No. 26-536

IN THE
Supreme Court of the United States

COLE JESTER, ARKANSAS SECRETARY OF STATE, ET AL.,
Petitioners,

v.

GET LOUD ARKANSAS, ET AL.,
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

AMICI CURIAE BRIEF OF THE REPUBLICAN NATIONAL COMMITTEE AND RESTORING INTEGRITY AND TRUST IN ELECTIONS IN SUPPORT OF PETITIONERS

GILBERT C. DICKEY
Counsel of Record
CONOR D. WOODFIN
PETER ALLEVATO
CONSOVOY MCCARTHY PLLC
1600 Wilson Boulevard
Suite 700
Arlington, VA 22209
(703) 243-9423
gilbert@consovoymccarthy.com

Counsel for Amici Curiae

November 23, 2026

QUESTION PRESENTED

Does the Arkansas State Board of Election Commissioners' rule requiring original signatures on voter-registration applications violate the materiality provision of the Civil Rights Act, 52 U.S.C. §10101(a)(2)(B)?

TABLE OF CONTENTS

Question Presented i

Table of Contents ii

Table of Authorities iii

Interest of Amici Curiae 1

Introduction and Summary of the Argument 3

Statement of the Case 4

Argument 5

I. The question presented has divided the lower courts. 5

A. Interpretation of the materiality provision is an important issue. 6

B. Courts are divided and confused on the interpretation of the materiality provision. 9

II. Original signatures are an important, traditional method of validating voter-registration applications. 12

A. Original signatures confirm voters' existence and identity. 13

B. Original signatures deter fraud and increase voter confidence. 14

III. Original signatures are material in determining whether an individual is qualified to vote. 17

Conclusion 19

TABLE OF AUTHORITIES

Cases

Bond v. United States,
564 U.S. 211 (2011) 8

Brnovich v. Democratic National Committee,
594 U.S. 647 (2021) 8

Burdick v. Takushi,
504 U.S. 428 (1992) 6

Carrington v. Rash,
380 U.S. 89 (1965) 6

Coyle v. Smith,
221 U.S. 559 (1911) 12

Crawford v. Marion Cnty. Election Bd.,
553 U.S. 181 (2008) 8, 10, 12

Democratic Party of Va. v. Brink,
599 F. Supp. 3d 346 (E.D. Va. 2022) 11

Fla. State Conf. of NAACP v. Browning,
522 F.3d 1153 (11th Cir. 2008) 10, 17

Get Loud Ark. v. Jester,
171 F.4th 1058 (8th Cir. 2026) 5

Get Loud Ark. v. Thurston,
748 F. Supp. 3d 630 (W.D. Ark. 2024) 5

Gregory v. Ashcroft,
501 U.S. 452 (1991) 7-8

Liebert v. Millis,
733 F. Supp. 3d 698 (W.D. Wis. 2024) 11

Medina v. Planned Parenthood,
606 U.S. 357 (2025) 12

Mi Familia Vota v. Fontes,
129 F.4th 691 (9th Cir. 2025)..... 10

Oregon v. Mitchell,
400 U.S. 112 (1970)..... 7

Pa. State Conf. of NAACP v. Sec'y Commonwealth of Pa.,
97 F.4th 120 (3d Cir. 2024) 10, 16, 18

Purcell v. Gonzalez,
549 U.S. 1 (2006).....12-13

Ritter v. Migliori,
142 S. Ct. 1824 (2022)..... 8

Sandifer v. U.S. Steel Corp.,
571 U.S. 220 (2014)..... 17

Shelby Cnty. v. Holder,
570 U.S. 529 (2013).....6-8, 12

South Carolina v. Katzenbach,
383 U.S. 301 (1966)..... 7

Universal Health Servs. v. United States,
579 U.S. 176 (2016)..... 9

Veasey v. Abbott,
830 F.3d 216 (5th Cir. 2016) 14

Vote.Org v. Byrd,
700 F. Supp. 3d 1047 (N.D. Fla. 2023).....3, 11

Vote.Org v. Callanen ("*Vote.Org II*"),
89 F.4th 459 (5th Cir. 2023)..... 3, 8-10, 13-14

Vote.Org v. Callanen ("*Vote.Org I*"),
39 F.4th 297 (5th Cir. 2022)..... 3

Vote.Org v. Ga. State Election Bd.,
661 F. Supp. 3d 1329 (N.D. Ga. 2023)..... 3

Warren v. Lynch,
5 Johns. 239 (N.Y. Sup. Ct. 1810) 15

Constitutional Provisions

Ark. Const. art. 3, §1 4

Ark. Const. amend. 51, §11 13

Ark. Const. amend. 51, §6 ..... 4, 14

Ark. Const. amend. 51, §9 4

U.S. Const. art. I, §4, cl. 1 6

U.S. Const. art. I, §2, cl. 1 6

Statutes

52 U.S.C. §10101 ..... 7, 18, 19

Ark. Code §5-53-101 15

Fla. Stat. §97.053 15

Ga. Code §21-2-381 15

La. Stat. §18:115 15

Okla. Stat. tit. 26, §4-112 15

Tex. Elec. Code §13.143 15

Rules and Regulations

7 Ark. Code R. §93-102 ..... 4, 14

Other Authorities

111 Cong. Rec. 5062 (Mar. 15, 1965) 7

2 William Blackstone, Commentaries 15

Bar Admission Instructions, Supreme Court of the United States, perma.cc/3D9G-CXRA 16

Coenen, *The Significance of Signatures: Why the Framers Signed the Constitution and What They Meant by Doing So*, 119 Yale L.J. 966 (2010)..... 16

H.R. Doc. No. 89-117 (1965)..... 7

H.R. Rep. No. 88-914, pt. 2 (1963)..... 7

IRS, *1040 (and 1040-SR): Instructions* (2022), perma.cc/Z9YR-X2DJ..... 16

M. Morley, *Voting Rights: Litigating Materiality Under the Civil Rights Act*, 76 Fla. L. Rev. 1807 (2024)..... 7, 9

Material, Black's Law Dictionary (4th ed. 1951)..... 9

Material, The Oxford English Dictionary (1961)..... 17

Material, Webster's Legal Dictionary (1996)..... 17, 18

Material, Webster's Third New International Dictionary (1976)..... 17

INTEREST OF AMICI CURIAE*

The Republican National Committee is the national committee of the Republican Party as defined by 52 U.S.C. §30101(14). The RNC manages the business of the Republican Party at the national level, coordinating fundraising and election strategy; developing and promoting the Party's national platform; and organizing and operating the Republican National Convention, which nominates a candidate for President and Vice President of the United States. The RNC represents over 30 million registered Republicans and has 168 voting members who hail from all 50 States, the District of Columbia, and U.S. territories.

The RNC works to elect Republican candidates to state and federal office. The RNC's candidates will appear on the ballot in every State for elections to the U.S. House of Representatives or the U.S. Senate. The RNC has vital interests in protecting the ability of Republican voters to cast, and Republican candidates to receive, effective votes in federal and state elections. To this end, the RNC supports numerous election integrity efforts to ensure that only qualified voters vote and that unqualified voters do not cast

---

* No counsel for any party authored this brief in whole or in part, and no entity or person, aside from *amicus curiae*, its members, and its counsel, made any monetary contribution to filing this brief. Counsel of record for all parties received timely notice of amicus's intent to file this brief. *See* Sup. Ct. R. 37.2, 37.6.

illegal ballots and dilute the votes cast by lawful voters.

Restoring Integrity and Trust in Elections is a tax-exempt social welfare corporation organized and operated pursuant to section 501(c)(4) of the Internal Revenue Code of 1986. RITE's mission is to protect the rule of law in elections throughout the United States. RITE supports laws and policies that promote secure elections and enhance voter confidence in the electoral process. Pursuant to this mission, RITE routinely files briefs in state and federal courts across the country on important issues regarding the qualifications for voting, including voter identification and verification.

INTRODUCTION AND SUMMARY OF THE ARGUMENT

This is not the first case to ask whether States violate the Civil Rights Act by requiring applicants to sign their voter-registration forms. Vote.Org lost that argument twice in the Fifth Circuit and again in the Northern District of Florida. *See Vote.Org v. Callanen* ("*Vote.Org I*"), 39 F.4th 297 (5th Cir. 2022) (staying injunction); *Vote.Org v. Callanen* ("*Vote.Org II*"), 89 F.4th 459 (5th Cir. 2023) (reversing grant of summary judgment); *Vote.Org v. Byrd*, 700 F. Supp. 3d 1047 (N.D. Fla. 2023) (granting motion to dismiss), on appeal sub nom. *Disability Rights Fla. v. Sec'y, State of Fla.*, No. 23-13727 (11th Cir.) (argued May 8, 2025). Although Vote.Org found sympathetic audiences in the Eighth Circuit and the Northern District of Georgia, its arguments should fail. *See* App.2a-15a (affirming preliminary injunction); *Vote.Org v. Ga. State Election Bd.*, 661 F. Supp. 3d 1329 (N.D. Ga. 2023) (denying motion to dismiss). In siding with Respondents, the Eighth Circuit misapplied the materiality provision of the Civil Rights Act and deepened division between the circuits .

Original signatures are material in determining a voter's qualifications under Arkansas law. They help verify a voter's identity, deter and detect fraud, and increase public confidence in the electoral process. The State's interest in voter integrity requires no evidentiary development because, "[a]s a matter of law," it is "substantial." *Vote.Org II*, 89 F.4th at 488. The Eighth Circuit erred in two ways: it interpreted materiality to be a "demanding" standard, App.10a;

and it second-guessed the Board's policy judgment, App.11a-12a. The Court should grant the petition to clarify that substantial state requirements are material, and that handwritten-signature requirements for voter-registration forms do not violate the Civil Rights Act.

STATEMENT OF THE CASE

The Arkansas State Board of Election Commissioners promotes fair and orderly election procedures. By requiring original, handwritten signatures on voter-registration forms, the Board facilitates sound election administration, voter security, and public confidence. Under Arkansas law, a person is eligible to vote if she is at least 18 years old, a citizen of the United States, a resident of Arkansas, neither adjudicated mentally incompetent nor convicted of a felony, and registered to vote. Ark. Const. art. 3, §1(a)-(b); amend. 51, §9(a)(1)-(2). To register, an applicant must complete a registration form with a "signature or mark" affirming under penalty of perjury that she satisfies the State's voter eligibility requirements. Ark. Const. amend. 51, §6(a)(3)(F). The Board's new rule clarified what a "signature or mark" entails. *Id.*

Applicants must provide "a handwritten wet signature or handwritten wet mark made on a registration application with a pen or other writing device that is physically moved across the form." 7 Ark. Code R. §93-102(5). Using "a computer to generate or recreate the applicant's signature or mark is not an acceptable signature or mark." *Id.* This rule

implements a common-sense safeguard that advances the State's interests in protecting fair and honest elections, deterring voter fraud, and promoting public confidence in the electoral process.

The Board did not ask applicants to do anything out of the ordinary. It asked them to perform a routine function: signing their name by hand. Rather than comply with that modest, neutral requirement, Get Loud Arkansas, alongside Vote.Org, sued to enjoin its enforcement.

The district court granted Respondents' motion for a preliminary injunction. *Get Loud Ark. v. Thurston*, 748 F. Supp. 3d 630 (W.D. Ark. 2024). The court enjoined election commissioners and county clerks from following a lawful measure that enhances voter integrity. The Board appealed. The Eighth Circuit erred in affirming the district court's decision. *Get Loud Ark. v. Jester*, 171 F.4th 1058 (8th Cir. 2026).

ARGUMENT

I. The question presented has divided the lower courts.

Over the past decade, plaintiff groups have pushed novel interpretations of the Civil Rights Act to thwart States' ability to enforce their election laws. Their arguments have split the lower courts, putting States on unequal footing, with some able to apply policies that others are enjoined from enforcing. Where these groups succeed, court orders have unbalanced the Constitution's division of election powers. The Eighth

Circuit's opinion acknowledged that divide among circuit courts but only deepened the confusion.

A. Interpretation of the materiality provision is an important issue.

The interpretation of the materiality provision determines whether States can enforce otherwise constitutionally authorized voter requirements.

The Constitution obligates States to prescribe the "Times, Places and Manner of holding Elections" for Congress. U.S. Const. art. I, §4, cl. 1. States also have authority over voter qualifications, since "the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature." *Id.* art. I, §2, cl. 1. States have thus enacted a variety of voter qualifications, election integrity measures, and ballot processing requirements. For, "'as a practical matter, there must be a substantial regulation of elections if they are to be fair.'" *Burdick v. Takushi*, 504 U.S. 428, 433 (1992). Each State uses its "broad powers to determine the conditions under which the right of suffrage may be exercised." *Carrington v. Rash*, 380 U.S. 89, 91 (1965) (internal quotation marks omitted). Like other States, Arkansas requires original signatures as verification of voter "existence and identity." App.11a.

"Of course, the Federal Government retains significant control over federal elections." *Shelby Cnty. v. Holder*, 570 U.S. 529, 543 (2013). And since 1964, Congress has limited when election officials could disqualify voter-registration applicants for errors on their applications. To combat

discriminatory, surreptitious barriers to voting, Congress forbade any "person acting under color of law" from "deny[ing] the right of any individual to vote in any election because of an error or omission … 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). This materiality provision applies only to "record[s] or paper[s] relating to any application, registration, or other act requisite to voting." *Id.*

Chief among the federal government's concerns were "equal laws, unequally applied." 111 Cong. Rec. 5062 (Mar. 15, 1965); *see also* H.R. Rep. No. 88-914, pt. 2, at 5 (1963); H.R. Doc. No. 89-117, at 8 (1965). The material-error threshold combatted discrimination by preventing pretextual excuses for selectively rejecting disfavored registrations. M. Morley, *Voting Rights: Litigating Materiality Under the Civil Rights Act*, 76 Fla. L. Rev. 1807, 1834 (2024). Congress thus "outlawed some of the tactics used to disqualify [black citizens] from voting in federal elections." *South Carolina v. Katzenbach*, 383 U.S. 301, 313 (1966). Requiring that an error or omission be material checked local registrars who excluded otherwise legitimate applications by way of inadvertent, inconsequential, or hyper-technical errors not relevant to voter qualifications. If an official tries to enforce an immaterial requirement, the materiality provision serves as a rare federal "negative" to the State's law. *Shelby Cnty.*, 570 U.S. at 542-45.

But "'the Framers of the Constitution intended the States to keep for themselves … the power to regulate

elections.'" *Gregory v. Ashcroft*, 501 U.S. 452, 461-62 (1991) (quoting *Oregon v. Mitchell*, 400 U.S. 112, 124-25 (1970)). Improperly construing the materiality provision usurps that state power. Indeed, "[i]f Congress intends to alter the 'usual constitutional balance between the States and the Federal Government,' it must make its intention to do so 'unmistakably clear in the language of the statute.'" *Id.* at 460-61 (citation omitted). That "balance 'is not just an end in itself: Rather, federalism secures to citizens the liberties that derive from the diffusion of sovereign power'" and "'preserves the integrity, dignity, and residual sovereignty of the States.'" *Shelby Cnty.*, 570 U.S. at 543 (quoting *Bond v. United States*, 564 U.S. 211, 221 (2011)). An overly demanding materiality standard deprives States of their sovereign and constitutional authority over elections.

Striking the proper meaning of materiality "leaves it to the States to decide which voting rules should be mandatory," but forbids reliance on "errors or omissions that are not material to the question whether a person is qualified to vote." *Ritter v. Migliori*, 142 S. Ct. 1824, 1826 (2022) (Alito, J., dissenting from denial of application for stay). Elections and "voter integrity" are also downstream of the provision's interpretation. *See Vote.Org II*, 89 F.4th at 488-89 (discussing materiality's relation to State's "substantial" "interest in voter integrity"). And "[t]here is no question about the … importance of the State's interest in counting only the votes of eligible voters." *Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181, 196 (2008) (plurality op.).

B. Courts are divided and confused on the interpretation of the materiality provision.

In the wake of this Court's decisions in *Shelby County* and *Brnovich v. Democratic National Committee*, 594 U.S. 647 (2021), "circuit splits concerning the [materiality] Provision have proliferated." Morley, *supra*, at 1811. The Eighth Circuit's decision deepened existing division on the materiality provision.

Over a dissent by Judge Stras, the Eighth Circuit held that "a rule must actually be 'material in determining' whether applicants are qualified to vote," without "interest-burden balanc[ing]" or deference to the State's determinations. App.10a-12a. The majority adopted a "demanding" interpretation of "material"—"[a]n error is 'material' when it is 'important' or has 'influence or effect' over a decision maker," and "only if a reasonable person 'would attach importance to it in determining his choice of action.'" App.10a (quoting *Material*, Black's Law Dictionary (4th ed. 1951); *Universal Health Servs. v. United States*, 579 U.S. 176, 193-94 (2016)). Because it did not defer to the State's policy choices, the Eighth Circuit engaged in a searching inquiry to invalidate state voter requirements. App.11a-12a. The court then found insufficient evidence that original signatures were material. App.12a.

The Eighth Circuit acknowledged that its demanding approach "part[ed] company with" the Fifth Circuit. App.12a (citing *Vote.Org II*, 89 F.4th at 491-92). The Fifth Circuit upheld an identical

original-signature requirement in *Vote.Org II*. 89 F.4th at 488-89. The court examined materiality after acknowledging "a State has considerable discretion in deciding what is an adequate level of effectiveness to serve its important interests in voter integrity." *Id.* at 485. So to "evaluate the materiality of a measure, [courts] must give weight to the State's justification for it." *Id.*

The Fifth Circuit relied on this Court's "'general rule that evenhanded restrictions that protect the integrity and reliability of the electoral process itself are not invidious' and may be upheld at least against a constitutional attack." *Vote.Org II*, 89 F.4th at 480-81 (quoting *Crawford*, 553 U.S. at 189-90). But the Eighth Circuit waved away guidance from "cases interpreting §2 of the Voting Rights Act or the constitutional right to vote." App.12a.

The decision below deepens confusion among the circuits on the materiality provision. The Ninth Circuit has applied a more demanding standard. *Mi Familia Vota v. Fontes*, 129 F.4th 691, 720-21 (9th Cir. 2025), *cert. granted sub nom. Republican Nat'l Comm. v. Mi Familia Vota,* No. 25-1017 (U.S. June 29, 2026). It read materiality to mean having a "probable impact on eligibility to vote," but then held that the "checkbox requirement contradicts the purpose of" the materiality provision when coupled with proof of citizenship because it has the effect of "increas[ing] the number of errors or omissions" in the application process. *Id.*

Conversely, the Third Circuit interpreted materiality to mean simply "relevant." *Pa. State Conf.*

of NAACP v. Sec'y Commonwealth of Pa., 97 F.4th 120, 134 (3d Cir. 2024), *cert. denied sub nom. Pa. State Conf. of NAACP v. Schmidt,* 145 S. Ct. 1125 (2025) (mem.). And the Eleventh Circuit largely avoided the issue, holding that federal voter-registration requirements are necessarily material but declining to say more about the meaning of "materiality." *Fla. State Conf. of NAACP v. Browning*, 522 F.3d 1153, 1174 (11th Cir. 2008).

Absent this Court's intervention, these issues will likely arise again. Indeed, the RNC is party to another appeal in the Eleventh Circuit where the district court dismissed a challenge to Florida's more limited original-signature requirement. *See Vote.Org v. Byrd*, 700 F. Supp. 3d 1047, 1055-56 & n.8 (N.D. Fla. 2023), *on appeal sub nom. Disability Rights Fla. v. Sec'y, State of Fla.,* No. 23-13727 (11th Cir. argued May 8, 2025). The district court there observed that "Plaintiffs' entire premise is that a copied, faxed, or otherwise non-original signature is equal in stature to an original, wet signature," but "we know this not to be so." *Id.*

Likewise, a Virginia court found that "a voter's full SSN likely is material to determining whether they are qualified to vote because a full SSN can confirm a person's citizenship status," and pointed to state law showing citizenship was a voter qualification. *Democratic Party of Va. v. Brink*, 599 F. Supp. 3d 346, 356 (E.D. Va. 2022). A Wisconsin court observed that while this Court and the Seventh Circuit had not "considered the scope of the Materiality Provision," the courts that have done so had "reached different conclusions." *Liebert v. Millis*, 733 F. Supp. 3d 698,

711 (W.D. Wis. 2024). That court adopted the Fifth Circuit's reasoning that the Eighth Circuit rejected here. *Id.* at 719. The Eighth Circuit's interpretation that materiality is a "demanding" standard adds noise to the growing cacophony of interpretations. App.10a.

The ultimate result of this confusion is that some States are permitted to enforce their voter-qualification requirements, while others are barred from enforcing their own laws. This unequal authority jeopardizes the "fundamental principle of *equal* sovereignty," by which the States maintain equal "power, dignity and authority." *Shelby Cnty.*, 570 U.S. at 544 (internal citations omitted). And "'the constitutional equality of the States is essential to the harmonious operation of the scheme upon which the Republic was organized.'" *Id.* (quoting *Coyle v. Smith*, 221 U.S. 559, 580 (1911)). The Court should "resolve the circuits' disagreement" and answer the lower courts' "calls for clarification." *Medina v. Planned Parenthood*, 606 U.S. 357, 367 (2025).

II. Original signatures are an important, traditional method of validating voter-registration applications.

States have an interest in "carefully identifying all voters participating in the election process." *Crawford*, 553 U.S. at 196. An original signature made in the applicant's own hand is a direct way to identify and verify prospective voters. It shows that the person who filled out, signed, and submitted the application is the same person who is registering to vote. And it serves important purposes during the voter-registration process, such as "preventing voter

fraud" and promoting "public confidence in the integrity of the electoral process"—interests whose legitimacy is beyond question. *See id.* at 196-97; *Purcell v. Gonzalez*, 549 U.S. 1, 4 (2006) (per curiam) (describing the State's interest in election integrity as "compelling"). Indeed, the historical record is full of examples of handwritten signatures serving exactly these functions. *See, e.g.*, App.17a-23a (Stras, J., dissenting) (explaining the historical significance of signatures on official documents). Consistent with this longstanding practice, the Board's original-signature rule furthers compelling state interests in protecting election integrity.

A. Original signatures confirm voters' existence and identity.

An original signature is one way for the State to verify that the person submitting the application is the person whom the State is declaring qualified to vote. First, it is prima facie evidence that an applicant exists and is not "deceased." *See* Ark. Const. amend. 51, §11(c)(2) (cancelling voter registration for "deceased" applicants). Behind every physical, wet-ink signature is a physical presence. Since the same cannot be said for an electronic signature, an original signature helps ensure that each applicant is a real, physical person.

It also evidences an applicant's identity—that she is in fact who she says she is. A signature in a person's own handwriting indicates that it was signed by the person who is applying to vote. It is "a premise for all the statutory qualifications" that "the individuals who are trying to register actually [are] who they say they

are." *Vote.Org II*, 89 F.4th at 487. Indeed, it is "[u]ndeniable" that confirming a voter's identity is a necessary "premise" in determining whether a voter meets the "age, citizenship, residency, capacity, and criminal history qualifications" under state law. *Id.*

B. Original signatures deter fraud and increase voter confidence.

"A State indisputably has a compelling interest in preserving the integrity of its election process." *Purcell*, 549 U.S. at 4. Original signatures help deter and detect fraud, thereby "promoting public confidence in the voting process." *Vote.Org II*, 89 F.4th at 488 (quoting *Veasey v. Abbott*, 830 F.3d 216, 231 (5th Cir. 2016)). That is why Arkansas requires a "handwritten wet signature or handwritten wet mark," 7 Ark. Code R. §93-102(5), certifying "under penalty of perjury that the applicant meets each requirement for voter registration," Ark. Const. amend. 51, §6(a)(3)(F).

The process of "physically signing the form with the warnings in front of the applicant, threatening penalties for perjury and stating the needed qualifications, has some prospect of getting the attention of many applicants and dissuading false statements that an electronic signature, without these warnings, does not." *Vote.Org II*, 89 F.4th at 488-89. And the physical signature "carries solemn weight that an imaged signature does not." *Id.* at 489 (internal quotation marks omitted).

An applicant's original signature is the final act that indicates an application is complete and correct.

It assures election officials that the information in the application is true, and that the voter is qualified to vote. It also subjects the applicant to penalty for willfully submitting false information. Ark. Code §5-53-101(4)(B).

For these reasons and more, at least five other States have adopted the same policy as Arkansas, insisting on an original signature for voter-registration forms or other voting applications. *See* Fla. Stat. §97.053(5)(a)(8) (requiring an "original signature" on applications not completed in the presence of a government agent); Ga. Code §21-2-381(a)(1)(C)(i) (requiring applicants for absentee-by-mail ballots to "write his or her usual signature with a pen and ink"); La. Stat. §18:115(A)(2) (requiring a "handwritten signature" on applications submitted by mail); Okla. Stat. tit. 26, §4-112(B) (requiring an applicant's "original, handwritten signature"); Tex. Elec. Code §13.143(d-2) (requiring "the voter's original signature" for applications submitted by fax).

These demands for original signatures have deep roots. A handwritten signature has long been considered the gold standard for authentication and fraud prevention. "When used on legal documents, [original signatures] were 'a mark of authenticity' that provided 'evidence of truth' and an 'attestation' of their contents." *See* App.17a (Stras, J., dissenting) (quoting 2 William Blackstone, Commentaries *304-05). Original signatures also "impress[ed] upon the parties the importance of the commitment they were making . . . [and] made 'fraud[] less likely.'" *See id.* at 18a (quoting *Warren v. Lynch*, 5 Johns. 239, 246 (N.Y.

Sup. Ct. 1810) (Kent, C.J.)). The Statute of Frauds required certain contracts to be made in writing and signed by hand to "giv[e] authenticity to the whole instrument," underscore the "solemnities of execution," and prevent fraud. *See id.* at 18a (quotations omitted). In early American documents, handwritten signatures continued to serve as "evidence of the document's authenticity and promises to honor" it. Coenen, *The Significance of Signatures: Why the Framers Signed the Constitution and What They Meant by Doing So*, 119 Yale L.J. 966, 981 (2010). In particular, eighteenth-century state representatives signed their state constitutions at the "final . . . stage of formation," where their signatures served as an "*authenticating*" mechanism to "signal[] the legal validity of the material" above them. *Id.* at 980.

Today, handwritten signatures are still the gold standard that important documents demand. Tax forms, papers establishing families and marriages, immigration forms, wills, court filings, and many more documents routinely require an original signature made in a person's own writing. *See, e.g.*, IRS, *1040 (and 1040-SR): Instructions* 61 (2022), perma.cc/Z9YR-X2DJ (requiring original signatures on physical tax returns); App.21a-22a (Stras, J., dissenting) (collecting original-signature requirements in federal and Arkansas state statutes). Indeed, this Court requires "original (wet) signatures from both sponsors and applicant on the same page" for admission to its bar. *Bar Admission Instructions*, Supreme Court of the United States, perma.cc/3D9G-

CXRA. The ubiquity and importance of these requirements are another reason this Court should grant the petition and clarify the materiality of original signatures.

III. Original signatures are material in determining whether an individual is qualified to vote.

"Until recently, the Materiality Provision received little attention from federal appellate courts." *Pa. State Conf. of NAACP*, 97 F.4th at 127. That is because, until recently, courts and lawyers understood that the materiality provision prohibits state officials from discriminating against voters by imposing arbitrary registration procedures. It does not prohibit States from deterring and detecting fraud in the registration process.

The term "material" in the Civil Rights Act is broad. The word is undefined in the statute, so it takes on its "ordinary, contemporary, common meaning." *Sandifer v. U.S. Steel Corp.*, 571 U.S. 220, 227 (2014) (citation omitted). At the time the Civil Rights Act was enacted, "material" meant "relevant," "pertinent," or "requiring serious consideration by reason of having a certain or probable bearing on the proper determination of a law case or … on some similar unsettled matter." *Material*, Webster's Third New International Dictionary (1976); *see also Material*, The Oxford English Dictionary (1961) ("[o]f serious or substantial import," or, as to legal matters, "likely to influence the determination of a cause").

No doubt the word "can have different meanings" in different legal contexts. *See* App.24a. Some definitions indicate a fact is "material" if it is simply "of consequence" or "likely to influence" a decision, while others raise the bar to "potentially dispositive." *Material*, Webster's Legal Dictionary (1996); *see* App.24a-25a ("On one end is 'minimal relevance,'" and "[o]n the other is … 'outcome determinative'") (quoting *Browning*, 522 F.3d at 1174).

But one usage cannot carry all meanings. The term "material" fairly encompasses a broad range of relevance: "[t]o say that something is 'material' usually simply means that it matters." *Material*, Webster's Legal Dictionary, *supra*. Original signatures "matter[]" in the process of determining voter qualifications. *Id*. They help confirm that an applicant is who she says she is; deter and detect fraud; increase public confidence in the election; impose the penalty of perjury; and imprint a solemn weight to the process that electronic signatures do not. The materiality provision does not ask whether an original-signature requirement is the best or most modern way to verify applicants, or whether a court would have made the same choice. A requirement can be material even if reasonable policymakers might choose differently.

Statutory context, too, confirms that the materiality provision adopts a low threshold for relevance. "[T]he text does not say the error must be immaterial 'to' whether an individual is qualified to vote. It uses the words 'in determining,' and that choice must mean something." *Pa. State Conf. of NAACP*, 97 F.4th at 131. "Read naturally," these

words "describe a process" of "determining whether an individual is qualified to vote." *Id.* Registration requirements must be material *in* that process, not *to* a given qualification. The statute does not require that every stroke of the pen prove that a voter is a citizen or over the age of eighteen. Instead, a registration requirement that promotes and protects valid state interests in that process is a "material" requirement "in" that process. 52 U.S.C. §10101(a)(2)(B).

CONCLUSION

For these reasons, the Court should grant the petition.

Respectfully submitted,

GILBERT C. DICKEY
Counsel of Record
CONOR D. WOODFIN
PETER ALLEVATO
CONSOVOY MCCARTHY PLLC
1600 Wilson Boulevard
Suite 700
Arlington, VA 22209
(703) 243-9423
gilbert@consovoymccarthy.com

Counsel for Amici Curiae

November 23, 2026