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Registered Voters and Voting Rights Groups Sue Over Absentee Ballot Signature Mandate During COVID-19 Pandemic

MADISON – Today, the Wisconsin Alliance for Retired Americans, the League of Women Voters of Wisconsin and four registered Wisconsin voters filed a lawsuit in the U.S. District Court for the Western District of Wisconsin seeking to protect the rights of self-quarantining voters who cannot obtain a witness signature on their mail-in ballot during the COVID-19 pandemic.

The lawsuit alleges that due to the severe health threat posed by the COVID-19 pandemic, many Wisconsin voters will be forced to vote by mail-in absentee ballot and, because the state requires each voter to secure a witness signature, it will prevent certain eligible voters who live alone or without an adult U.S. citizen in the household from casting a vote.

The plaintiffs allege that this constitutes an undue burden on the right to vote not justified by any legitimate or important government interest in violation of the First and Fourteenth Amendments to the U.S. Constitution. They are asking the Court to issue an order that would prevent the State of Wisconsin from rejecting and/or refusing to process and count absentee mail-in ballots that lack a witness signature during the COVID-19 pandemic.

“While we appreciate the efforts by the state to expand voting in light of the pandemic, the Wisconsin law requiring a witness signature for every absentee ballot presents an unreasonable barrier to voters that does nothing to increase the safety of casting a ballot,” said Debra Cronmiller, executive director of the League of Women Voters of Wisconsin. “Not addressing this particular measure complicates the process for the voters of Wisconsin and would have the impact of depressing turnout or unnecessarily exposing vulnerable voters.”

“It is unconscionable – and unconstitutional – to force people to choose between their health and their right to vote,” said Jon Sherman, senior counsel at Fair Elections Center. “In the face of a global pandemic and emergency orders mandating self-isolation, a state law requirement to obtain a witness signature on a mail-in ballot simply cannot stand.”

“The right to vote is sacred. Older Americans take this civic responsibility very seriously,” said Marlene Ott, president of Wisconsin Alliance for Retired Americans. “There are more than 890,000 seniors registered to vote in Wisconsin. This law puts all of us in an impossible position. Either we put our health at risk by violating the public health directive to self-isolate, or we give up our right to vote. We are calling on the courts to act and ensure that older people in Wisconsin are not needlessly disenfranchised.”

Along with the organizations, the plaintiffs include Wisconsin voters Sylvia Gear, an 83-year-old retired teacher from Cudahy; Dr. Malekeh K. Hakami, a 73-year-old clinical psychologist from Pewaukee; Patricia Ginter, a 72-year-old realtor from Wauwatosa; and Claire Whelan, a 64-year-old retiree from Appleton. All the individual plaintiffs live alone. They are all self-quarantining in compliance with Wisconsin Gov. Tony Evers’ emergency order and because they are at higher risk due to their age and/or underlying medical conditions.

The plaintiffs are represented by Jon Sherman, Michelle Kanter Cohen, and Cecilia Aguilera at Fair Elections Center, and Doug Poland at Rathje Woodward LLC in Madison.

The complaint can be found [here](#).

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The Wisconsin Alliance of Retired Americans is a state affiliate of the national Alliance of Retired Americans established in 2001 to promote the dignity, fulfillment and retirement security of all older Americans.

The League of Women Voters of Wisconsin is a nonpartisan political organization that advocates for informed and active participation in government. There are 20 local Leagues throughout Wisconsin. More information at lwvwi.org.

Fair Elections Center is a national nonpartisan voting rights and election reform 501c3 organization based in Washington, DC whose mission is to use litigation and advocacy to remove barriers to registration and voting, and to improve election administration.

*Doug Poland is an attorney at Rathje Woodward LLC with 25 years of experience in complex litigation. Mr. Poland served as lead trial counsel for plaintiffs who successfully challenged the Wisconsin Assembly legislative districts before three-judge federal court panels in 2012 and 2016, and is one of the members of the legal team that represented the respondents before the U.S. Supreme Court in *Gill v. Whitford*.*