This was the first time a major party nominated a woman as candidate for president. Some 17 per cent of congressional candidates were women.

Women were well represented amongst electoral staff, although less so in decision-making positions. A dynamic and vivid campaign demonstrated commitment to fundamental freedoms of expression, movement and assembly. The campaign was dominated by the presidential race. The two major candidates offered distinct policy alternatives, but often used highly charged rhetoric and employed personal attacks. Intolerant speech by one candidate about women, minorities and people with disabilities was frequent. Both candidates faced scandals during the campaign that provoked widespread public debate about their qualifications for office. Third-party candidates received minimal attention.

The Federal Election Commission (FEC) oversees a campaign finance regime that imposes few actual limits on donations and does not limit expenditure. All financial reports are published expeditiously, but transparency is diminished by the absence of disclosure for some types of non-profit organizations that play an important role in the campaign. Partisan decision making has limited the FEC's ability to reach decisions on key campaign finance issues.

The media is pluralistic and vibrant, although increasingly polarized. A robust system of protection for media independence is in place, but hostility towards the media's role as a critical watchdog was voiced by one presidential candidate. The media extensively covered the campaign and a series of presidential debates attained record viewership. OSCE/ODIHR EOM media monitoring revealed partisan campaign coverage, in

particular on cable television. Overall, the media provided voters with a wide range of information and enabled them to make an informed choice.

Legal measures are available to public and private actors to address electoral disputes and access to the courts is open. There is no fixed timeframe for resolving election-related disputes, which puts into question the effectiveness of remedy provided for by OSCE commitments. Provisions on recounts vary widely and are often insufficiently defined, which could result in complaints not being addressed in a consistent and timely manner.

Most states do not comprehensively regulate election observation, with decisions on access often left to the discretion of state or county officials. Contrary to OSCE commitments, the IEOM was not allowed to freely observe early voting and election day in 17 states. Citizen observers and party representatives were active and widespread through the country, providing added transparency and confidence in the election process.

More than one-third of voters are estimated to have cast their vote before election day, either in person or by post, including citizens abroad. Early voting enjoys broad public trust and a number of measures were implemented to ensure security. However, secrecy of the vote was not always guaranteed for postal voting and out-of-country voting by electronic means, at odds with OSCE commitments.

New Voting Technologies are used extensively across the country. Contrary to good practice, 15 states use Direct Recording Equipment machines that do not provide a voter-verified paper audit trail. This does not allow voters to ensure their votes have been recorded properly or authorities to conduct possible recounts. Despite EAC guidance and a range of testing and security measures implemented across the states, concerns were voiced regarding security gaps due to outdated equipment. Many states paid additional attention to the security of voting machines, working with the Department of Homeland Security.

Election day procedures were generally followed and assessed positively by IEOM observers. In a number of locations throughout the country, long queues to access polling stations were observed. In many instances, multiple citizens intending to vote at a polling station were not found on the voter list, underlining systemic concerns with voter registration. The IEOM deployed 298 observers to 932 polling stations in 33 states. Polling officials were mainly co-operative, even in those areas that do not clearly provide for international observation. IEOM observers could not, however, fully observe procedures in 73 polling stations across 19 states.

The full preliminary report, prepared by the OSCE PA is available in English at the following site:

<http://www.oscepa.org/documents/all-documents/election-observation/election-observation-statements/united-states-of-america/statements-27/3430-2016-general/file>

Respectfully submitted,

Hon. Hedy Fry, P.C., M.P.  
Director  
Canadian Delegation to the Organization for Security and Co-operation  
in Europe Parliamentary Assembly (OSCE PA)

**Travel Costs**

<b>ASSOCIATION</b>	Canadian Delegation to the Organization for Security and Co-operation in Europe Parliamentary Assembly (OSCE PA)
<b>ACTIVITY</b>	Election Observation Mission of the Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE PA)
<b>DESTINATION</b>	Washington, D.C., and Raleigh, North Carolina, United States of America
<b>DATES</b>	November 5 to 8, 2016
<b>DELEGATION</b>	
SENATE	
HOUSE OF COMMONS	Mr. Earl Dreeshen, M.P. Ms. Leona Alleslev, M.P.
STAFF	
<b>TRANSPORTATION</b>	\$ 3,106.49
<b>ACCOMMODATION</b>	\$ 3,365.56
<b>PER DIEMS</b>	\$ 1,305.82
<b>TOTAL</b>	<b>\$ 7,777.87</b>