



EAC Decision on Request for Interpretation 2009-001 (VVPAT Accessibility)

2005 VVSG Volume1: 7.8.2, 7.9.7

Date:

June 25, 2009

Question:

Does the VVSG require a VVPAT device to provide audio output from the printed text on the paper? If so, can a barcode or other data be used as “features” to generate the audio?

Section of Standards or Guidelines:

VVSG V1: 7.8.2 Basic Characteristics of IV Systems

The processes of verification for the cast vote records do not all depend on the same device, software module, or system for their integrity, and are sufficiently separate that each record provides evidence of the voter’s selections independently of its corresponding record.

Discussion: For example, the verification of the summary screen (electronic record) of a DRE is sufficiently separate from the verification of a paper record printed by a VVPAT component or a copy of the electronic record stored on a separate system.

VVSG V1: 7.9.7 VVPAT Accessibility

a. All accessibility requirements from Subsection 3.2 shall apply to voting machines with VVPAT.

b. If the normal voting procedure includes VVPAT, the accessible voting equipment should provide features that enable voters who are visually impaired and voters with an unwritten language to perform this verification. If state statute designates the paper record produced by the VVPAT to be the official ballot or the determinative record on a recount, the accessible voting equipment shall provide features that enable visually impaired voters and voters with an unwritten language to review the paper record.

Discussion: For example, the accessible voting equipment might provide an automated reader that converts the paper record contents into audio output.

Discussion:

It is unusual, in the 2005 VVSG, for a “should” requirement to be followed by a “shall” requirement. However, in this instance, these two requirements can be reconciled. Here, the first “should” just sets the stage for the mandatory “shall” requirement that follows. The manufacturer should try, but is not required, to provide features that enable voters who are visually impaired and voters with an unwritten language to perform this verification. However, the “shall” requirement stands on its own and is enforceable through a combination of federal testing and state approval procedures. If the VVPAT is the official ballot or the determinative record on a recount, then the VVPAT “shall” provide features that that enable visually impaired voters and voters with an unwritten language to review the paper record pursuant to state law. Because it is impossible to take in to account various state laws at the time of federal certification testing the EAC/VSTL can not make a determination on compliance to this requirement. Instead, the states are left to determine if a system and its accessibility features meet the requirements and can therefore be used in their state.

The discussion in VVSG V1: 7.8.2 Basic Characteristics of IV Systems does not pertain to this issue. That section does not contain requirements; they are non-normative narrative text pertaining to what was intended to be audit requirements for future systems, and, as such, have no effect on the question at hand.

The Discussion section in VVSG V1: 7.9.7 VVPAT Accessibility, which says “*For example, the accessible voting equipment might provide an automated reader that converts the paper record contents into audio output*” is just an example. The “might” is equivalent to a “may”. Thus, an automated reader that converts the paper record contents into audio output is permissible; nothing more, nothing less.

Conclusion:

VVSG V1: 7.9.7 VVPAT Accessibility has two requirements – a “should” requirement and a “shall” requirement. The “should” requirement means that this requirement is recommended. Thus, the manufacturer should try, but is not required, to provide features that enable voters who are visually impaired and voters with an unwritten language to perform this verification.

The “shall” requirement in VVSG V1: 7.9.7 VVPAT Accessibility is conditional based on either or both of the following two conditions being fulfilled: If the paper record produced by the VVPAT is 1) the official ballot or 2) the determinative record on a recount THEN features that enable visually impaired voters and voters with an unwritten language to review the paper record are required. If either or both of the two conditions are met (VVPAT paper record is the official ballot or determinative record on a recount), then the manufacturer is required to make VVPAT accessible to these constituencies.

Conformance in this case is dependent on a state statute and can not be ascertained at the time of federal testing. Therefore, the VSTL will determine and test the accessibility functionality of the voting system as presented. The EAC will then issue the test report and certification documentation with a clear indication of what accessibility functionality is present on the system. It is then left up to the states to determine if the system, based on the supported functionality, can be used in that state. The EAC will help the states in any way possible to understand the supported functionality and the requirements.

The 2005 VVSG does not require a VVPAT device to provide audio output from the printed text on the paper. What is required is “. . . *features that enable visually impaired voters and voters with an unwritten language to review the paper record.*” A barcode or other data, such as a predefined audio file, may be used as “features” to generate the audio since nothing in the 2005 VVSG precludes barcodes or mandates the conversion of text from the VVPAT device itself to satisfy the accessibility requirements of Section 7.9.7 of the 2005 VVSG

In the statement *the accessible voting equipment shall provide features that enable visually impaired voters and voters with an unwritten language to review the paper record* the “shall” statement shall not be interpreted to mean that the VVPAT printed text, per se, is a “feature” that allows an independent device, not provided with the system, to scan the text and generate the audio.

Effective Date:

Immediate- for all voting system test plans submitted after the date of this document.