



Rulemaking for updating Signature Match Policy & Procedure

1. Notice of Development of Rulemaking

DEPARTMENT OF STATE Division of Elections RULE NO.: RULE TITLE: 1S-2.056 Signature Matching and Verification

PURPOSE AND EFFECT: The new rule is to **implement section 97.012(17), Fla. Stat. (2023)** that changes existing law to mandate a formal signature matching training program for canvassing board members, Supervisors of Elections, and any person whose duties require verification of signatures.

SUBJECT AREA TO BE ADDRESSED: Signature matching training and verification

RULEMAKING AUTHORITY: 20.10, 97.012(1), 97.012(17)

LAW IMPLEMENTED: 97.012(17), 101.048, 101.68

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW: DATE AND TIME: March 25, 2024 at 11:00 a.m.

PLACE: Heritage Hall (Department of State Auditorium), R.A. Gray Building, 500 S. Bronough St., Tallahassee, FL 32399

Call-in also available at: 1(888)585-9008; Conference Room # 201-297-717.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 hours before the workshop/meeting by contacting: Jenna McLanahan at jenna.mclanahan@dos.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Genevieve McNalis at (850)245-6503 or Genevieve.mcnalis@dos.myflorida.com. THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

2. Look-up Information:

- a. Previous Statute: 97.012(17) Provide formal signature matching training to supervisors of elections and county canvassing board members.
- b. Updated/ 2023 Statute: 97.012(17) Provide mandatory formal signature matching training to supervisors of elections and county canvassing board members. Any person whose duties require verification of signatures must undergo signature matching training. The department shall adopt rules governing signature matching procedures and training.
- c. Review Statutes that are address:
 - i. 101.048 Provisional ballots.
 - ii. 101.68 Canvassing of vote-by-mail ballot.

3. **My Statement** (Teresa Miller) Feel free to use any of these talking points and/or modify with your own experience and send to Genevieve at above email address.

The Rule clarification for 97.012 (17) significantly enhances the consistency and integrity of the election process. Detailing and mandating formal signature matching training for supervisors of elections and county canvassing board members but also for any individual whose duties involve signature verification provides consistent training throughout Florida underscoring a commitment to safeguarding the accuracy and trustworthiness of elections.

The feedback from local signature match participants across the state highlights a significant concern: the signature match process varies from one county to another, leading to inconsistencies in its application. This lack of uniformity not only undermines the integrity of the voting process but also erodes voter confidence.

Implementing this comprehensive approach to signature verification training equips all individuals involved in this crucial task with the essential skills and knowledge required, significantly reducing the risk of errors, and establishing a uniform and standardized procedure. This promotes consistency and reliability throughout the election process, ensuring that every step—from initial training to the final verification of signatures—is conducted according to the same high standards across all counties. This uniformity is key to enhancing the integrity and public trust in the electoral system.

When voters perceive that their ballots might not be treated equally due to differing standards for signature verification, it can dissuade participation and cast doubt on the fairness of electoral outcomes. Addressing these disparities and ensuring a standardized, transparent signature verification process is crucial for maintaining the voter's trust and confidence in the election process.

1S-2.056 Signature Matching Training and Verification Final Effective 5/2024

(1) **Online Training Program.** The Division of Elections shall offer an online signature match training program for Supervisors of Elections, county canvassing board members including alternates and substitutes, and any person whose duties require verification of signatures. Such programs shall be a minimum of two hours. The program shall include modules with questions and answers. The attendee shall be issued a certificate upon completion. The link to the program is dos.fl.gov/elections/signaturetraining. Nothing herein precludes the Supervisor of Elections from requiring additional training or testing.

(a) **Timing of Training.** The training program cycle begins January 1 of the odd numbered year and expires at 11:59 p.m. on December 31 of each even year. Certificates expire at the conclusion of each training cycle. The signature match training program for a specific election cycle shall be completed no earlier than six months prior to the first signature match by the individual trainee. Each trainee shall take the training no later than the day before their signature match duties begin.

(b) **Training Records.** Each Supervisor of Elections shall retain a copy of his or her own training certificate and that of the other county canvassing board members including appointed alternates and substitutes for retention as part of the county canvassing board records for the applicable election cycle. The Supervisor of Elections shall retain the training records for staff and any person whose duties require verification of signatures. The Supervisor of Elections shall maintain a written record of when an individual completed signature match training and the date of that individual's first signature match training duties.

(2) **Automated signature verification technology.** The canvassing board is the final authority on whether a voter signature matches for purposes of counting ballots. However, the Supervisor, who serves as one of the members of the canvassing board, may perform preparatory signature verification to assist the canvassing board. It is within the discretion of the Supervisor and the canvassing board to use automated signature verification technology to assist in the review process for vote-by-mail ballot certificates and provisional ballot certificates. However, the technology cannot replace the duties and responsibilities of the Supervisor or the canvassing board's duty as the final authority as to whether a signature is verified on a ballot certificate or cure affidavit.

(3) **Signature matching procedures for vote-by-mail ballots and cure affidavits.**

(a) General Principles of Review. Signature comparison and verification shall be conducted in accordance with the online training program.

(b) The canvassing board is the final authority on whether a voter signature matches for purposes of counting ballots.

(c) Before signature comparison begins, the Supervisor must publish notice of the access to be provided under section 101.572(2), which allows a candidate, a political party official, or a political committee official, or an authorized designee thereof reasonable access upon request to review or inspect ballot materials before canvassing or tabulation, including voter certificates on vote-by-mail envelopes, cure affidavits, corresponding comparison signatures, duplicate ballots, and corresponding originals before the ballots envelopes are opened.

(d) **Signature Review.**

1. Signature verification must be conducted in accordance with section 101.68, Florida Statutes.

2. If a signature is missing from the ballot certificate, the voter shall be notified in accordance with section 101.68 regarding the right to cure.

3. **If the signatures do not appear to match, the voter shall be notified of the right to cure pursuant to Sections 101.048 or 101.68, as may be applicable.**

(e) If a protest under section 101.68(2)(c)(4.) or 101.6104 is made to the signature on the voter's certificate or cure affidavit, the legality of the signature must be reviewed by the canvassing board.

(4) Other Statutorily Required Signature Matching. All other types of required signature matching, including those required under 99.095, 99.097, 100.361, 100.371(11)(a), 103.021, 105.035, and 101.62(3)(d)4, shall be conducted by at least one trained Supervisor of Elections staff member. Unless a statute creates a procedure, the Supervisor of Elections may produce an internal procedure for verifying signatures in these circumstances.

*Rulemaking Authority 20.10(3), 97.012(17) FS. Law Implemented 97.012(1), 97.012(17), 99.095, 99.097, 100.361, 100.371(11)(a), 101.048, 101.572, 101.6103, 101.62(3)(d)4, 101.68, 103.021, 105.035, FS. **History—New 5-29-24.***

History *emaking Authority 20.10(3), 97.012(17) FS. Law Implemented 97.012(1)*
Notes: *012(17), 99.095, 99.097, 100.361, 100.371(11)(a), 101.048, 101.572, 101.610*
L.62(3)(d)4, 101.68, 103.021, 105.035, FS. History—New 5-29-24.