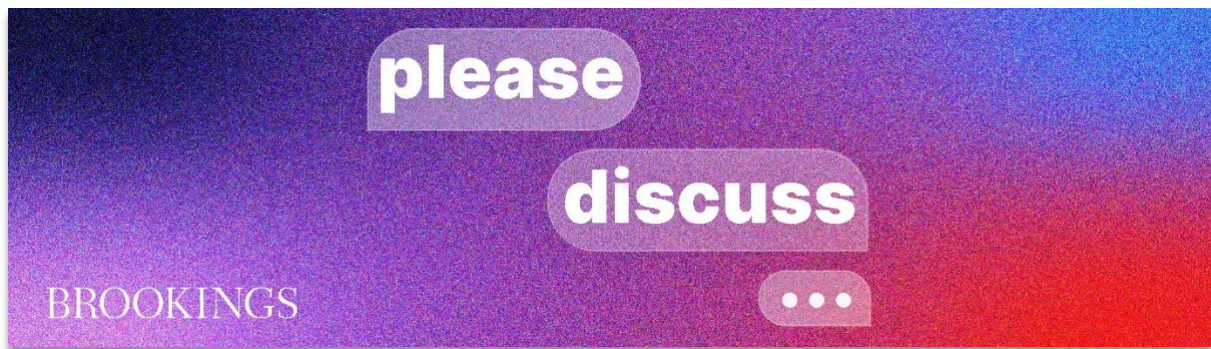




***Please Discuss ...* podcast
The Brookings Institution**

"The shifting map of the 2026 midterm elections"

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Episode Summary:

In the debut episode of *Please Discuss*, Brookings scholar E.J. Dionne moderates a conversation about how changes to voting could have consequences for the 2026 midterm election landscape. Brookings scholars Elaine Kamarck, Elena Patel, and Scott Anderson examine mid-decade redistricting battles, court rulings over mail-in ballots, and the legal challenges testing both election administrators and voters across the country.

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DIONNE: The mail ballot has become an indispensable civic lifeline. But looking ahead to these midterms, what worries me are the sheer number of obstacles hitting the system at the same time.

PATEL: I've been watching postal issues, and in the early 2026 primaries, the rate of rejection for late arriving ballots doubled compared to prior years. And I worry that if everybody does everything exactly as they've done before, that it could be tens of thousands of ballots that don't arrive on time to be counted.

ANDERSON: The best advice to voters is don't wait till the last minute. Do it earlier so that you have the time to make up for it.

[0:36]

DIONNE: Welcome to the very first episode of *Please Discuss*, a new podcast bringing together leading scholars to unpack the defining issues of our time. I'm E.J. Dionne, a senior fellow here at the Brookings Institution. Longtime listeners of Brookings shows may remember *Intersections*, the podcast hosted by our colleague Adrianna Pita, that brought our experts together across disciplines to dig into the complex debates shaping our world.

Today, we are proud to carry on that tradition. To start things off with *Please Discuss*, we're launching a three-part miniseries on what's really shaping the 2026 midterms, the shifting rules over where and how we vote, the issues motivating voters, and what the outcome will mean for the balance of power in Washington.

Today, in part one, "The Shifting Map," we look past the daily headlines to examine the changing electoral landscape, mid-decade redistricting battles, court rulings over voting rules, and the legal challenges testing both election administrators and voters across the country.

Joining me today to break down where things stand are Scott Anderson, a senior fellow in governance studies at Brookings. He is also the general counsel and senior editor at Lawfare. Welcome, Scott.

ANDERSON: Thank you for having me.

DIONNE: Elaine Kamarck is the director of the Center for Effective Public Management and a senior fellow in Governance Studies at Brookings. Welcome, Elaine.

KAMARCK: Glad to be here.

DIONNE: And Elena Patel is a co-director of the Urban-Brookings Tax Policy Center and a senior fellow in the Economic Studies program. Welcome, Elena.

PATEL: Thank you.

[2:19]

DIONNE: Let's start with the Postal Service and mail-in voting. For tens of millions of Americans, the mail ballot has become an indispensable civic lifeline. But looking ahead to these midterms, what worries me are the sheer number of obstacles heating the system at the same time. Elena, you know a lot about the post office and mail voting. Tell us what we're facing.

[2:43]

PATEL: Yeah. I think that voters this cycle are having to keep track of a lot of different pressures that relate to the Postal Service, which I think in the context of elections is not usually at the top of our mind. Postal Service does a lot to help administer election systems, I sort of think of it as a backbone of the election system, without getting a lot of credit for it usually.

So right now, the Postal Service confronts sort of unprecedented financial challenges just to keep operations rolling at the same time that the administration tried to require the Postal Service to do new things, to introduce sort of what the administration says are safeguards and others say are actually just obstacles to voting, to the way the Postal Service administers the elections.

And so, for example, one of them was the executive order that was issued this past March that asked states to provide to the federal government lists of voter rolls. The states maintain eligibility lists. The states register voters, and typically that information has stayed with the states.

The federal government is requiring, with some legal challenges, these lists to be submitted, and the administration also wanted the Postal Service to act as a kind of bouncer, checking every ballot that was coming out from election officials against these national lists and refusing to send on ballots that were deemed to be coming from ineligible voters.

DIONNE: And I think it's fair to say it, in no election in our history has the Postal Service itself been asked to play such a central role in the election.

[4:09]

I want to turn to Scott on the law on this but let me just ask one other question on that. Even if much of what the administration wanted to do originally is cast aside, there are other ways in which the postal system can affect how the election goes. There were fears back in 2020 that ballots weren't being delivered on time, that there were slow-rolling delivery. Can you talk about that?

[4:34]

PATEL: Yes, I can. So going back to the 2020 election, and actually across all elections, the Postal Service, I would say, has a remarkable track record of really doing its job very well. Something between 97% and 99% of ballots are delivered on time. What's important to remember is it's a system where the Postal Service is delivering the ballots that the voters are mailing in. And so changes to the way the Postal Service operates in the background that have nothing to do with the election can reverberate through the system as voters sort of interact with the Postal Service.

So this year, for example, the Postal Service in the last 18 months has started to consolidate its processing network, which can sound boring and like it has nothing to do with elections. Why are they doing this? They face very large cash flow shortages right now, and they're trying to improve efficiency of operations.

What does that have to do with elections? There's now longer travel time for ballots when voters drop them off at the post office for them to go to a processing center and then be returned to election officials.

And so what the fear is, is that if voters don't adjust their own mailing behavior, what they were doing in the last 2024, 2022 elections in terms of when they mailed their ballot may not be sufficient, and then their ballots may arrive late and be not counted.

And so those are the kinds of things that I think people don't think about but matter quite a lot in the administration of elections.

DIONNE: Yeah, indeed, and you've got more and more states that rely now primarily on mail ballots to conduct their election, and this poses real challenge to them in particular.

[6:01]

Scott, talk to us about what the courts have done. On the one hand, you see the mail ballot decision where the court essentially struck down on a seven to two vote, yet recently on this idea of citizenship checks, letting, you know, states use federal lists to check citizenship, an unprecedented move and also a really odd move in many ways because there's so little evidence that non-citizens vote in, not even substantial numbers. They hardly vote at all. Talk about those two cases. One went against the administration; the other went for it.

[6:39]

ANDERSON: Yeah. You know, I think we're seeing a philosophy emerge from the court around elections that is notable. You can see it in a lot of different fronts, and that is a pretty strong deference to the states about how they run elections.

And that's a double-edged sword. Sometimes it means that the federal government can't do things that we worry or some people worry might interfere with an election. I think the postal office rule is a good example of that, where you saw the Supreme Court say, as you noted, 7-2, "No, you cannot implement this rule."

Now, at least one of the justices, Justice Kavanaugh, said it was a timing issue, that this was primarily because it was happening too close to the election. Maybe, and he said actually probably, actually would be lawful if it were given farther in advance with enough time to implement.

I would say I'm not sure it's clear the other six justices that ruled against the government actually agree with that. And the lower courts have enjoined the same order on more substantive grounds. So, I'm not sure we know where that comes out.

There at least could be, and likely will be, a continuing legal fight over this order looking to the 2028 election. But the key philosophy was, okay, federal government, you can't muck around with this too much, because you're mucking around with the state rules too close to the election.

The other flip side, you see cases like, how states manage and use federal resources, whether the citizenship list or even going all the way back to the Callais decision about the Voting Rights Act and how that can constrain how state legislatures engage in redistricting.

And you see them pulling back federal restrictions that Congress had originally imposed, in that latter case in particular, saying essentially, "Look, this is mostly a state-run issue, and particularly around election that's too politically sensitive. We shouldn't be involved in that." In that case, they said essentially, "Hey, look, the Voting Rights Act prohibits us, and the federal government can prohibit state legislatures from expressly or clearly relying on racial animus for redistricting." But if they can make the case what they're doing is partisan, that's permissible.

And not only that is not a political question, something the court shouldn't be involved in.

[8:31]

DIONNE: But on voting rights, isn't this a really radical turn by the court? I mean, over a period of time, in the past, the court upheld the Voting Rights Act, and then piece by piece, the Court, this court, the current majority, has essentially dismantled the Voting Rights Act.

Can you talk about that? Because I think that is something that is under-discussed in terms of how radical these moves by the court are, at least in my view.

[8:56]

ANDERSON: It is, absolutely. I mean, we went from a situation where the Supreme Court was very tolerant of a strong federal role in enforcing civil rights in regard to elections to a court that now is very skeptical towards them.

This is the other edge of the fact that they are more deferential to state authorities on managing their elections. Initially, we saw a few years ago Section 5 get essentially gutted on the idea that the formula was too dated, that these restrictions were in place and not adequate. Now we see more recently this Callais decision essentially saying, no, redistricting can be based on partisan determinations.

There's still a prohibition there, they haven't completely eliminated it, where they say, "Well, look, if there's clear evidence that racial animus, not partisan desire, was the driving instinct, yes, that can still be prohibited."

[9:42]

DIONNE: But that essentially means a legislator has to get up and say, "I'm doing this to discriminate," which you're not gonna see.

[9:48]

ANDERSON: It's an incredibly high bar, and the likely outcome is, of that, is that that's not gonna happen very much, especially once legislators learn if you talk in partisan terms as opposed to racial terms, and there is a strong correlation of those two, that provides you a legal defense.

So it's a problem. Don't get me wrong. I mean, it is a radical shift. But it's not a radical shift that sometimes people look at these cases and they say, "This is the court radically ruling in favor of one political party." It is more complicated than that because some of these measures are going to go against the Republican federal government because, again, their core philosophy is we gotta push more of this to the states.

And you see cases like the Missouri case most recently, where you saw an effort to install a new redistricting scheme get invalidated by the state law, and you saw a number of people, including Republicans at the national level, say, "No, we actually want to get this new map in place," and the Supreme Court put the kibosh on it. And they said that precisely because this is a state court issue, a state law issue, and we're not gonna intervene at this particular point.

DIONNE: I mean, I kind of feel sorry for Missouri's voters because you had a whole series of contradictory court decisions in a very short period of time.

[10:53]

Elaine, you have studied both elections and the workings of various bureaucracies for a long time. I'm curious how you view these shifts, what other kind of issues that you think should be put on the table in terms of access to the ballot here, and what voters may be making of all this. I think one of the fears is that with all of this change in litigation, voters themselves may be confused about what they are supposed to do.

[11:22]

KAMARCK: I think that's right. And especially the voters in Missouri. Not to mention poor Congressman Emanuel Cleaver, who is gonna be really confused because his district keeps changing out from under him.

I think the thing to remember here is, and you're gonna think this is an odd segue, Obamacare, and the crashing of the websites. Okay? Any time you try a massive computer-generated shift like was anticipated in the rule, where suddenly all the state voters was gonna go into a federal depository and they were gonna run it against immigration lists and Social Security numbers, et cetera, and somehow clean up the voting lists, that struck everybody, I think even conservatives, it struck people as, "Oh, no. This is, this is a disaster waiting to happen. There will be so many mistakes in there." People changing their name. How many Jesús Garcias are there in the United States of America? Many. Okay?

I mean, the, just to think about the the logistical nightmare this is. And the Court has something called the Purcell Principle, which, you know, says you shouldn't go mucking around with big changes in elections too close to the election.

[12:39]

DIONNE: And that's kind of what surprised me about the Court decision in the voter lists case. There are states that basically started sending out their mail ballots or were just about to, and then this rule comes in.

[12:51]

KAMARCK: Yeah. No, that's right. It was a physical impossibility to do this and get this right. At some point, I mean, you know, they they may pursue this. I mean, maybe by 2028 the courts will say fine after they've tested and tested and tested. But all of the case studies on Obamacare and what happened with those websites point to a series of things that apply whether you're a corporation or a government agency. You have to test these things over and over and over again. You have to have real world tests. Okay? You have to fix all of the glitches in the system, and there was simply no time to do this. It was a disaster.

[13:32]

PATEL: And that's what the whistleblower allegations were about with the Postal Service, that they were being asked to lift up a system that they couldn't possibly have gotten ready.

KAMARCK: Couldn't possibly do, right.

PATEL: And that would've resulted in ballots not being mailed out, which is disenfranchising voters who are—

KAMARCK: —you bet—

PATEL: —waiting for their ballots to come in the mail.

DIONNE: Yeah, I mean, the thrust of all this is toward disenfranchisement of some sort. As as you mentioned, the the administration says this is about cheating, which one can question given the numbers, but clearly there's a danger of disenfranchisement.

[13:59]

One issue that is really central to the actual outcome of this election is mid-decade redistricting. And, you know, there was a fair amount of that back in the 19th century, but for about a century we haven't done that. You know, the census comes out, the states draw the lines, and with the exception of Texas back a couple decades ago, states stuck with those lines through the 10 years.

This time, President Trump said, "I want you to redistrict in Texas and elsewhere," and the Republican legislatures in those states responded. Talk about the impact of this mid-decade redistricting.

[14:37]

KAMARCK: To prepare for this, I looked up the Cook Political Report yesterday to see what they were predicting on some of these districts, and what I counted were that the whole back and forth. Right? Texas did it, and then California did it, and then everybody jumped in to do it.

It looks to me like there could be as many as nine Republican pickups that would not have happened had this mid-decade redistricting not gone forward. So as many as nine. It was very powerful, because while the Democrats had some success, they didn't have as much success as the Republicans did.

DIONNE: You know, partly because the, Virginia court threw out the new Virginia lines, for example.

KAMARCK: The Virginia court threw out, yeah, because that would've been four.

DIONNE: Yeah.

KAMARCK: That would've gone a long way towards equalizing this.

[15:22]

I think the second thing that's gonna be fascinating, and us here at Brookings, we're gonna be studying this like crazy, is, okay, were the estimates that the Republicans made about the utility of this, were they right? Already, and you can see this on our Brookings website, already we know that out of the five seats Republicans thought they would pick up in Texas, three of them could possibly lose. The Republicans could lose.

And the reason was they based the anticipation of the vote, they based it on 2024 outcomes among Hispanics, and they thought that would be permanent.

And then, of course, Trump proceeds to run rampant over the Hispanic community with the deportations, et cetera, and as we know from polling, the Hispanic community has done a 180 on Trump. So again, it's it's always hard to fix a system, you know, ahead of time. Think you've, think you've got it. Right? And then sometimes things happen.

[16:26]

DIONNE: My favorite term in this subject is the "dummy-mander," where you you draw lines where you're gonna pick up seats for your party, and you cut the salami so thin, you reduce the margins for your candidates, your party's candidates to get more seats. You make miscalculations like the Republicans did in Texas, and a gerrymander can blow up in your face. I'm not sure that will cover all those potential Republican gains, but you're seeing that in Texas.

[16:56]

KAMARCK: One other fact on this. When you take a very, very safe Democratic district, which is usually a majority-minority district, and you slice it into three places, you do get rid of that safe Democratic district, but you also create less safe—

DIONNE: —yes, exactly—

KAMARCK: —Republican districts. And so I'm not sure we'll see it this time, but we might see it in 2028 and 2030. We may see a shifting of some of these districts.

[17:23]

DIONNE: Elena, I wonder how gerrymandering looks to an economist. How do you think about this? because people who love econometrics probably love to study gerrymandering.

[17:32]

PATEL: One hundred percent. I think what Elaine just said is how I think of it as an economist, that we are looking at decisions that were made based on data that probably wasn't very stable. I think a lot of people would call the 2024 voting patterns actually quite anomalous. And so to take that and project it out onto the districts potentially for the next five years, I think introduces a lot of chaos.

And I agree that we probably won't know at the end of this election what the redistricting really has done, not until we get to the next general election, and people have sort of settled into the chaos that is going on right now.

And so my my reaction as an economist is a sort of an I told you so. That this is why we try to, not always successfully, be very careful when we make, you know, what we call out of sample predictions. And does what happened in, you know, the 2024 election allow one to safely redraw lines to pick up seats? It's not clear to me.

DIONNE: Economists have the habit of telling the rest of us, "I told you so."

PATEL: I'm gonna save it.

[18:28]

DIONNE: You know, one of the, one of the other things that came out of this is you're gonna have states continuing this process after this election. Democrats want to catch up and maybe in states like New York where they say, "All right, the Republicans are doing this. We're not gonna sit down and do nothing." And so you may have this rolling process going into 2028. Do you see anything under the sun, Scott, that would change the way this Supreme Court views this? Or do you think we're just in for this casino indefinitely?

[19:01]

ANDERSON: I mean, I think this is consistent with how they view the Constitution's approach to managing elections, which is that the states get to run it the way they want, more or less, particularly in the Houses. They make these redistricting decisions.

There are outer limits that the federal government can put on. Again, that high racial animus bar. There might be others Congress could impose if it wanted to, but I'm not sure where the political will is really there at the moment and likely to be there in the near future in Congress. And clearly now you have both parties bought into the idea that this is a way to get to it.

So until they come together for a political solution, and then there'll be a question about how you make that constitutionally enduring. Until then, yeah, I mean, I think this is the reality we're living in.

[19:37]

DIONNE: Let me ask you, Scott, there are a lot of other concerns about this election compared to others. What happens on election day if federal troops were to show up? And we don't know if any of these things are gonna happen, but there are a lot of people out there very much afraid this would happen. Or what happens if the Speaker of the House decides not to seat certain members arguing there was voter fraud or something like that?

How reluctant will the court be to intervene in any of these cases if these kinds of things happen? And how quickly can lower courts act if something is happening on election day?

[20:17]

ANDERSON: So those are two very different scenarios. Let me talk about the troops at polling first. The other one is frankly so complicated it could be up a whole other episode of this, which maybe it will be in a few weeks. But let's talk about poll troops and federal law enforcement in particular at polling places.

There are federal laws that prohibit this, or at least reading them seem like they could or should prohibit this. 18 USC 592, that's Section 592 of Title 18 of the U.S. Code, is the main one that applies to federal law enforcement. There's another provision, I think one section later that applies to federal troops as well, and a few others scattered throughout that are relevant there.

And it says basically, it dates back to the post-Civil War era, and it says basically, you can't have armed men, troops, or armed men at polling stations except where they're repelling an enemy attack. It's not the exact language in the statute, which is escaping me at the moment. That sets a pretty high bar.

[21:03]

Now, there is a view that for a long time people thought when you come to these national security statutes, which this reads like because we're talking about guns and bullets and soldiers, that the president gets a lot of deference on when they are triggered and how they apply. And it's probably true the president does get a lot of deference, but is it absolute deference? Could the president say, "Oh, you know, unlawful immigration is a the sort of attack that allows me to trigger putting people at these polling stations"?

I think there's reason to doubt that, including because of how the Supreme Court approached the troop deployments in regards to immigration enforcement through last year, where it invalidated them on a very technical statutory reading without getting to the bigger question of the Insurrection Act, without getting to the technical question of that broader deference question, but it also clearly was willing to go into these scenarios and say, "Yeah, but we will second-guess your actual policy doing this. We're gonna force you to ground it in different legal grounds."

The administration seems to have kind of taken that on board, at least in regards to military domestic deployments. We haven't seen a real renewed effort to pursue those this year. Whether it extends to federal law enforcement as well, I'm not sure.

But my suspicion is that we are gonna see courts be pretty activist if an effort like that actually takes place. Certainly at the lower court level, then we'll see how the Supreme Court handles it when it goes up. But the fight really isn't over the hard Supreme Court rulings. It's about what the federal government has to say and do to avoid losing before the Supreme Court, and that often means cabining its behavior and making credible commitments about what it is and isn't going to do that allows it to avoid the hardest legal terrain and allows courts to lean into their instinct to avoid these constitutional questions.

So the long and short of it is, it's a risk. It's a possibility they will try and do something there. If they do, I think it's immediately gonna lead to a fight in the courts. We've already seen at least three groups file court suits in District Court in D.C. They're all pending, I think, before one judge, Judge Loren AliKhan. She hasn't ruled on them yet, and that's not terribly surprising because nothing's actually been done yet. And it's a kind of difficult separation of powers question that judges are gonna be hesitant to reach until you know it's actually gonna become an issue.

But in the process of doing that, they've had to get assurances from Department of Homeland Security saying, "We don't intend to do immigration operations around polling stations."

Now, if that proves false, if it was shown that there's a lie, that gives the judge a very good hook to say, "Well, now we're gonna have a quick hearing, and we're gonna have an injunction right away."

[23:25]

DIONNE: Yeah, the tricky problem is in order to be fully effective, you probably have to rule in advance, and yet the judges, as you say, are reluctant to rule in advance.

How do you view these things, Elaine, and Elena? And in particular, what should voters think about all of this? Because again, you know, one of the things I worry about is if there is all this controversy and there is often disinformation on Election Day where something is happening in your precinct when it's not happening, or you're actually gotta vote here when you used to vote there, and it's false information you get on your phone.

How can voters deal with the incredibly contested nature of voting at this moment?

[24:06]

KAMARCK: Well, let me start by saying, first of all, dirty tricks are old.

DIONNE: Yes, that's, how it goes.

KAMARCK: Okay? They've been going on forever. There's two famous ones which are just made easier by artificial intelligence and by the speed of the internet. One is messages. You can imagine a dirty trick that goes out and says, "You know, because of that big storm we had yesterday, we're moving Election Day from Tuesday to Wednesday." Okay? That, that's been used, that's pre-internet. That was, that was a good one.

Another one—

DIONNE: You gotta make sure that only goes to the other side's voters though.

KAMARCK: Yeah, that's, that is a problem. But that, the, you, that's the sort of thing you use when you think you're behind time.

One that Jack Kennedy used, okay, was getting somebody else on the ballot with the same name as your opponent. For him, it was John Russo many, many years ago. Now we have it in Alaska. There's two Dan Sullivans.

So there's those sorts of things. The one apropos of what Scott was saying, the one that worries me is that messages go out saying there's a bomb scare at your polling place. Okay? Or there are ICE agents. You take a Hispanic county, and you say, "There are ICE agents all over the place," even if they're not there. Right? It has the effect of scaring people away, and I think that that's what we have to really watch for. Voters really have to watch for disinformation.

[25:28]

DIONNE: Elena?

PATEL: Yeah, I think that it's just a reminder that it's important to vote. It's important to vote—

DIONNE: —Amen, yes—

PATEL: —now and always, and that there are multiple ways to vote.

And so we talked earlier, there are states where everybody gets a mail-in ballot, and if you are uncomfortable or unsure or not clear about what the correct information and the incorrect information is, you can fill out your mail ballot and mail it back early, and there should be no issues with your ballot arriving on time and counting.

And on Election Day, I think that there are, through all of these suits, through everything we've talked about, that most, the vast majority of people are trying to make sure that none of this comes to pass, so that Election Day is another boring day in November, and people show up to the polls, and they vote.

And so I agree dirty tricks are always gonna be out there, but I think people can choose a variety of methods to vote in a way that makes them feel comfortable to make sure that they do.

[26:17]

ANDERSON: And it's worth bearing in mind, I think, elections actually have gotten more resilient to these types of tampering. When you have early voting and mail-in balloting alone, among other measures, those two things make a much bigger window where people get to act, and it's a lot harder to pull a sneak attack or pull disinformation and say, "Oh, you can't go to the polling today," because if you do it one day, then people correct it, and the person can go the next day, or they send their mail-in ballot.

The risk for voters is if they wait till the last minute.

PATEL: That's right.

ANDERSON: So the best advice to, to voters is don't wait till the last minute. Do it earlier so that if one of these contingencies does arise, you have the time to make up for it.

[26:47]

DIONNE: Yeah, I think one of the great ironies here is that one of the best elections we ever had in terms of encouraging participation and making it easier was the election we had in the pandemic in 2020. Because every state, regardless of party, said, you know, "People shouldn't have to get sick to cast their ballot." And so states made it much easier to vote in a variety of ways, whether by mail or drop boxes.

And then since then, you've had some states continue and expand those, but other states pull back on those.

And the opportunity that 2020 showed us, and, you know, votes on both sides went up. This was not, did not have a partisan effect. I mean, Joe Biden won the election, but Trump's vote went up, too, compared to the election before. And I long for the day when we'll all decide, let's make it as easy as possible for people to go to the ballot.

So let—

[27:40]

PATEL: —E.J., just let me jump in on that. I mean, the rules have changed between 2022 and 2024 in some states in terms of when you need to get your ballot in time for it to be counted. So among the things that voters need to be keeping track of is what are the specific rules in place in my state regarding postmarking of a ballot for it to be counted on time, regarding whether I'm gonna get my mail-in ballot at all.

It's good to be aware of that early because it's 2024 was different than '22, and '26 is different still, and so the rules keep changing.

DIONNE: Bless you for caring for, about voters out there, which is part of the whole point of this.

Let me go to, if you will, in the, in the, olden days of TV talk shows, a lightning round. Let me ask each of you, what one procedural issue are you following most closely, or what article might people look at? Something in the procedural area. Can I start with you, Scott?

[28:34]

ANDERSON: The dog that's barked but hasn't bit yet, I think, in all of this is the Justice Department. We know in the executive order President Trump issued earlier this year, and in statements he's issued previously, that said, "We are gonna make it a prosecutorial priority to target people that are facilitating, for example, giving ballots to people who aren't citizens of the United States."

The implication there is that this is putting election officials, maybe advocates, a variety of people, opening them up to criminal exposure. And I think the very reasonable concern is that that's gonna chill that sort of behavior, which certainly overlaps substantially or at least runs up against some very important democracy-promoting behaviors we want, like trying to get people to register to vote and ensuring people try to get out there to vote.

How they approach that, and and I should be clear, I think there are actual pretty substantial legal barriers to actually be able to succeed in prosecuting those people, but that hasn't stopped this Justice Department in all cases. We've seen them pursue a number of pretty frivolous criminal prosecutions against political enemies of the administration.

For me, that is an alarming issue space that we haven't really seen play out yet. And frankly, we may see it play out most specifically after the election with an eye towards trying to shape incentives for people looking to 2028. So that's the area where I've really got my eye on, waiting for the shoe to drop in in more of that space.

It may never come, hopefully it doesn't, but but that's what I'm watching.

[29:53]

PATEL: You won't be surprised to hear I've been watching postal issues, and in particular, again, the postal consolidation has meant that some ballots are arriving to election officials too late to be counted. And in fact, in the early 2026 primaries, the rate of rejection for late-arriving ballots doubled compared to prior years.

And so I've been keeping an eye on that development and also trying to get the message out, hopefully to counties and election officials, to let their voters know if something about their postal processing changed so that they change their behavior. Because at this point, it's up to the voters, and I worry that if everybody does everything exactly as they've done before, that it could be tens of thousands of ballots that don't arrive on time to be counted simply because voters didn't realize, I need to get this ballot to the post office a couple of days earlier.

[30:37]

DIONNE: You know, it's funny, I teach at Georgetown, and I got an email from a student recently talking about her worries and friends of hers at other universities worrying about not getting their ballot at all or not getting it in time. It's a real deal. Elaine?

[30:53]

KAMARCK: What worries me most is the prospect of violence at the polls and on Election Day. And it's not necessarily, I mean, maybe, hopefully ICE will stay away from this, but frankly, all you need is the threat of ICE to bring people out, to bring vigilantes out. I mean, there's always people looking for a good fight. And I think that that's very scary and very possible in this kind of highly polarized country right now. And that worries me because that will keep people away from the polls. It'll keep them from voting. And I think that that's that's my biggest worry.

My second worry is frankly that people cast in doubt the tabulation process. It's a very solid process. There's a chain of custody of ballots. I mean, it's it's it really is much improved over many, many years. But I think that people will try to cast in doubt the results.

[31:49]

DIONNE: Yeah, and let me just shout out all of those election workers around the country. There are a few places, jurisdictions where you worry about partisanship taking over the election process. But for the most part, these are neighbors, friends who work the polls, give a lot of their time to make Election Day work.

And sometimes in this era, they have come under attack, not necessarily physical attack, but they're, they're very worried, and the elections wouldn't work without them. Any piece of advice, last-minute piece of advice for a voter, other than find the best way to vote?

ANDERSON: Just move fast and do it early. Don't wait till last minute.

PATEL: Yeah, the same. Just engage early.

DIONNE: Fear about using mail ballots this time if you're voting that way?

PATEL: People should not be afraid. I think, again, the Postal Service has a remarkable track record of doing this well. They just need time, and I think they need more time now than they used to, so you just need to get your ballot in early.

DIONNE: Elaine?

KAMARCK: I I agree. Do it early.

DIONNE: Amen. Not do it often, just do it early. Just, just

KAMARCK: Not often. Only early. Yeah.

ANDERSON: Just once.

DIONNE: I want to thank all of you, Scott, Elena, and Elaine, for a spectacular, discussion.

[music]

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I'm E.J. Dionne. Thanks for listening to *Please Discuss*.