

GA6 Election to Continue with Unverifiable Voting

ATLANTA GA – The 6th District Special Election (GA6) will finish on Georgia’s 15 year-old unverifiable electronic voting system. A [ruling](#) by Fulton County Superior Court late Friday in [Curling v. Kemp](#) denied the plaintiffs’ request for an emergency temporary restraining order against the un-auditable system.

The denial was based largely on a technicality known as sovereign immunity. The court was unconvinced that plaintiffs had provided enough evidence of a specific legal violation by officials in their use of the system. Therefore, the court ruled that, “...*Plaintiffs are barred from injunctive relief in common law on any state law claims.*” The court acknowledged the plaintiffs’ attempt to overcome the sovereign immunity argument with a federal 42 USC § 1983 claim but ruled that plaintiffs “*failed to make such a pleading*” until the hearing.

The court found that the plaintiffs’ expert witness testimony was speculative and cited an “*absence of evidence*” for problems that have occurred in Georgia such as skewed results, malfunctions and unexplained deviations. While skewed results are almost impossible to prove because of the unverifiable nature of Georgia’s voting machines, there is evidence of several problems Georgia election officials have experienced with the machines since they were installed in 2002. That evidence could not be presented by plaintiffs in the rushed setting of the emergency hearing.

Finally, the court cited impracticability of changing election methods in the GA6 race while it is in midstream. Defense witnesses focused mostly on costs, risks and purported confusion of changing election methods after GA6 early voting started. They argued the burden was too great even if change was limited to Election Day voting. The court agreed and ruled that plaintiffs “...*cannot satisfy the elements for such a remedy.*” that should be “...*reserved for clear and urgent cases.*”

Despite the ruling, plaintiffs and election integrity activists were impressed with the understanding that Judge Kimberly Esmond Adams demonstrated of the issues involved in the case and her efficient handling of the matter. They are considering their next options while vowing not to stop seeking verifiable elections in Georgia.

Secretary Kemp stated that, “*I applaud the judge for finding what we already know: Our voting machines in Georgia are safe and accurate.*” However, [experts testified](#) that the system provides no assurance of safety or accuracy and Judge Adams never made such a finding in her [ruling](#).