



SOUTHERN
COALITION
for SOCIAL JUSTICE



FOR IMMEDIATE RELEASE
June 5, 2020

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Voting Rights Organizations Seek Preliminary Injunction to Guarantee Voter Safety in November

DURHAM, N.C. — On behalf of Democracy North Carolina, the League of Women Voters of North Carolina and eight individual voters, the Southern Coalition for Social Justice, Fair Elections Center and pro bono counsel from law firm WilmerHale have formally requested that a federal court temporarily amend some of the state’s voting laws to guarantee that North Carolinians can vote safely in November’s general election in the wake of the COVID-19 pandemic.

In a memo and accompanying witness statements filed this morning in the U.S. Middle District of North Carolina, the plaintiffs in *Democracy North Carolina et al vs North Carolina State Board of Elections et al* outline the likely chance of a high rate of COVID-19 in October and November and the challenge that could create for both vote-by-mail and in-person voting.

“If this Court does not relax the state’s unconstitutionally burdensome registration and voting requirements for mail-in absentee and in-person voting—relief that the Plaintiffs request solely for the November 2020 general election—Plaintiffs and countless North Carolina voters will not be able to vote in that election, or will have to choose between foregoing this right and risking their health and the health of family members,” the memo states.

The memo also emphasizes the need for quick action, since many of the voter materials required for November’s elections, such as absentee ballots, are typically prepared and printed in June.

Among the specific actions requested by the Plaintiffs are:

- Waiving the requirement that voter registration applications be submitted at least 25 days before the election, changing it instead to the Saturday before.

- Making it easier to request and submit an absentee ballot, including waiving the witness requirement and allowing absentee ballots to be requested via phone, email or online.
- Creating a process for absentee ballots to be submitted in a manner other than by mail, such as contactless drop boxes where they could be delivered.
- Making in-person voting safer, including loosening restrictions on poll worker recruitment, creating greater flexibility in early voting sites and providing personal protective equipment to all precinct workers.

“To guarantee election integrity, we need to make sure all eligible voters have the chance to make their voices heard in November,” said Allison Riggs, Chief Counsel for Voting Rights and Interim Executive Director of the Southern Coalition for Social Justice. “Since the North Carolina General Assembly has failed to act swiftly to address the concerns raised around creating a safe voting environment in November, we are asking the Court to take the action needed. No voter should have to risk their health to cast their ballot, regardless of what manner of voting they choose.”

“Given the dangers posed by the COVID-19 pandemic, the time to step up and protect voters is now,” said Fair Elections Center Senior Counsel Jon Sherman. “Making elderly voters and those with compromised immune systems choose between their health and making their voices heard in an election is undemocratic. No matter how a voter chooses to vote, the process should be safe and fair.”

Documents:

[First Amended Complaint](#)

[Plaintiff’s Motion for Preliminary Injunction and Request to Expedite](#)

[Plaintiff’s Memorandum in Support of the Motion for Preliminary Injunction and Request to Expedite](#)

Additional quotes from key parties:

“Under the current law, North Carolina’s elections are not designed to facilitate safe voting during a public health crisis, and the General Assembly has failed to promptly address the situation. While November may still seem like it’s a long way off, we do not have time to wait. Action must be taken immediately or North Carolina voters will be forced to choose between their health and exercising their constitutionally protected right to vote.”

--Allison Riggs, Chief Voting Rights Counsel and Interim Director of the Southern Coalition for Social Justice

“While we know that filing a lawsuit is an extreme step, we also know that action must be taken now to guarantee that all North Carolina voters are able to cast their ballots in a safe manner this November. We trust that the Court will understand both the need for the changes we are requesting, as well as the urgency to address these issues and take the necessary steps to protect the voters of North Carolina.”

--Jon Sherman, Senior Counsel with the Fair Elections Center

“North Carolina is unprepared to hold a presidential election during a pandemic, as the State Board of Elections’ repeated pleas to the Legislature have revealed. The state is sorely lacking in vital safeguards and precautions for both mail-in and in-person voters to safely cast a ballot. With an expected ten-fold increase in absentee ballots this fall and fast-approaching deadlines for printing those ballots, there is zero time to waste.”

--Joseph Yu, Counsel with WilmerHale

“Democracy North Carolina has a long-standing history of working to increase voter participation throughout the state. While COVID-19 has significantly disrupted many aspects of our lives and our society, we cannot afford to let it negatively impact this November’s elections.”

--Tomas Lopez, Executive Director of Democracy NC

“Under the current system, North Carolina voters will be making some tough decisions in November, not just on who to vote for, but on if they are willing to risk their health to cast their ballot at all. The League of Women Voters remains committed to ensuring every eligible individual has the ability to cast their vote in a safe and efficient manner.”

--Jo Nicholas, President of the League of Women Voters of North Carolina

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The Southern Coalition for Social Justice, founded in 2007, partners with communities of color and economically disadvantaged communities in the South to defend and advance their political, social, and economic rights through the combination of legal advocacy, research, organizing and communications. Learn more at southerncoalition.org and follow our work on [Twitter](#) and [Facebook](#).

Fair Elections Center is a national nonpartisan and non-profit voting rights and election reform organization based in Washington, DC whose mission is to use litigation, public education and advocacy to remove barriers to registration and voting, and to improve election administration.

Wilmer Cutler Pickering Hale and Dorr LLP (WilmerHale) provides legal representation across a comprehensive range of practice areas that are critical to the success of its clients. The law firm’s leading Intellectual Property, Litigation/Controversy, Regulatory and Government Affairs, Securities, and Transactional Departments participate in some of the highest-profile legal and policy matters. With a staunch commitment to public service, the firm is renowned as a leader in pro bono representation. WilmerHale is 1,000 lawyers strong with 13 offices in the United States, Europe and Asia. For more information, please visit www.wilmerhale.com.