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2022 Midterms Look Back Series: Election Observer Access

Lisa Posthumus Lyons ~ Opening Remarks

Thursday, March 23, 2023

U.S. House Committee on House Administration
Subcommittee on Elections

<i>Chair</i> Laurel Lee (FL-15)	<i>Ranking Member</i> Terri Sewell (AL-07)
Barry Loudermilk (GA-11)	Norma Torres (CA-35)
Stephanie Bice (OK-05)	
Anthony D'Esposito (NY-04)	

Chairwoman Lee, Ranking Member Sewell, members of the committee, it is my truly a privilege to testify before you today on behalf the citizens of Kent County, Michigan.

The communities and voters I serve in West Michigan are probably not too different from those you represent in your districts. Kent County is one of Michigan's fastest growing, and it's fourth largest, county with a population of just over 600,000 residents. Just before the November 2020 election we surpassed 500,000 voters, who are spread throughout 30 townships and cities – including Michigan's second largest, the city of Grand Rapids.

In the six years that I have served as Clerk our team has administered 20 elections – three or four every year. I like to say that “In Kent County we do elections often and we do them well.”

While every election is a huge undertaking, I view each as an opportunity to serve as ambassador to the public, educating and informing them on the process and the many ways they can – and should – be involved in their elections.

I grew up on a farm but also around politics, and from my upbringing as well as my time serving in the Michigan Legislature, I gained an understanding of elections that many others likely weren't exposed to outside of their high school government class. I understand fully the unique ways in which Michigan's elections are structured and the many checks-and-balances in place at every stage of the process, and I have confidence in those elements. But, as the Clerk of a bellwether county who was on the front lines of 2020, I know full well that I represent voters of all political leanings who question whether they can or should have faith in our elections – and it's my job to do everything I can to share what I know ... that, while there are areas in which we can improve, they can and should be confident that their elections are secure, transparent, fair, and accurate. I often tell folks, “Don't just take my word for it; come see for yourself”. Trust but verify.

In Michigan there are numerous ways for those interested to observe every step of the elections process from pre-election where we test the election equipment and approve ballots for printing, to voting before and on Election Day, and at each critical post-election process such as the canvass and certification of results, recounts, and audits.

Before I go further, I want to review a few terms related to election administration that we use in Michigan to ensure we are of the same understanding, as different states use different terms for these roles: Election Inspectors, as they're called in Michigan, are paid to administer the election and are required to be trained by county or local clerks, and they are re-trained every two years. Election workers or poll workers are terms often used interchangeably for Election Inspectors. Poll Watchers is a term for literally any member of the public to come and watch the process unfold. They have no official role, and they're designated to a confined area within the polling location. Media most often utilize this space for their cameras. And finally, there are Poll Challengers- or as termed in this hearing- Election Observers.

I'd like to focus on Poll Challengers because it seems – in recent years at least – to have gained an unearned negative association that's largely a product of election season hyperbole, and not the result of systemic and widespread nefarious acts on the part of challengers themselves.

Poll challenging is not a new process. It didn't come about in 2020, 2022, 2002, or even 1992, nor is it one that should cause concern for voters, candidates, election workers, or the media.

In Michigan a poll challenger must be a registered voter who is credentialed and trained so that they are familiar and comply with Michigan Election Law – especially those that expressly prohibit all acts of voter intimidation.

In accordance with Michigan law, both major parties are allowed to - and do - credential poll challengers in every general election. Additionally, as Clerk, I routinely approve poll challenger credentials in my county for the NAACP, the ACLU, The Carter Center, Promote the Vote, and the Election Integrity Fund. And I expect that those organizations will act in good faith to properly train their challengers.

Poll challengers in Michigan are allowed to stand or sit behind the voter processing table and have the right to look at – but not touch - the poll book and other election materials. They are not allowed to approach or question a voter but have the right to alert an election inspector – those who working our elections – of a challenge they wish to make to the voter's eligibility.

Additionally, a poll challenger has the right to challenge the conduct of the election inspectors themselves, should they believe they are not administering the election in compliance with the law. While the concept may seem adversarial, situations are not handled that way by proper trained challengers and election inspectors – and most challenges are resolved within a matter of minutes and without disruption to any voter or process.

Poll Challengers play a vital role in our elections process. When they are properly trained, and acting in accordance with the law, poll challengers ensure accountability and are an import checks-and-balance in our elections.

Because I value and promote transparency, I welcome and encourage the involvement of every citizen in their elections, whether they serve as an election inspector, poll challenger, or simply cast a vote. Transparency, education, and participation are the keys to building and sustaining public trust in our elections. I thank the committee for its work to highlight the importance of protecting the rights of our citizens to engage in these activities. And thank you, Madam Chair for this opportunity.