

CONCURRENCE IN SENATE AMENDMENTS

AB 827 (Berman)

As Amended September 5, 2025

Majority vote

SUMMARY

Requires that voters be given until the 22nd day after each regularly scheduled statewide 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.

Senate Amendments

- 1) Provide that the timeline in this bill for submission of signature cure forms applies only to regularly scheduled statewide elections, and maintain the timeline in existing law for submission of such forms in all other types of elections.
- 2) Clarify that a requirement that the state's VBM ballot tracking system must provide voters with an internet link to the signature cure form, where appropriate, applies only to voters who opted-in to receive notifications via text message or email.
- 3) Require an elections official that places a VBM ballot drop box outside the official's office to use that drop box to accept signature cure forms after the election. The Assembly-approved version of the bill permitted such a use of a VBM ballot drop box, but did not require it.
- 4) Make clarifying and technical changes, and add double-jointing language to avoid chaptering problems with AB 1392 (Sharp-Collins) and SB 3 (Cervantes) of the current legislative session.

COMMENTS

Existing law creates a process for a voter to verify their VBM ballot if the voter fails to sign the VBM ballot return envelope, or if the signature on the envelope does not compare to the signature in the voter's registration record. A voter must be allowed to complete this cure process until 5 p.m. two days prior to the certification of the election. Since elections officials are not required to certify election results on a specific day, however, the deadline for a voter to complete these cure processes varies from county to county, and a voter may not know when the county will certify results.

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. 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 for regularly scheduled statewide elections, requiring that voters be given until 5 p.m. 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. 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. 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.

This bill also makes other changes related to the ballot curing process, including requiring the use of ballot drop boxes at county elections offices to collect signature cure forms and requiring the state's VBM ballot tracking system to include a website link to the voter's county's signature cure forms, along with instructions for completion, when the system notifies a voter that the voter's ballot cannot be counted because the signature needs curing.

The Senate amendments make various changes to the bill—many of them clarifying—that are consistent with discussions that occurred in policy committee when this bill was heard in the Assembly. This bill, as amended in the Senate, is consistent with prior Assembly actions.

Please see the policy committee analysis for a full discussion of this 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."

Arguments in Support

None received.

Arguments in Opposition

None received.

FISCAL COMMENTS

According to the Senate Appropriations Committee:

- 1) The Secretary of State indicates that this bill would result in minor and absorbable costs.
- 2) By making specified changes to the duties of 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).

VOTES:

ASM ELECTIONS: 4-0-3

YES: Pellerin, Berman, Solache, Stefani

ABS, ABST OR NV: Macedo, Bennett, Lackey

ASM APPROPRIATIONS: 11-0-4

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache

ABS, ABST OR NV: Sanchez, Dixon, Ta, Tangipa

ASSEMBLY FLOOR: 62-3-14

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Davies, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Ward, Wicks, Wilson, Zbur, Rivas

NO: DeMaio, Gallagher, Macedo

ABS, ABST OR NV: Castillo, Chen, Dixon, Ellis, Flora, Jeff Gonzalez, Hadwick, Hoover, Lackey, Patterson, Sanchez, Ta, Tangipa, Wallis

UPDATED

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