

# 2020 SIGNATURE VERIFICATION GUIDE



## WEST VIRGINIA SECRETARY OF STATE'S OFFICE ELECTIONS DIVISION

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## OVERVIEW

“Signature verification” is the process of analyzing and comparing the signature on a voter’s absentee record, ballot return envelope, and voter registration record in SVRS. It is important to verify signatures in order to confirm that the voter is who they say they are, and to ensure that the votes of eligible voters are counted.

When verifying signatures, remember that everyone writes differently and no signature looks the same way twice. Use the two-step method below to decide whether signatures on the Absent Voter’s Ballot Envelope No. 2 are consistent with those in SVRS:

1. Evaluate broad characteristics of the signature. These characteristics include:
  - Type of writing (cursive vs. print)
  - Speed of writing (slow & deliberate vs. quick strokes & sloppy writing)
  - General spacing
  - Overall size & proportion
  - Position
  - Spelling & punctuation

If the broad characteristics are consistent with those of the SVRS signature, you may accept the signature. If there are discrepancies, move to step two.

2. Evaluate local characteristics of the signature. These characteristics include:
  - Internal spacing
  - Size of letters
  - Curves, loops, & cross points
  - Presence or absence of pen lifts
  - Beginning and end pen strokes

After evaluating the signatures and assessing the characteristics, use your best judgement to determine if the signature is valid. Only a combination or variation of characteristics should trigger a determination of a provisional ballot, or prompt you to conduct further research. If, after completing the two-step analysis, you find differences between the signature, ask yourself if the differences can be reasonably explained. If the differences can be explained, you may accept the signature. If you are questioning the validity of the signature, you should contact the voter, do additional research, or deem the ballot provisional. If multiple signatures are available in the voter’s signature history, you may want to compare other signatures to the ballot return envelope signature, as certain writing habits may develop over time.

## **BROAD CHARACTERISTICS**

### **Type of Writing**

Aside from spelling, the type of writing is the easiest characteristic to notice when assessing signatures. For example, a voter may have a cursive signature documented in SVRS, but has a printed signature on the ballot return envelope. These are primary signature indicators that may lead you to make a ballot provisional.

### **Speed of Writing**

Often times, someone writing his or her signature will do so quickly, since this person has likely signed his or her name thousands of times. Signature gestures are automatic and require little thought and concentration, therefore they should flow naturally. If it appears that the voter took a substantial amount of time and effort to copy the signature on the ballot return envelope, you may question the validity of the signature. However, this may not always be the case. If the voter's signature in SVRS is written poorly or in a shaky manner, but the ballot return envelope signature is neatly written, there may be evidence of forgery. Consider that signatures may be shaky or sloppy due to extreme advanced age, disability, deteriorated muscle strength, or surface below the envelope. Here, it is important to ensure that the ballot return envelope signature appears to be written at the same speed as the signature in SVRS.

### **General Spacing**

Generally, signatures should be similarly spaced. Determine whether the ballot return envelope signature has an unnatural or odd manner of spacing that is not reasonably explained.

### **Overall Size & Proportions**

Size and proportion of a voter's signature should be generally similar. Be sure to consider length, width, and height of the individual letters and signature as a whole. At a glance, determine if the ballot return envelope signature is larger or smaller than the signature documented in SVRS. If there are discrepancies, analyze the signature in detail and conduct further research at your discretion.

### **Position**

The slant of writing may show evidence of forgery. Depending on the direction a voter holds the pen and paper, there may be a slant in the same direction each time they write. You may notice that individual letters slant in an opposite direction, which can indicate a discrepancy in the two signatures being analyzed. Look to see whether a signature slants or leans in a different direction as compared to the signature in SVRS. Slants are often times the most consistent part of a signature, and any variations within the signature may be a sign of forgery.

### **Spelling**

If a name is misspelled, you should contact the voter to verify the signature or make the ballot provisional. Additionally, if the name of another voter appears on the signature line, but does not match the name of the voter who requested and received the ballot, you should conduct further research or make the ballot provisional.

## **LOCAL CHARACTERISTICS**

### **Internal Spacing**

Examine the space in between individual letters. If there is a significant amount of space between letters, you may question the validity of the signature. Additionally, if letters in the signature are much closer together or farther apart as compared to the SVRS signature, you may want to conduct additional research or make the ballot provisional.

### **Size of Letters**

Proportions and sizes of letters should be reasonably similar. Remember to consider width, height, and length of the signature and be aware of suspicious proportions.

### **Curves, Loops, & Cross Points**

These characteristics may be difficult to initially identify when comparing SVRS signatures and ballot return envelope signatures. Some individuals have loopy, curved signatures, while others maintain sharp, angular writing. Loops and curves should be consistent throughout the signature. However, consider that these loops may show slight variation due to the type of pen the writer is using. If there is a large discrepancy of loops, curves, or cross points, however, contact the voter or make the ballot provisional.

### **Pen Lifts**

If someone is copying or forging a signature, they may write in sections instead of in a singular, fluent motion. It may appear that they lift the pen several times when writing the signature due to hesitation or deep concentration. Do not immediately accept the signature if there are any unusual connection points or hesitation marks.

### **Beginning & End Strokes**

A genuine signature becomes automatic overtime and requires little to no hesitation. Signatures often show a starting point and ending point that seem to “fly” or vanish off the paper. Genuine signatures may show that a writer begins writing his or her own signature before the pen even hits the paper. A forger will typically touch the pen to the paper as the begin writing, and finish with the pen on paper, which leaves larger ink dots at the beginning and end of the signature.

## **ELECTRONIC SIGNATURES**

Use caution analyzing signatures in SVRS that were captured electronically. Electronic signature pads may create circumstances in which signatures show unique characteristics upon completion. As always, use the two-step method of analysis and consider both broad and local characteristics. However, understand that local characteristics may be difficult to determine when analyzing electronic signatures.

Electronic signatures may not be as precise compared to physical pen and paper signatures. Here, it may be difficult to analyze pen lifts, hesitation marks, and beginning and end strokes. Additionally, images of electronic signatures may appear blurry or messy in comparison. Use your best judgement when analyzing electronic signatures and comparing

them to physical signatures on the ballot return envelope.

If you see substantial differences between signatures, ask whether these differences can be reasonably explained. If you find yourself struggling to determine the validity of a signature, you may need to do further research or deem the ballot provisional. If deemed necessary, consider looking through the voter's entire signature history to determine changes in characteristics that may have developed over time. The voter may have other signatures on file that are easier to read or analyze, which may assist you in verifying the electronic signature. Prior to making a ballot provisional, use all possible routes to determine and explain any visible inconsistencies.

### **Messy Electronic Signatures**

Electronic signatures may often be messy or poorly displayed. Additionally, electronic signatures may appear imprecise or unclear as compared to those signatures done with pen and paper. In these situations, focus strongly on the broad characteristics, which should be consistent with the ballot return envelope signature.

The type, speed, space, size, and slant of an electronic signature may appear the same, with only minor discrepancies due to the fact that the voter was using a stylus and pen pad instead of a pen and paper. These signatures should appear substantially similar, aside from minor disparities in precision.

Continue to use the two-step method when analyzing these signatures, and review a voter's signature history in order to determine if the signature is genuine.

### **Cut off Electronic Signatures**

In some instances, electronic signature pads may have a cut-off point, causing the signature to go outside of the area that captures the signature. Under these circumstances, review the voter's signature history if you feel that there is a possibility of forgery to draw conclusions of validity.

## **WITNESSED BALLOTS**

### **Ballots with a Witness Signature**

All ballot return envelopes contain a line for the voter to sign on, as well as a line for a witness to sign on. If a voter makes a mark or stamp on the line instead of writing his or her signature, a witness will be required to provide a signature. A voter mark is most often times an "X" or a cross mark on the signature line. Ballots with a mark and a witness signature should be accepted.

### **Ballots with Unclear Pen Strokes & Witness Signature**

It may be difficult to determine whether a pen stroke on the voter signature line is classified as a mark or a legitimate signature. Therefore, if the ballot return envelope **does not** have a witness signature, the voter's pen stroke must be analyzed through the signature verification process. If the pen stroke does not match the signature on file, make the ballot provisional.

## **Ballots with no Voter Mark & A Witness Signature**

If a ballot envelope is returned without a voter signature, but contains a witness signature, the voter may have signed in the wrong place. Consider the witness signature to be the signature of the voter for the ballot. The voter may have been confused as to where to place his or her signature, and this does not always indicate fraud. In this circumstance, follow the two-step method to verify the signature of the voter.

## **SIGNATURES FROM VOTERS IN GROUP RESIDENTIAL FACILITIES**

Be sure to pay attention to pen strokes and on ballot return envelopes from voters in group residential facilities. The signatures of these voters may deteriorate over time due to extreme advanced age or health issues. These signatures may not always be consistent with the signature documented in SVRS. Consider this risk and follow the three steps below when assessing ballots from voters who are residing in a group facility:

1. **Look for patterns of deterioration in the voter's signature history.** This step may be extremely beneficial when analyzing signatures from voters in group residential homes. If the signatures in the database reflect patterns deterioration over time, this may reasonably explain any discrepancies between the signature on the ballot return envelope and the signature in SVRS.
2. **Confirm that the signature is a legitimate signature and not a mark.** If these voters' signatures have deteriorated over time, they voter may choose to make a mark instead of printing a signature. See the procedure on pages 4 - 5 to determine whether a voter has made a mark with a witness, or has presented a legitimate signature. If the voter has made a mark and there is an appropriate witness signature, accept the signature.
3. **Be mindful of the voter's situation.** If differences between the two signatures can be reasonably explained, accept the voters signature using your best judgement.

## **RESOLVING SIGNATURE ISSUES BEFORE CANVASS:**

If the signature issue is corrected and verifiable, counties should accept the ballot. The law requires counties to ensure that all eligible voters who return a ballot have their vote counted. Challenging an otherwise valid signature because of a bad reference image or errors could result in negative consequences.

Importantly, challenging an otherwise valid signature due to any bad intentions is a crime, and could result in criminal prosecution. As such, take caution when challenging signatures and make all reasonable attempts to confirm the voter's signature prior to challenging.

If a ballot is challenged due to signature discrepancies, send the voter a notice informing them that their ballot has been made provisional. This notice should include:

1. Instructions for the voter to track a provisional ballot;
2. Notice that the voter may correct any issues before the start of canvass (5 days after the election);
3. Any specific local instructions or processes for the voter to resolve the signature issues prior to canvass; and
4. Instructions for how and when to attend/view canvass to watch the Board of Canvassers decide whether to count the vote.

### **THINGS TO CONSIDER & BEST PRACTICES:**

Consider the following when there is no signature on file or there are poor-quality images available for comparison:

- Signatures have not been updated for several years;
- Signatures came from an electronic signature pad; and
- A voter registered online or at the DMV and his or her signature was not verified by a signature.

Consider training and communicating with your staff to discuss:

- This signature verification guide;
- Examples of both valid & invalid signatures to ensure staff are trained and prepared to analyze ballot signatures as they come in;
- How to spot indicators of fraud or forgery; and
- Instruct staff to review signatures more than once, and possibly ask another staff member for a separate opinion to assist with determining a signature's validity.

The following simple steps will make the signature verification process smoother and more accurate:

- Develop a clear system to organize ballots that have been made provisional;
- Have provisional ballot notices pre-printed and ready to send to voters as soon as possible if their signature was not able to be verified; and
- Distribute this guide to your staff to use as a reference.