

VOTE TO STOP ~~COP CITY~~

TO: Interested Parties
FROM: Cop City Vote Coalition
RE: Legal Best Practices for Signature Verification and Validation

Legal Best Practices for Signature Verification and Validation

As submission approaches, it is imperative that there be a fair and democratic process in place by the City for any validation of petition signatures they plan to perform. As such, the basics of any process must meet minimum standards for transparency, fairness, and objectivity to preserve the trust of the public and to honor the intent of the over 100,000 individuals who have signed the referendum petition.

These standards must include, at a minimum, accounting for the following considerations and scenarios:

Honoring Voter Intent and Good-Faith Approach

There is no legal requirement that the City engage in a lengthy, time-consuming, and costly signature-by-signature verification process, particularly given that the Coalition has presented far more signatures than needed. Instead, the City should consider sampling or other statistical methodology to predict whether enough valid signatures exist, and only if it doubts enough signatures exist should it engage in individual analysis. There are several reasons for this:

- It is in line with how regular elections are conducted, in analysis of individual ballots for recounts and extremely close races. Normally, election officials do not conduct hand reviews of every ballot, unless it is an uncommonly close race.
- There is no good-faith basis for believing any particular signature is invalid. Georgia case law is clear that there is a presumption that electors have complied with their oath, and other states with clearer procedures and precedent explicitly state that signatures are presumptively valid.
- There is insufficient guidance under the law on how to conduct this process. Given that no process is prescribed, the City is free to choose one that is expeditious and fair, rather than voluntarily undertaking something exhaustive solely for the purpose of suppressing the vote.

Building Transparency and Following Best Practices for Voter Protection

In most elections—the closest analog we have to the petition process—the governing authority

does not engage in a post-submission validity check of individual ballots. Instead, individual review of ballots is limited to those situations as recounts in close and contested elections and to risk-limiting audits. **If the City chooses to review each signature, that process must be clear, transparent, and fair:**

- There must be observers of the process. Not merely outside observers, but partisan observers such as the Coalition and any organizational opponents of the referendum, as is standard for mail ballot processing during elections.
- There must be regular reporting and a cure period. If a signature is rejected for insufficient information, the Coalition must have an opportunity to help locate the voter and fix the problem.
- All signatures must be treated as presumptively valid. Mere ambiguity as to validity should be interpreted in favor of the signor. In particular, we are concerned that the City may use Optical Character Recognition (OCR) that underreports matches or attempts to reject signatures that are not “exact matches” with the voter rolls. Should the City opt for OCR, it will be essential that any signatures that do not pass automatic screening are hand-reviewed and that a standard that validates all signatures that more likely than not correspond to any voter in the rolls—as opposed to being an exact match—be counted.
- The threshold for accepting a signature as matching a voter file must be low. There is minimal evidence that signature verification, particularly with limited exemplars, is an effective means of validating the vote, and the presumption must be in favor of a signature match.

Avoiding Discriminatory Practices and Arbitrary Standards

The City Charter requires that signers comprise at least “15 percent of the registered voters qualified to vote in the preceding general municipal election” City of Atlanta Charter Section 2-501.¹ State or local code does not further elaborate on eligibility requirements and does not explicitly provide for the verification of signers through any additional steps.

- Particularly given the condensed format of petitions themselves, combined with the proven unreliability and discriminatory and subjective nature of signature matching, any fair validation process must avoid such pitfalls. Nothing in petition directions given to signers specified that their signature may be matched against a file or database, furthering the likelihood that mismatches would be numerous.
- Courts have repeatedly ruled signature matching to be [inexact](#), [subjective](#), and [discriminatory](#) in practice, leading state officials to [enact](#) cure guidelines for mail voters whose signatures failed to match and eventually [removing the practice](#) from vote counting in 2020.

Accordingly, any reasonable verification standard must utilize only the terms of the city

¹ O.C.G.A. § 36-35-3(b)(2) uses similar language.

ordinance for confirmation. Any additional burden, such as signature matching, address confirmation, or additional standards, subjects voters to unfair and unrealistic scrutiny.

- Any resident, or even councilmember, will freely admit that voters constantly move within city limits from year to year, meaning their information changes from election cycle to election cycle.
- In addition, City of Atlanta officials themselves have [spoken out against](#) discriminatory voting policies. To turn around and employ signature matching or similarly subjective methods would be an inexcusable example of using legally unsound methodologies to throw out as many signatures as possible.

Any plan must be reasonably calibrated to comply with the City's 50-day deadline under the city ordinance.

Lastly, any process employed by the City must conclude well within the 50-day period. A process that uses unreliable and time-consuming methods will put the City at risk of violating its own ordinance. Many state-wide referendums, with many thousands more signatures at stake, are able to complete the verification process in less than a month. There is no reason that the City should choose a process that takes the entire 50-day period to review and verify petitions.