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Attorney General Steve Marshall Joins Fight to Ensure Integrity of Election Results

A Coalition of State Attorneys General Call on U.S. Supreme Court to Review Pennsylvania Supreme Court's Rewriting of State Election Law Regarding Mail-In Voting

(MONTGOMERY)—Alabama Attorney General Steve Marshall joined nine other attorneys general Monday in filing an [amicus brief](#) in support of two lawsuits seeking U.S. Supreme Court review of the constitutionality of the Pennsylvania Supreme Court's decision to extend the deadline for mail-in ballots in the state.

"Judges are supposed to be servants of the law, not the makers of it," Attorney General Marshall said. "Those sitting on the Pennsylvania Supreme Court apparently think different, handing down an eleventh-hour decree that contravened our constitutional order and invited possible fraud. This cannot stand."

"I join my fellow attorneys general in calling upon the Supreme Court to rule on the decision by the Pennsylvania Supreme Court to rewrite state law by arbitrarily extending the deadline for Pennsylvania's mail-in voting and ordering that ballots showing up after Election Day with no postmark be assumed to have been mailed before Election Day," Attorney General Marshall continued. "The court's action defied state law, ignored the constitutional command that legislatures—not judges—set the manner of presidential elections, and made Pennsylvania's election less secure."

"The result of this illegal action is the creation of opportunities for fraud, especially given the susceptibility of mail-in ballots to fraud. The Pennsylvania Supreme Court's decision creates a clear opportunity for fraud by both extending the deadline for ballot receipt and ordering that ballot counters presume that ballots without any postmark were sent by Election Day. This is not just an issue of importance to the state of Pennsylvania, but for the entire country. Election laws should not be changed by judges on the eve of an election, and certainly not in a way that opens the door to potential fraud."

The amicus brief explains both the constitutional problems with the Pennsylvania Supreme Court's decision and its troubling practical consequences.



“The Pennsylvania Supreme Court’s decision overstepped its constitutional responsibility, encroached on the authority of the Pennsylvania legislature, and violated the plain language of the Election Clauses. Worse still, the decision exacerbated the risk for mail-in ballot fraud by permitting mail-in ballots that are not postmarked or have no legible postmark to be received and counted several days after the election. The decision provided a window of time after Election Day, when the preliminary results were announced, in which unscrupulous actors could attempt to influence a close Presidential election in Pennsylvania and elsewhere. And it enhanced the opportunities for fraud by requiring boards of elections to count late-received ballots even if there is no evidence that those ballots were cast before Election Day, because they have no legible postmark.”

The amicus brief filed in support of *Republican Party of Pennsylvania v. Boockvar*, and *Scarnati v. Boockvar*, was filed by Missouri, and joined by Alabama, Arkansas, Florida, Kentucky, Louisiana, Mississippi, South Carolina, South Dakota, and Texas.