

October 5, 2020

**ATTORNEY GENERAL RAOUL OPPOSES WITNESS REQUIREMENT
FOR MAIL-IN BALLOTS**

Chicago — Attorney General Kwame Raoul joined a coalition of 18 attorneys general in supporting a challenge to a South Carolina law that requires a witness signature for voters to cast their ballots by mail.

The lawsuit, filed by a group of South Carolina voters and political organizations, claims that the witness requirement puts the health and safety of voters at risk during the COVID-19 pandemic. In an [amicus brief](#) filed in *Middleton v. Andino* in the U.S. Supreme Court, Raoul and the coalition oppose this requirement, arguing that states have a responsibility to tailor their election rules to protect voter participation and voter safety during the pandemic. The brief also argues that voter fraud is extremely rare, and there is no evidence that requiring a witness signature for mail-in ballots prevents fraud.

“There is no evidence that requiring a witness signature for mail-in ballots prevents fraud,” Raoul said. “This proposed requirement would defeat the purpose of choosing to vote by mail during the COVID-19 pandemic and puts the health of voters at risk.”

In May 2020, a group of South Carolina voters and political organizations filed a lawsuit challenging a state absentee voting requirement because the requirement would put their health at risk during the COVID-19 pandemic. The provision requires absentee voters to swear and affirm, in the presence of a witness, that they are qualified to vote, have not yet voted, are returning their ballot in the designated envelope, signed the envelope and received no improper assistance. The district court issued a preliminary injunction blocking the requirement for the June 2020 primaries and subsequently blocked the provision for the general election as well. The defendants appealed to the Fourth Circuit, which, after considering the case as a full court, declined to stay the district court’s injunction. The defendants then moved for a stay at the Supreme Court on Thursday, and Raoul and the coalition filed a brief opposing this stay on Saturday.

In the amicus brief, Raoul and the coalition support the plaintiffs’ challenge to South Carolina’s vote-by-mail witness requirement 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 taken reasonable, common-sense steps to minimize in-person interactions for voters. Most states are permitting all voters to vote by mail amid the pandemic, many have sent vote-by-mail applications to every registered voter and others plan to affirmatively send ballots to all registered voters. Other states have—either temporarily or permanently—abolished notarization and witness requirements for mail-in ballots.
- **Voter fraud is rare and there is no evidence that witness requirements are needed to prevent it:** As a general matter, vote-by-mail fraud is exceptionally rare. Five states—Colorado, Hawaii, Oregon, Utah, and Washington—already had all-mail voting systems prior to the COVID-19 pandemic, in which every registered voter receives a ballot in the mail. None of these states require a witness signature, and none have encountered widespread voter fraud since shifting to mail-in ballots.

- **States have mechanisms to protect the integrity of elections other than witness requirements:** States have several 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. States also generally require voters to include their signature on the ballot envelope, which can be matched against information from voter rolls to verify their identity. Another common layer of security are secure drop-off locations which help maintain a chain of custody for mail-in ballots.

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