

U.S. Election Assistance Commission
Public Meeting Regarding Accessible Voting Technology
Tuesday, July 14, 2009

Good afternoon. My name is Bob Herman, and I'm the Senior Advocacy Attorney for the Paralyzed Veterans of America (PVA). My testimony today is on behalf of PVA in response to the Election Assistance Commission's (EAC) invitation for comment on technological solutions for voting systems to ensure that voters with disabilities can vote in a private and independent manner.

First, a word about PVA and its strong interest in the EAC's work. PVA is a congressionally chartered veterans service organization with over 20,000 members, all of whom are veterans with spinal cord injury or spinal cord dysfunction. Virtually all PVA members use wheelchairs for mobility and it was on their behalf that we forcefully advocated for the passage of the National Voter Registration Act and the Help America Vote Act (HAVA). We continue to this day, to advocate for the full enforcement of these important laws.

As for me, I have lost significant hand and finger function over the last several years. Where once I could handle paper ballots and all kinds of voting machines, I can no longer do that. Nevertheless, I have not lost one bit of my desire to vote privately and independently in a public setting. I am concerned that electronic voting systems, which are eminently accessible to me, will slowly disappear in a wave of hyperbole and misstatement about their alleged proneness to abuse.

Accessible voting means private and independent voting. That is how HAVA defines accessible voting and that is what it means to individuals with disabilities. All research must be conducted with this principle in mind.

With today's technological capacity, designing accessible, secure and accurate voting machines is completely possible. In designing research to make voting machines fully accessible, the following three points are critical:

- 1) Accessible must be defined and described in specific technical terms so that the disability community, advocates, manufacturers, and voting officials know when a system is and is not "accessible." The research must use the best expertise available on disability access and assistive technology. This work should ultimately be included in the Voluntary Voting System Guidelines (VVSG) and the test sweets used by laboratories to certify voting machines.
- 2) If a voting machine has a paper ballot that is an official vote record, the paper ballot must be accessible. It would be unacceptable to sanction a lesser level of accessibility when paper ballots are used as compared to wholly electronic systems.
- 3) An independent testing process must be in place to verify that a voting system conforms to the VVSG access requirements. The entity performing such testing must

have comprehensive knowledge and understanding of individuals with disabilities along with expertise and experience in assistive technology.

If paper ballots are used to ensure security, those paper ballots must also be accessible to uphold the rights of voters with disabilities to generate, verify and cast their vote privately and independently. Two major shortcomings exist in current voting systems that use a paper ballot.

1) Current direct electronic voting systems with voter verified paper audit trail (VVPAT) printers do not provide a mechanism for alternative access to the print on the VVPAT. As a result, voters with vision disabilities cannot verify the paper ballot privately and independently. The VVPAT also presents barriers for people with cognitive disabilities and those like myself with manual dexterity impairments.

The research must be designed to demonstrate that the content of a VVPAT is accessible so that voters with disabilities can verify their votes using the same interactions they used to generate their vote. In other words, if I used an audio-tactile interface to generate my ballot, I should be able to use those same access features to verify my ballot. If I used a large visual display to generate my ballot, I need to be able to use large print to verify my paper ballot.

2) Current ballot marking devices require voters with disabilities to manually handle paper to verify and cast their ballot. As a result, voters with motor disabilities cannot verify or cast the paper ballot privately or independently.

The research must ensure that voters with disabilities are not required to handle a paper ballot at any point in the voting process. If I use a switch (like a sip and puff) to generate my ballot, I need to be able to use that same switch to verify/edit and cast the paper ballot.

Finally, the research should be mindful of the fact that the perfectly designed machine without appropriate training and administrative procedures is not enough. The research needs to look at the total voting process. For example, are voters with disabilities unnecessarily restricted by inaccessible polling places? Is everything being done to register voters with disabilities? Are voter education materials available in a wide variety of accessible formats? Are web sites accessible to voters with vision impairments? Are poll workers educated and trained in the proper use of electronic voting machines?

In summary, accepted public policy dictates that accessibility levels not be rolled back or decreased over time. Many individuals with disabilities were able to vote independently and privately using the access features of electronic voting systems (without a paper ballot). These individuals should not experience a decrease in their ability to privately and independently vote due to the use of a paper ballot. If paper ballots are used, there is simply no reason we cannot have accessible and secure

paper ballots in today's technology rich environment. The accessibility requirements should be the same for paper, electronic or any other format.

Thank you for the opportunity to testify. If you have any questions please contact Robert N. Herman, Senior Advocacy Attorney at 202-416-7699 or bobhn@pva.org.