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“Friend of Court” Brief by Election Security Experts Highlights Major Flaws in South Carolina Election Systems

Columbia, S.C. (April 17, 2019) - The National Election Defense Coalition, Free Speech For People, and experts in computer science from around the country filed on Tuesday an amicus brief before the US Court of Appeals for the Fourth Circuit in a case concerning the security of election technology in South Carolina. The brief argues that the state’s system is disenfranchising citizens through software errors and remains susceptible to hacking by domestic and foreign actors.

In the case, *Heindel v. Andino*, the plaintiffs, represented by Protect Democracy, contend that the state’s use of iVotronic direct-recording electronic (DRE) voting machines creates numerous documented problems when reporting votes. The system has been shown to arbitrarily count some votes twice while leaving others unrecorded. In some cases, faulty touch-screen calibration and software issues have caused the machines to incorrectly record a voter’s candidate of choice, similar to [issues with straight-ticket voting in Texas in 2018](#). The machines are also highly susceptible to hacking, as they are manufactured abroad, lack proper encryption technology, and the software does not meet standard coding practices. Compounding these problems is a lack of a physical ballot of record that is necessary to conduct an effective post-election audit capable of reliably spotting mistakes in the tallies made by the machines. The plaintiffs argued that the combined effect of these issues justifies a suit on the grounds of unconstitutional voter disenfranchisement, but the federal district court refused to hear the case, saying their claims were “merely speculative.” The amicus brief argues that the federal appeals court should reverse this decision so that South Carolinians can be guaranteed equal, protected participation in future elections.

Last July, [Special Counsel Robert Mueller indicted 12 Russian intelligence officers](#) on charges of tampering with U.S. election systems, the Democratic National Committee, and the Clinton campaign during the 2016 election. Among the charges, the Russian officers were accused of attempting to hack into the computers of state election boards and administrators. Authors of the amicus brief state “it is clear that South Carolina’s voting system was not spared in the efforts by Russian cyber-attackers to manipulate the 2016 U.S. election.”

“The Department of Homeland Security and the FBI have recently confirmed that our adversaries attacked election networks in all 50 states,” says Susan Greenhalgh, Policy Director at the National Election Defense Coalition. “This is a national security issue. South Carolina can’t ignore this imminent threat and wait until an election is manipulated to act.”

“With this brief, election security experts are sounding the alarm about the vulnerability of voting systems in South Carolina and in other states using electronic voting machines which cannot be trusted for properly counting our votes,” says John Bonifaz, Co-Founder and President of Free Speech For People, which serves as co-counsel on the amicus brief with the law firm of Covington & Burling. “With the 2020 election looming, this case provides the opportunity for the courts to intervene and protect the fundamental right to vote of all South Carolinians.”

[Read the full brief here.](#)

The National Election Defense Coalition is a national organization building bipartisan consensus on the need for policies and procedures to secure our election systems. NEDC serves as a bridge for stakeholders across the political spectrum who share a commitment to secure, auditable, accessible and transparent voting systems for all. Learn more at <https://www.electiondefense.org>.

Free Speech For People is a national non-partisan non-profit organization founded on the day of the U.S. Supreme Court's ruling in *Citizens United v. FEC* that works to defend our Constitution and reclaim our democracy. Learn more at www.FreeSpeechForPeople.org