



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GRETCHEN WHITMER
GOVERNOR

GARLIN GILCHRIST II
LT. GOVERNOR

October 16, 2020

Michigan Senate
State Capitol Building
Lansing, MI 48909-7536

Senators,

Today I am returning to you Enrolled Senate Bill 977 and Enrolled House Bill 5881 without my approval.

The integrity of our elections is critical to the democratic process. While we strive to make it easy and accessible for every eligible voter to cast a ballot, we have no tolerance for fraudulent conduct that undermines public confidence. And our laws reflect that: voter fraud of all types is criminal in Michigan.

Under Michigan law, it is a felony to impersonate another person at an election or to attempt to vote under the name of another person. MCL 168.932a(a). It is also a felony to attempt to vote more than once. MCL 168.932a(e). Moreover, a voter cannot obtain a second absentee ballot without spoiling the first. MCL 168.765b. The law is crystal clear.

These bills, however, would muddy the waters, and would likely confuse voters about what conduct is actually criminal. Under SB 977, it would be a felony to submit absent voter applications with the intent to obtain multiple ballots. As discussed above, it is impossible to obtain a second absentee ballot under the same name, and it is already a felony to attempt to vote more than once in the same election. Still, voters may submit multiple applications for any number of reasons, including harmless error and fault of memory. Any suggestion that the filing of a second absentee ballot application is criminal behavior creates needless confusion and fearmongering around the absentee voting process. It is bad for voters and bad for our elections.

Our election systems are safe and secure, and all voters have the right to vote without fear of intimidation or violence. In this election, just like every election in the history of this country, the people will decide the outcome. Attorney General Dana Nessel will not let anyone interfere with the right to vote or the integrity of our election, and will use every tool available to ensure a free and fair election. As we come closer to the November election, remember that anyone who encourages voter intimidation is playing politics with something that should be above partisanship: free and fair elections. I am hopeful that each member of the Michigan Legislature shares these values and will discourage all forms of voter intimidation.

I appreciate the cooperative spirit with which the Legislature has worked to make recent improvements in Michigan election law. As the November 2020 election rapidly approaches, it is critical that voters know the rules. Attempting to vote multiple absentee ballots is unlawful, but submitting multiple applications for an absentee ballot is not. Because these bills would create confusion on the eve of an election, I am vetoing them.

I would also like to take this opportunity to call on the Michigan Senate to send SB 117 to my desk. This bill would allow service members and their spouses to return their ballots to their local clerks electronically if they are unable to do so in person, and passed the Legislature with broad bipartisan support more than three weeks ago. Yet I was disappointed to learn that the enrollment for the bill was vacated on October 13. Elections are not the time to play partisan games. Our brave service members and their families put their lives on the line for us, and they deserve leaders who will help them vote. Let's all work together to make SB 117 law.

Respectfully,

A handwritten signature in blue ink, appearing to read "Gretchen Whitmer". The signature is fluid and cursive, with a large initial "G" and "W".

Gretchen Whitmer
Governor