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Center for Independence of the Disabled, NY

Groups Sue New York Over Inaccessible Online Voter Registration for People with Disabilities

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June 9, 2016 – NEW YORK, NY — Disability Rights Advocates (DRA) and the American Civil Liberties Union (ACLU) today sued the New York State Board of Elections and Department of Motor Vehicles over online voter registration that is inaccessible to people with disabilities.

The lawsuit was filed on behalf of the Center for the Independence of the Disabled (CIDNY), the National Federation of the Blind (NFB), and individual plaintiffs who are blind. States are required by law to meet accessibility and confidentiality standards when providing services such as online voter registration, but New York is failing to comply, the complaint charges.

“There are many barriers that can stand in the way of New Yorkers with disabilities exercising their right to vote. The shame of inaccessible online registration is that there is an easy and inexpensive fix. It’s a mystery why the New York State Board of Elections refuses to do it, and it’s disappointing. People with disabilities have the right to privacy and independent registration and voting just like every other New York voter. It’s the law,” said Susan Dooha, executive director of the Center for Independence of the Disabled, New York.

Those barriers include DMV web pages and downloadable forms that can’t be read out loud by the screen reader software used by blind and low vision people to hear and navigate computer screen content. On the privacy rights front, the software cannot read the fillable form’s section on party affiliation on the Board of Elections website; blind and low vision voters are forced to disclose this private information when they print out the form and get someone else to help them sign it, destroying their privacy and independence.

Plaintiff Eva Eason of New York City encountered numerous obstacles when attempting to update her voter information online after getting married. Eason, who is blind, could not access the DMV site at all, and was only able to access the Board of Elections online registration after getting assistance from someone who is sighted, compromising her privacy and independence.

“A lot of people paved the way and fought for me to be able to vote, so why is New York making it so difficult?” said Eason.

Plaintiff Meghan Schoeffling of Albany added, “I was thrilled when New York created an online voter registration form, thinking it would enable me and others to register to vote privately and independently for the first time. But because the DMV failed to ensure the site was fully accessible, I was unable to register to vote without sighted assistance.”

“Everyone has the right to register to vote privately and independently, and online services are a great way to make that happen. Yet, because the state’s websites aren’t coded to operate with screen readers and other accessibility software, voters with disabilities can’t access those services. Voters should not be excluded from online registration or have their privacy violated just because they have a disability,” said Disability Rights Advocates attorney Christina Brandt-Young.

“Online voter registration is key to ensuring access to the ballot for people with disabilities. Yet in New York, it’s not just difficult for hundreds of thousands of people with disabilities to register online, it’s virtually impossible,” said ACLU attorney Susan Mizner. “We’ve told the state where the worst barriers are. It can easily fix the problems, but has refused to do so. ”

Mark Riccobono, president of the National Federation of the Blind, said, "The right to vote is a fundamental one, and equal access to this right cannot and must not be denied to blind Americans. Equal access means the ability to participate in all aspects of the voting process, including registering to vote, with complete privacy and independence. The National Federation of the Blind is committed to ensuring equal access for blind voters in New York and across the nation."

The lawsuit cites violations of the American with Disabilities Act and the Rehabilitation Act. It seeks immediate adjustments to ensure the websites are legally compliant; creation of Board of Election policies that ensure accessibility and provide a clear path of accountability; and the development of policies and procedures to ensure the sites remain accessible.

The complaint, *Eason v. New York State Board of Elections*, was filed in the U.S. District Court for the Southern District of New York. Co-counsel in this case is Brown, Goldstein & Levy, LLP.

The complaint is at: www.cidny.org