

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



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DANA NESSEL
ATTORNEY GENERAL

June 5, 2019

Mr. Marc Elias
Perkins Coie LLP
700 13th St, NW
Suite 600
Washington, D.C. 20005-3960

Re: *College Democrats at the University of Michigan, et al. v Benson, et al.*,
Case No. 18-cv-12722 (ED Mich)

Dear Mr. Elias:

This letter memorializes our discussions seeking a mutually agreeable path to better ensure that college-age voters have ready access to Michigan's voting processes. To that end, and consistent with the Secretary of State's administrative oversight over state and local elections in Michigan, the Department of State intends to enhance that access by implementing the following:

1. Creating a dedicated website that includes the following:
 - a. Instructions for registering to vote, including links to the paper registration form and Secretary of State (SOS) online voter registration site once launched;
 - b. An explanation of how elections work and voting and registration rules geared toward first-time voters;
 - c. An explanation of proof of residency requirements when registering college students within 14 days of an Election Day, and how college students, including those living in a dormitory, can satisfy this requirement;
 - d. An explanation of the one address rule, and a link to the SOS online change of address portal;

- e. A statement indicating college students can register to vote at their on-campus/off-campus address or hometown address;
 - For students registering at their college address, a statement emphasizing the importance of updating their address timely if that address changes annually;
 - f. Instructions for students to register in person at the clerk's office and vote on Election Day.
 - g. Absentee voting information, including a link to the downloadable absent voter ballot application.
 - h. An explanation of the right to vote absentee upon registering (including individuals who register to vote by mail, via third-party voter registration drive, or electronically) with explanation of the federal Help America Vote Act's identification requirement;
 - i. Registration and voting information for students studying/residing abroad;
 - j. Tools to find local clerk's offices and satellite locations, if available;
 - k. Directions for confirming a student's registration status, polling location, clerk's office location, previewing a ballot and tracking an absent voter ballot (including new ballot tracking tools, when such tools become available), including a link to the Michigan Voter Information Center (MVIC) (mi.gov/vote).
2. Coordinating within the Department of State to promote the dedicated website on SOS social media.
 3. Issuing a written communication (News Update) to encourage local clerks in jurisdictions where colleges and universities are located to engage in student outreach, have voter registration drives on campus, have satellite clerk locations (including ballot drop boxes), and to promote the dedicated website.

4. Updating Department of State, Bureau of Elections manuals and training materials to reflect a new emphasis on college student voters and including items set forth in commitment number 1(b)-(i) above.
5. Sending informational letters to the Michigan Association of State Universities and to non-member colleges and universities as identified by counsel, annually in September;
 - i. The letter should provide at least the information set forth in commitment number 1;
 - ii. Under previous administrations, this was done only in even years because college students tend to change their residence address at least once every 9-12 months.
6. Using best efforts, the Department of State will attempt to deploy the Mobile Branch Office (MBO) for on-campus visits to the 15 largest public colleges and universities in even-numbered years;
 - a. MBO services will include voter registration;
 - b. Visits will coincide with the beginning of the school year, with the last visit occurring at least 15 days before the even-year general November election;
 - c. Reasonable efforts will be made to have the Bureau of Election's Voter Outreach Coordinator present at MBO on-campus visits;
 - d. The Bureau of Elections will invite local clerks to attend and upon request, clerks will be provided space for accepting absent voter ballot applications and issuing absent voter ballots; however, the Bureau of Elections is *not* responsible for ensuring clerk attendance or availability of absent voter applications or ballots;
 - e. The Department of State will encourage friendly rivalry/competition among campuses by tracking and announcing the number of students who registered to vote through MBO on-campus visits at similar institutions (i.e., MSU versus U of M, CMU-EMU-WMU, LSSU-MTU-NMU, OU-WSU, etc.);

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- f. The Department of State will make reasonable efforts to deploy the MBO on or near private colleges and universities.

Secretary Benson and the Department of State, specifically the Bureau of Elections, look forward to implementing these enhancements in order to better ensure that Michigan's youthful voters have ready access to the voting process. Further, it is our understanding that upon receipt of this letter, counsel will take steps to dismiss the pending lawsuit without prejudice. But please note that implementation of these enhancements should not be construed as an admission regarding the claims in the lawsuit nor should it be construed as a waiver of any legal defenses should the lawsuit be revived.

If you have any questions, please feel free to contact this office at your convenience.

Sincerely,



Heather S. Meingast
Division Chief
Civil Litigation, Employment, and
Elections Division
517.335.7659

HSM/mpr

cc: Secretary of State Jocelyn Benson

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