



May 18, 2021

Members of the House Elections and Ethics Committee,

Thank you for this opportunity to testify on behalf of the Rescue Michigan Coalition, a grassroots leadership organization with over 10,000 members, on the bills before you today: House Bills 4837 through 4840.

HB 4837: Prohibit private entities from accessing the Qualified Voter File

The Rescue Michigan Coalition supports HB 4837 in concept, but the bill requires adjustment to achieve its policy purpose: to protect the privacy of citizens, ensure voters are properly registered, and prevent the partisan abuse of public resources.

In 2020, the Michigan Department of State entered into an agreement with Rock The Vote, a private political organization that works to maximize vote turnout among young adults. Voters in that age group are about twice as likely to vote Democrat than Republican; the partisan intention is obvious.

Under the agreement, MDOS provided Rock The Vote with an application processing interface (API): Rock The Vote would collect voter registration data, including only full name, driver license/personal identification number, birthdate, eye color, and last four digits of Social Security Number, and use an application to forward this personal information to MDOS for processing the voter registration.¹

It's regrettable that Michigan allows electronic registration of voters at all, because it invariably undermines safeguards of clean elections by failing to capture such information as a voter's authentic signature, which is necessary to validate an absentee ballot. But the RTV contract required even less required information than state law ordinarily requires.

MCL 168.425 requires that a registration application include:

- (a) The name of the elector.
- (b) The residence address of the elector, including the street and number or rural route and box number and the apartment number, if any.
- (c) The city or township and county of residence of the elector.
- (d) The date of birth of the elector.
- (e) The driver license or state personal identification card number of the elector, if available.
- (f) A statement that the elector is a citizen of the United States.

¹ The contract can be viewed at: http://stillwatertechservices.com/files/tms/Master_Timeline/Michigan_TV_Contract_QVF_System.pdf and the content of the data being submitted can be viewed on Page 13.

(g) the address of the voter, a statement that the voter is a U.S. citizen, A statement that the elector is at the time of completing the affidavit, or will be on the date of the next election, not less than 18 years of age.

(h) A statement that the elector has or will have lived in this state not less than 30 days before the next election.

(i) A statement that the elector has or will have established his or her residence in the township or city in which the elector is applying for registration not less than 30 days before the next election.

(j) A statement that the elector is or will be a qualified elector of the township or city on the date of the next election.

(k) A space in which the elector shall state the place of the elector's last registration, if any.

(l) A statement that the registration is not effective until processed by the clerk of the city or township in which the applicant resides.

(m) A statement that the applicant, if qualified, may vote at an election occurring on or after the date of completing the application.

(n) A statement authorizing the cancellation of registration at the elector's last place of registration.

(o) A space for the elector to sign and certify to the truth of the statements on the application.

Most of these essential elements were absent from RTV's application. And although the contract prohibits RTV from retaining or otherwise mishandling registrants' sensitive personal information such as a driver license number, it's doubtful that this requirement were meaningfully enforced, as any discovered abuse of data by RTV would politically damage the Department of State for entering into this agreement in the first place.

In summary there are two major issues with allowing a private political entity to enter into this sort of agreement with the Department of State or any other government entity:

1) Regardless of RTV's nonpartisan tax status, private organizations can have partisan leanings (this is a plain fact, not a dirty secret) and public resources are being used for private partisan interests.

2) Voter registration is an inherently governmental responsibility that requires (or should require) citizens to disclose accurate personal information that they should not disclose to any private entity.

For these reasons we support HB 4837 in concept.

However, as written, the bill would not prevent the activity it appears to intend to.

Under the bill, the Secretary of State and the various clerks could not allow a private entity "to access the qualified voter file."

This may be *in essence* what occurred, but is imprecise enough to miss the mark.

According to the agreement between MDOS and RTV, "The data [obtained by RTV] will be received by the Online Voter Registration (OVR) system and validated against the Mainframe. Each eligible voter registration will be processed and recorded by the Michigan Department of State."

The contract goes on to say "This [data sharing agreement] establishes the conditions under which MDOS agrees to receive privileged data from the Partner Agency [RTV]..." (emphasis added)

Nothing in the contract identifies any method by which RTV is able to extract data from the Qualified Voter File.

Therefore:

- Data sent from RTV to MDOS did not go directly *into* the QVF, but through the OVR as an intermediary
- Nothing in the contract gives RTV authority to extract data *from* the QVF.

In other words, this bill would *not* prohibit this same type of agreement in the future, because RTV did not actually have direct access to the QVF.

HB 4837 should be amended to prohibit arrangements that include programmatic access by private entities to the Department of State's elections division in any way.

HB 4838: Prohibit tabulators from connecting to the Internet, except when they can

HB 4838 would prohibit tabulating machines from being "connected to or operated on the internet until after results have been tabulated and only for the purpose of uploading those results to the appropriate clerk."

Rescue Michigan is neutral on this bill, because it doesn't really do anything.

The first issue with this provision is that it is totally unenforceable as written, because it defines the condition as a *user-controlled operating behavior*, not an *intrinsic feature*, of the tabulator.

As long as the machine is capable of being connecting to the Internet and a user is capable of affecting that state, the condition is meaningless.

An analogy may help. Imagine a military commissioned a rifle, subject to these conditions:

- Uses 7.62x51mm ammunition
- Has a 22-inch barrel
- Is not fired except after 5pm

Obviously, that's ridiculous. But that's how this requirement is constructed.

Alternatively, the Rescue Michigan Coalition has proposed that the machines be prohibited from being *capable* of connecting to the Internet under any circumstances.

The justification for allowing tabulators to connect to the Internet is extraordinarily weak. It is for the sole purpose of transmitting the results to the clerk in a simple and timely manner – a task for which simpler and more cost-effective options are available.

Virtually all poll workers have smart phones. It would be *trivial* to build an app for election workers to enter the results printed by the tabulator and transmit the result to the appropriate clerks.

This would be easy (and probably much more cost-effective) than paying for modems for thousands of tabulators.

It would also be more reliable. As an example, where I worked at a polling place in Detroit for the November election, the tabulator connected to the Wayne County clerk to report the results but then failed in each of 8 attempts to connect to the City of Detroit clerk's office to report the results.

There is no reason for these machines to be connected to the Internet, and the excuse that they need to do so to conveniently report the results is flimsy and falls apart under scrutiny.

The bill would also prohibit electronic poll books from being connected to the Internet when the polls are open, which is fine and already standard practice.

HB 4839: Allow voters request absentee ballots for the full year in one request

The Rescue Michigan coalition opposes HB 4839, which facilitates election fraud.

Under the bill, a voter can request absentee ballots for an entire year's elections (August, November, sometimes May, rarely February), on one application.

Life happens. A voter who requests absentee ballots for the year in March might not live in Michigan by November. Yet under this bill, a clerk would be directed to mail an unsolicited ballot to the voter's address, unless the voter had been removed from the rolls by that time.

This bill *will* result in ballots being erroneously mailed out to voters that no longer live at an address and may no longer even live in Michigan.

This bill does the total opposite of what is needed. In 2020, clerks mailed unsolicited ballots in the general election to voters that requested them in the primary election.

What we need is a total prohibition on clerks mailing out *any* ballots that are not specifically requested by voters, and voters should have to request a ballot each time.

HB 4840: Require election documents retained for 22 months

This bill would bring Michigan into line with the federal standard, which requires 22 months of document retention for all elections where a candidate for federal office is on the ballot.

We support bringing Michigan in line with this document retention standard and applying it to elections where the federal standards would not apply (eg local and special elections).

Thanks again for the opportunity to testify on these bills.

Sincerely,

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