

Reporting Organization

1. The Carter Center is a not-for-profit, nongovernmental organization that has helped to improve life for people in more than 80 countries by resolving conflicts, advancing democracy, human rights and economic opportunity, preventing diseases, and improving mental health care. The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University to advance peace and health worldwide.
2. The Carter Center's Democracy Program works globally to promote democratic elections and governance consistent with universal human rights principles. The Center has monitored more than 126 elections in 40 countries since 1989, forging many of the techniques now common to the field. Recognizing that democratic transitions involve much more than elections, the Center also conducts long-term monitoring of political transitions and works to strengthen civil society organizations to support democratic governance. The Democratic Election Standards (DES) initiative aims to build consensus on standards for democratic elections, based on state obligations under public international law. Since 2020, The Carter Center has been working to support elections in the United States by providing objective information about the election process and advancing transparent election practices.
3. For the 2024 election cycle, The Carter Center provided funding and technical assistance to establish two grassroots networks to provide timely and accurate data and evidence about the conduct of the election in the states of New Mexico and Montana. The Carter Center also partnered with The Monitoring Team (led by former legal counsel to the Georgia Secretary of State, Ryan Germany) to mobilize election observers in its own name in Fulton County, Georgia. In the states of New Mexico and Montana, [Observe New Mexico Elections](#) and the [Montana Election Observation Initiative](#) respectively, were chaired by cross-partisan advisory boards consisting of former state elected officials, election administrators, members of the judiciary, legal experts, etc. who provided input into key stages of program design and execution and also served as external spokespeople for the observation effort and their findings. These boards helped ensure that observation efforts remained impartial and focused on assessing whether state, national and local election procedures were consistently and correctly implemented.
4. In total, The Carter Center trained more than 500 citizen election observers of whom more than 400 mobilized to observe. Locally recruited observers in New

Mexico covered 29 of the state's 33 counties during the general election while observers in Montana mobilized in 16 out of 56 counties during the general election that, when combined, covered more than 75% of the state's voters and provided comprehensive coverage of a June 4 primary election in Missoula County. In Fulton County, Georgia mobile observers recruited and trained by The Carter Center provided robust observation of early and election day voting, submitting more than 700 total reports, while partners with The Monitoring Team provided technical assessments of pre- and post-election procedures.

5. Work in these states provide replicable, first-of-their-kind models for comprehensive election observation, drawing on The Carter Center's global expertise in the field, that can be expanded into additional states with a supportive legal environment.

Introduction

6. The Carter Center submits this report as part of the 4th cycle Universal Periodic Review of the United States of America (US) at the 50th Session of the Human Rights Council. The submission is based on information obtained by the Center during the 2024 elections in the US. The report focuses on issues related to the right to participate in public affairs and to vote as guaranteed by Article 21 (3) of the Universal Declaration of Human Rights (UDHR)ⁱ and Article 25 (a) and (b) of the International Covenant on Civil and Political Rights (ICCPR).ⁱⁱ
7. During its third Cycle UPR in 2020, the US supported or noted several recommendations calling for stronger protection for the rights of citizens to participate in public affairs and to vote. Third cycle recommendations also called for elections in the US to be conducted more in accordance with international standards.ⁱⁱⁱ
8. Overall, The Carter Center found that election processes across the jurisdictions and three states observed in 2024 were well administered, providing robust opportunities for voting that generally complied with state guidelines and security protocols. However, key areas that can be strengthened by Carter Center recommendations are elaborated in the findings and recommendations section below.

Key Findings and Recommendations

- 9. Availability of and access to multiple languages:** International standards for the conduct of democratic election indicate that voting materials should be made available in multiple languages in societies where this is relevant.^{iv} Similarly, General Comment 25, paragraph 12 states that "Information and materials about voting should be available in minority languages."
10. In the US, Section 203 of the federal Voting Rights Act requires bilingual election materials to be provided in seventeen counties in the state of New Mexico: Bernalillo (Hispanic and Navajo), Catron (Pueblo), Chaves (Hispanic), Cibola (Navajo and Pueblo), Doña Ana (Hispanic), Guadalupe (Hispanic), Hidalgo (Hispanic), Lea (Hispanic), Luna (Hispanic), McKinley (Navajo and Pueblo), Mora (Hispanic), Rio Arriba (Navajo), Sandoval (Navajo), San Juan (Navajo and Ute), San Miguel (Hispanic), Socorro (Hispanic and Navajo), and Taos (Hispanic).
11. During both early voting and on election day, watchers with Observe New Mexico Elections were unable to validate that written and oral translation services into Native languages were provided in all areas of the state covered as minority language jurisdictions under Section 203 of the federal Voting Rights Act.
12. The Carter Center recommends, for both early and election day voting, that the state and county clerks utilize trained translators familiar with elections terminology, in order to provide materials and services easily visible and accessible to voters and comply with federal requirements.
13. **Ensuring Secrecy of Ballot:** In line with the obligation of secret ballots enshrined in Articles 21 (3) of the UDHR and 25 (b) of the ICCPR, interpretive sources related to democratic elections indicate that fulfilling this obligation requires that systems used for voting and vote counting should be such that ensures the secrecy of a voter's choice throughout the entire electoral process.^v
14. In Montana, the Montana Election Observation Initiative found that election day opening, and setup processes adhered to most legal requirements, demonstrating robust compliance in areas like ballot security and chain of custody protocols. However, some gaps in ballot secrecy due to crowding and closely arranged voting stations were observed in some locations.
15. In addition, in 21 advance voting locations in Fulton County in Georgia, observation reports indicated that ballot secrecy was a potential issue. In some instances, ballot marking device (BMD) hubs were set up so that one or more screens were visible to poll workers, poll watchers, or other voters. In other

instances, the small size of some voting locations, in combination with the large size of the BMD screens, made it difficult to ensure voter privacy. In a few locations, observer teams noted that it was possible to see voter choices on the BMD screen. Some observer teams also reported concerns about ballots being visible to others when they were carried to the scanners or when they were inserted. Elections staff informed the observation mission that privacy filters had been installed on some BMDs.

16. Addressing these gaps through enhanced training for election judges, and standardized procedures will create a more equitable and efficient voter experience.
17. In Fulton County, in the instances where they were observed, privacy filters appeared to work well, without negatively affecting the usability of the voting equipment. These should be included as a standard part of the procurement process for voting equipment in the county.
18. ***Consistent access for election observers:*** International standards for democratic elections emphasize the need for observers to be able to access and observe all stages of the electoral process.^{vi} Nonpartisan election observation is a relatively new practice in the United States. In many states, the legal frameworks for elections were drafted on the assumption that observation by designated representatives of all major parties and candidates was the best way to ensure a trusted nonpartisan outcome.
19. Across all three states observed, The Carter Center found varying degrees of observer access in practice as local election jurisdictions and poll workers made determinations about how best to balance concerns of transparency and security.
20. In Fulton County, in particular, the observation team observed and experienced an uneven application of laws and regulations around access for poll watchers, observers, and the public. In two cases, this lack of clarity led to questions – and hostility – from members of the public who did not understand why certain areas were restricted. This gap in transparency resulted in two flashpoints that ultimately became lawsuits filed against Fulton County. During logic and accuracy (L&A) testing, the Fulton County Department of Registration and Elections (FCDRE) received a complaint that members of the public did not have the “meaningful access” to monitor the proceedings allowed by code. Dozens of ballot marking devices (BMDs) were set out, and members of the public were allowed to stand behind a barricade, which was placed to ensure that machines

could not be tampered with outside the view of election workers. O.C.G.A. § 21-2-379.25 and State Election Board Rule 183-1-12-.08 both require that the public be allowed to observe L&A testing. That same law and regulation also make clear that the public cannot interfere with the testing process. The location where members of the public were permitted to stand made viewing the actual testing difficult.

21. While the FCDRE must balance public access and security, it should explore ways to ensure that public access for L&A testing allows the public to “fairly observe the preparation and testing,” as stated in the SEB rule. The purpose of public observation of L&A testing is so the public can see that the machines are functioning properly before they are put in the field. This purpose should be kept in mind as Fulton adjusts its policies regarding public observation of L&A testing.
22. For the weekend of Nov. 2-3, FCDRE staff announced that four county offices would be open to accept in-person delivery of absentee ballots. Initially, FCDRE staff issued guidance that neither partisan poll watcher nor members of the public would be able to observe the return of absentee ballots.
- 23.** Election administrators in the United States should issue clear regulatory guidance on observer access and reasonable accreditation practices in those states where observation is currently permissible under state law. In those states where nonpartisan election observation is not currently permissible under state law or is only permissible during certain stages of the process (such as during the certification of local level election results) the law should be changed to clearly accommodate properly accredited nonpartisan election observers on an equal footing with partisan poll watchers.
24. ***Other operational and management issues:*** In both New Mexico and Montana, a record number of voters seeking to take advantage of same day voter registration procedures in the state resulted in long lines and – in some instances – a disorderly environment in the voting locations. In New Mexico, the issue was further exacerbated by periodic latency with the state voter registration database.
25. For future election cycles, The Carter Center recommends that the state of New Mexico ensure robust stress testing of same-day voter registration software and work closely with county clerks to ensure appropriate levels of equipment and staffing to accommodate the significant numbers of individuals who may use this voting method.

- 26.** All states seeking to introduce same day voter registration should anticipate a high volume of voters taking advantage of this opportunity to vote and should ensure appropriate resourcing and guidance to election officials: including on how manage lines of same day registrants separately from those who are already registered and on how to properly issue provisional ballots as a fall-back measure.

ⁱ Article 21(3) of UDHR proclaims that "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 vote or by equivalent free voting procedures."

ⁱⁱ Similarly, Article 25 provides that every citizen shall have the right and opportunity: "(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;" and "(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors."

ⁱⁱⁱ Report of the Working Group paragraph: "26.275 Ensure the exercise of the right to vote, including by demanding that states refrain from using voter identification requirements that can have a discriminatory impact on voters;

26.276 Ensure the right to vote without discrimination by increasing access to every method of voting allowed in each state or jurisdiction;

26.277 Ensure that United States citizens fully exercise their voting rights;

26.278 Amend legislation to ensure that elections are held in accordance with international standards and in the presence of observers of the Organization for Security and Cooperation in Europe;"

^{iv} OSCE (ODIHR), Election Observation Handbook (Ed. 6), p. 54, TCC EOS handbook pp 182 - 183

^v U.N. (CCPR), General Comment 25, para. 20.

^{vi} U.N., Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers, para. 12. In addition, the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations, (Processes Observed or Monitored and Conditions Required), para. 3 stated that: "In order for non-partisan election observation and monitoring by citizen organizations to be conducted successfully, several conditions should be present, including, among others:

1. security conditions allow non-partisan citizen observers and monitors to evaluate processes without substantial risk to their safety, the safety of their families or their economic well being;
2. election management bodies and other governmental authorities concerned with electoral related processes honor the right to participate in government and public affairs by providing non-partisan citizen election observation and monitoring organizations access to polling stations and all other election related facilities and processes in the pre-election, election-day and post-election periods, including by providing accreditation, where it is required for access, in a timely manner, without proscribed discrimination or unreasonable restrictions, such as providing less access than allowed to international election observers, the media or political party and candidate observers;
3. election management bodies and other governmental authorities provide electoral transparency through timely access to information, including election results recorded at polling stations as well as aggregated results at higher levels of electoral administration, and by allowing scrutiny of electoral related activities;"