



**UNITED NATIONS ASSOCIATION
OF THE UNITED STATES OF AMERICA**

Westchester Chapter



UNA USA

Southern New York State Division

UN Universal Periodic Review

Joint Stakeholder Report:

United States of America

“Election Integrity and U.S. Performance”

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Contact: Marica Brewster, Vice President of United Nations Association-Westchester

mmbrewsterny@gmail.com

35 Heath Place

Hastings on Hudson, NY 10706

The United Nations Association —Westchester Chapter (UNA-Westchester) is dedicated to educating, inspiring and mobilizing Americans to support the principles and vital work of the United Nations, strengthening the United Nations system, promoting constructive United States leadership in that system and achieving the goals of the United Nations Charter. For more information, please visit: <https://unawestchester.weebly.com/>

The United Nations Association — Southern New York State Division (UNA-SNY) is dedicated to building a strong network of global citizens in support of the United Nations. We work hard to inform, inspire and mobilize members of the community to engage with critical global issues central to the work and mission of the United Nations. We include the New York, Brooklyn, Queens, Bronx, Long Island, Mid-Hudson Valley, and Westchester UNA-USA Chapters and groups. The goal of the division is to foster dialogue and awareness in the region, as well as to coordinate with our chapters and the broader UNA-USA network. For more information, please visit: <http://www.unasny.org/>.

A. Summary: Election Integrity and U.S. Performance

(A1) Towards the goal of contributing primary-source input for the Universal Periodic Review of the United States in May 2020, UNA-Westchester, UNA-Southern New York State, and Citizens for Voting Integrity New York submit this joint stakeholder report with a focus on election integrity and U.S. performance. To compile this report, UNA-USA Chapters relied on grassroots consultation sessions with local advocates and organizations. Specifically, this report addresses three issues:

- Flawed Election Administration;
- Disenfranchisement of Vulnerable Populations; and
- Security of Voting Methods.

(A2) The United Nations Association — Westchester Chapter (UNA-Westchester)ⁱ is dedicated to educating, inspiring, and mobilizing Americans to support the principles and vital work of the United Nations, strengthening the United Nations system, promoting constructive U.S. leadership in that system and achieving the goals of the UN Charter.

(A3) The United Nations Association — Southern New York State Division (UNA-SNY)ⁱⁱ is dedicated to building a strong network of global citizens in support of the United Nations. We work hard to inform, inspire and mobilize members of the community to engage with critical global issues central to the work and mission of the United Nations. We include the New York, Brooklyn, Queens, Bronx, Long Island, Mid-Hudson Valley, and Westchester UNA Chapters and groups. The goal of the division is to foster dialogue and awareness in the region, as well as to coordinate with our chapters and the broader UNA-USA network.

B. Methodology

(B1) This joint stakeholder report was compiled through a consultation session held by UNA-Westchester, UNA-SNY, and Citizens for Voting Integrity New York on September 5, 2019. Participants included a group of 27 experts and interested citizens as well as two presenters on Skype, two messages, and one video from experts on the subject. Participants were asked to share their firsthand experiences on the domestic U.S. human rights record pertaining to election integrity and offer constructive ideas, suggestions, and recommendations. A rapporteur was present to record, consolidate, and synthesize output from each discussion. In drafting and compiling this report, UNA-Westchester, UNA-SNY, and Citizens for Voting Integrity have identified prominent trends, recommendations and other content that emerged from the consultation. The findings, conclusions, and recommendations therein are submitted with the goal of constructively advancing human rights in the U.S.ⁱⁱⁱ

C. Legal Framework

(C1) Article 21 of the Universal Declaration of Human Rights affirms that “everyone has the right to take part in the government of one’s country, directly or through freely chosen representatives; that the will of the people shall be the basis of the authority of government; and that 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.”

(C2) The International Covenant on Civil and Political Rights (ICCPR) states that every citizen shall have the right to vote and seek election as well as the opportunity to do so without unreasonable restrictions.^{iv}



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Although the United States is legally bound to uphold the provisions of the ICCPR, the country has seen widespread instances of, inter alia, voter suppression, disenfranchisement of currently and/or formerly incarcerated persons, and inaccessibility of voting and elections. The U.S. may be failing to meet its obligations to the UDHR and ICCPR to ensure “genuine” elections in which the will of the people is accurately represented. The State has been accused of overlooking present threats to election security including intentional outside interference and unreliable voting technology.

(C3) The U.S. has acted as the main sponsor for a biennial, consensus resolution in the General Assembly Third Committee on “Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization” since 2007. During the 2015 UPR process, the U.S. agreed to recommendations regarding election-related disenfranchisement of incarcerated and previously-incarcerated people. Target 16.7 of the Sustainable Development Goals, which are universal, commits governments to “ensure responsive, inclusive, participatory and representative decision-making at all levels.”

(C4) The United States is a member of the Organization of American States, whose Charter states, “representative democracy is an indispensable condition for the stability, peace and development of the region,”^v and establishes that one of its purposes is “to promote and consolidate representative democracy, with due respect for the principle of non-intervention.”^{vi}

(C5) U.S. domestic law states that any person should be able to run for public office so long as they meet certain established eligibility requirements (age, residency, etc.). Nevertheless, gaps in campaign finance laws create barriers to entry for members of certain groups wishing to seek elected office. The U.S. Civil Rights Act of 1964 protects individuals’ right to vote by stating that no person may “deny the right of any individual to vote in any Federal election because of an ... error or omission [which] is not material in determining whether such individual is qualified under State law to vote in such election.”^{vii} Additionally, no elections official may, when determining whether someone is qualified to vote, “apply any standard, practice, or procedure different from the standards, practices, or procedures applied under such law or laws to other individuals ... who have been found by State officials to be qualified to vote.”^{viii} Widespread incidences of people being turned away from the polls for various minor and inconsistent reasons in recent elections demonstrates a failure of the state to uphold this provision of its own national law.

D. Flawed Election Administration

(D1) Progress towards equality in electoral administration is at risk as the number of Federal Election Commission (FEC) members has been reduced to only three. Given quorum rules, this hampers the ability of the FEC to oversee elections and respond to issues or concerns. As of submission of this report, no replacement candidates for the FEC have been nominated.

(D2) The phenomenon of gerrymandering, which effectively reduces the voting power of various groups, is widespread. The Supreme Court unfortunately opted to not directly intervene in this matter in its June 2019 ruling in three gerrymandering cases.

(D3) Minority parties and candidates also face heavy obstacles to entering primaries due to stringent ballot qualifications, the closed ballot system, unfair campaign finance laws, and the structural institutionalization

of a two-party system. In many cases, this effectively amounts to the suppression of the will of voters and of representative governance.

(D5) Recommendations for the United States:

- Enhance measures to ensure a more accurate 2020 Census count in order to ensure accurate redistricting and avoid gerrymandering.
- Take steps to comprehensively address the issue of gerrymandering including establishing citizen-led redistricting commissions in future elections.
- Pass a federal law for Fair Ballot Access which would ensure equal ballot qualification requirements for all parties and independent candidates as well as an open primary system allowing for inclusion of minority parties.
- Conduct a review of state experiences with Ranked Choice Voting or Instant-Runoff Voting in order to investigate the possibility of using either of these methods in Congressional races in order to reduce institutional challenges faced by third party candidates.^{ix}
- Pass the For the People Act of 2019 which expands voter registration and voter access, enhances election integrity and security, creates independent redistricting commissions, and evens the playing field regarding election contributions and spending.

E. Disenfranchisement of Vulnerable Populations

(E1) Disenfranchisement of the millions of currently or previously incarcerated people is unacceptable and a violation of their human rights.

(E2) Tightened immigration policies have also discouraged immigrant naturalized citizens and citizens of Hispanic heritage from voting, resulting in voter suppression.

(E3) Many visually impaired or otherwise disabled people face challenges in using electronic and touchscreen voting machines which can lead to an inaccurate vote.

(E4) There have been widespread incidences of people recently being turned away from the polls for various minor and inconsistent application of election rules and protocols. This demonstrates a failure of the U.S. to uphold the Civil Rights Act.

(E5) Recommendations for the United States:

- Immediately end the disenfranchisement of currently or previously incarcerated people.
- Pass the Voting Rights Advancement Act which would update the Voting Rights Act of 1965 to combat voter suppression by states and localities with records of voting rights violations.
- Establish standards for Ballot Marking Devices needed for use by people with visual and/or manual disabilities unable to mark their own ballots.



F. Security of Voting Methods

(F1) There is currently a lack of transparency and oversight regarding the security of electronic voting machines. Given that over 80% of U.S. election equipment is provided by two privately-held corporations, it is paramount that there be effective and comprehensive oversight regarding the methods of counting votes and the security of votes once cast. Any vulnerabilities in these electronic voting systems could potentially allow hackers to distort votes and the election results. This would effectively prevent citizens from exercising their right to vote and participate in representative governance.

(F2) Many electronic voting systems print votes after the voter has already verified their choices electronically. This leaves room for errors in printing that may result in a distortion of the voter's actual vote. To fix this problem, voters themselves must always be permitted to review the final copy of their ballot before final submission to avoid any mistakes or discrepancies. One participant noted, "Any voting machine whose physical hardware can print votes onto the ballot *after the last time the voter sees the paper*, is not a voter verified paper ballot system, and is not acceptable." Furthermore, many electronic voting systems also include an option for the voter to not review their ballot which is yet another opportunity for hackers to distort votes on an undetected basis.

(F3) Only 3% of voting machines are randomly chosen for a recount which gives too wide of a margin for hackers to distort votes. Seven states have also not yet instituted both a low-margin recount and a candidate-initiated recount which are necessary risk-limiting measures.

(F4) Recommendations for the United States:

- Consider establishing an interstate and independent consortium such as the Electronic Registration Information Center (ERIC) to develop and provide states with open-source voting systems owned by a state entity or the consortium.
- Take steps to thoroughly investigate and ensure the security of electronic voting systems to identify and resolve vulnerabilities and promote the use of paper ballots to ensure security.
- Establish nationwide standards for voting machines for general elections and procedures for tight and publicly-guarded chain-of-custody of ballots. These standards should include the right of voters to hand mark their own durable paper ballots and review the final copy of one's vote.
- Immediately establish, in all states using paper ballots, both a low-margin automatic recount and a candidate-initiated recount as well as enhance risk-limiting audit measures.
- Increase funding for voting security measures such as ensuring machine safety, training of election personnel, and monitoring voting centers.

Endnotes

ⁱ The United Nations Association Westchester is a 501(c)(3) not-for-profit organization. For more information visit, <https://unawestchester.weebly.com/>

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ⁱⁱⁱ The order of the issues presented in this report does not imply a prioritization of observations or recommendations.

^{iv} International Covenant on Civil and Political Rights. Art 25.

^v Charter of the OAS. Preamble.

^{vi} Charter of the OAS. Ch 1, Art 3.

^{vii} Civil Rights Act of 1964. Sec 101, Para B.

^{viii} Civil Rights Act of 1964. Sec 101, Para A.

^{ix} The National Council of State Legislatures has summarized states' experiences and discusses pros and cons at <http://www.ncsl.org/research/elections-and-campaigns/ranked-choice-voting636934215.aspx>