

Countywide Services Agency

Voter Registration and Elections



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County of Sacramento

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Public Hearing on Voluntary Voting Systems Guidelines Adam's Mark Hotel, 1550 Court Place Denver, Colorado

Statement of Jill LaVine, Registrar of Voters, County of Sacramento, California

Thank you for this opportunity to address you on the accessibility guidelines. I am Jill LaVine, the Registrar of Voter for the County of Sacramento California. I am responsible for registering voters, maintaining the voter file, local campaign filings and conducting Federal, State, County and City elections within Sacramento County. In addition, I conduct the elections for more than 100 school and special districts.

Sacramento County has approx 650,000 registered voters. I have been involved in the administration of elections in different capacities for more than 20 years. We conduct our elections in two languages, English and Spanish.

Sacramento County used punch card ballots until the November, 2004 election when we introduced Phase I of our new voting system. We selected an optical scan voting system for our absentee and precinct voters. For the upcoming special statewide election to be held November 8, 2005, we plan to introduce Phase II, our ballot marking system for voters with disabilities.

We worked with the Sacramento County Chief Disability Officer and his staff to write the Request for Purchase (RFP) for our new voting system, and they were also part of the vendor's testing. We relied on their expertise to help us find the best system for the County of Sacramento. I appeared before the Sacramento County Disability Advisory Board monthly to keep everyone updated with our progress and to answer any questions they may have. It was this cooperation and working relationship that helped us make our choice on a new voting system. I can honestly say, I learned something new every time I met with this Board. Members with many different disabilities would approach me with their concerns regarding accessibility. Because each person voiced their legitimate concerns and questions, it enabled me to be aware of their needs, and on their behalf, I presented their concerns and questions to the vendors.

I am also a member of the statewide "California Association of Clerks and Election Officials" Committee regarding "Voters with Specific Needs." The Committee addresses the needs for voters that are blind, those with visual disabilities, physical disabilities and those with language requirements. The Committee also discusses and is proactive to find solutions for a blanket of other issues (*everything from accessible polling places, accessible voting equipment, and sensitivity training for poll workers and office staff, etc...*)

I have divided my observations and concerns to cover three principles outlined in the Guidelines.

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1. ALL ELIGIBLE VOTERS SHALL HAVE ACCESS TO THE VOTING PROCESS WITHOUT DISCRIMINATION.

- A. I am pleased that the guidelines require the Voting System Vendor to have the necessary connections to their equipment for the voters that wish to bring their own personal assistive devices to the polling place. This will make the voter more comfortable and at ease with the voting equipment. While the Election Official may provide headphones or other equipment for the voters with disabilities, the voter will also have the opportunity to use equipment they are most familiar with.

SUGGESTION: I would encourage each County to have an extensive Voter Outreach Program in order to educate the voters properly, so that the voters will know that this service, as-well-as many other services, are available.

- B. Not all voters are fully literate in English; there are voters that are able to speak English but are unable to read it. I have seen voters start voting in English and then request to change to Spanish where they are more comfortable. My suggestion is to have Spanish and other, required by law, languages available to the voter at all times through the entire voting process, by means of requiring a toggle feature on the voting equipment which could be accessed at any time. On some voting systems, if the voter wishes to change to another language they must start the voting process entirely over from the beginning. This not only causes the voter to lose what votes they have already cast, it also increases the time the voter takes to cast their ballot which, in turn, adds additional time to the existing long lines at the polls on election day.

SUGGESTION: I would encourage all election voting system vendors to incorporate the language, toggle feature, into their systems.

- C. In HAVA, Section 301(a)(B)(i), it allows a state that uses a paper ballot voting system to meet the requirements of notifying a voter if the voter selects more than one candidate for a single office the effect of casting multiple votes for an office, and the opportunity to correct the ballot before it is cast and counted, by establishing a voter education program.

I am concerned that an education program that is only a poster telling the voter of his or her rights to ask for a replacement ballot is not sufficient. A voter that is blind visually disabled or those who need assistance in other languages will also need an alternate format. That requirement is not addressed in these guidelines.

My youngest son has dyslexia, and he requires someone else to read anything that is very complicated to him. This disability would also benefit from an alternate format.

SUGGESTION: Have a CD, tape, or DVD playing at the polling place on election day.

For a paper voting system, this alternate format could not only include information on the effect of casting multiple votes for an office, but could also include additional information such as:

1. How to change a vote;
2. How to ask for replacement ballot;
3. How to cast a straight party vote; and,
4. How to cast a write-in vote.

2. EACH CAST BALLOT SHALL ACCURATELY CAPTURE THE SELECTIONS MADE BY THE VOTER.

My next area of concern is the requirement for the voting system to support a process that notifies the voter if he or she has attempted to vote for fewer candidates than the maximum permitted, and the opportunity to change the ballot before it is submitted to the voting system.

SUGGESTION: I suggest that this be done very carefully, as to not intimidate the voter to vote for candidates or contests they do not want to vote on.

Example: In one of my outreach presentations I was talking to a new citizen about voting. He was concerned because he did not know all the candidates and did not know which one to select. When I informed him he was not required to vote every single contest he was amazed – he said “you mean I have the freedom not to vote?” While I consider it a freedom to vote, where he had come from it was mandatory. He was enjoying the new freedom of voting only those contests he truly wanted to select.

3. THE VOTING PROCESS SHALL PRESERVE THE SECRECY OF THE BALLOT.

A. No voting method should single out a voter, either while they are voting or after their ballot is cast. The requirement that all voting stations using paper ballots should make provisions for voters with poor reading vision suggests that a ballot with large print would be an option for a voter with visual disabilities. While it is addressed in a later section that large-print paper ballots unavoidably identifies the accessibility feature used by a voter, I am concerned that the voter's right to privacy and a secret ballot have been compromised.

SUGGESTION: I agree that the instructions should be available in large print; I feel that a magnifying glass of good quality will be the better option to preserve the secrecy of the ballot.

- B. Throughout the guidelines the vendor is encouraged to conduct some realistic usability tests on the final product using subject representatives of the general population and report the test results to the voting system test lab according to the Common Industry Format (CIF). From these test there are plans to put requirements in place with specific performance benchmarks. This is a concern. I have learned that no two people with or without disabilities will agree 100% on any requirement. As these tests are being done, and as performance benchmarks are made, it is the person with the loudest voice that will be heard. Not always is the loudest person the one with the best answer.

SUGGESTION: My suggestion is to make sure there is a cross section of consideration and representation for all types of disabilities. Take the time to consider and measure all disability needs when finding solutions and not depend on just those with the loudest voice to have the best answer. Otherwise, the performance benchmarks will end up with a skewed result toward just one type of disability.

- C. Under the section that requires the voting system to be accessible to the blind voter is the requirement for the audio system to provide information via recorded human speech rather than synthesized speech because most users prefer real speech over synthesized speech. Many blind people use the program "Jaws" on their computers and are familiar to the synthesized voice. If a voter wants to control the rate of speech a human voice will sound more like the chipmunks when accelerated, whereas the synthesized voice goes faster.

SUGGESTION: I encourage more research on this requirement.

CONCLUSION:

In the proposed Voluntary Voting System Guidelines is the following statement:

"Voting must be accessible to all eligible citizens, whatever their physical disabilities, language skills or experience with technology."

I believe this goal can and will be accomplished with the help of these guidelines.

Again, thank you very much for inviting me to be here today.