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August 11, 2021

County Clerk/Registrar of Voters (CC/ROV) Memorandum # 21128

TO: All County Clerks/Registrars of Voters

FROM: /s/ Jana M. Lean
Chief, Elections Division

RE: California Gubernatorial Recall Election: Ballot Identification Envelopes:
Mismatched Signatures and Unsigned Envelopes

This memorandum is being sent as a reminder 1) related to mismatched signatures and unsigned ballot identification envelopes, and 2) that the procedures that apply to the comparison of signatures on vote-by-mail ballot identification envelopes, also apply to provisional ballot identification envelopes.

Additionally, it should be noted that on July 28, 2021, our office re-adopted the emergency regulations pertaining to signature verification. These emergency regulations will be in effect until October 26, 2021, and may be found on the Secretary of State's website at: <https://www.sos.ca.gov/administration/regulations/current-regulations>

Mismatched Signatures

A minimum of eight days prior to certification of the election, the elections official shall provide notice and instructions to all voters identified as having mismatched signatures on their vote-by-mail ballot identification envelopes or their provisional ballot identification envelopes. (Elec. Code, § 3019, subd. (d)(1).)

The notice to the voters must indicate that they have the opportunity to verify their signatures until no later than 5 p.m. two days prior to the certification of the election. (Elec. Code, § 3019, subd. (d)(1).) The notice must also include a statement that the signature provided by the voter may be added to the voter's registration record to be used for signature comparison purposes in future elections. (Cal. Code Regs. tit.2, §§ 20990(e), 20992(e)).

The "cure" notice must be sent to a voter within 24 hours of discovery of the missing or mismatched signature. (Cal. Code Regs. tit.2, §§ 20990(d), 20992(d)).

In addition, a mailed notice must be sent with a postage-paid return envelope. (Cal. Code Regs. tit.2, §§ 20990(e), 20992(e)).

County elections officials shall not reject a vote-by-mail ballot or a provisional ballot for the reason of a mismatched signature if one of the following occurs:

- 1) Before the close of the polls on Election Day, the voter completes and submits a Signature Verification Statement to a polling location within the county or a ballot drop-off location, or
- 2) No later than 5 p.m. two days prior to the certification of the election, the county elections official receives a completed Signature Verification Statement,

and

the signature on the Statement compares with the signature(s) in the voter's registration record.

(Elec. Code, § 3019, subd. (d)(4)(A), (B)(i), (B)(ii).)

If the signature on the Statement does not compare, the ballot shall not be counted.

Unsigned Ballot Identification Envelopes

A minimum of eight days prior to certification of the election, the elections official shall provide notice and instructions to all voters identified as having failed to sign their vote-by-mail ballot identification envelopes or their provisional ballot identification envelopes (most likely there will be few instances of unsigned provisional ballot identification envelopes, given training and practices requiring voters to sign provisional ballot identification envelopes at polling locations). (Elec. Code, § 3019, subd. (e)(1)(B)).

The notice to the voters must indicate that they have the opportunity to provide a signature until no later than 5 p.m. two days prior to the certification of the election. (Elec. Code, § 3019, subd. (e)(1)(B).) The notice must also include a statement that the signature provided by the voter may be added to the voter's registration record to be used for signature comparison purposes in future elections. (Cal. Code Regs. tit.2, §§ 20990(e), 20992(e)).

The "cure" notice must be sent to a voter within 24 hours of discovery of the missing or mismatched signature. (Cal. Code Regs. tit.2, §§ 20990(d), 20992(d)).

In addition, a mailed notice must be sent with a postage-paid return envelope. (Cal. Code Regs. tit.2, §§ 20990(e), 20992(e)).

County elections officials shall not reject a vote-by-mail ballot or a provisional ballot for the reason of an unsigned ballot identification envelope if one of the following occurs:

- 1) The voter signs the ballot identification envelope at the office of the county elections official,
- 2) Before the close of polls on Election Day, the voter completes and submits an Unsigned Ballot Envelope Statement to a polling location within the county or a ballot drop-off location, or
- 3) No later than 5 p.m. two days prior to the certification of the election, the voter completes and submits an Unsigned Ballot Envelope Statement to the county elections official,

and

the signature on the Statement compares with the signature(s) in the voter's registration record.

(Elec. Code, § 3019, subd. (e)(1)(A)(i), (ii), (iii), (C)(i).)

If the signature on the Statement does not compare to the signature(s) in the voter's registration record, the elections official shall provide notice to the voter pursuant to subdivisions (c) and (d) of Section 3019. (Elec. Code, § 3019, subd. (e)(1)(C)(ii).)

Statutory and Regulatory Information

Elections Code section 3019 provides for the following:

- Identical notice and cure periods for both signature mismatches on ballot identification envelopes and unsigned ballot identification envelopes. (Elec. Code, § 3019, subd. (d), (e).)
- County elections officials shall provide the notices and instructions to voters related to signature mismatch and unsigned ballot identification envelopes on their internet websites. They shall also provide their mailing address, email address, and facsimile transmission number on the top of the internet webpage containing the statements and instructions. (Elec. Code, § 3019, subd. (d)(6), (e)(4).)
- The notices and the instructions to voters related to signature mismatches and unsigned ballot identification envelopes must be translated in all languages required in the county by Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503). (Elec. Code, § 3019, subd. (d)(3), (e)(3).)
- Information related to voters who did not sign a ballot identification envelope or whose signature on the ballot identification envelope did not compare to the voter's signature(s) in the voter's registration record shall be treated as

confidential voter registration information. (Elec. Code, § 2194, subd. (f); Gov. Code, § 6254.4.)

Additionally, as provided in the Elections Code and Section 20992 of the California Code of Regulations, and as discussed in Chapter 5 of the California NVRA Manual, the procedures that apply to the comparison of signatures on vote-by-mail ballot identification envelopes apply to provisional ballot identification envelopes. (See, Elec. Code, § 14310, subd. (c)(1).) Accordingly, the notices and cure periods related to signature mismatches and unsigned vote-by-mail ballot identification envelopes also apply to signature mismatches and unsigned provisional ballot identification envelopes. This provision remains in the signature verification and ballot processing emergency regulations package that was re-submitted to the Office of Administrative Law.

Courtesy samples of a Signature Verification Statement and an Unsigned Ballot Envelope Statement are attached to this CCROV. For translated versions of these statements, please contact Reina Miller via email at rmiller@sos.ca.gov or telephone at (916) 695-1557.

If you have any questions, please feel free to contact Rachelle Delucchi at rdelucch@sos.ca.gov or Robbie Anderson at aanderso@sos.ca.gov. Thank you.

Attachments

- Courtesy sample of a Signature Verification Statement
- Courtesy sample of an Unsigned Ballot Envelope Statement

SIGNATURE VERIFICATION STATEMENT & INSTRUCTIONS

READ THESE INSTRUCTIONS CAREFULLY.

1. We have determined that the signature you provided on your vote-by-mail or provisional ballot identification envelope does not match the signature(s) on file in your voter record. In order to ensure that your vote-by-mail or provisional ballot will be counted, a Signature Verification Statement must be completed and returned as soon as possible.
2. Your completed Statement must be received by the elections official of the county where you are registered to vote no later than 5 p.m. two days prior to certification of the election.
3. You must sign your name below where specified on the Statement (Voter's Signature) and include your address.
4. Place your completed Statement into a mailing envelope addressed to your county elections official. Mail, deliver, or have your completed Statement delivered to the elections official. Be sure there is sufficient postage if mailed and that the address of the elections official is correct.
5. If you do not wish to send your completed Statement by mail or have it delivered, you may submit your completed Statement by email or facsimile transmission to your county elections official, or submit your completed Statement to a polling place within the county or a ballot drop-off box before the close of the polls on Election Day.
6. Please note that the signature provided on the completed Statement may be added to your registration record to be used for signature comparison purposes in future elections.

SIGNATURE VERIFICATION STATEMENT

I, _____ (please print), am a registered voter of _____
County, State of California.

I declare under penalty of perjury that I requested and returned a vote-by-mail or provisional ballot. I am a resident of the precinct in which I have voted, and I am the person whose name appears on the vote-by-mail or provisional ballot envelope.

I understand that if I commit or attempt any fraud in connection with voting, or if I aid or abet fraud or attempt to aid or abet fraud in connection with voting, I may be convicted of a felony punishable by imprisonment for 16 months or two or three years.

I understand that my failure to sign this Statement means that my vote-by-mail or provisional ballot will be invalidated.

Voter's Signature

Print Full Name (as registered to vote)

Address

UNSIGNED BALLOT ENVELOPE STATEMENT & INSTRUCTIONS

**READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE STATEMENT.
FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO COUNT.**

1. You did not sign your vote-by-mail or provisional ballot identification envelope. In order to ensure that your vote-by-mail or provisional ballot will be counted, an Unsigned Ballot Envelope Statement must be completed and returned as soon as possible, but no later than 5 p.m. two days prior to certification of the election.
2. You must sign your name below where specified on the Statement (Voter's Signature) and include your address.
3. Place your completed Statement into a mailing envelope addressed to your county elections official. Mail, deliver, or have your completed Statement delivered to the elections official. Be sure there is sufficient postage if mailed and that the address of the elections official is correct.
4. If you do not wish to send your completed Statement by mail or have it delivered, you may submit your completed Statement by email or facsimile transmission to your county elections official, or submit your completed Statement to a polling place within the county or a ballot drop-off box before the close of the polls on Election Day.
5. Please note that the signature provided on the completed Statement may be added to your registration record to be used for signature comparison purposes in future elections.

UNSIGNED BALLOT ENVELOPE STATEMENT

I, _____ (please print), am a registered voter of _____
County, State of California.

I declare under penalty of perjury that I requested and returned a vote-by-mail or provisional ballot and that I have not and will not vote more than one ballot in this election. I am a resident of the precinct in which I have voted, and I am the person whose name appears on the vote-by-mail or provisional ballot envelope.

I understand that if I commit or attempt any fraud in connection with voting, or if I aid or abet fraud or attempt to aid or abet fraud in connection with voting, I may be convicted of a felony punishable by imprisonment for 16 months or two or three years.

I understand that my failure to sign this Statement means that my vote-by-mail or provisional ballot will be invalidated.

Voter's Signature

Print Full Address (as registered to vote)

Address