



For Immediate Release – May 18, 2020
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Blind Michigan Voters Win Groundbreaking Lawsuit *Accessible Absentee Ballots to Become Permanently Available to all Disabled Michigan Voters*

(Southfield, Michigan) – In a historic outcome, a Federal Court in Detroit has approved a consent decree that orders the State of Michigan to provide accessible absentee ballots to blind Michigan voters in all future elections. The lawsuit, filed on behalf of blind voters Michael Powell and Fred Wurtzel, along with the National Federation of the Blind of Michigan, alleged that Michigan Secretary of State Jocelyn Benson and Director of Elections Jonathan Brater violated the Americans with Disabilities Act by failing to provide absentee ballots that can be completed by the blind. The lawsuit additionally argued that the COVID-19 pandemic will result in most, if not all, Michiganders voting by absentee or mail-in ballot in upcoming elections. This prospect threatened the voting rights of blind Michiganders because the State of Michigan has yet to offer an accessible absentee ballot, even though no-reason absentee voting was enshrined in the Michigan Constitution in 2018.

“The Americans with Disabilities Act is not optional—it requires state services to be offered in an equal manner—particularly a service as fundamental as voting,” said Jason Turkish, President and Managing Partner of Nyman Turkish PC, attorney for Plaintiffs Wurtzel and Powell. “The right to vote is fundamental to a thriving democracy. Today we have bolstered our democracy by ensuring everyone has equal access to the ballot box, regardless of disability.”

Today’s consent decree signed by US District Court Judge Gershwin Drain is the second victory for the Plaintiffs in the case, who previously obtained a landmark consent order requiring the State to implement a temporary accessible ballot for blind voters in time for the May 2020 local elections. The new consent decree will result in a permanent solution that has been tested and proven effective for use by blind voters in other states.

“The National Federation of the Blind has been urging voting jurisdictions to adopt vote-by-mail systems that are accessible for years now,” said Mark Riccobono, President of the National Federation of the Blind. “These systems are required by federal law, benefit many voters with disabilities, and are especially critical as jurisdictions try to prevent the spread of COVID-19. The National Federation of the Blind is therefore escalating our effort to promote adoption of these systems so that blind and deafblind voters everywhere can participate equally in American democracy.”

“Voting has always been an important part of my life,” said Plaintiff Michael Powell, President of the National Federation of the Blind of Michigan. “The blind have faced historic barriers to participating in the political process. Today’s victory is a positive step toward ensuring the full participation of the blind in all aspects of society, including the political sphere.”

The Court will retain jurisdiction to enforce today’s order and monitor the voting system, and the State will be required to provide periodic updates on the progress of implementation.

“Even one person being denied the right to vote is corrosive to democracy,” said David Mittleman, Partner at Grewal Law and co-counsel for the Plaintiffs. “The courage demonstrated by the Plaintiffs to stand up, not just for their own rights, but for the rights of those similarly situated, is a testament to their character and has resulted in a revolutionary outcome that will protect the rights of disabled Michiganders for years to come.”

For more information on new absentee voting options, continue to visit the Secretary of State’s website at: <https://www.michigan.gov/elections>.

The National Federation of the Blind of Michigan was represented by Eve L. Hill of the Baltimore firm [Brown, Goldstein & Levy LLP](#).

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Nyman Turkish PC is a nationwide litigation and disability law firm with over 100 years of collective experience representing individuals with disabilities in vindicating their legal rights. To learn more, please visit our website: <http://www.nymanturkish.com> or call Toll Free 877.529.4773.