California Secretary of State
Proposed Regulatory Action: Signature Verification, Ballot Processing and Ballot Counting

ALL SECTIONS ARE BEING ADOPTED.

California Code of Regulations
Title 2. Administration
Division 7. Secretary of state

CHAPTER 8.3. SIGNATURE VERIFICATION, BALLOT PROCESSING, AND BALLOT COUNTING

ARTICLE 1. GENERAL

20910. Applicability of This Chapter
(a) The regulatory purpose of this Chapter is to ensure uniform application and practices for signature verification on local and statewide election-related petitions, vote-by-mail identification envelopes, and provisional ballot envelopes.
(b) In addition, the regulatory purpose of this Chapter is to provide uniform vote counting standards for consistent application of ballot processing and counting throughout the state. The regulations set forth in this Chapter shall apply to ballots cast in elections held pursuant to the California Elections Code.

Note: Authority cited: 52 U.S.C. 21081(a)(6); 3026, 14314, Elections Code; Section 12172.5, Government Code. Reference cited: Sections 100, 333, 3019, 14310, Elections Code; Section 12172.5, Government Code.

ARTICLE 6. SIGNATURE COMPARISON

20960. Signature Verification Process
(a) For signature verification, the elections official must compare the signature on an initiative, referendum, recall, nominating petition or paper, signature in-lieu of filing fee, and any other petition or paper must be compared to the voter's signature(s) in the voter's registration record. In addition, the elections official must compare the signature on a voted vote-by-mail envelope and a voted provisional ballot envelope to the voter's signature(s) in the voter's registration record prior to counting a ballot.
(b) The comparison of a signature shall begin with the basic presumption that the signature on the petition or ballot envelope is the voter's signature.
(c) Exact matches are not required for an elections official to confirm a valid signature.
(d) Similar characteristics between a signature being compared and any signature in the voter's registration record are sufficient to determine a signature is valid.

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(e) In comparing signatures, elections officials may not review or consider a voter's party preference, race, or ethnicity.

(f) In comparing the signatures, the elections official may consider the following characteristics when visually comparing a signature to determine whether the signatures are from the same signer:

(1) Slant of the signature.

(2) Signature is printed or in cursive.

(3) Size, proportions, or scale.

(4) Individual characteristics, such as how the "t's" are crossed, "i's" are dotted, or loops are made on the letters f, g, j, y, or z.

(5) Spacing between the letters within the first and/or last name and between first and last name.

(6) Line direction.

(7) Letter formations.

(8) Proportion or ratio of the letters in the signature.

(9) Initial strokes and connecting strokes of the signature.

(10) Similar endings such as an abrupt end, a long tail, or loop back around.

(11) Speed of the writing.

(12) Presence or absence of pen lifts.

(13) Misspelled names.

(g) In comparing signatures of vote-by-mail identification envelopes and provisional ballot envelopes, elections officials shall consider as explanations for the following discrepancies in signatures:

(1) Evidence of trembling or shaking in a signature could be health-related or the result of aging.

(2) The voter may have used a diminutive of their full legal name, including, but not limited to the use of initials, or the rearrangement of components of their full legal name, such as a reversal of first and last names, use of a middle name in place of a first name, or omitting a second last name.

(3) The voter's signature style may have changed over time.

(4) The signature on the vote-by-mail identification envelope or provisional ballot envelope may have been written in haste.

(5) A signature in the voter's registration file may have been written with a stylus pen or other electronic signature tool that may result in a thick or fuzzy quality.

(6) The surface of the location where the signature was made may have been hard, soft, uneven, or unstable.

(h) In addition to the characteristics listed in subdivisions (f) and (g), the elections official may also consider factors applicable to a particular voter, such as the age of the voter, the age of the signature(s) contained in the voter's record, the possibility that the voter is disabled, the voter's primary language, and the quality of any digitized signature(s) contained in the voter's record.

(i) Only a signature possessing multiple, significant, and obvious differing characteristics with all signatures in the voter's registration record will be subject to additional review by the elections official.

(j) A signature that the initial reviewer identifies as possessing multiple, significant, and obvious distinctive differing characteristics from the signature(s) in the voter's registration record shall only be rejected if two different elections officials unanimously find beyond a reasonable doubt that the signature differs in multiple, significant, and obvious respects from all signatures in the voter's registration record.

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(k) When evaluating signatures, elections officials may review using broad characteristics to evaluate an entire signature as a unit or they may narrow the scope of their examination to that of specific letters within a signature.

Note: Authority cited: Section 12172.5, Government Code. Reference cited: Sections 3019 and 14310, Elections Code; Section 12172.5, Government Code.

20961. Signature Verification Technology

In the event the elections official uses signature verification technology to compare the signature on a vote-by-mail ballot identification envelope to the signature(s) in the voter's registration file, and the technology rejects the signature, the elections official shall utilize the provisions of Elections Code section 3019 and Section 20960 to manually compare the signature.

Note: Authority cited: Section 12172.5, Government Code. Reference cited: Section 3019, Elections Code; Section 12172.5, Government Code.

20962. Signature Verification Training

In the event the elections official conducts training for staff who are responsible for the signature verification process, that training shall address, at a minimum, the following:
(a) Standards established by this Article and any applicable provisions of the California Elections Code.
(b) General handwriting identification principles.
(c) Variations in signatures by voters whose primary language uses non-Roman characters.
(d) Variations in signatures that can be caused by disabilities.
(e) Variations in signatures caused by aging of the signer.
(f) Variations in signatures caused by the collection of electronic signatures.
(g) The elimination of implicit bias.

Note: Authority cited: Section 12172.5, Government Code. Reference cited: Section 3019, Elections Code; Section 12172.5, Government Code.

ARTICLE 8. UNIFORM VOTE COUNTING STANDARDS

20980. Purpose of This Article
The purpose of this article is to provide standards to define the circumstances under which "marking" of a ballot constitutes a vote and when a vote will or will not count for each category of voting system certified and in use in California.

Note: Authority cited: 52 U.S.C. 21081(a)(6); Section 12172.5, Government Code. Reference cited: Section 12172.5, Government Code.

20981. Definitions
As used in this Article, the following words have the following meanings: