



From: David Healy EQ <dh@equalivote.com>
Subject: **Submission re "TOP-TO-BOTTOM REVIEW OF ELECTRONIC VOTING"**
Date: March 28, 2007 4:56:11 PM PDT
To: votingsystems@sos.ca.gov
Cc: "Ellen Theisen at VotersUnite.Org" <ellen@votersunite.org>, ellen@vote-pad.us, dh@equalivote.com

Joint Submission by

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March 28, 2007

VIA FEDERAL EXPRESS

Debra Bowen, Secretary of State
1500 11th Street
Sacramento, CA 95814

and by email to: votingsystems@sos.ca.gov

ATTN: **Voting Systems Review, 6th Floor**

Re: **Response to Request for Input on
"TOP-TO-BOTTOM REVIEW OF ELECTRONIC VOTING"**

Dear Secty. of State Bowen:

Thank you for taking on this enormous and commendable task of inviting public input to ensure that criteria California uses to evaluate its voting systems is clear and thorough.

In response to your call for input, please note that there is one minor sentence change that we view as absolutely necessary to best serve the voters with disabilities.

Presently, in Section II, subsection 2(a), you set forth the following language:

"A dual-switch input control interface that permits use of 'sip and puff' or other adaptive devices by voters with paralysis or severe manual dexterity disabilities who are unable to use touch screens or tactile key inputs."

This sentence is confusing and could be interpreted to exclude an entire class of non-computerized voting solutions. The language could be construed to supersede the current HAVA law to the detriment of voters with disabilities. We hope that this is an oversight, because as you are no doubt well aware, many leaders of organizations for people with disabilities have made their desire known: They would like to explore the feasibility of all new voting systems that meet their standards, as follows:

Help America Vote Act ("HAVA")

HAVA states that a system must *"be accessible for individuals with disabilities."* It does not require that every voting system be accessible to voters with ALL disabilities. Also, while HAVA requires voting systems to allow independence and privacy, it does not preclude a disabled voter from requesting and obtaining the assistance of another person as

provided in Section 208 of the Voting Rights Act of 1965.

EAC Advisory Panel

The EAC Advisory dated July 20, 2005 supports this viewpoint when it states *"There may be certain disabled voters whose disabilities prevent them from voting independently (i.e., without assistance from a person of their choosing or a poll worker)."*

The Americans with Disabilities Act

These requirements are consistent with the Americans with Disabilities Act, which puts forward the standard of *"reasonable accommodation"* for persons with disabilities.

Upon a careful reading of the above standards to determine the optimal criteria to benefit the widest spectrum of voters with disabilities, it is essential to realize that:

Both computerized and non-computerized devices can meet the above standards of *"reasonable accommodation"* for a similarly broad range of disabilities, but neither type of device can provide for all disabilities.

Properly designed computer systems that include a dual-switch port should be able to accommodate all but those with the most extreme dexterity impairments or combinations of severe disabilities.

Similarly, non-computerized assistive devices, such as Equalivote and Vote-PAD, accommodate all but those with the most extreme dexterity impairments or combinations of severe disabilities. *In addition*, unlike computer systems, Equalivote and Vote-PAD provide independent voting for people who are both deaf and blind.

We believe it is crucial not to stifle innovation of a new class of non-computerized vote assistive devices that can benefit just as many, *if not MORE*, voters with disabilities than do computerized voting methods. For this reason, we are requesting that you remove the unnecessarily specific non-HAVA language that requires features that are only available through computers.

We recommend that the rule be revised to read as follows:

"Adaptive devices for voters with paralysis or severe dexterity impairments, (for example, voters with quadriplegia) to both mark and verify their ballot selections with independence and privacy."

This language not only satisfies HAVA, but also leaves open the widest array of potential solutions to optimally benefit voters with disabilities.

Thank you for considering this important edit to eliminate confusion that may otherwise lead to the inadvertent exclusion of excellent voting methods to benefit California voters with disabilities.

Respectfully submitted,

Ellen Theisen & David Healy

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