DEMAND DEFENDERS, et al.,

Plaintiffs,

v.

RON DESANTIS, et al.,

Defendants.

KIRK NIELSEN, et al.,

Plaintiffs,

v.

RON DESANTIS, et al.,

Defendants.

DECLARATION OF JAMES K. KRACHT

COMES NOW, JAMES K. KRACHT, and pursuant to 28 U.S.C. § 1746, declares the following under penalty of perjury:

1. My name is James K. Kracht, I am 70 years of age, I am blind, and I have personal knowledge of the facts as set forth herein.

2. I am a member of good standing of the Florida Bar, and prior to retiring, for 37 years I was an assistant county attorney for the Miami-

3. I use VoiceOver to access my smartphone, a Polaris pda with braille and speech output and Job Access with Speech (JAWS) to access my desktop computer; these programs convert the information display from these electronics into sound.

4. I am the immediate past president of the Florida Council of the Blind, Inc., and have been an active member for over 30 years. The Florida Council of the Blind, Inc. is an organization of and for persons who are blind and is the Florida affiliate of the American Council of the Blind. I am a member of the Board of Directors of the American Council of the Blind.

5. FCB’s purpose is to make life better through public education and legislative actions, and it offers educational, social, and economic opportunities specific to the needs of blind individuals in Florida. FCB was established in 1972 and FCB is comprised of over 800 members who live throughout the State of Florida, and are predominately blind have low vision or deaf-blind, and are otherwise qualified individuals with disabilities within the meaning of all applicable statutes. One of the major
focuses of FCB is to ensure that persons who are blind become involved with governmental officials and community action and have equal access to the ability to be able to vote privately and independently in all elections.

FCB had 2 members on the First post Bush v. Gore Secretary of State's Disability Task Force and subsequent HAVA Working Group.

6. After the 2000 elections, FCB became a leader in ensuring that accessible and audible voting machines were obtained and to ensure that such machines were maintained and updated. FCB worked to ensure that Florida law was changed to include accessibility for voting through accessibility for polling places in § 101.715, Fla. Stat., and with vote by mail ballots in § 101.662, Fla. Stat.

7. In 2018, when Florida still had not complied with the requirements under the promise in the accessible vote-by-mail law in Florida, I approached and met with Director of the State Division of Elections, Maria Matthews, shortly after May 7th, and discussed utilizing recently distributed federal funding from the Help America Vote Act (HAVA) for the state's purchase, certification and approval of accessible vote by mail software.
8. That same month, FCB accepted this as a mission and at their convention in Jacksonville on May 20, 2018 FCB adopted a resolution to have equal access to absentee voting in Florida, and to encourage the certification of an accessible vote by mail system and that such voting systems be used by all 67 counties.

9. In September 2019, I was advised that Florida was proceeding with certification of the Democracy Live Accessible Vote by Mail Software. I felt that the Democracy Live Software was the answer to the issue of being able to vote absentee confidentially and privately by using the screen reader on an electronic device.

10. On September 9, 2019, I contacted Director Matthews and offered FCB’s assistance with regards to the certification process of the Democracy Live software. I emphasized the importance of the Democracy Live voting system that would enable voters with disabilities to vote by mail privately and verifiably without assistance and requested expedited certification.

11. On November 7, 2019, I again contacted Director Matthews and asked for an update and urged the immediate completion of Democracy Live software certification.
12. On November 23, 2019, FCB passed another resolution to file a complaint with the Department of Justice for the failure of the State of Florida to certify an accessible vote by mail system, and sent a copy of the resolution to Governor DeSantis and Secretary of State Lee as well as Director Matthews.

13. FCB also urged its county affiliate presidents to contact their county supervisors of elections and request the acquisition of the Democracy Live Software voting system.

14. On May 12, 2020, I was advised that the application of the approval report for the Democracy Live software was on its way to Director Matthew’s desk.

15. After not hearing from Director Matthews, I wrote to Director Matthews on May 20, 2020 and suggested that since the Federal Elections Commission authorized use of federal funding from the CARES Act for an absentee voting system, that Florida should purchase the Democracy Live Software to ensure that counties can at last comply with the state law mandating accessible mail-in-ballots in time for a 2020 election launch.
16. Notwithstanding my attempts to reach out to her, I have not heard from Director Matthews since March of 2020, and because of this lawsuit, as well as other political implications of voting by mail, it appears that the effort to get this software certified has been derailed.

17. I vote in every election at my local polling place, using a ballot marking device and an accessible voting machine that can be used by all Florida voters.


20. I will have to ask for assistance to fill out a paper absentee ballot.

21. I am angry about this because I have a hard fought for right to vote privately and independently.

22. I have the necessary equipment at home to download, fill out, and print an electronic absentee ballot. This would be a better option than depending entirely on my wife to fill out my absentee ballot.
23. I prefer an all-online voting option for absentee voting so 

I can vote privately and independently from home during this pandemic.

FURTHER DECLARANT UNDER PERJURY SAYETH NAUGHT.

BY: _________________________  _____________________

James k kracht  

JAMES K. KRACHT  Dated