



Democracy Dies in Darkness: Using Sunshine to Grow Voter Confidence in the Election System

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"A lack of transparency results in distrust and a deep sense of insecurity." – Dalai Lama

Why election integrity cannot be ignored

Picture the first-time voter. She is excited about casting her ballot. Not all of her friends are allowed to vote yet, and she believes her vote is important to giving a voice to her generation. She does not take the responsibility lightly and takes time to study the candidates and the ballot measures to make an informed decision.

Consider the casual voter. Voting comes as an afterthought to his other responsibilities, so he does not make it to the polls for every election. He made sure to vote this year out of concern for his family and the future of the country.

And think about the regular, reliable voter. She has voted in every election. She has always had faith that her local government and community volunteers are capable election administrators.

Picture also the volunteer who donates countless hours to a campaign effort. Maybe he is a veteran making hundreds of calls on behalf of his former commander-in-chief because he knows how important elections are for his brothers-in-arms. Or maybe the volunteer is a single mother. She is busy with work and raising her kids, but she volunteers to set an example for her children.

Now imagine the election has come and gone. It took days for the results to come in, and all the while, no one had answers as to why. You hear rumors that ballots might not have been counted. Was your vote one of those ballots? There were also allegations that ballots were cast for deceased people and that some voting centers were counting Xeroxed ballots.¹ Was your vote canceled out or watered down? You also find out that billionaires from out-of-state funneled millions of dollars into local elections. Did that money end up in your county? What kind of influence did it have?

Instead of answers, Americans are left with uncertainty. The future of the economy and your family— and your trust in the foundation of the country—hang in the balance. Voting turned

out to be a letdown for the first-time voter. The casual voter is reminded why he does not ordinarily pay too much attention to voting. He was a forgotten voter before and that has not changed. The annual voter cannot believe that this once reliable function of government is such a mess. People who volunteered countless hours during the campaign can only wonder: what was the point?

This is the story of millions of Americans.

Sadly, the system is poised to get worse. Future elections will likely be mired in similar doubt. Instead of candidates engaging in a campaign of ideas, political parties will spend the entire election raising enough money so they can hire the best election lawyers to help litigate a win.

States have a responsibility to correct things before they go further down that path. Voter confidence in elections is an important indicator of voter behavior in future elections.² Without sunshine to restore that confidence, voters will stay home.

Five major areas of the election system that need some sunlight

Voters lack confidence in elections, and for good reason.³ Without appropriate oversight, it is easy to cheat, leading to fraudulent activity and loss of voters' trust. Nearly one-third of 2020 voters expressed at least some hesitancy that votes were counted as intended.⁴ This lack of confidence underscores the need for a little sunshine. Elections are the most direct way voters can enforce government accountability. Consequently, in a democratic system, it is the part of government where the sun should be shining the brightest. Sadly, in five major areas of the election system, this is not the case.

Problem 1: Dark money from left-coast billionaires is infiltrating the election system.

In the 2020 election, the Chan Zuckerberg Initiative donated millions of dollars through the Center for Tech and Civic Life (CTCL) to select jurisdictions for the conduct of public elections.⁵ At the same time, the Chan Zuckerberg Initiative was actively supporting several liberal initiatives on the ballot in the 2020 election.⁶ **This combination of election administration and election advocacy should concern all Americans.**



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Although these grants, or “Zuckerbucks”, were distributed under the veneer of stopping the spread of COVID-19, health measures were far from a priority.⁷ The Zuckerbucks that were funneled into local election offices also appear to have impacted the outcomes in key battleground states by boosting Democrat turnout.⁸

While CTCL claims the grants scaled with jurisdiction size, the evidence shows that per voter grant amounts varied widely, and Zuckerbucks grant dollars were higher in jurisdictions that favor Democrats.⁹⁻¹⁰

Problem 2: Claims of fraud create dark clouds over elections.

Fraudulent activity is hard to prove after the fact, especially in a process that lacks transparency.¹¹ Claims of fraud, actual or fabricated, are detrimental to the trustworthiness of elections. Disgruntled candidates can cast doubt. It is hard to prove their claims, but it is also impossible to dismiss them entirely. Even if some are content to dismiss isolated instances because they are not “widespread,” states have a responsibility to combat the appearance of corruption.¹² Whether in response to widespread issues or simply to strengthen confidence, states have options to make elections more transparent.

Problem 3: Drop box use has picked up, but some drop boxes are not clearly secured.

Amid the COVID-19 public health emergency, voter reliance on drop boxes was on the rise in 2020. In Washington state, which automatically mails all voters a ballot, drop box usage accounted for nearly three-quarters of returned ballots in the 2020 election.¹³ Drop box usage was also up an astounding five-fold in states where absentee voting was historically less common.¹⁴ Without security measures in place, ballot drop boxes can be targets of attack. Indeed, in the 2020 election, drop boxes were the targets of arson in Los Angeles and Boston, resulting in damaged ballots.¹⁵⁻¹⁶



IN THE 2020 ELECTION, DROP BOXES WERE THE TARGETS OF ARSON IN LOS ANGELES AND BOSTON, RESULTING IN DAMAGED BALLOTS.

Problem 4: Ballot counting often happens in darkness.

Poor oversight of ballot counting centers enables errors and uninvestigated irregularities. There are many potential points of jeopardy in the balloting process threatening votes. Voting centers can be flooded with ballots that could be illegitimate—or at the very least create the appearance of impropriety—effectively diluting votes or reducing confidence.¹⁷ Ballots can be duplicated and counted multiple times.¹⁸ Votes can go uncounted, as they did in three Georgia counties.¹⁹ In some cases, voters are explicitly prohibited from watching the processing of ballots with their own eyes, as was the case in Detroit during the 2020 election where windows were covered by election workers.²⁰

Problem 5: Voter registration data lives in a black box.

While federal law requires all 50 states to maintain a voter registration database, the content and availability across the states vary.²¹ In many states, information in the statewide voter registration database is difficult to obtain, frustrating access to public information. Other states (Ohio and North Carolina) post downloadable files on a weekly basis, providing the public with up-to-date information about who is eligible to vote.²²⁻²³



IN MANY STATES, INFORMATION IN THE STATEWIDE VOTER REGISTRATION DATABASE IS DIFFICULT TO OBTAIN.

Five real reforms to grow voter confidence in the election system

States can address disparities between election jurisdictions and threats of outside influence by **prohibiting local governments from accepting funding from private individuals and third parties.**

Voters who vote absentee and deliver their ballots to a drop box can be assured that their vote is properly counted by **requiring any ballot boxes deployed to be securely monitored.** This commonsense solution, supported overwhelmingly by voters and security experts, will dissuade potential criminal activity.²⁴⁻²⁵ And all voters can be reassured that their ballots are properly handled if counting centers **livestream all ballot activities.**²⁶

Posting voter registration rolls online and in a usable format would give the public confidence that registration lists are up to date, making mistakes less likely.²⁷

Post-election audits provide voters with confidence that elections have been administered fairly and accurately; and, audits can help deter fraud.²⁸⁻²⁹⁻³⁰ But even in the absence of foul play, **requiring jurisdictions to complete rigorous post-election audits after every election,** like those now required in Georgia, provide confirmation of accuracy through the detection of technical errors.³¹

Bottom line: Sunlight is the best medicine for restoring voter confidence

Justice Louis D. Brandeis famously wrote, "Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants; electric light the most efficient policeman."³² So too are publicity and sunlight the best remedies against fraud and the lack of faith plaguing election systems. Elections that lack transparency also lack public trust. To ensure voters have confidence that their votes are counted and that election results are accurate, states should enact reforms that increase transparency.

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