

Legislative Analysis



ELECTIONS: SIGNATURE STAMP & MARKS

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House Bill 4478 (reported from committee without amendment)

Sponsor: Rep. Andy Schor

Committee: Elections and Ethics

First Analysis (5-22-13)

BRIEF SUMMARY: The bill would allow 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.

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 has been 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:

Generally speaking, the bill would allow 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.

The Michigan Election Law currently allows individuals who are unable to write to make a mark when applying to register to vote and requires the registration card in such cases to note the month, day, and year of the applicant's birth and other identifying information for use in identifying the individual when applying to vote.

House Bill 4478 would amend the Election Law to do the following:

** It would revise the current provision regarding individuals applying to register to vote to also apply to individuals who cannot sign their names due to a physical disability and would allow for the use of a signature stamp, in addition to a mark. The language about identifying information would be struck.

** It would add 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" would include, but not be limited to, voter applications, absentee ballot applications, and absentee ballot return envelopes.

** It would specify 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) would have to contain the mark or signature stamp used by that elector where a signature is required.

The bill would define "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.

MCL 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 would remove the barrier that requires electors to sign their absent ballots applications (and ballot return envelopes), and instead allow 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.

POSITIONS:

The Michigan Department of State supports the bill. (5-14-13)

The Michigan Association of County Clerks supports the bill. (5-21-13)

The Michigan Association of Municipal Clerks supports the bill. (5-21-13)

The National Multiple Sclerosis Society, Michigan Chapter supports the bill. (5-14-13)

The Michigan Disability Rights Coalition supports the bill. (5-14-13)

The City of East Lansing City Clerk supports the bill. (5-14-13)

The Michigan Municipal League supports the bill. (5-14-13)

The AARP of Michigan supports the bill. (5-14-13)

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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.