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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. 24STCP02062

**PLAINTIFFS' AMENDED  
MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF  
MOTION FOR PRELIMINARY  
INJUNCTION**

Date: September 10, 2024  
Time: 1:30 PM  
Dept: 86  
Judge: Hon. Curtis Kin

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## INTRODUCTION

California’s Signature Verification Law, Cal. Elec. Code § 3019, disenfranchises eligible voters when election officials decide—using the inherently flawed and arbitrary pseudoscience of “signature comparison”—that the signature on a voter’s ballot envelope differs from a prior signature or signatures in the voter’s file. Election officials are required to reject a voter’s ballot if the signatures “do not compare,” even though voters who have signed their ballot envelope have complied with California law, which requires only that they sign in their “own handwriting,” not that they ensure that their signature appears visually similar to a previously recorded signature. Although the Legislature has repeatedly amended the Signature Verification Law to attempt to avoid its disenfranchisement of lawful voters, the reforms have been unsuccessful: tens of thousands of ballots are rejected as a result of the Law’s application in each election, with nearly 100,000 ballots rejected in the last two general elections combined. Compl. ¶ 6. There is *no* evidence that *any* of those ballots were fraudulently cast. Instead, the Signature Verification Law persists in disenfranchising lawful voters who have done everything required of them under California law.

This is in direct contravention of Article II, section 2.5 of the California Constitution, which guarantees that a “voter who *casts* a vote in an election in accordance with the laws of this State *shall have that vote counted*.” A voter who has filled out their ballot envelope, signed it in their own handwriting, and timely returned it has taken all the steps required of them to “cast[] a vote . . . in accordance with the laws.” Cal. Const. art. II, § 2.5. By prohibiting election officials from *counting* the ballot regardless, the Signature Verification Law violates Article II, section 2.5. Unless enjoined, the Signature Verification Law is likely to disenfranchise tens of thousands of voters in the upcoming general election—including among Plaintiff California Alliance for Retired Americans (“CARA”)’s vast California membership.

Plaintiffs accordingly respectfully request that the Court grant this motion for a preliminary injunction to protect their rights under the California Constitution in the coming election. Specifically, Plaintiffs move the Court for a preliminary injunction enjoining Defendant Shirley Weber in her official capacity as Secretary of State of California (“Defendant”) from implementing,

1 enforcing, or expending public funds in furtherance of the signature comparison requirements of  
2 California Election Code section 3019, including subsections (a) through (d), during the pendency  
3 of this suit. Plaintiffs further move the Court for a preliminary injunction ordering Defendant to  
4 instruct local county election officials that mail ballots that comply with the requirements of  
5 California law must be counted in the official certified statement of results regardless of any  
6 election officials' determination pursuant to the signature comparison requirements of California  
7 Election Code section 3019, including subsections (a) through (d), during the pendency of this suit.

## 8 **BACKGROUND**

### 9 The Article II, section 2.5 Amendment

10 It has long been understood that the California Constitution protects not only the right to  
11 vote, but also "the right to have the vote counted." *Canaan v. Abdelnour*, 40 Cal. 3d 703, 718 (1985)  
12 (quoting *Gould v. Grubb*, 14 Cal. 3d 661, 671 n.10 (1975)). That is because the "right to express  
13 one's feelings without legal effect . . . is antithetical to the fundamental nature of the right to vote."  
14 *Id.* at 717 (quotations omitted).

15 In 2002, California voters adopted an amendment to the state constitution—Article II,  
16 section 2.5—which expressly guarantees protections for the right of a voter to have their ballot  
17 counted. Section 2.5 provides that "[a] voter who casts a vote in an election in accordance with the  
18 laws of this State shall have that vote counted." This language was adopted after the 2000  
19 presidential election, in which thousands of Florida ballots were notoriously "not counted due to  
20 problems with equipment, questions about whether votes were validly cast, and uncertainty about  
21 which candidate some voters had selected." *See* Bishop Decl. ¶ 2, Ex. A, Ballot Pamp., *Argument*  
22 *in Favor of Proposition 43*, Mar. Primary Elec. at 20 (2002).<sup>1</sup> Californians who voted "YES" on  
23 Proposition 43 were endorsing the proposition that, "[i]f you follow all the applicable election laws  
24 when you vote, you should have the right to have your vote counted." *Id.* The Proposition was meant  
25 to ensure that a voter's ballot would not be imperiled by "problems that arise after" their vote is  
26 cast, or decisions made by "government officials." *Id.* Even the opponents of the Proposition  
27 understood that its aim was to preclude "mistakes" by election officials in "securing and counting"

28 <sup>1</sup> All exhibit citations refer to exhibits to the Declaration of Tyler L. Bishop.

1 ballots. *Id.* at 21.

## 2 Mail Voting and the Signature Verification Law

3 Presently, California voters overwhelmingly cast their ballots by mail. All registered voters  
4 are entitled to do so and are automatically sent a ballot before each election in which they are  
5 eligible to vote. Cal. Elec. Code § 3010(a)(1). To vote by mail, the law requires a voter to: (1) seal  
6 the completed ballot inside an “identification envelope”; (2) print their name, address, and the date  
7 on the envelope; (3) sign in their “own handwriting” a declaration affirming under penalty of  
8 perjury that they reside in the precinct and they are the voter whose name appears on the envelope;  
9 and (4) return the ballot by the deadline. Cal. Elec. Code §§ 3011, 3020. A voter who complies  
10 with these requirements has cast their ballot in accordance with California law.

11 Once election officials receive a ballot, they must perform a signature comparison manually  
12 or using signature verification technology. *See* Cal Elec. Code § 3019(a); Cal. Code Regs. tit. 2, §§  
13 20990(b)-(c). In the case of human review:

14  
15 [The] official shall compare the signature on the identification envelope with either  
16 of the following to determine if the signatures compare: (A) [t]he signature  
17 “appearing on the voter’s affidavit of registration or any previous affidavit of  
18 registration of the voter[, or] (B) [t]he signature “appearing on a form issued by an  
elections official that contains the voter’s signature and that is part of the voter’s  
registration record.

19 *Id.* § 3019(a)(1). Officials must presume the signature on the ballot envelope is “the voter’s  
20 signature” and thus “valid,” *id.* § 3019(a)(2)(A)-(B); “an exact match is not required,” instead,  
21 “[t]he fact that signatures share similar characteristics is sufficient to determine that a signature is  
22 valid,” *id.* § 3019(a)(2)(B); and election officials must consider particular “characteristics” of the  
23 signature and “explanations for discrepancies between signatures” specified in regulations by the  
24 Secretary, *id.* § 3019(a)(2)(C), (E). Under current regulations, these include health- or age-related  
25 trembling, name variations, changing signature style, haste, the use of different writing devices,  
26 and the use of different writing surfaces. *See* Cal. Code Regs. tit. 2, § 20960(g).

27 If a reviewer “determines that the signature possesses multiple, significant, and obvious  
28 differing characteristics when compared to all signatures in the voter’s registration record,” or the

1 “signature verification technology determines that the signatures do not compare,” the ballot is  
2 reviewed by at least two additional election officials. Cal. Elec. Code § 3019(a)(2)(G), (c)(1)–(2).  
3 “[I]f two additional elections officials each find beyond a reasonable doubt that the signature differs  
4 in multiple, significant, and obvious respects from all signatures in the voter’s registration record,”  
5 the ballot “shall not be counted.” *Id.* § 3019(a)(2)(G), (c). Election officials must inform the voter  
6 on or before the next business day (but not later than eight days before certification), that their  
7 signature could not be verified, and of how they can cure the issue. *Id.* § 3019(d)(1).

8 The Law allows a voter to cure by submitting a “Signature Verification Statement” by the  
9 close of business two days before election certification. *Id.* § 3019(d)(5). That Statement again  
10 requires the voter to sign their name under penalty of perjury, attesting to having filled out the ballot  
11 themselves. *Id.* § 3019(d). Election officials compare the signature on the Statement with other  
12 signatures in the voter’s file using the same procedures described. *Id.* § 3019(d)(4)(B)(ii). If another  
13 substantial difference between the signatures is perceived, the ballot is rejected—with no further  
14 notice or opportunity to cure for the voter. *Id.*

#### 15 Ballot Rejection Rates

16 California has long had some form of signature verification for mail ballots, but those laws  
17 and regulations have been repeatedly amended as signature verification has perpetually  
18 disenfranchised astonishingly large numbers of lawful California voters. This includes reforms in  
19 2018, after a California court found that signature verification caused between 33,000 to 45,000  
20 votes to be rejected in the November 2016 election—“the equivalent of a medium-size California  
21 city”—with no evidence the ballots were fraudulent. *La Follette v. Padilla*, No. CPF-17-515931,  
22 2018 WL 3953766, at \*1, \*3 (Cal. Super. Ct. Mar. 5, 2018). The Law was again revised in 2021.  
23 *See infra* at 15–17. Yet, despite these reforms, ballots in the elections that have occurred since the  
24 Law was last amended are being rejected *at even higher rates* than before. And these rejection rates  
25 continue despite no evidence that signature verification issues are occurring because of fraud.

26 In the last two general elections, nearly 100,000 timely cast ballots have been rejected due  
27 to perceived signature verification issues. Compl. ¶¶ 6, 78. It is by far the most common reason that  
28 timely returned mail ballots are rejected and not counted in California. Palmer Decl. ¶ 7. Of all the



1 timely mail ballots that were rejected by election officials in the 2022 general election, for example,  
2 a non-matching signature was the reason for 76% of the rejections. *Id.* The Law’s application is  
3 also highly arbitrary: rejection rates vary wildly among counties—and even within the same county  
4 in different elections—without any ascertainable reason. *See id.* ¶¶ 8–9. Thus, a voter in Fresno  
5 County in the November 2020 election was 18 times more likely to have their ballot rejected than  
6 a voter in San Francisco County, and a voter in San Bernardino County in the March 2024 primary  
7 was nearly 10 times more likely to have their ballot rejected than a voter in Los Angeles County.  
8 *Id.* Statewide, the rate of signature mismatch in the 2020 general election for all ballots was 0.31%.  
9 *Id.* ¶ 8. In the 2022 general election, the rate was 0.49%. *Id.* And most recently, in the March 2024  
10 Primary, 0.34% of all mail ballots were rejected on this basis. *Id.* Although the percentage of ballots  
11 rejected for signature verification issues may seem small, because so many California voters cast  
12 their ballots by mail, that percentage amount to *tens of thousands of rejected ballots in every single*  
13 *election.* Compl. ¶¶ 6, 78.

#### 14 Plaintiffs’ Lawsuit

15 Plaintiffs sued to protect against this repeated, severe, and irreparable harm, which threatens  
16 their and their members’ fundamental right to vote. Parrino and Saiu both suffer from conditions—  
17 Parkinson’s disease and arthritis, respectively—that impact their signatures and increase the  
18 likelihood that their ballots will be rejected as a result. Parrino Decl. ¶¶ 5–11; Saiu Decl. ¶¶ 5–7.  
19 Both intend to vote by mail in the coming election but are afraid their ballots will be rejected.  
20 Parrino Decl. ¶ 10; Saiu, Decl. ¶ 6. Both own homes in California and pay property, sales, and other  
21 taxes here, and seek to enjoin the state from using taxpayer dollars to enforce an unconstitutional  
22 law. Parrino Decl. ¶ 2; Saiu Decl. ¶ 2. Parrino and Saiu are also both members of CARA, a  
23 nonpartisan membership organization comprised of approximately 950,000 retirees. Reid Decl. ¶¶  
24 3, 5, 9. CARA’s mission includes ensuring its members can meaningfully engage in the democratic  
25 process. *Id.* ¶ 4. Its members are between the ages of 55 and 90 years old, and many have  
26 disabilities, suffer from illnesses, and take medications that can impact their signatures. The vast  
27 majority of CARA’s members vote by mail, not only because it is an accessible form of voting, but  
28 also because many have conditions that make it difficult or impossible for them to stand in line at

1 a polling place to vote. *Id.* ¶¶ 5–6. CARA’s members are uniquely vulnerable to having their ballots  
2 incorrectly rejected due to an erroneous signature mismatch. *Id.* ¶¶ 5–9.

### 3 LEGAL STANDARD

4 In considering a preliminary injunction motion, courts weigh two interrelated factors: “(1)  
5 the likelihood that the moving party will ultimately prevail on the merits and (2) the relative interim  
6 harm to the parties from issuance or nonissuance of the injunction.” *Butt v. State of California*, 4  
7 Cal. 4th 668, 677–78 (1992). The necessary weight each factor must carry depends on the degree  
8 to which the other is present: if movants make “a sufficiently strong showing of likelihood of  
9 success on the merits, the trial court has discretion to issue the injunction,” even if they cannot  
10 show the balance of harms tips in their favor. *Common Cause v. Bd. of Supervisors*, 49 Cal. 3d 432,  
11 446–47 (1989). Similarly, an injunction should issue if movants demonstrate a “reasonable  
12 probability of success . . . and that they would suffer more harm in the meantime if an injunction  
13 were denied than the State would suffer if it were granted.” *Butt*, 4 Cal. 4th at 693–94 (emphasis  
14 omitted).

### 15 ARGUMENT

#### 16 I. Plaintiffs have standing.

17 Plaintiffs have standing under four different recognized theories. *First*, Parrino and Saiu  
18 have direct standing because their health conditions put them at heightened risk of  
19 disenfranchisement as a result of the Signature Verification Law. Parrino Decl. ¶¶ 5–11; Saiu Decl.  
20 ¶¶ 5–7; *see also Chiatello v. City & County of San Francisco*, 189 Cal. App. 4th 472, 494 (2010)  
21 (to establish direct standing, plaintiff must face “danger of sustaining [a] direct injury as the result  
22 of” the challenged law). *Second*, CARA has beneficial-interest standing because its members—  
23 including Parrino and Saiu—are at unique risk of having their ballots rejected under the Law. Reid  
24 Decl. ¶¶ 6–10; *see also Assoc’d Builders & Contractors, Inc. v. S.F. Airports Com.*, 21 Cal. 4th  
25 352, 361–62 (1999). *Third*, all Plaintiffs have public-interest standing because they seek a writ of  
26 mandate to compel election officials to comply with the California Constitution. *Common Cause*,  
27 49 Cal. 3d at 439. *Finally*, all Plaintiffs also have taxpayer standing. *See* Cal. Code of Civ. P. §  
28 526a; *Gilbane Bldg. Co. v. Super. Ct.*, 223 Cal. App. 4th 1527, 1531 (2014) (holding organization

1 has taxpayer standing if “at least one of its members” has taxpayer standing).

2 **II. Plaintiffs are likely to succeed on the merits.**

3 The Signature Verification Law violates Article II, section 2.5 because it requires the  
4 rejection of a voter’s ballot based on the arbitrary and error-prone decisions of election officials,  
5 even where the voter has signed their ballot in their own handwriting and done everything else  
6 required of them to cast their ballot in accordance with California law.

7 **A. Statutes that conflict with the Constitution are void.**

8 All statutory provisions must comply with the California Constitution’s terms, and  
9 “everything done in violation of it is void.” *Katzberg v. Regents of Univ. of California*, 29 Cal. 4th  
10 300, 307 (2002) (quoting *Oakland Paving Co. v. Hilton*, 69 Cal. 479, 484 (1886)). Thus,  
11 “[w]herever statutes conflict with constitutional provisions, the latter must prevail.” *People v.*  
12 *Navarro*, 7 Cal. 3d 248, 260 (1972). In considering whether there is a conflict, courts attempt “to  
13 determine and effectuate the intent of those who enacted the constitutional provision at issue,” an  
14 analysis that “begin[s] by examining the constitutional text, giving the words their ordinary  
15 meanings.” *Richmond v. Shasta Cmty. Servs. Dist.*, 32 Cal. 4th 409, 418 (2004) (cleaned up). When  
16 the text “‘is unambiguous and provides a clear answer,’” it ends the inquiry. *In re Gadlin*, 10 Cal.  
17 5th 915, 936 (2020) (quoting *Microsoft Corp. v. Franchise Tax Bd.*, 39 Cal. 4th 750, 758 (2006)).

18 **B. The Signature Verification Law facially conflicts with Article II, section 2.5.**

19 The language of Article II, section 2.5 is clear and unambiguous, and the Signature  
20 Verification Law conflicts with it. Section 2.5 conveys a simple, mandatory command: if a voter  
21 follows the requirements necessary to cast their ballot, their ballot “shall be counted.” As the  
22 Supreme Court has explained, it is “well-settled . . . that the word ‘may’ is ordinarily construed as  
23 permissive, whereas ‘shall’ is ordinarily construed as mandatory.” *Common Cause*, 49 Cal. 3d at  
24 443. Section 2.5 thus establishes a mandatory duty to count all ballots submitted by voters “in  
25 accordance with the laws of this State,” without exception.

26 Section 2.5 is focused on the steps the *voter* must take to *cast* their ballot, and specifically  
27 protects them from disenfranchisement if they have taken those steps. In other words, a voter’s  
28 ballot cannot be rejected by election officials at the *ballot counting* stage unless the voter failed to

1 comply with the requirements to vote at the *ballot casting* stage. The text is unambiguous, so the  
2 Court need go no further, but the provision’s history also makes clear that the provision was  
3 intended to ensure that voters are not disenfranchised as a result of decisions made by “government  
4 officials” after their ballots are lawfully cast. *See supra* at 6; *see also Patterson v. Padilla*, 8 Cal.  
5 5th 220, 241 (2019) (confirming meaning of text based on analysis and arguments in the official  
6 ballot pamphlet, which is a “useful source of ascertaining voter intent”).

7 The Signature Verification Law directly conflicts with section 2.5’s constitutional guarantee  
8 because it prohibits election officials from *counting* a ballot despite the voter’s compliance with  
9 the law when they *cast* the ballot. Specifically, it not only allows but requires election officials to  
10 reject ballots even if a voter has done everything they are required to do under law to cast their  
11 ballot—including signing it in their “own handwriting” and returning it by the statutory deadline.  
12 Cal. Elec. Code §§ 3011, 3020. There is no requirement that a voter ensure that their handwriting  
13 remains static, or that they sign their ballot envelope consistent with the way they signed a prior  
14 record. And the Signature Verification Law does not itself impose any requirements on how a voter  
15 must sign their name when they cast their ballot. The law instead directs election officials to  
16 compare signatures and provides them with a process for doing so, but that process applies only  
17 *after* the voter has already cast their ballot.

18 As a result, the Signature Verification Law—which requires the rejection of a voter’s ballot  
19 even when the voter has followed all the rules to cast their ballot—is not consistent with the text of  
20 Article II, section 2.5, and Plaintiffs are likely to succeed on the merits of their claim.

21 **C. The Signature Verification Law is unconstitutional even absent a facial conflict.**

22 Even if the Signature Verification Law did not facially conflict with Article II, section 2.5,  
23 Plaintiffs would still be likely to succeed because the Law requires the rejection of ballots based on  
24 the flawed and arbitrary pseudoscience of signature comparison, which cannot survive the  
25 heightened scrutiny imposed by Article II, section 2.5. California has long held that strict scrutiny  
26 applies to an election law that “has a real and appreciable impact upon the equality, fairness and  
27 integrity of the electoral process.” *Choudhry v. Free*, 17 Cal. 3d 660, 664 (1976) (quotation marks  
28 omitted). Article II, section 2.5 established heightened protections for ballots cast in accordance

1 with state law precisely because discarding lawfully cast ballots strikes directly at the fairness and  
2 integrity of the electoral process. Indeed, the legislative author of Article II, section 2.5 anticipated  
3 that “absent compelling justification otherwise,” every compliant ballot would be counted. Ex. B,  
4 Sen. R. Com., Analysis of Bill No. ACA 9 (2001–2002 Reg. Sess.) at 2. The Signature Verification  
5 Law—which rejects ballots based on a rushed signature comparison by lay election officials lacking  
6 the appropriate training, equipment, time, information, and comparators—does not provide a  
7 compelling justification to deprive a lawful voter of their right to have their ballot counted.

8 **1. Signature comparison is not a reliable way to determine whether a voter**  
9 **signed their ballot in “their own handwriting.”**

10 Signature comparison is a demonstrably unreliable, inconsistent, and arbitrary method of  
11 verifying voter identity. Mohammed Decl. ¶ 45. This is evident from the dramatic variation in the  
12 rate of rejections for non-matching signatures across counties and elections. Palmer Decl. ¶ 9. As  
13 compared to professional document examiners, laypeople are several times more likely to mistake  
14 authentic signatures for fraudulent ones. Mohammed Decl. ¶ 48. Even in optimal conditions, lay  
15 reviewers were almost four times as likely to erroneously identify a genuine signature as inauthentic  
16 when compared to a professional. *Id.* And California’s signature verification regime simply does  
17 not—and cannot—provide anything close to optimal conditions. This is true for several reasons.

18 First, election officials have inadequate training and experience. Professionals who compare  
19 and authenticate signatures complete several years of training, use specialized tools, and require  
20 ample time to consider a wide variety of comparator signatures. Mohammed Decl. ¶ 52. California  
21 does not require or provide minimum standards for signature reviewers. *See* Cal. Elec. Code § 3019.  
22 In 2022, the Secretary declared that she would “provide a yearly training program for elections  
23 officials and staff,” Cal. Code Regs. tit. 2, § 20962, but there is no published information on the  
24 training, including when it occurred, who attended, or what guidance was provided. The 2023  
25 training presentation produced by the Secretary, obtained by Plaintiffs via a public records request,  
26 shows that the training provides “very little additional guidance” beyond the Secretary’s regulations  
27 themselves. Mohammed Decl. ¶ 29; *see* Ex. G, Cal. Sec’y of State & CACEO, *Signature*  
28 *Verification Training* (2023).

In fact, there appears to be little to no standardization for how each county handles signature

1 verification. The only county that seems to have published public-facing materials about signature  
2 verification training is San Bernardino County, but those materials only underscore the problem.  
3 In a training slideshow for the most recent March 5, 2024 primary election the County encouraged  
4 officials reviewing signatures to challenge voters' ballots: **"REMEMBER: If you have to spend**  
5 **more than a few seconds reviewing it . . . CHALLENGE IT."** Ex. H, San Bernardino County  
6 Registrar of Voters, *Signature Verification Training: March 5, 2024 Presidential Primary Election*  
7 at 40; *see also* Mohammed Decl. ¶ 25. Perhaps as a result, San Bernardino had a disproportionately  
8 high rejection rate for signatures compared to other California counties in that election—more than  
9 triple the statewide average and ten times higher than the neighboring Los Angeles County. *See*  
10 Palmer Decl. ¶ 9.

11 Second, election officials do not have adequate time, comparator signatures, or resources to  
12 conduct the comparison. Professionals require several hours to conduct a single accurate signature  
13 comparison. Mohammed Decl. ¶ 42. By contrast, election officials must attempt to verify millions  
14 signatures each election and cannot possibly spend much time on any individual comparison.  
15 Professionals must have excellent eyesight and magnifying equipment to accurately authenticate  
16 signatures; the California Law requires neither a minimum standard of eyesight nor the use of any  
17 specialized equipment. *Id.* ¶¶ 41, 63. Professional standards require many comparator signatures  
18 that were signed by the individual close-in-time and under similar conditions to conduct accurate  
19 signature authentication; the Signature Verification Law requires neither any minimum number of  
20 comparators, nor that they be signed close-in-time or under similar conditions. *Id.* ¶ 65.

21 Under the most optimal conditions, accurate signature comparison is extremely difficult,  
22 even for professionals. Mohammed Decl. ¶ 60. This is because handwriting can vary significantly  
23 for all kinds of innocent reasons, including natural changes, age, illness, injury, medication,  
24 eyesight, alcohol, drug use, and psychological state of mind. *Id.* ¶¶ 58–60. Mechanical factors, like  
25 pen type, ink, writing surface and position, and paper quality can also contribute to significant  
26 variances. *Id.* ¶¶ 43–44, 54. So can a voter's background: for example, voters who are elderly or  
27 disabled may have signatures that change with some frequency due to medication and other health-  
28 related conditions; young voters may be in the process of developing a permanent signature; voters

1 whose primary language does not use Roman characters also exhibit greater natural signature  
2 variability, making them especially likely to have their genuine signatures rejected. *Id.* ¶¶ 55–56.  
3 Even though election officials are instructed to consider many of the issues, they lack the training,  
4 experience, time, and resources necessary to accurately account for the myriad factors that create  
5 signature variation. *Id.* ¶ 54. Moreover, rather than carefully review original signatures of voters  
6 that would contain the subtleties that help professionals recognize authentic signatures, some  
7 election officials are instructed to rapidly review digitized images of signatures—sometimes four  
8 voters’ signatures at a time—on a computer interface that warps their appearance. *See* Ex. I,  
9 Sonoma County Registrar of Voters, *Signature Checking: Verifying VBM Signatures on Ballot*  
10 *Envelope*; Mohammed Decl. ¶¶ 43–44.

11 The unreliable nature of signature comparison explains why California counties have  
12 initially rejected a significant number of ballots that were ultimately determined to be cast by the  
13 voter to whom the ballot was issued. Based on an examination of cure data from four counties, Dr.  
14 Palmer found that approximately 40% of ballots initially rejected for mismatching signature are  
15 subsequently determined to be cast by the voter to whom the ballot was issued.<sup>2</sup> For instance,  
16 between 2018 and 2024, 41.6% of the ballots initially rejected for a signature mismatch in  
17 Sacramento County were ultimately determined to be cast by the voter to whom the ballot was  
18 issued. Palmer Supp. Decl. ¶ 9. Similarly, between 2022 and 2024, at least 40.7% of the ballots San  
19 Bernardino County initially rejected for signature mismatch were ultimately determined to be cast  
20 by the voter to whom the ballot was issued, *id.* ¶ 10; between 2019 and 2024, at least 41.3% of the  
21 ballots San Diego County initially rejected for signature mismatch were ultimately determined to  
22 be cast by the voter to whom the ballot was issued, *id.* ¶ 11, and across four elections from 2022 to  
23 2024, at least 27.3% of the ballots initially rejected for a signature mismatch in Contra Costa County  
24 were ultimately determined to be cast by the voter to whom the ballot was issued. *Id.*

25 In addition, Contra Costa County further identified errors in its own signature verification  
26

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27 <sup>2</sup> Counsel for Plaintiffs submitted requests under the California Public Records Act to 19 counties  
28 in California. As of August 8, 2024, only nine counties had provided data on their cure process—  
five of which did not distinguish among which ballot defect was cured. *See* Palmer Supp. Decl. ¶  
5.

1 process through additional review. In the 2024 presidential primary, Contra Costa County engaged  
2 in third-level signature review after it had already sent out cure letters to voters whose ballots were  
3 rejected due to signature mismatches. *Id.* ¶ 7. Through this third-level review, the County  
4 determined that, in addition to the voters who successfully cured their ballots, another 15% of the  
5 mail ballots that were initially rejected for mismatching signature were incorrectly rejected. *Id.* In  
6 total, almost 40% of the ballots initially rejected by Contra Costa County for mismatching signature  
7 in the 2024 primary were ultimately determined to be cast by the voter to whom the ballot was  
8 issued. *Id.*

9 **2. The amendments to the Signature Verification Law could not fix the**  
10 **inherent problems with signature comparison.**

11 The first significant amendment to California’s Signature Verification Law was in 2013, to  
12 allow election officials to use more than one signature in the voter’s record as a point of comparison;  
13 the history of that amendment shows lawmakers were aware of signature verification’s “pitfalls,”  
14 including that “voters’ signatures change over time.” Ex. C, Sen. R. Com., Analysis of Bill No.  
15 A.B. 1135 (2013–2014 Reg. Sess.) at 4. Then, in 2018, in response to the *La Follette* court’s ruling  
16 that the then-existing Law violated due process, the Legislature enacted the Every Vote Counts Act  
17 to require that officials attempt to notify impacted voters and provide an opportunity to “cure” the  
18 rejection. *See* S.B. 759, 2017–2018 Leg., Reg. Sess. (Cal. 2018). The bill author, Senator Mike  
19 McGuire, recognized there are many innocuous reasons why a signature may change, such as  
20 “being signed in another language due to language barriers, disabilities, inconsistent signatures,  
21 and many more factors.” Ex. D, Sen. Com. on Elec. & Const. Ams., Analysis of Bill No. S.B. 759  
22 (2017–2018 Reg. Sess.) at 3. In 2021, the Legislature again amended the law to codify emergency  
23 regulations that the Secretary issued ahead of the 2020 election, requiring officials to apply a  
24 presumption of validity as well as a “beyond a reasonable doubt” standard to verification  
25 procedures; a bill report shows that legislators were aware that mistaken rejections continued to  
26 “disproportionately impact the most vulnerable Californians—those with limited English  
27 proficiency, disabilities, first-time and aging voters, and voters of color.” Ex. E, Sen. R. Com.,  
28 Analysis of Bill No. S.B. 503 (2021–2022 Reg. Sess.) at 2.

That none of these reforms have been successful in saving lawful ballots from rejection is



1 because, as a practical matter, it is impossible for the Law to be written and consistently applied to  
2 address all of the problems inherent with signature comparison. For example, while the Law now  
3 expressly requires officials to consider specific reasons for signature variance such as illness or  
4 medications, officials do not have information to know whether most of these considerations apply.  
5 *See* Cal. Elec. Code § 3019(a)(2); Mohammed Decl. ¶¶ 45, 60. There is no requirement for officials  
6 to investigate this type of information as to each voter, and given the number of ballots in review,  
7 it would be practically impossible for them to do so. *See also* Compl. ¶ 18.

8 The notice and cure process, it appears, is only marginally helpful given the persistently  
9 high rates of rejection. The process is burdensome to voters who are not expecting to—and under  
10 the California Constitution, should not be required to—have to take additional steps to have their  
11 ballots counted. *See, e.g.,* Parrino Decl. ¶ 12. Even if a voter completes the Signature Verification  
12 Statement, they are *again* subject to signature verification, under the same problematic conditions.  
13 As a result, all the problems with signature verification for mail ballot envelopes also apply to the  
14 cure process. *Id.* § 3019(d)(4)(B). For example, in Contra Costa County, 35% of voters who  
15 attempted to cure their ballot in the 2024 March Primary by submitting a Signature Verification  
16 Statement were rejected a second time and, as a result, disenfranchised. Palmer Supp. Decl. ¶ 6.

17 **D. The threat of irreparable harm to Plaintiffs favors an injunction.**

18 Absent a preliminary injunction, tens of thousands of voters are likely to have their ballots  
19 rejected in the upcoming election because of signature issues. *See* Palmer Decl. ¶¶ 7–8. Plaintiffs  
20 Parrino and Saiu—along with hundreds of other members of CARA—are especially threatened  
21 because they suffer from conditions that make it difficult or impossible to sign their name in a  
22 consistent way. *See supra* at 9. Disenfranchisement constitutes an irreparable injury; there is no  
23 way to compensate a citizen for the deprivation of their most fundamental right. *See, e.g., Jauregui*  
24 *v. City of Palmdale*, 226 Cal. App. 4th 781, 791 (2014) (upholding preliminary injunction because  
25 plaintiffs “would be irreparably harmed” by holding an upcoming election under the challenged  
26 law).

27 An injunction would not only protect Plaintiffs against wrongful disenfranchisement, but it  
28 would also prevent the Defendant and other election officials from wasting taxpayer funds on a

1 ballot review process that neither verifies voters' identity nor prevents fraud. *See, e.g.*, Ex. E, Sen.  
2 R. Com., Analysis of Bill No. SB 503 (2021–2022 Reg. Sess.) at 3 (discussing allocation of  
3 taxpayer dollars for promulgation of statewide signature verification regulations). Despite the high  
4 number of mail ballot rejections due to signature mismatch, there is no evidence to suggest that  
5 these rejections are the result of attempted voter fraud. Indeed, all of the evidence is to the contrary.  
6 In the last five years, there has only been one prosecution for forging a signature on a mail ballot,  
7 and that instance was identified—not because of signature verification—but because the person to  
8 whom the ballot had been issued died before the ballot was returned. *See People v. Elizabeth Ann*  
9 *Gale*, MCR073194 (Super. Ct. Madera County, June 20, 2022); Compl. ¶ 8 & n.4. Indeed, the  
10 Signature Verification Law is duplicative of other security and verification processes already in  
11 place. State law prescribes criminal penalties for fraudulently signing a mail ballot envelope, and  
12 every single mail ballot includes a “declaration, under penalty of perjury, stating that the voter  
13 resides within the precinct . . . and is the person whose name appears on the envelope.” *See* Cal.  
14 Elec. Code § 3011(a)(1). The Signature Verification Statement includes similar language. *Id.* §  
15 3019(d)(5). Under California law, perjury and election fraud are each a felony. *See* Cal. Penal Code  
16 § 126; Cal. Elec. Code § 18500.<sup>3</sup>

17 Finally, the state has no interest in implementing a law that conflicts with Article II, section  
18 2.5. As the Supreme Court explained in *Patterson*, where the Constitution contains a specific  
19 limitation, it necessarily constrains any generalized authority the Legislature enjoys over elections.  
20 *See* 8 Cal. 5th at 247. Thus, while it is undisputed that the State retains general authority to secure  
21 its elections, no system it employs may—as the Signature Verification Law does—authorize or  
22

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23 <sup>3</sup> California law also requires the implementation of mail ballot tracking systems in a manner  
24 that would allow a person to know if anyone other than the voter returned the voter's ballot without  
25 their permission. *See* Cal. Elec. Code §§ 3017, 3019.7. Every mail ballot envelope contains a unique  
26 code that allows it to be tracked every step of the way, including when the ballot has been delivered,  
27 and when the voter's completed ballot has been received by the county elections official. *Id.* §  
28 3019.7. Voters in every county may subscribe to receive automated email, text message, or voice  
message updates about the status of their mail ballot—which should make any subscribed voter  
immediately aware if their ballot was fraudulently returned. *See* Ex. F, Cal. Sec'y of State, *Where's*  
*My Ballot?* The Secretary also maintains a system for tracking voters who may have died to ensure  
that no one can fraudulently return the ballot of a deceased person. *See* Cal. Code Regs. tit. 2, §  
20991(c)(11).

1 require election officials to reject ballots that have been cast in accordance with the law. Cal. Const.  
2 art. II, § 2.5.

3 **CONCLUSION**

4 For the foregoing reasons, Plaintiffs' Motion for Preliminary Injunction should be granted,  
5 and California's Signature Verification Law should be enjoined pending a trial on the merits.

6  
7 Dated: August 9, 2024

By:  \_\_\_\_\_

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PROOF OF SERVICE

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES )

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action. On the date herein below specified, I served the foregoing document described as set forth below on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as indicated herein below.

DATE OF SERVICE : August 9, 2024

DOCUMENT(S) SERVED : PLAINTIFF'S AMENDED MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION

PARTIES SERVED : SEE ATTACHED SERVICE LIST

(BY MAIL AS FOLLOWS): I placed the envelope for collection and processing for mailing following this firm's ordinary practice with which I am readily familiar. On the same day correspondence is placed for collection and mailing, they are deposited in the ordinary course of business with the United States Postal Service.

(VIA FACSIMILE): I sent via facsimile the above described documents to the offices of the addressee(s) as indicated. The transmission was reported as successful immediately following complete transmission.

(VIA EMAIL): I caused above-referenced documents to be emailed to the addressee at the following email addresses:

Said email was reported complete and without error.

XXX (VIA ELECTRONIC SERVICE): Pursuant to agreement by the parties, by electronically transmitting the above document(s) via electronic mail, pursuant to court order or agreement by the parties, to the persons at the electronic mail addresses listed on the attached Service List. To my knowledge, the transmission was reported as complete and without error.

(BY PERSONAL SERVICE): I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

\* \* \*

XXX (STATE): I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(FEDERAL): I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

EXECUTED at Los Angeles, California on August 9, 2024.



Omar Qureshi

SERVICE LIST

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