

October 8, 2020

ATTORNEY GENERAL RAOUL OPPOSES MISSISSIPPI'S RESTRICTIVE VOTE-BY-MAIL REQUIREMENTS

Chicago — Attorney General Kwame Raoul today joined a coalition of 17 attorneys general in supporting a challenge to several vote-by-mail requirements in Mississippi that threaten the health of voters and could suppress the ability to vote. The lawsuit, filed by a group of Mississippi voters and voting-rights organizations, challenges strict limits on vote-by-mail eligibility, a notarization requirement for mail-in ballot applications and mail-in ballots, and a signature matching requirement for mail-in ballots run by untrained officials, with no opportunity to remedy non-matching signatures.

In an amicus brief filed in *Parham v. Watson* in the U.S. District Court for the Southern District of Mississippi, Raoul and the coalition oppose these requirements, arguing that states have a responsibility to tailor their election rules to protect voter participation and voter safety during the pandemic. The attorneys general also argue that vote-by-mail fraud is extremely rare and that making voting more accessible does not lead to widespread fraud.

"These proposed requirements will put the health of voters at risk," Raoul said. "Not only do the requirements defeat the purpose of choosing to vote-by-mail during the COVID-19 pandemic, but they also lack evidence supporting claims that they help prevent fraud."

Election experts project that voter turnout in the general election this November could be the highest in over a century. Amid the COVID-19 pandemic, many voters will seek to comply with public health experts' instructions to practice social distancing and limit person-to-person contact. As a result, states across the country have modified their election procedures to protect both voter participation and the health of voters and election workers.

In August 2020, several Mississippi voters and voting-rights organizations filed a lawsuit challenging three aspects of the state's vote-by-mail requirements:

- **Excuse requirement:** This requirement permits only certain individuals—for example those traveling outside of their county on Election Day or voters over 65—to vote by mail. Voters wanting to follow public health guidance for avoiding in-person interactions during COVID-19 cannot request an absentee ballot for that reason.
- **Notarization requirement:** For those permitted to vote by mail, Mississippi requires that the application to vote by mail and the absentee ballot itself must be notarized, requiring two in-person interactions and thus risking possible exposure to COVID-19 twice.
- **Signature matching:** Mississippi verifies mail-in ballots by comparing voters' signatures on the mail-in ballot envelope against those on the absentee applications. Election officials who conduct these comparisons, however, are not trained as handwriting experts and are not provided objective criteria for comparing signatures. When signatures are deemed not to match, unlike most jurisdictions that conduct such matching, Mississippi does not alert voters or afford them an opportunity to remedy their ballots.

In the brief, Raoul and the coalition support the plaintiffs' challenge to Mississippi's unsafe vote-by-mail requirements because:

- **States have a responsibility to protect voter participation and voter safety.** The Supreme Court has recognized that states have the power to regulate elections and must do so in ways that preserve the right to vote. During the COVID-19 pandemic, states and localities have enacted reasonable measures to preserve their residents' access to voting while limiting in-person interactions to prevent the spread of COVID-19, which is highly contagious. The vast majority of states are permitting all voters to vote by mail amid the pandemic; many have sent vote-by-mail applications to every registered voter; others plan to affirmatively send ballots to all registered voters; and some have relaxed notarization and witness requirements for mail-in ballots.
- **Vote-by-mail fraud is very rare and increasing voting accessibility does not increase voting fraud.** Since 2000, over 250 million people in all 50 states have voted using mail-in ballots, and in 2018 alone, over 31 million Americans—or about 25.8 percent of voters—cast their ballots by mail. Moreover, five states—Colorado, Hawaii, Oregon, Utah, and Washington—already have all-mail voting systems where every registered voter receives a ballot in the mail. Despite the prevalence of voting by mail, officials at the state and federal level have consistently found no evidence of widespread fraud.
- **States have mechanisms to protect the integrity of elections.** States have many mail-in voting safeguards available to them, including using ballots with a unique bar code that, once returned and scanned, prevent the voter from casting another ballot in the election. Signature matching can also help ensure election integrity, but it must be done correctly with signature matching software, bipartisan reviewers trained in signature verification, and outreach to voters flagged with mismatched signatures. Currently, at least 21 states that rely on signature matching provide voters notice and an opportunity to remedy ballots deemed to have mismatched signatures.

Joining Raoul in the amicus brief are the attorneys general of California, Connecticut, Delaware, the District of Columbia, Hawaii, Maryland, Massachusetts, Minnesota, Nevada, New Mexico, New York, Oregon, Rhode Island, Vermont, Virginia and Washington.