



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

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September 25, 2020

County Clerk/Registrar of Voters (CC/ROV) Memorandum # 20221

TO: All County Clerks/Registrars of Voters

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

RE: General Election: Ballot Identification Envelopes: Mismatched Signatures and Unsigned Envelopes

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

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 must provide the notices and instructions to voters related to signature mismatch and unsigned ballot identification envelopes on their websites, along with their mailing address, email address, and facsimile transmission number. (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 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 has been added to proposed signature verification and ballot processing emergency regulations package that has been submitted to the Office of Administrative Law.

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 no later than 5 p.m. two days prior to the certification of the election. (Elec. Code, § 3019, subd. (d)(1).)

A revised courtesy sample of the Signature Verification Statement, which now includes a mention of provisional ballot identification envelopes, is attached to this CCROV. Translated versions of the Signature Verification Statement will be made available at a later date.

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 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 no later than 5 p.m. two days prior to the certification of the election. (Elec. Code, § 3019, subd. (e)(1)(B).)

A revised courtesy sample of the Unsigned Ballot Envelope Statement, which now includes a mention of provisional ballot identification envelopes, is attached to this CCROV. Translated versions of the Unsigned Ballot Envelope Statement will be made available at a later date.

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).)

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

Thank you.

Attachments

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