

- 2) Requires the canvass to commence no later than the Thursday following the election, shall be open to the public, and, for state or statewide elections, shall result in a report of results to the Secretary of State. Requires the canvass be continued daily, Saturdays, Sundays, and holidays excepted, for not less than six hours each day until completed.
- 3) Requires, upon completion of the count, the election official to add to the results as so determined, the results of the write-in votes and any paper ballots used as certified by the precinct board, and thereupon shall declare the vote, and forthwith post one copy at the counting place for public inspection.
- 4) Requires the election official to prepare a certified statement of the results of the election and submit it to the governing body within 30 days of the election or, in the case of school district, community college district, county board of education, or special district elections conducted on the first Tuesday after the first Monday in November of odd-numbered years, no later than the last Monday before the last Friday of that month.
- 5) Requires the election official to post the certified statement of the results of the election on their website in a downloadable spreadsheet format that may include, but is not limited to, a comma-separated values file or a tab-separated values file and that is compatible with a spreadsheet software application that is widely used at the time of the posting. Requires the certified statement of the election results to be posted and maintained on the election official's website for a period of at least 10 years following the election. Specifies that this provision only applies to an election official who uses a computer system that has the capability of producing the election results in a downloadable spreadsheet format without requiring modification of the computer system.
- 6) Requires a voter who voted by mail and either has a missing or a non-comparing signature to submit a statement to remedy or cure their signature no later than 5p.m. two days prior to the certification of the election, as specified.

This bill:

- 1) Requires the election official to prepare a certified statement of the results of the election and submit it to the governing body on the 30th calendar day following the election.
- 2) Makes other nonsubstantive changes.

BACKGROUND

Voting by Mail. California voters have increasingly utilized vote by mail (VBM) ballots when voting in elections. In the 2022 general election, of 11,146,610 ballots cast, 9,755,188 were VBM ballots. This represents 87.52% of the votes cast in November 2022 and is the highest VBM participation percentage for a general election in the state's history. When comparing the past two gubernatorial general elections (2018 and 2020), there were approximately 1.45 million more VBM ballots in November 2022 than in November 2018.

VBM Rejection Rates. VBM ballots can be rejected for a variety of reasons. For example, the ballot may be missing from the envelope, multiple ballots might be returned in one envelope, the ballot may arrive after the deadline, there may be a missing or an incorrect address on the VBM envelope, the voter's signature might be missing, the voter's signature might not compare with the signature on file, etc. According to data from the SOS that was derived from VoteCal, California's statewide voter registration database, the November 2020 general election had 86,401 VBM ballots that were challenged. Of the 86,401 challenged VBM ballots, 14,666 ballots (16.97%) were rejected for a missing voter signature and 49,816 ballots (57.66%) were rejected for a signature that did not compare with the one on file. When combined, missing and non-comparing signatures amounted to 64,482 ballots or 74.63% of the total number of rejected ballots.

For the November 2022 election, the SOS indicated that 120,432 VBM ballots were challenged. Of the 120,432 challenged VBM ballots, 11,897 ballots (9.88%) were rejected for a missing voter signature and 47,963 ballots (39.83%) were rejected for a signature that did not compare with the one on file. When combined, missing and non-comparing signatures amounted to 76,379 ballots or 63.42% of the total number of rejected ballots.

Ballot Curing. When a voter's signature does not compare to the signature on file or the voter's signature is missing from the voter's vote by mail envelope, the county election official is required to mail a notice to the voter of the issue and how the voter can remedy or "cure" their ballot. The voter is required to submit their verification or unsigned identification envelope statement by no later than 5p.m. two days prior to the certification of the election. Other than the total number of rejected ballots due to a missing or non-comparing signature, it is unknown how many voters submitted their statement after the deadline.

Certification Deadlines. The election official is required to prepare a certified statement of the results of the election and submit it to the governing body within 30 days of the election. However, some counties may need every day permissible to certify their election results and others may not. For example, a smaller county may not need as long to certify their results than larger counties.

COMMENTS

- 1) According to the author: SB 518 will create an important clarification for California voters as we move forward with mass mail in ballot elections. Each election, hundreds of voters across the state send in their ballots that are ultimately rejected because of missing or mismatched signatures. Voters should know exactly how long they have to correct or complete their signatures each election to ensure their voted is counted.
- 2) Completing the Canvass. As previously mentioned, some counties may need every day permissible to certify their election results and others may not. It is conceivable that some counties may complete their canvass within 30 days of the election. If the deadline becomes a full 30 days, counties may be using scarce and limited

resources waiting for a small number of statements to arrive that may or may not affect the outcome of a contest.

By having a varying certification deadline, this creates a scenario where it is unknown to the public, and for voters needing to cure their ballot, of when certification will take place. As a result, it may be confusing for voters to determine the certification date for their county and the deadline for submitting an unsigned identification envelope statement or a signature verification statement. Having a singular certification date would create more uniformity, especially in multi-county districts. However, at some point, there needs to be finality to an election, and this committee should consider when that “finality” should take place.

- 3) Argument on Opposition. In a letter opposing SB 518, the California Association of Clerks and Election Officials stated, in part, the following:

As the officials charged with conducting accessible elections in California, we share the desire of Senator Wilk to ensure voters have a clear understanding of how much time they have to cure a signature issue with their vote-by-mail ballot. CACEO’s opposition is due to the fiscal impacts to those counties who are regularly able to complete the election canvass in less than 30 days and due to the delay for some candidates to assume their elected office.

[...]

Additionally, requiring counties to continue the canvass when all work is done will impact when candidates can assume their elected office. The terms of special districts and school district offices start on specific days – first Friday of December and second Friday of December respectively. In some years, the first Friday of December falls before the 30th day after Election Day. County and city governing bodies declare winners at their next regular meeting following the certification date. By removing the ability of county elections officials to certify earlier, some jurisdictions will have to wait until their second meeting in December to declare the winners of their contests.

RELATED/PRIOR LEGISLATION

SB 503 (Becker), Chapter 319, Statutes of 2021, among other provisions, provided additional parameters for election officials when comparing a voter’s signature and notifying a voter of their missing or non-comparing signature.

SB 523 (McGuire), Chapter 568, Statutes of 2019, required, among other provisions relating to notifications for voters with a missing or non-comparing signature, aligned the timeline for notices and the submission of an unsigned VBM ballot envelope with the deadlines established for mismatching signatures to 5 p.m. two days prior to the certification of the election, as specified.

SB 29 (Correa), Chapter 618, Statutes of 2014, extended, among other provisions relating to vote by mail ballots, 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 election 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). 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.

POSITIONS

Sponsor: Author

Support: None received

Oppose: California Association of Clerks and Election Officials

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