

# States Embrace Signature Requirements for Voter Registration

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States are constantly balancing the dual policy priorities of accessibility and security when it comes to the elections that they administer. A fundamental aspect of these priorities is how to verify a person is eligible to vote, as well as verifying the identity of that person.

The first step in this process is setting a procedure for a person to register to vote. A key component of the registration process is verifying the signature of the person who is registering. As states continue to modernize their election processes, they are increasingly turning to new technologies to make voter identification easier, more dependable, and more trusted. One such technology is electronic signatures.

This paper will examine the use of electronic signatures in the voter registration process and how this technology can make registration both more secure and easier for voters and election officials.

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## Wet signatures vs electronic signatures

Wet signature is a term to describe the process of signing a physical paper document, form, or contract with pen and ink. In comparison, an electronic signature (e-signature) is a fast, simple, and secure way of signing a digital document. Electronic signatures can be used in nearly all the same instances as wet signatures, but unlike wet signatures, electronic signatures are also highly efficient, mobile-friendly, and protected by digital security tools.

Over the past few years, states have begun the process to allow e-signatures to replace the traditional “wet” signature in a variety of official procedures. For example, California enacted the Uniform Electronic Transactions Act in 1999. The law states that “a record or signature may not be denied legal effect or enforceability solely because it is in electronic form.” (Cal. Civ. Code § 1633.7).

The COVID-19 pandemic accelerated a trend of states implementing e-signature use in vital areas where the need for secure and reliable electronic verification is essential. E-signatures are trusted to verify identities when signing business contracts, transferring money through the growing financial technologies space, granting access to extremely private medical information, and in government services such as collecting unemployment insurance.

## How states currently use e-signatures for voter registration

Many states are moving away from traditional “wet” signatures and specifically allowing the use of electronic signatures for voter registration. To obtain a copy of the electronic signature, state laws often allow signatures secured by other state agencies to be used in the registration process. A common agency cited in state statutes is the Department of Motor Vehicles (DMV).

For example, Virginia law requires the state’s DMV to “provide to the Department of Elections a digital copy of the applicant’s signature on record with the [DMV].” (Va. Code § 24.2-416.7). California requires the California Secretary of State to “obtain an electronic copy of the applicant’s signature from the applicant’s driver’s license or state identification card directly from the [DMV].” (Cal. Elec. Code § 2196).

An example of a more general approach can be seen in Delaware, where the law states that an “applicant’s signature may be a digitized signature obtained by a state agency as part of a process that includes registering a person to vote or updating the applicant’s voter registration information.” (Del. Code tit. 15, § 1302).

## Signature Requirements for Online Voter Registration

States have also begun to move their voter registration process online. Such systems require voters to verify their signatures electronically.

In Florida, the law states that “if the applicant's name and date of birth are consistent with the records of the Department of Highway Safety and Motor Vehicles, the online voter registration system shall transmit, using the statewide voter registration system . . . the applicant's registration application, **along with the digital signature** of the applicant on file with the Department of Highway Safety and Motor Vehicles, to the supervisor of elections. The applicant's digital signature satisfies the signature requirement” required for registration. (Fla. Stat. § 97.0525).

Illinois requires the State Board of Elections to “establish and maintain a system for online voter registration that permits a person to apply to register to vote or to update his or her existing voter registration. In accordance with technical specifications provided by the State Board of Elections, each election authority shall maintain a voter registration system capable of receiving and processing voter registration application information, **including electronic signatures**, from the online voter registration system established by the State Board of Elections.” (10 Ill. Comp. Stat. 5/1A-16.5.)

## Uniformed and Overseas Citizens Absentee Voting Act

Federal law has also influenced how states use electronic signatures for voter registration. The Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA) requires states and territories to allow these citizens to register and vote in elections for federal office using absentee procedures. The law requires states to “permit absent uniformed services voters and overseas voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for federal office.” The law further requires states to “establish procedures for absent uniformed services voters and overseas voters to request... electronically voter registration applications and absentee ballot applications with respect to general, special, primary, and runoff elections for Federal office.” (52 U.S.C.A. § 20302). While the UOCAVA only covers federal elections, states have adopted its measures to apply to state elections as well.

For example, Montana law states that a “covered voter may use a digital signature as proof that the voter is the sender when the voter is electronically transmitting . . . an application for voter registration.” (Mont. Code § 13-21-107). Pennsylvania law requires the secretary of state to “establish an electronic transmission system through which a covered voter may apply for and receive voter registration materials.” (25 Pa. Cons. Stat. § 3503).





## Technology can help make voting easier and more secure

The COVID-19 pandemic accelerated many technology trends when in-person interactions were restricted. One of those trends was related to the use of technology for legal and security purposes, as authorities needed to verify a person's identity without necessarily having a face-to-face interaction.

Businesses and government agencies embraced technologies such as remote online notarization and e-signatures, which predated the pandemic, to keep the economy moving while prioritizing security.

**Depending on the provider, e-signature technology can offer extensive, built-in security features including:**

- An electronic record that serves as an audit trail and proof of the transaction
- A detailed certificate of completion that includes specific details about each signer on the document
- A method to digitally seal documents using Public Key Infrastructure (PKI) to indicate the e-signature is valid and that the document hasn't been tampered with or altered since the date of signing
- Multiple options to verify a signer's identity before they can access the document and sign

Election administrators should continue to consider how e-signature technology can enhance convenience and security in our elections.