



STATE OF MICHIGAN
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DEPARTMENT OF STATE
LANSING

**Testimony of Michigan Secretary of State Jocelyn Benson
Before the U.S. Senate Committee on the Judiciary
August 3, 2022**

Chairperson Durbin, Ranking Member Grassley, and Members of the Committee:

Thank you for hosting today's important hearing. As Michigan's chief election officer my responsibility is to ensure our elections are accessible, safe, secure, and that the results are an accurate reflection of the will of the people. It is not a partisan role and despite being an elected position, it's not a political role. But it is a role that increasingly forces us – whether we consider ourselves Republicans, Democrats, or independents – to endure threats, harassment, false and malicious attacks on our character and integrity, and sometimes even violence.

I'm here today because we need your help. We cannot have a secure democracy if we do not protect the security of the people who administer, protect, and stand guard over our elections.

Election officials play a critical role in American democracy. We sign up to work elections because we care about our communities and our democracy. We are professionals. We are nonpartisan. We are deeply committed to and passionate about our work to administer elections. In towns, cities, and counties across the nation we carry out the free and fair elections that enable American citizens to choose their leaders and make their voices heard. We put voters first, we study data and implement best practices. We are firmly committed to maintaining citizens' rightly placed faith in our elections and ensuring peaceful transitions of power in our country.

Ensuring our security is critical to ensuring election security.

And right now we are facing an unprecedented wave of continuous, unrelenting harassment and threats. Enduring these threats creates a near constant strain of anxiety and stress on our work. This status quo is unsustainable and unacceptable.

I've experienced these threats firsthand, most notoriously in December 2020, just a few weeks after Michigan's Board of State Canvassers certified the results of the 2020 presidential election. At close to 9 p.m. on a Saturday night I was about to

put my son to bed when the peace, serenity and spirit of the evening was broken as dozens of individuals descended upon our home.

Growing in numbers over the course of an hour they stood outside, waking my neighbors, shouting obscenities and graphic threats into bullhorns in the dark of night.

In a scene that would repeat in greater magnitude and escalate towards violent ends one month later here at the United States Capitol, these men and women shouted for me to come outside so that they could confront me about the results of the 2020 presidential election, results that the votes – and the will – of Michigan voters had made abundantly clear.

Though this happened 18 months ago it was not the first nor was it the last time someone or a group of people have come to my home or threatened me, my staff, or many of the hundreds of clerks and local election officials in our state. As a result there is an omnipresent feeling of anxiety and dread that permeates our daily lives, and our families' lives. Not long ago my son, standing in our driveway, picked up a stick, turned to me and said, "Don't worry mom, if the bad guys come again I'll get them with this." He's six.

These threats are a direct extension of the efforts to spread false information about the security and accuracy of our elections that we've all endured since the polls closed on November 3, 2020. Through blatantly false press releases, purely political legislative hearings, bogus legal claims and so called "affidavits" that failed to allege any clear evidence of wrongdoing, those unhappy with the results of the 2020 presidential election have perpetuated an unprecedented, coordinate campaign to erode the public's confidence in one of the most secure, accessible and transparent elections in our history. And now that effort is being supported by political candidates who are courting the support and coveted endorsements of the people perpetuating those dangerous theories.

The targets are all of us¹ – Republican, Democratic and independent election officials alike – many working in small towns and cities and rural counties in every state in this country. They do not have capitol police watching over them, nor can they or their jurisdictions afford private security officers to protect them and their families. They are regular people, our neighbors and community members, civil servants who drive themselves to town hall meetings, who go back and forth to their offices and homes, often dropping off or picking up children and groceries along the way. And as they go about the daily activities that so many of us take for granted, they are being threatened. Of those who have received those threats,

¹ [Michigan election workers want more done to keep them safe as they face threats, harassment:](https://www.clickondetroit.com/news/local/2022/07/14/michigan-election-workers-want-more-done-to-keep-them-safe-as-they-face-threats-harassment/)

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nearly three in four have been threatened over the phone, and more than half have been threatened in person by their potential attacker.

Some of the incidents have been reported and drawn media attention. Many have not. Tina Barton, the former Republican clerk of Rochester Hills received a deluge of threats after she told the truth about the 2020 election results. Sheryl Guy, a lifelong Republican and the Antrim County clerk had to go into hiding after a harmless human error – an error that was quickly fixed and had no impact on the certified results of the election – was used to falsely fuel a national conspiracy theory that resulted in subsequent litigation. Those are just two examples from Michigan, and there are countless more across the country. Al Schmidt, a former Republican city commissioner in Philadelphia who oversaw that city’s vote counting, received threats that named his children and included his address and photos of his house. Bill Gates, a Republican member of the Maricopa County board of supervisors in Arizona, along with his colleagues, has been told they and their families will be slaughtered.

These threats aren’t limited to personal attacks. They also involve harassment and attempts to criminalize the work of local election officials. There is a wave of new state laws subjecting election officials to criminal penalties for simply performing their professional duties. Fueled by false claims and accusations, they are threatened with arrest for educating citizens about their right to vote, while being inundated with burdensome and often nonsensical demands for information and access to secure election equipment. Groups like the Election Official Legal Defense Network, formed by attorneys Ben Ginsberg and Bob Bauer who have been associated with Republican and Democratic administrations respectively, have helped fill the void by providing pro-bono representation to election officials enduring these challenges. With vast election law experience between them, they knew there was a problem but have been stunned by the demand for their services.

The result of the threats and harassment is that one in three election officials reports feeling unsafe on a regular basis and more than half fear for the safety of their colleagues in future elections. Twenty percent now say it is unlikely they will continue serving as election officials through 2024, which every indication suggests will be yet another contested election cycle. Why? Because they believe too many political leaders are attacking the system that they know is fair and honest.

Our nation stands to lose a great deal if we continue to push honest, high-integrity election officials from their posts. Not only will we lose countless years of experience and wisdom, in many cases the people seeking to replace them have expressed a willingness to overturn the outcome of future elections if their preferred candidate loses. They would likely also use their offices to make it harder for eligible American citizens to vote, and inject misinformation, uncertainty and confusion into the election process so that even if election results are upheld,

enough citizens will consider the election and the elected leaders illegitimate, making it impossible to govern and increasing the potential for violence.

So with the midterm elections just months away, and primaries already underway in many states, I ask for your help. Because while I am pleased that a group of your colleagues have reached bipartisan agreement on reforms to the Electoral Count Act, at this critical moment more expansive legislative is needed from you to protect election officials across the country. Therefore, I urge you to:

- Amend and pass the Election Worker and Polling Place Protection Act to impose strong penalties on those who threaten or harm anyone involved in election administration. This includes election officials, as well as the countless volunteers who serve as poll-workers on Election Day. Any such threat or attack should be criminalized and the penalty should be significant. The Act should be amended so that the minimum incarceration penalty is two years – in alignment with the recent bipartisan framework for the Electoral Count Act – and the maximum is five years.
- Limit access to those seeking the personal information of election officials, banning it from being shared by those seeking to dox or otherwise harass election officials at their homes. The Daniel Aderl Judicial Security and Privacy Act, which passed this committee with broad bipartisan support, could be expanded, or mirrored in separate legislation, to provide the same protection for the personal information of election officials.
- Prohibit sitting elected officials from threatening the arrest or prosecution of election officials. While any official who violates the law should continue to face prosecution, the meritless threats of arrest are a way that public officials use their position and power to disguise their attempts to intimidate election officials.
- And finally, provide significant resources to protect elections and election officials. Investing in our elections is the only way to level the playing field and ensure consistent funding for secure elections in every jurisdiction in every state, given the unequal distribution of resources across our country and the ways they are and are not directed to elections. The President's proposed \$10 billion for elections over the next ten years, with \$2 billion allocated for fiscal year 2023, meets our needs in this time when the challenges we face administering democracy escalate by the day. The reduced \$400 million allocation proposed by the House and the Senate appropriations committees is significant, but you should note that the overall need for election infrastructure and administrations is \$53 billion over the next decade. Please know that the allocation in Michigan is needed and necessary. Just this year we distributed \$8 million in funding made available through the Help America Vote Act in the form of direct grants to local election officials to bolster security. And we are hoping to use Edward Byrne Justice Assistant Grants that the U.S. Department of Justice has now made available for elections. Neither is enough, but it's a start.

If, as national leaders, you assume a bipartisan spirit of cooperation, the same spirit local election officials use to perform their work in communities nationwide, you will not only carry our nation through a critical and dangerous moment, you will also demonstrate that you are willing to put country over party to save democracy. And right now, that's a message that all Americans need to hear.

The demands and threats made to me and my colleagues are unambiguous, loud, and threatening but we know the threats aren't actually aimed at us. They are aimed at the American voter and their right to elect their leaders and hold them accountable.

I am confident our democracy can prevail because it is strong. We election officials are strong. And I – along with thousands of others doing this work – will stand up every day in our job to protect all voters, regardless of how they voted or who they voted for.

In closing, I want to remind members of the committee that I began my career investigating violent neo-Nazi and white supremacist organizations throughout the country. A photo of Viola Liuzzo, along with a replica of her Michigan license plate from the vehicle she was driving when she was murdered, hangs in my office. I am acutely aware of the risks borne throughout history of those working to stand guard over and protect our democratic process. Nothing about the incessant and graphic threats made outside my home, or those that flood my social media accounts, will deter me, my team, or the tens of thousands of election workers across this country from doing our jobs.

And that job is simple: to defend and protect every voter, their voice, and their vote. Because no matter how one voted or who they voted for, where they live, or what they look like, their vote is the lifeblood of our democracy. It forms the foundation of who we are as Americans. Ensuring that every vote counts is the responsibility of every single person serving in elected office today. It's in our oath of office, when we pledge to support the United States Constitution, which establishes every citizen's fundamental right to vote.

Like many of my colleagues I have spent my career defending and protecting the right to vote of every eligible citizen. That commitment has never wavered, and it will not waver now. But we need you all to share that commitment. We need you to stand with us, to pass needed protections for us now, before it is too late.