

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF MICHIGAN**

MICHAEL POWELL, and
FRED WURTZEL,
individually and on behalf of those
similarly situated,

Case No. 20-11023

and,

Hon. Gershwin Drain
Mag. Judge Michael J. Hluchaniuk

THE NATIONAL FEDERATION OF THE
BLIND OF MICHIGAN,

Plaintiffs,

v.

JOCELYN BENSON,
MICHIGAN SECRETARY OF STATE,
in her official capacity, and

JONATHAN BRATER,
MICHIGAN DIRECTOR OF ELECTIONS,
in his official capacity,

Defendants.

**STIPULATION AND CONSENT ORDER RESOLVING PLAINTIFFS’
MOTION FOR TEMPORARY RESTRAINING ORDER [ECF # 16]**

The Parties, by and through undersigned counsel, jointly stipulate to the resolution of Plaintiffs’ Motion for Temporary Restraining Order [ECF # 16] pursuant to the following terms:

1. Defendants will make the State's Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) absentee ballots available to eligible voters in the State of Michigan who provide a declaration that they are blind or otherwise severely disabled, and that such disability would prevent them from being able to independently complete a paper absentee ballot, without traveling to a location accepting in-person registration and voting on May 5, 2020.
2. Any individual eligible for the relief contemplated in paragraph one must by Tuesday May 5, 2020 at 4 P.M. EST submit their application and declaration, which will be made available on the Bureau of Elections website. The application will be authenticated by a Michigan driver's license, a Michigan state personal identification card number, or the last four digits of the voter's social security number.
3. Any individual who submits a declaration requesting the relief contemplated in paragraph one certifies under penalty of perjury that they have a disability and require use of the UOCAVA absentee ballot in order to vote privately and independently. Such certification will be available online in an accessible manner.
4. Eligible disabled voters may submit their application and declaration to the appropriate local clerk by mail or by e-mail, and copy the Michigan Bureau

of Elections. Upon receiving such a request, the clerk will record the voter as having been issued a UOCAVA ballot in the qualified voter file and forward the generated ballot to the Bureau of Elections. The Bureau of Elections will then generate a standard UOCAVA ballot and make the ballot compatible with standard screen reader technology, including Job Access with Speech (JAWS) software, by taking all steps necessary to ensure that the UOCAVA ballot allows for the insertion of tags and fillable objects so that it can be completed independently and privately by the requesting individual using standard, accessible technology, namely a screen reader program. The Bureau of Elections will then forward the accessible ballot to the requesting voter, along with instructions on how to return the ballot—including instructions to put the ballot in an envelope and sign the back of the envelope—and copy the voter's clerk.

5. The voter will return the UOCAVA ballot to the appropriate city or township clerk's office upon completion. Voters will be instructed to sign the back of the envelope containing the ballot. Voters may return their ballot by first-class mail, by hand-delivery to the clerk's office in the voter's jurisdiction, or by calling the local clerk for a pick-up of their ballot within the clerk's jurisdiction before 4 p.m. on May 5, 2020. Voters must request

pick up by 4 p.m., hand deliver by 8 p.m., or postmark the ballot on Tuesday, May 5, 2020.

6. The Michigan Bureau of Elections will ensure that all timely completed and returned UOCAVA ballots are counted in the final tabulation and certification of the May 5, 2020 elections, provided the ballots are received by the clerk by Thursday, May 7, 2020. Voters are encouraged to utilize pick-up or delivery options if they are voting on Tuesday, May 5, 2020.
7. The Court will retain the authority to take all reasonable and necessary action to ensure enforcement of this stipulation, including convening status conferences between the parties on Monday May 4, 2020, Tuesday May 5, 2020, and Friday May 8, 2020.
8. The parties agree that this stipulation applies only to the May 5, 2020 elections and does not resolve Plaintiffs' Motion for Preliminary Injunction [ECF # 2] as to the August and November 2020 elections, as well as all future elections.
9. Defendants shall issue a press release no later than 8 P.M. today, May 1, 2020 informing eligible voters of the voting option contemplated herein. Such release shall be issued in an accessible form and include a copy of this Order. Notice of this option will also be posted on the Bureau of Elections website, along with a copy of this Order no later than 10 a.m., May 2, 2020.

Respectfully submitted,

/s/ Eve Hill

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ORDER

WHEREFORE, The Court, having received, read, and considered the stipulation of the parties, and good cause appearing therefrom, adopts the stipulation of the parties in its entirety as its **ORDER** this 1st day of May, 2020.

SO ORDERED.

Dated: May 1, 2020

s/Gershwin A. Drain
Hon. Gershwin A. Drain
U.S. District Court Judge