

FIGHTING TO DEFEND AND EXPAND THE RIGHT TO VOTE

Free Speech For People's Report on Our Election Protection Work in 2020

Free Speech For People served as a leading force in the country this year in fighting to defend and expand voting rights and to protect the November election. The following is a summary of our key accomplishments in this field.

Extending the voter registration deadline in Arizona

FSFP filed federal lawsuits in Arizona and South Carolina to extend the voter registration deadlines in those states, due to decreased voter registration activity as a result of the COVID-19 pandemic. We won a [federal court injunction](#) in Arizona extending the deadline, which allowed time for an additional [35,000 new voters](#) to register to vote in Arizona for the general election.

Stopping illegal voter intimidation in Minnesota

FSFP filed a [federal lawsuit](#) against a private mercenary contractor, Atlas Aegis, and its chairman for voter intimidation in Minnesota. The complaint alleged that the defendants' plan to hire and deploy armed ex-soldiers to polling sites in the state constituted illegal voter intimidation under the Voting Rights Act. We won a federal court injunction prohibiting the defendants from moving forward with their illegal voter intimidation plans in the state.

Challenging Trump's illegal voter intimidation

Amongst hundreds of election related lawsuits filed in 2020, FSFP brought the *only* [case](#) that exposed and challenged the comprehensive and systematic scheme of voter intimidation carried out by Trump, senior members of his administration and his campaign to suppress the vote of his political opponents through massive disinformation concerning vote by mail, intentional sabotaging of the U.S. mail, and threats and encouragement of law enforcement and private mercenaries to engage in violence against voters. The case received significant media attention and prompted Trump's Justice Department to publicly acknowledge in a legal finding that, despite Trump's threats to do so, federal law prohibited sending armed federal agents to the polls during the election.

Challenging unsafe and unequal voting conditions during the pandemic

FSFP filed a [federal lawsuit](#) in Texas challenging a broad range of laws and practices that made voting more difficult and medically dangerous for many Texas voters, especially for Black and Latino voters. The case brought immediate critical public exposure of these deficiencies. One of the practices, the lack of sufficient early voting, was addressed by the state expanding the early voting period soon after we filed our suit. The case resulted in an important precedent from the United States Court of Appeals for the Fifth Circuit, establishing that voters and voting rights organizations are entitled to challenge the legality of voting laws and practices that make voting more difficult or dangerous during the pandemic or other health emergency and rejecting the state's dangerous position that its election laws are immune from judicial review during a health emergency. We also demonstrated, and a federal judge [found](#), that the Texas Governor's order excluding voting places from his public mask wearing mandate violated the Voting Rights Act and discriminated against Black and Latino voters.

Challenging the use of electronic voting machines as unsafe and insecure

FSFP filed two cases in Pennsylvania and one in North Carolina demonstrating and publicly exposing crucial security and public health vulnerabilities with the use of electronic voting machines. These lawsuits brought critical attention to these issues through public hearings and media coverage. Our primary case in [Pennsylvania](#) and our [North Carolina](#) case challenging these deficient machines continue to proceed in the courts toward rulings that will govern elections in both states going forward.

Winning a key public records case on election security

FSFP filed a state public records [lawsuit](#) to compel the Indiana Secretary of State to produce documents to determine the purposes of the National Association of Secretaries of State (NASS) spreading false narratives regarding voting machine security and opposition to election reforms. [We won a court ruling](#) in this case, in which the trial court found that nearly all of the requested documents at issue had been improperly withheld and ordered disclosure.

Securing a victory before the US Election Assistance Commission on false claims made by the nation's largest voting machine company

FSFP co-issued a [letter](#) to the US Election Assistance Commission which detailed evidence showing that Election Systems & Software (ES&S), the nation's largest voting machine manufacturer, was deceptively marketing its DS200 voting machines that include wireless modems as federally certified by the EAC. In response to our letter, the EAC launched an investigation of the voting system and agreed with our findings. The EAC subsequently [censured](#) ES&S for the false claims and directed the company to recall all misleading marketing materials, in addition to notifying customers to inform them that the voting systems with modems are non-EAC certified.

Issuing critical guidelines for safe voting during the pandemic

FSFP published the report, "[Safe Voting During the COVID-19 Pandemic](#)," with leading infectious disease expert and FSFP Board Member Dr. Joia Mukherjee and former Minnesota Secretary of State Mark Ritchie, which provided a series of recommendations to ensure a safe election. We worked closely with legislators in Massachusetts to advance legislation outlining safe voting protocols during the current public health crisis, which incorporated recommendations from our safe voting guide.

We were proud to represent the following clients in this work this year: Arizona Coalition for Change; Citizens for Better Elections; Council on American-Islamic Relations – Minnesota Chapter; League of Women Voters of Minnesota; Mi Familia Vota; and the NAACP State Conferences of North Carolina, Pennsylvania, and Texas.

With this program, Free Speech For People is at the forefront in fighting to protect the right to vote, to ensure secure and verifiable elections, and to defend our democracy. We look forward to continuing this work in the years ahead to guarantee the promise of free and fair elections for all.