



March 10, 2021

Senate Committee on Elections and  
Constitutional Amendments

**SB 503**

Voting: signature verification

State Capitol, Room 2203  
Sacramento, CA 95814

**OPPOSE**

Esteemed Committee Members,

Election Integrity Project *California*, Inc. (EIPCa) **Opposes SB 503**, Voting: signature verification, as written and amended as of 9:00 pm on March 9, 2021.

**SB 503** would eviscerate any legitimate effort to determine a ballot's legitimacy before counting, and would put indiscriminate and unrestricted power into the hands of a single elected official, the Secretary of State.

**SB 503** would essentially rubber-stamp "emergency" regulations (including 2 CCR 20960, 20961, 20962, 20990 and 20991) that the Secretary of State rushed through in September 2020, without any realistic opportunity for public comment. Although Elections Code 3026 (Stats. 2016, Ch. 821) directed the Secretary of State to provide regulatory guidelines for processing vote by mail ballots, he had neglected to propose such regulations in 2017, 2018, or 2019 (before COVID), under regular procedures that allow public comment. Meanwhile unrestricted ballot collection began after 2016, making signature verification even more important to guard against trafficking of vote by mail ballots.

In July and August of 2020, it appears that the Secretary of State consulted with a handful of organizations about signature verification, then proposed these "emergency" regulations on September 18, with no public notice on the Secretary of State website or email updates. After a public comment period of five days, the regulations went into effect on September 28, valid until late July, 2021. As discussed below, by providing loopholes for signatures to be accepted and making it very difficult to reject signatures "beyond a reasonable doubt", the regulations largely **eviscerated signature verification**, without statutory authority.

Nearly six months have passed, but the Secretary of State, disregarding Gov't Code 11346.1(e) and (h), has again neglected to propose these regulations for approval through regular procedures that allow public comment. Gov't Code 11346.1(h) allows two 90-day extensions of an emergency regulation "only if the agency has made substantial progress and proceeded with diligence" to pursue approval through regular procedures that allow public comment.

Instead, **SB 503** would codify a portion of these emergency regulations, and ratify the rest, disregarding these California administrative procedures.

Current Elections Code 3000 mandates that vote by mail statutes be “liberally construed in favor of the vote by mail voter”. This provides generous leeway for voter “error”. Current California law also mandates that no signature, and therefore its accompanying ballot, can be rejected without first contacting the voter and offering an opportunity to “cure” the signature.

The curing process protects voters whose signature has genuinely changed. Further, it protects voters who sign casually or carelessly as a result of ignorance as to the importance of providing an authentic signature.

But the curing process has additional benefit: it also provides elections officials liberty for **greater scrutiny** and demand for signature legitimacy ***without fear of disenfranchising legitimate voters***. In light of the fact that no voter identification other than a signature is required in California, a strict adjudication of signature match is vital to election integrity. Because vote by mail voters have the protection of a very liberal curing process (up to 2 days before certification), **more** signatures should be initially challenged, **not fewer**.

Yet section 3019(a)(2)(A) of **SB 503**, copying “Emergency” Regulation 20960(b), would unjustifiably provide that each signature **not** be viewed from a **neutral** perspective but from a “presumption...that the signature on the identification envelope, signature verification statement, unsigned ballot statement, or provisional ballot envelope is the voter’s signature.”

This mandate erodes any chance of a legitimate effort to validate and authenticate signatures. This mandate, taken from Emergency Regulation Section 3019(a)(2)(B) of **SB 503**, copying “Emergency” Regulation 20960(c) and (d), **would** tie the hands of elections officials by prohibiting an exact match standard, stating that “an exact match is not required for an elections official to determine that a voter’s signature is valid.” It proposes, instead, that “the fact that signatures share similar characteristics is sufficient to determine that a signature is valid.” How many similar characteristics?

Such non-specific and generic “standards” for determining a signature match (What determines similarity? How many characteristics?) give little to no substantive guidance; rather, they suggest that virtually any two signatures can and should be determined to match, irrespective of any obvious reality to the contrary. In addition, there are no proposed standards for **rejecting** signatures due to multiple **dissimilar** characteristics.

After providing an incomplete standard, **SB 503** then gives a blank check of unimpeded power to the Secretary of State. Section 3019(g) requires elections officials to “adhere to all applicable regulations promulgated by the Secretary of State.”

Those “emergency” regulations also greatly diminished election integrity by mandating:

- acceptance of virtually any signature on the theory that the “voter’s signature style may have changed over time” (Emergency Reg. 20960(g)(3));
- At least two election officials must “find beyond a reasonable doubt that the [envelope] signature differs in multiple, significant, and obvious respects” from the signatures of record” (Emergency Reg. 20960(j));

- acceptance of more than one ballot in a single vote by mail envelope, negating the requirements regarding of Elections Code 3010 for providing (under penalty of perjury) of a legitimate signature to be matched with the signature of record of the voter to whom the envelope was issued (Emergency Reg. 20991(b)(5),(11),(12); and
- other radical provisions, including acceptance of “note card” ballots (Emergency Reg. 20991(b)(9)), completely negating the detailed and specific requirements for ballot legitimacy outlined in the Elections Code.

That kind of power should NEVER be abdicated by the legislature, the people’s representatives, and handed over to any single individual!

The mandates of **SB 503** are antithetical to and destructive of election integrity. The voters of California deserve much better. EIPCa urges a **NO** vote on **SB 503**.

Thank you. Should further information be required, I may be contacted at 619-820-5175.

Yours very truly,

ELECTION INTEGRITY PROJECT **CALIFORNIA**, INC

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