

Restore Michigan's Gold Standard for Voter Identification: the Signature Match

Proposed Legislation 8/2012

Introduction

In Michigan, Public Act 116 of 1954 established signature matching as the standard for voter identification in the polling place. For over forty years, the standard worked successfully. To verify registered voters, poll workers used a precinct list comprising a large hinged book, or set of books, that contained the voters' master registration cards with the original voter signatures.

The law mandated a comparison of the master signature with the signature of the voter on the application to vote, before a ballot could be issued.

In 1993, Congress passed the National Voter Registration Act. Among its requirements, states had to agree to either offer election-day voter registration, or to establish a centrally managed database of voter records with applications to register to vote available at driver license branches and other designated state voter registration agencies. At the time, Michigan's Governor and Secretary of State resisted both mandates until faced with a federal court order.

When PA 441 of 1994 authorized the creation of the Qualified Voter File (QVF), the law specified that a voter applying to vote in the polling place would be matched against a list produced from the QVF, and if the name, address, and birth date matched, then the voter would be verified. The Act did not repeal the signature match in the polling place or for the process of issuing absentee ballots or validating petitions. But once the QVF was implemented, in 1998, the computer-printed lists replaced the books of master cards, and the signature match was quietly dropped in the polling place.

The application of technology to increase the integrity of the voting process, by creating a single voter file, satisfied most. But some legislators argued for increased security. Although it would have been simple to restore the signature match procedure, the Legislature passed PA 583 of 1996 instead. This amendment required voters to present an official state photo identification card, or sign an affidavit. Attorney General Frank Kelley, in Opinion #6930, ruled the law unconstitutional. Michigan elections continued without any further voter identification requirement until 2007, when the State Supreme Court used an advisory request from Sen. Ken Sikkema to overturn Kelley's ruling.

MERA proposes to replace the controversial and ineffective requirement of a photo ID, with the restoration of the signature match procedure in the polling place. Voter signatures are already required and stored in our voter registration system. Local Clerks maintain master card files with original signatures on paper. Since 2006, voter signatures have been captured as electronic image files by the Driver License Branch, saved, and transferred into the Qualified Voter File. The current images are 72 dpi, a low resolution that should be increased to 300 dpi or higher to

support accurate signature matching.

The voter's master signature is a true independent standard. It can be printed on the precinct voter list next to all the other voter information that is matched. The voter's signature on the application to vote must be written "blind," without reference to the previously recorded signature stored in the QVF. An election worker can be easily trained to confirm agreement or spot a lack of agreement between the two.

In contrast, the voter who brings in a photo ID is getting his or her face matched to the photo and name, but there is no independent, standard photo to match. Nor is there a way to validate the ID card itself without special technology, and election workers are not trained or equipped to do so. Fake IDs, however, are easy to obtain, and friends can and do swap and use state IDs, for example, to get around drinking age laws.

Proposed Legislation

(New text is underlined; deletions are marked with strikethroughs.)

Amend MCL 168.501 by adding the following:

The digitized voter's signature in the Qualified Voter File shall be stored as an image with resolution 300 dpi or higher. The Bureau of Elections shall provide a report function so that local Clerks can identify the files of voters lacking a digitized signature. The Bureau shall assist Clerks to scan master card signatures so that all voters have a digital signature image.

Amend MCL 168.523 as follows:

MCL 168.523 Identification of registered elector; ~~presenting official state identification card, operator's or chauffeur's license, or generally recognized picture identification card;~~ execution of application; comparison of signature or other identification; challenge; affidavit; approval, initial, and notation of application; application as poll list; filing application; notations on cards or lists; record of voting participation.

MCL 168. 523.

- 1) At each election, before being given a ballot, each registered elector offering to vote shall identify himself or herself ~~by presenting an official state identification card issued to that individual pursuant to Act No. 222 of the Public Acts of 1972, being sections 28.291 to 28.295 of the Michigan Compiled Laws, an operator's or chauffeur's license issued to that individual pursuant to the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws, or other generally recognized picture identification card~~ and by executing an application showing his or her signature or mark and address of residence in the presence of an election

official.

The application to vote shall require completion of the voter's printed name, address, month and day of birth, and signature. No other questions or check boxes may be included unless specifically authorized by law.

The precinct list produced by the report generator in the Qualified Voter File shall include the voter name, registered address, date of birth, status codes, digitized signature, and bar code. An election inspector shall determine if the name on the application to vote appears on the precinct list. If the name appears on the precinct list, the signature on the application to vote shall be matched to the signature on the precinct list for that voter. The address and birth date must also be matched.

If an elector's signature contained in the qualified voter file is available in the polling place precinct list, the election official shall compare the signature upon the application with the digitized signature provided by the qualified voter file.

If an elector's signature is not contained in the qualified voter file precinct list, the election official shall request that the Clerk search for a signature on the voter's Master Card and provide a copy to the precinct by paper or electronic means. ~~process the application in the same manner as applications are processed when a voter registration list is used in the polling place. If voter registration lists are used in the precinct, the election inspector shall determine if the name on the application to vote appears on the voter registration list. If the name appears on the voter registration list, the elector shall provide further identification by giving his or her date of birth or other information stated upon the voter registration list. In precincts using voter registration lists, the date of birth may be required to be placed on the application to vote.~~

If the signature or an item of information does not correspond, the vote of the person shall be challenged, and the same procedure shall be followed as provided in this act for the challenging of an elector.

If the person offering to vote has signed the registration card or application by making a mark, the person shall identify himself or herself by giving his or her date of birth, which shall be compared with the date of birth stated on the registration card or voter registration list, or shall give other identification as may be referred to on the registration card or voter registration list. ~~If the elector does not have an official state identification card, operator's or chauffeur's license as required in this subsection, or other generally recognized picture identification card, the individual shall sign an affidavit to that effect before an election inspector and be allowed to vote as otherwise provided in this act. However, an elector being allowed to vote without the identification required under this subsection is subject to challenge as provided in section 727.~~