



October 25, 2018

*Via email*

Michele Reagan  
Arizona Secretary of State  
Office of the Secretary of State  
1700 W. Washington Street, 7th Floor  
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*Additional recipient addresses below*

Re: Arizona's Absentee Ballot Signature Matching Procedures

Dear Secretary Reagan and Arizona County Recorders:

We are writing to follow up with you on our urgent letter dated October 22, 2018 seeking to ensure that all mail-in voters are afforded procedural due process before their ballots are rejected for an alleged "mismatched" signature on their ballot.

Yesterday, yet another court held unconstitutional a signature-matching processes like Arizona's that fails to provide all voters with adequate notice and an opportunity to confirm their signature before rejecting their ballots. In a case brought by ACLU and ACLU of Georgia on behalf of Georgia Muslim Project against Secretary Kemp, a district court preliminarily enjoined a signature matching statute with similarly fatal flaws to Arizona's current policies. Both the complaint and court order are enclosed with this letter for your immediate review.

In making its decision to enjoin Georgia's signature matching procedures, the district court addressed a number of key constitutional flaws presented in Arizona as well. First, the court held that the right to procedural due process in this arena applies even if the population of affected voters is relatively small. Indeed, in Gwinnett County, the county central to the case, only nine ballots had thus far been rejected for signature match reasons, and 228 ballots rejected thus far statewide. *Id.* at 24, 28. By contrast, in 2016 in Arizona, 2,657 ballots were rejected because of an alleged signature

mismatch. Second, the court rejected the argument that affording voters who cast absentee ballots early enough to receive post-deprivation notice of their rejection an opportunity to cast their ballot in person was a sufficient remedy. *Id.* Third, the court held that the administrative burdens of providing due process to these voters are minimal, especially in cases like Georgia where, like Arizona, an opportunity to cure is provided to other categories of voters. *Id.* at 25-26.

Ultimately, the court held that “permitting an absentee voter to resolve an alleged signature discrepancy nevertheless has the very tangible benefit of avoiding disenfranchisement.” *Id.* at 24. We agree. The court also noted “it does not understand how assuring that all eligible voters are permitted to vote undermines integrity of the election process.” For the reasons described in the attached opinion and several others cited in our prior letter, Arizona’s signature matching procedures must be immediately revised to provide all voters with adequate and uniform procedural due process. Please contact the undersigned as soon as possible to discuss this matter.

Sincerely,

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