

LAWYERS DEMOCRACY FUND



October 14, 2021

Governor Ralph Northam
Office of the Governor
P.O. Box 1475
Richmond, VA 23218

Harvey Tettlebaum
President

Tom Spencer
Vice President

Ashlee N. Titus
Secretary

Elliot Berke
Treasurer

Joanne Young
Board Member

Lisa Dixon
Executive Director

Fairfax County Board of Supervisors
12000 Government Center Pkwy
Fairfax, VA 22035

Re: Absentee Ballot Witness Signature Requirement

Dear Governor Northam and the Fairfax County Board of Supervisors,

It has come to the attention of Lawyers Democracy Fund (LDF) that the Governor has received a letter from the Fairfax County Board of Supervisors asking the Governor to declare a state of emergency and eliminate the witness signature requirement for absentee ballots in this election, which is already well underway. We urge the Governor to respect election integrity and reject the Board of Supervisor's misguided request.

LDF is a nonpartisan, nonprofit organization dedicated to promoting ethics, integrity, public trust, and legal professionalism in the electoral process. These democratic values cannot be maintained when meaningful election integrity measures are removed—especially when tens of thousands of voters have already cast their ballots during the early voting period.

Election administration and voting laws in Virginia were changed significantly over the past year. Indeed, one might hardly recognize Virginia's election procedures from those in place before 2020. But even after the General Assembly adopted numerous changes to the election code, they responsibly kept the witness signature requirement for absentee ballots. It is apparent that the General Assembly believes this measure serves a valuable purpose—namely, ensuring a modicum of integrity in the practice of mail voting. Laws duly and thoughtfully passed through the General Assembly by the will of the Virginia voters should be respected.

Absentee ballot verification procedures, such as Virginia's witness signature requirement, protect the election process from bad actors seeking to misuse absentee ballots and instill greater public confidence in the integrity of mail ballots. Public confidence in election procedures and the validity of ballots, in turn, translates to greater public confidence in election outcomes. In competitive elections such as Virginia's, it would be irresponsible to remove one of the few remaining safeguards, such as the witness signature requirement. Removing this important measure would damage voter confidence in the election and its outcome.

56295 Little Moniteau
Road
California, MO 65018

Phone: (202) 441-5487

www.lawyersdemocracyfund.org



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Virginia's state of emergency declared during the height of the COVID-19 pandemic was rightfully lifted in June. Cases of COVID-19 in Virginia have been steadily declining and will more than likely continue to decline. Nearly 70% of Virginians have received at least one dose of the COVID-19 vaccine, including over 80% of Fairfax residents. Over 60% of Virginians are fully vaccinated. Virginia's high vaccination rates and declining COVID-19 cases reveal that certainly no state of emergency exists that would show cause for the removal of the witness signature requirement like the Fairfax County Board of Supervisors requests.

Lastly, voting in this election is well underway. Thousands of voters in this election have already relied on the current rules and requirements to cast their ballots. We are unaware of any COVID-19 transmission that has occurred because of the witness signature requirement, and absentee voting with the witness signature requirement has clearly not led to a rise in COVID-19 case numbers. Changing the rules now would subject Virginia's absentee voters to unequal treatment and, moreover, would result in voter confusion concerning what rules are actually being enforced. It is vital that the rule of law be maintained and that the procedures surrounding this election remain consistent.

Maintaining the witness signature requirement for absentee ballots is in the best interest of the voters who are thoughtfully electing their delegates and statewide officers. To preserve both voter confidence and election integrity, LDF implores the Governor to reject the request of the Fairfax County Board of Supervisors to declare a new state of emergency for the sole purpose of eliminating the witness signature requirement for absentee ballots.

Respectfully,

A handwritten signature in black ink that reads "Lisa L. Dixon". The signature is written in a cursive, flowing style.

Lisa Dixon
Executive Director

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Road
California, MO 65018

Phone: (202) 441-5487

[www.lawyersdemocracy
fund.org](http://www.lawyersdemocracyfund.org)