



Election — Overtime —

TOOLS FOR JOURNALISTS COVERING CLOSE ELECTIONS

A PROJECT OF

**ELECTION
REFORMERS
NETWORK**



SPONSORED BY

The Carter Center

Gerald R. Ford Presidential Foundation

Bridge Alliance

Agenda

This project supports journalists.

- **Heather Balas**, ERN: Overview of the program
- **Kevin Johnson**, ERN: Three pillars of the election process
- **Rashad Mahmood**: NM Local News Network and Press Forward, journalist perspectives on sound coverage of elections.

Accuracy, transparency & accountability make all the difference.

- **Jason Carter**, Carter Center: Capacity of the press to be tools of nonviolence, and the Principles for Trusted Elections.
- **Ben Ginsberg**, Stanford's Hoover Institute: Election litigation and the rule of law
- **Kim Wyman**, former WA Secretary of State: how reporters can tell if something is going wrong.
- **Carmen Lopez**, CL Strategies, addressing the importance of both partisan and nonpartisan election observation.

Resources can help.

- **Ari Mittleman**, Keep our Republic, election resources in battleground states
- **David Nevins**, publisher of *The Fulcrum*, on the collection of reprintable election articles his outlet is making available to reporters across the nation

Q&A





Heather Balas

Vice President, Election Reformers Network

- 25 years in policy work: research, citizen deliberation, advocacy, and voter education.
- Senior consultant to the Carter Center, advising on reforms to strengthen American democracy.
- Previous President and Executive Director of New Mexico First, a cross-partisan public policy organization.
- She holds a master's degree in political communication from the University of Maryland and undergrad in journalism.



Election Overtime

Covering close, contested, and disputed races



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TOOLS FOR JOURNALISTS COVERING CLOSE ELECTIONS



Election Reformers Network

Online Toolkit

1. State-specific **nonpartisan** election policy briefs
2. Speakers' bureaus
3. External resources
4. Media briefings
5. Litigation tracking if elections go to court

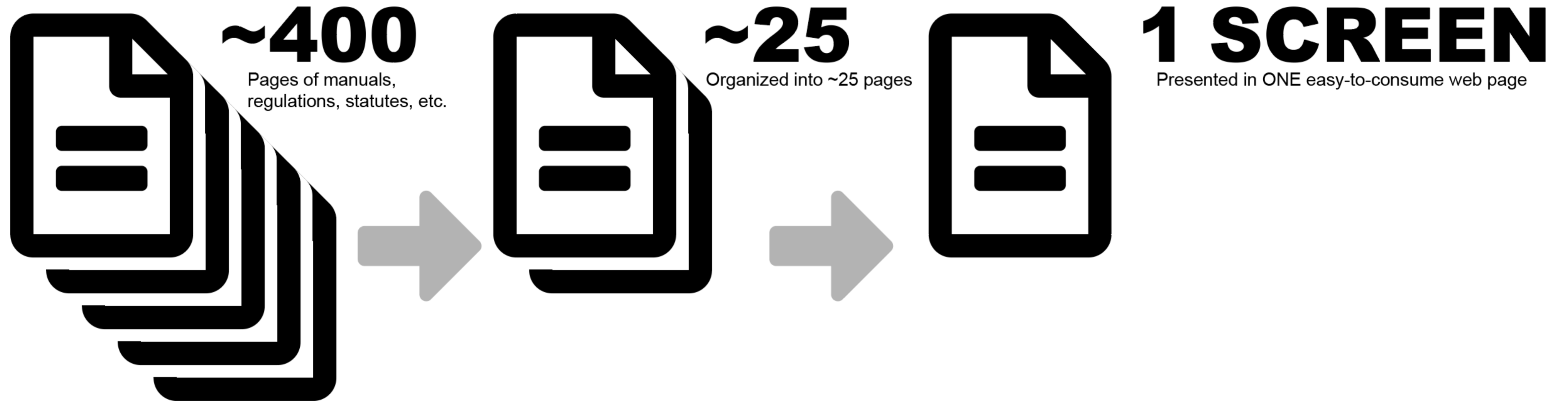
7 States

- Arizona
- Georgia
- Michigan
- New Mexico
- North Carolina
- Pennsylvania
- Wisconsin

All battleground and/or false elector states

Election Policy Briefs Made *Brief*

ERN underwent a painstaking process for each swing state:



X 7 states



Kevin Johnson

Executive Director, Election Reformers Network

- Co-founder of ERN
- Since 2017, has led the organization's research and advocacy programs on:
 - Impartial election administration
 - Independent redistricting
 - Election protection
- Decades of experience supporting emerging democracies overseas and advancing reforms in the U.S.
- Holds an MBA from the Wharton School and a BA from Yale University



3 Pillars for Reporting on Trusted Elections



#1: Assuring Voters on Transparency

Visibility is built into election systems in many ways, and most phases of voting and vote counting can be watched by representatives of the contesting parties.



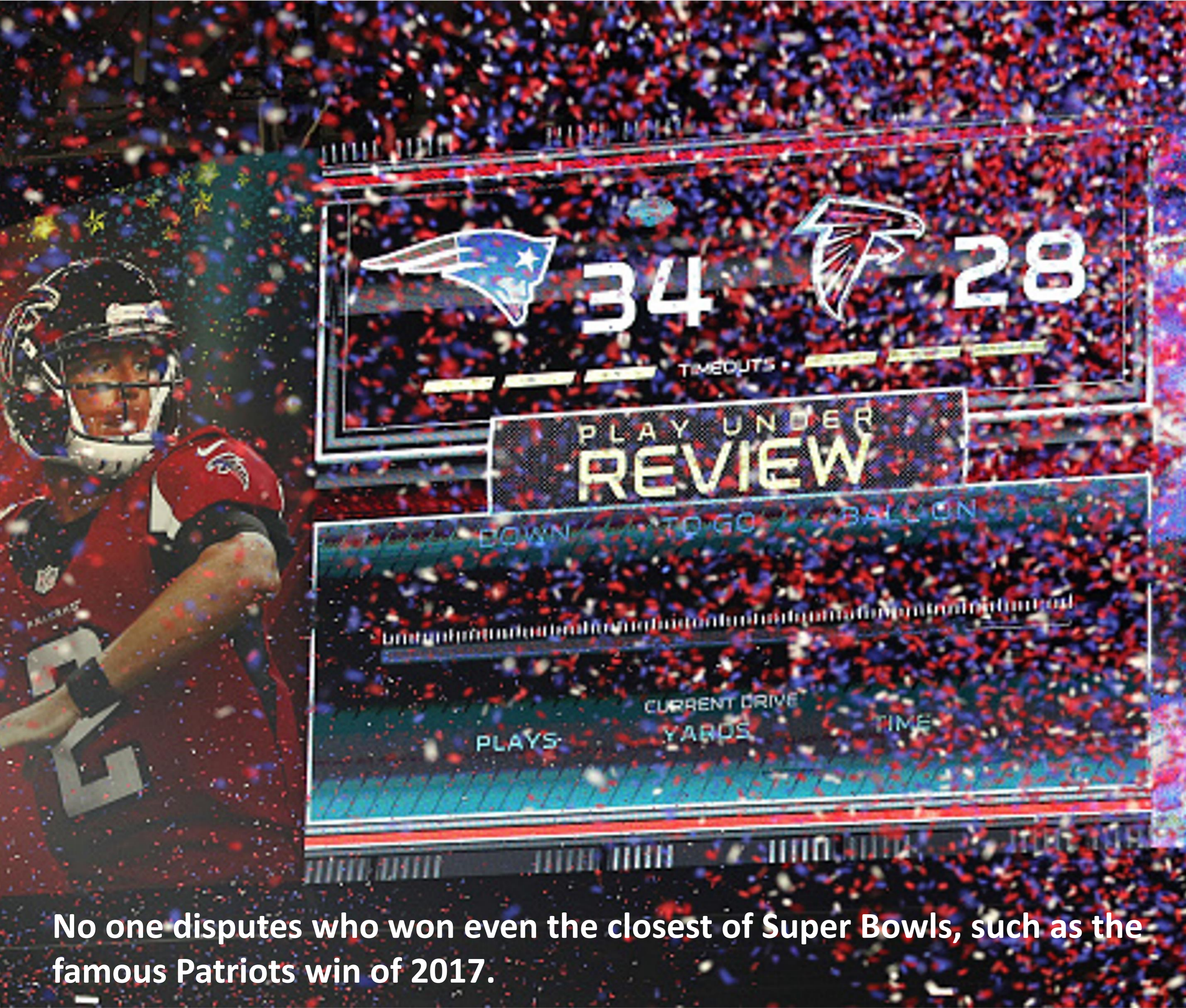
#2: Understanding Verification Processes

Election results are subject to multiple rechecks required by law, including canvassing, audits, and automatic recounts when margins are below certain levels.



#3: Communicating Judicial Procedures

Candidates, parties & groups of voters have the right to contest results in court, where evidence can be weighed and final judgments rendered.



No one disputes who won even the closest of Super Bowls, such as the famous Patriots win of 2017.

The meaning of "Election Overtime"

Sports fans trust the final score win or lose because they know the rules.

1. Sports have complicated rules—particularly for overtime.
2. Elections, too, “go into overtime” when they are close, contested or disputed.
3. Voters need a better understanding of what happens after the bell rings (the polls close):
 - a) How results are reviewed and verified
 - b) How courts decide final election challenges



Coming soon:

Data on voters' knowledge of election rules

What

- National survey fielded September 2024 by Citizen Data
- Data to be released in 7-10 days.

Sneak Peak

- Voters get a C- on the nuts and bolts of election rules.
- Voters particularly do not understand the rules that govern decision-making about close and contested elections.
- That misunderstanding crosses party affiliation and media sources.



Rashad Mahmood

Former Print, Online, Radio Journalist

- Executive Director of the NM Local News Fund
- Part of the national Democracy Fund local news networks and the Knight-funded Press Forward initiative
- Focus on local news equity, ensuring that people and communities – including those in rural and border towns – have access to the news and information they need
- Previously worked in Washington, DC, Egypt, and Iraq.



Otero County:

Journalists had to cover the rule of law, without any prep on that law – including that the certification function is *ministerial*.



Election Overtime

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CNN Politics SCOTUS Congress Facts First 2024 Elections

New Mexico secretary of state sues county commission over refusal to certify primary results

By Fredreka Schouten, CNN
2 minute read · Published 11:25 PM EDT, Tue June 14, 2022

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Latest Local News Live Shows CBS NEWS

U.S. World Election Politics HealthWatch MoneyWatch Entertainment Crime Sports Essentials

POLITICS

New Mexico Supreme Court orders all-GOP county commission to certify primary's results

June 16, 2022 / 6:04 AM EDT / AP

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The Washington Post Democracy Dies in Darkness

This article was published more than 2 years ago

Elections Live updates Election 2024 Presidential polls Harris's policy positions Trump's policy positions Senate

New Mexico's Supreme Court orders county commission to certify vote

The order follows the commission's refusal to approve primary vote tallies, citing discredited concerns about Dominion machines

Los Angeles Times SUBSCRIBE LOG IN

Conspiracy theories erupt into screams and threats as New Mexico counties certify vote

Couy Griffin, an Otero County, N.M., commissioner, told CNN that he was not planning to vote for certification of primary election results in his county. (Gemunu Amarasinghe / Associated Press)

Democracy Docket CASES ANALYSIS OPINION NEWS

POST-ELECTION LITIGATION | DECIDED

New Mexico Otero County Certification Challenge

Toulouse Oliver v. Otero County Commission
Filed: June 14, 2022 | Decided: June 17, 2022

Leveraging Our Differences FULCRUM

Politicians certifying election results is risky and unnecessary

By Kevin Johnson
Jun 21, 2022

Risk of Political Violence

CBS / YouGov Poll
September 18-20, 2024, Registered voters

58% of voters believe the next few years will see an increase in political violence.

Voters fear political violence no matter who wins.
The threat of political violence will...

	IF HARRIS WINS	IF TRUMP WINS
Be Greater	42%	58%
Be Less	27%	21%
No Change	31%	21%





Jason Carter

Co-chair, The Carter Center

- Attorney and politician
- Georgia State Senator from 2010 to 2015, Democratic Party nominee for governor of Georgia in 2014 election
- Champion of good government and ethics reforms
- Served in the Peace Corps, stationed in South Africa
- Degrees from Duke University and the University of Georgia School of Law
- Grandson of former President Jimmy Carter





Jason Carter
The Carter Center

Principles for Trusted Elections



Honest Process

Cooperate with election officials, adhere to rules and regulations, and refrain from knowingly propagating falsehoods about the electoral process.



Nonviolent Campaign

Encourage a peaceful election atmosphere during the pre-election, polling, counting, and post-election periods. Denounce any attempt to intimidate, harass, threaten or incite violence against opponents, their supporters, and election workers. Respect voters' freedom to exercise their lawful rights to register and vote, free from interference, obstruction, or intimidation.



Secure Voting

Publicly affirm the security and integrity of elections across the U.S. and avoid actively fueling doubt about elections in other jurisdictions. Support transparency and public outreach to reassure voters of election integrity.



Responsible Oversight

Encourage political parties and others to train poll-watchers on the election process and appropriate roles and behaviors, responsibilities, and obligations.



Trusted Outcomes

Make claims of election irregularities in accordance with the law and acknowledge the legitimacy of the outcomes after the results have been certified and all contestations decided.

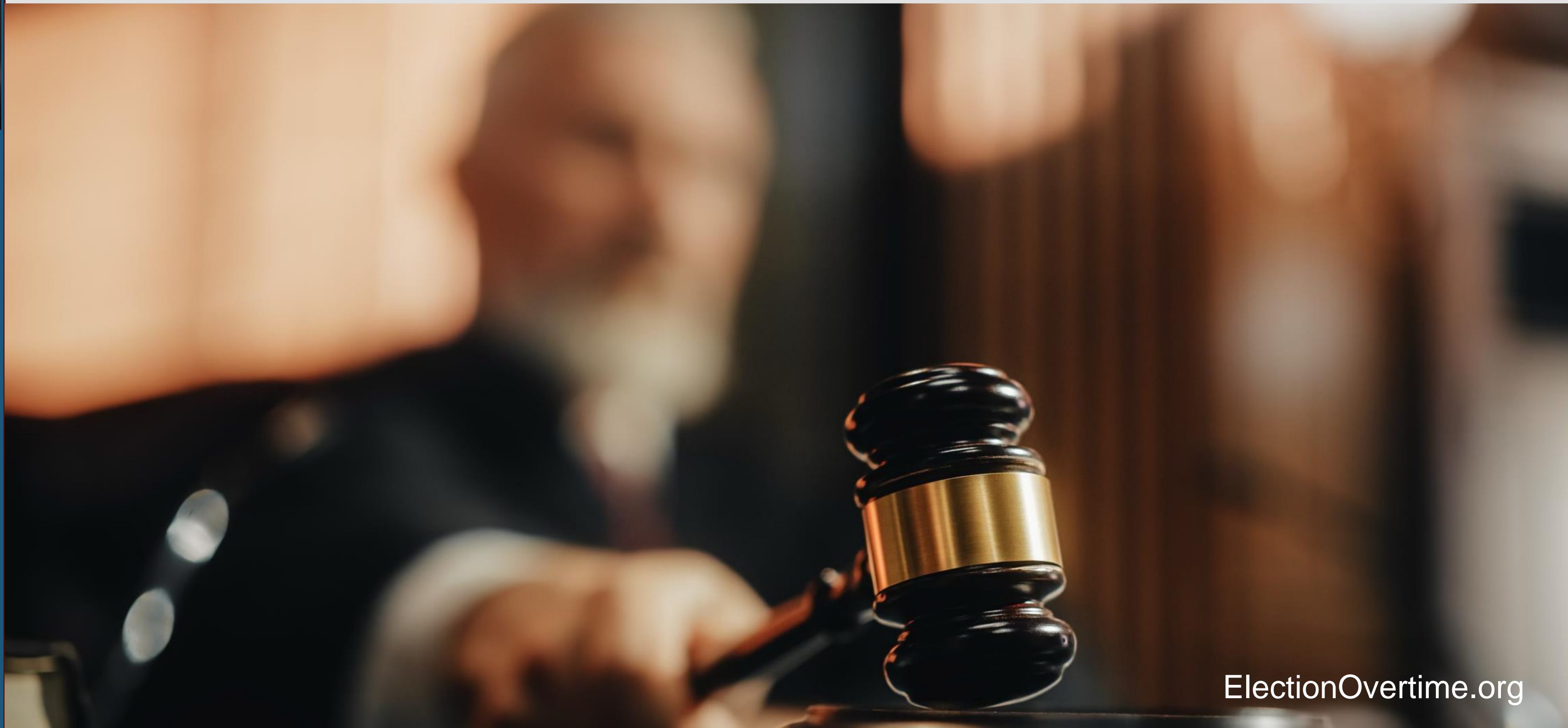


Jason Carter
The Carter Center

Trusted Outcomes



Make claims of election irregularities in accordance with the law and acknowledge the legitimacy of the outcomes after the results have been certified and all contestations decided.





Ben Ginsberg

Political Law Advocate

- Represented four of the last six Republican Presidential nominees.
- Co-author of *Lost, Not Stolen: The Conservative Case that Trump Lost and Biden Won the 2020 Presidential Election*
- Volker Distinguished Visiting Fellow at Stanford's Hoover Institution
- Co-chair of two nonprofits that aim to enhance confidence in American elections: the Pillars of the Community project and the Election Officials Legal Defense Network.





Ben Ginsberg
Stanford's Hoover
Institution

Election Litigation and the Rule of Law

A Major Role in 2024

- Over 100 cases filed so far – roadmap for post-election challenges
- Voter eligibility
 - False registrations, non-citizens, non-residents, dead voters
 - Mail and Absentee voting
 - Failure to maintain voter rolls
- Mail ballots arriving after Election Day
- Certification
- Ballots Not Properly Counted (GA State Board of Elections)



Ben Ginsberg
Stanford's Hoover
Institution

Election Litigation and the Rule of Law

A Major Role in 2024

- Rhetoric: Rudy Giuliani, Nov. 19, 2020: Election was a “massive fraud”
- Reality: 64 court cases in 6 states produced no evidence of fraud or irregularities that impacted election results.

<https://lostnotstolen.org/>

- 30 dismissed on the merits
- 14 voluntarily dismissed
- 20 dismissed before a hearing on the merits
- Plaintiffs got their day in court but didn't have evidence



Ben Ginsberg
Stanford's Hoover
Institution

Jill Stein on 2016 Pa, WS, MI Recounts Hillary Clinton's campaign joined on Nov. 26

- “What we have are predictors that if tampering took place, it would be most likely to discovered in the three states where we are looking. Unless we actually look, we would never know.” Jill Stein, Nov. 28, 2016 admitting her campaign did not have evidence. <https://www.cnn.com/2016/11/28/politics/jill-stein-recount-2016-election/index.html>
- **Clinton to join recount that Trump calls ‘scam’ – CNN Nov. 28, 2016** <https://www.cnn.com/2016/11/26/politics/clinton-campaign-recount/index.html>



Kim Wyman

Washington's 15th Secretary of State, Senior Fellow at the Bipartisan Policy Center

- Served nine years as Washington's Secretary of State, Republican
- Career in elections spans 30 years at the state and local levels.
- Pioneered some of the country's first vote-by-mail elections and collaborated on cybersecurity initiatives including the Electronic Registration and Information Center (ERIC).
- Appointed by President Joe Biden to Cybersecurity and Infrastructure Security Agency (CISA) as Senior Election Security Advisor.





Kim Wyman
Bipartisan Policy Center

Election nitty gritty: Resources, myths, what-ifs



BPC Turnover report: some good news and important context.
(Access at: [BipartisanPolicy.org](https://www.bipartisanpolicy.org))

Additional points:

- Mistakes in elections do not mean bad intent.
- Results have never been final on election night.
- How to know when there is a problem with an election.



Carmen J. López

President, CL Strategies

- Supports communities to build a representative and accessible democracy
- National expert in election protection matters including observation and monitoring
- Previously worked with State Innovation Exchange and Thornburg Foundation
- Consultant to The Carter Center on domestic election observation
- Holds Master of Public Policy from Harvard's Kennedy School of Government and a BA from Mount Holyoke College



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Election Reformers Network

ElectionOvertime.org



Carmen López

Election observation expert

Election observation takes many forms

- Election observation occurs in every U.S. state and across the globe.
- Who observes in the US?
 - Partisan observers/watchers
 - Nonpartisan monitors, researchers, observers
 - Constituency-based people
- Who observes internationally?
 - Government-sanctioned organizations
 - Non-governmental organizations



Carmen López

Election observation expert

Why does election observation matter?

- Educates citizens about the election process.
- Increases transparency and trust in elections.
- Research indicates that international election observation reduces fraud, encourages participation, and boosts confidence in the election.



Carmen López

Election observation expert

What is nonpartisan election observation?

- Individuals observe election processes to determine:
 - The level of transparency
 - Adherence to law and/or election standards.
- Observers adhere to principles of:
 - Non-interference
 - Fact-based observation and reporting
 - Attention to process not outcome



Ari Mittleman

Executive Director, Keep Our Republic

- Organizational focus on “unconventional threats facing our election system”
- Currently convening cross-partisan community conversations in battleground states, advancing trust in the election process
- Former Senate Hill staffer
- International peace work includes extensive efforts in the former Yugoslavia
- Speaks Bosnian, Croatian and Serbian





Ari Mittleman
Keep Our Republic

More Ways to Engage with Keep Our Republic

KeepOurRepublic.org

Bipartisan Call to Uphold Electoral College Integrity

Governors Urged to Certify Electors by Deadline



David L. Nevins

Journalist, columnist, co-publisher, The Fulcrum

- Co-founder and Board Chair of the Bridge Alliance
- Member of the Aspen Institute Society of Fellows, with focus on public leadership
- Established the Nevins Democracy Leaders program at Penn State University
- Holds an economics degree from Penn State and an MBA from the Wharton School at the University of Pennsylvania



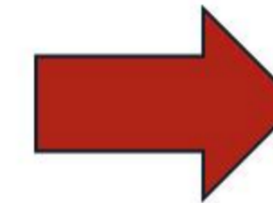


David Nevins
The Fulcrum

The Fulcrum's "Election Overtime" Collection is available for reprint

- The Fulcrum offers a collection of articles related to "overtime" and the rule of law. All are available to reprint.
- Will be posting to this tag through Inauguration Day.
- Also honored to reprint quality pieces that others produce.
- **Submit to:**
dnevins@fulcrum.us

COLLECTION TAG



The screenshot shows the Fulcrum website interface. At the top, there's a navigation bar with 'Mission', 'Team', and 'Contact Us' on the left, and 'Leveraging Our Differences' above the 'FULCRUM' logo on the right. Below the logo are menu items: 'ELECTIONS', 'GOVERNANCE', 'PLURALISM', 'PRINCIPLES', and 'TRENDING'. A search icon and a 'SIGN ME UP' button are also visible. The main content area shows a breadcrumb trail 'Home > Election Overtime' and a sub-header 'Election Overtime'. The featured article is 'Close elections are normal: Prepare for November's Election Overtime' by Kristina Bevar & David L. Nevins, dated Sep 19, 2021. To the right of the main article are several smaller article thumbnails with titles like 'New poll reminds us that the rule of law is on the ballot', 'When lawyers attack the rule of law', 'Is a presidential effort to overturn an election with force a new norm?', 'New project will prep media, voters for 'election overtime'', 'Election deniers and defenders poised for next phase in voting...', and 'How vote count mistakes by two rural counties fed Trump's bi...'.

TheFulcrum.us/tag/Election-Overtime

COLLECTION OF
ARTICLES,
GROWING WEEKLY





Upcoming Events

National Project Launch: Briefing #1 – 9/24/24

Official launch of the Election Overtime project including overview of resources and expected priority races nationally. National and state reporters plus good government allies invited.

AZ Pre-Election Briefing — 9/30/24

Pre-election, in-state reporters with nationals invited. Focus on AZ election matters and materials.

PA Pre-Election Press Briefing — 10/2/24

Pre-election, in-state reporters with nationals invited. Focus on PA election matters and materials, as well as certification timing.

NC Pre-Election Press Briefing — 10/4/24

Pre-election, in-state reporters with nationals invited. Focus on NC election matters and materials.

MI Pre-Election Press Briefing — 10/9/24

Pre-election, in-state reporters with nationals invited. Focus on MI election matters and materials.

NM Pre-Election Press Briefing — Week of 10/7/24*

Pre-election, in-state reporters with nationals invited. Focus on NM election matters, as well as implementation of the false electors law and nonpartisan election observation.

GA Pre-Election Press Briefing — Week of 10/7 or 14*

Pre-election, in-state reporters with nationals invited. Focus on GA election matters, as well as implications of recent State Election Board rulings.

WI Pre-Election Press Briefing — 10/7 or 14/24*

Pre-election, in-state reporters with nationals invited. Focus on WI election matters, including the big question: Is WI closest race in the country?

National press briefing #2 — 10/21/24*

Pre-election, all reporters, all states. Summary the state briefings, what we are hearing in the key states, what to watch for, story leads including post-election legal experts.



QUESTIONS?



Contact Us!

Heather W. Balas

Vice President

Election Reformers Network

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ElectionOvertime.org



REFERENCE

Election Brief's Questions

1. What are the **roles of key figures** like election boards, poll workers, challengers and observers?
2. What about **nonpartisan election monitors** or observers from the public?
3. What are observers **allowed to see**?
4. How is the **security and accuracy** of equipment verified?
5. How do officials verify registration and validity of **individual voters**?
6. How are the **initial tabulations** checked and verified?
7. Who certifies results in your state, and what issues have arisen around **certification**?
8. What's changed since 2020 about the **role of Congress** in concluding the presidential election process?
9. What **recourse** do candidates or citizens have if they think election officials did something wrong?
10. What's required of plaintiffs and what can journalists expect in an **election challenge**?
11. Why do some election challenges **go to trial** while others are dismissed by the judge?
12. What challenges emerge when reporting on **election court cases**?

observers
candidates
presidential
checked
verified voters
recourse
validity boards challengers
cases journalists
nonpartisan dismissed security
Elections
challenge key
officials
citizens
certification monitors figures
registration tabulations equipment
states plaintiffs
results accuracy
challenges
courts
disputed