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May 4, 2022

County Clerk/Registrar of Voters (CC/ROV) Memorandum # 22092

TO: All County Clerks/Registrars of Voters

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

RE: Primary Election: Ballot Identification Envelopes: Noncomparable
Signatures and Unsigned Envelopes

This memorandum is being sent as a reminder 1) related to noncomparable signatures and unsigned ballot identification envelopes, 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, and 3) the amendments to the signature comparison process made by Senate Bill 503 (SB 503, Chapter 319 of the Statutes of 2021).

Noncomparable 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 noncomparable signatures on their vote-by-mail ballot identification envelopes or their provisional ballot identification envelopes. (Elec. Code, § 3019, subd. (d)(1).)

The “cure” notice must be sent to a voter within 24 hours of discovery of the noncomparable signatures. (Cal. Code Regs. tit.2, §§ 20990(d), 20992(d)).

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, and the 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 noncomparable signatures 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 box, or
- 2) No later than 5 p.m. two days prior to the certification of the election, the county elections official receives the voter's completed Signature Verification Statement,

and

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

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

If the signature on the Signature Verification Statement does not compare, the ballot shall not be counted. (Elec. Code, § 3019, subd. (d)(4)(B)(ii).)

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. (Elec. Code, § 3019, subd. (e)(1)(B)).

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

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, and the 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 voter's signature on the Unsigned Ballot Envelope 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 Unsigned Ballot Envelope 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 subdivision (a) of section 3019 was amended by SB 503 to provide the following with respect to signature comparison:

- A presumption exists that the signature on the identification envelope, signature verification statement, unsigned ballot statement, or provisional ballot envelope is the voter's signature.
- An exact match is not required for an elections official to determine that a voter's signature is valid. The fact that signatures share similar characteristics is sufficient to determine that a signature is valid.
- The elections official shall consider explanations for discrepancies between signatures that are specified in regulations promulgated by the Secretary of State. Explanations include a variation in signature style over time and the haste with which a signature is written.
- When comparing signatures, an elections official shall not review or consider a voter's party preference, race, or ethnicity.
- The elections official may consider characteristics of the written signature that are specified in regulations promulgated by the Secretary of State. Characteristics include the slant of the signature, letter formation, and whether the signature is printed or written in cursive.
- The elections official may use facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with the law.

- In comparing signatures, an elections official may use signature verification technology. If signature verification technology determines that the signatures do not compare, the signature is subject to the additional procedures.
 - The signature shall be rejected only if two additional elections officials each find beyond a reasonable doubt that the signature differs in multiple, significant, and obvious respects from all signatures in the voter's registration record.
- The variation of a signature caused by the substitution of initials for the first or middle name, or both, is not grounds for the elections official to determine that the signatures do not compare.
- A signature made using a mark such as an "X", or made by a signature stamp, shall be presumed valid and shall be accepted if the signature meets the requirements of Section 354.5.

Elections Code section 3019 also provides for the following:

- Identical notice and cure periods for both noncomparable signatures 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 noncomparable signatures and unsigned ballot identification envelopes on their internet websites. They shall also provide their mailing address, email address, and facsimile transmission number on 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 noncomparable signatures 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, 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); Cal. Code Regs. tit.2, § 20992; discussion in Chapter 5 of the California NVRA Manual.) Accordingly, the notices and cure periods related to noncomparable signatures on vote-by-mail ballot identification envelopes and unsigned vote-by-mail ballot identification envelopes also apply to noncomparable signatures on provisional ballot identification envelopes and unsigned provisional ballot identification envelopes.

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Courtesy samples of a Signature Verification Statement and an Unsigned Ballot Envelope Statement are attached to this CCROV. Translated versions of these statements will be available in the coming days; 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.

FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO COUNT.

1. We have determined that the signature you provided on your vote-by-mail or provisional ballot identification envelope does not compare with 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 the postage-paid return envelope, if it is included with these instructions. If a return envelope is not included with these instructions, use your own mailing envelope addressed to your elections official. Mail, deliver, or have your completed Statement delivered to your elections official. If you mail your completed Statement using your own envelope, be sure there is sufficient postage 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 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 (or I received) 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 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 the postage-paid return envelope, if it is included with these instructions. If a return envelope is not included with these instructions, use your own mailing envelope addressed to your elections official. Mail, deliver, or have your completed Statement delivered to your elections official. If you mail your completed Statement using your own envelope, be sure there is sufficient postage 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 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 (or I received) 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 Name (as registered to vote)

Address