

Date of Hearing: July 16, 2025

ASSEMBLY COMMITTEE ON ELECTIONS
Gail Pellerin, Chair
SB 3 (Cervantes) – As Amended May 23, 2025

SENATE VOTE: 39-0

SUBJECT: Elections: signature verification and results.

SUMMARY: Makes various changes to state law governing the process for verifying signatures on vote by mail (VBM) ballot return envelopes. Increases the frequency at which elections officials are required to post updated election results during the official canvass from a minimum of once per week to twice per week. Specifically, **this bill:**

- 1) Requires VBM ballot return envelopes, and forms used by voters to resolve issues with the signatures on their VBM ballot return envelopes (hereinafter referred to as “signature cure forms”), to include a statement that the voter’s signature will be compared to signatures in the voter’s registration record, which may include the signature on the voter’s driver’s license or state identification card.
- 2) Prohibits an elections official from considering the following factors when verifying signatures on VBM ballot return envelopes:
 - a) A voter’s party preference, race, or ethnicity.
 - b) A voter’s identifying information including gender, name, or address, except to confirm the identity of the voter.
 - c) The amount of time spent reviewing a signature.
- 3) Requires the Secretary of State (SOS) to post signature cure forms and instructions for those forms on its website, as specified.
- 4) Requires an elections official to use the signature from a completed signature cure form to update the voter’s registration record for use in future elections, even if the form is not timely submitted.
- 5) Specifies that a voter may work with a nongovernmental entity to complete a signature cure form and comply with related requirements.
- 6) Requires a county elections official that uses VBM ballot processing regulations or procedures that differ from those promulgated by the SOS to post those regulations or procedures on the internet or to provide them upon request.
- 7) Requires a county elections official to accept only signature cure forms that were developed by the SOS or an elections official.

- 8) Requires that VBM ballot processing observers be allowed sufficiently close access to observe whether the individuals processing signature cure forms are following established procedures for verifying signatures.
- 9) Requires a county elections official to update election results at least twice weekly beginning the Thursday following the election, as specified, instead of once per week as required by existing law. Requires information about the number of unprocessed ballots that is posted as part of those updates to use standardized categories established by the SOS, and requires information about unprocessed ballots and the date and time of the next expected update to be posted in a specified manner.
- 10) Makes clarifying changes.

EXISTING LAW:

- 1) Requires a county elections official, upon receiving a VBM ballot, to compare the signature on the VBM ballot return envelope with a signature that is part of the voter's registration record, as specified. (Elections Code §3019(a)(1))
- 2) Provides that if the elections official determines that the signature on a VBM ballot return 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))
- 3) 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 1), 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. 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 form compares to a signature in the voter's registration record, as specified. (Elections Code §§3019(d), (e), (f))
- 4) Requires the SOS to promulgate regulations establishing guidelines for county elections officials relating to the processing of VBM ballots, and requires county elections officials to adhere to those regulations when comparing signatures from VBM ballot return envelopes to signatures in the voters' records. (Elections Code §§3019(j), 3026(a))
- 5) Requires the processing of VBM ballot return envelopes, and the processing and counting of VBM ballots, to be open to the public. Requires that observers be allowed sufficiently close access to observe and challenge whether the individuals handling VBM ballots are following established procedures, as specified. (Elections Code §15104)

- 6) Requires an elections official, beginning no later than the Thursday following an election, to post updated information regarding the election on their website at least once per week, except as specified. Requires the update to include the following information:
 - a) Updated results for any candidate or measure appearing on the ballot.
 - b) The number of ballots processed and an estimated number of outstanding ballots remaining unprocessed for each of the following categories: ballots voted at a polling place, VBM ballots received on or before election day, VBM ballots received after election day, provisional ballots, and conditional registration ballots.
 - c) The date and time when it is expected that the next results will be posted. (Elections Code §15306)

FISCAL EFFECT: According to the Senate Appropriations Committee:

- The SOS indicates that, preliminarily, its costs would be minor and absorbable.
- By imposing new duties on local elections officials, this bill creates a state-mandated local program. To the extent the Commission on State Mandates determines that the provisions of this bill create a new program or impose a higher level of service on local agencies, local agencies could claim reimbursement of those costs. The magnitude is unknown, but potentially in excess of \$50,000 annually (General Fund).

COMMENTS:

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

Recent experience has shown that signature curing is rapidly becoming an integral part of political campaigns in California. However, as this area of campaign practice develops, it is clear that the existing laws governing signature curing contain several areas of ambiguity that threaten to create confusion for voters, invite abuse of the rules by bad actors, and undermine public confidence in our election results. Senate Bill 3 will help provide clarity and guidance to political campaigns, as well as consistency and transparency to the public, about the signature curing process by making several reforms to how the process works. This includes mandating that the only forms that voters across the state can use to cure their signatures is a standard form created by the Secretary of State or a form created by a county registrar. The bill will also require county registrars to upload the voter signatures they receive from signature curing forms to their databases for use when comparing signatures in future elections. SB 3 will also build upon the work of my Assembly Bill 63 from 2023 by making clarifications about how and how often county registrars must report election results to the public online.

- 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 return 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.

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.

- 3) **Senate Informational Hearing:** On March 18, 2025, the Senate Committee on Elections and Constitutional Amendments held an informational hearing on the signature curing process. The hearing was 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 was to learn ways to improve VBM ballot processing, thereby enhancing the voter experience and helping counties expedite the overall vote count. The hearing included perspectives, insight, and recommendations from the SOS's office, county elections officials, stakeholders, and political attorneys. These panelists provided insights and thoughts about the role of the SOS and county elections officials in the signature curing process. This bill was developed by the author based on testimony and feedback received at that hearing.
- 4) **Signature Verification Regulations and Suggested Amendments:** This bill requires a county elections official to post any regulations or procedures that the official uses when verifying signatures if those regulations or procedures "differ from those promulgated by the Secretary of State." That provision of this bill could be read to suggest that county elections officials are permitted to adopt signature verification procedures that conflict with SOS regulations. County elections officials, however, are required by law to comply with the signature verification regulations promulgated by the SOS.

Accordingly, to ensure that this bill does not create ambiguity around the requirement that

county elections officials comply with the regulations promulgated by the SOS when verifying signatures on VBM ballot return envelopes, committee staff recommends the following amendments to the language on page 14, lines 38-40 and page 15, lines 1-2 of this bill:

(1) If ~~the regulations or procedures used by~~ an elections official ~~for purposes of this section differ from those promulgated by the Secretary of State,~~ establishes procedures that the official uses when comparing signatures pursuant to this section, the elections official shall post the ~~regulations or~~ procedures used on their internet website or provide them upon request at their office. In accordance with subdivision (j), any such procedures shall adhere to regulations promulgated by the Secretary of State.

- 5) **Signature Cure Forms and Suggested Amendments:** This bill requires the SOS to develop a uniform signature cure form, and requires a county elections official to only accept either that form or a signature cure form developed by an elections official that meets specified requirements of state law. The purpose of this amendment is to ensure that only official signature cure forms that comply with state law are used by voters, and to prevent the creation of such forms by third parties that may not comply with the law. The language of this bill is ambiguous, however, and includes provisions that are duplicative of provisions found elsewhere in state law. To resolve these issues, committee staff recommends technical and clarifying amendments to streamline the language of this bill to accomplish the following policy goals:

- a) Require the SOS to post a combined signature cure form on their website. The SOS would *not* be required to post separate forms for VBM ballot return envelopes that are not signed and for envelopes where the signature does not compare to signatures in the voter's registration record.
- b) Each county elections official will post a combined signature cure form on its website. A county elections official could choose either to post the form developed by the SOS, or could create their own form that complies with the requirements of state law. County elections officials would *not* be required to post separate forms for VBM ballot return envelopes that are not signed and for envelopes where the signature does not compare to signatures in the voter's registration record. County elections officials would, however, have discretion to use separate signature cure forms when contacting voters to verify their VBM ballots.
- c) County elections officials will accept only cure forms created by the SOS or a county elections official.

- 6) **Arguments in Support:** In support of this bill, Disability Rights California writes:

SB 3 offers thoughtful improvements. We especially appreciate the provision requiring vote-by-mail envelopes to include a clear statement that the elections official must compare the voter's signature to those in the voter's registration record, including signatures on file with the Department of Motor Vehicles. In our experience voters are often unaware that their signature on the envelope will be

compared to signatures in the voter's registration record. We also support the requirement that the Secretary of State publish a uniform signature verification and unsigned ballot statement form online, and that counties must use and post this standardized form. A single form available statewide will help reduce confusion and provide a consistent, fair process for voters needing to cure their ballots. These improvements build on existing protections and will make California's elections more accessible and inclusive.

- 7) **Related Legislation:** AB 827 (Berman), which is pending in the Senate Appropriations Committee, requires that voters be given until the 22nd day after each election to submit a signature cure form, and makes various other changes to state law related to the process for voters to resolve specified issues with VBM ballots. AB 827 was approved by this committee on April 30, 2025 by a 4-0 vote, and was approved on the Assembly Floor by a 62-3 vote.

AB 16 (Alanis), which is pending on the Senate Floor, conforms state law governing the processing of VBM ballot return envelopes and ballots to a recent change in state law that allows elections officials to begin sending VBM ballots to voters earlier than the 29th day before the election. AB 16 was approved by this committee on April 9, 2025 by a 7-0 vote, and was approved on the Assembly Floor by a 75-0 vote.

AB 1214 (Patterson), which was scheduled to be heard in the Senate Elections & Constitutional Amendments Committee on July 15, 2025, increases the frequency at which elections officials are required to post updated election results during the official canvass from a minimum of once per week to twice per week. AB 1214 was approved by this committee on April 30, 2025 by a 7-0 vote, and was approved on the Assembly Floor by a 71-0 vote.

REGISTERED SUPPORT / OPPOSITION:

Support

Disability Rights California
Election Integrity Project California

Opposition

None on file.

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