



September 16, 2021

VIA Email

The Honorable Gavin Newsom
Governor of California
State Capitol
Sacramento, CA 95814

RE: SB 503 (Becker) – REQUEST FOR SIGNATURE

Dear Governor Newsom:

We write to respectfully urge you to sign SB 503, which provides procedures to ensure that election officials count valid mail and provisional ballots and do not improperly reject them during the signature comparison process.

As organizations dedicated to protecting and advancing the right to vote, we work to remove structural barriers to voter participation in California's elections, including by ensuring that underrepresented communities are not intentionally or inadvertently excluded from our democracy. One such barrier is the rejection of valid mail and provisional ballots during the signature comparison process. To avoid this problem and improve the process across all California counties, SB 503 would:

- Create a presumption that the signature on a ballot envelope belongs to the voter;
- Specify that an exact match is not required to determine the signature is valid;

- Prohibit election officials from rejecting a ballot unless two officials determine beyond a reasonable doubt that a voter's signature differs in multiple, significant, and obvious respects from the signatures in the voter's registration records;
- Prohibit election officials from reviewing or considering a voter's party preference, race, or ethnicity, when comparing signatures; and
- If election officials are unable to determine that a signature compares, require election officials to send a timely notice to a voter of the opportunity to verify their signature.

SB 503 serves two related purposes. First, the bill recognizes that signatures from the same voter may differ in some respects. Natural variations in signatures, the passage of time, age, disability, and the type of surface on which a signature is executed are some of the many reasons why signatures may vary. By clarifying that an exact match is not necessary, SB 503 will prevent election officials from rejecting valid ballots. Because voting is a fundamental right, SB 503 seeks to prevent disenfranchisement by creating a presumption in favor of the voter, imposes a heightened evidentiary standard, and requires counties to provide voters with timely notice and opportunity to cure a signature that does not compare.

The use of mail ballots is becoming more and more common. During the 2020 November election, 86.65% of voters cast a mail ballot.¹ Counties again sent all active registered voters a mail ballot ahead of the September 14 election² and AB 37, currently pending on your desk, would make this practice permanent.³ This means that the ballots of an increased number of voters will be subject to the signature comparison process, making the passage of SB 503 an urgent need.

As California makes voting more accessible, there must be efforts to ensure that historically disenfranchised communities also benefit from these reforms. Many voters are wary of vote-by-mail precisely because of concerns with ballot rejections.⁴ Studies show that Asian American voters, Latinx voters, Black voters, and voters with disabilities experience higher ballot rejection rates.⁵ SB 503 will

¹ Press Release, Secretary of State's Office Issues Report on Same Day Voter Registration and Vote-by-Mail Ballot Rejection Rates (Jan. 22, 2021), <https://bit.ly/2VRQNkt>.

² S.B. 29 (2021), available at <https://bit.ly/3AMUwhZ>; Cal. Elec. Code § 3000.5(a) (2021).

³ Assemb. B. 37 (2021), available at <https://bit.ly/3AQZvOB>.

⁴ See, e.g., Mindy Romero, *The California Voter Experience: Why African-American Voters Choose to Vote at the Polls or Vote-by-Mail, and How They Perceive Proposed Changes to California's Voting System*, UC Davis CCEP 1-2 (Sept. 2016), available at <https://bit.ly/2UIK2q8>; see also Mindy Romero et al., *How Do Californians Want to Cast their Ballots During the COVID-19 Crisis?*, 12.1 Cal. J. Pol. & Pol'y (2020), available at <https://bit.ly/37Lxs6l> (finding that Latinx and Black voters are less likely to prefer voting by mail than Asian American and white voters).

⁵ See, e.g., *California's Changing Electorate: A 2020 Post Election Analysis of Voting Behavior*, USC Price Center for Inclusive Democracy at 5 (Aug. 2021), available at <https://bit.ly/3tGFnMS> (finding that Latino voters, young voters, new voters, and previous polling place voters had

reduce the ballot rejection rate and will in turn help increase voter confidence in vote-by-mail.

California has made great progress in protecting the right to vote and increasing voting options, yet there is more that we can do to eliminate continued disparities in voting. By making SB 503 law, California has an opportunity to, once again, be a national leader in expanding access to the ballot. We respectfully urge you to sign SB 503 into law.

Sincerely,

Kevin G. Baker
Director of Governmental
Relations
ACLU California Action

Dora Rose
Deputy Director
League of Women Voters of California

Kim Alexander
President & Founder
California Voter Foundation

Sean Morales-Doyle
Acting Director – Voting Rights & Elections
Brennan Center for Justice at NYU School
of Law

Melissa Romero
Legislative Affairs Manager
California League of Conservation
Voters

Faith Lee
Legislative Director
Asian Americans Advancing Justice -
California

Michael Latner
Senior Fellow
Union of Concerned Scientists
Center for Science and
Democracy

Shannon K. Olivieri Hovis
Director
NARAL Pro-Choice California

cc. Hon Josh B. Becker

higher rates of mail ballot rejection than the general population during the November 2020 election); Joanna Lee et al., *Asian Americans Face Higher than Average Vote-by-Mail Ballot Rejection Rates in California*, Asian Americans Advancing Justice – California (Aug. 2017), available at <https://bit.ly/3sqLaVY> (finding that over half of rejected mail ballots from Asian Americans in select counties had a mismatched signature, compared to 44% for all voters); *Vote by Mail and Ballot Rejection: Lessons from Florida for Elections in the Age of the Coronavirus*, 19.3 Elec. L.J. 289 (2020), available at <https://bit.ly/3iUh0ra> (finding mail ballot rejections impact Black voters, voters with disabilities, and young voters at higher rates); *Voting by Mail is Essential for Voters with Disabilities, but it's Not Enough*, ACLU (July 7, 2020), <https://bit.ly/3iUYsXZ> (noting that signature match requirements present a barrier to voters who have conditions that make it hard to consistently sign their name).