



## Written Statement: House Hearing, May 10, 2022

<p>Pure Integrity for Michigan Elections</p> <p>Presenter: Sheree Ritchie, PIME Legislative Committee</p> <p><a href="https://pureintegritymichiganelections.org">https://pureintegritymichiganelections.org</a>, <a href="mailto:purintegrityforme@gmail.com">purintegrityforme@gmail.com</a></p> <p>In support: Eaton County Republican Women's Alliance, The Oak Initiative.</p>	<p>Before the Michigan House Standing Committee on Elections and Ethics, Representative Ann Bollin, Chair</p> <p>Tuesday, May 10, 2022, 1:00 PM or after committees are given leave by the House to meet, whichever time is later, Room 326, House Office Building, Lansing, MI</p> <p>Committee Clerk: Sondra Gordon Phone: (517) 373-0910 e-Mail: <a href="mailto:sgordon@house.mi.gov">sgordon@house.mi.gov</a></p>
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**Pure Integrity for Michigan Elections'** mission is to help restore election integrity to Michigan elections. PIME analyzes current election bills and laws with an eye toward closing gaps and opportunities for abuse by those who would undermine free and fair elections. We appreciate our legislators' hard work and seek to work alongside them to achieve maximum transparency, checks and balances, ethics, and integrity in election law. PIME is a peaceful, issue-based, nonpartisan political movement. We welcome all who support election integrity and the US and Michigan Constitutions.

### Agenda:

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|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| HB 5938 (Rep. Berman)   | Campaign finance; contributions and expenditures; provision related to contributions made under the Gaming Control and Revenue Act; repeal.                                    |
| HB 6071 (Rep. Bollin)   | Elections; polling places; polling place locations; expand.                                                                                                                    |
| SB 273 (Sen. Johnson)   | Elections; election officials; regulation of absent voter ballot drop boxes; provide for.                                                                                      |
| SB 278 (Sen. MacDonald) | Elections; absent voters; collection procedures for absent voter ballots deposited in an absent voter ballot drop box; modify.                                                 |
| SB 788 (Sen. Runestad)  | Campaign finance; contributions and expenditures; funds donated to a candidate for recall efforts; require candidate to establish a separate account used for recall purposes. |

1. **HB 5938** (Rep. Berman) Campaign finance; contributions and expenditures; provision related to contributions made under the Gaming Control and Revenue Act; repeal.

**Position:** We support this bill. Our understanding is that when Michigan made changes to its gambling laws, this section became meaningless, so this is a technical fix to remove an obsolete reference. This is a good bill to clean up our legal code by removing outdated references. Thank you, Rep. Berman.

2. **HB 6071** (Rep. Bollin) Elections; polling places; polling place locations; expand.

Recommendations:

Michigan's limitation to 2,999 persons per precinct protects the decentralization and local autonomy inherent in the state's electoral process. We are concerned that item (6) in HB 6071 could foster the consolidation of precincts and undermine the state's decentralized election integrity process. We have all witnessed the appalling end result of consolidation in Detroit's TCF Center.

On the other hand, limiting the expansion to six precincts could save townships and municipalities money. Having the flexibility to adjust to population shifts makes sense also.

**Position: Neutral**

3. **SB 273** (Sen. Johnson) Elections; election officials; regulation of absent voter ballot drop boxes; provide for.

*Recommendations:*

Anyone who views the breath-taking evidence in Dinesh D'Souza's [2000 Mules](#) will, no doubt, acknowledge that drop boxes pose a serious threat to election integrity. Drop boxes must be eliminated. They cannot be secured, and they serve as the vehicle of choice for illegal ballot traffickers and harvesters.

From our perspective, this bill is equivalent to allowing the victim of a firing squad to specify environmentally friendly steel bullets for her execution as compared to environmentally harmful lead bullets.

- A. **We strongly urge the committee to eliminate drop boxes altogether.** The citizenry has ready access to US Mail services. The drop box abuse, as documented in *2000 Mules*, makes evident that drop boxes skirt the basic rules designed to prevent ballot trafficking and harvesting. These devices provide fraudsters with the added time they need to determine who has not yet voted and to steal these unused votes.

In addition, drop boxes neuter safeguards that otherwise help preserve absentee ballot integrity. As an example, drop boxes completely skirt the this statute:

*168.764a (c) In either (a) or (b), a member of the immediate family of the voter including a father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-*

*law, grandparent, or grandchild or an individual residing in the voter's household may mail or deliver a ballot to the clerk for the voter.*

If a relative can drop a ballot in a box, that individual can drop it at the clerk's office and show identity.

- B. In the event that the Committee determines it cannot eliminate drop boxes in their entirety, we respectfully request that you, as the people's representatives, load the six steel bullets below into this bill:

**I. Restrict drop box placement and hours of availability. Strengthen video surveillance, video retention, and accessibility.**

- a. AMEND to prohibit all drop-off boxes other than those placed within a well-lit area of the clerk, election supervisor, or branch office of the clerk's office; and other than those under continuous video surveillance with resolution of at least 1080 pixels.
- b. AMEND to require the clerk's drop boxes be available only during regular business hours
- c. AMEND to require an election supervisor to designate each drop box site at least 30 days before an election. After designation of a location, the drop box must not be moved or changed. On each day of early voting, all drop boxes must be emptied at the end of early voting hours and all ballots retrieved from the drop boxes must be counted and returned to the supervisor's office in accordance with published ballot chain of custody procedures.

- II. **AMEND to require certified staffers to do the work.** Only the local clerk or a deputy clerk must be authorized to retrieve ballots from the drop box. A chain of custody log must be completed and signed. Staffers should receive training on the importance of protecting chain of custody and ways to maintain ballot security.

- III. **Increase retention times uniformly across all aspects of voting records to ten (10) years.** According to various statutes, retention of election records varies between 22 months and five years, depending on the type of records and the statute. We recommend retaining all election records consistently and long enough to allow completion of challenges, audits, and investigations. Having witnessed prolonged obstruction against real audits and investigations, we now understand that 22 months is insufficient time. We strongly recommend the legislature expand the time period for retaining election records to ten (10) years.

- a) AMEND SB 273 wording: **The video recordings of each absent voter ballot drop box used in a city or township must be retained by the city or township clerk for not less than [DELETE:] 30 days [Change at a minimum to 22 months and preferably to ten (10) years] after the final certification of the election at which the absent voter ballots were collected. Upon request, the video recordings must be made available by the city or township**

clerk to the secretary of state or appropriate board of county canvassers [INSERT: , to any attorneys, individual citizen, group of citizens, and to the public at large.]

- IV. **AMEND to require legal penalties.** If any drop box at an early voting site is left accessible for the return of ballots outside of early voting hours or outside an approved and compliant site within a clerk's office, the supervisor may be subject to a civil penalty of \$25,000. Amend bill to clarify that the election bureau and local law enforcement are authorized to enforce this statute.
- V. **Tie bar SB 273 and 278** (Each references the passage of the other as a requirement. It would be a mess if one bill passed or was vetoed and not the other.)
- VI. **AMEND to restore:** Substitute SB 273 appears to remove several clauses from the original bill and place them solely in SB 278. PIME is not finding the following clause in either bill, however, and recommends restoring the following in either SB 273 or SB 278:

(9) The city or township clerk, his or her deputy clerk, or a sworn member of his or her staff, must complete a chain of custody log each time absent voter ballots are collected from an absent voter ballot drop box in the city or township. A city or township clerk must retain a chain of custody log described in this subsection for 6 years [Change to 10 years] after the date of the election at which the absent voter ballots were cast.

**Position: Support with the amendments.**

- 4. **SB 278** (Sen. MacDonald) Elections; absent voters; collection procedures for absent voter ballots deposited in an absent voter ballot drop box; modify. In other words, ballots collected from an absentee voter drop box will need to be delivered immediately to city or township clerk's office under MacDonald's [SB 0278](#)

**Recommendations:**

- A. Tie bar SB 273 and 278. Each mentions the passage of the other as a requirement. The importance of video recording of all drop boxes cannot be over-estimated. Failure of either SB 273 or SB 278 would have serious deleterious effect on the already open sieves that are drop boxes. What happens if either 273 or 278 fails?
- B. Delete: Section 761d: 3b: **(3)** ~~(4)~~—If an absent voter ballot drop box is located outdoors, all of the following **requirements** apply:

C. Change wording as follows:

**Sec. 761e. (3) If the design and construction of an absent voter ballot drop box installed in a city or township before January 1, 2022 [INSERT: is not approved as provided in subsection] (2) before June 1, 2022, that absent voter ballot drop box must [be sealed and removed by June 22, 2022]. Noncompliant drop boxes shall not be used at an[y] election held after June 1, 2022.**

**(4) Beginning June 1, 2022, a city or township clerk must use a video recording device[(s)] to [capture the face of each depositor] and monitor each absent voter ballot drop box location in that city or township. [Devices must clearly show at least two views: 1) The area around the drop boxes where people pull up their vehicles and then approach the drop box, and 2) a clear, frontal view of the individual as the individual deposits a ballot or ballots. The video must capture and display time, date, and location information.]**

**...The video recordings of each absent voter ballot drop box used in a city or township must be retained by the city or township clerk for not less than ~~30 days~~ [22 months (to conform to election record retention laws, or more optimally to ten (10) years] after the final certification of the election at which the absent voter ballots were collected. Upon request, the video recordings must be made available by the city or township clerk to the secretary of state[, ] ~~or~~ appropriate board of county canvassers [INSERT: , to any attorneys, individual citizen, group of citizens, and to the public at large.]**

**(5) "AREA IS MAY BE UNDER SURVEILLANCE..."**

**Position: Support with amendments as noted above.**

5. **SB 788** (Sen. Runestad) Campaign finance; contributions and expenditures; funds donated to a candidate for recall efforts; require candidate to establish a separate account used for recall purposes.

**Position:** We are appalled at an unethical politician's exploitation of a loophole in the law and her shift-and-shaft redirection of recall funds. We applaud Sen. Runestad for sponsoring well-reasoned legislation to codify into law what was formerly unwritten, common sense ethics regarding campaign finance.

**Support.**

Respectfully submitted,

Patrice Johnson, Chair, Pure Integrity for Michigan Elections	Andrea Smith, President, Eaton County Republican Women's Alliance
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