

## **A Victory for Election Transparency: Indiana Secretary of State Ordered to Disclose Communications Regarding the Security of Voting Machines**

*Citing that “access to public records is an important statutory right,” the Judge urged parties to work together quickly to resolve access to election security communications.*

INDIANAPOLIS, IN (June 23, 2020) - An Indiana state court judge ruled in partial favor of the National Election Defense Coalition (NEDC) today in a lawsuit to uncover communications about election security to and from the National Association of Secretaries of State. The judge determined that Indiana Secretary of State Connie Lawson did not provide adequate justification for withholding materials based on copyright law, trade secrets exemption, deliberative materials exception or counterterrorism exception, and ordered Lawson to produce some of the withheld materials for inspection in chambers in the court.

NEDC has warned for years that Lawson and NASS have been spreading disinformation about the safety of voting machines. Under the Indiana Access to Public Records Act, the lawsuit filed for NEDC by Free Speech For People and Indianapolis attorney William Groth, charges the Indiana Secretary of State with unlawfully denying access to public records regarding the reliability and security of voting machines. The judge ruled that the Secretary must within 15 days submit the materials withheld based on the counterterrorism exception so that she may examine them in private.

“As we watch partisan distrust in the democratic process grow, and malfunctioning voting machines ruining elections, this Court ruling is a victory for transparency and reform in the voting process,” stated former Vermont State Senator Ben Ptashnik, President of NEDC. “For years NASS and Secretary Lawson’s have undermined the security of US elections by mimicked vendors’ [false statements](#) denying the Internet connectivity of voting machines, giving support to disingenuous companies like ES&S, whose marketing practices have included taking elections officials on junkets to Las Vegas for “advisory board” meetings, according to records [shared with the AP](#) from a Freedom of Information request.”

Secretary Lawson served as the 2017-2018 President of the National Association of Secretaries of State (NASS). In her June 2017 [testimony](#) to the U.S. Senate Select Committee's investigation into Russian interference in the 2016 election, Secretary Lawson insisted that it was "very important to underscore that voting machines are not connected to the Internet or networked in any way."

According to Attorney Groth, this is not accurate. "[Many voting machines](#) certified for use in states such as Florida, Illinois, Michigan, and Wisconsin contain wireless modems which connect to the Internet and expose voting systems to online attacks. In addition, there have been multiple jurisdictions (in states such as Pennsylvania) whose voting systems were found to be configured with remote-access software installed. Remote-access software facilitates remote control of the system over the Internet. In many cases, the vendor sold systems with deliberately installed off-the-shelf 'pcAnywhere' remote-access software on voting system devices."

Ptashnik believes that "Lawson's testimony in Congress helped to undermine some of NEDC's efforts for election security reforms such as the bipartisan US Senate [Secure Elections Act](#). We don't understand why some elections officials continue to mimic vendor propaganda while others purchase expensive, dangerous and insecure machines, often in swampy deals. Perhaps Lawson's communications with NASS may shed light on that."

Barbara Arnwine, NEDC Counsel and President of the voting rights NGO Transformative Justice Coalition stated: "These voting machines are also a potential form of voter suppression, as older, faulty machines are often placed in minority districts where they [malfunction or break down](#) and cause extreme lines. In the chaotic [Georgia primary](#) this year, elections officials were disinfecting the touchscreen machines to protect voters from Coronavirus, but they stopped because the lines at the voting machines were already too long". This is extremely dangerous".

In an effort to ascertain the sources of information used in Secretary Lawson's public statements during her tenure in NASS leadership, NEDC

submitted a records request under the Indiana Access to Public Records Act in September 2018, seeking copies of communications between NASS and the Secretary of State's office from May 1, 2017 through the date of the request. NEDC later amended its request to cover only specific email domains and communications containing specific election security-related keywords.

The Secretary's office argued that a standard email boilerplate ("The information contained in this communication from the sender is confidential") in the signature block of every email from NASS staff exempts all of this private organization's communications to the government from public disclosure. The judge rejected this argument.

"After nine months of fruitless exchanges and Secretary Lawson's repeatedly evolving explanations for denial and delay, NEDC still hasn't received the vast majority of public records that it requested from the Secretary," says Ron Fein, Legal Director of Free Speech For People. "The ruling today is an important victory in ensuring that the public have access to essential information regarding the reliability and security of voting machines."