ELECTION-WATCH.EU

MEMO98

European Partnership for Democracy

International Remote Election Assessment

Pre-Election Report

UNITED STATES OF AMERICA

Mid-term Congressional Elections

3 November 2026

Brussels / Vienna / Bratislava

2 November 2026

Table of Content

Table of Content 2
1. Executive Summary 3
2. Introduction, Scope and Methodology 5
3. Political Background and Developments since 2024 5
4. Legal Framework and Institutional Safeguards 6
5. Electoral System and Redistricting 8
6. Election Administration 9
7. Voting Rights, Voter Registration and Identification 11
8. Candidate Registration 12
9. Early and Absentee Voting 13
10. Voting Technologies, Cybersecurity and Operational Resilience 14
11. Campaign and Civic Environment, Including the Use of Administrative Resources 15
12. Campaign Finance 16
13. Media and Digital Information Environment 17
A. Media Environment and Freedom 17
B. Digital Information Environment and Political Communication 18
C. Media and Social Media Monitoring Findings 19
14. Citizen and International Election Observation 20
15. Electoral Dispute Resolution and Preparedness for Post-election Processes 21
List of Abbreviations 23

1. Executive Summary

The United States (US) government's decision not to invite the Organization for Security and Co-operation in Europe (OSCE) to observe the 3 November 2026 congressional elections departed from longstanding practice and OSCE commitments on international election observation. In this context, Election-Watch.EU and MEMO 98 launched an independent, non-partisan International Remote Election Assessment (IREA). Both organisations are members of the European Partnership for Democracy (EPD). Against a backdrop of significant political and institutional developments since the 2024 general elections, the assessment examines selected aspects of the electoral environment, drawing on legislation, court proceedings, administrative data, published research, media analysis, and remote consultations with electoral stakeholders and relevant organisations. The IREA uses the OSCE Office for Democratic Institutions and Human Rights (ODIHR) 2022 and 2024 election reports as comparative baselines but does not substitute for an OSCE election observation mission.

The 3 November 2026 midterm elections will fill all 435 seats in the US House of Representatives and 35 of the 100 Senate seats, potentially reshaping the balance of power in Congress and its oversight of President Trump's administration. The most significant changes since 2024 include increased presidential and federal executive intervention, unusually widespread mid-decade redistricting, weakened federal oversight and security support, and increased pressure on independent media and civil society. Several IREA interlocutors characterised the scale of federal executive intervention as unprecedented, identifying the potential partisan use of executive authority, investigative powers and public resources as a major threat to electoral integrity. Some also raised concerns that immigration enforcement could intimidate minority voters and deter participation.

These developments compound longstanding concerns over unequal voting rights, partisan involvement in election administration, barriers to participation by independent and smaller-party candidates, opaque campaign financing, disinformation and threats against election personnel. Together, these challenges raise serious concerns about electoral integrity and the protection of fundamental human rights, particularly the rights to political participation, equality and non-discrimination, freedom of expression, and the right to vote and stand for election.

Electoral competition remained dominated by the two major parties, with disproportionate ballot-access requirements disadvantaging independent and smaller-party candidates. Partisan redistricting, including Republican-led changes in Texas and the Democratic-led response in California, raised concerns about electoral equality and legal certainty. The Supreme Court tightened the requirements for challenging racial vote dilution under the Voting Rights Act, while litigation and citizen initiatives constrained some redistricting efforts. Restrictions on voting rights linked to criminal convictions and intellectual or psychosocial disability persisted in some states, alongside the lack of full congressional representation for residents of Washington, DC, and US territories. These limitations raised concerns regarding equal political participation and the effective enjoyment of voting rights.

Early and absentee voting offered additional opportunities for participation, while online, automatic and same-day registration remained available in many states. Positive developments included Connecticut's introduction of no-excuse absentee voting and new procedures to address missing signatures on postal-ballot envelopes. However, identification rules, postal-ballot deadlines, and remedies varied substantially across states. Intensified federal citizenship checks and demands for sensitive voter data raised concerns about accuracy, privacy, and the risk of wrongful exclusion, illustrated by errors in Texas. Key federal legislative proposals remained unenacted, while courts blocked specific executive measures affecting registration and postal voting. Concerns over postal delivery and changes to federal overseas-voting forms added uncertainty about timely and equal access to voting.

Several IREA interlocutors highlighted the experience and cooperation of state and local election officials as safeguards against political pressure, despite uneven resources, persistent threats and additional demands arising from federal investigations and litigation. Some states introduced alternative cybersecurity arrangements in response to declining federal support. However, uneven resources and reduced information-sharing risked creating security gaps, compounded by constraints on federal election bodies' decision-making capacity. Near-universal use of paper records and widespread requirements for post-election audits, including risk-limiting audits in some states, provide a basis for verifying results. Survey findings also indicated high public confidence in local election administration.

The highly polarised campaign centred on living costs, the Iran war and the administration's record, with confrontational rhetoric and misleading attacks. Government-funded advertising promoting President Trump was temporarily restricted by a federal court, while federal investigations and demands on election officials raised questions about impartiality and proportionality. Campaign finance was marked by record independent expenditures for this stage of a midterm cycle, concentrated donor influence and opaque funding of outside groups, raising concerns about transparency, accountability and equality of opportunity. The Supreme Court removed limits on party spending coordinated with candidates, while the Federal Election Commission's lack of a quorum prevented core enforcement decisions, although disclosure obligations remained in force.

Restrictions on media access, regulatory pressure and cuts to public broadcasting funding constrained independent reporting and added to longstanding challenges facing local journalism. AI-generated political advertising, limited disclosure, and gaps in platform transparency complicated scrutiny of online campaigning. Federal funding cuts and reduced institutional support under the Trump administration, alongside platform staffing cuts and policy reversals, further weakened capacity to monitor and respond to election-related misinformation. IREA's exploratory sample of Facebook posts published between 27 September and 27 October 2026 included references to allegations of voter fraud and non-citizen voting, alongside concerns about possible federal interference, appeared more frequently as election day approached. Together, the wider pressures on independent reporting and the information environment raised concerns about freedom of expression, media pluralism, and voters' access to reliable information needed for informed electoral participation.

Despite these challenges, institutional and societal safeguards showed resilience. Courts constrained several disputed federal initiatives, although some rulings narrowed electoral protections. State authorities defended their electoral responsibilities, and civil society organised observation and provided voter assistance and legal support. Access for independent citizen and international observers remained uneven, while the absence of an OSCE mission left a gap in international observation. Announced safeguards for federal monitoring, including unarmed personnel and compliance with state rules, had yet to be assessed in practice. The effectiveness of institutional safeguards under post-election pressure would depend on lawful certification, timely and effective dispute resolution, and compliance with judicial decisions, particularly in closely contested races.

IREA does not directly observe voting or counting, and cannot verify developments in every jurisdiction. State examples are illustrative, and the online review is exploratory. The assessment distinguishes documented actions and judicial decisions from allegations, announced intentions and prospective risks. Conclusions about effects on participation and outcomes remain provisional where evidence is insufficient. IREA will continue its remote assessment of ballot processing, counting, certification and dispute resolution, examining the effectiveness of safeguards against unlawful interference and access to timely legal remedies. The final report will integrate pre-election and post-election findings and include recommendations.

2. Introduction, Scope and Methodology

Paragraph 8 of the Organization for Security and Co-operation in Europe (OSCE) Copenhagen Document commits participating States to invite international and domestic election observers to national elections, to the extent permitted by law, and to endeavour to facilitate similar access for elections at other levels. On 23 September, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the OSCE Parliamentary Assembly expressed regret at the US government's decision not to invite them to observe the 2026 midterm elections. These will be the first US federal elections without an OSCE invitation since observation began in 2002.[1] The absence of an OSCE observation mission leaves a significant gap in independent international scrutiny of the electoral process.

Against this backdrop, MEMO 98 and Election-Watch.EU, an endorser of the Declaration of Principles (DoP) for International Election Observation, launched an independent International Remote Election Assessment (IREA). Both organisations are members of the European Partnership for Democracy (EPD). The assessment draws on the Declaration's principles of independence, impartiality, accuracy and non-interference.

The IREA assesses selected aspects of the pre-election environment, focusing on developments since the 2024 general elections, with a monitoring period from 27 September to 1 November 2026. It draws on federal and state legislation, court proceedings and decisions, administrative and statistical data, published research, media and online content, and structured remote consultations with election officials, legal specialists, citizen observers and other stakeholders across the political spectrum.[2] The ODIHR 2024 and 2022 final reports provide the main comparative baselines.

The IREA does not directly observe voting or counting or independently verify developments in every jurisdiction. State-level examples are illustrative rather than representative. A final report will examine verified election-day and post-election developments and present overall findings and recommendations.

The IREA wishes to express its gratitude to election officials, institutional representatives, electoral experts, civil society organisations and all other interlocutors for sharing their time, and expertise.

3. Political Background and Developments since 2024

The 3 November 2026 US midterm elections take place amid concerns over weakened democratic checks and balances, the concentration of executive power and tensions between federal and state authorities over election administration.[3] Voters will elect all 435 members of the House of Representatives, 35 of the 100 members of the Senate, governors in 36 states and three territories, alongside numerous state and local officials, and ballot initiatives, such as California's proposition to introduce a "billionaire's tax".[4] The elections will test the independence of election administration, institutional resilience to political pressure, the protection of electoral rights, and the acceptance and lawful certification of election results. These

[1] OSCE ODIHR & OSCE PA statement 23 September 2026; In its statement to the OSCE Permanent Council on 17 September 2026 (PC.DEL/859/26, circulated on 18 September), the US Mission explicitly linked the decision to budgetary constraints and the prioritisation of OSCE resources. It argued that ODIHR should concentrate its limited resources on elections where it could have the greatest impact.

[2] Any AI-generated content in this text has been reviewed by the authors.

[3] The V-Dem Institute's Democracy Report 2026 identifies an unprecedented deterioration in US democratic institutions during 2025 and reclassifies the country as an electoral democracy, ending more than 50 years of classification as a liberal democracy.

[4] National Governors Association, *2026 Gubernatorial Elections*, accessed 1 November 2026. The three territories holding gubernatorial elections are Guam, the Northern Mariana Islands and the US Virgin Islands.

challenges are particularly consequential in the decentralised US electoral system, where responsibility for administering elections rests primarily with states and local authorities.[5]

Widely viewed as a referendum on President Donald Trump's second term, the elections are shaped by concerns over living costs, immigration enforcement, economic policy and the Iran war. Tariffs and higher energy prices have intensified economic concerns, while expanded Immigration and Customs Enforcement (ICE) operations have generated controversy. Republicans have emphasised border security, tax reductions and the administration's record, while Democrats have prioritised affordability, healthcare, executive accountability and democratic safeguards. A survey published in October found that 44 per cent of registered voters viewed their congressional vote as a vote against Trump, compared with 19 per cent who viewed it as support for him.[6]

The electoral environment continues to reflect concerns identified in ODIHR's assessment of the 2024 general elections. While describing those elections as competitive and generally well administered, ODIHR highlighted persistent unfounded fraud allegations, inflammatory rhetoric, disinformation, threats against election officials and declining public confidence.[7] Several longstanding recommendations concerning voting rights, impartial election administration and campaign-finance transparency remain unaddressed. These concerns are compounded by disputes over federal involvement in elections administered by states and local authorities.

Claims disputing the legitimacy of the 2020 presidential election continue to influence political discourse despite the absence of credible evidence of fraud sufficient to change the outcome.[8] President Trump and political allies have continued to question the result, while some participants in efforts to overturn it have assumed federal posts with election-related responsibilities. Candidates who disputed the 2020 result are also contesting governorships.[9] These developments raise questions about public trust, institutional impartiality and political actors' willingness to accept electoral outcomes.

4. Legal Framework and Institutional Safeguards

Congressional elections are governed by the US Constitution, federal legislation, state constitutions and laws, as well as judicial decisions. Under the US Constitution, state legislatures regulate the times, places and manner of congressional elections, subject to Congress's authority to alter those rules by legislation. State and local authorities administer elections within this framework. The president has no equivalent general power to prescribe electoral rules. Any executive action affecting elections must rest on constitutional or statutory authority and remains subject to judicial review. Constitutional protections for expression, association, equal protection and voting rights constrain government action at all levels.[10]

---

5 US Election Assistance Commission (EAC), *Who is in charge of elections in my state?*, 23 December 2025. European Parliamentary Research Service (EPRS), *Understanding the 2026 United States midterm elections*, 9 October 2026

6 Pew Research Center, *With Americans in a Sour Mood, Democratic Voters Are More Engaged in Midterms*, 8 October 2026. Survey conducted from 28 September to 4 October 2026, including 3,917 registered voters.

7 OSCE/ODIHR, United States of America, General Elections, 5 November 2024: Final Report, 11 April 2025, pp. 1–3.

8 Federal Election Commission, *Official 2020 Presidential General Election Results*, confirming Joseph Biden's victory by 306 electoral votes to Donald Trump's 232; and *Judicature, 2020 Election Litigation: The Courts Held*, reviewing the rejection of challenges to 232, Vol. 105, No. 1, 2021.

9 Associated Press, *Trump has stocked his administration with people who have backed his false 2020 election claims*, 20 February 2026. WIRED, *Hundreds of Election Deniers Will Be on the Ballot This November,* 17 September 2026.

10 US Constitution, Article I, section 4, clause 1; Article II, section 3; and Amendments I, V, XIV, XV, XIX, XXIV and XXVI.

The Voting Rights Act (VRA) prohibits racial discrimination in voting and provides language-assistance protections.[11] The National Voter Registration Act (NVRA) regulates registration and voter-list maintenance.[12] The Help America Vote Act (HAVA) establishes minimum requirements for voting systems, provisional voting and registration databases. It also creates the Election Assistance Commission (EAC).[13] The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), protects absentee voting rights for eligible military and overseas voters,[14] while the Federal Election Campaign Act (FECA) regulates federal campaign finance.[15] Electoral procedures nevertheless vary substantially across states.

The legal framework provides a basis for conducting democratic elections, although concerns remain over its implementation and recent efforts to change electoral procedures.[16] During the current administration, several federal legislative proposals have sought to alter voter registration, identification and postal voting requirements. As of 30 October 2026, the SAVE Act and the SAVE America Act had passed the House but had not been enacted, while the Make Elections Great Again Act remained at the committee stage. Their proposed requirements were therefore not applicable federal law for these elections.

The US is a party to the International Covenant on Civil and Political Rights (ICCPR) and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), subject to reservations, understandings and declarations.[17] It has also undertaken OSCE electoral commitments.[18] However, it has signed but not ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of Persons with Disabilities (CRPD).[19] Moreover, the current administration has reduced participation in international human rights scrutiny. The US ceased participating in the United Nations (UN) Human Rights Council (HRC) in February 2025, after its elected membership term had expired in December 2024.[20] It also declined to participate in its Universal Periodic Review scheduled for November 2025, which was subsequently rescheduled by the HRC for November 2026.[21] These decisions did not terminate existing treaty obligations.

Executive orders and administrative measures have sought to change electoral procedures, including citizenship verification, postal voting and information sharing between state and federal authorities. These initiatives have raised concerns about the constitutional limits of federal executive authority in electoral matters.[22] As of 30 October 2026, courts had permanently blocked the requirement for

[11] Voting Rights Act of 1965, as amended, Pub.L. 89-110: in particular 52 U.S.C. Section 10301 (racial discrimination) and Paragraph 10503 (language assistance).
[12] National Voter Registration Act of 1993, as amended, Pub. L. 103–31. 52 U.S.C. Section 20501–20511.
[13] Help America Vote Act of 2002, as amended, Pub. L. 107–252. 52 U.S.C. Section 20901–21145, particularly Paragraphs 21081–21083.
[14] Uniformed and Overseas Citizens Absentee Voting Act of 1986, as amended, Pub. L. 99–410. 52 U.S.C. Section 20301–20311.
[15] Federal Election Campaign Act of 1971, as amended, Pub. L. 92–225. 52 U.S.C. Section 30101–30146.
[16] 119th Congress: H.R. 22, Safeguard American Voter Eligibility (SAVE) Act, passed by the House on 10 April 2025. SAVE America Act, House amendment to S. 1383, adopted on 11 February 2026. H.R. 7300, Make Elections Great Again Act, introduced on 30 January 2026 and referred to House committees. Legislative status assessed as of 30 October 2026.
[17] ICCPR (1966), particularly Article 25. ICERD (1965), particularly Article 5(c). US ratifications: 8 June 1992 and 21 October 1994 respectively. See UN treaty status and US declarations and reservations to the ICCPR.
[18] 1990 Copenhagen Document, particularly paragraphs 6–8. OSCE political commitments are distinct from treaty obligations.
[19] Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979), signed by the US on 17 July 1980. Convention on the Rights of Persons with Disabilities (CRPD, 2006), signed on 30 July 2009. Neither ratified: OHCHR status table.
[20] Executive Order 14199, section 2(a), as 4 February 2025. See also the UN's record of Council membership terms.
[21] Human Rights Council, Decision OM/19/101 of 7 November 2025, rescheduling the US review to the 53rd session of the Universal Periodic Working Group. The official session calendar confirms that the session is scheduled for 2–13 November 2026, https://hrcportal.ohchr.org/53rd-session-upr-working-group-0.
[22] Executive Order 14019, "Promoting Access to Voting" (7 March 2021), was revoked by Executive Order 14148, section 2, on 20 January 2025.

documentary proof of citizenship on the federal voter registration form under Executive Order 14248[23] and preliminarily blocked the mandatory United States Postal Service (USPS) ballot-mail rules implementing Executive Order 14399.[24] These decisions affected specific provisions rather than the executive as a whole. Separately, the expanded Systematic Alien Verification for Entitlements (SAVE) programme was permitted to operate pending appeal, without a final determination of its legality.[25]

The federal division of authority, together with checks and balances, judicial review and civil society scrutiny, provides safeguards for electoral integrity. IREA interlocutors emphasised the resilience of state and local election officials, courts and civil society, while describing the scale of federal pressure on the process as unprecedented. Federal interventions, including Department of Justice (DoJ) actions directed at election administrators, have raised concerns about institutional impartiality and trust. The effectiveness of these safeguards depends on timely judicial remedies, compliance with court decisions, and election administrators' ability to fulfil their responsibilities independently.

5. Electoral System and Redistricting

Members of the House of Representatives are elected in single-member constituencies, while senators are elected statewide. Congressional elections predominantly use plurality voting (*first-past-the-post*), although some states require run-off elections or use ranked-choice voting. Since 2024, some jurisdictions have changed their voting methods. Washington, DC, introduced ranked-choice voting for eligible contests from June 2026, while several states adopted legislation restricting its use.[26]

Mid-decade congressional redistricting has become an unusually widespread feature of the 2026 elections. Rare in recent decades outside court-ordered changes, redistricting between censuses has been pursued in several states for partisan advantage. By October 2026, nine states were due to use congressional maps different from those used in 2024, following voluntary redistricting, legal requirements or court rulings.[27]

Congressional districts must comply with constitutional requirements for population equality and racial non-discrimination, while states retain considerable discretion over redistricting procedures. Most states rely on their legislatures, although some use independent or bipartisan commissions. In *Rucho v. Common Cause* (2019), the US Supreme Court held that federal courts could not decide partisan gerrymandering claims under the federal Constitution. State constitutional protections and legal challenges to racial discrimination remain important safeguards.[28]

---

[23] Executive Order 14248, "Preserving and Protecting the Integrity of American Elections", 25 March 2025, Section 2(a). *California v. Trump*, No. 25-cv-10810-DJC (D. Mass.), memorandum and order granting permanent injunctive relief, 24 June 2026.

[24] Executive Order 14399, "Ensuring Citizenship Verification and Integrity in Federal Elections", 31 March 2026, Section 3. Preliminary injunction issued on 4 September 2026. In *United States Postal Service v. California*, No. 26A305, the Supreme Court denied a stay on 14 September 2026, leaving the injunction in force.

[25] Department of Homeland Security v. League of Women Voters, No. 26A308, Supreme Court order of 25 September 2026 granting a stay pending appeal. The SAVE programme is distinct from the proposed SAVE legislation.

[26] District of Columbia Board of Elections, Ranked Choice Voting in DC, applicable to eligible contests with three or more candidates from the June 2026 primary elections. National Conference of State Legislatures, Ranked Choice Voting and 2026 Election Enactments, documenting restrictions adopted in several states, including Indiana and Ohio in 2026.

[27] Pew Research Center, *Redistricting Between Censuses Has Been Rare in the Modern Era*, 28 August 2025; Ballotpedia, *Redistricting Ahead of the 2026 Elections*, updated 28 October 2026. The nine states are Alabama, California, Florida, Louisiana, North Carolina, Ohio, Tennessee, Texas and Utah. Ohio's redistricting was required by state law, while changes in Alabama, Louisiana and Utah followed litigation.

[28] National Conference of State Legislatures (NCSL), *Redistricting Criteria*. US Supreme Court, *Rucho v. Common Cause, 27 June* 2019. The ruling concerned partisan gerrymandering claims and did not exclude federal judicial review of claims concerning population inequality or racial discrimination.

Following President Trump's call for redistricting to secure additional Republican seats, the Republican-controlled Texas Legislature adopted a new congressional map favouring Republican candidates. In response, California voters approved Proposition 50 in November 2025, authorising legislatively drawn maps favouring Democrats for the 2026–2030 elections in place of the independent commission's map. Both maps faced legal challenges but remained applicable for the 3 November elections.[29] In Missouri, a map favouring Republicans was used for the August primaries, but a citizen-initiated referendum petition and subsequent court rulings prevented its use in November, leaving the 2022 map applicable.[30]

Judicial decisions have also reshaped the legal framework for minority representation. In *Louisiana v. Callais* (2026), the US Supreme Court invalidated Louisiana's congressional map containing a second majority-Black district as an unconstitutional racial gerrymander. The ruling also imposed stricter requirements for establishing racial vote dilution under Section 2 of the Voting Rights Act.[31] Taken together, these developments raise concerns about electoral equality, legal certainty and the partisan manipulation of district boundaries, particularly where electoral maps change shortly before voting.[32]

6. Election Administration

The administration of elections is highly decentralised, with states responsible for their overall oversight and local authorities conducting elections across thousands of jurisdictions.[33] At the federal level, the Election Assistance Commission (EAC) administers funding under the Help America Vote Act (HAVA), maintains the National Mail Voter Registration Form, certifies voting systems and provides technical guidance to election officials.

The independence and operational capacity of the EAC have come under pressure. The dismissal by President Trump of two commissioners and the resignation of the remaining commissioner on 9 July 2026 left all four seats vacant, preventing decisions requiring approval by at least three commissioners. While staff retain authority to distribute grants, provide technical assistance and certify voting systems under existing guidelines, the commission cannot adopt new policies or revise those guidelines.[34]

In 38 states, the chief election official is a secretary of state, directly elected (31), selected by the state legislatures (3) or appointed by the governor (4). In Alaska and Utah, the directly elected lieutenant governor fulfils this role. In the remaining ten states, bipartisan election boards or commissions oversee election administration.[35]

---

29 NCSL, *Changing the Maps: Tracking Mid-Decade Redistricting*. California Secretary of State, *California Redistricting*. US Supreme Court, *Abbott v. League of United Latin American Citizens*, No. 25-845, order of 27 April 2026, and *Tangipa v. Newsom*, No. 25A839, order of 4 February 2026.

30 US Supreme Court, People Not Politicians v. Onder, No. 26A388, Order of 25 September 2026. Alicia Bannon, *The Chaos of Missouri's Redistricting Litigation*, State Court Report, 9 September 2026, updated 28 September 2026.

31 US Supreme Court, *Louisiana v. Callais*, 29 April 2026, particularly pp.22-31 of the majority opinion. The Court required evidence supporting a strong inference of intentional racial discrimination and revised the framework for assessing claims under Section 2.

32 National Conference of State Legislatures, *Changing the Maps: Tracking Mid-Decade Redistricting*, documenting changes to congressional maps and related litigation ahead of the 2026 elections.

33 EAC, *Election Administration and Voting Survey 2024 Comprehensive Report*, June 2025. The survey covered 6,461 reporting jurisdictions, which do not correspond uniformly to individual election administration bodies.

34 Congressional Research Service, *Commission Without Commissioners: The U.S. Election Assistance Commission*, updated 1 September 2026. EAC, *Operations in the Absence of Commissioners*, August 2026. The fourth commissioner had resigned in April 2026.

35 National Association of State Election Directors, "*Who runs/administers elections?*". See also NCSL, *Election Administration at State and Local Levels*, updated 13 January 2026. Some states share responsibilities between a secretary of state and an election board.

Partisan affiliations and appointment procedures can create conflicts of interest and raise concerns about impartial decision-making.[36] Despite previous ODIHR recommendations, state chief election officials may oversee elections in which they are themselves candidates.[37] This includes 11 of the 13 incumbent secretaries of state standing for re-election and Wyoming's secretary of state, who is running for the US House of Representatives.[38] IREA interlocutors also raised concern about the impartiality of election oversight and enforcement in Texas, citing the roles of partisan state officials, including the governor and attorney general. At local level, elections are administered primarily by county, municipal and township authorities, with responsibilities varying by state.

Election administration is funded mainly from state and local sources. Some IREA interlocutors described funding as insufficient and unpredictable, limiting long-term planning. In a 2026 survey, 80 per cent of responding local election officials reported needing larger budgets to meet election administration and security needs over the next five years.[39] Federal appropriations for HAVA election security grants fell from USD 55 million in fiscal year 2024 to USD 15 million in 2025 before rising to USD 45 million in 2026.[40]

Federal executive actions have raised concerns about respect for the constitutional division of electoral authority and the risk of undue political interference. Executive orders seeking to change voter registration and postal voting rules created legal uncertainty, although courts blocked key provisions.[41] The Federal Bureau of Investigation's (FBI) seizure of 2020 election records in Fulton County (Georgia), alongside requests for election records in other states, prompted some state and local election officials to strengthen legal and operational preparations for possible federal intervention.[42] At the same time, voter confidence in local election administration remained high, with 87 per cent of registered voters expecting elections to be well administered.[43] Most IREA interlocutors highlighted experience and cooperation among state and local election officials as important safeguards against federal pressure.

Threats and intimidation against election officials remained a persistent concern. A survey published in April 2026 found that 32 per cent of responding local election officials had experienced threats, harassment or abuse because of their work.[44] In mid-October, suspicious letters targeted election offices in at least 32 states. Most were intercepted, and substances tested were reported harmless, although some offices were

---

[36] North Carolina's Session Law 2024-57 transferred appointment authority for the State Board of Elections from the governor to the state auditor, effective 1 May 2025. The subsequent appointments changed the board's majority from Democratic to Republican. The Court of Appeals upheld the transfer in *Stein v. Hall*, No. COA25-652, on 16 September 2026. The governor sought Supreme Court review in October 2026.

[37] OSCE/ODIHR, *United States, General Elections, 5 November 2024: Final Report*, 11 April 2025, p. 10 and priority recommendation 3.

[38] MultiState, *2026 Secretary of State Elections*. Of the 13 incumbents seeking re-election, the secretaries of state of Illinois and South Carolina do not serve as chief election officials. See NASED, *Election FAQs*. Wyoming Secretary of State, *2026 General Election Candidate Roster*, 9 September 2026, p. 1, lists Secretary of State Chuck Gray as a candidate for the US House of Representatives.

[39] Brennan Center for Justice, *Local Election Officials Survey 2026*, 13 April 2026. The survey received responses from 834 local election officials between 27 January and 26 February 2026.

[40] EAC, *Election Security Grant* and *FY2024 Election Security Allocation*. Figures refer to annual federal appropriations for this grant programme.

[41] US District Court for the District of Massachusetts, California v. Trump, No. 25-cv-10810-DJC, order of 24 June 2026, permanently enjoining specified provisions of Executive Order 14248. US Supreme Court, United States Postal Service v. California, No. 26A305, order of 14 September 2026, declining to stay the preliminary injunction concerning Executive Order 14399.

[42] US District Court for the Northern District of Georgia, *Pitts v. United States*, No. 1:26-cv-00809-JPB, order of 6 May 2026. The court declined to order the return of the seized records. On officials' preparations, see Reuters, *Election officials prepare for chaos as Trump seeks to tilt the midterms to Republicans*, 15 September 2026.

[43] Pew Research Center, Broad Public Confidence in Elections in the U.S. – but Partisans Differ Over Concerns About Access, Security: Additional charts, 20 October 2026. Survey conducted from 28 September to 4 October 2026. The figure combines respondents expecting elections to be administered "very well" or "somewhat well".

[44] Brennan Center for Justice, *Local Election Officials Survey 2026*, 13 April 2026. The findings concern respondents' experiences in their roles and do not measure incidents specifically during the 2026 campaign.

evacuated.[45] On 15 October, the FBI issued a public warning about threats to election workers.[46] Separately, DoJ letters dated 29 October 2026, reportedly sent to all 50 states, warned of criminal penalties for wilfully failing to preserve election records. Their timing and emphasis on prosecution prompted concerns about intimidation.[47]

7. Voting Rights, Voter Registration and Identification

The US Constitution and federal legislation protect voting rights, while detailed eligibility and registration arrangements vary substantially across states. The voting-age citizen population is projected at approximately 250 million for November 2026. Available state data indicate around 210 million registered voters as of September 2026.[48] In its assessment of the 2024 elections, ODIHR identified the lack of full congressional representation for residents of the District of Columbia and US territories, and restrictions associated with criminal convictions and intellectual or psychosocial disability, as inconsistent with universal and equal suffrage standards. An estimated four million US citizens (1.7 per cent of the adult citizen population) were disenfranchised in 2024 because of felony convictions, including approximately 1.6 million who had completed their sentences. [49]

Except in North Dakota, eligible citizens must be registered to vote. The National Voter Registration Act (NVRA) and Help America Vote Act (HAVA) set federal minimum standards, while registration procedures and deadlines vary by state. In 2026, 42 states and DC offered online voter registration, and 24 states and DC permitted some form of same-day or election-day registration. Automatic voter registration had been enacted or implemented in 24 states and DC**,** generally through interactions with designated government agencies**.**[50]

Interstate co-operation on voter registration list maintenance remains uneven. The Electronic Registration Information Center (ERIC), which helps participating jurisdictions identify duplicate registrations and records of voters who have died or moved, lost nine member states in 2022 - 2023. Membership has since partially recovered to 27 states and DC, including Virginia, which rejoined in April 2026, but remains below 2022 levels, limiting the coverage of interstate data matching. Preliminary research found that officials interviewed in states that withdrew reported greater workloads and difficulties obtaining interstate data, particularly on voters who had moved. Alternative arrangements include the Alabama Voter Integrity Database (AVID), which has data-sharing agreements with 10 other states.[51]

---

45 David Gilbert, Election Offices in at Least 32 States Have Received Suspicious Letters, WIRED, 19 October 2026.

46 FBI, *FBI Cautions About Threats to Election Workers Ahead of the November 2026 Midterm Election*, public service announcement, 15 October 2026.

47 Jessica Huseman, *DOJ again warns election officials of potential criminal prosecution, days before midterm elections*, Votebeat, 30 October 2026. The letters concerned the existing requirement to preserve federal election records for 22 months.

48 Pew Research Center, *The U.S. Electorate's Changing Racial and Ethnic Makeup*, 10 September 2026. The projection covers citizens aged 18 or over in the 50 states and District of Columbia, without adjusting for disenfranchisement or including citizens living abroad. USAFacts, *How Many Voters Have a Party Affiliation?*, updated 29 September 2026. Registration figures use the latest available data from each state, with differing reference dates.

49 OSCE/ODIHR, *United States, General Elections, 5 November 2024: Final Report*, 11 April 2025, pp. 15–16. The Sentencing Project, *Locked Out 2024: Four Million Denied Voting Rights Due to a Felony Conviction*, 10 October 2024, Table 2

50 National Conference of State Legislatures (NCSL), *Online Voter Registration*, updated 19 May 2026; *Same-Day Voter Registration*, updated 27 March 2026; and *Automatic Voter Registration*, updated 19 August 2026. The same-day registration total includes three states offering it only during early voting.

51 ERIC, *About ERIC*. Virginia Department of Elections, *Virginia Resumes Membership in Multistate Data Sharing Compact*, 30 April 2026. Anita Manion and David Kimball, *The Challenges of Voter List Maintenance After a State Leaves ERIC*,

Federal efforts to verify voter eligibility and obtain statewide voter records intensified before the elections, raising questions about data accuracy, privacy and the division of authority between federal and state governments. By late October, at least 16 states had provided the Department of Justice (DoJ) with unredacted statewide voter-registration lists containing sensitive personal information, while the DoJ had filed 31 lawsuits against 30 states and the DC to obtain voter records. The administration maintains that these measures support compliance with federal election law and the removal of ineligible registrations.[52]

However, checks using the federal citizenship-verification system in Texas flagged some voters who had already provided proof of US citizenship. State election authorities instructed local officials to reinstate those whose registrations had been cancelled.[53] Judicial review also constrained federal collection and use of voter data. On 9 October, a federal district court vacated the DoJ's nationwide voter-list maintenance policy, finding that it exceeded statutory authority and violated administrative and privacy requirements. The DoJ appealed on 16 October.[54]

Voter-identification and registration requirements remain contested across states. Thirty-six states request or require identification at polling stations, with varying rules on acceptable documents and procedures for voters without them.[55] While intended to verify voters' identity and protect electoral integrity, restrictive requirements may disproportionately affect eligible voters who face difficulties obtaining documentation. Restrictions on third-party registration assistance may also impede participation. Voter-list removals raise particular concerns where notification, opportunities to correct errors and access to remedies are inadequate. As a safeguard, federal law generally requires systematic voter-removal programmes to be completed at least 90 days before a federal election, subject to statutory exceptions.[56]

8. Candidate Registration

Candidate registration is primarily regulated by state law, resulting in considerable variations in nomination procedures, filing deadlines, supporting-signature requirements and ballot-access conditions. ODIHR's 2022 and 2024 assessments identified persistent obstacles for independent and smaller-party candidates. In 2024, six states required supporting signatures exceeding one per cent of the electorate for Senate candidacies and 16 states for House candidacies. Ballotpedia's 2026 data confirm that significant disparities persist: for example, independent Senate candidates must collect 25,000 signatures in Illinois,

MIT Election Data and Science Lab, 24 September 2026, presenting preliminary interview findings. Alabama Secretary of State, *Alabama Voter Integrity Database*.

52 Brennan Center for Justice, *Tracker: Justice Department Requests for Voter Information*, 26 October 2026; University of Wisconsin Law School, State Democracy Research Initiative, *Tracker of DOJ Lawsuits Seeking States' Sensitive Voter Data*, 26 October 2026. EAC, *Voter-lists: Registration, Confidentiality, and Voter List Maintenance*, 23 December 2025.

53 Votebeat, *Texas confirms some flagged as potential noncitizens on voter rolls had provided DPS proof of citizenship*, 30 July 2026. The checks used the federal Systematic Alien Verification for Entitlements (SAVE) system. The number of eligible voters whose registrations had actually been cancelled was not established.

54 US District Court for the District of Columbia, *Common Cause et al. v. US Department of Justice et al.*, Memorandum Opinion, 9 October 2026; US Department of Justice, Office of Legal Counsel, *Authority to Obtain and Share Statewide Voter Roll Data*, 12 May 2026; *Common Cause v. DOJ*, case docket, recording the appeal of 16 October 2026.

55 NCSL, *Voter ID Laws*, updated 3 September 2026. Twenty-four states request or require photo identification, while 12 also accept non-photo identification. Fourteen states and DC use other methods to verify voters' identity. These figures concern in-person voting.

56 OSCE/ODIHR, *United States, General Elections, 5 November 2024: Final Report*, 11 April 2025, pp. 17–18, documenting barriers associated with identification requirements and restrictions on registration assistance. National Voter Registration Act, Section 8(c)(2), codified at 52 U.S.C. 20507(c)(2). Exceptions to the 90-day rule include removals requested by voters, removals following death or disqualification under state law for criminal conviction or mental incapacity, and corrections to registration records.

compared with 5,000 for established-party candidates, while in South Carolina, unaffiliated candidates require signatures from five per cent of active registered voters, up to a maximum of 10.000 signatures.[57]

Candidate nomination and ballot access became contentious in several states. In Alaska, the presence of two candidates named Dan Sullivan on the Senate ballot prompted allegations of strategic candidate recruitment and potential voter confusion. Investigative journalism documented alleged efforts involving operatives associated with the Democratic candidate and party committee, which both denied involvement. The Alaska Supreme Court rejected an attempt to remove the similarly named candidate, while the DoJ subsequently initiated proceedings seeking to prevent certification under certain circumstances.[58]

In Nebraska, candidate nomination and ballot access also became contentious, when an independent Senate candidate challenged the incumbent. Following the withdrawal of the Democratic nominee, two newly established political parties qualified candidates for the ballot, prompting legal challenges from both major parties over allegedly misleading party names. On 26 August, the Nebraska Supreme Court upheld the parties' ballot access, rejecting one objection on substantive grounds and the other as untimely.[59]

9. Early and Absentee Voting

Alternative voting methods, comprising early in-person and absentee voting, provide eligible voters more opportunity to cast their ballot. As highlighted in previous ODIHR reports, opportunities for using alternative voting methods differ substantially across states and create unequal conditions for the exercise of the vote. As of 1 November, more than 54 million voters had already cast their ballot.[60]

Early in-person voting of some type is allowed in all states bar Alabama, Mississippi and New Hampshire.[61] The duration and timeframe of early voting varies greatly between states, from 3 days in Kentucky to 46 days in Minnesota.

Absentee voting is possible in all states. Eight states remain “all-mail states” where voters automatically receive absentee ballots by mail.[62] Voters in 29 states can request an absentee ballot without providing a justification, up by one state (Connecticut) since 2024, while voters in 13 states must provide a justification. Ten states maintain permanent absentee or mail voting lists that allow any voters to automatically receive ballots for subsequent elections whereas nine states provide this option to voters with permanent disabilities. States differ extensively when it comes to voter identification requirements, time frame and deadlines for requesting and sending an absentee ballot. For domestic absentee voting, 35 states require mailed ballots to be received on or before election day. The remaining 15 states and DC accept ballots received after election day, provided they meet applicable postmark requirements and arrive within the prescribed period. North Dakota and Ohio removed the possibility for mailed ballots to arrive after election day.[63]

Drop boxes remain permitted by law in 29 states, prohibited in 11, and not regulated in the remaining 10 states.[64] In the run-up to the election, discussion on drop boxes evolved around their security and

[57] ODIHR 2022 Final Report, pp. 20–21; ODIHR 2024 Final Report, pp. 18–19; Ballotpedia, 2026 Congressional Signature Requirements and Deadlines.
[58] *New York Times*, 28 October 2026.
[59] Nebraska Supreme Court, *Nebraska Republican Party v. Evnen*, 26 August 2026; Nebraska Examiner, 24 August 2026.
[60] University of Florida Election Lab
[61] NCSL, Early in-person voting.
[62] NCSL, *Voting Outside the Polling Place: Absentee, All-Mail and Other Voting at Home Options*.
[63] In Kansas, a similar law has been blocked in the court, meaning that the three-days grace period remains in place for the 2026 midterm elections.
[64] NCSL, *Table 9: Ballot Drop Box Laws*.

availability. IREA interlocutors noted that election officials in some states encouraged voters to use the drop box alternative due to concerns around timely delivery of postal votes.

Ballot curing constitute a positive measure that allows voters to correct errors or omissions in their absentee ballot, thereby reducing the risk of the rejection of otherwise valid ballots.[65] In line with ODIHR recommendations, Connecticut and Delaware introduced state-wide statutory ballot-curing requirements, increasing the number of states that allow ballot curing from 33 in 2024 to 35 in 2026. Additionally, North Carolina has extended the period for corrections. Positively, voters who cast their vote by mail express confidence in how the system works.

Under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) of 1986, eligible US citizens living abroad, military personnel and their families can vote in federal elections. Thirty-two states permit electronic return of the ballot whilst in the remaining 18 voters are required to return their ballot by mail.[66] The decision of the Department of Defense to change the federal post card application (FPCA) form and remove the option for never-residents to indicate their actual status could discourage these voters from participating.

Executive orders 14248 (March 2025) and 14399 (March 2026) aimed to set a federal deadline for receiving mail ballots by election day and to introduce stricter USPS procedures for their distribution. Courts blocked key provisions of both orders. New USPS regulations adopted in August 2026 to implement parts of Executive Order 14399 were similarly suspended by a federal court injunction. Media reports have expressed concerns that USPS cost-cutting and restructuring measures could prevent postal ballots from reaching election offices before applicable state deadlines but the USPS has expressed confidence in its capacity to ensure timely delivery.[67]

10. Voting Technologies, Cybersecurity and Operational Resilience

The use of voting technologies varies across states and jurisdictions. For ballot marking, some 70 percent of voters live in jurisdictions using hand-marked paper ballots, 26 per cent in those using ballot-marking devices (BMDs), and 4 per cent in those using direct-recording electronic (DRE) systems, which produce a paper trail in all states except Louisiana.[68] For tabulation, optical scanners are prevalent, with hand-counting of ballot papers only used in a few jurisdictions. Federal actions to direct the EAC to make changes to its principles and standards for election equipment did not come into force although the EAC in May 2025 adopted a policy to support auditable paper-trail voting systems.[69] While acknowledging that isolated technical problems are likely to occur, IREA interlocutors expressed strong confidence in the reliability of voting and tabulation technologies and procedures in place to address such incidents.

Federal-state cooperation on election security has weakened. Reduced election-security funding, combined with staffing and programme cuts at the Cybersecurity and Infrastructure Security Agency (CISA) within the Department of Homeland Security (DHS) has raised concerns about its capacity. CISA is mandated to support security and resilience of election infrastructure through cybersecurity assistance, threat intelligence and coordination with state and local election authorities. The late publication of CISA's 2026 election security plan, only six weeks before the elections, further raise concerns around its reduced

[65] NCSL, *Table 15: States With Absentee/Mail Ballot Cure Processes*.
[66] NCSL, *Electronic Ballot Return*.
[67] Propublica, 22 October 2026; USPS, *U.S. Postal Service Says It's Business as Usual for the 2026 Election*.
[68] Verified Voting, The Verifier, Voting Equipment, November 2026
[69] Executive Order 14248 requested the EAC to change the Voluntary Voting System Guidelines (VVSG) to prohibit the use of barcodes and QR codes as well as to require voting systems to provide a paper trail. The provisions did not take legal effect following the federal court injunction.

role.[70] According to IREA interlocutors, some states had already developed alternative arrangements by this time, given uncertainties over continued federal support but also because of declining trust between federal and state/local levels.

11. Campaign and Civic Environment, Including the Use of Administrative Resources

Constitutional guarantees protect freedom of expression, association and peaceful assembly. Campaigning was conducted through rallies, televised debates, advertising, social media and voter mobilisation, amid concerns over inflation and living costs**,** the war in Iran and President Donald Trump's low approval ratings. Democrats emphasised affordability and accountability, while Republicans defended the administration's record and campaigned on taxation, immigration and social issues. Trump intensified his campaigning in the closing weeks, alongside Vice-President JD Vance, while former President Barack Obama, former Vice-President Kamala Harris and Representative Alexandria Ocasio-Cortez supported Democratic candidates.

The campaign featured confrontational rhetoric, discriminatory language, and personal attacks. In Michigan, President Trump portrayed Democratic Senate candidate Abdul El-Sayed as a Muslim extremist. In Maine, advertisements by the Democratic-aligned super PAC WinSenate accused Republican Senator Susan Collins of concealing the Epstein files and protecting child predators.[71]

Threats and harassment remained a concern, particularly for election personnel. A survey published in April found that 45 per cent of responding local election officials expressed concern about politically motivated investigations.[72] IREA interlocutors nevertheless highlighted professional networks and legal assistance helping officials withstand pressure.

Civil society organisations provided voter education, registration assistance and election protection, including multilingual hotlines. However, disclosed government records showed that, by June 2026, ICE's investigative branch had scrutinised nearly 200 organisations and considered undercover investigations into groups suspected of registering non-citizens to vote. This raised concerns about deterrent effects on lawful participation, although implementation of the contemplated undercover operations and effects on participation were not established.[73]

Several IREA interlocutors characterised the scale and nature of federal executive intervention as unprecedented, identifying the potential partisan use of executive authority, investigative powers and public resources as a major threat to electoral integrity. Government-funded advertising provided a concrete example warranting scrutiny. Customs and Border Protection issued a USD 20 million purchase order funded from border-security appropriations for advertisements promoting Trump, including material substantially reproducing a 2024 campaign advertisement. A federal court temporarily blocked further expenditure and dissemination of the advertisements, finding likely violations of appropriations restrictions

[70] CISA. *2026 Election Infrastructure Security Plan*.

[71] PolitiFact, *Trump Calls Michigan's Abdul El-Sayed a 'Jihadist,' Escalating Anti-Muslim Attacks*, 27 October 2026, found no evidence that El-Sayed advocated violence to promote Islam or belonged to the Muslim Brotherhood. FactCheck.org, *Democratic Ads Misleadingly Connect Susan Collins to Epstein*, 1 October 2026, noted that the advertisements omitted Collins's subsequent support for legislation requiring disclosure of the records.

[72] Brennan Center for Justice, *Local Election Officials Survey 2026*, 13 April 2026. The survey received responses from 834 local election officials between 27 January and 26 February 2026. The figure concerns respondents' apprehensions about future investigations, rather than documented investigations.

[73] Lawyers' Committee for Civil Rights Under Law, *Election Protection*. Democracy Forward, *Exposing and Disrupting Federal Attempts to Interfere in the 2026 Midterm Elections*, discussing internal government records on scrutiny of voter-registration organisations and contemplated undercover investigations in May–June 2026.

and prohibitions on unauthorised publicity or propaganda. The temporary restraining order was extended through 20 November, with proceedings continuing.[74]

Federal investigations and demands on election administrators also raised questions about impartiality and proportionality. In July, the FBI sought 260 personnel to investigate alleged irregularities in Fulton County's 2020 election. Three statewide counts had confirmed Biden's victory. In California, DoJ demanded rapid citizenship checks and the setting aside of ballots from voters it identified as likely non-citizens, warning officials of possible prosecution. On 28 October, a federal district court rejected the requested segregation, citing risks of disruption and disenfranchisement. DoJ appealed, but on 30 October the Ninth Circuit denied its request for an injunction pending appeal.[75]

Judicial review and state authority constrained disputed federal initiatives. Other safeguards include restrictions on public expenditure and the Hatch Act's prohibition on covered federal employees using official authority to influence elections. The president and vice-president are exempt from the Act, but this exemption does not remove separate legal restrictions on the use of public funds.[76]

Federal monitoring plans raised concerns about voter intimidation. In a court filing on 28 October, DoJ stated that FBI and ICE personnel would not serve as poll monitors and that monitors would be unarmed, exercise no law-enforcement powers and comply with state and local rules. These assurances concerned monitoring assignments and did not address other potential enforcement activity near voting locations. DoJ staff monitors have no automatic right to enter polling places and remain subject to applicable state access rules. The implementation of these safeguards and any effects on participation remained to be assessed.[77]

12. Campaign Finance

The federal statutory framework governing campaign finance has remained largely unchanged since the 2024 elections. However, subsequent judicial decisions have significantly altered the rules governing campaign expenditure, while the effectiveness of federal oversight has deteriorated. The 2026 elections have seen record independent expenditures for this stage of midterm cycle, greater reliance on wealthy donors and a significant weakening of enforcement. The Federal Election Campaign Act (FECA) retains contribution limits for candidates, while Super PACs may raise and spend unlimited sums independently; donations routed through certain non-profit organisations can obscure their original sources.[78]

According to the Brennan Center for Justice, independent expenditures by Super PACs and other groups reached USD 2 billion by the end of September 2026, a 51 per cent increase over the comparable 2022

---

[74] US District Court for the Southern District of New York, *Common Cause et al. v. Department of Homeland Security et al.*, No. 1:26-cv-08882 (JLR), opinion and order of 12 October 2026, explaining the temporary relief granted on 11 October. The order of 22 October 2026 extended that relief through 20 November with the parties' consent. The findings were interim and did not constitute a final judgment.

[75] *The Atlanta Journal-Constitution*, *FBI Presses Ahead with Probe of Georgia's 2020 Election*, 7 July 2026. US District Court for the Central District of California, *United States v. California*, No. 2:26-cv-12025-DOC-ADS, order denying a temporary restraining order, 28 October 2026. US Court of Appeals for the Ninth Circuit, same case, No. 26-7231, order denying an injunction pending appeal, 30 October 2026.

[76] Hatch Act, 5 U.S.C., Paragraph 7322(1) and Paragraph 7323(a)(1). On restrictions governing the purposes for which appropriated funds may be used, see 31 U.S.C., Paragraph 1301(a).

[77] Reuters, *US Justice Department Says FBI, ICE Agents Will Not Serve as Poll Monitors in Midterms*, 29 October 2026, reporting on the filing of 28 October. Brennan Center for Justice, *Roles and Rules for the Federal Election Monitor Programs*, 15 September 2026. DoJ staff monitors are distinct from federal observers authorised under the Voting Rights Act, whose access derives from court orders or litigation settlements.

[78] ODIHR 2024, FEC disclosure portal, Brennan Center, Dark Money Hit a Record High of $1.9 Billion in 2024 Federal Races (May 2025)

midterm figure in inflation-adjusted terms.[79] More than USD 1 billion in politically relevant funding reportedly passed through opaque channels, highlighting persistent transparency gaps and the growing importance of political spending outside the direct control of candidates and political parties. Republican-supporting organisations enjoyed a substantial advantage in outside spending, while the 40 largest donors contributed approximately USD 2.4 billion through mid-October, with exclusively Republican-supporting donors providing more than three times the amount contributed by exclusively Democratic-supporting donors.

Elon Musk emerged as the largest reported donor, with approximately USD 483 million in contributions attributed to him and one of his companies. His extensive business interests include substantial federal government contracts and are affected by regulatory and policy decisions, raising questions about potential conflicts of interest, a concern that extends to other major political donors. Significant contributions from artificial intelligence, cryptocurrency and financial-sector interests further illustrate the concentration of political financing and its potential influence on policymaking, while labour unions, previously among the largest donors, no longer feature among the 40 largest contributors.[80]

A significant legal change followed the Supreme Court's June 2026 ruling in National Republican Senatorial Committee v. Federal Election Commission (FEC), which removed federal limits on party expenditure coordinated with candidates. Party committees can consequently deploy substantially greater resources in direct co-operation with campaigns, including broadcast advertising purchased on favourable terms.

The FEC has lacked the four-member quorum required for principal enforcement decisions since April 2025 and has only two commissioners in October 2026. It therefore cannot authorise investigations, decide complaints, impose administrative penalties, adopt regulations or issue formal advisory opinions. Its staff nevertheless continue to receive and publish financial disclosures, and criminal enforcement remains possible through the DoJ. Pending FEC enforcement matters rose to 307 by October 2026 while IREA interlocutors corroborated the institutional consequences, particularly reduced deterrence, delayed remedies and uncertainty for actors seeking legal guidance.[81]

13. Media and Digital Information Environment

A. Media Environment and Freedom

The United States has a diverse media landscape, underpinned by strong constitutional protections for freedom of expression and the press. Yet media freedom has faced persistent challenges, including ownership concentration and the decline of local journalism. According to Northwestern University, some 47 million Americans have limited access to reliable local news. These challenges have also been documented by Freedom House and Reporters Without Borders. ODIHR assessments of the 2022 and 2024 elections noted partisan differences in election coverage and gaps in legal protections for journalists. The 2024 report recommended decriminalising defamation and strengthening protection against strategic lawsuits and interference with journalists' sources.

Recent assessments indicate a further deterioration in the broader environment for fundamental freedoms and independent journalism. In its 2026 report, assessing developments during 2025, Freedom House

[79] Independent expenditures are payments for communications expressly advocating the election or defeat of a clearly identified candidate, made without coordination with candidates, their campaigns or political party committees. "Independent" refers to the absence of such coordination and does not imply political neutrality. See Federal Election Commission, *Making independent expenditures*.

[80] Brennan Center for Justice, Big Money Breaks Records, Boosts GOP: 5 Things to Know About the Midterms, 13 October 2026; Big Changes to Makeup of the Biggest Midterm Donors, 27 October 2026.

[81] ODIHR 2024, CBS News 7 October 2026; FEC Office of Inspector General, Management and Performance Challenges Facing the FEC for FY 2026; FEC, Leadership and Structure; FEC, October Reporting Reminder (28 September 2026)

lowered the country's overall freedom score from 84 to 81 out of 100, pointing to growing executive dominance and pressure on free expression. The United States also fell from 57th to 64th place in the Reporters Without Borders World Press Freedom Index, while the Reuters Institute recorded a decline in public trust in news to 25 per cent, five percentage points lower than in 2025.

Since 2025, a series of government measures has added to concerns about media independence. These include the exclusion of certain news organisations from the White House over their reporting, Pentagon accreditation rules found by a federal court to constitute viewpoint discrimination, and warnings by the Federal Communications Commission chair concerning broadcast licences in connection with news coverage. The withdrawal of federal support for public broadcasting has also raised questions about the future of local public media.

Courts have intervened against some restrictions, including through a preliminary injunction issued on 13 October restoring White House access to CNN, MS NOW and Politico while litigation continued. concerning White House press access. Measures targeting media access or threatening regulatory sanctions in response to editorial content raise concerns regarding OSCE commitments on freedom of expression and freedom of the media.82 Such pressures risk constraining independent scrutiny of public authorities during the campaign. Judicial intervention provided a safeguard against particular restrictions, although preliminary relief did not constitute a final resolution of the disputes.

B. Digital Information Environment and Political Communication

Social media plays an increasingly prominent role in US political communication. Online commentators, video creators and influencers have added to an already fragmented news environment, with audiences drawing information from a growing range of sources. The Reuters Institute documents this shift. Television nevertheless remains an important source of information. According to Pew Research Center, 66 per cent of US adults obtained news from websites and apps at least sometimes in 2026, compared with 63 per cent from television and 59 per cent from social media, up from 53 per cent for social media in 2025. Among individual social media platforms, Facebook (40 per cent) and YouTube (34 per cent) were the most widely used for regular news consumption, followed by Instagram (23 per cent), TikTok (20 per cent) and X (10 per cent). These categories overlap, as respondents may use several sources.[83]

The combination of substantial political contributions and ownership of an influential platform raised concerns about the concentration of influence over political communication, particularly given the role of recommendation algorithms in shaping the visibility of political content. A study in 2026, based on a 2023 experiment, found that X's algorithmic feed amplified conservative content and influenced certain political attitudes.[84] The study does not establish comparable effects on the 2026 elections.

A review of the Meta Ad Library data for the US covering the 90 days to 26 October showed substantial advertising expenditure by organisations supporting both major parties. Reported spending by individual advertising pages included USD 9.07 million for Common Sense Voters Coalition, which identified MAGA Inc.) as the payer, USD 6.06 million for America PAC and USD 5.13 million for the Democratic National Committee. These figures reflect spending by the specified pages, rather than the organisations' total advertising expenditure, and cover social-issue and political advertising beyond the midterm elections.

---

82 Relevant OSCE commitments include paragraph 9.1 of the 1990 Copenhagen Document, concerning freedom of expression, and paragraphs 26 and 26.2 of the 1991 Moscow Document, concerning media freedom and non-discrimination against independent media in access to information, materials and facilities.

83 Pew Research Center, *News Platform Fact Sheet* and *Social Media and News Fact Sheet*, both published 19 October 2026, based on a survey of 5,166 US adults conducted on 24–30 August 2026. See also Reuters Institute, *Digital News Report 2026: United States*, 16 June 2026.

84 See Nature (2026), study on the effects of X's algorithmic feed.

The use of artificial intelligence (AI) in political advertising presents further challenges. Rules governing political deepfakes differ between states, with at least 31 states having adopted disclosure requirements or restrictions, although courts blocked some provisions. By mid-October, the Wesleyan Media Project had identified at least 220 political advertisements generated or enhanced using AI, associated with more than USD 137 million in spending. Only 27 per cent of the identified advertisements included AI disclosures. The absence of a disclosure did not, by itself, establish a legal violation, given differences in the scope and enforceability of state requirements.

The same research recorded over USD 22 million in government-funded television advertisements promoting the president and his administration as of 12 October. A federal court temporarily restricted expenditure under a separate, specifically challenged USD 20 million advertising purchase order, highlighting concerns about the distinction between government information and partisan campaigning. The court found that the challengers were likely to succeed on claims concerning appropriations restrictions and unauthorised publicity or propaganda. These were interim findings, with proceedings continuing.

Misleading election-related claims have concerned voter eligibility, postal ballots and electoral integrity, including claims originating from federal authorities.[85] At the same time, the institutional capacity to respond to such claims has faced increasing pressure. A 2026 study argued that the "censorship industrial complex" narrative helped justify staff reductions, programme cuts and reduced cooperation with technology platforms, weakening federal capacity to respond to election-related misinformation.[86]

Federal election-security support and information sharing were also reduced.[87] In an April survey, 75 per cent of responding local election officials reported receiving no additional state or local resources to offset cuts in federal election-security services.[88] These findings concern broader security capacity and do not directly measure the effectiveness of responses to misinformation. An October assessment identified gaps in platform transparency and independent scrutiny, particularly concerning the integration of AI and reduced reliance on professional human oversight.[89] Nevertheless, an October survey found that majorities of voters supporting either major party expected the elections to be administered well.[90]

C. Media and Social Media Monitoring Findings

IREA analysed 50,852 English-language Facebook posts published between 27 September and 27 October 2026 (UTC), retrieved using the keyword "midterms" using Meta's Content Library An exploratory review of a randomly selected sample found that national political figures and issues featured prominently, with economic concerns, foreign policy and immigration among the recurring topics. References to Donald Trump or "MAGA" appeared in about half of the posts, while economic concerns, foreign-policy developments and immigration were among the recurring topics in the sample reviewed. Within the reviewed sample, references to electoral integrity appeared more frequent towards the end of the monitoring period. These included allegations of voter fraud and non-citizen voting, some attributed to federal authorities, as well as concerns about possible federal interference, immigration enforcement at polling places and the absence of an ODIHR observation mission. The presence of these claims in posts did not establish their accuracy or indicate that the authors endorsed them.

---

85 Brennan Center for Justice, *Anticipating Election Misinformation in the 2026 Midterms*.
86 Renée DiResta and Dean Jackson, Propaganda, Administrative Deformation, and the Erosion of State Capacity: The Case of the "Censorship Industrial Complex", Public Administration Review, 2026.
87 Center for Democracy & Technology, *Countdown to the Midterms: Mapping the Rapid Evolution of Election Security*.
88 Brennan Center for Justice, *Local Election Officials Survey*, April 2026.
89 Institute for Strategic Dialogue, *US Election Platform Preparedness 2026*, October 2026.
90 Pew Research Center, *Broad Public Confidence in Elections in the U.S., but Partisans Differ over Concerns about Access, Security*, 20 October 2026.

Overall, discussion in the monitored sample focused strongly on national politics, while questions concerning the integrity of the electoral process received increasing attention. Political actors and commentators offered competing interpretations of electoral developments.[91]

14. Citizen and International Election Observation

Election observation remains regulated primarily by state law, with considerable differences in accreditation and access. While partisan poll watchers appointed by political parties or candidates are widely recognised, independent non-partisan citizen and international observers do not enjoy equivalent rights. ODIHR's 2024 assessment identified legal restrictions on international observation in 17 states and explicit recognition in only five jurisdictions: California, Missouri, Nebraska, New Mexico and DC. The NCSL's October 2026 survey documents substantial differences in the legal recognition and access rights of independent non-partisan and international observers across states, with some jurisdictions expressly permitting observation, others requiring discretionary authorisation, and others restricting access to partisan poll watchers. ODIHR's priority recommendation to guarantee unimpeded access for international and citizen non-partisan observers throughout the electoral process remains outstanding.

Unlike partisan poll watchers, who may monitor proceedings on behalf of candidates or parties and, in certain jurisdictions, challenge voter eligibility, independent observation by concerned citizens has grown in sight of the perceived challenges especially from federal government to the integrity of the elections. The Carter Center and partner networks are supporting approximately 1,000 citizen observers in Georgia, Michigan, Montana, Nevada and New Mexico. Other civil society coalitions are mobilising volunteers for voter protection, legal assistance and monitoring.[92]

IREA interlocutors highlighted the professionalism, experience and growing cooperation among state and local election administrators, together with the decentralised conduct of elections, as important safeguards of electoral integrity. Several interlocutors nevertheless expressed serious concerns about increased federal executive intervention in electoral matters, including DoJ requests for voter-registration data, investigations involving federal law-enforcement agencies and measures challenging established state election procedures.[93]

---

[91] The Meta Content Library sample comprises publicly accessible English-language posts matching the single keyword "midterms". The findings are not representative of wider election-related discussion on Facebook. Recorded interactions do not establish unique audience reach or electoral effects, and references to contested claims do not necessarily indicate endorsement.

[92] Carter Center, Protecting Democracy at Home, 21 October 2026. Non-partisan citizen observation initiatives include the Carter Center in Georgia, the Ford–Carter Election Observation Network in Michigan, the Montana Election Observation Initiative, the Nevada Election Observation Network and Observe New Mexico Elections. Election protection and voter assistance organisations include: Election Protection Coalition, Lawyers' Committee for Civil Rights Under Law, Common Cause, League of Women Voters, NALEO Educational Fund, NAACP and ACLU. Broader mobilisation and coordination initiatives include: Hands Off Our Vote, Election Safeguards Response Network, No Kings and Indivisible.

[93] These concerns were illustrated by federal operations targeting alleged non-citizen voter registration and voting, including the arrest of 11 individuals and charges against 28 lawful permanent residents in California on 19 October 2026. US Department of Justice, 11 Foreign Nationals Arrested in California on Federal Charges, 19 October 2026; Los Angeles Times, Feds arrest alleged noncitizen voters in California, 19 October 2026

15. Electoral Dispute Resolution and Preparedness for Post-election Processes

Electoral litigation is an established feature of US elections. Voters, candidates, parties and civil society organisations may bring claims, subject to jurisdiction and standing requirements. Federal claimants must demonstrate a concrete injury attributable to the challenged conduct and capable of judicial redress.[94] Ahead of the 2026 midterms, litigation concerned federal intervention, voting procedures and redistricting.[95] The number of lawsuits alone does not establish distrust or deficiencies in the process.

Courts provided a check on executive action by blocking or suspending certain federal measures affecting electoral procedures. Other judgments expanded presidential authority over independent federal agencies and narrowed the legal grounds for challenging racial vote dilution in congressional redistricting.

On 29 June 2026, in *Watson v. Republican National Committee*, the Supreme Court held that federal election-day statutes did not prevent Mississippi from counting postal ballots postmarked by election day and received within five subsequent business days.[96] Thereafter, in *USPS v. California* (14 September), it declined to suspend an injunction against postal-ballot rules implementing Executive Order 14399. These requirements remained blocked as of 30 October, pending further proceedings. This was interim relief, not a final ruling on legality.[97]

In *Trump v. Slaughter* (29 June 2026), the Court invalidated statutory protections against presidential removal of Federal Trade Commission members. The White House cited the judgment when the remaining EAC commissioners departed on 9 July following two dismissals and one resignation.[98] Without commissioners, the EAC could not adopt new policies, although delegated staff operations continued.[99] These developments constrained institutional oversight.

As discussed in Section 5, the Supreme Court's ruling in *Louisiana v. Callais* also illustrated the evolving limits of federal judicial remedies against racial vote dilution, with implications for the effective protection of voting rights.[100]

Pre-election remedies include temporary restraining orders and preliminary injunctions. The *Purcell* principle cautions federal courts against changing election rules close to polling because of the risks of voter confusion and administrative disruption. This consideration can limit access to timely relief.[101]

After polling, state and local authorities canvass returns, reconcile records, determine the treatment of provisional and postal ballots, and certify results. Election-night totals are unofficial, and certification deadlines vary.[102]Michigan expressly makes certification nondiscretionary and provides for state completion of overdue local canvasses. Courts may compel performance of a clear legal duty where applicable.[103] Recounts verify vote totals, while election contests challenge an election's conduct or

---

94 US Constitution, Article III, section 2. FDA v. Alliance for Hippocratic Medicine, 602 U.S. 367 (2024), opinion, pp. 8–9 and 21–24.

95 Election Reformers Network, Election Litigation Tracker, 28 October 2026.

96 Watson v. Republican National Committee, No. 24–1260, Supreme Court, judgment of 29 June 2026, majority opinion, pp. 5–21.

97 USPS v. California, No. 26A305, Supreme Court, stay denied 14 September 2026. Case docket, status as of 30 October 2026.

98 Trump v. Slaughter, No. 25–332, judgment of 29 June 2026. Congressional Research Service, Commission Without Commissioners: The U.S. Election Assistance Commission, IN12713, 1 September 2026.

99 EAC, Commission Operations in the Absence of Commissioners, August 2026, p. 1.

100 Louisiana v. Callais, Nos. 24–109 and 24–110, Supreme Court, judgment of 29 April 2026, majority opinion, Parts III–IV.

101 Federal Rules of Civil Procedure, Rule 65. Purcell v. Gonzalez, 549 U.S. 1 (2006), pp. 4–5.

102 EAC, Election Results, Canvass, and Certification. For example, California's 2026 calendar provides for county certification by 3 December and state certification on 11 December.

103 Michigan Constitution, Article II, section 7(3). MCL 168.822(2)–(3) and 168.842(5). Michigan Judicial Institute, Civil Proceedings Benchbook, 9.9 Mandamus.

outcome. Eligibility, deadlines, costs and remedies vary by state and office, making prompt access to legal assistance and records important.[104]

Under Article I, section 5, of the US Constitution, each chamber judges the elections, returns and qualifications of its members.[105] The Federal Contested Election Act requires a House contestant to file and serve notice within 30 days after the authorised state authority declares the result and to substantiate the claim. The Committee on House Administration considers contests for decision by the House.[106] The Senate follows its own procedures.[107] Congressional terms begin on 3 January 2027, although contests may continue after members are seated.[108]

Court decisions blocking or suspending certain federal electoral measures demonstrated the continuing capacity of judicial review to constrain executive action. Established state procedures and avenues for judicial redress provided further safeguards, although other rulings narrowed existing legal protections. These developments indicated elements of institutional resilience, but did not establish how effectively remedies would operate under the pressures of closely contested results.

Some IREA interlocutors characterised the risks as unprecedented and expressed concern that unlawful actions might not be remedied in time. Effective protection depended on access to the competent authority, the preservation and examination of evidence, timely and reasoned decisions, and compliance with them. Disputes concerning the processing and counting of early, postal and provisional ballots, as well as certification, could require adjudication within short statutory deadlines. Delayed relief could therefore limit the practical protection afforded by otherwise established procedures. The post-election period remained an important test of whether these safeguards could secure lawful counting and certification while providing fair and effective remedies against errors or unlawful interference.

[104] NCSL, Election Recounts, updated 19 October 2026, and Contested Election Deadlines, updated 5 November 2024.
[105] US Constitution, Article I, section 5, clause 1.
[106] Federal Contested Election Act, Pub. L. 91–138 (1969), as amended, 2 U.S.C. 381–396, particularly 382(a) and 385. House of Representatives, Contested Elections.
[107] US Senate, Contested Senate Elections.
[108] US Constitution, Twentieth Amendment, section 1. CRS, Federal Contested Election Act overview, IF11734.

List of Abbreviations

AI	Artificial Intelligence
AVID	Alabama Voter Integrity Database
BMD	Ballot-Marking Device
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CET	Central European Time
CISA	Cybersecurity and Infrastructure Security Agency
CRPD	Convention on the Rights of Persons with Disabilities
DC	District of Columbia
DHS	Department of Homeland Security
DoJ	Department of Justice
DoP	Declaration of Principles for International Election Observation
DRE	Direct-Recording Electronic Voting System
EAC	Election Assistance Commission
ERIC	Electronic Registration Information Center
FBI	Federal Bureau of Investigation
FECA	Federal Election Campaign Act
FEC	Federal Election Commission
FPCA	Federal Post Card Application
HAVA	Help America Vote Act
HRC	Human Rights Council
ICCPR	International Covenant on Civil and Political Rights
ICE	Immigration and Customs Enforcement
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
IREA	International Remote Election Assessment
MAGA	Make America Great Again
MIT	Massachusetts Institute of Technology
NCSL	National Conference of State Legislatures
NVRA	National Voter Registration Act
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Co-operation in Europe
PAC	Political Action Committee
SAVE	Systematic Alien Verification for Entitlements
UN	United Nations
UOCAVA	Uniformed and Overseas Citizens Absentee Voting Act
UPR	Universal Periodic Review
US	United States
USD	United States Dollar
USPS	United States Postal Service
UTC	Coordinated Universal Time
VRA	Voting Rights Act
VVPAT	Voter-Verified Paper Audit Trail
VVSG	Voluntary Voting System Guidelines