



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

Testimony of
Jocelyn Benson
Michigan Secretary of State

Before the

U.S. House of Representatives Judiciary Committee

Subcommittee on the Constitution, Civil Rights, and Civil Liberties

Protecting the Right to Vote During the COVID-19 Pandemic

June 3, 2020

Chairman Cohen and distinguished subcommittee members:

Thank you for the opportunity to testify today. I started my career in Montgomery Alabama, investigating hate groups and hate crimes around the country. And it was there where I solidified my commitment to continue the work of those who've come before us, who, like Detroit's Viola Liuzzo, have sacrificed so much to ensure that every citizen's right to vote is accessible and secure. Today as Michigan's Secretary of State, and our state's chief election officer, my work is informed and inspired by the work of my colleagues and voting advocates around the country, many of whom I'm honored to speak alongside today. Collectively many Secretaries of State are working across party lines to ensure our elections remain accessible and secure in the midst of the COVID-19 pandemic and other challenges relating to the 2020 elections, but we need your help.

Today I will talk about what we are doing successfully in Michigan to ensure that every vote is counted and every voice is heard. But democracy is a team sport. We need a sustained and committed partner in our federal government to ensure we continue to live up to the one person, one vote promise in our constitution.

Our needs in protecting our democracy, particularly during this pandemic, fall roughly into three areas: education, resources, and policy. My testimony provides an overview of the challenges in each category, as well as some of the creative ways my colleagues and I are working to meet and overcome those challenges.

First, as we collectively endure this moment of great uncertainty, caused by a global pandemic that has taken the lives of 100,000 Americans and many more worldwide, it's within both my authority and responsibility as Michigan's chief election officer to ensure every voter knows that they do not need to risk their health to cast their ballot. My Republican and Democrat colleagues in several states share that commitment. All voters need certainty and clarity that our elections will be held on schedule, and that their right to vote will be secure.

We know also in 46 states and the District of Columbia that voters will have a right to vote by mail this year, ensuring they don't need to leave their home in order to cast their ballot. But this method is new for many voters, and a sustained, effective effort to inform every voter of their rights and choices this year – from how to fill out a ballot at home and return it to how to safely vote in person – is critical to ensuring every citizen will have confidence that their vote is counted. This need is particularly acute in cities like Flint and Detroit – and historically disenfranchised communities throughout the country – where voters' confidence and trust in their government is an additional challenge to overcome.

The need for voter education during this pandemic however goes further. This year, perhaps more than any other, Americans will be inundated by efforts to confuse them – about the

election process, their rights, the issues at stake, and whether the elections will be held at all. These efforts – foreign, domestic, partisan or simply malicious – are designed to foster mistrust in our elections process, depress turnout, and erode confidence in the election results and the sanctity of our democracy.

They are a real threat to the health of our republic. And they will escalate in the months ahead.

We need your help to respond with truth, facts, and data in the face of any attempts to deploy false information about our elections and our voters' rights. We must educate our electorate on ways to proactively seek out reliable sources of information, and encourage productive civil dialogue. We cannot let misinformation – whether it comes from the White House, the Kremlin, or anywhere else – sow seeds of doubt in our elections. Facts must prevail over fear. All of this, as well as building the election infrastructure to receive and process ballots sent through the mail, requires resources. Funds are needed for voting equipment to process more absentee ballots, personal protective equipment for election workers, mailing supplies and postage, and more. And meanwhile, like every state in the country, Michigan's government is experiencing dramatic revenue shortfalls due to the pandemic, and we cannot meet these funding needs on state and local budgets alone. We need your help. In Michigan, we received \$11.2 million for elections from the CARES Act, but we estimate we need \$40 million to prepare for our August and November elections during the pandemic. The funding provided in the HEROES act, for example, will go much further in ensuring we are able to meet the heightened needs of our democracy this year.

Finally, state and federal policy changes are needed to support states, local election officials and voters. Simply put, voters need consistent choices on how to vote this year and states need guidance in providing those choices. At the federal level, legislation is needed to enable all voters to vote absentee without an excuse, and to return their ballots by mail, at a ballot dropbox, or in person. No-excuse absentee voting is already a permanent option for all voters in 34 states, and 12 more states temporarily allowed universal voting by mail this spring. But federal legislation, accompanied by an education campaign, would make the process simpler for states, and send the message that the practice is safe and secure. The legislation must also bolster the safety and accessibility of in-person voting and voter registration.

I want to close by sharing a success story in Michigan, where we've already conducted an election in the height of the pandemic.

The vast majority of Michigan voters amended our state constitution in November of 2018 to give every citizen the right to vote by mail, create automatic voter registration through our offices and provide the right for eligible citizens to register to vote up to and on Election Day. Recognizing the importance of responding to this groundswell, my administration quickly implemented these new rights ahead of our March 10 presidential primary, in which we saw voters cast double the absentee ballots cast in the 2016 primary, and thousands do so in the final days prior to and on Election Day. This was all before there was a single known case of the coronavirus in Michigan.

Then in early May we held local elections – in the height of the pandemic – primarily by mail and demonstrated that even in the midst of a crisis, safe and secure elections are possible. We mailed every registered voter an application and instructions to request their ballot through the mail and vote from home.

We also provided a safe option for voters seeking to cast their ballot in person on Election Day. We launched a statewide effort – called Democracy’s Most Valuable Players or Democracy MVP – to recruit election workers and provided every jurisdiction with PPE – masks, gloves, hand sanitizer, etc. – along with maps and explicit protocols on how to lay out precincts to ensure six feet of distance between all election workers and voters. This gave voters options and enabled them to choose how they preferred to safely exercise their right to vote.

The result was that turnout doubled what it normally is for a May local election, and 99% of voters cast their ballots by mail or at a ballot dropbox. Voting in person was available, safe, and absent of any crowds or lines. There were zero reports of fraud.

The success of our two elections thus far in Michigan this year demonstrated that it is indeed possible, with the proper policies, education and resources, to ensure our remaining elections this year are safe, accurate, and secure. The experiences in these earlier elections informed my decision to mail every registered voter in Michigan an application and instructions on how they can vote by mail ahead of the August statewide primary elections. Importantly, my ability to do so was due to the CARES Act funding allocated to our state earlier this year, and we used nearly half our elections allocation on this expense. We are also continuing to recruit election workers, knowing that some of the seniors who typically serve will choose not to do so because of the coronavirus, but that jurisdictions will need more election workers than usual to count absentee ballots while still staffing polling locations so that in-person voting is accessible. Additional federal funds are necessary to help support local jurisdictions with ballot tabulators, envelope openers and other equipment that enables them to more efficiently handle large quantities of absentee ballots and protect the health of their election workers.

On our Election Day in May I visited numerous voting locations across our state and was so inspired. Even in the height of the pandemic, mask-wearing election workers were proud to be serving their communities. Meanwhile, a record number of ballots were arriving in dropboxes and mailboxes, demonstrating that even in a pandemic, people want to participate in our democracy, and for their voices to be heard.

Democracy can and will survive this pandemic. But we need your help so that I and election administrators across the country can ensure that it does. In addition to funding we need federal standards that:

- Extend the early in-person voting period in every state, allowing citizens to vote over an expanded period rather than in a cluster on Election Day;
- Assure every voter of their right to vote-by-mail (along with a number of other options for ballot return);
- Expand voter registration options to including online voter registration and same-day voter registration;

- Prohibit polling place adjustments or consolidations that disproportionately impact vulnerable populations such as people of color, limited-English proficient citizens, and students; and
- Educate voters and potential voters of new voting rights and practices and immediately counter misinformation.

Again, I thank you for opportunity to present this testimony today, and for your work in support of elections and democracy across the country.