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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**IN AND FOR THE COUNTY OF LOS ANGELES**

CALIFORNIA ALLIANCE FOR RETIRED  
AMERICANS, a California nonprofit  
corporation, JUAN PARRINO, an individual,  
and SAM SAIU, an individual,

Plaintiffs and Petitioners,

v.

SHIRLEY WEBER, in her official capacity as  
CALIFORNIA SECRETARY OF STATE,

Defendant and Respondent.

Case No. \_\_\_\_\_

**VERIFIED PETITION FOR WRIT OF  
MANDATE AND COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF**

1 Plaintiffs and Petitioners CALIFORNIA ALLIANCE FOR RETIRED AMERICANS,  
2 JUAN PARRINO, and SAM SAIU (“Plaintiffs”) file this Petition for Writ of Mandate and  
3 Complaint for Declaratory and Injunctive Relief against Defendant and Respondent SHIRLEY  
4 WEBER, in her official capacity as California Secretary of State (“Defendant”), and allege as  
5 follows:  
6

## 7 INTRODUCTION

8 1. “There is more to the right to vote than the right to mark a piece of paper and drop  
9 it in a box or the right to pull a lever in a voting booth. The right to vote includes the right to have  
10 the ballot counted.” *Reynolds v. Sims*, 377 U.S. 533, 555 n.29 (1964) (citation and quotation marks  
11 omitted). This premise is central to the fundamental right to vote as it has long been understood in  
12 American jurisprudence. In California, that right is afforded additional protection as the result of a  
13 2002 amendment to the state Constitution, which expressly guarantees that: “A voter who casts a  
14 vote in an election in accordance with the laws of this State *shall have that vote counted*.” Cal.  
15 Const. art. II, § 2.5 (emphasis added).  
16

17 2. All California voters are entitled to vote by mail, and all registered voters are  
18 automatically sent a mail ballot in advance of every election in which they are eligible to vote. Cal.  
19 Elec. Code § 3000.5. Voters overwhelmingly opt to exercise their right to vote this way, with mail  
20 ballots consisting of over 86% of the general election ballots cast in 2020 and 88% of the general  
21 election ballots cast in 2022.<sup>1</sup>  
22

23 3. To vote by mail, a voter must complete a declaration on the identification envelope  
24 of their mail ballot that affirms, under penalty of perjury, that they reside in the precinct where they  
25 are voting and that they are the voter whose name appears on the envelope. Cal. Elec. Code § 3011.  
26

27  
28 <sup>1</sup> Cal. Sec’y of State, *Historical Vote-By-Mail (Absentee) Ballot Use in California*,  
<https://www.sos.ca.gov/elections/historical-absentee> (last accessed June 26, 2024).

1 Unless the voter is unable to write at all, they must—and are expressly advised that they must—  
2 sign the declaration in their “own handwriting” for the ballot to be counted. *Id.*; *see also id.* §  
3 354.5(c). The law does not require voters to sign their ballot envelopes in any particular way; so  
4 long as a voter signs in their own handwriting, they have complied with the law’s requirements as  
5 to their signature.  
6

7 4. Yet, in recent elections, California’s Signature Verification Law, Cal. Elec. Code §  
8 3019, has resulted in tens of thousands of lawful voters having their ballots rejected and not  
9 counted, despite them having cast ballots in accordance with the state’s laws—including by signing  
10 their ballot envelope in their “own handwriting.” This is because California’s Signature  
11 Verification Law requires election officials to compare the signature on a voter’s ballot envelope  
12 with a prior signature from the voter on file, and if, based on that comparison, the election official  
13 believes “that the signature possesses multiple, significant, and obvious differing characteristics  
14 when compared to all signatures in the voter’s registration record,” they must reject the ballot. *Id.*  
15 § 3019(c).  
16

17 5. California has tried to create a signature verification regime that minimizes the  
18 chance of disenfranchising lawful voters, but in practice this has proven impossible. Signatures can  
19 and do vary significantly, for all kinds of reasons, including due to age, illness, injury, medications,  
20 or deteriorating eyesight; mechanical factors such as the type of writing utensil used, the surface  
21 on which the writing is done, the position the signer is in when they sign, and the quality of the  
22 paper written on (or electronic pad, as often is the case with signatures collected at the Department  
23 of Motor Vehicles), or even the signer’s state of mind (*e.g.*, if they are distressed, angry, afraid,  
24 depressed, happy, or nervous when they sign). As a result, signature verification is incredibly  
25 difficult to do accurately, even under the most optimal conditions. The signature verification  
26 process is unreliable considering that election officials applying the law review millions of  
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28

1 signatures under immense time pressure, with little to no training, without necessary testing or  
2 equipment, and with a sub-optimal set of comparators.

3         6. Studies consistently show that non-experts are far more likely to inaccurately  
4 identify a valid signature as invalid than to accurately identify a fraudulent signature. The huge  
5 numbers of ballots rejected as a result of California’s Signature Verification Law confirms this fact.  
6 Tens of thousands of mail ballots in which voters have signed the declaration as directed have  
7 nonetheless been rejected in every recent statewide general election because of a failed signature  
8 verification. In the 2020 general election alone, almost 50,000 voters were disenfranchised because  
9 election officials determined that the signature on their mail ballot was not sufficiently similar to a  
10 signature on file.<sup>2</sup> And in the 2022 general election, too, nearly 50,000 voters were disenfranchised  
11 because of signature verification, even though Californians cast more than five million *fewer* mail  
12 ballots cast in 2022 as compared to 2020.<sup>3</sup>

13  
14  
15         7. After a court held in 2018 that California’s then-existing signature verification  
16 process violated voters’ due process rights, the legislature amended the law to require election  
17 officials to notify voters if their ballots have been flagged for rejection in the signature verification  
18 process and provide them an opportunity to try to “cure” the issue by signing and returning a  
19 separate Signature Verification Statement by 5 p.m. at least two days before the election is certified.  
20 See Cal. Elec. Code § 3019(d). However, given that nearly 100,000 votes have been rejected in the  
21 last two general elections combined, the notice and cure process has clearly been an inadequate  
22 means for voters to protect their mail ballots.  
23  
24

25  
26 <sup>2</sup> U.S. Election Assistance Commission, *Election Administration and Voting Survey (EAVS)*  
27 *Comprehensive Report*, 2020 Election Dataset Version 1.2 (Dec. 18, 2023),  
28 <https://www.eac.gov/research-and-data/studies-and-reports>.

<sup>3</sup> Cal. Sec’y of State, *Vote-By-Mail Ballot Rejection Reason Reports – Statewide Elections*,  
<https://www.sos.ca.gov/elections/voter-registration/vote-mail/vbm-rejection-reason-statewide>  
(last accessed June 26, 2024).

1           8.       There is absolutely no evidence that the tens of thousands of ballots that continue to  
2 be rejected under the Signature Verification Law are fraudulent. In the last five years, there has  
3 only been a *single* prosecution for forging a signature on a mail ballot, and that instance was  
4 identified—*not* because of signature verification—but because the person to whom the ballot had  
5 been issued died before the ballot was returned. As a result, election officials were alerted to the  
6 issue before the ballot was submitted, and the ballot was never at risk of being counted.<sup>4</sup>

8           9.       California elections are secure, and mail voters are required to certify under penalty  
9 of perjury that they are signing their ballot in their own handwriting. Cal. Elec. Code § 3011. There  
10 are countless other safeguards that keep the state’s elections secure and free of fraud. It is simply  
11 implausible—and no one has produced any evidence to support the idea—that there are fraudsters  
12 evading all of these safeguards without any detection and that, in the past two general elections,  
13 nearly 100,000 fraudulent ballots were submitted but were caught because of signature verification.

15          10.      California’s Signature Verification Law directly contravenes Article II, Section 2.5  
16 of the California Constitution by empowering officials to reject facially compliant ballots that have  
17 been signed by voters in their own handwriting simply because election officials do not believe the  
18 signature is similar enough to another signature from the voters’ file. Once a voter has filled out  
19 their ballot envelope, signed it in their own handwriting, and returned it before the deadline, they  
20 have necessarily “cast[] a vote . . . in accordance with the laws,” Cal. Const. art. II, § 2.5, and are  
21 entitled to have that vote counted under the Constitution, regardless of the results of the unreliable  
22 and inconsistent signature verification process.

24          11.      This fall, all 22 million registered voters in California will receive a general election  
25

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26 <sup>4</sup> See *People v. Gale*, MCR073194 (Cal. Super. Ct. June 20, 2022); see also Ishshah Padilla, *Woman*  
27 *sentenced for voter fraud, signed dead mother’s ballot in Madera*, Fox26News (Aug. 16, 2022),  
28 <https://kmph.com/news/local/woman-sentenced-for-voter-fraud-signed-dead-mothers-ballot-in-madera>.

1 ballot in the mail. *See* Cal. Elec. Code § 3000.5. This will be the highest number of mail ballots  
2 issued in the history of the state.<sup>5</sup> Absent an injunction or writ of mandate from this Court, tens of  
3 thousands of those voters—who will have complied with California law by signing the ballot  
4 envelope in their own handwriting—will nevertheless be deprived of their right to vote because of  
5 mistakes made by election officials in the signature verification process.

7 12. Plaintiffs therefore ask this Court to declare that California Election Code § 3019 is  
8 facially unconstitutional under Article II, Section 2.5 of the California Constitution and issue an  
9 injunction and writ of mandate prohibiting Defendant Secretary of State from enforcing the  
10 signature verification requirements of California Election Code § 3019 or expending taxpayer funds  
11 on its implementation. Particularly given the imminence of the statewide election, there is no plain,  
12 speedy, and adequate remedy in the ordinary course of law.

#### 14 VENUE AND JURISDICTION

15 13. Venue is proper in this Court under California Code of Civil Procedure, section  
16 401(a), because this is an action against an officer who leads a department of the state, and the  
17 Attorney General maintains an office in the County of Los Angeles. *See, e.g., State Bd. of*  
18 *Equalization v. Superior Ct.*, 42 Cal. Rptr. 3d 116, 119 (2006).

19 14. This Court has jurisdiction to issue relief under the California Code of Civil  
20 Procedure, sections 526 *et seq.* (injunctive relief), 1060 (declaratory relief), and 1085 (mandamus  
21 relief). *See also* Cal. Const. art. VI, § 10.

#### 23 PARTIES

24 15. Plaintiff California Alliance for Retired Americans (“CARA”) is a nonprofit  
25 corporation organized under section 501(c)(4) of the Internal Revenue Code. CARA’s membership  
26

27  
28 <sup>5</sup> *See* Cal. Sec’y of State, *Report of Registration* (Feb. 20, 2024),  
<https://elections.cdn.sos.ca.gov/ror/15day-presprim-2024/complete-ror.pdf>.

1 includes approximately 950,000 retirees from public and private sector unions, community  
2 organizations, and individual activists located all throughout the state. Roughly 300,000 of these  
3 members reside in Los Angeles County. CARA's mission is to ensure social and economic justice  
4 and to protect the civil rights of retirees after a lifetime of work, including by ensuring that its  
5 members have access to the franchise and can meaningfully participate in California's elections.  
6 CARA encourages its members to vote by mail, which the vast majority of its members do.

8 16. Members of CARA are uniquely vulnerable to having their mail ballots incorrectly  
9 rejected due to an erroneous signature verification determination. CARA members are between 55  
10 and 90 years of age, and many have disabilities, suffer from illnesses, take medications, and/or are  
11 non-native English speakers—all characteristics that studies have shown make them more likely to  
12 have significant signature variances that could cause their ballots to be erroneously rejected. Many  
13 CARA members further struggle with mobility and manual dexterity, internet and technological  
14 fluency, and may no longer drive a vehicle—all characteristics that make mail voting particularly  
15 essential to their ability to access the franchise. CARA members are also residents of California,  
16 many of whom pay income, property and other taxes which contribute to the state's budget,  
17 including its election administration funding.

19 17. CARA has a beneficial interest in protecting the voting rights of its members and in  
20 advancing its organizational mission of ensuring that its members can meaningfully participate in  
21 California's elections. CARA brings this suit to further those interests, to prevent the misuse of  
22 taxpayer funds, and to "procure the enforcement of a public duty." *Common Cause v. Bd. of*  
23 *Supervisors*, 777 P.2d 610, 613 (1989).

25 18. Plaintiff Juan Parrino is a 70-year-old registered voter, resident of Alhambra,  
26 California, and member of CARA. In 2022, Mr. Parrino was diagnosed with Parkinson's disease,  
27 which has affected how he signs his name. As a result, Mr. Parrino's signature varies from one  
28

1 moment to the next. Mr. Parrino also experiences significant ambulatory issues and walks with a  
2 cane. The symptoms of his Parkinson's disease progress throughout the day, and he is at times  
3 unable to leave his home altogether. As he has done in the past, Mr. Parrino intends to vote by mail  
4 in future elections, but he fears that his mail ballot will not be counted because of a perceived  
5 signature mismatch. Given Mr. Parrino's health conditions, he is likely to experience significant  
6 obstacles in returning a Signature Verification Statement on short notice if his mail ballot is  
7 rejected, and he is likewise concerned that his signature on the Signature Verification Statement  
8 would vary from his past signatures and also be rejected. Mr. Parrino pays property, sales, and other  
9 taxes in the state and has an interest in preventing those taxes from funding the state's  
10 unconstitutional signature verification program for mail ballots. The Signature Verification Law  
11 violates Mr. Parrino's right to have his vote counted in violation of the California Constitution. He  
12 has a beneficial interest in having his voting rights protected, in addition to "public interest  
13 standing." *Save the Plastic Bag Coal. v. City of Manhattan Beach*, 254 P.3d 1005, 1012 (2011); *see*  
14 *also Patterson v. Padilla*, 451 P.3d 1171, 1189 n.20 (2019).

17 19. Plaintiff Sam Saiu is a 77-year-old registered voter, resident of San Jose, California,  
18 and member of CARA. Mr. Saiu first registered to vote in California in 1968. The last time he  
19 updated his registration was in 1987 when he moved to a new address. In 2021, Mr. Saiu developed  
20 arthritis and tremors in his hands, which has affected his signature. Mr. Saiu intends to vote by mail  
21 in future elections, as he has done in the past, but he is concerned that his mail ballot will not be  
22 counted because of a perceived signature mismatch. Given Mr. Saiu's arthritis, he is also concerned  
23 that his signature on a Signature Verification Statement would vary from past signatures and also  
24 be rejected. Mr. Saiu pays property, sales, and other taxes in the state and has an interest in  
25 preventing those taxes from funding the state's unconstitutional signature verification program. The  
26 Signature Verification Law violates Mr. Saiu's right to have his vote counted in violation of the  
27  
28



California Constitution. He has a beneficial interest in having his voting rights protected, in addition to “public interest standing.” *Save the Plastic Bag Coal.*, 254 P.3d at 1012; *see also Patterson*, 451 P.3d at 1189 n.20.

20. Defendant Shirley Weber is sued in her official capacity as Secretary of State of the State of California. As California's chief elections official, the Secretary is responsible for administering the state's election laws. Cal. Gov. Code § 12172.5(a). State law instructs the Secretary to "see that elections are efficiently conducted and that state election laws are enforced." *Id.* Whenever the Secretary determines that the "election laws are not being enforced," the Secretary must "call the violation to the attention of the district attorney of the county or to the Attorney General," and in such instances the Secretary is empowered to "assist the county elections officer in discharging the officer's duties." *Id.* § 12172.5(b). The Secretary is empowered to "adopt regulations to ensure the uniform application and administration of state election laws," *id.* § 12172.5(d), and is required to "promulgate regulations establishing guidelines for county elections officials relating to the processing of vote by mail ballots," Cal. Elec. Code § 3026(a); *see also* Cal. Code Regs. tit. 2 §§ 20960–62. In conducting signature verification for mail ballots, all election officials in the state must "adhere to [the Secretary's] regulations." Cal. Elec. Code § 3019(i).

## FACTUAL AND LEGAL BACKGROUND

**A. The overwhelming majority of California voters use mail ballots to exercise their constitutional right to vote.**

21. Voting by mail has existed in California for over a century. *See Peterson v. City of San Diego*, 666 P.2d 975, 976 (1983) (citing 1923 Cal. Stats., ch. 283, § 1).

22. By 1978, California permitted any registered voter to request a mail ballot without a reason or excuse. *Id.* at 977 (citing 1978 Cal. Stats., ch. 77, § 2).

23. Since then, voting by mail has become increasingly popular. By 2012, it was the

1 most popular method of voting in the state.<sup>6</sup>

2 24. As part of an emergency COVID-related measure, the legislature made mail voting  
3 universal for the 2020 election. This meant that voters did not have to request a mail ballot for that  
4 election; every single registered voter automatically received a ballot in the mail. A.B. 860, Section  
5 2 (2020). Mail voting was by far the most popular method of voting in the 2020 election.  
6

7 25. Given the increased popularity of mail voting, in 2021, the legislature made  
8 universal mail voting permanent. *See* A.B. 37, 2021–2021 Leg., Reg. Sess. (Cal. 2021).

9 26. Now, all counties in California are authorized to conduct any election as an “all-  
10 mailed ballot election,” Cal. Elec. Code § 4005(a), and all registered voters automatically receive  
11 a ballot in the mail for each general election, special election, and primary election, *id.* § 3000.5.  
12

13 27. These reforms have resulted in record voter turnout. In the 2020 general election,  
14 almost 18 million Californians cast a ballot—the highest number ever recorded. In that election,  
15 over 86% of ballots cast were mail ballots.

16 28. Then, in 2022, over 11 million votes were cast, which was the second highest  
17 number ever recorded for a midterm election. The rate of mail voting in the 2022 election increased  
18 to more than 88%—the highest it has ever been in a general election.<sup>7</sup>  
19

20 **B. California has unsuccessfully revised its signature verification process in**  
21 **attempts to minimize the Signature Verification Law’s disenfranchising effects.**

22 29. While California has long had some form of signature verification for mail ballots,  
23 it has repeatedly amended it to attempt to minimize the Signature Verification Law’s  
24 disenfranchising effects. But these disenfranchising effects have only grown in the wake of the  
25 reforms.  
26

27 <sup>6</sup> *See* Cal. Sec’y of State, *Historical Vote-By-Mail (Absentee) Ballot Use in California*,  
28 <https://www.sos.ca.gov/elections/historical-absentee> (last accessed June 26, 2024).

<sup>7</sup> *Id.*

1           30. As originally enacted, California’s signature verification statute instructed election  
2 officials to compare the signature on the voter’s ballot envelope with other signatures in the voters’  
3 registration record and to reject the ballot if the signatures were not sufficiently similar. *See* Cal.  
4 Elec. Code § 3019(b). It did not require that the voter be notified or provided an opportunity to cure  
5 a failed signature verification.  
6

7           31. In 2017, an individual voter and the American Civil Liberties Union challenged the  
8 constitutionality of California’s then-existing signature verification law, arguing principally that it  
9 violated the due process clauses of the state and federal constitutions by failing to (a) notify voters  
10 whose ballots were rejected for failed signature verification, and (b) provide them with an  
11 opportunity to cure the issue. *See La Follette v. Padilla*, No. CPF-17-515931, 2018 WL 3953766,  
12 at \*1 (Cal. Super. Ct. Mar. 5, 2018).  
13

14           32. The *La Follette* court enjoined election officials from rejecting any ballot “based on  
15 a mismatched signature without providing the voter with notice and an opportunity to cure before  
16 the election results are certified.” *Id.* at \*3.

17           33. In granting the plaintiffs’ motion for writ of mandate, the court credited estimates  
18 that between 33,000 to 45,000 votes had been rejected in the November 2016 election—which the  
19 court described as “the equivalent of a medium-size California city”—despite the absence of  
20 evidence that a significant number of the rejected votes resulted from fraud.<sup>8</sup> *See id.* at \*1, \*3.  
21

22           34. In 2018, in response to the court’s decision in *La Follette*, the legislature passed the  
23 Every Vote Counts Act, which for the first time prescribed a notice and cure procedure that would  
24 require election officials to attempt to notify voters if they determine that the signature on their  
25

26  
27 <sup>8</sup> Ultimately, the actual number of rejections in the 2016 election was even higher than these  
28 estimates: 47,817 mail ballots were rejected for perceived signature mismatch. *See* U.S. Election  
Assistance Commission, *Election Administration and Voting Survey (EAVS) Comprehensive  
Report*, 2020 Election Dataset Version 1.2 (Dec. 18, 2023), [https://www.eac.gov/research-and-  
data/studies-and-reports](https://www.eac.gov/research-and-data/studies-and-reports).

1 ballot envelope is not sufficiently similar to the signatures in their voter registration record. *See*  
2 S.B. 759, 2018–2019 Leg., Reg. Sess. (Cal. 2018).

3 35. Notified voters would have the opportunity to submit a Signature Verification  
4 Statement, which involved a further attestation under penalty of perjury signed by the voter. Cal.  
5 Elec. Code § 3019(d)(5).  
6

7 36. When the legislature passed the Every Vote Counts Act in 2018, the bill author,  
8 Senator Mike McGuire, recognized the harms of signature verification, including that there are  
9 many innocuous reasons why a signature may be flagged as a possible mismatch such as “being  
10 signed in another language due to language barriers, disabilities, inconsistent signatures, and many  
11 more factors.”

12 37. Senator McGuire further explained that there are “a number of reasons why a  
13 signature may not match the one on file” because “signatures may change over time” and “a  
14 person’s ability may change or make it more difficult to match the signature on file.”<sup>9</sup>  
15

16 38. Despite these acknowledgements, California continued to implement and enforce  
17 signature verification.  
18

19 39. In 2020, the Secretary implemented a set of regulations mandating that election  
20 officials “begin with the basic presumption that the signature” is valid. Cal. Code Regs. tit. 2 §  
21 20960(b).

22 40. The regulations also required that election officials consider various explanations  
23 for perceived signature mismatches, including that “[e]vidence of trembling or shaking in a  
24 signature could be health-related or the result of aging”; “[t]he voter may have used a variation of  
25 their full legal name”; “[t]he voter’s signature style may have changed over time”; “[t]he signature  
26

27  
28 <sup>9</sup> Senate Committee on Elections & Constitutional Amendments Analysis, S.B. 759 (Jan. 8, 2018),  
[https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill\\_id=201720180SB759#](https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201720180SB759#).

1 may have been written in haste”; “[a]signature in the voter’s registration file may have been written  
2 with a stylus pen or other electronic signature tool that may result in a thick or fuzzy quality”; and  
3 “[t]he surface of the location where the signature was made may have been hard, soft, uneven, or  
4 unstable.” *Id.* § 20960(g).

5  
6 41. In 2021, the legislature codified most of the Secretary’s 2020 regulations. *See* S.B.  
7 503, 2021–2022 Leg., Reg. Sess. (Cal. 2021).

8 42. Nevertheless, in the wake of these reforms, California’s signature verification  
9 procedures continued to disenfranchise tens of thousands of voters.

10 43. By the November 2020 election, the number of citizens being disenfranchised  
11 because of signature verification had grown to more than five times the number in 2014. In the  
12 2014 general election, just over 4.5 million mail ballots were cast, and fewer than 9,000 of them,  
13 or 0.194%, were rejected because of a failed signature verification.<sup>10</sup> By contrast, over 15 million  
14 Californians cast mail ballots in the 2020 general election—comprising over 86% of the total ballots  
15 cast.<sup>11</sup> Nearly 50,000 of those ballots—or 0.311% of all mail ballots—were rejected because of a  
16 failed signature verification.<sup>12</sup>

17  
18  
19 44. The rate of rejection due to failed signature verification increased in the 2022  
20 election: nearly 50,000 ballots—or 0.486% of all mail ballots—were rejected for that reason.<sup>13</sup>

21  
22  
23 <sup>10</sup> U.S. Election Assistance Commission, *Election Administration and Voting Survey: Comprehensive Report* at 218 (June 30, 2015),  
24 [https://www.eac.gov/sites/default/files/eac\\_assets/1/1/2014\\_EAC\\_EAVS\\_Comprehensive\\_Report\\_508\\_Compliant.pdf](https://www.eac.gov/sites/default/files/eac_assets/1/1/2014_EAC_EAVS_Comprehensive_Report_508_Compliant.pdf).

25 <sup>11</sup> Cal. Sec’y of State, *Historical Vote-By-Mail (Absentee) Ballot Use in California*,  
26 <https://www.sos.ca.gov/elections/historical-absentee> (last accessed June 22, 2024).

27 <sup>12</sup> U.S. Election Assistance Commission, *Election Administration and Voting Survey (EAVS) Comprehensive Report*, 2020 Election Dataset Version 1.2 (Dec. 18, 2023),  
28 <https://www.eac.gov/research-and-data/studies-and-reports>.

<sup>13</sup> Cal. Sec’y of State, *Vote-By-Mail Ballot Rejection Reason Reports – Statewide Elections* (2022),  
<https://www.sos.ca.gov/elections/voter-registration/vote-mail/vbm-rejection-reason-statewide>.

1           **C. Despite these high rejection numbers, California’s current Signature**  
2           **Verification Law still requires the rejection of mail ballots for failed signature**  
3           **verification.**

4           45. Under current law, all voters receive a mail ballot in advance of the election, which  
5 must include “an identification envelope with prepaid postage for the return of the vote by mail  
6 ballot.” Cal. Elec. Code § 3010(a)(2).

7           46. Every mail ballot envelope contains a unique barcode that allows it to be tracked  
8 every step of the way, including when the ballot has been delivered, and when the voter’s completed  
9 ballot has been received by the county elections official. *Id.* § 3019.7.<sup>14</sup>

10           47. Additionally, since at least 2020, all counties have been equipped with barcode  
11 scanners that provide detailed information about when a voter’s ballot envelope was initially mailed  
12 by the election official, and when the voter returns the ballot.<sup>15</sup>

13           48. Per statute, the “identification envelope” must contain the following:

- 14           (1) A declaration, under penalty of perjury, stating that the voter resides within the  
15 precinct in which the voter is voting and is the person whose name appears on the  
16 envelope.  
17           (2) The signature of the voter.  
18           (3) The residence address of the voter as shown on the affidavit of registration.  
19           (4) The date of signing.  
20           (5) A notice that the envelope contains an official ballot and is to be opened only  
21 by the canvassing board.  
22           (6) A warning plainly stamped or printed on it that voting twice constitutes a crime.  
23           (7) A warning plainly stamped or printed on it that the voter must sign the envelope  
24 in the voter’s own handwriting in order for the ballot to be counted.  
25           (8) A statement that the voter has neither voted nor intends to vote a ballot from  
26 any other jurisdiction for the same election.  
27           (9) The name and signature of the person authorized by the voter to return the vote  
28 by mail ballot.

*Id.* § 3011(a).

49. Once a voter completes their ballot and the information requested on the

<sup>14</sup> See also Cal. Sec’y of State, *Where’s My Ballot?*, <https://www.sos.ca.gov/elections/ballot-status/wheres-my-ballot> (last accessed June 26, 2024).

<sup>15</sup> See Cal. Sec’y of State, *Memorandum 24033: Presidential Primary: Barcode Scanners* (Jan. 17, 2024), <https://elections.cdn.sos.ca.gov/ccrov/2024/january/24033rr.pdf>.

1 identification envelope, the voter has options as to how to return their ballot: they may place it in  
2 the mail or drop it off at a physical polling place, election official's office, or a ballot drop box. *See*  
3 *id.* §§ 3015, 3020.

4 50. If the voter drops off their ballot, the ballot must be returned by the close of polls on  
5 election day. *Id.* § 3020(a).

6 51. If a voter returns their ballot by mail, the ballot must be postmarked on or before  
7 election day and received by the election official within seven days of the election. *Id.* § 3020(b).

8 52. The Secretary maintains a statewide database through which voters may check the  
9 status of their mail ballot. *See id.* § 3019.7.

10 53. To cast a mail ballot in accordance with California law, voters must (1) seal the  
11 completed ballot inside their "identification envelope," (2) print their name, address, and the date  
12 on the envelope, (3) sign the declaration on the envelope under penalty of perjury "in the voter's  
13 own handwriting," and (4) return the ballot on time. *Id.* §§ 3011, 3020.

14 54. The declaration on the ballot envelope states:

15 I am a resident of and a voter in the county, and the person whose name appears on  
16 this envelope.

17 I have not applied, nor will I apply for a vote-by-mail ballot from any other  
18 jurisdiction in this election.

19 I declare under penalty of perjury that this is true to the best of my knowledge and  
20 belief.

21 *Id.* § 3011(a).<sup>16</sup>

22 55. Regardless of how they are returned, all mail ballot envelopes are processed in the  
23 same manner once they are received by the election official. *See* Cal. Code Regs. tit. 2 § 20144.

24 56. When an election official receives a mail ballot envelope, the official must

25  
26  
27 <sup>16</sup> Cal. Sec'y of State, *Voting By Mail: Best Practices for Vote By Mail Envelope Design*,  
28 <https://www.sos.ca.gov/elections/voter-registration/vote-mail> (providing template ballot envelopes) (last accessed June 24, 2024).

1 “immediately . . . enter the return status of that ballot into [a] statewide voter registration system”  
2 created by the Secretary. *Id.* § 20990(a).

3 57. After logging receipt of the ballot, the official must then conduct signature  
4 verification. *See id.* § 20990(b)-(c); Cal. Elec. Code § 3019(a).

5 58. To conduct signature verification, the “official shall compare the signature on the  
6 identification envelope with either of the following to determine if the signatures compare: (A) the  
7 signature “appearing on the voter’s affidavit of registration or any previous affidavit of registration  
8 of the voter,” or (B) the signature “appearing on a form issued by an elections official that contains  
9 the voter’s signature and that is part of the voter’s registration record.” *Id.* § 3019(a)(1).

10 59. Per the 2021 amendments, described *supra* section B, the law requires election  
11 officials to presume a voter’s signature on their mail ballot envelope is “the voter’s signature” and  
12 thus “valid.” Cal. Elec. Code § 3019(a)(2)(A)-(B). The law does not specify how this presumption  
13 should function or what election officials must find to overcome the presumption.  
14

15 60. In addition, officials are instructed that “an exact match is not required” for an  
16 election official “to determine that a voter’s signature is valid,” and that “[t]he fact that signatures  
17 share similar characteristics is sufficient to determine that a signature is valid.” *Id.* § 3019(a)(2)(B).

18 61. Election officials are further instructed to consider particular “characteristics of the  
19 written signature that are specified in regulations promulgated by the Secretary.” *Id.* §  
20 3019(a)(2)(E). Under the Secretary’s current regulations, these include:  
21

- 22 (1) Slant of the signature.
- 23 (2) Whether the signature is printed or in cursive.
- 24 (3) Size, proportions, or scale.
- 25 (4) Individual characteristics, such as how the ‘t’s’ are crossed, ‘i’s’ are  
26 dotted, or loops are made on the letters f, g, j, y, or z.
- 27 (5) Spacing between the letters within the first and/or last name and  
28 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



- 1 around.  
2 (11) Speed of the writing.  
3 (12) Presence or absence of pen lifts.  
4 (13) Misspelled names.

5 Cal. Code Regs. tit. 2 § 20960(f).

6 62. Officials must also “consider explanations for discrepancies between signatures that  
7 are specified in regulations promulgated by the Secretary of State.” Cal. Elec. Code §  
8 3019(a)(2)(C). Under current regulations, these factors include health- or age-related trembling,  
9 name variations, changing signature style, haste, the use of different writing devices, and the use  
10 of different writing surfaces. *See* Cal. Code Regs. tit. 2 § 20960(g).

11 63. Although there are no rules governing how election officials are supposed to identify  
12 the presence or absence of these explanations for signature variance, the Secretary’s regulations  
13 state that an election official “may also consider factors applicable to a particular voter, such as the  
14 age of the voter, the age of the signature(s) contained in the voter’s record, the possibility that the  
15 voter is disabled, the voter’s primary language, and the quality of any digitized signature(s)  
16 contained in the voter’s record.” *Id.* § 20960(h).

17 64. Election officials are also authorized by the law to “use signature verification  
18 technology” to compare signatures, but the decision of whether to use such technology and which  
19 technology to use is left to each of California’s 58 counties. *See* Cal. Elec. Code § 3019(a)(2)(g).

20 65. Several counties have adopted the use of such machine technology for signature  
21 verification, including but not limited to some large counties like Fresno, Los Angeles, Marin,  
22 Merced, Monterey, Riverside, San Diego, and Ventura counties.

23 66. Among counties that have decided to use signature verification technology, the  
24  
25  
26  
27  
28

1 vendors and protocols used by these counties appears to differ substantially.<sup>17</sup>

2 67. If either a human reviewer “determines that the [voter’s] signature possesses  
3 multiple, significant, and obvious differing characteristics when compared to all signatures in the  
4 voter’s registration record,” or the chosen “signature verification technology determines the  
5 signatures do not compare,” the ballot is subject to further review by at least two additional election  
6 officials. Cal. Elec. Code § 3019(a)(2)(g), (c)(1)–(2).

7 68. Signatures are ultimately rejected “if two additional elections officials each find  
8 beyond a reasonable doubt that the signature differs in multiple, significant, and obvious respects  
9 from all signatures in the voter’s registration record. If th[os]e officials determine that the signatures  
10 do not compare, the identification envelope shall not be opened and the ballot shall not be counted.”  
11 *Id.* § 3019(a)(2)(g), (c).

12 69. Once election officials determine there is a failed signature verification, they must  
13 notify a voter that their ballot has been rejected on or before the next business day, but not later  
14 than eight days prior to the certification of the election. *Id.* § 3019(d)(1)(A). At minimum, notice  
15 of failed signature verification must be provided to the voter by mail, and if there are additional  
16 methods of contact available in the voter’s registration file (such as phone or email), election  
17 officials must also attempt to notify the voter through those methods. *Id.* § 3019(d)(1).

18 70. Election officials must offer voters whose ballots fail signature verification the  
19 opportunity to submit a “Signature Verification Statement.” *Id.* § 3019(d)(5).

20 71. The voter must execute and return the Signature Verification Statement by the close  
21 of business two days prior to certification of the election. *Id.* § 3019(d)(4)(A). The deadline for  
22

23  
24  
25  
26  
27 <sup>17</sup> See Stanford Law School Law & Policy Lab, *Signature Verification and Mail Ballots:*  
28 *Guaranteeing Access While Preserving Integrity*, App’x III (May 15, 2020),  
[https://law.stanford.edu/wp-content/uploads/2020/04/SLS\\_Signature\\_Verification\\_Report-5-15-20-FINAL.pdf](https://law.stanford.edu/wp-content/uploads/2020/04/SLS_Signature_Verification_Report-5-15-20-FINAL.pdf).

1 certification is 30 days after election day. *Id.* § 15372.

2 72. The Signature Verification Statement *again* requires the voter to sign their name  
3 under penalty of perjury attesting to having filled out the ballot themselves. *Id.* § 3019(d).

4 73. The Signature Verification Statement must be in “substantially the following form”:

5  
6 I am a resident of the precinct in which I have voted, and I am the  
7 person whose name appears on the vote by mail ballot envelope. I  
8 understand that if I commit or attempt any fraud in connection with  
9 voting, or if I aid or abet fraud or attempt to aid or abet fraud in  
connection with voting, I may be convicted of a felony punishable  
by imprisonment for 16 months or two or three years. I understand  
that my failure to sign this statement means that my vote by mail  
ballot will be invalidated.

10 *Id.* § 3019(d)(5).

11 74. Once the Signature Verification Statement is submitted, election officials compare  
12 the voter’s signature on the Statement with other signatures in the voter’s file using the same  
13 procedures for signature verification when the voter cast their ballot, as described above. *Id.* §  
14 3019(d)(4)(B)(ii).

15  
16 75. If the signatures appear to be sufficiently similar, the voter’s ballot is counted. If the  
17 election officials perceive another substantial difference between the signature on the Signature  
18 Verification Statement and the voter’s signatures on file, the ballot is rejected. *Id.*

19 76. There is no further appeal or opportunity to cure a mail ballot if the Signature  
20 Verification Statement is rejected.<sup>18</sup> *See id.*

21  
22 **D. California’s Signature Verification Law continues to disenfranchise tens of**  
23 **thousands of voters each election cycle.**

24 77. Despite having amended its law many times to try to minimize the likelihood that

25  
26 <sup>18</sup> It is unclear whether a voter can vote in person to “cure” a missing signature. Guidance from the  
27 Secretary of State to voters indicates that voters who do not bring their mail ballot with them to the  
28 polls will be issued a provisional ballot, which will only be counted if they did not vote more than  
once in that election. Cal. Sec’y of State, *Voting at a Polling Place after Applying to Vote by Mail*,  
<https://www.sos.ca.gov/elections/voting-resources/voting-california/if-you-applied> (last accessed  
June 26, 2024).

voters will be erroneously disenfranchised as a result of signature verification, California continues to reject tens of thousands of ballots because of a perceived signature mismatch under the current Signature Verification Law.

78. As the table below indicates, the number of ballots rejected for failed signature verification is high, and the rate of rejection has only increased in recent years.

**Table 1: California Signature Verification Data in the Last Four Statewide Elections<sup>19</sup>**

<u>Election</u>	<u>Total Mail Ballots Returned</u>	<u>Total Rejected for Signature Mismatch</u>	<u>Rate of Signature Mismatch for All Mail Ballots</u>	<u>Portion of Rejected Ballots Rejected for Signature Mismatch, Excluding Untimely Ballots</u>
2020 General	15,398,923	47,817	0.311%	58.9%
2022 Primary	6,664,084	25,038	0.376%	69.7%
2022 General	9,875,808	47,984	0.486%	76.4%
2024 Primary	6,964,004	23,523	0.338%	71.0%

79. In the 2020 general election, 47,817 ballots—0.311% of all mail ballots—were rejected for failed signature verification. At the time, this was the highest number of ballots rejected for failed signature verification ever recorded.

80. In the 2022 general election, California set a new record by rejecting 47,984 ballots for failed signature verification. This figure constituted 0.486% of all mail ballots, a significantly higher rate than in previous elections.

81. In the 2024 primary election, 23,523 ballots were rejected for failed signature verification. This figure constituted 0.338% of all mail ballots.

<sup>19</sup> Data for the 2022 Primary, 2022 General, and 2024 Primary elections was published by the Secretary of State. See Cal. Sec’y of State, *Vote-By-Mail Ballot Rejection Reason Reports – Statewide Elections*, <https://www.sos.ca.gov/elections/voter-registration/vote-mail/vbm-rejection-reason-statewide> (last accessed June 26, 2024). Data for the 2020 General election was published by the U.S. Election Assistance Commission. U.S. Election Assistance Commission, *Election Administration and Voting Survey (EAVS) Comprehensive Report*, 2020 Election Dataset Version 1.2 (Dec. 18, 2023), <https://www.eac.gov/research-and-data/studies-and-reports>.

1           82.     Aside from untimeliness, failed signature verification is consistently the most  
2 common reason for the rejection of mail ballots in California.<sup>20</sup>

3           83.     There is wide variation in the percentage of ballots that are rejected due to failed  
4 signature verification in different jurisdictions across the state.

5           84.     For example, in the 2022 general election, some counties (like Sacramento and Santa  
6 Cruz) rejected fewer than 0.1% of mail ballots because of failed signature verification.

7           85.     By comparison, other counties (like Imperial and Mono) rejected more than 2.0%  
8 of mail ballots even though they were ostensibly applying the same criteria as all other counties in  
9 California.<sup>21</sup>

10           86.     The Signature Verification Law nullified nearly 50,000 votes in each of the past two  
11 statewide general elections, even though voter fraud in California, as elsewhere, is exceedingly  
12 rare. As the Secretary has confirmed, there “is no evidence of frequent instances”—and the small  
13 number of “scattered attempts to cheat” do not pertain to fraudulent signatures.<sup>22</sup>

14           87.     It is thus implausible that nearly 50,000 voters did not sign their ballots in their own  
15 handwriting in violation of the law in a single election, much less in both the 2020 and 2022  
16 elections. Those voters were disenfranchised even though they were eligible voters and had cast  
17 their ballots in accordance with the law.

18           88.     Moreover, in California, it is not uncommon for there to be extremely close  
19 elections, where an election might be decided by a fraction of the number of ballots that were  
20 rejected for perceived signature issues. In such races, the number of mail ballots that are incorrectly

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23  
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25           <sup>20</sup> *See id.*

26           <sup>21</sup> Cal. Sec’y of State, *Vote-By-Mail Ballot Rejection Reason Reports – Statewide Elections (2022)*,  
27 <https://www.sos.ca.gov/elections/voter-registration/vote-mail/vbm-rejection-reason-statewide>.

28           <sup>22</sup> *See* Sameea Kamal, *What You Need To Know About Voter Fraud in California*, Cal. Matters  
(Oct. 10, 2022), <https://calmatters.org/explainers/california-voter-fraud/>.

1 rejected may very well decide the outcome of the election.

2 89. In 2022, for example, the U.S. House of Representatives election for Congressional  
3 District 13 was decided by 564 votes<sup>23</sup>; the election for State Assembly District 40 was decided by  
4 522 votes<sup>24</sup>; the election for State Assembly District 47 was decided by 85 votes<sup>25</sup>; and the election  
5 for State Senate District 16 was decided by a mere 14 votes.<sup>26</sup> Each of these races was decided by  
6 less than 0.486% of the vote—which was the statewide rate of rejection for perceived signature  
7 verification issues in 2022.  
8

9 90. In the 2024 primary election in Congressional District 16, more than 182,000 mail  
10 ballots were cast, and yet there was a tie in the race for second place on the general election ballot.<sup>27</sup>  
11 A single arbitrary signature verification rejection may well have decided the outcome of that  
12 election.  
13

14 **E. California’s Signature Verification Law arbitrarily and erroneously**  
15 **disenfranchises lawful voters who have cast their ballots in accordance with state**  
16 **law.**

17 91. The legislature has amended the Signature Verification Law several times to try to  
18 fix the problems with the process, as described *supra* section B. Despite the reforms, election  
19 officials continue to erroneously reject significant numbers of ballots cast by eligible voters in  
20

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21 <sup>23</sup> *California 13th Congressional District Election Results*, N.Y. Times (Dec. 18, 2022),  
22 <https://www.nytimes.com/interactive/2022/11/08/us/elections/results-california-us-house-district-13.html>.

23 <sup>24</sup> *2022 California State Assembly Election Results*, USA Today (June 12, 2023),  
24 <https://www.usatoday.com/elections/results/2022-11-08/state/california/lower>.

25 <sup>25</sup> *Id.*

26 <sup>26</sup> *2022 California State Senate Election Results*, USA Today (June 12, 2023),  
27 <https://www.usatoday.com/elections/results/2022-11-08/state/california/upper>.

28 <sup>27</sup> Megan Legowitz, *Congressional primary tie in California points to three-way race in November*, NBC News (April 4, 2024), <https://www.nbcnews.com/politics/2024-election/congressional-primary-tie-california-points-three-way-race-november-rcna146506>; see also Cal. Sec’y of State, *Statement of Vote Summary Pages: March 5, 2024 Presidential Primary Election* 11, <https://elections.cdn.sos.ca.gov/sov/2024-primary/sov/08-sov-summary-updated.pdf>.

1 accordance with California law. That is because signature verification, at its core, is a demonstrably  
2 unreliable and inconsistent method of verifying voter identity.

3 92. Professionals who compare and authenticate signatures for a living must complete  
4 several years of training, require specialized tools, and have ample time to consider comparator  
5 signatures. They typically require several different comparators from the signer, executed close-in-  
6 time and under similar conditions to the signature in question, before they can accurately conclude  
7 that a signature is legitimate or fraudulent to a reasonable degree of certainty.  
8

9 93. California's signature verification regime does not require these safeguards. And,  
10 even under these most optimal conditions, signature verification is extremely difficult for several  
11 reasons, especially for laypeople.  
12

13 94. Several different factors cause those who conduct signature verification to  
14 mistakenly identify valid signatures as invalid: handwriting changes, age, illness, injury,  
15 medication, eyesight, alcohol, drug use, and psychological state of mind can all result in altered  
16 handwriting.

17 95. Additionally, mechanical factors, like pen type, ink, writing surface and position,  
18 and paper quality can also contribute to perceived signature mismatches.<sup>28</sup>  
19

20 96. A voter's background can also contribute to a perceived signature issue. Voters who  
21 are elderly or disabled have signatures that change with some frequency due to medication and  
22 other health-related conditions.

23 97. Young voters may be in the process of developing a permanent signature, and thus  
24 their signature at the time of registration is likely to differ from their signatures ten or fifteen years  
25 after registration.  
26

27  
28 <sup>28</sup> See, e.g., Tomislav Fotak et al., *Handwritten Signature Identification Using Basic Concepts of Graph Theory*, 7 WSEAS Transactions on Signal Processing 145, 145 (2011).

1           98.     Voters whose primary language does not use Roman characters also tend to exhibit  
2 greater signature variability and therefore are especially likely to have their genuine signatures  
3 rejected.<sup>29</sup>

4           99.     Signature verification has been shown to result in the disproportionate rejection of  
5 mail ballots cast by ethnic and racial minorities.

6           100.    For example, one study conducted in Washington state found that Latino voters were  
7 four times more likely to have their ballots rejected based on an alleged signature mismatch than  
8 non-Latino voters.<sup>30</sup>

9           101.    A Florida study found that younger voters and racial and ethnic minorities were  
10 much more likely to have their mail ballots rejected than other voters.<sup>31</sup>

11           102.    California law appears to recognize many of these problems, but the reforms in the  
12 law do not fix them. For instance, while the law requires election officials to consider specific  
13 potential explanations for signature variance, election officials do not have the requisite information  
14 to know whether most of the explanations apply. *See* Cal. Elec. Code § 3019(a)(2).

15           103.    An election official cannot know, for example, whether a voter has a disability that  
16 causes trembling or shaking because such information is not in the voter file. There is no  
17 requirement for elections officials to investigate this type of information as to each individual voter,  
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19  
20  
21

22 <sup>29</sup> See Michael P. Caligiuri et al., *Kinematics of Signature Writing in Healthy Aging*, 59(4) J.  
23 Forensic Sci. 1020 (2014), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4077921>.

24 <sup>30</sup> See Joy Borkholder, *Latino Voters Have Higher Than Average Ballot Signature Rejection Rates*  
25 *in Washington State*, InvestigateWest (Feb. 15, 2021), [https://www.invw.org/2021/02/15/latino-](https://www.invw.org/2021/02/15/latino-voters-have-higher-than-average-ballot-signature-rejection-rates-in-washington-state/)  
26 [voters-have-higher-than-average-ballot-signature-rejection-rates-in-washington-state/](https://www.invw.org/2021/02/15/latino-voters-have-higher-than-average-ballot-signature-rejection-rates-in-washington-state/) (“Latino  
27 voters had a 1% signature rejection rate in the November 2020 election, four times the rate of other  
28 voters. Another way to look at it: In these eight counties, Latino voters contributed 17% of accepted  
ballots in November 2020, but 46% of ballot rejections. Statewide, Latino voters made up more  
than 5% of accepted ballots.”).

<sup>31</sup> Daniel Smith, *Vote-by-Mail Ballots Cast in Florida*, ACLU Florida (revised Sept. 2019),  
[https://www.aclufl.org/sites/default/files/aclufl\\_-\\_vote\\_by\\_mail\\_-\\_report.pdf](https://www.aclufl.org/sites/default/files/aclufl_-_vote_by_mail_-_report.pdf).



1 and as a practical matter, it would be impossible for them to do so. This information asymmetry  
2 leads to disenfranchisement.

3 104. Signature verification is also error-prone because it relies on human reviewers to  
4 conduct the signature comparisons. One study found that, even where reviewers had access to six  
5 authentic reference signatures for comparison, reviewers still deemed legitimate signatures to be  
6 inauthentic at least 26 percent of the time.<sup>32</sup>

7  
8 105. For all these reasons, professionals who conduct signature authentication require at  
9 least two years of full-time training before certification.<sup>33</sup>

10 106. But California law does not require or provide minimum standards for training  
11 staffers who review signatures. *See* Cal. Elec. Code § 3019. Nor does it provide any required  
12 staffing levels to ensure there are a sufficient number of reviewers to dedicate sufficient time to  
13 review each ballot. *See id.*

14  
15 107. In 2022, the Secretary declared, by regulation, that the Secretary would “provide a  
16 yearly training program for elections officials and staff.” Cal. Code Regs. tit. 2 § 20962. However,  
17 there is no publicly available information on whether or when such a training occurred, who  
18 attended, or what guidance was provided.

19  
20 108. As a result, there appears to be little to no standardization for how each county  
21 handles the implementation of signature verification. Most counties do not publish any public  
22 training or guidance materials regarding their procedures for engaging in signature verification.

23 109. The only county that appears to have published public-facing materials about  
24

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25 <sup>32</sup> Moshe Kam & Kishore Gummadidala, *Signature Authentication by Forensic Document*  
26 *Examiners*, 46(4) J. Forensic Sci. 884 (2001).

27 <sup>33</sup> Scientific Working Group for Document Examination, *Standard for Minimum Training*  
28 *Requirements for Forensic Document Examiners* (2013), [www.swgdoc.org](http://www.swgdoc.org).

signature verification training is San Bernadino County, which publicly posted a training slideshow for the most recent March 5, 2024 primary election. Those training materials *encourage* election officials reviewing signatures to challenge voters' ballots: "REMEMBER: If you have to spend more than a few seconds reviewing it . . . CHALLENGE IT."<sup>34</sup> In the March 2024 election, San Bernadino had a disproportionately high rejection rate for signatures compared to other California counties—more than triple the statewide average.<sup>35</sup>

110. Professionals also require several hours to conduct a single proper signature comparison.<sup>36</sup> Election officials in California, in contrast, are woefully under-resourced across several different dimensions, including training, equipment, and staffing. Yet election officials must verify hundreds or thousands of signatures each, over a matter of days—meaning that they are able to spend no more than a few moments examining a voter's signature.

111. Professional standards also call for several different comparator signatures that were signed by the individual whose signature is in question close-in-time and under similar conditions when conducting a proper signature authentication.<sup>37</sup>

112. Under the Signature Verification Law, there is no minimum number of comparators required. *See* Cal. Elec. Code § 3019. And voters who register online or at the DMV may provide

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<sup>34</sup> San Bernardino County Registrar of Voters, *Signature Verification Training*, [https://uploads.rov.sbcounty.gov/ROV/CommunityOutreach/Observation/Procedures/MBSignatureComparison/Presentation\\_SignatureVerification.pdf](https://uploads.rov.sbcounty.gov/ROV/CommunityOutreach/Observation/Procedures/MBSignatureComparison/Presentation_SignatureVerification.pdf).

<sup>35</sup> *See* Cal. Sec'y of State, *Vote-By-Mail Ballot Rejection Reason Reports – Statewide Elections*, <https://www.sos.ca.gov/elections/voter-registration/vote-mail/vbm-rejection-reason-statewide> (last accessed June 26, 2024).

<sup>36</sup> *See* Roy Huber & A.M. Headrick, *Handwriting Identification: Facts and Fundamentals* (1999).

<sup>37</sup> *See id.* § 40.

1 their signature on an electronic touchscreen,<sup>38</sup> rather than on paper, which will inevitably differ  
2 from the signature they place on their mail ballot.

3  
4 113. Professionals further require excellent eyesight and adequate magnifying equipment  
5 to conduct a proper signature authentication.<sup>39</sup> But the Signature Verification Law does not require  
6 any minimum standard of eyesight for those who conduct signature matching and does not require  
7 them to use any specialized equipment. *See* Cal. Elec. Code § 3019.

8  
9 114. For all these reasons, when compared to professional document examiners,  
10 laypeople are several times more likely to mistake authentic signatures for fraudulent ones.<sup>40</sup> Yet  
11 California’s signature verification regime, which expressly recognizes that some of these factors  
12 *should* be accounted for, simply does not—and cannot—properly account for them and thus cannot  
13 prevent the inevitable mistaken rejections that ensue.

14  
15 115. The notice and cure process is not the safeguard that it purports to be, because it  
16 does not sufficiently protect the right to vote for many voters.

17  
18 116. The cure process itself is burdensome to voters—who are not expecting to need to  
19 take additional steps to have their ballots counted. Assuming voters are contacted and provided a  
20 Signature Verification Statement, they must make arrangements to fill out and return the form,  
21 while making sure that it will make it back to election officials by the requisite deadline. *See* Cal.  
22 Elec. Code § 3019(d).

23  
24 117. Voters will be provided varying amounts of time to complete this process,

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25 <sup>38</sup> *See* Cal. Sec’y of State, *FAQs*, <https://www.sos.ca.gov/elections/frequently-asked-questions>  
26 (explaining that a voter’s “DMV signature” will automatically be “added to [the voter’s]  
27 registration application” when voters register online) (last accessed June 26, 2024).

28 <sup>39</sup> *See* Mara Merlino, *Validity, Reliability, Accuracy, and Bias in Forensic Signature Identification*,  
Dep’t of Justice Grant 2010-DNBX-K271, Doc. 248565 (Jan. 2015),  
<https://www.ncjrs.gov/pdffiles1/nij/grants/248565.pdf>.

<sup>40</sup> *See, e.g.,* Kam, *supra* n.32; *see also* Merlino, *supra* n. 39.

1 depending on how quickly an election official reviews their ballot and provides them with a  
2 Signature Verification Statement form. *See id.*

3 118. Moreover, all the problems with signature verification for mail ballot envelopes also  
4 apply to the cure process, because the Signature Verification Statement is *also* subjected to  
5 signature verification. *Id.* § 3019(d)(4)(B).  
6

7 **F. The disenfranchisement resulting from California’s signature verification**  
8 **process is not justified by any legitimate, much less compelling, state interest.**

9 119. California has no legitimate, much less compelling, interest in the demonstrably  
10 unreliable process of signature verification, which—as recent elections demonstrate—routinely  
11 results in the erroneous disenfranchisement of a significant number of Californians.

12 120. As explained, there is no evidence to suggest that a significant number of rejected  
13 mail ballots are the result of attempted voter fraud because there is little to no voter fraud in  
14 California—especially when it comes to mail ballot signatures.

15 121. Moreover, the Signature Verification Law is duplicative of other security and  
16 verification processes already in place. For example, California law requires the implementation of  
17 mail ballot tracking systems in a manner that would allow a person to know if anyone other than  
18 the voter returned the voter’s ballot without their permission. Cal. Elec. Code §§ 3017, 3019.7. The  
19 Secretary allows voters to subscribe to receive automated email, text message, or voice message  
20 updates about the status of their mail ballot—which should make any subscribed voter immediately  
21 aware if their ballot was fraudulently returned.<sup>41</sup>  
22

23 122. The Secretary also has a system for tracking voters who may have died to ensure  
24 that no one can fraudulently return the ballot of a deceased person. *See* Cal. Code Regs. tit. 2 §  
25 20991(c)(11) (instructing election officials reviewing absentee ballots to consider death record  
26

27 \_\_\_\_\_  
28 <sup>41</sup> Cal. Sec’y of State, *Where’s My Ballot?*, <https://www.sos.ca.gov/elections/ballot-status/wheres-my-ballot> (last accessed June 26, 2024).

1 information provided by the California Department of Public Health).

2 123. Additionally, there are restrictions on how mail ballots can be returned. A ballot will  
3 be rejected if someone other than the voter submits it, unless that voter has expressly authorized  
4 someone else to submit it on the voter's behalf and noted such authorization on the ballot envelope.  
5 *See* Cal. Elec. Code § 3017(a)(2), (e)(1).<sup>42</sup>  
6

7 124. There are also criminal penalties for fraudulently signing a mail ballot envelope.  
8 Every single mail ballot includes a “declaration, under penalty of perjury, stating that the voter  
9 resides within the precinct . . . and is the person whose name appears on the envelope.” *See* Cal.  
10 Elec. Code. § 3011. The Signature Verification Statement includes similar language. *Id.* §  
11 3019(d)(5). Under California law, perjury is a felony. *See* Cal. Penal Code § 126. Election fraud is  
12 also a separate felony. Cal. Elec. Code § 18500.  
13

14 125. There is no evidence that these provisions are failing to prevent fraud in California—  
15 much less fraud that signature verification processes would do anything to prevent.

16 126. Signature comparison is not a reliable method for verifying a voter's identity.  
17 Rejecting an otherwise facially compliant ballot because of a failed signature verification violates  
18 the California Constitution. The California Signature Verification Law should thus be enjoined.  
19

## 20 **FIRST CAUSE OF ACTION**

### 21 **(VIOLATION OF CAL. CONST., ART. II, § 2.5)**

22 127. Plaintiffs herein incorporate by reference all prior allegations as if set forth in full.

23 128. Article II, section 2.5 of the California Constitution requires and guarantees that “[a]  
24 voter who casts a vote in an election in accordance with the laws of this State shall have that vote  
25 counted.”  
26

27  
28 <sup>42</sup> *See* Cal. Sec’y of State, *Vote by Mail*, <http://www.sos.ca.gov/elections/voter-registration/vote-mail> (last accessed June 26, 2024).

129. Every voter who signs their identification envelope themselves and has complied with the other requirements for voting by mail, has “cast[] a vote in an election in accordance” with state law and is entitled to have their ballot count under Article II, section 2.5.

130. This is because, on its face, California law requires only that a mail voter signs their ballot envelope in their “own handwriting.” Cal. Elec. Code § 3011(2), (7).

131. The law does not require mail voters to sign in any particular way, much less that they ensure their signature will be deemed to be sufficiently similar to a previously recorded signature.

132. The Signature Verification Law directly violates the constitutional demand set forth in Article II, section 2.5, by requiring election officials to reject ballots where they conclude that the signature on the ballot envelope is not sufficiently similar to another signature on file. Cal. Elec. Code § 3019(c)(2).

133. Accordingly, by enforcing the Signature Verification Law and discarding properly cast votes due to failed signature verification, Defendant violates the rights of CARA's members, Plaintiffs Mr. Parrino and Mr. Saiu, and tens of thousands of other California voters, to have their votes counted under Article II, section 2.5. Plaintiffs will suffer irreparable injury—that cannot be compensated by pecuniary relief—in the absence of an order from this Court prohibiting Defendant from rejecting ballots based on perceived signature mismatches.

## SECOND CAUSE OF ACTION

**(ILLEGAL EXPENDITURE UNDER CAL. CODE CIV. PROC. § 526a)**

134. Plaintiffs herein incorporate by reference all prior allegations as if set forth in full.

135. For the reasons described above, California's rejection of mail ballots because of failed signature verification violates Article II, section 2.5 of the California Constitution.

136. California Code of Civil Procedure § 526a provides that “[a]n action to obtain a judgment, restraining and preventing any illegal expenditure of, waste of, or injury to, the estate,

1 funds, or other property of a local agency, may be maintained against any officer thereof . . . either  
2 by a resident therein, or by a corporation, who is assessed for and is liable to pay . . . a tax that  
3 funds the defendant local agency,” including an income tax, sales tax, or property tax.

4 137. Plaintiff CARA’s members and Plaintiffs Mr. Parrino and Mr. Saiu are assessed for  
5 and liable to pay property, sales, income and other taxes that fund Defendant’s implementation of  
6 California Election Code § 3019, including trainings, guidance, staff time examining signatures,  
7 and transmittal of rejection notices.

8 138. Defendant is illegally expending public resources by performing her duties in a  
9 manner that violates the California Constitution.

10 139. As such, this Court should enjoin this unconstitutional expenditure under Code of  
11 Civil Procedure § 526a.

#### 12 **PRAYER FOR RELIEF**

13 Plaintiffs respectfully request that this Court:

- 14 A. Declare that California Elections Code § 3019 violates Article II, section 2.5 of the  
15 California Constitution;  
16 B. Issue a writ of mandate and enjoin Defendant and her respective agents, officers,  
17 employees, and successors, and all persons acting in concert with each or any of them,  
18 from rejecting any ballot that would otherwise be accepted but for a perceived signature  
19 verification issue on the ballot envelope;  
20 C. Issue a writ of mandate and enjoin Defendant and her respective agents, officers,  
21 employees, and successors, and all persons acting in concert with each or any of them,  
22 from expending any taxpayer funds for the purpose of implementing or complying with  
23 California’s Signature Verification Law;  
24 D. Award Plaintiffs their costs, expenses, and reasonable attorneys’ fees; and  
25  
26  
27  
28

1 E. Grant such other relief as the Court deems just, proper, and equitable.  
2

3  
4 Dated: June 26, 2024

By: 

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1                   **VERIFICATION OF CALIFORNIA ALLIANCE FOR RETIRED AMERICANS**

2                   Case Title: *California Alliance for Retired Americans, et al. v. Weber*

3                   I, Jodi Reid, am the Executive Director of the California Alliance for Retired Americans, a  
4 Plaintiff in the above-entitled matter. I have read the foregoing Petition for Writ of Mandate and  
5 Complaint for Declaratory and Injunctive Relief, and I have been informed and know the contents  
6 thereof. The same is true of my own knowledge.

7                   I declare under penalty of perjury under the laws of the State of California that the foregoing  
8 is true and correct and that this verification was executed on June 26, 2024, in San Francisco  
9 County, California.

10                  Dated: June 26, 2024

By: Jodi Reid  
Jodi Reid

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**VERIFICATION OF JUAN PARRINO**

Case Title: *California Alliance for Retired Americans, et al. v. Weber*

I, Juan Parrino, am a Plaintiff in the above-entitled matter. I have read the foregoing Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief. I know the contents of Paragraph 18, and the same is true of my own knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this verification was executed on June 26, 2024, in Los Angeles County, California.

Dated: June 26, 2024

By: Juan Parrino  
Juan Parrino

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I, Sam Saiu, am a Plaintiff in the above-entitled matter. I have read the foregoing Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief. I know the contents of Paragraph 19, and the same is true of my own knowledge.

Dated: June 26, 2024

By: Sam Saiu  
Sam Saiu