

California Legislature

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Informational Hearing

Ensuring Every Vote Counts: California's Signature Curing Process

Background Document

Vote by Mail

Since the inception of vote by mail (VBM) ballots, Californians have increasingly relied on VBM ballots to cast a vote. According to the Secretary of State's office, the 1962 general election saw 2.63 percent of Californians vote by mail. For the 2024 presidential general election, 80.76 percent of Californians voted by mail. This massive increase in mail voting over the past 60 years is a result of many factors ranging from legislation expanding access to VBM ballots, paid postage on return envelopes, and additional elected offices resulting in longer, sometimes more complicated, and time-consuming ballots.

The rise in popularity of VBM ballots has also corresponded with the number of voters registered to vote. California has a higher population than in the 1960s and the number of voters registered to vote has increased accordingly. As of October 21, 2024, there were 22,595,659 registered voters. This represents an increase of over four million registered voters since 2012. Below is a table of recent statewide elections and the percentage of VBM ballots in that election:

Vote By Mail Ballots since 2012*						
Year	Primary			General		
	VBM Ballots	Total Ballots Cast	Percentage	VBM Ballots	Total Ballots Cast	Percentage
2012	3,471,570	5,328,296	65.15%	6,753,688	13,202,158	51.16%
2014	3,096,104	4,461,346	69.40%	4,547,705	7,513,972	60.52%
2016	5,036,262	8,548,301	58.92%	8,443,594	14,610,509	57.79%
2018	4,834,975	7,141,987	67.70%	8,302,488	12,712,542	65.31%
2020	6,982,750	9,687,076	72.08%	15,423,301	17,785,151	86.72%
2021	Statewide Special Election			11,733,429	12,892,578	91.01%
2022	6,647,212	7,285,230	91.24%	9,755,198	11,146,620	88.64%
2024	6,841,984	7,719,218	88.64%	13,034,378	16,140,044	80.76%

*Data compiled from reports from the Secretary of State's website.

AB 37 (Berman), Chapter 312, Statutes of 2021, made permanent COVID-era legislation that required a VBM ballot be sent to every active registered voter prior to an election. As a result, today, all voters receive a VBM ballot and can choose how to return it. The VBM ballot can be mailed back to the elections official, placed in a ballot drop-off box/location, or dropped off at a polling location. Oftentimes, this results in a large number of VBM ballots being delivered in the immediate days prior to Election Day, on Election Day, and in the days following Election Day. With a large number of VBM ballots returning within a short window of time, election administrators are processing VBM ballots in a condensed time period. This becomes a time-consuming endeavor, and creates a backlog, as election officials process a higher number of ballots in the same period as in previous elections. A significant aspect of this backlog is the processing of a VBM ballot in order to be accepted as valid and counted.

Signature Verification and Voter Identity

Voters submitting a VBM ballot sign the ballot return envelope. Every signature is verified by the local elections official. Upon receiving a VBM ballot, the elections official compares the signature with the signature from the voter's registration or from a form issued by the elections official that contains the voter's signature and is part of the voter's registration record. This is how the elections official determines a voter's identity.

When comparing a signature, the Elections Code specifies the following:

- 1) A presumption exists that the signature on the return envelope is the voter's signature.
- 2) 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.
- 3) The elections official must consider characteristics and explanations for discrepancies between signatures. These are specified in regulations promulgated by the Secretary of State.
- 4) 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.
- 5) A signature made using a mark such as an "X," or made by a signature stamp, shall be presumed valid and accepted if the signature meets the requirements of the Elections Code.
- 6) The elections official may use signature verification technology and use facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with the law.
- 7) An elections official shall not review or consider a voter's party preference, race, or ethnicity.

The Secretary of State also provides counties additional parameters when comparing signatures, including:

- 1) Permitting the elections official to consider the following characteristics when visually comparing a signature to determine whether the signatures are from the same signer:
 - a) Slant of the signature.
 - b) Whether printed or in cursive.
 - c) Size, proportions, or scale.
 - d) Individual characteristics, such as how the "t's" are crossed, "i's" are dotted, or loops are made on the letters f, g, j, y, or z.
 - e) Spacing between the letters within the first and/or last name and between first and last name.
 - f) Line direction.
 - g) Letter formations.
 - h) Proportion or ratio of the letters in the signature.
 - i) Initial strokes and connecting strokes of the signature.
 - j) Similar endings such as an abrupt end, a long tail, or loop back around.
 - k) Speed of the writing.
 - l) Presence or absence of pen lifts.
 - m) Misspelled names.
 - n) Factors applicable to a particular voter, such as the age of the voter, the age of the signature(s) contained in the voter's record, the possibility that the voter is disabled, the voter's primary language, and the quality of any digitized signature(s) contained in the voter's record.

- 2) Requires election officials to consider as explanations for the following discrepancies in signatures:
 - a) Evidence of trembling or shaking in a signature could be health-related or the result of aging.
 - b) The voter may have used a diminutive of their full legal name, including, but not limited to the use of initials, or the rearrangement of components of their full legal name, such as a reversal of first and last names, use of a middle name in place of a first name, or omitting a second last name.
 - c) The voter's signature style may have changed over time.
 - d) The signature on the VBM identification envelope or provisional ballot envelope may have been written in haste.
 - e) A signature in the voter's registration file may have been written with a stylus pen or other electronic signature tool that may result in a thick or fuzzy quality.
 - f) The surface of the location where the signature was made may have been hard, soft, uneven, or unstable.

If the signature on the VBM envelope compares, then the VBM ballot is counted. Alternatively, if the elections official makes the determination that the signature does not compare and two additional election officials find beyond a reasonable doubt that the

signature does not compare, then the voter is contacted and provided an opportunity to remedy the situation.

Signature Curing

If a signature from the VBM identification envelope is missing or does not compare to the signature on the voter's file, then the elections official notifies the voter that they may fix or "cure" their signature. On or before the next business day, the elections official mails a notice, a statement, and a return envelope to the voter. The statement could be one of three options: (1) signature verification statement for noncomparing signatures, (2) unsigned verification envelope statement, or (3) a combined statement. Additionally, if the elections official has a phone number or email address on file for the voter, then the official is required to call, text, or email the voter. The elections official has until eight days prior to certification of the election to mail these notices and cure statements.

The voter has until two days before certification to return the cure statement to the elections official. If the voter's signature on the cure form compares to the signature(s) on file, then the form is accepted and the VBM ballot is counted. The elections official also updates the signature for future elections, even if the voter returns the form after the deadline.

Specific processes and deadlines are ultimately left to each of California's 58 counties, because each county administers its own elections. Though the process is similar throughout the state, there are 58 different ways elections are conducted. The signature cure process is not an exception. This includes, but is not limited to, how and when VBM ballots are processed, how voters are notified, how many times a voter is notified, what types of forms are used (single versus combined form), and what type of follow-up with voters occurs after the election is certified.

Other States

According to the National Conference of State Legislatures, 31 states, including California, conduct signature verification on returned VBM ballots. It should be noted that signature verification standards vary by state.

Ten other states, the Virgin Islands, and District of Columbia verify that a VBM envelope has been signed, but do not conduct signature verification. Seven states require the signature of a witness in addition to the voter's signature. Three states require a VBM envelope to be notarized. Mississippi requires signature verification and a notarized VBM envelope.

Ballot Rejection

A number of VBM ballots are rejected at every election for a myriad of reasons. A rejected ballot is a ballot that was not counted because of a missing signature, a noncomparing signature, the ballot was missing from the envelope, multiple ballots were

returned in one envelope, the ballot was not received on time, the voter already voted, or there is a missing or incorrect address on the envelope. A ballot can also be rejected if a voter did not provide their driver's license number, identification card number, or last four digits of their social security number when registering to vote and did not provide a form identification when voting for the first time. Below is data relating to missing or noncomparing signatures relative to the total number of VBM ballots rejected by statewide election.

VBM Rejected Ballots Statistics*				
Election	Total Number of VBMs Accepted	Total Number of VBMs Rejected**	Rejected for a Missing Signature	Rejected for a Noncomparing Signature
2020 Primary	6,958,885	102,428	12,997	14,528
2020 General	15,393,834	86,401	14,666	49,816
2022 Primary	6,664,084	105,818	7,990	25,038
2022 General	9,755,198	120,609	11,905	47,984
2024 Primary	6,855,272	108,982	7,094	23,523
2024 General	13,034,378	122,480	13,356	71,381

*Data compiled from reports from the Secretary of State's website.

**The total number of ballots rejected includes all circumstances, beyond a missing or noncomparing signature.

Considerations Moving Forward

This informational hearing is intended to inform the Senate on the different ways counties verify a signature on a VBM return envelope and contact a voter to cure a signature issue. The goal is to learn ways to improve VBM ballot processing, thereby enhancing the voter experience and helping counties expedite the overall vote count. Below are a few topics relating to signature curing that the committee should consider:

Role of the Secretary of State

- What is the role of the Secretary of State in the signature curing process? Since elections are administered at the local level, there may be up to three separate forms (missing, noncomparing, and/or combined) used by each county. Each form is also tailored by each county even though the Secretary of State provides a template. The committee should consider whether there should be a uniform form provided by the Secretary of State.
- If the Secretary of State develops a uniform form that is used by every county, how should the form be accessible (e.g. posted online) and should the Secretary of State lead in translating the form into the required languages for counties? Each county has different language requirements based on their population and statewide coordination may be helpful.
- The Secretary of State also notifies voters when their ballots are mailed, received, and counted through their BallotTrax system. With over five million Californians subscribed to the system, could BallotTrax play a larger role in notifying voters of a signature issue?

Role of County Election Officials

- If the Secretary of State does not provide a uniform form, should county election officials be required to use one form, instead of up to three separate forms? Additionally, should the notice and the statement, which is oftentimes combined by counties, be streamlined and more concise? Additionally, should the forms be available on the county election's website? Uniformity may be helpful in providing information to voters who may be receiving it from the county elections office and from campaigns.
- The committee may wish to consider what sort of follow up after the election should be required to voters who had a signature issue. For example, if a VBM ballot was rejected, should the county elections official (or the Secretary of State) follow up with the voter and seek a new signature?

General Considerations

- When is the appropriate deadline for cure statements to be returned? Generally, as more time passes following Election Day, the likelihood of a voter returning a cure statement decreases. Balancing voter access with the speed of the vote counting needs to be considered. Under current law, the deadline to return cure forms is two days before a county certifies the election. Generally, the certification date can be different for every county. The 2024 November election was the exception as legislation established a uniform date for certification, which resulted in a uniform deadline for cure statements.

This hearing will consist of perspectives, insight, and recommendations from the Secretary of State's office, county election officials, stakeholders, and political attorneys. Each plays a role in the signature curing process and their input will help provide the Senate with information as the legislative process begins.