



December 14, 2015

Governor Rick Snyder
P.O. Box 30013
Lansing, Michigan 48909

Dear Governor Snyder,

We, the undersigned national voting rights organizations, write to express our opposition to SB 639 and strongly encourage you to veto this bill in the event it reaches your desk.

This bill is clearly designed to restrict absentee voting, even as a bill to adopt in-person absentee voting (HB 4724) is advancing, and to eliminate local flexibility to promote voter registration and participation. If enacted, this bill will make it more difficult and expensive for election officials to do their jobs and will impose unwarranted and potentially illegal burdens on Michigan voters. Additionally, Michigan will continue to stand out as one of the few states in the country that is actively resisting election modernization. It still lacks critical voter engagement tools such as no-reason early voting, Election Day registration and other portable registration mechanisms, pre-registration for 16- and 17-year-olds, and online voter

registration, which more than half of the country has now adopted. SB 639 would negate even the modest progress proposed by HB 4724.

Early voting options such as those proposed in HB 4724, which would allow Michigan voters to apply in person to receive an absentee ballot after presenting valid ID, are intended to give hard-working American citizens more robust options to participate in our democracy, despite their hectic schedules, and to alleviate the strain on polling places on Election Day. The twin goals of greater voting accessibility for citizens with work and family obligations and administrative efficiency on Election Day are typically popular with both voters and local election officials. Yet SB 639 only allows first-time voters to vote by mail if they present identification in person at the municipal clerk's office for the municipality of registration. Because HB 4724 already has a built-in identification requirement, as does the federal Help America Vote Act (HAVA), 52 U.S.C. § 21083, for first-time voters who register by mail, SB 639 does nothing to advance election integrity and imposes fiscally irresponsible burdens on municipal clerks. Sadly, the only conceivable reason for this legislation to emerge now is in reaction or opposition to the meager expansion of voting accessibility proposed in HB 4724. Michigan already has restrictions on first-time voters casting absentee ballots; now SB 639 seeks to make that scheme even more restrictive.

College and university students, particularly freshman studying away from the town of their parents' residence, as well as Michigan voters who travel frequently for work or work non-traditional hours, will be severely affected by this bill. This restriction, coupled with the bar on deputizing other municipal, county, and state offices to verify a first-time voter's identity, removes critical options for first-time voters for no particular reason other than voter obstruction. Additionally, if the single clerk's office available to a first-time voter is not accessible and compliant with the Americans with Disabilities Act, this requirement to verify one's identity in person would be a serious barrier for voters with disabilities.

The bill also prohibits clerks from staying open beyond regular weekday business hours, such as weeknight and weekend hours when hard-working Michiganders could actually take advantage of the proposed in-person absentee option, and prohibits clerks from operating satellite offices for the purpose of processing, accepting or issuing absentee ballots. Stripping the clerks of discretion to extend hours and conduct absentee voting at satellite locations is voter suppression in the guise of uniformity. Rural areas and densely-populated urban areas have differing demands on election administration resources. Alleviating the strain on these resources is precisely why local election officials are given flexibility to tailor their hours and locations to meet the needs of their communities. After all, local clerks are the best judges of the needs of their voters, not the state legislature. But SB 639 treats all parts of Michigan as equivalent for voting purposes with a one-size-fits-all policy that ignores differing needs. This change will suppress turnout, increase lines at the polls on Election Day in urban areas, and will likely have a disparate impact on minority and student voters.

Finally, SB 639 also preempts all voting and election ordinances and resolutions, a truly radical shift on the eve of a presidential election year. No legitimate purpose would be served by this unreasonable restriction on the ability of local government units to enact ordinances or resolutions aimed at improving election administration within their communities. Unfortunately, it seems likely that one motivation for SB 639 was to undermine efforts to expand access to the ballot such as an ordinance in East Lansing – home to approximately 49,000 Michigan State University students – which requires landlords to provide new tenants with voter registration forms and information.

Targeting the youth vote raises concerns of age discrimination under the Twenty-Sixth Amendment to the U.S. Constitution. SB 639 also likely violates the Fourteenth Amendment's guarantee that the right to vote not be unduly burdened, Section 2 of the Voting Rights Act, and the Help America Vote Act. Enacting this legislation is an open invitation to litigation the likes of which have bogged down Wisconsin, Texas, Pennsylvania and North Carolina attorneys general for years and cost these states scarce resources.

SB 639 is a badly-disguised attempt to suppress voter turnout and restrict local discretion to facilitate electoral participation. We urge you in the strongest possible terms to veto this bill. Rather than supporting bills that make it harder to vote, Michigan's legislature should be taking steps to modernize Michigan's election laws so they fit with changing times and encourage participation by all voters. This includes bills that have already been introduced in the legislature like online voter registration, no-reason absentee by mail, and portable registration. Michigan voters need more options to register and cast a valid ballot, not fewer.

Sincerely,

American Civil Liberties Union
Asian Americans Advancing Justice | AAJC
Asian and Pacific Islander American Vote
The Campaign Legal Center
Common Cause
Demos
Fair Elections Legal Network
Lawyers' Committee for Civil Rights
Under Law
National Council of Jewish Women
National Disability Rights Network
Project Vote