



**ALEX PADILLA** | SECRETARY OF STATE | STATE OF CALIFORNIA  
ELECTIONS DIVISION

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January 2, 2020

County Clerk/Registrar of Voters (CC/ROV) Memorandum # 20002

**TO:** All County Clerks/Registrars of Voters

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

**RE:** Presidential Primary: Vote-by-Mail Ballots: Mismatched Signatures and Unsigned Ballots

Effective January 1, 2020, Elections Code section 3019 was amended by Senate Bill (SB) 523 (Chapter 568 of the Statutes of 2019) to create identical notice and cure periods for both signature mismatches on vote-by-mail ballot identification envelopes and unsigned vote-by-mail ballot identification envelopes.

Additionally, SB 523 added a translation requirement regarding both sets of notices and added a provision to Section 2194 regarding confidential voter registration information as it pertains to voters who had signature mismatches or who did not sign a vote-by-mail ballot identification envelope.

### **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. (Elec. Code, § 3019, subd. (d)(1).) This 8-day notice period was not amended by SB 523.

The notice to the voters must indicate that they have the opportunity to verify their signatures no later than 5 p.m. two days prior to the certification of the election. (Elec. Code, § 3019, subd. (d)(1).) This 2-day-prior-to-certification cure period was not amended by SB 523.

The instructions to the voters, contained in Section 3019, subdivision (d)(2), was altered slightly by SB 523. The attachment to this CCROV contains a revised courtesy sample of a Signature Verification Statement.

County elections officials shall not reject a vote-by-mail ballot for the reason of a mismatched signatures if the elections official receives a completed Signature

Verification Statement no later than 5 p.m. two days prior to the certification of the election, or the voter before the close of polls on election day, completes and submits a Signature Verification Statement to a polling location within the county or a ballot drop-off location and the signatures compare with what is on file. If the signatures do not compare, the ballot shall not be counted. (Elec. Code, § 3019, subd. (d)(4)(A), (B)(i), (B)(ii).) Subsection (d)(4) and the listed subparagraphs were not amended by SB 523.

### **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 identification envelope. (Elec. Code, § 3019, subd. (e)(1)(B)). SB 523 added this 8-day notice period for unsigned ballot envelopes.

The notice to the voters must indicate that they have the opportunity to provide a signature no later than 5 p.m. two days prior to the certification of the election. (Elec. Code, § 3019, subd. (e)(1)(B).) SB 523 added this 2-day-prior-to-certification cure period for unsigned ballot envelopes.

The instructions to the voters, contained in Section 3019, subdivision (e)(2), was amended by SB 523 to include reference to the new 2-day-prior-to-certification cure period for unsigned ballot envelopes. The attachment to this CCROV contains a revised courtesy sample of an Unsigned Ballot Envelope Statement.

County elections officials shall not reject a vote-by-mail ballot for the reason of an unsigned ballot envelope if one of the following occurs: 1) the voter signs the ballot identification envelope at the office of the 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 elections official, **and** the signature on the Statement compares with what is on file. (Elec. Code, § 3019, subd. (e)(1)(A)(i), (ii), (iii), (C)(i).) If the signature on the Statement does not compare, 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).)

### **Translated Notices and Instructions**

SB 523 added the following requirement for the notices and instructions to voters:

- the notice and instructions to voters regarding mismatched signatures shall be translated in all languages required in that county by Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503). (Elec. Code, § 3019, subd. (d)(3).)

- the notice and instructions to voters regarding unsigned ballot envelopes shall be translated in all languages required in that county by Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503). (Elec. Code, § 3019, subd. (e)(3).)

### **Confidential Voter Registration Information**

SB 523 also added subdivision (f) to Elections Code section 2194 relating to voters whose signatures on their vote-by-mail ballot identification envelope did not match their signatures on file and voters who did not sign their vote-by-mail ballot identification envelope:

Notwithstanding any other law, information regarding voters who did not sign a vote by mail ballot identification envelope or whose signature on the vote by mail ballot identification envelope did not match the voter's signature on file shall be treated as confidential voter registration information pursuant to this section and Section 6254.4 of the Government Code. This information shall not be disclosed to any person except as provided in this section. Any disclosure of this information shall be accompanied by a notice to the recipient regarding Sections 18109 and 18540. Voter information provided pursuant to this subdivision shall be updated daily, include the name of the voter, and be provided in a searchable electronic format.

To view the full text of SB 523 see the attachment to this CCROV or visit [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200SB523](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB523)

If you have any questions, please feel free to contact Rachelle Delucchi at [rdelucch@sos.ca.gov](mailto:rdelucch@sos.ca.gov) or (916) 695-1565. Thank you.

### **Attachments**

- Courtesy sample of a Verification Signature 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 ballot identification envelope does not match the signature(s) on file in your voter record. In order to ensure that your vote-by-mail 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.

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## SIGNATURE VERIFICATION STATEMENT

I, \_\_\_\_\_, am a registered voter of \_\_\_\_\_ County, State of California.

I declare under penalty of perjury that I requested and returned a vote-by-mail 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 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 ballot will be invalidated.

\_\_\_\_\_  
Voter's Signature

\_\_\_\_\_  
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 ballot identification envelope. In order to ensure that your vote-by-mail 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.

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## UNSIGNED BALLOT ENVELOPE STATEMENT

I, \_\_\_\_\_, am a registered voter of \_\_\_\_\_ County, State of California.

I declare under penalty of perjury that I requested and returned a vote-by-mail 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 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 ballot will be invalidated.

\_\_\_\_\_  
Voter's Signature

\_\_\_\_\_  
Address