



House Elections and Ethics Committee
June 3, 2021

Promote the Vote submits the below written testimony in opposition to HB 4897.

HB 4897 Would Unnecessarily Increase the Number of Challengers at Absent Voter Counting Boards, Thus Making It Harder for Poll Workers and Local Election Officials to Perform Their Duties.

Under current law, political parties, organizations, and “organized committee[s] of interested citizens” may designate one challenger for each absentee counting board. This policy provides for challengers to observe the political process, while also ensuring that poll workers and local election officials have space to perform their essential duties.

By providing for the appointment of an additional two challengers per political party, organization, or organized committee of interested citizens, HB 4897 would unnecessarily increase the number of challengers for each counting board. Doing so would lead to more crowded and chaotic counting boards, thus making it harder for poll workers and local election officials to process and tabulate absentee ballots. This, in turn, would delay the counting and release of election results. We should be focused on making it easier, rather than more difficult, for poll workers to serve. Because this bill would make the jobs of poll workers and local election officials more difficult, without making our elections more secure, Promote the Vote opposes the bill.

HB 4897 Would Facilitate Voter Intimidation, While Doing Nothing to Make Our Elections More Secure.

Allowing challengers at clerks’ and satellite offices to “observe electors . . . who are voting an absent voter ballot,” would facilitate voter intimidation and threaten our constitutional right to a secret ballot. Moreover, allowing such challengers to “keep records of any election procedure as the challenger desires” is both vague and harmful. For these reasons and others, Promote the Vote opposes the bill.

At the precincts, voters vote their ballots in shielded voting booths, and poll workers are directed to maintain a 10-foot privacy perimeter around the tabulators. Furthermore, challengers are not permitted to monitor voters while voting.¹ Clerks’ and satellite offices have no such existing protections for voters. As written, the bill would allow a potentially unlimited number of challengers to watch from

¹ https://www.michigan.gov/documents/sos/Managing_Your_Precinct_on_Election_Day_391790_7.pdf

close range as voters completed their absent voter ballots. Such conduct would be extremely intimidating to voters and would also threaten their constitutional right to a secret ballot, a right which is a fundamental tenet of our democracy.

Furthermore, HB 4897's provision allowing for challengers to "keep records of any election procedure as the challenger desires" is both vague and harmful. This provision could, among other things, allow challengers to take video of a voter voting their ballot. Doing so would further threaten voters' constitutional right to a secret ballot, while doing nothing to make our elections more secure. Indeed, the public, challengers, and even politicians often do not understand - and therefore misconstrue - what they see in videos. For example, a video showing a man unloading a long black box from a parked van in the early hours of November 4, 2020 led to widespread claims of ballot boxes being smuggled into TCF after the deadline, when the black box was in fact a reporter's camera equipment. Video surveillance could also be doctored by unscrupulous individuals to undermine the electoral process, as has already happened in other states.

HB 4897 Would Add Additional Work for City and Township Clerks, Without Making Our Elections More Secure.

Finally, HB 4897's requirement that the city or township clerk record all challenges made at their office or a satellite office in a poll book addendum would serve to unnecessarily increase the work of city and township clerks, without making our elections more secure. Under current law, if an absent voter ballot is challenged, poll workers must prepare the ballot as a challenged ballot and make a notation on the Challenged Voters page in the poll book. This process is sufficient, and there is no reason to add extra Election Day work for our city and township clerks.

Because existing law is sufficient to protect the electoral process, and because HB 4897 would serve only to intimidate voters and create extra unnecessary work for local clerks, Promote the Vote opposes the bill.

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