

To: Technical Guidelines Development Committee

From: Association of Assistive Technology Act Programs  
The Arc of the United States  
National Disability Rights Network  
United Cerebral Palsy

Date: August 16, 2007

Re: Comments on TGDC's Draft Volunteer Voting System Guidelines Regarding Paper Ballot Accessibility

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We write to comment on the latest iteration of the Volunteer Voting System Guidelines (VVSG) that that the TGDC will consider at its meeting on Friday, August 17, 2007. During adoption of the VVSG in 2005, the Election Assistance Commission acknowledged that if a paper ballot is or can be the determinative ballot of record, it must be accessible. With more and more states adopting paper trail and/or paper ballot mandates and Congress considering bills to amend HAVA to require voter verified paper ballots, it is critical for this update of the VVSG to clearly ensure paper ballot accessibility at a level comparable to the accessibility of electronic ballots. Four specific areas of concern need to be addressed based on the August 7, 2007 draft of the VVSG.

- 1) The current version of VVSG 3.3.1-F needs to be reworded to make clear that the vote verification provisions apply to accessible voting systems beyond DREs with Voter Verified Paper Audit Trails (VVPAT). The current standard requires an accessibility feature be provided "for the purpose of allowing voters to verify their votes". Unlike DREs with VVPATs where the paper trail is used primarily to supplement the electronic vote with paper verification, ballot marking devices and other paper based voting systems use paper as the core countable ballot, the primary purpose of which is not for verification. The wording of this standard should be modified to make clear that paper ballot based systems designated as the accessible system are also covered by the provision, regardless of the main purpose the paper serves.
- 2) VVSG 3.3.1-F also needs to clarify that the read-back or re-display of write-in text is required for verification purposes. Many current ballot-marking devices do not provide write-in text in accessible form leaving voters with disabilities that use the voting system's audio mechanism or large print visual display with no way to verify their votes for races in which they choose to write-in candidates. .
- 3) The current VVSG draft does not ensure to individuals with low vision an equal level of accessibility in vote generation and vote verification of paper ballots as it does to voters who are blind. Individuals who are blind are ensured the same level of access for both vote generation and verification of a paper ballot through a required audio-tactile interface (3.3.1-F.1). Unfortunately, a comparable standard is not in place that ensures that individuals who are visually impaired can generate and verify their paper ballots through enhanced visual display, i.e., large text size. While two text sizes ARE required for individuals with low vision to *generate* their vote (3.2.5-E), that same level of access is NOT required for *verification* of a paper ballot.

Even more worrisome, the discussion associated with 3.3.1-F references 3.2.5-G as being applicable and that standard expressly sanctions a significantly lesser level of access for vote verification for the Acc-VS than is required for vote generation for individuals with low

vision. The standard only requires the voting system to “provide features that assist in reading a paper ballot” instead of requiring delivery of a specific access feature to meet the needs of individuals who have low vision. Further, this deficient standard then allow for “optical devices for magnification”. This wording authorizes an individual accommodation approach to enlarging print text through the use of manual magnifiers with no requirement to deliver any specific level of access, (i.e. a measurable enlarged text size.) It is impractical, and perhaps impossible, to deliver the variety of individual magnification devices necessary to accommodate the differing level of vision loss that may be required by a multitude of different voters. As a result, voters with vision disabilities have no assurance that they will be able to verify their paper ballot.

It is perplexing to understand why the standards would require manufacturers to deliver two text sizes for vote generation as required in 3.2.5-E, but then allow for alternative forms of magnification (in lieu of electronic enlargement provided by the voting system) for vote verification. Moreover, if two text sizes are required, there is nothing that prohibits a manufacturer from utilizing alternative magnification to deliver the required text output. Requiring two sizes of text output merely ensures the Acc-VS provides an equal level of access for both vote generation and verification for individuals with low vision – it does not prescribe how that output be delivered.

4) The current version of 3.3.3-E and 3.3.4-C must be clarified to ensure private and independent ballot submission and vote verification is provided by the Acc-VS for individuals who are visually impaired and those with dexterity disabilities. HAVA requires that all voters, including individuals with disabilities, be able to privately and independently verify and cast their ballots. However, these VVSG standards begin with a caveat: “[i]f the voting station supports ballot submission or vote verification for non-blind or non-disabled voters . . .” To conform with HAVA, an accessible voting station must offer a voter with a disability the opportunity to verify their ballot--whether it is paper or electronic—and the ability to cast that ballot privately and independently. Accessible ballot verification and ballot casting should not be contingent on what the voting station supports for other voters.

**Recommendations:** To address the above concerns the following revisions are suggested (NEW LANGUAGE IN BOLD CAPS)--

*3.3.1-F Accessibility of Paper-based Vote Verification*

*If the Acc-VS **USES OR** generates a **VOTER VERIFIABLE** paper record (or some other durable, human-readable record) **THAT CAN BE THE OFFICAL BALLOT OR DETERMINATIVE VOTE RECORD** [~~for the purpose of allowing voters to verify their votes~~], then the system shall provide a means to ensure that the **PAPER** verification record is accessible to all voters with disabilities, as identified in section 3.3 XREF.*

*DISCUSSION -- While paper records generally provide a simple and effective means for technology-independent vote verification, their use can present difficulties for voters with certain types of disabilities. The purpose of this requirement is to ensure that all voters have a similar opportunity for vote verification **OF ANY PAPER RECORD THAT IS OR CAN BE AN OFFICIAL OR DETERMINATIVE VOTE**. Note that this requirement addresses the special difficulties that may arise with the use of paper. Verification is part of the voting process, and all the other general requirements apply to verification, in particular those dealing with dexterity (e.g. 3.3.4-C “Ballot Submission and Vote Verification”\*) **AND** blindness (e.g. 3.3.3-E “Ballot Submission and Vote Verification”[\*\*]), and partial vision issues (e.g. 3.2.5-G “Legibility of Paper Ballots and Verification Records”[\*\*\*]).]*

3.3.1-F.1 Audio Readback for Paper-based Vote Verification.

If the Acc-VS **USES OR** generates a **VOTER VERIFIED** paper record (or some other durable, human-readable record) **THAT CAN BE THE OFFICIAL BALLOT OR DETERMINATIVE VOTE RECORD** [~~for the purpose of allowing voters to verify their votes~~], then the system shall provide a mechanism that can read that record and generate an audio representation of its ENTIRE VOTE contents, INCLUDING WRITE-IN VOTES.

**3.3.1-F.2 ENHANCED VISUAL DISPLAY FOR PAPER-BASED VOTE VERIFICATION.**

**IF THE ACC-VS USES OR GENERATES A VOTER VERIFIED PAPER RECORD (OR SOME OTHER DURABLE, HUMAN-READABLE RECORD) THAT CAN BE THE OFFICIAL BALLOT OR DETERMINATIVE VOTE RECORD, THEN THE SYSTEM SHALL PROVIDE A MECHANISM THAT CAN READ THAT RECORD AND GENERATE A VISUAL DISPLAY OR OTHER OUTPUT REPRESENTATION OF ITS ENTIRE VOTE CONTENTS, INCLUDING WRITE-IN VOTES, IN AT LEAST TWO FONT SIZES (A) 3.0-4.0 MM AND (B) 6.3-9.0 MM.**

These revisions and additions clarify that any paper ballot that can be a determinative vote record must have accessible verification and that includes audio AND enhanced visual output of the entire vote record including a write-in vote. These revisions and additions will ensure an equal level of access in both vote generation and verification of a paper ballot for individuals with vision impairments.

3.3.3-E Ballot Submission and Vote Verification

~~[If the voting station supports ballot submission or voter verification for non-blind voters, then it]~~ **THE Acc-VS** shall [~~also~~] provide features that enable voters who **HAVE VISION IMPAIRMENTS** [~~are blind to perform these actions~~] **TO VERIFY AND SUBMIT THEIR BALLOTS PRIVATELY AND INDEPENDENTLY.**

3.3.4-C Ballot Submission and Vote Verification

~~[If the voting station supports ballot submission or voter verification for non-disabled voters, then it]~~ **THE Acc-VS** shall [~~also~~] provide features that enable voters who lack fine motor control or the use of their hands [~~to perform these actions~~] **TO VERIFY AND SUBMIT THEIR BALLOTS PRIVATELY AND INDEPENDENTLY.**

These revisions and additions clarify that the verification and submission access features must be available on all Acc-VS.