



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

Testimony of Jocelyn Benson, Michigan Secretary of State

Submitted For the Record to the Michigan State Senate Elections Committee

April 28, 2021

As Michigan's chief election officer, I am submitting this testimony today on behalf of the people of Michigan to highlight the ways in which the bills before you fail to advance, secure, or protect democracy. Instead, several of them harm, complicate, confuse, or restrict Michiganders' hard-fought freedom to vote. They do not reflect the values, wants, or needs of our clerks, our citizens, our business leaders, or our state, and many seek to codify myths and misinformation into our election law.

It's particularly disappointing that on the heels of the most successful, accessible and secure election in our state's history, where more people voted than ever before, many of the bills taken up for discussion today would eliminate the very policies and procedures that made it successful and replace them with rules to restrict access and erect barriers to democracy.

For over two years, my office and the clerks throughout this state have sought to work with members of this committee to modernize our election laws in a way that furthers best practices and does right by all voters. Even recently, offering input on several of these and other bills, we have sought to inform you and your staff on the way they are either misguided, poorly drafted, unnecessary, or simply bad policy. Our suggestions are consistently ignored or dismissed. So I am submitting this written testimony today to formally underscore several of the most problematic aspects of these proposals.

Bills before you today seek to codify misinformation that members of this committee know full well is untrue. Based on a false claim that nonpartisan groups that help register voters through Michigan's online voter registration portal somehow have "direct access" to edit Michigan's voter registration database, **Senate Bill 282** restricts access to the voter file in a way that would ban the staff of Michigan's own technology department from accessing it - despite the fact that they built it, they update it, and they and maintain its security. It could even ban local clerks' staff members from accessing it as well, all in furtherance of a lie that groups like Rock the Vote have the ability to access the database. As the Bureau of Elections staff have repeatedly told this committee: they do not.

Next, as you all know Michigan citizens have a right under our state constitution to vote absentee. Many local clerks protect voters from having to pay the equivalent of a poll-tax to exercise that right by pre-paying the postage for absentee ballots returned through the mail.

Senate Bill 287 would ban local clerks from doing this. It serves no purpose other than to make it more difficult for all voters, and particularly low income voters, to exercise their right to vote absentee. It is particularly offensive that this proposal would try to dictate how local communities can use their own limited funds to support their voters. This bill should be rejected on its face as an affront to democracy, and local clerks have rightly criticized this as the state interfering with their local authority to serve their citizens.

Senate Bill 305 would inexplicably bar the most trusted sources of voter education and election information in our state – the Secretary of State and election clerks – from educating citizens about the mechanics of voting. At a time when misinformation is escalating and election administrators are the most reliable and informed voices available to counter it, this bill would ban them from doing so. It inexplicably opens the door for foreign and domestic bad actors to lie to our voters and restricts the very people voters look to for accurate information from providing them with reliable information on how to vote.

Finally, even bills that on their face seem like a step in the right direction are written in a way to create confusion and administrative challenges. **Senate Bill 274** would purportedly allow eligible 16-year-olds to pre-register to vote when they get their drivers' license. It's great that we all agree that 16-year-olds should be able to pre-register to vote. But this bill only provides one narrow path for them to do so and places unnecessary barriers to completing their registration that no other voters face – creating at best a confusing and at worst dishonest way of enabling the civic engagement of our young citizens. In fact under this bill, if 16-year-old's pre-registered to vote by mail or online their registration would be rejected.

An honest proposal should enable them to pre-register in the same manner as others register to vote. The good news is that we already have a process in place to do this that is clear, equitable, efficient and secure, and currently used to allow 17 ½ year-olds to register so that they can vote in an upcoming election in which they are eligible. Under this legislation, our office would not only have to create an entirely new and unnecessary procedure, we'd only be able to offer it to the select number of 16-year-olds who register at a branch office.

I will close by re-emphasizing to all of you, just as my staff and I have done repeatedly over the last several months, that it doesn't have to be this way. You don't respond to misinformation by proposing legislation that furthers the misleading claims – you respond it with facts to ensure voters know the truth. You don't draft harmful or nonsensical bills without input from the people who actually run elections. You promote policies that voters and clerks want and that data demonstrates benefit and advances citizens voices on both sides of the aisle.

Following the 2020 election I proposed a plan of policies that would build on our successes and ensure we replicated what worked to bring about the most successful, secure, and accurate election our state has seen in recent history.

But instead of doing what is best for our state and our voters, instead of following the facts and the truth and the data supporting this legislation signals you are choosing to be a part of a

national, coordinated and partisan effort to legislate in furtherance of false claims and misinformation about the 2020 election, doubling down on the Big Lie that has been disproven again and again.

Here's what voters do want in Michigan. They want to vote absentee without unnecessary burdens. They want to know when they return their ballot before 8pm on Election Day it will be counted. They want the freedom to choose how to vote and know that whatever option they select – in person or absentee – is safe and secure. They want the policies that made our election in 2020 a success, not policies that would undo the very freedoms to vote that they have embraced in record numbers in every election since they voted overwhelmingly to amend our state constitution in 2018 to expand democracy in our state.

I hope today and in the weeks that follow you commit to listening to those voters and our clerks, and work with all of us to truly advance the vote and protect democracy in our state.