

---

**SENATE COMMITTEE ON  
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**  
Senator Catherine Blakespear, Chair  
2023 - 2024 Regular

---

**Bill No:** AB 3184 **Hearing Date:** 8/14/24  
**Author:** Berman  
**Version:** 8/12/24  
**Urgency:** Yes **Fiscal:** Yes  
**Consultant:** Scott Matsumoto

**Subject:** Elections: signature verification statements, unsigned ballot identification statements, and reports of ballot rejections

**DIGEST**

This bill makes various changes to the vote by mail (VBM) ballot curing process, removes local special elections from a reporting requirement on rejected VBM ballots, and establishes a single certification date for the November 5, 2024, General Election.

**ANALYSIS**

Existing law:

- 1) Requires an elections official to mail a VBM ballot to every active registered voter.
- 2) Permits a voter who either did not sign their VBM ballot envelope or whose signature did not match their signature on file with the registrar of voters to cure those problems by returning a specified document to the elections official by 5:00 p.m. two days before the election is certified.
- 3) Requires the canvass of every election to begin by the Thursday following the election, be open to the public, and, for state or statewide elections, provide results to the Secretary of State (SOS). The canvass must be continued daily, except for Saturdays, Sundays, and holidays, for at least six hours each day until it is completed.
- 4) Generally requires elections officials to certify the results of the election within 30 days. However, elections officials must send the SOS the results for President and Vice President within 28 days of the election.
- 5) Allows specified voter information to be provided to any candidate for office, to any committee for or against any initiative or referendum measure, and to any person for election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the SOS. This includes information regarding voters who did not sign a VBM ballot envelope or whose signature did not match their signature on file with their county registrar of voters.
- 6) Requires an elections official to identify and provide to the SOS within 31 days of the election the number of VBM ballots rejected, categorized according to the reason for

the rejection. The SOS must provide uniform VBM ballot rejection reason codes for each category of rejection to be used by elections officials for reporting.

- 7) Requires the SOS, upon receiving the information on rejected ballots, to publish a report containing the information for every election, including local special elections, on its internet website.

This bill:

- 1) Requires elections officials to include a single, combined VBM ballot signature verification statement and unsigned ballot identification envelope statement along with instructions on how to fill out the statement to voters who either did not sign their VBM ballot envelope or provide a signature on their VBM ballot envelope that did not match their signature on file with the registrar of voters. Requires elections officials to accept the statement if submitted timely.
- 2) Includes elections workers in the list of voters who are granted confidential voter status, meaning their information will not be provided to candidates, committees, and others who are entitled to receive certain voter information.
- 3) Clarifies that information regarding voters who did not sign a VBM ballot envelope or whose signature did not match their signature on file with the county registrar of voters shall be provided to any entity entitled to receive certain voter information under 5) above.
- 4) Provides the following for the November 5, 2024, General Election:
  - a) Elections officials are precluded from certifying the results of the election prior to the 28th calendar day following the election unless there are no more VBM ballots remaining where the voter has the opportunity to provide or verify their signature.
  - b) Elections officials must accept a completed signature verification statement, unsigned identification envelope statement, or a combined VBM ballot signature verification statement until 5:00 p.m. on the 26th calendar day following the election.
  - c) In cases where the only ballots left to count as part of the official canvass are VBM ballots for which a voter has the opportunity to either verify their signature or provide their signature, the official canvass does not have to be conducted at least six hours per day – unless the elections official needs to do so in order to complete the official canvass by the 28th calendar day following the election.
- 5) Removes a reporting requirement for the SOS to publish data on rejected VBM ballots for local elections.
- 6) Contains an urgency clause.

## BACKGROUND

Ballot Curing. Under California law, elections officials must verify a VBM ballot before it can be counted. This verification includes a comparison of the signature on the VBM ballot envelope with the signature(s) that are part of the voter's registration record to confirm that the voter who issued the VBM ballot is the voter who returned the ballot. Additionally, elections officials are not required to certify election results *on* a specific day, but instead must certify results *no later than* a specified deadline. As a result, the deadline for a voter to complete this cure process varies from county-to-county, depending when each county certifies its election results.

When a voter's signature does not compare to the signature on file or the voter's signature is missing from the voter's VBM ballot envelope, the county elections official is required to mail a notice to the voter of the issue and how the voter can remedy or "cure" their ballot. Depending on the county, this results in two different forms. The voter is required to submit their signature verification statement or provide a signature no later than 5 p.m., two days prior to the certification of the election.

Presidential Elections. Although elections officials are not required to certify election results until the 30th day after the election in most circumstances, there are certain situations where elections officials must finalize results more quickly. County elections officials are required to send results for presidential primary and general elections to the SOS within 28 days after the relevant election. In the case of a presidential general election, this earlier deadline is intended, in part, to ensure the SOS has sufficient time to analyze the votes for President and Vice President and certify the winners in time to meet deadlines under federal law.

VBM Ballot Rejection Study and Previous Legislation. In September 2020, the California Voter Foundation in collaboration with Dr. Mindy S. Romero of the University of Southern California Center for Inclusive Democracy examined demographic and voting methods of voters in Sacramento, Santa Clara, and San Mateo counties whose November 2018 VBM ballots were rejected and why they were rejected. The study found the top three reasons a VBM ballot was rejected were because they arrived late, did not include signatures on the VBM ballot envelope, or the signature on the envelope did not sufficiently match the voter's registration signature on file.

Additionally, the study examined California's VBM process and made a number of recommendations, including:

- a) Continue improving coordination with the United States Postal Service (USPS), the SOS, and counties to arrange for timely pickup and delivery of ballots around election time and on election night;
- b) Require the SOS through VoteCal, the statewide voter registration database, to uniformly report the number of ballots rejected and reasons for rejection;
- c) Standardize the codes used in counties' election management systems to more uniformly designate the reasons why a ballot is rejected;
- d) Require counties to report in the certification of election results the number of ballots challenged, cured, rejected and the reasons for rejection;
- e) Require the SOS or counties to notify voters when their ballots are rejected for any reason and the reason for rejection; and

- f) Advocate for sufficient funding for the USPS to facilitate timely delivery and return of VBM ballots and related materials, and provide ongoing funding to counties to support VBM balloting, education, services, outreach, and notification to voters with challenged and rejected ballots.

SB 503 (Becker), Chapter 319, Statutes of 2021, codified some of those recommendations, including ones requiring the SOS to uniformly report the number of ballots rejected and reasons for rejection. SB 503 also required the SOS to publish a report containing the number of VBM ballots rejected and the reason for rejection for every election.

Secretary of State's VBM Ballot Rejection Reports. The SOS began posting the VBM ballot rejection reason reports starting with the June 7, 2022, statewide primary election. This report, the November 2022 statewide general election report, and March 2024 statewide primary election report all found the top three reasons why a VBM ballot was rejected was due to a) ballot arrived after the deadline, b) a non-matching signature, and c) no voter signature. The reports indicate that for the November 2022 statewide general election, 120,609 (1.22%) VBM ballots were rejected, and for the March 2024 presidential statewide primary election, 108,982 (1.56%) VBM ballots were rejected.

The SOS also publishes data on ballot rejection rates for local elections, typically local special elections. In 2022, data was provided for seven local elections. In 2023, the SOS reported data for 50 local elections. In 2024, the SOS reported data for 14 local elections.

Election Workers' Information. As noted above, existing law requires certain information from voter registration records to be made available only for specified election, scholarly, journalistic, political, or governmental purposes.

There are a number of programs in existing law that provide a greater level of confidentiality to a voter's registration records, such as those for victims of domestic violence and for public safety officers. SB 1131 (Newman), Chapter 554, Statutes of 2022, created a similar program for elections workers who face life threatening circumstances. This bill includes a cross-reference to this program.

### **COMMENTS**

- 1) According to the Author: "In our last general election in November 2022, nearly 50% of rejected VBM ballots were for either a missing or non-matching signature. That amounted to nearly 60,000 ballots. Right now, if there is a mismatching or missing signature on the VBM ballot envelope, our elections officials notify the voter of the problem, how to correct the issue, and that the voter has until 5 p.m. two days prior to the certification of the election. However, because there is not a uniform date when counties certify elections, a voter may not have a date certain by which to make the correction and could inadvertently miss the deadline. AB 3184 would provide voters with greater certainty if they are notified of signature issues this November, ensuring that everyone is operating on a level playing field."
- 2) Transparency Concerns for VBM Ballot Rejection Reports. Pursuant to SB 503 and beginning with the June 7, 2022, statewide primary election, the SOS has been

making this data available to the public. The impact of this bill will be to reduce transparency into the elections process and the amount of information currently being made available to the public.

- 3) Two Forms into One Form. Right now, some county elections officials use two separate forms for a voter to cure their ballot in cases where the signature is missing from the VBM ballot envelope or the signature does not match the one on their registration card.

This bill requires county elections officials to use one form for this process in an attempt to standardize the process across the 58 county election offices.

- 4) Standardized Certification Dates – For This Election Only. Right now, the law gives county elections officials some flexibility in terms of when they must certify an election because they only have to do it by a certain date – and if they certify earlier, they are permitted to do so.

This bill – for the November 5, 2024, General Election – allows voters to cure a VBM ballot envelope signature-related problem up until 26 days after election and prohibits county elections officials from certifying the election results until 28 days after the election, unless a county elections official has resolved all of the VBM ballot envelope signature related issues.

While this may cause some county elections officials to certify their results later than they have in the past, it does ensure all voters have the same amount of time to cure a VBM ballot envelope signature-related issue.

### **RELATED/PRIOR LEGISLATION**

SB 518 (Wilk) of 2024 prohibits an elections official from certifying election results before the 30th day after an election unless certain conditions are met.

SB 503 (Becker), Chapter 319, Statutes of 2021, among other provisions, provided additional parameters for elections officials when comparing a voter's signature and notifying a voter of their missing or non-comparing signature. SB 503 also required local elections officials to report to the SOS the number of VBM ballots rejected and the reason for rejection for every election.

SB 523 (McGuire), Chapter 568, Statutes of 2019, aligned the timeline for notices and the submission of an unsigned VBM ballot envelope with the deadlines established for mismatching signatures to 5:00 p.m. two days prior to the certification of the election.

SB 29 (Correa), Chapter 618, Statutes of 2014, extended the deadline for election officials to prepare a certified statement of the results of an election from 28 days after the election to 30 days after the election.

There were multiple attempts to require an elections official to submit the certified statement of the results of the election to the governing body within 31 days of the election. This included AB 562 (Fong) of 2012, AB 1466 (Committee on Budget) of 2012, and SB 1017 (Committee on Budget and Fiscal Review) of 2012. AB 562

contained urgency and failed when the Assembly did not concur in Senate amendments. AB 1466 and SB 1017 died at various stages in the legislative process.

**PRIOR ACTION**

Since this bill was amended to include new provisions, the votes below are only relevant for the provisions related to VBM ballot rejection reports.

Senate Elections and Constitutional Amendments Committee:	7 - 0
Assembly Floor:	71 - 0
Assembly Appropriations Committee:	15 - 0
Assembly Elections Committee:	8 - 0

**POSITIONS**

**Sponsor:** Author

**Support:** None received

**Oppose:** None received

**-- END --**