

- Good afternoon, everybody,

and welcome to the day after
election day expert panel.

I'm Deondra Rose and assistant
professor of public policy

and political science here at
the Sanford School of Policy

and director of research for
Policy Center for Politics,

and like many of you, I have
been glued to election returns.

So I'm especially excited
to have the opportunity

to understand what on
earth has been happening

and what we can expect
coming down the line

from this all-star panel of Duke experts.

So welcome to today's event.

We're live on Zoom and
we have over 500 people

who registered to be
with us this afternoon.

We're also sharing this conversation

with the Sanford School of Public Policy's

Policy 360 podcast.

So welcome to those listeners as well.

As I tell you a little bit
about the Sanford School,

I want to ask your
experience casting a ballot.

So we're opening up a poll right now

and we hope that you'll
take just a few seconds

to fill it out

and we'll come back to those results in just a little while.

The Sanford School's mission is to improve the lives

and communities around us

by researching the most pressing public policy issues

and preparing students for lives of leadership,

civic engagement, and public service.

Our two-year professional master of public policy program

offers students outstanding preparation for dynamic careers

as analysts, leaders and managers

at various levels of government, non-profits,

and corporations, domestically and internationally.

We have over 100 MPP students

who are with us at this event today.

So welcome to all of our MPPs in the house.

We know that they're going to ask some amazing questions.

So we look forward to those questions.

And to everyone, please do feel free to be thinking

about the questions that you want answers to

and place them in the Q&A function

at the bottom of your Zoom platform

at the bottom of your screen,

and we will get to those questions later in the program.

But to kick things off,
I am delighted to introduce our moderator
and our panelists for today.

So moderating today's event,
we have Professor Mac McCorkle,
who is professor of the practice
and the director of
Policy Center for Politics

here at Sanford School of Public Policy.

Mac has served as an issues consultant
for political candidates,
state governments,
and various organizations
for the last two decades.

Since starting McCorkle
Policy Consulting in 1994,

he's worked for state
and federal candidates

in North Carolina and 28 other states.

Mac's work has been featured

in numerous academic
journals and magazines.

He's a graduate of Princeton
University and Duke Law School,

and he clerked on the US Court of Appeals
for the Sixth Circuit.

And for a number of years,

he practiced law in
Raleigh with a firm founded

by former Duke University
President Terry Sanford.

Also very delighted to
introduce Professor John Aldrich

who is with us today.

Professor Aldrich is the
Pfizer Pratt University

professor of political science,

specializing in American
politics and behavior,

formal theory, and methodology.

He's the author of
numerous influential books

and scholarly articles.

Professor Aldrich is a fellow

of the American Academy
of Arts and Sciences,

and he has served as president

of the Southern Political
Science Association,

the Midwest Political Science Association,

and the American Political
Science Association.

So welcome, John.

Thanks for being with us.

I'm delighted to present to
you Professor Guy Charles

from the Duke University Law School.

Professor Charles is the co-director

of the Duke Law Center on
law, race and politics.

He's an expert in and
frequent public commentator

on constitutional law,
election law, campaign finance,

redistricting politics and race.

Professor Charles is a past member

of the national research
commission on elections and voting

and the Century Foundation
Working Group on election reform.

So welcome, Professor Charles.

Excited to introduce to
you Professor Judith Kelley

and Dean of the Sanford
School of Public Policy.

Professor Kelley is a political scientist

and she's an expert in
international relations.

Professor Kelley's work
focuses on how states,

international organizations and NGOs

can promote domestic political reforms

in problem states, and how
international norms, laws,

and other governance tools
influence state behavior.

Welcome, Dean Kelley.

And finally, I'm excited to
introduce Professor Bill Adair

who is the night professor
of the practice of journalism

and public policy and the
director of the Dewitt Wallace

Center for Media and Democracy.

Professor Adair is a leader,

in fact, checking in digital media

and his research and teaching
focus on fact-checking

and accountability in journalism.

In 2007, he launched

the Pulitzer Prize winning
website, PolitiFact.

So welcome, Professor Adair.

All right over to you, Mac.

- Thank you, Deondra.

Thank you.

Thank you for everybody attending.

I hope this will be a great session.

Let me start off with
Professor John Aldrich.

Whenever Professor Aldrich
talks about politics,

I'm smart enough at least to listen

and I was taken by a comment
that he made recently

that Donald Trump was the outsider in 2016

but when he was gonna be running in 2020,

he is the insider, the incumbent.

John, is that a good way of explaining,

of recapping what's been going
on in the election process?

- Thank you.

First before starting, I want to thank you

for inviting me and including me in

and I want to welcome
everybody to this event.

First thing to say

is maybe you shouldn't
listen quite so closely.

(laughs)

What I would say is that this election

is one of the most exciting events

about which very little has changed.

The first remarkable feature

is how close the contests
have been state by state

and the presidential level and so forth

to what was happened in 2016.

Even the states that
flipped one way or the other

have generally been states
that have been very close

and were really close in 2016

and so it's only a small
number of net votes changing

is shifting them to the other side.

The surprises are states that apparently

have become competitive but not winnable.

So what that suggests is that
with respect to Donald Trump,

that his status as insider or outsider

is not especially relevant

for stretching how people
think about as how they chose.

It seems at first blush

at least that they chosen
very similar grounds.

The second thing I wanted to comment about

which is related to this

is that one of the standard
political science assertions

has been that large turnout
advantage Democrats.

It's not so obvious that
that's the case this time,

and this is relevant
related to the first point

in that in spite of the

high degree of similarity,
there is also changes that are happening
to the political coalitions.

So first, the advantage of
Democrats at high turnout
is being made somewhat less consequential
because the Republican party coalition
has been picking up less
actively engaged partisans,
the rural, the relatively less well off,
and so forth among the whites
and in effect are sort of
matching the Democrats coalition
that has a lot of people
who are relatively unlikely
to turn out among us
and so that high turnout, low turnout,
it doesn't seem to be changing
to help one party or another.

So one message of this is that 2016, 2020

are remarkably similar,
yet there is, you know,

yet there are some
certain clear differences

and I think that the thing
that I would point to

is that Joe Biden does not
generate the same level

of hostility among opposition

that Hillary Clinton did in 2016,

and as a result, he's able to make up

just those little bit of edges

and just the places where
Clinton's support waned

and led to the lack, loss,
sorry, of the blue wall

that seems to be coming back

at least in parliament,

Wisconsin now, apparently
being part of it,

maybe Michigan being a part
of this electrical coalition.

- Well, let me defend you, John.

Isn't it important

that Trump was the
incumbent this time then,

just implicitly in what you're
saying, not the outsider?

- So yes and no.

I mean, he still calls to the outsiders,

and has an appeal to them.

In spite of the fact of being, you know,

the ultimate insider of all insiders,

he can still speak to them and
that's a unique talent of his

that has greatly shaped the continuity.

I think you're right.

Greatly shaped the
continuity of this contest.

- Thank you, John.

So Guy, John saying that
the politics of 2020

is very similar to the politics of 2016,

but we do have this specter
of major legal controversy

that people have been expecting, fearing

and maybe is materializing

in front of our very eyes.

Should we expect a replay of the election,
the post-election of 2000

and arguments about
hanging chads everywhere?

- Well, luckily there are no chads.

We have banished them from moving public.

So that helps.

So a couple things that
are worth thinking about.

One of the fact issues
is that the pandemic

has probably helped with
respect to litigation

because as a consequence of the pandemic,

there were over 400 cases that were filed

and a lot of them were filed by Democrats

and they were intended to
make voting a lot easier.

A number of states also
changed their rules voluntarily

to make voting easier.

So in some respects, some of the issues

that we would have had

or that would have affected this election

were more than likely
resolved so much earlier

through the process of litigation.

And what you're seeing

and when you look at
what happened yesterday,

record turnout in the middle of a pandemic

with very, very few issues

with respect to voting.

Of course, there are
people who waited in line,

long lines and the one might say,

look, that shouldn't happen
in an advanced democracy,

but given the context under
which we're operating,

the expectation might have been

that we would have a significantly
greater set of questions

and problems, violations, et cetera.

So what that means is that
in the post-election process,

there's very little to litigate, right?

In order to litigate something,

when you're trying to litigating
a violation of the law,

you're litigating a rule,
a procedural process,

something that went wrong

that the law says you are entitled to.

Well, when there's nothing much

other than just waiting
for normal processes

like waiting for the votes to count,

waiting for the balance
to be turned in, right?

When there are very
few issues to litigate,

especially because so many of
those issues were litigated

before the election,

then the post-election
process is going to,

the landscape for the
post-election process

is going to be relatively
barren of litigation.

So there has to be a problem.

There should be a legal question.

There's gonna be some procedure

that a state than follower some violation

of constitutional law and
it's gonna be hard, I think,

to find it in this particular
part of the process.

There are a couple issues
that are hanging out out there

that may be relevant

depending upon how the politics turn out,

but not the types of questions
and problems that we saw,

say as a consequence of Florida 2000,

when you had ballots

that people had to
interpret and figure out

is this a legal vote or
is it not a legal vote,

then present an opportunity

for litigation and contestations.

- I see what you're saying.

I mean, if the election goes a certain way

and Pennsylvania and Wisconsin
procedures aren't in dispute,

it's over without having to discuss that.

But the Trump lawyers

have just said they're

demanding a recount, Wisconsin.

Is that a predicate for
legal action defined problems

or irregularities that they
could then take to court or?

- Well, you could think of the recount
as part of a normal process.

Almost every state provides
a mechanism for recount

if you're within a certain margin.

So some states provide
for an automatic recount,

some states you have to petition,

if you were in particular,
a certain margin.

Some states limit it to certain people

and some states that just any vote,

the candidate can request a recount,

and states have procedures
that can be followed,

not including recounts,

but also there are
irregularities in the process.

You could file a contest or protests.

So there are mechanisms.

So the recount is sort of
the low-level mechanism

and you think of it as a
traditional part of the process,

but it is not unusual.

It is not an external step.

It is basically saying
we're within the margins

and we would like to be sure.

So please go ahead and
count all the votes again,

in the way that it's
provided for by state law.

Now, perhaps something might
come out of that right then,

you know, and it might be
either a stalling mechanism

or it could be an information mechanism

where you discover something

and the process that
you didn't know before.

That doesn't often happen,
that would be very rare,

but nevertheless, it's possible.

So perhaps it might lay the predicate

for the Trump campaign,
but at the very least,

they would want to know what
the true margins are, right?

How far behind they are

and where they will have
to make up the votes

and how they might make up the votes

and that might inform their
legal strategy as well.

- Gotcha.

Judith, what's the world
thinking about our,

viewing our election process

especially this peculiar thing
we call the electoral college

and people worried about adding up states

rather than just adding up votes?

- So Mac, thank you for that question.

I certainly I'm in a position to speak
for the world in large.

(laughs)

Not, you know, but it's
interesting as a starting point,

you know, to note that Freedom House

which rates the freedom in
countries around the world

and the state of democracy in the world,

in it's last report noted
for the 14th year in a row,

a retreat of democracy around the world.

And so that's a context

in which this election is happening

from a global perspective

and so may our allies and many
of the mature democracies.

I think I would think the
most common reaction right now

is part of the head-scratching,

partly because as you mentioned,

the electoral college for one thing

is something that not a lot
of other countries have copied

and so they're just, you
know, many of them used to it

but still it comes
licensed the face of them

every time this happens.

But I would say that, you
know, whereas in the past,

the United States really has
been a beacon of democracy

and has invented, you know,
this whole notion of election observation,
and it's really been striking,
I think for me as a scholar
of international elections
and election observation,
but also for people in
more mature democracies.

It's been striking to see how the playbook
leading up to this election has resounded,
has replayed so many of the
themes that I have been reading
for years in election observation reports
about other countries
to which we have been sending
election of service, right?

And so I think that one
thing that does seem clear
like he says, many things
went right yesterday,
and many things can still go right
in terms of following
all rules and processes
and just stay peaceful.

But I think no matter
who wins this election,
the loser in some way
is our democracy itself.

It's certainly taking a beating
in that many of the norms
that underlie what a
democracy is have been tested
and even violated in
the more recent times.

And to speak to your point

about the electoral college,

I think, you know, again,

with the US having really
been the model democracy

and one of the earliest ones,
what we're really seeing

is that the United States created

a set of rules around democracy
a long, long time ago.

And other countries have leapfrogged

and have implemented systems

that are much more representative
of direct democracy

and that have more impartial commissions

that oversee the electoral
system, et cetera.

I could go on and on.

And for the last election since the 2002,

international observers
have been commenting

time off the time again
on some of these flaws

in the American system,

and the electoral college obviously

is one that gets a fair bit of play.

It's not something

that other countries have
chosen to copy by and large.

I mean, there are countries
like, you know, Kazakhstan

and a couple of other
places that have them

but advanced democracies
don't really use these

unless in a few instances where they,

after direct vote, didn't
resolve the election.

Maybe they have some other
other systems to restore it to.

- Well, I was very struck
by you're pointing out

that the Carter commission,

the Carter Center has
put together a task force

to go observe elections,
our elections, which is...

- Yeah.

It's quite striking

because the Carter Center
really was one of the forebears

of international indication inflammation

and created many of the techniques

such as the parallel voter population

that were used in
countries around the world

to check on the official tabulation,

and they have observed the
elections in, you know,

in 38 to 59 countries
around the world routinely,

and never ever said that they
were going to get involved

in an American election.

This time around, you know,
they're not observing,

well, they are in Georgia,

but they're not observing sort
of in the traditional way,

but they have efficiently

weighed in with information

and other activities
that they are engaged in,

and they said that the
reason they did this

was because those telltale signs

that they normally relook to

to decide whether or not
they should be in a country,

were playing out in the
United States, right?

- Yeah.

- So...

- Amazing.

Bill, always a favorite topic.

Want to know how you feel

like the media has been
covering this election

and worked last night, but
let me add the addendum.

Also talk to us about polling.

What do you think about
what's been going on

with polling in this election?

- Well, thank goodness,

I don't have to defend
pollsters today, Mac.

Yeah.

So as far as the media goes,

it's important to always distinguish

what types of media organizations
we're talking about.

I think the mainstream news organizations

for their national coverage this time,

for their coverage of
the Trump administration,

its response to the pandemic

for the New York Times investigation

of President Trump's finances,

I think really distinguished themselves.

I think that there was
some tremendous journalism

at the national level.

I don't think anyone had any lack of facts

about how the administration
was responding

and not responding at this critical moment

in our nation's history where
I think there's a huge gap

and we can't forget about all of the state

and congressional races that
were decided last night.

And that's where there was a huge gap,

and this is where my
students ran into this.

My students who were covering
this for our publication

on The 9th Street Journal.

We found often we were
covering congressional races.

We were the only journalists
covering it in many cases,

or the local news organizations
had maybe done one

sort of quick overview.

And so that's where there's a huge gap

and we can't forget about that.

We get very focused on the presidency,
but these other races are really critical
and that is a huge yawning gap
and that's something we
can't stop talking about
here in the future.

The polling is something I
know we'll be talking about

in coming weeks.

Just got an email from
our alumni new house

with his first explanation
of what happened.

Neil, loyal Duke alum,
explaining some of the things

that help explain why there
was this belief towards the end

that there could be a blue wave.

Neil, a Republican pollster who was,

I think in this particular
race polling in North Carolina

for the national Republicans
senatorial campaign committee.

And they did a poll that ended last night

and found late deciders broke
really heavily towards Trump.

He said in this email.

And also something that
we had been hearing

but had been a little skeptical of

that a large surprisingly
share of Trump voters were shy

and were not revealing to their friends

that they were supporting Trump.

And so their poll found that.

One other point I'll make on this

and this does reflect back
on news organizations.

I think the news organizations
were way too caught up

in poll coverage in horse
race coverage towards the end.

I think we needed to keep the focus

on holding power accountable.

In my world, it's about fact-checking.

It's about checking what they're saying

and I think there was just this mania

for who's up, who's down

and as my colleague, Mark Stencil says,

when we cover polls,

we need to talk about the lack
of precision of those polls

rather than emphasize the precision.

So anyway, a mixed bag,
I think, on my colleagues

in the news media

- Yeah, the false precision of polling.

Yeah.

Deondra, I'm gonna go a
quick round to everybody,

our panelists, real quick
if they can be short

and then we'll pick up.

Deondra has got questions
from the audience.

Is that right?

John first.

John, just picking up on what Bill said,
in North Carolina,
this was a source of frustration for many.

Are we ever gonna see the emergence
of a new Democratic majority?

Is that just gonna be
talked about every cycle

and then not really come about
or is it coming about maybe awkwardly so?

- Well, one of the signature moments
of my thinking about the election

was when the Gallup Poll
released its version

of the distribution of
partisans in October polling

and it was 31% Democrats, 31% Republicans,
39% independence and so on.

And that may be the first election

that they polled since 1936
in which the Republicans

were anywhere near that high as a tie.

So clearly, we missed something.

There was something going on out there

and it's not obvious we
can see demographic trends

that are going to favor a Democratic side.

We don't see the demographic trends

or whatever it might be that
builds on the Republican side.

And that's, I think where both scholars

and journalists need to

spend their attention

for understanding the direct
future of American politics.

- Gotcha.

Guy, I know people are
gonna want to hear your view

just on the court in general
with the Ascension of Justice.

Are you thinking that there's not gonna,

we don't really see a scenario

where all the Trump
appointees will get to rule

or recruit themselves this time?

- So Mac, there is a case,

a Pennsylvania absentee ballot case

that is already on the court's docket.

If it happened, like if
the election comes down,

let's say, you know, the
facts change a little bit,

and it really comes down to Pennsylvania

or maybe even Pennsylvania
and North Carolina,

but comes down to Pennsylvania.

It is possible that the
court will hear that case

and that it will be decisive.

And basically, that case
offers up a legal argument

that would be congenial to the
conservatives on that court.

There are easily three
conservative justices

who would support that argument

and probably, if you were
to force me to decide now,

I would say probably five
conservative justices

who would decide that argument

and would likely rule in a way

that would favor the president

because of the combination of
the argument and the outcome.

But given where we are today

in terms of the states that are in play,

the fact that the president is behind,

and a number of them,

and that Pennsylvania may
not even be determinative,

then the probability that the election,

this can be resolved by the
Supreme Court is extremely low.

Now, you know, I started
my academic career in 2000.

And so I will never say
never, that was butchery gore

and every single day, we kind of watch

that what we thought we knew one day,

we knew it less the next day.

So we kind of watch the terrain
slowly walk up to the cliff.

So I won't say never, but at
this stage, at this point,

given what we know, given
what the politics are,

it looks very unlikely.

- Gotcha.

And Judith, I know you were

talking about electoral college

and it may be blue.

Scott had talked about getting
rid of the electoral college,

but this problem is not going away.

Democrats are gonna keep on.

It seems like there could continue.

However, this election turns out,

probably Biden will win
a pretty comfortable

popular vote majority,

and this will be not unprecedented.

In fact, it's happened a
number of recent times.

Is there anything to do?

Is there anything that is
doable to address this,

or we're gonna have a situation

where we really could have minority rule

if we don't watch out?

- I think it is a very, very
difficult thing to change,

but I think there are things in the system

that can be changed and
can be addressed, you know.

I mean, I see the desk, the
question about campaign finance

and you know, that's one of the things

international national servers
have commented on right now.

We've set our election commission

that's tasked with enforcing

and reporting disposed requirements.

It doesn't even have a quorum
and can't meet to oversee that.

So no, we're not even talking
about having the right laws in place,
we're just talking about even
implementing what we have
and making that functioning.

And then, you know,
other things that international observers
have commented on are, you know,
the rights of felons to vote for example,
or, you know, we have
issues with, you know,
with gerrymandering and on and on.

I mean, there are lots
of things we could do,
smaller things as well, like
it shouldn't be the case

and this is exactly why
we open ourselves up
to all this litigation is
that it is the case right now
that everything's so
non-standardized, right?

And it's in some ways a strength
of the American electoral system
that it's so decentralized.

That makes it very difficult to attack
and you can't just send
a wholesale, you know,
claim that it was stolen.

As Bill says, you'll have
to sort of pin it down

and all that was broken

and given state and challenge
that, et cetera, et cetera.

You know, but there are some uniformity

one would be able to think about

just in terms of how do we
handle mail ballots, you know,

should we not handle them
the same way in all states?

Shouldn't the period after
they've been postmarked

and they could be counted be, you know,

the same in every state?

You know, on and on, there
are lots of little things.

Right now, we have such
a mish-mash of rules

and ways of doing things that, you know,

it's mind-boggling actually and, you know,

it's, you know, it's
worth paying attention

to some of those things, but
at the end of the day, Mac,

I'll say that I don't think
you can just regulate yourself

out of the situation where
it's not just a matter

of getting all the rules in
place and the system right.

And democracy ultimately
rests on a social contract

and scenes between citizens

and a set of shared rules and norms.

You can't regulate and say, you know,

the loser must give a concession speech.

You can't force those things, right?

There are certain things
that we have to just rely on

as being shared values.

And those don't take a super
majority to change in Congress,

but they do take different
kinds of groundwork

among the electorals themselves.

And the one cost that I
really saw from yesterday

was the huge turnout and the
peaceful conduct of the vote.

And so I think we have some
foundation to build on.

- Good, good.

Bill, let's close this session,

that part of the session with you.

I know the subject of civil discourse

is a subject near and dear to your heart,

comes out of your concern about the media.

I guess we know what it
unfortunately might be like

if we're not in a post-Trump era,

but if we're in a post-Trump era,

at least he's maybe meaning
that he's not present,

I'm sure he'll have a presence.

What could you see about the prospects

for the nation coming together

or journalists helping
that, or where would it be?

What institutions would we look

to kind of help appeal
this divided country?

- Well, I think,

I wish I could be more
optimistic about that, Mac,

because I'm not sure structurally,

even if Trump does lose

that the media infrastructure changes.

You know, talk radio and
we forget about talk radio

is still a huge factor.

Fox News is still a huge factor.

I think the biggest
thing that could change

would be if Lachlan Murdoch

were to change the whole tone of Fox,

and were to get together
with the leaders of Fox

and reposition it

as a different kind of
conservative news organization.

And I think that could change the tone.

You've seen it.

It's been interesting to watch the change

in the Drudge Report.

And so my colleague, Jeff
Jarvis at CUNY has often talked

about a different kind of
conservative news organization.

So I think it would
take something like that

to sort of deescalate the partisan wars,

but we still have this

problem of misinformation

and that's gotta be dealt with too.

- Deondra, it looks like we
have a bunch of questions.

Do you want to...

- We do.

- Let me hand it over to you.

- Thank you, Mac.

So before jumping into questions,

I just want to return to those polls

that people were kind enough to fill out

at the top of the event.

So the first question
was, how did you vote?

48% of people with this
today voted early in person,

24% mailed in a ballot, 17%
dropped their ballots off

at the board of elections,

and 5% voted in person on election day.

Second question.

Did you wait in line?

Most people sailed right through.

Only four people waited
more than two hours.

And then for the final question,

did you have any problems
when you cast your ballot?

Of the 256 people who
responded to that question

who cast the ballot,
only 10 had a problem.

So fascinating data.

Thank you all for taking the time to complete those polls.

So the first question, I will target to Bill if I may.

So this question comes from Sharon Updike,

and Sharon asks, what will projectlincoln.org do now?

So we know them.

I follow them on Twitter.

I know many people do.

Bill, what's next for Project Lincoln?

- That's going to be really interesting.

We had one of their organizers.

Steward Steven spoke to my advanced reporting class

two weeks ago.

And they really are an interesting factor.

I don't think they've been exactly clear

what they plan to do.

They really couldn't play a role

in trying to change the things that are talked about

in the Republican party.

One thing to remember though,

their ads really didn't change the tone of the campaign.

They were awfully negative.

I mean, these were some of the sharpest,

most biting ads we saw.

They went negative in many ways.

So the Biden campaign could go positive.

Not that they were talking to each other.

So it will be really interesting to see.

I don't know what they plan to do.

I don't think they have announced yet.

- Thank you so much, Bill.

Let's see.

So to go back to this,

there are a number of
questions in the Q&A box

related to polling.

So, John, if I could come back to you

and just ask for some insight into

do you think we will
change how we use polls

after this election?

Are polls just done?

Where are we with polls?

- Well, polls won't be done,

but I think there's some
potential for serious change.

One of them, it...

So the polling for getting likely voters

was really complicated this
year because, you know,

you have all your technology worked out

for how you're going to measure them

and then, you know, 80% of
the states changed their rules

and it changed people's behavior.

And so, you know, there's
a little bit of leeway

for understanding that their
current procedures were,

you know, were difficult to implement
and hard to catch up with.

Second thing is that I
anticipate that the shy Trump

or whatever problem being addressed

by merging of social media
with the actual polling

in some fashion, we're not
there yet because, you know,

but the technological change,

you could have for
instance for years, mic,

and that mic give you a pretty good hint

that people who say, you
know, I'm not gonna vote

or I'm gonna, you know,
vote for the opposition

or vote for third-party candidate,

they're really hiding
who they're voting for.

So that would be a way that
I could see things changing.

That, you know, I mean,
basically, you know,

one of the problems with 2020

was that they were adapting
to the world of 2016

and living up to Rumsfeld's, you know,

dealing with the known unknowns
and then all of a sudden,

there were a bunch of unknown unknowns

that left them somewhere to drift.

And so, like all good general,

they'll probably be pulling

for 2020 election in 2024.

- Thanks so much, John.

So I'd like to start with
Guy for this next question,

if I may.

So this question comes from Sarah Zubek

and Sarah asks, you know, can you speak

to the allegations of fraud
in the vote tabulation now?

There are major accusations of fraud

all through conservative media,

and we've seen discussions of fraud

especially related to mail-in voting

throughout the campaign.

So, Guy, do you have any insights for us

on how we should be thinking

about the idea or issue of fraud?

- Sure.

So two questions, two
ways of thinking about it.

The first is that the assumption

is that mail-in ballots
or absentee ballots

or mail-in voting depending
upon which category,

how one thinks about them and
which category puts them in

is more susceptible to fraud.

So the assumption is, look,
you're not going to the poll,

you're not showing up,

and you don't have to say who you are

and especially in places

where you don't have to
provide an ID, right?

So the assumption is somebody
else could be filling

out your ballot for you and obviously,

and misrepresenting who you
are or for nefarious purposes.

And so the assumption is that
that's much more susceptible

to fraud especially in states

that as a result of the pandemic
automatically sent balanced

to their voters, to registered voters.

And one can imagine then

that people may go around
collecting those ballots

and then misrepresent who the voter is

in order to commit
election and voter fraud.

So we don't have any, I
don't have any evidence

that I'm aware of that this happened

and that this scenario
that we're imagining

happened in this election,

either in the distribution, collection,

or counting of mail ballots.

Now, if there are specific allegations,

again, states have mechanisms
for dealing with it.

So for example, in North
Carolina, one can file a protest

and to say, well, there's been
a problem in the tabulation

or there's been a problem
in the way that we vote,

something that is not a
legitimate vote has been counted

and one can bring the evidence,

but I'm not aware of,

I have heard the
allegations in the rumors,

but I'm not aware of the specifics.

So I can't speak to and I'm
not in a position to verify

whether that has happened or not,

but I've seen no credible evidence

that there's been manufactured ballots

as a consequence of
mail bouts being mailed

to either non-voters
or voters selling them

or however whatever we want to imagine

could have happened in those cases.

- Thank you so much, Guy.

So Dean Kelley, next question for you.

So this comes from Shannon Craven

and Shannon asks, Dean Kelley.

She says, you seem to suggest
that the us should migrate

to a popular vote.

Doesn't the electoral
college protect less populous

and more rural states
from being discounted

and afforded less political
power and detention

than highly populated states
like New York and California?

- I mean, my suddenly, we
could get into a long debate

about the role of the electoral college

which I would not claim to be an expert,

I merely point out how crucial it is

in Metro democracies to
use this particular form

of indirect vote in that
normally we think of democracy,

especially when it
comes to national office

to mean a popular or a direct vote.

I wonder if I may just
comment on the question,

a mail-in ballot said that
Guy was just talking about,

because I think it's worth
mentioning, you know,

'cause we did have a
case of mail of what's,

it's called mail harvesting, right?

Mail ballot harvesting,

and that actually happened in 2018

right here in North Carolina.

And I think what's worth
mentioning about that

is that we caught it.

It was caught, it was
investigated, and it was corrected.

And the reason these things get caught

is because there are a set of expectations

roughly about how the vote should pan out,

and when that doesn't happen,

a flag goes up and people
will be investigating it.

So actually I have a lot of confidence

that not that things
like that can't happen,

but that we're good at catching them.

And I think that should
give us some constellation.

- Thank you so much, Judith.

For the next question,

I'd like to ask our
moderator, Professor McCorkle

about North Carolina politics.

I'm gonna put you on the
spot a little bit, if I may.

This question comes from Monique Harris
and Monique says, I'm trying to understand

how is it that in North Carolina,

Governor Cooper has been reelected

yet President Trump seems
positioned to carry the state.

Do you think that this has
governor Cooper's, you know,

winning due to perhaps K-12 educators

appreciating how he handled the pandemic?

And I would add

that we're seeing also
the lieutenant governor

who was elected yesterday is a Republican.

So North Carolinians are
splitting those tickets

all the way down the ballot.

- Yeah.

Well, two things on the lieutenant governor.

North Carolina has an African-American lieutenant governor,

a very conservative African-American lieutenant governor.

But when I was in politics,

when I was deputy campaign manager,

the Harvey Gantt campaign,

the idea that you would have two African-Americans

running for a position next to the governor

in North Carolina would have caused waves

and it was just an asterick last night.

I don't know if that's all progress,

but at least maybe we should celebrate

that maybe that it had no very little attention.

What was the first question, Deondra?

- I think that just thinking about, you know,

how do we make sense of--

- Oh, Cooper.

Yeah, yeah.

Well, that's not the first time

I've heard the S had that today.

And John Aldrich may want to comment on this too.

I think it proves what North Carolina proves

is all politics is national,

or mostly all politics is national

especially in North Carolina.

So what you saw is within a
range of one or two points,

pretty consistently
starting with Trump, Biden,

which is like one and a half
points for Trump right now

and might shrink even a little bit more

but more very consistently
throughout the back down ballot,

you know, for racist, little
differences here and there

if you were an incumbent

and people knew you might do better,

but very similar throughout
the whole ballot.

And then Governor Cooper,
I think stood out,

not for any ideological reason

but because of a non-ideological reason.

I think a number of people
who split their ticket,

who've otherwise voted Republican

thought he had done a very reasonable calm

and good job as governor on the virus.

So he was able to get outside
that ideological vortex

to a couple points, but people thought

that Roy Cooper was gonna
win by double digits.

He ended up winning by four or five.

So it's not so much that people
are making a reason decision

about or trying to make a decision

like I'm gonna vote for Trump
and then I'll vote for Cooper.

It's so many people are saying,

I really just like the Democrat.

So I'm voting completely
for the Republican ticket.

And other people saying,

I really can't stand the Republicans

and so I'm gonna vote straight
for the Democratic ticket.

And Cooper is the exception.

I was hoping that Cooper as
a Democrat in my spare time

would have caused some kind of coattails

for the rest of the Democratic ticket.

In fact, he was the exception

in almost every other race
was way closer to the margins

that the marginal range
that Biden and Trump set

for the rest of the races.

- Thank you so much.

And so let's see for this next question,

maybe I'll start with John, if I may,

and of course, if any other
panelists want to way in,

please feel free to jump in.

So John, this question
comes from Steven Rash

and Steven asks,

what could we expect to
see in future elections

based on how the younger
groups voted in this election?

So thinking about youth turnout.

- Yes.

So most of the studies of youth turnout

have been about college-bound
or educated youth

and we don't know very
much yet about the 65%

who are not engaged in college
and how they turned out.

That's number one.

Number two is that it does seem

that there's a way of, okay,

that one of the difficulties,

it's very hard to
organize a youngest people

because they're not integrated
into communities and so forth

in the way that older people are.

So it's hard to really get
a collective action going on

to get them to turn out.

And that's a problem, a
"problem", if you will,

that is unlikely to be solved,

but always going to be
expectation of lower turnout.

The other thing that's going to happen

is that their views are going to revolve

because their life circumstances

will be changing in dramatic fashion.

So what happens today with the youth

is not what's gonna happen
with those same people

four years from now, eight years from now,

because they're gonna be in
very different circumstances

in their life.

So it's hard to draw lessons
other than universities

or a wonderful place for
organizing young people

and it's difficult to
find other such places.

It used to be unions, right?

You could go in, you catch
people beginning their career

in industrial jobs and
they would be organized

and that's much less the case today.

And so it's just,

and so they're sort of falling
into the bowling alone,

Robert Putnam problem

of not being embedded in organizations.

- Thank you so much, John.

So I'd like to pose this
generally to anyone in the group.

I'm wondering about the
incredible amount of money

that is in the selection.

Dean Kelley mentioned this
question a little earlier

in the segment.

This comes from Susan Kaufman.

Susan says or asks,

can anyone comment on this incredible
and or obscene amount of money
that was spent on this election?
Must we citizens accept this is something
that we can't change?

Why can't we get spending
limits as a country

such as France has done?

- I'll take the law part of that question.

So one of the reasons why
you can get spending limits

is because the court has ruled

that expenditure
limitations are a violation

of the first amendment.

Contribution limitations are not,

but spending limits on
what a person can spend

for their election or
to elect somebody else

is a violation of our
fundamental rules of free speech.

And that ruling,

I don't think is going
to change anytime soon.

So spending limitations by statute
are going to be ruled unconstitutional
and so they don't present an option
for limiting the role
of money in politics.

- I like to think of
it down, Deondra Rose.

We have one person, one vote,

but we don't have one person, one voice.

And some people get to walk
around with megaphones,

and somehow we think that
that doesn't affect, you know,

outcome, which is obviously pretty naive

given that people otherwise
wouldn't spend so much money.

So it's a bit circular,

but we're unfortunately stuck in that.

- Thank you so much.

Oh, John.

- Just one quick comment

in addition and getting
back to the question,

the way it was framed is very good.

I don't know whether it's obscene or not,

but there were so much money
in some of these campaigns,

they couldn't quite figure
out what to do with it.

So then, you know, you have enough money

when you're in that circumstance.

- Yeah, definitely.

Okay.

So this next question comes

from Jessica Sullivan and Jessica asks

if our panelists can say a
little bit about the attempts

by the Trump campaign
to stop vote counting

in Michigan and Pennsylvania.

What do you see as the next
steps for those states?

- Happy to start here as well.

In order to stop the vote counting,
there are two ways that you can do it.

One is you could go to court
and offer a legal basis.

The other is you could try intimidation.

So many of us will remember
the Brooks Brothers riot

from again, Florida, 2000.

And so there are no legal bases
for stopping the vote counting.

It's just is a process that has to happen
and it will continue to happen
until the votes are made official
by the process that the state designates.

So I don't think that's something
that can be done legally.

At least I haven't seen
an argument for it.

As I said, the only model
that's hanging out there

is the one on absentee ballots
made by the state courts

in North Carolina and Pennsylvania
that one can receive absentee ballots
after the deadline set by the state.

So that's one legal argument
but that's specific to some states
and not applicable in a lot of others.

- Guy, I was thinking that isn't,

I'll try to be the recovering lawyer here

but the other difference.

Bush v. Gore, the Supreme Court stepped in to stop a recount.

The Supreme Court didn't step in to stop the counting, the first counting of votes.

- That's correct.

And the court did that

because the argument was that the state was applying.

There are sort two parts of the argument

and one is that there was no uniform basis for the recount.

So there were a standard that was being applied

and some sets and a different standard

for determined was a vote,

and there was no way of getting a uniform way, right?

So some people are looking at the hanging chads and saying,

okay, if it's hangs by one, that counts

and other people were saying

no, there had to be four things attached,

like the whole thing had to be detached.

Now, there's no basis by which we could have a uniform

and legitimate count.

So we had to stop it and that would take too long

given that the state also wanted to take advantage

of the safe harbor provision.

So yeah.

So you're right that
that's very different.

There was arguably
illegal basis for recount

that the court thought would damage

the person who was ahead
already in the camp

after they had gone through
the process as opposed to here,

the attempt is to just
trying to stop the voting,

the counting and the
initial instance, right?

Of counting all of the ballots.

And so it's hard to figure out,

well, what's the justification for that?

- And one of the things, Guy, I asked you

just to the person who
asked about the problem

and money and speech, I
agree with you completely

that Buckley v. Valeo
stops cold in a legislation

but people have been banding together

for a constitutional amendment, right?

I mean, that would be the route
if someone was interested,

if the student was really interested.

- Sure.

You can do a conscionable amendment

and we all know how hard
that is when you can,

but you can also incentivize
public financing.

So that's the other option.

And if people can voluntarily choose,

now, you can't ban everybody

that if I'm an independently
wealthy or whatever,

I want to spend money
in the election, I can,

but with respect to candidates,

you can certainly create a rule

and we had it in the presidential system

though we have grown it
because of the amount of money

that the horizon is spending
and then just then keep up,

but you can create a rule

in which people volunteer to restrain

if they take public financing.

- Could I just step in at
a slightly different desk?

A nice question.

You're always asking hard questions.

Politically, the only, this is, you know,

getting enormous, like literally
the center of democracy

that not all votes count

in a very literal sense of the term,

if this were implemented

and it requires officials
to simply stand up and say,

you know, this shall not happen.

And I think that's what
happened in Michigan,

I'm not sure what happened
in Pennsylvania exactly.

Things like this sort of ignored it.

But in Michigan, they tried to do that.

The other thing that should be happening

is we should have a reasonable
number of Republicans,

a few, but not very many have
stood up and said, you know,

this should not happen
and reinforced the norm.

And so in some ways, if
it were to work that way,

it would strengthen the norm

by having this sort of strong
enforcement under threat.

- Thank you so much.

So Bill, if I may target or
send this next question to you

because I feel like the media
will play a central role

in what happens here.

This comes from Lolita Stevenson.

Lolita says, four years is a long time,
and the civic lessons we've achieved
over the last four years is remarkable.

My question is, how do we
hold onto the attention

and vigor of the younger generation
as we move through the next four years?

- That's a great question.

I think my sense is younger voters
have definitely gotten more engaged.

I think a big part of that

has been they've found
a sort of common enemy

that they wanted to vote against.

And so how do you continue to tap that?

How do you can continue
to get that passion?

And that's, I don't think that's as easy.

What needs to emerge is some
sort of a charismatic leader,

I think, and a movement that
would be the catalyst for that.

I think the most promising
thing is Black Lives Matter

and I think the Black
Lives Matter movement

has been marvelous in just
generating a lot of enthusiasm

by people of all races.

And so I think that can do it

and I think it has shown so far

that there are just a lot of
things that are going well

beyond what happened in the summer.

So I think that shows some great promise.

- Thank you so much, Bill.

Let's see.

John, may I ask this next question of you?

This is going back to
sort of campaign season

and it comes from Ed Block and Ed asks,

how much do you think president
Trump's last minute series

of rallies affected Republican turnout?

- It's very hard to judge
that for sure of course,

but it, you know, it
certainly fits with the idea

that he did generate the enthusiasm

is almost every place he went
had unusual Republican showing

and or a depression of
the Democratic turnout

that seems consistent with it.

So it looks promising

that his campaigning actually had effects.

Now, of course, it's hard to say

that he didn't go to places
that this is already happening

and he was just accelerating it.

But it really looks like
that he did a really good job

and picking out places

where his presence would
actually make a difference.

- And John, if I might follow up with you

on a second question, sort
of in that same ballpark.

This comes from James
Walden Berg and he asks,

how do we explain on a macro level,

the closeness of this
presidential election?

The GOP has pickup of seats,

the holding of the GOP Senate majority

in the midst of a global pandemic,
the historic unemployment

and President Trump's

consistently high negatives.

What conclusions can
political scientists draw

as to this anomaly?

- I attempted to mention a book manuscript

that Billy Sanders who
may be listening here

and are working on about the transition

from about 1984 to today,

sort of focusing down
directly on to two things.

One of them is going to go into 50-50.

That is wherever there is a gap,

the one party moves in and take that,

the other party moves in a different way

and it's moving right
down to an even division.

The second thing is that it's a division

that is extremely deep
and I think somebody,

Mac or somebody was mentioning this before

that if you're on the
Democratic side on one thing,

you're on the Democratic
side on everything.

If you're in the Republican
side for one candidate,

you find out even if you're
trying to do it so independently

that they're all in the same vein

and you're always there to support them.

That's not what used to be
the case in the 50s, 60s, 70s,

and even into the 1980s,

where there was a lot of room
for cutting across party lines.
Everything's lining up.
We're having a single deep cleavage now
between the two parties
and with the parties able
to compete everywhere
now that the Republican
party is fully competitive
in the South, which was
just becoming in the 80s.

There's competition everywhere
and they're looking for every advantage
and you would expect it
to converge to a 50-50,
but 50-50 with a deep division.

- Deondra, if I can add a
media perspective to that?

- Thank you.

- And I think John's exactly right,
and I think the media
ecosystem makes that possible

because people exist in two
different worlds, you know,

that there's just two
very different realities

if you're watching conservative media

that you're not seeing the
same topics being discussed,

you're not seeing the same facts.

If you're getting facts,

it's just an entirely different world.

And that's what's really troubling to me

as someone who's been a
fact checker for so long

to just see this alternative reality

that people are existing in and
that's gonna make it so hard

for, you know, John was referring
to the days of compromise

and I remember that from covering Congress

and the White House and you know,

now, there's so rarely a compromise

because the parties exist
in such a different world

and that's largely

because of the conservative
media ecosystem.

- So Guy, if I might, I have
a question from Steven Kelly.

And Stephen says the US
Post Office has been accused

of failing to deliver
upwards of 300,000 ballots

on election day.

Given that some states
refuse to count ballots

that arrive after election day,

is there a legal case to be made

that these ballots
should still be counted?

- I don't think so.

So there are actually two really
interesting problems here.

The first is that the US Post Office

was under a federal order to scour

and to go through and to make sure

that they've implemented procedures
pursuant to the court order
that they've looked for all ballots
and all of the post offices.

And apparently, they said
to the federal judge,

which one never does, but they
said to the federal judge,

"No, we actually can't do that."

So that's an initial problem.

And then the second is what do you do

when the states have rules

that say that you can't count ballots

if they haven't arrived,
but voters through no fault

of their own have done
everything that they can

in order to vote and have
done, tried to do it by law

and the ballots maybe
might get there, you know,

a week or two, et cetera, at the end.

I think that presents a really
thorny and difficult problem

and it's not clear to me that
there's an obvious remedy

that one can simply count the ballots

in a way that is inconsistent

with the laws of the state even
though that would, you know,

the choices harming the voter
or undermining the rules,

even though the voter is innocent

and ended everything that they can.

So that's a difficult question,

but I'm not that there's
a real remedy here.

- So if I might ask a
North Carolina question,

one more, Professor McCorkle.

There was a question that was submitted

asking about the North
Carolina state legislature,

and you know, just some insights

you all might be able to give
about that particular ballots

and you know, some surprising results.

- Yeah.

Well, the Democrats thought
that they might have a shot

at taking control of one of the houses.

They started off down 29, 21 in the Senate

and 65, 55 in the House.

They only picked up one
seat net in the Senate

and lost three or four.

They're now at 69, 51,
whatever that math is.

So they did not,

the Republicans do not
have a super majority,

but it was a very disappointing night

for the legislative Democrats

and it does present a situation
where the Republicans now

will have a green light
to do the redistricting

without the governor's veto.

So and the Republicans will be stronger.

They'll have a lieutenant governor

to replace the old lieutenant,

Republican lieutenant governor.

So it was not a good night

for the legislative
Democrats in North Carolina.

And just again, reflected
this polarization

that John's eloquently talked about

that these races were in many cases tight,

but Democrats were losing and
Democrats lost some incumbents

which they were not expecting to do so.

- So if I might ask,

I know we're starting to near
the end of our time together

but I want to pose one question

to our entire panel of experts.

It's a question from Jeffrey Kraus.

And Jeffrey asks, is our democracy broken?

And then I might tag on
to that what, you know,

if there's room for hope,
what gives you hope?

- I'll start with hope.

My students yesterday covered
the election in Durham

and when everywhere, talk to voters,

talk to poll workers, filed
the director of the elections,

watch the counting and the
democracy was not broken.

The democracy worked.

It was great to see at
least when you look at it

through the lens of
elections administration,

it was quite impressive.

And so we, you know, had
heard all this brouhaha

about the election being a mess.

In Durham, it was really well run

and we were very impressed.

- Thank you so much, Bill.

And if I might go to Guy next

'cause I know he may need
to head to another meeting.

- Sure.

Thank you.

You know, I agree with a
lot of what Bill has said.

On the one hand, I mean,
just think about the fact

that we as a country in a
decentralized environment

in the middle of a pandemic

overlaid with structural
or racial questions,

deeply polarized society,

ran an election with
record turnout, right?

And yes, there were issues

but not anywhere near
what we were expecting.

So I'm right.

People cared, people showed up and the machinery worked.

Right?

So that's a very good news.

There are also lots of questions that we have to address.

The way that we run elections in the United States is,

you know, there are lots of problems and deficiencies.

We have to fix them.

We have to address them.

Dean Kelley mentioned some of those questions earlier,

the issues that we have to deal with,

the large major issues, climate change,

structural inequality, economic inequality, right?

So we have a lot of questions.

Bill and John were talking about people that are operating

in different ecosystems, that there's a lot of polarization.

We need to figure out how to come together

and in many ways, right?

So those questions are on the table.

We've got to figure them out, right?

And I think those are the types of issues

that makes us worry about the future of a polity

that is supposed to bring an increasingly diverse

group of people together and

a major and large country

and we've got to sweat that out.

- Thank you so much, Guy.

And say maybe next we'll go to John.

- So yes.

I'd like to point out
to two different things.

One of them is that if it is the case

that Biden gets 270 electoral votes

and the Trump campaign
chooses only to challenge

within the rules of the game
and they accept the outcome,

that would be sort of major reinforcement

of the norms of democracy
as we have implemented them

within our electoral system

and reinforcing the rules of law.

So that's a good thing.

The second thing is that
we have a lot of people

who cared a lot about the selection

as Guy was saying and Bill,

and there seems to have been
relatively little violence

associated with it when there
was the opportunity for it

and there were talk about it.

And if that stays through

all the way through
inaugural inauguration day,

I think that is another
slight reinforcement

of the norms of democracy
or not the failure

of the norms of democracy.

And so those are my little hope
from the small town in Arkansas.

- Thank you so much, John.

And Dean Kelley, final word on that.

- I don't know if you want
me to be the final word

but, you know, I like to
bicycle as this, you know,

and you get a puncture in your tire

and you put a patch on it
and then you keep biking

and then you hit another shard

or glass or something like
that, and put another patch on

and after a while, your inner
tube is pretty compromised

and you really don't want to
just be riding that bicycle

over a lot of bucks

because the patch is not
gonna continue to hold up.

And I do think that we've
gotten a lot of punches,

you know, democracy into too

over the last couple of years

as we've been writing this, you know,

things that we normally
would not say was, you know,

conceivable in our democracy
switches, you know,

hinting at the Lang, the election

or hinting at staying in office

beyond the constitutionally allowed period

or you know, attacking the media.

So in misinformation and on and on and on.

And so I do agree very
much with my colleagues,

much will depend on what happens

over the next two or three weeks.

And it really is not just about Trump.

It really is about the elected
officials in the Republican

and the Democratic party choosing

to stand up for democratic values,

choosing to call the game
when the game is over

and to respect the process.

And that will be such
an important first step

to getting to at least a station

where we can put on maybe
new inner tube at some point.

- Thank you so much, Dean Kelley,

and just to thank our entire panel.

Dean Judith Kelley,
Professor John Aldrich,

Professor Bill Adair,
Professor Guy Charles,

our wonderful moderator,
Professor Mac McCorkle.

Thank you all for being with us tonight

and I have to say, this is
an iterative conversation.

So it will continue to
unfold here at Stanford,

here at Duke University
and in our communities.

So we hope you will stick with us

for more conversations to come
and thank you for joining us.

Thank you so much to
those who are listening

on Sanford's Policy 360 podcast.

I'm Deondra Rose,

and we're wishing you a great
day after the election day.