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100% DEMOCRACY: THE CASE FOR UNIVERSAL VOTING

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P R O C E E D I N G S

MS. NELSON: Good morning. My name is Janai Nelson and I'm the president and director-counsel of the Legal Defense Fund. And I welcome you to the discussion we will have about a wonderful book that I am very proud to have been associated with, *100% Democracy: The Case for Universal Voting*.

I am joined today by the two coauthors of the book, E.J. Dionne and Miles Rapoport. E.J. Dionne is a senior fellow at Brookings and a professor at McCourt School of Public Policy at Georgetown. And of course, a columnist at the Washington Post. Miles Rapoport is senior practice fellow in American Democracy at the Ash Center of Harvard's Kenney School. And he is the former secretary of state of Connecticut.

We will have a robust decision today about the concept of universal voting. It is something that I've always been very curious about as an election most scholar and someone who has done comparative research on election laws.

And I was so pleased when Miles and E.J. invited me to join a group of partitioners and scholars and thinkers about the ways in which we might expand our electorate by considering universal voting or compulsory voting or the many ways in which we talk about bringing more people to the polls and engaging them directly in the action of voting.

So why don't we get started. And I would like to invite you to share your questions in the chat. We will reserve some time at the end of this discussion to address some of your direct questions. So please begin to send them our way.

But I will start with a very basic question for E.J., why did you decide to write this book? What did you think about this idea of universal voting being a game changer in the voting rights conversation? And why was it needed at this particular time?

MR. DIONNE: Well, Janai, first of all, thank you for doing this event. I feel

better about democracy when I see you on television making a case, read something you write or know you're going to court on behalf of voting rights.

And I've got to say just a personal thing, the LDF was the first organization I ever made a contribution to as a kid. I got a mailer and I sent one dollar, which probably did you no good because it probably cost more to process the mail, but I put a dollar in the envelope. And so, I'm just so honored that you agreed to do this.

I also want to Brookings and Ash for supporting this project and my friend, Miles Rapoport, my coauthor. I've been telling everybody that Miles has so much energy that if you just tapped Miles' energy, they'd never need to import another drop of Russian oil or gas. It's been a real joy to work with him.

We wrote this book because there is, as we all know, a crisis of democracy in our country and the world. And we saw this system which has been in effect in Australia for 100 years. So there is more than adequate proof of concept. And is used in one way or another in two dozen other countries all over the world as a way to resolve some of our voting rights problems. And to create an electorate that truly represents the consent of the governed which our own Declaration of Independence says a legitimate government should depend on. Not half of the govern, not even two-thirds of the governed. It's just the governed.

There are two issues here, I think. One is that right now our democracy is kind of like a fancy dinner party. We have an A list of likely voters. A B list of voters who are registered, but don't vote that often. And a C list of voters who may not be on the roles at all. Elections shouldn't be like a fancy dinner party.

What happens is the politicians and their consultants spend all their time appealing to that A list. They get mail. They get attention. Very little attention is paid to people on the B list. And no attention is paid to people on the C list. So very little effort is

made to pull them into political participation.

Moreover, this dinner party approach to elections has some pernicious effects. This is a line I have stolen from Miles. He talks about elections now for people on the A list turning out your base is based on enraged to engage. It actually creates campaigns that are more divisive on the side of mobilization.

And on the other side, a lot of time is spent -- and we saw this a lot online in the 2016 and to some degree on the 2020 election -- to depress the other side's base. Not to mention, which I'll get to, to exclude them entirely through various voter suppression measures.

We think a democracy based on everyone -- well, we think that we're turning voting into a civic duty is the best way to defend it as a right. The best way to create a better kind of politics. And I should say at the outset, Miles and I do not pretend to be magical elixir salespeople like those folks in the 19th century who said, our potion cures all that ails you. We have a whole chapter in the book about other reforms our system needs.

But we think that setting the system up, setting this as our objective, 100 percent democracy, makes sense of all of the other campaigns we're running. And that's the second reason we wrote this book. As you know better than anyone because you're litigating on some of these cases.

States all over the country after the great achievements of the 2020 election and making it easier for people to vote. States all over the country are pulling back from those expansions that made it easier to vote. I always say, I'm very proud that I cast my mail ballot in a drop box in front of Walt Whitman High School in Bethesda, Maryland for two reasons. One, my kids -- all three of our kids went there. And two, Walt Whitman is the poet of American democracy. So I felt it was a poetic act.

We did a lot of cool stuff to make it easier to vote. Now, we are becoming

two nations when it comes democracy. As the Brennan Center reports, 25 states are actually doing further expansions. Good for them. But 19 states are rolling back those expansions. Some in truly outrageous ways as we saw in Texas, which has found all sorts and novel ways to make it harder for people to vote.

We think that requiring everybody to vote is the way to make all those barriers fall because as we with jury duty, if voting is an obligation, then the whole system must bend towards full participation in making it as easy as possible for everybody to do their civic duty.

MS. NELSON: E.J., thank you so much for that framing of the crisis in our democracy. And I'm going to turn back to that analogue to juries and civic duty in connection with that participation because as we know there's still a fair amount of discrimination around jury participation. And so, this does not cure all ills. But I'm very interested in hearing more about what you think this can instigate in terms of pulling back some of the voter suppressive action that we've been seeing spread across this country. And that as you rightly point out, LDF is actively litigating.

Miles, I want to turn to you for a moment because you've been involved in voting and election issues for such a long time. I'm curious about what brought you to this issue of universal voting, which, you know, as E.J. points out has been around for over a century in Australia. And has been something that's been bandied about before. But what made you ceases this issue in this moment? Miles are you there?

MR. RAPOPORT: Yes. I was muted for a second, apologizes. But let me start by also adding three very quick thankyous.

The first, Janai, is to you. You know, congratulations on becoming the president and director-counsel at the Legal Defense Fund. And I have this image of you standing at the barricades watching through all of the incoming voter suppression fire and

deflecting it and pushing back on it. So very grateful to you for taking the time both today, but also to serve on the working group, which was a time consuming, but I think very rewarding thing.

And secondly, I absolutely want to thank E.J. He has been a fabulous partner in this effort. A great writer, you know, a major figure in the American political journalism. And also, just a wonderful human being. So, E.J., thank you for being you, I guess I'll say.

And last, I do think we should thank -- do a little shout out to the New Press, which is an independent, nonprofit publisher which actually, you know, solicited us to write the book. So, Diane Rochelle, if you're listening, thank you very much. And we hope that we'll get this idea out into the mainstream.

So to answer your questions. So I have been, you know, working on voting rights, expansion of democracy, campaign finance reforms for almost 40 years. Since I was back in the state legislature in Connecticut and serving as secretary of the state. And then 13 years as you know for Demos.

And, you know, I am a firmer believer that one of the reasons that the 2020 election and the 2018 election were record-breaking high turnouts was because of the, you know, the procedural improvements that had been made over 20 years. You know, really over 70 years going back to the civil rights movement and the voting rights movement in the '60s. But now, you know, since the Florida (inaudible). You know, a lot of states have made it easier through same day registration, automatic voter registration, early voting, universal mail in voting, et cetera.

So I'm a restoration of voting rights for people with felony convictions. I'm a real believer in all of those reforms and I think they had moved the needle. But when I look back on, you know, 40 years of doing this work, I said to myself. Even though people are

really trying to roll progress back in many states, which is disgraceful. But even the progress has made move the needle but not very far.

You know, the 2018 turnout, which was the record for midterm elections was 50 percent. And the 2020 election was 66.2 percent. So, you know, great that those were higher than before, but really nothing to write home about. And so, I started to think what is it that might really, really move the needle to full participation?

And then I was delighted to read an article in the paper that E.J. wrote with his Brookings' colleague, William Galston, who was also a member of the working group. Thank you, Bill. Basically, making the case for universal voting. I said two things actually. One was, wow, this is really interesting. They do it in 26 democratic countries. This is not just, you know, an idea pulled from out of the sky.

And yet, in 40 years, I have never been in a conversation about it. In all of the voting rights that I have done. Nowhere have we ever discussed it. Although, Australia has been using it for 100 years.

So I said, you know, let me dig into this. And asked E.J. over dinner one night if he would cochair the working group with me? And to my delight, he said yes. We put out a report. Janai, that you were one of the key people in producing called *Lift Every Voice: The Urgency of Universal Civic Duty Voting*. And then the New Press, Diane Rochelle, called and said, would you guys be willing to write a book? And so, we did.

So, you know, what we really want to do with this is, you know, put the idea into the public debate. It's an uphill climb. We know that. It's an idea that hasn't been discussed before. It's an idea that doesn't start out with majority support. We understand that.

But I think, you know, the first thing that has to happen is that people need to put it on the table as a serious discussion, and hopefully that's what we're doing. And

thanks to Brookings this morning, and to you for engaging us in this discussion.

MS. NELSON: Well, thanks, Miles. I was so glad to be part of that working group. I think it's so important that we begin to socialize all manner of ideas that can potentially expand the electorate and engage people more in the central process of voting.

And, you all have been talking quite a bit about Australia and it is mentioned in the book. You also mention that there are 26 countries that are engaged in some form of universal voting. So, E.J., maybe you can expand on how universal voting works in Australia and works in other countries. And the advantages that you think it might have in the American context.

MR. DIONNE: Great. We focus a lot on Australia. Although, there are many other countries where it has worked. In Latin America, it's a very popular idea. At Uruguay, one of the great stable democracies of South America has used it very effectively.

But we focus on Australia in part because we think their system is something that Americans could identify with because it's rooted far more in a nudge than a shove or a heavy-handed hammer. That under the Australian system essentially the government plays an enormous -- you have an obligation to make sure you're registered. But the government makes enormous efforts to register everyone. And 96 percent of Australians are registered to vote.

When we were doing research on the report, Amber Hurley, who was my research assistant who worked so hard with the working group, ran into my office one day and said, I've been on the Australian websites. They do all kinds of really cool stuff to make it easier for people to register and vote. And that's what they do.

So 96 percent of people on the rolls, and 90 percent turnout. If you don't vote in Australia, you get a little notice in the mail that says, you didn't vote. Why didn't you vote? If you provide any excuse at all that's legitimate like I was ill. My child was ill. You

get out of the fine entirely. The fine is only $20 Australian, which is about last I checked, $15 American on the exchange rate. Only about 13 percent of nonvoters ended up actually having to pay the fine.

But what it has done by declaring that it is an obligation is that it has created -- it's changed the culture around voting and elections. Everybody accepts that it is a civic duty. We quote Ralph Nader in the book who was in a cab and he's for this idea. But he asked a cabdriver. You must like it that your government compels you to vote? And the cabdriver says to Nader, sure. It's a civic duty.

My favorite picture of voting in Australia is four surfers in wetsuits near Bondi Beach in Sydney with their surfboards by their side casting a ballot. They knew they were obligated to vote. They jumped out of a surf, they voted, they jumped back in.

Now, we add some provisions to this out of concern about certain particular problems, which we, as you know, discussed in the working group. There is what has been called the Ferguson problem, of multiple fines being loaded on low-income people. Often low-income people of color that sometimes turn into criminal fines.

So the first thing we say is any system, this is not criminal fine. It can't be criminalized. There can be no additional interest or penalties. Twenty bucks is the ceiling. You can get out of the fine by doing an hour of community service and we also provide for a conscientious objector status. There are some religious traditions. Some people who just don't want to have anything to do with politics. We want to respect that too. We really try to answer as many of the libertarian sorts of arguments as we can consistent with creating a civic obligation.

Two other things quickly. One, it's very important for people to realize -- and this is why we don't call it compulsory voting -- nobody is required either in Australia or under our system to vote for any of the candidates on the ballot. You can cast a blank

ballot. You can scroll a message across it. You can write in Janai Nelson. You can do anything you want. You just have to --

MR. RAPOPORT: I might do that actually.

MR. DIONNE: Yeah. It's a good idea. As long as you participate that is the goal. And we do that for two reasons. One is that we think it's illegitimated to force somebody to make a choice.

But two as our excellent lawyers, yourself included, pointed out to us. Forcing people to vote for anybody might fairly be construed as compelled speech, which may well be unconstitutional. But as the jury duty case shows, requiring people to undertake certain civic actions is perfectly constitutional so we do that.

Last point, a lot of people ask us why the mandatory? Why not incentives? We are for anything that will promote 100 percent democracy. And we note in the book, an idea which we understand Congresswoman Ayanna Pressley has been interested in. In creating a monetary incentive like a tax credit, a refundable tax credit for people who register to vote. We don't think the -- we think there might be legal issues around a tax benefit if you vote but not registration.

But we're all for that, which would take some of the edge off the fines. Since registered voters would just be giving back part of the money they already got. But we think that's a good thing. But our research, as you know, Janai, shows that a modest nudge along Australian lines does much more to create this civic duty atmosphere than simply incentives. And so, we are very open to combining the two.

MS. NELSON: So, E.J., that's so helpful because I think the way you're framing it is really just changing the default, right? And it's tilting it towards voting and universal participation as opposed to what we're seeing as a far too rampant circumstance where voters have to clear so many obstacles in order to vote.

That there's not really a welcome mat into our democracy. There's no encouragement or incentivizing of voters to participate. So thank you for sharing some reason which this might actually work in terms of the mechanics of fines. And I was particularly concerned as you might remember, about the impact as you noted on low-income and custody of color to ensure that this is not yet another penalty or a problem that they would inherit as a result of this system. And that was something that we had to work through.

Miles, I want to turn to you because we began to talk about how this might actually be implemented in terms of the technical nature of it? But that in some ways jumps ahead of the idea of how would we even get something like this passed? Is this federal legislation? Do different locales need to begin to adopt this and use, you know, municipalities as laboratories for democracy? How would we actually get this to become a broad policy in the United States?

MR. RAPOPORT: It's a really, really good question. And it will certainly take some time. I think the first thing we have to do though is actually is make the case for why this would be an improvement on the system that we have now.

So, you know, E.J. has mentioned two things, which is that, you know, where in Australia and the other places where it's done, the level of -- the first two things are the level of voting increases dramatically. In Australia, when they implemented it, they went from a 60 percent turnout to a 90 percent turnout. And it has stayed at 90 percent for 100 years.

So the second thing, though is that the voting population would be much more reflective, fully reflective of the population as a whole. I mean right now of the 60 percent that voted in presidential elections, 45 to 50 percent in midterms. You know, the electorate is skewed. It tends to be less representative of younger people. Less

representative of people with less education. With and for poor people and although this has been an improving particularly in the African American community, you know, the communities of color vote at lower rates. So a fully reflective democracy, I think would be very much in our interest.

But two other things. One, I do think as E.J. said, that the institutions would bend themselves. All of the institutions within our American society would bend themselves towards making it possible and encouraging people to fulfill their civic obligations.

So I like using the example that if I were a high school principal. And I knew that every graduating senior when they turned 18 were going to have to vote. Would I make civic education a more important part of the curriculum? You know, I think I would. I think I would. I think I would see that as really important. And if I were an employer whether a corporation or a nonprofit institution knowing that everybody on the staff was going to have to vote. Would I make it easier? And would I make sure that people had the time off to participate? I think I would. So I think we could go through almost every institution in this society and I think it would bend to it.

And then the last thing is that I really think campaigns would change. I mean right now, you know, I love E.J.'s dinner party analogue. But, you know, we have campaigns that are based on ginning up your base and depressing your opponent's base. And if you can gin up one more person on your side to vote then you win. And what that does is it narrows the audience. And so, my view is that if everyone is going to vote then everyone is always listening.

And the campaigns become less an exercise. You know, both monetarily they would save money. But less an exercise in turning out your own vote. And more an exercise in persuading the broad public of the value of your views. So campaigns become about persuading the full electorate. And I think that would be extremely healthy in terms of

the way in which it would change campaigns.

But going back to the laboratories of democracy. And, you know, we definitely think that after the idea becomes part of the currency of debate that both some organizations, you know, who are now working on democracy. Or, you know, who have issues they think are popular but haven't been able implemented by government will take this up. And I can see it being in a municipal ordinance. Although, that would, you know, require some state cooperation in most states or state legislation. And I think that there are definitely places where, you know, they have created a pretty good environment for voting and this would seem a logical next step.

So we're going to try to continue even after the book is, you know, has spent its weeks on the best seller list to continue to --

MR. DIONNE: From your lips, Miles.

MR. RAPOPORT: Yes, exactly. To do an organizing project that is really going to continue to put this forward.

MR. DIONNE: Can I just add two quick things, Janai to that? One has already been introduced into states. We have a model bill in the book. And I'm proud to say it was introduced by State Senator Will Haskell in Connecticut. My former student. He didn't introduce it because of that. He thought the idea really worked.

And we're hoping that this will be introduced in other states as well. But this is the beginning of something happening right now.

The other thing is one of my favorite lines in the book is from a voter who told the New York Times, an Australian voter. In Australia, elections are like party. And this is so deeply embedded that every polling site becomes a place where community organizations, neighborhood groups, schools set up all these stands selling food to raise money to strengthen all these civil society groups in the neighborhood. Australia is known

for democracy sausages that are sold at almost every polling place. And just to reassure everyone, in our book we suggest also that there be vegan alternatives if we do this in the United States.

Therefore, the only real objection to this idea is people might gain a few pounds if we turned election day into a party, but I think we can live with that.

MS. NELSON: E.J., I'm so glad you mentioned that because it makes me think about some of the laws that the Legal Defense Fund is fighting against. And one example is SP90 in Florida where we just won at trial to hold that law in violation of the constitution and the Voting Rights Act.

And one of the provisions in that law is to deny line warmers the ability to provide food and water to people who are waiting on long lines to vote. And we see, you know, across the pond, quite the opposite. Where there's a celebration and there's sustenance provided to voters to encourage them to participate in the election. So it's just such a contrast in terms of how we treat voters here and the ways in which it is celebrated as an act of civic participation.

You know, I want to turn back to something that Miles said because he talked about the potential impact on political campaigns and that candidates would have to appeal to a broader range of voters if everyone is participating. And I'm going to turn back to Miles and then I have another question for you E.J.

But, Miles, does that then create a situation where everyone is playing to the middle and there's not enough nuance in our political campaigns? I just want to make sure that we suss out what the actual impact might be on critical issues that, you know, some of which are currently quite polarizing and people have staked out very strong positions at different ends of the spectrum.

MR. RAPOPORT: It's interesting. You know, a long time ago, some of us

used to say that there wasn't enough difference between the two parties. We have passed that post long since. So I think the real problem -- I mean, you know, I guess there could be a good and a little bit of a bad in the moving to the middle.

But right now, I think we have such excessive polarization. And there is such a way in which communications are all directed to the base. Sometimes, even the most extreme part of the base. And I guess in the worst-case scenarios, you know, to really actively discourage the other people to vote.

So I think overall it would be really healthy. You would have to be more on your best behavior in a way as a campaign also because listening. And that would, I think, there is some evidence that that does moderate to some degree, you know, the messages that parties and candidates do.

I mean overall in our current circumstance I think that's a real plus. But I do think -- and I think you would still have. And they have in Australia, still have, you know, vigorous ideological competition between conservatives and the labor party. So I think we would still have that. So anyway, but I think overall it would be a real benefit if every candidate had to appeal to everyone.

And, you know, here's another example. I did 11 campaigns when I was in elective office. And, you know, what I did when I went out the door. And I loved door -- I hated raising money, but I loved door knocking. But when I went out, my campaign would give me a list of registered voters and then prime voters we called them then. You know, people who were definitely going to vote.

And they basically told me, don't talk to anybody who is not on your prime voter list because they can't help you. And so, I would go down the street and, you know, if people were sitting out on their stoop but they weren't on my list, I was forbidden to speak with them. And it was just such a way of like not communicating with everybody. And not

bringing people into the process.

And by universal voting, everybody would be in the process. Therefore, everybody would get the communications. Everybody would get the persuasion. And again, I think overall that's a much healthier way to go.

MR. DIONNE: Janai, every time Miles tells this story, I feel obligated to say it's the only thing he's saying here today that I don't fully believe because you know Miles. I know Miles. I just can't believe --

MS. NELSON: He talks to everybody.

MR. DIONNE: -- he didn't talk to everybody. And it took five campaign workers to pull him away from those nonprime voters.

MS. NELSON: I fully agree with you. Now, is probably a good time for me to put in another reminder that we will be taking questions from the audience. So please do send your questions to the chat and we'll be turning to them in a few moments.

But, E.J., let me ask you a question about sequencing. And I am so delighted that you, you know, put forth a model bill in this book because that really moves the needle from being a notional idea to something concrete that can be implemented. And you talked about the fact that there was already legislation introduced in Connecticut.

But there is a question that I have about sequencing. And that is making the right to vote mandatory before we have addressed some of these, what you call gateway reforms, some of the barriers to voting. How can we mandate that people vote when we know that there are a panoply of obstacles to people voting? It seems that there's a tension between forcing people to vote or encouraging and incentivizing them and not eliminating the barriers first? So tell me what your thinking is around sequencing.

And also, please explain that core idea that you have about declaring voting as a duty being the best way to defend it as a right?

MR. DIONNE: Yeah. Thank you for that question because that's a critical question. You know, we kicked it around a lot in the working group. And it was very important to us.

And first, as I said at the outset. Miles and I are not trying to supplant any of the work already going on on behalf of voting rights in the country. We explicitly have endorsed both an extension of the John Lewis Voting Rights Advancement Act to fight back against some of the gutting that the Supreme Court did and the Freedom to Vote Act.

And so, we want this to be -- I'm stealing Miles' phrase that he uses all the time as a kind of North Star. Where we are trying to get to 100 percent democracy. And we think that sort of laying out that we're on the road to a long-term objective makes it easier to enact. It creates a stronger case for enacting these short-term measures.

Secondly, they are called a gateway reform for a reason, which is you can't impose this system on a system that has voter suppression in it. If voting is your legal duty and somebody is trying to block you from the polls, either directly which would be certainly a criminal act. But also, indirectly through legislation this system won't work. And so, we see this as passing in tandem with these reforms.

But we also think that as soon as you do declare voting a duty, the system bends towards it at many levels. Not only in the government level, but also at the civil society level. But yes, the gateway reforms are part of the package that we are proposing here.

The other thing is that we would love to see a debate at the national level. It would be great if this were introduced into the national discussion and it could be. We also understand, our own polling -- by the way, our own polling shows that one of the objections to the idea is from people who say it's unfair to impose it on an unfair system. We totally agree with that objection so we're trying to meet it.

But what we see is a better chance of getting to demonstrate the power of this at the state and local level. The great lawyers we work with found there are 13 states that have pretty open laws about letting municipalities or counties impose a system like this. Create a system like this. We'd love to see that happen. We'd love to see some states pick it up. There are states that have been quite progressive and experimental on things like instant runoffs, transferrable vote in Maine, Alaska, New York City in the recent primary. So we think there are places that would take this up.

You know, we would insist you got adequate proof of concept already in Australia. If 100 years isn't good enough, I don't know what is. But we understand that Americans would like to see it at work here. And there's also an intriguing idea in our book that we draw from Nick Stephanopoulos, a professor at Harvard Law School. What if a couple of big cities in a state did it themselves and suddenly started producing 90 percent turnout if the local intrastate laws permitted that?

That you could imagine legislature is trying to shut them down. But you could also imagine that as a great incentive for the rest of the state to say, gee, these folks in the cities are turning out in large numbers. Why don't we ask the same of our citizens in our community? So there are a lot of different paths here. And again, we know this is going to be a long struggle.

But one of the things Miles and I found is and it was this lovely review of our book from Didi Kuo of the Stanford Center of Democracy. It's a great long title which I'm forgetting, but where she ended her review by saying, you know, at the end of reading this. Your reaction is why not? And we're trying to change the question from why to why not? And people sort of have taken a lot of interest in this and not rejected it out of hand because they know there are problems with our system. So they are in an experimental mood right now.

MS. NELSON: Well, thank you for that. I think that goes back to what you said at the outset. And really changing the default in how we think about voting and participation in our democracy.

So, Miles, before we turn to some of the audience questions. I want to ask -- I want to surface the elephant in the room, if you will or the donkey in the room. And LDF is a nonpartisan organization. I should make that very clear. But one of the critiques is would universal voting just help Democrats? Is it really a partisan effort? A work around to ensure that more people get out to vote and ultimately support the Democratic party?

And as we know we've heard concerns from the Republican party that the more that people vote -- the former President said quite clearly that Republicans would never get elected again if everyone voted. So tell me what the partisan implications might be here.

MR. RAPOPORT: Right. Well, listen. I was a Democratic elected official. You know, I consider myself a progressive Democratic and, you know, not ashamed of it. But I think that both E.J. and I and also, I know the members of the working group approach this from a genuine small D democracy point of view.

And I think that, you know, that's really important. I think the analogue to jury duty which maybe we'll come back to. I think is really important. But it's also the case that it doesn't necessarily only help Democrats. Although, you know, you can certainly imagine that people will think that.

But two examples that E.J. talks about. Actually, E.J., I'll let you mention both of them because you've done this so many times and say it so well. But there are two really important examples from very recent history that say that this is not only to benefit the Democrats and I think Republicans can benefit from it as well.

MR. DIONNE: Yeah. There are two examples we cite. It is very important

to us to make the case that this is a civic concern not a partisan concern where everybody knows what our politics are. We don't hide them in the book.

But we're not trying to do this to produce permanent democratic victories in elections. And by the way, in Australia this idea first came from the conservative side because they were worried about the labor party being supported by unions that are very strong in Australia. They thought this would help them. Labor looked at it and said, no, we can do just fine under this system. And you see conservatives and labor a like as Miles mentioned earlier, win elections under this system.

If you look at -- we use one example in the book, and there's another recent one. Which is people ask how did Republicans pick up those house seats in 2020 even though Joe Biden was winning the national election for president by seven million votes?

And the answer was that making it easier for people to vote in the states in the presidential election created much higher turn out on both sides of politics. And in particular, if you compared the turn out between 2018 and 2020. 2018 was a big mobilization of Democrats. A lot of Republicans seemed to stay home.

If you look at the census numbers, a lot of Republicans groups who under voted, if you will, in 2018 came out in force in 2020. And that flipped some of those house seats. So Republicans had an advantage when that turnout went up. And by the way, I don't think the Republicans want to go out there and say, you know, if everybody votes we lose because what does that say about your own party?

And the other example that's right at hand was the election in Virginia. The election in Virginia for governor and other state offices last year was conducted under very open voting laws passed by Democrats. There was a very high turnout in that gubernatorial election. Democrats voted at a pretty good rate but Republicans voted at an even higher rate. So they won that election because of higher turnout on their own side.

And so, I agree with -- I mean your question is so important because I think we need to make very clear that this system including everybody will be good for everybody. And it will give legitimacy to the outcome every time.

And by the way, we propose a lot more robust election administration including better funded administration elections where they won't go away because people will lie about stolen elections. We know that. But we want as airtight a system of registration and voting as we can possibly get not to exclude people.

And if you include everybody you are by definition not to exclude people. But to make sure everybody has confidence in the system. And we think that this system could pave the way for that.

MS. NELSON: Well, that's an excellent response, E.J. And it paves the way for this question from the audience about legitimacy. And I want to make sure that I give voice to this very real concern.

So we have a question. How do you address the issue of fraud in universal voting? How does this system verify citizenship and eligibility to vote?

MR. DIONNE: May I ask my former secretary of the state friend? By the way, you learn a lot of things writing a book. I learned Connecticut is the only state where the title includes a the, secretary of the state. So I think of the Connecticut secretary of the state writing above all the others without the, but go ahead, Miles.

MR. RAPOPORT: Well, we've had quite a long period of time where the issue of fraud has been raised with basically zero factual basis to it. I mean there have been major studies in which the fraud in the election system that is voters voting, you know, under someone else's name or illegitimately in some way is totally miniscule.

It has been blown way out of proportion by the Republicans. By the way, I want to check myself on that. There are many Republicans secretaries of the state and

election officials that did a really, really good job in the 2018 and 2020 elections. Who took their job seriously. Who made it easier for people to vote.

So this is not, you know, a purely partisan issue. But there certainly are within the Republican party, you know, kind of factions of people who are seeking to, you know, roll back the clock on voting rights for sure. So on the specific, so I don't think fraud has been a real issue.

Certainly, with the election administration improvements that we're proposing and with proper funding, you know, a voter registration system that automatically registers people, you know, when they get their driver's license and at other state agencies coupled with same day voter registration which requires I.D. when you register to vote on the same day. You know, coupled with continuing technological improvements.

I think will end us up -- and by the way, voter purging, you know, has a bad name. And well, it should in many places. But cleaning the -- you know, good maintenance of motor lists, taking people off who have died or off who have moved out of the state and comparing lists between states. All that makes perfect sense from an election administration standpoint.

So I think with good administration and with clear guidelines for what should happen, I don't think the fraud issue will be any more of an issue under this system that we're proposing than it really is now. It has been misused to the degree that it is really kind of appalling in my mind.

MR. DIONNE: And can I draw a quick line under something, Miles? I guess this was a contribution he made in particular to the book.

This distinguish between voter purges, they are not really designed to clean up the rolls, they're designed to knock off people who might vote for you even though they have a legitimate right to vote. That is very different from as Miles said, having clear rolls

that do not include, for example, dead people. And there were two competing systems out there. One which was a radical system that knocked a lot of legitimate voters off. Another was a much more targeted, careful system that states use.

The first one was knocked out by the courts, if I remember right. Correct, Miles?

MR. RAPOPORT: Yes.

MR. DIONNE: Whereas the second one is just is designed to do what election officials should do, which is to make sure the voter rolls are up to date. And, you know, we in this book say we want better election administration.

And also, by the way, honor the people who do election administration. My sister, I should shout out, is chair of the Board of Canvases in her town. And she works very hard to make it easy for people to vote and to make sure the rolls are clean.

MS. NELSON: That's wonderful, E.J. And Miles, thank you so much for debunking the myth of voter fraud and making it clear that it is overused and misused as a way in which to limit voting rights.

Let me ask another question that came in from one of the viewers. And that is around the issue of tax credits. So you mentioned that there would be legal issues with a tax credit for voting. What are the concerns there? Why might that be illegal?

MR. RAPOPORT: Well, the legal team in the working group again that included you and thank you very much. Really looked at it at two sets of issues. One is was whether it somehow requiring people to participate in the election even while providing a none of the above option, which we recommend, you know, to anybody who is writing legislation on it. You know, and allowing blank ballots so it is not compelled speech. We looked at that question and we are confident that that will withstand constitutional mustard.

But the other side on the incentives, there is a provision in the Voting Rights

Act, you know, that's an antibribery position. That says that you cannot give somebody a monetary benefit for voting. Now, clearly the design of that, the legislation intent of that as we would say, you know, is to avoid people actually bribing people to vote for their candidate.

I don't think it was intended at all to mean that a governmental system that gave voters an incentive across the board to all voters to register and to vote, you know, would be a violation, but the wording is unclear. And so, you know, there is some concern that any kind of an incentive would be challenged as bribery even though that's the last thing from our mind. So that's the legal question.

But I personally believe that the intent of the legislation, you know, would should prevail, you know, in court decisions was to avoid individual incentive giving not to do voting encouragement with an across-the-board system. So I'm hopeful that it's constitutional on both grounds, but that is the issue that we referred to.

MR. DIONNE: As you know, Janai, lawyers often disagree. And we ran into some real disagreement on this among people who studied the law carefully. Some believe it would be just fine to do the tax incentive for voting. And others believe it would run afoul of this statute. And who knows how the courts will rule or how they might rule differently at different places.

And so, the reason -- and this is what Ayanna Pressley and other interested in this idea were looking at. There seems to be no objection to doing it for registration to vote. So the reason you apply it there and not in the election is you don't risk the legal problem.

States have experimented with all sorts of other things. I've always been kind of fond of the lottery idea. You know, one winner if picked among everybody who votes, who cast a ballot. That's gone up and down in various states. We just thought the

cleanest, easiest incentive was giving one to register to vote.

MS. NELSON: Yes. Thanks for clarifying that. I think that's a very helpful distinction. I've always felt that in order for this to be a successful endeavor that there would need to be AVR, automatic voter registration. And I wonder what your thoughts are? Is that a prerequisite to universal voting?

MR. DIONNE: I would say yes. Or a gateway or form. You could do this system without it if you add other ways of making sure that everyone is registered. But Australia and a lot of other countries make it -- you know, take the first obligation is on the government to issue. That's the -- and especially under this system where you're going to be required to vote. I am very strongly for as Miles is automatic voter registration.

I think that would make this system work better. And then you accompany that with an obligation to check the rolls make sure you're on it at some point. But yes is my answer broadly speaking. Miles?

MR. RAPOPORT: Yeah, you know, in Australia they have what's called the Federal Direct Enrollment program, which is really a multifaceted effort where the government, you know, the Australian Election Commission which is a nonpartisan civil service job. We are the only country where election officials are elected on a partisan basis.

You know, but they do all kinds of different outreach including, you know, agency-based registration, which is the same as automatic, you know, is a version of automatic registration.

Here's one point I want to make, though. We have avoided using the term prerequisite because what we don't want to do is have the idea dismissed out of hand by people saying, look, you can't even consider the idea of universal voting until we fix all the other problems. So why are we even bothering to talk about it?

But in our view what we want to do is put that North Star idea out there.

The basic fundamental principle that we want America to be a 100 percent democracy. And so, you know, we call them gateway reforms and reforms that will obviously make it better. But we also don't want it to just be, well, let's don't talk about it until we solve all these other problems, which will take 35 years. So we're getting the discussion going that's the idea.

But certainly, a good registration system, a good administration system, you know, clear laws about returning citizens. You know, at a bare minimum, people should be able to have their rights back immediately upon release from prison. As you know, in Vermont, Maine and now Washington, D.C. people never lose their right to vote. The issue of voting rights is separated from the issue of criminal conviction.

But at a bare minimum when people come out, it should be clear they can vote. They can register and they can vote. It would make it much simpler and much cleaner.

MS. NELSON: Right. I understand. I wanted to turn to one other question from the audience. And that comes through Twitter. The system of universal voting would clearly make tremendous strides in electoral inclusivity. But how would the argument be made to compel lawmakers who benefit and remain in power from low turnout? So this the incumbency problem, right?

Candidates and elected officials know how they got to their position. They know how to work the electorate to remain in their positions and get reelected. What incentive would they have to bring in a whole new influx of voters that they would have to now contend with and address and appeal to and they might risk reelection?

MR. DIONNE: Well, I love this question when it popped it. Number one, because it's not a partisan question. And by the way, thank you for the first half which says this would make tremendous strides in electoral inclusivity.

And this is always a problem with reform of any kind, which is any

incumbent tends to think the system works pretty well because it elected them. And what could be better than that? And I get that. If I were an incumbent, I'd probably kind of like the system as it is.

We think, number one, that there are some incumbents there who would look to the long term and say, you know, I'm not going to be here forever. And I'm tired of all of these voting fights that we have election after election. I will come under -- it will be actually a better experience to run under this system for all the reasons we've described than a system that really puts a heavier and heavier incentive on attack politics and on bringing me and everybody else who cares to join politics down. Most incumbents do not like the ugliness of our political system. I suppose some do and thrive off it, but most don't.

Thirdly, one of the points we make is that we spend an enormous amount of money in our system. Meaning the parties and the candidates spend enormous amounts of money on voter protection and voter turnout. Hundreds and hundreds of millions of dollars. A system like this where, you know, going in that everybody votes. You essentially wipe away virtually all of those expenditures that could either lower the cost of campaigns or allow campaigns to spend much more time on persuasion than on all these turnout efforts.

I can imagine a lot of incumbents, especially those who are ambitious and want to get their message out in pursuit of higher office. Actually, kind of liking an incentive to persuade and not just to do all the very necessary mechanics of turnout.

Miles, you were an incumbent once upon a time. You were probably better qualified to answer this question.

MR. RAPOPORT: You know, I think it's a little bit unfair to politicians as a class so to speak. That all they want to do is, you know, perpetuate the system that got them elected. I think there are a lot of people who are looking at our democracy including, you know, people who are in elective office now, who say we need to make some serious

changes.

Which leads me to one other point that I think is important for us to say. And that is that we are not making the case that universal voting will solve all of the problems in American democracy. Nobody asked us in the chat, but many people do.

You know, we would still have the electoral college which is undemocratic. We would still have a U.S. Senate that is fundamentally undemocratic in its structure. This wouldn't change the money in politics equation. There is big money and, you know, has much, much too influence.

So we are not saying that this is the be all and end all that everybody should grab everything. Even in voting rights but especially in all of the other structural reforms. You know, rank choice voting, which would help on a universal voting system. But I think on the very clear and major path of participation in voting. This is a huge step forward. And we want to go at it and make the case. And so, I want to appreciate Brookings for giving us a chance this morning to do just that.

MR. DIONNE: Janai, could I make one last point before we have to go away?

MS. NELSON: Sure.

MR. DIONNE: One of the things I always like to point out to people is that we got one other really important reform from our friends in Australia. Everybody takes for granted right now that we have this secret ballot. That you vote in secret. That nobody knows how you voted. That was not the system we had in the 19th century.

In the 19th century, ballots were printed by parties or partisan newspapers. You cast your ballot with everybody knowing how you voted. Political machines really like that by the way because if they paid you to vote, they knew you actually kept up your end of the deal.

Australia came up with this radical idea in the 19th century that voting should be in secret. It is so associated with Australia that it became known as the Australian ballot. And slowly Americans states in the late 19th and early 20th centuries said, yeah. That is a better way to vote. People ought to be able to cast their vote free of the intimidation that comes if everybody knows how you voted.

Today, we wouldn't vote any other way. And what we're hoping is that this other idea from Australia, which may sound radical to some people. Will be adopted so that someday people will look and say, why didn't we do this all along and enjoy those democracy sausages every election?

MS. NELSON: Well, I can't think of a better note to end on. And I want to thank you both for bringing this idea that has really just been incubating and circles of election laws scholars and people who were thinking about comparative election law matters. You have now brought this to a broader group of individuals who are interested in civic reform and I am very excited about seeing this idea of 100 percent democracy take off. So thank you so much for your contribution.

MR. DIONNE: Bless you, Janai, for everything you do. Thank you.

MS. NELSON: Thank you so much.

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