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National Federation of the Blind Files Motion in Federal Court to Hold Secretary of State Jocelyn Benson in Contempt for Violating Agreement with the Blind

Secretary of State's Delays Will Prevent the Blind from Voting in August and November Elections

(Southfield, Michigan) – Plaintiffs Michael Powell, Fred Wurtzel, and the National Federation of the Blind have asked a Federal Court to hold Michigan Secretary of State Jocelyn Benson in contempt of Court. The Plaintiffs had previously negotiated a historic Consent Decree with Secretary Benson after filing a lawsuit alleging that Michigan’s absentee voting system was totally unusable and inaccessible to the blind, resulting in disenfranchisement as the State ramps up mail-in-voting options in light of the pandemic. The agreement required the State to introduce a Remote Accessible Vote-by-Mail (RAVBM) system for the August 2020 election, which would allow blind voters to cast an absentee ballot privately and independently, in the same manner as non-disabled voters. The lawsuit followed the lead of other states who have implemented such systems to ensure the blind are not excluded from the democratic process.

It has now come to light that Secretary Benson failed to take any steps to implement the RAVBM system in time for August, violating the agreement entered into by the parties and threatening to disenfranchise blind voters. The Plaintiffs have now asked a Federal Court to hold Secretary Benson in civil contempt for violating the agreement.

“The parties entered into a Consent Decree—an agreement that is signed and enforced by the Court. Despite the Court’s order, Secretary Benson and her staff have treated its terms as optional,” said Attorney Jason Turkish, President and Managing Partner of Nyman Turkish PC, counsel for Plaintiffs Powell and Wurtzel. “We are asking the Court to use every tool at its disposal to ensure the Secretary’s decision to disregard the Court’s order is rectified and that blind voters are not disenfranchised the way they have been in past elections.”

A recent story from WDIV Detroit reported that even Richard Bernstein, a Justice of the Michigan Supreme Court and a blind voter, was turned away from his local clerk’s office

because the workers had not been trained in assisting the blind with obtaining or completing an absentee ballot application.

“We are outraged by the State’s failure to uphold its agreement with the blind of Michigan and of America,” said Mark Riccobono, President of the National Federation of the Blind. “Discrimination and disenfranchisement are bad enough when they are the result of misunderstanding or negligence, but even worse when they are committed in bad faith after a promise to rectify them. We have little hope that Michigan will do the right thing on its own, so we are asking the Court to take swift action to ensure we are given an equal opportunity to vote.”

“This case was supposed to ensure that the blind voters are not treated as an afterthought—to ensure their full inclusion and participation in the democratic process,” added Turkish. “It is unfortunate that Jocelyn Benson is forcing us to return to court to make that a reality, but it is necessary to ensure the blind are not excluded from the ballot box.”

The National Federation of the Blind is represented by Attorney Eve Hill of the Law Firm Brown, Goldstein, & Levy LLP.