

The Legal Center for People with Disabilities and Older People



Colorado's Protection & Advocacy System

Testimony for PCEA

Denver, Colorado

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Thank you for this opportunity to present testimony today. My name is Faith Gross, representing The Legal Center for People with Disabilities and Older People, Colorado's designated Protection and Advocacy organization. For the past 10 years I've coordinated the statewide voting accessibility program authorized and funded under the Help America Vote Act. In addition to our extensive work in the Disability Community offering voter registration and education, we partner with the Secretary of State's Office and the county clerks on activities designed to increase full access to the electoral process by citizens with disabilities. These activities include serving on advisory and other committees, developing and providing training for county election officials, conducting polling place accessibility surveys and providing technical assistance related to full accessibility for voters with disabilities. My comments are focused on accessibility, specifically at polling places and voting by mail, and accessible voting systems.

Polling Places

During the 2000 election, the GAO conducted an accessibility survey of polling places across the US. They found only 16% of sites surveyed to be fully accessible for voters with disabilities. They conducted another survey during the 2008 election and found that accessibility had improved to 27% of the polling places in their study. This is still a failing grade and is unacceptable. I note that this failing score is in spite of the availability of federal HAVA section 261 grant funds authorized to improve accessibility for voters with disabilities. We have worked diligently in Colorado to improve accessibility. While I believe that we would

score better than 27% there is still much work to be done. With our new election model, we will have fewer polling centers and all are required by statute to be fully ADA compliant. Surveys of each polling center are required for each election year. With fewer sites to manage, we expect 100% compliance within the next couple of years.

Privacy for voters with disabilities requesting assistance with reading and marking a ballot and privacy for voters voting at an accessible voting station is another concern. I have visited polling sites where I could easily see the screen of the voting machine from the entrance to the room. Voting stations must be configured to protect every voter's privacy while maintaining accessibility.

Effective poll worker training is critical to ensuring full accessibility for all voters.

Recommendation: Restore funding for the HAVA Accessibility Improvement Grant Program, authorized under section 261. Funds are no longer appropriated by Congress because some states did not use them. States that acted in good faith and utilized the grant program to improve accessibility should not be penalized by the failure to act by other states. Every state should be strongly encouraged to utilize these funds.

Accessible Voting Systems

Accessible voting equipment deployed for elections for HAVA compliance in 2006 was typically certified to the pre-HAVA FEC 2002 Voting System Standards. My understanding is that there was minimal input from voters with different types of disabilities in the development of these standards. At the present time, equipment is usually certified to the 2005 Voluntary Voting Systems Guidelines (VVSG) approved by the US Election Assistance Commission (EAC). Technology has significantly changed over the past several years including great advancement in accessible technology for people with disabilities. The EAC did extensive work on the next set of standards over several years, receiving extensive public comment, including from those with expertise in accessible technology. However, these cannot be implemented until approved by the EAC Commissioners, an impossible task because there are no EAC Commissioners.

Recommendation: Appoint EAC Commissioners to update and approve VVSG certification requirements. These must address accessibility of the Voter Verifiable Paper Audit Trail (VVPAT), which is currently inaccessible. This is unacceptable, particularly in those jurisdictions where the VVPAT is the “ballot of record” for recounting purposes.

Accessibility of Election Information

Election administrators and political campaigns send out a tremendous amount of information to voters that is inaccessible to people with print disabilities. Voters must be provided with the option of requesting and receiving election information in accessible formats. Websites and social networking media must be fully accessible as more and more jurisdictions rely on them to get information out to their voters.

Signature Verification

Finally, an emerging issue in Colorado as we have progressed towards all mail elections is signature verification for mail ballots. Voters’ signatures change due to disability or aging and it appears that at least in some states, there is no statutory requirement that voters be informed that there was not a signature match and these ballots are not counted. In Colorado we have a requirement that the voter be notified of this discrepancy and be provided with the opportunity to “cure” the signature, that is go in person to the election office to confirm his or her signature. Extensive voter education is necessary to ensure that voters understand that this is an important protection for them.

I’m happy to answer any questions that you may have and again, thank you for this opportunity.

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