

Notice and Cure Process

When a bipartisan staff team reviews an absentee ballot envelope and finds that the ballot envelope has one or more curable defects, the voter must be notified of the defect and given the opportunity to cure it so that the ballot can be canvassed. Ballots should be reviewed as soon as practicable after receipt by the board.

I. WHAT IS CURABLE

The following defects of the ballot envelope DO require the notice and cure opportunity for the voter:

- the affirmation envelope is unsigned
- the affirmation envelope signature does not correspond to the registration signature and thus does not appear to verify the voter. (Please note that there are specific instructions regarding signature matching below.)
- the affirmation envelope does not have the required complete witness to a mark
- the ballot is returned without an affirmation envelope in the return envelope (in some instances the voter may not be discernable)
- the affirmation envelope is signed by the person that has provided assistance to the voter but is not signed or marked by the voter him/herself
- the voter has failed to sign the affirmation envelope and someone else has signed the affirmation. (spouse, caregiver, child, POA etc.)

II. TELL THE VOTER

When a curable problem is identified, the board must within one day:

- Fill out the notification form (see form provided)
- Send the form by mail to the voter to registration address and the absentee address.
- Send the notice by email (if available) and attempt to reach by phone (if available), as provided in the regulation. If the voter provides email address on the phone, send notification form to the email address.

III. THE VOTER MAKES CURE

- The cure affirmation must be returned to the board of elections in the manner indicated by the staff on the notice provided to the voter. (see below)
- Any voter can return a cure affirmation in person or by mail.
- A voter with a wet signature absentee application can, in addition, return the cure affirmation by fax or email.
- Because there is a difference in how voters are eligible to return the cure affirmation, the board needs to inform the voters of the return methods available to them on the cure form.

IV. DEADLINE FOR RETURN

- Any cure affirmation must be filed with the Board of Elections, on or before the day before the election or seven *business* days after the notification is mailed, whichever is later.
- “Filed with” means postmarked or for any authorized return method *other than mail*, “filed with” means received by the board of elections.

V. NO CURE NEEDED

These things do not make the absentee envelope invalid.

- Undated or Wrongly Dated Voter Signature that is otherwise postmarked and received timely by the board.
- Misplacement of Signature or Mark. The signature or Mark of the voter need only appear on the same envelope as the affirmation.
- Use of Ink or Pencil. A voter may use any combination of ink (of any color) or pencil to complete the ballot envelope.
- Extrinsic Materials Exception. If papers or materials the voter received from the board of elections are included with the ballot this alone shall not invalidate the ballot.
- Extrinsic marks or tears on the ballot envelope that appear to be made as the result of ordinary mailing and processing.

VI. THE UNCURABLES

Prior to Election Day—if it is determined that the defect on the envelope is not curable, the voter shall be notified by mail, and email/phone where available that their ballot has been rejected.

- Send rejection notice within one business day of making the rejection determination.
- Advise voter as to alternative ways for them to still vote as applicable (i.e. go to the polls, early voting, get a new absentee).

After Election Day— if it is determined that the defect on the envelope is not curable, the voter shall be notified by mail and email (if available) that their ballot has been rejected.

- Exception: No rejection is required when the reason for not counting the absentee is the voter voted in person on election day or during early voting.

INSTRUCTIONS TO STAFF PRIOR TO ANY SIGNATURE COMPARISONS TO VERIFY THE SIGNATURE.

Prior to any staff person being assigned to do signature reviews they shall be required to read and demonstrate their understanding of the guidance below.

When verifying signatures, the bipartisan team shall keep in mind that everyone writes differently, and no one signs his or her name exactly the same way each time.

Studies have shown that evaluators are more likely to declare genuine signatures to be non-genuine than they are to accept a non-genuine signature as genuine. We hope to prevent these errors. The bipartisan team shall presume that the documents were signed by the same person. If any differences observed can be reasonably explained, the signature should be accepted

Some variation in signatures is to be expected. There are many factors that can lead to signature variance, including but not limited to age, disability, underlying health conditions, writing implement/surface and level of concentration.

That being said, when a bipartisan team makes a preliminary ruling that the signature on the absentee affirmation does not match the voter registration signature(s) on file, the decision shall be elevated to a manager for further review.

If the managerial team, after reviewing the affirmation signature and all signature exemplars that the board has on file, agrees that there is a signature mismatch, the cure procedures outline above shall be followed.

If the initial signature comparison is conducted by the commissioners of the board of elections, managerial review of their initial determination of a mismatch shall not be required and the cure procedures outlined above shall be followed.