



## Association of Assistive Technology Act Programs

### ATAP Testimony for the Election Assistance Commission Hearing on Disability Access and Voting Technologies *Submitted by Diane Cordry Golden, Ph.D., July 14, 2009*

The Association of Assistive Technology Act Programs (ATAP) would like to commend Congress and Election Assistance Commission for initiating a comprehensive research agenda focused on voting accessibility for people with disabilities. Truly accessible voting is a HAVA promise that has become reality for some – but sadly has not for others. Investing in research that will help reach the promise of accessible voting is most timely and welcome.

ATAP is a national, member-based organization, comprised of state Assistive Technology Act Programs funded under the Assistive Technology Act (P.L. 108-364). Collectively, the network of 56 state assistive technology (AT) programs provide access to and acquisition of assistive technology for individuals with all types of disabilities of all ages. Many AT Programs are actively engaged in assisting state and local election officials implement the accessibility provisions of HAVA, specifically the requirement for one accessible voting machine per polling place.

All accessible voting systems rely heavily on assistive technology to deliver alternative input and output mechanisms necessary for individuals with different disabilities to vote privately and independently. As organizations with expertise in assistive technology used by individuals with all types of disabilities, we understand how access features can deliver private and independent voting – if developed and implemented appropriately. However, we are all too aware of how access features can be available but poorly designed, not be implemented correctly, or otherwise compromised so that they deliver partial access or no access at all.

ATAP believes it is critical for a research agenda in accessible voting to address the following major issues to ensure that voting systems provide access to individuals with disabilities.

**Increase Access to Assistive Technology Expertise:** Accessible voting systems and assistive technology are inextricably linked and assistive technology expertise is needed to ensure voting system accessibility. Currently there is no focused assistive technology expertise supporting or vetting the development of voting system access standards, testing protocols, or other policy decisions. A permanent mechanism needs to be established so that ongoing assistive technology expertise is readily available to all those involved in making policy decisions, developing and adopting access standards and testing protocols, and other similar activities to ensure an understanding how decisions will impact voting system access.

**Clearly Define Accessible Voting:** The determination of whether or not a voting system is “accessible”, and therefore meets the HAVA legal requirement for one accessible voting system per polling place, must be based on conformance to a set of appropriately developed and vetted technical access standards. Such determinations cannot be based on individual anecdotal experiences – “the system worked for me or didn’t work for me”. If a decision is made to require a paper ballot as an official vote record, then that paper ballot must be accessible. There cannot and should not be a system in which one ballot form is fully accessible and another is not. With the VVSG access standards as the starting point, research is needed to analyze the ambiguities, develop potential resolutions, and vet with all critical stakeholders so that the final set of standards are well understood and universally accepted by those most impacted.

**Improve the Testing/Certification Process:** The current voting system certification system does not include a transparent, rigorous protocol for verifying conformance to adopted accessibility requirements. As a result, voting systems have been certified as meeting accessibility standards when in fact they do not. To date, the procedures used to test for accessibility have been considered proprietary so it is difficult to determine with certainty if the problem is:

- Misunderstanding of the access standards;
- Poorly written access standards that do not provide a clear access feature requirement;
- Inadequate or inappropriate testing procedures; or
- All of the above.

With the NIST test suites as a framework, testing protocols should be developed to verify conformance to access standards with as much objectivity as possible. These protocols should be openly available for anyone to review and should be thoroughly vetted with the disability community and assistive technology experts.

**Resolve Paper Ballot Access Barriers:** Daunting access problems related to paper ballots have been well documented for many years (e.g. paper handling and conversion of paper-based print into accessible media). Yet little research related to accessible voter verification and casting of paper ballots has occurred. Virtually no new equipment has been developed in the private market that addresses these two critical access barriers associated with paper ballot. If paper ballots are to be used, any research agenda should invest in resolving these problems to ensure that voters with disabilities have accessible paper ballots in those jurisdictions that require them.

**Support Election Officials in Purchasing:** Since the passage of HAVA's requirements for accessible voting equipment, election officials have struggled with purchasing decisions. They have been faced with making decisions about which "accessible" voting system to purchase with very little unbiased information available about the access features of the systems currently on the market. Research is needed to develop a comparative analysis of all of the access features provided by commercially available voting systems. This information should be based on a direct review of the voting system (not based on manufacturer representation or marketing materials) and needs to be packaged in a way that is helpful to election officials as they engage in purchasing decisions.

Thank you for this opportunity to submit testimony. We look forward to the positive outcomes that will accrue from this investment in voting accessibility.