

United States Election Assistance Commission
2020 Elections Disability, Accessibility, and Security Forum

Held at

9:30 a.m.

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Westin Georgetown
2350 M Street NW
The Washington Room
District of Columbia 20037

VERBATIM TRANSCRIPT

The following is the verbatim transcript of the United States Election Assistance Commission (EAC) 2020 Elections Disability, Accessibility, and Security Forum that was held on Thursday, February 20, 2020. The meeting convened at 9:30 a.m. and adjourned at 3:00 p.m.

CHAIRWOMAN MCCORMICK:

Good morning.

ALL:

Good morning.

CHAIRWOMAN MCCORMICK:

I would like to welcome everyone to the EAC's Forum on Disability, Accessibility, and Security in the 2020 elections. Thank you for joining us in person and for those online live-streaming this event.

Elections present unique challenges and opportunities for officials across the U.S. The 2020 presidential contest will be no different. During the past few years, the need to safeguard our elections has become increasingly important. At the same time, election officials are working to uphold the accessibility pillars of a private and independent vote for people with disabilities. These rights were established in the Help America Vote Act (HAVA) of 2002, and Americans With Disabilities Act (ADA) of 1990. Heightened security must not negatively affect the voting rights of people with disabilities. The U.S. Election Assistance Commission plays a pivotal role in protecting these rights.

Today's forum seeks to bring together election officials, people with disabilities, disability advocates, and election security experts. We want to discuss pressing issues to assist voters with disabilities and election officials amidst growing security needs.

In the 2018 midterm elections, nearly 14.3 million Americans with disabilities voted across the United States. This number will certainly increase during the upcoming presidential election.

Ballots are already being cast for the 2020 primaries by voters with disabilities, and in less than two weeks millions of voters in 14 States will vote in the March 3rd Super Tuesday primaries.

As I mentioned HAVA, I'd like to cite the language there and that explicitly codifies the rights of voters with disabilities. Quote, "The voting system shall be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence as for other voters," end quote. We must consider the fact that a paper ballot is often not accessible for voters who are blind or visually impaired, have mobility challenges or have other invisible disabilities.

In addition, we must ensure any technological voting solutions offer universal access and do not infringe upon a voter's privacy. People with disabilities have the right to a seamless,

integrated, and welcoming voting process at the polls. Technology exists to assist voters with disabilities, and it is vital that we cultivate its advancement with both accessibility and security in mind.

As we begin this discussion, it is our hope that voters with disabilities and advocacy groups will benefit from increased consideration as we further the collective dialogue with election officials and those in the security community. Today, we will discuss emerging voting technology for voters with disabilities, ways to better incorporate ballot-marking devices into polling place operations, and accessible vote-by-mail. We will conclude the forum with a discussion of potential next steps to assist election officials. The forum's discussions are designed to receive your input and suggestions and your thoughts.

Since the passage of HAVA, election officials have worked to implement the promise of a private and independent vote. Three of six duties assigned to the EAC by HAVA cite assisting people with disabilities as a primary responsibility. Through policy initiatives, grants, and funding for special efforts, the EAC promotes HAVA's access requirements to assist both election officials and voters with disabilities. It is with this charge in mind that we conduct today's discussion.

My fellow Commissioners and I look forward to today's forum and to a productive time together. Thank you.

And I think Doug Lewis, are you up next?

MR. LEWIS:

Am I?

CHAIRWOMAN MCCORMICK:

Yes. And it is Doug's birthday today. Oh, we're going to do the Pledge. Oh, let's first stand for the Pledge. I'm sorry.

MR. LEWIS:

Oh, yes, let's do that.

[Chairwoman McCormick led all present in the recitation of the Pledge of Allegiance]

CHAIRWOMAN MCCORMICK:

So, now I can say happy birthday to Doug.

[Laughter]

MR. LEWIS:

Thank you. Thank you.

[Applause]

CHAIRWOMAN MCCORMICK:

And we won't ask you how many years, Doug, but we know that you've been in this business for a long, long time.

[Laughter]

MR. LEWIS:

Yes.

CHAIRWOMAN MCCORMICK:

And have lots of wisdom to impart to us.

MR. LEWIS:

In fact, actually my birthday is the same day as George Washington's, and I was there for his birthday.

[Laughter]

MR. LEWIS:

Look, on this journey from pediatrician to proctologist, you kind of end up seeing some of the things that go along in this. And on the election side, I spent probably almost 50 years in public policy work, and out of that, a good portion of it, maybe 35, 40 years of it was in elections work. And I can tell you that there were never -- there are lots of solutions offered that sound neat, plausible, and most often are wrong when it comes to elections.

This is not rocket science. It's actually harder than rocket science.

And so, when you get to be my age, you kind of start reflecting back on your life a little bit and you start saying, well, what's my legacy going to be? Well, you know, at my age at 74, you're not going to start building a new legacy, most often.

Legacies actually start from when they are the age of some of the youngest in our audience today, and those of you that have started reaching adulthood in, sort of, your middle years, that's when you

build legacies. To have a 100-year-old oak tree, you got to plant the seeds. You got to plant that seedling and let it grow and let it develop.

And, in this instance, in terms accessibility in elections, for far too long we all took the attitude that that was not a big enough problem for us to have to spend the amount of money that it was going to take to fix the problem. Well, that's not an acceptable answer. Voting in America is a right. It's a given right. It's not a dreamed-up right, not a new right. It is a given right. And so, if we're going to look at this, we have to say that everyone, regardless of their disability, we have to, at least attempt to find out if there's a solution to this.

Now, when we first hit 1995, I think it was *Lighthizer v. the State of Texas* for those with visual impairments, and especially the blind, we ended up with a lawsuit where a Judge clearly said, I'm sorry, you can't say that you can't do it. You've got to figure it out. And you know, he was right. At the time, we weren't certain how to do that, but he was right. It was one of those where we have to get to the point that we can make this process accessible for all because, otherwise, if our vote is more important than those who have some form of disability, then what do we do as a society? Don't we denigrate the votes of those who should be able to participate in this?

And so, it's one of those things that's always frustrated me a little bit. You know, I never figured out why we could say that, because the audience that we're talking about, depending on whose numbers you use, run somewhere between 12 percent and 15, 16 percent. That number has now grown geometrically. We're talking about, now, my generation, those of us who were born from 1946 through 1964. Now, that's a pretty long cohort. It's 18, if you're dividing it, but actually 19 years total when you count 46, all the way through 64.

And so, we're now geometrically growing that older Americans who have some form of disability. They have either -- I now walk with a cane all the time. Standing in line for a long period is just not something I want to do. I mean, I do it. If that's the only option, I'll do it, but it seems to me, we've got to rethink this. If visual impairments for all of our older voters -- and these are the people who vote the most. So, this is what we sort of have to look at.

One of the things we learned when we did -- from the EAC, and we did one of these well-funded studies -- and I appreciate, Commissioner, the fact that you, as Commissioners, gave some \$7 million, at one point, to really look at this whole issue and understand it. We found out, in that survey that we did, nationwide, 30 percent of voters with disabilities need some form of assistance

versus 10 percent of the nondisabled. So, that means we really have to understand that we're going to need to provide some methodologies in order to allow people to exercise their right to vote.

Well, to build a legacy is not so much that you send out with a grand schema things. It's day by day, working a piece at a time, to get to the point that we actually improve people's lives and make the system better than we found it. It seems to me, at some point we need to start figuring out what that's going to cost and how we do it. And thank goodness we have a United States Election Assistance Commission, a bipartisan Commission, to advise Congress how to do this.

Well, look, I've got a little bit of a throat problem. Your host here threatened to cut it if I didn't, you know, stay on time.

[Laughter]

MR. LEWIS:

And so, I want to make sure that doesn't have to happen. And I want to always remember that there was a nice saying that you never miss a good chance to shut up, so thank you.

[Laughter]

CHAIRWOMAN MCCORMICK:

Thank you, Doug.

[Applause]

CHAIRWOMAN MCCORMICK:

And as one of the Commissioners pointed out, we're
surrounded by Dougs up here --

[Laughter]

CHAIRWOMAN MCCORMICK:

-- so one on the left, one on the right, and here we have on
my right Doug Chapin, who has been a friend of the EAC for quite
some time, also been in this business for quite a while, and I
introduce to you Doug Chapin. Thanks for being here, Doug.

MR. CHAPIN:

Thank you very much. Good morning, everybody. I want to
wish my friend and colleague Doug Lewis a happy birthday. He
pointed out that one of my gifts today is that I, too, now have gray
hair other than when we first met.

[Laughter]

MR. CHAPIN:

I am going to channel Shakespeare, who once said that
brevity is the very soul of wit, and so, I'm going to strive to be
extremely witty in these opening remarks.

I want to thank everybody for being here today. In the work I
do at the University of Minnesota, at the Certificate in Election
Administration program at the Humphrey School, we talk a lot about

elections and election administration as an ecosystem, as a network of interconnecting issues and governments and technologies that all work together to serve voters individually and the country collectively. I think that notion of an ecosystem is really important. I think far too often, when we talk about issues in this field and, sadly, specifically in the area of accessibility, we often frame it as an either/or.

As the parent of young actors, I want to channel the spirit of improv and say that rather than either/or we should be thinking about yes/and. There are opportunities as technology emerges, as communities come together for us to find ways to do all the things that we want to do. Are there hard choices? Yes. Are there necessary trade-offs? Absolutely. But I really strongly believe that we, collectively, as a community, can come together to address the thorniest issues and the most difficult decisions in all of election administration, and specifically, in the area of accessibility for voters with disabilities.

So, my role today, if you are of a certain age, will be to channel Phil Donahue or Sally Jesse Raphael, although I don't have the snazzy red glasses. For those of you who are younger, sort of imagine Jimmy Fallon going into the audience during the Q&A segment. But our goal here today after each panel discusses the big issues is to get all of you involved in the discussion. And I'll

be playing that role a little bit like a professor, a little bit like a talk-show host, but hopefully, trying to keep the conversation going.

A couple of things. I will channel Commissioner McCormick. When you are asking a question, please identify yourself. Please be brief. And for the love of all that is holy, please ask a question.

[Laughter]

MR. CHAPIN:

On that score, I do want to acknowledge, look, I know there are many big issues in this field, some of which are on your mind, some of which are in the headlines, some of which are both. I think there will be opportunities to spend all day talking about numerous issues. We don't have all day today. And so, the goal today will be to at least start the conversation about many of these difficult choices and trade-offs. Our goal is -- today is not necessarily to tell one another what to think, but to inform one another about what to think about. And I hope you keep that in mind when we have the discussions going forward.

I'm looking forward to a great day. Other than family and friends, nothing pleases me more than a room full of election geeks, and we are in good company today. I want to thank you all for being here. I look forward to the conversation today.

And with that, I'm going to yield two minutes and 30 seconds to Chairwoman McCormick.

CHAIRWOMAN MCCORMICK:

Thank you so much, Doug. We appreciate you being here.

We're going to have our first panel up, a moderated discussion called Emerging Voting Technology with -- For People with Disabilities. And that will be moderated by Commissioner Hicks. So, we'll switch out panels. Thank you.

MR. CHAPIN:

Panel one, come on down.

COMMISSIONER HICKS:

Panel one, come on up. Your name tags.

Good morning, everyone, and thank you again for coming. During this session, we would like to discuss the utilization of new voting technology to empower a private and independent vote across the United States while appreciating security concerns. People with disabilities face various challenges and barriers when it comes to voting. From accessible election websites, to physical access, to polling places, we must do better. It's important that we continue research and development on voting technology and advancement of innovative programs, including piloting assistive technology to help voters with disabilities. Harnessing technology in a secure manner will bolster the accessibility promise of the Help

America Vote Act or HAVA. It is my hope that we hear both accessible and security and technology advances from our distinguished panel.

And first, I would like to thank the EAC staff that put this together, particularly Pat Leahy and Mona Harrington.

[Applause]

COMMISSIONER HICKS:

Because these forums are not easy to bring together in such a short amount of time.

I will introduce our panel in the order in which they will speak. First will be Kelly Buckland, Executive Director for the National Council on Independent Living. Next will be, to my right, Diane Golden, Project Director of the Illinois Assistive Technology Program and an EAC Technical Guidelines Development Committee member. Next will be Alice Miller, Executive Director for the District of Columbia. And last but not least, former EAC Commissioner, but now, Senior Cybersecurity Advisor for the Cybersecurity Infrastructure Security Agency, also known as CISA, at the Department of Homeland Security, Matt Masterson.

And with that, Kelly.

MR. BUCKLAND:

Thank you, Commissioner Hicks. And welcome, and it's nice to be here with you all. It's good to see some friendly faces in the audience.

For those of you who do not know me, I am Kelly Buckland. I'm the Director of the National Council on Independent Living. We are a membership organization for Centers for Independent Living and Statewide Independent Living Councils, which are nonprofit, nonresidential organizations that are run by people with disabilities and serve people with disabilities. There's about 700 Centers for Independent Living across the country, and there's 56 Statewide Independent Living Councils, one in each State and territory, meaning there's one here in D.C. And those organizations are appointed by the Governor of the State or territory.

So, with that, we have been very involved in election kinds of stuff, everything surrounding it, because there are a whole host of barriers that face people with disabilities when it comes to voting. I have voted since 1972. I'm not quite as old as Doug, but I'm getting there really quick.

[Laughter]

MR. BUCKLAND:

So, my first vote was for Richard M. Nixon, who, we all know how that turned out, so --

[Laughter]

MR. BUCKLAND:

And I have taken my right to vote very seriously ever since then. So, when I turned 18, I thought that my responsibility and my right to vote was incredibly important. My parents didn't vote, and yet they complained all the time. So, I really didn't want to be that person who was complaining but didn't take responsibility to vote, not that I didn't love my parents, but I always thought it was wrong of them to complain if they didn't vote, so I wasn't going to be like that. And I've always taken my vote very seriously, and I've always had trouble casting my ballot up till, and including, the last election, and then figuring I'm going to face barriers at the next election.

So, I've worked on a lot of issues like I worked on the 1985 -- what was it? The voting for the handicapped and elderly bill or something like that. I can't remember exactly the name of it, but it was a bill that passed in Congress and then the -- it was passed at -- a comparable bill in Idaho, and which I worked on and have lived most of my life in Idaho. I worked on the Help America Vote Act committee in Idaho, and we had what I thought in Idaho was a really good system. You had same-day registration. You could register and vote the same day. We had ballot-marking devices at every polling place. Most polling places were accessible.

So, anyway, I thought we were doing a pretty good job. But then I moved to Virginia and I found a lot more barriers in Virginia

than we had, and Idaho actually, which is kind of interesting for me. I mean -- but -- so I've done a lot of work around this. And in Idaho, even back over a decade ago, I really thought that we should be taking better advantage of voting technology. I thought we should be able to actually, back then, go back into our study, open up our computer, and vote online because that's going to make it so much more accessible to a lot of people.

Of course, there are those who think that opens up all kinds of ways for your vote to be hacked and causes security problems. But for people with disabilities, our vote isn't secure now. If you have to have somebody else help you fill out the ballot, or if you run into problems casting your ballot, or what I run into quite frequently is the accessible voting machine is out in the open with no barrier around it, so when I'm casting my vote like almost anyone can stand over my shoulder and watch who I'm voting for, so there's no privacy.

So, essentially our votes are not secure now because of the stuff that we run into. I believe that we could make them even more secure through technology that's available today. We do all of our banking online right now. We're willing to risk our money to being hacked, but apparently, voting is somehow open to more hacking than our money is.

So, with that, I just think that there is so much room for us to improve, through technologies, the way that people vote, and I think we can make them even more secure that way. So, I don't think this is a debate between your vote being secure and your vote being accessible, one versus the other. I really do think they're the same, and we need to find common ground and move forward.

Thank you, Commissioners.

COMMISSIONER HICKS:

Thank you. Next, we'll have Diane.

MS. GOLDEN:

Good morning.

ALL:

Good morning.

MS. GOLDEN:

Oh, what a lovely response.

[Laughter]

MS. GOLDEN:

I'm so pleased. You guys must have been good students.

[Laughter]

MS. GOLDEN:

So, I was asked to talk specifically about a couple of issues. One is the Technical Guidelines Development Committee and the new VVSG 2.0 that is making its way through the cumbersome

approval process, through multiple committees, et cetera. And then, to talk a little bit about the more fitting topic, emerging technologies, and a little bit about the L.A. County system development, prototype, et cetera.

Is anybody here from L.A.? Because I don't want to step on toes as if I'm the expert. Okay. So, I'm going to tell -- if folks in L.A. County are listening, I am going to do my best, and it'll be a high level. And -- anyway, so I hope I don't tread on any toes here.

So, the VVSG has moved out of the Technical Guidelines Development Committee. And for any of you who serve on the TGDC -- I know there are some of the folks here -- there has been a long-standing tension between accessibility and security. I am not saying anything new to anyone. And I will say this right up front. I'm an accessibility person. I am not a security person. I say that up front. I acknowledge, completely, folks, accessibility people, you are the experts.

What I would request is, you folks in security, quit assuming you know anything about accessibility and the approach of, oh, as long as it's secure, then, you know, we can make paper accessible. I hate to tell you, but I've been around for a long time, and paper is inaccessible, period. You cannot make paper accessible. It has to be converted into something else if it's actually going to be accessible. So, the whole rub between security and accessibility is,

if the only way you can deliver security is through a marked paper ballot, then you have to acknowledge that it has to be done a different way for accessibility.

So, the real concern and conflict here is you have to have a digital interface to provide accessibility. And if security people continue to say any digital interface is insecure, then you have essentially said I cannot provide accessibility. And that is where the statement about the compromise -- I mean, at some point you have to be able to, as a security person, say this digital is secure enough. Accessibility is important enough that this digital interface is allowable and appropriate within the voting process. And we are still struggling with that to this day, unfortunately.

So, as far as the VVSG 2.0 goes, there are a number of new security requirements, and there are clearer, I hope, accessibility requirements, that get us to the point where it's understood what is actually needed in the way of access features in that digital interface, so there's audio-tactile, there's enlarged visual display, there's alternative means of input and output, that sort of thing. But, again, the problem is, that requires an electronic digital interface. And if that is only one machine in a corner, in a segregated way, where no one in the polling place knows how to turn it on and use it, it produces a ballot that looks different, is

counted separately, then we are -- we have segregated voting that's not accessible still. And it's not private, it's not independent.

So, somehow we've got to get to some middle ground here that acknowledges the need for those digital interfaces at a level that truly gives us what Commissioner McCormick described as integrated, seamless voting for people with disabilities or, as Kelly pointed out, security means nothing -- your vote is not secure if it's not private and independent anyway. So, you know, all of the concerns about digital accessibility kind of go out the window.

So, very briefly, L.A. County really, really, really invested a whole lot of time, energy, resources, money in developing a digital interface that provided universal accessibility and language accessibility, another major issue in L.A. County, multiple, multiple, multiple languages you have to address out there. So, an accessible digital interface that all voters would use -- most voters, at least, to provide as integrated a voting process as possible. And they tried to solve all the really challenging accessibility problems with paper ballot verification and casting, with automatic feed mechanisms, et cetera, and they are moving forward deploying this.

Unfortunately, if you watched the recent *Today Show* segment, they are getting terrible criticism from the security people. And the basic statement, again, is hand-marked paper is the only thing that's secure. And I -- if you watched that *Today Show*

segment, the expert -- the security expert that they had on there made a statement that I -- at least I think actually personifies the perception, which is that people with disabilities need reasonable accommodations, but to say that we all have to adopt insecure technology that puts the entire election at risk can't be the -- either the place or the price of accessibility. I don't know what he said; it was either place or price. Either one is not good in my mind. But at least I'm saying he's acknowledging that, in his opinion, security is more important than accessibility, period.

So, as a country, we've got to decide, is it or is it not? And if it isn't, then we've got to actually commit to doing the right thing and making it both accessible and secure, not secure first, and then as accessible as we can make it, as long as it's secure.

FEMALE SPEAKER:

Wow, amazing.

COMMISSIONER HICKS:

Hello.

[Laughter]

COMMISSIONER HICKS:

Alice?

MS. MILLER:

Okay. Good morning. From an election official's perspective, the D.C. Board of Elections, there -- I want to start

from the perspective that in order for the elections to be accessible to voters with disabilities, we have to start on Election Day and at the early voting process with the poll workers. If the poll workers are not doing what they need to do to ensure that the systems are available for individuals with disabilities, that they know what they need to do in order to make certain that the barriers are not in a way that prevents individuals who need access, then that creates a problem.

So, what do we do? We train our poll workers. We start with training the poll workers in the beginning of our training for -- to be focused on this. And I want to take a minute and recognize -- I think Terrica Jennings is here. She is our ADA coordinator and attorney for disability -- Terrica, are you here? Terrica? She has stepped out. Okay. I want to recognize her because she has done a yeoman's job with our ADA process.

And so, we have early voting, we have Election Day, and we have our web content accessibility guidelines. All of these things are very important. All of these things require an accessible process. So, we work diligently to ensure that the accessibility of the voting process is accessible, especially for people with disabilities.

This year for the first time we will have an accessible electronic ballot for absentee voting. Our voter registration

process, there's assistance throughout the whole process in the precinct on Election Day. We also have what we call our ADA coordinator, ADA assistance, someone in the precinct. In each precinct we have someone, an ADA assistance person who is there throughout the whole day to help and make certain, for example, that leaves are moved out of the way, that the door is always open, that someone can open the door. If someone needs help, there's someone there that can help them.

Obviously, the alternative voting options, such as curbside voting, if someone has to vote at a precinct that is not accessible in the District of Columbia, they can request that their ballot be placed at a precinct that is accessible. They can do that in any mechanism that they have available. They don't have to be in writing. They can call. They can have someone request it on their own behalf. Any way that they can do it, any alternative format that they can use, we can get that therefore them.

We have an Election Day hotline. We also have a lot going on with language access and services. American Sign Language interpreters are available at all of our designated polling sites. We provide language access services for voters who are limited or non-English proficiency. That is just as important as the physical disability is the language access, and we pay a lot of attention to that as well. But -- so there are number of different things that we

do that we use -- that we utilize to make certain that every aspect is focused on and, you know, made available.

Our website, we've worked very closely this year with BEGA, which is the government -- Board of Ethics in Government. And that office is the office that assures open government. So, what we have done is worked closely with them to make sure that the website meets all of the guidelines that it needs to for accessibility.

All of our pictures and everything have the taglines on there that it needs to so that individuals can go through and make certain that they are able to understand and go through it and deal with it as they need to from an accessibility aspect, so we take this very seriously from an operational perspective.

And, again, I want to emphasize that it is the poll workers on Election Day and during the early voting that must make certain and we must work with them to make sure that they operate the precinct as they need to on Election Day to ensure that the equipment is set up, that it is available, everything that is in place that needs to be in place and that it's not hidden or not available and the -- everything that needs to be there is there for anyone who needs to have access to it.

COMMISSIONER HICKS:

Thank you, Alice. And I want to thank the panelists -- before I get to Matt -- for all staying on time. And with that, I'll turn it over to Matt.

[Laughter]

MR. MASTERSON:

Message received. Tom likes to remind me that the EAC has the shot clock because of me --

[Laughter]

MR. MASTERSON:

-- and so I will stay on time. I'll try to be brief. I want to thank the Commissioners for the opportunity to be on this panel. I'm not Geoff Hale. He's smarter and taller than I am, and I appreciate the panelists going on the fly on this.

I will say, before I get into some opening thoughts, I've had the privilege of working with most of the folks on the panel, and specifically, Diane, when I was a member of the TGDC, and then when I was DFO of the TGDC, and no one has challenged me more to think about these things, to challenge me to take into account that I'm not an accessibility expert in any way, and make me better at understanding these issues. And no one's done more in the grind of the standards development process than Diane Golden to advance the cause of accessibility in the work with VVSG

2.0, and so I appreciate everything you've done. You've hung in there on this quest.

And I'll say that the next version of VVSG -- and the EAC has taken some significant steps towards that -- really, I think strikes that balance and perhaps most significantly -- and I'd encourage anyone to check this out -- is they passed a resolution as part of VVSG 2.0 that Diane and David Wagner, who's a security expert from California -- cosponsored to -- as a commitment that the process has to be secure and accessible, that it's not trade-offs, to say one over the other, but in fact, the requirement for voters is both. And so, we have to find a way to work together to do that. And Diane and David's leadership on that I think was significant.

A couple of opening thoughts. One is, I thought I'd show up and there'd be a dunk tank for me on the accessibility panel, so I appreciate that not taking place.

[Laughter]

MR. MASTERSON:

As Kelly and Diane and Alice were speaking, I could not agree more that it's not a debate between the two, that accessibility is security. As we look at risk management from the perspective of CISA and cybersecurity, exactly what Kelly said is how we evaluate the security risk here. Privacy and independence is a security question as much as it is an accessibility question. If you can't vote

privately and independently, it is not a secure process. And so, the work -- the good work that election officials, that the private sector are doing to explore what that looks like is important.

And what we've seen -- and I think the L.A. County project speaks to this -- is the ability to provide flexibility and options across the process. So, we talk a lot about the voting machines and understandably, but finding ways to do things when you're upgrading your website to be more secure, are you also upgrading your website to be more accessible to better serve voters, so that they can get to the information they need, so that they're empowered and able to vote? And how are we looking to make even the verification process or the auditing process more accessible? Voters with disabilities want to know their vote is secure just as much as voters that don't have disabilities. They want to know that the process can be audited and that votes are counted as cast, just as much as everybody else. And so, how are we offering them access to the process beyond just voting so that they can have that level of comfort in moving forward with the process?

And then understanding and managing the risks that we introduce. So, Kelly raised that the common thought around -- you know, if I can bank online, why can't I vote online? And there are fundamental differences, including privacy and independence,

which we've talked about. The reality is, in banking it's not only not private, you want to know every transaction, and you want the bank to know who you are and what your transactions are, whereas, privacy and independence, in this case, is critical to the process, both from a security and accessibility standpoint. And so, there are fundamental challenges and differences that that privacy and independence introduces from a security standpoint and an accessibility standpoint, as we look at balancing that out.

And so, I think as we look at options, as we look at improving access and securing the process, it's incumbent on all of us -- sure, without question, the security community -- to ask ourselves, what impact does lack of accessibility have? A vote -- as Doug eloquently said, a vote not cast because someone didn't have access to the process, or vote cast that doesn't adequately capture the intent of the voter, is a security problem that can't be accepted.

And so, what steps are we taking, not just to worry about the overall, you know, cybersecurity best practices, but understanding what impact availability, access to the ballot, the ability to interact with the ballot has? Because the reality is the vast majority of voters that benefit from accessible technology, whether it's in the registration process, the voting process, or otherwise, don't identify themselves as disabled, but get a whole heck of a lot of benefit out

of things like more accessible websites or ballot-marking devices or screen enlargement or items like that. So, I appreciate it.

COMMISSIONER HICKS:

Thank you.

Before I turn it over for questions, I just want to -- I always go back to the one example that when we were first recommissioned, we went up to Boston for a forum at Suffolk Law School. And one of the gentlemen who was in a wheelchair gave us an example of technology and innovation that occurred that benefits a lot of other people. And that was basically the curb cuts, basically how curb cuts were put in to allow for folks who have disabilities to be able to access sidewalks and so forth. But we all use it when we bring our, you know, luggage through airports and things like that as well. But -- and no one really thinks about it.

So, it's things like that that we should be thinking about, in terms of moving forward with technology and innovation to ensure that those who have disabilities have access, but also that it benefits all of us.

So, with that, Kelly, you talked a little bit about your first vote and -- back in the early '70s, and some of the barriers that you faced, but can you tell us a few more of the barriers that people with disabilities encounter in the voting process and how can technology help to promote progress in that?

MR. BUCKLAND:

Sure. Thanks, Commissioner. Well, I think we face barriers from the very beginning, like the websites where you get your information, a lot of those are inaccessible. I don't know how many were watching when the presidential -- or the campaigns started, but all of their websites were inaccessible. And I ran for the State Senate and the House of Representatives of Idaho, and -- as a candidate. And as somebody who worked on campaigns, the campaigns were inaccessible. Like most of the fundraising stuff that's held, most of the campaign meetings are held at inaccessible spots. They're not -- their information is inaccessible, and the voting registration process is a lot like that. And getting voter information about your candidates is a lot like that. You face all those barriers to get that information.

And then, the voting process itself is a lot of times inaccessible to even -- some of the ones I mentioned was like when you go to cast your ballot, even getting into some of the polling places is a problem. And then, when you get there, registering and finding somebody, like Diane mentioned, finding somebody who knows where the accessible voting machine is and finding somebody who knows how to turn it on and set it up and all of that, you run into all of those kinds of issues.

And then -- so I do think technology could address a lot of that, and I understand the fundamental differences between banking and voting. But my point was if we could figure one out, we should be able to figure the other one out. Technologies should be able to be developed -- we're smart enough to do this -- that are secure and provide more accessibility.

But one thing I do want to just make a comment about is I don't think we can just think that technology is the panacea either. A lot of people with disabilities, technologies actually create barriers for them. So, we need to keep those kinds of things in mind and make sure that the voting process is easy to understand for people who have a hard time reading text, for reading complicated stuff, and make sure that it is accessible physically, as well. So, we have to think about both of those things, especially as we're developing new technologies. We need to bake that in at the beginning, not try to fix it later on. So --

COMMISSIONER HICKS:

Thank you. Diane, you were -- you are on the TGDC and talked a little bit about some of the barriers that were faced in terms of the debate on security versus accessibility. Can you tell us a little bit about recent accomplishments from the TGDC? And I understand that you were involved with the L.A. County new

accessible machine. And I know it's about, you know, 7:15 in the morning out there --

[Laughter]

COMMISSIONER HICKS:

-- so they're probably not up or so. But can you tell us a little bit about the -- that new technology?

MS. GOLDEN:

Sure. So -- oh, sorry.

MALE SPEAKER:

I got you.

MS. GOLDEN:

Thank you. Yeah, and I am a tech person, great, not turning the mic on.

[Laughter]

MS. GOLDEN:

So, the TGDC, like I said before, did just finish their work on VVSG 2.0. And, again, there's new security requirements and there's new accessibility requirements, but a lot of clarification of prior accessibility requirements that were never quite understood. So, there's good things on both sides of the scale if you're looking at Lady Liberty, you know, and the scales-of-justice kind of thing. The standards themselves are relatively balanced.

The concern on my part and what was sort of hanging up the process, quite frankly, was the fact that those two sets of standards were not necessarily going to prevent segregated voting, to just be quite frank. I mean, you could have great accessibility requirements and great security requirements, but if those are implemented where everyone is hand-marking a paper ballot and there's one segregated machine that is going to be difficult, no matter how many times you train poll workers, if it's segregated, it's -- and if it produces a ballot that looks different, is printed differently, is counted separately, that is not accessible nor secure in my mind, and it's literally segregated voting.

So, we were wrestling with how to address that in a set of standards, and we did that through introductory text that basically said, you know, one segregated ballot-marking device is not appropriate, I mean, point-blank.

Now, what is -- obviously, the L.A. County approach is everybody -- or the universal way of casting a ballot, marking, verifying, and casting a ballot is through a digital interface, so everyone's using a digital interface to mark a ballot, so everybody's ballots look the same and are counted the same way. That's obviously on the other extreme. Everybody's digitally interacting, everybody's hand-marking paper over here. You know, the question is what's acceptable in the middle? I don't know. But

that's going to be a question election officials are going to need to wrestle with and decide what's acceptable.

Like I said, the L.A. County approach is to have a system that everyone uses, that has a lot of universal design features, a lot of adaptations for language differences, et cetera. Everybody's interacting digitally, marking a paper ballot, verifying it via that digital interface, casting it. There's automatic paper handling. And, again, I give them kudos for doing their level best to address all the accessibility issues with the understanding that it's still a marked paper ballot for security purposes at the end of the day. Unfortunately, they're coming under a lot of criticism from security folks again.

So, you know, my plea is -- I'm back to what everybody said. This is an acknowledgement of both. It's not an either/or, and until the security side of things actually gets on board with it's not an either/or, we're just going to I think continue to fight this battle of the preference for everybody to hand-mark paper and accessibility being a -- not a baked in from the start, not an integrated part, but a segregated, something we have to do as an accommodation on the side. So --

MR. MASTERSON:

Can I just -- quickly, I think Diane has done a good job laying out the L.A. County trade-off, but a key part for them, from both a

security and accessibility part, is every voter is offered the option to vote a paper ballot at home, as well. So, if you're worried about the security of the system, or you benefit from having more time at home with the ballot to understand what's on there, you can get a mailed ballot, mark it by hand and return it if that's what you prefer, or it buys you -- so I forget the percentage, but, you know, 60, 70 percent or more of voters in L.A. County are going to vote on a hand-marked paper ballot through the mail, because that's what they've chosen to do, both either because of access, security, or it's just what they want conveniently, or they can interact in person. And so, it's striking that balance that way, too.

MS. GOLDEN:

And I've got to give L.A. County another kudo. They also have a blank ballot delivery option where you can get your ballot digitally delivered to you. You can mark it -- for people with disabilities, particularly significant disabilities -- if I am someone who is deaf-blind and I'm using refreshable braille, nobody's going to build a voting machine that, you know, has a refreshable braille display built into it. That allows me to mark my ballot privately and independently using my own AT, assistive technology, at home. I store a QR code. I roll in some place, walk in someplace, scan my QR code. It prints my ballot, I can cast it hands-free. I can verify it. We're off to the races.

That sort of thing, again, not only do they have the hand-marked paper ballot at home option, they have -- I don't remember what they call it. They call this thing something. But they -- it's multiple options, multiple ways available to everyone, and that's the truly ubiquitously accessible and hopefully secure enough -- you know, it's all about the level of risk you're willing to take. And if you're willing to take zero risk, then, I mean, hand-marked paper doesn't have zero risk, but apparently that's what a lot of security people think. So --

COMMISSIONER HICKS:

Okay. Alice, you talked a little bit about ways to have a ballot delivered to those who have disabilities, and then talked a little bit about the facilities that may be in the district that might not be accessible. Can you talk a little bit more about how those places that are not accessible for folks to still be able to receive their ballots and cast their ballots independently and privately?

MS. MILLER:

Yeah, sure. As indicated, this year, for example, for the first time we will have an accessible electronic absentee voting platform so that anyone who wants to vote absentee will be able to do that through an accessible platform at home. It's an audio platform I believe that we'll just be implementing this year. Also, anyone can vote -- anyone can vote absentee, no-excuse absentee voting by --

at home. We don't need the excuse. Just request your ballot. We also have, as always, curbside voting. There's large print. If anyone needs a large-print ballot, we can get that for them. There's magnifying -- of course magnifying glasses at every precinct. Anyone who needs voter assistance, we have that available in every precinct throughout the District of Columbia.

And I just want to touch a little bit -- pick up on what Doug touched on, and that was the accessible voting technology initiative that -- the grants that were given out by Congress in 2009, 2010 and the fact that the R&D -- the research and development that was done through those grants, there were -- I think there were about 45 initiatives that came out through those grants, and a lot of the technology that was developed with those grants is now being put in place through the time that they came through with those grants. And I know Juan is here, but the Prime III is one of the things that came out -- was developed even more with that grant. And just speaking with him this morning, he indicated to me that ES&S, their ExpressVote is -- Prime III was a foundation for that, which I did not know for -- Prime III is the foundation which ES&S uses the ExpressVote.

So, with that in mind, you know, technology continues to be developed. And with the use of grants and continuation of grants, obviously, the continual development of technology and the use of

ballots and how we do these things to make it accessible for voters becomes more and more important. And those are the kind of things we need to look to to try to develop and become more and more creative with.

COMMISSIONER HICKS:

Great, thank you. Matt, as election officials work to meet the accessibility promise of HAVA, can you talk about the heightened importance of security in today's election landscape, along with the importance to have access for people with disabilities?

MR. MASTERSON:

Yeah, thanks, Tom. I mean, I think from traveling the country and meeting with election officials, the 2016 election, the impact it's had on the overall awareness around cybersecurity, the need to secure systems, and really, the goal is to manage the risks, right, that there's no such thing as perfect security, and so, how do we balance and allow the process to maintain integrity even if something happens, right? How do we build resilience in the process? And that includes being able to continue to serve voters, you know, provide not just the required level, but the expected level of access for voters.

And I think a couple points raised by Kelly, Diane, and Alice are really important to talk about because we focus so much on the technology. And I think Kelly's point about technology not being

able to solve all the problems is exactly right. And if you look at Alice's point about the role of poll workers, right? You're talking about a group of people that you have limited time to train, limited time to, you know, familiarize them with technology, which can be a security challenge, and certainly we've seen in practice a major accessibility challenge.

And so, how can we, as a community, working together, look at technological standards, look at technological approaches to make it easier for those poll workers to serve those voters and create better access, whether that's through systems that are easier to implement, systems that allow for more options like curbside voting, right, that -- having seen what some jurisdictions have to do to log those systems out -- you know, lug them out to the curbside and serve those voters, there's better approaches that don't involve introducing more security risk. In fact, it probably involves just simplifying the process in a lot of ways to be able to help support those poll workers that spend very little time with the technology and are asked to do a lot, whether it's from securing the -- that's irony. The poll workers are asked to both secure the technology and make it accessible on limited training and support. And so, I think we can do a lot to improve that.

And then, Kelly's point around the other peripheral systems that we use, making e-poll books accessible, right? That's a

security challenge that we continue to work on, because if you can't check in, if you're pushed away from the process because it's cumbersome or hard, that's not acceptable. Or website accessibility, website -- again, as you're investing to upgrade your website security-wise, you should be investing to make it more accessible for everyone, you know, not just voters with disabilities.

And so, I think we have lots of opportunity for improvement where it's not a question of balancing security and accessibility. It's literally, while you're in improving your systems, what can you be doing to both secure the system and make it more accessible? Because they interplay together completely.

And so I think, as we see the new HAVA grants go out, as we see people invest, I would love to see coordinated, you know, thought around what steps are we taking to secure the process, and what more can we be doing while we're, you know, touching that system to create better accessibility?

COMMISSIONER HICKS:

We have a few minutes left, and I want to invite questions from the audience. Doug is going to help facilitate this. And again, identify yourself. Wait for the microphone because this is being live-streamed, and please ask a question.

MR. CHAPIN:

All right. Wonderful. Also, I want to point out we've got a couple other folks from the EAC here if you all would just raise your hands, I'll make sure that we get the mics to you.

Real quick -- and I'm not asking anybody to answer this, but just a couple of things that occur to me as I hear this that folks are welcome to address or ignore like my students often do --

[Laughter]

MR. CHAPIN:

-- one is, I like Kelly's idea that this is an issue of security versus accessibility, but actually an issue -- almost an issue of segregation. How much segregation are we willing to tolerate, and if so, how are we going to implement and fund that? The other, based on what I'm hearing Matt and others say, this new Federal money that's available, either the '18 wave or the latest wave, to what extent are we using accessibility as one of the things about which we are going to secure the election process?

With that, I'm going to don my mythical red glasses and come right back here.

MS. ABELA:

Hi. Good morning. My name is Maya Abela. I'm with the Arizona Center for Disability Law. We're the protection advocacy system for the State of Arizona.

And I had a question I was hoping to just open for the discussion, and that is that, you know, the latest round of HAVA funding was back in 2018. We petitioned hard to get our Secretary of State to utilize some of those funds for accessibility concerns, consider those sorts of things. In the end, security kind of won out on that. And I was hoping, do you have ideas, recommendations for how we engage our local election officials that are making these decisions about which new technologies to invest in for elections, thoughts about how we can get them to understand that this is not necessarily diametrically opposed, security versus accessibility, that those two things can be considered together?

MR. CHAPIN:

It's all you, panel.

[Laughter]

MS. MILLER:

Well, I'll say that we are actually using our 2018 money to utilize it for the accessible absentee electronic voting platform. So, that's one way that we're using our money for the -- for accessibility. It just made sense to do it for that. I mean, there are some things going toward -- what -- for --

MALE SPEAKER:

Security?

MS. MILLER:

Security.

[Laughter]

MS. MILLER:

That, yes.

MS. GOLDEN:

I like that.

MS. MILLER:

Forget about that.

MS. GOLDEN:

Let's just forget about it.

[Laughter]

MS. MILLER:

Security as well, but yes, accessibility was just as important
in our minds as well.

MR. MASTERSON:

The only thing I'll say, election officials rightfully -- it's an extremely resource-limited, right, area? And so, as they're making decisions on investment, those places, again, where investment -- and so, if you're buying a new server, there's very little -- and that's needed in many places, right? There's very little accessibility implication to that. But as you're looking at your website, as you're looking at improvements to what voters interact with and interface with, looking at systems that thought about accessibility and

security from the design stage should be part of the procurement process, right?

It's not just one or the other. It's holistically how does whoever -- whatever vendor you're working with or anybody else, how do they view both the access and security challenges of whatever system is being provided and how can you invest in something that supports that? Because a lack of access is essentially a denial of service, right? And so, with those systems that folks interact with, it's not just about having something that's super secure, but it's also about having something that people can actually use to register to vote or whatever the system is doing, right?

And then the other part of it for me is -- again, goes back to whether it's the folks at the local election office or really the poll workers, when you're investing or training -- you know, investing in additional training around how to secure the system, is also an investment on training time about how to provide access, right? And so, we see a lot of people doing things like tabletops and training for their poll workers or officials. Incorporating questions around access into that conversation is wholly appropriate. It doesn't only need to be about malware present on a system, but talking about overall how that can play out.

MR. BUCKLAND:

And I would just echo the comment about there's already a lot of things that you could do in regards to training people to make the whole thing more accessible. There's a lot of this stuff that's decisions that are made as you put an election together, so make sure that when you're putting it together, you're putting it together accessible and you're doing training to people so that we're not segregated off or that things -- the machines aren't set up, all that sort of stuff. There's a lot of things you can take care of just through training, and you should do that.

But also, I just want to remind everybody it's not -- it's not an option. I mean, my vote is guaranteed, and it's a civil right to me under several laws, right, not just one. It's not just HAVA. There is a number of laws that guarantee me the right to vote and the right to an accessible and private vote. So, it's not like an option. You can't choose not to do it. It's really something you are obligated under law to do. And I would just remind him of that so --

MS. GOLDEN:

And I'll just add one last thing, which is I -- and Kelly is channeling me. And I said this over and over and over again in TGDC meetings, accessibility is a legal mandate. We're not talking about it's the right thing to do. We're not talking about it's a good idea. It's the darn -- it's a mandatory thing. And yet, for whatever reason, the press coverage, everything is focused on security. I

guess it's glitzier. It's more, I don't know, popular. But every press article is going to be about security. It's not going to be about accessibility. And we can't -- for whatever reason, we can't seem to raise the level of understanding within the press corps or within the general population. So, until we do, I think we're just going to keep battling this focus on security, which ends up then, frequently unintentionally harming accessibility. So, I don't know how we change the dynamics so that it isn't the focus where it's been.

MR. CHAPIN:

So, what I'm hearing as a takeaway, while I'm waiting for more folks to put up their hands for questions, is that whether it's directives from the Federal level or awareness among the election community, we need to understand that accessibility is a necessary included part of this idea of security and act accordingly.

MR. MASTERSON:

Can I say just real quick while you're walking with the mic, you're doing a great Phil Donahue --

[Laughter]

MR. MASTERSON:

-- which is a dated reference, but I'm old enough.

Investment -- and you're quite -- investment in things -- and I'll give a specific example, but there are others -- in something like Windows 10, that's a security investment, but there's improved

accessibility in that operating system as well, right? So, understanding that that's an improvement, not just to the security of the system, and a critical one, but to the accessibility of the system. That's a really good pick-up for election officials.

MS. FALL:

Hi, my name is Tate Fall, and I'm with the Alabama Disabilities Advocacy Program with Alabama P&A. My question is for Alice. So, I would say the majority of the issues that we have in Alabama does boil down to lack of poll worker training, but in Alabama, poll worker training is not required, only the election judges have to go to training. And in addition to that, curbside voting is illegal per our Secretary of State. So, how would you suggest that us advocates try to help these poll workers, educate them, especially when it comes down to using the AutoMARK or the ExpressVote?

MS. MILLER:

That's difficult because our poll workers are required to have a minimum of four hours of training before they can work in the precinct on Election Day. We got it through legislation, so that may be an avenue that you may want to go through, is your legislators, to get it into law. So, through law they have to have training, and without training, they cannot work in the precinct on Election Day. So, that might be a way to do it.

MR. CHAPIN:

Anybody else on the panel? Good. Right. Diane, I do want to thank you for using the word darn. I imagine you said something stronger in the meeting.

[Laughter]

MALE SPEAKER:

I can confirm she did, yeah.

MR. CHAPIN:

Speaking of something stronger, the gentleman in the back?

MR. DIXON:

I'm Jim Dixon, the National Council on Independent Living. I would like the -- Alice and others on the panel to address this myth that paper ballots are secure and accurate. It's magical thinking on the part of computer geeks who say, oh, hand-marked is super safe. Could you just tell a couple of stories about how paper ballots and the whole question of voter intent complicate -- make elections insecure and difficult to do?

MS. GOLDEN:

Go for it.

COMMISSIONER HICKS:

We don't want to put Alice on the spot like that, Jim.

[Laughter]

COMMISSIONER HICKS:

But I would just highlight Florida 2000, that was a --

[Laughter]

MS. GOLDEN:

There you go.

COMMISSIONER HICKS:

-- which was mostly about ballot design and the inaccuracy of counting ballots.

I would say that we've gone -- we've come a long way in those 20 years, and I would say that we can go a little bit further. So -- but that's the point that I would make of ballot design and inaccurate counting of ballots.

MS. GOLDEN:

I'm just going to add -- and I've said this other people. I also -- you know, voting is not my primary work genre. This has been a volunteer side effort for the last 20 or so years that I've been doing this. And I work in obviously assistive technology and spent a lot of time in the K-12 education sphere, higher ed, college. And this issue of security and accessibility comes up in high-stakes testing, you know, the LSAT, the GRE, the ACT, you know, high school exams, you know, all of that sort of stuff.

And what I -- this goes to Jim Dixon's question. And all those have moved to digital interfaces because of the problems with people trying to color in dots on the hand-marked thing and it's

not voter intent, it's student intent. And, you know, the accounting systems if there's a missed mark or the student is drinking coffee and its splashes on it, you know, I mean, you have all of these issues. And those are high-stakes things, somebody getting admitted to law school, getting admitted to whatever college. And the accessibility issues of those digital interfaces we've had to work through the balancing of security and accessibility, and we've made really, really great progress.

So, all that is to say is, yes, other folks have realized that hand-marked paper is not terribly secure or accurate in a lot of ways, and they have moved to digital in other environments and have balanced the two issues. So, you know, I'll hold out hope that maybe in the voting environment we can pull this off at some point also.

MS. MILLER:

So, I would say for D.C. in all of our precincts we offer both a traditional paper ballot and a ballot-marking device. Voters have an option they can choose whichever they want in both early voting and on Election Day. If we had more ballot-marking devices on Election Day, I'm sure there would be more individuals choosing that. When we -- for early voting there is no question more voters obviously float to the ballot-marking device. That is -- there is not even an issue about it. They generally love the ballot-marking

device. It's easier, it's quicker. It's a lot simpler to use. Choices are easier to select. You don't have -- you know, we don't have a problem with voter intent with that. It's just very easy to do.

So, we will be able, obviously, to purchase more equipment with the money that we have now, so we will be able to increase the number of BMDs that we put in the precincts that, with that, I think voters generally like the BMDs more so than the traditional paper, but we offer both.

MR. CHAPIN:

And two things. I think, one, the next panel we'll talk more about ballot-marking devices. Thing two, as someone who works with the University of Minnesota, just on the subject of paper ballots, I'd be remiss if I did not say the two words, lizard people.

[Laughter]

MS. PEDERSON:

I'm Essie Pederson, and I'm with Self Advocates Becoming Empowered. And I have more of a comment and a suggestion. We -- every other year, we survey our membership and people with developmental disabilities, and one of the things that comes up very hot is poll workers. And, you know, we've been talking about that. And I would just like to reinforce the importance of training our poll workers. I am a poll worker. I have been a poll worker for 10 years. Every time I go through that darn training, I try to talk about

people with disabilities and how to make things accessible. And I am not nicely told to be quiet, that we're not discussing that. So, the doors aren't really open for that.

But what I'd like to talk about now is that we have learned a great deal, that people cannot understand the ballots. I mean, we're talking about the technology, but as we do the technology, we need to look at the information that's going on there at the same time. I know we're going to be talking about ballots more, but I think the technology design needs to be sensitive to how that's laid out and how that looks and how you present it to people. Thank you.

MR. CHAPIN:

And I'll go ahead and add a question to that. To what extent -- I mean, Matt, I know more and more we're seeing security officials suggesting that one way to secure the process is for more people to participate as poll workers. I'd be curious about what you and the panel think about opportunities and imperatives for folks with disabilities to participate in the process, not just as voters, but as poll workers or other election assistance.

MR. MASTERSON:

Yeah, I mean, this is a topic that's -- when I was at the EAC, was one that finding voters with disabilities and empowering them to serve, not just as poll workers but, again, they're just as worried

about the security of their vote as every other citizen. And so, whether it's the ability to participate and engage with pre-election testing, postelection auditing, the account process, it's critically -- but that access has to be available throughout the process not just, you know, in the voting process itself.

And so, I know there's a longtime challenge. Folks across the country, Jim and Diane have pushed for things like greater access with electronic poll books, but also, just the greater representation throughout the process and whether it's serving as a poll worker or otherwise, because it matters. It helps voters understand that, you know, their perspective is valued and taken into account, and it improves the overall accessibility because they ask questions and challenge in a way that I certainly wouldn't, right? And so, I think it's critically important.

MS. GOLDEN:

And I will just add, every time I do a presentation on voting, which seems like it's pretty frequent, no matter who the group is, I tell everybody in there, go, sign up to be a poll worker, whether I'm talking to a group of occupational therapy students or I'm talking to a bunch of AT -- assistive technology people or I'm talking to -- it doesn't matter, people with disabilities, every one of you. If you've -- if you know something about accessibility, then you need

to volunteer to be a poll worker because they need people who understand accessibility.

And, you know, I've actually had a few people follow up with me and say -- someone in Florida, I was just at Assistive Technology Industry Association, did a session on voting, and there's -- I think she's an occupational therapist in Florida who's signing up to be a poll worker in her local jurisdiction. For every one of those people it's -- I -- that's a step forward.

MS. MILLER:

And I would just say quickly, we work very closely with the Office of Disability Rights, and we do have a number of poll workers who are individuals that classify as -- in the -- in that category. We try to recruit them. We put them in our precincts, and that's a visible -- they're very visible in our precincts in the District of Columbia, and we work very closely to recruit and to have them there.

MR. MASTERSON:

And one final -- I'm sorry, it came to me as Alice was talking. It's something Diane drove home during the TGDC process. A lot of times, voters with disabilities are more tech savvy than your typical poll worker because they've been forced to interact and use technology in a variety of ways in their lives. And so, I know from talking to many election officials that have voters with disabilities

either serve on advisory councils or serve as poll workers, they're very, in many cases, extremely tech savvy, and can offer a lot of guidance and advice on the use of an engagement with technology, which I think is really useful.

MR. CHAPIN:

Okay. We've got just a few minutes left, so I'm going to enforce the lightning round. If you could be brief in your question and also brief in the answers to the panel.

MR. PAVITHRAN:

Hi, I'm Sachin Pavithran with the U.S. Access Board. I appreciate all the comments that has been made so far. One of the barriers that I've seen as a person with a disability, as a blind person and especially in rural areas, transportation is one of the biggest barriers to get folks to get to polling places. And that continues to be a problem, not just in rural areas, but in most places. So, solutions to be able to vote independently when transportation is a barrier -- now, I would think options like mobile voting is a critical component. And when we talk about that option, security folks don't tend to get too excited about it.

[Laughter]

MR. PAVITHRAN:

I'd like to hear your thoughts about it.

MS. GOLDEN:

This is Diane Golden, obviously -- and agree, and that's the beauty of remotes or any kind of -- the whole early voting, remote voting, whether it's remote ballot-marking or it's blank-ballot delivery, all those sorts of things. And I know that's a topic for an upcoming panel that's going to be talking more specifically about those options. And, yes -- I mean, but you're right. It -- I mean, it -- I know we've harped on this, but it's literally everything we tend to throw out that is going to increase accessibility, we get the pushback from the security folks and remote voting systems. Yes, there's -- you know, if you breathe the word digital on the internet, it's like a no-go from the beginning.

So, yeah, again, we have to find some balance, because that's my -- you know, my example of people who are deaf-blind, I mean, they absolutely -- no matter what we build into a voting machine at the polling place, it's not going to likely work. Or somebody who's using, you know, an eye gaze system, okay, they're going to have to use their own technology to mark ballots. They just -- there's no other way around it. So, we've got to have remote options that the security people will accept.

MR. BUCKLAND:

Yeah, this is Kelly. I'll just weigh in real quick. We were -- or I was at a meeting, along with Michelle Bishop out here in the audience just last week, where we were talking about with some

Senators' staff about voting and security, this very topic. And this came up. And like the only way to address it, I mean, versus what we're talking about in regards to early voting and ballot delivery and those -- some sort of technologies so that people can vote remotely would be to mandate transportation for everybody in every part of the country, which obviously isn't going to happen. And a lot of the transportation systems aren't accessible anyway, so really we have to figure this out through some other means, like what we're talking about, early voting, ballot delivery, some sort of technology where you can vote remotely, that sort of stuff. And the Votes app is one thing to look at in regards to that. So, you know, transportation is a big problem for a lot of people with disabilities, and so we've got to figure this out.

MR. CHAPIN:

And this is Doug, borrowing Kelly's mic to give the birthday boy the last word.

MR. LEWIS:

At age 74 I'm just about old enough to become a poll worker, so I'm going to --

[Laughter]

MR. LEWIS:

For those of you that represent disability organizations, be sure to go back and read the Help America Vote Act. There is a

little-known provision in it that says if any additional Federal funds are appropriated to buy voting equipment, that every piece of voting equipment that is purchased must be accessible, not just one per precinct, but every system has to have accessibility. Now, that's never been tested in the courts, and obviously it's going to take somebody probably trying to enforce that in order for it to take -- impact.

But -- so those of you that represent accessibility organizations, read that. Get with your lawyers. Try to figure out what you think can be done, because the truth is the system should be that they can pick any one of the systems in the precinct to vote on and have other voters also voting on it, so that there can be privacy and independence.

MR. CHAPIN:

Commissioner, it's all you.

COMMISSIONER HICKS:

Thank you, Doug. And thank you, Doug.

[Laughter]

COMMISSIONER HICKS:

I would like to highlight an EAC tool which incorporates both accessibility and technology. In 2016, we created the voting rights card, and one universal accessible pamphlet presenting the information in braille, which I don't have up here with me today, in

large print and plain language, but we have it out at the booth outside. But on the back of here has a key barcode. And I just tried it to make sure that it still was working correctly.

[Laughter]

COMMISSIONER HICKS:

To date, the EAC has distributive thousands of these well-meaning cards -- well-received cards and plans to teach and plans to give out more of these cards before the November election. And I always carry this around with me, so -- one other thing that I wanted to highlight is that Diane brought up some very bad memories for me, because I remember taking the SAT and knowing that I should be at an Ivy League school, but the scores did not come back correctly.

[Laughter]

COMMISSIONER HICKS:

And I think that's because of my marking of those SATs.

[Laughter]

MS. GOLDEN:

It was not your intent.

COMMISSIONER HICKS:

Yeah, exactly. But I would like to thank all of the panelists for their tremendous contributions and helping discuss the private

and independent vote for people with disabilities. And please join with me in thanking them.

[Applause]

COMMISSIONER HICKS:

We look forward to our continued work together as we call upon innovative solutions to further assist voters with disabilities and the election officials who serve them.

With this, I am going to -- and we can do this -- Kelly, I wanted to present you with the Cleary Award.

FEMALE SPEAKER:

Oh, nice.

COMMISSIONER HICKS:

But I'm -- we can do this after, but I just wanted to make sure that everyone saw this. But I also wanted to, you know, make sure we get a couple of good pictures.

[Laughter]

COMMISSIONER HICKS:

But thank everyone who came here today, and thank the panel again. And we're going to take a 15-minute break, which we'll start at 11:15 -- or 11:10, sorry.

[Recess]

MR. CHAPIN:

Thanks, everybody, for a good conversation in the first session and for staying on schedule through the break, which I know is always a challenge. We are now ready for session two, to be led by Commissioner Don Palmer.

COMMISSIONER PALMER:

Thank you. Welcome. We're looking forward to a discussion now about ballot-marking devices and the Help America Vote Act, and that's really what this is all about is helping America vote. And these machines, these devices are an important tool for election officials and voters seeking to provide accessible voting experience to voters with disabilities and to provide options to all voters.

Before we move -- we go forward, let's talk a little bit about what is a ballot-marking device for our viewers that may not know. It's important to understand that -- what we are referring to and with a voting machine, a ballot-marking device, you know, through an electronic interface similar to the older DREs that are now being phased out, these machines will mark votes on physical paper ballots. In general, these ballot-marking devices neither store nor tabulate a vote. The machines allow the voter to record votes on ballots that are then stored and tabulated by independent scanners. The voter then uses the device to mark the ballot and takes the ballot over to a tabulator to cast it so there's no tabulation, there's

no connection to the internet. It's -- there is a ballot and often a cast-vote record of that -- the ballot.

So, BMDs incorporate a variety of assistive technologies for voters with vision, mobility, or other disabilities. They allow voters to adjust the size of the ballots displayed on the screen. They can provide an audio read-aloud function for voters, and they can present ballots in multiple languages that is a need for both voters and election officials to help all voters.

These machines have -- going back, I can remember back in 2006 and the AutoMARK. There's been a series of improvements from security and usability and accessibility over those years, over the decade or more. They're now being utilized in 36 States across the country. The EAC has now, by my review, certified -- five vendors have brought their systems in for certification of VVSG 1.0, our security and accessibility, usability functionality, and has been certified by the EAC and by other States across the country. And so, these not only help voters with disabilities, but they help everyday voters, every voter prevent mistakes. And that's been mentioned before about overvotes, undervotes, other mistakes, errant marks on a ballot. It really reduces the potential for Americans to make mistakes on their ballots and the potential that their vote won't count.

And so, during this session we're going to hopefully foster a discussion about these voting-marking devices amongst election officials, voters with disabilities, advocates, and security officials. Given the extensive debate and use of these across the country, we want to discuss the technology, where it's going, the opportunities it provides for voters, as well as how do we improve security with these systems.

So, I'm going to take a little bit of a different approach as the first panel. I'm going to -- first of all, I'm going to introduce our panel, and then I'm going to give a leadoff question for each, who will go about five minutes discussing some of the broader issues, and then we're going to open it up to questions from the audience.

So, our distinguished panel, starting from my right, will be Lou Ann Blake, who is the Deputy Executive Director of the Blindness Initiatives, the National Federation of the Blind; Gema Howell, who is a Computer Scientist with the National Institute of Standards and Technology (NIST), who is a partner with the EAC and our committees on developing standards, security, accessibility, usability, all types of functionality for the new systems, the new generation of systems; Anthony Albence, who is the Commissioner of Elections in Delaware; and Juan Gilbert, who's the Chair of Computer and Information Science and Engineering at the Department of the University of Florida.

So, I'm going to start off with a leadoff question for Lou Ann Blake, and then allow them to launch into their introductory comments.

The NFB has been very active in protecting the voting rights established by the Help America Vote Act, which is the enabling legislation of the EAC. Lou Ann, can you tell us about the -- your work in this area since HAVA and your efforts to ensure the importance of a private and independent vote?

MS. BLAKE:

Whoops. Oh, thank you. Good morning, everyone.

ALL:

Good morning.

MS. BLAKE:

Thank you to the Election Assistance Commission for the invitation to be here.

The National Federation of the Blind is the oldest and largest organization of blind people in the United States. One of the issues that's very important to our members -- we are a membership organization -- is voting. So, we have a HAVA grant from the U.S. Department of Health and Human Services, and under that grant we provide a number of services to the protection advocacy voting advocates to election officials, to election technology developers related to accessibility of the election process.

In addition to that, we've done a number of other advocacy efforts related to access to the voting process by blind voters. That relates to accessible websites, online registration, online voter registration, and protection of ballot secrecy, in addition to accessible absentee voting. So, one of our really important activities that we do is protecting the secrecy of blind voters' ballots. And that's an issue that was discussed a little bit earlier on the first panel and I think I want to talk a little bit about that. And I want to do it from a little bit of a different perspective.

Protection -- or security and accessibility, it's not an either/or. We have to have both because it -- really, it's an issue of civil rights. The -- this country back in the '50s and '60s decided that segregation is not equal. Separate is not equal. And so -- and it's no different with voting. HAVA actually provided voters with print disabilities with first-class citizenship when it came to voting. Prior to HAVA, we had to vote with the assistance of a sighted person, telling our choices and hoping that they actually marked our ballot the way we told them to. HAVA enabled us to vote for -- privately and independently for the first time as first-class citizens. And with the movement to paper ballots, that first-class citizenship is now threatened.

We -- of course as, you know, everybody -- as Diane mentioned, paper ballots are not accessible. You cannot make

them accessible. And with the ballot-marking device being relegated to the system used primarily by voters with disabilities, many of these systems produce a ballot that's different in size and content from the hand-marked ballot. Because these systems are used infrequently, poll workers do not know how to set them up, they don't know how to operate them. And so, our voting experience is not -- is not equal to what other voters' experience is. And the Americans with Disabilities Act requires that voters with disabilities have an opportunity to vote privately and independently that is equal to the opportunity provided to other voters.

So, you know, we are working to have BMDs be deployed at polling places as the primary method for marking ballots. That's one of our priorities right now as an organization. We also are focusing on poll worker training that is such a critical issue and ensuring that they are trained on the actual machine, how to set up and operate the machine, as well as ensuring that voters with disabilities are provided the opportunity to serve as poll workers. So, those are kind of our primary -- our poll-based activities that we're focusing on right now.

We also, under our HAVA grant, work with election technology vendors to ensure that their systems are accessible and providing materials that they can -- that protection advocacy advocates can use to ensure that poll workers are trained properly,

that they can -- you know, how to hold a voter registration drive focused on voters with print disabilities and providing them documents that will educate blind and low-vision voters and other voters with print disabilities about their rights as voters.

So, in a nutshell, that's kind of what our focus is on on voting.

COMMISSIONER PALMER:

Thank you, Lou Anne.

Gema Howell, NIST helps lead in the development of technical guidelines and election security efforts. What are some of the concerns about ballot-marking devices and systems, and how does NIST take those concerns into consideration when helping develop those standards?

MS. HOWELL:

Thank you for the question. And also, thank you for inviting me to be here. As you mentioned earlier, Commissioner Palmer, NIST helps assist in the development of the VVSG and the technical guidelines and requirements that go into that document, which is for the testing and Federal certification of voting systems.

Just for context and scope, those requirements focus specifically on the systems themselves, the voting machines themselves. And although we don't tend to touch on external processes, we may share references within that -- within the

document that point to other best practices that could be useful outside of the VVSG scope.

That said, some of the concerns that have come up and that I want to highlight today that we address are, you know, preserving the accuracy of the final vote tally, securing against attack or failure, and then, also voter privacy.

So, firstly, for preserving the accuracy of the vote, what I tend to point to there is how we include software independence, which is, if there is an issue with the software, that cannot cause an undetectable change or error in the election outcome. And so, we make sure that that principle is applied throughout the VVSG through prevention, detection, and recovery, so not dependent on the software. And of course this will eventually lead to some more conversation around that this software independence for ballot-marking devices partially depends on how reliably voters notice and correct errors and perform verification, and also recovery, the ability for these ballot-marking devices to produce the artifacts used for audits later on.

With regards to securing against attack and failure I'm -- I primarily focus in the security area of the requirements, so we have a set of principles, guidelines, and requirements that focus on all the different security controls, things such as access control, data protection, system integrity, and detection and monitoring.

But taking a step further into that, we also focus on limiting the attack surface. One thing I want to highlight here is that we are sure that the scope was clear in that the voting system, including ballot-marking devices, are not connected to any external networks, so they don't touch the internet, they aren't connected to the internet, and they would require an air gap. This is to prevent things like remote attacks, nation-state attackers being able to inject malware or manipulate votes and things like that.

Another way that we've limited the attack surface is by setting restrictions that the voting system or the ballot-marking device included would not be able to broadcast wireless communications, so Bluetooth, Wi-Fi, and things like that.

And with everything that we've done as far as including these security controls, we reached out to our usability and accessibility team and made sure that we weren't impacting anything on their end as well. As has been mentioned throughout this forum today, you know, security and accessibility go hand-in-hand and they need to be talked about together, and so, we work with our accessibility team to ensure that none of the requirements impact the accessibility. And so, those wireless requirements don't impact the use of a voter's assistive technology. We ensure that there were alternative ways for voters to use their wireless communication technology with a ballot-marking device.

And then, lastly, voter privacy, so voter privacy, there's a whole principle on voter privacy, as well as ballot secrecy, and that's ensuring that the voting system is designed and deployed to enable voters to obtain a ballot, mark, verify, and cast it all without revealing their selections, including their ballot selections, their language selections, display information without having to interact with anyone else.

And I think I'll stop there and wait for questions.

COMMISSIONER PALMER:

I'm sure you'll get some follow-up questions.

MS. HOWELL:

Yeah. Yeah.

[Laughter]

COMMISSIONER PALMER:

We're going to now turn to Anthony Albence. Delaware recently adopted ballot-marking devices across the State. And could you please tell us about the planning and the implementation of that system across the State and how that process is ongoing and what feedback have you got from election officials, local election officials, and voters if you --

MR. ALBENCE:

Thank you. Thank you. Thank you, Commissioner Palmer, and fellow EAC Commissioners and staff for putting this together, and thank you for the invitation.

As you mentioned, Delaware did recently -- we recently undertook a complete upgrade of our election systems and elections technology, including polling place voting machines. Just a little background about Delaware and about our elections.

Because of our size, obviously Delaware is a small State. And that brings us a lot of advantages. A lot of functions in Delaware that may be handled at a local level in other jurisdictions are handled at the State level in Delaware. So, we're unique in the sense that our office, the Department of Elections is a single statewide department. We manage everything top to bottom. There are actually no local elections officials per se. Everyone works for us, so to speak. And so, we manage everything, and -- procurement of equipment, policy, technology, everything.

So, when we sought to move into the realm of new equipment, just to give you a little background, we did have statewide DRE equipment. We had the Danaher Controls, machine 1242, which worked very well for us, honestly. We had it for 20-plus years. We first implemented it in 19 -- mid-90s. 1996 was the first full implementation in a presidential year. It was -- you know,

as many of you may be familiar with it, it was the product of 1980s technology at best.

It worked again for us, but the accessibility piece that was available was rather limited. There was an audio recording of the device. It was rather challenging to create that recording. It was very manual, labor-intensive, and it was very limited in its scope, and it really -- it did offer the basics of providing an accessible experience, but it was certainly lacking, you know, given today's technology.

So, when we began the process of upgrading our equipment, we made it -- the accessibility concern was a top priority for us. One of the advantages that we had even with our legacy equipment, as we call it now, was that we could provide an experience for the voter that was -- did not require use of any distinct equipment, any kind of distinct voting machine or ballot-marking device, and that was a priority going forward.

What we -- just to fast-forward a little. What we did, our process, which did include engagement of the accessibility community locally, was we actually were empowered through our State legislature, our General Assembly, we had a task force. It was initially called Voting Machine Task Force that really -- kind of the scope grew to be the entire system upgrade, and that included a whole host of people, elected officials, technology folks, elections

officials for a variety of folks and -- who independently evaluated our equipment, bids all based upon the very strict State bidding requirements.

What we ended up choosing -- and that was actually an independent evaluation and it was a unanimous choice by all of the members of the committee was an ES&S product. We used the ExpressVote XL. Many people may be familiar with the ExpressVote. The XL is essentially similar technology but with a larger format, a screen. And the reason that that was chosen in Delaware, just, again, more background on that, Delawareans are used to voting a full-face ballot. Our legacy machines had that. Our ballots in Delaware are relatively simple. We don't historically have ballot questions, things of that nature. Actually, our General Assembly has in fact authorized ballot questions to appear on our ballots, so it's very, very rare -- I mean, it's been 30-plus years since we've had a ballot question just to give you a context. So, our ballots are, you know, fairly simple compared to a lot of other jurisdictions.

So, the equipment that we chose, again, provided that full-face experience but, again, was a ballot-marking device. That was one of our key components was the paper trail, an auditable paper trail, voter-verifiable paper trail. And, as I mentioned a few minutes ago, the accessibility piece was key. We did not -- it was a

nonnegotiable that voters would need to use any equipment distinct from the standard voting machine.

And the response to the machines -- we've had them for over a year now. We've utilized them in our statewide school board elections. Again, we -- again, our office, we administer -- any kind of election in Delaware, we do it. You name it. So, we used it for a statewide school board election. We used it for a number of school referendum, including a very heavy turnout referenda just last week in Sussex County, in the beach areas, and various municipal elections, and obviously ramping up for this year's elections.

The feedback has been quite positive on it. We are very happy with the technology that was available. This -- this device utilizes what's called the UVC, a universal voting console, which provides a lot of modalities. It does provide braille. It provides differently shaped indicators and buttons, raised edges. It includes interface for sip-and-puff and other modalities, something we never had in the past.

And what's also nice about that, in addition to that, the equipment itself does provide some features, again, that were never possible with our legacy equipment, screen size enlargements, enlarging the contests on the screen, use of contrast, a whole host of features that we never -- never had.

And one of the priorities that we've had -- and we've done this over the years, but one of the priorities that we've done especially with our new equipment and the training of poll workers, which was touched on earlier, which is essential, we have really stressed that the technology that's available, we want our poll workers to be fully engaged with it. We want them to try it. We want it to be offered to any voter that would like to utilize the technology. And this, again, has been something I think we've done a good job on in the past, but we're trying to even -- to do even better, addressing some of those issues that have come up earlier in the panel in the first session. We never want there to be an experience in our polling places where the equipment is not ready to go by someone to come in -- anyone to access it, anyone to utilize the technology.

And we have been very fortunate that our poll workers have been very receptive to this. They've in fact embraced it, and we've made it a priority for them to know that part of their job is to serve all the voters that come in and to provide an experience that -- an experience of service, an experience of convenience, an experience of trust of the process that's consistent across the board. So, that's been very successful for us.

We also wanted to be sure that -- and, again, this was touched on in the first panel as well -- that not only would voters

who may need to access the accessibility options have any distinct experience such as using other equipment, we also wanted them to know that their vote will also be included in all the postelection auditing-type of activities that we will be engaging in. Part of the legislative changes that came about in Delaware with the adoption of the new equipment now that we have a paper trail were audit requirements, so the ballots that are cast using the assistive technology are in no way distinguished from any of the other balance and are fully included in the auditing process, so that was a key priority for us. And that's also been successful.

So, so far we're -- you know, we're quite happy with it. Obviously, we're coming into the higher-volume use of the equipment with the election cycle we're in now, but we had every confidence that things will be moving forward well, and it'll be a good experience for all our voters.

COMMISSIONER PALMER:

Well, thank you, Anthony. I'm sure that there's some questions about that.

MR. ALBENCE:

Sure.

COMMISSIONER PALMER:

And we'll get some questions on the implementation and how well it's going and some, maybe, criticism. But let's talk --

next, we have Juan Gilbert, who is with the University of Florida, Computer Scientist who's focused on voting and security. And he actually -- they -- he leads up a laboratory that I had the pleasure of visiting, and he was able to show me some ballot-marking devices and potential future technology in this area. And could you please provide us your perspectives on some of the research into ballot-marking devices and where it's going?

MR. GILBERT:

So, good morning, everyone.

ALL:

Good morning.

MR. GILBERT:

It's so good to see so many that I know. And in my comments I want to start with paper ballots first and give some of the research and some things about paper ballots. Paper ballots are the reason we're here in the first place.

[Laughter]

MR. GILBERT:

But let me point out a couple things. First of all, you can hack paper ballots, so let me run through those real quick. There's a contest, and the candidates are Daffy Duck, Bugs Bunny, and some others. I don't like any of them, so I don't vote for them. My ballot is turned in, and then an insider simply says I want Bugs

Bunny to win. Ooh, it's blank. Guess what I'm going to do? I circle Bugs Bunny. Impossible to detect, and unless you catch the person in the act of doing it, it takes less than three seconds and anyone can do it with a pen. That's called the undervote hack. The overvote hack is they voted for Daffy Duck but I really want Bugs Bunny to win, so I circle in Bugs Bunny. The causes an overvote. So, I didn't give Bugs a vote, but it took away one from Daffy.

We heard earlier about -- Doug, sorry -- Minnesota, stray marks. In security, the first thing you'll hear a security person say is we need paper ballots because we can audit them. Hand-marked paper ballots compromise the audit because voter intent is decided by individuals other than the voter. The stray marks, things that occur are going to be judged by other people, and they determine the outcome of that.

Then there's the issue -- and there was a study done at Rice, in 2006, that showed 11 percent of hand-marked paper ballots had an error. Eleven percent, that covers a margin of victory in a lot of places.

And so, now I want to make a bold prediction. For those of you -- there's a panel later about absentee. There's a problem with absentee, which is signature verification. We know about that. And that problem is increasing. Why? Because voters who are -- people becoming eligible voters don't sign anymore. Kids don't

write their signature. So, how do you verify a signature? You can't. So, here's the prediction. Hand-marked paper ballots will suffer the same consequences because kids don't mark ovals. They don't take tests like I did growing up. Ovals and things don't happen for them. So, what's going to happen when their first experience is a hand-marked paper ballot with an oval? Chaos.

[Laughter]

MR. GILBERT:

So, we have to move in a different direction whether we like it or not. It's going to happen.

So, what are the issues with ballot-marking devices? There have been studies that have made observations that people do not verify the printout on the paper ballot. Now, notice what I said. The studies say they do not. They did not say they cannot. There's a big difference.

So, in a recent study, there were observational studies, the one with the L.A. system, 51 percent of the people looked at the ballot and spent two minutes looking at it, but they didn't do a study to determine if the votes were flipped. There's a recent study in Michigan where they actually flipped votes, and 40 percent of the people looked at those. Seven percent found error. With an intervention such as signs and telling people to look at it, it went to 95 percent looked and over 80 percent caught it.

So, here's an idea. Have the voting machines in a row in one place. Have poll workers behind them, and have ballot boxes or scanners behind them and have poll workers say look at your ballot. Verify your ballot. That will significantly get voter verification up.

We did a study with Prime III. Prime III, for those of you who may not know, is an open-source voting system we created. It is the first voting system that was designed with universal intent, period. We did this in 2002 in response to HAVA. And we were told you can create one machine that everyone can vote on. Now we see we were right. Everyone is doing it.

As mentioned earlier, ExpressVote from ES&S is modeled after Prime III, Dominion's ImageCast, they didn't say it was modeled after Prime III but it looks a lot like it.

[Laughter]

MR. GILBERT:

VSAP, the L.A. system, has a lot of those properties. We created a way that -- they're bringing the QR code, scan it. We demonstrated that with the Presidential Commission on Election Administration in Cincinnati actually. We did a demo of that. So, the research and development in these areas are there to make ballot-marking devices work, and they should be using universal design.

And the other argument with respect to security, the number of people who vote with a disability exceed the margin of victory. If only people with disabilities voted using an accessible device, a hacker is excited by that. What's the probability that a blind person is going to see that I changed the written text? But if everyone's voting on that, the probability of someone seeing that that machine is misbehaving goes up. From a security perspective, if you only have people with disabilities voting a certain way, you have actually weakened the security of the election given the number of people with a disability that vote. It is imperative not to do that.

Diane was asking about segregation. There's a proper segregation. Everyone votes on the universal design machine, and the people who have an issue with it do a hand-marked paper ballot so we can see how they voted.

[Laughter]

MR. GILBERT:

That's the proper segregation.

[Laughter]

MR. GILBERT:

I would say that with respect to digital ballots, unfortunately, given the state of current technology, we cannot secure a digital ballot, meaning you cannot have a ballot of record that is digital. And there's so many ways to mess with that.

Now, for voting remotely, yes, you can deliver a digital ballot, have it printed, mailed in. We experimented with something called televoting, the idea that you could get a ballot, mark it, and then when you're ready, press a button and it prints in the precinct and you could have a camera where you could see it actually print. So, there's innovation out there that can help move things along.

But I would just say there is no compromise. Accessibility right now, when you talk about accessibility, it is the security in the sense that if you don't have accessibility, you have already compromised the election. The numbers by themselves dictate that we must have people come along. Thank you.

[Applause]

COMMISSIONER PALMER:

With that, I think we'll -- I'd like to turn it over to Doug Chapin to ask some questions from the audience, some follow-up questions, some new questions if you'd like one or more people to answer, just go ahead and state that or -- or if it's directed at a particular person. Thank you, Doug.

MR. CHAPIN:

Wonderful. Thank you, Commissioner. I will note that we only have about 10 minutes left in the panel, so we are starting with the lightning round this time around.

[Laughter]

MR. CHAPIN:

Start right down here in front.

MS. NELIS:

Hi. My name is Tia Nelis, and I'm from Self Advocates Becoming Empowered. And my question is for Juan. Will you please tell people how you came to our national self-advocacy conference and tested out the Prime III and worked with us and then gave people an opportunity to actually comment on how to improve the Prime III? Because I think that's very important not -- we were talking about accessibility here. We need more people with disabilities involved testing these machines, being a part of the training for poll workers. And if you really want to make things accessible, nothing about us without us.

MR. GILBERT:

Yes. Thank you. So, Prime III, again, we created. It's open source. The EAC, through the Accessible Voting Technologies Program helped support that work. We did do pilots in various States, and we did do a pilot with SABE. We got tremendous feedback, and that -- and some of that stuff has been implemented in future designs like ExpressVote.

I would say the big takeaway from our SABE pilot was we put pictures on the ballot. So, if you don't know, SABE voters have various levels of reading comprehension and literacy. And we were

not about to ask them can you read. We put pictures on the ballot. We had audio. And they were able to vote. And we noticed some people were using the pictures.

So, as a result of the SABE experience, we said could this actually work? We went to an elementary school where we knew the kids couldn't read and did a study, and they were able to vote using the pictures. So, next up, pictures on ballots. Stay tuned.

[Laughter]

MR. CHAPIN:

Anybody else? All right. So, I've got one for -- oh, do we have someone? Go ahead.

MS. ALBERT:

Hi. I'm Sylvia with the Common Cause. I'm just wondering if you guys can talk -- there are lots of different types of ballot-marking devices out there, and there are things with barcodes and all of these other -- these options. Can you talk -- can you give us kind of best practices, what are -- in your expertise, what are the best ones out there or what things should we be looking for when we are advocating for our local election officials in purchasing their ballot-marking devices, like what things to highlight?

MR. ALBENCE:

Yeah, sure. Thank you. I can just offer comment. I think one of the best practices is, you know, the devices -- many of them

do use barcodes, as you know. One of the things that we implemented with our audit requirement in Delaware is that the auditing is all hand-counting human-readable text. Many of our audits do not -- a recount if you will or a rescan of the barcodes is not sufficient. I literally did one yesterday, I'm doing another one tomorrow where we sit in and we literally have teams and we literally hand count the human readable text. I think that's really the only way to go. That's the only way you're going to reassure folks that people are looking at it and people are checking it and that they can be trusting the results. It's worked well for us.

MR. GILBERT:

Let me give you, real quick for the security people who may push back on that. So, if you say I'm going to have a ballot-marking device and it has a QR code, a human-readable text on it, and you're going to audit the human-readable text and you say, well, we're going to do the audit and we'd like to do a risk-limiting audit and someone says, well, how do you know the barcode -- just ask this question. Will the risk-limiting audit get the outcome correct? They will say yes. Security people will never say a risk-limiting audit will fail. So, always throw that back at them. Say, if I use a barcod, and I do an audit on the human-readable portion, will the RLA work? And they will say yes, and you're done.

MR. ALBENCE:

Do you mind if I make one more quick comment on that, actually with regards to the type of audit? What we do in Delaware the way our legislation is written, ours actually are not risk limiting. We, in fact, do an entire race -- we have -- I won't go into all the details, but we do entire races. We do what we call election districts, precincts. We count an entire precinct. We count all the machines in the precinct, every office, you know, or we choose an office. So, it's very thorough. And so, we're literally looking at all the results of a district, comparing it to the purported results. And we found that works really well for us. It's a little time-consuming, but if you do it right and you get into a rhythm, you can do it efficiently.

MS. BLAKE:

Okay. Some other items, best practices that you would want to consider, there are a number of second-generation machines out there that do not have the capability of enabling a blind voter to verify the ballot once it's been printed, so that's an important consideration. Also, having the BMD implemented as being the primary ballot-marking method in the polling place is an important best practice as far as we're concerned, because that way you ensure that the poll workers are trained on the machine, they know how to set up and operate the machine. The machine will be set up when a blind voter shows up at the polling place.

Also, pretty much all -- well, all the ballot-marking devices have the various accessibility features that Commissioner Palmer talked about at the beginning, but it's -- usability of some of those systems varies, so some of the machines require you to scroll through a menu to enable the accessibility features. That's not the best way to do that. So, that's another important consideration to look at, how the accessibility features are enabled.

MR. CHAPIN:

I'm going to take a little bit of prerogative. We have a few more minutes. And this really is for Gema but anyone can -- and then we'll get to any more questions is, you know, there has been a discussion about security and accessibility and a design of equipment and how one can sort of supplement the other, but there are -- people forget that there are a whole bunch of other features that are absolutely necessary, both under HAVA and otherwise, usability, functionality, affordability, a bunch of other abilities. And, Gema, can you comment on that and -- as how we design previous VVSG standards and how we look at the future is it's not just a security accessibility. It's -- there's a lot of other abilities that are going on here.

MS. HOWELL:

Yeah, I was actually queuing up that to answer the previous question, but, yeah, to your point, in the VVSG we try to take all the

different abilities into consideration. My plug for the VVSG to the previous question was going to be for ballot-marking devices, you know, the requirements that we include in there -- certainly we have a lot under the security section, but in that usability and accessibility section, a term that I've learned is that universal design, so we cover a lot more. And we make sure that we cover the different areas within -- we cover various areas as far as different accessibility needs, and so we're not only targeting one and to make sure that you're thinking about that and including all of that when developing these ballot-marking devices or thinking about what you need within a ballot-marking device, making sure that you have all of the necessary usability and accessibility needs, as well as the security needs, even beyond that, interoperability and things like that.

COMMISSIONER PALMER:

Any other questions from the audience? Doug, go ahead.

MS. GOLDEN:

This is Diane Golden, and I am just going to add from the TGDC perspective an answer to that question about ballot-marking devices. So, you've got to remember they need to be an accessible ballot-marking, verification, and casting device. The name ballot-marking device alone is a problem. If that's all it does, it's a problem. Accessibility is the -- you have to have accessibility of the

entire voting process. It's not just marking the print ballot. It's also someone who can't see, being able to verify that printed ballot. It's also someone who has no use of their hands being able to cast that paper ballot privately and independently. So, when you look at a ballot-marking device and you want to know if it's actually providing accessibility, it is not just marking. And in fact, I wish we could get rid of the name ballot-marking device because that's -- that leads people to believe that's it. That's all it needs to do is accessibly mark, and it needs to verify and cast privately and independently for somebody who has, you know, any range of disabilities. That's the big task.

The crop of ballot-marking devices do a good job on -- of marking, in general, and most of them do an abysmal or no job of verification and casting. And that's what L.A. was trying to solve. That's what people have been trying to solve, but that would be my advice to anybody looking at buying a ballot-marking device, is to make sure that's not all it does accessibly.

COMMISSIONER PALMER:

You know, with that I would just say, Diane, I think there's general agreement, and I would say that, you know, Help America Vote Act is help all Americans vote. And, you know, it's -- there may be a slogan that, you know, we all must vote on paper ballots, but that's just simply not possible for all Americans to actually

physically mark a ballot and physically cast it. There has to be other alternatives, and accessibility features into these type of systems, and so when we are designing equipment and we're criticizing or critiquing a voting system, things might not be perfect for all -- you know, in the opinions of everybody, but the Help America Vote Act is help all Americans vote act.

MR. CHAPIN:

All right. That brings us to the noon hour. I want to thank the panel. Commissioner, I don't know if you have any final wrap-up remarks.

COMMISSIONER PALMER:

I think that I want to thank the panel for this interesting discussion of BMDs. I'm sure it will continue throughout the day. Thank you.

[Applause]

MR. CHAPIN:

All right. So, we are breaking for lunch, and we'll return for the next session at straight up one o'clock. Thank you.

[Recess]

CHAIRWOMAN MCCORMICK:

Welcome back to the EAC 2020 Elections Disability Forum. We're going to start panel three now. This panel is vote-by-mail and electronic ballot delivery systems. So, I'll just have a few

opening comments, and then I'm going to get to my panelists, who will each make a short statement, maybe five minutes, and then we'll have some questions. I'll have some questions, and we'll get questions from you.

So, while in-person voting remains the most frequently used method of casting a ballot in the United States, vote-by-mail has become an increasingly important election tool for millions of voters, especially those who have transportation barriers to precincts.

Oregon and Washington were early adopters of vote-by-mail, but it is spreading Eastward from the West. And according to the EAC's most recent Election Administration and Voting Survey, by-mail voting was used by a quarter of the electorate in 2018. As States expand vote-by-mail options, we anticipate this figure to grow in 2020 presidential election and beyond. While vote-by-mail may be a matter of convenience for many voters and perhaps save money for election jurisdictions, it can be indispensable for voters with disabilities. But it is vitally important that people with disabilities have access to vote-by-mail. However, barriers do exist with these types of voting methods.

While many voters with disabilities, including individuals that are blind, visually impaired, or have mobility challenges, while they find vote-by-mail a cumbersome and entirely inaccessible process,

it is an option for them. And vote-by-mail or making paper ballot -- marking a paper ballot for those who need assistance may impinge on a voter's privacy and independence. Today, we'd like to discuss potential vote-by-mail options for people with disabilities. Methods currently being utilized include electronic ballot delivery systems where a voter electronically receives the ballot, marks it at a home computer, and returns the ballot through the U.S. mail, the traditional absentee paper ballot process and pilot program pilot systems that offer a form of remote voting.

So, I look forward to our conversation about accessible vote-by-mail ballots and electronic ballot delivery systems given the current environment of the heightened election security concerns.

So, please allow me to introduce our panelists. On my right -- my far right, Amelia Powers Gardner, who is the Clerk Auditor for Utah County, Utah. Welcome, Amelia. And then next to her is Maurice Turner, Deputy Director of the Internet Architecture Project from the Center for Democracy and Technology. Then I have right next to me Clark Rachfal? Is that how we say it?

MR. RACHFAL:

Rachfal.

CHAIRWOMAN MCCORMICK:

Rachfal. Director of Advocacy and Governmental Affairs, American Council for the Blind. And at the end, Caleb Thornton,

Legal Policy and Rulemaking Manager for the Colorado Secretary of State's Office. So, welcome to my panelists. And why don't we start with you, Caleb, on the end.

MR. THORNTON:

Sure.

CHAIRWOMAN MCCORMICK:

Okay.

MR. THORNTON:

Thanks so much, and thanks to you all for having us out here today. I'll be just briefly kind of talking about what we do in Colorado and the -- some of the changes that we've rolled out over the last year. Colorado likes to come to these things and brag about ourselves, so I'm not going to be any different. I won't buck that trend, sorry.

So, in Colorado we send a mail ballot to all voters who are eligible to vote -- I'm sorry, who are registered to vote. And we send those ballots out through eight days before an election. After that point you can go to a voter service and polling center to vote in person. We also have same-day voter registration so you can always go to a VSPC to register yourself to vote and to cast a ballot at the same time.

You know, along with that -- so we send a mail ballot out to everybody who is registered to vote. Obviously and that, as we've

kind of discussed, brings some benefits and certainly some challenges, particularly for persons with disabilities. Those challenges I think were recognized by the legislature over the last year, so the big change that they made during the 2019 legislative session is they allowed for the electronic delivery of a ballot to a voter with a disability. Essentially, what we do is we use the same electronic delivery system that we've been using for our military and overseas voters for some time. Colorado law has allowed for military and overseas voters to request an electronic ballot be delivered to them for years now, and we've had systems in place to do that. What this legislation allowed us to do is provide that same type of service but provide it for a voter who has a disability.

So, basically what the system does right now is if a voter with a disability wants to vote on their home computer or somewhere, you know, not at a VSPC and they don't want to vote their mail ballot, they essentially go to our website that we provide to overseas and military voters as well. They go there. They go through the process of requesting a ballot, which is all on screen. They vote the ballot on screen, and at the end, they print that ballot. They sign it, and then they return it either through the mail or by dropping it off to their county clerk and recorder. So, that's the big change that we made over the last year.

I want to give a big shoutout particularly to our vendor who we've been using to help us roll out that process, Democracy Live. So, they really assisted us in getting that up and running.

I think the big challenge that we saw with this rollout -- so we've used it in the 2019 coordinated election. We are using it currently in the Super Tuesday primary, which is now open for voting. The big challenge we've had, frankly, is just getting the word out that this system exists for voters with disability. You know, I think people are so used to in Colorado having that ballot mailed to them and just voting it at home and returning it that we didn't see the volume that we would have liked in the last November election. Obviously, it was also new, so we expect that usage to go up over time. But that's -- you know, the big challenge that we saw was just frankly, you know, low usage of the system.

So -- yeah. So, that's generally how we do elections in Colorado. It would be interesting to hear some of the questions that come up later. There's been a lot of discussion already today about paper ballots, how accessible they are, how secure they are. Obviously, in Colorado, we like to talk a lot about our risk-limiting audits and the security that that brings understanding that no system is perfect. Obviously, that also requires paper ballots so -- to do a risk-limiting audit. So, I'd be interested in hearing some of the questions that come up as we go through this panel.

CHAIRWOMAN MCCORMICK:

Great. Thanks, Caleb.

Next, we'll go to Clark. Clark, do you want me to help you with your system? There we go. All right.

MR. RACHFAL:

There we go.

CHAIRWOMAN MCCORMICK:

Thank you.

MR. RACHFAL:

All right. And thank you, Commissioner, and thank you, everyone, for letting me speak on this panel today. So, the American Council of the Blind is a nationwide consumer membership organization. We have over 70 State and special interest affiliates who are either 501(c)(3)'s that then associate with the national umbrella organization of the ACB.

Our members have been working, you know, as long as the ADA has been around and even longer trying to ensure access and being able to independently and privately cast their ballots. This challenge has, you know, for a long time been at the polling place itself. And a lot of progress has been made in that regard over the 30 years of the ADA. And many folks, because they fought so hard for that right, they will always go to the polling place to cast their ballot along with other citizens.

However, there are a lot of people with disabilities and other conditions that make it very difficult to arrange transportation or independently travel to the polling location. And in those instances people with disabilities would like to participate and have the right to participate in absentee voting just like all other citizens.

In -- last year, the ACB, the National Council of Independent Living, along with legal representation, the Washington lawyers Committee and Sheppard Mullin begin conversations with the Secretary of State's Office for West Virginia, because in West Virginia the only option for absentee voting was vote-by-mail with a paper ballot. And just a quick recap, to do that, somebody would have to print out the paper ballot, be able to read it, be able to mark it, sign it, and mail the corresponding envelope back to the elections committee. Each of those steps could pose a barrier for somebody who is blind and visually impaired or has mobility, dexterity-related disabilities.

So, West Virginia was running a pilot program -- an ongoing pilot program for their uniformed and overseas citizens, their UOCAVA voters, and that was using the votes -- the smartphone application and through work with the Secretaries of State Office, there is a bill, S.B. 94, that was introduced and passed, both the House and Senate, and was signed into law by the Governor of West Virginia. That is not specific to votes, but is a bill that allows

voters with disabilities to use electronic ballot-marking and casting devices to be able to vote absentee.

The American Council of the Blind as an organization, we are technology agnostic. We don't care what specific solution is in place, but we want to ensure that voters with disabilities have the same rights and access as all of the voters in the State. So, we're excited that West Virginia has passed this law and will have a system in place by their May primary.

CHAIRWOMAN MCCORMICK:

Thanks so much, Clark. I appreciate it.

Let's go to Maurice Turner now.

MR. TURNER:

Good afternoon. I want to say first, this is an exciting time in election technology. There is a lot of attention from some folks who have been around this field for a while, but also some new attention from new entrants. And so, for me that means that it's a time for innovation and investment and development so that we can help get to a place where it's just easier for everyone to be able to vote. And by everyone, I mean everyone, literally everyone. So, I am encouraged by the kind of attention that elections are now getting.

I'm somewhat discouraged by some of the conflicts that are now brewing within the election community when it comes to issues related to accessibility and security. I think that they are definitely

challenges that need to be addressed, but recognizing that because it is everyone's right to vote privately, independently, and securely, that everyone should be working toward that same goal. So, I believe that if there is a way to encourage further investment, development, and innovation in the field, that we would all be better for it.

I wanted to call out some specific examples of what I mean by having some new entrants come in who do have some consideration for both the accessibility and security aspects of elections. VotingWorks is a relative newcomer. We've seen a couple of pilots in Mississippi, and then recently this week also in Wisconsin, where we have equipment that's -- equipment and software that's designed to be open-source and commercial off-the-shelf in a way that really provides researchers and advocates a way to examine sort of the behind-the-scenes and under-the-covers aspects of the systems so that there are as few surprises as possible. And I think that's really a key to all of this as we're going through developing election technologies.

You know, what does it look like to actually be able to have a clear understanding of how the technology works so that all sides of it can be considered and that there are few surprises. We really don't want to be in a place where we are now in some precincts, where you have some of the ballot-marking devices off to the side

and not often used or solutions are being developed and pushed out onto a community of users without full thoughtfulness of how it's going to be used.

And I was really struck by Diane's comments earlier relating to, you know, a paper ballot is not accessible. You know, I -- that's a very powerful statement to me. It's something that I'll hold onto, and I think it's worth remembering that just taking something out of a context doesn't automatically make it more accessible or truly meet the needs of the users that they're designed to meet.

And so, I look forward to the rest of our conversation today to learn how when we're thinking about ideas of getting ballots into the hands of individuals with accessibility needs, you know, what does it actually mean to make that a more full and equal experience?

CHAIRWOMAN MCCORMICK:

Thanks, Maurice.

Amelia?

MS. GARDNER:

Thank you. As was said, my name is Amelia Powers Gardner, and I'm the Utah County Clerk Auditor. It's a dual position. I'm both the clerk and the auditor for the county. I'm really quite new to government, and I'm very new to elections. I was elected in November of 2018, so I've only been in office -- took

office January 2019 for about 14 months. And I've got a lot of naïveté in this space, and that has become an advantage I'm finding. I was new to elections administration, and as I came into elections administration, the concept of the accessibility, I immediately saw the need for that.

I am the youngest of five to a single disabled mother, and I spent most of my life advocating with my mom. She's really, really smart, very, very capable, and very hardworking, but she spent a lot of my life in a wheelchair, and she was born legally blind. So, immediately when the access to voting was brought up during my election, I recognized that the group of citizens like my mom, I was going to be a fierce advocate for regardless of any blowback I received. So, that naïveté has helped me.

When I first came into office, we needed a better solution for our overseas citizens, and my county went with the mobile voting Votes option. After a successful pilot in August of 2019, it was pointed out to me that we could utilize -- under State law, we could utilize this same solution for people with disabilities, and without hesitation I said absolutely, let's do it. And I received a lot of pause. People said are you sure? And I was like, yeah, of course. Why would we not offer something to people with disabilities that can have it? And the naïveté helped in the aspect that I didn't realize

that I was going to be the first jurisdiction in the country to offer this to disabled people.

[Laughter]

MS. GARDNER:

It didn't even occur to me. After I had approved it, then people came back and said are you sure you want to be the first? And my problem was the fact that why was I the first, right? This was a no-brainer to me. I said absolutely. And I have thus been fried on Twitter for it.

[Laughter]

MS. GARDNER:

And I don't really care because the people frying me on Twitter are not my mother. They're not the 106-year-old lady down the street that we literally brought the ballot to, and they're not the people in my community that elected me to ensure their right to vote was preserved. It's a bunch of random people on Twitter that I've never met.

So, like I said, being new to government has actually been fantastic for my ability to be an advocate because I don't realize the blowback till after it happens.

But, really, I was elected to represent all the citizens in my county. Mine is a partisan race, but that doesn't mean that I only represent the party that I am a member of. I represent all citizens,

regardless of their political affiliation, their identity, the color of their skin, or their ability to mark a paper ballot. I represent all of them. And it's my job to ensure that every one of them has a right to vote.

With that said, one of the most eye-opening things to me -- and I know this should be a no-brainer, but it's not. Not all disabilities are the same, and therefore, not all solutions should be the same. When I landed here yesterday, I got in an Uber to go to the hotel, and the Uber driver was making conversation. And I mentioned to him that I was going to be speaking on a panel for accessibility with people with disabilities. And his reply to me was, well, what disability? So, my reply was all disabilities. Not all disabilities are alike. Therefore, not all solutions are alike.

So, in my county, we try to do everything to ensure all citizens' right to vote independently and privately. We are a vote-by-mail county. We have roughly 300,000 registered active voters, and we mail a ballot to all 300,000. On top of that, we have polling locations that every one of them has an ExpressVote. I've heard that mentioned several times, that that's a solution that a lot of people use. We use the ES&S ExpressVote. On top of that we have curbside voting available, and we also utilize the Votes app for mobile voting.

One thing that I wanted to mention before I finish up is, as I go through this process, I am so new that I see a lot of things for

the first time, and it's very eye-opening for me. We had a wonderful lady vote in our last election. Her name is Maxine Grimmett. And Maxine is Utah's oldest active voter. She is 106 years old. She will be 107 next time we bring her a ballot. And Maxine was born before women had the right to vote. And Maxine is voting in every election.

Now, about a year ago, at 105 years old, Maxine fell and broke her ankle. And when you're 105 years old, your ankle doesn't heal in six weeks with a cast. So, Maxine is now home-ridden. Her caretaker is her daughter, who happens to be 85 years old.

[Laughter]

MS. GARDNER:

So, her daughter isn't really picking her up and putting her in the car to bring her to a polling location to vote. So, we wanted to bring the ballot to her. Now, I've had people say to me, well, you mail Maxine a ballot. Why doesn't she just mark the ballot you mailed her? During our pilot, I wanted to see this firsthand. So, we drove to her house -- well, first, we asked, you know, does she have a smartphone? It's like, no, she's 106 years old. She does not have a smartphone.

[Laughter]

MS. GARDNER:

Well, does her daughter have a smartphone? Her daughter is 85 years old. She does not have a smartphone.

[Laughter]

MS. GARDNER:

So, we -- the Votes app was able to go on an iPad, and so we have iPads that we use as poll pads at our locations. We took one of the iPads. We put the Votes app on the iPad, and we brought that iPad to Maxine. In order to allow Maxine to vote, she had to fill out a piece of paper and sign it saying, yes, I'm disabled and I want to utilize this system. And as we had her filling out that paper, this light came on above my head. Maxine is having a hard time holding a pen. A paper ballot would not work for Maxine. She cannot mark a ballot. She has a hard time holding a pen. In fact, the only reason we were able to verify her signature on that paper to say that she really did want to use the mobile voting app was because I watched her sign that paper. When she registered to vote in 1930, her signature looked a little different.

[Laughter]

MS. GARDNER:

So, we always can improve. We can always get better. I've heard great things. Now, just so you know, after that, in this election we now have an electronic way for people with disabilities to register to use the mobile app. I don't know why it didn't occur to

me before that having them sign a piece of paper was probably not the best option, but we have rectified that. But I'm always -- I'm excited to be here because I'm always looking for better ways. And I want to offer every solution that I can to my citizens.

CHAIRWOMAN MCCORMICK:

Thanks, Amelia.

So, a number of these voting methods that you've mentioned all across the board are controversial in some way or another because of the election security issues. How do we balance -- and I'll hear from any one of you on how do we balance that concern about the security with accessibility on some of these methods?

MS. GARDNER:

Yeah, I can start with that. The way that I balance these is, number one, I wanted to look for the most secure method that I can. For my overseas voters and for my voters with disabilities, State law requires me to offer them an electronic solution, which oftentimes equals email. So, if I can find a solution that is more secure than email, I don't let perfect be the enemy of good. If there -- if my solution is not perfect, if it's better than what I currently have, I don't let the noise on the fringes prevent me from providing a solution to a voter.

CHAIRWOMAN MCCORMICK:

Maurice?

MR. TURNER:

So, putting on my IT hat, I'm hearing all these ways that you're letting people vote, and it scares me, because all of those ways of voting are also ways that the system can be attacked. But I understand why. So, there's a good reason why you want to accept that level of risk. So, for me it comes down to, do you have the infrastructure in place to be able to protect the voters, given all these methods? Do you have the staff in place to be able to monitor all these different ways of voting to make sure that there's no malicious interference? Do you have the money in place to be able to support all of these different methods? And so, I think that for a county or any other jurisdiction to be able to consider different ways of voting, that those are the conversations that need to happen. And then, above all of it, you know, are the policies and laws that you have in place, are they supportive of what you want to do, and what needs to change in order to make sure that you're not running afoul of those laws, but you're making sure that you are actually meeting the needs of all your voters, regardless of the method.

MR. RACHFAL:

I think it's important to realize that our current voting system is not 100 percent secure as well. So, if I use a ballot-marking device at a polling location and it prints out a paper ballot, how do I,

as someone who is blind, verify what has actually been marked on that ballot? And once that ballot is cast, how do I know that somebody else hasn't gone and voted down ballot for races that have not been filled out?

With some of these electronic options, a version of the ballot can be saved and can be referenced by the voter. And as someone who is using the system, that gives me more peace of mind.

I think as we talk about security, we also need to remember that if we're going to be concerned about potentially votes being manipulated, we need to make sure that, first, people have access to vote, and then, second, that their votes can be cast and verified as part of the conversation as well.

MS. GARDNER:

I just wanted to add one more thing, and that's that an election can be swayed just as easily by preventing people from voting as it can by changing someone's vote. And any time that we prevent a disabled person from voting because we didn't make it accessible, we've changed an election.

CHAIRWOMAN MCCORMICK:

You have anything, Caleb? No? Okay.

You know, the methods that we're talking about now I think are picking up in popularity. We're seeing more popularity with

vote-by-mail. We're seeing more absentee voting. We're seeing more vote-by-mail. It's starting slowly. Are we going to reach a tipping point where people expect that this is the way they're going to be able to vote in the future? And is that going to come sooner or later? And are the security concerns going to stop us from that -- from hitting that tipping point where people expect this to happen?

MR. THORNTON:

I do think that -- well, I mean, I think we're seeing it already. The popularity of vote-by-mail is spreading East, as you mentioned. You know, I know Utah now I believe is 100 percent vote-by-mail, so we've got a whole bunch of Western States that are either there already or are getting there. And I think that just -- you know, for example, in Colorado we do do -- we do have ballot questions. They are long, and we have some counties where, you know, you may have a three, even four-card ballot in November. The ability to have that ballot at home and to take some time to research those ballot questions is, frankly, invaluable to our voters. I don't think that they would ever go back from voting by mail because they have that ability to put the ballot on their kitchen table and to, you know, Google, you know, what do I want to do on, you know, ballot question 6A, which is, you know, two paragraphs long and is basically unreadable. So, I do think that that popularity is going to spread.

Obviously, there are security concerns that come with any, you know, method of voting, right? I like to tout the stuff that we do for security in Colorado, and we were called the safest State to cast a vote for a reason. It's because we have paper ballots. It's because we do risk-limiting audits. It's because, you know, our voting equipment is air-gapped. We have controls in place. We have, you know, bipartisan election teams that do everything on the tabulation side.

But I recognize, you know, no system is perfect, absolutely. You know, as we talked about in this room, the ability to verify -- for a voter to verify what's on that piece of paper, it can be a challenge obviously for a voter with a disability. So, yeah, I think those security concerns will always be there. I think -- I like the idea of don't let the perfect be the enemy of the good, and I -- you know, Colorado is always either at the top or near the top for voter participation, and I frankly, you know, believe that that's because voters get that ballot in the mail three weeks before Election Day because they can vote, you know, and register up to and on Election Day because we make it easy and accessible for the general population.

And I think, you know, this expansion into, you know, providing an electronic ballot to voters with disabilities, it's just another aspect of recognizing that this system, while it's really

good, is not perfect and, you know, we'll continue to try to improve on that.

On that note, I did -- I forgot to give a shoutout to the National Federation of the Blind who has worked with us a lot on the development of this system. We have some really good folks in Colorado that we've been able to work with. You know, I'm an attorney by trade, so I don't -- you know, I don't know the technology side of things. I really don't. That's not my expertise. Being able to work with people who use the system at their home on their home computer who can give me real-time feedback about, hey, X isn't working, Y isn't working, and being able to take that feedback back to our vendor has been invaluable. So, I just want to give a shoutout to those folks because they've really helped us in all those respects.

CHAIRWOMAN MCCORMICK:

Clark, do you have anything to add?

MR. RACHFAL:

Sure. I just want to echo a lot of Caleb's points there. Golly, I hope we're reaching a tipping point, selfishly.

[Laughter]

MR. RACHFAL:

But for folks that do have security concerns or if there are security flaws that are identified, I think throwing the baby out with

the bathwater is the wrong approach. You know, if this mousetrap doesn't work, build a better mousetrap. But not allowing folks with disabilities to have access and equal access to absentee voting, that's not a credible solution.

CHAIRWOMAN MCCORMICK:

Do either of you have anything to add? So, at our election summit a couple months ago Michelle Bishop, who's here, mentioned on one of the panels she was on that polling places will never close because people with disabilities are going to expect to vote in polling places. With these kinds of systems, with vote-by-mail, with electronic ballot delivery systems, with the Votes app or online voting systems, will we see the end of the polling place at some point? Will the next generation expect to be able to vote on their phones?

MS. GARDNER:

I don't foresee a complete end of the polling location, but what I see is that they can -- we can scale them back significantly. Five years ago we had 120 polling locations in my county. Now, we have 20. So, we can scale it back significantly because of these other options like vote-by-mail and some of these things, but Utah, like Colorado, is a same-day voter registration State, so we need to have a way for people to come, register to vote, and cast a provisional ballot. And I also think it's an accessibility issue. Some

people, they need to show up to the polls on Election Day. But what we do have the ability to do is scale that back and scale the cost of that back significantly while still allowing access to more people.

MR. TURNER:

I agree that it seems like the idea of a polling place isn't going to go away, but I think the way that we conceptualize them is going to change. I definitely see that there's room for growth in terms of the way that we use vote centers where there's going to be larger centers. People from multiple precincts can come in. Maybe there's some specialized volunteers that would be able to provide assistance to those that need it. And then think a little bit further forward. Maybe one of the ways that we can mitigate some of that risk of mobile device voting is to say, well, you know, you need to be physically in a vote center in order to use your own mobile device to come vote. So, I think there are still some ways that we can utilize that physical location to bring people together and vote, but I don't think that we're going to keep this model of having small precinct-based polling places.

MR. RACHFAL:

I think that the accessible absentee voting, that's just one tool in the toolbox. That will not meet the needs of all voters. For example, if folks are either technology -- you know, if they struggle

with technology, like I do at times, or if they cannot afford a device, you know, due to being low-income, I think we will still need polling locations as another option, another available means of voting to try to ensure that everyone has access and has access in a way that meets their needs.

MR. THORNTON:

I just think everybody is going to want their "I voted" sticker too much, so -- it's hard to do that in vote-by-mail. Now, some counties do it.

MS. GARDNER:

I do it.

MR. THORNTON:

Okay, cool. I -- like my county did that at home, to, but --

CHAIRWOMAN MCCORMICK:

Great. Doug, do you want to get some questions from the audience?

MR. CHAPIN:

I do. And, as I do one thing, I just want to note, again, you can note, react, or ignore as -- I do think that one of the things that's worth noting is that, as we reduce the number of in-person locations, you reduce the number of poll workers you need, which then enables you to focus more training on those folks and make them more capable. Any of those of you who have been parents, I

call it the middle school PTA phenomenon, right? When you're in elementary school, there are lots of elementary schools and there are lots of people on the PTA. Then you go to middle school and there are fewer middle schools and really the -- only the real duties end up being the ones who work on middle school PTAs, and so they tend to be really capable groups. By the time you get to high school, the kids are all on their own and the high schools don't need you as much.

But, I mean, to the extent that we can make those polling places like middle school PTAs with really well-trained, savvy poll workers and the like, I think that goes a long way towards addressing some of the issues that we see.

And with that, I'm going to start right here.

MS. GARDNER:

I was going to follow up on that, that it's not just true for poll workers but throughout the process. We have less resources in polling locations, which means we can focus more resources on securing all of the other areas of our election.

MR. GUTHRIE:

Thank you. Mark Guthrie. Amelia, this is really for you because it sounds like you've been real innovative there in your county. There are communities around this country that don't have adequate public transportation, lots of them, and I know in my

county we face those challenges. And the significant reduction in polling places has had an impact on a lot of folks that don't have access to transportation. Do you have any thoughts on that that you'd like to share?

MS. GARDNER:

Yeah. So, our 20 polling locations that we have throughout the county, we spread them out as best we can and we try to cover the rural areas of the -- of our county. Mine is the second-largest county in the State of Utah, but it also has significantly rural areas. We have a very large geographic footprint, and we have just as many farming communities that we have city communities. We are actually the largest agricultural exporter in the State of Utah, so we have a lot of rural communities. And the first thing we try to do is make sure that we spread these polling locations out and put them in rural communities just as much as the urban communities. But beyond that, that's why we want more accessible means like vote-by-mail, like mobile voting. Those are ways that we're hoping to help compensate for that beyond putting polling locations in the rural areas.

MR. CHAPIN:

Okay.

MS. HUERENA:

Hi. My name is Juliana Huerena, and I'm from Self Advocates Becoming Empowered. Our question is keeping in mind that people with disabilities and everybody else has the option to vote the way they want to vote and, again, depending on the State, what are the options. But how can we make sure that people with disabilities know about the various types of ballots that are available to use in their State? And then, how many States have apps?

MR. RACHFAL:

So, this is Clark. I'll take a stab at that. At the American Council of the Blind, we try to educate our members and our affiliates as much as possible, and we feel like that's the best means for us to educate folks with disabilities in the States, as well as their local chapters of the affiliates as well. And the most common tip that we're able to provide for folks is to get in contact with the Secretary of State's office. Most of the States that I've personally investigated have always done a great job of displaying the available voting options in their States, and many of them are available either by email or by phone call.

So, for example, when we first began looking into this issue, we reached out to the -- reached out to Oregon and were discussing their vote-by-mail system, as well as the accessibility solution that they have in place, which is to bring a -- bring in --

excuse me -- bring an accessible tablet to the voter's door for them to be able to cast a ballot. So, it does take a little bit of legwork, but in most circumstances we've found the information is ready -- readily available.

MS. GARDNER:

If nobody else, well, I can address that a little bit. First, I think there are four States that have the app available, thinking off the top of my head. There were five, but I think it's four, so not a lot. And the second part, how do we get this out to the community? That's my biggest challenge. I mean, I would love -- I'm new to this game, so any of you that have ideas, please come up to me afterwards. We are working with the Disability Law Center in our State. We are trying to work with as many advocacy groups as we can trying to put it through social media. Literally, in our last election -- and we have a whole campaign this election on social media telling people that -- saying, do you know somebody who could benefit from this? Do you know somebody with a disability? Please send them to this link. But that's my biggest challenge is how do I let people know this is available to them?

MR. THORNTON:

I would mirror that as well. I mean, we rolled this out -- I think I discussed it earlier, but we rolled this out in November, and the usage was very low statewide. And, again, it was a new thing

so I get it. You know, you don't expect that you're going to have a huge turnout. But I -- that is something we struggled with as well. We've also been working with like Disability Law Colorado, National Federation of the Blind Colorado, other advocacy groups trying to get the word out about it, but I would love to hear, you know, would love to hear your input as to how you think we can, you know, get that word out there so that people will use the system, because I think it is a great benefit to these voters, and I would love to see it be used so that we can go back to the legislature and show them, hey, you passed this. Let us do this. Now let me show you how much use it's actually getting. So --

MR. TURNER:

Yeah, part of the challenge of that community outreach is the potential for abuse, you know, through misinformation. And so we saw that in 2016 where there were messages being amplified about, hey, just text your vote to this number and it will count the same. Well, that can be a little difficult for someone who is a new voter or someone who's -- a disengaged voter. They might hear, oh, you can just download this app, but then they also saw the tweet that said you can text, and they're also hearing from other advocacy groups saying like, don't believe those, you really do have to show up. So, I think that's part of the challenge, especially for the election officials is how do you get the message out in a way

that's truthful and believable? And part of that is just reinforcing the idea that the election officials are they trusted source of information, and that's who you should believe. And so, bringing on community partners and going through the official is one way to help validate that message.

MR. RACHFAL:

So -- and then I'll just follow up. And anytime a jurisdiction is communicating to the public about voting, I think it would be very helpful to include information about accessible options or options for disabled voters as well. So, it's not necessarily up for the individual to go hunting and search for it, but that it is readily available.

MS. BLAKE:

Lou Ann Blake. I have been using electronic ballot delivery system in Maryland since it was first made available in 2016. It's a fantastic tool. I can use my own computer with my own access technology. I can vote when it's convenient for me. And I will probably never return to the polling place, so -- where it would be a good likelihood that I would have to deal with a poll worker who didn't know how to set up or operate an accessible ballot-marking device.

I think it also bears repeating what Diane Golden said earlier, that electronic ballot delivery is really the only accessible way that a deaf-blind voter can vote privately and independently.

Caleb, I was going to ask you what organizations -- disability-related organizations you were working with. I would suggest that you -- if you're not already doing that, have election officials go out to meetings of these organizations, you know, the NFB of Colorado, I don't know if the ACB has an affiliate in Colorado, but go to their meetings, talk to their members about the system, go to the NFB of Colorado convention, annual convention. You know, that's a great way to promote the system and let people know that it's available. And, you know, certainly once more and more people are using it, word-of-mouth is going to be a great way to get the word out, too. The use of the system in Maryland has really increased over the years.

I was also going to ask you, Caleb, is there any -- are there any plans to expand the use of the system to make it available to all registered voters? And if not, why not? Thank you.

MR. THORNTON:

Yeah, that's an interesting thought. I know -- Maryland, I believe, may be the only State that allows all voters to receive their ballot electronically, if I'm not mistaken. Yeah, okay. So, all absentee voters. You know, I think that's a great question. I -- you

know, the issue we run into in Colorado is those paper ballots have become pretty important with risk-limiting audits. Now, admittedly, you can have them still print and then return their ballot. I think a lot of voters have gotten used to the ballot in the mail. But, you know, in principle, I don't see an issue with going there. I think that you will get pushback, though, from people who have those security concerns, who see a mail ballot as a little bit more secure than the electronic delivery of a paper ballot, essentially. So, that's a good question. That's a good question for policymakers and not for the kind of people like me who just implement what they tell me to do.

[Laughter]

MR. CHAPIN:

I've got a question back here in the back. I do want to point out -- I want to echo something that Lou Ann said. It sounds easy but worth keeping in mind that a really valuable skill in anyone's pocket, but especially an election official, is talking to people and listening to what they say.

MS. QUESENBERRY:

I'm Whitney Quesenberry from the Center for Civic Design. I just wanted to weigh in with a little bit from California since they're all busy running an election today -- this week. One of the things that California did when they passed the Voters Choice Act was require that any -- which is -- which enables county by county -- the

counties to adopt all vote-by-mail plus vote centers. But one of the things that they did was required in the law that they not only do basic vote-by-mail but that they have a remote-accessible ballot-marking option. Oregon actually has one as well, and we ran a workshop for NIST a few years ago. And every time we would get going on an idea and someone would say, oh, it just sounds so great but we won't be able to do it, the person in charge of that system in Colorado would raise his hands and say we've been doing that for seven -- I mean, I'm sorry, in Oregon would raise his hand and say we've been doing that for seven years. So, I think part of what we're seeing is an evolution here.

And the only other thing I want to point out is that one of the advantages of being an all vote-by-mail State with remote ballot marking is that you've already mailed an envelope package to that voter so they've already got the prelabeled envelope. And if they print a ballot, they can put that right into that envelope and they're not having to play origami to make one.

MR. CHAPIN:

Other questions? Go ahead.

DR. ANDERSON:

Good afternoon. My name is Dr. Sha Anderson, and I'm actually -- I'm coming to you with a two-pronged approach. I'm Arkansas Statewide Independent Living Counsel Director, and I am

Civic Engagement and Voting Rights Co-Chair with the Honorable Jim Dixon. This is a two-pronged statement. Doug, you mentioned PTAs. Well, I have to tell you, I'm on the national PTA board, and that can be a platform when we reach out or when we evolve and we're thinking about the low-income families, the gentleman that mentioned low income. PTA is a grassroots and always on the ground getting things done when it comes to parental involvement and families. So, that can be a platform for us when we evolve. You can use the parent centers in your schools. Usually, each school or school districts have a parents' center where parents can go, and they can actually participate in a survey. We're doing the census in our schools in Little Rock School District. So, I wanted to just put that out there, and that would be an opportunity for a conversation when we evolve there. Thank you.

MR. CHAPIN:

Other questions? All right. Back here.

MS. SYED:

Hi. My name is Ihab Syed. I work for the ACLU. And we talked a little bit throughout today about the votes technology specifically and about West Virginia's S.B. 94. I just want to hear from you all about whether the Votes app strikes the right balance between security and accessibility and whether that's the direction

that we should be moving in more very specifically or if there is a better intervention.

MR. TURNER:

I'll take this one. I think it gets closer. I think that we are looking at a situation -- just take West Virginia for example -- where the start was with the UOCAVA voters, traditionally much lower turnout, also traditionally having relatively insecure methods of returning ballots, whether it be by fax or email. And so I think, you know, getting something that's better than fax or email is what we want to do, you know, what does better mean, and how do we get to sort of an equivalent domestic voting experience? We're not there yet. We still need more development. We need more pilot programs.

And I think an important part of that includes third-party security audits to make sure that not only the voters know how their ballot is being transmitted, but the election officials have an understanding during the procurement process of what does it actually mean to commit to a particular vendor's platform before it's too late? And then, by too late, I mean once they've already signed the contract, the deal is in place, the rollout has happened, and then, you know, new discoveries are made. And so, I think that if we can get those security audits done, have that be part of the procurement process, it helps empower election officials to make a

better buying decision, and then it also allows voters to feel a higher level of confidence that their ballot is actually going to be delivered and that there will be no changes.

MS. GARDNER:

Yeah, as the person on the panel who actually is a client of the Votes app, for me, absolutely it did. And I want to echo what he said in that I started with pilot programs, and I'm still in the pilot phase, and we started with demographics that have a significantly less secure way. Ironically, on the flight here, I sat next to a lady who works at the State Department who told me the last time she voted it was -- she was in Sudan and she had to fax in her ballot. And she had to give her ballot to her husband, who then brought it to work who gave it to a coworker who gave it to her assistant to fax back.

[Laughter]

MS. GARDNER:

The security of that and the anonymity of that, we -- and we don't even need to talk about that. The Votes app for me is -- it's not perfect, but I don't let perfect be the enemy of good. It is better than what we currently have. And, as a client of the Votes app, under an NDA, I was able to see third-party audits. So, even though those aren't necessarily available to the public because of

privacy and because of intellectual property, I refused to work with any vendor that I couldn't get a third-party audit for.

So, we utilize the National Cybersecurity Center after every one of our audits. The National Security Center coordinates a public audit for us, and citizen auditors can sign up through the National Cybersecurity Center. They can audit our votes, and then I look at that. And we always -- and any contract that I sign is going to be open to new discoveries, new technologies. So, you're absolutely right.

As we go through this process, I find that something like that for me particularly, the Votes app, is a really good balance of third-party audits, better than what we currently have and, moving forward, looking at small pilots that we can improve constantly.

MR. RACHFAL:

Again, the American Council of the Blind is technology agnostic. We don't care what solution is in place as long as it allows voters to privately and independently mark, cast, and verify their ballot. And a system like Votes will allow voters who have traditionally faced many barriers to casting their own ballots in West Virginia, a State that has limited transportation options for people with disabilities, has high -- one of the if not the highest rate of citizens with disabilities in the United States, this may be a very useful option for those people.

And given the example for the folks at the State Department, it's very similar for someone with a disability. You know, if you are relying on a third party to mark your intended vote and to verify your ballot and to deliver your ballot, that seems like a pretty insecure supply chain.

MR. CHAPIN:

Okay. I think that brings us just about to the end.

MS. GARDNER:

I do have one other comment that I haven't heard anyone talk about. And we've talked a lot about different types of disabilities, but one we haven't talked about are people with like social anxiety. And I do want to keep in mind that the more options we have -- some people, if they have like an anxiety disorder, that is a disability, and being able to have options is very helpful for them.

MR. CHAPIN:

Excellent. I just -- and one, I guess, wrap-up question I want to ask, sort of circling back to this morning, there was talk about the L.A. County solution being one way to offer accessibility by essentially making accessible process available to every voter, whether or not they have a disability. I'm wondering -- and maybe I'm stacking the deck because this is a vote-by-mail panel -- if you all think that may be more of a focus on a vote-by-mail Colorado

model, Voters Choice Act kind of approach is the way to reduce the options of how everybody casts ballot so that we can make the experience for every voter more accessible?

You have 30 seconds. No.

[Laughter]

MR. CHAPIN:

Yes.

MR. THORNTON:

No, I -- you know, I think it does -- I think what we're really talking about in places like Colorado, Utah, California, some of these Western States that are rolling this out is a menu of choices, but it's a menu that, you know, just about anybody can participate in the way that they want to, right? So, you're not forced into one method or the other. If you want to vote at home, at your kitchen table at 3:00 a.m. in the morning, on the Saturday before Election Day, good for you. You can. If you want to come in on Election Day and vote on BMD, good for you, you can. If you want to vote a paper ballot at a polling place, you can. So, you know, I think that -- allowing for those choices is for me important because it drives up turnout, it helps people vote the way that they want to vote, and it does ensure some -- I think a level of security that a one-size-fits-all method might not.

MR. TURNER:

I think that by having more accessibility options available to everyone, they might surprise themselves in how much they actually use it. I wouldn't say that I went out, for example, and bought my iPhone because I have a specific accessibility need, but I do use voice control. I do use voiceover to read my email in the morning. I have used the magnifying feature to read small print on something that might be awkwardly placed. And so, I think that more people would use these features, you know, if the features were available. They may not self-identify as having that specific need, but if you were able to make the text on the screen just a little bit bigger, you know, that makes your voting experience better, then why not, especially if you're talking about the combination of accessibility needs and maybe even language needs. I don't see how you can accommodate that just using paper. And I believe that as more people are coming out to vote, we're going to see more people that are on this spectrum of having particular needs that can be addressed by having more accessible devices.

CHAIRWOMAN MCCORMICK:

Well, as has been said earlier, there's no perfect system or at least we haven't found it yet. And these systems of course, have their own issues, whether it's voter verification, security, transparency, concerns with voter intimidation. We have to keep all those things in mind as we look at all these different systems.

But the one thing I will say that this panel sort of highlights is the evolution of election administration in the United States. It's a whole different place than it was 20 years ago when HAVA was passed, and I think we're going to continue to see some evolution as we go forward. There's a lot of new technology out there. There's some -- a new responsiveness to the voters, I think a lot more than we had seen in the past and being concerned with the voter experience and how the voters interact with the government when it comes time to cast a ballot, so we're actually living in some pretty historic and interesting times when it comes to elections in the United States.

So, I want to thank all my panelists for being here. Thank you each for your comments. I think this is a good start to a continuing discussion. And, again, thank you all for being here and for your questions as well. Thanks.

[Applause]

CHAIRWOMAN MCCORMICK:

Thank you so much. I appreciate you being here.

MR. CHAPIN:

All right. And I think as this panel deplanes and the other one prepares to board, I think what we've got coming up next is a look ahead based on what we've heard so far today. I don't know how many people here have seen the movie *The Candidate*

starring Robert Redford, but it follows very carefully the campaign of Redford for public office. And at the end, spoiler alert, he wins. And he looks across the room at his campaign manager and he silently mouths, "Now what?"

[Laughter]

MR. CHAPIN:

This is the "now what" panel. So, as they get seated, I will turn it over to Commissioner Hovland with our what's next on these issues.

VICE CHAIR HOVLAND:

All right. Thank you all. I think we're going to get started with this final panel of the day. I appreciate you all sticking around. You know, we're batting cleanup here, so we'll get going.

Today, we have heard from experts and our excellent audience about the issues regarding accessibility, security, and the vote. As set forth under the Help America Vote Act, the EAC plays a crucial role in advancing the accessibility provisions established in this landmark civil rights voting legislation. As we've heard in the news, across social media, and a little here today, accessibility and security concerns have become a hot-button issue amongst the elections community, voters with disabilities, and advocates and proponents of election security. Today's conversation has certainly

highlighted that the goals of security and accessibility cannot be mutually exclusive, nor should they be.

I do want to mention for those of you who are here who I applaud and those watching at home, a lot of this conversation at times seems contentious or can take a bit of a negative tone. And I think it's worth flagging that the conversation today has focused on some of the real challenges of election administration. And all of the people that work on this do so because they passionately care about the quality of our democracy.

And I think, you know, we're down way in the weeds here, and so I think it's important to step back and know that even, you know, when we're talking about making elections secure, we're talking about making them more secure. You know, our democracy is obviously -- you know, it's the best thing we've got going, and so I don't want people to lose confidence in the system just because you've got people who are experts in this area talking about how they're working to make things better. And so, I think it's important to step back and focus on that a little bit.

But I also want to look at how we move forward, and that's certainly what this conversation is about, how we continue to work together and find ways to ensure that tomorrow's elections are more secure and more accessible than those in the past. And a big

part of that is identifying real solutions that can make a difference for voters around the country.

Earlier, I mentioned that we've heard from a number of experts today. I am not an expert on security or accessibility. I'm an election lawyer, and while most of the time that's followed up with a punchline --

[Laughter]

VICE CHAIR HOVLAND:

-- which was here, too --

[Laughter]

VICE CHAIR HOVLAND:

-- I'm going to go a different direction with that. And I've learned that when you interview attorneys for a job and you ask them, you know, are you comfortable saying no, usually the answer you get is of course, but I often look for ways to say yes. And I think that's part of what this conversation needs more of. And we've heard that throughout the day. And again, I think that's the focus of this panel. But there are areas for compromise. There are areas to get to yes. They just might not be the straight line that someone expects it to be. And so, you know, the way that we get there is working together, is thinking about how we solve these problems collectively.

And so, in this closing section we would like to discuss potential next steps and actionable items. We want to do more of that at the EAC, and I'm looking forward to hearing from our esteemed panel on their takeaways from today's discussions and what we can all do to make progress on these issues.

So, I'm going to go ahead and introduce the folks that we have. And again, this is the end of the day, so it's going to be a little bit looser. People are going to reflect on what we've heard. And we certainly want to hear from you after introductory comments about the questions that you have outstanding, ideas, or other suggestions on thoughts of the direction things need to go.

But so, without further do, we have Doug Lewis, who's the former Executive Director of the Elections Center and, as we heard earlier, the birthday boy. Audrey Malagon is a Mathematics Advisor for Verified Voting. Alysoun McLaughlin is the Deputy Elections Director for Montgomery County, Maryland, where the EAC sits. Thank you for representing us. And Michelle Bishop is a Voting Rights Specialist with the National Disability Rights Network. So, to kick off, we'll start with Doug.

MR. LEWIS:

Thank you, folks. I'm going to have to catch an airplane. My wife has Alzheimer's, and she's in year 13 of it, and so I've got her with caregivers while I'm up here, and so I'm going to have to fly

home. And so, I'll probably leave before this session is over with.

So, I'm going to be the one that you get to hear from first.

Look, elections are entirely complicated things, and particularly when you get to a presidential election year. You cannot believe how much planning has to go into one of these in order to bring all these pieces together to carry off an election that serves voters well and has integrity to it and is counted accurately.

And so, what we're going to be able to do this year, if it wasn't already in the planning for each of those local elections officials, some 8,000 jurisdictions around the Nation, if it wasn't in the planning and part of their overall plan six months ago, it's not likely to be implemented this year, so that all of you know that. What we will do with these discussions that we're having this year is be able to implement them in future years on future elections.

Now, having said that, when we're talking about some of the worries about cybersecurity, particularly from nation-states, there's going to be some implementation of that. But folks, understand, most of these local jurisdictions, even the ones with lots of people in them, do not have the level of technical expertise that it's going to take to actually resolve those issues completely.

Now, the beauty and the genius of the American political system is this: Because we are a bottom-up from an election administration kind of process, it would be virtually impossible -- I

will never say impossible, but it'll be virtually impossible for somebody to manipulate a presidential election in enough jurisdictions to actually guarantee the winner that should be somebody else other than the one the voters want.

So, having said that, you all need to know it's a pretty robust system in this instance and can do well. And it's one of the reasons that we've sort of advised over the years, don't try to create a Federal system where you have one election device, one process, one set of rules, because then it does become possible to have more intrusion and have mal actions affect elections. And so, it's one of those where you sort of have to look at it both ways. It's inefficient. It's designed to be inefficient. Quite frankly, the Founders were very distrustful of that centralized process that came from the kings, and so, as a result, they created a system that was, by its very nature, inefficient on purpose. And in -- and God knows we've lived up to it in many respects.

[Laughter]

MR. LEWIS:

But it -- it's one of those where that does benefit the process overall, and so you need to know that.

When we're talking about accessibility, we have come so far in the last few years, and I want you to know when we did the survey under the grant from the United States Election Assistance

Commission of the voters nationwide, and we did a survey of 3,022, of which 2,000 of those were people with disabilities and 1,022 were general populace types, and so that we could sort of see where the differences were in terms of how voters were treated and how they liked the process or didn't like the process. We had a higher approval rating of the disability folks in terms of election administration at the precinct level. Ninety-eight percent of them said they were well-treated and well-respected and given what they needed.

Now, that didn't mean that some of them did not encounter problems. We know that we still have problems in some of the locations where somebody didn't set up the accessible equipment or they didn't know what exactly the rules were, so we have some of that. When you're going -- when you're dealing with a roughly 1.6 million poll workers all over the country, you're going to have some variations on the way this gets applied. And so, I want you to know we have made it a lot better than it used to be and still have got a great deal of work to be done.

Part of this is, guys, no matter what you say about what you want in terms of election administration and the kind of thing that we like to set up, I've lived with this long enough. I can tell you that politicians will tell you they want this, that, and yonder, but when it comes down to actually putting money to it to make sure that those

local elections folks have all the budget they need to hire the kind of staff they need to hire, to implement the kind of programs they want, to do the kind of audits that you want, the truth is the budgets are just not there. We give a lot of lip service to it, but we don't actually get appropriations to go with it.

We are running elections in America with each of the jurisdictions now, we have fewer people employed at the local level running elections than we did 50 years ago. Now, isn't that amazing? Now, part of that is technology, but part of that is also just simply because we won't fund it. And so, until we get to the point that we're ready to fund at the level that it actually needs to engage and approve all of the things that we've talked about, we have to know that.

If I were a local election official this year, I'd invest in body armor --

[Laughter]

MR. LEWIS:

-- because both sides have already made clear that they think the other side might steal the election. This is nuts. You know, I don't care what office they hold, from the very top to the very top congressional leaders, you cannot allege, as a responsible leader, that the process is going to be stolen and expect people to have faith in the fundamental process. If you do not believe in the

process itself, if you do not believe that the process is fair, you cannot believe in the government that results from it.

So, folks, look, we have to be responsible by what we say in some of this and what we do in some of this. And local elections officials this year particularly are going to have everything they do questioned at every level. And so, we need to all take a deep breath here and understand the process is more important than the partisan efforts that come with it. And so, I encourage all of you to make sure that what we do, we act responsibly, we talk responsibly, we move responsibly to do some of this.

The new reality is this: When we looked at 1998, the voters that were -- let me look this over here and just make sure I quote this correctly. 1998, those voters that were 45 years and older were about 80 million. By 2012 we had jumped up to 80 million, and that's growing at more than 2 million per year now to where when we get to 2030 we're going to have 74 million folks that are going to be in this deal.

When you look at the fact that voters are living longer, the average age when Social Security was passed was 54 for men, and it was 58 for women. Now, men are living to an average age of 85 and women to an average age of 88. And so, where we are is that means they're going to be in this process longer. That means more disabilities in a geometric progression. We are not prepared

to run elections that have such high disability rates with the way we're running them now. And so, we're going to have to look at all of this.

I will tell you, personally, standing in line in a polling place, if I don't have my cane with me or if I don't happen to bring a chair that I can sit on, they're not designed for you to rest. They're not designed for you to do anything other than move through a line.

We're going have to change the way we look at this, folks. We are.

We also are not equipped, because we as a society -- not all disabilities are visible. You know, my wife has Alzheimer's. Unless she opens her mouth and you engage her in a longer conversation, you're not going to know that. She looks perfectly healthy, perfectly normal, moves around just perfectly fine, and yet if -- if the situation were that she needed assistance, you would not know that until she tells you that she needs assistance. And so we're going to have to rethink how we do this. We're going to have to understand that not all disabilities are visible.

I would say to you if we want to do something here -- and at the risk of upsetting anybody in terms of government, we're not spending enough money on elections to make this all come together the way we ought to. And it seems to me what we ought to do in my mind is use a rule of thumb two dollars per voter. If we could spend at the Federal level two dollars per voter every year,

we could start to fix a whole lot of these problems. Now, that's not meaning that the EAC ought to get that so that they can hire a bunch more staff. It means that we have the EAC manage a process in which we actually target a lot of these areas and have money to go to those and so that we encourage this over a period of time.

And I'm -- I'm saying two dollars per voter knowing full well that the U.S. Congress hears that, they're going to cut it to one immediately and then by the time the appropriation comes, it'll probably be half of that again. But we need a continuing deal. The danger of that, of course, is that the Federal Government then begins to tell you how to run every election in America, and that's always a concern, particularly at the local level.

Look, if we're going to do what we need to do, we all have to engage in a sense of goodwill so that we are talking about both security and accessibility, not, as has been said widely here today, one or the other. And we have to accept that this is a priority for America. If it wasn't a priority before, it needs to be now because we're talking about a tidal wave of folks who are going to need assistance, a tidal wave. I mean, if we get to the point that 30 percent of our voters or 35 percent of our voters are people who need assistance, we're not prepared for that. We're not spending enough money to make that happen and to make that accessible

and the way to operate. And so these are the things that we need to look at.

Look, I don't know that we individually or here as a group, that we can change the world, but I know this: We can make efforts to change it for one or two or three voters at a time to where it makes a world of difference to them. And that ought to be what we're after is how do we make this process better so that everybody feels that their vote counts and that they are fully participating in this? And with that, I'll hush.

VICE CHAIR HOVLAND:

Thank you, Doug, and travel safe.

MR. LEWIS:

Thank you.

VICE CHAIR HOVLAND:

Next up, Audrey Malagon.

DR. MALAGON:

Hi. Thank you for the opportunity to be here. I am Dr. Audrey Malagon. I'm a Mathematician and a Mathematical Advisor to Verified Voting. We are a national nonpartisan, nonprofit organization that focuses on election security and the responsible use of technology in elections. We work to apply the National Institute of Standards and Technology framework to elections, and

we advocate for best practices that ensure that all voters' votes are secure.

I think an important takeaway from today's sessions is that security and accessibility are not mutually exclusive. We have heard very valid concerns about both of these issues, and I really think it's our responsibility to work together to resolve them. At the end of the day, election officials must balance a wide range of voter needs, ensuring that everyone has the ability to cast their ballot privately and independently and ensuring that those votes, once cast, are securely and correctly counted.

No voting method is perfect, and while there will always be some risk, we want to find ways to lower that risk and build resilience in our elections. The introduction of technology, even technology which is vital to the voting process, introduces a different kind of risk than the risks of individually hand-marked paper ballots, so we have to just approach that risk management differently. A flaw or an attack on a system of ballot-marking devices could potentially disenfranchise everyone using that ballot-marking device system. While it's certainly true that individual errors can occur even on well-designed paper ballots, BMDs are just more vulnerable to more systemic attacks, and so we have to be cognizant of that risk and work to manage that risk when we use them.

So, with these different kinds of risks in mind, I think, as we look forward to best practices and recommendations based on what we know right now and the systems that we have right now, we're looking at voter-marked paper ballots, which is a combination of paper ballots that are marked with pen or pencils, ballot-marking devices. At the end of the day every voter has a right to fill out a ballot privately and independently and have that ballot retained for audits as part of a resiliency plan for the election.

We need to ensure that there are enough ballot-marking devices in each polling place to ensure that lines are short, that voters who are using them are not hurried, and further, that they're not -- that voters using them are not compromising their privacy.

Additionally, the placement of ballot-marking devices need to make it clear that they're available for use. Voters need to be able to know that they're there and can be used.

Poll worker training, we've heard a lot about poll worker training and support. I want to echo that today. These devices need to be set up, and they need to be working properly when the polls open. Poll workers need to know how to assist voters appropriately if they're asked without compromising their ballot secrecy. And further, poll workers need to be able to intervene if voters notice issues or errors.

I think it's really important that we look at the system design for ballot-marking devices. They need to produce paper ballots that allow voters to easily verify their selections using devices or procedures of their choice. Ideally, the ballots produced by ballot-marking devices should be identical to any other paper ballots being used in that polling place. Ballots need to be presented to the voters in an obvious way before casting, not just sort of off to the side.

And one of the key things I think we really need to think about in ensuring the security of our elections is this verification step. All voters need to be given plain language instructions, signage, poll worker scripts, in addition to any notification that a ballot-marking device might provide, instructions to verify their ballot before casting, whether they're marking it by hand or using a ballot-marking device and, more importantly, they need to have the time and the opportunity to do so. This should happen at multiple stages but especially right before casting.

I think it's also important that we think about clear written procedures to follow if a voter notices an error between the marked ballot and their intent.

And finally, you know, I think we need to incorporate audits. Machine-tabulated results should be checked with risk-limiting audits of the voter-marked paper ballots. The way that we mark our

ballots is only one part of the election security process. We need good cyber hygiene, proper chain of custody in ballots, tabulation audits, among other things.

So, I think these are some of the things we can look to do right now based on the systems we have and the knowledge we have about those systems.

VICE CHAIR HOVLAND:

Thank you very much. Alysoun?

MS. MCLAUGHLIN:

I just want to start -- oh, I just want to start by turning on my mic.

[Laughter]

MS. MCLAUGHLIN:

I just want to start by giving a shoutout to a group of people that do not get enough credit for their hard work on improving the voting systems in this country, and that's all of you here in this room. The advocacy community is essential to not only keeping us honest as election officials, but you are the experts in the barriers that you face, and you're the experts in the solutions that you use to overcome those barriers. And as public administrators, it's incumbent on us, especially when we're looking at a time horizon of the elections that we're administering right now, the elections that can't wait for some future generation of some kind of technology

that somebody's maybe working on but right now to overcome the barriers that you face.

Election administrators appreciate, value, and can always do a better job of making use of your help in finding the workarounds that, quite frankly, we know and you know that we need to adopt in order to take an infrastructure that has barriers, institutional barriers to access not just in the voting process but in, you know, many -- so many different ways that people struggle to overcome the institutional barriers of the facilities that we use, of the ways that we communicate. And so I just want to say thank you to all of you and give you maybe a little bit of a boost in the arm. I know that it is a challenge. It's frustrating to fight barrier after barrier after barrier, and it -- to keep going on that and keep working with us to accomplish incremental improvements and to educate us is invaluable. And so thank you so very much on that front.

On the -- for election officials, quite frankly, we can be a bit of a defensive bunch, right? Everybody sees themselves as the hero of their own narrative, and so when faced with a criticism or a problem that people haven't anticipated before or feel like they've tried to work very hard to overcome only to hit their own barriers, then, you know, I'll just sort of apologize on behalf of all of the overtired probably underpaid election administrators out there who

have been prickly when faced with a problem because I know it happens.

But it is something that we as election officials need to always be cognizant of and need to make sure that we are always not only tapping your creativity but, you know, keeping ourselves with the -- a little bit left in the tank by the time we get to Election Day so that we are still able to apply creative solutions and problem-solving solutions for voters who are encountering problems that day getting into their building or, you know, that day trying to navigate the voting process.

Looking ahead to the '22 election, the 2022 election, the 2024 election because right now, let's face it, we're using the technology we've got, right? We're using the facilities we've got, we're using the processes that we've got, and we're building in workarounds and solutions and trying to overcome institutional barriers as they exist in the process today.

But looking ahead to the technology, usability is something that we need to think about not only from the perspective of the voter, which of course is key and primary here, we need to think about usability from the perspective of the poll worker, and we need to think about usability from the perspective of the election official. And we need to think about usability from the perspective of those who are watching our processes and those who are observing our

processes so that when we are conducting postelection audits, we are able to explain those to the public as well.

We are -- in our office we take great pains to give our poll workers a lot of hands-on experience. We have small class sizes so that we can make sure that all of our poll workers have that hands-on experience with setting up the ballot-marking device. And I say the ballot-marking device. We are expanding the number of ballot-marking devices in polling places, but it has so often been just one. The -- you know, so we can -- we can do certain things, yes, to make sure that the poll workers are able to set it up and use it, but the policy changes that allow us to use technology need to look at usability as an entire -- all the various people who need to be able to use these systems.

And Maryland's experience with ballot-marking devices is a case in point. When Maryland went out for the procurement for our current voting system, there was no intent of only having a single ballot-marking device per polling place. The intention was to be using them much more broadly. And then we ran into a usability problem. We ran into a usability problem that had not been fully taken into account in the procurement process and in the usability testing process, which was the use case that we had an alphabetically ordered ballot. And so the candidates who had -- were last in the alphabet were going to be in some cases several

screens after the candidates whose names were at the beginning of the alphabet, and legal actions ensued. So, we ended up not fully rolling out the technology that we were intending to use because of an unanticipated usability issue that we ran into, a not-properly-accounted-for usability issue in the process.

And so when we're looking to the EAC, when we're looking to NIST, when we're looking to all the various stakeholders who are working on the voting systems guidelines, working on trying to make our testing processes better, we can't anticipate every single use case, but Gema spoke earlier to the efforts that that process tries to do to take these use cases into account, and we just need to keep working at it. We need to keep working to make sure that we are mindful of the fact that there are use cases out there that we haven't thought of yet and that we need to try to make sure that our equipment is going to meet the needs of the voters once it gets deployed to polling places.

For the technology itself, I'm not a technologist, and I'm not a lawyer. I'm a public administrator. And we are in one of the larger counties, larger jurisdictions in the country. We don't have the technical expertise to do all of this ourselves. Not all of us have the resources of an L.A. County to go out and develop our own voting system and take it through the certification process. We are reliant

on what's out there, and we're reliant on our people being able to then work with and audit what's out there.

And so we -- on the one hand, we need to stop scaring people with false logic about paper ballots being the only secure tool, being, you know, the -- let me rephrase that -- about paper ballots being a cure-all for security because we know paper ballots are not a cure-all for security. I want to amplify what Juan Gilbert was saying earlier about overvote and undervote hacks, which, you know, have preceded all of us in the field of election administration. So, election administrators are very cognizant of the weaknesses of paper ballots, and that's why we've looked to technology to help us with these processes.

We need to find the ways that we can bring all of these things in together, though, because we are going to have people auditing our elections who do not have expertise in using electronic tools to do it. Election officials are not going to be on the leading edge of technology all the time. We may at times have infusions of cash from the feds. We can take great leaps forward in accessibility. We can take great leaps forward in technology, but election officials are going to be using the technology that's out there one day a year, two days a year in a way that is not likely to be on the leading edge of these issues.

And so we need to make sure that those of us who are administering these elections have -- at this point I don't see a way to avoid having a tangible document for audit purposes for us to use while at the same time making sure that that tangible document corresponds to a way that the voter casts their ballot that worked for them.

I don't have the answers to that. I think, you know, one-size-fits-all solutions are desirable, and if we can build one, fantastic, but we also have to recognize that there's a lot of skepticism that we can get to a one-size-fits-all solution, and we have to keep that creativity in mind, that we're going to have to probably cobble together multiple different ways of voting, multiple different kinds of technology in order for voters to have the experience that they need and in order for election administrators to be able to pull that over -- all together into a single and auditable process.

So, I will just close by saying that, you know, while I've just spoken a little bit to, you know, words of caution to not expect election administrators to be in a position to be in the leading edge of some of this technological development. At the same time, the security discussions that we're having now do seem to present an opportunity. People are paying attention, right? We're having this meeting. And by simply -- by virtue of having had this meeting and having people speaking today about the challenges of these issues,

I hope we can all take that to inform the dialogue, to inform the development of people's Federal legislative proposals, people's State legislative proposals, the targeting of resources to meet the needs.

And congratulations to all of you for your hard work in trying to improve these processes, and know that election officials, while we may be a little prickly from time to time to deal with that -- and we need to work on that within our own communities -- we're with you, and we're all trying to make these processes as accessible and usable and meet the mandates -- not the -- not just the promise but the mandates of the Help America Vote Act to make these systems fully usable and accessible.

VICE CHAIR HOVLAND:

Thank you very much. And, Michelle?

MS. BISHOP:

Last but not least? All right. I got some notes. I'm going to use my notes. I've been taking them all day mostly because some of my friends and colleagues who are up here who do elections accessibility advocacy did like 95 percent of my job for me today, so thank you for that. So, I had to make sure I had some notes so I didn't come up here and say ditto.

All right. So, I've got some stuff in general, some stuff for 2020, and some stuff for beyond 2020 if we're talking about

practical next steps. First, I'm going to say we are in the midst of a love affair with paper ballots that has reached a religious fervor that is unhealthy and will leave our elections at risk to the point that -- I'll say this first. Paper ballots are not a goal. Election security is a goal. Paper ballots are one proposed solution, and we seem to have lost sight of that as a country.

I have had elections officials look me in my eyes and say to me "I have paper ballots; therefore, I have a true and accurate record of the voters' intent." No, you don't. You have a record of how a ballot was marked. You don't know what that voter's intent was. You don't know they marked it accurately. You don't know that they even tried to verify it. And you don't know if they verified it correctly. But the fact that we somehow believe that having a piece of paper means I have an infallible record of a voter's intent is really frightening to me. We are going to leave ourselves so completely vulnerable if we actually believe that's true and stop looking for better solutions.

Okay. I already got too fired up. I was just going to read my notes.

[Laughter]

MS. BISHOP:

Something else on a similar point, Alice Miller said this earlier today, and I think it needs to be reemphasized that voters

gravitate towards the electronic interface. They like ballot-marking devices. Just because a handful of election security advocates tell you they don't like them doesn't mean that they represent all voters or even all nondisabled voters. There are a lot of voters out there that embrace that tack and they want it and they find it easier to use and they find they marked their ballots better because of it. Make sure you're listening to the voices of all of your stakeholders and all your voters, not just whoever tweets the loudest, who I'm sure are -- who literally are already dragging me on Twitter right now.

[Laughter]

MS. BISHOP:

Towards that end, also make sure you're including people with disabilities in your process for our elections officials' friends through the entire length of the process. I can tell you what I think works best, but I also don't represent all voters with disabilities. I certainly don't have all their disabilities, and I don't have the experiences that they have. Find voters with disabilities wherever you are, and include them in your process.

And if you're not sure how to find them -- see, this part I'm like almost contractually obligated to do. I work for the National Disability Rights Network. We're a national membership association. You've heard at least five of our State affiliates mentioned today. We are federally mandated. We exist in every

State, territory, and district in the United States, and we're funded through HAVA to work on access to the vote. So, if you don't know where to find people with disabilities where you are, go on NDRN.org. You find them -- the affiliate of our network in your State or territory, you call them up, they're going to help you do this.

Okay. Let's talk 2020. I think this point was made, but I'll make it one more time. We have to stop segregating out voters with disabilities. It's a violation of their civil rights. That should be reason enough to end the segregation. We have a like, you know, little-known Supreme Court case that talked about separate not being equal, and so I thought we had learned that lesson in this country, but when we talk about election security, we all get real comfortable with segregation again, so that's something we're not going to do anymore. Every voter should be voting the same method when they go to their polling place or, at the very least, every voter should be offered every method and allowed to self-select what they think is going to work best for them.

Train your poll workers. Please train your poll workers. It's true. I know it came out of Alabama today some poll workers aren't being trained. That's terrifying to me. Please train your poll workers. I understand it's not a Federal requirement, but it's still the undeniable best practice.

Okay. Let's talk beyond 2020 because that's all I got. Arguing about ballot-marking devices is getting old for me. I can't do it anymore, so those are my 2020 recommendations.

Thinking beyond 2020, we need to expand the Voluntary Voting System Guidelines. The fact that they are limited to the components of one voting system is not enough if we're still allowing one accessible voting device per precinct in the United States. That in itself is a form of segregation. We have to expand the scope of the VVSG to address that.

Congress has a lot to say about election security these days. I really don't need them to do that. I need them to put money into elections. I need their money where their mouth is. We should be giving money to States and local jurisdictions to fund elections properly. I'd love to -- Doug is gone. Love that two dollars per voter. And since he's not here and I didn't get to say it to his face, I will say while we are live streaming happy birthday to my dear friend Doug Lewis. Right?

Research and development, research and development, research and development. The reason we keep having this same terrible debate about ballot-marking devices is because that's what we have right now. And if we put money into research and development, maybe we'd have other technologies to talk about.

In terms of the tech industry, elections are not big-money industry, right? They're not making smartphones that everyone in the country buys. They have a very limited clientele. Literally only elections officials buy their product. It's not a big-money industry. We need Congress to put money into research and development. I hope the EAC will revive their research and development funding as well as a former grantee.

And then I have just one last point. This was something Diane Golden mentioned early in the day that I wanted to bring up again. We need better press coverage. We just need better press coverage. Press loves talking about election security. Okay. You're going to keep doing that, I understand. But, first and foremost, I need you to start explaining what you're talking about because you can't keep throwing around the term Russian hacking without telling anyone that -- what that means. And you can't keep saying 2016 was hacked without telling them what you actually mean was some people tried to get into voter registration databases, and they were detected and deterred because there's no evidence a single vote was flipped. And we need to start explaining that to voters because we're terrifying them by not -- by talking inside baseball to a bunch of people who don't speak this language every day. And I'd like to see a little more coverage of

elections accessibility as well. We could have a little more balance there.

Now, that's a nice version of that because the last thing I'm going to say that Diane mentioned, she didn't take it all the way home so I'm going to do it because most of you in this room know me and you know I'm kind of a spicy person, so I'm going to say it. Shame on you, *Today Show*. Shame on you.

[Applause]

MS. BISHOP:

If you're going to cover what's going on in L.A. County and not talk to a single person with a disability about the fact that voting accessibility is Federal law, that is not journalism. You could have done us the courtesy of an interview. I understand you spoke to Dean Logan. Dean Logan is a great guy, but he's not a disability rights advocate. I didn't get a phone call from you. And I will expect better from you, NBC. Thank you.

FEMALE SPEAKER:

Go, Michelle.

[Applause]

VICE CHAIR HOVLAND:

Thank you, Michelle. That's a hard act to follow, so I won't do it. I will pass it to you all. I want to make sure that, again, a lot of today has been about hearing from you, and so we want to make

sure to be able to get any questions that you have for this panel or takeaways that you've had from today, so I'm going to let Doug Chapin take it away. If we don't have anybody immediately -- there we go. We have a winner. We have two winners. It's like an auction.

MR. HIRSCH:

Hi. I'm Bernie Hirsch, Chief Information Officer for MicroVote. We make voting systems.

So, first of all, I think last is best. All the panels have been great, but you three, including the gentleman who had to leave, wow. This is just -- wasn't this great, this panel here? I -- I'm so -- I have so many things I want to ask each one of you, but for the last 13 years I think there's only been maybe one or two years that I haven't been involved with testing and certification of a voting system and designing and all of that. And so the usability issue is so important. And that's what we've really seen, right, is issues with our usability, much more so than perhaps accessibility or security. That's where we've seen some of our systems fall down. So, I think really putting the laser focus on usability is so important.

But I do have a question for you, Audrey, as a Ph.D. of mathematics -- so our system is completely accessible. Every -- it's not a ballot-marking device. It's a DRE that's a pushbutton device, so it's really great for people with visual disabilities. And then this

year we've introduced thousands of voter-verifiable paper audit trail printers in the booths where we are. And so now we can do risk-limiting audits.

But I've been investigating new technology, and we've actually done some hardware modifications to our system that's right now in certification with the EAC to allow it from a hardware standpoint to transfer the amount of data that would be required to conduct an end-to-end encrypted election in partnership with Microsoft. So, several other of our manufacturers have been doing that kind of a partnership, and that is an alternative to a paper-based system. It's one of the -- as far as I know, they're going to be accepting an end-to-end encrypted system as an alternative to a paper-based system, which is a secure electronic-only system.

So, from a mathematical standpoint, what do you think about the encryption involved in end-to-end, the math of that, and also is it --

DR. MALAGON:

The math is really cool.

MR. HIRSCH:

-- as it applies to quantum computing. At some point we're sort of playing cat-and-mouse with the speed of our computers being able to eventually brute force their way through our encryption. So, where -- what is the state-of-the-art of that, and

where are we going with that? And is that, in your opinion, a viable, marketable option that the public would accept? Because if you don't know this -- I don't know. Do you know how the -- the first voting machine was patented by Thomas Edison, but he didn't go into the business. He decided not to because it wasn't going to be commercially viable, right?

[Laughter]

MR. HIRSCH:

That was his first patent. He went on to do the light bulb and some other things, and I'm happy that he did, but we're still trying to make these things commercially viable. So, there's an end-to-end encrypted -- should I pursue that as something?

DR. MALAGON:

So, first, you asked me what I thought about the math in end-to-end encryption, so I'll say the math is really cool. That's what I think about the math in there.

But, I mean -- and I think, Michelle, you made a good point about, you know, what are we looking for in a voting system and a voting solution? The reason that voting is the -- that poses some hard problems is because we need verifiability. We need to be able to, in essence, have a recovery plan, an auditability that we can be -- that we know reflects the voter intent, but we also want to

preserve a secret ballot. And those two things are difficult to do simultaneously. And so paper ballots are one way that we have, you know, attempted to resolve that problem.

I think end-to-end encryption could be another way. I think there are some promising things happening there. I haven't seen details of a -- to be able to sort of comment specifically on any particular process, but any system that allows us to have something that we can verify that a voter would, you know, know that their vote was recorded in a way that reflected their intent without compromising -- without being able to trace that back to the voter I think is promising. And so I think those are the things we're after in voting solutions is verifiability, together with protecting ballot secrecy. And, yeah, I hope we find good ways to get there.

VICE CHAIR HOVLAND:

Thank you. And while we move the mic, I'll just say for those of you who didn't think we were far enough in the weeds, end-to-end cryptographic systems are the place to get to, so thank you, Bernie.

MR. SONNENBERG:

Hi. Thank you for today. My name is Scott Sonnenberg, and I'm a brand-new election official in Prince William County, Virginia. And I have appreciated it all today. It's been a drinking-from-a-firehose effect for me, and I just learned about the Cleary

Awards. And my question is is there any best practices from the Cleary Awards that we didn't cover today that might be useful for me to take home? Thank you.

VICE CHAIR HOVLAND:

I'll take that. Absolutely. The Clearies, for those of you who are -- just to cover them, the Clearinghouse Awards are something that the EAC does. We awarded a nickel earlier here in person, but it's really a great opportunity. We have the stories of these on our website, EAC.gov, but it's really a great way to highlight an array of the best practices that people are doing around the country. It's primarily election officials that receive the awards but not exclusively, as we saw. And so I really encourage you to visit that and see those stories because, again, it's really one of the great things in election administration to see this innovation, see the benefits that we get from creative election officials really doing a great service for their voters, and then their colleagues around the country being able to rip those ideas off and tweak them for their own purposes, which is the whole point of the Clearies, to recognize innovation and award it. And I'm also sitting next to someone from a two-time Cleary Award-winning jurisdiction, so I certainly want to defer.

MS. MCCLAUGHLIN:

Can I jump in and just sort of say -- I'll try to be quick, but to both of the last two questions, which they go in the same category in my head. So, end-to-end encryption I am sure is a really fabulous thing, but if you want me to run it, then I need to learn how to understand it and explain it and use it and do it. And so keep that in mind. You know, pilot practices are great. Best practices are great. The Cleary Awards are great, and we've got two of them on our wall. But I don't learn -- I learned a lot of cool things from chasing after the bright shiny objects of the best and the coolest and the most innovative things that somebody else had done and trying to steal it, but I learn more when I find out how my neighboring jurisdiction is doing it or how sort of like the middle-of-the-road jurisdictions are doing something because those are a lot more achievable, and those are a lot more replicable.

MS. BISHOP:

I just wanted to add quickly, first of all, welcome. We're so happy to have you. I think -- we talked about things today like the need to train poll workers, but if you go on the EAC's website, there's practical stuff you can use like training curricula and programs for recruiting and retaining poll workers that I think will be really helpful. There's some really amazing stuff on there. You should absolutely go to EAC.gov and check it out.

MS. ISRAEL:

Hi. My name is Kelly Israel. I work at the Autistic Self Advocacy Network. So, before my question I just want to say, Michelle, I'm 30 years old. I still want to be you when I grow up.

[Laughter]

MS. ISRAEL:

The next thing -- but the thing that I actually want to talk about is we're talking about a lot of emerging technologies that will have the ability to hopefully bring more voters with physical disabilities to the table. But whenever anyone mentioned the word usability, I immediately thought of how totally inaccessible every ballot I've ever filled out is from a cognitive standpoint. Like, okay, I understand who I'm voting for for President on most of these ballots, but have you seen like the like three-paragraph-long essay about some random provision in Maryland that may or may not destroy my human rights? Because those happen a lot, and there is no chance on any planet anywhere that a person with an intellectual disability will be able to make sense of them.

There's also an issue of security in terms of -- so under Federal law right now, people with intellectual disabilities have the right to have a supporter with them in order to help them fill out a ballot. I wondered about the security concerns that play in there and how to balance usability and security when it comes to getting

people with cognitive disabilities the ability to fill out ballots. I don't know if this question even makes sense at this point, but I tried.

MS. BISHOP:

I can start by saying that I also want to be me when I grow up --

[Laughter]

MS. BISHOP:

-- so we have that in common, any day now.

One of the easiest answers that I always give -- I'm so happy Whitney Quesenbery is here in the audience, Center for Civic Design, field guides to ensuring voter intent are all about elections as a design problem and designing ballots and materials that we give to voters well for clarity to address some of that. And I think that's part of it.

Some of that stuff like the ballot initiatives that are written in legalese are a much harder fix. There's a much more of an uphill battle there. I will say in the immediate sense because I know you come from an advocacy organization and you have the ability to reach out to voters, make sure they know about the resources that exist outside of the elections office that they can use.

I work in elections for a living. I can tell you right now when I fill out my ballot, I vote absentee because I have to work all Election Day, right, from before polls open until they close outside my home

jurisdiction. So, when I'm filling out my ballot, I kid you not, I pull up vote 411.org from the League of Women Voters. They show me my ballot, they show me the language that will be on my ballot, a plain-language description of that. If you vote yes, you're saying this. If you vote no, you're saying this. This is what proponents say, this is what opponents say. So, I can understand what on earth am voting on if anyone else votes in Fairfax County and cannot understand all those weird tax initiatives that are on our ballot every time.

So, I think until we can fix a bit of a legal problem there with how those things get on the ballot and how they're written, we need to make sure voters know about those other resources.

MS. ISRAEL:

Yeah. And just in general can we write ballot instructions in plain language?

VICE CHAIR HOVLAND:

Yeah, the remark from the captioner was that maybe also write ballot instructions in plain language.

MS. BISHOP:

That's where I think the Center for Civic Design materials are really helpful.

MS. ISRAEL:

Yeah.

VICE CHAIR HOVLAND:

I do want to note that we want to be respectful of time and people's schedules, so we really appreciate everyone being here today. I want to thank this panel. In particular I have sincere gratitude and appreciation to these panelists and their dedication and for being here.

[Applause]

VICE CHAIR HOVLAND:

Thank you.

DR. MALAGON:

And I promise I'm not trying to dodge any more questions. I'm trying to catch a train before it starts snowing in Virginia.

VICE CHAIR HOVLAND:

Who knew, breaking news. Thank you, Audrey.

I'd also like to thank -- I'd like to recognize the EAC staff again. I know it was mentioned earlier, but really an amazing job putting this event together today. It couldn't be done without them, and really that spans an amazing spectrum of activity to pull this event off. I saw our Acting Executive Director carrying around a child that I know is not hers --

[Laughter]

VICE CHAIR HOVLAND:

-- so really appreciate all the hard work that went into making this day happen.

This conversation will clearly continue, but, as it unfolds, we must remember that HAVA's requirements and other protective laws such as the Americans With Disabilities Act demand that Americans are given the equal opportunities to vote. But making voting accessible should not be dependent on meeting legal minimums. It should be about striving to ensure that all eligible Americans can vote privately and independently.

And frankly, the story of the American franchise is a history moving toward inclusion and access. We know that it's not always been perfect. There have certainly been ebbs and flows that we -- but we have to keep trying to move forward and striving to make it better.

In election administration we must continue to focus on practical solutions when considering the challenge of ensuring a secure and accessible election experience for all. I know the can-do spirit of election officials will meet this charge. My fellow Commissioners and I stand ready to lead in this area. But success depends on all of us working together.

I thank you for being here and participating. And lastly, if you can, please be a poll worker. Thank you.

[Applause]

[The U.S. Election Assistance Commission 2020 Elections Disability,
Accessibility, and Security Forum adjourned at 3:00 p.m. on February 20, 2020.]

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