No. _____

In the Supreme Court of the United States

COLE JESTER, in his official capacity as Secretary of State and Chair of the Arkansas State Board of Election Commissioners; and SHARON BROOKS, JAMIE CLEMMER, BOB BALLINGER, DEBORAH FERGUSON, RICK DAVIS, and JOHNATHAN WILLIAMS, in their official capacities as Commissioners of the Arkansas State Board of Election Commissioners,

Petitioners,

v.

GET LOUD ARKANSAS, VOTE.ORG, NIKKI PASTOR, and TRINITY "BLAKE" LOPER,

Respondents.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Eighth Circuit

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

The Materiality Provision protects voters from being denied the right to vote because of irrelevant paperwork mistakes by prohibiting officials from using an error or omission in an application, registration, or other act requisite to voting that is immaterial to determining if the person meets the State's voter qualifications. *See* 52 U.S.C. § 10101(a)(2)(B).

In Arkansas, mail voter registration applications must have a handwritten signature or mark (the "wet-signature rule"), which election officials can and do use as a comparison throughout the election process to identify fraud and to determine whether a person is qualified to vote absentee. The Eighth Circuit affirmed a preliminary injunction against enforcement of the wet-signature rule, holding that the Materiality Provision is a demanding standard that gives no deference to States' chosen election-integrity measures. In doing so, the Eighth Circuit expressly rejected the Fifth Circuit's approach to a similar wet-signature rule. The Fifth Circuit held that wet signatures help identify the voter and are therefore material, reasoning that courts must give great weight to a State's election-integrity judgments. *See Vote.org v. Callanen*, 89 F.4th 459 (5th Cir. 2023).

The question presented is:

Does a State violate the Materiality Provision, 52 U.S.C. § 10101(a)(2)(B), by requiring a person's wet signature on a voter-registration application?

PARTIES TO THE PROCEEDING

Petitioners are Cole Jester, in his official capacity as Secretary of State and Chair of the Arkansas State Board of Election Commissioners; and Sharon Brooks, Jamie Clemmer, Bob Ballinger, Deborah Ferguson, Rick Davis, and Johnathan Williams, in their official capacities as Commissioners of the Arkansas State Board of Election Commissioners. Petitioners were defendants in the district court and appellants in the Eighth Circuit.

Respondents are Get Loud Arkansas, Vote.org, Nikki Pastor, and Trinity "Blake" Loper. Respondents were plaintiffs in the district court and appellees in the Eighth Circuit.

Petitioners are unaware of any party having a stock ticker symbol.

STATEMENT OF RELATED PROCEEDINGS

This case arises from and is directly related to the following proceedings in the U.S. Court of Appeals for the Eighth Circuit and the U.S. District Court for the Western District of Arkansas:

Get Loud Arkansas et al. v. Cole Jester, in his official capacity as Secretary of State, et al., No. 24-2810 (8th Cir.) (opinion issued on March 31, 2026; order denying defendants' petition for rehearing en banc issued on May 22, 2026).

Get Loud Arkansas et al. v. John Thurston et al., No. 5:24-cv-5121 (W.D. Ark.) (memorandum opinion and order granting plaintiffs' preliminary-injunction motion filed on September 9, 2024).

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PETITION FOR WRIT OF CERTIORARI

The Materiality Provision forbids States from denying the right to vote because of procedural, paperwork errors that are immaterial to determining whether a person is qualified under state law to vote. 52 U.S.C. § 10101(a)(2)(B). It does not transform every disagreement over election administration into a mechanism for federal courts to supervise state election rules. Yet the decision below prevents Arkansas from enforcing an evenhanded voter-registration law that ensures uniform statewide procedures—the very thing the Materiality Provision is intended to do—and preserves the integrity of Arkansas elections.

The Arkansas State Board of Election Commissioners adopted a wet-signature rule for mail voter registration applications requiring a person's handwritten signature or mark on the physical application. The Board adopted the rule after county clerks took inconsistent approaches to digital signatures. Some clerks were rejecting applications with digital signatures; others were accepting applications with digital signatures.

The rule serves unsurprising goals: It authenticates a legally consequential and important document, serves as a person's identifying mark, and prevents fraud, including, most obviously, digitally copying a signature from one document to another. Wet-signature requirements have grown more important in the era of digital fraud. Even applicants applying to the Bar of this Court and their sponsors "must [include] original (wet) signatures."[1]

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[1] *See Important Information for Admission to the Bar*, Supreme Court of the United States,

The Eighth Circuit, over Judge Stras's dissent, nonetheless affirmed a preliminary injunction against enforcement of the rule. The majority held that the Materiality Provision contains no interest balancing and declined to give weight to Arkansas's judgment about how best to secure mail-in voter registration. It demanded evidence that election officials actually use the wetness of a signature at the registration stage to determine an applicant's qualification, even though a wet signature can make a difference when investigating voter-registration fraud and has made a difference when investigating fraud related to absentee voting. The Eighth Circuit thus deemed wet signatures immaterial.

The Eighth Circuit's decision squarely conflicts—indeed, it expressly recognizes its conflict—with the Fifth Circuit's decision in *Vote.org v. Callanen*, 89 F.4th 459 (5th Cir. 2023). There, the Fifth Circuit let Texas enforce its wet-signature requirement. It held that materiality requires considering the State's substantial interest, whether that interest relates to voter qualifications, and how meaningfully the challenged requirement advances the interest. Giving appropriate weight to the State's election-integrity judgment, the Fifth Circuit concluded that a wet signature meaningfully advanced Texas's interest in ensuring that applicants are who they claim to be. *See also Vote.org v. Byrd*, 700 F. Supp. 3d 1047 (N.D. Fla. 2023), *appeal docketed*, *Disability Rts. Fla. v. Sec'y, State of Fla.,* No. 23-13727 (11th Cir. Nov. 13, 2023) (dismissing claims, under the Materiality Provision,

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https://www.supremecourt.gov/bar/UpdatedAdmissionInstructions.pdf (last accessed Oct. 6, 2026).

for failure to allege facts plausibly showing that Florida's wet-signature requirement is immaterial).

The conflict is direct, acknowledged, and outcome-determinative. A State in the Fifth Circuit may require a wet signature to authenticate a voter-registration application; Arkansas and other States in the Eighth Circuit may not.

The disagreement extends beyond wet signatures; it reaches to the fundamental issue of how to analyze challenges under the Materiality Provision. The Eighth Circuit demands proof that a requirement actually affects officials' decisions concerning a narrow set of voter attributes. App. 3a. The Ninth Circuit asks whether the information has a probability of affecting an eligibility determination related to the same narrow set of attributes. *See Mi Familia Vota v. Fontes*, 129 F.4th 691, 721 (9th Cir. 2025). And the Fifth Circuit asks whether the measure meaningfully corresponds to a substantial state interest in laws intended to confirm the applicant's identity. *See Callanen*, 89 F.4th at 478; *See also Byrd*, 700 F. Supp. 3d at 1055–56. That multi-circuit disagreement leaves States without a uniform rule for voter registration under a federal statute that applies nationwide.

The Materiality Provision protects voters from disqualification over genuinely irrelevant mistakes. It should not disable States from adopting evenhanded measures reasonably connected to authenticating important documents, identifying individuals, and preventing election fraud. This case cleanly presents that recurring question, and the Court should grant the petition.

OPINIONS BELOW

The Eighth Circuit's opinion is reported at 171 F.4th 1058 and reproduced at App. 1a–35a. The district court's memorandum opinion and order granting plaintiffs' preliminary-injunction motion is reported at 748 F. Supp. 3d 630 and reproduced at App. 36a–99a.

JURISDICTION

The Eighth Circuit issued its opinion on March 31, 2026, and denied a timely petition for rehearing en banc on May 22, 2026. On August 12, 2026, Justice Kavanaugh extended the time to file a petition for writ of certiorari to October 19, 2026. This Court has jurisdiction under 28 U.S.C. § 1254(1).

STATUTORY PROVISION INVOLVED

The relevant provision of the Civil Rights Act of 1964 is commonly known as the Materiality Provision and provides:

> No person acting under color of law shall … deny the right of any individual to vote in any election because of an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under State law to vote in such election ….

52 U.S.C. § 10101(a)(2)(B).

STATEMENT OF THE CASE

A. Legal Background

Congress has power to enforce, "by appropriate legislation," the Fifteenth Amendment to the United States Constitution, which protects "[t]he right of

citizens of the United States to vote," regardless of their "race, color, or previous condition of servitude." U.S. Const. amend. XV, §§ 1–2. That protection prohibits States from engaging in actions "motivated by discriminatory purpose." *Louisiana v. Callais*, 608 U.S. 85, 86 (2026) (quoting *Reno v. Bossier Par. Sch. Bd.*, 520 U.S. 471, 481 (1997)). Thus, legislation enacted to vindicate the Fifteenth Amendment must "focus … on *intentional* racial discrimination." *Id.* (emphasis in original) (quoting *Reno*, 520 U.S. at 481).

In 1870, promptly after the Fifteenth Amendment's ratification, Congress passed legislation "to enforce the Right of Citizens of the United States to vote in the several States." Act of May 31, 1870, ch. 114, 16 Stat. 140, 140 (1870). Relevant here, the law provides that "citizens of the United States who are … otherwise qualified by law to vote at any election … shall be entitled and allowed to vote …, without distinction of race, color, or previous condition of servitude." *Id.* § 1 (codified at 52 U.S.C. § 10101(a)).

Originally, the statute did not contain an enforcement mechanism or jurisdictional grant to the courts. In 1957, Congress added both. It first provided that "the Attorney General may institute … a civil action or other proper proceeding" to remedy violations of what is now codified at 52 U.S.C. § 10101(a) and (b)(1). Pub. L. 85-315, § 131(c). It then gave U.S. "district courts … jurisdiction of proceedings instituted" under § 10101. *Id.*

Despite the 1957 amendment, and another in 1960, "'[e]fforts to deny the right to vote' continued to 'take many forms,' most often through 'arbitrary registration procedures.'" *Pa. State Conf. of NAACP Branches v. Sec'y, Commonwealth of Pa.*, 97 F.4th 120,

126 (3d Cir. 2024) (alteration in original) (quoting U.S. Comm'n on Civil Rights, Voting, Vol. I, at 133, 137 (1961)). "[H]yper-technical, or entirely invented," "errors" were the basis for "reject[ing] black applicants," while "more substantial" errors were "ignored … when the applicants were white." Justin Levitt, *Resolving Election Error: The Dynamic Assessment of Materiality*, 54 Wm. & Mary L. Rev. 83, 148 (2012) (citation omitted). The Materiality Provision was particularly aimed at disparities in election procedures among localities within a single State, which was a formula "ideally suited to discriminatory practices." *See* U.S. Comm'n on Civil Rights, Voting, Vol. I, at 58 (1961); *see also infra* pp. 28–29; Levitt, *supra*, at 148 (providing examples, such as black applicants being rejected for miscalculating the exact number of years, months, and days she had been alive and for misspelling "Louisiana" by one letter).

In 1964, Congress enacted "Title I of the Civil Rights Act of 1964" to "outlaw some of the tactics used to disqualify [black citizens] from voting in federal elections." *South Carolina v. Katzenbach*, 383 U.S. 301, 313 (1966). Within that legislation, Congress enacted the Materiality Provision. *See* Civil Rights Act of 1964, Pub. L. No. 88-352, § 101(a), 78 Stat. 241, 241 (1964) (codified at 52 U.S.C. § 10101(a)(2)(B)). Today, the Materiality Provision prohibits a "person acting under color of law" from "deny[ing] the right of any individual to vote" based on "an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under State law to vote." 52 U.S.C. § 10101(a)(2)(B). This "new provision … identifies a specific means of denying the

rights described in" § 10101(a)(1) and did not "distort[]" subsection (a)(1)'s "focus," *Callanen*, 89 F.4th at 474—which prevents "citizens … otherwise qualified by law" from voting because of their "race, color, or previous condition of servitude," 52 U.S.C. § 10101(a)(1); *see also Callais*, 608 U.S. at 113 (explaining that legislation enacted to vindicate the Fifteenth Amendment must "focus … on *intentional* racial discrimination" (emphasis in original)); App. 26a (Stras, J., dissenting) (explaining that the Materiality Provision prohibits state laws that are "a pretext for racial discrimination").

The Materiality Provision includes five elements:

> (1) the proscribed conduct must be engaged in by a person who is "acting under color of law"; (2) it must have the effect of "deny[ing]" an individual "the right to vote"; (3) this denial must be attributable to "an error or omission on [a] record or paper"; (4) the "record or paper" must be "related to [an] application, registration, or other act requisite to voting"; and (5) the error or omission must not be "material in determining whether such individual is qualified under State law to vote in such election."

Ritter v. Migliori, 142 S. Ct. 1824, 1825 (2022) (Alito, J., dissenting from denial of application for stay) (alterations in original) (citation omitted); *see also Pa. State Conf.*, 97 F.4th at 130 (adopting the five-part test). In short, the Materiality Provision "leaves it to the States to decide which voting rules should be mandatory," while prohibiting officials from using "errors or omissions that are not material to the question whether a person is qualified to vote" to keep that person from voting. *Ritter*, 142 S. Ct. at 1826.

B. Factual Background

1. Arkansas requires a signature to identify potential voters and prevent fraud. To vote in Arkansas, a person must "register[] in a manner provided for by" the Arkansas Constitution. Ark. Const. amend. 51, § 3. That's why Arkansas law labels "[l]awfully register[ing] to vote" as a "[q]ualification[]." Ark. Const. art. 3, § 1(a)(4). One option, in lieu of in-person voter registration, is to complete a "mail voter registration application" with certain "identifying information, including [a] signature or mark," which "is necessary to assess the applicant's eligibility" to vote. Ark. Const. amend. 51, § 6(a)(1).

Officials use the signature or mark to assess a person's eligibility to vote in at least three ways. First, applicants must sign the application "under penalty of perjury" that they are who they say they are—that is, a person who "meets each requirement for voter registration." Ark. Const. amend. 51, § 6(A)(3)(F). If a person refuses to make that attestation, they cannot register to vote. *Id.* (stating the signature is "required of the applicant"). And if they are not registered, they cannot vote. *Id.* § 3.

Second, a signature submitted during voter registration can continue to "play an important role" throughout an election in determining whether a person is qualified to cast an absentee ballot. R. Doc. 46-2, at 14. When a person wants to vote absentee, the request for a ballot must "be signed by the" person seeking to vote absentee "and verified by the county clerk by checking the voter's … signature from the voter registration application." Ark. Code Ann. § 7-5-404(a)(1)(B); *see id.* § 7-5-404(a)(1)(C) (providing that electronic requests to vote absentee must also include

"a verifiable facsimile of the … signature"). If the signatures "are not similar," the person "shall not [be] provide[d] an absentee ballot." *Id.* § 7-5-404(a)(2)(A); *see also id.* § 7-5-409(a)(1)(B) ("If the application is not properly signed, the application shall be rejected by the county clerk.").

The risk of unqualified people making an absentee-ballot request while impersonating a qualified elector is real. As the State Board of Election Commissioners' director testified before a subcommittee of the Arkansas Legislature, the Board has conducted "investigations where [absentee-ballot requests] have been forged in fraud" and the fraud was identified because "the signatures" were not similar. R. Doc. 46-7, at 85. In short, the signature helps "identif[y]" whether a person seeking an absentee ballot is indeed a qualified elector. R. Doc. 46-7, at 85.

Third, wet signatures in particular can conclusively determine that the applicant is a person, the Arkansas Constitution's foundational requirement to vote. *See* Ark. Const. art. 3, § 1 (providing that a "person" may vote). With increasing concerns over artificial-intelligence models going "rogue," including by obtaining private data from governing agencies and "attempt[ing] to hack … multiple U.S.-government websites," Matteo Wong, *OpenAI Has Gone Rogue*, *The Atlantic* (Sept. 28, 2026),[2] requiring a wet signature on paper provides another marker that the applicant is in fact a person. Indeed, AI has created "a new security threat": "AI-generated forged handwritten signatures" that "can

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[2] https://www.theatlantic.com/technology/2026/09/ai-hacks-infestation/688806/.

highly mimic the individual's writing style by learning from just a few genuine signature samples, posing significant risks to authentication systems." Yanli Hao & Zuyang Zheng, *Research on Detecting AI-Generated Forged Handwritten Signatures via Data-Efficient Image Transformers*, 13 IEEE Access 7683, 7684 (2025).[3] A document signed by human hand leaves impressions for physical examination, while AI-generated signatures that are printed or digitally imposed do not.

2. With limited exception, Arkansas has always required wet signatures. In Arkansas, a person has always needed to provide a wet signature or mark—a signature or mark handwritten on a physical piece of paper—with limited exception. *See* R. Doc. 46-7, at 90 (noting that the wet-signature rule "is doing [things] … the way [they] ha[ve] been done"); *id.* at 26 (noting that "electronically signed applications were only permitted through DMV processes," which are completed in person at state agencies).

Over time, there arose "confusion [among] County Clerks" over whether "electronically signed [mail] voter registration applications" could be accepted. R. Doc. 46-7, at 26. That confusion resulted in "electronically signed voter registration applications … being accepted by some county clerks" but "not … by other county clerks." R. Doc. 46-7, at 39; *see also* R. Doc. 46-7, at 27, 29 (same). Thus, some people were having their mail-in voter-registration applications rejected based on nothing other than the county where they filed their application.

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[3] https://ieeexplore.ieee.org/stamp/stamp.jsp?tp=&arnumber=10824774.

Further, when counties accept digital signatures on mailed applications, it hampers election officials from determining whether a person who registered with a digital signature is qualified to vote absentee. That's because, as explained above, officials check the signature on the voter-registration application against the signature on the request for an absentee ballot. *See supra* pp. 8–9. When a person has "e-sign[ed]" by "typ[ing] [his] name in" with a preset font that makes "it cursive[] and pretty," the signature will not be similar to a signature on later documents that are "signed … with an ink pen." R. Doc. 46-7, at 87. Indeed, absentee ballots have been rejected for similar discrepancies between digital signatures and wet signatures. *Id.*

3. The Arkansas Board of Election Commissioners promulgates the wet-signature rule. On May 4, 2024, the Arkansas Board of Election Commissioners, acting under its authority to adopt rules "to secure uniform and efficient" elections, adopted an emergency rule requiring wet signatures on mail voter-registration applications to address the confusion among county clerks, to correct the nonuniformity between the treatment of applicants, and to increase the security of Arkansas's elections. Ark. Const. amend. 51, § 5(e)(1).

Shortly afterward, the Board adopted a nearly identical permanent wet-signature rule, which defines the required "signature or mark" as "a handwritten wet signature or … mark made … with a pen or other writing device that … [i]s physically moved across the form; and … [f]orms the applicant's signature or mark on the paper form." 7 C.A.R. § 93-102(5)(A). It also specifies that digital signatures—which "utilize[] a computer to generate or recreate the applicant's signature or mark"—are "not … acceptable

… for purposes of" mail voter registration applications. *Id.* § 93-102(5)(B).

C. Procedural History

Since early 2023, Get Loud Arkansas, Inc., has used "an online voter registration system" that allows it "to print and submit" applications on behalf of people, who "sign the application digitally." App. 4a. Similarly, Vote.org has developed software that would allow people to upload any image of a signature that the software then affixes to the application. App. 47a.

About a month after the Board adopted the emergency rule, Get Loud, Vote.org, and two individuals (collectively, "Plaintiffs") sued the Board's Chair and Commissioners (collectively, the "Board"), along with county officials, under 42 U.S.C. § 1983 to enjoin enforcement of the emergency rule and sought a preliminary injunction. *See* App. 38a–39a. Plaintiffs urged that the emergency wet-signature rule violated the Materiality Provision, 52 U.S.C. § 10101(a)(2)(B). *See* App. 2a–3a. Plaintiffs appear to have brought a facial challenge to the wet-signature rule, asserting that using a digital signature is never material to determining if a person is qualified to vote and asking the district court to "[e]njoin Defendants … from enforcing [it]" and "from rejecting or refusing to accept [presumably any] voter registration application on the grounds that the application contains an electronic or digital signature." R. Doc. 2, at 24. Plaintiffs later supplemented their complaint to challenge the final wet-signature rule. *See* R. Doc. 63.[4]

Relevant here, the Board argued below that the wet-signature rule does not violate the Materiality

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[4] For ease, the petition will refer to the emergency rule and final rule collectively as the "wet-signature rule."

Provision. Among other benefits, the Board explained, uniformly requiring wet signatures allows officials to "verify[] voter identity and eligibility," while also "safeguarding election integrity" and "prevent[ing] fraud." R. Doc. 53, at 11; *see also* Appellants' Br. 21–27; *supra* p. 11 (explaining that mixing digital and wet signatures can prevent absentee voting).

The district court first held that the Materiality Provision's reference to state voter qualifications means only "substantive voter attributes." App. 79a (first quoting § 10101(a)(2)(B), then quoting *La Unión del Pueblo Entero v. Abbott*, 705 F. Supp. 3d 725, 751 (W.D. Tex. 2023), *rev'd sub nom. United States v. Paxton*, 148 F.4th 335 (5th Cir. 2025)). Without defining what constitutes a substantive voter attribute, the district court listed five attributes it determined are substantive under Arkansas law—U.S. citizenship, Arkansas residency, age, mental competency, and felony status. *Id.* (first citing Ark. Const. art. 3, § 1(a)(1)–(e), then citing *id.* amend. 51, § 11(a)(4), (5)). While some of those attributes are framed as "[q]ualifications of electors," Ark. Const. art. 3, § 1(b)(1) (section heading), others are framed as canceling "the [voter's] registration," not disqualifying them from voting, *id.* amend. 51, § 11(a). Further, the district court did not recognize that the provision titled "[q]ualifications of electors" includes "[l]awfully register[ing] to vote." Ark. Const. art. 3, § 1(a)(4). Looking only at its five-attribute list, the district court held that it did "not see how a county clerk would use the wetness of a signature to determine whether an applicant is qualified to vote under Arkansas law." App. 82a. Simultaneously, the district court "explicitly reject[ed]" Arkansas's "interest in uniformity and integrity," in part, because "the wetness of a signature

would still be *factually* immaterial" in determining the substantive voter attributes. App. 94a.

Therefore, the district court enjoined the Board "from enforcing the Wet Signature Rule and from rejecting or refusing to accept *any* voter registration application on the ground that it was signed with a digital or electronic signature." App. 99a (emphasis added). *But see Trump v. CASA*, 606 U.S. 831, 851 (2025) (explaining that courts may usually only grant equitable relief "between the parties" (emphasis omitted) (quoting *Kinney-Coastal Oil Co. v. Kieffer*, 277 U.S. 488, 507 (1928)).

For its part, the Eighth Circuit did not explain what counts as a voting qualification under state law and instead implicitly adopted the district court's substantive-voter-attributes theory. *See* Add. 3a (repeating the district court's list of attributes). From there, the Eighth Circuit dismissed the Board's argument that a wet signature helps "confirm an applicant's identity or existence." App. 11a. Although facial challenges require plaintiffs to "establish[] that no set of circumstances exists under which the law would be valid," *Moody v. NetChoice, LLC*, 603 U.S. 707, 723 (2024) (citation modified), the Eighth Circuit held that wet signatures are immaterial, not because they couldn't be relevant to some determinations, but because they do not "*guarantee* that a person who submits a paper registration form" is who they claim to be, App. 12a.[5]

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[5] The Eighth Circuit majority also asserted that the Board "forfeited" the argument that a wet signature helps "confirm[] an applicant's existence and identity." App. 11a. But as noted above, the Board made that exact argument before the district court. *See* R. Doc. 53, at 11 (explaining that wet signatures allow

Next, the Eighth Circuit majority declined to "give considerable[—or any—]deference to [Arkansas's] chosen election procedures" because the Board relied on a line of election cases that do not specifically address the Materiality Provision. *Id.* And finally, the majority held that the Board hadn't presented enough evidence that wet signatures deter fraud, in part, because applicants can provide a different identifying "mark such as an 'X' on the form." App. 13a.

In dissent, Judge Stras explained that it is "clear, when reading the" Materiality Provision in its statutory context, "that 'State law' has a role to play in figuring out who is 'qualified … to vote.'" App. 26a. "[O]therwise, state legislatures would lose their ability to enact 'electoral procedures' of all kinds." App. 26a–27a (quoting *Carson v. Simon*, 978 F.3d 1051, 1062 (8th Cir. 2020) (per curiam)). Thus, under Judge Stras's view, the Materiality Provision asks "whether the rule is related to a voter's qualifications," as determined by State law, or whether it is "just a discriminatory requirement masquerading as a legitimate one." App. 26a. Under that formulation, a state law is material if it "has some bearing on 'determining whether [an] individual is qualified [under State law] to vote.'" App. 27a (quoting 52 U.S.C. § 10101(a)(2)(B)).

Judge Stras agreed with the Board: a wet signature is relevant to determining if a person is qualified to vote. He began by recounting the long history of identifying marks. Initially, people used personal "seals [that] were 'a mark of authenticity' that provided 'evidence of truth' and an 'attestation' of

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officials to "verify[] voter identity and eligibility," while also "safeguarding election integrity" and "prevent[ing] fraud").

their content," "impress[ed] upon the parties the importance of the commitment" being made, and "made 'fraud[] less likely.'" App. 17a–18a (first quoting 2 William Blackstone, *Commentaries* *304–05, then quoting *Warren v. Lynch*, 5 Johns. 239, 246 (N.Y. Sup. Ct. 1810) (Kent, C.J.)). Eventually, a "transition began with the Statute of Frauds" that ultimately saw signatures and marks replace seals, though they were used for the same reasons—"authenticity," "underscoring significance … to the signers, and preventing fraud." App. 18a (citations omitted). Today, though in some contexts "digital signatures get equal weight," "important documents, including some once needing a seal, call for a handwritten signature." App. 21a (citations omitted). That's because "a wet signature is [still] the something extra that authenticates [important documents], 'carries solemn weight,' and prevents fraud." App. 22a (quoting *Callanen*, 89 F.4th at 489).

Determining when, if ever, to switch to digital signatures, Judge Stras explained, is "a judgment call for policymakers, who must balance security with convenience." *Id.* The Materiality Provision "is not an open invitation to courts to supervise elections." App. 35a. Judge Stras also noted the ample evidence that supports Arkansas policymakers' choice: "the Board's director explained" that "physically signing a registration form" (1) "is a secure way of 'affirm[ing] that [someone is] qualified to be a voter,'" (2) "provides a means of 'identification,'" and (3) "combats 'fraud' more effectively than digital signatures." App. 23a. Judge Stras explained that the majority "never meaningfully engage[d] with these justifications" and that under the majority's ruling "[i]t is not hard to see how [federally mandated abandonment of wet signatures] will make fraud easier, faster, and harder

to detect." App. 28a, 30a. That's because, Judge Stras noted, at the least, "a wet-signature rule is relevant [to] eliminat[ing] *one* form of fraud: digitally lifted signatures." App. 33a (emphasis in original).

Therefore, Judge Stras reasoned that Plaintiffs had made "no showing, let alone [the] 'clear' one" required for a preliminary injunction, "that a wet signature is immaterial." App. 35a (quoting *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008)).

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The Board sought panel rehearing and rehearing en banc, but its petition was denied. App. 117a. Judges Loken, Shepherd, Grasz, Stras, and Kobes would have granted the petition for rehearing en banc. *Id.* The Board seeks this Court's review.

REASONS FOR GRANTING THE PETITION

The Court should grant this petition to resolve whether a state law that requires a wet signature on voter-registration applications violates the Materiality Provision, 52 U.S.C. § 10101(a)(2)(B). It is important to resolve that question because the answer goes to whether federal courts have general oversight of state voter qualifications or whether States may enforce facially neutral election-integrity measures. The Eighth Circuit's decision widened an existing circuit split on two parts of the Materiality Provision's analysis: First, what constitutes a voter qualification under state law? Second, what does it mean for an error or omission to be material in determining whether a person is qualified to vote? The time is ripe to answer those questions.

I. The Eighth Circuit's Decision Widens Two Three-Way Circuit Splits.

Consistently applying federal law to States' election rules is vital to maintaining trust in elections and to preserving the federalist system. But that's not happening with the Materiality Provision. To start, four circuits apply three different formulations of which state laws count as a person being "qualified under State law to vote." 52 U.S.C. § 10101(a)(2)(B). And three circuits apply three different tests to decide if an "error or omission is … material in determining whether" the person is qualified. *Id.*

This case highlights the problem. Two circuits' differing tests have resulted in disparate results: States in the Fifth Circuit can require wet signatures when voters register; States in the Eighth Circuit cannot. This Court should grant certiorari to resolve this conflict among the circuits on the important question presented.

A. There is a three-way split over which state laws count as qualifications to vote.

There is substantial divergence among the circuits with at least three different formulations used to determine whether a state requirement is one that counts as a person being "*qualified under State law* to vote." 52 U.S.C. § 10101(a)(2)(B) (emphasis added). Answering that question, however, is vital, and can make all the difference. If a state requirement is what makes a person qualified to vote, then the requirement itself falls outside the Materiality Provision, which only addresses the preceding paperwork "error[s] or omission[s]" that would affect a state official's qualification decision.

As Justice Alito said, the Materiality Provision "applies only to errors or omissions that are not

material to the question whether a person is qualified to vote. It leaves it to the States to decide which voting rules should be mandatory." *Ritter*, 142 S. Ct. at 1826 (Alito, J., dissenting from the denial of the application for stay). But by and large, the circuits have not left it to the States to determine which laws are mandatory to vote; instead, the circuits apply three different voter-qualification formulations.

1. The Fifth Circuit's approach: Requirements that confirm an applicant's identity. In *Vote.org v. Callanen*, the Fifth Circuit addressed a wet-signature requirement for voter registration and explicitly rejected Texas's argument "that any requirement in State law that is a prerequisite to voting is 'material' because it is, by definition, a component of someone's qualifications to vote." 89 F.4th at 487. Instead, the court first noted statutory prerequisites to voting and registering to vote—"age, citizenship, residency, capacity, and criminal history." *Id.* (citing Tex. Elec. Code §§ 11.002, 13.001). The "premise" behind those requirements, the court extrapolated, is determining if "the individuals who are trying to register [are] actually who they say they are." *Id.* That unifying premise—identity confirmation—appears to be the sole "voting qualification" relevant to the materiality analysis in the Fifth Circuit. *Id.*

2. The Eighth and Ninth Circuits' approach: Substantive voter attributes. Although Judge Stras's dissent comes close to suggesting that any state law counts as a state-law qualification,[6] the Eighth Circuit adopted a narrow view of which state laws

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[6] *See* App. 26a (stating that it is "clear … that 'State law' has a role to play in figuring out who is 'qualified … to vote'" (quoting 52 U.S.C. § 10101(a)(2)(B)).

constitute qualifications. In doing so, the Eighth Circuit joined the Ninth Circuit.

The district court below held that a "state-law qualification to vote" under the Materiality Provision means "substantive voter attributes." App. 79a (quoting *La Unión del Pueblo Entero*, 705 F. Supp. 3d at 751, *rev'd sub nom. Paxton*, 148 F.4th 335). Although it offered no definition of "substantive voter attributes," it listed five requirements it deemed sufficiently substantive: citizenship, residency, age, criminal history, and mental competency. App. 80a (first citing Ark. Const. art. 3, § 1(a)(1)–(3), then citing *id.* amend. 51, § 11(a)(4), (5)). Without discussion, the Eighth Circuit adopted the same list of attributes it believes qualify a person "[t]o vote in Arkansas." App. 3a. Neither court addressed the fact that the Arkansas Constitution labels "[l]awfully register[ing] to vote" as a "[q]ualification[]." Ark. Const. art. 3, § 1(a)(4).

Similarly, the Ninth Circuit, in *Mi Familia Vota v. Fontes*, addressed two Arizona voter-registration laws requiring applicants to provide their birthplace and to check a box confirming their citizenship. 129 F.4th 691, 720–22 (9th Cir. 2025). While the court did not explicitly analyze what type of state law constitutes a qualification to vote, it provided a limited list of attributes that it deemed qualifications: citizenship, residency, age, mental capacity, and criminal history. *Id.* at 703 (citing Ariz. Const. art. VII, § 2).

Therefore, two circuits use the "substantive voter attribute" formulation.

3. The Eleventh Circuit's approach: Substantive voter attributes plus filing deadlines. In *Florida State Conference of the NAACP v. Browning*, the Eleventh Circuit addressed a Florida law that required people

to "disclose certain personal identity information" before registering to vote. 522 F.3d 1153, 1156 (11th Cir. 2008). In discussing Florida's voter qualifications, the Eleventh Circuit recited the same list of attributes the Eighth and Ninth Circuits used (*i.e.*, citizenship, residency, age, mental competency, and criminal history) and identified an additional qualification for a person "to be eligible to vote"—that "the voter … file her registration application at least twenty-nine days before a scheduled election." *Id.*

The Eleventh Circuit's approach thus makes a third set of relevant voter qualifications: substantive voter attributes plus filing deadlines.

B. There is a three-way circuit split over the test for determining whether an error or omission is material.

There is also a three-circuit split over what qualifies as "*material* in determining whether" a person "is qualified … to vote." 52 U.S.C. § 10101(a)(2)(B) (emphasis added). This disparity resulted in the Fifth Circuit allowing Texas to enforce its wet-signature rule, while the Eighth Circuit prohibited Arkansas from enforcing its wet-signature rule.

1. The Fifth Circuit's interest-balancing test. In *Callanen*, the Fifth Circuit used a multi-factor interest-balancing test to hold that Texas's wet-signature requirement is material to determining a voter's eligibility. 89 F.4th 459, 489 (5th Cir. 2023). In analyzing materiality, the Fifth Circuit employs "a two-step framework." *Paxton*, 148 F.4th at 341. To pass the first step, "the State's announced interests" "cannot be … total[ly] disconnect[ed]" from "the statute enacted." *Id.* (quoting *Callanen*, 89 F.4th at 485). Second, the court weighs the State's interest

against the plaintiff's, asking if, "under the totality of the circumstances, the provision 'meaningfully corresponds' to 'legitimate interests the State claims to have been advancing.'" *Id.* (quoting *Callanen*, 89 F.4th at 485). The focus of the totality-of-the-circumstances inquiry is to confirm that a State is not "imposing pointless burdens." *Id.* (quoting *Callanen*, 89 F.4th at 485). When analyzing the totality-of-the-circumstances prong, the Fifth Circuit considers three more factors:

> (1) how substantial is the State's interest …; (2) does that interest relate to "determining whether such individual is qualified under State law to vote in such election"; and (3) under the totality of the circumstances, what is the strength of the connection between the State's interest and the measure, i.e., how well does the measure advance the interest?

Id. (quoting *Callanen*, 89 F.4th at 485).

Using that test to address Texas's wet-signature requirement, the Fifth Circuit noted this Court's recognition that States' "election procedures" should be given "considerable deference … so long as they do not constitute invidious discrimination." *Callanen*, 89 F.4th at 481. It then confirmed that Texas's "substantial" "interest in voter integrity … relates to the qualification to vote" because it allows officials to confirm that "registrants are who they claim to be." *Id.* at 489. And "[t]hough the effect on an applicant" of providing a wet signature "may not be dramatic," it provides some "method[] of assuring the identity of the registrant," particularly when "voter registration forms … are completed far from any government office or employee." *Id.*

Judge Higginson in dissent, however, asserted that there is "no place" to afford States "considerable deference … in a materiality analysis." *Id.* at 492. Indeed, quoting a vacated Third Circuit opinion, the dissent proclaimed that "whatever sort of fraud deterrence or prevention [a challenged] requirement may serve," it violates the Materiality Provision if it does not help "the [state] determine whether a voter's age, residence, citizenship, or felony status qualifies them to vote." *Id.* (quoting *Migliori v. Cohen*, 36 F.4th 153, 163 (3d Cir. 2022), *cert. granted, judgment vacated sub nom. Ritter v. Migliori*, 143 S. Ct. 297 (2022) (second alteration in original)). Under that approach, even if a state law "*could* materially determine whether a voter is qualified under Texas law," it may still violate the Materiality Provision if it hasn't yet been used in the voter-registration context. *Id.* at 493 (emphasis in original).

2. The Eighth Circuit's demanding important-to-the-determination standard. The Eighth Circuit aligned itself with the *Callanen* dissent. It held that an error or omission is material "only if a reasonable person 'would attach importance to [it] in determining his choice of action.'" App. 10a (quoting *Universal Health Servs., Inc. v. United States*, 579 U.S. 176, 193–94 (2016)). That sets "a 'demanding' standard" to rule in a State's favor and doesn't include an "interest-burden balance." App. 12a. Indeed, the Eighth Circuit rejected giving *any* "deference to a state's chosen election procedures." *Id.* That choice, the court recognized, created a clean split with the Fifth Circuit: "we find ourselves in agreement with the dissenting opinion in *Callanen* … and part company with the *Callanen* majority's reliance in this context on cases interpreting § 2 of the Voting Rights Act or the constitutional right to vote," cases which give

greater weight to States' choices. *Id.* To meet the Eighth Circuit's demanding standard, the Board (at the preliminary-injunction stage, no less) would have had to provide evidence specific to voter registrations that wet signatures were "*actually* material"—instead of *could be* material—to determining a person's qualifications at the registration stage. App. 12a (emphasis added); *compare, e.g.*, App. 11a (stating there was "no evidence" that officials use wet "signature[s] on a registration form in determining whether an applicant is qualified to vote"), *with* R. Doc. 46-7, at 85 (Board's director explaining "investigations" had identified "fraud" in absentee-ballot requests because "the signatures" between the request and voter registration were not similar), *and id.* at 87 (Board director explaining that absentee ballots have been rejected for discrepancies in wet signatures and digital signatures).

In dissent, Judge Stras rejected the majority's demanding inquiry into the reasonableness of state election laws. As he explained, "[m]ateriality … is *not* a high bar." App. 34a (emphasis added). He reasoned that, "[c]onsistent with the text, materiality implies something closer to relevance: whether the rule is related to a voter's qualifications or just a discriminatory requirement masquerading as a legitimate one." App. 26a. He explained "that materiality is about whether something *could* influence a decision, not whether it *does*." App. 31a (emphases in original). Applying that analysis, Judge Stras concluded that Arkansas's wet-signature rule is "obviously material." App. 34a. That's for several reasons, including "the 'solemn weight' of putting an actual pen to paper" that uniquely makes people "think twice about lying"; the creation of a physical "paper trail leading back to the signer," instead of less

"compar[able]," "verifi[able]," and "authenticat[able]" digital trails; and the fact wet signatures practically "eliminate[] *one* form of fraud: digitally lifted signatures." App. 28a, 33a (emphasis in original).

3. The Ninth Circuit's probable-impact test. Over a dissent by Judge Bumatay, the Ninth Circuit, in *Mi Familia Vota*, employed an approach that differs from both the Fifth and Eighth Circuits. It held that, to be material, the error or omission must "ha[ve] a probability of affecting an election official's eligibility determination," though it "need not be absolutely essential to [the] determin[ation]." 129 F.4th at 721.

In contrast, Judge Bumatay's dissent—like Judge Stras's—highlighted that materiality is not a high bar, noting that "an 'error or omission' is 'material' if it *could have affected or influenced* the [officials' eligibility] decision." *Id.* at 758 (emphasis added) (quoting 52 U.S.C. § 10101(a)(2)(B)). Thus, even if the error or omission only "sometimes pose[s] an obstacle to verifying an applicant's identity," a State may reject the applicant's registration. *Id.* at 760. Further, even a seemingly "immaterial 'error or omission'" can "certainly become[] material" if it is used "to investigate or further probe [an] application" and that "investigation uncovers information revealing" the applicant's ineligibility. *Id.* at 758.

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In sum, the Materiality Provision has split the circuits on two points. First, which state laws make a person qualified to vote? Second, what constitutes a material error or omission in determining whether a person meets the necessary qualifications?

II. The Question Presented Is An Important Issue of Federalism, And The Decision Below Is Wrong.

In various contexts, this Court has explained that States "have considerable leeway to protect the integrity and reliability of" their "election processes." *Doe v. Reed*, 561 U.S. 186, 197 (2010) (quoting *Buckley v. Am. Const. L. Found.*, 525 U.S. 182, 191 (1999)) (First Amendment challenge). A "State's interest in preserving electoral integrity" is broad—from "combating fraud" to "ferret[ing] out … simple mistake[s]" and "more generally to promoting transparency and accountability in the electoral process." *Id.* at 198. Thus, "the general rule [is] that 'even handed restrictions that protect the integrity and reliability of the electoral process itself' are not invidious." *Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181, 189–90 (2008) (plurality) (quoting *Harper v. Va. Bd. of Elections*, 383 U.S. 663, 788 n.9 (1966)).

The States' broad authority should come as no surprise; "the Framers of the Constitution intended the States to keep for themselves, as provided in the Tenth Amendment, the power to regulate elections." *Shelby County v. Holder*, 570 U.S. 529, 543 (2013) (quoting *Gregory v. Ashcroft*, 501 U.S. 452 (1991)). Likewise, "[u]nder the distribution of power effected by the Constitution, the States establish qualifications for voting for state officers." *Katzenbach v. Morgan*, 384 U.S. 641, 647 (1966).

In contrast, the Eighth Circuit, in addition to creating and expanding circuit splits, reached the wrong conclusion about the Materiality Provision's scope, and its decision gives federal courts "an open invitation … to supervise elections." App. 35a (Stras,

J., dissenting). Under that approach, "state legislatures [will] lose their ability to enact 'electoral procedures' of all kinds." App.26a–27a (Stras, J., dissenting) (quoting *Carson*, 978 F.3d at 1062).

As explained above, the Materiality Provision was enacted to address "arbitrary registration procedures" used to disenfranchise black citizens. *Pa. State Conf.*, 97 F.4th at 126. It was not intended to supplant the States' traditional control over electoral qualifications. That's clear from text, history, and precedent. The Eighth Circuit erred in two ways.

A. All state laws related to registration are qualifications to vote.

A person is "qualified under State law to vote" if he or she has satisfied *all* of a State's evenhanded prerequisites to voting, including registration requirements. 52 U.S.C. § 10101(a)(2)(B). Voter qualifications are not limited to a free-floating list of substantive voter attributes (*e.g.*, citizenship, residency, age, mental competency, and criminal history). That distinction between voter qualifications and a preceding paperwork error is a vital, threshold issue. If a state requirement is a voter qualification, then it falls outside the materiality analysis, which does not address the voter qualification itself but only the materiality of "error[s] or omission[s] on a record or paper relating to any application, registration, or other act requisite to voting." *Id.*

When the Materiality Provision was enacted in 1964, the term "qualified voter" meant a person who, among other things, meets "registration requirements." *Qualified voter*, *Black's Law Dictionary* (5th ed. 1979). That's also how state courts and treatises defined "qualified voter." For example, at least one treatise defined "qualified voter" as "one

having the constitutional qualifications for the privilege, *who is duly registered pursuant to law*, and has the present right to vote at the election being held." 29 C.J.S. *Elections*, § 1(h) (1941) (emphasis added). Similarly, Kentucky's intermediate appellate court explained that "*registration is a qualification* or condition precedent of equal dignity with the age, residence, and other qualifications" of the voter. *Coffey v. Anderson*, 371 S.W.2d 624, 626 (Ky. Ct. App. 1963) (emphasis added). And the Missouri Supreme Court reasoned that registration "was the final, qualifying act, and no matter if a citizen possessed every other qualification, *if not registered, he was not a qualified voter*." *State ex rel. Socialist Workers' Party v. Kirkpatrick*, 513 S.W.2d 346, 348 (Mo. 1974) (emphasis added) (quoting *State ex rel. Woodson v. Brassfield*, 67 Mo. 331, 336 (1878)). Likewise, the Arkansas Constitution identifies "[l]awfully register[ing] to vote" as a "[q]ualification[] of electors." Ark. Const. art. 3, § 1(a)(4).

History aligns with plain text and state precedents. In the runup to the Materiality Provision's enactment, procedures for meeting state requirements differed from locality to locality, as some election officials contrived rules for black citizens trying to register, even though the rules did not exist in state law. *See supra* p. 6. For example, some States required black voter applicants to present already-registered individuals to vouch for the applicant's identity. *See* U.S. Comm'n on Civil Rights, Voting, Vol. I, at 52 (1961). But when the black citizen presented the required number of vouchers, one of whom had already acted as a voucher for another black citizen, the local registrar invented a limitation on people acting as vouchers for more than one person. *Id.* When the black citizen challenged the registrar's

interpretation of state law, the registrar responded, "Well, it is different in the [state] Constitution and the registration rules." *Id.* These sorts of locality-by-locality differences in registration procedures were "ideally suited to discriminatory practices." *Id.* at 58; *see, e.g.*, *id.* at 57 (noting that "failure to fill in every blank on" a certain form "warrants a rejection according to the registrars of Bossier, Caddo, and Plaquemines Parishes"); *id.* at 58 (explaining that "[a]dministration of" a state law requiring interpretation of the state or federal constitution "varies from parish to parish"). The Materiality Provision was aimed at these types of local, discriminatory procedural tactics to ensure statewide uniformity in the voter-registration process.

Thus, determining whether a person is "qualified under State law to vote" includes determining whether the person "is duly registered pursuant to law." 29 C.J.S. *Elections*, § 1(h) (1941); Ark. Const. art. 3, § 1(a)(4) (including "[l]awfully register[ing] to vote" as a "[q]ualification[]"). To be duly registered by mail-in application in Arkansas, a person must provide a wet signature. Thus, a person registering by mail must provide a wet signature to qualify to vote. Every person must comply with that rule to qualify; it is not a mere procedural, paperwork error or omission disparately applied across the State.

B. Even if the wet-signature rule were not a voting qualification, a wet signature is material to determining if a person is a qualified voter.

Even if Arkansas's wet-signature rule were not a qualification to vote, it is still "material in determining whether [an] individual is qualified under State law to vote." 52 U.S.C. § 10101(a)(2)(B).

That's because adopting a uniform requirement for wet signatures prevents arbitrary locality-by-locality disparities in registration procedures; fits within the tradition of the common law, which required a physical seal to be affixed to certain important documents; and makes it easier for Arkansas to confirm that a person registering to vote by mail is who they say they are.

Before the wet-signature rule, county clerks around Arkansas were treating digital signatures differently county by county. Some accepted them; others rejected them. The Board adopted the wet-signature rule to establish a statewide practice. *See supra* pp. 10–11. Thus, the wet-signature rule prohibits locality-by-locality disparities, which are what the Materiality Provision was designed to prevent. *See supra* pp. 6, 28–29.

Additionally, requiring wet signatures ensures that people will not be prohibited from voting absentee based on mismatched digital signatures and wet signatures. *See supra* p. 11. That's because a person must provide a signature to request an absentee ballot, and when that signature does not match a digital signature on the voter registration, the person does not receive an absentee ballot. *See supra* pp. 8–9, 11.

Further, in the common-law tradition, the wet-signature rule combats fraud and impresses the importance of the document on the signer. At common law, "people used seals" to "mak[e] an impression … with wax or a similar substance" on important documents. App. 17a. Seals served as "'mark[s] of authenticity' that provided 'evidence of truth'" and "impress[ed] upon the parties the importance of the commitment they were making." App. 17a–18a

(quoting 2 William Blackstone, *Commentaries* *304–05). Though "[t]hey were burdensome"—perhaps *because* they were burdensome—"they made 'fraud[] less likely.'" App. 18a (quoting *Warren*, 5 Johns. at 246).

Eventually, "signatures replaced seals," with a transition that "began with the Statute of Frauds." *Id.* Although signatures were used for the same reasons as seals, there was initially "a reluctance to move away from the 'distinction and solemnity of seals.'" App. 19a (quoting *Warren*, 5 Johns. at 247). That was, in part, because of "the reality that forgery of seals was more difficult 'than a stroke of the pen.'" *Id.* (quoting Oliver Wendell Holmes, *The Common Law* 272 (1923)).

In the same way, "a wet signature is the something extra that authenticates [the voter registration], 'carries solemn weight,' and prevents fraud." App. 22a (quoting *Callanen*, 89 F.4th at 489). The record—especially at the preliminary-injunction stage of a facial challenge—bears that out. The Board's director explained that the Board had conducted fraud investigations into absentee-ballot requests and determined that some requests "ha[d] been forged" because "the signatures" were not similar. R. Doc. 46-7, at 85. Additionally, "the Board's director explained" that "physically signing a registration form," "is a secure way of 'affirm[ing] that [someone is] qualified to be a voter,'" "provides a means of 'identification,' and combats 'fraud' more effectively than digital signatures." App. 23a.[7] At the very least, wet

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[7] *See also* Kylie Jones & Carolyne Lindsay Bird, *Non-Original and Digitally Captured Handwriting: Considerations for Forensic Handwriting Examinations*, Wiley Interdisciplinary Reviews: Forensic Science 2, 5 (Nov. 2024) (explaining that

signatures on mail applications "eliminate[] *one* form of fraud: digitally lifted signatures." App. 33a (emphasis added); *see supra* pp. 9–10 (discussing the threat of AI-generated signatures). Indeed, Vote.org's digital signature tool allows a bad actor to upload any image of a signature. *See* App 47a.

Requiring a wet signature is therefore material in determining whether an applicant is a person who is qualified to vote; it prevents election fraud and provides a personally identifiable, authenticating mark; it brings gravity to signing an important document, like a voter-registration application; and it eliminates county-by-county discrepancies.

CONCLUSION

For these reasons, the Court should grant the petition for certiorari.

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handwriting "examiners can express valid opinions on handwriting with the same accuracy and similar sensitivity when using either original [wet signatures] or photocopies [of wet signatures]" but that, "[i]n most cases," digital signatures "will result in a lower-quality image that may not contain the requisite features for a detailed examination").

Respectfully submitted,

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