Election 2020: Technology's Role in Administering Democratic Elections

By Marietje Schaake and Rob Reich

THE 2020 ELECTION IN THE UNITED STATES will take place on November 3 in the midst of a global pandemic, economic downturn, social unrest, political polarization, and a sudden shift in the balance of power in the U.S Supreme Court. On top of these issues, the technological layer impacting the public debate, as well as the electoral process itself, may well determine the election outcome.

The eight-week Stanford University course, "Technology and the 2020 Election: How Silicon Valley Technologies Affect Elections and Shape Democracy," examines the influence of technology on America's democratic process, revealing how digital technologies are shaping the public debate and the election.

Guest experts each week will discuss various technology and policy issues. The first session explored "Technology and Electoral Administration: High-Tech or Low-Tech?" This document highlights that discussion.

KEY TAKEAWAYS

- The U.S. has an extremely decentralized system of elections with about 10,000 different voting jurisdictions.

- Recruiting record numbers of poll workers and volunteers and coordinating a massive uptick in mail-in ballots are important for a successful 2020 election.

- Time is running out to ensure voters are properly educated about the combination of high-tech and low-tech voting methods used during this pandemic.

- Civil society organizations have stepped up efforts to ensure every vote counts and voters know what to expect on and after November 3.

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Introduction

In liberal representative democracies, it is impossible to imagine democratic governance without elections. No election? No democracy.

The U.S. has an extremely decentralized system of elections, with about 10,000 election jurisdictions. The U.S. Constitution gives authority to states to administer elections, including elections at the federal level for the President and for members of the U.S. House and Senate. Additional electoral administrative powers are delegated to cities, counties and districts.

This means hugely different ballot designs, various technologies in the voting booth, diverse rules for polling stations, and distributed oversights of the entire process. In other words, no consistent election standards exist in one of the world's most powerful democracies.

The United States also relies on volunteers, rather than paid public officials, for holding elections. More than half of the volunteers in poll stations are over the age of 60 – retired citizens who are precisely the people most at risk for COVID-19 during this particular election.

In such a decentralized system, voting reforms cannot be made easily. So, creating conditions for a safe and healthy election for 2020 – an election held during a pandemic and politically contentious times – are challenging but of vital importance.

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On the other hand, a decentralized system arguably offers an unexpected benefit. It makes our widely distributed system difficult for internal or external actors to hack or manipulate on a comprehensive basis. Yet those risks still exist. Recent FBI and Department of Homeland Security warnings reveal that disinformation may be used as the results process may take longer given the high volumes of mail in voting, which in some cases can only be counted after election day. "Foreign actors and cybercriminals could exploit the time required to certify and announce elections' results by disseminating disinformation," the official statement read.

In America, it's an unprecedented situation to have an incumbent President who is seeking – without any factual basis – to undermine trust in core elements of the election itself, such as voting by mail.

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Discussion

Stanford Law Professor Nathaniel Persily, one of the country's top scholars on voting rights, political parties, campaign finance, redistricting, and election administration, and Tiana Epps-Johnson, founder and executive director of the Center for Tech and Civic Life, spoke during the class on September 23. The Center for Tech and Civic Life recently received $250 million from the Chan Zuckerberg Initiative to support local election sites, officials and poll workers.

Below are highlights of what was discussed:

Since the 2000 presidential election – when voting recounts in Florida led to the U.S. Supreme Court ending the recount process in favor of George W. Bush – voting jurisdictions across the U.S. have massively invested in technology for polling places. Concern soon emerged that these electronic voting machines could be hacked or tampered with. As a result, many jurisdictions shifted to what is known as voter verified paper audit trail machines, which provide voters with physical records of their electronic ballots should an audit or recount be called.

Online voting is not on the near horizon, due to security concerns with the technology itself and the decentralized nature of U.S. elections. Los Angeles County, for example, is working innovatively with tech companies to develop the first open source election software. Yet other voting jurisdictions around the country don't even have websites with basic routing information on them. In fact,

Vote early in person if you can. If you are going to vote by mail, vote early by mail.

about 94 percent of the U.S. population is covered by an election jurisdiction that only offers a basic website. One best-case scenario is to move the thousands of different voting jurisdictions toward a more centralized, accessible and consistent election system.

America's situation currently stands in contrast to countries with high trust in their public institutions – like the Netherlands – which use a centralized voting system and have opted for paper balloting instead of electronic voting.

More than 300 legal cases concerning the election are already pending in the U.S. Most concerning is the current legal uncertainty in certain states – Pennsylvania, for example – regarding the rules are for absentee ballots, as well as the possibility that tens thousands of absentee ballots may go uncounted because of possible voter errors.

This raises a profound voter education issue. It's important that people understand the correct procedure to vote where they live. Tech platforms and others can

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help amplify the voices of the local election officials about the correct processes in each jurisdiction. While the pandemic presents a huge challenge, measures can be taken to ensure a safe and accessible vote this November. Volunteers need to work the polls and they need protective gear. Polling stations need to be organized to support social distancing. Also, each voter must make a plan to vote, and communities need to keep watch over the post office and rebuild confidence in the mail. Finally, a massive public education effort should be launched to ensure voters know exactly what to expect on and after November 3.

People who are interested in how elections work have an opportunity to get involved locally at their polling place. Doing so, they will learn about democratic processes and help the integrity of the election itself.

With their new funding, the Center for Tech and Civic Life will provide a wide array of support, from ensuring that polling places are following the latest public health guidelines to making options available for voters to participate, to protecting those who step up to serve as poll workers. They will seek to move more than $200 million within the next six weeks.

Drop boxes offer a solid degree of election security, one that mixes both low tech and high tech options. Even then, there are logistical and verification issues involved, as in all types of voting, especially across different voting locales.

Trust and democracy are like oxygen. You don't realize they are there, but when they are absent it is suffocating.

In the absence of a national election authority in the United States, the country has de facto delegated the power for reporting results to the media, networks and Associated Press. With an election like 2020 posing great uncertainty – and possibly a historic turnout that may lead to a lengthy waiting time for results – this becomes an even greater problem. However, this waiting time is often overstated. We will know a great deal on election night.

Final Thoughts

The world is watching the U.S. presidential election for a reason. America is a beacon of democracy to the world, and whoever leads the country should do so with legitimacy. Democracy here and abroad is under threat from alternative autocratic and authoritarian expansion. America's leadership – or lack of leadership – is a monumental factor when it comes to advancing democracy for people in this country and worldwide.

ELECTION 2020: TECHNOLOGY'S ROLE IN ADMINISTERING DEMOCRATIC ELECTIONS

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The views expressed in this issue brief reflect the views of the authors.

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