



STATE OF MICHIGAN
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LANSING

Written Testimony of Jocelyn Benson, Michigan Secretary of State

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Shortly after noon on Wednesday, November 4, 2020 inside TCF Center in Detroit, over 500 challengers – representing both political parties and numerous nonpartisan organizations – were “freely roaming the floor where ballots were being counted” when, according to eyewitnesses from the media, “Republican challengers got bolder, at one point forming a circle around the tables and clapping and chanting in unison: ‘Stop the count! Stop the count!’”¹ Outside and on social media, protestors who had been fed misinformation about the ballot counting process echoed the chant claiming among other falsehoods “that the only valid votes are the ones counted on Election Day.”²

Let’s be clear. The tabulation of ballots in an election ends when all valid votes received by 8pm on Election Day are counted. Period. That is how we determine who wins – and who loses – in an election: we count every valid vote, even if it takes a full 24 hours after the polls close to do so, as it did in several communities throughout Michigan last November. And it often takes that long, or longer, to count every valid vote because a growing number of citizens on both sides of the aisle – including 60% of voters in last year’s election – vote absentee. This is precisely why we’ve continually – for over two years – asked this body to pass legislation allowing several days for communities to pre-process absentee ballots prior to Election Day. Doing so would lead to a more efficient complete tabulation of every valid vote and enable unofficial results to be released more quickly after the polls close.

Yet today the committee is considering legislation that would codify the call of those misled individuals who sought to interfere with the vote counting process last November, and mandate that officials “stop the count” of ballots at noon the day after the polls close in an election, regardless of whether every valid vote was counted.

It is appalling that any elected official in this state would seriously consider changing the law to cease the counting of legally cast ballots in an election before a full count of every valid vote is completed. And it’s another example of politicians choosing to codify the “Big Lie” rather than tell their constituents the truth.

So here, again, is the truth. The data and evidence demonstrate in the November 2020 election every valid vote was counted and only valid votes were counted. It was the most safe, secure and accessible election in our state’s history. All the intense, unprecedented scrutiny of the election confirmed how exceptionally well it was carried out by local clerks across our state. We rose to

¹ <https://www.freep.com/story/news/local/michigan/detroit/2020/11/06/tcf-center-detroit-ballot-counting/6173577002/>

² Id.

every challenge thrown at us – a global pandemic, threats to our lives, and a Big Lie spread by politicians seeking to deceive their followers and deny the fact that the results of our elections are an accurate reflection of the will of the people.

And now, months after the election was certified, bills like **Senate Bill 299** seek to change state law to validate what those who spread the Big Lie attempted to do – stop the tabulation of ballots before every valid vote is counted.

The one person, one vote promise is the central tenet of our elections and the inspiration for democracies across the globe. Yet this bill would enable unofficial results to be released before every valid vote is counted, robbing countless citizens of their constitutional right to vote and allowing countless more conspiracy theories and falsehoods about election results to flourish.

There is no honest rationale for this legislation – no problem it is trying to solve – but plenty of data to suggest it will create chaos, confusion, or even worse, enable election results that are not a full and accurate reflection of the will of the people.

In fact the Big Lie – and misinformation spread throughout the months following the November election – is the tie that binds the 39-bill package of election legislation under consideration by this committee. These bills collectively validate the efforts to deceive the public about our elections and wrongfully sow seeds of doubt about the integrity of our local election officials in an effort to score political points and further a partisan agenda. Another example is **Senate Bill 297**, which enables partisan appointees serving as county canvassers to block the certification of their local election results without even a shred of data or evidence. All they would need to do is simply not attend the canvass and the board would on that basis alone not be able to certify election results. This would enable political party representatives to legally halt the finalization of any election result they don't like – an affront to the very foundation of our democratic process.

We also now know, as recent reports have confirmed³, that the legislation you continue to advance is not – as bill sponsors have claimed – the result of a deliberative, collaborative process that responds to the needs of our election administrators and the will of Michigan voters. Rather, it's part of a national, coordinated and partisan strategy to keep the Big Lie alive and in the national consciousness through legislation that would undo the very policies that ensured the 2020 election results were accurate and the process secure.

Michigan deserves better. Our voters, our clerks, and our democracy deserve better. I implore you to do better, to reject the anti-democratic path this legislative package seeks to take you down and instead opt to work with your colleagues to tell the truth, reject the Big Lie, and further election policies that reflect what voters want and our hard-working local election clerks need.

³ <https://www.motherjones.com/politics/2021/05/heritage-foundation-dark-money-voter-suppression-laws/>