



Behind the Scenes of Mail Voting:

The Rules and Procedures for Signature Verification in the 2020 General Election



**Stanford-MIT
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Abstract:

Due to the COVID-19 pandemic, approximately [80 million Americans](#) are projected to vote absentee or by mail ballot in November, [nearly double](#) the number who voted by mail in 2016. Many are not aware of how their state confirms the identity of mail voters. While rules differ by state, they typically include a requirement that the voter signs the return ballot envelope and often that the voter's signature on the return envelope matches the signature on file with election officials. The process by which election officials determine if the ballot signature matches the signature on file is not well understood by most voters. Yet, in the 2018 midterm elections, [1.4 percent](#) of all mail ballots were rejected, of which about 64,000 were rejected because election officials determined the signatures did not match. The increase in mail-in ballots is likely to result in more ballots being flagged or rejected due to a voter's failure to sign their ballot, an election official's determination that the signature does not match the signature on file, or the ballot's failure to meet the witness requirement. Because of the increase in mail-in ballots and the associated risk of an increase in the number of rejected ballots, signature verification rules and practices have come under renewed scrutiny ahead of the November election. This report examines the current signature verification landscape across the United States, with a particular emphasis on the battleground states of Arizona, Florida, North Carolina, Michigan, Pennsylvania and Wisconsin.

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Introduction

Due to the COVID-19 pandemic, approximately [80 million Americans](#) are projected to vote by mail in November, [nearly double](#) the number who voted by mail in 2016. Many of these voters will not be aware of their state's mail ballot requirements. Most states verify the identity of voters who cast their ballots by mail in one of two ways: 1) by comparing the voter's signature on the ballot's official return envelope to the voter's signature on file with the election office, or 2) by having a witness (or two) or a notary public sign to attest that the ballot was completed by the intended voter. These requirements are designed to ensure against voter fraud in mail voting, where the identity of the voter cannot be verified by poll workers. While there is [no evidence of widespread fraud](#) in mail voting, there have been isolated cases.

In the 2018 midterm elections, [1.4 percent](#) of all mail ballots were rejected, of which about 64,000 were rejected because election officials determined the signatures on the ballot did not match the signature(s) on file (*see Table 4 in Part I*). With the increase in the number of absentee ballots, there is likely to be an increase in the number of ballots flagged and rejected due to various ballot defects, including missing signatures of voters and witnesses and signatures that do not match the signature on file. Because of this increased risk for rejected ballots, signature verification practices have come under renewed, intense scrutiny ahead of the November election.

This report surveys the signature verification practices for absentee and mail-in ballots employed across the United States heading into the November general election, with a special emphasis on the battleground states. Part I outlines four areas: (i) the legal framework for mail-in ballot requirements related to verifying the voter's identity, specifically signature and witness requirements, (ii) the signature verification and cure processes, which vary widely by state and even by county, (iii) ballot rejection rates for signature defects, and (iv) the current litigation landscape related to signature verification and witness requirements. Part II is a deeper dive into the specific signature and witness rules, verification processes, rejection rates, and litigation in each of these six battleground states: Arizona, Florida, Michigan, North Carolina, Pennsylvania and Wisconsin.

Part I: Signature Verification Landscape

I. Signature & Witness Requirements: the Legal Framework

The legal framework for processing, verifying, and counting mail-in ballots varies widely across the 50 states and is changing quickly due to both the increased demand for mail voting and a recent flood of litigation. Every state, however, has a process for verifying the identity of a voter who casts an absentee

ballot. Every state requires the voter to sign the return ballot envelope of an absentee/mail ballot. At least thirty one states have an additional process in place to “verify” that the signature is that of the intended voter (see Table 4). In these states, election officials compare the voter’s signature on the return ballot envelope with a signature they have on file for the voter and determine if they match. Some states, alternatively or additionally, require a witness to sign the envelope to affirm the identity of the voter. At least two states, Alabama and Arkansas, require that voters also return a photocopy of an acceptable form of identification with their absentee/mail ballot.

When an absentee or mail ballot complies with the particular ballot requirements of the state, it is accepted and the votes are tabulated. It is not uncommon, however, for voters to return an absentee/mailed ballot in an envelope that does not meet all the requirements. For example, the return envelope may be missing the voter’s signature altogether or, in a state that requires signature verification, the return envelope may contain a signature that election officials determine does not match the voter’s signature on file. When ballots are returned that do not satisfy all the requirements, some states simply reject the ballot outright, while other states notify the voter and provide the voter with an opportunity to “cure” their ballot deficiency.

Some states have a process, codified in state law, for voters to “cure” signature deficiencies in time for the ballot to be counted. These states notify voters that there was a problem—either the ballot envelope was not signed, or the signature does not appear to match the one on file—and then provide the voters with a process and timeframe to verify that the ballot is, indeed, theirs. The laws of at least 30 [states](#) now require that voters be notified of a missing signature and/or a “mismatched” signature (one that election officials determine does not match the signature on file) and afford an opportunity to cure the deficiency. The states that provide voters with notice and cure opportunities for signature deficiencies include Arizona, California, Colorado, Florida, Georgia, Hawaii, Idaho, Iowa, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Jersey, New York, North Dakota, Ohio, Oregon, Rhode Island, Utah, Washington, and West Virginia, as well as the District of Columbia. Due to ongoing state and federal lawsuits regarding its notice and cure process, North Carolina has restored its process after it was temporarily suspended due to the litigation. [New York](#) is allowing voters to cure ballot issues temporarily, only for the November 2020 election, due to the pandemic.

In states that do not have such a notice and cure process, ballots with missing or mismatched signatures on the envelope are simply not counted. In these states, when election officials determine that the signatures do not match, they simply reject the ballots outright. [Louisiana and Mississippi](#), for example, require election officials to compare signatures on each absentee ballot to the voter’s signature on file and toss ballots where the signatures do not match, without notifying the voter in advance. To accommodate the pandemic, however, Louisiana [codified a process](#) by which voters can cure their

signature deficiencies for the primaries only. On October 12, 2020, after plaintiffs initiated a lawsuit to extend the accommodation to the general election, the Louisiana legislature [issued an emergency rule](#) allowing voters to cure ballot deficiencies. After the passage of the emergency rule, plaintiffs in the lawsuit withdrew their cure-related claims. In [Maine](#), prior to a recent [Superior Court court ruling](#), election officials could simply void a ballot without telling the voter that the election official believes the ballot signature does not match the signature on file. However, the Secretary of State [issued guidance](#) on September 18, 2020, requiring clerks to “make a good faith effort to notify the voter as quickly as possible (within one business day at a minimum) that the ballot may be rejected or challenged unless its defect is cured.” The [Superior Court decided](#) on September, 30, 2020, that this guidance provides voters with adequate Due Process. In general, due largely to litigation in recent years, there is a trend toward more states adopting notice and cure procedures.

For states that do not rely on signature matching to verify the voter’s identity, the most common way election officials authenticate the identity of the voter is by requiring a witness or notary public to sign the ballot, attesting that they observed the intended voter complete the ballot. [Twelve states](#) typically require an absentee ballot to be witnessed or notarized in order to be counted: Alabama, Alaska, Louisiana, Minnesota, Mississippi, Missouri, North Carolina, Oklahoma, Rhode Island, South Carolina, Virginia, and Wisconsin. [Alabama](#) requires that voters have two witnesses sign their ballots or have their ballots notarized. [North Carolina](#) reduced the requirement from two to one witness during the pandemic. [Oklahoma](#) is allowing absentee voters to send a copy of a photo ID instead of finding two witnesses. [Minnesota](#), [Rhode Island](#) and [Virginia](#) suspended their states’ witness requirement during the pandemic after lawsuits were filed challenging the requirement, and [Missouri](#) also waived the requirement for 2020.

Opportunity to cure a witness defect on a ballot also varies by state and county. In [Wisconsin](#), while there is no statewide rule, some counties notify voters of witness defects and provide an opportunity to cure, and others do not. In [North Carolina](#), the issue of whether voters can cure a witness defect has been the subject of a complicated set of lawsuits, settlements, stay orders, and appeals that, as of October 4, 2020, is changing day to day.

For states that provide voters an opportunity to cure ballot defects, there is also variation among states regarding the deadline for cure. For signature defects, for example, some states, such as Montana, require the voter to cure the defect by Election Day, leaving no remedy for mail-in ballots that arrive on or after Election Day. Others, such as Nevada and California, provide some period post-Election Day for voters to cure the defects. The deadline for curing ballot defects can be different for different defects. For example, under Arizona law, voters had until five business days after Election Day to cure signature mismatches, but only until Election Day to cure missing signatures. A federal court recently

[required](#) Arizona to extend the cure period for missing signatures to match the cure period for mismatched signatures, but as of publication of this report, that case is on appeal.

Table 1 displays the signature-matching practices and requirements for mail-in ballots in the battleground states.

Table 1: Legal Framework for Signature Verification in Battleground States

Battleground State	Requires Signature Verification Process?	Signature Verification Practices Codified?	Witness Requirements?	Allows Cure of Missing Voter Signature?	Allows Cure of Mismatched Signature?	Allows Cure of Witness Signature Error?	Voters have a chance to cure signature issues after Election Day?
AZ	YES	YES	NO	YES	YES	N/A	YES
FL	YES	YES	NO	YES	YES	N/A	YES
MI	YES	NO	NO	YES	YES*	N/A	NO
NC**	NO	N/A	YES	YES	N/A	YES	YES
PA	NO	N/A	NO	YES	N/A	N/A	NO
WI	NO	N/A	YES	YES	N/A	YES	NO

Table 1 is color-coded based on whether or not the practice in question makes it easier (green) or harder (red) for voters to cast their ballots.

*Voters must spoil the ballot with the mismatched signature and request a new ballot. Some jurisdictions may allow voters to cure their original ballot, but there is no state law to that effect.

**Under new NCSBE Guidance issued on October 4, 2020, North Carolina’s notice and cure process for missing signatures and witness defects is temporarily suspended until several pending lawsuits are resolved, likely in the near future.

A. Battleground States that Conduct Signature Matching

Of the six battleground states, three states--Arizona, Florida, and Michigan--practice signature verification. In Arizona, election officials are required to [compare the signature on the voter’s mail-in ballot](#) envelope with the signature on the voter’s registration record. State law appears to allow for a broad range of practices for the actual matching process, from the use of a forensic specialist with expertise in signature matching (as is done in Maricopa County) to applying a simple visual check based on subjective judgment of the election officials. If the signature is “inconsistent,” the election official is required to make “reasonable efforts” to contact the voter to provide an opportunity to cure the problem. Voters had until five business days after Election Day to cure signature mismatches, but only until Election Day to cure missing signatures. A federal court recently [required](#) Arizona to extend the cure period for missing signatures to match the five-business-days post-Election Day cure period for mismatched signatures, but as of publication of this report, that case is on appeal.

While Florida’s signature verification practices are codified ([Fla. Stat. § 101.68](#)), the law itself does not provide standards for signature matching, leaving discretion to the counties. In Miami-Dade County, Florida’s largest county, election officials are trained in signature matching practices by a forensic specialist, and officials must pass a test on signature matching in order to match signatures for voter ballots. (Per conversation with Miami-Dade County election official, 9/21/20). In Wakulla County, one of Florida’s least populous counties, election officials are not trained in forensic signature matching and just look for similarities between signatures. (Per conversation with Wakulla County election official, 9/21/20). A 2019 law requires the state to provide signature matching training to all Supervisors of Election and county canvassing board members, but not all staff engaged in signature verification attend. Voters have until two days after the election to cure signature problems and must include a copy of identification along with the signed cure affidavit.

In Michigan, election officials are required to [compare the signature on the voter’s mail-in ballot envelope with the “Qualified Voter File”](#) to “determine the genuineness of [the] signature.” [Per Michigan’s recent guidance on signature matching](#), a signature is deemed insufficient only if it has “multiple, significant, and obvious differences” from the signature on file. On October 7, 2020, Governor Gretchen Whitmer signed a new bill ([Senate Bill 0757](#)) that requires election officials to notify voters within 48 hours of determining that a signature does not match. If the signature is contested less than 48 hours before election day, officials must notify voters by 8 p.m. the day before the election. Another recent bill ([House Bill No. 5991](#)) would require election clerks to notify voters of signature mismatches and provide cure opportunities until 10 days before the election is certified. That bill [was referred](#) to the Michigan House Committee on Elections and Ethics on July 23, 2020, but appears unlikely to pass before Election Day.

B. Battleground States that Lack Signature Matching

Laws in Wisconsin, North Carolina, and Pennsylvania do not currently require election officials to compare the voter’s signature on their ballot return envelope to a signature on file for that voter. Wisconsin voters, however, are subject to [stringent ballot witness requirements](#) which mandate that electors voting by mail must complete their ballot in front of a witness who then certifies it was completed by the intended voter. Witnesses must provide their contact information, including address, along with their signature. Guidance regarding the need for a witness for mail-in ballots in Wisconsin’s April 2020 primary elections changed daily due to litigation winding its way through the courts. On April 2, 2020, a federal district court ruled in *DNC v. Bostelmann* that [voters did not have to get a witness for their mail-in ballots](#). On April 3, 2020, [the Seventh Circuit promptly reversed](#), citing Wisconsin’s new guidance for obtaining a witness, prompted by the pandemic, and the state’s interest in promoting the integrity of elections.

As a result of [recent litigation](#), the North Carolina State Board of Elections (NCSBE) decided it would no longer require election officials to match a voter's signature with a signature on record. However, there are [other reasons why a ballot might be rejected](#) in North Carolina, including 1) a voter failed to sign the Voter Certification; 2) a voter signed in the wrong place; 3) a witness or assistant failed to print their name; 4) a witness or assistant failed to print their address; 5) a witness or assistant failed to sign; 6) a witness or assistant signed on the wrong line; or 7) the voter's ballot was in an unsealed envelope upon arrival. Under the October 4th Memo released by the NCSBE, the notice and cure process has been suspended until pending litigation is resolved and none of these defects can be cured.

Pennsylvania also recently did away with its signature matching process [as a result of litigation](#) in September 2020. Secretary of State Kathy Boockvar [issued guidance](#) to all 67 Pennsylvania counties that prohibits them from setting aside mail-in ballots based solely on a signature matching issue. On September 23, 2020, the Trump Campaign filed an amended complaint in their separate case against Secretary Boockvar in the United States District Court for the Western District of Pennsylvania, adding a challenge to Secretary Boockvar's September 2020 guidance prohibiting counties from rejecting absentee ballots based on signature verification. On [October 23, 2020](#), the Supreme Court of Pennsylvania ruled that election officials are prohibited from rejecting mail-in ballots based on signature comparison.

II. The Signature Matching Process

Signature matching is the process of comparing a signature on the return envelope of a mail ballot against an image of a voter's signature stored in the voter registration files. Voter registration files include the signature voters provided when they registered. In some states, the file can also include signatures provided at other times, such as when voters updated their voter registration (e.g. due to change of address, name, or political party), or from other official contexts, such as from the DMV (usually the signature on a driver's license) or an electronic signature from a time they voted in person (if the voter signed an electronic signature at the polls). Some states or counties store and are able to show election officials images of multiple signatures on file, while others only store or show election officials one signature.

The process of signature matching varies by state and can even vary by county and township within each state. States and counties employ a wide variety of approaches to signature matching: (i) some jurisdictions use automated technology to assist in the review process while others do not; (ii) some employ temporary staff to evaluate signatures, while others rely on permanent staff; (iii) some states have formalized standards for signature verification training and assessment, while others have only informal training and leave much of the process to the discretion of each county election official, and

(iv) and some states allow election observers to watch the process and object to matching determinations by election officials, while others do not.

A. Review Processes & Use of Automated Systems for Matching

For the majority of counties and states, the signature review process is a tiered process, meaning the first determination that a ballot signature is a mismatch is not the final decision. In the first tier of review, signatures are typically compared by either a staff member or an automated system.

In many counties, ballots are first run through a ballot processing machine that scans and captures the signature digitally. The machines, such as those used in Miami-Dade County in Florida, will then display the image of the scanned signature on a monitor next to an image of at least one signature the state or county has on file for that voter, allowing a staff member to see the signatures side by side to facilitate their ability to visually compare them. (Per conversation with Miami-Dade County election official, 9/21/20). If the initial human reviewer determines the signatures match, that is often sufficient to satisfy the signature verification requirement, and the ballot will be opened and counted. If the initial human reviewer determines there is a mismatch, the ballot typically goes to the next level of human review.

Other counties rely on automated systems and software to compare the newly scanned signature with one or more signatures on file for the voter in the first tier of review. According to Greg Council, a vice president at Parascript, a company providing signature matching software, [about 70 large counties across the country](#) use automated signature verification software to review ballot signatures. A [recent exploration](#) of the signature verification process in 33 California counties found that only nine counties in the state used automated systems for signature matching purposes and none allowed a mismatch to be determined conclusively based on an automated determination. A few additional California counties were considering moving to automation for the 2020 general election.

In many counties using automated comparison systems for signature matching, an automated determination of a match is sufficient to verify the signature and will qualify the ballot to be opened and counted. In contrast, an automated determination that the signature does *not* match is typically insufficient to reject the ballot. Such a ballot goes to a staff member for human evaluation of the signature and to determine whether there is a mismatch.

If the second level human reviewer agrees the signature is a mismatch, then, depending on the county, the ballot is either rejected or goes to a third tier of review by a supervisor in the elections office (e.g. the registrar, assistant registrar, or other senior staff member). In some states and counties, the supervisor has the power to make a final decision. In Detroit, Michigan, for example, an intermediate supervisor

(below the City Clerk) can declare a mismatch. (Per conversation with Detroit Department of Elections, 9/23/20). In other jurisdictions, the final decision is made by a canvassing board.

B. Notice & Cure

In states that allow voters to “cure” signature mismatches, a final determination that the signature on the return ballot envelope does not match the voter’s signature on file is sometimes referred to as a “challenge.” As of October 4, 2020, [28 states](#) permit voters to fix or “cure” a signature mismatch on a challenged ballot. While some states have allowed signature curing for some time, more and more states are offering voters the option after a [spate of litigation](#) on this issue in 2020. One state, New York is notifying voters and allowing signature cure only for the 2020 general election, in response to the threat of COVID-19 on voters’ health. In states that offer “notice and cure” opportunities, election officials will make efforts to contact the voter, through some combination of mail, email, and/or phone, and give the voter an option to cure by certifying the signature is theirs, through some combination of mail, email and/or phone. Required and acceptable means of notice and cure vary by state and county. The ballot is considered “challenged” until and unless it is cured by the state’s [cure deadline](#). If it is not cured on time, it is “rejected” and not counted.

In states that do not allow voters to cure a mismatched signature, the ballot is automatically rejected upon a final determination of a mismatch by election officials, and it is not opened or counted. Texas and [Ohio](#) are two states that do notify voters and provide them an opportunity to cure signature errors. A federal district court in Texas [ordered](#) the state to either implement notice and cure procedures or refrain from comparing signatures altogether, but on appeal, on October 19, 2020, the Fifth Circuit U.S. Court of Appeals [stayed](#) the injunction, concluding that “Texas’s strong interest in safeguarding the integrity of its elections from voter fraud far outweighs any burden the state’s voting procedures place on the right to vote.” If Texas election officials decide the signature on a ballot does not match the signature on file, they may reject the mail-in ballot without notifying the voter before election day. They are required by statute to notify voters within 10 days *after* Election Day that their ballot was not counted, but there is no opportunity at that point to fix the error.

C. Staff Hiring

Some election offices have full-time staff members to accomplish signature verification; other offices hire temporary staff. A [recent examination](#) of California’s signature verification process found that larger counties often hire temporary staff to supplement their permanent staff. Some counties across California have more than 70 people to conduct the signature verification process, while smaller counties tend to rely on one to three permanent staff. Some California counties reported hiring the same temporary staff every election season for decades, while others reported temporary staff working

for only one or two seasons. Florida's Miami-Dade County, for example, hires between 30 and 100 temporary staff, usually the same people every year. (Per conversation with Miami-Dade County Executive Assistant to the Supervisor of Elections, 10/1/20).

Although some jurisdictions use temporary staff to support their signature matching process, temporary workers are not typically given the ability to make a final decision that a ballot signature is a mismatch. For example, in Michigan, jurisdictions may hire and train temporary staff to support the signature verification process, but only the election clerk for that jurisdiction, who undergoes formalized signature verification training, can make a final determination that a signature is a mismatch. (Per conversation with an election training specialist at the Michigan Bureau of Elections, 9/23/20).

In less populous counties, such as [34,000-person](#) Wakulla County, Florida, one or two individuals have verified the signatures on mail-in ballot envelopes for many years. (Per conversation with Wakulla County election official, 9/21/20). Despite having only a small staff to review all signatures, if either of the two individuals finds a mismatch, they will ask for one or two other opinions before finally declaring the signature is a mismatch and notifying the voter. (Per conversation with Wakulla County election official, 9/29/20).

D. Training and Standards

States may incorporate some form of training process, whether formal or informal, to ensure their staff (full-time or temporary) understand the process of verifying signatures. Most states that are entirely vote-by-mail states, such as [Oregon](#), [Colorado](#), and [Washington](#), have well-defined statewide standards of signature assessment. For instance, Colorado's training manual outlines and illustrates various forms of signature differences and considerations, from style (i.e. slant of writing, spacing, letter size, curves, and loops) to the source of a signature (i.e. electronic pad or paper), to populations requiring special consideration (i.e. voters who struggle with motor issues due to disability or age) (*see Figure 1*). The state also requires staff to complete signature matching exercises.

Figure 1: Images of Signatures from Colorado Secretary of State [Signature Training Guide](#)

BROAD CHARACTERISTICS

The Type of Writing

Next to spelling, the type of writing is the easiest characteristic to notice a difference in. Does the voter's record have only cursive handwriting but the ballot-return envelope has print? This is an immediate indicator for rejection of a signature or further research.

Genuine Signature	Questioned Signature
	





The Speed of Writing

Someone who is writing his or her own signature will perform the act fairly quickly. This is because the person has likely signed his or her name thousands of times, so the gesture is automatic and harmonious, requiring little thought or concentration.

If someone other than the voter took a long time to copy the voter's signature, the copied signature will not have a free and natural look to it. Instead, you should see slower, deliberate marks. If the forger attempted to create the signature quickly, then it should have various characteristic differences.





Keep in mind, though, that this situation may go in reverse. If the voter naturally has shaky or poor handwriting that is evident in the SCORE signature, but the ballot-return envelope's signature is suddenly of high quality, that could indicate a forgery.

Look to see whether the ballot-return envelope's signature was made at the same speed as the signatures in SCORE. Please keep in mind that a reasonable explanation for a shaky signature is the voter's advanced age, decreased muscle strength, or the surface below the envelope.

Genuine Signature	Questioned Signature
	
	

Overall Spacing



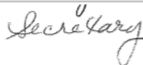



Writing a signature is a fixed and subconscious habit, so the signature's spacing should be reasonably similar. Determine whether the ballot-envelope's signature has odd or unnatural spacing that cannot be reasonably explained.

Genuine Signature	Questioned Signature
	
	

Overall Size and Proportions

The signature's size and proportions should also be reasonably similar. At your first impression, identify whether the ballot-return envelope's signature is too large or small compared to the signatures in SCORE. You may find it difficult to perform this comparison by looking only at one SCORE signature and may need to conduct further research.

The first example below has odd proportions because the letter's height compared to the name's length is very different than the genuine signature. The remaining two examples have unreasonably different sizes.

Genuine Signature	Questioned Signature
	
	
	

Michigan requires all new election clerks to undergo a two-day training that includes signature verification. The Michigan Bureau of Elections (MBE) offers an in-person refresher training during election years. For health and safety reasons, the 2020 training has mostly been provided through online courses on the state's Elections eLearning Platform. The MBE provides training materials to jurisdictions primarily through the counties, although it works directly with the election clerks of larger jurisdictions. Although the MBE's [handbook](#) for election officials requires staff to verify signatures on absentee ballots, it does not spell out what that process should entail. (Per conversation with an elections specialist at the Michigan Bureau of Elections, 9/23/20). In late 2019, plaintiffs in [Priorities USA v. Benson](#) alleged, among other things, that Michigan (1) lacks any uniform standards for reviewing signatures, resulting in various jurisdictions using diverging criteria to verify signatures, and (2) election officials lack sufficient training and skills to reliably compare signatures. In early 2020, Michigan Secretary of State Jocelyn Benson released [new signature verification guidance](#) that sets a standard that election officials should presume the intended voter signed their ballot unless there are "multiple, significant, and obvious differences" between signatures. This guidance also includes examples of matching and non-matching signatures, as well as a list of legitimate reasons, such as illness, that may cause a variation in one person's signatures. In April 2020, Priorities USA [voluntarily withdrew](#) its lawsuit.

Although a few states have a statewide uniform standard for signature verification, most states leave the training and standards to the discretion of the county elections offices. This results in significant differences among counties. Some counties codify signature verification standards in a training manual. Others, such as Miami-Dade County, [the largest county](#) in Florida, provide annual training by forensic

experts in basic graphology (handwriting identification) techniques. In Miami-Dade, each staff member must pass a test proctored by the forensic specialist to be able to verify signatures. All staff and temporary workers in Miami-Dade complete a signature verification training and test provided by Hart & Flores Questioned Document Lab, Inc. (Per conversation with Miami-Dade County election official, 9/21/20). Similarly, election officials in Maricopa County, the most populous county in Arizona and the [fourth most populous](#) county in the country, are trained every two years by forensic experts -- who also train the FBI -- in signature verification. (Per conversation with Maricopa County Recorder, 9/16/20). In contrast, some counties employ [“on the job” training](#), which can range from a formalized training that includes shadowing a trained official to an informal policy of “if you have any questions, just ask.”

In many jurisdictions, the same few individuals have run the entire process for years and rely on practices developed and memorized over time. In Florida’s Wakulla County elections office, for example, one woman has verified almost every mail-in ballot’s signature for the past 10 years, despite having no formalized training. Her colleague asserts that she has definitely become “an expert in signature” though the majority of people that verify signatures are “probably not experts.” (Per conversation with Wakulla County election official, 9/29/20).

Different states and counties employ different standards for review of signatures. Some put emphasis on evaluating the signature as a whole, while others focus on particular technicalities of the signature. For instance, in a [recent study](#) of California’s signature verification process, a large county in California emphasized following “general guidelines over specific criteria for comparison.” Other counties in California reported focusing on particular elements of the signature. On September 29, 2020, California Secretary of State adopted [emergency regulations](#) pertaining to signature verification that instruct “the voter’s registration record shall only be rejected if two different election officials unanimously find beyond a reasonable doubt that the signature differs in multiple, significant, and obvious respects from all signatures in the voter’s registration record.” Similarly, a [new Nevada law](#) allows a signature to be challenged only if it “differs in multiple, significant and obvious respects from the signatures of the voter available in the records of the county clerk.” Michigan’s [new guidance](#) provides for a mismatch only where the ballot signature differs “in multiple, significant and obvious respects from the signature on file. Slight dissimilarities should be resolved in favor of the voter whenever possible.” Some election officials and signature verification guidance simply [support](#) a presumption in favor of the voter, rather than a mismatch.

E. The Role of Observers in Signature Verification

State laws regarding the role of observers generally do not specifically address whether observers have a right to observe the signature matching process itself or to object to the conclusions of election officials as to whether a signature matched. As a result, counties in many states exercise a fair amount of discretion regarding the rights of observers in the signature verification process, and their rights are not uniform across counties. In California, for example, [research revealed](#) substantial variation among counties regarding whether observers are allowed to watch the signature comparison process and whether they are allowed to object to the conclusions of the election official regarding whether there is a match.

This is also true for the battleground states. In [Arizona](#), for example, state law allows observers to watch over “any significant voting or processing activities.” The county recorder for Maricopa County, however, reported that observers in Maricopa have no right to observe the signature verification process specifically. They may observe it if the process happens to be occurring in an area where observers are allowed, but they are not permitted to challenge a determination of whether the signature is a match or not. (Per conversation with Maricopa County Recorder, 9/16/20).

In **Michigan**, the law provides that one appointed election challenger per eligible group may observe the conduct of the “absent voter counting board,” which tallies absentee votes on Election Day and the day before Election Day. If a challenger believes an absentee ballot was submitted by a person unqualified to vote in the precinct, the challenger may challenge that ballot. ([Election Officials’ Manual](#)). An election law specialist at the Michigan Bureau of Elections for the past 15 years, however, reported that he was unaware of any requests to observe the signature verification process per se, and the procedures are unclear. ([Election Officials’ Manual](#)).

In **Florida**, the law permits the public to [inspect](#) ballots and be [present](#) for the canvass of mail-in votes. If any eligible voter observing the process believes “that any ballot is illegal due to any defect,” that observer may file a protest with the canvassing board. In Miami-Dade, the [most populous](#) county in Florida, the public can observe any of the 15 or more [canvassing board meetings](#) where mail ballots may be accepted or rejected. An observer can announce at any time whether they object to a decision or want clarification. Observers cannot touch any ballots during inspection and, due to the pandemic, there will be more strict distancing guidelines between observers and the canvassing board. While an observer may object to or question a decision, the final decision regarding the acceptance or rejection of a ballot is up to the canvassing board. (Per conversation with Miami-Dade County Deputy Supervisor of Elections, Government Affairs, and Media Relations, 10/2/20). Additionally, candidates and their representatives are allowed to be present during mail-in ballot inspection by the public and may file protests with the canvassing board ([Fla. Stat. §101.572](#)).

Because **Pennsylvania**, **Wisconsin**, and **North Carolina** will not use signature comparison processes this election, there will be no signature verification process to observe. While observers may play a role in the determination of compliance with witness requirements in these states, the particular importance of observing the signature matching process derives largely from the potentially subjective nature of the conclusion as to whether two signatures “match,” as there are often no clear standards or rules that dictate an obvious conclusion.

III. Rejection Rates Due to Ballot Defects

A. Causes for Ballot Rejections

With the large increase in the number of mail-in ballots and first-time absentee voters expected in November 2020, it seems likely there will be an increase in the number of rejected ballots. Below is a list of the most common reasons ballots are rejected:

- Lateness: A ballot is considered late if it is submitted or received after the statutory deadline (usually Election Day or some specified number of days after Election Day). In most states, lateness is the most common reason for ballot rejections.
- Missing voter signature: The voter fails to sign the ballot’s return envelope.
- Signature mismatch: If, according to election officials, the signature on the ballot envelope does not match one or more of the voter’s signature(s) in the voter files. (*Table 1* indicates which battleground states utilize signature verification to confirm identity.)
- Missing witness signature: For states that require a witness signature on the ballot envelope, if the witness signature or information is missing or incomplete. (*Table 1* indicates which battleground states utilize witnesses to confirm identity.)
- Missing ballot elements: If a voter fails to return the ballot in the official return envelope or fails to include the ballot itself.

Many studies show that the ballots of certain communities are rejected at disproportionately high rates. According to a [Stanford Law School signature verification report](#) examining the process in California, first-time voters, voters with physical and medical limitations, and voters with limited English proficiency, especially those whose language fluency originates in a non-Latin alphabet face, experience disproportionate levels of mail-in ballot rejection of all kinds, including for signature issues. Young voters are also disproportionately impacted. In the 2020 Florida presidential primary, for example, Americans between the ages of 18 to 21 had a ballot rejection rate that was [eight times higher](#) than the rejection rates for voters over the age of 65, although much of that was due to late arriving ballots. Over 65% of the 35,500 rejected ballots arrived after the 7:00pm Election Day deadline.

Many studies, both historic and current, show that the ballots of African American voters are rejected at higher rates than white voters, but importantly, most of this research examines *all* rejections, including those for lateness, and is not focused specifically on rejections for signature mismatch. Research from the [Stanford-MIT Healthy Elections Project](#), for example, shows that, in the 2020 presidential primary elections, Black voters were almost twice as likely than white voters to have their ballots rejected in [Florida](#), more than twice as likely to have their ballots rejected in [Wisconsin](#), and about 50% more likely to have their ballots rejected in [North Carolina](#). [Georgia's 2018 elections](#) showed similar trends regarding minority voters and young voters. According to a recent analysis by ProPublica, in the 2018 election, [Black voters' ballots were more than twice as likely as those sent in by white voters to be rejected](#). The 2020 general election appears to be following this same trend. As of September 17, 2020, Black voters' ballots in North Carolina are being [rejected at more than four times the rate of white voters](#).

B. Rejection Rate Charts and Graphs

Using EAVS (Election Administration and Voting Survey) from the 2016 General Election and the 2018 midterm elections, the Health Elections Project team has aggregated and presented in tables and graphs the rejection rates in all states (Table 3), with additional focus on the key battleground states (Tables 2).

Table 2: Number of ballots received, percentage that were votes by mail (VBM), and rejection rate by election in battleground states (All years refer to midterm or general elections, unless otherwise indicated as primary)

State	Total number of ballots received		Percentage of all ballots that were VBM			Percentage of all VBM ballots that were rejected		Number of VBM ballots rejected for lateness		Number of VBM ballots rejected for missing signature		Number of VBM ballots rejected for signature mismatch	
	2016	2018	2016	2018	2020 Primary ¹	2016	2018	2016	2018	2016	2018	2016	2018
AZ	2,722,660	2,409,906	74.1%	78.8%	88%	0.5%	0.5%	660	2,515	3,079	2,435	2,657	1,516
FL	9,613,669	8,355,817	27.9%	31.2%	79%	0.8%	1.2%	6,381	17,780	6,372	6,803	5,545	5,081
GA	4,147,161	3,951,876	5.1%	6.1%	48%	6.4%	3.1%	2,307	3,525	-	-	338	-
MI	4,874,619	4,341,340	25.9%	24.5%	63%	0.5%	0.6%	2,140	2,207	1,319	990	283	300
NC	4,690,195	3,705,224	3.8%	2.6%	1%	2.7%	6.1%	1,119	1,089	963	2,835	32	33
NJ	3,957,303	3,248,642	9.0%	12.5%	87.5%	2.8%	2.9%	2,594	2,142	2,849	3,661	1,161	1,913
OH	5,607,641	4,520,678	21.5%	20.8%	85.1%	0.8%	1.2%	5,203	5,945	708	566	324	225
PA	6,223,150	5,057,630	4.3%	3.9%	53%	1.0%	4.4%	1,341	8,162	573	77	-	-
TX	8,701,152	7,976,548	5.4%	6.7%	5.0%	1.7%	1.8%	2,858	4,161	660	1,242	1,567	1,873
WI	2,993,000	2,688,341	4.7%	5.6%	61.8%	0.2%	1.7%	19	1,445	-	-	-	-

¹Percentage of received ballots being VBM was derived based on the 2020 primary turnout.

Table 3: Signature issues and rejection rates in all states and D.C. in 2016 general and 2018 midterm elections

	2016 General			2018 Midterm		
State code	# of ballots rejected due to signature mismatch or missing signature	% of all rejected VBM ballots due to signature mismatch or missing signature	% of all VBM ballots rejected	# of ballots rejected due to signature mismatch or missing signature	% of all rejected VBM ballots due to signature mismatch or missing signatures	% of all VBM ballots rejected
AK	150	17.1%	3.2%	72	9.5%	3.1%
AL	-	N/A	N/A	76	5.6%	2.4%
AR	273	16.9%	5.9%	106	9.2%	7.6%
AZ	5,736	53.3%	0.5%	3,951	46.1%	0.5%
CA	40,624	69.7%	0.7%	26,331	16.3%	2.0%
CO ¹	18,691	80.4%	0.9%	15,525	81.0%	0.8%
CT	Data not available	Unknown	1.9%	Data not available	Unknown	1.9%
DC	25	75.8%	0.2%	74	22.3%	3.6%
DE	14	6.5%	1.5%	18	2.5%	5.0%
FL	11,917	54.2%	0.8%	11,884	38.9%	1.2%
GA	338	2.5%	6.4%	Data not available	Unknown	3.1%
HI	898	72.2%	0.7%	865	52.8%	0.7%
IA	1,959	46.2%	0.7%	2,653	52.0%	1.6%
ID	260	29.7%	0.4%	252	21.2%	1.6%
IL	Data not available	Unknown	1.6%	Data not available	Unknown	2.2%
IN	719	34.3%	0.2%	501	14.7%	0.4%
KS	968	22.2%	2.4%	828	44.1%	1.1%
KY	1,049	48.9%	5.6%	842	47.9%	6.8%
LA	268	11.8%	3.8%	173	6.7%	5.9%
MA	236	4.6%	3.3%	185	3.6%	5.8%

	2016 General			2018 Midterm		
State code	# of ballots rejected due to signature mismatch or missing signature	% of all rejected VBM ballots due to signature mismatch or missing signature	% of all VBM ballots rejected	# of ballots rejected due to signature mismatch or missing signature	% of all rejected VBM ballots due to signature mismatch or missing signatures	% of all VBM ballots rejected
MD	432	18.1%	1.5%	294	14.7%	1.8%
ME	1,048	42.7%	1.0%	874	41.2%	1.1%
MI	1,602	26.0%	0.5%	1,290	21.5%	0.6%
MN	895	14.7%	0.9%	788	10.5%	1.2%
MO	551	9.4%	2.1%	307	6.5%	2.2%
MS	Data not available	Unknown	1.5%	53	11.0%	0.8%
MT	840	74.7%	0.3%	971	70.7%	0.4%
NC	995	20.5%	2.7%	2,868	49.2%	6.1%
ND	294	48.1%	0.7%	394	71.1%	0.6%
NE	1,278	47.4%	1.1%	891	58.9%	0.9%
NH	565	36.1%	2.2%	237	19.8%	2.7%
NJ	4,010	40.3%	2.8%	5,574	47.7%	2.9%
NM	87	91.6%	0.2%	47	19.6%	0.1%
NV	436	37.0%	1.6%	727	41.0%	2.0%
NY	6,435	28.2%	5.7%	6,503	19.1%	13.7%
OH	1,032	10.1%	0.8%	791	6.9%	1.2%
OK	129	4.4%	2.9%	115	3.7%	4.5%
OR	15,267	86.9%	0.9%	89	50.6%	0.0%
PA	573	22.6%	1.0%	77	0.9%	4.4%
RI	723	68.2%	2.7%	530	68.4%	2.8%
SC	261	9.0%	0.6%	140	6.2%	3.1%

	2016 General			2018 Midterm		
State code	# of ballots rejected due to signature mismatch or missing signature	% of all rejected VBM ballots due to signature mismatch or missing signature	% of all VBM ballots rejected	# of ballots rejected due to signature mismatch or missing signature	% of all rejected VBM ballots due to signature mismatch or missing signatures	% of all VBM ballots rejected
SD	51	14.2%	0.3%	51	17.0%	0.3%
TN	67	11.3%	1.1%	72	8.4%	2.2%
TX	2,227	27.2%	1.7%	3,115	33.2%	1.8%
UT	4,690	67.0%	0.9%	5,204	59.4%	0.9%
VA	Data not available	Unknown	0.6%	341	16.6%	2.1%
VT	70	N/A	N/A	51	7.1%	2.7%
WA	22,811	75.3%	0.9%	21,538	66.6%	1.0%
WI	Not applicable	Not applicable	0.2%	Not applicable	Not applicable	1.7%
WV	15	4.4%	2.7%	25	24.0%	1.0%
WY	32	17.4%	0.2%	40	16.0%	0.4%

¹Colorado: Ballots received after 7:00pm on Election Day are not listed on any public report. Therefore, lateness is not a reported rejection reason and the reject rate is likely higher than reported in table here.

Note: All integer values are pulled from 2016 & 2018 EAVS data. All percentage values were calculated using the dataset.

Table 4: Historic Ballot Rejections for Signature Mismatch (2016 & 2018 EAVS data) & Which States Are Required to Compare Signatures in the 2020 General Election

General Election: November 8, 2016					Midterm Election: November 6, 2018					2020 General
State	Rejected for Signature Mismatch	Mail-in Ballots Received	% of Votes that are Mail-in	Signature Mismatch Rejection Rate*	State	Rejected for Signature Mismatch	Mail-in Ballots Received	% of Votes that are Mail-in	Signature Mismatch Rejection Rate*	State Signature Matching Requirement?
AK	N/A	27,626	8.55%	N/A	AK	N/A	24,425	8.50%	N/A	No
AL	N/A	88,601	4.15%	N/A	AL	N/A	57,832	3.36%	N/A	No
AR	94	27,525	2.63%	0.34%	AR	21	15,208	1.92%	0.14%	Yes
AZ	2,657	2,017,722	74.11%	0.13%	AZ	1,516	1,899,240	78.81%	0.08%	Yes
CA	25,965	8,511,992	58.26%	0.31%	CA	16,116	8,286,228	59.92%	0.19%	Yes
CO	16,149	2,654,993	92.05%	0.61%	CO	13,027	2,449,409	94.70%	0.53%	Yes
CT	N/A	132,012	7.88%	N/A	CT	N/A	91,602	6.44%	N/A	No
DC	Data not available	16,625	5.33%	N/A	DC	44	9,351	4.04%	0.47%	Yes
DE	5	14,025	3.13%	0.04%	DE	Data not available	14,142	3.86%	N/A	No
FL	5,545	2,679,049	27.87%	0.21%	FL	5,081	2,604,544	31.17%	0.20%	Yes
GA	338	213,033	5.14%	0.16%	GA	Data not available	242,661	6.14%	N/A	Yes
HI	766	190,553	43.54%	0.40%	HI	577	224,404	56.30%	0.26%	Yes
IA	N/A	650,551	41.14%	N/A	IA	N/A	325,098	24.37%	N/A	No
ID	121	201,256	28.33%	0.06%	ID	78	76,197	12.44%	0.10%	Yes
IL	Data not available	377,551	6.79%	N/A	IL	Data not available	417,092	8.78%	N/A	Yes
IN	289	943,924	33.34%	0.03%	IN	194	762,511	26.00%	0.03%	Yes
KS	493	179,557	14.68%	0.27%	KS	91	172,743	16.14%	0.05%	Yes
KY	55	38,112	1.96%	0.14%	KY	46	25,837	1.60%	0.18%	Yes
LA	170	59,747	2.91%	0.28%	LA	17	43,959	2.89%	0.04%	Yes
MA	Data not available	155,894	4.61%	N/A	MA	Data not available	89,437	3.25%	N/A	Yes

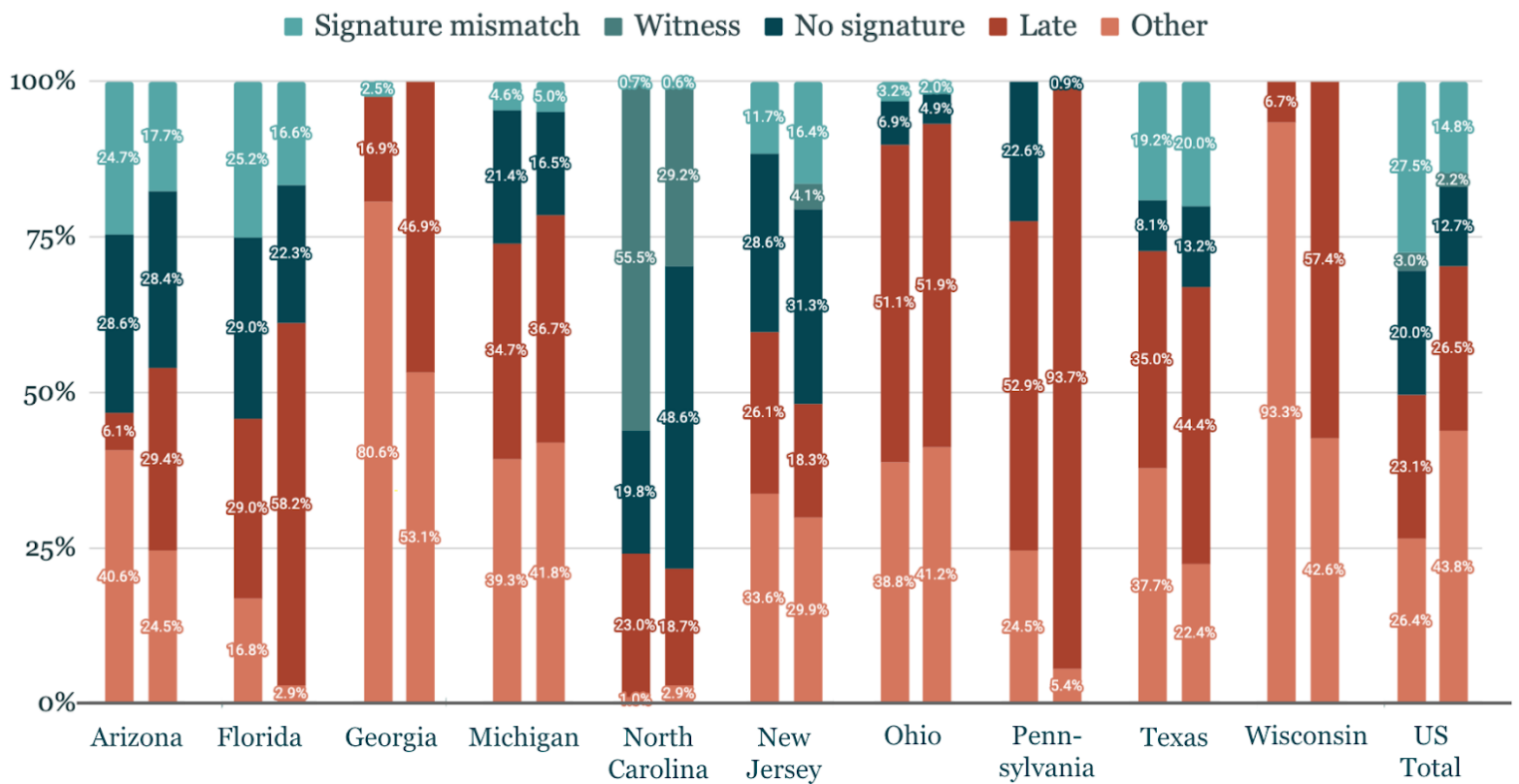
General Election: November 8, 2016					Midterm Election: November 6, 2018					2020 General
State	Rejected for Signature Mismatch	Mail-in Ballots Received	% of Votes that are Mail-in	Signature Mismatch Rejection Rate*	State	Rejected for Signature Mismatch	Mail-in Ballots Received	% of Votes that are Mail-in	Signature Mismatch Rejection Rate*	State Signature Matching Requirement?
MD	Data not available	160,508	5.72%	N/A	MD	Data not available	113,702	4.87%	N/A	No
ME	26	254,153	32.93%	0.01%	ME	16	185,675	28.74%	0.01%	Yes
MI	283	1,260,218	25.85%	0.02%	MI	300	1,061,835	24.46%	0.03%	Yes
MN	604	671,261	22.57%	0.09%	MN	455	640,707	24.47%	0.07%	No
MO	Data not available	279,188	9.39%	N/A	MO	Data not available	215,879	8.45%	N/A	No**
MS	Data not available	103,606	8.57%	N/A	MS	Data not available	64,060	6.67%	N/A	Yes
MT	240	333,666	64.55%	0.07%	MT	390	367,561	72.26%	0.11%	Yes
NC	32	179,263	3.82%	0.02%	NC	33	95,546	2.58%	0.03%	No
ND	260	82,148	23.47%	0.32%	ND	334	96,125	29.13%	0.35%	Yes
NE	152	238,660	27.44%	0.06%	NE	53	168,844	23.82%	0.03%	No**
NH	261	71,939	9.49%	0.36%	NH	1	44,615	7.67%	0.00%	No
NJ	1,161	355,457	8.98%	0.33%	NJ	1,913	406,325	12.51%	0.47%	Yes
NM	N/A	61,287	7.62%	N/A	NM	N/A	440,138	63.09%	N/A	No
NV	98	73,425	6.51%	0.13%	NV	107	86,633	8.87%	0.12%	Yes
NY	67	402,151	5.16%	0.02%	NY	175	249,002	3.92%	0.07%	Yes
OH	324	1,206,416	21.51%	0.03%	OH	225	941,447	20.83%	0.02%	Yes
OK	N/A	101,905	6.95%	N/A	OK	N/A	69,771	5.81%	N/A	No
OR	9,637	2,051,452	100.00%	0.47%	OR	62	1,907,342	99.60%	0.00%	Yes
PA	Data not available	266,208	4.28%	N/A	PA	Data not available	195,953	3.87%	N/A	No
RI	230	39,727	8.46%	0.58%	RI	334	27,193	6.99%	1.23%	Yes
SC	N/A	497,436	23.41%	N/A	SC	N/A	72,806	4.18%	N/A	No

General Election: November 8, 2016					Midterm Election: November 6, 2018					2020 General
State	Rejected for Signature Mismatch	Mail-in Ballots Received	% of Votes that are Mail-in	Signature Mismatch Rejection Rate*	State	Rejected for Signature Mismatch	Mail-in Ballots Received	% of Votes that are Mail-in	Signature Mismatch Rejection Rate*	State Signature Matching Requirement?
SD	16	106,415	28.53%	0.02%	SD	12	87,311	25.66%	0.01%	Yes
TN	7	53,903	2.12%	0.01%	TN	29	39,712	1.75%	0.07%	Yes
TX	1,567	468,150	5.38%	0.33%	TX	1,873	533,566	6.69%	0.35%	Yes
UT	2,443	772,888	69.34%	0.32%	UT	3,215	973,915	89.93%	0.33%	Yes
VA	N/A	538,711	13.48%	N/A	VA	N/A	97,031	2.90%	N/A	No
VT	N/A	95,203	0.00%	N/A	VT	N/A	26,623	9.91%	N/A	No
WA	17,592	3,333,260	99.10%	0.53%	WA	17,228	3,112,157	99.32%	0.55%	Yes
WI	N/A	139,988	4.68%	N/A	WI	N/A	150,114	5.58%	N/A	No
WV	Data not available	12,558	1.71%	N/A	WV	2	10,342	1.73%	0.02%	Yes
WY	Data not available	79,667	31.05%	N/A	WY	4	61,806	30.11%	0.01%	No
Total	87,647	33,375,962	22.52% avg	0.20% avg	Total	63,569	30,375,656	23.27% avg	0.20% avg	

* The "Signature Mismatch Rejection Rate" is calculated by dividing the number of ballots rejected for signature mismatch by the total number of mail-in ballots received.

** While the state has no *requirement* to engage in signature matching, there is at least some evidence that some local election officials have engaged in the practice. For Nebraska, EAVS data shows 10 counties reported a total of 152 rejections for signature mismatch in 2016 and 53 rejections for signature mismatch in 2018. For Missouri, a pending lawsuit [alleges](#) that local election authorities report engaging in signature verification.

Figure 2: Ballot Rejections by Reason in the 2016 General Election and 2018 Midterm Election



(2016 & 2018 EAVS data)

IV. Litigation Over Signature Verification

There has been a flood of litigation regarding the rules around signature verification and witness requirements for mail ballots. While many cases remain pending, litigants have received different outcomes depending on facts on the ground, state law and state constitutions, and interpretations of federal law. Court decisions have often depended on the court's view of the strength of the state's argument that these requirements actually deter voter fraud.

A. Signature Matching and Notice to Cure Ballot Mistakes

The signature requirements for absentee ballots have been a frequent subject of litigation in recent years, a trend accelerated by the increased use of vote-by-mail during the pandemic and the resulting scrutiny on associated procedures.

Some lawsuits challenge the signature verification process on the grounds that the state lacks any uniform standards for matching ballot signatures to signatures on record. For example, in Michigan, Priorities USA [sued](#) the Secretary of State, alleging, among other things, that Michigan did not have uniform standards for reviewing signatures and that election officials did not have sufficient training and skills to compare signatures. The Secretary of State released new [signature verification guidance](#), and plaintiffs dropped the [lawsuit](#). Similarly, in Pennsylvania, the League of Women Voters of Pennsylvania [filed a lawsuit](#) against the Secretary of State, alleging, among other things, that Pennsylvania does not require the county boards of elections to receive any training in signature or handwriting analysis or provide written standards or guidelines to aid election officials in their analysis. The plaintiffs [dropped their lawsuit](#) after the Secretary of State [issued a guidance](#) document on September 11, 2020, stating that, in Pennsylvania, the county boards of elections may not set aside returned mail-in ballots on the basis of signature analysis by the county boards of elections.

Most lawsuits, however, challenge the failure of election officials to notify voters of signature defects and afford them an opportunity to cure the defect. For example, plaintiffs in [New York](#), [North Dakota](#), and [Ohio](#) sued to prevent ballots from being rejected without the voter being notified and provided an opportunity to cure the error. [Eighteen](#) states now offer an opportunity to cure absentee ballots rejected due to signature defects, many in response to litigation.

Regarding the battleground states, plaintiffs in Michigan, Pennsylvania, and North Carolina have sought a process by which voters are notified of the ballot deficiency and presented with an opportunity to cure. As stated above, in Michigan, after plaintiffs filed [Priorities USA v. Benson](#), seeking a notice and cure period, the Secretary of State issued [new guidance](#) to strengthen the mandate that election officials notify voters of a rejected ballot and create cure procedures.

In Pennsylvania, following the legal challenges brought in [*Crossy v. Boockvar*](#) and [*League of Women Voters of Penn. v. Boockvar*](#), Secretary of State Boockvar established [signature guidance](#) that, in part, ordered counties not to reject ballots on the basis of handwriting analysis alone. The plaintiffs in both suits sought, among other things, an order to require election officials to give voters the chance to fix signature ballot deficiencies. These changes were challenged in federal court by the Trump campaign, but that case was [dismissed](#) on Saturday, October 11. Additionally, challenges in the state court were unsuccessful and On [October 23, 2020](#), the Supreme Court of Pennsylvania ruled that election officials are prohibited from rejecting mail-in ballots based on signature comparison.

While North Carolina lacks a signature *matching* process, it nonetheless requires that a voter and a witness or notary sign the ballot. Prior to this year, failure of the voter or witness to sign properly would result in a rejection of the ballot. Three separate lawsuits this year led the NCSBE to revise and establish the [September Memo](#) which mandates a notice and cure process for a missing signature of the voter or a witness. The plaintiffs in [*Democracy North Carolina v. North Carolina State Board of Elections*](#), [*DSCS v. North Carolina State Board of Elections*](#), and [*North Carolina Alliance for Retired Americans v. North Carolina*](#) all brought suits seeking a notice and cure requirement in North Carolina, which ultimately resulted in the revised guidance. Note, however, that the revised guidance provided in the September Memo was [blocked on October 3 by a temporary restraining order](#) issued by U.S. District Court Judge James Dever, in lawsuits brought by [President Trump's Campaign/RNC](#) and the [North Carolina General Assembly leaders](#) challenging the legality of September Memo. During the stay, the policies that were in effect were those established by the prior version of the memo--the [August Memo](#). However, on October 4, the NCSBE issued new [guidance](#) that suspended the notice and cure process in North Carolina altogether until the ongoing litigation was resolved, providing yet another set of rules for absentee voters in the state. These policies changed once again when on October 14, 2020 Judge Osteen issued an [injunction that](#): 1) prohibited voters from curing missing witness signatures via affidavit (instead, the ballot is considered spoiled and a voter must request a new one); 2) allows voters to cure all other ballot defects (e.g. a misplaced witness signature or a missing voter signature) via affidavit; and 3) maintained the extended ballot receipt deadline of November 12, 2020 if the envelope is postmarked by, or before, November 3. Following this order the NCSBE issued new [guidance](#) that complies. This order was [upheld](#) by the U.S. Court of Appeals for the 4th Circuit in a 12-3 decision. Following that decision both the Trump Campaign, *Wise v. Circosta*, and the Senate GOP Leader Moore, *Moore v. Circosta*, applied for injunctive relief seeking the Supreme Court to stay, pending appeal, the 4th Circuit order that maintained the extended deadline. Both applications were unsuccessful and on October 28, 2020 the Supreme Court in a 5-3 decision denied the linked applications for injunctive relief and maintained the extended deadline, as well as the other measures that the applicants sought.

In Arizona, a state that already had a notice and cure procedure in place, plaintiffs won an extension in the deadline for a voter to cure a ballot returned unsigned. In [*Arizona Democratic Party v. Hobbs*](#), a U.S. District Court issued a [permanent injunction](#), giving voters who failed to sign their ballots five business days after Election Day to fix the missing signature, the same time given to voters to fix mismatched signatures. However, this extension may not be permanent because Arizona has [appealed](#) this case to the U.S. Court of Appeals for the Ninth Circuit.

Florida has not had any recent litigation over its signature verification requirement, likely because the state already has a [codified](#) notice and cure procedure that allows for cure up to two days after Election Day. While two days is not a lot of time, because Florida starts canvassing well before Election Day, at least voters who get their ballots in early should be notified of deficiencies in time to cure them. Florida adopted these procedures following two rounds of litigation in [2016](#) and [2018](#).

Wisconsin has no signature matching requirement and, consequently, has no signature matching litigation.

Despite the fast approaching election, many cases, including those in Arizona and North Carolina, remain pending or on appeal, so policies remain in flux around the country. With respect to the battleground states, however, plaintiffs in Michigan and Pennsylvania have reached settlement agreements that, if not successfully challenged by GOP opponents within the state, have resulted in the adoption of notice and cure policies that are likely to reduce rejection rates in the 2020 general election.

B. Witness and Notary Requirements

With regard to the “witness or notary requirement,” litigation has focused on eliminating the requirement completely and/or creating a notice and cure process to address witness or notary related deficiencies. As discussed above, Arizona, Florida, Michigan, and Pennsylvania do not have witness or notary requirements and thus have not faced litigation on this issue. But both [North Carolina](#) and [Wisconsin](#) have been subject to lawsuits challenging their witness requirements, [as has every state with a witness or notary requirement](#). Including Alaska which recently had its witness and notary requirement [challenged](#) on October 12, 2020.

North Carolina relaxed its witness or notary requirement for the 2020 general election following a [lawsuit](#) brought by the North Carolina Alliance for Retired Americans. Defendants, the bipartisan NCSBE, unanimously agreed to [settle](#) the suit. Pursuant to the settlement, the NCSBE issued revised guidance in [September Memo](#), which made deficiencies related to the witness requirements curable via affidavit instead of resulting in the ballot being spoiled. (The settlement also extends the ballot receipt deadline to [5:00 p.m. on November 12](#) for ballots postmarked on or before Election Day). However,

those rule changes were blocked by a [temporary restraining order](#) issued on October 3, following lawsuits from [President Trump's campaign/RNC](#) and the [North Carolina General Assembly leaders](#). Under this temporary restraining order, the rules in effect when vote by mail began on September 4, 2020, were the rules in place immediately before the September Memo, namely, the [August Memo](#) rules. However, the rules changed once again on October 4, 2020, when the NCSBE released new [guidance](#) that temporarily suspended the notice and cure process altogether until the litigation was resolved. The latest [guidance](#) issued by NCSBE following Judge Osteen's October 14 order reestablished North Carolina's notice and cure process for most ballot defects but not for a missing witness signature. The guidance allows all witness related errors except for missing witness signatures to be cured via affidavit. Missing witness signatures, in contrast, result in ballot spoliation and a voter must either request a new ballot or vote early in person for their vote to be counted.

The state of [Missouri](#) also relaxed its notary requirements in response to [a lawsuit](#) challenging the state's witness requirement. Under the new rules, voters who choose to vote absentee because they are at a heightened risk of complications from COVID-19 are not required to fulfill the ordinary notary requirements.

Other states that have agreed to relax or waive witness or notary requirements have been challenged by Republican party and campaign officials in ways similar to those seen in North Carolina. For example, [Virginia](#) reached an agreement with civil rights plaintiffs to waive its witness requirement through the November election and Republicans opposed the deal. It was [approved by a federal court in late August](#), despite the opposition.

Not all litigation has resulted in changes. Litigation in Wisconsin resulted in no change to its witness requirement for vote by mail. In [DNC v. Bostlemann](#), the DNC filed suit in federal court challenging, among other things, Wisconsin's witness requirement. While the district court ruled that voters could cast their mail-in ballots without a witness, the decision was [ultimately overturned](#) by the Seventh Circuit. Similarly, a federal judge in South Carolina [issued a preliminary injunction](#) in May suspending the witness requirement due to COVID-19-related concerns. But the U.S. Supreme Court [reinstated the witness requirements](#) for mail-in ballots on October 5, 2020.

Despite [repeated litigation](#) in Alabama, including the still active [People First of Alabama v. Merrill](#), the state's requirement of two witnesses or a notary remain intact. In Oklahoma, despite the State Supreme Court [ruling](#) that the state's notary requirement was contrary to state law, the state legislature chose to amend state law and reinstate the notarization requirement. It also added the option for voters to alternatively send in a photocopy of their photo identification along with their ballot.

Courts in North Carolina, Wisconsin, and across the country have failed to come to a consensus on the merits of witness and notary claims. The [*Purcell v. Gonzalez*](#) doctrine, which discourages courts from issuing rulings that would drastically change voting procedures close to an election date, will become an increasingly important consideration for courts considering new or pending cases as the election approaches.

Part II: Signature Verification: Swing State Profiles

This section provides an overview of signature verification policies, practices, ballot rejection rates, and litigation across the six battleground states of Arizona, Florida, Michigan, North Carolina, Pennsylvania and Wisconsin.

Arizona Signature Verification

Arizona's signature verification laws are codified, including a provision for notice and cure of mismatched signatures within five business days after Election Day. The time period to cure *missing* signatures was recently extended by a federal court to match. State law does not include specific standards for signature verification, apparently leaving it up to counties to determine signature comparison methods. Approximately half of all ballots rejected in both 2016 and 2018 were rejected for signature-related issues.

Relevant Laws, Policies, and Deadlines

- **Canvassing Start Date:** Officials can begin processing absentee ballots 14 days before the election, which, in 2020, means that processing can start on October 20, 2020. ([Ariz. Rev. Stat. § 16-550](#)).
- **Training:** Arizona **does not have specific statutory language** indicating what methods election officials should use in comparing and verifying signatures, and there is no statewide guidance on signature verification standards or processes.
- **Comparing Signatures:** Arizona requires county recorders to match signatures on return ballot envelopes signatures on the voters' affidavit of registration. ([Ariz. Rev. Stat. §19-121.02](#)). Upon receiving the envelope containing an early ballot and ballot affidavit, Arizona law states that, "The county recorder or other officer in charge of elections shall **compare the signatures thereon with the signature of the elector on the elector's registration record.**" ([Ariz. Rev. Stat. §16-550](#)). The statute does not specify standards for verification; it simply explains that "if the signature is **inconsistent** with the elector's signature on the elector's registration record, the county recorder must make "reasonable efforts" to contact those voters ([Ariz. Rev. Stat. §16-550](#)).
- **Notice:** In **Maricopa County**, to notify voters of a signature defect, election officials **call or email a voter** and ask if they signed and returned their ballot and why their signatures are mismatched or missing.
- **Cure:** If the voter confirms the signature is theirs and provides a reason for the error, the ballot is considered "cured." (Per conversation with Maricopa County Recorder, 9/16/20). Arizona

voters have [until five business days after the election](#), in this case, **November 10, 2020**, to cure signature defects on their ballots. **This is a result of a recent federal court order** that [mandated](#) that Arizona election officials extend the voter deadline for curing a missing signature to match the prior statutory deadline for curing a mismatched signature. The state has appealed the ruling to the Ninth Circuit, where it is currently pending.

The Signature Matching Process and Standards

In **Maricopa County**, Arizona's largest county, election officials responsible for signature verification are trained every two years by the same team that trains the FBI on forensic signature verification techniques. The reviewers are trained to look at 27 different points of comparison on a signature to complete verification, including items such as slopes and pen drops. (Per conversation with Maricopa County Recorder, 9/16/20). Signature verification proceeds through three levels of review in the county. First, a technician reviews a batch of 200-250 signatures to determine if each signature matches a signature on record. The technician compares the signature on the ballot to historic voter signatures on file and to non-election-related signatures the clerk has on file, such as those from housing records or trusts. [If the signature matches](#), the ballot envelope is marked as a "Good Signature." Then, election officials send all of the "Good Signature" affidavit packets to Citizen Boards, comprised of two members of different political parties. The Citizen Boards process the unopened packets to prepare the ballots for tabulation and check again to see if any ballots have missing or non-matching signatures. If the ballot affidavit envelope has a missing or non-matching signature, the Citizen Board sends it to a higher-level staff member. If the staff member agrees a signature does not appear to match, they direct the ballot through a second round of verification by another technician. If the ballot envelope is still determined to have a non-matching signature, a senior managing auditor reviews the signature prior to rejecting it for "mismatch." The county tries to "rule in favor of the voter." (Per conversation with Maricopa County Recorder, 9/16/20).

There is no requirement for observers to observe the signature verification process. (Per conversation with Maricopa County Recorder, 9/16/20). Observers may be present if the process is occurring in an area where observers are allowed, but they are not permitted to challenge the match determination.

Rejection Rates Due to Signature Defects

As displayed in Table 1 below, signature defects on Arizona ballots accounted for over half (approximately 52%) of all ballot rejections across the state in 2016 and 48% of ballot rejections across the state in 2018. Lateness accounted for 6% of ballot rejections in 2016 and increased to 29% in 2018.

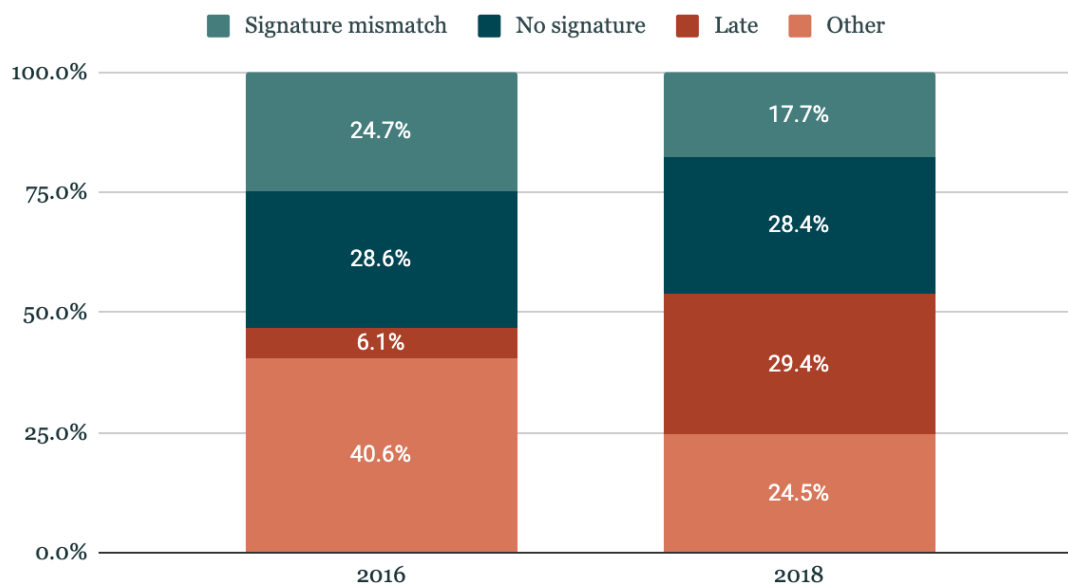
Two recent changes could help reduce the ballot rejection rate in Arizona this election. First, a federal court recently [extended the time frame](#) voters have to cure missing signatures from Election Day to five business days after Election Day, to match the deadline for voters to cure mismatched signatures. Additionally, the state passed a [law](#) in April 2019 that allows election officials to start tallying incoming ballots 14 days before Election Day, instead of the previously-allowed seven days. Each of these changes will give some voters more time to cure signature defects.

Table 1: Rejection rates in Arizona due to late ballots, missing signatures, or signature mismatches

	<i>Ballots received</i>	<i>VBM total</i>	<i>Total VBM rejections</i>	<i>Rejected for lateness</i>	<i>Rejected for missing signature</i>	<i>Rejected for signature mismatch</i>
2016 General (#)	2,722,660	2,017,722	10,769	660	3,079	2,657
2016 General (%)		74.1%	0.5%	6.1%	28.6%	24.7%
2018 Midterm (#)	2,409,906	1,899,240	8,567	2,515	2,435	1,516
2018 Midterm (%)		78.8%	0.5%	29.4%	28.4%	17.7%

(2016 & 2018 EAVS Data)

Figure 1: Reason for ballot rejections in 2016 and 2018



(2016 and 2018 EAVS data)

Arizona Signature Verification Litigation

[Arizona Democratic Party v. Hobbs](#), No. 2:20-cv-1143 (D. Ariz.), No. 20-16795 (9th Cir.)

On September 10, 2020, a U.S. District Court issued a [permanent injunction](#) requiring Arizona election officials to extend the deadline for a voter to cure a ballot that is returned without a signature. Pursuant to the injunction, voters who return unsigned ballot envelopes will have up to five business days after Election Day to fix the missing signature, which is the same deadline voters already had under Arizona law to cure ballots with signatures that do not match signatures on file and for in-person voters to cure lack of proper identification at the polls. The [lawsuit](#), filed in June 2020, challenged the state’s inconsistent policy of allowing voters with *mismatched* signatures up to *five business days after Election Day* to cure, while allowing voters with *missing* signatures only until *7:00 PM on Election Day* to remedy the error.

The debate did not end there, however, as the state [appealed](#) the decision to the U.S. Court of Appeals for the Ninth Circuit. On October 6, the court of appeals [granted](#) the state’s request to put the district court’s order on hold while the state’s appeal is litigated. The court concluded that the requirement that voters supply a missing signature by Election Day imposes only a “minimal” burden, and that “the public interest is well served by preserving Arizona’s existing election laws, rather than by sending the State scrambling to implement and to administer a new procedure for curing unsigned ballots at the

eleventh hour.” The court noted that the Supreme Court has repeatedly admonished lower federal courts not to change the rules of an election in the run-up to that election.

The Election Day deadline makes voters more likely to have their vote rejected, as they are far less likely to receive notice in time to correct the error. In addition, the inconsistency between the deadline for mismatched signatures and missing signatures could be a source of confusion for voters.

Florida Signature Verification

Florida's signature verification practices are codified, including a new law from 2019 that extends Florida's deadline for voters to cure mismatched or missing signatures to 5:00 p.m. on the second day after Election Day (from 5:00 p.m. the day before the election). State law does not include specific standards for signature verification, leaving it up to the discretion of the 67 counties. As of 2019, the state is required by law to provide signature matching training to all Supervisors of Election and county canvassing board members. Over half of all ballots rejected in 2016 and almost 40% in 2018 were rejected for signature-related issues.

Relevant Laws, Policies, and Deadlines

- **Canvassing Start Date:** On June 17, 2020, Florida Governor Ron DeSantis signed [Executive Order 20-149](#) **extending the statutory timeframe for canvassing** to allow it to begin on the **40th day before the election**, after the completion of a [logic and accuracy](#) (L&A) test (earlier than the previously-permitted [22 days](#) before the election). An L&A test is [performed](#) to ensure the voting equipment “system is properly programmed, the election is accurately defined on the voting system, and the input, output, and communication devices are working correctly.” The earliest date that the logic and accuracy (L&A) test for the General Election may be conducted this year is [September 24, 2020](#), the [40th day](#) before the General Election.
- **Training:** In 2019, Florida enacted a law requiring the State to provide a signature verification and matching training program to Supervisors of Election and county canvassing board members ([Fla. Stat. § 97.012\(17\)](#)). The state forensic document examiner, [Thomas Vastrick](#), provided the first major presentation in October 2019 at the Florida State Association of Supervisors of Election (FSASE) Canvassing Board Workshop in Orlando, Florida. Officials can find the [original training presentation](#), as well as a [refresher course](#), online (Per email from the Director of the Florida Division of Elections, 9/30/20). The Orlando training was just short of two hours and was attended by about 200 election officials. (Per [interview](#) between ABC Action News and Thomas Vastrick, 9/18/20).
- **Comparing Signatures:** While the act of signature verification is codified ([Fla. Stat. § 101.68](#)), the specific process and standards are left entirely to each county's discretion. The statute provides only that “the supervisor shall compare the signature of the elector on the voter's certificate with the signature of the elector in the registration books or the precinct register to determine whether the elector is duly registered in the county.”
- **Notice:** A county Supervisor of Elections is **required to send a cure affidavit** ([Form DS-DE 139](#)) by first-class mail to any voter who returns a vote-by-mail ballot certificate that does not include the voter's signature or whose signature does not match the voter's signature on file.

The supervisor is also required to notify the voter of the signature deficiency by email, text message, or telephone and direct the voter to the cure affidavit and instructions on the supervisor's website ([Fla. Stat. §101.68\(4\)\(a\)\(1-3\)](#)). Starting the day before the election, the supervisor is not required to notify the voter of the signature deficiency by first-class mail, but must provide notice as required by email, text message, or telephone call ([Fla. Stat. §101.68\(4\)\(a\)](#)).

- **Cure:** The affidavit with a new signature, along with a copy of a form of identification, can be returned by **mail, email, fax, or in person** to the county supervisor of elections. The voter has **until 5:00 p.m. on the second day after the election (November 5, 2020)** to submit their cure affidavit for the General Election ([Fla. Stat. §101.68\(4\)\(b\)](#)). A ballot **may not be counted** if the instructions on the affidavit have not been followed.

The Signature Matching Process and Standards

The signature matching process in Florida is at the discretion of each of the 67 counties. To learn more about the matching process in different counties, the Healthy Elections Project contacted three counties and listened to a recent interview with a fourth county's Supervisor of Elections. The four counties follow similar procedures for verifying signatures:

In **Miami-Dade County**, the [most populous](#) county in Florida, ballot processing starts with a **machine scan of each ballot's return envelope barcode**, which identifies the intended voter of that ballot. (Per conversation with Miami-Dade County election official, 9/21/20). The machine then displays the signature on the ballot envelope next to the signature record of the intended voter. The voting record can include a signature from the DMV (usually the signature on a license), a signature used to register to vote in the state, or an electronic signature provided by the voter from a previous time they voted in person. All signature matching in Miami-Dade County is done by a staff member or temporary worker. Given the type of election, the county will hire between 30 to 100 temporary staff, most of whom work annually as temporary staff for the county. All staff members and temporary workers are trained annually by a licensed forensic scientist who specializes in signatures and fraud, and must pass an annual test to become certified to examine signatures. (Per conversation with Miami-Dade County Executive Assistant to the Supervisor of Elections and former Voter Services Supervisor, 10/1/20).

The signature verification process in Miami-Dade follows a three-tiered process. First, a staff member or temporary worker compares every ballot envelope's signature with that in the voter's other official records and, if there is a mismatch, flags the ballot. The machine will continue to process the ballot only if the signature matches. If a signature is challenged because it does not match the signature on file for the voter, election officials mail the state [cure affidavit](#) to the voter. If the voter has provided contact information, officials will also contact the voter by email, text message, and phone call, giving them

instructions on how to complete a cure affidavit. Second, a ballot review team will examine the signature. If that ballot is still challenged, the county canvassing board -- made up of government appointed officials who receive an annual signature verification training and pass the test -- will review the ballot envelope signature and make a final determination of whether to accept or reject the signature. The canvassing board will [meet](#) at least 15 times between when ballots are mailed out and when cure affidavits must be received by the county. (Per conversation with Miami-Dade County Deputy Supervisor of Elections, Government Affairs, and Media Relations, 10/2/20).

In **Broward County**, the [second most populous](#) county in Florida, a machine matches the signatures received on the ballot envelopes with the signatures on file. (Per conversation with a Broward County election official, 9/21/20). If a signature is rejected, a group of two to three election officials examine the signature mismatch. If that team rejects the ballot based on a signature mismatch, another team reviews it. Ultimately, if both teams of election officials reject the signature, they will email, call, or mail a postcard to the voter to explain how the voter can fill out the [cure affidavit](#) online to cure their ballot. Broward County election officials follow the signature verification protocol outlined in the Secretary of State's training. (Per conversation with a [communications manager](#) for Broward County Supervisor of Elections, 9/29/20).

Wakulla County, the [forty-ninth most populous](#) county in Florida (population 33,000), includes a barcode on the envelopes it mails out to voters and election officials use that barcode to scan ballots and pull up the voter's signature. (Per conversation with a Wakulla County official, 9/21/20). For signature verification, a county election official said they are "no experts" but that they look for "similarities" between the two signatures they are comparing. Wakulla uses one to two people to verify all signatures on mailed-in ballots. These two people have not gone through a formalized training but, according to a county official, have honed their skills over time. If the election officials detect a mismatched signature, they direct it to the county Supervisor of Elections. If the supervisor rejects it, the elections office will mail to the voter a [cure affidavit](#) ([Fla. Stat. §101.68\(4\)\(c\)](#)). If the office has the voter's email or phone number, an election official will also call or email the voter to alert them to the mismatched signature. (Per conversation with a Wakulla County official, 9/29/20).

Sarasota County, the [fourteenth most populous](#) county in Florida, uses an automated machine to scan all ballot envelopes and compare the signatures on those envelopes to those in the voters' records. If the computer cannot match a signature, then, according to the county Supervisor of Elections, the ballot envelope is directed to "human sets of eyes" that are required to determine "beyond a reasonable doubt that this isn't the voter's signature" for it to be challenged. (Per [interview](#) between ABC Action News and Ron Turner, Sarasota County's Supervisor of Elections, 9/18/20). If a ballot is challenged because of a signature mismatch, county election officials will send a letter to the voter with a cure

affidavit; they will also attempt to alert the voter by mail, text message, or telephone call, if the county has that additional contact information.

Observers: In Florida, the public may inspect or examine official ballots as long as the ballots are in the custody of the supervisor of elections or the county canvassing board ([Fla. Stat. §101.572](#)). Any eligible voter may be present for the canvass of votes. If the observer believes an unopened ballot (still in the envelope) is “illegal due to any defect apparent on the voter’s certificate,” the observer may file a “protest against the canvass of such ballot, specifying the reason he or she believes the ballot to be illegal” ([Fla. Stat. §101.6104](#)). The observer files that protest with the canvassing board. In addition to the public, candidates and their representatives are allowed to be present for inspection and may also file protests with the canvassing board ([Fla. Stat. §101.572](#)). Once a ballot is removed from the return mailing envelope, no party may challenge it ([Fla. Stat. §101.6104](#)).

Rejection Rates Due to Signature Defects

As displayed in Table 2 below, in 2016, signature defects on ballot envelopes accounted for 54% of ballot rejections across the state. In 2018, signature defects accounted for approximately 39% of ballot rejections. The ballot rejection rate for late ballots increased from 29% in 2016 to 58% in 2018.

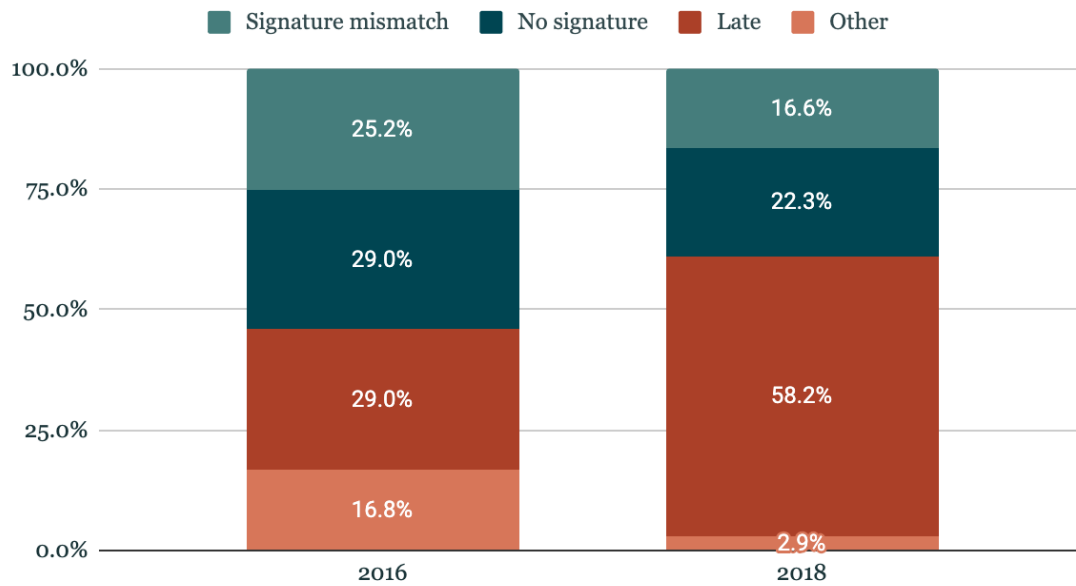
Since the 2018 election, two changes to Florida’s state law could potentially reduce the rejection rate of mail ballots due to signature defects in the 2020 General Election. Enacted in 2019, a new law extended Florida’s deadline for voters to cure mismatched or missing signatures to 5:00 p.m. on the second day after Election Day ([Fla. Stat. §101.68\(3\)\(b\)](#)) from the prior deadline of 5:00 p.m. the day before the election. ([Fla. Stat. §101.68\(4\)\(a\)](#)). Additionally, in 2019, the state began providing a signature verification and matching training program to Supervisors of Election and county canvassing board members ([Fla. Stat. § 97.012\(17\)](#)). This training could potentially help signature reviewers reduce the rate of false positive mismatches.

Table 2: Rejection rates in Florida due to late ballots, missing signatures, or signature mismatches

	<i>Ballots received</i>	<i>VBM total</i>	<i>Total VBM rejections</i>	<i>Rejected for lateness</i>	<i>Rejected for missing signature</i>	<i>Rejected for signature mismatch</i>
2016 General (#)	9,613,669	2,679,049	21,973	6,381	6,372	5,545
2016 General (%)		27.9%	0.8%	29.0%	29.0%	25.2%
2018 Midterm (#)	8,355,817	2,604,544	30,540	17,780	6,803	5,081
2018 Midterm (%)		31.2%	1.2%	58.2%	22.3%	16.6%

(2016 & 2018 EAVS data; [Florida Department of State](#))

Figure 2: Reason for ballot rejections in 2016 and 2018



Florida Signature Verification Litigation

There is no litigation about signature verification in Florida, as of October 4, 2020.

Michigan Signature Verification

Michigan uses signature verification for absentee ballots. Ballots are rejected if they are not signed or if there are multiple, significant, and obvious differences between the ballot signature and the electronic signature stored in the Qualified Voter File. Clerks must notify voters within 48 hours of rejecting a ballot, after which the voter can choose to spoil their old ballot and request a new one.

Relevant Laws, Policies, and Deadlines

- **Canvassing start date:** Canvass of absentee ballots begins at 10 a.m. the day before Election Day ([SB 757](#)), but election clerks begin verifying signatures **as soon as they receive absentee ballots** (Per conversation with Tracy Wimmer, 9/29/20).
- **Training:** The Secretary of State is required to “establish a curriculum for comprehensive training and accreditation” and “a continuing election education program” for election officials ([Mich. Comp. Laws § 168.31](#)). The [training](#) and [accreditation process](#) touch on [signature verification](#) and [Election Day processing of absentee ballots](#). For signature matching specifically, the Secretary released [guidance](#) that includes examples of matching and non-matching signatures and lists permissible inconsistencies.
- **Comparing signatures:** For both the written application to receive an absentee ballot and the absentee ballot itself, the voter’s signature must match the **digitized signature stored in the state’s Qualified Voter File (QVF)** database. If the QVF signature is unavailable, the clerk should use the master card, which contains the signature from the voter’s voter registration form ([Mich. Comp. Laws § 168.759](#), [Mich. Comp. Laws § 168.761](#), [Mich. Comp. Laws § 168.766](#), [Mich. Comp. Laws § 168.767](#)). The QVF stores the most recent digitized signature of the voter, as captured through the voter registration application or driver’s license ([Mich. Comp. Laws § 168.509q](#)).
[Guidance from the Secretary of State](#) instructs clerks to “presum[e] that the voter’s AV application or envelope signature is his or her genuine signature.” A signature is considered questionable “only if it differs in multiple, significant and obvious respects from the signature on file. **Slight dissimilarities should be resolved in favor of the voter whenever possible.**” The presence of “any redeeming qualities,” such as “distinctive flourishes” and “more matching features than non-matching features” should render the signature valid.
- **Notice:** Election clerks must, “as soon as practicable, but in no event later than **48 hours** after determining the signatures do not agree sufficiently or that the signature is missing, or by **8 pm on the day before Election Day**, whichever occurs first, notify the elector of the rejection by mail, telephone, or electronic mail” ([SB 757](#)).

- **Cure:** If a ballot envelope is missing a signature, a voter can sign the unsigned ballot in-person at the clerk's office until the close of polls ([Election Officials' Manual, Ch. 6](#)). If a ballot envelope suffers from a signature mismatch, there is no "cure" process set forth in law, but voters can submit a **written request to spoil their original ballot and receive a replacement**. Voters can request and receive a new ballot **by mail** until **2 p.m. on October 31, 2020**, and **in person** at the clerk's office until **4 p.m. on November 2, 2020** ([Mich. Comp. Laws § 168.765b](#)).
- A proposed state bill, [HB 5991](#), would require clerks to notify voters of signature mismatch by 10 days before election certification and allow voters to cure the defect through a signature verification statement until three days before certification. The bill is not expected to pass before Election Day, as it has been pending in the Michigan House Committee on Election and Ethics since July without action.

The Signature Matching Process

Michigan has a signature verification process. In this process, the digital signature in the state's Qualified Voter File (QVF) is the first site of comparison, by law and in practice. During training of election clerks, the Michigan Bureau of Elections (MBE) recommends that clerks also use a second signature from the application for an absentee ballot or, in some cases, a third signature from the voter registration application (called the master card). In Detroit, clerks typically turn to physical records only if there is a question of mismatch. When comparing signatures, [the Secretary of State instructs clerks to presume the voter signed their ballot](#). Some election officials were unfamiliar with these recommendations, but they are in use at the Detroit Department of Elections. There is no statewide move towards using automated software for verification, but Detroit is in the early stages of exploring automated signature verification, which may be in effect for the 2020 election.

Michigan has hiring and training processes for signature verification. Each of Michigan's 1,773 jurisdictions has an election clerk. When an election clerk enters office, they undergo a two-day training that includes signature verification training to become accredited, and the MBE holds in-person refresher training every other year during election years ([Secretary of State](#)). This year, trainings are mostly on the virtual Elections ELearning platform. Jurisdictions may hire and train temporary staff to do verification, but, ultimately, the election clerk for each jurisdiction will finalize the determination of a mismatch and notify the voter. In Detroit, there are intermediate supervisors below the City Clerk who can declare a mismatch. As Michigan has many jurisdictions, the MBE primarily communicates with counties to provide training materials and other resources (eg. PPE), but they do work directly with election clerks for larger jurisdictions.

As mentioned in the prior section, clerks are required to contact voters as soon as possible, by phone, email, or regular mail, if they discover a missing or mismatched signature. Once notified, voters can sign their unsigned ballot envelope in-person at the clerk's office. In case of a signature mismatch, the voter must spoil their original ballot and request a new one. There may be cure processes offered at some jurisdictions at the discretion of the election clerk. The [Secretary of State's guidance](#) suggests voters can provide a "corrected signature" at the clerk's office, but there is no legally-mandated statewide standard for cure. The Secretary of State is encouraging voters to either mail their ballots before October 19, 2020, or to deliver them in-person to ensure there is sufficient time for notice and cure.

There are no known requests to observe signature verification in the clerk's office, so the procedures are unclear. However, one appointed election challenger per eligible group may observe the conduct of the "absent voter counting board," which tallies absentee votes on Election Day and the day before Election Day. If a challenger believes an absentee ballot is being submitted by a person unqualified to vote in their precinct, the challenger may challenge that ballot. Additionally, members of the public may also observe the conduct of the board ([Election Officials' Manual](#)).

Unless specified otherwise, information is drawn from conversations with David Foster and other elections specialists at the Michigan Bureau of Elections, Alecia Brown at the Detroit Department of Elections, and Tracy Wimmer at the Secretary of State's office, 9/18/20 - 9/29/20.

Rejection Rates Due to Signature Defects

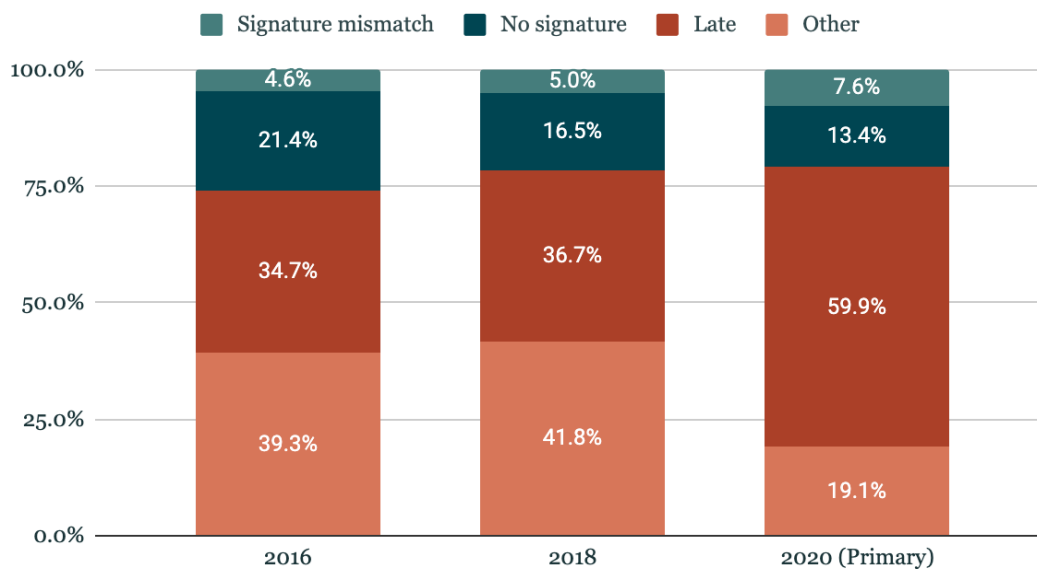
The recent ruling in [Michigan Alliance for Retired Americans v. Benson](#) extended the receipt deadline for absentee ballots, so the rejection rate for lateness is likely to drop in November 2020. Sixty percent of all rejected ballots in the August primary were late ballots, so it is likely this ruling will have a significant impact on the overall rejection rate of ballots in Michigan this November. Additionally, SB 757, signed into law on October 6, 2020, would require clerks to notify voters within 48 hours if their mail-in ballot is missing a signature or has a mismatched signature. If the governor signs the bill, its enactment may allow more ballots to be remedied.

Table 3: Rejection rates in Michigan due to late ballots, missing signatures, or signature mismatches

	<i>Ballots received</i>	<i>VBM total</i>	<i>Total VBM rejections</i>	<i>Rejected for lateness</i>	<i>Rejected for missing signature</i>	<i>Rejected for signature mismatch</i>
2016 General (#)	4,874,619	1,260,218	6,171	2,140	1,319	283
2016 General (%)		25.85%	0.49%	34.7%	21.4%	4.6%
2018 Midterm (#)	4,341,340	1,061,835	6,013	2,207	990	300
2018 Midterm (%)		24.46%	0.6%	36.7%	16.5%	5.0%
2020 Primary (#)	2,520,850	1,600,000	10,694	6,405	1,438	787
2020 Primary (%)		63%	0.7%	59.9%	13.4%	7.4%

(2016 & 2018 EAVS data; 2020 data from [Michigan Secretary of State](#))

Figure 3: Reason for ballot rejections in 2016 and 2018



(2016 & 2018 EAVS data)

Michigan Signature Verification Litigation

Priorities USA v. Benson, No. 3:19-cv-13188-RHC-APP (E.D. M.I.)

Plaintiffs alleged that Michigan’s signature matching regime, which did not require any notice or cure provisions for ballots rejected for mismatched signatures, imposed a severe burden on the right to vote. Priorities USA [voluntarily withdrew](#) its suit after the Secretary of State issued [new guidance](#) in April 2020. This new guidance elaborates on signature matching criteria and encourages clerks to notify voters by the end of the next business day if their ballot is not in compliance.

Michigan Alliance for Retired Americans v. Benson, No. 2020-000108-MM (Mich. Ct. Claims)

On September 18, 2020, the court [ruling](#) extended the ballot receipt deadline and ordered that ballots postmarked by the day before Election Day and received within 14 days of Election Day must be counted, as requested by plaintiffs. The Republican National Committee and the Michigan Republican Party sought to intervene but were denied by the Michigan Court of Appeals. Now, the Republican-controlled legislature has appealed the order to the Michigan Court of Appeals. That appeals court [has said](#) a three-judge panel will consider the case on October 9 and will rely on legal briefs only, and not oral arguments.

Election Integrity Fund v. Benson, No. 20-000169-MM (Mich. Ct. Claims)

This still active lawsuit challenged the action of Michigan Secretary of State Jocelyn Benson in allowing individuals to apply for absentee ballots online because the applications did not require the applicant’s signature, which is used to verify the voter’s identity.

North Carolina Signature Verification

North Carolina does not have a signature matching requirement but does require the signature of both the voter and a witness. The rules relating to the notice and cure processes for signature and witness defects on absentee ballots changed four times, based on at least four court rulings, in the months before the general election. After a Supreme Court ruling on October 28, however, the state will not allow voters to cure a ballot submitted without a *witness* signature, but will allow cure of all other signature defects such as missing *voter* signature or a witness signature on the wrong line.

Relevant Laws, Policies, and Deadlines

Source of Law: On October 17, 2020 the NCSBE issued the [October 17 Memo](#), which establishes the cure deadlines and relevant laws as established by Karen Brinson Bell, the Executive Director of the North Carolina State Board of Elections (NCSBE), pursuant to the State Board of Elections' general supervisory authority over elections as set forth in [N.C.G.S.A. § 163-22\(a\)](#) and the authority of the Executive Director in [N.C.G.S.A. § 163-26](#). North Carolina once again has a notice and cure process, following a period of time starting on October 4 where any deficient ballot was stored and not considered by the county board until this guidance was issued. North Carolina in the past month had three other sets of rules established by the October 4 Memo, [August Memo](#), and the [September Memo](#), due to the ongoing litigation. It is possible that the rules might change again due to an appeal, but due to the proximity to Election Day that is less likely to occur. The policies laid out by the October 17th Memo, October 4th Memo, August Memo, and September Memo will be highlighted below.

October 17th NCSBE Memo Rules (In Effect as of October 19)	October 4th NCSBE Memo Rules (No longer in effect following the October 17th Guidance)	September NCSBE Memo Rules (In effect from September 22 until blocked on Oct 3, 2020, by Judge Dever's Temporary Restraining Order)	August NCSBE Memo Rules (In effect from August 21, 2020 - September 22, 2020 & Oct 3, 2020 to Oct 4, 2020, under Judge Dever's Temporary Restraining Order)
<u>Canvassing Start Date for absentee/mail ballots:</u> Fifth Tuesday before Election Day (N.C.G.S.A. § 163-230.1 and 163-234). This year: September 29, 2020.	<u>Canvassing Start Date for absentee/mail ballots:</u> Fifth Tuesday before Election Day (N.C.G.S.A. § 163-230.1 and 163-234). This year: September 29, 2020.	<u>Canvassing Start Date for absentee/mail ballots:</u> Fifth Tuesday before Election Day (N.C.G.S.A. § 163-230.1 and 163-234). This year: September 29, 2020.	<u>Canvassing Start Date for absentee/mail ballots:</u> Fifth Tuesday before Election Day (N.C.G.S.A. § 163-230.1 and 163-234). This year: September 29, 2020.
<u>Witness Requirement:</u> One witness required for an absentee ballot in the 2020 general election (S.L. 2020-17). The voter is required to mark the ballot in the presence of the witness (S.L. 2020-17).	<u>Witness Requirement:</u> One witness required for an absentee ballot in the 2020 general election (S.L. 2020-17). The voter is required to mark the ballot in the presence of the witness (S.L. 2020-17).	<u>Witness Requirement:</u> One witness required for an absentee ballot in the 2020 general election (S.L. 2020-17). The voter is required to mark the ballot in the presence of the witness (S.L. 2020-17).	<u>Witness Requirement:</u> One Witness required for an absentee ballot in the 2020 general election (S.L. 2020-17). The voter is required to mark the ballot in the presence of the witness (S.L. 2020-17).
<u>Comparing Signatures:</u> Following a recent federal court order , the North Carolina State Board of Elections eliminated signature matching and clarified that a voter's signature on the envelope shall not be compared with the voter's signature on file.	<u>Comparing Signatures:</u> Following a recent federal court order , the North Carolina State Board of Elections eliminated signature matching and clarified that a voter's signature on the envelope shall not be compared with the voter's signature on file.	<u>Comparing Signatures:</u> Following a recent federal court order , the North Carolina State Board of Elections eliminated signature matching and clarified that a voter's signature on the envelope shall not be compared with the voter's signature on file (September Memo).	<u>Comparing Signatures:</u> Following a recent federal court order , the North Carolina State Board of Elections eliminated signature matching and clarified that a voter's signature on the envelope shall not be compared with the voter's signature on file (August Memo).

October 17th NCSBE Memo Rules (In Effect as of October 19, 2020)	October 4th NCSBE Memo Rules (No longer in effect following the October 17th Guidance)	September NCSBE Memo Rules (In effect from September 22 until blocked on Oct 3, 2020 ,by Judge Dever's Temporary Restraining Order)	August NCSBE Memo Rules (In effect from August 21, 2020 - September 22, 2020, & Oct 3, 2020 to Oct 4, 2020, under Judge Dever's Temporary Restraining Order)
Five deficiencies can be cured via affidavit (Oct 17 Memo): 1) a voter failing to sign the Voter Certification; 2) a voter signing in the wrong place; 3) a witness or assistant failing to print their name; 4) a witness or assistant failing to print their address; and 5) a witness or assistant signing on the wrong line	No deficiencies can be cured via affidavit (Oct 4th Memo).	Six deficiencies can be cured via affidavit (September Memo): 1) a voter failing to sign the Voter Certification; 2) a voter signing in the wrong place; 3) a witness or assistant failing to print their name; 4) a witness or assistant failing to print their address; 5) a witness or assistant failing to sign; and 6) a witness or assistant signing on the wrong line (September Memo).	Two deficiencies can be cured via affidavit (August Memo): 1) a voter failing to sign the Voter Certification, and 2) a voter signing in the wrong place. (August Memo).
There are three deficiencies that cannot be cured by an affidavit and which result in the ballot being spoiled (Oct 17 Memo): 1) if the witness or assistant did not sign; 2) if the envelope is unsealed upon arrival at the county board office; and 3) The envelope indicates the voter is requesting a replacement ballot.	All ballot deficiencies result in the ballot being stored and not considered by the county boards until pending litigation is resolved and/or a new guidance is issued (Oct 4th Memo).	There are two deficiencies that cannot be cured by an affidavit and which result in the ballot being spoiled (September Memo): 1) if the envelope is unsealed upon arrival at the county board office, and 2) if the envelope indicates the voter is requesting a replacement ballot (September Memo).	There are five deficiencies that cannot be cured by an affidavit and which result in the ballot being spoiled (August Memo): 1) a witness or assistant failing to print their name; 2) a witness or assistant failing to print their address; 3) a witness or assistant failing to sign; 4) a witness or assistant signing on the wrong line; 5) upon arrival at the county board office, the envelope is unsealed or appears to have been opened and resealed (August Memo).

October 17th NCSBE Memo Rules (In Effect as of October 19, 2020)	October 4th NCSBE Memo Rules (No longer in effect following the October 17th Guidance)	September NCSBE Memo Rules (In effect from September 22 until blocked on Oct 3, 2020 by Judge Dever's Temporary Restraining Order)	August NCSBE Memo Rules (In effect from August 21, 2020 - September 22, 2020, & Oct 3, 2020 to Oct 4, 2020, under Judge Dever's Temporary Restraining Order)
<u>Observers:</u> Observers do not observe ballot processing or inspection (N.C.G.S.A. § 163.45).	<u>Observers:</u> Observers do not observe ballot processing or inspection (N.C.G.S.A. § 163.45).	<u>Observers:</u> Observers in North Carolina do not observe ballot processing or inspection (N.C.G.S.A. § 163.45).	<u>Observers:</u> Observers in North Carolina do not observe ballot processing or inspection (N.C.G.S.A. § 163.45).
<u>Notice:</u> North Carolina requires the county board office to contact a voter in writing, via either email or mail, within one business day of identifying a ballot deficiency and enclose either a cure affidavit or new ballot (Oct 17th Memo). If the voter did not provide an email address, the county board is required to call the voter to inform them that their cure affidavit or new ballot has been sent (Oct 17th Memo).	<u>Notice:</u> The entire notice and cure process is temporarily suspended (Oct 4th Memo). No voters will be notified of deficient ballots, and any deficient ballot will be stored without being considered by the county boards until a new guidance is issued (Oct 4th Memo).	<u>Notice:</u> North Carolina requires the county board office to contact a voter in writing, via either email or mail, within one business day of identifying a ballot deficiency and enclose either a cure affidavit or new ballot (September Memo). If the voter did not provide an email address, the county board is required to call the voter to inform them that their cure affidavit or new ballot has been sent (September Memo).	<u>Notice:</u> North Carolina requires the county board office to contact a voter in writing, via either email or mail, within one business day of identifying a ballot deficiency and enclose either a cure affidavit or new ballot (August Memo). If the voter did not provide an email address, the county board is required to call the voter to inform them that their cure affidavit or new ballot has been sent (August Memo).

October 17th NCSBE Memo Rules (In Effect as of October 19, 2020)	October 4th NCSBE Memo Rules (No longer in effect following the October 17th Guidance)	September NCSBE Memo Rules (In effect from September 22 until blocked on Oct 3, 2020 by Judge Dever's Temporary Restraining Order)	August NCSBE Memo Rules (In effect from August 21, 2020 - September 22, 2020, & Oct 3, 2020 to Oct 4, 2020, under Judge Dever's Temporary Restraining Order)
Cure Deadline: Absentee/mail ballot signature cure deadline is November 12, 2020, by 5:00 pm for both civilian and UOCAVA voters (Oct 17th Memo). The ballot cure deadline is determined by the ballot receipt deadline.	Cure Deadline: Because the notice and cure process is temporarily suspended there is currently no cure deadline (Oct 4th Memo).	Cure Deadline: Absentee/mail ballot signature cure deadline is November 12, 2020, by 5:00 pm for both civilian and UOCAVA voters (September Memo).	Cure Deadline: Absentee/mail ballot signature cure deadline is November 6, 2020, for civilian ballots postmarked by 5:00 pm on Election Day (August Memo).
Cure Process: The cure affidavit can be submitted to the county board office by fax, email, in person, or by mail or commercial carrier (Oct 17th Memo). If a voter shows up in person at the county board office, they may also be given a new cure affidavit to fill out (Oct 17th Memo). The cure affidavit may be returned only by the voter, the voter's near relative, or legal guardian, or by a multipartisan assistance team (MAT) (Oct 17th Memo).	Cure Process: The cure process is temporarily suspended and voters will not be notified of or able to cure any deficient ballots (Oct 4th Memo).	Cure Process: The cure affidavit can be submitted to the county board office by fax, email, in person, or by mail or commercial carrier (September Memo). If a voter shows up in person at the county board office, they may also be given a new cure affidavit to fill out (September Memo). The cure affidavit may be returned only by the voter, the voter's near relative, or legal guardian, or by a multipartisan assistance team (MAT) (September Memo).	Cure Process: The cure affidavit can be submitted to the county board office by fax, email, in person, or by mail or commercial carrier (August Memo). If a voter shows up in person at the county board office, they may also be given a new cure affidavit to fill out (August Memo). The cure affidavit may be returned only by the voter, the voter's near relative, or legal guardian, or by a multipartisan assistance team (MAT) (August Memo).

The Signature Matching Process and Standards

North Carolina does not have a signature matching verification process, but county board staff do inspect envelopes to ensure they are signed by the voter and the witness and that the witness information is printed ([October 17 Memo](#)). The North Carolina State Board of Elections (NCSBE) requires the county board staff to confirm that the voter has signed the Voter Certificate in the correct

place and that the witness or assistant has provided their name and address, signed on the correct line, sealed the ballot envelope, and that the voter has not indicated on their ballot that the voter is requesting a replacement ballot ([October 17 Memo](#)). The NCSBE gives specific instructions guiding county board staff on what sort of missing information does not require a cure ([October 17 Memo](#)).

County boards are involved in the review of ballot deficiencies when they are first noticed, including when there is no ballot or more than one ballot in the official return envelope. If, by majority vote in a board meeting, the county board rejects a return envelope due to a deficiency, the voter is notified of the deficiency according to the notification process. This process is now occurring again under the [October 17 Memo](#) after being suspended due to the [Oct 4th guidance](#) from the NCSBE.

North Carolina does not allow observers for its signature verification process ([N.C.G.S.A. § 163 45](#)).

Rejection Rates Due to Signature Defects

The elimination of the signature matching requirement is not expected to significantly reduce the overall rejection rate of vote-by-mail ballots, as signature mismatches comprised less than one percent of all rejected mail ballots in both the 2016 and 2018 elections. On the other hand, the notification and cure process established by the [October 17 Memo](#) for missing signatures and witness-related errors has the potential to significantly reduce the overall vote-by-mail rejection rate as both deficiencies were major issues in the 2016 and 2018 elections. However, the [October 17 Memo](#), compared to the [September Memo](#), made it harder to cure missing witness signatures. Witness signature related errors were a significant reason for ballot rejection in the 2016 and 2018 elections and it is unclear how many voters will take the appropriate actions after their ballots are spoiled. The current notice and cure process may potentially decrease the rejected ballot rate in 2020, however the higher number of mail-in votes because of the COVID-19 pandemic and confusion caused by rapid rule changes may counteract efforts to facilitate ballot curing in North Carolina.

As of September 17, 2020, Black voters' ballots in North Carolina are being [rejected at a rate of more than four times that of white voters'](#) ballots. Black voters have mailed in 13,747 ballots and, so far, 642 have been rejected, or 4.7%. White voters have mailed in 60,954 ballots, with only 661 being rejected, or 1.1%. These numbers include ballots rejected for all reasons, and the vast majority of ballot rejections have been due to [incorrect or missing witness information](#). According to recent Analysis by ProPublica, in the 2018 election, [Black voters' ballots were more than twice as likely as those sent in by white voters to be rejected](#). Voters across all minority groups in the 2018 election [were nearly twice as likely](#) to have their mail-in ballots rejected compared with white voters. Historically, vote-by-mail has made up only a small fraction of ballots cast in North Carolina but, this year, state election officials are [predicting that as many as 40% of voters](#) will send their ballots through the mail due to the ongoing

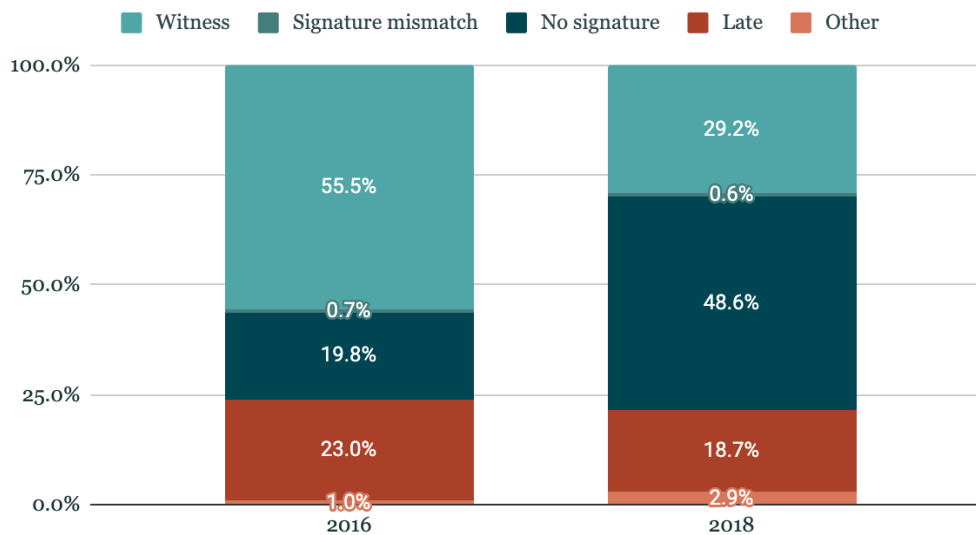
COVID-19 pandemic. It is possible that the recent creation of a notice and cure process, the decision to reduce the number of errors that require a ballot to be reissued rather than being cured by affidavit, and the decision to accept ballots until November 12 as long as they are postmarked on or before Election Day could reduce these historical and current racial gaps. While all of these policies were temporarily suspended by the October 4th Memo, all were restored by the [October 17 Memo](#) except for allowing a voter to cure a missing witness signature via an affidavit. It is possible that this notice and cure process will help to close the persistent racial gap that is found in the ballot rejection rate in North Carolina.

Table 4: Rejection rates in North Carolina due to late ballots, missing signatures, or signature mismatches

	<i>Ballots received</i>	<i>VBM total</i>	<i>Total VBM rejections</i>	<i>Rejected for lateness</i>	<i>Rejected for missing signature</i>	<i>Rejected for signature mismatch</i>	<i>Rejected for witness related error</i>
2016 General (#)	4,690,195	179,263	4,861	1,119	963	32	2,700
2016 General (%)		4.3%	2.7%	23%	19.8%	0.7%	55.5%
2018 Midterm (#)	3,705,224	95,546	5,835	1,089	2,835	33	1,701
2018 Midterm (%)		5.4%	6.1%	18.7%	48.6%	0.6%	29.2%

(2016 & 2018 EAVS data)

Figure 4: Reason for ballot rejections in 2016 and 2018



North Carolina Signature Verification Litigation

Stringer v. The State of North Carolina, No. 20-CVS-5615 (N.C. Super. Ct., Wake County.)

In May, Democratic advocacy groups filed a lawsuit alleging that the state was “woefully underprepared for the rapid expansion of absentee voters.” The complaint alleged that the state’s practices infringe on citizens’ right to participate in free and fair elections and place an undue burden on the right to vote in violation of the North Carolina Constitution.

The suit asks for election officials to be prevented from rejecting ballots based on signature mismatches unless the voter is notified in advance and given “an opportunity to cure the alleged signature defect.” Though the case is still pending, the notice and cure relief sought was granted on August 4 by another court in *Democracy North Carolina v. North Carolina State Board of Elections* (see immediately below).

Democracy North Carolina v. North Carolina State Board of Elections, No. 1:20-cv-457 (M.D.N.C.); No. 20-2104 (4th Cir. 2020) (en banc)

On August 4, U.S. District Court Judge William Osteen granted a [preliminary injunction](#) enjoining the state from rejecting absentee ballots without allowing voters an opportunity to cure the deficiencies. In May, Democracy North Carolina and the League of Women Voters of N.C. [sued](#) several state agencies over alleged violations of voters’ First and Fourteenth Amendment rights. The

Plaintiffs argued that the voting laws, within the context of the pandemic, will significantly restrict North Carolinians' right to vote in the upcoming election. The court denied the plaintiffs' motion for a preliminary injunction against the witness requirement for absentee voting, but granted a preliminary injunction giving voters the chance to cure issues such as a missing signature or witness related errors. Following the preliminary injunction, the North Carolina State Board of Elections issued the [August Memo](#) on August 21, 2020, which established a notification and cure process as ordered by the court. The process ordered by the August Memo required that missing or misplaced voter signatures could be cured by affidavit, and witness deficiencies could be cured by ballot spoliation and return of a new, reissued ballot. The August Memo was later amended on September 22, 2020, as part of a settlement of [a separate suit](#) between the state and the North Carolina Alliance for Retired Americans, which extended the time period for cure by affidavit from November 6, 2020 to November 12, 2020, and expanded the list of deficiencies subject to cure by affidavit to include witness deficiencies (the "September Memo").

However, on September 30, 2020, Judge Osteen [warned](#) that the rule changes in the September Memo did not comply with his preliminary injunction. He [stated](#) that "[n]othing about this court's preliminary injunction order can or should be construed as finding that the failure of a witness to sign the application and certificate as a witness is a deficiency which may be cured with a certification after the ballot has been returned." Judge Osteen held a hearing to consider the September Memo along with two other cases related to the September Memo, [Wise v. North Carolina State Board of Elections](#) and [Moore v. Circosta](#), which were transferred to him by Judge Dever, so that Judge Osteen can simultaneously consider and resolve all three pending and related federal lawsuits. On October 4, the NCSBE issued [guidance](#) that temporarily suspended its notice and cure process altogether (in both memos) pending clear judicial guidance. During this suspension, ballots with deficiencies were simply stored.

On October 14, 2020 Judge Osteen issued an [injunction](#) preventing the state from curing absentee-by-mail ballots with missing witness signatures. Per his order, all other cures can go forward and the extended deadline to November 12, 2020 if the envelope is postmarked by, or before, November 3 remains in place. On October 17, 2020 the NCSBE issued [guidance](#) that reestablished the notice and cure process in North Carolina as stipulated by this order. Following Judge Osteen's order the Plaintiffs in *Wise* and *Moore* sought an emergency motion for injunction pending appeal from the United States Court of Appeals for the Fourth Circuit to block the extension for accepting ballots. On October 20, 2020, the 4th Circuit Court of Appeals [declined](#) to block the extension, in a [12-3 ruling](#) where all 15 of the court's active judges participated, rather than a smaller panel. The opinion noted that if the court forced the state to shorten the deadline, it would violate a legal principle (*Purcell*) that limits how federal courts intervene in ballot rules close to an election. The three dissenting judges [urged the appellants](#) to take the issue to the Supreme Court, and the appellants have done so. The

[Trump campaign](#) and the [GOP leadership](#) both filed separate applications to the Supreme Court for injunctive relief. On October 28, 2020 the Supreme Court in a 5-3 decision denied both applications.

[Democratic Senatorial Campaign Committee v. North Carolina State Board of Elections](#), No. 20CV09947 (Gen. Ct. Justice, Super. Ct. Division, Wake County.)

This state court lawsuit remains active but is likely to be resolved soon because on September 22, 2020, the bipartisan NCSBE unanimously agreed to a settlement in [a separate suit](#) between the state and the North Carolina Alliance for Retired Americans (as discussed above). That lawsuit also addresses the notice and cure period for errors related to the witness requirement. Pursuant to the settlement, NCSBE revised [the August Memo](#) on September 22, 2020, and made deficiencies related to the witness requirement curable via an affidavit. The settlement also extends the date that county boards will accept ballots to [5:00 p.m. on November 12](#), if they are postmarked on, or before, Election Day. On October 2, 2020, the state court approved the settlement reached on September 22, 2020 in *North Carolina Alliance for Retired Americans v. North Carolina* to extend the cure deadline for mail ballots and to enable the cure of witness deficiencies with an affidavit. However, the rule changes that were established in the settlement and memorialized in the September Memo were halted by the temporary restraining order issued by Judge Dever in federal court and the October 4 guidance issued by the NCSBE. Following Judge Osteen's [order](#) all aspects of the settlement, except for the ability to cure via affidavit missing witness or assistant signatures, were memorialized and adopted in the [October 17 Memo](#).

[Wise v. North Carolina State Board of Elections](#), No. 5:20-cv-505 (E.D.N.C.) & [Moore v. Circosta](#), No. 4:20-CV-182 (E.D.N.C.); No. 20-2104 (4th Cir. 2020) (en banc)

On September 26, 2020, these two separate lawsuits were filed in federal court to block officials in North Carolina from enforcing the guidance set forth in the September Memo. One [suit](#) was filed by President Trump's campaign committee and the RNC, and the other was [filed](#) by the GOP leaders of the North Carolina General Assembly. Following the rule changes established by the September Memo, members of the [NC GOP expressed their displeasure](#) with the settlement agreement that was unanimously approved by the bipartisan NCSBE that led to the September Memo. Although both of the two Republican members of the NCSBE agreed to the settlement, they [resigned](#) in response to the agreement, asserting after the fact that they were misled about its substance.

On October 3, U.S. District Court Judge James Dever granted a [temporary restraining order](#) in this case that temporarily enjoined the NCSBE from enforcing the guidance in the [September Memo](#) or any similar memoranda/policy statement. The order does not enjoin the [August Memo](#), which briefly

became the acting guidance for the 2020 general election before the NCSBE issued the October 4 guidance. Judge Dever's temporary restraining order is in effect until October 16, 2020.

As a result of Judge Osteen's September 30, 2020 statement in a different case that the guidance in the September Memo was inconsistent with his preliminary injunction, and Judge Dever's October 3 [temporary restraining order](#) in this case, the NCSBE issued its October 4 guidance that temporarily suspended the notice and cure process set forth in the August Memo and September Memo until the ongoing litigation is resolved. Following Judge Osteen's order the Plaintiffs in *Wise* and *Moore* sought an emergency motion for injunction pending appeal from the United States Court of Appeals for the Fourth Circuit to block the extension for accepting ballots (and therefore the extension of the time to cure as well). However, on October 20, 2020, the 4th Circuit Court of Appeals [declined](#) to block the extension, in a [12-3 ruling](#) where all 15 of the court's active judges participated, rather than a smaller panel.

The multiple lawsuits have resulted in nearly daily change in vote-by-mail rules for voters in North Carolina, during the early voting period. These two cases were transferred from Judge Dever to Judge Osteen, and consolidated with [Democracy North Carolina v. North Carolina State Board of Elections](#). A hearing for all three cases was scheduled for October 7, 2020.

As noted above, on October 14, 2020 Judge Osteen issued an [injunction](#) preventing the state from curing absentee-by-mail ballots with missing witness signatures. Per his order, all other cures can go forward and the extended deadline to November 12, 2020 if the envelope is postmarked by, or before, November 3 remains in place. (Importantly, the ballot receipt deadline is also the cure deadline for ballot defects by state statute.) On October 17, 2020 the NCSBE issued [guidance](#) that reestablished the notice and cure process in North Carolina as stipulated by this order. Following that decision both the Trump Campaign (in *Wise v. Circosta*), and the Senate GOP Leader Moore (in *Moore v. Circosta*), applied for injunctive relief asking the Supreme Court to stay, pending appeal, the 4th Circuit order that maintained the extended deadline. On October 28, 2020 the Supreme Court in a [5-3 decision](#) [denied](#) the linked applications for injunctive relief and maintained the November 12 extended deadline.

Pennsylvania Signature Verification

Due to recent litigation, Pennsylvania has advised its county election officials *not* to reject ballots based solely on signature mismatches. Officials still verify whether the ballot envelope is missing a signature and can reject a ballot on that basis. The Pennsylvania Supreme Court recently ruled that election officials can also reject a ballot because the voter failed to insert their ballot into a secrecy sleeve. Some [estimate](#) this ruling could result in the rejection of an additional 100,000 mail-in ballots this November.

Relevant Laws, Policies, and Deadlines

- **Canvassing start date:** Currently, both processing and tabulation of received mail-in ballots cannot commence before Election Day. The Secretary of the Commonwealth has advocated for the statutory change to the election code by the state legislature to add a pre-canvass deadline of 21 days before Election Day.
- **Training:** There is no evidence of state-issued guidance or training for the evaluation of ballot envelope signatures.
- **Comparing signatures:** Pennsylvania has historically reviewed and rejected absentee ballots by comparing the signature on the ballot envelope to the voter file.
 - However, due to recent litigation regarding lack of statewide signature verification standards before and after the June 2020 primary, Kathy Boockvar, the Secretary of the Commonwealth, published **new guidance concerning examination of absentee ballots and mail-in ballot return envelopes** on 11 September 2020. ([PA DoS Examination of Absentee and Mail-In Ballot Return Envelopes](#), 2020)
 - The new guidance altogether prevents any of the 67 county boards of elections to “set aside returned absentee or mail-in ballots based solely on signature analysis.” On [October 23, 2020](#), the Pennsylvania Supreme Court prohibited rejecting a ballot based on signature comparison.
- **Notice and cure:** The state has no provision for notifying voters and affording them the chance to cure any ballot defects, such as a signature mismatch, unless the ballot is set aside and subjected to a challenge. [25 P.S. § 3146.8\(5\) & \(6\)](#).
- The ballot envelope does not have a witness or notary requirement.
- The ballot envelope requires a signature, printed name, date, and address. According to new guidance, the only causes for challenging or rejecting ballots are address discrepancies, missing signatures, duplicate ballots, or the death of the voter before the polls open on Election Day.
- The Pennsylvania [Supreme Court ruled](#) on September 17, 2020, that any mail-in ballot postmarked by Election Day and received up to three days later (November 6, 2020, by 5:00

p.m.) must be counted. The [Pennsylvania GOP](#) appealed to the Supreme Court. On October 19, 2020, [the Supreme Court rejected the application](#) for stay, allowing Pennsylvania to count ballots received up to three days after Election Day. Supreme Court to halt the extension.

- **Poll Observers:** [Pennsylvania](#) statutes allow partisan poll watchers to observe mail ballot verification, and allows public participation when overseeing ballot tabulation. For more information on election observers see the [Election Observers memo](#) (Healthy Elections Project).

The Health Elections Project team was unable to reach anyone within the Pennsylvania Department of State Elections Division who could answer questions related to deadlines in the election calendar or could connect the team with a Pennsylvania vote-by-mail specialist. Limited information is provided on the [state website](#).

The Healthy Elections Project team reached out by phone to the Philadelphia County Elections Office (the largest county in the state by population) and was able to speak briefly with the Elections Compliance Specialist, on September 15, 2020. The elections specialist informed the team that, due to ongoing litigation, they were unable to discuss signature verification. The specialist said he did not believe there was any statewide guidance on assessing and comparing signatures on ballot envelopes or for training volunteers. Given the rapid expansion of mail-in voting, active litigation, and the fluid nature of elections in Pennsylvania, changes in election-related dates, deadlines, and processes are likely to continue up until the election.

The Signature Matching Process and Standards

According to Secretary Boockvar's September 11 guidance, Pennsylvania election officials will no longer engage in signature matching to verify a voter's identity for a ballot. However, there are still laws in place that address signatures and signature matching from before the recent guidance.

Those pre-existing laws do not provide any clear standards for assessment of signatures, other than there should be a "comparison of elector's signature with the signature on the district register" ([§ 1210](#)). The ballot envelope is examined to ensure it has been signed.

In the event the ballot envelope is missing a signature, the ballot is considered challenged and the elector must complete an affidavit to validate the ballot. The voter must appear or provide to the county board of elections an "electronic, facsimile, or paper copy" of an affirmation that the voter is who they say they are. ([§ 1210 subsection 5\(E\)](#)). There is codified guidance for voters who have serious vision impairments or who have "lost the hand with which he was accustomed to sign his name, or shall have been otherwise rendered by disease or accident unable to sign his name." In this case, the

voter still must “establish his identity to the satisfaction of the election officers.” Registered voters who want to look up their signature for the purpose of ensuring they sign their ballot envelope correctly are barred from doing so until after they have signed the ballot.

The state code regarding observers does not specifically state whether observers can observe or challenge the signature verification process, and the question is now moot since signature matching no longer exists in Pennsylvania. According to PA Election Code § 2687 and the Commonwealth of Pennsylvania: “[Rights of Watchers, Candidates & Attorneys](#),” partisan citizen observers can have access to pre-election, Election Day, or post-election procedures in the state. Furthermore, in Section 310(c), “Any candidate, attorney or watcher present at a recount or recanvass is entitled to examine the ballots and raise objections regarding such ballots.” Counties Boards of Elections can reasonably issue regulations on the behavior and duties of observers ([25 P.S. 2687 section 417](#) (Act 2004-97); 52 Pa. Code 102.2, 102.4; 34 Pa. Code 95.52).

Rejection Rates Due to Signature Defects

Due to a significant increase in absentee and mail-in balloting, the number of rejected ballots may also climb in Pennsylvania. The following is a summary of rejection rates from the 2016 General Election and 2018 Midterm:

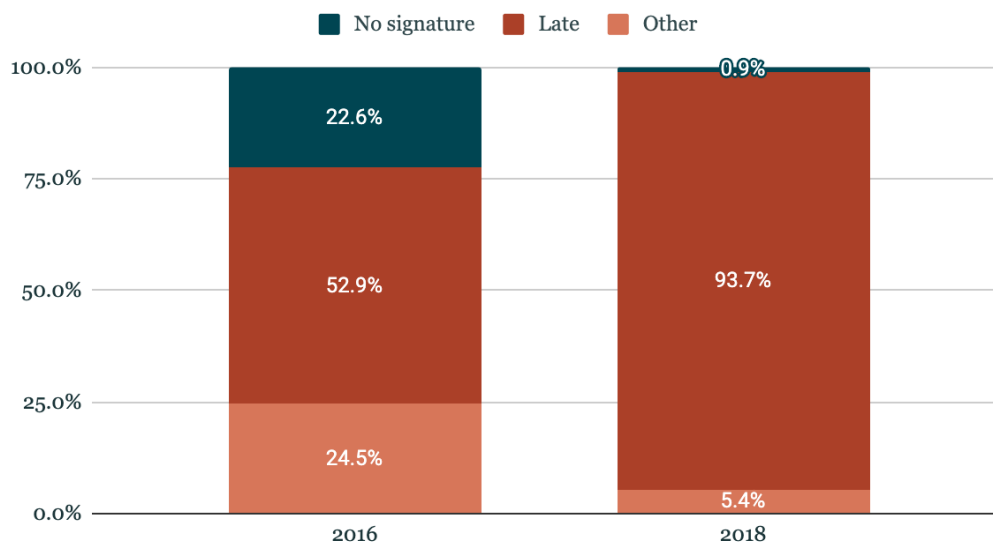
- The bulk of rejections in 2018 were due to late-arriving ballots to county election offices.
- The [rejection rate of VBM ballots in the June 2020 Primary](#) was 1.7% (about 26,000 of 1,500,000 rejected ballots).
- VBM increased 750% from the 2018 midterm election to the June 2020 Primary. This is due to [Act 77](#), passed in 2019, which expanded access to mail-in balloting.
- If the ruling regarding secrecy sleeves as mandatory for mail-in ballots goes unchanged, an estimated [additional 100,000 ballots](#) could be rejected, according to the Chairwoman of Philadelphia City Commissioners.
- The ruling removing signature matching should reduce the number of rejected ballots.

Table 5: Rejection rates in Pennsylvania due to late ballots or missing signatures

	<i>Ballots received</i>	<i>VBM total</i>	<i>Total VBM rejections</i>	<i>Rejected for lateness</i>	<i>Rejected for missing signature</i>
2016 General (#)	6,223,150	266,208	2,534	1,341	573
2016 General (%)		4.3%	1.0%	52.9%	22.6%
2018 Midterm (#)	5,057,630	195,953	8,714	8,162	77

2018 Midterm (%)		3.9%	4.4%	93.7%	0.9%
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Figure 5: Reason for ballot rejections in 2016 and 2018



Pennsylvania Signature Verification Litigation

[League of Women Voters of Pennsylvania v. Boockvar](#), No. 2:20-cv-03850 (E.D. Pa.)

In Pennsylvania, the League of Women Voters of Pennsylvania [challenged](#) the state’s practice of signature matching in federal court, alleging the state failed to require any handwriting training or provide any standards or guidelines to aid election officials in their signature analysis. Plaintiffs alleged violation of both equal protection and procedural due process, as well as infringement on the fundamental right to vote. Plaintiffs [dropped their lawsuit](#) after the Secretary of State Kathy Boockvar [issued guidance](#) on September 11, 2020, prohibiting all of the state’s county boards of elections from rejecting returned absentee or mail ballots “based solely on signature analysis.”

The Pennsylvania case did not end there, however. The Trump campaign challenged the Secretary of State’s new guidance in federal court. The court [dismissed](#) the lawsuit on October 10, holding that Pennsylvania’s “Election Code does not impose a signature-comparison requirement for mail-in and absentee ballots” and that the lack of a signature matching does not violate the due process or equal protection clauses of the U.S. Constitution.

Finally, on October 23, in response to a [King’s Bench Intervention Petition](#) filed by the Secretary Boockvar seeking declaratory relief, the Pennsylvania Supreme Court [unanimously held](#) that “county boards of elections are prohibited from rejecting absentee or mail-in ballots based on signature comparison conducted by county election officials or employees, or as the result of third-party

challenges based on signature analysis and comparisons.” The court explained that the state’s election code permits use of signature matching to verify in-person voters and provisional ballots, but not for absentee or mail-in ballots. The court clarified, however, that absentee ballots may be rejected for the voter’s failure to sign and date the “declaration envelope” altogether.

Crossey v. Boockvar, No. 266-MD-2020 (Penn. Commonw. Ct.)

Plaintiffs [argued](#) Pennsylvania’s vote by mail process violated the Pennsylvania Constitution because it did not require the State to: (1) provide prepaid postage for all absentee and mail-in ballots; (2) establish emergency procedures to ensure that ballots delivered after 8 p.m. on election day due to mail service delays or disruptions are counted, to the extent otherwise eligible to be counted; (3) allow voters to designate a third party to assist them in collecting and submitting absentee or mail-in ballots and ensure that all such ballots would be counted, if otherwise eligible; or (4) provide uniform guidance and training to election officials involved in verifying mail ballots and implement procedures to ensure that voters receive reasonable notice and an opportunity to cure signature-related defects on absentee or mail-in ballots before any ballot was rejected.

On September 17, the court dismissed as moot the Petitioner’s request to extend the ballot receipt deadline for mail-in ballots because the court granted such an extension in *Pennsylvania Democratic Party, et al. v. Boockvar*, K., et al., 133 MM 2020. The court also dismissed as moot the Petitioner’s request that prepaid postage be provided on mail-in ballots given that the Department of State announced that it will provide funds to county election boards for postage on mail-in ballots. Finally, the court denied the Petitioner’s request that voters be permitted third-party assistance with the return of mail-in ballots. The court did not order the state to provide signature verification guidance for election officials, likely because Secretary Boockvar ordered on September 11 that no county should reject ballots on the basis of handwriting analysis alone.

Pennsylvania Democratic Party v. Boockvar, No. 407 MD 2020 (Commonwealth Ct. Pa.); No. 133 MM 2020 (Pa. Sup. Ct.)

Plaintiffs requested (i) declaratory judgment that secure ballot drop-boxes be permitted; (ii) an injunction that mail-in and absentee ballots must be counted if they are postmarked by 8 p.m. on Election Day and received by the UOCAVA deadline; (iii) injunction requiring boards to contact electors whose mail-in or absentee ballots contain facial defects and provide an opportunity to cure such defects by the UOCAVA deadline; (iv) declaratory judgment that boards must clothe and count naked ballots and an injunction against boards from excluding such ballots; and a (v) declaratory judgment that the poll watcher residency requirement does not violate the law.

On September 14, 2020, the court 1) ruled that the Election code permits drop-boxes, 2) extended the absentee and mail-in ballot received-by deadline to 5:00 p.m. on November 6, 2020, if the ballot envelope is postmarked by 8:00 p.m. November 3, 2020, 3) ruled that the poll watcher residency requirement is constitutional, 4) denied the Plaintiffs' request that the Board of Elections contact individuals whose mail-in or absentee ballots contain a minor facial defect and provide them an opportunity to cure those defects, and 5) denied the request to count ballots returned without the secrecy envelope instead of invalidating them.

On October 19, 2020, [the United States Supreme Court rejected an appeal](#) from the Republican Party to pause the September ruling. The Court rejected this emergency appeal, which means Pennsylvania will be allowed to count mail-in ballots received three days after the November 2020 election. With four justices in favor of granting the stay and four against granting the stay, the Court was tied, four to four, four to four, which means the Trump campaign's request to put the Pennsylvania Supreme Court's ruling on hold failed. Neither side of the Court explained its position.

Wisconsin Signature Verification

Wisconsin does not have a signature matching requirement but does require the signature of both the voter and a witness. In the 2020 primary, deficiencies related to the absentee ballot certification form [accounted for 60% of ballot rejections](#).

Relevant Laws, Policies, and Deadlines

- **Canvassing Start Date:** November 3, 2020
- **Training:** Because Wisconsin does not have signature verification requirements, there is no training on this particular issue.
- **Comparing signatures:** Wisconsin **does not currently have a signature verification procedure to compare voters' signature on a ballot envelope to a signature on record**. However, Wisconsin requires voters to sign their ballots along with a witness. The witness must also include their address information. ([Wisconsin Statute Section 6.87\(3\)](#)). Wisconsin voters and voter witnesses must complete all lines within each form, [as a missing address or signature is grounds for ballot rejection](#).
- The stringent witness requirements have produced at least one hotly-contested lawsuit in the state, discussed in detail in the [Litigation Section](#) of this memo.
- **Notice and Cure:** Voters are allowed to provide a corrected signature envelope until polls close on Election Day at 8:00 p.m. Notice and cure practices across Wisconsin [vary widely](#). In some counties, election officials make an effort to [call every voter](#) whose ballot does not meet witness requirements and help them fix the ballot. In other counties, only a small number of ballots that failed to meet the witness requirements [were counted](#).

Witness Form Verification Process and Ballot Cure

Wisconsin does not have a signature verification process. Thus, this section will instead discuss Wisconsin's witness form verification process. Once Wisconsin voters receive their mail-in ballots, they must fill out the ballot, [sign the ballot in front of a witness](#) who is an adult U.S. citizen, fill out an elector witness certification form, and have the witness sign a certificate that accompanies the ballot. Amid the ongoing COVID-19 pandemic, the Wisconsin Elections Commission has [provided additional guidance](#) for securing a ballot witness while social distancing. The Commission has urged voters to find a family member, mail delivery person, or grocery store employee to serve as a witness. If a certificate is missing the witness's address or signature, the ballot may not be counted.

Wisconsin statutes do not make direct mention of the verification process for witness certificates. The statute indicates only that, “if a municipal clerk receives an absentee ballot with an improperly completed certificate or with no certificate, the clerk may return the ballot to the elector, inside the sealed envelope when an envelope is received, together with a new envelope if necessary. ([Wisconsin Statute Section 6.87\(9\)](#)). Further, Wisconsin’s [statewide guidance](#) for clerks indicates that clerks should “examine the certificate envelope for sufficiency.” [The guidance](#) further specifies that clerks “should review the certificate envelopes to see if there are any deficiencies that could cause the ballot to be rejected and bundle those together for a more individualized review by the inspectors.” But the guidance does not provide any standards for judging ballot “sufficiency” and does not provide additional detail on when a ballot might be subject to “individualized review by the inspectors.”

If a municipal clerk receives an absentee ballot that fails to include all of the information required for the certificate (e.g., address, signature) or a ballot is submitted with no certificate, the clerk may return the ballot to the elector with a new envelope “whenever time permits the elector to correct the defect and return the ballot.” ([Wisconsin Statute Section 6.87\(9\)](#)).

Wisconsin does not appear to have an observer process for its witness form verification process.

Rejection Rates Due to Ballot Defects

In the 2020 primary election, Wisconsin clerks rejected 60% of absentee ballots due to issues with witness certification (shown in Table 6).

Table 6: Rejection rates in Wisconsin due to late ballots, missing signatures, or signature mismatches

	<i>Ballots received</i>	<i>VBM total</i>	<i>Total VBM rejections</i>	<i>Rejected for lateness</i>	<i>Rejected for insufficient or compromised witness certification</i>
2016 General (#)	2,993,000	139,988	284	19	N/A
2016 General (%)		4.67%	0.2%	6.7%	N/A
2018 Midterm (#)	2,688,341	150,114	2,517	1,445	N/A
2018 Midterm (%)		5.56%	1.7%	57.4%	N/A ¹
2020 Primary (#)	1,555,263	1,159,800 ²	23,196	8,185 ³	14,140
2020 Primary (%)		68.1%	2.0%	35.28%	60.9%

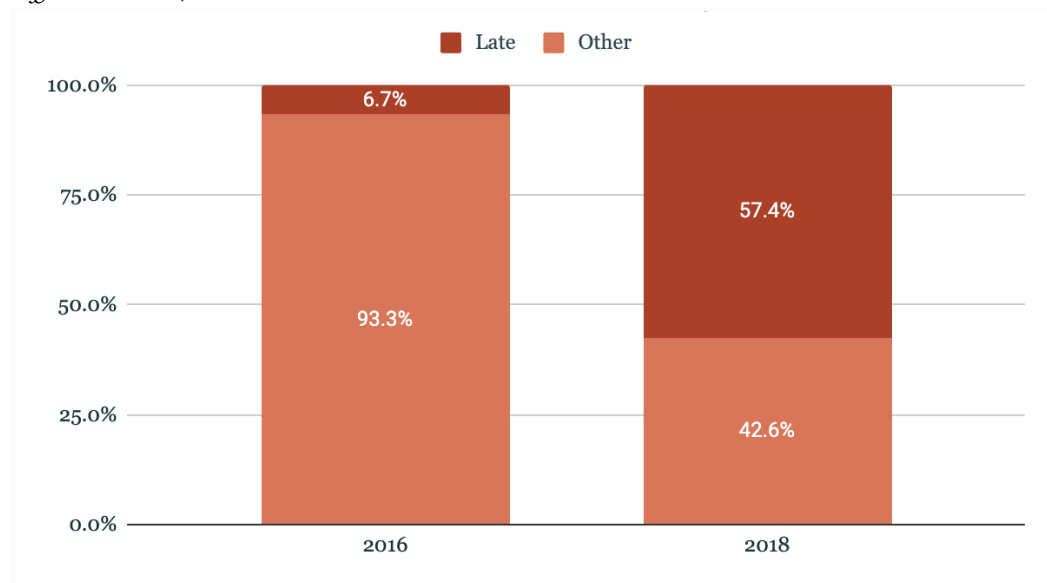
(2016 & 2018 EAVS data, [Wisconsin Absentee Voting Data](#))

¹ N/A indicates that no data was available for that particular datapoint.

² Wisconsin grouped absentee “in person” ballots with absentee by mail ballots in the 2020 data. Thus, this number includes 195,367 “absentee” ballots that were recorded as “cast in person.”

³ Includes ballots rejected because they were postmarked after Election Day and ballots not returned to clerks by the 4:00 p.m. April 13th deadline.

Figure 6: Reason for ballot rejections in 2016 and 2018 (2020 data excluded because 2020 data came from a different source.)



Wisconsin's Ballot Witness Litigation

Because Wisconsin lacks a signature matching process, this section will forego a discussion of signature verification litigation and instead explore recent litigation related to legal challenges to Wisconsin's ballot witness rules. Just as deficient signatures provide cause for ballot rejection in many other states, Wisconsin's witness requirements-- that all mail-in ballots be completed in front of a witness who must fill out and sign the witness forms that accompany the ballot-- provide ample cause for ballot rejection. In March 2020, the Democratic National Committee initiated a lawsuit aimed at, among other things, eliminating the witness requirement amid the current COVID-19 pandemic.

[DNC v. Bostelmann](#), No. 3:20-cv-249 (W.D. Wis.), No. 20-1539, 20-1539, 20-1545, 20-1546, 20-2835 (7th Cir.)

The Democratic National Committee filed suit in federal district court, challenging numerous voting requirements related to Wisconsin elections. Wisconsin's requirement that a voter must have a witness certify the truth of the information the voter provides on the ballot was among those practices challenged in the lawsuit. In a flurry of legal action in the days before the primary election, the district court ruled that voters could cast their mail-in ballots without a witness. However, the Seventh Circuit U.S. Circuit Court of Appeals [promptly overturned](#) the lower court ruling.

Conclusion

An unprecedented number of voters will be casting their ballots by mail this year, leading to increased risk that many ballots will be rejected due to mismatched or missing signatures on ballot envelopes. However, as a result of litigation, legislative action, and formal guidance from statewide election officials, many states have clarified their signature matching standards and practices ahead of the November 2020 election to reduce voter errors and confusion. Several states have also extended the deadline to fix ballots with deficient or missing signatures, allowing voters a chance to cure ballot defects that could have resulted in their vote not counting.

Some of these new practices and standards may yet change prior to the election due to continuing legal challenges making their way through the courts. Despite these uncertainties stemming from pending and new legal challenges in weeks before the November 3 election, the actions that state election officials have taken to ensure that voters can safely and effectively cast their ballots by mail may enhance the United States' ability to successfully conduct a presidential election with record turnout despite a global pandemic.