



# DISABILITY RIGHTS

PENNSYLVANIA

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## Victory for Blind Voters in Pennsylvania as State Will Implement Remote Accessible Vote-by-Mail System for the November 3 General Election

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Harrisburg, PA | Following a lawsuit filed by blind voters, the Pennsylvania Department of State will provide a remote accessible vote-by-mail system for voters with disabilities to receive and mark their ballots electronically for the upcoming general election and future elections. The lawsuit filed in May, *Joseph Drenth and the National Federation of the Blind of Pennsylvania v. Secretary Kathryn Boockvar and the Department of State of Pennsylvania*, 20-cv-00829 (M.D. Pa.), alleged that Pennsylvania violated the Americans with Disabilities Act and Rehabilitation Act by denying blind voters equal access to the absentee and mail-in ballot process. The paper ballots used by Pennsylvania for this process did not allow blind voters to vote privately and independently in the same way other Pennsylvania voters could, because blind voters must rely on sighted third parties to assist with completing and returning a paper ballot.

The Court granted the plaintiffs' request in May for a preliminary injunction, and the defendants were required to provide voters with disabilities an interim electronic option for mail-in voting in the June 2020 primary. The

**Protecting and advancing the rights of people with disabilities**

plaintiffs continued with the lawsuit after that to secure a permanent solution in time for the general elections in November.

On August 14, the defendants told the Court that Pennsylvania had finalized a contract for and intended to implement the Democracy Live OmniBallot tool, which the defendants promise will provide an accessible electronic option for delivery and marking of ballots for voters with disabilities for the November 2020 election and subsequent elections. The defendants also stated in litigation that they intend to ask county boards of election (CBEs) to

- send appropriate instructions to approved OmniBallot voters for marking and return of ballots
- provide differently sized envelopes for those voters to enclose and return marked ballots
- and accept returned ballots as long as a signature appears anywhere on the envelope

Based on these representations, on August 18, 2020, the Court granted the defendants' request for judgment on grounds that the plaintiffs would receive the relief requested in the lawsuit.

Kelly Darr, Legal Director for Disability Rights Pennsylvania and co-counsel with Brown Goldstein & Levy, LLP for Plaintiffs, said, "This is an important victory and a major step toward providing equal access to the polls and fully accessible elections for all voters with disabilities. The National Federation of the Blind and Disability Rights Pennsylvania will be monitoring the implementation of this new tool closely to ensure that disabled voters have the access and information necessary to use this tool in time for the general election."

Lynn Heitz, President of the National Federation of the Blind of Pennsylvania expressed a similar sentiment. "The National Federation of the Blind is fighting for the right of blind people everywhere to vote safely, privately, and independently in the November election," said Heitz, "We are glad that Pennsylvania plans to ensure this right for its blind voters."

The Pennsylvania Department of State had not posted specific information about OmniBallot to its voter websites as of the time of this release. According to court filings, OmniBallot is a cloud-based platform that will allow county election officials to upload ballot information to create an

accessible ballot, which can be electronically delivered and marked through OmniBallot by a link sent to eligible voters. More information about OmniBallot is available at <https://democracylive.com/omniballot-online/>.

For more information on this option for voters with disabilities as it develops, visit the Department of State's website, [www.votespa.com](http://www.votespa.com), or contact Disability Rights Pennsylvania by calling 800-692-7443 or email at [vote@disabilityrightspa.org](mailto:vote@disabilityrightspa.org).