STATE OF MICHIGAN
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DEPARTMENT OF STATE
LANSING

Michigan House of Representatives Election Committee Meeting

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Testimony of Secretary of State Jocelyn Benson

Good morning and thank you for inviting me to join you today.

I'm here today as a mom, military spouse and as Michigan's chief election officer to testify in support of two bills you are considering, HB 4413 and HB 4210.

The first of those, HB 4413, would amend our campaign finance law to explicitly allow candidates who are parents to use campaign funds to pay for child care when it's made necessary by the demands of a campaign for service in public office.

Running for office presents unique challenges when you're a parent of a small child. And while I loved bringing my son with me to campaign events last year it also takes a toll. Access to child care is necessary to ensure parents are able to both take care of our kids and run for office.

In Michigan only 9 lawmakers are also mothers of young children under the age of 18. We rank 23rd out of 50 states for the number of moms serving as lawmakers.

Currently 28 states allow candidates for office to use campaign funds for childcare. At the federal level, campaign funds may be used to pay for childcare expenses incurred as a direct result of campaign or official officeholder activity.

Michigan law is silent on this. I believe it is implied as a permissible expenditure under the current law, and this bill would make the allowance clear and explicit in statute.

So I urge you to support Michigan's parents by enacting HB 4413 and making Michigan a place where everyone has the support needed to serve and lead.

I am also grateful to the committee for taking up HB 4210 which would ensure we enable every Michigander serving in our military overseas, and their spouses and dependents, to securely return their ballots in every election. This change is needed to fix errors and potential unconstitutionality in the legislation enacted last year that was limited in scope to only service members stationed overseas.

Current law does not recognize that when an individual service member is stationed overseas on military orders, the immediate family who accompany them are also included on those orders. This bill recognizes their service, sacrifice, and the unique role they are playing as part of our military community. Spouses and dependents who are stationed on orders overseas also face

many of the same challenges as any other military service members when it comes to returning their ballots on time.

A total of 31 states and Washington DC allow some form of electronic return of ballots for military service members. Michigan is currently the only state to grant this allowance to overseas service members and exclude military spouses and dependents.

That's right. Not a single other state that enables the secure electronic return of overseas ballots blocks spouses and dependents from accessing that same right.

I want to paint a picture for you of how this will play out in upcoming elections if this is bill is not passed to rectify this omission. You'll have a married couple, both Michigan voters, filling out their ballots and preparing to return them from their home on an overseas military base. One of them will have the option to return that ballot electronically through our state's secure portal. The other will not. And in the vast majority of cases, the spouse who will not be able to return it with the same ease as the service member will be female.

So I urge you to adopt this legislation to ensure all members of our military community serving overseas have the option for the secure electronic return of their ballots.

I want to add a few final points with regards to implementation of the existing law governing electronic return of ballots and today's legislation. One of my top priorities is ensuring our elections are secure and that voters can trust the outcome. To that end, we are aware of the risks associated with the electronic return of ballots and the need for a corresponding auditable paper trail. My office is committed to working with the nation's top cyber security experts, as we've done throughout my administration, to mitigate that risk. We're exploring a hybrid model that would be custom built for Michigan and still require the voter to print and sign their ballot before scanning and returning it. Under this hybrid model, an iteration of which is in place in Colorado, electronically returned ballots would be printed by the local clerk to be run through the tabulator, creating an auditable paper trail. We would also encourage voters to mail a hard copy of their ballot so that it can be kept on record as well for subsequent audits.

I also want to address a false assumption that emerged in the drafting of the original legislation that possession of a Common Access Card, or a "CAC," is necessary to ensure the secure electronic transmission of ballots. First, of the more than a dozen other states that allow some form of electronic ballot return for military voters, none rely on the Common Access Card as a component of the portal. That's because while a CAC card can provide access to a secure government portal overseas, they do not necessarily protect the electronic transmission of ballots across intermediary countries and across the United States. So the use of a CAC also fails to mitigate the security risks I referenced earlier. Importantly we also do not have permission from the Department of Defense to integrate the use of a CAC into the ballot transmission portals.

All that said, I'm confident that any system we implement in Michigan will be able to support the secure electronic return of ballots for military spouses and dependents stationed overseas, just as it will for all military service members. And I'm committed to continuing to work with solution-oriented and data-driven cybersecurity experts to ensure we incorporate their feedback where possible as we implement the law.

Finally, I want to encourage you to consider expanding the bill to include Michigan's citizens with print disabilities. This would ensure our current law is fully inclusive and constitutionally sound and avoid the potential for lawsuits under the Americans with Disabilities Act.

Thank you again for holding a hearing on this important legislation. I hope we soon see the enactment of both of these provisions into law. My office stands ready to ensure their secure implementation in advance of the upcoming Presidential election.