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Conference Report

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Letter from    Jimmy Carter    and James A. Baker , III

As co - chairs of the 2005    bipartisan Commission on Federal Election Reform, we wrote an introductory letter for its report that opened with this simple statement: ÒElections are the heart of democracy.Ó    If the elections Americans use to select our leaders are defective, we continued, democracy is in danger    .

At that time, many citizens were losing confidence in the fairness of elections, and we thought it was important that Democrats and Republicans come together to develop solutions to remedy    key problems in our electoral system.    Although there was inevitable disagreement about a few recommendations, the commission delivered a consensus report endorsed by all members.    We all agreed that election reform could help transcend what we





## Summaries of the Five Webinar Sessions

Each session began with brief introductory remarks from T

applause : ÒMany of us lean into it as weÕre looking at . . . what have we done and what do we have left to do .Ó

Toulouse Oliver stressed the importance of doing as much as possible to get everyone on the same page by focusing on common ground and agreement . It is important to start by discussing shared concerns because the type of dialogue fostered in this panel is more important than ever.

The topic then turned to the twin imperatives of access and integrity in the electoral process. Priest said that balancing the tension between accessibility and integrity may never be truly resolved. When you have a winner and a loser, the loser usually has a problem, she said. They then blame the election process for their loss . Given that, said Priest , access and integrity are always going to be somewhat at odds . At the same time, she stressed that democracy relies on trust and underscored her belief that most people are honest .





integrity of the election process and making sure votes are tallied and reported accurately, she said .

Raffensperger stressed the need for bipartisanship in the Election Assistance Commission (EAC), which has two Democrats and two Republicans . Of (the EAC) truly is 2:2, then they have to really work together and come up with bipartisan solutions, just like the Carter -Baker report did in 2005. Although we have a two -party system in America with two different world views, he said, it's important to come together and agree on the big issues.

Molinari agreed with Raffensperger's emphasis on the importance of working in a bipartisan manner on the EAC . In recent years, (the EAC) has not been given the authority or the resources that it needs to play a very vital role, she said. However, she added, the EAC can play an important modeling role by demonstrating how to develop bipartisan solutions. She also indicated that a new Carter -Baker style effort could help address challenges related to disinformation as a means of bolstering public confidence.

## Session 2: Voting by Mail

The second session took place on April 28, 2021, and was titled "The Carter -Baker Commission, 16 Years Later: Voting by Mail." The discussion focused on enabling constructive bipartisan dialogue on election reforms. The panelists were:

- ✎ Judd Choate, Colorado State Election Director
- ✎ Alice Miller, Director, Board of Elections of Washington, D.C.
- ✎ Tammy Patrick, Senior Advisor to Elections Programs, Democracy Fund
- ✎ Kim Wyman, Secretary of State, Washington

Moderator Doug Chapin opened the discussion by asking Wyman about aspects of the voting system in her state that might be transferable or applicable to other states. Wyman said Washington's ramp-up to full-scale vote-by-mail in 2011 was unique because the state had 10 years to implement strategies. Prioritizing accountability and quickly building out capacities were transferable lessons, she said.

Chapin asked if the need to rapidly implement vote-by-mail during the 2020 electoral cycle presented challenges elsewhere. Miller focused on logistics, saying that "the one thing we needed to make sure of and build upon were the resources on the back end for processing those ballots."

Patrick spoke about how much vote-by-mail systems have evolved, particularly with the increased use of vote-by-mail and the significant changes in postal service operations. Patrick also observed that political context had played a significant role in the debate on voting by mail, adding that "the important piece of this is contextualizing the partisanship or the partisan angles and aspects that have been elevated in the last year." Prior to last year, she said, vote-by-mail and early voting were part of the Republican strategy. Last year, however, the Republican presidential candidate questioned the legitimacy of those voting options. "All of that created, really, an environment where false and misleading information was allowed to percolate and spread to such a degree that it was weaponized

ensure they are a true and live and accurate person and that everyone who receives a ballot is authenticated against a list that has these safeguards in place.

Miller agreed, adding there is more security built into the mail balloting process than in the in-person process. She also pointed out that the existing penalties for fraud are quite high.







intimidated and confused by voter ID policies, she said, VoteRiders has helped enfranchise many new voters.

On the topic of accessibility, Chapin asked the panelists about the importance of the Carter - Baker recommendation that voter IDs be free and easily available.

Becker pointed out that many other countries use some form of voter ID with reasonable success. Yet these countries have accepted the burden of giving every single citizen an ID that follows them for life and maintaining the database that goes along with that. In contrast, Becker said, the United States does not have such a nationwide system and even with ERIC and its data-sharing capabilities, states in this country are less prepared to carry the burden that comes with the logistics of requiring voter IDs.

Unger agreed that the current system is inefficient, delving into the reasons that voter IDs are often not accessible to some voters. She explained that obtaining the correct documents to qualify for a voter ID can cost money, even if voter IDs are free. She also outlined the time-consuming and complicated process to obtain REAL IDs (IDs that meet federal standards for both identity and legal presence) in some states, which can require voters to travel to their local ID-issuing office with either a current passport or original certified copy of their birth certificate (and every name change since then), a document to prove their full Social Security number, and two documents to prove residency.

Douglas added that although voter IDs can improve ballot security, the level of disenfranchisement caused by IDs outweighs the need to prevent impersonation fraud. He recognized the need for implementing these laws in order to increase public trust. But such laws must not preclude eligible voters from voting, he said. A new photo ID law in Kentucky achieves a lot of those goals, he said.

Panelists largely agreed that although laws requiring voter ID have merit, many states have hurdles to obtaining IDs that can impede easy access to them. Given the concerns about obtaining voter IDs, Chapin asked the panelists if states and localities could do more to ensure people get the ID they need to vote.

Both Johnson and Becker said there is often confusion about how to obtain the REAL ID. Becker, Douglas, and Unger also argued that eligible voters should not be turned away for not having an ID, but rather should be given the opportunity to sign an affidavit affirming their identity (which many states allow). Another potential remedy, Unger said, would be for states to provide required documents for free.

Chapin then turned the discussion to how the availability of voter IDs in the respective states



have a driver's license and can't vote. Unfortunately, she said, there isn't much of a reform movement to change voter ID practices in her state.

Douglas said that Kentucky has had some success achieving compromise with its recently

#### Session 4: Technology and Elections

The fourth session of the series was held on May 17, 2021 . T



Childers echoed Degraffenreid's concerns    about equitable access issues, saying that the

## Session 5: Opportunities and Challenges of Election Reform

The fifth and final session of the series took place on June 2, 2021, and was titled "The Carter -Baker Commission, 16 Years Later : Opportunities and Challenges of Election Reform." It featured the following panelists:

- ✎ Michael Adams, Secretary of State , Kentucky
- ✎ Jocelyn Kiley, Associate Director , Pew Research Center
- ✎ Charles Stewart III, Kenan Sahin Distinguished Professor of Political Science , Massachusetts Institute of Technology
- ✎ Alejandro Tullio, Director of Legal Sciences , San Martin National University in Argentina

Moderator Doug Chapin opened the discussion by noting the current , intense partisan bickering in many states. Chapin then asked Adams about how Kentucky managed to pass a recent bipartisan election reform bill.

Adams said the new bill balance d the need for both access and security , making

Continuing, Chapin asked the panelists how nonpartisan election administration could help both access and security in elections.

Adams gave an example of ballot curing in Kentucky as something that had bipartisan support and bolstered both security and access.

Chapin turned to the 2005 Carter - Baker report recommendation that the United States should move toward establishing independent election administrators, outside of political parties and government, and asked the panelists if they thought this was possible.

Kiley felt that it would be difficult to convince the public to agree to this, given the widespread distrust of elites and institutions. Further, she added, many believe that in practice, a partisan group would simply take over the commission.

Stewart agreed, noting that Wisconsin is a cautionary tale in this regard. He said Wisconsin had something akin to an independent election board that turned partisan. As an alternative, Stewart emphasized the role of the courts in adjudicating elections, pointing out that despite the constant challenges to the 2020 election results, the rule of law consistently prevailed in the courts. Stewart said that while election boards are not independent in the United States, it's possible that the country still has independent, facts-based institutions in the judiciary.

Chapin noted the increasing emphasis on the professionalism and impartiality of election officials and asked panelists how we should measure and set those standards. Stewart suggested that because election administration is increasingly seen as a profession, election officials should be encouraged to acquire professional certificates for skills needed for the job.

On the question of election official impartiality, Adams disagreed with the notion that partisan officials can't act in a nonpartisan manner and added that voters like the ability to elect their officials as a way to hold them accountable. He said that in his state, Kentucky, election officials strive to act impartially even though many are elected in partisan races. He added that political skills actually come in handy for election officials. As a former partisan political candidate himself, he honed communication skills that helped him reassure the public and effectively advocate for positive changes in the election system.

Tullio and Stewart both advocated for a politics-neutral approach to election administration, even while recognizing that the secretary of state is an important partisan position and may ultimately play a role in election reform debates.

Chapin then asked if election officials, rather than politicians, should play bigger roles in driving policy reform.

Adams stated that election officials should have a seat at the table. Because legislators sometimes lack independent knowledge of election systems

many cases local election officials    represent    a very small number of voters    and the policies they want    may    be only serve small sections of voters.

Chapin asked Tullio    a question from the audience about the benefits of    having a board, rather than an individual, manage    elections. Tullio    said that    board members bring    a variety of experiences and expertise, which can foster discussion that results in better outcomes.

In c losing, Chapin asked about the best way to handle situations when secretaries of state preside over an election in which they are running for office.

Adams said that these situations have not caused any issues in Kentucky. Stewart said that there is no ne    ed to call for a secretary of state to resign in order to run for office. Kiley agreed that while it is possible for officials to oversee their own elections, such officials need to keep in mind how this might affect votersÕ perceptions about the integrity    of the process.

To watch the full recording of this session, please visit    [this link](#) .

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## Conclusions

that concerns about election security are a reflection of lack of awareness of the checks and balances in the system and encouraged increased transparency and voter education outreach to address that issue.

- ¥! Include audits in all elections. Panelists pointed to the value of legally defined, nonpartisan, post-election audits as a means of ensuring the integrity of the election process and providing increased transparency in the election process.
- ¥! Support for the human infrastructure of elections. Several panelists noted the role that election workers and election officials play in ensuring that elections run smoothly and are accessible and secure.
- ¥! Enhance accessibility for voters with disabilities. Several panelists noted the strides that have been made in increased accessibility to elections for voters with disabilities but said much more could be done.
- ¥! Implement automatic voter registration through drivers' license registration and other government agency interactions. Voter registration was described by one panelist as "the single biggest point of failure or success in election systems," and, in line with that importance, several panelists recommended the adoption of procedures to make registration happen automatically through eligible voter interaction with government agencies.
- ¥! Encourage states to join the Electronic Registration Information Center (ERIC). Several panelists praised the interstate coordination provided by ERIC as way to help states easily track voters on their lists who have moved to other states.
- ¥! Increase election funding. Panelists argued that more funding is required to meet the growing needs and complexities of administering elections and provide trusted information to voters. Panelists also pointed out that local funding leads to inequities between well-off and poorer localities.

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## Additional Thoughts    f rom Panelists    on Election Reform Issues

At the conclusion of our Carter    -Baker panel discussion series, we invited panelists to send us some final thoughts on election reform. Their reflections are below, followed by some polling data from panelist Jocelyn Kiley of the Pew Research Center on which reforms might garner the most bipartisan support.

Judd Choate , State Election Director, Colorado

Universal automatic voter registration (AVR) would be the single    -most -influential election reform to increase voter access to the ballot. Democracies around the world automatically register their citizens to vote without requiring action by the voter. The    se include Germany, Israel, South Korea, Canada, Switzerland, Taiwan, etc. In fact, over a third of the world's democracies remove the burden of voter registration so that each eligible citizen is ready to vote on Election Day. Interestingly, the United States passed a law to join this









shouldn't vote can slip through the cracks. Even more concerning, voter rolls bloated with obsolete data breed conspiracy theories. If election officials are stopped from doing the basic work of securing elections by federal rules, how can we maintain voter confidence?

Federal restrictions on list maintenance mean our voter rolls are clogged with inaccurate information. County elections officials who rely on that data to plan elections end up misallocating resources, resulting in long lines. Voters whose information is outdated show up to the wrong polling location on Election Day. Hundreds of thousands of Georgians move throughout the course of an election year. Ensuring their ballot access also means making sure their registration information is up to date.

Updating the rolls has bipartisan support. The 1993 National Voter Registration Act that requires list maintenance was passed by a Democrat - controlled Congress and signed by Democratic President Bill Clinton.

However, that same federal law prohibits list maintenance for 90 days before Election Day. That precludes doing any list maintenance during a presidential election year even as tens





Kim Wyman , Secretary of State, Washington

In May 2020 my office referred 142 cases of alleged improper voting in the 2018 general election to county election officials. Of the more than 3.1 million votes cast statewide, the 142 accounted for only 0.004% of the total.    ð    hardly indicative of the rampant voter fraud some proclaim.

Our commitment to combat voter fraud    ð    whether the fraud is imperceptible or pervasive    ð    is one reason why Washington and six other states founded the Electronic Registration Information Center (ERIC). ERIC is a nonprofit and nonpartisan interstate data    -sharing consortium that helps states strengthen

Jocelyn Kiley, Associate Director , Pew Research Center

Election reformers confront a highly politically polarized                    landscape ð not just among elected officials but also the public. Still, there is some common ground in the public.

Most Americans    ð including clear majorities of those in both parties                    ð place importance both on ensuring that qualified voters who want to cast ballots are able to do so and on ensuring that those who are not qualified to vote are                    prevented from doing so. To be sure, there are deep partisan divides in the degree to which people are confident that the current system does these things. In particular, most Republicans (69%) say they are not confident that unqualified voters are preven                    ted from voting.

Overall, most Americans do not think there is a trade                    -off between access and security: In a March 2021 survey, 61% of Americans                    say that . Òit would not make elections any less secure