



THE SENATE
STATE OF MICHIGAN

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Hon. Gretchen Whitmer
Governor
George W. Romney Building
111 S. Capitol Avenue
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Dear Governor Whitmer,

I sent the attached letter to Secretary Benson Tuesday. As you know, I continue to believe that scheduled May elections should be consolidated with August elections. However, if it is your decision not to reconsider your Executive Order 2020-27 ordering these elections to proceed - a commitment was made by the Secretary of State personally on phone calls with clerks that the state would provide them with appropriate PPE for their workers. This has not happened to date. The election is in less than 2 weeks and there has not even been a request sent by the department inquiring the volume needed by clerks, let alone a communication of plans of how it will be distributed to 200 cities and townships across the state in the next eight business days. The legislature appropriated \$150 million in funding for coronavirus response, please work to help ensure that this equipment is acquired and distributed appropriately.

I also wanted to bring to your attention that we are already seeing issues, which I discussed in my April 15 letter, with regard to postal mail service disruption caused by COVID-19 as an impediment to conducting the May elections primarily by mail. We heard from one clerk that there was an error in the printing of the return postage metering on all of the absentee ballot applications sent to voters in their jurisdiction by the Secretary of State. This caused thousands of ballots to be held by the United States Postal Service until the clerk called the Secretary of State's office who worked out a payment plan with the post office which continues to involve the post office having to hand count and bill the state for each returned absentee application's postage - delaying their delivery to clerks. In many parts of the state, mail service has been reduced to every other day. We have also heard that mail is being routinely quarantined in postal facilities for at least 24 hours prior to delivery and other delays such as staffing issues.

We spoke to a different clerk whose voters had just started receiving their absentee ballot applications in the mail from the Secretary of State this week. Realize these voters must complete these applications, return them through the postal service with COVID-related delays, then the clerks must process these applications and issue ballots and return these ballots to voters through the postal service with COVID-related delays, and then the voters (many who let their mail sit for a day due to published reports of the virus living 24 hours on paper) must complete their ballots and return them again through the postal service for the clerk to receive them by Election Day. But the election is less than 2 weeks away! I fear we will have similar issues as Wisconsin where voters have not received absentee ballots and/or their returned absentee ballots do not make it to the clerk in time.

Yet a third clerk explained another very troubling issue. Apparently the return envelopes for the absentee ballot applications that were sent by the Secretary of State are window envelopes and if voters do not fold their applications just right the clerk's address is not showing through. This clerk was told by their local post office that such absentee ballot applications were being sent to the U.S. Postal Service's Mail Recovery Center (also known as the "Dead Letter Office") in Atlanta, Georgia. It is highly unlikely these voters who have requested an absentee ballot will ever receive one.

Furthermore, as I have also pointed out in the past, these ballots then need to be counted in Absentee Counting Boards. Again, to date we have seen no new procedures adjusting for our current circumstances issued by the Secretary of State who has promised they were forthcoming shortly for several weeks now. And they have not supplied promised PPE to clerks for election workers either. Again, this is a commitment we heard from several clerks was made personally by the Secretary of State herself on phone calls that the state would supply these materials.

Many municipalities are not prepared to conduct all absentee elections the way they could be conducted in larger jurisdictions with high speed counters. Using tabulators takes much longer and is more labor intensive. We heard from one clerk that to handle the volume of expected absentee ballots they have 50 election workers scheduled to work on May 5 in nine absentee counting boards together in one physical location (a high school gymnasium). They will share 3 meals together, share bathrooms, and likely work in the same room together for 12 to 14 hours. And they have received no promised PPE or arrangements of delivery of PPE from the Secretary of State. They also do not have additional protocols based on being the sixth worst state in the nation in cases and third worst in deaths and being required to operate one 'super-precinct' under your order.

I pray none of them have the virus, but fear we will suffer new clusters of cases as we have already seen in Chicago and now in Milwaukee associated with their March 17 and April 7 elections respectively. Michigan has eight times the COVID-19 cases that Wisconsin has. If you refuse to move these elections as 16 other states have done, please at least work with the Secretary of State and ensure we use the resources the legislature has appropriated to do whatever is possible to help keep these workers safe.

The postal issues we are seeing leave little doubt in my mind that we will likely see voters disenfranchised as they were in Wisconsin. Voters who do not or cannot vote absentee should not have to choose whether to risk their safety to have their voice heard. Moreover, the lack of any guidance to our clerks from the Secretary of State with input from state health officials has led to a nightmare scenario for the health and safety of workers. Fifty election workers sequestered in one room with no PPE they have been promised is unacceptable.

Another issue is that clerks are being instructed by the Secretary of State to not allow any voters to cast a regular in-person ballot on Election Day even if that is what they desire. I'm not sure you will even be able to track Election Day attendance in some jurisdictions. Clerks are being instructed to give voters absentee ballots even if they show up during normal polling hours on Election Day at the one in-person location specified in your Executive Order. It will look on paper like an 'all' absentee election when this is not actually the case. This is not right.

As I have received no response from your office to any of my previous letters either, I assume that you are committed to defer to the Secretary of State's recommendation. Secretary Benson chose to send a letter with her name on it to almost a million Michigan residents promoting her policy position of all vote-by-mail, while not even acknowledging the difference in our system of election administration in our state. Unlike a state like Colorado, the Secretary of State in Michigan does not directly conduct elections, 1,603 local clerks do. So while the Secretary made a decision April 9 to close all of the department's branch offices even for one-on-one appointments until May 14 to protect her staff, she insists on forcing 200 local clerks and thousands of citizen election workers to conduct elections that include congregation caused by consolidation to one in-person voting location and overloaded absentee counting boards and then does not even get them the PPE for their election workers she promised.

I am beyond disgusted at this point. And rest assured if there are bad outcomes the Secretary of State has already set the stage to say repeatedly that they are "just following the governor's Executive Order". Please, consider this situation and take actions you feel are appropriate to protect election workers, the voters, and their rights.

Sincerely,



Ruth A. Johnson
State Senator, 14th District
Chair, Senate Elections Committee

Attachments(1)