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FEDERAL JUDGE STRIKES DOWN INDIANA'S MANDATORY ABSENTEE VOTER TRAVELING BOARD AS DISCRIMINATING AGAINST VOTERS WITH DISABILITIES FOR MAY 2022 ELECTION

March 10, 2022—Indianapolis, IN—Yesterday, the Honorable Jane Magnus-Stinson of the United States District Court for the Southern District of Indiana struck down Indiana's rule that absentee voters who could not independently mark their own ballot may vote absentee by mail only by appointment with a "traveling board" of elections officials in the May 2022 election. The traveling board rule was the most restrictive in the country for voters with disabilities and had resulted in at least one voter being unable to cast a ballot in the November 2020 Presidential Election because a traveling board never came to her home to help her vote. As a result of yesterday's ruling, voters with print disabilities may ask the person of their choice to help them complete a paper absentee ballot in the May 2022 primary election. [Click here to read court's order.](#)

The ability to vote privately and independently is a fundamental right and an essential component of democracy in the United States. "This case involves the values at the core of the ADA and the Rehabilitation Act: equal treatment, equal access, and independence for individuals with disabilities," Judge Magnus-Stinson held, and "the Traveling Board scheme significantly interferes with a blind or print disabled person's ability to vote privately and independently." Defendants Indiana Secretary of State, Indiana Election Division, and Indiana Election Commission must now notify county election boards that they must accept and count mail-in absentee ballots from blind voters.

Judge Magnus-Stinson also expressed her "grave concern" about Defendants' failure to enable such voters mark their ballots privately and independently at home using electronic tools in the May 2022 primary and "expects Defendants to increase their efforts to remedy those problems in advance of future elections." The Plaintiffs filed a federal lawsuit filed in December 2020 asking for that relief, and the Indiana Legislature passed a similar law in April 2021.

"I tried so hard to make an appointment with the traveling board in the 2020 Presidential Election, but they never came, and I never got to vote at all," said Wanda Tackett, a plaintiff in the suit. "I'm so relieved that no one will have to go through that in the May 2022 election. Not only am I grateful to everyone working on this side of the table, but I am grateful to God for his grace and mercy."

"Voting by traveling board in 2020 was not only inconvenient, but also I was not able to vote privately and independently. Yesterday's order bodes very well for our lawsuit and our request to make absentee voting private, independent, and accessible to all people," said Kristin Fleschner. She is a plaintiff who

had to make a traveling board appointment to vote in 2020, but when the traveling board arrived, they asked her mother to complete her ballot, defeating the purpose of their visit.

“I’m very pleased that the judge agrees with us that voting in Indiana needs to be accessible so we can exercise our right to vote independently and privately the same as our peers,” said Rita Kersh, plaintiff and President of ACB-I.

“While the judge’s conclusion is progress, I am still pressing for an option that allows voters with print disabilities to apply for, receive, fill out, and return their absentee ballot independently and privately,” said Dee Ann Hart, a member of the Board of Directors of the ACB-I and its Advocacy and Awareness Committee Chair.

ACB-I officer Barbara Salisbury said, “I am grateful that the judge recognized our complaint and recognized that the state is not doing what it could, or perhaps should, do.”

“We appreciate Judge Magnus-Stinson recognized how harmful the traveling board requirement can be for voters with print disabilities,” said Tom Crishon, Indiana Disability Rights Legal Director. “We look forward to making it nonmandatory and to ensure truly accessible absentee voting for all future elections as well.”

“We will continue our fight to help blind voters vote as privately and independently as they can,” said Christina Brandt-Young, a Supervising Attorney with Disability Rights Advocates. “Courts in numerous other states have held that providing only paper ballots to blind voters is discriminatory when electronic tools can help them mark their ballots by themselves, and we hope they will do so in Indiana as well.”

Plaintiffs are seeking only injunctive relief, not monetary damages, and are represented by attorneys from Indiana Disability Rights and Disability Rights Advocates. Indiana’s primary election is May 3, 2022, with absentee voting opening April 5.

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Indiana Disability Rights (IDR) is the designated Protection and Advocacy (P&A) System and Client Assistance Program (CAP) for the State of Indiana. The mission of Indiana Disability Rights is to uphold, promote, and advance the rights of individuals with disabilities through empowerment and advocacy to achieve a more equitable society. For more information, visit www.IndianaDisabilityRights.org.

Disability Rights Advocates is a leading national nonprofit disability rights legal center. Its mission is to advance equal rights and opportunity for people with all types of disabilities nationwide. DRA has a long history of enforcing the rights of voters with disabilities, including their rights to accessible voting machines, polling places, and online voter registration. Visit www.drlegal.org.