
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair
2025 - 2026 Regular Session

SB 321 (Cervantes) - Late signature curing expenditure reports

Version: May 6, 2025

Urgency: No

Hearing Date: May 12, 2025

Policy Vote: E. & C.A. 5 - 0

Mandate: Yes

Consultant: Robert Ingenito

Bill Summary: SB 321 would require campaign committees to report within 24 hours any expenditures made to address unsigned, or signed but unverified, vote by mail (VBM) ballot envelopes.

Fiscal Impact:

- The Secretary of State (SOS) indicates that it would incur a one-time General Fund information technology (IT) cost of \$200,000 in 2025-26 as a result of the bill.
- The Fair Political Practices Commission (FPPC) would incur an annual General Fund cost of \$70,000 as a result of the bill.

Background: Since their introduction, Californians have increasingly relied on them to cast votes. SOS reports that in the 1962 general election fewer than 3 percent of Californians voters voted by mail. By the 2024 general election, that number had risen to over 80 percent. This increase reflects many factors, including (1) legislation expanding access to VBM ballots, (2) paid postage on return envelopes, and (3) additional elected offices resulting in longer, sometimes more complicated, and time-consuming ballots.

AB 37 (Berman, 2021) made permanent COVID-era legislation that required a VBM ballot be sent to every active registered voter prior to an election. Consequently, all voters now receive a VBM ballot and can choose to return it by mailing it back to the elections official, placing it in a ballot drop-off box/location, or dropping it off at a polling location.

Voters submitting a VBM ballot sign the ballot return envelope, and local election officials verify the signature on every envelope. To do so, the elections official compares the signature on the envelope with the signature from the voter's registration or from a form issued by the elections official that contains the voter's signature and is part of the voter's registration record..

A number of VBM ballots are rejected every election for a myriad of reasons, including because of a missing signature or a noncomparing signature. In the 2024 general election, 13,034,378 ballots were cast, of which 122,480 were rejected after the curing period. Of those rejected, 13,556 were rejected for no signature on the envelope and 71,381 were rejected due to a noncomparing signature.

If a signature from the VBM identification envelope is missing or does not compare to the signature on the voter's file, then the elections official notifies the voter and includes a process to fix or "cure" the signature. On or before the next business day, the elections official mails a notice, a statement, and a return envelope to the voter. The statement could be one of three options: (1) signature verification statement for noncomparing signatures, (2) unsigned verification envelope statement, or (3) a combined statement. Additionally, if the elections official has a phone number or email address on file for the voter, then the official is required to call, text, or email the voter.

The voter has until two days before certification of the election to return the cure statement to the elections official. If the voter's signature on the cure form compares to the signature(s) on file, then the form is accepted and the VBM ballot is counted. The elections official also updates the signature for future elections, even if the voter returns the form after the deadline. During the period from Election Day until cure forms must be returned, campaign committees in close races continue to expend funds on voters to cure their signatures.

Proposed Law: This bill, among other things, would do the following:

- Require that late signature curing expenditures, as defined, be reported within 24 hours of the expenditure.
- Require that in addition to its own name and street address, the campaign committee shall report (1) the name, office, and district of the candidate, or the number or letter and jurisdiction of the ballot measure to which the late signature curing expense is related, (2) whether the expense was made in support or opposition of the candidate or ballot measure, and (3) the amount spent, the date of the expenditure, and a description of the goods or services for which it was spent.
- Require SOS to make the late signature curing expenditure report available for filing, as specified.
- State that a campaign committee that makes any late signature curing expenditures must report those in the same places it would file campaign statements if it were formed primarily to support or oppose a candidate or ballot measure.

Staff Comments: SOS notes that the disclosure of late signature curing expenditures would need to be built into its CAL-ACCESS Replacement System (CARS). Since this bill would take effect before CARS is certified, SOS would need to manually upload these reports to its internet site in 2025-26, resulting in the bill's one-time cost.

Any local government costs resulting from the mandate in this measure are not state-reimbursable because the mandate only involves the definition of a crime or the penalty for conviction of a crime.

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