Date of Hearing: April 1, 2014

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING
Paul Fong, Chair
AB 2530 (Rodriguez) – As Introduced: February 21, 2014

SUBJECT: Ballot processing.

SUMMARY: Requires an elections official, if using signature verification technology when comparing the signatures on a vote by mail (VBM) ballot identification envelope, to not reject a ballot when the verification technology determines that the signatures do not compare unless he or she visually examines the signatures and verifies that the signatures do not compare.

EXISTING LAW:

1) Permits a county elections official, upon receipt of a VBM ballot, mail ballot precinct ballot, or provisional ballot, to compare the signature on the identification envelope with one of the following to determine whether the signatures compare:

   a) The signature appearing on the voter's affidavit of registration or any previous affidavit of registration of the voter; or,

   b) The signature appearing on a form issued by an elections official that contains the voter's signature, that is part of the voter's registration record, and that the elections official has determined compares with the signature on the voter's affidavit of registration or any previous affidavit of registration of the voter, as specified.

2) Permits an elections official to make the determination of whether a signature on a VBM ballot, mail ballot precinct ballot, or provisional ballot, compares with the signatures on file for that voter by reviewing a series of signatures appearing on official forms in the voter's registration record that have been determined to compare, that demonstrate the progression of the voter's signature, and that make evident that the signature on the identification envelope is that of the voter.

3) Provides that if the ballot is rejected because the signatures do not compare, the envelope shall not be opened and the ballot shall not be counted. Requires the cause of the rejection to be written on the face of the identification envelope.

FISCAL EFFECT: Unknown. State-mandated local program; contains reimbursement direction.

COMMENTS:

1) Purpose of the Bill: According to the author:

   California voters are increasingly choosing to vote by mail. During the November 2012 statewide election, for the first time ever in a general election, a majority of California voters chose to cast vote-by-mail ballots. Current law requires a voter's signature on a provisional or mail ballot envelope to compare with a signature found in the voter's registration record. To accommodate provisional ballots and the growing number of vote-

by-mail ballots, many elections officials use signature comparison software to verify signatures. When software cannot verify that a signature compares, the existing practice is that the election official visually examines the signatures to determine if the ballot will be counted. However, this practice is not required by law.

Signatures often vary over time and human eyes may identify a natural progression among the signatures in the voter's record. A computer may fail to recognize that progression. It is also possible that the county may have a poor quality signature image – either on file or scanned from the ballot envelope – that requires human eyes rather than comparison by software.

AB 2530 codifies existing best practices in the use of signature verification technology that both allow California elections officials to use automated systems and also ensure no voter's ballot is rejected without a human review of the signatures.

2) <u>Signature Verification Process</u>: Current law requires a county elections official, upon receiving a VBM ballot, mail ballot precinct ballot, or provisional ballot, to compare the signature on the identification envelope with the signature appearing in the voter's registration record, as specified. If the signatures compare, existing law requires the county elections official to deposit the ballot, still in the identification envelope, in a ballot container in his or her office. Due to an increase in VBM and provisional ballots, and to make the verification process more efficient, many county elections officials use signature verification technology to compare and verify signatures on ballot identification envelopes.

Historically, the main reasons why a ballot is rejected for a signature mismatch is because the signature is unreadable, missing or has changed and is out of date. As mentioned above in the author's statement, computer signature verification technology is not infallible and unfortunately there are circumstances that may lead the verification software to incorrectly determine that a signature on an identification envelope does not compare to the signature on the voter's registration record. For example, the location of the voter's signature on the envelope, a problem with the digital image of the signature, or an outdated signature, all may lead verification software to incorrectly determine that the signatures do not match. Consequently, as mentioned above, it is the existing practice of county elections officials to visually compare signatures that signature verification technology finds do not compare before rejecting a voted ballot. However, this practice is not required by law. This bill codifies this procedure.

3) <u>Previous Legislation</u>: AB 1135 (Mullin), Chapter 271, Statutes of 2013, expanded the list of documents a county elections official may use to compare to the signature on a VBM ballot identification envelope.

<u>REGISTERED SUPPORT / OPPOSITION</u>:

<u>Support</u>   Opposition

Secretary of State Debra Bowen (sponsor)   None on file.

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