

# ACLU and Partners Challenge Michigan Absentee Ballot Deadline

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DETROIT, Mich. — The American Civil Liberties Union, ACLU of Michigan, Arnold & Porter, and Goodman Acker filed a lawsuit today challenging Michigan's requirement that absentee ballots be received by Election Day in order to be counted.

The lawsuit, *League of Women Voters of Michigan v. Benson*, was filed in the Michigan Court of Appeals on behalf of the League of Women Voters of Michigan and individual voters.

The people of Michigan overwhelmingly approved Proposal 3, a 2018 ballot initiative that gave voters a constitutional right to submit an absentee ballot, including by mail, any time during the 40 days before the election.

An Election Day return deadline for absentee ballots, as opposed to a postmark deadline, violates this right and could illegally lead to thousands of voters being disenfranchised by their absentee ballot being rejected.

According to the most recent data from the Michigan Secretary of State, 1.75 percent of absentee ballots were rejected for the May 5, 2020 election because they arrived at their respective clerks' offices after 8 p.m. on Election Day. This means of the 7.7 million registered Michigan voters, at least 134,000 voters could be disenfranchised in November.

The groups are seeking an expedited decision due to the fast-approaching August 4 primary and November 3 general election.

Several states have taken related steps to help ensure that every vote cast is counted, including Alaska, Iowa, Maryland, North Dakota, Texas, Utah, and West Virginia.

The following statements are from:

**Theresa Lee, staff attorney with the ACLU's Voting Rights Project:** "Given COVID-19, vote by mail will play a critical role in the 2020 elections as voters look to protect their health and participate in democracy. Right now, Michigan's absentee ballot voting process is not ready to meet its biggest test ever when millions attempt to vote by absentee ballot. This lawsuit seeks to resolve those issues."

**Sharon Dolente, ACLU of Michigan voting rights strategist:** "Voters must never have to choose between their health and safety or their sacred right to vote. We celebrate the increase of absentee voting we are seeing statewide, but Michigan's election officials must continue to expand access to the ballot by allowing voters to mail their ballots in on Election Day. This will ensure voters have a clear deadline and give Michigan's clerks and staff more time to process ballots."

**Christina Schlitt, president of the League of Women Voters of Michigan:** "Michigan

voters overwhelmingly passed Proposal 3 and enhanced their access to the ballot. Now it is in the duty of our election system and officials to ensure that every vote counts in Michigan by removing the unconstitutional barriers to absentee voting. Proposal 3 needs to be supported the way it was written, as voters approved it.”

This release and court documents are available at:

<https://www.aclumich.org/en/press-releases/aclu-challenges-michigan-absentee-ballot-deadline>