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Statement to the House Committee on Redistricting and Elections
May 22, 2012
Regarding S 754 Third Party Voter Registration
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S 754 Third Party Voter Registration Part 2

Previously submitted written testimony addressed how restrictions on third party voter registration infringe on the Constitutional rights of assembly and petition. Here we support a proposed amendment to the bill which would avoid the Constitutional objection while accomplishing the stated intention to bring integrity to third party registration programs. Without the amendment, the bill will hamper voter registration efforts significantly and thus damage long standing civic traditions that make our democracy work.

Previous testimony from the Office of the Secretary of State asserted that the purpose of S 754 is to "clean up" voter registration applications that are submitted in large numbers by third party organizations. But the present bill uses a punitive and restrictive approach that will discourage and hamper third party registration efforts. When those parties realize they can easily evade the law by using mail-in registration, there are likely to be even more problems with the voter registration applications submitted.

In contrast, the proposed amendment to S 754 takes a voluntary approach that will encourage cooperation from third party organizations. The amendment avoids costly, unnecessary restrictions and sets a realistic deadline for submitting applications that would also meet the needs of local Clerks. The amended version would thus accomplish the stated purpose of the bill without suppressing voter registration.

Among the problems of the original bill is the vague boundary between an individual acting alone to register others to vote, and an established organization conducting a registration drive. If two individuals work together in collecting voter registration applications, are they an "organization?" How about an informal group of college students? A large family? A military unit? What if an organization is based outside Michigan? What if it does not have tax-exempt status (501c3)? Who decides where on this slippery slope to draw the line between groups required to register and train as "third party voter registration organizations" and individuals not so required? Will the scope of the law be decided by the local Clerks? The Secretary of State? The courts? Such vague legislative drafting will certainly invite expensive litigation.

With the amended bill, the slippery slope doesn't matter, since participation in training is voluntary. Free lance individuals and informal groups may participate in training, but are not

required to. Established groups can train systematically if they wish to and have adequate time and resources, but they can adapt what they do to the needs of their own voter registration programs. The educational services of the Secretary of State's Office and the local Clerks will thus enhance voter registration efforts without confining or discouraging them.

Without the amendment, S 754 will put the Clerks and the Secretary of State in the position of selectively policing third party registration efforts. Anyone who submits two or more registration applications to a Clerk will be in jeopardy of having their applications rejected. Local Clerks may or may not encourage resubmitting applications individually as mail-in applications. Individuals and organizations may or may not be aware of how the legal option of mail-in registration can be used to circumvent S 754. Hundreds, even thousands of applications will be denied or prevented; the law will be applied inconsistently; the Clerks' Constitutional duty to process voter registration applications will be muddied; and eligible voters in Michigan will wonder who doesn't want them to get registered to vote.

It is evident that many in the present legislature have made political decisions to impose legislative templates on Michigan concocted by the "American Legislative Exchange Council" (ALEC). S 754 is only one example. The purpose for which this legislation was drafted, which ALEC admits only behind closed doors, is to assure that a far right minority can control the government in perpetuity.

Without the amendment, S 754 would certainly serve ALEC's purposes by suppressing the registration of voters who are likely to resist ALEC's far-right agenda. So the Committee's vote today, whether to accept or reject the amendment, will establish whether your aim is the Secretary of State's or ALEC's. Accept the amendment and it will be clear that you intend only to clean up bad registration applications. Pass S754 without the amendment and your intention to suppress the vote will be crystal clear.

As citizens who have frequently conducted their own, free lance voter registration drives, we want you to know that we regard this activity as a civic duty. So do many others who participate in registration drives. We implore you, therefore, please think twice before making it a crime for citizens to do their civic duty without the encumbrance of State regulation.

Proponents of ALEC's version of S 754 should be advised that political decisions have political consequences. We are watching what you do here today. We know what is at stake. We won't forget. The people of Michigan will know, because we will tell them, how much you respect their right to vote and the democratic institutions of Michigan.