



Secretary of State Jocelyn Benson

Testimony of Jocelyn Benson, Michigan Secretary of State

Before the U.S. Senate

Committee on Rules and Administration

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Chairperson Klobuchar, Ranking Member Blunt and Members of the Committee:

Thank you for inviting me to testify on this very important issue.

The election of 2020 is behind us. But the war on democracy is escalating. And in addition to the ongoing efforts of democracy deniers to spread misinformation, alongside continued attacks and threats against election officials, a new battlefield has emerged in state legislatures across the country.

Thus far this year at least 43 states have introduced more than 250 bills that harm our democracy and restrict the voting rights of American citizens.¹ In Georgia, just yesterday, Republicans on the House elections committee passed a 94-page bill that allows unlimited challenges to voter eligibility, restricts drop boxes, makes it a crime to give voters food and water in line and allows for the takeover of local election offices. Other bills have been introduced that reduce the amount of time voters have to request an absentee ballot, increase the identification requirement and give the state broad powers over election officials. In Arizona lawmakers want to reduce the time for early voting, enable voters to be dropped from their permanent absentee voting list for sitting out elections, and require them to submit printouts of identification paperwork when they do vote by mail. State lawmakers want to make it harder to register to vote, harder to cast a ballot, and harder to ensure that ballot will be accepted and counted.

¹ State Voting Bills Tracker 2021, Brennan Center for Justice, Feb. 24, 2021



We've seen similar legislation in Iowa, Florida, and elsewhere throughout the country. In short, these lawmakers want to restrict access to the vote, make it harder for every vote to count and impossible for every voice to be heard.

Yet Michigan's story demonstrates a different path. Our experience underscores that voters on both sides of the aisle want reforms that protect their voices, their voting rights and voting access through policies like those in the For the People Act. And our experience in Michigan demonstrates that, with sufficient funding, partnerships, leadership and political will, it is entirely possible to efficiently and successfully implement the policies in the For the People Act in a short time period – even in the midst of a global pandemic.

In November 2018 Michigan's citizens voted overwhelmingly to amend our state constitution to adopt many of the same proposals in the For the People Act. I was elected that year as well and charged with implementing these new rights – among them the right to vote absentee without a reason, same day voter registration, automatic voter registration, online voter registration, and an independent citizens redistricting commission.

My first day in office was January 1, 2019. The 2020 election cycle was just over a year away and my office had a clear mandate from voters to implement all of these policies by then. And we did.

We did so because these policies are not new and implementing them is not rocket science. Because many states, our laboratories of democracy, already have many of these reforms in place. And in Michigan we simply conferred with those leaders – Republicans and Democrats – to import best practices and modernize our democracy effectively and efficiently. Among other things:

1. We implemented automatic voter registration with security protocols in place to ensure only eligible citizens were registered. By November 2020, we increased our number of registered voters by a quarter of a million.



2. We found that voters on both sides of the aisle embraced the ability to vote absentee or from home. We saw the number of people voting absentee triple – from 1.1 million in November 2016 to 3.3 million in November 2020.
3. And we saw thousands of new voters register in the days leading up to the election – including nearly 30,000 on Election Day itself – and the majority were under the age of 30.

In the end, due in no small part to these policies, we had the most successful, secure election in our state’s history. Voter participation – on both sides of the aisle – skyrocketed. In November’s election we saw more voters participate than ever before in our state’s history – more than five and a half million. And we also saw more voters participate in our August 2020 primary than in any other primary election in the state’s history – even with no major statewide primary contest on the ballot.

We’ve also seen remarkable levels of engagement and involvement from voters in our successful implementation of Michigan’s Independent Citizens Redistricting Commission, also enacted by voters in 2018 and implemented in 2020. We have found unequivocally that when given the chance, citizens will embrace the opportunity to draw their own legislative districts. Nearly 10,000 citizens applied to serve on the commission and 13 commissioners – four republicans, four democrats and five independents – were randomly selected to serve. The commission is already at work and the public can witness and learn more about their completely transparent operations and activities at RedistrictingMichigan.org

Now if we can do all of this in one election cycle, in the midst of a global pandemic and during one of the most significant and highly scrutinized election cycles in our lifetime, every state in the country can do the same in advance of future elections. And Michigan’s experience demonstrates that voters across the political spectrum want these reforms. Other data underscores that voters want these reforms nationwide, with 65% of Americans supporting automatic voter registration, 64% supporting Election Day voter registration, 69% supporting the restoration of voting rights to people who have served felony sentences, and 71% believe all



voters should have the option to vote early or absentee.² Indeed, the support for accessible voting holds across the political spectrum as well, as was found in a poll this month of likely voters in Texas where four out of five republicans voted early or by mail in November, and 73% of all voters, including a majority of republicans, would like an additional week of early voting.³

While states will always serve as laboratories of democracy, federal minimum standards ensure equal protection of every citizen's right to vote and can prevent attacks on our democracy, both foreign and domestic, that take advantage of the uneven patchwork of state laws throughout our country. This is particularly important when state lawmakers, as we are seeing now, choose party over country and pursue legislation that makes it harder for everyone to vote. For example, had this law been in place for the 2020 election, Michigan clerks would have been allowed to pre-process absentee ballots before election day to ensure timely results after polls closed. Instead, because the state legislature largely ignored near universal calls for this legislation from practitioners across the state, our voting tabulation followed less efficient procedures than in states like Florida and Ohio. And though clerks still rose to the occasion and worked doubly hard to have all Michigan votes counted within 24 hours of the polls closing, that short window of time was enough for the former president and his supporters to launch a meritless misinformation campaign in an attempt to undermine faith in our democracy. And notably in the weeks following our election Michigan's state Senate Majority Leader and Speaker of the House, both of whom are republicans, acknowledged their error in not providing more time to pre-process absentee ballots prior to Election Day.

To be sure, every state will face unique circumstances in incorporating a new federal "floor." And it's our job to meet these challenges, not shirk them. There is plenty of evidence that past federal voting laws – from the Voting Rights Act, to the National Voter Registration Act, to the Help America Vote Act, to the UOCAVA and MOVE Acts that support military and overseas voting rights – can preserve state innovations while improving elections and expanding voting

² "How Americans view some of the voting policies approved at the ballot box," Pew Research Center, Nov. 15, 2018.

³ "Poll: Most Texans support extra week of early voting, cool to GOP proposals to restrict voting," Houston Chronical, March 18, 2021.



rights overall. It will take collaboration, partnerships, leadership and funding, but it can be – and has been – done.

Truly, only politics and political will stand between where we are now and the chance for a healthy, accessible, secure democracy, where every voter in every state is equally protected by the baseline rights in the For the People Act. Just as the National Voter Registration Act took a popular state policy in Michigan – the Motor Voter Law – and made it a nationwide convenience for every citizen, the For the People Act enumerates and applies policies nationwide that voters embrace and already enjoy in several states throughout the country.

That is precisely why it is so important that the federal government steps in at this moment. In fact you have a critical role to play right now to advance the vote and protect democracy, and it's one that the United States Constitution not only provides for – it demands. Enacting the For the People Act will ensure that the ill-informed and nefarious actors with outsized power in our states cannot overrule the voices of the majority and the conscience of our nation.

Finally, it's not lost on me and many others that 56 years ago at this very moment thousands were marching along Highway 80 from Selma to Montgomery Alabama to similarly call on their federal government to protect their constitutional right to vote against the efforts of states to impede their access. Many of those brave advocates were beaten and some lost their lives in March 1965, but their work led to the passage of the Voting Rights Act of 1965 – a foundational federal protection to ensure every citizen in every state could vote free from state enacted discriminatory barriers. The Voting Rights Act has proven to be one of the most effective laws in our nation's history, yet when it was proposed it was met by many of the identical attacks and critiques that others are making against the For the People Act. Opponents said it would be impossible to follow or enforce and warned it would result in widespread voter fraud. They said it wasn't the role of the federal government to be involved in state voting procedures and an overreach of authority. But those critics were wrong and in the years that followed the opposite proved true, with all states operating under the law, the rate of voter fraud remaining infinitesimal, millions more people voting, and our nation becoming a more perfect union as a result.



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Clearly history instructs – and the current moment demands – that the United States Government once again step in and defend democracy against the reprehensible rollback of the right to vote that is sweeping our state legislatures. And at this moment you, our federal government, represent our greatest hope – and this legislation our best chance – to stop this rollback and ensure the voice and vote of every citizen – no matter where they live or who they vote for – is protected. I urge you to act and advance this legislation, because the future of our democracy depends on your leadership today.

Thank you.