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## CALIFORNIA SECRETARY OF STATE

### Elections Division

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January 9, 2024

County Clerk/Registrar of Voters (CC/ROV) Memorandum #24015

TO: All County Clerks/Registrars of Voters

FROM: /s/ Rachelle Delucchi  
Elections Counsel

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

This memorandum is being sent as a reminder regarding the following:

- noncomparable signatures and unsigned ballot identification envelopes, and the amendments from [Senate Bill 77](#) (Chapter 701, Statutes of 2023) to Elections Code section 3019;
- 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
- the signature comparison process set forth in subdivision (a) of Section 3019.

Additionally, courtesy samples of a Signature Verification Statement and an Unsigned Identification Envelope Statement are attached to this CCROV.

### **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 notice must be sent with a postage-paid return envelope. (Elec. Code, § 3019, subd. (d)(1).)

The notice to the voters must indicate 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).)

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).)

**NEW:** If an elections official has a telephone number or email address on file for a voter whose signature does not compare, the elections official **shall** notify the voter by telephone, a text message, or email of the opportunity to verify the voter’s signature. If an elections official calls the voter and the voter does not answer, the elections official **shall** attempt to leave a voicemail message. (Elec. Code, § 3019, subd. (d)(1)(B).)

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) The voter completes and submits a Signature Verification Statement to a polling location within the county or a ballot drop-off box, before the close of the polls on Election Day, or
- 2) The voter delivers, in person, by mail, by fax, by email, or by other means, a signature verification statement signed by the voter and no later than 5 p.m. two days prior to the certification of the election, and 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 identification envelope shall not be opened, the ballot shall not be counted, and the elections official shall write the cause of the rejection on the face of the identification envelope. (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 notice must be sent with a postage-paid return envelope. (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 signature. (Cal. Code Regs. tit. 2, §§ 20990(d), 20992(d).)

**NEW:** If an elections official has a telephone number or email address on file for a voter who has failed to sign the identification envelope, the elections official **shall** notify the voter by telephone, a text message, or email of the opportunity to provide a signature. If an elections official calls the voter and the voter does not answer, the elections official **shall** attempt to leave a voicemail message. (Elec. Code, § 3019, subd. (e)(1)(B)(ii).)

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 during regular business hours, no later than 5 p.m. two days prior to the certification of the election,
- 2) The voter completes and submits an Unsigned Identification Envelope Statement to a polling location within the county or a ballot drop-off box, before the close of the polls on Election Day, or
- 3) The voter completes and submits an Unsigned Identification Envelope Statement to the county elections official in person, by mail, by fax, by email, or by other means made available by the elections official, no later than 5 p.m. two days prior to the certification of the election,

**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 a determination is made that the signature on the Unsigned Identification Envelope Statement does not compare to the signature(s) in the voter's registration record, the ballot identification envelope shall not be opened, and 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**

Subdivision (a) of Elections Code section 3019 provides the following with respect to signature comparison:

- A presumption exists that the signature on the identification envelope, signature verification statement, unsigned identification envelope 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 these 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.)
- A local elections official offering other electronic means for submission of a statement described in this CCROV shall establish appropriate privacy and security protocols that ensure that the information transmitted is received directly and securely by the elections official and is only used for the stated purposes of verifying the signature on the voter's ballot. (Elec. Code, § 3019, subd. (f).)

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.

Courtesy samples of a Signature Verification Statement and an Unsigned Identification Envelope Statement are attached to this CCROV. Translations of those statements will be sent out in a separate communication. If you would like a Word version of any of the attached forms, please contact Ruth Oyeniyi-Abe via email at [rabe@sos.ca.gov](mailto:rabe@sos.ca.gov) or telephone at (916) 698-0958.

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

#### Attachments

- Courtesy sample of a Signature Verification Statement
- Courtesy sample of an Unsigned Identification 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. To ensure that your vote-by-mail or provisional ballot will be counted, the 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 where specified on the Statement 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 by other electronic means made available by 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.

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## SIGNATURE VERIFICATION STATEMENT

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

I declare under penalty of perjury that 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 IDENTIFICATION 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. To ensure that your vote-by-mail or provisional ballot will be counted, an Unsigned Identification 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 where specified below 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 by other electronic means made available by 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.

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## UNSIGNED IDENTIFICATION ENVELOPE STATEMENT

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

I declare under penalty of perjury that 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