



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

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September 29, 2020

County Clerk/Registrar of Voters (CC/ROV) Memorandum # 20227

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 - Revised

This memorandum is being updated to reflect the adoption of emergency regulations by the Secretary of State on September 28, 2020. The emergency regulations may be found on the Secretary of State's website at:

<https://www.sos.ca.gov/administration/regulations/current-regulations>

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, Section 20992 of the newly-enacted 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 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).) 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)).

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

A revised courtesy sample of the Signature Verification Statement, which now includes a mention of provisional ballot identification envelopes and the additional statement required by Sections 20920(e) and 20922(e) of the newly-enacted emergency regulations, 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).) 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)).

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

A revised courtesy sample of the Unsigned Ballot Envelope Statement, which now includes a mention of provisional ballot identification envelopes and the additional statement required by Sections 20920(e) and 20922(e) of the newly-enacted emergency regulations, 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 or Robbie Anderson at aanderso@sos.ca.gov.

Thank you.

Attachments

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

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 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 Name (as registered to vote)

Address