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Settlement Results in Curbside Voting for Voters with Disabilities in Cochise County

Tucson, AZ – Last week, the Cochise County Board of Supervisors approved settlement of a lawsuit filed by the Arizona Center for Disability Law (ACDL) in U.S. District Court in 2020, regarding curbside voting in county elections.

ACDL filed the lawsuit on behalf of plaintiff Kathleen Hoffard. Ms. Hoffard, a County voter and former poll worker, lives with rheumatoid arthritis and takes medication that makes her immunocompromised. She prefers to vote in-person on election day and the pain of navigating the Vote Center and the risk of Covid transmission meant she needed to use curbside voting. Cochise County denied Ms. Hoffard the ability to vote curbside in violation of the Americans with Disabilities Act (ADA), and other federal and state disability rights laws. These laws require that public entities take steps to ensure equal access to the voting process for people with disabilities, including providing reasonable modifications where needed.

Curbside voting is a critical reasonable modification for providing access to in-person voting for voters with disabilities who are unable to exit their vehicles, navigate a voting location, or enter a voting location because of risk of transmission of Covid-19 or other conditions transmissible in crowded areas. Beginning in 2016, Cochise County stopped providing curbside voting at its voting locations, even as a reasonable modification, stating that all locations were 100% ADA accessible. As a result, Ms. Hoffard was unable to vote curbside in the 2018 election, and subsequent elections.

“I hope that with this settlement, all voters, including voters with disabilities, have the opportunity to vote in person and be a part of the election process.”

Under the terms of the settlement, Cochise County will do the following:

- ✓ provide curbside voting at its Vote Centers for voters with disabilities who timely request a reasonable modification,
- ✓ take steps to inform voters about the availability of curbside voting in the County,
- ✓ ensure public information concerning this voting option is up to date,

- ✓ update poll worker training materials about how to provide curbside voting, and
- ✓ pay a portion of ACDL's attorneys' fees/costs for the lawsuit.

"This is a win for all voters with disabilities in Cochise County," said Sey In, ACDL Staff Attorney. "The availability of curbside voting at the County's Vote Centers will ensure that all voters who wish to will be able to vote in-person on Election Day."

For more information on the curbside voting process, please see our [blog here](#).

***The Arizona Center for Disability Law (ACDL)** is a non-profit law firm that assists Arizonans with disabilities to promote and protect their legal rights to independence, justice and equality. ACDL's vision is a society where people with disabilities enjoy full acceptance without barriers.*

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