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“Insecure, Unreliable, Unverifiable, and Unsafe”: Voting Rights Advocates Challenge Legality of New Voting System In North Carolina

Complaint Filed on Behalf of the North Carolina State Conference of the NAACP and Several North Carolina Voters

Washington, DC (April 15, 2020) – Today, voting rights advocates filed a lawsuit in Wake County Superior Court challenging the new electronic voting system that Mecklenburg County and several other North Carolina counties rushed to implement for the 2020 elections. The suit alleges the new system is vulnerable to security threats and its results are unverifiable, in violation of the North Carolina Constitution’s guarantees of free and fair elections and equal protection of the law. The North Carolina State Conference of the NAACP and several North Carolina voters are bringing the lawsuit. They are represented by the Lawyers’ Committee for Civil Rights Under Law, Free Speech For People, and the law firm of Sheppard, Mullin, Richter & Hampton LLP.

The suit also alleges that using this new system, the ExpressVote, is particularly perilous during the COVID-19 pandemic. The COVID-19 disease can be spread through contact with the touchscreen computer or other parts of the ExpressVote. Election Systems & Software, the company which manufactures and markets the Express Vote machines, claims there are remedial steps which election officials can take to mitigate this threat. However, remedial steps, such as cleaning the machines after each contact by a voter, are time-consuming, difficult, and costly, and they can lead to long lines at polling places. Such cleaning can also damage the ExpressVote machines and is ineffective in eliminating the coronavirus if improperly done.

“The so-called ‘new’ electronic voting system being used in North Carolina is fatally flawed,” said **Kristen Clarke, President and Executive Director of the Lawyers’ Committee for Civil Rights Under Law**. “This historic lawsuit is necessary to preserve electoral integrity and to protect the right to vote in North Carolina. We will continue fighting voter suppression in all of its forms and work to ensure a level playing field for voters this election cycle.”

“The ExpressVote is an insecure, unreliable, unverifiable, and unsafe machine that threatens the integrity of North Carolina’s elections,” said the **Rev. Dr. T. Anthony Spearman, President of the North Carolina NAACP**. “The new electronic system converts voters’ votes and ballots into undecipherable barcodes, forcing voters to cast a vote they cannot read. These North Carolina counties must move to hand-marked paper ballots to restore voters’ trust in the integrity of our elections.”

“The right to vote means the right to have one’s own intended choices recorded and counted, not the choices of a computer running an insecure, unreliable software,” said **Courtney Hostetler, Counsel at Free Speech For People**. “Voters who are required to use the ExpressVote voting machine aren’t just losing out on the right to vote—they’re also exposing themselves to a hard-to-disinfect touchscreen that may have been touched by hundreds of voters carrying a deadly virus that can live on surfaces for days. Only hand-marked paper ballots can guarantee North Carolinians a secure, reliable, and safe election.”

“Given the recent established voting machine irregularities with our current voting machines and the upcoming election, it is necessary that voters be able to use a voting system that is secure and reliable,” said **Rev. Glencie S. Rhedrick**, a community leader and Mecklenburg County voter.

The barcodes can be miscoded or hacked without detection. The ExpressVote's defects and security flaws create the risk that voters in Mecklenburg County and several other North Carolina counties will have their votes cancelled or cast for the wrong candidate. Plaintiffs seek to stop the use of the ExpressVote by any of North Carolina’s counties, thereby protecting North Carolinians’ right to an accurate and equal vote.

The complaint details problems that have already occurred with the ExpressVote. During North Carolina’s March 2020 primary election, ExpressVote machines were left in improper modes, utilized for types of voting for which the machines had not been authorized, and were responsible for improperly tabulating votes in at least one county.

The Defendants in the case include the North Carolina State Board of Elections and the county boards of elections in Alamance, Ashe, Buncombe, Burke, Cherokee, Davie, Davidson, Forsyth, Haywood, Henderson, Jackson, Lenoir, Mecklenburg, New Hanover, Pender, Perquimans, Polk, Rutherford, Surry, Transylvania, and Warren Counties.

A copy of the complaint is available [here](#).

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About the Lawyers’ Committee for Civil Rights Under Law

The Lawyers’ Committee for Civil Rights Under Law (Lawyers’ Committee), a nonpartisan, nonprofit organization, was formed in 1963 at the request of President John F. Kennedy to involve the private bar in providing legal services to address racial discrimination. Now in its 55th year, the Lawyers’ Committee is continuing its quest to “Move America Toward Justice.” The principal mission of the Lawyers’ Committee for Civil Rights Under Law is to secure, through the rule of law, equal justice for all, particularly in the areas of voting rights,

criminal justice, fair housing and community development, economic justice, educational opportunities, and hate crimes. For more information, please visit <https://lawyerscommittee.org/>.

About Free Speech For People

Free Speech For People works to renew our democracy and our United States Constitution for we the people. Founded on the day of the Supreme Court's *Citizens United* ruling in January 2010, Free Speech For People envisions a democratic process in which all people have an equal voice and an equal vote. We fight for free and fair elections, for reliable and secure voting systems, and for the bedrock principle that, in a democracy, all voters must have their votes properly counted. For more information, please visit www.freespeechforpeople.org.