

November 29, 2011  
Committee: Redistricting and Elections

Testimony: HB 4656

Judy DeVooght Moenck  
Village of Franklin, MI  
House District 40

My testimony is based upon personal experience from a village election held on September 13, 2011. Given my election experience, I support HB 4656 introduced by Rep. Forlini. (The substitute language is less preferred than previous version.)

**Testimony Highlights**

June, 2011: Filed petition to run for Village Clerk.

Incumbent: Appointed to the elected, non-partison position in 1999; no challengers in any previous elections; an established incumbent who referred to the elected clerk position as “her job.”

My qualifications: Elected public library trustee, retired AT&T executive, master’s degree, community volunteer, non-profit director and community advocate.

September 13 village election results: 459 votes for the incumbent  
421 for me  
Lost by only 38 votes

What makes this experience so relevant to HB 4656 is the impact of absent voters. Of the 880 votes, over 300, more than 1/3, were cast by absent voters.

It is a well established fact that election advantage goes to the incumbent. The advantages are weighted even more heavily in favor of an incumbent clerk - - especially given current election law. HB4656 is critical and essential to move the democratic process forward, to more effectively engage new people and provide a more level field for challengers.

Incumbency has its advantages and this fact could be no more evident than seen with the absent voter election process. During the absent voter election process, the incumbent clerk had four official interactions or “touches” with each absent voter.

**Touch #1:** The clerk mailed an absent voter application to every elector on the permanent AV list. It is addressed to the elector from the clerk with name and position clearly identified.

**Touch #2:** The elector mailed the application back to the clerk in an envelope with her name and position prominently displayed.

**Touch #3:** After receiving the application, the clerk mailed the ballot to the elector, again with name prominently displayed.

**Touch #4:** Elector mailed the ballot back to the clerk in a large envelope, again, with her name and position prominently displayed. (attached example)

That is four times the elector sees the name on official election material. There is no doubt who the incumbent is.

Impacts of the above process:

First, the name recognition achieved by repeatedly placing the name and position in front of an elector.

Second, a challenger’s mailings are campaign literature. Political and election material definitely doesn’t have an “official” look to it. No matter how you package it, it’s not official.

Third, a challenger cannot effectively stagger or refine the timing of the mailings because touch #2, #3 and #4 happen over a 30-45 day period. And the name of the clerk on the official mailings could be setting on the elector’s kitchen counter for that entire period reinforcing and reminding.

Fourth, All interactions are done within the context of official duties of the clerk. Not shady politics. The problem is not with the clerk; it is how election law favors the incumbent and is heavily weighted to favor an incumbent clerk.

### **Comments Relative to Substitute Language:**

HB4656 has already introduced *substitute language* upon the request of the clerk associations.

The substitute language states “ballot-related material” which replaced “election-related material.” Election related is more inclusive.

Also an *absentee ballot application* has been removed from the list of items that cannot display an official’s name. This was also changed at the request of the clerk association.

I will leave it up to the committee to draw their own conclusions as to why the clerk association is weighing in on this and requesting these small but significant revisions.

Are the clerks proposing sound public policy or is it job protection for incumbents?

### **HB 4656 Comments and Questions**

A fine of \$100 for first offense and \$250 for a second/subsequent offense is not a deterrent.

HB 4656 does not indicate who is responsible for enforcement. To whom would a violation be reported?

When referring to a *second or subsequent offense*, is this in a single election cycle or a designated number of months, or some other defined period?

### **Additional election policy observations/considerations:**

Proposal #1: Ban clerks from publicly endorsing candidates to prevent conflict of interest. Election process should be impartial and objective.

In the September 13 village election, the township clerk publicly endorsed the incumbent clerk. As the challenger, I found this very disconcerting.

When the precinct voting machine jammed on September 13, the township clerk was called upon to fix it. When the ballot and elector count did not match when the polls closed on September 13, the township clerk was again called to resolve the discrepancy.

The county clerk publicly endorsed the incumbent village clerk. Given that the county Board of Canvassers, under the supervision of the county clerk, certifies all election results, the certification process as well as its overseer should remain impartial and objective.

**Proposal #2: Make assistant (deputy) clerk ineligible to serve as election inspector for those elections in which the clerk (his/her supervisor) is a candidate. The integrity of the election process must be above reproach.**

**Proposal #3: Communication black out period of 30 days before the election. This would eliminate the use/misuse of frequent (e.g. daily) communications being sent during the period immediately preceding election. For example, the clerk sent daily emails to residents communicating about village happenings, the election, availability of AV ballots, etc.**

### **In Summary**

**HB 4656 offers meaningful improvements to the incumbent/challenger dynamics and therefore I support the bill.**

**I thank Rep. Forlini and the Committee for your work on our behalf.**

**Respectfully Submitted,  
Judy DeVooght Moenck  
(248) 932-5829**

Michigan State Ballot

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FORM NO. 104

**OFFICIAL ABSENT VOTER'S BALLOT**

**WARNING**

THIS BALLOT IS VALID ONLY IF IT IS SEALED AND UNOPENED AT THE TIME OF COUNTING. IF THE SEAL IS BROKEN OR THE BALLOT IS OPENED, IT IS INVALID. THE BALLOT IS VALID ONLY IF IT IS SEALED AND UNOPENED AT THE TIME OF COUNTING. IF THE SEAL IS BROKEN OR THE BALLOT IS OPENED, IT IS INVALID. THE BALLOT IS VALID ONLY IF IT IS SEALED AND UNOPENED AT THE TIME OF COUNTING. IF THE SEAL IS BROKEN OR THE BALLOT IS OPENED, IT IS INVALID.

**DO NOT BEND**

**TO**

NAME

CLERK

SOUTHFIELD TOWNSHIP  
16550 W. 13 MILE ROAD  
SOUTHFIELD TWP., MI 48025-3282

SAMPLE  
PLACE BACK OF ENVELOPE

Michigan State Ballot