

## Michigan Election Reform Alliance.org - Testimony

Statement to the House Committee on Redistricting and Elections

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Regarding HB 5061, S 751 and S 754 Photo Id

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### **How Photo ID Requirements Weaken Election Security: The Voter's Signature is Still the Gold Standard for Voter Identification**

In Michigan, the voter's identity for election purposes has always been a signature, signed in the presence of a sworn election official, to register to vote, and to apply to vote at the polls.<sup>1</sup>

This is a secure system: it is very hard to put a forged signature past experienced election administrators, who are skilled in handwriting identification. In one recent case, election administrators in a Michigan township could tell the difference between signatures of father and son with the same name, when the return envelopes for their absentee ballots were accidentally switched.

Michigan's longtime reliance on the signature as the basic ID for elections is the reason you must sign an affidavit before a sworn official in order to apply to register to vote. The federal Help America Vote Act of 2003 mandated that mail-in registration be permitted. However, in Michigan you cannot register by mail and immediately apply for an absentee ballot or sign legal petitions. Under Michigan law, you must first vote in person at an election, where you apply to vote and sign your name before a sworn official. This ensures that the voter's identity is established by their signature in person before voting and is available for confirmation by matching.

Although Michigan changed its law to request photo ID at the polls in 1996,<sup>2</sup> the law was ruled unconstitutional by then-Michigan Attorney General Frank Kelley in 1997. A decade later, in response to a request for an advisory opinion from the State Senate Republican leadership, the Michigan Supreme Court overruled this opinion by a 5-2 party-line vote. While an option remains to sign an affidavit in lieu of photo ID, the option is not widely publicized.

When requesting photo ID was re-instituted, the Secretary of State estimated that 377,000 registered voters had no photo ID, and 600,000 residents of voting age had no photo ID.<sup>3</sup> So the request for photo ID placed a considerable potential burden on large numbers of eligible voters, as has already been amply discussed in previous testimony; but it did nothing to improve the security of voter identification. Quite the contrary.

Replacing the signature match with a photo ID has made it easier, not harder to impersonate a voter. Prior to the 1998 implementation of the Qualified Voter File, every polling place used a book of assembled voter master cards as the precinct voter list. An election worker compared the voter's signature on the application to vote, against the original signature on the voter's

registration master card. Once identity was verified, the voter was issued a ballot.

Although local Clerks still maintain these master cards, they are no longer present at the polling place. The precinct voter list is now a printout generated from the Qualified Voter File, with the voter's address, birth date and internal voter identification bar code listed, but no signature to check, and no standard photo to match either!

Instead, election workers are now required to ask for certain forms of photo ID, which must include the voter's name and photo. Election workers have no voter registration "photo standard" to match against, so all they can do is approve the voter if, in their unguided judgment, the face of the person present remotely resembles the photo ID presented.

It is relatively easy to get a fake photo ID that matches your face--ask any teenager who wants to pass as age 21. Anyone with a digital camera, the right software, and a laminator can create a facsimile of a "government-issued" photo ID.

In addition, election workers have a tough time figuring out if that low quality ID photo is really the person standing before them. For example, a Drivers License photo might be four years old, and in that time, people change haircuts, hair color, facial hair, make-up, hats, clothing, and facial features by cosmetic surgery, injuries, or health conditions.

There is no clear guidance for the situation in which the election worker cannot match the person to the photo. Should they refuse the application to vote? Should they challenge the voter's ballot? What can the voter do to protect his or her right to vote in this situation? Photo ID not only makes it easier to impersonate a voter, but also makes it easier to disenfranchise the voter, if the alternative of signing an affidavit is conveniently ignored and the voter is unaware of her rights.

In contrast, the elements of a voter's signature change very little. Even age and illness leave the basic characteristics of the signature unaltered. According to Ruth Holmes, Certified Document Examiner and handwriting expert, "A signature is unique to every individual. While there may be shared characteristics due to education, heredity and circumstances, there are distinct characteristics which allow a trained observer of signatures to verify the identity of an individual."<sup>4</sup>

This is why the noun, "signature," connotes an unchanging and trustworthy identity. Used as an adjective, as in "this is his signature move," it connotes an instant identification.

Requiring any kind of photo as identification is a poor substitute for the signature match. Photo ID is also logically invalid because there is no standard of record for comparison. There is no standard photo of a voter in the elections records in the same way there is a standard signature on file, so a photo does not provide independent validation of personal identity.

The photo Id request adds unnecessary cost, time and work to the voting process. And it seriously weakens the security and integrity of our elections.

For the most trusted and secure election, a person's unique signature is still the Gold Standard for voter identification and it should be restored to the voting process, not replaced and abandoned.

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Footnotes

1. Michigan Election Law Chapter XXIII, Registration of Electors. MCL 168.495 Registration affidavit; MCL 168.497 Validity of Registrations (2) (defines officials who may register); 168.499 (1) "signing the registration application before the clerk..."; 168.500 Procedure for applicant unable to write; 168.501 Precinct and master registration card files; 168.504; Notarization requirement for remote registration by disabled elector; 168.766 Absent voters' ballots-- verification by election inspectors.
2. PA 583 was overruled by Michigan Attorney General Opinion #6930.
3. As reported in the Michigan Citizen, <http://michigancitizen.com/mi-supreme-court-requires-voter-photo-id-p4830-1.htm>. Web site of National Conference of State Legislatures <http://www.ncsl.org/?tabid=16602>
4. Email from Ruth Holmes to Nancy Bedell, MERA Secretary, January 29, 2012.