

THE BROOKINGS INSTITUTION  
ENSURING ELECTORAL INTEGRITY  
AT THE STATE LEVEL

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**PARTICIPANTS:**

**Keynote:**

KATIE HOBBS  
Secretary of State (D-Ariz)

**Moderator:**

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

**Panel Discussion:**

EDGARDO CORTES  
Election Security Advisory, Democracy, Brennan Center for Justice  
Member, Virginia Advisory Committee to the U.S. Commission on Civil Rights

GABRIEL R. SANCHEZ  
David M. Rubenstein Fellow, Governance Studies, The Brookings Institution  
Professor of Political Science and Founding Robert Wood Johnson Foundation  
Endowed Chair in Health Policy, University of New Mexico

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## P R O C E E D I N G S

MS. KAMARCK: Good morning everyone, and welcome to the Brookings webinar, "Ensuring Electoral Integrity at the State Level." My name is Elaine Kamarck, I'm a senior fellow here at Brookings. And here at Brookings we began work on state level elections two summers ago when in the midst of the pandemic states made a lot of changes in their voting rules in order to make it easier to vote in a pandemic. Voters responded, as we now know, in record numbers to these changes in 2020. But of course, in these polarized times these changes also became fodder for vigorous interparty fighting, suspicion, conspiracy theories, you name it. The changes that made it easier to vote during the pandemic have also been an ongoing source of controversy in the election world.

I just want to remind everyone before I introduce our keynoter today, that you can send questions to [Events@Brookings.edu](mailto:Events@Brookings.edu) or you can go to a hashtag ElectionIntegrity for Tweet purposes.

Our speaker today, our keynote speaker, we are very honored to have Katie Gibbs, secretary of state for Arizona. Secretary Gibbs, I'm sorry, Katie Hobbs, secretary of state for Arizona. Secretary Hobbs has been in the center of this storm since the beginning. In 2020 Arizona was one of those states where a narrow Biden victory over Trump set off a storm of controversy and suspicion around the election, placing Hobbs front and center in the fight over election integrity.

Hobbs became secretary of state in 2019 following service in the Arizona legislature as a state rep, a state senator, and then as minority leader. Before that she was a volunteer at her church, a social worker, and an executive at a domestic violence shelter. Hers has been a life of service, which she hopes, and we hope, will continue. She is currently leading in the race to be the Democratic nominee for governor of Arizona, and we wish her well.

Katie, I want to move to you and ask you to talk a little bit about the experiences you've had since presiding over the 2020 election. It was, if I'm right, the first election you presided over. And what your life has been like ever since then.

MS. HOBBS: Well, thank you so much for having me here today. Yeah, nobody who signed up to be secretary of state anticipated what we would see in 2020. So, I just have a few thoughts to share about that and what we are doing in Arizona to make sure that our elections are secure and that the public can trust in the integrity that's there.

So, we have early voting under way right now in Arizona for our primary election. And obviously Election Day in November is right around the corner. So, our office and our partners have been working around the clock to ensure that our elections continue to be both secure and accessible. And we accomplished this in 2020 despite many claims to the contrary, and we are doing so again this year.

We learned a lot from the 2020 election. It was historic for several reasons. In Arizona we had an extremely well-run election and we saw historically high voter participation. There were more than 3.14 million ballots cast and turnout was nearly 80 percent. This turnout in 2020 was a 23 percent increase from the 2018 mid-term election and an 8 percent increase from the 2016 presidential election. Obviously in the face of multiple challenges I see that in and of itself as a huge accomplishment.

Of those 3.14 million ballots cast, close to 90 percent of them were cast early. And I think this is strong evidence for the fact that not only does Arizona's ballot by mail system work, but voters have confidence in it. Arizona showed up for our democracy in 2020 and this is because Arizonans know that our elections are safe and secure.

And we also did everything that we could to ensure that voters didn't have to choose between their freedom to vote and their health and safety.

Elections in the United States are conducted independently across thousands of jurisdictions. That independence, that decentralization in itself is a security feature. And this means that there is no single point of access. In Arizona elections are conducted independently by each of our 15 counties and overseen by my office, the Secretary of State's office.

We do several things to keep our elections secure, and I'm just going to go through a few examples. Starting with the Arizona Voter Information Database, which is our voter registration database. It only allows access to state and county election officials, and all users are required to log in using a multifactor authentication system.

We also have several rigorous processes before elections, including our logic and accuracy testing. Counties conduct logic and accuracy testing on every piece of voting equipment to make sure that the ballots will be marked and counted correctly. And then in addition to that our office performs a logic and accuracy test of a sample of voting and tabulation equipment at each county before each election. So, this function happens at the end of June, beginning of July for this primary that we are

in right now.

A local reporter attended one of these L&A Tests in one of our counties for the 2020 primary and really got a sense of how grueling a process can be. She described the test as thorough and mentioned how our office checks every minute detail.

Our office has used the L&A testing process as an educational opportunity to help voters understand and really trust our processes. And we believe that maintaining a partnership between our office and our voters by allowing them to take part in and viewing what we do and educating them by answering questions that they have. It also includes ensuring that voters know their options for voting and helping them know where and how to get reliable information and directing them to who they can trust to provide it.

Our office did this through a website [Arizona.vote](https://www.Arizona.vote), and that's where we directed voters and are continuing to direct voters throughout the election process, so they have all the information they need to participate and debunk a lot of the misinformation that's out there.

We are expanding our efforts in voter education, hosting a series of town halls aimed at informing voters of upcoming election deadlines, new election laws, and how we're keeping our elections safe and secure.

In this town hall series, we are working with Arizona's colleges and universities, other organizations, and election partners. And this partnership aspect, building and growing these partnerships has been really critical to us in the successful execution of three elections in 2020 since the onset of COVID 19. And while a focus on building partnerships paid off in 2020, we still have more work to do. And we've continued to invest in collaboration, and it's been helpful to us in working to rebuild the public's trust in our democratic institutions leading up to the 2022 election and certainly beyond.

One of the ways that we can protect the integrity of our elections and voting is to confront the doubt that some are purposefully sowing in our democratic institutions with accurately, timely, and credible information. That's certainly important now, not just for those working in the election space but for everyday citizens who are for sure with us and want to help debunk some of the misinformation. And I'll talk more about that in a minute.

As Arizona Secretary of State, I have witnessed the lengths that election deniers will go

to jeopardize our free and fair elections. Our state, as Elaine mentioned, was unfortunate to have the national coverage on the fraudulent audits of the 2020 election that was conducted in Maricopa County. Despite the fact that the results were verified by members of both parties, through all of the processes that we already have set up in statute, as well as certified by our governor and attorney general, there is county supervisors in Maricopa County received orange jump suits in the mail during this, as we call it, fraudit. Armed protestors were outside of my house yelling "Katie, come out and play, we're watching you."

As insidious as these actions were, we are now facing a better coordinated increasingly complex and more determined effort from those who seek to undermine our democracy. Our democracy is under siege at every level of government and not just in Arizona, but across the country. Election deniers have been hard at work trying to restrict or deny the fundamental sacred freedom to vote.

And we have conspiracy theorists and election deniers running for public office so that they can be in charge of administering future elections. Not just in Arizona, but in every state.

These individuals are contributing one of the biggest threats to our elections, which is the campaign of misinformation and disinformation, primarily through social media. And the goal of this kind of campaign really is to undermine the publics' faith in elections and democratic process overall. And we know that these efforts are under way and will continue throughout the next election cycle.

Regardless of political ideology, this office and secretaries of states and election officers across the country should be led by someone who wants to provide equal access to the ballot and is more focused on the process and the integrity of the process than the outcome.

Everyone can play a part in helping respond to mis and disinformation by ensuring that you're looking at and sharing articles from reputable sources and encouraging your friends and family to do the same. Also making sure that you're getting your election information from verified websites like the one I mentioned, Arizona.vote and from social media sources that are verified, those of election officials.

And it's also really important to get up to date information directly from these election officials. Whether it's through social media, on their websites or directly contacting their offices.

Our office has participated and is participating in the National Association of Secretaries

of State Trusted Info 2022 Campaign which encourages voters to go directly to election officials, websites, verified social media pages, to ensure that they're getting accurate information throughout the election cycle.

This was an effort that we executed so well during 2020 that NASS leaders recognized our work at their most recent national conference. Our strategy is forward facing. We're putting a lot of work into making sure that people can easily access credible information.

Remember that democracy is on the ballot this year and we must do all we can to ensure that we fight for everyday Arizonans and election officials across the country fighting for their voters as well.

Thanks so much.

MS. KAMARCK: Thank you, Katie, that was a terrific summary. And you really have been in the eye of the storm there I can say.

You know I can't emphasize how important it is, and I think later in the panel we'll talk a little bit more about this. Just to educate people about how elections take place. I remember one of the first accusations made, the first conspiracies was that China was sending ballots to Americans. And then, and I said to someone, well, you know, gotta step back and think about this.

Ballots are printed by counties, yes. There are more than 3,000 counties in the United States, and they use, you know, they use their own kind of paper, they have different formats, etcetera. I suppose it would be possible for Chinese spies to go into every county in the United States and figure out what their ballot is, etcetera, etcetera. But, you know, the whole thing just, there's so many ridiculous, ridiculous things, but people don't know how elections are normally done and therefore the misinformation just spreads and spreads and spreads.

What are the conspiracies that you think you've been able to fight back against most effectively?

MS. HOBBS: Well, we certainly had our fair share of conspiracies related to injects of ballots into the system. And I want to touch on that for a minute. Because there are so many layers of security in regard to every single aspect involved in elections and voting. And so, ballots is one of those. And so even blank ballot paper at every county is kept in secure storage that has limited access, logged

access, and access that doesn't allow a single point of access. So, it has to be accessed by more than one person at a time.

And so those are some things that we try to get out there to the public. Not everyone in the public is going time to go do a tour of all the facilities to know this. But it's something that our office requires. If it's not in statutes, it's in the procedures manual. And that's true for ballots, the ballot paper, voted ballots, and equipment as well. There's a chain of custody for all of these things. So, when they're not stored in the county facility because they are out being used at voting sites, there's chain of custody logs and there's transportation logs to return those things back to the county offices in wherever those jurisdictional officers are.

So certainly, injects of ballots from China was one conspiracy. There was video that people took digging in dumpsters outside of the Maricopa County election office. Like I don't know what they were thinking they were going to find or pretending they were going to find, but there were these accusations of ballots that were shredded. And went so far as to accuse a supervisory, Supervisor Clint Hickman, who is, his family farm is Hickman Family Farms and they're an egg producer, probably the largest egg producer in Arizona. And they had a massive fire that destroyed hundreds of thousands of chickens. And there were accusations that that was to cover up destruction of shredded ballots. I mean it was so ridiculous.

And the Sharpie thing was kind of probably the first and loudest conspiracy. People were saying that they were given Sharpies at the voting polling locations to deliberately invalidate their ballots. And that's just not a thing that happens. When you vote, say on Election Day, your ballot is fed right into a tabulator. And if there's a problem with that ballot, a tabulator can't read it, you're immediately made aware of it and the poll worker will help you fix that problem. Sharpies don't invalidate ballots, the ballots are printed in an offset manner so that even if a mark on one side bleeds to the other side it doesn't affect the tabulation.

And the Sharpies were actually the manufacturer's recommended marking device for a ballot that's going to be voted and then immediately headed to a tabulator because it dries quickly, and it doesn't gum up the systems. I can assure you that because of this controversy nobody is using Sharpies at polling places this year.

MS. KAMARCK: I mean there were so many of these things, which is why I think you are really leading the pack in educating voters.

There's another thing you mentioned, which is the L&A or Logic and Accuracy Test. What's the logic stand for? Unpack that a little bit for the viewers.

MS. HOBBS: Well, I mean it's a technical term and I don't actually know why we call them Logic and Accuracy Test, but that's what we at least call them. And so, what happens is we have, there's a ballot marking device, and these are primarily for the voters that need accessibility because it's a computer that they feed a blank ballot into and it can read them the names and walk them through touching the screen to vote so that they can cast their ballot without assistance. And then it prints out the printed ballot.

So those are tested to make sure that the scripts are correct and that they are marking the ballots correctly. And then we test the tabulators as well. So, when we go out to every county we have a predetermined script for all of these and the outcome so we know what the outcome should be, and the test makes sure that the outcome matches.

So, the counties do this on all of their equipment before we come out and then we do it again with randomly selected pieces of equipment. And then after the election the counties do it again to make sure that nothing changed between the pre-election test and the post-election test.

I want to say that this is one of the areas that we try to be really transparent and make it open to the public. The counties can invite public to their Logic and Accuracy Test, we certainly invite them when we come out with our office and then to the post-election L&A Test.

And the county parties, Republican, Democrat, Libertarian, those are the parties we recognize in Arizona, can send representatives to these tests as well to sign off on that and say yes, I observed, and I saw these results.

MS. KAMARCK: You know it's interesting because I think a lot of people don't even realize that in most states where there's absentee ballots, when those are opened, they're opened in a room, guarded by police, and there's a Democrat and a Republican watching them.

MS. HOBBS: Yeah. And I guess probably every state's mail-in ballot process is a little bit different but in Arizona we had a no excuse absentee voting since the 1990s. We did it before many



of the states who have universal vote by mail, adopted universal vote by mail. And so we've had a lot time to really hone the processes and make sure that it is accurate and secure and that as voting by mail has become more and more popular and the mode of voting that's used by the majority of voters, that the processes are to scale rather than having a handful of voters who aren't going to be here on Election Day using absentee voting, to everybody who chooses to use this method as the accessible method for them.

And so, the chain of custody on ballots by mail would be the same, as I mentioned. Once it's in the hands of election workers, either through collecting it at the secure ballot drop-offs or the polling site where it's dropped off by voters, or many of our counties have worked out arrangements with the postal service where instead of having it delivered by mail to the county, the county officials will go pick it up at the postal center. So, the same chain of custody rules are in place.

And once those signatures, which in most states the signature is the affidavit of your identity is verified, then the ballot is separated from the envelope. That's important in terms of maintaining a secret ballot. But, yeah, then they're stacked and ready to tabulate as soon as that state's law allowed tabulation to begin. And in Arizona we're already tabulating ballots. Tabulation begins 14 days before Election Day in Arizona.

MS. KAMARCK: Which actually brings me to another interesting facet over this whole new world of elections. Because, you know, even though it's so controversial and yet we forget that it all really started because there was a pandemic.

MS. HOBBS: Uh-huh.

MS. KAMARCK: You know, because people didn't want to go stand in a school gymnasium for 35 minutes next to somebody who might have COVID. I mean, you know, it was very simple, there was no conspiracy in why we got there. And then people decided that they liked it.

In Maryland, you know, we just had a primary for governor on both sides, and it took until Friday. So, it took four, and really it's still not quite done. For the winner of the Democratic primary to be decided. And that's because they had this very intalubian (phonetic) law that said they couldn't start counting absentee ballots until two days after the election.

MS. HOBBS: Right.

MS. KAMARCK: So, it's, and, you know, the problem with it is that of course you get one

result on election night and then you get another result four days later. Now in the Maryland case it was the same person winning by approximately the same margins so there was no suspicion.

MS. HOBBS: Yeah.

MS. KAMARCK: But you can see how it breeds suspicion. Is there any thought on best practices for counting, for sort of resolving this issue between the absentee ballot and the Election Day ballot?

MS. HOBBS: Well that certainly is one of the things that leading up to the election in 2020 that our office really tried to hammer home, especially with the media. Everybody wants, Election Day happens, polls close, everybody wants to know who won. And it is far more important to have an accurate count and to make sure that every ballot is able to be counted than to have a quick count. And understanding the public's desire for both, right?

And so, we really worked to lay the expectations of look, we're going to get this right, and that doesn't necessarily mean the results will be there on election night. And I think some of the things we've done in Arizona to get ahead of this, not just in what we're telling folks is changing our laws and so that we can start tabulating ballots early.

The county elections offices are immediately verifying and processing those mail-in ballots as they receive them. So, they're ready to be tabulated as soon as tabulation can start. As I said, we're already tabulating in Arizona.

And, you know, the result situation on election night versus post-election, I myself, my race in 2018 was called for my opponent on election night. I was 44,000 votes behind, but there were still enough outstanding ballots and folks who follow the trends and know, like where those outstanding ballots were, knew that enough of those ballots were probably coming from more Democratic areas but the race wasn't over, even though it had been called.

And so, but, yeah, and there was nothing nefarious about that. It was just the mechanics of how earlier voting works, who tends to use early voting, who tends to drop off their ballots later. And we knew that more Democratic ballots or Democratic leaning ballots tend to get dropped off later. And so, they're going to be verified and tabulated after the fact rather than before the fact. And that's just how it works.

I think the 2020 election kind of turns that on its head because more Republicans voted later and on Election Day in 2020 I think we're probably going to see that trend continue. But I think it's so important to just have those expectations that we're going to get it right and we're going to make sure every ballot vote is counted. And that's much more important than having it done tomorrow.

And just one more thing on the votes. This isn't necessarily a huge percentage of ballots, and as we work harder and do more to educate voters and give them the tools and resources hopefully these aren't part of the process. But we have things built into our statutes where people can cast a provisional ballot. And they might be to, and also if they vote by mail and there's a problem with the signature verification, then they have a chance to cure that signature to verify yes, this is my signature, I did cast this ballot.

And so, there's statutory timeframes that allow that to happen up to five days, five business days after the election for both a voter to cure their provisional ballot or to cure their signature on their mail-in ballot. And so that automatically going to delay the ability to tabulate those ballots.

MS. KAMARCK: You know, it's so interesting because of course this, like everything else in our society these days, this has become politicized.

MS. HOBBS: Uh-huh.

MS. KAMARCK: You're absolutely right. So now the Republican vote happens on election night and the Democratic vote tends to happen absentee or early ballot, etcetera, and there you are. In a conversation with a reporter about this I made your point about look, the most important thing in democracy is to, you know, have the election reported honestly and accurately. And his response was, yeah, but what about us pundits?

MS. HOBBS: Yeah.

MS. KAMARCK: One final question is, what in all of the work that you and your colleagues around the country have been doing to try and, you know, add transparency to elections and fight back against the conspiracy theories, what Federal intervention could help, if any, okay?

I mean I know there's a lot of stuff in Congress, there's a great bill HR1, which seems to have pretty much died. But I mean if you could have one or two things out of the Federal Government, what would they be?

MS. HOBBS: Well specifically elections have been chronically underfunded, we need more funding. We knew that before the pandemic, and we are gearing up with big funding requests before that happens. And then we got more money in the CARES Act specifically for COVID related, pandemic related election expenses, like having PPE, having bigger spaces, things like that. And for states who needed to ramp up their vote by mail because they didn't have it at the large scale that we do in Arizona. And so, funding is critical. And part of that funding needs to be dedicated for public education.

And then when that funding gets to Arizona, we always end up having fights with our legislature because they politicize it and those funds in Arizona require legislative appropriation. And if the legislatures out of session we don't get that money until it's, you know. So funding is critical and we're still underfunding elections.

And, you know, election officials have really risen to the occasion and done more with less. And so, you know, we've kind of like created our own monster there. But funding is important.

And then just the issue around threats and the resources to really address the threats against election officials because it's hurting our election offices, it's hurting our staff, we're having a lot of turnover in Arizona and across the country. And that in and of itself is a threat to future elections. But the Federal response to those threats is really critical.

MS. KAMARCK: Great. Well, listen, thank you so much for taking your time today. I know you have a big important office to run and a campaign to run. So, thank you for spending some time with us this morning.

And we will let you go get on with your work. Thanks, Katie.

MS. HOBBS: Thanks so much for having me. Bye.

MS. KAMARCK: Bye bye. Okay. We're going to start now by turning to our panel of experts who have been studying these issues for quite some time.

The first person I'd like to hear from is Edgardo Cortés. He is an advisor to the election security team at the Brennan Center where he consults on the development of regulation, legislation, and litigation. He's got more than 15 years of experience in all facets of the electoral process, including campaigns, non-partisan voter registration, Federal and state election policy, and local and state election

administration.

Cortés was Virginia's first commissioner of election where he spearheaded voter registration and election administration, modernizing efforts in the commonwealths. They included establishing paperless voter registration at DMV locations, fully integrating online DMV transactions with the online voter registration system, establishing an online paperless absentee ballot request system, implementing an easier to use voter registration form and creating an online assessment of election administration at the local level, making election data more accessible to the public.

So, Edgardo is just incredibly well versed in how states run elections and at the Brennan Center he has been doing even more of this. And I think I'll go to Edgardo and then turn to Gabe Sanchez. So, Edgardo, the floor is yours.

MR. CORTES: Thanks, Elaine, and thanks for having me with you today. I have had the opportunity over my career to kind of see elections in different aspects where I have administered at the local level and then I was, you talk about my time at the state level as the Chief Election Official in Virginia. And so, I'm hoping to do over the next few minutes is kind of weave together and thank Secretary Hobbs for her great presentation and discussion, and kind of piece together some of that and, you know, she focused a lot on Arizona and kind of how that's playing out across the country, right.

So, looking at this from an election official standpoint, there is broad agreement among election officials, right, that all these lies about the election process have had a real significant impact on their ability to do their job. All right?

So, the Brennan Center conducted a nationwide survey of local election officials a little bit earlier this year, and nearly two-thirds of officials said that the spread of false information about election officials or about elections, has made their jobs as an election official more dangerous. And so, we have seen that, you know, you talked kind of about the disinformation, the things that it has done to impact voters, but if you look at it it has also fueled the wave of threats, harassment, and intimidation directed toward election workers. All right.

So, in our survey, in the Brennan Center survey, one in six election officials said they have experienced threats because of their job. And 77 percent said these threats have increased in recent years. And think about this one. The more than one in four election officials are concerned about

being assaulted on the job. And over half of them are concerned about the safety of their colleagues.

So, if you think about local election officials and the work that they carry out, over a quarter of them are, one of their big concerns based on everything that's been going on, is that they'll be assaulted while on the job. All right.

So, these challenges created particular around election disinformation, around this denial of what actually happens in elections, what happened in 2020, is making it more difficult for election offices to find the help they need. So, you know, in the long-term 60 percent of the officials we surveyed are concerned that these threats, harassments, and intimidations is going to make it difficult to retain and recruit election workers, right?

But I know election workers are critical in making the process work on Election Day. All those volunteers, all those poll workers that you see on Election Day, throughout that process, if we can't recruit them, it's going to really slow up and have a huge impact on our elections. All right.

So, then we get into kind of an issue that Secretary Hobbs touched on at the very end, which is the election officials themselves are leaving the profession. All right. And so, we found that nearly 20 percent of election officials are planning to leave their positions prior to the 2024 election. And so that is a huge, right, it's going to have a huge number. And the number one reason that people cited for leaving was these political attacks on the election system, right? On the concept of free and fair elections.

And so, as people are departing, they're taking years and decades of experience and expertise with them. So, we're looking at a potential like, you know, very long-term significant impact across the board on administering elections.

And so, you know, we're going to kind of be left bearing this burden. And so, as we look at kind of that impact on election officials and what role disinformation has had there, the other thing I want to touch on is Brennan Center also, you know, amongst the many projects that the Brennan Center does, track legislation that is going on in the states, particularly around voting issues.

And so, you know, since the 2020 election, you know, voting legislation at the state level has really taken on a new importance. You mentioned kind of the push for Federal legislation, which has unfortunately stalled. And so, what we have seen since 2020 and what the Brennan Center analysis has

found is that the overwhelming majority of restrictive voting and election subversion bills that were introduced in 2021, for instance, were related to conspiracy theories related to the 2020 election, right?

And so, you have this, you know, to kind of start putting this together you have all this election disinformation that goes on in 2020, is now impacting how election officials do their job, but it's also being used as a pretext to push legislation that's going to make it more difficult for voters to participate as well. All right.

And so, this year lawmakers pursued a lot of legislation around the country that would allow for partisan, more partisan interference with the election process, right? Including bills that would create processes that overturn election results. And so, you know, they criminalized election officials that require, Secretary Hobbs referred to the one in Arizona as the fraudit, but they really, you know, they tried to require these really, you know, the just not worthwhile reviews, they really aren't based on anything, aren't looking at the actual election but are just kind of these partisan reviews of what's going on for not only past elections, but moving forward.

And so, you know, all of this together is harming, you know, the election administration process but also, you know, the voters' faith in the process.

So, we look at the, you know, kind overall, and I'll wrap up here. But six states this year have managed to enact nine big election interference laws so far this year. There were 148, what we would consider election interference bills introduced in 27 states, right. And then we've had two states have passed very restrictive, you know, more restrictive access to the vote, but we've had in 39 state legislatures almost 400 restrictive voting bills proposed this year.

So again, a lot of this premised on the, you know, the false disinformation around 2020. Things related to drop boxes, absentee voting, all those things where, you know, the claims have been disproven yet they're being used to really restrict access to the ballot box for voters, not only this year but going forward in the lead up to 2024.

So that's kind of, you know, taking the information that Secretary told us about Arizona and looking, it's not just Arizona that this is going on, all right. It's going on across the board and it's really having a negative impact on our democracy and on our ability to kind of run free and fair elections.

MS. KAMARCK: Edgardo, let me drill down on two things before we call on Gabe

because that's a perfect segue, the impact on democracy to what Gabe's going to talk about.

What states do you think have seen the most serious threats to election integrity? I know we spoke about Arizona, how would you rank the states in, you know, in the seriousness of what's going on?

MR. CORTES: Well, I think certainly Arizona and a lot of what's going on in Arizona is very concerning. I think we've had a lot of concerning legislative and legislative proposals in places like Georgia, for instance. And a lot of the, you know, it's really hard to rank where it's most concerning because I think it's concerning across the board, wherever there's an attempt to especially, you know, insert partisan interference and to the process.

You know, things like changing who's responsible for doing certain things in election administration. Arizona is one of those states, Georgia also, where they're, you know, they didn't like how 2020 turned out, they don't like, you know, what's been going on, and so they're just moving power and decision making and some of those things, or attempting to move those things to more partisan anchors, people that may not have the same willingness to push back as election officials have done in those states previously.

So, I think it's hard to rank, but definitely Arizona and Georgia, and those states have had some very concerning legislative pushes this past year and last year.

MS. KAMARCK: And, you know, it's interesting, Arizona and Georgia are also two states that are in the midst of a political transition from being solidly red states to competitive states, and so there's a real struggle for power and a tendency not to believe that this is happening in your state. You know, Georgia it's that incredible increase in the Atlanta Metro area. Arizona is a big increase in coming of age of the Hispanic population. You know, these states do change their electoral composition from time to time.

When I was in undergraduate school Vermont was a rock red Republican state and now it has a Democratic Socialist senator. So, states change. But I think this is another aspect where people are prone to believe in all of this conspiracy.

Let me turn to Gabe because I want to ask Gabe about the impact on democracy. Gabriel Sanchez is a colleague of mine at Brookings. He's the David M. Rubenstein fellow in



Governance Studies here at the Brookings Institution. And he also serves as professor of political science and the founding Robert Wood Johnson Foundation endowed chair in health policy at the University of New Mexico. He is also a director of the University of the New Mexico Center for Social Policy, a founding member of the UNM Native American Budget and Policy Institute, and a principle at Latino Decisions, the nation's leading survey firm focused on the Latino electorate. A leading expert on Latino and New Mexico politics and policy, he regularly provides commentary to several state, national, and international media outlets, and he's a nationally recognized expert in survey research and the utilization of rigorous research to inform public policy decisions at the Federal, state, and local levels.

So, Gabe, you've done some great work on how all of this is impacting the broader question of democracy. I want to draw peoples' attention to the fact that if it was not up already it will be up momentarily on the Brookings website a blog post from Gabe on some of these issues that they might want to have a look at.

And, Gabe, the floor is yours. What's the public, what's happening to the public because of these controversies?

MR. SANCHEZ: I appreciate that. Thank you, Elaine, for the warm introduction, and for including me in this panel. I'm very happy to be part of this important discussion and look forward to engaging with you and my other colleagues here at Brookings to find solutions to some of the challenges we'll be discussing today.

As you noted, I've been tracking attitudes towards democracy over the course of the past two years, and it allows me to shed some light on how the public feels about the integrity of our voting system. To have that I have a really important perspective to our discussion today.

Also, some of the work that Elaine noted will be up on the Brookings post sometime today, so folks don't feel like you gotta scramble down and catch some of these percentages that I'm going to throw at you. You can grab them in the blog post.

But the long story short is, unfortunately, there's been consistent findings across all reputable and national surveys that strongly suggest that American democracy is really in serious trouble right now. And one of the troubling trends in the data is the lack of confidence that unfortunately a large segment of the voting population has in our voting system.

I'll give you a few examples. An ABC News/Washington Post survey recently found that only 20 percent, so one in five of Americans feel very confident in the integrity of the U.S. selection system right now. Furthermore, and just as troubling, a majority of 56 percent of respondents to a recent CNN poll said they that they have little or no confidence that elections in this country represent the will of the people. Right. So troubling data.

For me even more problematic is the pessimistic view of our democratic system that's shared by our Nation's youth as well. A very well-known Harper Youth Poll for example found that 42 percent of their respondents believed that their vote does not make any difference in important outcomes. Right.

So, at the end of the day, right, we know, unfortunately, the public has serious concerns about the state of democracy. As we heard from Secretary Hobbs earlier, one of the drivers of decreased confidence in the political system has really been the explosion of misinformation deliberately aimed at disrupting the democratic process. This confuses and often overwhelms voters. And unfortunately, when we look at the data, we see that it's had a marked impact on the attitudes of Americans.

I'm going to reference the collaborative multiracial political study, it's an academic study I've been involved with over the years. And I like this one because it's got large robust sample sizes specifically of confirmed voters and it's got a diverse population so we can look at differences across race.

And so consistent with what we've heard a lot from other polls, this study reveals that a robust 57 percent of White Americans, and again remember these are confirmed voters, believe that there was voter fraud in the 2020 presidential election, including one in four of those White voters who believed there was definitely fraud in 2020.

But this academic survey also helps us understand that racial and ethnic minorities are also highly susceptible to misinformation regarding voter fraud. Almost 40 percent of Latinos in that sample and just over 30 percent of African Americans in the survey think that there might have been at least some fraud in 2020. So, this myth unfortunately that's often perpetuated that only White Americans or Trump supporters or Trump voters believe that there was fraud in 2020. It's just not accurate, unfortunately, when we look at the data.

We are also finding in our team surveys specifically of Latinos, and I reference Latinos because the context of this discussion was in Arizona where I speak, the Latino electorate has been a big part of the discussion of the shift that that state politically and demographically. So, when we look at the Latino population, we unfortunately see across a lot of different state samples that a large segment of the Latino electorate believes that there will be significant efforts to confuse and intimidate specifically Latino voters with misinformation and other tactics in the upcoming November elections.

For example, just throwing you one reference point from a statewide sample of Latinos in Colorado I recently conducted. Just over 75 percent of Latino's in the State of Colorado believe that false information is already being spread to confuse Latino voters. And that not enough is being done to help address this information, either nationally or in their own backyard in their own state.

And finally, we've heard, I think from Mr. Cortes recently, that there's been an unfortunate reality of threats of violence directed towards election officials. And this is unfortunately only part of the concern that I have about voter suppression through specifically violence in the upcoming election cycle.

In fact, we have found high percentages of Latino's across several states that we're polling in believe that Latino voters may be kept away from the polls through intimidation and violence. And we saw a lot of this in 2020, right, with unfortunately maybe one or two real examples being overblown with misinformation and a lot of effort to try to make people scared about exercising their right to vote.

And, you know, my team in 2020 did a lot of polling looking for potential solutions. So that challenge, and unfortunately, some of the most common solutions present unintended challenges. For example, a lot of people have reached out to me, I've actually seen some questions already from folks on this panel that reference what about putting police officers in voting precincts to help ensure public safety. But unfortunately, this can generate fear and concern, particularly for a diverse communities, immigrant populations, etcetera, who have unfortunately lived through a very checkered history in this country of the use of police and immigration officials at voting place specifically to suppress their vote.

So even things that we think of that are common sensible approaches to address this don't often work unfortunately because some of this context that we have in this country.

So, in closing, you know, I guess the multimillion-dollar question is what can be done, if anything, to help address this challenge. And fortunately, we are seeing some great things happen across the states. With secretary of state's offices attempting to come up with innovative approaches to help improve the situation, as Elaine noted, secretaries of states are really at the forefront of the battle to try to protect democracy in their borders.

For example, Connecticut has invested a substantial amount of money, we're talking millions I think, 2 million bucks on a marketing campaign to share factual information about voting. And they actually have a full salaried staff person whose sole focus is to exclusively combat misinformation by trying to root out early disinformation narratives before they go viral and really pose a significant problem, right?

In my own back yard here in New Mexico our Secretary of State has developed a website that provides real time fact checks regarding misinformation issues specific to elections in our state. A tool unfortunately that I know our Secretary Toulouse Oliver has told me was created in direct response to growing concerns her office has about misinformation and folks that have paid attention to what's going on with Otero County and our state, very similar to what we heard in the context of Arizona. So unfortunately, these tools need to be put into place quickly because of the challenge.

Colorado has hired three cybersecurity experts to monitor sites for misinformation that is cast with looking for misinformation about elections, whether it's absentee ballots, voting procedures, where polling locations are going to be held, you name it, right? They're trying to get folks that are savvy about the IT side of this and also the voting integrity stuff so that hopefully you can have a jointed effort to try to stomp a lot of this that's being done digitally.

There have been really a lot of these other creative approaches across states that I think can be replicated with relative ease and without a ton of money. And I think having a coordinated effort with states really trying to build toward a "national myth buster of fact checker system." I think that would really go a long way.

And finally, right, we're seeing a lot of positive things that are more long-term focused, really aimed at the next generation of voters. And we're talking about middle school and high school students that are really being put through more media literacy programs at their levels to try to help them

become, I guess one way to put it is more informed consumers of information, right. And we know that's so important because these folks are like sponges, soaking up all this digital information.

So, I think states that are working with their public schools and their states have developed curriculums to try to address this issue now before these folks reach 18 and become eligible voters, are also things that we can look at.

So hopefully, right, we focused a lot on the challenge. I know it seems overwhelming and daunting, but hopefully some of these approaches states are doing can give some folks some ideas of how we might work together to combat these issues.

MS. KAMARCK: That's great, Gabriel. And let's, I'm going to go right to some questions that have come in from the viewers because some of them are things that I think I would have asked anyway.

One of them is a simple question and I'd like to throw it out to both of you, maybe starting with Edgardo. Which is, what can activists do in addition to say becoming poll workers, what can activists do on this problem of election integrity? I mean I think the states are doing those wonderful things, I learned a lot from this panel about the things that the states are doing, like Colorado hiring cybersecurity experts. But what can an ordinary citizen do in this?

MR. CORTES: Thanks, that's a great question. I mean so the question kind of includes being a poll worker. That's certain important. I mean I think that's a, you know, a very big gap that we have in elections. Everybody's looking for workers and folks to help actually run the systems that are going to do what they're supposed to and not do what, you know, partisan actors want them to do. I think that's an important piece.

I think that in addition to that, I mean I think getting involved, right? There's a lot of decisions around access around, like polling place locations, number of polling places, all those things happen at the very local level, right? But, you know, so like attending local election board meetings, right, local election boards make a lot of these decisions and they're making those decisions now, right? But by the time the election rolls around they've already decided where the polling places are, what all those things, right?

So being involved at that local level and making a presence and speaking up for

especially communities that are lacking in resources, making sure that the resources are appropriately spread. Yeah, when you're talking about, you know, I talked a lot about a lot of the negative legislation being promoted there. There are a lot of good proposals out there also. Unfortunately, not as many gaining credit in the particular states that are having issues, right?

Talking to legislators, doing those things to either push back against bills that are premised on these falsehoods and on these lies around 2020, and promoting things that are going to open up access.

So, I think there's kind of a broad range of things that people can do to get involved. But I think at that local level we are seeing a lot of those local election officials in particular get pressure from people wanting them to do the wrong thing. And so, knowing that there's other people in the community speaking up and pushing for them to be fair, administer free and fair elections and then go a long way heading into this cycle.

MS. KAMARCK: That's great. I hadn't even really thought. I mean this is so local in America. I mean as Secretary Hobbs pointed out, there's good things and bad things about it. And one of the good things is people can have an impact. You know, people really can.

Gabe, how would you answer that?

MR. SANCHEZ: Yeah, I think Edgardo hit on a number of points. I was just thinking of a few that I want to mention. I mean all politics is local, right? And fortunately for us when we look at the survey data, when we ask people, you know, where do you go to get information that you trust, or who do you trust when it comes to information about politics and policy.

Primarily because of a lot of lack of trust in our elected officials, actual individuals from their community, local community organizations that operate in their community are some of the most trusted messengers. So, folks out there, local activists, folks that are involved in local community organizations, right, you all are trusted by the community.

And so, whether it's utilizing your own social media platforms to correct misinformation, to infuse trust on our voting systems. I mean we saw a lot of positive implications for that during COVID, right, where folks were just putting out quick podcasts telling people about their experiences. Why don't we utilize the same tools and do that now in a context of voting integrity, right?

So, I think one of the best things that people can do, and I know I've been part of these efforts myself, is when you hear information, whether it's at an events or whether or not you're just in casual conversation, you hear people talking about things and you say wait a minute, that's just not accurate, let's actually talk through that. Just think about the multiplier effect. If you encourage five people to actually do some research and correct that narrative, that multiplies and then I think it's that kind of ground swell effort that I think will help us get some traction started.

MS. KAMARCK: Yeah, I know, I used that myself, Gabe, with this example I talked to Secretary Hobbs about the paper for the county ballots, how incredibly difficult it would in fact be for Chinese operatives to get in and pour fake ballots into a state. I mean I suppose it could be done, but it's very unlikely, and it's kind of pie in the sky stuff, let's face it. As many of these conspiracy theories are.

Following up on this line of thinking, is there a role -- another question that came in, is there a role for universities in this? Edgardo?

MR. CORTES: I think certainly. I mean there is a lot of universities that kind of play a role, especially in the kind of research and looking at this issue, right, and really facilitating that. I think there's probably a role to where universities in helping set up ways to kind of push back and fight some of this misinformation and the narratives that are out there, right?

And that can be in partnership with, likely in partnership with local, state, even Federal government around how to push back against these narratives and what's the most effective way, right? I think universities have the ability to go out and do this research and kind of come up with ideas and ways to push back and really alter the limited resource that election officials in particular have in a lot of instances and help promote positive messages and figure out ways, you know, like Gabe was talking about in their research they've done like ways that will connect with voters to really push back against these narratives.

I think the final thing that I say there is Gabe mentioned the kind of misinformation impacting Latino communities, but I think what we have seen, and I think misinformation is a big concern and there hasn't been as much done in misinformation that's being sent out to communities that speak languages other than English, right?

A lot of the focus obviously has been on English language, misinformation and pushing

back. But you see a lot of efforts and misinformation directed in Spanish in Latino communities and then at different Asian-American communities in their native languages.

And so, I think that's something there we're not quite as far along in. So having, you know, the expertise of universities to kind of help push back and look at misinformation that's impacting communities in languages other than English, I think would be a huge help.

MS. KAMARCK: Gabe?

MR. SANCHEZ: Yeah, I think, you know, for the question of what can universities do, the only other thing I would note to some really strong points that my colleague made is, you know, as a University Professor going on now almost 20 years, the best thing we could do is we've got access to the youth, right?

We've got folks in our classes, hungry to have these conversations, hungry for information. And so, I think the obvious is, right, make sure that all of us that are in the classroom take opportunities, regardless of what the subject matter, is to address at this point, but also role model how to do that effectively. It's not when somebody raises their hand and says hey, I've heard this misinformation issue and it's not shutting them down and treating them like they're not intelligent people. It's reflecting on the fact that hey, there's probably a good reason why you believe in this. Let's talk about that, and then correct the narrative.

I think it's important for young people to see us demonstrate how to go about these deliberations. Not in a combative way but in a productive way.

And the other points, you know, aside from the direct question that Mr. Cortés brought up is, you know, for language minorities, let's keep in mind we're talking about. I fall back to this myself, often this misinformation issue as though it just happened in 2020, right?

I remember tracking misinformation directed at Latino and Spanish in Arizona back in 2012. It was just done on actual hard paper, right, telling Latino's voting days was actually two days after the election, in Spanish. So, we've known about these issues and the problems it follows that they pose well before all this was done digitally. Now I just think the impact of these tools is much more, you know, pervasive because what one entry on your keyboard you're talking about millions of people being impacted.



But I think we need to remind ourselves that we've been dealing with these issues for decades and we've got some solutions. Maybe we need to dust off and try to figure out how to retool for this new digital age that we're trying to combat now.

MS. KAMARCK: Yeah. You know, I'm glad you brought that up. When governance studies here at Brookings began looking into these issues. This was several years ago, I think maybe 2018, maybe even before. We did do a little bit of writing about this, and we went back to dirty tricks prior to the digital age, right?

And you're right. I mean one of the most common one was to send your opponents' voters information about the election and have the wrong day. Just have the wrong day for the election on there, people got it and then they missed going to the polls. And this was a great trick, very effective. And of course, it was done on paper. And it was done on paper so you couldn't even see it, you know, you couldn't see it unless somebody told you, you couldn't see it and correct it quickly the way you can if you're monitoring the internet and the electronics.

So, it works both ways. It's very cheap to send around misinformation these days but it's not exactly new. People have been trying it for a long time.

There's another question kind of along this same line from one of our live participants, Marina Negra Ponte, who asks, do you see a role for corporations in the election education space? Can a corporation be an extension of voter education in their respective work forces? Can you see partnerships with companies and how might you see a partnership with a corporation evolving?

It's a tricky complicated question. Gabe, do you want to start on that?

MR. SANCHEZ: Yeah, I can take a stab at that. I think like in short, I think it's a great question because I think we put a lot of emphasis on states can do, secretary of state's offices, public sector folks. But this is such a rampant issue, it's an all-hands-on deck solution. We need every aspect of our sectors, including the private sector heavily engaged in this.

And like right off the top of my head you think about large employers, right, they control thousands of employees' information, right? If they can put out positive messaging maybe have events with experts like ourselves come in to speak to their staff. I mean we're talking about the multi effect being huge.

And we look back to 2020, I remember being involved with some pretty cool initiatives on voter information outreach, on everything from the National Football League, the NBA, all these sports teams, remember, were heavily involved, many turning their stadiums into super voting centers. Well, I haven't heard much about that since 2020. What happened to all those great efforts that worked so well?

Can we go back to some of those efforts that really worked effectively, encourage some of those entities. And I stress professional sports teams because a lot of those folks, that's particularly young men, pay close attention to, they trust information that they hear from those entities. So even if we think creatively and say okay, what aspects of private sector businesses have traction with what sub roots of the electorate, and we need to be worried about.

Go back to those partnership that we saw be so effective in 2020. I'm somewhat surprised I haven't seen a lot of that conversation carry over into the upcoming elections and beyond.

MS. KAMARCK: Yeah, I haven't either. But on the other hand, mid-terms are always a little bit less exciting for people to participate in so many we'll see some of that by 2024.

Edgardo, what about corporations?

MR. CORTES: Yeah. Thanks, Marina, and thanks, Gabe, for all this, and I think you're right, you know. The effort to try to partner with and really push people to vote. Elaine, you know what you said about 2022 and the mid-term not being, you know, with unfortunately not as many people voting, I think corporations, right, education, carrying that through year in and year out I think will help promote and make sure that people participate but that their voice is still being heard, not just presidential election years.

The only thing I would add to, you know, in terms of partnership, you know, Gabe talked a lot about the effort with voters. I think one of the things we've seen successful in limited scope in the places they have done it, is providing assistant to election offices in terms of providing a staff to serve as poll workers, right, to take on those jobs, giving employees time off, you know, paid time off or keeping them on, you know, paying them for the hours that they're spending being a poll worker.

And so, we have local examples of counties across the counties, they have partnered with like large local employers, and they've been very successful at getting people to, if they don't have to give up vacation to, you know, limited vacation time they may have. If they're still getting a day off to be

able to provide that public service, the employer giving them time off to do that, where we've seen engagement and employees really take on, you know. And people working in some of these large employers and corporations, you know, they may have people that are, you know, they have the technology and can kind of help with all of the more kind of tech heavy tasks that election officers and poll workers are having to do now.

And so doing partnership, in addition to kind of a voter registration piece, figuring out how to work with election officials in terms of promoting that they have an employee go out and participate as poll workers and take on those roles, but providing them the space to do that through paid time off.

MS. KAMARCK: Okay. Good. We have two questions on voter IDs, okay? And one kind of interesting question. The questioner says, why is it considered a disadvantage to require a voter ID? The mere appearance of electrical or malfeasance is the root cause of the problem. It's the concern that we are currently facing in our national and state elections.

And somebody else says what IDs are accepted to verify the person, and how does this vary from state and county? It sounds like it might be a little bit more up your alley, Edgardo, but I'll also go to Gabriel.

MR. CORTES: Sure. Thanks for the question. And so, you know, when it comes to IDs in terms of voting, I think one of the biggest challenges and obstacles to the way that particularly photo ID laws have been implemented in states across the country is the way that it leaves out certain populations that don't have easy access to photo IDs.

So, if you are an individual that drives and that, you know, has an ID, has a photo ID and use that for all sorts of tasks, you really don't think about the fact that there are communities and there are a lot of individuals out there where it is much more difficult to obtain a photo ID and to use them, you know. And they are having to go through and do things in life without having access to that, right? Because they don't have the documents necessary, they don't have the time to be able to, you know, go to DMV for several hours to kind of work through the process. They don't have money to obtain the underlying documents. Like there's a lot of reasons that people don't have access to photo ID.

And the problem with making that the kind of end all, be all, is that it leaves out a group of voters, right? It doesn't provide for them to have the same ability to access the election system, the

election process.

And so, there are other ways to verify identities and to look at, you know, is this the person that, you know, that we think is here. And the other thing with photo IDs is that it's focused very much on kind of that in-person voting aspect. Where number one, we know there's really not any cases where we're looking at, you know, impersonation fraud, which is the basis for this. And so, it really doesn't address the issue of voting by mail or kind of absentee voting, early voting, those things.

You know, and so we have seen states for instance add provisions where you have to send a copy of a photo ID with a ballot, you know, things like that. Well, that's silly. If I'm not there, if the photo ID loses importance, you know, in terms of validation, if I'm not looking at you, right?

And so, in those instances, like there's other ways to validate that voter, right? There's information you can ask for that that voter has, it's unique information that only they know, and you have access to that can help validate that it's their vote.

So, there are other ways to validate identities to look at, you know, how to get access, that doesn't involve requiring people that may not have access to photo IDs to somehow get access to them, right? And that I think is the kind of difficulty that we've had with particularly photo ID laws and the question about like what's required.

It really does vary state by state, right? There are some like I mentioned that are very strict photo ID requirements and that list of photo ID is very limited. And then there's other states don't require photo ID at all or have, you know, other ways to validate identify. So, it really does vary state to state.

MR. SANCHEZ: Yeah, I'd love to jump in on this one if I can, Elaine. I've actually been an expert witness with my colleague, Matt Ethan (phonetic), UCLA, on a number of photo ID court cases, Federal and state level over the years.

I love the question because it's one of these, very similar in my opinion, to putting police at polling locations. An honest face sounds like a great idea but unfortunately once you look at the data there's some unintended consequences.

So, I'll give you just a couple points on this. And I think it was well stated by my colleague. Now a lot of it is the devil's in the details in terms of how these laws actually operate.

So, a case that I worked that probably had the most glaring inequality both in terms of how the law was written as well as the implications was in North Dakota. Where I think the question is a good one, what is acceptable ID across the states? In North Dakota, essentially any ID, if I remember correctly, a hunting license for example would count. Everything except for a tribal ID. And guess what, right, who did that disproportionately impact, Native Americans.

In fact, when we look at it, this is how we do this research. We'll do surveys and ask voters, actually take out your ID, let's go through it. Does it have the following information, does your name match what's on the voter rolls, is there an address matched so it's on the voter rolls. Because that's really what a lot of these laws require. It's not just the photo ID, all these details have to match what's actually on the photo ID. And guess what, in North Dakota Native Americans overwhelming were less likely to not only have the ID, but the underlying documents that you need to acquire the ID in the first place.

When we look at other states, Latinos, African Americans, young voters. Let's remember, young people, they don't like to drive, right? We know this, they like public transportation so many of those folks don't go get a driver's license when they hit 18, the same way my generation all did and valued that. So, a lot of these folks just don't have the underlying documents that you need.

One scary statistic, I know Dr. Bethel and I did a Texas photo ID which was a big case. We found in our survey when they extrapolated it, if that law were to hold as it was written, 1.2 million Latino and African Americans, otherwise eligible voters, would have been disenfranchised just like that.

So, on its face again, photo ID laws sound like a great idea, maybe infuse some confidence in voters and the integrity of their system, but at the end of the day it disproportionately impacts a lot of low-income communities, minority communities and young people. And we know decades of political science academic research has always suggested when you increase the cost associated with voting, in this context going to track down your birth certificate so you get the required ID, even increasing that cost a little bit decreases turnout, particularly among low resource voters.

And so that would be my worry, right, that we could do more harm when trying to implement, you know, photo ID across states, than the benefits that may come. And there's limited evidence that it actually does increase voter confidence to put them in place in the first place.

MS. KAMARCK: All right. So, I'm going to ask you a hard question, for both of you. Is there a way to deal with both sides of this issue? Is there a way to have, you know, verifiable voters that this is a real citizen, is registered to vote, etcetera? Is there a way to do that in a way that would increase confidence in the integrity of the election without the discriminatory aspects? Or is this a kind of either or?

I mean is there some solution to this? Edgardo? I mean.

MR. CORTES: So, I mean if I can just start, so I think the primary, I think this is where the concern over folks not being as familiar with the election process. So, you know, the issue of like identifying who is the voter and if someone is eligible. Like there's a lot of work that goes in at election offices when somebody, for instance, registers to vote, right?

So that information is, you know, there has been a law that requires certain checking again, the Social Security Administration, you have votes that are coming through DMV or getting their process happening at the DMV.

So, there are a lot of checks going into play that say like, yes, this is a real voter and they're eligible or they're not eligible, right? So, states have a pretty robust system, again a very state to state exactly what they do and what they validate against. But there are processes in place across the board to look at is this individual an eligible voter.

And so, then you're really talking about like all right we've already validated that you're an eligible voter and so the question is like do we need to check you again essentially, when you go to cast a ballot, right? So that's where I think the difficulty with the photo ID requirements and everything is is this notion that there is nothing going on to check that people are actually eligible to be, you know, to vote in their respective states.

And so, I just wanted to point out that there are a lot of things that go on at the front end of the process that makes it possible for election officials to know that these are their eligible registered voters.

MS. KAMARCK: Gabe.

MR. SANCHEZ: Yeah, I'll say that I've always been on record on this, that I don't have any underlying, you know, anti-voter ID sentiments. I've always said if we could find an approach that works for everybody and just does not disproportionately impact or overly burden one segment of society,

I would support it. I have not seen that, and I've looked extensively at, well there was a lot of which did not pass, but looked closely to see, as Edgardo noted, some of these have a failsafe, at least in theory, right, from mail in votes where you mail in a picture of an ID.

There's a lot of interesting things but at the end of the day what always troubles me is, this puts an awful lot of stress on a volunteer precinct worker to look at a picture, is that Gabe, you know, he doesn't have the typical beard he usually wears? Is that so and so, they're last name doesn't look like it matches the voter rolls. And I've always had a lot of concern with putting a lot of that hugely important consequentially decision on volunteers who aren't often signing up for that duty and the consequences associated with that.

So, I have not seen a solution that would essentially do the good that we think that it will do without posing unintentional harm. I just haven't seen that yet. And I think like I want to reinforce that keep in mind photo ID laws are really intended only to tackle one specific potential source of voter fraud, and that's people fraudulently saying I'm that person, and voting in their place.

We know even from the Trump Administration's analysis of elections, that doesn't happen very often in the United States, right? There's been over I don't know, 20 years of Federal Government research and analysis. A handful of actual documented cases. In almost all those instances it was not intentional fraud, it was a mistake that was done on the hands of the voter.

So, it's always one of these like let's make sure the problem we think we're trying to solve, right, is actually bigger than the problems that will be generated from the potential solution. And I just think photo ID we haven't got to a place where we have a silver bullet.

MS. KAMARCK: That's good. And, of course, you know, while you were talking about this, I was going back to of course a lot of this is almost a historical hangover from the days of the great big city machines where in fact they did vote the graveyards and lots of other people. But that was now, you know, more than half a century ago that this was going on in Chicago and New York and Philly and Kansas City and the places where you had big and corrupt machines. And of course, it's harder to do these days and frankly, we don't have these machines anymore. I mean I haven't known or seen that kind of operation in a long, long time. But in certain parts of our political system particularly, it's as if the Daly machine from the midcentury is alive and well. And, you know, giving the election to Jack Kennedy

and not Richard Nixon.

So, you know, it was there but it's not there. People are having a hard time realizing it's not there anymore.

Let me ask you as we go into our final couple minutes here. Another good question that came in is about, and this changes our conversation a little bit. The secretary of states who are running on the big lie, and other people running on the big lie. What would you say to voters and to our participants about these secretaries of states races? How can, if some of these people get elected, what can we do? Gabe?

MR. SANCHEZ: Yeah. I think this is one of the most dangerous elements of everything that we've talked about, right? And let's keep in mind it's not just secretaries of states that are running, really using this as a campaign message of all things, right? To be overseeing the integrity of elections, but you've got members of Congress. And even I've seen local level, county level officials, really to me pose some of the most significant dangers because we've seen, unfortunately, across the country, including here in New Mexico, how a county commission can pose a whole lot of problems by just not validating the election outcomes in their county jurisdiction.

So, I think we need to be worried not just at the secretary of state level but all the way across the board. And, you know, at the end of the day the only thing that we can do is hope our democratic system works by really educating voters, right, about the dangers of this, the facts about this issue so that hopefully the voting public makes the wise decision and puts people into places of power and influence that know what they're talking about when it comes to voting integrity.

But I think that's a key question because when you've got folks, right, that make it their job in life to perpetuate this myth and now they have the power to implement that state? Why that's honestly one of the things that keeps me up at night because it's one of the biggest that I think is tough to tackle once we get to the point where they're elected.

MS. KAMARCK: Edgardo?

MR. CORTES: Yeah, I think I would have a lot of Gabe's concern about this. And I think, you know, to look back at the, you know, we did that election official survey, and this is a concern amongst election officials too, right?



Like I talk about the large number of people leaving, well there's concern about who's going to fill those positions going forward. And so, you know, our survey found that over half of local election officials are concerned that some of their incoming colleagues are going to believe widespread fraud of 2020, right? So that's a difficult thing to contend with.

But I think that, you know, what gives me hope, and Gabe talks about kind of our, you know, our democratic system playing out. I think we've seen a number of these individuals they have made it clear they're going to use these positions to have a negative impact on people's ability to vote and to, you know, to not be supportive of free and fair elections, have not been doing great in some of the primaries that we've seen so far.

I think that at least gives some hope. I think that that message really isn't, you know, voters across the political spectrum I think want, you know, free and fair elections and so if you have people that are saying like, no, I'm going to, you know, this is how the election is going to turn out because I'm running it. Like that doesn't, hopefully won't play well with voters. But I think, you know, it kind of everything we've talked about in terms of participation and voter education, everything like to let people know that those are the things that are on the ballot and that people need to show up and participate to ensure that that doesn't happen.

MR. SANCHEZ: Yeah. The only other point is, you know, for us that live in states like the last two have great secretaries of state and infrastructure, and states doing the right thing, if you live in one of those states consider getting involved in some of these state races outside of your own jurisdiction that are tight. Whether that's donating some money, whether that's getting on the phone banking and being involved, right?

I think that's basically what we can all do as individual citizens to try to improve these outcomes.

MS. KAMARCK: Yeah, that's great. Let me remind the audience we only have a couple more minutes but if you've got a burning question, please send it in.

And in the meantime, let me just give you a final question unless we get another one from the audience, which is, what about criminalizing attacks on election workers? How many states are doing this, do we need the Federal government to do this or can states take this on on their own. Edgardo.

MR. CORTES: I think there are certainly things that states can do to help this issue. I think in most places, and even under Federal law that we have existing, I think there is room to prosecute individuals that are making these threats against these election officials like across the country.

And so, I think, you know, we have things like the Department of Justice setting up a task force to look at these threats and intimidation of poll workers and election officials. I think they have had a couple of people that have been charged so far, you know, in relation to what happened pot-2020.

But I think, you know, as states look at this issue, and Secretary Hobbs talked about kind of resources, right, providing resources to help election officials deal with these threats. And so, there are states looking at things like, you know, aside from the criminalizing the behavior, which I think in a lot of places can be more explicit but the laws that are on the books allow for prosecution. So, I think it's both getting law enforcement to take this seriously and act on it.

But then aside from that comes to helping election officials if, you know, states are looking at creative things like for instance allowing election officials to participate in address confidentiality programs, right, things like that that will provide more protection for them. That's being used in other facets of our society to help victims of different crimes expanding those services to help election officials, to protect them from things like what Secretary Hobbs talked about, people showing up at her house and, you know, making all these threats.

So, I think there's kind of a two-fold approach here which is yes, go after the people that are doing the bad things. And let's also look at the resources and help for election officials in terms of keeping them safe.

MS. KAMARCK: Oh, that's great. Gabe.

MR. SANCHEZ: Not much more to add to that. I mean I think that's consistent with my perception that it's the tools are in place in terms of state laws already, that's my perception. Laws on the books are there, it's just really a question about resources, right, available to states to be able to police and do something about it.

And at the end of the day the political will, right, which is often I suppose going to fall on attorney generals' offices. If they get a live case where there is evidence, right, going all the way through the process, right, and having the political will to think about prosecution.

And I think that's really what's necessary because we all know as Americans, right, until you see somebody actually being prosecuted all the way to the full extent at the end of the rainbow here, it doesn't change behavior. And I think you need more brave souls to say, you know what, we're going to do this all the way through because it's the right thing to do.

MS. KAMARCK: You know, Gabe, that reminds me that going back to January 6th, remember that after the insurrection, people said that on March 4th there would be another attack on the Capitol. And Washington got all protected and fences up and all this stuff around Washington, D.C. And on March 4th nothing happened.

And one congressman that I spoke to about this said well, of course nothing happened because in between January 6th, and March 4th, people had the FBI showing up at their door saying you realize that what you did was a crime. And it didn't matter whether President Trump said do it or not, it was a crime.

And you're right, watching prosecutions happen, it does have a dampening effect, particularly in these sort of politically passionate actions where people think they're doing the right thing until they're not.

Listen, it's been great talking to the both of you. Edgardo, we really admire the work of the Brennan Center. I hope those listening will pay attention to your tracking of this work here.

Gabe, everybody listening, have a look at Gabe's blog post, which should be up this morning and follow Gabe's research on public opinion and these issues, which is very insightful.

And thank you all very much.

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