

For Immediate Release

Media Contacts

American Council of the Blind: Clark Rachfal, crachfal@acb.org, 202-467-5081

disAbility Law Center of Virginia: Colleen Miller, colleen.miller@dclv.org, (804) 225-2042

National Federation of the Blind: Chris Danielsen, cdanielsen@nfb.org, 410-262-1281

Sheppard, Mullin, Richter & Hampton LLP: Steven Hollman, shollman@sheppardmullin.com,
202-747-1941

Washington Lawyers' Committee for Civil Rights and Urban Affairs: Gregg Kelley,
gregg_kelley@washlaw.org, 202-319-1070

**Virginia Agrees to Provide Accessible Absentee Voting Option for Voters with
Print Disabilities**

*The Commonwealth Agrees to Consent Decree for November 3rd Election that will Include Electronic
Ballot Marking*

August 31, 2020 – Alexandria, VA – The Commonwealth of Virginia committed to making the November 2020 election accessible and safe for voters who cannot mark a paper ballot privately and independently due to disabilities such as blindness. As a result of the lawsuit and preliminary injunction filed by several voters with disabilities, the American Council of the Blind of Virginia, and the National Federation of the Blind of Virginia, Virginia has agreed to provide an absentee ballot option that is accessible and can be marked electronically in time for the November election. Without Friday's consent decree, these voters would be forced to either vote absentee with assistance, revealing their choices to another person and hoping that person correctly records their vote, or risk COVID-19 infection by travelling to the polls to vote in person. No voter should be faced with this untenable choice in order to exercise their right to vote.

On July 27, 2020, several voters with disabilities, the American Council of the Blind of Virginia, and the National Federation of the Blind of Virginia filed a complaint in the Eastern District of Virginia against the Commonwealth for violations of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and the Virginia Disabilities Act. Today, Judge Hilton of the Eastern District of Virginia accepted the consent decree agreed upon by the parties, which requires that the Commonwealth provide a remote access vote by mail tool that will allow voters with print disabilities to receive and mark their ballot electronically for the election on November 3rd. The consent decree also includes measures that the Commonwealth will take to ensure that the electronic ballot option is implemented across the state and that voters receive information about how to receive an accessible ballot.

Lori Scharff, a plaintiff in this case who was not able to vote privately and independently with Virginia's current ballot options, stated "I am so thrilled with this outcome. There are so many hurdles to voting that people don't realize exist. I am hopeful that this agreement will demonstrate to other states that all of your citizens should be able to participate privately and independently in our elections."

Sam Joehl, President of the American Council of the Blind of Virginia stated: "We applaud the Commonwealth for quickly recognizing that the right to vote privately and independently is essential for voters with disabilities, especially in such a consequential election during a global pandemic. We hope the state will work with the local jurisdictions to make the option for remote electronic ballot marking available to all voters with print disabilities who require this option, and promote the availability of the system to these communities. ACB stands ready to work with the state to help blind voters in Virginia exercise their right to a private and independent vote."

"As we continue our national fight for accessible absentee and mail-in ballots, we are pleased that Virginia will now be among the growing list of states where the right of blind voters to mark our absentee ballots safely, privately and independently is secure," said Tracy Soforenko, president of the National Federation of the Blind of Virginia. "We urge all blind Virginians to exercise this fundamental right."

"Now people with disabilities in Virginia will be able to vote as if their lives depend on it – without risking their lives to do so," said Eve Hill of Brown Goldstein & Levy.

Colleen Miller, the Executive Director of the disAbility Law Center of Virginia, stated: ""All Virginians have the right to vote privately and safely. We look forward to working with the board of elections to make that right a reality."

"My clients are courageous individuals with print disabilities who should be able to engage in activities many of us take for granted." said Steven Hollman, Sheppard, Mullin, Richter & Hampton, LLP. "That's why it is especially gratifying to help ensure that they will be able to exercise the most cherished right offered in a democracy – the right to vote privately and independently -- on equal terms with other voters."

"The Washington Lawyers' Committee is proud to represent a coalition of such strong advocates. We applaud the Commonwealth of Virginia for their efforts to work with our coalition," said Maggie Hart, Counsel at the Washington Lawyers' Committee "Access to a private ballot is the foundation of our democracy and this consent decree reaffirms that our Constitution applies to everyone."

The lawsuit was filed by the American Council of the Blind of Virginia and the National Federation of the Blind of Virginia, and individual plaintiffs including Carshena Gary, Lori Scharff, Regina Root, Ph.D., Naim Muawia Abu-El Hawa, and John Halverson, Ph.D.

Link to the press release [here](#).

Link to the Joint Motion & Proposed Order for Consent Judgment & Decree (Final Order Pending) [here](#).

Link to filed complaint [here](#).

Counsel for this case include Eve L. Hill of Brown Goldstein & Levy, the disAbility Law Center of Virginia, Sheppard, Mullin, Richter & Hampton, LLP, and the Washington Lawyers' Committee for Civil Rights & Urban Affairs.

###

About American Council of the Blind (ACB): The American Council of the Blind is a national grassroots consumer organization representing Americans who are blind and visually impaired. With 70 affiliates, ACB strives to increase the independence, security, equality of opportunity, and to improve quality of life for all blind and visually impaired people. Learn more by visiting www.acb.org.

About Brown Goldstein and Levy: BGL provides the highest quality legal services to a broad range of clients, without sacrificing our sense of community and social responsibility. By elevating our clients' voices and fighting for their rights, we seek to bring about a more just world – sometimes one dispute at a time, sometimes through systemic change.

About the disAbility Law Center of Virginia: disAbility Law Center of Virginia is the protection and advocacy agency charged by the state and federal governments, on behalf of people with disabilities, to advance independence, choice and self-determination; protect legal, human and civil rights; and eliminate abuse, neglect and discrimination of people with disabilities through zealous and uncompromising legal advocacy and representation.

About National Federation of the Blind (NFB): The National Federation of the Blind, headquartered in Baltimore, is the oldest and largest nationwide organization of blind Americans. Founded in 1940, the NFB consists of affiliates, chapters, and divisions in the fifty states, Washington DC, and Puerto Rico. The NFB defends the rights of blind people of all ages and provides information and support to families with blind children, older Americans who are losing vision, and more. We believe in the hopes and dreams of blind people and work together to transform them into reality. Learn more about our many programs and initiatives at www.nfb.org.

About Sheppard, Mullin, Richter & Hampton LLP: Sheppard Mullin is a full-service Global 100 firm with more than 900 attorneys in 15 offices located in the United States, Europe and Asia. Since 1927, industry-leading companies have turned to Sheppard Mullin to handle corporate and technology matters, high-stakes litigation and complex financial transactions. In the U.S., the firm's clients include almost half of the Fortune 100. For more information, please visit www.sheppardmullin.com.

About the Washington Lawyers' Committee: Founded in 1968, The Washington Lawyers' Committee for Civil Rights and Urban Affairs works to create legal, economic and social equity through litigation, client and public education and public policy advocacy. While we fight discrimination against all people, we recognize the central role that current and historic race discrimination plays in sustaining inequity and recognize the critical importance of identifying, exposing, combatting and dismantling the systems

that sustain racial oppression. For more information, please visit <http://www.washlaw.org> or call 202.319.1000. Follow us on Twitter at @WashLaw4CR.