

Voting Equipment for the Blind in Volusia County

National Federation of the Blind v. Volusia County
(*John Antoon II, M.D. Fla. 6:05-cv-997*)

Approximately three months before a municipal election, on July 5, 2005, advocates for the blind and five blind voters filed a federal complaint against Volusia County in the Middle District of Florida’s Orlando courthouse, charging that the county would not provide voting machines accessible to blind people.¹ With their complaint, the plaintiffs filed motions for a preliminary injunction² and an emergency status conference.³

Judge John Antoon II set the matter for hearing on July 15.⁴

Named as defendants in the action were Volusia County and its supervisor of elections.⁵ The county declined to provide the supervisor with independent counsel.⁶ Two days before the injunction hearing, she sought an order from Judge Antoon that she be provided with her own attorney.⁷ On the following day, Judge Antoon denied her motion because she was being sued in her official capacity.⁸

On July 21, Judge Antoon denied the plaintiffs injunctive relief.⁹

The plaintiffs filed a notice of interlocutory appeal that day,¹⁰ and the court of appeals ordered expedited review.¹¹ While the injunction denial was on appeal,

1. Complaint, *Nat’l Fed’n of the Blind v. Volusia Cnty.* No. 6:05-cv-997 (M.D. Fla. July 5, 2005), D.E. 1; see Kevin P. Connolly, *Blind Voters Challenge Volusia*, Orlando Sentinel, July 6, 2005, at A1 (“City elections in Volusia, thought to be the only county in Florida to reject a contract for touch-screens, are set for Oct. 11.”); Mike Schneider, *Blind Voters Demand Touch Screens*, Miami Herald, July 6, 2005, at 8B.

2. Preliminary Injunction Motion, *Nat’l Fed’n of the Blind* No. 6:05-cv-997 (M.D. Fla. July 5, 2005), D.E. 7.

3. Status Conference Motion, *id.* (July 5, 2005), D.E. 2.

4. Order, *id.* (July 6, 2005), D.E. 8.

5. Complaint, *supra* note 1.

6. Order at 2, *Nat’l Fed’n of the Blind* No. 6:05-cv-997 (M.D. Fla. July 14, 2005), D.E. 29 [hereinafter July 14, 2005, Order].

7. Motion, *id.* (July 13, 2005), D.E. 15.

8. July 14, 2005, Order, *supra* note 6.

9. Opinion, *Nat’l Fed’n of the Blind* No. 6:05-cv-997 (M.D. Fla. July 21, 2005), D.E. 38; see Kevin P. Connolly, *Judge Sides with County on Voting*, Orlando Sentinel, July 22, 2005, at B1; see also Kevin P. Connolly, *Touch-Screen Debate Focuses on Deadline*, Orlando Sentinel, July 16, 2005, at B3 (reporting that the county’s attorney argued “that under federal law, the county has until Jan. 1 to purchase devices that will allow the visually disabled to vote independently”).

10. Notice of Appeal, *Nat’l Fed’n of the Blind* No. 6:05-cv-997 (M.D. Fla. July 21, 2005), D.E. 40; see Kevin P. Connolly, *Disabled Advocates Fight Vote Ruling*, Orlando Sentinel, July 23, 2005, at B1.

11. Order, *Nat’l Fed’n of the Blind v. Volusia Cnty.*, No. 05-13990 (11th Cir. July 25, 2005), filed as Order, *Nat’l Fed’n of the Blind*, No. 6:05-cv-997 (M.D. Fla. July 27, 2005), D.E. 43; see Kevin P. Connolly, *Disabled Lose Again in Battle Over Voting*, Orlando Sentinel, July 26, 2005, at B1.

Judge Antoon ordered mediation.¹² On January 3, 2006, the county filed a notice of contract for new voting equipment.¹³ The court of appeals dismissed the case as moot on March 30.¹⁴ Judge Antoon approved a voluntary dismissal of the case on August 17.¹⁵

12. Docket Sheet, *Nat'l Fed'n of the Blind* No. 6:05-cv-997 (M.D. Fla. July 5, 2005).

13. Notice, *id.* (Jan. 3, 2006), D.E. 81; see Kevin P. Connolly, *Dragging Feet, County Buys No-Paper Voting Screens*, Orlando Sentinel, Feb. 24, 2006, at B1; Kevin P. Connolly, *Volusia to Replace Voting Machines*, Orlando Sentinel, Dec. 17, 2005, at A1.

14. Order, *Nat'l Fed'n of the Blind*, No. 05-13990 (11th Cir. Mar. 30, 2006), *filed as Order, Nat'l Fed'n of the Blind*, No. 6:05-cv-997 (M.D. Fla. Apr. 3, 2006), D.E. 94.

15. Order, *Nat'l Fed'n of the Blind* No. 6:05-cv-997 (M.D. Fla. Aug. 17, 2006), D.E. 98.