

# Legislative Analysis



## ELECTIONS: SIGNATURE STAMP & MARKS

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House Bill 4478 as enrolled

Public Act 79 of 2014

Sponsor: Rep. Andy Schor

House Committee: Elections and Ethics

Senate Committee: Local Government and Elections

### Second Analysis (1-27-15)

**BRIEF SUMMARY:** The bill allows individuals who are unable to write and individuals who cannot sign a signature because of physical disability to use either a signature stamp or a mark on certain election documents. Further, the bill modifies the requirement that the state director of elections prepare a purpose statement for certain ballot questions, by specifying that this only applies if the legislature has not itself provided for the content of the question to be submitted to voters.

**FISCAL IMPACT:** There would be no significant fiscal impact on the state or local units of government.

### THE APPARENT PROBLEM:

Michigan Election Law currently allows individuals who are unable to write to make a mark when applying to register to vote. It does not allow people with disabilities to use assistive technology—such as a signature stamp—in lieu of one's written signature or one's written mark.

People whose lives are made difficult because of physical disabilities often must exert extra effort to exercise their right to vote. Indeed, one elector residing in East Lansing, Michigan, who lives with amyotrophic lateral sclerosis had his absentee ballot application challenged by the city clerk. He had, unknowingly, violated the law by signing his application with a signature stamp, instead of making his mark. As a result, he needed to complete the absent voter application twice, seeking the assistance from another as he made his mark.

Legislation was introduced to allow Michigan residents who live with disabilities to use a signature stamp on their election documents where a signature is required.

### THE CONTENT OF THE BILL:

#### *Using Signature Stamps*

House Bill 4478 amends the Election Law to do the following regarding voters with physical disabilities:

**\*\*** It allows individuals who cannot write or cannot sign their names due to a physical disability to use of a signature stamp, in addition to a mark, when registering to vote.

Previously, the provision applied only to those who could not write and only allowed the use of a mark.

\*\* It adds a new section to allow voters who are unable to write and voters who are unable to sign their names because of a physical disability to use a signature stamp or make a mark to execute an election document where a signature is required. An "election document" in the bill includes, but is not limited to, voter applications, absentee ballot applications, and absentee ballot return envelopes.

\*\* It specifies that if an elector is unable to write or to sign his or her name because of a physical disability, the master file (that is, the clerk's file of voter registration cards) must contain the mark or signature stamp used by that elector where a signature is required.

The bill defines "physical disability" to mean that term as it is defined in the Adult Foster Care Facility Licensing Act (MCL 400.706). There, "physical disability" means *a determinable physical characteristic of an individual that may result from disease, injury, congenital condition of birth, or functional disorder*.

As noted, the bill defines "election document" to include, but not be limited to, any of the following: (a) a voter application as described in Section 523; (b) an absent voter ballot application as described in Section 759 or 759a; (c) an emergency absent voter ballot application as described in Section 759b; and (d) an absent voter ballot return envelope as described in Section 761.

#### ***Ballot Proposal: Statement of Purpose***

Election law requires the state elections director (who heads the Bureau of Elections in the Michigan Department of State)—with the approval of the bipartisan Board of State Canvassers—to prepare a statement of the purpose of any proposed amendment or question to be submitted to the voters under Article IV, Section 34 of the State Constitution. That section applies to laws that are passed by the legislature with the proviso that they will not become law unless approved by the voters.

House Bill 4478 modified this provision so that the elections director is required to prepare the statement of purpose only if the legislature does not provide for the content of the question to be submitted to the voters.

MCL 168.32, 168.500 & 168.501

#### ***ARGUMENTS:***

##### ***For:***

Voting is the right of all citizens, including those who live with disabilities. Any barriers to their participation in elections should be removed. This bill removes the barrier that required electors to sign their absent ballots applications (and ballot return envelopes); instead it allows them to use a signature stamp on election documents that require their signature. As a spokesperson for the Michigan Disability Rights Coalition points out,

"Many people with disabilities use assistive technology (AT) on a daily basis to live full and independent lives." The signature stamp—a low tech example of assistive technology—would give those who live with disabilities greater independence as voting citizens, and make easier their participation in elections where their voices and advocacy must be heard by fellow citizens.

***Against:***

Wouldn't it be preferable to allow state election officials to continue to write the 100-word description of a ballot proposal involving a law that the legislature has passed and put on the ballot for referendum, rather than the legislature itself? That way there is more likely to be a neutral description of a proposal, and less likely to be a partisan or tendentious description prescribed by the legislature. The description of ballot proposals prepared by election officials must be approved by the bipartisan Board of State Canvassers, which offers voters protection against misleading descriptions.

***Response:***

Who is a better judge of the intent of a legislative proposal than the legislature itself?

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.