

Date of Hearing: April 30, 2025

ASSEMBLY COMMITTEE ON ELECTIONS
Gail Pellerin, Chair
AB 827 (Berman) – As Amended April 21, 2025

SUBJECT: Voting: signature verification.

SUMMARY: Requires that voters be given until the 22nd day after each election to submit a vote by mail (VBM) ballot signature verification statement or an unsigned identification statement (hereinafter referred to collectively as “signature cure forms”) in order to resolve specified issues with their VBM ballots. Makes various other changes to state law related to the process for voters to resolve specified issues with VBM ballots. Specifically, **this bill:**

- 1) Changes the deadline for elections officials to send notifications to voters who failed to sign their VBM ballot return envelope, or whose signature from the VBM ballot return envelope did not compare with signatures in the voter’s registration record, from the 8th day before the election is certified to the 14th day after the election. Changes the date until which a county elections official must accept a completed signature cure form from a voter from the 2nd day before the election is certified until the 22nd day following the election.
- 2) Prohibits an elections official, when receiving signature cure forms from voters, from delaying the comparison of signatures on those forms with signatures that are part of the voters’ registration records until later in the official canvass.
- 3) Permits an elections official to designate a VBM ballot drop box outside the official’s office to accept signature cure forms after the election, provided that the drop box is clearly and conspicuously labeled that it is to be used for this limited purpose and not for the acceptance of ballots.
- 4) Provides that the deadline for sending, processing, and submission of signature cure forms is not continued to the next business day if the deadline falls on a holiday.
- 5) Requires an elections official who receives a completed unsigned identification envelope statement that is not timely submitted to compare the voter’s signature on the statement with the signatures that are part of the voter’s registration record and, if the elections official determines that the signatures compare, to add the signature from the unsigned identification envelope statement to the voter’s registration record for use in future elections.
- 6) Requires the state’s VBM ballot tracking system, when it notifies a voter that the voter’s ballot cannot be counted because the voter’s signature did not compare or the identification envelope is missing a signature, to include an internet link to the signature cure form, along with instructions for completion.
- 7) Requires that daily updates from elections officials about voters who did not sign a VBM ballot identification envelope or whose signature on the envelope did not compare with the voter’s signature on file, which is confidential information that is provided to people subject to certain restrictions for election, scholarly, journalistic, or political purposes, must include

information about which voters have returned signature cure forms, and whether the signatures provided on those forms did or did not compare with signatures that are part of the voters' registration records, as specified.

- 8) Provides that a county elections official is not required to continue the official canvass of the election for at least six hours per day, notwithstanding an existing law to the contrary, if the only ballots that a county elections official has left to count as part of the official canvass are VBM ballots for which a voter has an opportunity to verify or provide their signature in order for the ballot to be counted, as specified.

EXISTING LAW:

- 1) Requires an elections official to conduct a semifinal official canvass of each election by tabulating VBM and precinct ballots and compiling the results. Requires the semifinal official canvass to begin immediately upon the closing of the polls and to continue without adjournment until all precincts are accounted for. (Elections Code §15150)
- 2) Requires an official canvass of election results to commence no later than the Thursday following the election. Requires the official canvass to be open to the public and, for state elections, to result in a report of results to the Secretary of State (SOS). Requires the official canvass be continued daily (except for Saturdays, Sundays, and holidays) for not less than six hours each day until completed. (Elections Code §15301)
- 3) Requires the official canvass of election results to include various tasks, including the following:
 - a) Processing and counting any valid VBM and provisional ballots not included in the semifinal official canvass.
 - b) Counting any valid write-in votes.
 - c) Reporting final results to the governing board and the SOS, as required. (Elections Code §15302)
- 4) Requires an elections official to prepare a certified statement of the results of an election and submit it to the governing body within 30 days of the election, except as specified. (Elections Code §15372)
- 5) Requires a county elections official, upon receiving a VBM ballot, to compare the signature on the VBM ballot identification envelope with a signature appearing on any affidavit of registration of the voter, or on any form issued by an elections official that contains the voter's signature and is part of the voter's registration record. (Elections Code §3019(a)(1))
- 6) Provides that if the elections official determines, upon comparing signatures, that the signature on the VBM ballot identification envelope possesses multiple, significant, and obvious differing characteristics when compared to all signatures in the voter's registration record, the signature is subject to additional procedures that provide that a signature shall be rejected only if two additional elections officials each find beyond a reasonable doubt that the

signature differs in multiple, significant, and obvious respects from all signatures in the voter's registration record. (Elections Code §3019(c))

- 7) Requires, in the case of a VBM ballot identification envelope that was not signed by the voter, or in the case of an identification envelope that was signed but where the signature on the envelope did not compare to the signatures on file for the voter as detailed above in 6), that the voter be sent a signature cure form to verify under penalty of perjury that the voter completed and returned the VBM ballot in question. Requires this notice to be sent not later than eight days prior to the certification of the election. Requires the elections official to post a combined VBM ballot signature verification statement and unsigned ballot identification envelope statement on the elections official's website. Provides that a voter's VBM ballot shall not be rejected if the voter submits a signature cure form by 5 p.m. two days prior to the certification of the election and the signature on that statement compares to a signature on file in the voter's registration record, as specified. (Elections Code §§3019(d), (e), (f))
- 8) Provides that the home address, telephone number, e-mail address, precinct number, or other number specified by the SOS for voter registration purposes, and prior registration information shown on the voter registration affidavit for all registered voters, are confidential, and shall not be disclosed to any person, except that such information shall be provided with respect to any voter to any candidate for federal, state, or local office, to any committee for or against any initiative or referendum measure for which legal publication is made, and to any person for election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the SOS, as specified. Provides that information regarding voters who did not sign a VBM ballot identification envelope or whose signature on the VBM ballot identification envelope did not compare with the voter's signature on file shall be provided to any candidate for federal, state, or local office, to any committee for or against any initiative or referendum measure for which legal publication is made, and to any person for election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the SOS, but otherwise shall not be disclosed to any person. (Elections Code §2194)

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

COMMENTS:

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

In our last general election in November 2024, over 69% of rejected vote by mail ballots were for either a missing or non-matching signature. That amounted to nearly 85,000 ballots. Current law provides that if there is a missing or non-matching signature on the vote by mail 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 to correct. However, because there is not a uniform date when counties certify elections, a voter may not know the date by which to make the correction and could inadvertently miss the deadline. AB 827 would provide voters with greater certainty if they are

notified of missing or non-matching signature, ensuring that everyone is operating on a level playing field. AB 827 would make a number of related improvements to the process and procedures for ballot cure, including authorizing use of a ballot drop box to collect verification statements and updating our ballot tracking system to provide better additional notice.

- 2) **VBM Signature Curing and Previous Legislation:** Under California law, a VBM ballot must be verified by the elections official before it can be counted. That verification includes a comparison of the signature on the VBM ballot identification envelope with the signatures that are part of the voter's registration record to confirm that the voter who was issued the VBM ballot is the voter who completed and returned the ballot.

It is not uncommon for a VBM ballot to be returned in an envelope that is missing the voter's signature or with a signature that doesn't compare to signatures in the voter's record. At the November 2024 statewide general election, for instance, more than 71,000 VBM ballots that were returned by voters to elections officials were unable to be counted because the signature on the return envelope did not compare to the signatures on file, and more than 13,000 VBM ballots were rejected because the return envelope was not signed by the voter. In the last several years, the Legislature has taken a number of steps to reduce the number of VBM ballots that are rejected for these reasons.

Notably, AB 477 (Mullin), Chapter 726, Statutes of 2015, and SB 759 (McGuire), Chapter 446, Statutes of 2018, created processes for a voter to verify their VBM ballot if the voter failed to sign the VBM ballot return envelope, or if the signature on that envelope did not compare to the signatures in the voter's registration record. These processes are commonly referred to as "cure processes," and the forms used by voters to verify their ballots as a part of these processes are commonly referred to as "signature cure forms." Existing law provides that a voter must be permitted to complete either cure process until at least 5 p.m. two days prior to the certification of the election.

Because elections officials are not required to certify election results *on* a specific day, the deadline for a voter to complete these cure processes varies from county to county, depending on when each county certifies its election results. Furthermore, because voters are unlikely to know *when* a county is going to certify its election results, voters may not know the deadline for completing the cure process. While cure forms that are sent to voters by elections officials are required to notify the voters of the deadline for submitting the cure form under state law, those forms are not required to specify a *date* by which the forms must be completed, but instead may simply notify the voter that they must return the form two days before the election is certified.

Last year, the Legislature approved and Governor Newsom signed AB 3184 (Berman), Chapter 437, Statutes of 2024, which made various changes to the signature cure process in an effort to minimize the number of VBM ballots that are unable to be counted. Some of the changes made by AB 3184 were permanent, while others were in effect only for the November 2024 statewide general election. Perhaps most notably, for the November 2024 statewide general election only, AB 3184 required county elections officials to accept signature cure forms until the 26th calendar day after the election, and prevented counties

from certifying election results before the 28th day before the election, except in very limited circumstances.

This bill once again proposes a uniform cure deadline throughout the state, requiring that voters be given until 5 PM on the 22nd day after an election to submit cure forms. This deadline is somewhat earlier than the deadline set by AB 3184, which should help address concerns that AB 3184 forced some counties to extend the certification process even in situations where no additional ballots would be counted. Unlike AB 3184, this bill does not propose to set a uniform election certification date.

While setting an earlier cure deadline may allow some counties to certify their election results earlier than in the 2024 general election, it may also reduce the number of ballots that are able to be counted if voters do not complete the cure process by the earlier deadline. Based on information from a survey conducted by the California Association of Clerks and Election Officials, voters submitted cure forms for thousands of ballots after the 22nd day after the election. While it is difficult to know exactly how many cure forms were submitted statewide after that date due to data limitations, many counties reported that between 3-5% of all cure forms were submitted after the 22nd day after the election.

That concern may be mitigated, to some extent, by the fact that this bill also requires elections officials to send cure forms to voters no later than the 14th day after the election, thereby ensuring that voters have at least eight days between the time that cure forms are sent and the deadline for returning a completed cure form. Under existing law, there may be as few as six days between the time the elections official sends the cure form and the deadline for the voter to return that form.

- 3) **Special Elections:** In order to comply with various provisions of existing law, an elections official generally will take at least two weeks to certify an election, and finalizing election results often takes much longer. In the case of special elections to fill vacancies in public offices, however, elections officials often are able to certify election results more quickly because special elections generally have a simpler ballot (often there is only one contest on the ballot) and tend to have fewer ballots cast. Furthermore, there may be a need to finalize election results faster than 30 days in order to ensure that preparations for a subsequent special runoff election can begin.

By requiring that voters be given until the 22nd day after an election to submit cure forms for all elections, this bill could delay the filling of vacancies and disrupt preparations for special runoff elections. The author may wish to consider future amendments to this bill to provide a different timeline for submission of cure forms at special elections.

- 4) **Ballot Tracking:** AB 2218 (Berman), Chapter 432, Statutes of 2018, required the SOS to establish a system that allows voters to track and receive information about their VBM ballots as they move through the mail system and are processed by county elections officials. Voters can sign-up to use California's system, commonly known as BallotTrax, at WheresMyBallot.sos.ca.gov. Consistent with the requirements of AB 2218, the BallotTrax system is capable of providing the following information via text message or email to a voter who has signed up for the tracking service: (1) a notification when the elections official

delivers the voter's ballot to the United States Postal Service (USPS); (2) a notification of the date that the ballot is expected to be delivered to the voter; (3) a notification if the voter's ballot is returned as undeliverable by the USPS; (4) a notification when the voter's completed ballot has been received by the county elections official; (5) a notification that the voter's completed ballot has been counted, or, if the ballot cannot be counted, a notification of the reason why the ballot could not be counted and instructions of any steps that the voter can take in order to have the ballot counted; and (6) a reminder of the deadline for the voter to return the ballot if the county elections official has not received a voter's completed ballot by specified dates determined by the county elections official. While the BallotTrax system is capable of providing all of these notifications to voters who have signed up, the exact notifications that voters receive varies from county to county.

In addition to giving voters greater peace of mind that their VBM ballots were received and their votes counted, one of the purposes of AB 2218 in implementing a ballot tracking system was to reduce the number of VBM ballots that are unable to be counted by notifying voters promptly if they need to take additional steps to have their VBM ballots counted (i.e., when the voter's signature did not compare or the identification envelope is missing a signature). This bill would require those notifications to include an internet link to the signature cure form, along with instructions for the voter to complete that cure form.

While providing voters with a link to signature cure forms as part of the notifications seems like a positive step toward facilitating the signature cure process, it is unclear whether California's ballot tracking system can be easily modified to provide such a link. Furthermore, the BallotTrax system allows voters to sign-up to receive notifications via telephone call, as an alternative or in addition to receiving notifications via text message or email. It is unclear how the requirement to provide a link to the cure form would work for notifications via telephone call. If this bill advances from this committee, it will be important to further refine this portion of the bill to address those issues.

- 5) **Related Legislation:** SB 3 (Cervantes) proposes various changes to the signature cure process, among other provisions. SB 266 (Cervantes) expands the circumstances under which the SOS and county elections officials must translate election materials into languages other than English, and requires signature cure forms to be among the documents that are translated into those identified languages. SB 3 and SB 266 were scheduled to be heard in the Senate Elections & Constitutional Amendments Committee on April 29, 2025.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

Analysis Prepared by: Ethan Jones / ELECTIONS / (916) 319-2094