

Critique of the Michigan Secretary of State "Election Reform" Proposals  
6/27/06

The 20-point document, titled "Michigan Elections: A Plan for the 21<sup>st</sup> Century," can be seen at <http://www.michigan.gov/sos/0,1607,7-127-1633-135079--,00.html>

#1. "Pre-registration at age 16"

The proposal would use the graduated driver license program to obtain "pre-registrations" that would become automatic at age 18. While this idea may have some impact on getting youth to vote, we have to wonder, why hasn't the SOS implemented it in the past four years?

The SOS currently has the system capability to "pre-register" young people to vote when they apply for a driver's license. The Qualified Voter File, the centralized database for Michigan voter registration, now allows a person's voter registration to enter the system six months in advance and automatically qualifies on the 18<sup>th</sup> birthday. A software change is all that is needed to add the data earlier.

#2. "Satisfy ID requirements at local clerk's office"

This proposal is an incomplete copy of a reform proposed by Washtenaw voter protection activists. Alone, it is inadequate to solve the problem of how a first-time voter registrant can register by mail and then vote by absentee ballot, without having to show up in person for the first election.

We advocate not only that any local Michigan election official can attest to the new voter's signature, but also that any election official in another state and any notary public can attest to the signature.

#3. "Create an "inactive voter" file"

This proposal is already in place. The QVF system identifies "active" voters now and many election administrators already base election preparations on the size of this group since the number is more accurate.

A voter whose mail is returned is currently coded as such. The name appears on the precinct list with the code. Mail delivery problems frequently cause an incorrect return.

The SOS's current QVF "Election Turnout Report" is programmed so that it distorts voting participation figures, especially in highly mobile communities. The dividend should be "active voters," not all voters in the database.

#### 4. “Hold third party voter registration drives accountable”

This proposal to require registration by independent groups is repressive and antidemocratic. The SOS would expose young and innocent volunteers to criminal penalties at the felony level for simple mistakes. There is simply no way volunteers could perform the proposed screening for “obviously fraudulent and false applications.” Requiring groups to register with the County Clerk also takes the process out of the control of the local clerk who may opt to train and assistantize these volunteers. There are already penalties in state law for forging a voter’s signature. (And we still have no effective or consistent system for enforcing this law.) Prohibiting pay for persons working to register voters is unconstitutional and an obvious attempt to block Moveon, ACT, and other progressive organizations.

#### 5. “Clarify how to properly assist absentee voters”

This proposal includes mostly restrictions that are already in place in law, and is an obvious slam on the former Detroit City Clerk. It shows how poorly the SOS has performed existing training responsibilities. The current law is very clear as to who can invite or solicit absentee voter applications—anyone can do so and to prohibit sworn election assistants from performing this action would be to prevent them from doing their jobs. Current law already prohibits any person from assisting voters with marking ballots in a group setting, and requires anyone who assists a voter in voting an AV ballot to attest to this by signing the AV envelope. To add a new restriction on election assistants, who normally receive emergency requests to pick up ballots and bring them in, that would prevent them from making phone calls to voters, is to hobble them and create even more confusion.

#### 6. “Create permanent absentee voter lists”

This proposal is redundant—such lists are already in use and are an option in every jurisdiction! The QVF system specifically supports requests by voters to be placed on this list. The first group of voters to receive absentee applications before any election is the permanent AV list, and any voter can request to be on it.

#### 7. “Eliminate notarization requirement on overseas ballot applications”

This requirement was already eliminated by the SOS in 2004! Many overseas voters are hundreds of miles away from anything like a notary service. The requirement was impossible to implement, and local clerks were told they had the discretion to waive it. (Ironically, a Michigan voter living in Windsor can use a federal form to register to vote and apply for an absentee ballot, without a witnessed signature, right up to election day with no 30 day deadline.)

8. “Require that special elections be held on the next consolidated election date”

The 2003 Election Con package and later clean-up legislation put this requirement in place and essentially eliminated “special elections” by definition. Unfortunately, this did nothing to address the ballooning costs of running so many elections or to relieve the financial burden of an unfunded mandate upon local government (see Washtenaw Clerks’ proposal for legislation.)

9. “Change the write-in candidate filing date [deadline]”

There is simply no reason to make this deadline more restrictive than it already is. Moving it back to Tuesday from the Friday before an election does not significantly help local clerks, and it would make it more likely that elected positions go unfilled, especially when a listed candidate withdraws or dies between Tuesday and Friday.

10. “Adopt early in-person voting”

We already have early in-person voting for those who check one of the six reasons now required for an absentee ballot. All the voter has to do is go to the Clerk’s office, apply, and vote the ballot while there. This is just another version of the no-reason absentee voting reform that has been introduced unsuccessfully in the State Legislature for the past ten years, always blocked by the SOS’ own political party.

11. “Pilot ‘super precincts’ similar to the Colorado Universal Vote Centers”

Without a major new election technology infrastructure in place, this concept would be impossible to implement in Michigan. Such a polling precinct would not only have to have a large indoor space with many voting stations and huge parking lot, but it would also have to have hundreds of different ballots to mark and much more sophisticated vote tabulation equipment than is currently certified in Michigan. The memory card of the primitive optical scan systems cannot hold the data required to tabulate a county’s worth of different ballot formats, let alone a region’s worth.

12. “Pioneer an electronic precinct list and poll book”

This proposal trumpets what is already in use—QVF outputs a CD that is not only a precinct list but the entire jurisdiction list for look-up. Worse, it is an instance of hyping the benefits of expensive technology—instead of trying cheaper, low tech solutions first. This proposal claims to speed the process of verifying voters and recording their voter history. However, we already have experience with the electronic precinct list option. Most election workers who used it found it of very limited benefit over the printout version. And the cost of equipping each precinct with a laptop computer, one that would only be used four times per year, would be exorbitant.

The cheapest ways to speed lines on a high turnout election day are a) train election workers to triage the line, directing lost voters to their correct location, b) add enough

voting stations, even using tables and cardboard screens, so voters aren't waiting for a place to mark their ballot, and c) set up a "help desk" where voters with registration problems can be personally assisted, while comfortably seated and out of the line . The verification process is not the cause of long lines.

13. "Clarify permissible activities at polling places (to eliminate 'disruptions')"

This is another undemocratic proposal. Current law already "clarifies" who can be in a polling place on election day. There are already penalties in place for violating the 100 foot rule, and this proposal targets 527 groups for unnecessary criminal accusations.

14. "Use photo identification to speed up the process"

What process? Voting? Or keeping people from voting? This proposal is disingenuous. The verification phase of the precinct voting process is not the cause of long lines, and this proposal would actually cause more delay at this stage. The voter would still have to fill out an application to vote and the election worker would then have to match this with both the precinct list AND the ID. Imagine election workers having to compare the often outdated driver's license photo with the voter's face, and examine both sides of the ID to find the latest address sticker. If the signed application requirement and data matching procedures were dropped, imagine the fraud potential if voters could bring in any ID and simply swipe the bar code!

This proposal is a transparent attempt to slip in another barrier to voting, under the phony frames of "speed" and "more secure voting."

15. "Allow the SOS to ask for State Police assistance to secure ballots"

This is another reference to the November, 2005, Detroit mayoral election situation. The State Police provided security for ballots awaiting recount. Why does the SOS need to have "authority to call upon" them? We all have authority to call the police!

16. "Revise the qualifications for Board of State Canvasser members so that at least one designee from each party should be a former clerk or election official"

This is an obvious move against the members of the Board who refused to certify the fraudulent anti-affirmative action petitions. This proposal would not have changed the fact that some people, regardless of the State Supreme Court, will still act upon their ethical convictions!

17. "Assist County Canvassers"

The proposal to eliminate local boards of canvassers at the city level is yet another shot at Detroit. This proposal appears to insert a more efficient process for retabulating precinct vote counts out of balance, but under scrutiny is scary in that it would allow the County Clerk to completely remove local control over election night procedures. The

institution of a local Receiving Board is already possible under current law, and would better handle the vote balancing problem, as would providing better training for all election workers.

#### 18. “Reform the Recount Process”

This scary and antidemocratic proposal would raise the cost per precinct for requesting a recount to \$25 from \$10, and create a vote differential threshold requirement that would deny many recount requests. Worse, an arbitrary threshold would serve as a strong incentive for vote count tampering with precinct machines.

#### 19. “Ensure the integrity of the ballot”

“Conduct random audits.” The phrase is identical to words used in the proposal drafted last year by the Washtenaw Voter Protection Committee. Except this proposal would have the SOS conduct the audits rather than bi-partisan sworn officials. The proposal says nothing about what happens when the SOS finds a discrepancy between the audit and the official count of votes! Unless there is an automatic and legal procedure in place for resolving the discrepancy, an audit is pretty useless. We would also like to know how this idea would “hold the manufacturers accountable,” beyond the public testing already in place.

#### 20. Improve the process for amending the State Constitution

This dangerous proposal would mandate that every petition carry a 100-word statement of purpose and a 100-word fiscal impact statement approved by or prepared by—guess who—the Secretary of State! Every proposed amendment would first have to be filed with the SOS. Paid circulators would have to be identified with badges, and could not be paid on a per signature basis, a micro-management idea that could not pass Constitutional muster.