

November 9, 2009

Last week, Montana Human Rights Bureau Hearing Examiner Terry Spear found for Mr. Bob Maffit and Ms. Myrle Tompkins, two Helena voters with sight impairments, who charged that the City of Helena discriminated against them on the basis of their disability when it did not ensure that accessible voting machines were provided in a 2008 municipal election. Represented by Disability Rights Montana staff attorney Beth Brenneman, the voters argued that state anti-discrimination law required the provision of accessible voting machines to voters with disabilities in municipal as well as state-wide elections in Montana.

These machines called AutoMARKs enable people with sight impairments and other disabilities to complete paper ballots independently which allows these voters to have something that many voters take for granted - a private ballot.

In its decision, the Examiner found that the City of Helena was liable for disability discrimination against Mr. Maffit and Ms. Tompkins. The Examiner has asked the parties for motions regarding whether the case should proceed to a hearing to determine the damages caused by the discrimination or whether the issue should be certified for appeal.