

# The Right to Vote: A Conversation with the Co-Chairs of the Presidential Commission on Election Administration<sup>1</sup>

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GERKEN: It is delightful to be sharing the question-and-answer session with Bob Bauer and Ben Ginsberg for two reasons. The first is that they are far more expert than any academic on campaign-finance laws, so I'll give the hard questions about my talk to them. Second, any time that you're annoyed about something in campaign finance—soft money loopholes and so on—these are the guys that drove the big trucks of money through those loopholes. So, I'd be delighted to send those questions their way as well.

The topic for the next period, however, is going to be the president's commission on election administration. You may remember what the president said when he accepted the presidency—that we need to fix the lines. In the wake of that comment, he created a commission, and Bob and Ben are the Chairs of it. They're going to talk a little about the mission of that commission, the work that they've been

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<sup>1</sup> This conversation took place on 15 November 2013, as part of a symposium on the right to vote.

doing, and what they've been seeing on the ground. Then we'll close and answer questions on any of these topics.

My first question is simply: What is the mission of your Commission? I ask this because most election reformers think that you're going to fix everything. And, so, are you going to fix everything?

GINSBERG: No, go ahead. The softballs are all yours.

BAUER: Yes, I think, obviously we are doing this as Linda [Greenhouse] mentioned. We are partisans. I'm on the Commission, not so much because I was White House Counsel but because during the same presidential campaign, I was counsel to Obama for America when Ben was counsel to the Romney-for-President campaign, and this Commission is not intended to fix everything—it's penance for the number of loopholes that Ben and I have developed over the years. But the answer is no, we can't fix everything. And there's an interesting question to raise about what it means to "fix" problems with the political system, and I hope we can talk about that because what is a problem sometimes depends entirely on the vantage point of the observer and, sometimes, a partisan observer.

But the goal here is to look at an electoral process in the United States that in some respects works remarkably well for many Americans and in other respects, when it breaks down, is surprisingly and disturbingly dysfunctional. Lines being one example, but not the only example. The Executive Order under which we're operating identifies a host of issues in the operation of the electoral process that presents significant impediments to voters and the exercise of franchise. I'll pass it on to Ben here to talk in more detail about the Executive Order. It's not a "fix everything;" it's a "look at very specific issues that nonetheless could make a big difference in the experience of voters."

GINSBERG: Well, as a partisan hack, I'm honored to be before all of you. The mission of the Commission is one where the president laid out an executive order, and the topics that he asked us to fix are the ones that are barriers to voters in the more than 8,000 separate voting jurisdictions in the country that have some authority. So, we are asked to try and deal with barriers to voting faced by individuals in polling places.

We're conscious of the fact that there are no one-size-fits-all solutions; what you face here in Philadelphia is going to be distinctly different from what someone in rural Kansas faces as obstacles, but those obstacles exist and the president laid out a number of things,

including the number of polling locations and the management, operation, and design of polling places, which includes the long-line phenomenon. It includes poll workers—how do you get enough poll workers who are trained well enough to help out with elections; issues that arise for military and other overseas voters in terms of getting their ballots back and forth, voting machine capacity, technology, and ballot simplicity? What do you do in disaster situations if another Hurricane Sandy hits near Election Day? So we've been asked to very much deal with the blocking and tackling of casting a vote, and what state and local election administrators face in trying to allow people to exercise the franchise.

GERKEN: So can I ask you about the structure of the Commission and who's on it? Typically when you see presidential commissions, you see members of the groups on it, the groups being all the good governance groups and the civil rights groups, all the sort of interest groups that are involved. You typically see luminaries, not that you aren't luminary in your own right, but you usually see a former president or former Secretary of State or majority leader as a titular head, so that they can strike a deal. You do see academics. (And I'm glad to not see them on this commission because it means you might get something done.) It's a very unusual commission, and I wonder if you might talk a little about who's on it and why those are the folks who are on it.

BAUER: It's an important question because the Commission could have been designed a number of ways, but it was designed very much with the view that this was a matter of public administration and the people who are expert in the issues that we were looking at were the best people to set up the Commission. And if we looked at it as an issue of public administration, we could take it outside the sphere of partisan controversy at least to some extent. It's true that Ben and I co-chair it as the only clearly identified partisans. I am sure there are party affiliations among the other commissioners, but that's not how they live in the world, that's not how they make their living, and that's not how they are known.

We have five election administrators, either former or current, who have deep experience in administering elections at the state and local levels, and then three senior business executives who have significant experience with customer service—with actually dealing with delivering products and services to customers in the way that we ought to be able to deliver, in a readily, reliable, convenient, and efficient fashion, the franchise to voters.

GINSBERG: Just to give you some idea of the scope within the Commission that Bob mentioned—and it's been a tremendously educational experience for us to be able to sit down with these people and go around the country and talk to the numerous election officials and participants in the process—we have a former Secretary of State in Trey Grayson, who's now running the Institute of Politics up at the Kennedy School at Harvard; Tammy Patrick, who works in Maricopa County, Arizona; Chris Thomas, who is the State Elections Director for the state of Michigan; Larry Lomax, who has been head of the Clark County, Nevada, Las Vegas, board of elections for 20 years; and Ann McGeehan, who worked in the Texas Secretary of State's office putting on elections there. So we tried to mix it up.

From the private sector, we have the woman who is the General Counsel at the New York City Public Library and, formerly, the General Counsel of Allstate. The gentleman who's the chief operating officer for Deloitte Touche in the United States is on our Commission. And the vice president for theme parks at the Disney Company is on our Commission because if you're going to deal with lines, who's going to do it better than Disney?

I will tell you that he has brought a perspective to our group we would not, I think, otherwise have known, which was amplified by his comment at one of the public hearings, which was basically, "You people are crazy. Why don't you have a concession stop at the end of the voting lines?"

GERKEN: One of the things I was really struck by when I was in the boiler room in 2008 and 2012 (sorry, Ben, it was not in your boiler room; it was in the Obama campaign's boiler room . . . )

BAUER: Otherwise known as the *right* boiler room.

GERKEN: . . . in Chicago was that you could really get a glimpse of the invisible election. We tend to think that election problems happen in places such as Florida and Ohio. But we think that because there were recounts there, and you two spent an enormous amount of time showing us all the problems that occurred during those recounts. When you are in a campaign boiler room, you start to realize that a lot of the problems we saw in Ohio and Florida are happening in other places and elections. It's just that the margin of victory is so great that these problems don't affect the outcome and thus don't get any attention.

I remember in 2008 when the Secretary of State of Ohio said that the elections in Ohio were a success because the cameras turned off at 8 o'clock. But, of course, the cameras turned off at 8 o'clock because

we had a president. You two have probably seen more of the invisible election than anyone. What do you think are the everyday problems that occur in states and localities?

GINSBERG: You know, primarily what I think I've been struck with over the years, and it really has been amplified by the Commission's work, is that there are 8,000 separate jurisdictions, as I mentioned. That means that there are 8,000 individuals on the state, county, and local levels who have some control over the way people cast ballots. You will not be surprised that there is some inconsistency in the quality across those 8,000. So, it's just the diversity of the system because of how many different places there are. So, if your goal is to have all similarly cast ballots counted the same, and to allow people to have access to the polling place freely, having a system like we have with so many jurisdictions complicates that.

BAUER: There is also one other aspect of the boiler room perspective that you mentioned that I think illuminates what we are facing here, and that is, in 2000, the country woke up somewhat to the difficulties in the administration of the electoral process, brought home by the recount in Florida in the presidential election. And since then, there have been fits and starts in trying to deal with this. But the boiler room that Heather mentioned really represents an extraordinary development in presidential politics—and I know there were some comparable efforts on the Republican side—and that is a multimillion dollar effort built into a \$1.3 billion dollar campaign, involving hundreds of people who for 1 year were out in the states looking for those kinds of problems and trying to help election administrators solve them.

Not the political party—this will get to a conversation I hope we have about state of political parties in the United States—but the campaign had a voter-protection program that was organized 12 months before the election; deployed people to the states 9 months before the elections; and was centrally located and, as you can imagine, heavily lawyered, the sole purpose of which was to help us shore up the reliability of the electoral process, working with election administrators, providing additional resources, using legal skills to try to identify problems and solve them. It's an entire—if you want to use the word “shadow”—shadow apparatus that is attaching itself to an electoral administrative process that is under-resourced and inadequately managed in many critical jurisdictions.

GINSBERG: There was a comparable Republican effort to ask the many over-caFFEinated lawyers who wanted to volunteer for campaigns to

help out. Since Florida, they all agree to do it. But the truth is, when we do these efforts, we do them primarily in presidential battleground states, so there are many jurisdictions that we have seen in this process which still have problems, who don't get that "shadow" effort attention.

GERKEN: I do remember at the end of the day in the boiler room, there was a moment when a hapless clerk had tried to tell all the people who were in line to vote that when the polls closed, they couldn't vote. That's against the rules, of course. And our very young volunteers immediately informed them of the law and called in the lawyers. The last note that came in from them said, "We called the cops, just in case." It really gives you a sense of how thorough a support system it was.

One of the things that people often think is the real problem with the way we run our election system is partisanship. It's not surprising. You see a problem in Florida or Ohio that's not happening elsewhere. You inevitably notice that some of the decision makers have clear partisan affiliations. Otherwise, it's a black box. So you just add the two things together and say, "That's partisanship." And then of course the lawyers for the recount—Ben Ginsberg and Bob Bauer—get on television and say, "Partisanship, partisanship, partisanship," during the litigation that follows. There's a saying among computer programmers—it's called Hanlon's Razor—that you should "never attribute to malice that which can be adequately explained by stupidity." I wonder whether you would accept a different variation of that saying, which is, "Never attribute to partisanship that which can be adequately explained by a lack of resources." What is your view about the role that partisanship plays in election administration?

GINSBERG: I think it's sporadic, and it depends where it is. I think that most of the election administrators we run into—have run into—really do have the best of intentions and motivations in their job in trying to be sure that people can cast their ballots. Now, it is an odd twist of our system that we put partisan elected officials at the top of most of our state-election mechanisms, and it happens. And so whether it's a decision that they make for the right motives or a decision they make for the wrong motives, Bob and I will take the opposite position on whether it's benign or not. By having a system in which we do have partisan elected officials running our election system, it will be fodder for those charges all the time.

BAUER: I cannot honestly express my opinion entirely outside my role as a co-chair here. I also agree that to a degree that some partisans

would find it surprising, partisan officials who run elections on the whole in most jurisdictions are trying to deliver a service to the voters reliably, and they're trying to avoid being seen as partisans in the discharge of that particular function. Some of them, by the way, have aspirations to a higher office, and it is deadly to them to be entirely cast as a partisan hack in the discharge of a public function. The concern I have—which is why I think that this is not a tenable arrangement over the long run, but it's a deep-seated practice and would be very difficult to dislodge—is that they're under tremendous pressure no matter what their intentions are. They're caught in a classic conflict of interest. On the one hand, the larger number of voters as a whole—the electorate, if you will—look to them to perform neutrally. On the other hand, they're fully well aware that they're being judged differently by their own partisans who very frequently place on them very aggressive expectations that they should judge particular issues, or rule on particular matters, in a way that's beneficial to their side and not beneficial to the other. We shouldn't have them in that position; that's just the wrong position for them to be in even if they are well intentioned.

GERKEN: Can I ask one more question about partisanship? One of the things that I've been struck by is this: I often ask election administrators how they got the job. A lot of them came to be election administrators through the party system. That's fine, of course, but the party system is not really where one gets trained to be an election administrator. It's a bureaucratic position with technocratic requirements. Do you think that's a problem, or do you think people just figure it out when they get to the job?

GINSBERG: I think, by and large, people figure it out when they get to the job. We've also gone and talked to the five or six organizations who are dedicated to training election officials so that even the ones who rise through the system in a partisan fashion do have bipartisan organizations to go to and get some training.

BAUER: That is correct. Of course, they were not necessarily progressing through the system on the basis of their capacities for public administration. And so you're going to find people with varying abilities to absorb the training offered to them. But there is the further problem. They have to rely on a staff, and that staff is a volunteer core that is recruited by and large—and there are some state employees who obviously support the offices of Secretaries of State—but they by and large have to rely on a volunteer core that is re-recruited for every election cycle, works 17- to 18-hour days, and is paid roughly \$100 per day.

And here is what we discovered as we went around the country: The average training time for these poll workers is roughly 2 hours.

GERKEN: Ben mentioned that one size does not fit all in terms of the Commission's recommendations. Who are you targeting? Just to give the audience a picture of election administration, there are giant jurisdictions like L.A. County, which is so big that running L.A. County is basically like running an election system for a country. And then there's Maine, which is not a big state population-wise to begin with. It has something like 430 jurisdictions. There are incredible differences in the size of jurisdictions. The big jurisdictions actually contain a big proportion of the U.S. population, but they're also the mom-and-pop stores of election administration. You've got a Disney executive on your board, but you've also got to think about the mom-and-pop stores running the election system. So who are targeting, and how are you thinking about that problem?

GINSBERG: The president's charge to us was to produce a series of best practices on the topics in the executive order. So, there are a number of best practices that fit into all these topics. They may not be applicable to each jurisdiction, but if there is a problem under any of these topics, we hope that the citizens of that jurisdiction will be able to go to the best practices and hold their local election administrators responsible for the parts they haven't done correctly.

So, if you have something like poor polling-place management and lines, it turns out that these issues occur in jurisdictions of all sizes. There are any number of causes of lines. Not every place with long lines had the same reasons for those lines, but we will provide the best practices along with some basic resources to be able to judge how to fix or anticipate the problem.

BAUER: One of our commissioners, Chris Thomas, who's been Director of Elections at Michigan's Office of Secretary of State for more than 20 years, now also an extraordinary commissioner, likes to say, "To say one size does not fit all is well enough and good, but in most polling places, exactly the same thing happens: Somebody shows up, somebody expects to get a ballot, somebody gets to cast it, and it gets counted." So one-size-does-not-fit-all is oftentimes a defense that administrators will put up against the suggestion that they're doing something wrong, and they should be, for example, borrowing the practices of another jurisdictions. Sometimes it is a legitimate sort of suggestion that their resources are different than, say, metropolitan New York, although



that is not a great example. (I shouldn't pick that one.) But, in any event, I think our view is that most of what we are going to produce should be helpful in most jurisdictions in the United States.

GERKEN: Everybody who is in this field knows that lines are a symptom of other problems. Election systems are like ecosystems—everything is related. If your voter registration system isn't working, you're going to have problems on Election Day. If you are thinking about the ecosystem and the source of lines, what is most important for us to target in terms of the source?

GINSBERG: The one that I would worry about the most is actually the technology—the voting machines that we have. In all the hearings we held around the country and in conversations with people, we have yet to find an election administrator who is satisfied with his or her equipment. None of them think it is terribly good equipment. Not only that, most of the equipment was bought under the Help America Vote Act, a \$3 billion dollar appropriation in 2002 that was a reaction to the 2000 election. Those machines are about to wear out, and they'll last through 2016 with maybe a few lasting to 2018. But it's a huge resource problem because there is no appropriation from Congress on the horizon, nor have state and local jurisdictions budgeted for them. So you have machines now that people aren't satisfied with—a set of machines that are aging rapidly and have not kept up with technological advances.

And that to me is the biggest worry, plus a certification system for new equipment that was put in place in 2005. It's the charge of the Election Assistance Commission to be able to provide certification for new equipment, except no commissioners are on that group now. You've got a situation where you need new technology. Current technology is wearing out, and the prospect of finding improved replacement equipment is difficult.

BAUER: I agree with Ben. I'm still struggling to figure out how I would rank the various factors of the ecosystem that, on an interactive basis, produce the problem. But I'll just mention one that may be simple. He mentioned machines; I'll mention paper, and in particular the presentation of the ballot.

We had a hearing here in Miami in which one of the county commissioners produced for inspection a ballot that was handed out to voters on Election Day. This ballot was four double-sided pages of single-spaced print in two languages and involved multiple offices,

some of which I'm quite confident most people wouldn't guess even existed, along with numerous other propositions that the voters were called to express an opinion on. So when you talk about voters coming into the polling place and the possible congestion that results, they're standing at the machine—or if they're voting it by paper, then with their paper—going through these long, cumbersome, complicated ballots with wordings of propositions that have been lawyered and, in a variety of ways, processed to death. It may not be as dramatic as the machine technology problems, and yet it is part of a problem that we have heard from jurisdictions throughout the country.

GERKEN: Okay, so why not registration? Is it because you two are trying to be assiduously non-partisan and just want to avoid elbowing each other? Unlike most other modern democracies, we put the burden on the voter to register him- or herself to vote. It's an odd requirement because registration just indicates that a voter is a legitimate voter; it doesn't force him or her to vote. In a lot of other countries, the state registers voters. But we contract this job out to private parties. You talked about the parties supplementing the election administration system. One of the major ways that they do that is by registering voters. And, of course, that leads to shenanigans about which both Republicans and Democrats have been very unhappy. Republicans are often worried about fraudulent registration. The Democrats are worried about places like Florida, which imposed such heavy burdens on registration laws that everyone except the Obama campaign dropped out of the registration game—including the Boy Scouts and the League of Women Voters—because they couldn't afford the fines if they made a mistake. So what about registration?

GINSBERG: Well, there are a number of solutions to that issue, and the states that are trying we encourage as much as we can. For example, online registration is a phenomenon that is happening in more and more states, both Democratic and Republican states. It allows individuals to go right online and do their own. You don't have the data entry problems, and we'll encourage the use of certain tools that make it easier to register online.

There is agreement across the political spectrum on the cleaning up of voter registration rolls, which is part and parcel of the registration issue. There are two programs in which states are banding together to be able to keep their rolls clean because that obviously makes things easier—one run by Pew called the ERIC Project that has about seven or eight states, and the other called the Kansas Compact, which has, I think, 27 states now. I think that we'll make strides in that area.

BAUER: I agree. I think there are registration reforms that Ben and I and other commissioners have had presented to us on a bipartisan basis that I think there's some reason to believe could be supported on a bipartisan basis. I wanted to say one thing about the party involvement in registration efforts. One of the peculiar and key areas of our system is that the states do a very inconsistent job, or, in some instances, a different job, of worrying about whether people who are eligible are in fact registering. In other words, the promotion of registration—drawing people into the process and enhancing participation—that Rick Pildes mentioned in his presentation: it's not happening through the government. We don't have a mandatory national registration program or even significant resources devoted to mechanisms or systems for bringing people into the process and registering them.

As partisan as it may be, the parties are doing that; the candidates do it (in fact, as I mentioned, it's the candidates who were doing it in 2012); and third-party organizations do it. There are some controls that the states have put on that—sometimes in good faith, sometimes in bad faith—but at the end of the day, the parties play an instrumental role, as do their candidates, in encouraging people into the process. Now, this arrangement does create issues, but we think there are ways that the states can control for those issues by reforming registration processes.

GERKEN: I once wrote that I wished I could put a bunch of election administrators in the room along with the head of Starbucks because election administration needs to be more oriented toward customer service, from the design and location of polling places, which aren't always conveniently located for people who are working, to ballot design and so on. Now, you guys were much smarter because you got to go to Disney World, which is better than getting free coffee.

GINSBERG: I have been with President Obama's counsel at the Dumbo ride. I don't know how I got to be so fortunate in life to see Bob in the little tea cups.

GERKEN: I know that you are under strict secrecy orders. I imagine there are secret service guards who will take you down if you even start to breathe a word about a single one of your recommendations. Still, could you tell us any of the high moments that came when you put election administrators and the CEOs together?

GINSBERG: I think we had one in Dumbo's flying circus to be honest. We all take kids or grandkids to Disney World, and standing in line in

Disney World with hyper energetic 3-, 4-, and 5-year-olds is a little bit of a daunting task. So they take us to Dumbo's flying circus, and you see where all the lines are, except there's nobody standing there, which we think is kind of curious. They take us inside and show us how they give people a time when they'll be able to do the ride, give them a buzzer like you get in a restaurant that tells you when your table is ready, and then unleash the kids into this gigantic playground where they go up and down on slides and can play with all sorts of things.

So it's a brilliant idea in terms of finding polling-place facilities if—a slide for voting would be perfect—you have a big room where people can sit and work while they're waiting for the time that they've been given to vote. To me, that was a high moment that we should have thought of on our own, but didn't.

BAUER: That's correct. I think that we've seen and heard some things about business's serving customers that are not routinely thought of in the election administration community. But one thing I would say—and I say this because I think it was Rick Pildes who mentioned that he was presenting an irrational system to a rational audience—is that the Commission, and maybe we're just lucky with the chemistry, but with doors closed and commissioners sort of looking at information and having a conversation about election administration, as charged as this whole topic generally is, we have found that we could arrive at suitable, informed recommendations based in part on sound management practice.

I can't forecast how successful we'll be, but the conversation has been just blessedly focused on the merits; it's been free of rancor, it's been free of unnecessary political provocation, and people are so enjoying having these conversations that it is immunized from the usual nasty back-and-forth that people are familiar with from daily political dialogue. So it raises a question: Are we just lucky, or is there really a way that you can design productive conversations like this in a realm with even strong partisans like Ben and me in the room?

GERKEN: We began our panel by asking whether we can really fix "that." I have a question about election reform. As you know, election reformers have the most pathetic lives of any human beings we know. That's because they set out to do the impossible, which is to convince the foxes who are guarding the henhouse to pass election reform. Getting reform through Congress and state legislators is really hard because the people who know the most and care the most about the reform are the politicians who oppose the reform. I take it your reform

strategy is to bypass legislators and look to election administrators themselves. Do you think this is a better strategy, or are you going to look back at the last year of your life and think you are as pathetic as the election reformers that you have been mocking for many years?

GINSBERG: You go first.

BAUER: The reform that you are talking about in a particular case is going to determine the mechanism by which you affect the reform. There are certain things that we can do without calling for federal legislation, and it would be significant. It could be potentially very consequential, and some of it may involve, some of it may inspire, federal legislative or state legislative activity but won't be dependent on it.

Now, there are other cases like the ones that you address in your remarks, such as campaign finance reform and gerrymandering reform, where you can't take it and succeed in effecting reform on the administrative level. But I think in our sphere of election administrative reform as an exercise in public administration, yes, we can actually get a lot done without the arrangement having to be turned over to elected officials.

GINSBERG: We were informed in what we set out to do by previous commissions in this area. There was a huge number of things to do to make the voting experience better, and it is also possible to overreach and get into the political hotbed where the sides are going to be opposed. If we had done that, we would have bypassed the numerous things where we really can make a difference.

LINDA GREENHOUSE<sup>2</sup>: I'm inspired by the fact that two partisans can be so civil and describe such a civil process.

GERKEN: They're kicking each other under the table.

GINSBERG: He also didn't see what I slipped into his water.

GREENHOUSE: We're going to have our Q&A now, but I'm going to take the prerogative of throwing out a question to you two, which may be outside the mandate of the Commission, but I'd like to hear your thoughts.

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<sup>2</sup> Linda Greenhouse served as Vice President, in the Chair, representing the American Philosophical Society, on the date of the present conversation.

In the year since the Supreme Court ruled on the Voting Rights Act, we have seen a number of practices come back in certain states that are neutral on their face but, one could assume, have been adopted knowing that they would have a disparate impact on the ground. For instance, North Carolina got rid of much of its early voting system where people didn't have to wait for Election Day. And one wonders whether it was a coincidence that a very substantial percentage of the African-American voters were availing themselves of the early voting, which then North Carolina, no longer having to be accountable under the Voting Rights Act, got rid of.

So what about practices like that? Is there anything that we can do or highlight about facially neutral but disparately impactful procedures like that?

BAUER: This is obviously a major question about those state legislative enactments and how people view them. On the one hand, there are people who support them, who think it's ordinary course regulation in the public interest to control fraud and make election administration more efficient. On the other side, there are many who are highly suspicious of these enactments, concerned about their constitutionality and the intent behind them.

This Commission can't, obviously, address those issues successfully. But as we did in the Obama campaign in 2012, and Heather Gerken was part of the legal team that was involved, we sued over early voting restrictions in Ohio. And I will say, there will be, now, a long period of legal contest, and the indications are that some will be won and some will be lost, but there is a change in jurisprudence of the country that I think is going to pose real challenges for states like North Carolina. (Ben may disagree. Actually, Ben will disagree.) But there is going to be a change in the jurisprudence, and it will pose problems for North Carolina, and over time, I think it's just going to have to be frankly worked out in that way through litigation and in one other respect: ordinary politics, through the demands and expectations of voters.

Early voting, just generally speaking, is sweeping the country. Why is it sweeping the country? Why have we heard from election administrators, both Republican and Democratic, that they like early voting? Because their voters are asking for it. Their voters are insisting on multiple opportunities to vote beyond the 12-hour period traditionally afforded on Election Day. So, there will be both politics pushing this result, having an impact on the outcome, and legal activity.

GINSBERG: There are areas that are best left to the political and legal process for resolution. That if a Commission has to get into the process of making recommendations on that, the bipartisan spirit we can bring to fixing so much that needs fixing will get lost.

GREENHOUSE: Okay, we're now open to questions.