

Testimony of Erica Peresman
Before the Michigan House Elections Committee
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Thank you Chairwoman Tsernoglou, Vice-Chairs Wegela and Smit, and Members of the House Elections Committee for having me here today to speak with you.

My name is Erica Peresman and I am a board member of Promote the Vote. Promote the Vote was asked to make a presentation about our organization's work, and our legislative priorities for 2023.

Background on Promote the Vote

Promote the Vote is a nonpartisan coalition of Michigan organizations committed to increasing the power of people in our democracy. We work together to ensure we have a voting system that works for all of us. We believe our democracy works best when voters have access to the ballot and all voices are heard.

Our coalition partners include the ACLU of MI, APIA-VOTE MI, ACCESS, AFT- Michigan, America Votes, Detroit Action, Detroit Disability Power, Detroit Hispanic Development Corporation, League of Women Voters of Michigan, Michigan League for Public Policy, Miigwech, and the Michigan NAACP state conference.

Our work includes advocating for pro-voter policies, protecting and defending access to the ballot, fighting voter suppression wherever and whenever it occurs, public education and engagement about voting rights, and research and analysis on voting and elections. We regularly consult with election officials as we pursue our work; we recognize that they are the true experts in administering elections and we highly value their insights and expertise.

As you know, Promote the Vote successfully utilized the ballot initiative process twice in the last five years, in 2018 and 2022. Both proposals won by wide margins and garnered support from voters across the state and across the political spectrum. We are very proud that the voters of Michigan chose to give themselves greater access to the ballot, while ensuring our elections continue to be secure. Because of these two proposals, our state has made considerable progress since 2018 in ensuring fair and equal access to the ballot for all Michiganders.

The Ballot Proposals

Prop 3 of 2018. I'll start with just a few highlights of Proposal 3 of 2018. This ballot proposal gave all registered voters in Michigan a constitutional right to vote by absentee ballot, ending decades of age discrimination in who could access an absentee ballot. This expanded right was critical to saving lives while the coronavirus pandemic was at its height in 2020, and has remained popular with Michigan voters even after the pandemic eased. In the November 2020 election, 59% of voters voted absentee, and in the November 2022 election, 42% of voters

voted absentee. Absentee voting is actually highest among the most frequent voters in the state: local elections in May often have absentee voting rates at or above 70%.

The 2018 proposal also updated our voter registration system by ensuring that voters could register to vote at any time, including on Election Day. Prior to the proposal's passage Michigan required voters to register to vote at least 30 days prior to an election, which was the longest deadline permitted by federal law. In November 2020, nearly 29,000 Michigan citizens registered and voted on EDay, and in November 2022, the number was nearly 16,000. I think it's fair to conclude that the availability of EDay registration helped drive the record turnout that we saw in those two elections, especially for demographic groups that don't always participate in elections.

Prop 2 of 2022. In 2022, Promote the Vote partnered with more than 30 organizations to propose and pass Proposal 2 of 2022. Prop 2 won by a 20-point margin with 60% of the vote. Once again, Prop 2 won in the majority of counties, including urban, suburban and rural counties and with voters across the political spectrum.

Prop 2 did the following:

- Added an express right to vote to the Michigan Constitution, something that is lacking in the U.S. Constitution.
- Provides voters with the right to at least 9 days of early voting in all statewide and federal elections. This differs from absentee voting in that during early voting, voters will feed their ballots into tabulators -- meaning that they get to see that the ballot was accepted, and election officials do not need to process the ballot later. Municipalities can choose to provide early voting in additional elections and for more than nine days. The first election for which early voting is constitutionally required is the 2024 presidential primary. Municipalities can choose to administer early voting individually, enter into an agreement with one or more other municipalities to work together to administer early voting, or enter into an agreement with their county clerk for the purposes of conducting early voting. This flexibility is important because Michigan's 1,520 cities and townships vary greatly in population size, and in clerk staff size, office hours and office space. Municipalities will be able to choose the method of early voting administration that works best for them.
- Enshrined Michigan's long-standing and effective voter identity verification system into the Michigan Constitution. This system has worked for Michigan for decades, and now voters have a constitutional right to use it.
- Provides more time for military and overseas voters to return their ballot. Instead of having to be received by election day, ballots of military and overseas voters will now be deemed timely received if *postmarked* by election day and received within 6 days of the election.
- Provides voters the right to request to join a permanent mail voter list, so that with one application -- which will be verified by comparing the signature on the application with the signature on file for the voter -- a voter can opt to receive an absentee ballot for all

future elections. This new permanent mail voter list does not change the security measures in place for verifying absentee ballots: the signature on every voted absentee ballot in the state will continue to be checked against the voter's signature on file before the ballot is counted. This new permanent mail voter list will reduce the burden on election officials, who will no longer have to process three applications for an absentee ballot in a single year for the same voter, and it will reduce the burden on voters of filling out multiple applications just a few months apart. Although this is a change for Michigan, this is not a new or novel policy. The State of Oregon has been mailing voters a ballot for each election for more than twenty years.

- Ensures robust access to absentee voting by requiring one or more state-funded drop boxes for every municipality, pre-paid return postage on applications and absentee ballots, and a robust absentee ballot tracking system to increase voter access to information about the status of their absentee ballot. If a ballot is rejected (for example because the signature was missing, or the signature did not match the signature on file), the ballot tracking system will notify a voter and, if it's a problem that can be fixed, advise the voter how to address the problem and the deadline for doing so.
- Preserved the right of local communities to accept charitable and in-kind donations for election administration. This ensures that local clerks can, for example, continue to accept donated space for polling locations. Prop 2 requires that these donations be disclosed and prohibits foreign donations.
- Enhanced the constitutional requirement for an audit of statewide election results that was added to the constitution in 2018. Prop 2 requires election audits be conducted in public, by state and county election officials, based on established guidelines to promote accuracy and transparency. These changes will ensure an election audit in Michigan can never be used as a tool to pursue personal or partisan goals.
- Ensures that the outcome of elections in Michigan is determined solely based on the votes cast. Canvassing boards have a clear and specific duty to certify election results based only on the official records of votes cast.

Legislative Priorities

Prop 2 Implementation. Among PTV's highest legislative priorities is enacting legislation to effectively implement Prop 2 of 2022. Because there are a number of elements of Prop 2, a number of sections of the election law need to be amended, and some new sections need to be added. Promote the Vote strongly recommends that all Prop 2 implementing legislation be enacted by summer and be given immediate effect. Doing so will allow jurisdictions the opportunity to pilot all the new provisions in elections this fall, rather than in the much higher turnout presidential primary next year.

Early voting is the most complex provision of Prop 2. We are working closely with current and former Michigan election officials to identify best practices for implementing early voting in Michigan, researching best practices utilized around the country, and considering the ways in which early voting will impact existing election administration practices and technologies in our state. We are doing the same for the other elements of Prop 2. PTV is happy to support this

committee's work on all Prop 2 implementation legislation by providing information about best practices, reviewing draft legislation, and helping to identify and resolve potential implementation issues.

I know this committee is keenly aware that planning for a successful election takes time. Lots of time. Many municipal clerks have already started planning for the presidential primary that is more than eleven months away because that is how long it takes to plan such a tremendous undertaking. The sooner that all election officials have certainty regarding how early voting and the other elements of Prop 2 will be implemented and funded, the more effectively they will be able to plan. And I should note that some elements of Prop 2 will require technological updates, such as updates to Michigan's statewide voter registration database, called the qualified voter file, as well as the public-facing Michigan Voter Information Center. We know that this committee is aware of the timeline for implementing Prop 2 and we look forward to working with you to continue the excellent work that has been started.

Other Legislative Priorities. In addition to implementing Prop 2, Promote the Vote supports the passage of other legislation to ensure greater access to the ballot for all Michigan citizens. Here are some of our top priorities of this type:

Expanding Polling Place Venues

Last year, the legislature slightly expanded the types of locations that can be used for polling places. However, this expansion did not go far enough, especially given that clerks will now need to find locations for early voting sites that are required to be open for nine days. Many of the locations that are currently used for election day, such as schools and churches, are unlikely to be available for nine days several times a year. Clerks need to have flexibility to use non-traditional locations, such as empty storefronts, stadiums, and other locations that will be available for both early voting and election day. PTV strongly recommends significantly expanding the types of locations that can be used for polling places.

Pre-registration for 16 and 17 Year Olds

Increased access to the ballot has resulted in a significant increase in civic participation of young people in Michigan in recent years, but we can do more. Pre-registration of eligible voters at 16 years of age will create an on-ramp to civic participation for young people in Michigan. This policy has bipartisan and nonpartisan support and it's time to get it done. Pre-registration was first proposed by former SOS Terri Lynn Land and is supported by current SOS Jocelyn Benson. In the last session, pre-registration bills were introduced by Republicans and Democrats.

Expanding Pre-Processing to Include Tabulation. Increased use of absentee ballots as a result of Prop 3 of 2018 placed a significant burden on election officials, who are not permitted to begin tabulating those ballots until Election Day. This creates enormous pressure in absentee ballot counting locations, especially in larger municipalities that receive thousands of absentee ballots. As you are aware, the pre-processing bills that the legislature passed shortly before the November 2020 election and last year did not address election officials' concerns because the legislation only allowed election officials to open the outer ballot envelopes during the two days

before Election Day, rather than allowing them to actually tabulate the ballots before Election Day (without generating results) as many other states do. It is time for the Legislature to make pre-processing effective and responsive to the needs of election officials by expanding the number of days before Election Day that it's permitted and allowing tabulation of ballots. This can be done securely without generating results before the close of the polls on Election Day.

Lifting the Ban on Paid Rides to the Polls

Michigan must repeal its discriminatory ban on paid rides to the polls. It's long past time to remove this barrier for voters with disabilities and/or those voters who lack transportation.

Upgrading and Expanding Automatic Voter Registration

Automatic voter registration was mandated by Prop 3 of 2018. However, the manner in which it was hurriedly and narrowly implemented by statute in the last days of the 2018 legislative session was suboptimal for voters and does not fully effectuate the purpose of the constitutional amendment. For example, young voters between the ages of 18 and 21 may not be automatically registered because of the narrow drafting of the statute. Promote the Vote encourages the legislature to upgrade and expand AVR.

Other Prop 3 Fixes

As mentioned above, the implementing legislation for Prop 3 of 2018 was drafted hurriedly and narrowly, and there are a number of "fixes" that are necessary to fully implement that proposal. For example, the statute should mandate that the application for an absentee ballot be available online, and voters whose absentee ballots are rejected because of a signature issue on Election Day should be guaranteed the same due process as voters whose ballots are rejected the day before. Promote the Vote encourages the current legislature to finally address these issues so that the constitutional amendment's expansion of voters' rights is implemented in the way that it should have been from the start.

State VRA

Promote the Vote supports the prompt passage of a Michigan Voting Rights Act. We are extraordinarily happy to see this policy receiving the attention it deserves. In the years since the federal Voting Rights Act of 1965 was passed, it has been weakened significantly. The voters of Michigan deserve to have the full force of this law, as it was intended, to protect their voting rights.

Michigan should adopt a Michigan Voting Rights Act to enhance and clarify protections for voters with disabilities and others who need assistance to participate in elections. Such an act would also prohibit intimidation, coercion, and deceptive practices in elections.

Passing a Michigan Voting Rights Act will expand the number of jurisdictions that must translate election-related information into languages other than English. While federal law has provided critical protections for citizens with limited English proficiency, it DID NOT and DOES NOT provide the same protections for Arabic-speaking citizens. As we all know, the Arab-American

community is a critical part of our Michigan family and Arabic speaking citizens deserve the same protections.

Ban Guns in Polling Locations

PTV supports House Bills 4127 and 4128, which would make polling places and early voting sites safe for all voters. We were pleased to see these bills reported last week and support their passage by the full House and by the Senate.

Adequate Funding for Prop 2 Implementation and for Elections Generally

Finally, I cannot emphasize enough the importance of supporting election officials with the resources they need to administer elections.

The voters of Michigan are doing their part by showing up and making their voice heard at the ballot box. Michigan had record turnout in August and November 2018, November 2020, and November 2022. As Americans, that is something we can all celebrate.

Election officials across Michigan are doing their part by responding to increased participation by voters, administering an extraordinarily contentious election during a pandemic, and implementing Michigan's new voting rights.

It is time for the State of Michigan to join the team by providing consistent financial support for election administration, not just a one-time infusion of funds to implement Prop 2 of 2022. Although election administration was declared critical infrastructure by the Department of Homeland Security in January 2017, the costs have been borne almost entirely by local governments. Often, our local clerks in Michigan have difficulty obtaining all the funds they need to administer elections properly, and some of them may not even be requesting funds for things like robust voter education regarding the various voting methods available, because they are so accustomed to elections being woefully underfunded. It's past time to create a more stable and consistent funding stream for election administration, and there are several ways that this could be accomplished.

In some states, including Alabama, Colorado, Hawaii, and Louisiana, the state contributes funds to local election departments when state candidates are on the ballot, in proportion to the number of state offices being elected. A similar model could be adopted in Michigan.

In fact, Michigan already has a funding mechanism that reimburses municipalities for certain expenses of administering one particular election: the presidential primary election every four years. This mechanism provides equal relief statewide for municipalities, all of which are required to conduct the presidential primary. The funds can't be used for administrative expenses such as clerk and clerk staff salaries, or clerk office rent or mortgages. Rather, the funds are used for poll workers, ballots, equipment programming, polling place rentals, and the like, and they cover a good portion of a municipality's additional costs for the presidential primary election. It's our understanding that the cost to the state is between \$12-15 million statewide for this funding. Rather than limiting this funding to presidential primaries, it could be expanded

to cover other elections across the state -- for example, all statewide August and November elections in even-numbered years, when statewide officials and the members of this body are on the ballot. If this were done for 2024, the cost would be \$45 million for the presidential primary and the August and November elections, with \$15 million of that already expected.

Promote the Vote has been consulting with our partners and with election officials to determine how much funding is needed in the FY 2024 budget for elections. We are still gathering data, but based on what we have gathered so far, we believe that \$100 million is needed to implement Proposal 2, provide the ongoing funding needed for Prop 2 expenses mandated for each election (such as early voting and prepaid postage on absentee ballot applications and ballots), and provide support for election administration and election security generally.

Voters and election officials have stepped up to meet the moment in time and we ask that the Legislature do the same. Voters and election officials deserve nothing less.

Thank you again for having me, and I'm happy to answer any questions.