

This year, that choice is laden with the risk of COVID-19 infection for those traveling to the polls to vote in person. As Gov. Ralph Northam has urged, “Virginians should never have to choose between casting a ballot and risking their health.”¹

For the reasons stated in the accompanying memorandum in support of the motion, together with the attached declarations and exhibits, which are incorporated herein by reference, Plaintiffs are likely to succeed on the merits of their claim that Defendants’ refusal to provide accessible absentee ballots for Virginia voters with print disabilities is a violation of federal and state law. Without preliminary relief, Plaintiffs will face restrictions on fundamental voting rights in violation of federal and state law, which is quintessential irreparable harm. The balance of the equities and the public interest also favor granting a preliminary injunction, inasmuch as doing so would support both the right of all eligible Virginians to vote privately and independently on equal terms and also would support public health.

Plaintiffs therefore seek a preliminary injunction:

- ordering that Defendants shall implement throughout the Commonwealth of Virginia by September 18, 2020, an absentee ballot program accessible to Virginia voters with print disabilities, including a remote accessible vote-by-mail tool, such as that provided by VotingWorks and other vendors, that provides for electronic delivery and marking of absentee ballots;
- ordering that Defendants shall issue guidance instructing all relevant city and county election officials to participate in making the accessible absentee ballot

¹ *Governor Northam Postpones Upcoming May Elections in Response to COVID-19/ Virginians encouraged to vote absentee by mail*, <https://www.governor.virginia.gov/newsroom/all-releases/2020/april/headline-856329-en.html> (Apr. 24, 2020 release) (last visited Aug. 9, 2020).

program available to Virginia voters with print disabilities and issue updated instructions to inform voters with print disabilities that they may cast absentee ballots cast in the general election may be marked using an accessible ballot marking tool; and

- ordering that the Commissioner of Elections shall take additional reasonable steps to inform the public as to the availability of the accessible absentee ballot program.

WHEREFORE, Plaintiffs' Motion for Preliminary Injunction should be granted.

Respectfully submitted,

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