



CENTER FOR
TECH AND
CIVIC LIFE

Preparing to Implement Potential Election Reforms: Supporting Michigan Clerks

A set of recommendations for election officials and stakeholders based on needs assessment interviews with Michigan clerks

Center for Tech and Civic Life

August 2022

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Introduction

In 2018, Michigan voters passed Proposal 18-3, the Promote the Vote ballot initiative. This ballot initiative enshrined new voting rights in the state constitution and overhauled various election procedures.¹ The following year, the Center for Tech and Civic Life (CTCL) conducted a series of interviews with clerks from across the state to determine how they were planning to implement the provisions of the ballot initiative, and where they needed support in order to do so successfully. Based on these interviews, CTCL released *Proposal 3 Implementation: Supporting Michigan Clerks*, a needs assessment detailing a series of recommendations for the successful implementation of Proposal 18-3.

This year, multiple ballot initiatives have been introduced in Michigan that would similarly make major changes to Michigan election law and the rights of voters in the state.² Chief among these are the Secure MI Vote and Promote the Vote 2022 ballot initiatives.³ In advance of the passage of either of these initiatives, CTCL conducted a new series of interviews with a diverse set of clerks from across the state to surface their thoughts and concerns about implementing each initiative. This report seeks to lift up the needs of clerks, and provide recommendations for how to address those needs in the event that either or both of these initiatives pass.

Amid both heightened scrutiny of elections in Michigan and their greater significance in the national political climate,⁴ it is more important than ever for the state's elections to be administered safely and securely, and for every eligible voter to have confidence that the vote they cast will be counted accurately. For either or both of these initiatives to be successfully implemented, the concerns raised by Michigan's clerks and detailed in this assessment will have to be taken seriously by state policymakers. CTCL hopes that state policymakers and the general public will take the views of clerks into account as they weigh these initiatives and prepare for their potential implementation.

¹ Kat Stafford. "Voters approve Proposal 3, bringing sweeping changes to Michigan's election law," *Detroit Free Press*, November 6, 2018, <https://www.freep.com/story/news/politics/elections/2018/11/06/michigan-voting-proposal-3-results/1885266002/>.

² Yue Stella Yu. "2022 Michigan petition drives tracker: What to know about election proposals," *Bridge Michigan*, accessed July 19, 2022, <https://www.bridgemi.com/michigan-government/2022-michigan-ballot-issues-tracker-what-know-about-election-proposals>.

³ See the full text and petition summaries for [Secure MI Vote](#) and [Promote the Vote 2022](#).

⁴ Mark Bowden and Matthew Teague. "How a County Clerk in Michigan Found Herself at the Center of Trump's Attempt to Overturn the Election," *Politico*, December 15, 2021. <https://time.com/6128812/the-steal-antrim-county-michigan/>.



Summary of Recommendations

In the following sections of this report, the provisions of each ballot initiative are detailed. Clerks' feedback, and our recommendations to address their feedback, are listed alongside each provision.

The recommendations included in this report are provided with the assumption that there will be a good faith effort on the part of state election administrators and policymakers to implement either or both of these initiatives if they are enacted. Essential to successfully implementing either initiative will be the following core components:

- Adequate public funding;
- A public-facing communications campaign explaining these changes to voters; and
- A robust and inclusive stakeholder process when developing subsequent implementing legislation and supporting regulations.

To that end, in the event that either or both of these initiatives pass, the following global recommendations will support their implementation:

- **Standing Advisory Board on Election Law and Implementation:** The Secretary of State should convene a standing body made up of state lawmakers, clerks from a broad and diverse variety of jurisdictions, and experts to advise on implementing and revising election laws and procedures.
- **Standard guidance, communication, and training for local clerks' offices:** Michigan has an extremely diffuse system for administering elections — with 83 county clerks, 280 city clerks, and 1,240 township clerks, Michigan's elections system is administered by 1,603 county and local election officials. Given the number of unique jurisdictions in Michigan and the many provisions of the proposed initiatives, it is possible that voters in different jurisdictions will have significantly different experiences. This becomes even more likely if election-related litigation occurs in 2023 or 2024, which is likely based on recent history. As a result, the Bureau of Elections should provide consistent communication, education, and legal guidance to local clerks advising them on how to comply with the law as litigation proceeds.



- If both initiatives pass, some of their provisions may be understood to be in direct conflict with each other. In this scenario, the Bureau of Elections should provide detailed guidance to clerks identifying any point of conflict and advising them of how to follow the law.
- **State funding for local clerks' offices:** Increased funding for clerks can support the successful implementation of either initiative by helping clerks manage new responsibilities and workflows. Most clerks currently run very lean operations, with small staffs and budgets. Increased state support will be an important way to ensure smooth implementation and increased election integrity in future years.

"I tell my colleagues it's not that there's more work for me. It's 'What can we do for our voters?'" – a local Michigan clerk



If the Secure MI Vote initiative passes, the following major recommendations will support its implementation:

- **State-funded public education campaign:** Many provisions of the Secure MI Vote initiative would eliminate voting rights currently afforded to Michiganders, such as the right to cast a regular ballot if they do not possess or have temporarily misplaced their ID. The state should provide for a sustained and multi-modal public education campaign so voters know the new requirements they must meet in order to ensure that they can cast a ballot that counts.
- **Revised and accessible forms:** In requiring, for example, that applicants provide the last four digits of their Social Security number on voter registration applications, the Secure MI Vote initiative would necessitate that voter registration forms be updated. The Secretary of State should work with universal design experts to ensure that this new requirement and other such requirements are clearly communicated on the appropriate forms.
- **State funding to fill the gap of in-kind polling place locations and private funding:** The Secure MI Vote initiative bans the use of private funding or in-kind contributions for election expenses. Yet in 2020, many local clerks relied on private funding to successfully administer their elections. Moreover, many local clerks rely on the donation of private space in churches and fraternal lodges to provide for an adequate number of polling locations. State funding will have to be allocated to clerks' offices in order to replace private funding and address new polling location facility rental costs. Failure to do so may result in closure of many Election Day polling place locations.



If the Promote the Vote 2022 initiative passes, the following major recommendations will support its implementation:

- **Legislation and regulations to support implementation:** The Promote the Vote 2022 initiative, as an initiative that would amend Michigan’s constitution, includes some broad language in its provisions. The legislature and Secretary of State should act to amend statute and update regulation to ensure all code is compliant with the new constitutional provisions and to support uniform implementation across all local jurisdictions.
- **Allow clerks to expand pre-processing activities:** Between Promote the Vote 2022’s requirement to count late-arriving mail ballots from military and overseas voters, and the new early voting window it establishes, clerks are expecting to see more ballots cast outside of the polling place on Election Day, and overlapping timelines for pre-Election Day administration responsibilities. Across the board, clerks are asking for the state to grant them an earlier start for processing and tabulating mail ballots in order to better manage workflows and report results with both speed and accuracy.
- **External technical support from elections leadership, experts, and stakeholders:** In implementing the various provisions of Promote the Vote 2022, clerks will rely on support from leaders and allies in the elections space at the federal and state level with adapting workflows, procuring equipment, and integrating procedures.



Secure MI Vote Concerns & Recommendations

(A) Requires that elections officials capture partial Social Security numbers on voter registration forms.

What would change

Currently, applicants have the option to provide either their driver's license or state ID number, or the last four digits of their Social Security number, on their voter registration application. This would instead require that applicants provide both their driver's license or state ID number, and the last four digits of their Social Security number, in order to register to vote.

Positive reactions

Clerks who were interviewed did not share any explicitly positive views regarding this provision.

Concerns

Many clerks thought that this requirement would raise personal security concerns for potential voters, and deter them from registering. Clerks were also concerned that applicants might overlook the requirement altogether and thus fail to have their applications accepted.



Recommendations

- **State-funded public education campaign:** A state-funded public education campaign to advise voters of this new requirement.
- **Revised and accessible forms:** When updating the state voter registration form to accommodate this change, the Bureau of Elections should ensure that clear instructions for voters are printed on the form, and they should work with universal design experts to ensure that voters notice and understand this new requirement.



Secure MI Vote Concerns & Recommendations

(B) Eliminates current voter verification options for registered voters at the polls who don't have photo ID or have lost or misplaced their photo ID. Instead, it requires registered voters who go to the polls without ID to appear at the clerk's office within 6 days or else their vote won't count. Also creates the voter access fund and appropriates \$3,000,000 to credit the Secretary of State for fees owed by ID applicants who "sign a form developed by the Secretary of State acknowledging [a] hardship [in paying the fee for an ID]."

What would change

Currently, if a voter is not in possession of photo ID when they vote in person, they can fill out an affidavit attesting to this, and receive a normal ballot. This would eliminate that option — instead, voters would have to show their ID when they vote in person in order to obtain a regular ballot. If not, they will be given a provisional ballot and they must appear at their clerk's office with their ID in the following 6 days to have their ballot counted.

Positive reactions

Clerks from small jurisdictions noted that very few of their voters currently lack ID and use the affidavit option. They did not think it would be difficult to accommodate increased traffic for the few voters who would rely on this in their jurisdiction.

Concerns

Most of the clerks we interviewed, including those unconcerned about the increased traffic, were concerned about voters who are unable to satisfy the ID requirement within the 6-day window. Regardless of the number of voters that they think would be impacted by this in their jurisdiction, they were concerned that a sum of voters across the state would be disenfranchised.

Clerks from high-population jurisdictions, though, were especially concerned about the number of voters that would be impacted and their capacity to assist them amidst other post-election responsibilities.



One clerk also noted that the initiative only appropriates funding to cover the fees for voters facing financial hardships for the fiscal year ending in 2022. The initiative does not appropriate or guarantee any future funding for new registrants past 2022.

*“The issue isn't whether or not we can manage it, the issue is whether or not those voters will come. I just don't believe we will get even half of them to turn out and come to our office to fulfill the ID requirement. Certainly, this effort is problematic. I know in smaller communities where maybe 1 or 2 or 100 voters come in without ID — those numbers are small but when you combine them from across Michigan, that can be 50,000 people who are impacted, which can turn a national election...We know folks adversely affected with ID and transportation challenges disproportionately live in urban communities, in poverty, and those folks are Black, Brown, and people of color.” - **a local Michigan clerk***

*“The timeline would disrupt things for us...It would delay the certification of our results.” - **a local Michigan clerk***

*“Realistically, is that going to be a major workload issue? I'm more concerned about voter disenfranchisement. Someone literally has a life and can't get to their local clerks' office from 9-5 and can't have their ballot count because of that.” - **a local Michigan clerk***



Recommendations

- **State-funded public education campaign:** A state-funded public education campaign to advise voters of this new requirement and alert them to the opportunity to obtain a fee-free Voter ID if they have a qualifying financial hardship. As one clerk noted, state lawmakers will also have to provide adequate and recurring funding to cover the cost of the fee-free Voter IDs.



- **Revised and accessible forms:** The Bureau of Elections should design a standard workflow and accessible form for voters to attest to a financial hardship in order to obtain a fee-free Voter ID. The Secretary of State should train branch office staff to integrate this into their ID transactions and provide them with adequate forms.



Secure MI Vote Concerns & Recommendations

(C) Prohibits elections officials from providing absentee applications to registered voters without a formal request.

What would change

Both the Secretary of State and local clerks proactively sent absentee ballot applications to voters in 2020. This would prohibit that in future elections.

Positive reactions

Some clerks shared that the mass mailing of absentee ballot applications caused confusion among voters in 2020.

*"We don't want to send applications to everyone because it's a lot of work, causes confusion, and hurts locals with duplicates...It causes strain on locals when voters ask why they received an application after they already submitted one." - **a local Michigan clerk***

Concerns

The clerks we interviewed shared many concerns with this provision. They were concerned about the duplication and redundancy that this prohibition might impose. Depending on how broadly the provision could be construed, they were worried that they might have to go to the trouble of accounting for every voter that submitted an application of their own accord but who did not formally request one from their office in order to avoid potential challenges to their compliance with this provision. Clerks were also generally upset that they were being singled out when third parties already send voters unsolicited applications all of the time. Overall, clerks would prefer that the applications come from them in the first place because they are mailed out with barcodes that allows them to easily enter the receipt into the Qualified Voter File (QVF) rather than having to manually enter a voter's info.

*"Formalizing the request for the application is completely needless. I don't get that one. It's more paperwork. It's a whole other workflow process that will add an administrative burden for sure." - **a local Michigan clerk***



"So now you would have to apply to apply? Seems silly." - a local Michigan clerk
"I think it's fine to mail applications, third parties do it already — why is it such a big deal for clerks to do so? And when we do it they're bar-coded for each voter, and it has the info just how we want it — that's better for us." - a local Michigan clerk

"We're trying to solve a problem that doesn't exist and creates bandwidth issues that slow things down...[I]t's about making it easier for voters while safeguarding security." - a local Michigan clerk



Recommendations

- **State-funded public education campaign:** A state-funded public education campaign to advise voters of this, and to promote the option that many voters have to join the permanent absentee ballot application list in their jurisdiction.
- **Standard guidance, communication, and training for local clerks' offices:** The Secretary of State should develop guidance for clerks on how to document requests for applications consistently across jurisdictions, and provide education and training to clerks on implementing this guidance.



Secure MI Vote Concerns & Recommendations

(D) Requires military and absentee voters to include personal identifying information on absentee ballot applications.

What would change

Military and overseas voters will be required to provide their driver's license or state ID number, or the last four digits of their Social Security number on their absentee ballot applications in order to obtain a regular ballot. If they don't, they must be issued a provisional ballot, and in order for that ballot to count they must submit the required identifying information within 6 days after Election Day.

Positive reactions

Some clerks appreciated the opportunity for military and overseas voters to provide this information electronically (as Michigan allows Federal Post Card Applications to be submitted electronically).⁵

Concerns

Many clerks expressed similar reservations here as they did with provisions A and B detailed above. Particularly, there were concerns about voters neglecting to include this information on their applications due to personal security concerns, or that they would overlook it altogether and thus fail to have their applications accepted.



Recommendations

- **State-funded public education campaign:** A state-funded public education campaign to advise voters of this new requirement.
- **Revised and accessible forms:** The Bureau of Elections should work with the Federal Voting Assistance Program to determine the feasibility of updating the Federal Post Card Application, as well as the resources maintained by the Federal Voting Assistance Program, to more clearly communicate this new state requirement. When updating these materials, the Bureau of Elections should work with universal design experts to ensure that voters notice and understand this new requirement.

⁵ "Michigan," *Federal Voting Assistance Program*, accessed July 19, 2022, <https://www.fvap.gov/guide/chapter2/michigan>.



Secure MI Vote Concerns & Recommendations

(E) Bans charitable donations, including in-kind support, for elections.

What would change

It has been a common practice of local clerks to accept grants and in-kind support from a host of philanthropic sources in past elections, and particularly in 2020. This would prohibit that practice going forward.

Positive reactions

Many clerks were sympathetic to voters' concerns on this issue and supported increased regulation of private funding. But they cautioned adopting any restrictions without first addressing their real resource constraints through public funding.

Concerns

Absent adequate, sustainable, and consistent public funding, clerks rely on private funding to successfully administer elections and meet unfunded legal mandates. Many of the clerks we interviewed depended on this funding in 2020 to address new budgetary demands and a total budget shortfall in the midst of an unprecedented pandemic.

Clerks were especially concerned that the broad language would prohibit them from being able to source polling locations in places like churches when they lack enough public facilities.

- I. With this barrier in place, many clerks would have to eliminate polling locations that are currently hosted in facilities that are not publicly owned and operated. Where a replacement public facility can not be found, clerks would be forced to consolidate polling locations. This would result in voter confusion and longer wait times at the polls on Election Day.
- II. If clerks attempt to find workarounds in order to comply with this new prohibition, they would face new financial and logistical challenges. For example, if they tried to retain a polling location at their local church while complying with this new provision, clerks would have to determine a fair market value for renting space in their local church, and then find new budgetary support to afford that added cost.



"It takes money to run these operations. We get negative press, not because we don't plan but because we need support and we need people to make sure we can handle it. The backstop of our elections is a human hand and heart." - a local Michigan clerk

"The impact is tremendous and it's hard enough for clerks to find places — schools don't want it as it's a safety concern. In November, schools counted it as an in-service day for teachers but that wasn't true for the March Presidential Primary, for example. It's horrible but we live in this modern world with shootings and everything." - a local Michigan clerk



Recommendations

- **State funding to fill the gap of in-kind polling place locations and private funding:** If the state institutes this provision, the state should provide for the full funding of election costs that have otherwise been covered through private funding.
- **Standing Advisory Board on Election Law and Implementation:** Through the Advisory Board, state lawmakers should work with state and local education leaders and the Bureau of Elections to explore options for aligning school and election calendars in order to allow for the maximum number of publicly owned and operated facilities, like schools, to be made available to host polling locations on every Election Day.
- **Standard guidance, communication, and training for local clerks' offices:** The Secretary of State and Bureau of Elections should provide guidance to local clerks on determining the fair market value for the rental of private facilities for use as polling locations that don't otherwise have standard rental rates.



Promote the Vote 2022 Concerns & Recommendations

(A) Adds to the state constitution a fundamental right to vote free from harassing, threatening, and intimidating conduct.

What would change

This wouldn't change current practices, but would provide Michigan's citizens who are eligible to vote with the fundamental affirmative right to vote in the constitution. This could impact future litigation on voting rights in the state.

Positive reactions

Clerks have overall shared their passion for safeguarding voting rights and access to the polls. For them, it's about making sure every voter's ballot counts, even if it requires more work on their part.

"We're supposed to look out for voters, not what's best for me. It's a lot of work and it's stressful but that shouldn't be the reason to support or oppose [a provision]." - a local Michigan clerk

Concerns

Clerks who were interviewed stated that this largely codified existing practice and did not highlight additional concerns.



Recommendations

- **Standard guidance, communication, and training for local clerks' offices:** The Bureau of Elections should educate clerks on how this may impact their work, and provide clear guidance if this right is enforced through state litigation.



Promote the Vote 2022 Concerns & Recommendations

(B) Gives military and overseas voters the right to have their ballot counted if it is postmarked on or before Election Day and received within 6 days after Election Day.

What would change

Currently, all mail ballots must be received by the close of polls on Election Day in order to be accepted for counting. This would allow for ballots from military and overseas voters postmarked by Election Day and received within 6 days after Election Day to be accepted and counted.

Positive reactions

Clerks were generally supportive of expanding access to military and overseas voters given the unique barriers they face. And clerks were proud of the steps they were already taking to do so.

Concerns

Clerks have shared concerns with handling post-Election Day responsibilities that may run up against the tight post-election certification timeline, or which may delay the final tabulation of vote counts.



Recommendations

- **Allow clerks to expand pre-processing activities:** State lawmakers should consider legislation that would at least allow clerks to pre-process absentee ballots like they were allowed to do on a temporary basis for the 2020 General Election, and this legislative change should happen well in advance of Election Day so clerks can prepare to utilize this new window. Ideally, state lawmakers should consider allowing clerks to employ further and earlier pre-processing and even pre-tabulation activities so clerks can release more timely results, manage workflows, and avoid burnout among poll workers.
- **Standing Advisory Board on Election Law and Implementation:**
 - Through the Advisory Board, state lawmakers should work with the Bureau of Elections and local clerks to identify ways to appropriately adjust post-election



timelines in statute, using other states who already accept ballots that arrive after Election Day as a model.

- o The Advisory Board should work with the Federal Voting Assistance Program and the Secretary of State to design a public education campaign to inform military and overseas voters of their new right, while still promoting the early return of completed ballots.



Promote the Vote 2022 Concerns & Recommendations

(C) Adds to the state constitution a right for voters to either show their appropriate ID or sign an affidavit verifying their identity. Voters can't be forced to vote using provisional ballots just because they signed an affidavit instead of showing ID.

What would change

This would enshrine current statutory law in the constitution.

Positive reactions

Many clerks believe that voters are well aware of the current ID requirements, that most voters already provide ID when they vote in the first place, and that a small but meaningful number of voters rely on the current affidavit system.

Concerns

Clerks who were interviewed stated that this codified existing practice and did not highlight additional concerns.



Recommendations

- **Standing Advisory Board on Election Law and Implementation:** With both ballot initiatives containing conflicting Voter ID provisions, voters may be confused about what the rules ultimately are after the ballot initiative campaigns conclude. Though this provision simply retains the current rules, a moderate state-funded public education campaign informing voters of the right that this provision gives them may help cut down on potential confusion. The Advisory Board should provide input to the Secretary of State on the design of this campaign.



Promote the Vote 2022 Concerns & Recommendations

(D) Adds to the state constitution a right for voters to prove their identity through signature matching. For absentee ballot applications, the clerk will compare the voter's signature on their application with their signature in their voter registration record. For absentee ballots, the clerk will compare the voter's signature on their ballot with their absentee ballot application or with their signature in their voter registration record. If the clerk finds a signature mismatch, the voter is notified immediately and given a chance to cure the mismatch.

What would change

This would enshrine the current practice of signature verification in the state constitution, and add a constitutional right for a voter to be notified of and given an opportunity to cure a signature mismatch.

Positive reactions

Many clerks noted that the current signature verification process is secure and sufficient.

"The current signature match system is sufficient — we check it on the app, and check it on the ballot too. There are multiple steps of verification." - a local Michigan clerk

Concerns

Some clerks have suggested that more specific signature verification guidelines would be helpful with implementing these broader constitutional provisions. They suggested that instituting this in statute would also be helpful, in light of Secretary Benson's regulatory guidelines that were rolled back in 2020.





Recommendations

- **Legislation and regulations to support implementation:** State lawmakers should pass implementing legislation with more specific guidance on the signature verification and curing processes. If the legislature fails to adopt legislation to address this, the Secretary of State should adopt rules to guide this process.⁶

⁶ The guidance that the state adopts should be based on research-informed national best practices, such as those detailed in: Stanford Law School Law and Policy Lab Policy Practicum: Every Vote Counts (Law 806Z) Spring 2019-20 “Signature Verification and Mail Ballots: Guaranteeing Access While Preserving Integrity,” May 15, 2020, https://www-cdn.law.stanford.edu/wp-content/uploads/2020/04/SLS_Signature_Verification_Report-5-15-20-FINAL.pdf.



Promote the Vote 2022 Concerns & Recommendations

(E) Adds to the state constitution a right for voters to be provided with prepaid postage when they are sent absentee ballot applications and absentee ballots by Michigan election officials.

What would change

Currently, outside of a select number of municipalities that provide funding for this (either for absentee ballots alone, absentee ballot applications, or both), most voters in Michigan are responsible for providing their own postage if they want to return their absentee ballots and applications via mail. This would make prepaid postage a statewide requirement.

Positive reactions

Clerks expressed general favorability for initiatives that reduce barriers for voters, without increasing the workload of their offices.

Concerns

Clerks emphasized the need for substantive and reliable public funding to implement this.



Recommendations

- **Legislation and regulations to support implementation:** State lawmakers should pass legislation that provides a sustainable and reliable structure for appropriating regular funding to meet this new constitutional requirement. This could take the form of establishing a trust or otherwise distinct and dedicated fund.
 - Local jurisdictions should not have to front these added costs and submit them to the State after the fact for reimbursement, but rather, they should be empowered to bill these expenses directly to the State as they are incurred so they don't have to cover these added costs with their local budgets in the first place.



Promote the Vote 2022 Concerns & Recommendations

(F) Adds to the state constitution a right for voters to have access to a state-funded ballot tracking system for absentee ballot applications and absentee ballots that allows voters to learn of their status, sign up for notifications, and to be informed of any deficiencies and how to address them.

What would change

The Secretary of State currently provides a simplified online ballot tracking system that shows voters when their ballot status is updated in the QVF, but this would be a more sophisticated system. Some local jurisdictions have contracted with private vendors for a similar service, but this would adopt a statewide system.

Positive reactions

Clerks noted that voters appreciate more transparency when it comes to their absentee ballots and applications. One clerk noted that the private vendor that some jurisdictions use for this inserts an extra step into the mail process (through diversion to a separate processing center) that can extend the time it takes for them to receive ballots, so a statewide system could solve this.

Concerns

Regarding the above, it would be important for the statewide system to not depend on ballots or applications being diverted to a separate processing facility for it to work.



Recommendations

- **External technical support from elections leadership, experts, and stakeholders:** The Bureau of Elections should support clerks with procuring new technology to allow them to properly interface with this state system.
- **Legislation and regulations to support implementation:** The Secretary of State should issue regulations to advise the implementation of this measure. In developing these rules, the Secretary of State should work with local clerks to ensure that the



system works seamlessly with existing processes and is easy for local offices to interface with. State lawmakers may be invited to observe and participate in this process to allow for increased transparency on the absentee ballot process.

- **Standard guidance, communication, and training for local clerks' offices:** The Bureau of Elections should provide training and support to local clerks' offices on how to properly integrate this into existing systems.



Promote the Vote 2022 Concerns & Recommendations

(G) Adds to the state constitution a right for voters to have access to at least one drop box for every municipality, and at least one box for every 15,000 registered voters in a municipality. All drop boxes must be accessible for 24 hours/day starting 40 days before Election Day and through the close of polls.

What would change

Current law allows for drop boxes to be used but does not require them be used in every jurisdiction. And current law does not require that they be open for any minimum number of hours or days.

Positive reactions

Many clerks who provided drop boxes were very proud of them and noted that voters really appreciated them. In light of concerns with the postal system in 2020, they shared that many voters relied on the drop boxes, and the clerks appreciated that they allowed them to quickly and efficiently receive ballots amidst increased demand.

"When we bought ballot boxes we got...the Cadillac of ballot boxes, and we're really proud of them. No one is breaking into them, no rain is getting into them, and they're better than a postal box. There's pride in our elections being really nice. And they're all video monitored too." - a local Michigan clerk

Concerns

Clerks noted that more specific guidance and assistance with siting drop boxes would be helpful to ensure that dropboxes can be properly overseen and ballots can be retrieved in a timely manner.





Recommendations

- **External technical support from elections leadership, experts, and stakeholders:** State lawmakers should work with the Bureau of Elections and the clerks' associations to explore the possibility of bulk buying drop boxes at a statewide or countywide level in order to achieve greater efficiencies and cost-saving in procurement.
- **Legislation and regulations to support implementation:** State lawmakers should pass implementing legislation with guidelines on drop box siting, as informed by the input of the Bureau of Elections and local clerks. If the legislature fails to adopt legislation to address this, the Secretary of State should adopt rules to guide this process.
- **Standard guidance, communication, and training for local clerks' offices:**
 - The Bureau of Elections should assist local clerks with determining where to locate drop boxes.
 - The Bureau of Elections should also provide guidance to clerks on how to handle ballots deposited in a drop box that belong to another jurisdiction.



Promote the Vote 2022 Concerns & Recommendations

(H) Adds to the state constitution a right for voters to join a permanent absentee list. Voters can choose to join the list by selecting that option on their absentee ballot application. Voters on the permanent list will have an absentee ballot automatically sent to them in future elections without having to submit an application each time. Voters are removed from the permanent absentee list if they fail to vote for six consecutive years.

What would change

Currently, local jurisdictions are allowed to provide a permanent list, where voters who select to be placed on that list will automatically have an absentee ballot application mailed to them in advance of each election. Many jurisdictions already provide for this. This measure would require all jurisdictions to provide a permanent list, and voters who select to be placed on that list will automatically be mailed an absentee ballot in advance of each election, instead of being mailed an absentee ballot application. It would also institute a cancellation trigger for failure to vote in 6 consecutive years; state law currently does not provide for one on the current permanent application lists.

Positive reactions

All of the local clerks we spoke with already utilized permanent lists and noted that their voters appreciated their convenience. The clerks also appreciated them because it allowed them to frontload some of the bulk of the workload for the absentee ballot process earlier in the cycle.

"I actually like that because I know that going into Election Day I have x% of voter turnout checked off the list. You know that you'll have enough people & the same number of polling places and know that [some chunk of] the voters [will] have already voted." - a local Michigan clerk

Concerns

Clerks who were interviewed stated that this largely codified existing practice and did not highlight additional concerns.





Recommendations

- **Legislation and regulations to support implementation:**
 - State lawmakers should pass implementing legislation advising local clerks on how to properly conduct list maintenance according to this provision's cancellation requirement. If the legislature fails to adopt legislation to address this, the Secretary of State should adopt rules to guide this process.
 - The Bureau of Elections will have to update the language on the official print and digital absentee ballot application forms, as well as the voter registration form, to reflect the provisions of this measure.
- **External technical support from elections leadership, experts, and stakeholders:** The Bureau of Elections should update the QVF system to allow for a voter's placement on the permanent list to be easily transferable between jurisdictions when a voter moves within the state, and to notify local clerks when a voter should be removed from the permanent list altogether.



Promote the Vote 2022 Concerns & Recommendations

- (l) Adds to the state constitution an expanded right for voters to have statewide elections audited. Requires the Secretary of State to supervise and oversee county election officials' audits of elections. Political parties will have no role in the process. Election officials must maintain security and custody of election materials. Audits must be conducted publicly based on a methodology set prior to the election. Audit funding sources must be disclosed.

What would change

Current law provides for audits to be conducted, but this would require it, and enshrine standards in the constitution instead of statute.

Positive reactions

Clerks have generally been supportive of audits and procedures that strengthen voter confidence in elections.

Concerns

County clerks that we spoke with said they would like some clarity on what the supervision from the Secretary of State would look like.



RECOMMENDATIONS

- **External technical support from elections leadership, experts, and stakeholders:** The Bureau of Elections should support county clerks with acquiring the technical capacity to conduct audits, and with recruiting additional staff to conduct the audits as well.
- **Legislation and regulations to support implementation:** State lawmakers should pass implementing legislation with guidelines on how to conduct audits in order to ensure that audit procedures remain universal and stable across administrations. If the legislature fails to adopt legislation to address this, the Secretary of State should adopt rules to guide this process.



- **Standing Advisory Board on Election Law and Implementation:** The Advisory Board should assess and provide input to the Secretary of State on the implementation of this measure. In their assessment, they should build upon the prior work of both the Election Security Advisory Commission and Election Modernization Advisory Committee which Secretary Benson convened when she first took office. The Advisory Board should prioritize the timely development of guidance well in advance of the first election that audits will need to be conducted according to this provision.



Promote the Vote 2022 Concerns & Recommendations

- (j) Adds to the state constitution a right for voters to have access to at least nine days of early in-person voting. This early in-person voting period would minimally take place from the second Saturday before Election Day through the Sunday before Election Day for at least eight hours each day. Local clerks may provide additional days and hours of early voting.

What would change

Currently, Michigan does not have an official early voting period. Instead, they allow in-person absentee voting at locations designated by local clerks in a 40-day period before Election Day. Ballots completed and returned there cannot be cast into a tabulator, but must be kept aside and tabulated on Election Day. This would not eliminate in-person absentee voting, but would create a window for true in-person early voting at locations designated by local clerks, within at least the nine days before Election Day. Such ballots would be processed instantaneously, although no results would be tabulated until Election Day, and allow for quicker processing and tabulation of results on election night.

Positive reactions

Many clerks supported the idea of giving voters the opportunity to cast their ballots prior to Election Day for many reasons:

- I. *Increased trust*: They believed that it would promote voter trust and confidence in the election since the voter would actually see their ballot be put into a tabulator and accepted, unlike the less-visible traditional absentee ballot process.
- II. *Decreased primary overvotes*: They also thought it would help more ballots get counted according to the wishes of voters, especially in certain partisan primaries where voters often mistakenly cross over the partisan line and as a result their ballots cannot be accepted. If a voter makes this mistake when voting early in person, they would be notified of the error and be given a chance to correct it right then and there. This opportunity does not exist with absentee voting.
- III. *Reduced waits*: Clerks expressed that they believe that providing more avenues for voters to cast their ballots earlier would help to cut down on both wait times at the polls on Election Day, and the large quantity of absentee ballots that are frequently returned just before the Election Day deadline.



- IV. *Reduced workload on Election Day:* Clerks shared that if more voters were to cast their ballots in person during early voting instead of returning absentee ballots that could not be tabulated until Election Day, the workload of the absentee vote counting boards on Election Day would be reduced.

*"I think that these are steps forward. With the early voting piece, what that will do is that for [the number of] people who voted by absentee ballot — that number will be cut by ⅓. [Many voters] who typically vote by absentee will say 'I can get this out of the way, I can go to this EV satellite, cast my ballot & be done with it'...With absentee voting, it will take a burden off of the city in terms of amassing the number of people that are required to process those absentee ballots on Election Day." - **a local Michigan clerk***

*"With respect to early voting, I'm a strong advocate. As far as resources, we would need additional staffing but we can meet that challenge. Early voting is important because people can see their ballot go through the tabulator and in partisan primaries where you can't cross party lines, it would help for voters to get their ballot rejected in person because there isn't an easy way to cure on the back end otherwise." - **a local Michigan clerk***

Concerns

Clerks raised concerns about providing sufficient staffing, equipment, and space for early voting. They were also concerned about the voter confusion that may result from what will continue to be a 40-day in-person absentee voting period and an overlapping minimum nine-day early voting period.



RECOMMENDATIONS

- **External technical support from elections leadership, experts, and stakeholders:**



- The Bureau of Elections should support clerks with procuring additional tabulators, and recruiting staff as needed to conduct early voting.
- A state-funded public education campaign to advise voters of this new option and promote the utilization of both in-person absentee voting and early voting.
- **Legislation and regulations to support implementation:**
 - State lawmakers should pass implementing legislation with guidance on the operation of early voting. If the legislature fails to adopt legislation to address this, the Secretary of State should adopt rules to guide this process.
 - The Secretary of State should issue regulations providing clear guidance to clerks on both the minimum requirements for early voting, and the flexibility they are given to provide additional days and hours of early voting — up to and including clerks' ability to align their early voting period to coincide with the traditional 40-day in-person absentee voting period in order to cut down on voter confusion.
- State lawmakers should also update state law to comply with the provision that allows for municipalities to provide shared early voting locations in order to cut down on costs and efficiently share resources. State lawmakers, in consultation with the Bureau of Elections and local clerks, should consider the feasibility and benefits of further changing state law to allow for countywide and multi-county early voting centers.
- Clerks noted that it would be helpful for the Secretary of State to provide updated regulations and guidance for conducting the required pre-testing of voting equipment earlier in order to allow for tabulators and other equipment to be used during early voting that are currently only used on Election Day. If this adjustment risks conflicting with other pre-election deadlines, state lawmakers and the Secretary of State should consider revising those as well.
- **Allow clerks to expand pre-processing activities:** State lawmakers should further update state law to allow clerks to also begin pre-processing and pre-tabulation activities for absentee ballots earlier, as it will help to cut down on their workload leading up to and on Election Day.
- **Standard guidance, communication, and training for local clerks' offices:** The Bureau of Elections should provide guidance to clerks on how to handle voters who



appear at their early voting location but reside in another jurisdiction not served by that early voting location.



Promote the Vote 2022 Concerns & Recommendations

(K) Allows publicly disclosed charitable funds and in-kind contributions to be used for election administration, at the discretion of the election official. Foreign donations and in-kind contributions are prohibited.

What would change

Current law is silent on this, and many jurisdictions in Michigan relied on private funding to address increased costs in 2020. This would enshrine in the state constitution the right for election offices to accept private donations, while also instituting regulations over their acceptance and use. These regulations include a requirement to disclose private funding accepted, and a prohibition on accepting private funding or election costs from foreign sources.

Positive reactions

Nearly all of the local clerks we spoke with said that they relied on private funding because funding from public sources has been inadequate to meet the increasing costs of administering elections. Despite increased controversy after 2020, clerks who accepted private funding are proud of their choice to do so, and many of them have taken steps to explain to their constituents how they put that funding to use and how much they depended on it. Clerks almost universally expressed that they thought it was critically important that they be able to continue to utilize private funding in the absence of sufficient public funding.

"I'm lucky in that I have schools for all of my polling places. Three of those schools are getting demolished in the next three years. I don't know where those [polling places] are going to go. I have a few Eagles Halls and a few things like that, but [there's] literally a sticky note in my office [saying] 'where are we putting these in 3 years?' Putting limits on that could be a problem...Outside funding saved our butts in the last presidential election." - a local Michigan clerk

Concerns

Many clerks recognized that the widespread acceptance of private funding in 2020 was used to sow doubt in the integrity of the election. Though that mistrust is baseless, clerks now find themselves spending a lot of time and resources helping to educate the public and combat this disinformation.



Overall, clerks expressed the need for substantive and reliable public funding to solve their funding needs, so they don't have to rely as much on private funding in the first place.



Recommendations

- **External technical support from elections leadership, experts, and stakeholders:** Private grants and in-kind support has historically had an important role in allowing clerks to successfully administer elections. But ultimately, federal, state, and local units of government should each provide their fair share of public funding to address rising election costs in order to remove the need for local election officials to rely on private funding in the first place.
- **Legislation and regulations to support implementation:** State lawmakers should provide guidance in statute defining the procedures for accepting and disclosing private funding. If the legislature fails to adopt implementing legislation to address this, the Secretary of State should adopt rules to guide this process, including specific guidance on how to disclose common in-kind donations such as church and fraternal order buildings as polling sites.
- **Standing Advisory Board on Election Law and Implementation:** The Advisory Board should study best practices for counteracting disinformation related to the use of private funding for elections and share their findings with the Secretary of State.



Promote the Vote 2022 Concerns & Recommendations

(L) Adds to the state constitution a requirement that election results can only be determined by the vote of the people. Enshrines the right for the legislature to establish boards of county canvassers. Defines the role of canvassers as purely ministerial, clerical, and nondiscretionary. Establishes that the State Board of Canvassers' job is to certify the election results and that it is the only body authorized to do so for statewide/federal races. Establishes that the State Board of Canvassers' certification result is final.

What would change

This largely enshrines past common practice in the State constitution, and clarifies that the boards of canvassers don't have the option to not certify their results. This seems to be a response to the members of the State and Wayne County Board of Canvassers' attempt to do just that in 2020 after the Big Lie began to take root.⁷ This would also preclude the ability for either the state legislature to overrule the will of the people, or for an election certification to be revoked after the fact, as was proposed after the 2020 election.⁸

Positive reactions

Clerks expressed that they felt that it was their core duty to ensure that the will of the voters prevails, and that every vote is counted according to the wishes of the voters. Many clerks shared that they have been inundated with threats and calls as a result of the popularity of the Big Lie, and they were looking for ways to stop this disinformation from taking root and threatening the integrity of future elections.

⁷Clara Hendrickson. "GOP members reverse course, vote to certify Wayne County election results," *Detroit Free Press*, November 17, 2020, <https://www.freep.com/story/news/local/michigan/detroit/2020/11/17/wayne-county-election-certification/6309668002/>; Dave Boucher. "Michigan board votes to certify election results despite GOP calls to delay," *Detroit Free Press*, November 23, 2020, <https://www.freep.com/story/news/politics/elections/2020/11/23/did-michigan-certify-election-results-board-canvassers/6388768002/>.

⁸ Craig Mauger. "These Michigan lawmakers sought to delay certifying 2020 election," *The Detroit News*, January 5, 2022, <https://www.detroitnews.com/story/news/politics/2022/01/06/these-michigan-lawmakers-sought-delay-certifying-2020-s-election/9104179002/>.



Concerns

Clerks who were interviewed stated that this largely codified existing practice and did not highlight additional concerns.



Recommendations

- **Standing Advisory Board on Election Law and Implementation:**
 - The Advisory Board should work with the Bureau of Elections to provide increased protection and communications support for local clerks' offices.
 - The Advisory Board should study best practices for counteracting the disinformation that feeds election denialism and undermines election certification, and share their findings with the Secretary of State.
- **External technical support from elections leadership, experts, and stakeholders:** The Secretary of State should manage a distributed state-funded public education campaign to counteract the disinformation that feeds election denialism and undermines election certification, as informed by the findings and guidance of the Advisory Board.



Next Steps

Overall, clerks from jurisdictions across Michigan are ready and able to follow the will of the voters and implement either or both of these initiatives, should they come to pass. They also have confidence that most Michiganders understand the unique demands and challenges that their local clerks face, and appreciate the work that they do to facilitate democracy.

Across the board though, local clerks are under-resourced, and would especially need adequate resources and funding in order to take on the added responsibilities of implementation that these two ballot initiatives require.

Clerks are looking to the Michigan Legislature, Secretary of State, and Bureau of Elections for leadership, guidance, and support as they await the potential passage of these initiatives, and to address the new challenges that the changing election landscape in Michigan poses. Clerks are already working collaboratively with their peers across jurisdictions to address their current needs, and are eager to explore further opportunities for partnership with these State actors. The recommendations listed in this report are designed to facilitate these partnerships and help address the needs and concerns of clerks that have been identified in this assessment.

“Anything that’s going to cost us manpower or money should have a funding mechanism from the state attached to it.” - a local Michigan clerk



About the Report

Between June 22, 2022 and July 6, 2022, CTCL staff interviewed nine Michigan clerks, of which two were county clerks, and seven were municipal clerks. The clerks interviewed represent a diverse cross section of election administration experiences and perspectives, regions, sizes of jurisdictions, and political affiliations. In total, the clerks interviewed serve nearly two million registered voters, or about a quarter of all registered voters in Michigan.

Each clerk was asked to complete a short online survey prior to the interview where they were given the opportunity to rate their degree of concern with implementing the different provisions of each ballot initiative.

The interviews took place both virtually and in person at the clerks' offices. In one instance, staff participated in an interview in addition to their clerk, and in one instance, staff participated in place of the clerk, at the request of and with the guidance of their clerk. Clerks were asked questions from a standard list of 14 questions related to the provisions of each initiative and related election administration issues, as time permitted. The length of each interview ranged from 30 minutes to an hour.



About the Center for Tech and Civic Life

The [Center for Tech and Civic Life](#) is a nonpartisan nonprofit harnessing the promise of technology to modernize the American voting experience. We connect Americans with the information they need to become and remain civically engaged and ensure that our elections are more professional, inclusive, and secure.

We do this by providing information the public needs to develop lifelong civic habits, and by connecting election officials with tools, training, and funding so that they can best serve their communities.

CTCL is proud to be backed by, and support, Republican, Democratic, Independent, and nonpartisan election officials across the country.

