CONSENT

Bill No:    AB 1619
Author:    Cervantes (D)
Amended:  4/7/22 in Assembly
Vote:      21

SENATE ELECTIONS & C.A. COMMITTEE:  4-0, 6/13/22
AYES:  Newman, Nielsen, Hertzberg, Leyva
NO VOTE RECORDED:  Glazer

SENATE APPROPRIATIONS COMMITTEE:  Senate Rule 28.8

ASSEMBLY FLOOR:  61-0, 5/5/22 (Consent) - See last page for vote

SUBJECT:  Elections:  voter registration and signature comparison

SOURCE:  Author

DIGEST: This bill requires a voter registration application to include a statement that a person’s signature on an identification envelope for the return of a vote by mail (VBM) ballot will be compared against signatures in the voter’s registration record.

ANALYSIS:

Existing law:

1) Prohibits a person from being registered to vote except by affidavit of registration, except as specified. Requires the affiant to certify the content of the affidavit of registration as to its truth and correctness with the signature of the affiant’s name and the date of signing.

2) Requires a person who registers to vote electronically on the Secretary of State (SOS) website to affirmatively assent to the use of the person’s signature from the person’s driver’s license or state identification card, and requires the SOS to obtain an electronic copy of the signature from the person’s driver’s license or
state identification card directly from the Department of Motor Vehicles (DMV).

3) Requires an elections official to mail a ballot to every active registered voter for each election in which the voter is eligible to vote, as specified. Requires this mailing to include all supplies necessary for the use and return of the ballot, including an identification envelope with prepaid postage for the return of the VBM ballot. Requires the VBM ballot identification envelope to contain all of the following, among other items:

a) The signature of the voter.

b) A declaration, under penalty of perjury, stating that the voter resides within the precinct in which the voter is voting and is the person whose name appears on the envelope.

c) A warning that the voter must sign the envelope in the voter’s own handwriting in order for the ballot to be counted.

4) Requires a county elections official, upon receiving a completed VBM ballot, to compare the signature on the VBM ballot 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 is part of the voter's registration record.

5) Requires the elections official, if the official determines that the signature on a VBM ballot identification envelope compares with a signature that is part of the voter’s registration record, as described above, to deposit the ballot, still in the identification envelope, in a ballot container in the official’s office, and establishes a process for that ballot to be counted.

6) Requires an elections official who determines that a voter’s signature on a VBM ballot identification envelope possesses multiple, significant, and obvious differing characteristics when compared to all signatures in that voter’s registration record to subject the signature to additional verification procedures. Provides for the signature to be rejected 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. Requires the elections official to provide notice to every voter with a signature that was rejected of the opportunity to verify the voter’s signature, as specified, and to have that ballot counted if the voter verifies that signature.

This bill:

1) Requires a paper voter registration affidavit to contain, near the signature line of the affiant, a statement that the county elections official will compare the affiant’s signature appearing on an identification envelope for the return of a VBM ballot cast in a future election with the signatures appearing in the voter's registration record, including the signature appearing on the affidavit of registration.

2) Requires the electronic voter registration affidavit that is available on the website of the SOS to contain, before or at the time the applicant assents to the SOS obtaining an electronic copy of the signature from the applicant’s driver’s license or state identification card from DMV, a statement that the county elections official will compare the affiant’s signature appearing on an identification envelope for the return of a VBM ballot cast in a future election with the signatures appearing in the voter's registration record, including the signature appearing on the applicant’s driver’s license or state identification card.

3) Makes technical and conforming changes.

Background

VBM Ballot Use in California and Previous Legislation. In 2001, the Legislature approved and Governor Davis signed AB 1520 (Shelley, Chapter 922, Statutes of 2001), which, among other provisions, authorized any voter to become a permanent VBM voter. Since that time, California voters have increasingly used VBM ballots to vote in elections. At the 2000 statewide general election (the last statewide election held before AB 1520 went into effect), 24.5% of Californians who voted did so using a VBM ballot. By contrast, since 2012, a majority of ballots cast in every California statewide election were VBM ballots.

Subsequent changes to California’s election laws have further contributed to an increasing use of VBM ballots in elections. SB 450 (Allen, Chapter 832, Statutes of 2016), also known as the California Voter’s Choice Act (CVCA), permitted
counties to opt-in to conducting elections in which every voter receives a VBM ballot and vote centers and ballot drop-off locations are available prior to and on election day, in lieu of operating polling places for the elections, subject to certain conditions. More recently, California has taken steps to ensure that every voter— including a voter who resides in a county that is not participating in the CVCA—receives a ballot in the mail for each election in which the voter is eligible to participate. That policy was first enacted as an accommodation to facilitate voting in 2020 due to concerns that conducting in-person voting during the spread of COVID-19 could threaten the health and safety of voters, election workers, and the public generally. AB 860 (Berman, Chapter 4, Statutes of 2020) required county elections officials to mail a ballot to every active registered voter for the November 3, 2020 statewide general election, among other provisions. SB 29 (Umberg, Chapter 3, Statutes of 2021) continued that policy for elections conducted in 2021, and AB 37 (Berman, Chapter 312, Statutes of 2021) made that policy permanent for future elections.

As a result of these policy changes, the overwhelming majority of California voters in statewide elections now vote using a VBM ballot. In all, 72.1% of ballots cast in California’s 2020 statewide primary election were VBM ballots, as were 86.7% of ballots cast in the 2020 statewide general election, and 91.0% of ballots cast in the 2021 statewide recall election.

In an effort to reduce the number of rejected VBM ballots, the Legislature has taken a number of steps to modify the signature verification process for those ballots. In 2015, the Legislature passed and Governor Brown signed AB 477 (Mullin, Chapter 726, Statutes of 2015), which allows a voter to verify a VBM ballot identification envelope that is missing a signature by completing and signing an unsigned ballot statement, as specified, in order to have their ballot counted. In 2017, the Legislature approved and Governor Brown signed AB 840 (Quirk, Chapter 820, Statutes of 2017), which authorized a voter who did not sign their VBM identification envelope to submit their completed unsigned ballot statement to the local elections official by email.

SB 759 (McGuire, Chapter 446, Statutes of 2018) created a verification process for a voter with a mismatched signature on their VBM ballot identification envelope. SB 523 (McGuire, Chapter 568, Statutes of 2019) required counties to notify a voter whose signature was missing on a VBM identification envelope, and aligned the processes for addressing unsigned VBM ballot envelopes with the processes for addressing VBM ballot envelopes with mismatched signatures.
Last year, the Legislature approved and Governor Newsom signed SB 503 (Becker, Chapter 319, Statutes of 2021), which further standardized the process for an elections official to compare the signature on a VBM ballot identification envelope with the signature in the voter’s registration record, and for contacting a voter who had a missing or mismatched signature on the voter’s VBM ballot identification envelope.

According to the SOS, approximately 99.4% of VBM ballots cast in the November 2020 general election were counted, which is the lowest VBM ballot rejection rate since at least 2008, the first year for which reasonably comprehensive statistics are available. This was a significant improvement from the March 2020 primary election when 98.6% of VBM ballots cast were counted.

Despite this low VBM rejection rate, the most common reason why completed VBM ballots were not counted was due to a non-matching signature between the VBM ballot identification envelope and the voter’s registration record. In all, 58% of VBM ballots that were rejected at the November 2020 election were rejected for a mismatched signature, 17% were rejected for missing the VBM ballot deadline (either arriving after the deadline or being postmarked after election day), and 17% were rejected for a missing signature on the VBM ballot identification envelope.

*California Voter Foundation (CVF) Report and Recommendation.* In September 2020, the CVF issued a report entitled “Improving California’s Vote-by-Mail Process by Reducing Ballot Rejection: A Three-County Study.” That study examined VBM ballot rejection rates in Sacramento, San Mateo, and Santa Clara counties in the November 2018 statewide general election and made various findings and recommendations for reducing the number of rejected ballots. Some of which have already been adopted. One of the recommendations from the CVF report that has not yet been implemented is that the state should “[i]mprove California’s paper and online voter registration form by letting applicants know that their signature on the form will be used to verify their ballot envelope signature when they cast a [VBM] ballot.” This bill would implement that recommendation.

**Comments**

1) According to the author, AB 1619 helps address the high rejection rates for mismatched signatures by providing a reminder to individuals who are registering to vote that the signature they provide on their voter registration form, whether in electronic or paper form, will be used to verify their signature
on the envelopes for any vote-by-mail ballots that they might cast in future elections.

Related/Prior Legislation

AB 2608 (Berman, 2022) repeals various provisions of the Elections Code related to VBM ballot applications and makes various conforming changes to reflect the fact that AB 37 (Berman, Chapter 312, Statutes of 2021) required that every active registered voter be mailed a ballot for every election in which the voter is eligible to vote. AB 2608 is pending in the Senate Appropriations Committee.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT: (Verified 6/27/22)
None received

OPPOSITION: (Verified 6/27/22)
None received

ASSEMBLY FLOOR: 61-0, 5/5/22
NO VOTE RECORDED: Bigelow, Bryan, Cervantes, Chen, Cunningham, Flora, Fong, Friedman, Gallagher, Cristina Garcia, Gipson, Levine, McCarty, Medina, Villapudua, Waldron, Wicks

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6/28/22 14:28:07

**** END ****