



STATE OF MICHIGAN
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DEPARTMENT OF STATE
LANSING

Written Testimony of Jocelyn Benson, Michigan Secretary of State

Submitted For the Record Before the Michigan State Senate Elections Committee

May 5, 2021

As Michigan's chief election officer, I am submitting this testimony on behalf of the people of Michigan to highlight the ways in which the bills before you today harm and restrict their constitutional right to vote and participate in our democracy.

I submit my testimony hours after witnessing the policies that made the 2020 elections so secure and successful utilized again support voters in the May 4, 2021, local elections in nearly 200 jurisdictions across the state.

In fact it's particularly notable that the committee is meeting the day after another successful Michigan election – one in which we saw a large number of citizens continue to embrace their right to vote absentee and return their absentee ballots securely via drop boxes on Election Day. Throughout the day I saw steady streams of voters using drop boxes on Election Day and spoke with clerks and election workers still dissatisfied with the insufficient time provided under current law to preprocess absentee ballots. Yet today the bills before you would ban the use of drop boxes on Election Day and continue to restrict preprocessing for our clerks.

I understand these bills are part of a legislative package some legislators claim is necessary to restore faith in our elections – faith damaged solely by lies fed to voters throughout the country about the security of the 2020 election. I know the bills are part of a national, coordinated effort, hidden behind a mantra of making it “easier to vote and harder to cheat.” Yet no evidence shows the proposals will do either, and data suggests it will do the opposite.

So I submit this testimony to you today to urge you to recognize that good election policy is not born out of responding to conspiracy theories and coordinated partisan campaigns to change the rules of democracy. It's born out of data, best practices, and listening to the insights and experiences of local Michigan clerks who do the actual work of protecting and administering our democracy. These are the same clerks who carried out the most secure, transparent and successful election in state history last year, and more than 1,300 of whom subsequently participated in at least one of the state's more than 250 election audits, all of which confirmed the integrity and accuracy of the November election.

Two of the bills before you today would clearly and undeniably make it harder for Michigan citizens to vote by restricting their use of secure absentee ballot drop boxes. **Senate Bill 286** bans the use of drop boxes on the day when voters use them the most: Election Day. After voters overwhelmingly amended our state constitution in 2018 to give all voters the right to vote absentee, and as the Legislature codified the use and standards for drop boxes just last fall in a bipartisan manner ahead of the November 2020 election, local clerks installed more than 1,100 secure ballot drop boxes across the state. This increased voter convenience and confidence and is one of the reasons for the record-setting number of ballots cast by voters on both sides of the

aisle in November – two-thirds of which were absentee. And local clerks across the state confirm that more of those ballots were brought to their drop boxes on Election Day than any other day. To prohibit their use that day would lead to widespread voter confusion, frustration and the inadvertent disenfranchisement of voters who would reasonably think they could drop off their ballot in a drop box on Election Day.

I understand the purpose behind this proposal is in part to respond to concerns that partisan election observers complained in November 2020 that they witnessed valid ballots delivered to absentee counting boards after the polls closed. This of course was a function of the fact that voters can submit their absentee ballots up until 8pm on Election Day, after which drop boxes are closed and election staff retrieve all ballots for processing, validation and tabulation. In other words, what these observers witnessed was the system at work and the secure protocols in place for protecting the integrity of the vote. The fact that they misinterpreted what they observed suggests the need to better educate those observers – not change election procedures that voters readily embrace and heavily utilize.

Similarly, **Senate Bill 273** continues this validation of misinformation and attack on drop boxes by empowering local political appointees on the county canvassing boards to usurp election administrators' authority and ban secure drop boxes entirely in a local community – paving the way for unequal access to drop boxes throughout the state and allowing party officials to unduly influence their placement or removal. The bill ignores the strong drop box security and monitoring standards already in place under Michigan law and calls for new measures that are unnecessary, impractical and cost-prohibitive.

And it's particularly ironic to see **Senate Bill 334** before you today, which would continue to provide only 10 hours for limited absentee ballot preprocessing – even after the Senate Majority Leader and former Speaker of the House admitted last fall that this policy was an insufficient response to the need for clerks to have sufficient time to pre-process absentee ballots. The need for a better policy is clear: ample pre-processing time reduces the strain on local election officials on Election Day, ensures the efficient and secure processing of absentee ballots under manageable constraints, enables voters to learn election outcomes sooner after polls close, and reduces the amount of time needed for counting after polls close when misinformation campaigns can attack voters' faith in our elections. I urge you to listen to what election administrators have asked for and what the data confirms is needed and provide multiple days if not weeks for preprocessing absentee ballots. Any questions or concerns about security protocols can be answered simply by conferring with election administrators in states like Ohio, Florida, and Kentucky, all of whom have offered to provide you with specific data showing why expanded pre-processing time is simply smart, good election policy.

Finally, you'll recall that last year the legislature passed a bill with large bipartisan majorities that would have allowed military servicemembers and their spouses to return their absentee ballots electronically using a secure electronic portal. Then the Senate Majority Leader failed to do his job of delivering the bill to the governor's desk for her review and signature. As a result of these petty politics, Michigan voters serving overseas continue to be disenfranchised.

Now today you are considering **Senate Bill 311**, a bill that, as it currently stands, is poorly written and unworkable. It does not respond to what servicemembers, veterans, and their families have asked for, instead allowing only servicemembers overseas, and not their dependents, to return ballots electronically using a Common Access Card. However, the Department of Defense (DOD) has not authorized the use of the Common Access Card for voting purposes. So the bill before you as currently written is both unconstitutionally discriminatory, refusing to grant access to these voting options for military spouses stationed overseas on military orders, and unable to be implemented under current DOD policy. Fortunately, since lawmakers on both sides

of the aisle in both legislative chambers passed a better version of this proposal last term, you don't have to look far to find language to amend this bill in a way that military servicemembers have requested and would actually be able to be implemented.

I will close by re-emphasizing what the people of Michigan need from their leaders right now: truth and leadership. That means supporting legislation that builds on the truth about the 2020 election – the most secure and successful election in state history. And it means listening to the input of experts and election administrators and responding to the will of the voters.

As I saw across the state yesterday, voters continue to embrace these rights. In every community I visited, in local, non-partisan elections, nearly all ballots were being cast absentee, and drop boxes were in use the entire day. That's because these rights aren't partisan at all. Indeed, by politicizing voting rights and election administration, this body and others do tremendous harm to voters' faith in our elections and the strength of our democracy.

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.