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## **COALITION OF VOTERS AND CIVIL RIGHTS GROUPS FILE FEDERAL LAWSUIT IN PENNSYLVANIA SEEKING EMERGENCY PAPER BALLOTS**

### **PLAINTIFFS CLAIM VOTING MACHINE BREAKDOWNS AND LONG LINES WILL DISENFRANCHISE VOTERS**

#### **‘A PERFECT STORM’ IMPACTING THE RIGHT TO VOTE**

PHILADELPHIA, PA – A coalition of Pennsylvania voters and civil rights groups, led by the NAACP State Conference of Pennsylvania, filed a lawsuit today in federal court in Philadelphia seeking to ensure that voters receive emergency paper ballots on Election Day when 50% or more voting machines become inoperable at any polling site in the state. The lawsuit, filed against Pennsylvania Secretary of the Commonwealth Pedro A. Cortés, alleges that voters will be disenfranchised when they face the burden of having to wait hours in line, due to voting machine breakdowns, in order to exercise their constitutional right to vote.

“In Pennsylvania this year,” the complaint states, “an unprecedented interest in voting, a record number of newly registered voters, and a well-established history of widespread electronic voting machine failures have converged to create a perfect storm that, left unaddressed, unquestionably will result in the disenfranchisement of substantial numbers of citizens.”

The lawsuit follows numerous reports during Pennsylvania’s primary election in April of voters facing long lines when electronic voting machines became inoperable at their polling sites. Voters called national election protection hotlines on primary day, including 866-MYVOTE1, reporting that election officials were not providing the safeguard of emergency paper ballots when voting machines malfunctioned. Callers stated that voters were told either to wait in line – sometimes for hours – or to come back later to vote. The reports revealed that many voters left their polling locations without casting their votes.

“Voters should not be forced to wait hours in line in order to exercise their fundamental right to vote,” says John Bonifaz, legal director for Voter Action and co-counsel for the plaintiffs. “While the use of electronic voting machines continues to pose a separate threat to the integrity of the vote-counting process, federal court intervention is necessary to

ensure that voters will not be disenfranchised by long lines on Election Day in Pennsylvania, when these machines become inoperable.”

“Pennsylvania’s Secretary of the Commonwealth has issued a directive to all Pennsylvania counties requiring that emergency paper ballots be distributed only when 100% of voting machines malfunction on Election Day,” says Jonathan Abady, a partner at the New York-based law firm Emery Celli Brinckerhoff & Abady, and co-counsel for the plaintiffs. “If left unchanged, this standard will place an undue burden on voters across the Commonwealth of Pennsylvania.”

In his declaration filed with the lawsuit, J. Whyatt Mondesire, the president of the NAACP State Conference of Pennsylvania, states: “One of the major impediments to members exercising their right to vote is the long lines frequently encountered on election day...Thousands of members have faced serious delays in voting when machines have broken down in the past and this problem will be much more severe this year when unprecedented numbers of voters will be coming to the polls.”

In addition to the NAACP State Conference of Pennsylvania, the plaintiffs include individual voters who reported long lines and voting machine breakdowns during the state’s primary election in April, as well as the Election Reform Network, a local election integrity organization. The plaintiffs are represented by Voter Action, a national voting rights organization, the law firm of Emery Cell Brinckerhoff & Abady, and the Public Interest Law Center of Philadelphia.