THE BROOKINGS INSTITUTION

BROOKINGS CAFETERIA PODCAST

WILL THE 2020 PRESIDENTIAL ELECTION BE SAFE AND SECURE?

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PARTICIPANTS:

Introduction:

FRED DEWS
Managing Editor, Podcasts and Digital Projects
The Brookings Institution

Host:

DARRELL WEST
Vice President and Director, Governance Studies
The Brookings Institution

Guests:

ELAINE KAMARCK
Founding Director, Center for Effective Public Management
Senior Fellow, Governance Studies
The Brookings Institution

CHRIS MESEROLE
Director of Research and Policy, Artificial Intelligence and Emerging Technology Initiative
Fellow, Foreign Policy, Center for Security, Strategy, and Technology
The Brookings Institution

SARAH BINDER
Senior Fellow, Governance Studies
The Brookings Institution

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P R O C E E D I N G S

DEWS: Welcome to the Brookings Cafeteria, the podcast about ideas and the experts who have them. I'm Fred Dews. Will the 2020 election be compromised by foreign interference? Is voting by mail secure. Can American voters have faith in the integrity of our electoral system? To answer these and related questions, I'm re-broadcasting a conversation that first aired in a series being produced by our colleagues in Government Studies at Brookings.

In it, Darrell West, Vice President and Director of Government Studies, interviews Senior Fellow Elaine Kamarck and Fellow Chris Meserole to get their perspectives on these critical questions.

Also on today's show, Senior Fellow Sarah Binder discusses the coming confirmation battle over the nomination of Judge Amy Coney-Barrett to replace Justice Ruth Bader Ginsberg on the Supreme Court. What procedural tools do Senate Democrats have to slow or stop the process and what powers can the republican majority use to confirm her before the election?

You can follow the Brookings Podcast Network on Twitter @policypodcasts to get information about and links to all our shows including Dollars and Sense: The Brookings trade podcast, the Current, and our events podcast.

First up, here's Sarah Binder with what's happening in Congress.

BINDER: I'm Sarah Binder, a senior fellow in Governance Studies at the Brookings Institution. The death of Supreme Court Justice and liberal icon Ruth Bader Ginsberg has created a political firestorm just five weeks before a sharply contested presidential election. That's not a lot of time for a republican senate to consider President Trump's nomination of a Court of Appeals Judge Amy Barrett. But the Senate is still more likely than not to confirm Barrett days before the November elections, even were Democrats did gain control of the White House,

Senate or both.

Keep in mind, just four years ago in 2016 Senate Republicans refused to consider President Obama's nominee, Judge Merrick Garland for a seat on the Supreme Court. Why? Because Republicans said the seat should be filled by the winner of the presidential election that November. That was then, this is now. A Republican is in the White House. A Republican majority stands ready to confirm the nominee. So here's what lies ahead in the Senate and why it matters.

First, the minority party has some procedural rights but the majority party has most of the power. A broad array of Senate rules govern the handling of Supreme Court nominations. Senate rules send nominations straight to committee where investigators vet the backgrounds of nominees. Since 1975, it has taken on average about 40 days from nomination to a hearing and another week until a committee vote. If the Senate keeps to the schedule they have announced, it will be about 14 days from nomination to a hearing and less than 35 days from nomination to confirmation. Committee rules give the minority party significant procedural rights if Democrats want to drag their feet to buy time to marshal public opinion against the nominee.

Any member of the committee can delay a meeting of the committee by a week and at least two senators from the minority party need to be present for the committee to conduct business. Given the time crunch for considering a nomination, Democrats could theoretically exploit the rules to slow down Judge Barrett's path to a confirmation vote. But there’s a hitch. It's tough for the minority party to enforce the prerogatives under the rules. Just last year, Judiciary Committee Chair Senator Lindsay Graham of South Carolina swept aside Democrats' protests when he ignored committee rules and pushed a controversial measure to a vote. Democrats' objections failed to stop Republicans.

Second point: The minority party can delay but it really can't stop a confirmation vote. Once the Judiciary Committee issues its recommendation, the full Senate considers the nomination. The Republican Senate in 2017 banned filibusters of Supreme Court nominees. That means today it only takes a simple majority to cut off debate and bring the chamber to a confirmation vote. That's how the Republican-led Senate confirmed Trump's first two court nominees, Justice Neil Gorsuch and Brett Kavanaugh, over the objections of nearly every Democrat. Democrats could still slow down the nomination by maxing out on the number of speeches allowed under the rules or by refusing to grant consent to the Republican leader when he invariably needs the consent of all 100 senators to set the Senate's floor agenda but once Senate Majority Leader Mitch McConnell of Kentucky files a cloture motion to end debate, Senate rules start the countdown first to approach a vote, to cut off debate and is successful to an up or down confirmation vote.

Under Senate rules, the clock will run for about three days before that confirmation vote. Only two Republicans, Susan Collins of Maine facing a tough fight for re-election and Lisa Murkowski of Alaska, only those two have expressed any doubt about the Senate filling the vacancy before the election. If both decide to oppose cloture the remaining 51 Republican Senators will still easily confirm Judge Barrett.

Third, Democrats are really appealing to voters, not fellow Senators. Senate Democrats seem to have a lurid appetite for trying to blow up the Senate as elections are approaching amidst the pandemic. Instead, Democratic nominee Joe Biden and the Democrats are expanding the scope of conflict, drawing the audience into the fight, making plain to voters what a conservative court could mean for everyday Americans for women's reproductive rights, for the fate of the Affordable Care Act and for legions of other policies favored by popular majorities and protected

so far by past supreme court decisions.

Adding a sixth reliable conservative justice to the court could produce a reliable conservative majority for the first time in decades. At the end of the day, these confirmation battles matter. Why? Because the court's legitimacy, the perceived authority of an unelected court to make binding rules for the entire nation, depends on Americans believing in the court's authority. But if the confirmation process and voting blocks on the court become nearly or entirely polarized along party lines, the court's legitimacy and its power will surely be put at risk.

DEWS: And now here's Darrell West with Elaine Kamarck and Chris Meserole on threats to our election.

WEST: Thanks for joining our podcast. I'm Darrell West, Vice President of Governance Studies at the Brookings Institution and co-author with Brookings President John Allen of a new book about AI entitled Turning Point Policymaking in the Era of Artificial Intelligence. The fall campaign is well underway and he election is taking place amid a pandemic, a national recession and protests against racism. Public opinion polls show democratic candidate Joe Biden with a major lead over President Donald Trump. Yet there are consideration that disinformation campaigns and foreign interference will allow Trump to sway voters and possibly win the election.

There is worry that social media platforms will spread false information and inflame racial divisions. People wonder what is happening and what can be done to limit the possible damage. In addition, there are risks of foreign intervention in the form of disinformation campaigns and cyberattacks on critical election infrastructure. To discuss these issues, we're pleased to be joined by two distinguished experts. Elaine Kamarck is a senior fellow in Governance Studies at Brookings and Director of the Center for Effective Public Management.

She specializes in election issues and is co-author with me of an ebook on election disinformation. Chris Meserole is a Fellow in the Foreign Policy Program at Brookings and Deputy Director of the Brookings AI Initiative. He works on disinformation and the national security aspects of technology. So Elaine, I'd like to start with you. So as I mentioned, I have this new book about AI written with John Allen. It addresses problem with technology and what we can do about those issues. One of the concerns is the role of social media platforms in spreading false information and promoting racial divisions. What is happening with social media platforms and how are they being used to spread false information?

KAMARCK: Well, Darrell, as we saw in the 2016 election, social media was used very very carefully to target African American voters and to try to convince them that there was no difference between Hilary Clinton and Donald Trump, to try and convince them to vote for a third party candidate. There were fake groups put up that were not real African American citizens.

There was a lot going on and it worked quite well. In two cities in particular, Milwaukee and Detroit, African American turnout was way, way below 2012 levels and frankly enough below 2012 levels to give Donald Trump those two states in the Electoral College. So it worked well and it's going to be attempted again.

Now, there is a little bit more sophistication out there these days then there was but we already know from reports from the DNI And the intelligence community that the Russians are planning to do this once again, planning to target and to inflame racial differences. The other thing I think I'd say is that while in 2016 we concentrated on this being directed at American elections from outside the country, in 2020, we're going to see a lot of this inside the country. Coming from inside the country itself. In other words, the same techniques of disinformation,

hiding the true sources of information et cetera are being used inside the country.

Just in the last couple of days, we've seen a large distribution of a very fake gathering of supposed doctors, none of whom can be found as to where they practice medicine, advocating the use of hydroxychloroquine and saying that we don't need to wear masks. Twitter took this off its site and told Eric Trump who had tweeted it not to tweet it.

They didn't tell the same thing to the president who had tweeted but this keeps going on and on and on whether it's the election, whether it's the COVID-19, the amount of disinformation out there is just overwhelming and really hard to play catchup on.

WEST: So you mentioned the Russians and of course this year people are worried about a number of different countries intervening. So we have Russia, China, the Saudis, Iran and who knows who else? But it's an interesting question whether they're all going to intervene on the same side because you might imagine a situation where Russia and the Saudis are very pro-Trump because of their policy alignment. Iran, of course, hates Trump so maybe they were intervene against him. China? Who knows? Kind of a wild card in all this.

So what would you expect in terms of these other countries and are they simply going to repeat the Russia playbook? Are they going to have new wrinkles this year?

KAMARCK: Well, I think everybody is going to try to improve on the Russia playbook and one of the things that AI does and I think you've written a lot about this, Darrell, is the scariest thing about AI is the increased ability to alter images and make it look as if somebody is saying something that, in fact, they're not saying. So we can imagine this coming out of Russia, coming out of who knows where. Altered images of Joe Biden saying things that he didn't say, of Donald Trump saying things that he didn't say. Of course, we already saw a very famous example of this with someone making Nancy Pelosi look like she was drunk. Look like she was

slurring her words and that went all over the place and Facebook was really irresponsible in not taking it down. They just labeled it as false but they didn't take it down.

WEST: So, Chris, I'd like to thing you into the conversation. So, Elaine mentioned the problem of disinformation in campaigns coming from abroad but of course there also are other types of foreign interventions that could be problematic such has cyberattacks on the elections infrastructure, disrupting the vote or just general efforts to sow public mistrust about the integrity of the elections. So what other problems do you see in these areas?

MESEROLE: Thanks, Darrell. I think I would echo a lot of what Elaine said earlier although I'd say, you know, if you think about the importance of cybersecurity versus what you might call cognitive security or information security of our political discourse,, I'm probably more worried about the latter.

I think we've got—we obviously want to take care to make sure that all of our electoral infrastructure is as well protected as possible but if a good majority of the American public do not view that process as legitimate, that's probably the worst case scenario and that's where a lot of misinformation about the electoral, you know, the integrity of the electoral system comes into play and I think I would echo again kind of Elaine's concerns about, you know, what Russia has done in the past, what they are likely to do going forward.

I am concerned that, you know, if you are a rival of the United States or another geopolitical power in the global context, if you want to influence the U.S. election right now it's not actually that hard to do, primarily because a lot of the disinformation that is floating out around the election is being distributed and re-tweeted and posted by, you know, very high level officials within the United States including the president and his campaign staff. The video that Elaine just mentioned was actually we tweeted I believe or distributed by the Trump

administration itself. So it's not hard to kind of get a pretty good, if you're a foreign adversary and you're trying to weaken the United States one of the easiest things you can do is just help distribute and produce content that will feed into this ecosystem that is being leveraged by the trump campaign in particular.

One thing I will say in terms of foreign adversaries and what their goals are, I know that there are a lot of other countries that are looking to follow the Russia playbook but I'm not convinced that they're looking to follow it entirely. Russia is interested in as weak—in weakening. I don't know that they are necessary pro-Trump or anti-Trump. I think they're just interested in a United States that is weakened and a United States that s fighting amongst itself if one that is weakened to the point of, you know, potentially even collapse. Whereas with China I think that they're interested in weakening the United States but they are not necessarily interested in all of the institutions that the United States has built to maintain global order, things like NATO, I don't think that they're looking for those to outright collapse and so I think they're a little bit more careful than Russia in launching disinformation campaigns that they don't have full control over.

They'll still do it in select cases. They've certainly done it with information related to the virus but they're not—I'm less concerned about China trying to cause as much mayhem within the U.S. electoral system as Russia has in the past.

WEST: That was a very interesting point that the various countries may have very different equities in this campaign, have different interests and may end up following a different approach. So right now everybody does seem fixated on Russia and rightfully so but there are a lot of other actors and they may be interested in doing other things. So Elaine a lot of the things we're talking about obviously we saw in 2016 and also there were some related activities that

took place in the 2018 congressional elections. Do you think the 2020 elections will be a repeat of 2016 and 2018 in terms of the tactics and the approaches or are there going to be new wrinkles in the disinformation game that we should worry about.

KAMARCK: I think there will be two new wrinkles on behalf of people promoting disinformation. The first one is going to be that they will hide their identities better. In 2016, there were web administrators from the Bernie Sanders campaign who were finding out in real time that they were getting messages and forwarding messages that originated in Albania, that originated in St. Petersburg, that originated in Moldova. I think that people will be more clever about hiding the origins of those messages and trying to make sure that the look like or come from American locations.

I think the second—the second thing that we'll see is there will be a lot more video being used and a lot more deceptive video being used mostly because of the great advances that have been made in artificial intelligence making it so much easier and cheaper to produce convincing video even when it's not true. I think the one upside to this is I think the public is going to be a little bit more skeptical than they were four years ago.

A little bit more careful about sending on things that just don't make sense. Somebody came up to me when I was at the beach a couple of weeks ago and just said you know I got this text saying that Henry Kissinger was all for Donald Trump for this reason and that reason. She showed it to me and it was obviously a fake so I think people are getting a little bit more sophisticated about sorting out what's true and what's not true and that will be useful.

WEST: But, Elaine, that's creating new opportunities for you to become a fact checker with your friends.

KAMARCK: That’s what I was doing. I mean honestly the fact that this happened on the

beach by somebody who has no interest in politics really surprised me but a good sign.

WEST: Definitely. So, Chris, your thoughts on any new wrinkles in 2020?

MESEROLE: I would echo everything Elaine said but I would also add just kind of two other points. One is, you know, in terms of AI tools and the production of disinformation, one of the other things that I'm really concerned about is not just new AI videos like deep fakes but the use of AI and deep fake technology to create persons that look like real people with real expertise that are then used to plant stories in legitimate outlets. We've already seen this start to happen.

There was an op-ed in the Jerusalem Post I believe recently that was created and published under a byline with a picture of someone who looked very real but it turned out to have been created by a deep fake. The video—or the picture anyway. I think we're going to see deep fake technology used to fool all kinds of social proof that we're currently using to try to assess the credibility of different sources, including in the mainstream media. The other kind of really interesting wrinkle that I think we're going to see and we're already starting to see it is the rise of social media platforms that are not created by American companies or even western companies, in particular those from China like TikTok that are used extensively in the west and no longer just in China or other countries.

What's concerning here is that we don't really have much, you know, we struggled to put good systems and good processes and policies in place for companies like Facebook and Twitter. With a company like TikTok, you know, it's not owned by an American company and there are fewer sources—fewer ways to try and understand what's happening on the platform and control what's happening on the platform.

An example would be of why that could potentially be dangerous for our electoral

political is that in the lead up to Trump's rally in Oklahoma earlier this summer there was a major campaign on TikTok by what are called K-pop stars to get American teenagers to sign up to attend the rally but then not show up. By all accounts, this seemed to have been at least somewhat successful in the sense that it clearly contributed in some capacity to the Trump Administration or the Trump campaign's over estimation of how many people would show up and the resulting kind of optics looking terrible when only about 6,000 people showed up.

The reason that that's concerning is that we actually don't understand anything at all about how TikTok's algorithm works. It's a black box to anybody in the United States and it's, you know, we don't have any evidence to suggest that it was manipulated but also we don't have any way of confirming that it wasn't.

In particular, you know, this should be concerning because again it's owned by—the platform is owned by a company that we don't really have any access t and if you're a foreign—one of the things that's different about China vis a vis Russia for example is that there are no Russian social media platforms that are popular in the United States and that provide a vector for disinformation over which the United States has even less control and so I think the more we see TikTok growing, the more I'm concerned about what might happen on their end in the lead up to 2020 which would obviously be much different than anything we've seen in 2018 or 2016.

WEST: So Elaine what guardrails are available to prevent Trump from engaging in voter suppression or otherwise disrupting the campaign.

KAMARCK: There are not many guardrails to prevent Trump from engaging in voter suppression. I mean they[re going to do that frankly prior to the internet age, political parties engaged in voter suppression all the time using other means so this is just—this is just an old fashioned tactic brought into the internet age. Obviously, they're going to try to suppress the

African-American vote because that's not a republican vote and they're going to try to sow discord within the democratic party as they did four years ago to try and keep down the vote. I mean just try and keep fewer Democrats from voting or maybe move them to third parties et cetera.

So that I think will be pretty much the same. I think the difference is that the election apparatus in states has been hardened so to speak against external interference, whether that's from a domestic hacker or from the Russians or the Chinese or anybody else and I think that that process is going to work probably a little bit better with the caveat that there will be an enormous number of absentee ballots because of COVID-19. The confusion that may arise from just the sheer number and the inexperience of election officials in dealing with those ballots may mean that there is a lot of confusion and uncertainty sewn about the vote. Obviously, the Russians particularly who, as Chris accurately said, are interested in, you know, just sort of general American disruption.

The Russians particularly are interested in making it look like somehow this election is not on the up and up and that there are things wrong, going wrong, and that there's corruption, et cetera They've already started this by trying to—by echoing Donald Trump's statements about mail-in ballots that they're very corrupt and that's just nonsense. We've never seen corruption in mail-in ballots.

In fact, because they provide a paper trail that is then taken and locked in rooms around the state capitol where the elections are counted, they are actually safer. Paper ballots are actually safer than electronic ballots that could be easily hacked or that disappear after the election. So it's a—it's a very very interesting situation that we're facing in November, one where there could be a lot of uncertainty sewn. On the other hand, I do think the states are now aware of

this and are preparing for it.

WEST: So, Chris, Elaine mentioned absentee ballots and some people have worried about budget cuts to the post office creating problems in terms of delivering all those mail in ballots and therefore disrupting the election. How seriously should we be worried about that?

MESEROLE: Your know, it's certainly on the budgetary side. I think we want to make sure that we have all the resources in place to ensure the integrity of mail in ballots and make sure that anybody who wants to vote can do so. I am worried about that a bit but the one silver lining that I see is that most of our electoral processes are controlled at a fairly local level and so, you know, I think most of the budgeting processes are also kind of happening there.

The reason I see a silver lining there is that I don't actually see a lot of room. I know there ae a lot of fears particularly, you know, among the left In the United States that the Trump administration might be able to engage in outright voter suppression by kind of cutting funding wholesale and, you know, that's something that I'm certain concerned about the Trump administration's voter suppression efforts but one kind of saving grace of the way that our electoral system is constructed is that it would actually be very hard for the Trump administration to do that at scale across the United States.

So, you know, again at a local level in some jurisdictions or some areas, I am worried but on a whole I am not as worried about kind of, you know, mail in voting being a problem across the entire United States all at the same time.

WEST: Elaine, how should journalists think about the various election problems we've been talking about and how can they help the American public understand any problems that come up?

KAMARCK: I think journalists are going to play a very important role here. A very

important civic role. I think the first thing they can do is make it clear to people how to vote absentee because as we now have to get used to the fact is that this pandemic isn't going away by November. There are going to be a lot of people, particularly older people, who don't want to go to crowded public places like polling places and so we're going to have to adapt our voting in November to the reality of the pandemic.

States are as we speak busy changing their absentee ballots requirements and making it easier to vote absentee. A lot of states have moved to what we call no excuse absentee balloting. In other words, you just—if you want to vote absentee, you just ask for a ballot. You don't have to give an excuse. Some states keep their excuses but have added fear of COVID-19 to the list of acceptable excuses for requesting a ballot. So there are changes going on there and the journalists can do a great deal of civic good just by conveying accurate information.

If we go back to disinformation, right? The topic here. Again, even before the internet, a favorite dirty trick of political campaigns was to try the other parties' voters the wrong day of the election. Oh, no. The November isn't November 7th. It's November 8th. Or oh, your polling place isn't at the high school. Your polling place has been changed to St. Mary's Church down the block. I mean there are lots and lots of shenanigans like this. Obviously, the internet and email and social platforms make it a little bit cheaper to do that but frankly it's the same old dirty trick.

So journalists can warn against those dirty tricks. Finally, I think we have to go to election night itself. Again, remember what we keep stressing here is that the Russians in particular are very interested in causing chaos and causing dysfunction and lack of trust in our electoral system. The journalists on election night need to be prepared to tell the nation that they will not have returns in all the races. It's simply not going to happen.

My best estimate right now is that in person voting is going to go down to 30 to 40 percent of the population and there will probably be biases in who votes in person versus who files absentee. Therefore, the tools that people usually—the journalists usually have to predict elections, you know, building models based on turn out in key precincts and things like that we're just not going to have them and so I think the journalists rather than on election night panicking and saying oh, dear, this is terrible, we don't know who won need to be able to say we're not going to be able to know for a week or two weeks or even a month.

It's just going to take a long time to count all those absentee ballots. States have never done it before other than the states that were already all mail in states and so if the journalists explain this, it will be fine. If the journalists jump to conclusions and say oh, this is terrible. This is terrible. It's 12:15 in the morning after election night and we don't know who is president and this is terrible, well, it's not terrible as long as they are counting ballots that are, you know, legally received and carefully stored.

WEST: Chris, what about the role of the U.S. intelligence community and the FBI in alerting state officials about various kinds of problems? What should they be doing in this fall campaign?

MESEROLE: I think one of the things that they need to be doing is coordinating closely both with the tech platforms themselves and then also with state officials. I think one of the challenges if you're trying to catch or disrupt foreign influence operations, particularly when it comes to misinformation around electoral processes, is that those campaigns are often multi-platform and they're not just limited to Facebook or just twitter.

They are usually operated across all platforms. Often even with a number of (inaudible) websites which makes it difficult for just, you know, any individual platform to have a full sense

of what's going on. It also means that I think if you're in the government, one of the values that they can provide is some of the digital forensics tools that they have to be able to capture some of the bigger picture of what's going on online in consultation with, you know, our meter tech platforms.

That's kind of a key role that they're going to need to play and one of the concerns I have is whether or not we're properly structured or the U.S. government is properly structured within the intelligence service to be able to do that. I think we've got—we've made some progress since 2016 in that regard. I think we still potentially have a ways to go and that's not necessarily to be alarmist.

I think, again, I think we'll—by all accounts that I've seen and heard, I think we're headed very much in the right direction but the role of them to play is to be that kind of mediator between, you know, the tech platforms and what's happening online on the one hand and then local state officials and governments on the other.

WEST: Elaine, we have outlined a number of problems in terms of disinformation and foreign interference but at Brookings, we like to focus on remedies and not just problems.

KAMARCK: Yes.

WEST: How can we safeguard voting and maintain the integrity of our election process?

KAMARCK: Well, I think there are a couple of things that we can do. I mean first of all there is always a money question. In the first COVID relief bill, there was $400 million included specifically for state election offices to upgrade their scanners, to hire more people, cover all the extra postage that was going to be needed to send out all these absentee ballots, et cetera. That is probably not enough.

I'm not sure that there will be any money for elections in the next COVID relief bill,

assuming that there even is one. So really we need more money to let people simply upgrade everything for a new era of voting where most of the voting is absentee as opposed to in person. I think the second thin people can do is actually just civic groups and political parties need to tell people who to vote safely.

Frankly, there I have much more confidence because I think that it is in the interests of political parties to get their voters to the polls which is why for all of the stuff that Donald Trump has been spewing about how terrible mail-in ballots are, all across the country, Kentucky, Ohio for instance, republican secretaries of state are working hard to make absentee balloting easy and safe and doing a lot of reforms and publicizing those reforms to the citizens.

So, you know, it's a slight counterintuitive that Donald trump is even doing this because it's not in his own self-interest but that's another story. So the second thing is education and then I think the third thing really is—and I learned this in reading about some recent studies that have been done about disinformation. It turns out that simply rigorously, rigorously pointing out the sources of disinformation turns out to be very effective in causing citizens to not forward things and to not hype things.

They die faster than if you make fun of them or if you try to argue them on the merits. Now, of course, Hilary Clinton could never have had a pedophile ring at a pizza parlor because she was busy that day. Right? You know, something like that. Apparently, simply outing sources is a very effective way to counter disinformation. Finally, just citizen sophistication. The growth in citizen sophistication. Warning people what suspicious emails look like, what suspicious sites look like et cetera.

That's really quite important and I think in the end frankly that's how we're really going to cope with this.

WEST: Chris, what do you think we need to do in order to safeguard voting and maintain the integrity of the process?

MESEROLE: I think, you know, one way of thinking about this is what individuals should be doing. I think, you know, everything Elaine said was spot on. Another is, you know, what platforms and governments should be doing. In that regard, one thing I would really want to stress because I know it's a point of conversation right now online is what the US should be doing in terms of countering these foreign influence operations that are designed to target the legitimacy of U.S. elections and whether we should begin to potentially even strike back with disinformation campaigns of our own against Russia or China.

The first thing I would say is I cannot strongly enough recommended against doing that. I think it's always going to be in our interest to protect the integrity and legitimacy and credibility of democratic discourse and in particular just the information environment online. I think for us to begin to attack that elsewhere is to play into the hands of those that would wish our own electoral systems to be compromised in some way.

So I think we need to stay above the fray is the first thing I would say to the government level. The second thing I would say is that we need at the platform level, one of the things that I think we need to do after this election is over s really take a hard look at kind of how we govern platforms and in particular the distribution of disinformation and whether—in particular as it applies to electoral information. You know.

I'd love to see more regulatory and policy activity around transparency of distribution algorithms in particular. I talked briefly about TikTok earlier. The issue, you know, in addition to TikTok being a foreign owned company like if they had to operate in the U.S. and there were really strict transparency safeguards around how these distribution algorithms work, I think it

would be a separate issue. You know? Those algorithms I think until we have greater access and understanding of why particular pieces of disinformation are being spread so widely and so fast it's going to be really hard for us to get a handle on this problem. And just to give you a sense of the scale of the issue., you know, the video that Elaine mentioned earlier, it racked up something like upwards of 20 million views on Facebook I believe within a matter of hours.

Facebook, to its credit, has acknowledged it was too slow to kind of counteract it but we need to have a better understanding. Even those of us, you know, outside of Facebook as well as those inside Facebook of hos it spreads so quickly and so fast without it being properly vetted and verified first. So until we kind of have those systems in place, my fear is that we're going to go through this every election cycle. Hopefully, we can get ahead of it as much as we can in the next few months but in the long run I think we need some pretty significant reforms in that area.

WEST: Elaine, what are the odds of a contested election and if something like that actually does happen, how do disputes get resolved?

KAMARCK: The constitution provides a pretty clear path from what happens in the case of contested presidential elections. People are probably aware, we actually elect electors to the electoral college as opposed to electing the president directly.

So first of all, states have—will have slightly over one month between election day and the December 14th, 2020 which is the day the Electoral College meets. That's according to the Constitution. They will have slightly over one month to decide which slate of electors is going to be elected and therefore be elected and therefore cast their vote for president.

So you've got a month to sort this out. Having a lot of absentee ballots is actually a plus not a minus in a case of the very very close contested election and the reason is you've got a paper trail. Before COVID, the big innovation that states were making was they were adding

paper ballots to their election processes so that there would be a paper trail, a verifiable paper trail for a recount situation. All those paper ballots go to a tightly guarded room in the state capitol. There are—nobody is allowed in there except the election officials and then people who watch the count from each political party.

One for each political party and they are guarded. It's very hard to get into those rooms. It will take a while but in fact they will be able to tell if there is a winner or a loser or, God forbid, there is a tie, which I don't think has ever happened or maybe very rarely. So there is—every state by the say has a recount provision. It's in their law. Some of them are automatically triggered if the results are very very close. The recount simply begins.

If, in fact, no one wins an Electoral College majority, it goes into the House of Representatives and there the Constitution outlines what happens. There is again a process for electing the president. So if this is a close, you know, election—we don't know who won, et cetera—there are methods. These were outlined in the Constitution. There are methods for figuring out who is the president.

WEST: Chris, we're going to give you the last question. What happens if Trump loses the election but claims the election was rigged and refuses to leave office?

MESEROLE: That obviously plunges into a bit of a constitutional crisis. I would say one of the things I'm a little bit hardened by is that, you know, if it comes to that, we're going not have a lot of elites—elite leaders within our political system but also even within our military—are going to have to come and signal, you know, kind of where they stand on the issue. One of the—to the extent that I find a silver lining in how that scenario might play out.

I think back to the Black Lives Matter protests earlier this summer. In particular, after Trump took a really heavy-handed approach to dealing with the protests within Washington, DC,

you saw this kind of immediate almost visceral reaction by very high level leaders within the military and even across some of the political landscape really repudiating what he had done and the use of force, in particular, the National Guard.

For Trump to get away with the scenario that you're describing, he's going to need the military to come in behind him in some fashion. The level of consensus among elite leaders within the military establishment that the Trump administration and the National Guard had kind of overplayed it's hand in that context earlier this summer to me offers a glimmer of hope I guess I could say that if we actually did face that kind of worst case scenario that there are still enough institutional checks against that that we might be able to get through it.

Hopefully, I really hope we don't actually have to, you know, find out the answer to that question in real life, to be honest.

WEST: So I want to thank Elaine and Chris for sharing their thoughts with us about disinformation and foreign interference. They write regularly on the Brookings website and you can find their work at Brookings.edu. Let us know if you have any reactions to this podcast and send them back to dwest@brookings.edu. That's dwest@brookings.edu. We look forward to hearing your suggestions and thanks for tuning in.

DEWS: The Brookings Cafeteria podcast is made possible with the help of an amazing team of colleagues. My thanks go out to audio engineer Gaston Reboredo; Bill Finan, Director of the Brookings Institution Press who does the book interviews; Mary Wilkin, Adrianna Pita, and Chris McKenna for their collaboration; and Camilo Ramirez and Emily Horne for their guidance and support. The Brookings Cafeteria is brought to you by the Brookings Podcast Network which also produces Dollar and Sense, the Current, and our events podcast.

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for a scholar, include an audio file and I'll play it and the answer on the air.

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