

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)

Three months before a municipal election, advocates for the blind and five blind voters filed a federal complaint against a county, charging that the county would not provide voting machines accessible to blind people. The district judge heard a motion for a preliminary injunction ten days later. Eleven days after that, the judge denied the injunction. While an interlocutory appeal was pending, the county bought new voting equipment and the plaintiffs dismissed their case voluntarily.

Subject: Voting procedures. *Topics:* Voting technology; interlocutory appeal.

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

1. Complaint, *Nat'l Fed'n of the Blind v. Volusia County*, 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,

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, 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

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 County*, 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.

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.