

THE BROOKINGS INSTITUTION

WEBINAR

LIFT EVERY VOICE:
THE URGENCY OF UNIVERSAL CIVIC DUTY VOTING

Washington, D.C.

Monday, July 20, 2020

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P R O C E E D I N G S

MR. DIONNE: Welcome everyone. I'm E.J. Dionne. I'm co-chair of the working group on universal voting. I'm also a senior fellow at the Brookings Institution and a visiting professor up at Harvard.

There are two words that we shouldn't forget right at the outset. One is participation which this meeting is all about and the other is thanks. So, before I get to anything else, I want to tell everyone out there that you can submit your questions and comments two ways. One is through by email and events e-v-e-n-t-s @Brookings.edu. Remember, we're an edu or on Twitter with the hashtag universal voting.

And when it comes to thanks, I have a lot of people to be thankful for. Above all, all of you who have joined this call today we are deeply grateful and heartened by the number of people who wanted to join this conversation on our new report, lift every voice, the urgency of universal civic duty voting.

I want to thank all of our members of our working group. One of the best groups I've ever worked with and I've been blessed with working with a lot of groups over the years. It's an extraordinary group of people who contributed so much this. Thanks to the governance studies program at Brookings and to the Ash Center democratic governance and innovation at Harvard's Kennedy School for their support.

Thanks to my dear co-chair, Miles Rappaport who is an absolute dynamo and a blessing to work with. Thanks also to Amber Hurley, Cecily Hines, Lady DeBlois, Megan Bell for being so essential and thanks should go to Daryl West, the vice president of governance studies at Brookings and Archon Fung who leads democratic governance programs at Ash. He has been extraordinary too.

So, thanks to everyone. And I should say, thanks to the United States for being a democracy that still needs improvement. And no one knew that better than John Lewis. And it is moving today to have us talking about voting at a moment when the whole nation is rightly honoring John Lewis' life, his courage, his achievement and his work on behalf of voting rights. A cause for which he very

nearly gave his life and was willing to give his life.

I was asked by John Allen, the president of the Brookings Institution to read a statement by John Lewis that he issued on behalf of us all. A towering figure in the history of this country, Representative Lewis dedicated his life to fighting for the ideals that represent the very best of America.

A man of unparalleled moral courage, he endured tremendous opposition and physical violence yet never wavered in the struggle to advance an equal and just society or in his commitment to remain encouraged. As he famously said, do not get lost in a sea of despair. Be hopeful, be optimistic, never ever be afraid to get some noise and get in good trouble, necessary trouble. We will find a way to make a way out of no way. I love that line from John Lewis.

Going on with John's statement, at the end of his life, he led us in the right for civil rights. He led us in the cause of political unity and he led us in a spiritual purpose for doing good for all of human kind. And while John Lewis would never, ever want us to be silent, I would propose that we have just a brief moment of silence in honor of the late John Lewis.

Thank you. John Lewis said, actually, I was going through some of his many words of wisdom. He said that voting access is the key to equality in our democracy. The size of your wallet, the number on your zip code shouldn't matter. The action of government affects every American so every citizen should have an equal voice.

And it's hard to find a better summary of why this working group gathered and why we are making the proposal we are making. Very simply, we argue that the United States should adopt a system, a mandatory participation in elections similar to Australia's which has worked very well since the 1920s and produces turnouts of over 80 percent. More than two dozen countries have this system. It makes voting an obligation similar to jury duty.

Our group met with election officials at all levels, civil rights and voting rights and democracy advocates, immigrant rights groups, states legislators, local officials and many others to test an improve our ideas and work out a detailed policy proposal which you can find in a variety of ways on the Brookings website and elsewhere. We go out of our way to answer objections to our idea. For

example, Brenda will talk about a conscientious objector provision we have.

We underscore that as in jury duty, so in voting the right and duty are one in the same. We see it as an effective way to stop voter suppression. If everyone is required to vote as an obligation, those who legislate and manage about elections will have the task of making it as easy as possible for citizens to do their duty. And so, we do have a variety of other reforms that we believe are necessary to make universal civic duty voting.

Our proposal combines a belief in the obligation of all citizens in our democracy to join in the task of building our future and also an effort to make our system more equal and more participatory. And we couldn't have a better group of people to discuss this. If I spent my time reading the entire bios of all these amazing people, you would be very interested but we would be here all day. So, I will try to keep them brief and I mixed up my papers here. There we are.

Janai Nelson is associate director-counsel of the NAACP legal defense and education fund where she is also a member of LDF's litigation and policy teams. And has served as interim director of LDF's Thurgood Marshall Institute. Before joining LDF, Janai was associate dean for faculty scholarship and associate director of the Ronald H. Brown center for civil rights and economic development at St. Johns University of Law where she was a professor of law.

Maria Teresa Kumar is founding president and CEO of Voto Latino and an Emmy nominated contributor to MSNBC. Under her leadership, Voto Latino has become a key factor in national elections by directly registering over a quarter million new voters and influencing millions through viral celebrity driven campaigns. A fast company named her among the hundred most creative minds in business worldwide. She is awesome and I am grateful to be her friend.

Brenda Wright is the senior advisor for legal strategies at Demos. She has led many progressive legal policy initiatives on voting rights, campaign finance reform redistricting and a whole series of other issues. Here's my favorite. She has argued two cases before the United States Supreme Court. And I am hoping that if this idea ever becomes a reality and gets challenged in court, Brenda Wright will be there to defend it before the justices and she will have a lot to tell us today about how she

would mount that defense.

Cornell William Brooks is Hauser professor of the practice of Nonprofit Organizations and professor of the Practice of Public Leadership and Social Justice at Harvard's Kennedy School. That is a wonderful title, Cornell. Public leadership and social justice, that has been Cornell's life. He is a visiting professor also at the Harvard Divinity School, a great preacher as you will see. He's former president and CEO of the National Association for the Advancement of Colored People. He's a civil rights attorney and the Reverend Brooks is an ordained minister. So, he will pronounce a benediction on our work.

Last but boy not least, Miles Rapoport who very kindly came to me about two years ago and said let's do this and we did this. Miles is extraordinary. He's a long time organizer, policy advocate elected official. He was Secretary of State in Connecticut so he actually ran elections, knows what he is talking about. Also, a member of the state legislature there. He was president of the independent grass roots organization. A common cause, he was policy center -- he headed the policy center Demos as well and this couldn't have happened without Miles.

So, I want to start with Janai. Right now, groups like LDF are fighting voter suppression every day. How does this proposal fit into that effort and how do you think universal civic duty voting would change our country? What are its benefits and what got you interested in this project and thank you for joining us, Janai. You're on mute.

MS. NELSON: There we go. Thank you, E.J., for that question and for having me as part of this incredibly industrious project. I also want to thank Miles Rapoport and the rest of this working group for the exceptional work in lifting up the issue of universal voting.

I became interested in this issue years ago when I taught comparative election law. And I learned about compulsory voting or universal voting or civic duty voting in other countries and the incredible impact that it had on enlightening the democracies abroad and ensuring greater participation from all voices in a country, in a nation. To really inform the policies and the representation.

And as a voting rights advocate and a civil rights advocate, I couldn't think of anything more exciting than bringing more voices into our democracy, particularly when we think about how

diverse it is becoming. In the next 20 to 25 years, we will be a country that has a majority of its residents being people of color. And those are people who have been historically excluded from the electorate who are currently being excluded from participation through wide-spread voter suppression tactics.

So, it is my hope that by lifting up the concept of universal voting by making it a mandate on the part of government officials to ensure that voting is available and accessible to everyone that we can change the direction and course of this country in important ways and make it reflective of the diversity that we should celebrate. Everyone says, we've all heard this many times, that demographics are not destiny. And that's because demographics will not dictate the radical change that we need in our country on many issues if we don't engage people in our democracy. And universal voting will help to do that by striking down many of the barriers that keep people away from the poles and the ballot.

So, I am really thrilled to have this conversation and to take this concept very seriously. I think it is one that is overdue and one that we need to engage seriously and one that can in fact ensure that we live up to the ideal of having a democracy that is for the people.

MR. DIONNE: Thank you so much. Maria Teresa, would you talk about how this idea could shift the responsibilities of advocacy groups in ways that would actually be helpful to democracy and talk about the electorate today. Who participates and who doesn't and whom we need to do more work to secure their rights which is one of the main purposes of our proposal? Welcome, Maria Teresa.

MS. KUMAR: First of all, I want to thank E.J., the Harvard Ash Carter Center. I want to thank Brookings and Miles Rapoport. I have always been such an esteemed fan of his because I believe that both of you are all speaking truth and trying to make our democracy robust. And who would have thought, E.J., that at this moment in time you guys, I shouldn't be surprised but both of you were looking into the future. This is the conversation that we need to be having in this moment in time when we see our democracy in real serious trouble.

And the purpose of the universal working group, what drew me to it is that in the course of my work, I had looked very closely at Australia's electoral system and how it functions. And I work very closely with young Latino's every single day trying to engage them in the political process. Most of them

or close to 80 percent of them are first of their families to be born in the United States. 51 percent of them, for example, in Texas occupy our schools in K-12. Yet only 8 out of 50 states require civic education to graduate from high school.

While oftentimes people say that young people don't vote at numbers, my response often is like well who is talking to them? Who is encouraging and telling them that their vote matters? Oftentimes the people that we represent at Voto Latino, their government isn't working for them and I'm trying to tell them that it does work if you participate. And that's kind of a disjointed conversation if the moment you leave your house, everything around you is working less well then let's say in a Beverly Hill's zip code.

And so, the idea of universal voting helps us enfranchise a new generation of young people that may have not had a system, grown up in a system that actually functions. Janai spoke about the diversity of America. I will lay this fact on you. For the very first time, there will be 12 million more young voters than baby boomers. Two-thirds of them who are eligible to vote are young people of color. Four million of them are young Latino's that turned 18 since the last election.

If they are not receiving voter registration information from either their government, from their high schools and definitely not from their homes, how can our democracy continue to thrive? If we all believe this basic premise as John Lewis stated that our democracy thrives based on the people's participation that we can get just laws that reflect our communities and that we can govern justly as a result. If we do not have this growing beautiful demographic participating, then our democracy atrophies.

And so, the work of Voto Latino is to engage and inform but this should be an opportunity for organizations such as Voto Latino to persuade people of which way to vote. But we do not outsource paying our taxes every year, the government controls that making sure that we do so. The same thing should be demanded of our electoral process.

I give hats off to Secretary Padilla in California where he provides even pre-registration for 16 year olds. So, that when they get to the opportunity to vote on election day, it's a matter of like what am I voting for, what are my values instead of trying to navigate a system that was technically right

now, not meant for every single person.

I've been working a long time in this space and one of the things that, you know, gives me great distraught is the fact that we gutted the Voting Rights Act. When we know that if someone is standing in line for more than an hour, that that creates disenfranchisement. The fact that Georgia you had over 200 voting booths going and missing in disproportionately African American and Latino households in the 21st century. That's important, it doesn't speak to our values.

Universal voting allows the American people to start debating the topics that will bring our country forward. It allows us to actually identify the solutions and because you are talking about maximum participation, it decreases polarization. Because not just the people -- people that are on the left or the right are not the only ones voting, that everyone is voting. And that I believe in good policy.

So, this is one of the very many reasons of why I've joined the group but I deeply believe that maximum participation is what ensures and nurtures our democracy and makes sure that we are moving forward. And no time as the present does our democracy need so much nurturing and love and attention from its citizens.

MR. DIONNE: All right, thank you for underscoring a couple of really important points in the report. One is this is actually a depolarizing idea because political candidates would know that they cannot simply appeal to a base, they have to appeal to the entire electorate. And they can't just pay attention to likely voters.

Second, the issue of fixing so many other things that are wrong about our electoral system is at the heart of this report. This works in Australia because people don't have to wait endless hours to vote, they have enough polling places. And I want to shout out President Obama's commission on voting headed by a partisan republican Ben Ginsberg and a partisan democrat Bob Bauer. Where I think a simple radical reform is nobody should have to wait more than a half hour to vote. And in Australia, more than 96 percent of people are registered, that is a key point that is part of our report. So, thank you for bringing those home.

Brenda, we have talked a lot about this. All of us have debated this idea with people. Some

people are skeptics and that is one of the reasons why we asked you and Allegra Chapman and Cecily Hines and so many others to do work on our section about constitutionality. And essentially, I want you to give our viewers a preview of what you will tell the United States Supreme Court when our idea wins mass approval around the country. And no doubt as a friend of mine once said, if it's not important, people don't sue and this is important so they will probably sue. So, go ahead Brenda. Tell us, give us.

MS. WRIGHT: Okay. Well, Mr. Chief Justice, and may it please the court. Yeah, I mean, I think that what I'd really like to start is instead of just talking about why we think we can implement universal civic duty voting consistent with the first amendment. But also, put a start by framing why civic duty voting is actually such a pro-first amendment concept.

So, if you think about all the voices that are currently left out of our elections, depending on the election, somewhere from 40 to 60 percent of eligible people are not even being heard. Think of how much enriched our national discussion will be by bringing all those voices in. Think about how much more time candidates and political parties can spend actually educating their voters about their platforms and their issues instead of having to run voter registration campaigns and turnout campaigns just to get people on the rolls and get them to the poles.

We spend untold resources on those efforts which could now be redirected toward really educating the public about the issues and why they should be voting and what they have, you know, the ability to vote for. So, I think, you know, framing it in those terms is important even before getting to the questions about well, would there be problems under the first amendment around this policy.

So, we have looked at that issue very carefully. And the way we have designed the policies for implementing civic duty voting, we are very confident would avoid concerns about the first amendment. One of the first things you learn in law school in a first amendment course is about the case where a person was going out of school for refusing to recite the Pledge of Allegiance. And the court, in a famous case, *West Virginia v Barnett*, said the first amendment does not allow school authorities or government authorities of any kind to tell people what to say, to tell people what to believe or what they must speak.

And so, we were very conscious of precedence like that in thinking about how to implement civic duty voting. One of the first things we saw as being necessary is if someone does have a genuine religious or moral objection to any kind of political participation, of course there needs to be a conscientious objector exception for people like that.

Even beyond that, if someone generally is interested in voting but simply get to the poles in a particular election. Maybe they're sick, maybe they have childcare responsibilities, maybe they can't get away from their job although we do think they have to be paid time off to go along with this policy. But for whatever reason in terms of how this would be enforced, if you have a legitimate excuse, you're not going to end up getting any kind of fine or penalty for not coming out and voting.

And if you think about it, asking people to come out for an election and simply show up and that's what we're talking about. We're not talking about forcing people to choose between candidate A and candidate B even if they don't like either of the candidates. We're talking about a system that would have a clear, none of the above option or as in Australia, you could even turn in a blank ballot and that would totally satisfy your obligation to show up at the polls.

And those kinds of implementation policies I think are, you know, we thought about very carefully and we're very confident that if we follow those policies and procedures, we don't have any first amendment problem with establishing voting as a civic duty. And I'll say one last thing along those lines. If you think about jury duty which is something that is widely accepted, that is far more intrusive of individuals time and attention then is the requirement of showing up for voting in various elections.

If you think about being called as a juror, you may be there for a week, you may be there for several weeks. Sometimes you're there for a month. And then at the end of all of that you actually have to cast a vote for guilt or innocence or for the plaintiff or defendant. And we accept that as part of the necessary apparatus of government to make sure that everyone has access to a fair trial.

And so, if you think about it in those terms, asking people to come out and vote periodically and making it a duty is right in line and in fact much less onerous than many of the things that we already expect citizens to do. So, I'll stop there.

MR. DIONNE: Thank you. You gave the perfect segue for what we wanted Cornell to talk about. The question I was going to ask just to underscore so people know it and Miles will go into the details. The fine is not the point of our proposal or the point of our proposal is to declare that every citizen has this civic duty. The fine would be limited to \$20. We are very careful that it can't be compounded, it can't be criminalized, nothing can happen to you. We have an option where you could do an hour of community service to get out of it.

And the fact is, in Australia, which does have a fine of around this size, very few people who don't vote have to pay the fine. Only 13 percent of non-voters, again, not 13 percent of everybody, just 13 percent of those who don't vote ever end up paying the fine because the government accepts all of the legitimate reasons why you didn't vote. And yet, they still have turnouts of 80 percent or more because the civic duty has established an ethic in a culture of voting.

What I wanted to ask Cornell to talk about the link between our proposal and jury duty. And if you would, to put it into the long trajectory of the Civil Rights movement to which you have given so much of your life.

MR. BROOKS: So, first of all, let me just thank E.J. and Miles, all the co-panelists, all the people who work extraordinarily hard for an extended period of time to put together this report. And most importantly, the people who thought it not robbery to join this poll and this conversation.

So E.J., to put this universal voting proposal in a historical context and a historical art, I'm mindful of the fact that even as we gather, that we gather in this conversation as the country mourns the loss and celebrates the life of Representative John Lewis but also C.T. Vivian. Both of whom gave their lives, risked their lives serially for the right to vote.

And I'm reminded of a few years ago when I found myself in Selma, Alabama literally standing directly behind John Lewis as we symbolically crossed the Edmond Pettis bridge. 50 years after he, Amelia Boyington and so many others baptized that bridge with the blood of sacrifice for the Voting Rights Act. And when I think about that moment, I'm reminded that everyone on this call, everyone in this Zoom meeting is standing where I stood. Namely, you are walking in the footsteps of John Lewis, Amelia

Boyington, Jimmy Lee Jackson and so many others in this moment.

And so, the question for us in terms of universal voting in this arc of history is what do we do with that civic rights legacy and what do we do next? So, in other words, how does universal voting fit in to the next wave of civil rights, the next great battles of civil rights? We're mindful of the fact that in the wake of Shelby v Holder, the civil rights, the Voting Rights Act has been gutted. We've seen a Machiavelli frenzy of voter disenfranchisement from one end of the country to the other.

We're mindful of the fact that when it comes to our imperfectly conceived, tragically conceived republic, the right to vote has been iteratively expanded to from propertied white men, to unpropertied men, to women, to native Americans, to African Americans. But we're also mindful of the fact that the right to vote has also been iteratively contracted. And that many people lost their lives and given much of their lives to protect the right to vote.

So, when does the universal voting occur? It occurs at a moment in which we are in the midst of a social justice movement of global proportions. The George Floyd protests numerically large, geographically large, spanning the globe. And so, we had this democratic initiative that really represents the next great civil rights battle. Why? Why, because there is no social justice before the country that is not a democracy challenge. And we have seen from Ferguson to Flynt, voter rights being at the heart of social justice challenges.

And so, the point being here is when we think about African Americans fighting to get on juries for which they might be subject to a penalty if they failed to serve, they fought for the risk of a penalty as the price of freedom. And so, the point being here is yes, we're concerned about fines, we're concerned about mass incarceration. The lawyers and the policymakers and the contributors to this report have thought about that and these fines are a matter of a symbolic incentive as opposed to a punishment.

Last point here which is a point that Teresa lifted up. Having led the nation's largest civil rights organization, the NAACP, I can't tell you the millions of dollars, the movement (audio skip), the martyrs that have been sacrificed to protect the right to vote and to turn out the vote. And I ask every

person on this call, every person participating in this meeting, what would happen if we took the resources devoted to protected the right to vote serially and turning out the votes serially if those resources were devoted to social justice, to movement building. What would our democracy look like?

Last point there is thinking about this historical moment. I'm simply grappling with this one request. If our forebears did what they did with what little they had, why can't we do more with all that we have been given? And universal voting is a morally ambitious, civically urgent task and democratic prospect before us and one that I encourage everyone to get behind.

MR. DIONNE: So, I want everybody out there to make next wave civil rights hashtag next wave civil rights a trending hashtag on Twitter. Thank you so much. And I apologize to my friend, Miles Rapoport for scheduling him after Cornell William Brooks. I don't envy you but you're up for it. Let me just repeat, we've already got some good questions. Before you come in, Miles, I'm going to ask you just describe the guts of our proposal, why we do what we do.

We've already got some great questions. Again, if you want to send something in, it's events@brookings.edu or on Twitter, hashtag universal voting. Miles, tell everybody what we propose to do.

MR. RAPOPORT: Thank you, E.J., and I also want to extend my deep appreciation to the people in the working group who have really been an extraordinary group to work with. It's been a great institutional partnership between the Ash Center at the Harvard Kennedy School and the Brookings Institution. These things are sometimes rare and I will say that it has been a total delight to work with you, E.J. I think it's been a great partnership and you've brought incredible to it.

Let me start with a quick personal note. And that if you go back in my own career as far as serving in the Connecticut legislature and as the Elections Committee chair. Going on as secretary of the state and then working both at Demos and Common Cause, I've basically been working on these voting expansion issues for 35 years.

I believe in them, you know, I've worked on same day registration and restoration of voting rights for people with felony convictions. And early voting and expanded mail in voting, all of those and I think

they make a difference and I think it's great. But I also said, okay after 35 years, here we are with the United States having the kind of abysmal turnout in comparison to other countries and in comparison, to what a fully representative democracy would look like.

So, what is that you could do? What could you do to actually seriously move the needle on this? And in a number of conversations, including with E.J. but many others, discovered that well, believe it or not, not only in Australia but in 25 countries around the world they have solved this problem. And people do come out and vote, they're required to vote, they don't view it as an imposition, they view it as simply part of the culture the same way we view serving on juries.

So, you know, I think it's important for us to be to learn from abroad, to see where things are happening and do it. So, the working group has taken as a premise that we can do that. I won't go through all of the recommendations, there's a lot of them and I encourage people to read the report which is now available either on the Ash Center's website or the Brookings site.

But let me say four kind of fundamental core part elements of the recommendations whose overarching theme is to create full participation and fully reflective participation in our democracy. So, the four elements are one, we think that universal civic duty voting can happen at any level of government. Obviously, we'd love to see the federal government pass universal voting as a piece of federal legislation. Frankly, I'd be okay if they just would manage to pass the Voting Rights Act and restore it.

So, I'm not sure that we have a high expectation of federal legislation any time very soon. But it absolutely could be done at the state level. States, as we know, are often called the laboratories of democracy and they certainly should be. But we'd love to see a state or two states think about what it would be like as a state to require participation in elections for every citizen.

And the truth is, it could also be done at the municipal level. With appropriate enabling legislation or home rule legislation, a city or a town or municipality could do this and frankly would increase their level of representation relative to other towns to do it. So, we think either of the federal, state or municipal level, this is a policy that can work.

Number two. We do support a strong set of complimentary reforms. We've been talking about them so I won't repeat them in great detail. But obviously, we don't universal civic duty voting to be imposed in places where it's difficult to vote. You can't require people to vote and then make it difficult for them to vote. So, we would support all the mechanisms of easing voting registration. Whether that's same day registration, automatic voter registration, online registration, pre-registration of 16 and 17 year olds and the like.

Secondly, we want ease of voting. Early voting, expanded mail in voting which was certainly in the midst of a major discussion on that very question. Vote centers always in which is easy to vote and thirdly, we absolutely need to make -- have very clear guidelines on how to restore the voting rights of people who have been convicted of a felony. In Vermont, Maine and D.C., your voting rights are not contingent upon your criminal status at all. But at a bear minimum, it seems to us that when you come out of prison, you want to have your voting rights restored automatically having a post-incarceration status.

Anyway, so all of these things are complimentary and collateral. And there is a mutuality here which is, I think that these things will help make universal voting successful if it is implemented. And on the other side, the north star of having every single person vote will enhance the possibilities of these reforms.

Third point. Careful design of enforcement. And again, as everyone has said, our focus here is not to fine people or enforcement. We do believe that enforcement is necessary in order to have an actual, you know, civic requirement but it's not our central focus.

So, in the recommendations which would obviously have to be embedded in legislation so that details will matter. But we urge a small fine, the possibility of community service instead of paying a fine. Those fines should not be subject to interest or penalties and in no way be the basis of any kind of criminal warrant or proceedings.

The legislation should clarify that inadvertent voting is not a violation and certainly not a citizenship issue. Because people who are not citizens who are in the midst of a public education

campaign that they have to vote can absolutely make a mistake. That's not what this is about and the legislation should (audio skip) that. And Brenda has already mentioned the idea of having a conscientious objection provision.

Last point is that we also see this is not as an edict but as a culture shift. In many ways, we want to shift the culture, shift policy but also shift the culture, the norms and the expectation to the idea of universal participation. What does that mean? That means a lot more funding for our elections and for our democracy. This is a fundamental exercise that needs to be properly administered and funded.

We could image municipalities or stage creating incentives for people to vote. In Australia, they call it sausage democracy day. You could have image tax credits or fee discounts for civic participation. You could image lotteries, election day as a holiday, celebrations of any kind.

And lastly, you certainly would need public education. This would require major public education in the schools, by employers with their employees, by civic organizations of all kinds. If this were to happen and happen successfully, every institution in society I think would, would have to but also would want to change their behavior and their patterns in order to embrace the idea of full participation.

So, all of these things will need to be embodied ultimately in legislation. What we want to do as the universal voting working group is begin the conversation. I'm happy to say in one way it's already begun. The American Academy of Arts and Sciences founded in 1780 as the think tank of the new nation has just published a commission report called, Our Common Purpose, with 31 recommendations and recommendation 2.5 is universal voting.

So, we're not alone in mentioning this. I think it's an appropriate conversation to have. So, this is just the beginning of what we hope will be a real conversation in the country and we thank everybody. I agree with what my colleagues have said. This is a real moment for this and let the conversation begin. Thank you, E.J.

MR. DIONNE: Thank you so much. We are getting a lot of interesting questions. I just want to shout out someone on Twitter and I hope I pronounce your name right. Kashia Ash who had a

whole series of questions for us. She noted that we do not have anyone here opposing it and she said that it looked like an academic commercial. And I just want to say that we are very happy to debate this with anyone. Today is our day to present the idea.

And if you look at the report, we take up a lot of criticisms in the idea, of the idea in the report. One of the things I personally like about the report is we don't say, there are no objections to this idea, it's perfect. We actually go down the list, we even polled people to find out what they didn't like about this and we try to answer their arguments.

But she asked many questions, one I think we should answer right away which was, you know, who would determine which excuses are acceptable? We lay out a very broad range in the report. It would be in the law and in the regulation. A broad range of excuses for not voting that would be acceptable. And as the Australian experience shows, you know, our bias and the bias of the report is any legitimate excuse would count. Because again, our focus is not on penalizing people but on creating the mandate that encourages an attitude toward elections.

Let me run down but be in touch with us Kashia but thanks for your intervention. I wanted to ask what is the level of support for universal voting? Has there been polling on the issue, we can deal with that. Does it consider sanctions, what are the scope of the sanctions? I think we've done that. We need robust broader education program, particularly programming, particularly as we move to a predominant vote by mail system. How do you incorporate that?

Let me -- would remote voting over the internet facilitate universal voting and how would it work for people with dual citizenship. I throw all those out there to see if anyone wants to use them as a takeoff point. I will just take one of them myself really quickly.

We did extensive polling on the idea. We are the only think tank group in Washington ever did polling knowing a majority would not support our idea. And what we found is 26 percent of American's now support the idea. Another 49 percent strongly oppose it. The way we see it is half the country is at least potentially open to an idea that has never been argued for publicly. But if you look at the report, we go into great detail.

On the other hand, 61 percent of the country agree with the core premise of the report which is that voting is both a right and a duty. But you can take a look at the report to see more detail on the polling. Who else, who wants to use any of those questions as a takeoff point?

Janai, we haven't heard from you in a while. Is there any place you want to go with any of that on penalties, on civic education and on how to bring more people to the polls? Please take it anywhere you'd like to go and also responding to what's been said already.

MS. NELSON: Sure. I think one of the principles that we should just drive home is that the whole purpose of universal voting is for it to have a cascading effect. For it to drive the reforms and changes that we outline in the report and that many of us just know off hand.

Automatic voter registration, early voting, support for paid voting in terms of people who need to take leave from work but they will not miss pay. That they will have the leniency of their employer to enable them to take the time to do that. Universal absentee ballot voting. No excuse absentee ballot voting so that people who, for whatever reason, can't make it to the polls in person have an option to still cast their ballot and participate in democracy.

So, the underlying point of universal voting is to ensure that we broaden access to government. That we broaden the opportunity for every eligible voter to participate in our democracy. So, there are so many ways in which this will likely improve in our entire election system and that's, of course, just the starting point. Once we bring more voters into the conversation and into the democratic experience, I think we will see transformative change in a way that we've never seen it before.

Of course, this is not easy and Miles talked about some of the ways in which we can begin to normalize this concept and try it out in smaller elections and hopefully scale it so that it does become truly universal voting on a nation wide scale. But the impact that this potentially has and I can't say it enough on bringing in particular those historically disenfranchised voters into our democracy is just phenomenal.

And, you know, everyone is quoting John Lewis. I will say one of my favorite quotes of his is that freedom is not a state it is an act and the act of voting is an act that can really secure our

freedom in untold ways. And we need to ensure that we are acting on behalf of our own freedom and those most vulnerable communities and individuals in our country now more than ever. And this is a way to precipitate that and to really make America be the democracy that it can be.

MR. DIONNE: Anyone else want to jump in on any of these points or just a point that you think we've left aside. Go ahead, Maria.

MS. KUMAR: So, I would, I mean, there was a question about universal voting coming as this idea of introducing the concept of mobile voting. And I do want to highlight that these are two very different things, right. Universal voting is people that are automatically registered, automatically part of the poles. Universal, the idea of mobile voting is something that we should really caution about because it's still very, our systems are still very vulnerable to third party hacking and so we do want to divorce the two.

However, I do see pathways for universal voting to become very much accepted into the mainstream because of the vote by mail movement that we're seeing right now. Voto Latino is currently part of a coalition for NAACP and March for Our Lives where we're trying to secure a \$3.7 billion in the next Heroes Act that will allow local states and municipalities to safeguard their elections. And a portion of that funding goes to universal, excuse me, to vote by mail.

But I do want to make that distinction that what we're advocating very strongly for is universal voting. Meaning that the moment you turn 16 or 18 years old, you are automatically on the voting roles. We are not having a conversation on or around mobile voting via your cellphone just because I think we can be incredibly fair and transparent that our government right now is not immune to foreign interference on that front.

MR. DIONNE: Let me ask a question that's either explicit or implicit here. How would you bring this about and maybe I want to get this to Miles briefly. That the report is very clear that while obviously our goal would be to have this adopted at the federal level, what we have in mind might be adopted at the local level and the state level on the old laboratories of democracy model. Just as, for example, Maine has adopted instant runoffs for its election providing a model for the rest of the nation.

Could you talk about, Miles, especially as someone who was involved in election law for a long time.

MR. RAPOPORT: Yes, that's a really, really good question. Obviously, what we're doing today is kind of floating or releasing or proposing the idea and as everyone knows, there's a lot of work that goes on between an idea getting generated and it actually coming to be.

We see a number of things that hopefully will happen as a result of this. Obviously, we're hoping that the idea gets some public discussion and currency from journalists in the kind of public conversation on Twitter and on TV.

We also see it as something that the, you know, I have been a strong fan of what I called a democracy movement. And it's a kind of combination of people who have been working on voting rights and people who have been working on structural reforms and campaign finance issues. But there are lots and lots of organizations that, I think are getting more and more strong.

And what we hope is that this will become part of their agenda that organizations will see that in addition to the work that they're doing. Whether it's on rang choice voting or same day registration or fighting voter suppression, that adding that to this agenda would make sense.

I also think there are a large number of elected officials. I mean, obviously, this has to be embodied and municipal ordinances or state legislation or secretaries of the state that I think are deeply committed to the idea of getting people into the process in much, much larger numbers.

So, I see this as the beginning of a kind of radiating out of a discussion that hopefully will take organized, you know, will become the fodder for organizing, will become the discussion in state houses around the country and hopefully that will do it.

And I saw -- can I, E.J., one little quick thing. I saw a comment from Bill Galston about why people are not in favor of this whereas they are in favor of jury duty. And I'll just say quickly that I think this idea has yet to be discussed in the same way. So, I think what we need to do is just get this out into public debate and I think we have an opportunity to shift that public opinion.

MR. DIONNE: One thing I wanted to say and then I wanted to ask something maybe a question that came up to Cornell and Brenda. The one thing I want to say is this is -- seems like a radical

departure for us. And one of the reasons our report includes a significant section on the experience of other countries, particularly Australia which has been a democracy for a long time that has had this system. Very much along the lines we suggest for almost 100 years and it has worked extremely well. Produces very high turnouts, does not penalize very many people.

The secret ballot was once a radical idea. We happened to get that idea from Australia too. It was known as the Australian ballot. And so, the idea that this is only as radical as the secret ballot once was and now, we take the secret ballot for granted.

One of the questioners expressed worry about "ignorant voters". Now we have a whole section in our report taking on that very point. I think that the -- I sort of object to the concept on principle myself. Because, I don't know, we tend to describe voters as ignorant who happen the voters who disagree with us and voters as brilliant, the ones who agree with us.

But more than that, we cite political scientists like Leo Key or Sam Hopkins who actually show that regardless of education levels, people know pretty well who they are voting for and why and they are reasoning voters in Sam Hopkins terms. Could you talk about that? About the whole idea, the way in which this argument has been used over the years.

But I think the person who raised it because it is important and it's on a lot of people's minds. Cornell, you know, maybe put in the context of phony literacy tests that we've had in our past that were used to discriminate against voters.

MR. BROOKS: Sure. So, I think it's incredibly important for us to appreciate the fact that when it comes to jury duty, we assume that lawyers have the responsibility of educating jurors as to the law, as to the facts and as to how they get to carry out their responsibilities in terms of rendering justice. When it comes to universal voting, this would shift the civic responsibility, if you will, of educating voters, informing voters to those who have that responsibility now but are charged with the responsibility of only informing their voters. So, that's point one.

Point two, this whole notion of ignorant voters, let's be clear about this. You know, literacy tests were used as a way of keeping out people who supposedly, essentially not well-informed

enough to vote. Which devolved into people being asked how many bubbles were in a bar of soap in order to (audio skip).

The point being here is there is no intellectual threshold in our democracy with participating in the democracy. Point one. Point two, the very folks who were subject to a literacy test literally wrote the constitution. In other words, the same people who were subject to literacy tests all manner of civic chicanery to keep them on the periphery of our democracy literally is a consequence of their advocacy. Created the 15th amendment, created the Voting Rights Act, created civil rights laws as we understand them and that speak to every American in terms of our civic aspirations.

So, the point being is there are no ignorant voters, there are voters that we have yet reached, we have yet engaged. So, the point being here is this is a marvelous opportunity to expand the electorate, to engage the whole of our democracy and I would note this, particularly now. We're in the midst of a global social just movement. And so, in other words, if activists around the world can communicate the means of protest, activists around the world can communicate the means and the mechanics of our democracy, namely universal voting.

MR. DIONNE: Let me ask Janai, what have we learned from the census and the laws around the census that apply to this issue as you suggested in the chat?

MS. NELSON: Yeah, I think it's so important to underscore, particularly in this year when the census is being taken. That census participation is also required under our constitution. There are many ways in which residents of this country are compelled to participate in this democracy.

So, the idea that we require some form of participation whether that be, as Brenda pointed out earlier, simply saying none of the above or sending in a blank ballot. But just engaging in this process is not as onerous as it may sound at first blush and it's certainly not the encroachment on individual liberty that many people make it out to be.

We cannot forget that those detractors from this concept are the same ones who want to engage in voter suppression tactics and keep people as Cornell so eloquently said at the periphery of our democracy. So, there are legitimate concerns and one that's been raised in the chat about whether this

might disproportionately fall on Black and Latinos and indigenous peoples, folks who have been historically disenfranchised. That is clearly not the goal of this group.

At the Legal Defense Fund, we have worked since our inception 80 years ago to fight for inclusion, particularly of Black people and of all people in our democracy. And the way to ensure that they will not be disproportionately harmed by any requirement to vote is to make that requirement easy to satisfy to ensure that all of those access points are open before the requirement even comes into play.

And that is why there is such a symbiotic relationship between the idea of universal voting and eliminating voter suppression tactics and opening up our democracy's portals to everyone. And we're extremely excited about the potential that this concept has even just to open up the conversation about who gets to participate in our democracy.

MR. DIONNE: Thank you so much. As there is one question, by the way, what elections would this apply to? We say major elections. We understand that there are some jurisdictions that might have three elections a year. This would obviously be debated. We would like to see it begun at the state and local level but we certainly see in major federal elections and major state elections but that is something that we talk about in the report but is obviously would be debatable.

I'd like to ask Brenda, Maria Teresa and Miles to offer some closing thoughts and then I'm going to offer one before we go. Brenda, among other things I think it might be useful to talk about places where there is particular potential to experiment with this. Because some states give enormous authority to localities in their state constitutions to experiment. It's one reason I love that part of the report that Brenda and her colleagues worked so hard on is it really points out how this presents itself in different ways and different places. Brenda, go ahead.

MS. WRIGHT: Sure. Yeah, we were very interested in looking at states where municipalities have, it's usually called home rule power, to make their own laws around elections and election procedures. Because in many ways, we see experimenting with this at the municipal level as perhaps a very promising way to open this up and we had a lot of assistance.

Actually, shout out to Josh Douglas from the University of Kentucky. He did a lot of this work to see

exactly which states have the best laws and there are 12 or so of them. And he said he likes to say that just as states can be the laboratories of democracy, municipalities can be the test tubes of democracy. And so, the report, I won't try to list all of the states but there's about a dozen states where municipalities most likely have the authority to go ahead and experiment with a policy like this.

MR. DIONNE: Gee, I wonder we have test tubes, laboratory, what comes next after that? Maria Teresa, did you want to come in on, you know, one of the things we stress in the report are the reforms besides universal voting. Sort of what we need to do for 2020 to create a fair election this time and how that might allow us to take the next steps towards universal voting afterward.

MS. KUMAR: Well, I think, first of all I think the reporting is not only timely but to your point, E.J., there's a lot of processes that states are doing that are actually capturing the enfranchisement of their citizens. And how that can trickle up to the federal government I think would be a dream for all of us.

And so, to the point, everything from universal vote by mail is something that will help protect people in the COVID moment. Unfortunately, what we saw in Wisconsin where their supreme court did not expand voter participation in their elections until June. Sadly, 50 people standing in that line actually got COVID and sadly someone actually passed away as a result.

It's how do we make sure that we're safeguarding our elections for today so that you and I can all have this conversation tomorrow. I looked away only because there's a badger walking around here. But then also, you know, --

MR. DIONNE: All Wisconsin fans are very happy with this broadcast.

MS. KUMAR: So, but you know, it's early voting, it's same day voting. Colorado, I would say, California and Oregon would be examples of what we should all aspire to be. And that is ensuring that everybody can safely cast a ballot who wants to in a way that allows us to make sure that our government is thriving.

And so, to this report's credit, it highlights a lot of those possibilities. And since I mentioned same day voting, making sure that, you know, your ballot is cast, that your ballot is counted as

a postmark versus as when it's officially received by the elections committee. Making sure at the same time and this is something that we're working off separately from your work but we're working on at Voto Latino is that we also do not expect signature matches. Because we know that your signature may vary from time to time.

And these are things that are in some states that are recognized as universal and other states, sadly the ones that are quickly experiencing a change in demographics where it's Latinists or whether it's youth and sometimes it's both, they are creating different barriers to these participations. And so, the universal task force -- my son is yelling ground hogs.

MR. DIONNE: He should come and say hello to everyone.

MS. KUMAR: But the essence of the universal working group is not only an aspiration, it's an opportunity as a road map and aspiration but something that we can use today and very practicality because you do provide solutions of what could happen in the interim between here and that aspiration, the fulfillment of that aspiration.

MR. DIONNE: Thank you so much and God bless him for being there. Miles, a quick word before we close.

MR. RAPOPORT: Yeah, just very quickly actually on timing which is that again, I've been at this for 35 years. I've never been in a discussion about the idea of universal civic duty voting until now. But I think it's the right moment.

I think we are in a moment where the old ways of doing business have clearly not succeeded for us and where big ideas can be put on the table, can be discussed and hopefully can gain some traction. So, that's what I'm here to do and I hope that we can do it and I appreciate the opportunity and people joining us.

MR. DIONNE: I want to thank everyone for joining us. I want to say please read the report. Please feel free to be in touch with us about it. Please if you're moved, feel free to become active around these ideas. I just want to close by noting this. Once upon a time, it was radical to say anyone but propertied white men could vote. Then it was radical to say that African Americans can vote. Then it

was radical to say that women could vote. It was radical to say that people under 21, 18 to 21 could vote.

None of these ideas is radical now. In fact, it would be radical and reactionary at the same time to go back to a country where only propertied white men can vote. I think we have to keep our minds open to the idea that things that seem like a real departure quickly become part of the landscape because they work. This is an idea that has worked well in more than a dozen countries.

We believe it can serve as a protector of American democracy. It can make good the Declaration of Independence assertion that legitimate government depends on the consent of the governed. We want all of the governed to consent through elections and it could make those great opening words of our constitution, we the people extend to all of us. The American struggle is to making that word we apply to all American's. That's what we're trying to do in this report.

Thank you to our participants. Thanks to all the folks I thanked at the beginning. Thanks to the Ash Center and Brookings and again, thank you all for joining this discussion. Let's stay in touch.

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Expires: November 30, 2020

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