

**TESTIMONY OF TOINE MURPHY, NAACP VOTER EMPOWERMENT STATE DIRECTOR
HEARING BEFORE THE HOUSE COMMITTEE ON REDISTRICTING AND ELECTIONS
REGARDING: SB 754, SB 751, and SB 803
April 17, 2012**

Chairperson Lund and members of the Committee, thank you for the opportunity to appear before you today. My name is Toine Murphy and I serve as the Voter Empowerment State Director for the NAACP. I submit this testimony on behalf of Ms. Yvonne M. White, president of the Michigan State Conference NAACP. The state conference is responsible for coordinating the activities and policies of NAACP units in Michigan. Through our 30 local branches and 15 youth and college chapters and their respective membership, as well as a broad base of allied organizations, we have a long history of leading the charge to ensure unfettered access to the ballot box, the integrity of elections, and preserving the public's confidence in the outcome of elections by ensuring all eligible voters are able to cast a ballot that gets counted on Election Day. I testify today in strong opposition to the suite of proposed election law changes before you – SB 754, 751, and 803 – as in application these bills will result in mass suppression of otherwise voting-eligible Michigan citizens including seniors, young voters, people of color, homeless or temporarily displaced voters, members of the disability community, and low-income voters who – while voting eligible – may be unable to register and/or vote under the proposed changes.

SB 754 institutionalizes barriers to voter registration for otherwise eligible citizens

Sec. 497C attempts to establish proof of identity requirements at the time of voter registration. In so doing, it seeks to institutionalize photo identification as the only means for doing so in most voter registration situations. Across the country however, it is estimated that more than 21 million voting-eligible adults do not have photo identification of the kind that would suffice for voting purposes under emerging voter photo identification measures.

A. Sec. 497 pushes otherwise eligible voters into the margins of democracy.

Michigan's existing voter registration application contains a clear and pronounced voter declaration in which the applicant attests under penalty of perjury that the information s/he has provided on the voter registration application is true. Specifically, as to the information appearing on the application the declaration states: "*The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be subject to a fine or imprisonment or both under federal or state laws.*" To date, there is no evidence that the state of Michigan has been plagued by efforts to engage in mass or coordinated fraudulent voter registration on any level nor – as confirmed by various Michigan clerks responsible for administration of our elections – are our elections plagued by voter impersonation. What is more, federal election law already requires first-time voters to establish their identity before casting a ballot; this, coupled with Michigan's existing voter declaration and the *absence* of fraud in the registration process demonstrates the existing system is working.

What is more, while in her 20 Point Plan to improve Michigan elections Secretary of State Ruth Johnson asserts photo ID requirements are not burdensome because presenting ID is "a standard practice in today's world – whether you are cashing a check or boarding an airplane" the Secretary fails to account for research establishing that nationally more than 21 million voting-eligible adults (including 6 million seniors) do not have government-issued photo IDs (See e.g. Brennan Center for Justice at New York City School of Law). Additionally, the NAACP notes that unlike voting, neither cashing a check nor boarding a plane is the cornerstone of our democracy and therefore, they should not be allowed to obfuscate the fundamental issue before us: *free and unfettered access to the ballot box for all qualified citizens.*

B. Sec. 497C convolutes voter registration by creating two voter registration deadlines.

Sec. 497C(11) subjects organizations who seek to facilitate the public's ability to register to one registration deadline and individual voter registrants to another. According to the state of Michigan, individual applicants can return their completed voter registration application on the 30th day of Michigan's voter registration window – so long as mail-in registrations for instance, are postmarked accordingly. Under Sec. 497C(11) however, the complete 30 day voter registration window no longer applies to third party voter registration groups as it requires those groups – and only those groups – to turn in voter registration applications within 1 business day should they collect applications during the last seven days of the voter registration window.

According to Secretary Johnson's 20 Point Plan however, this change is necessary to avoid an onslaught of last-minute voter registration applications. This rationale however, fails to take into consideration the fact that massive amounts of individual voters could submit their completed voter registration applications on the 30th day of the voter registration window thereby rendering all efforts to avoid an influx of last-minute applications, pointless. What is more, while timely return of completed voter registration applications is essential, it is not in Michigan's best interest to create what amounts to two different voter registration deadlines: one for individuals who elect to submit their own voter registration application and another for third party organizations who elect to facilitate individuals' ability to register to vote.

The more reasonable and equitable approach is to retain current practices which, as demonstrated by the absence of fraud in the voter registration process, have proven effective in balancing Michigan's interest in protecting the integrity of our elections while also ensuring all eligible citizens can cast a ballot that gets counted on Election Day. Any approach that has the effect – be it intended or unintended – of pushing otherwise voting-eligible persons into the margins of democracy will surely and rightly, call into question the integrity of Michigan's electoral processes.

SB 751 will disenfranchise otherwise eligible voters

Sec. 509r (1) seeks to institutionalize an "inactive voter file" to which lawfully registered voters will be transferred should they fail to respond to a notice seeking to confirm the voter's residence. Voters in the inactive voter file will remain eligible to vote as under the provisions of Sec. 509r (1), their name will remain on the precinct voter registration list. This process however, stands to move large numbers of active voters into the inactive voter file – such as voters who, by no fault of their own, fail to receive the address confirmation notice despite not having changed residence.

A. The inactive voter file will eliminate essential Election Day resources.

According to Secretary Johnson's 20 Point Plan, voters transferred to the inactive voter file will not be considered for Election Day preparation purposes. As a result, countless polling places may be insufficiently resourced – including poll workers and ballots – to properly handle Election Day turnout. In turn, slow polls (e.g. long lines) can force voters who have obligations elsewhere – such as picking up children from school or daycare – to leave their polling place before casting a ballot.

B. The inactive voter file is wholly unnecessary.

In response to national concern over improper and unnecessary voter purges, federal election law has long since had a requirement that lawfully registered voters not be removed from the rolls before proper notice and two federal elections have passed without voter activity. While this requirement may cause some inflation of voter rolls, because voting is the cornerstone of our democracy, any inconvenience caused by such inflation pales in comparison. Moreover, allowing lawfully registered voters to be moved to an inactive file which will trigger under-resourced polling places on Election Day, is akin to removing eligible voters from the polls as in either instance, despite their lawful right to vote, they will be unable to cast an unfettered ballot on Election Day. The best approach is to continue abiding by existing rules which ensure all eligible voters are able to remain on the voter registration rolls and by appearing on the primary rolls, can rest assured there will be a ballot waiting for them at the polls on Election Day. Additionally, the technology provisions of the Help America Vote Act – which call for data sharing technology to enable registrars to timely share voter registration information across jurisdictional lines – are a better way to address concerns with the timely and proper removal of voters from the rolls.

SB 803 will create slow polls on Election Day and therefore, barriers to voting

SB 803 intends to obligate all voters to sign a citizenship attestation at the polls before receiving a ballot. Should a voter fail to attest to their citizenship, they will be denied the opportunity to cast a regular ballot. The proposed changes in this bill open the door to voter participation barriers that Michigan has successfully avoided thus far.

A. Sec. 523 (1) is redundant.

The first entry on the Michigan voter registration application is a clear and pronounced question pertaining to the applicant's citizenship status. In particular, the voter registration application reads: "*ARE YOU A U.S. CITIZEN? YES/NO. IF 'NO,' YOU CANNOT REGISTER TO VOTE.*" Moreover, assuming the applicant proceeds, upon signing her completed voter registration application she becomes subject to the penalty provisions of the voter declaration found at the end of the application. As I noted previously however, there is no evidence Michigan is experiencing mass registration by ineligible individuals – such as non-citizens. What is more, to the extent anyone is able to identify non-citizens who may have registered, such identification in and of itself indicates existing security measures are working.

B. Sec. 523 (1) will cause delays at the polls.

Not only does Sec. 523 (1) attempt to institutionalize a redundant measure that is meant to resolve a non-existent issue, it will also cause slow polls on Election Day because as a new step in the voting process it will inevitably cause experienced voters – who are not accustomed to having to sign such an affirmation – to ask questions about the process and possibly question poll workers as to the utility and necessity of the redundant measure. In turn, this could cause the voting process to move sluggishly and slow lines often have the effect of forcing individuals – such as voters who have to meet other obligations including picking up children and getting to work – abandon their spot before casting a ballot.

C. Sec. 523 (1) is a waste of tax dollars.

The proposed changes in Section 523 will require sound and long-term education of clerks, poll workers, and voters as to the new requirement. Education will not only be necessary to ensure everyone knows the new requirement exists but also to ensure everyone understands the proper process for proceeding should a voter refuse to sign the attestation or should she mistakenly mark the wrong box as to her/his citizenship status, for instance. In turn, because every voter must attest to her citizenship status under penalty of perjury at the time of initial registration positioning the state to incur costs related to proper implementation of the proposed changes of Section 523(1) is a waste of tax dollars that could be better directed to help resolve actual problems facing Michigan residents.