



STATE OF MICHIGAN  
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DEPARTMENT OF STATE  
LANSING

**Testimony of Jocelyn Benson, Michigan Secretary of State**  
**Before the U.S. Senate Committee on Rules and Administration**  
**March 12, 2024**

Chairperson Klobuchar, Ranking Member Fischer, and Members of the Committee: Thank you for hosting today's important hearing.

These next eight months will define the future of our country, and our democracy.

As Michigan's chief election officer, that reality is clear to me every day – both as we work to ensure our elections are fair, free, safe and secure and in our efforts to protect every voter and every election worker from the lies, threats and deceptive tactics that continue to plague our democracy.

Yet despite these challenges, our democracy in Michigan is stronger now than it was 4 years ago. Just a few weeks ago we saw nearly 2 million citizens participate in Michigan's statewide primary. It was a safe and secure statewide election where citizens had more options to vote than ever before – including, for the first time, nine days of in person early voting.

In 2018, the most cited reason registered voters didn't vote is that they were too busy or had a work or school related conflict on Election Day.<sup>1</sup> But through implementing these new voting options, and then educating Michigan voters about their right to vote from home or early in-person prior to Election Day we were able to ensure citizens have more options than ever before to conveniently cast their ballots and ensure their voice is heard. As a result, voter turnout rate – on both sides of the aisle – continues to increase in every election, and in 2022 Michigan led the nation in youth voter turnout.

This is great news for our state. Michigan voters, of all ages and across the political spectrum, are engaged and committed to ensuring their voice is heard.

While Michigan's voters are embracing expanded options to vote, and our clerks work overtime to ensure every option is provided safely and securely, our preparations for 2024 remain focused on two things: fighting deception and misinformation about our elections and protecting the people who protect democracy.

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<sup>1</sup> Source: *U.S. Census Bureau Current Population Survey, November Voting and Registration Supplement 2018 to 2022*

## **Misinformation and Deception are threat to Election Security**

As the chief elections officer of a battleground state, I am acutely aware that the biggest threat to election security today is misinformation and disinformation designed to confuse voters and obfuscate the voting process. And as we enter the first election cycle where Artificial Intelligence will be used to amplify and expand exponentially these tactics and their impact, the time is now to enact needed federal protections.

We go into this election cycle expecting bad actors, both foreign and domestic, to use misinformation – turbo-charged through AI – to divide, deceive, and deter voter participation throughout our country over the next year.

We already know AI voice generators can create manipulated audio technology to interact with voters like the fake Biden robocall in New Hampshire before their primary. But I am also worried AI will make it easier to create and distribute hyperlocal disinformation that misleads voters about the voting process or conditions at their specific polling site. Bad actors may misuse public data about voting locations to produce highly specific claims about long lines or even violence to suppress the vote in key precincts. While voter suppression is not new, AI tools supercharge the ability to generate large volumes of believable-sounding claims and to distribute those messages at scale.

For example, one voter might get a text warning of long lines at his particular precinct, while another might see a social media post claiming her polling location moved because of flooding. The ability for AI to create content that includes specific details—like the name of individual voting sites—makes it more likely that voters will be misled.

Current federal law already criminalizes certain types of interference in the exercise of our civil rights—including voting. But the Senate should consider whether using AI in the commission of those crimes should be made an aggravating factor or sentencing enhancement.

Second, I am concerned AI tools could specifically target language-minority voters in uniquely harmful ways, producing credible-sounding claims in different languages. Large Language Models (LLM) and Massively Multilingual Speech (MMS) models make it easier to adapt disinformation and propaganda to reach more communities. As a result, misinformation may be translated seamlessly across numerous languages, and quickly disseminated. As Senators, you should continue pushing Big Tech companies to be transparent about their efforts to protect users, including non-English speakers. The Senate should settle for nothing less than unequivocal commitments that these platforms' integrity tools are equally effective across all languages.

Finally, AI underscores the need for a renewed federal investment to harden state elections systems against cyber-attacks. AI introduces a level of speed, scale, and sophistication that is difficult for under-resourced state agencies to counter alone. New AI systems are increasingly used to exploit vulnerabilities in code, to supercharge phishing, and to introduce ransomware that could cause a catastrophic system freeze in an unprepared state. Adversaries who target our states have nation-level resources, and our states should have nation-level resources committed to the defense of systems critical to our democracy. I urge you to consider ways to support and bolster state cybersecurity infrastructure in this evolving threat environment.

We also need the Department of Homeland Security and the Cybersecurity and Infrastructure Security Agency to be aggressive in identifying and combatting threats, notifying local election officials with critical security information to protect our elections, and helping us ensure voters know what to do when they encounter deceptive elections materials.

At the state level in Michigan, we enacted laws to require political advertisements generated with AI to disclose this with an appropriate disclaimer. And we've made it a crime for anyone to knowingly distribute materially deceptive, AI-generated deepfakes with the intent of harming the reputation or electoral prospects of a candidate.

But this is not enough to combat this looming threat. We need the federal government to also do its part to help us combat the corrosive effects of AI and misinformation on our election systems.

I was gratified to see the Federal Communications Commission ban robocalls that contain voices generated by artificial intelligence. But as US Senators there is more you can and must do to protect every voter in this country from the harmful effects of deceptive AI-generated content in our elections.

Please pass the Protect Elections from Deceptive AI Act.

This is a bipartisan proposal that would prohibit the distribution of materially deceptive AI-generated audio, images, or video relating to federal candidates in political ads or certain issue ads to influence a federal election or fundraiser. The bill protects you, as federal candidates, if you were to be targeted by this materially deceptive content by enabling you to get the content taken down and allowing you to seek damages in court. Enacting it now would go a long way towards helping equip us all with needed protections against the use of AI to deceive, divide, and deter citizens from voting.

### **Protect the People who Protect Democracy**

Finally, we cannot have a secure democracy if we do not protect the security of the people who administer our elections.

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 to endure threats, harassment, false and malicious attacks on our character and integrity, and sometimes even violence.

It's not lost on me, and it shouldn't be lost on anyone here, that the threats we endure are a direct result of lies and misinformation being spread about our work. And as misinformation increases, so do the threats to all of us.

Michigan's dedicated clerks work tirelessly - putting in long hours to navigating new protocols and managing logistics surrounding our state's new voting laws. They go the extra mile to work closely with my department to put out true and accurate voter education information, working to build trust in their communities and run safe, secure, and fair elections.

In Michigan we've welcomed a new generation of poll workers into our elections workforce. Through our Democracy MVP program, more than 80,000 voters have raised their hands to help

run elections, leading to a new crop of dedicated public servants committed to the work of democracy.

Unfortunately, in many cases, this work is rewarded with a growing amount of vitriol, threats, and intimidation.

After Oakland County Elections Director Joe Rozell was threatened with being ‘hanged for treason’ for his work on the 2020 election, local law enforcement conducts regular patrols outside his home.

Former Rochester Hills Clerk Tina Barton was told in a chilling voicemail that, “Ten million plus patriots will surround you when you least expect it,” and saying she deserved a “knife” to the “throat” and that she should watch her back.

On a morning walk through her neighborhood, Detroit City Clerk Janice Winfrey was approached by a man saying, “I’ve been waiting for you at work, so I decided to come to your house... You’re going to pay dearly for your actions in this election.”

These are just a few examples of what our election workers endure. And remember: 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, nearly three in four have been threatened over the phone, and more than half have been threatened in person by their potential attacker.

Recognizing our duty to protect the people who protect democracy, last year in Michigan we passed the Election Worker Protection Bill. This clearly make it a crime in our state to threaten or intimidate an election official with the specific intent of interfering with the official’s duties.

It should be a federal crime.

In addition, the Senate should consider how to enact greater protections to deter doxing, intimidation, and mass harassment of those who administer our elections. Election officials sign up to do these jobs because we love our communities and love our democracy. We are professionals. We are nonpartisan. We are deeply committed to and passionate about our work. We put voters first, and 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.

Just 10 days ago I crossed the Edmund Pettus bridge in remembrance of the 1965 Selma to Montgomery march. I sit here today acutely aware of the risks borne throughout history of those working to stand guard over and protect our democratic process. None of the incessant and graphic threats, even those made outside my own 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.

But we shouldn't have to fight these battles alone.

The elections we administer are the bedrock of our democracy. They form the foundation of who we are as Americans. It should be your highest priority to protect us, protect every voter, and ensure we have the funding, resources, and legal protections to make democracy work for everyone.

I have spent my career defending and protecting the right of every eligible citizen to vote. That commitment has never wavered, and it will not waver now. I'm here today to ask you all to share that commitment and help us ensure our democracy thrives even in the midst of all of these many challenges.

This is our great opportunity to prove that we can defend our democracy and protect the basic American promise of one person one vote for future generations. Let's get it done.

Thank you.