

Date of Hearing: May 1, 2019

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Marc Berman, Chair

AB 698 (Obernolte) – As Introduced February 19, 2019

SUBJECT: Elections: initiative and referendum petitions: signature verification.

SUMMARY: Prohibits the invalidation of a signature on a state, county, municipal, or district initiative or referendum petition because of a variation of the signature caused by the substitution of initials for the first or middle name, or both, of the person signing the petition.

EXISTING LAW:

- 1) Requires an elections official to determine the number of qualified voters who have signed a petition for a state or local initiative or referendum, as specified.
- 2) Allows an elections official, in comparing signatures pursuant to existing law, to use facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with the law.
- 3) Requires an elections official, upon receiving a vote by mail (VBM) ballot, to compare the signature on the identification envelope with either of the following to determine if the signatures compare:
 - a) The signature appearing on the voter's affidavit of registration or any previous affidavit of registration of the voter.
 - b) The signature appearing on a form issued by an elections official that contains the voter's signature and that is part of the voter's registration record.
- 4) Permits an elections official, in comparing signatures pursuant to existing law, to use signature verification technology. Requires an elections official, if signature verification technology determines that the signatures do not compare, to visually examine the signatures and verify that the signatures do not compare.
- 5) Provides that the variation of a signature on a VBM ballot identification envelope 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.

FISCAL EFFECT: None. This bill is keyed non-fiscal by the Legislative Counsel.

COMMENTS:

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

Current law provides that the variation of a signature caused by the substitution of initials for the first or middle name, or both, shall not be grounds for the elections official to determine that signatures on vote by mail ballots are invalid. AB 698 would put into place these same protections for initiative and referendum

signatures. In the same way that having a signature invalidated because of the substitution of an initial for a first or middle name had the potential to prevent an otherwise valid vote, having the same barrier in place for initiatives and referendums has the potential to abridge a citizen's constitutional right to participate in these actions.

- 2) **County Elections Officials Best Practices:** As mentioned above, existing law requires an elections official to determine the number of qualified voters who have signed the petition for an state or local initiative or referendum, as specified. In practice, there are numerous issues that may come up when an elections official is verifying a voter's signature on a petition, such as a missing signature, a different or missing apartment number, an abbreviated street name, or transposed house numbers. In order to provide some clarity and consistency statewide, the county elections officials developed guidelines for recommended actions and best practices to provide guidance to county elections officials when verifying signatures on petitions. This bill codifies one of the best practices outlined in the guidelines. According to the guidelines, if a voter uses a nickname, initials, prefixes, maiden name, married name, spouse's name, or a misspelling on a petition, but the signature appears to have been made by the same person and other voter information can be validated, the county elections official is advised to count the signature.
- 3) **Vote by Mail Signature Comparison Process:** Under current law, an elections official, upon receiving a VBM ballot, is required to compare the signature on the VBM identification envelope with a signature appearing on the voter's affidavit of registration or previous affidavit, as specified, or a signature appearing on a form issued by an elections official that contains the voter's signature and that is part of the voter's registration record, as specified. Additionally, existing law explicitly provides that 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. This policy has been in effect since at least 1975. As mentioned in the author's statement above, this bill mirrors this practice that is already in place for determining whether or not a signature on a VBM ballot is valid.
- 4) **Is This Bill Necessary?** As mentioned above, existing guidelines adopted by county elections officials already provide for a voter's signature on a petition not to be rejected due to the substitution of initials in a voter's signature, as specified. Committee staff isn't aware of any evidence that the county elections officials are failing to follow those guidelines.
- 5) **Arguments in Support:** The California Association of Clerks and Election Officials writes:

This bill codifies the existing guidelines used by elections officials prohibiting the invalidation of a signature on an initiative or referendum petition because of a variation of the signature caused by the substitution of initials for the first or middle name, or both, of the person signing the petition.

Current law requires elections officials to verify signatures on all petitions. To verify these signatures elections officials can use current and past signature samples. Current petition guidelines developed by [California Association of Clerks and Election Officials] and approved by the Secretary of State indicate that a signature is not to be deemed invalid because the signer used an initial instead

of their full name so long as the signature otherwise compares, if the address is correct. [This bill] will codify the practice that counties are already using.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Clerks and Election Officials

Opposition

None on file.

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