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Subject: Fw: AAPD sues the District

I also widely forward this attachment for consideration in relation to the decision(s) by California's Voting Modernization Board. Since this details a federal voting rights lawsuit for lack of access to voting technology and to the voting process overall, this may be relevant to potential legal vulnerability if California DOESN'T buy accessible voting technology. Bob Planthold

AMERICAN ASSOCIATION OF PEOPLE WITH DISABILITIES

Disability Vote Project

For Immediate Release:

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District of Columbia Sued for Voting Rights Discrimination

(Wednesday, 11 AM, September 5, 2001, Washington, DC) At a press conference at 11:00 AM Wednesday, September 5th, five individuals with disabilities and two major disability rights organizations, will announce they have filed a lawsuit against the city of Washington DC for discriminating against voters with disabilities. The press conference is being at the Guy Mason Recreation Center at 3600 Calvert Street (off Wisconsin), one of the city's twenty-three inaccessible polling sites.

"The city is in violation of the Americans with Disabilities Act (ADA) and the Equal Protection Clause of the Fourteenth Amendment," said plaintiff, Jim Dickson, VP of the American Association of People with Disabilities (also a plaintiff). "Not only are some 16,000 voters with significant visual impairments, like me, denied the right to vote in the manner most Americans take for granted -- independently and by secret ballot -- but there are thousands of DC voters with physical disabilities who cannot even get into their neighborhood polling sites."

According to Dickson and other plaintiffs, voting equipment that would permit them to vote independently is readily available. Nevertheless, the District is now purchasing new inaccessible optical scan voting systems from Sequoia Pacific whose accessible voting system is in use in places like Riverside California. The optical scan system requires marking one's vote on a paper ballot, which is then fed into a scanner to be recorded and tabulated. Optical scan voting equipment is not accessible. The plaintiffs are suing in federal court to require the District to purchase equipment that uses voice commands, remote switches, or other features that make voting by secret ballot possible for persons with visual and manual disabilities.

The suit also addresses the twenty-three out of one hundred and forty polling places in the District that are still inaccessible for persons who use wheelchairs or who cannot climb stairs. Plaintiffs seek to require that all polling places be physically accessible.

The ADA generally requires public entities like the District to ensure that people with disabilities not be excluded from, indeed that they have equal opportunity to participate in, its services, programs, or activities. The law requires that equipment be designed and constructed to be accessible, and that primary

consideration be given to the requests of people with disabilities for the kinds of aids and services they desire. These requirements are being violated by the District's decision to perpetuate inaccessibility for the foreseeable future in the purchase of new equipment.

The Fourteenth Amendment, which guarantees all citizens the right to equal protection of the laws, protects the right to vote in secrecy. Many states have laws guaranteeing the right to vote in secret, which means that it is now unjustifiable to deny large numbers of people with disabilities that right. The technology exists. The law requires it.

"This lawsuit is one of many to be filed against cities, counties and states, like Florida, who perpetuate discrimination by continuing to exclude citizens with disabilities from equal access to voting," said Dickson. Florida is in the process of purchasing optical scan voting systems which will continue to deny America's blind community and those who cannot use their hands the right to cast a secret, independent ballot."

The individual plaintiffs include Dickson, Jocelyn Basnett (legally blind), Linda Black (legally blind), Christopher Butler (disabled with quadriplegia and uses a wheelchair), Thomas Miller (Vietnam veteran blinded in action). All are regular voters in the district and those with visual impairments are required to trust a friend, family member or stranger to help cast their ballots in accordance to their wishes.

Other plaintiffs include the Disability Rights Council of Greater Washington (DRC), a nonprofit membership organization of individuals, including persons with disabilities, who have a direct interest in protecting and ensuring the rights of individuals with disabilities through research, public education, counseling, mediation, and litigation. The American Association of People with Disabilities (AAPD) is also a plaintiff. AAPD is the nation's largest nonprofit membership organization for people with all disabilities, families and friends working for the economic and political empowerment of all people with disabilities, educating business and the general public about disability issues and providing membership benefits such as financial services and product discounts.