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September 22, 2009

United States Election Assistance Commission
1225 New York Avenue N.W., Suite 1100
Washington, D.C. 20005

**Re: Public Comment Letter Submitted by the California
Foundation For Independent Living Centers (CFILC)
In Response to the Commission's Request For
Input on Revisions to the 2005 Voluntary
Systems Guidelines (VVSG)**

Members of the Election Assistance Commission:

Introduction

The California Foundation for Independent Living Centers (CFILC) is writing to submit the following public comments and recommendations regarding the United States Election Assistance Commission's proposed revision to the 2005 Voluntary Voting System Guidelines (VVSG). Our comments address critically important issues relating to protecting the fundamental civil and constitutional rights of people with disabilities to cast their vote. It is our position that these rights cannot be adequately protected unless, among other things, states take proactive stances in improving the physical accessibility of polling places and require that all voting machines are accessible to voters with all types of disabilities.

While we are generally supportive of emerging technological advances in electronic voting machines, we believe that the commission's guidelines must squarely address the need to make these new technologies fully accessible to disabled voters. It has been our experience in California that lawmakers and state and local election officials often place a significantly higher premium on security requirements for these voting machines and a relatively lesser degree of attention to accessibility issues. CFILC recognizes the importance of protecting the integrity of ballots, but it is our position that accessibility issues are equally important.

CFILC is a nonprofit advocacy organization that supports legislation at all levels of government to improve the lives of Californians with disabilities. We are a membership of 26 Independent Living Centers located throughout California that provide a wide range of programs and services that enable over 350,000 people with disabilities to live independently.

Increasing the participation of people with disabilities in the electoral process and eliminating all accessibility barriers are among the foremost concerns to our member Independent Living Centers and our consumers. CFILC applauds the commission for undertaking the task of proposing comprehensive guidelines for adoption by the states. To the extent that these guidelines are directed toward topical issues of concern to our community, we believe that they can assist state and local election officials in protecting the voting rights of people with disabilities.

Following our review of the VVSG, CFILC respectfully offers the following comments and recommendations:

General Comments and Recommendations

- **Physical, Programmatic, and Attitudinal Barriers:** CFILC recognizes that denying people with disabilities access to the full exercise of their voting rights may be manifested in a number of ways. Physical barriers that make polling places inaccessible to people with disabilities are the most clearly and readily identifiable obstacles. Similarly, inaccessible voting machines, whether electronic or non-electronic devices, can also deny these rights if there is a perception that the voting process itself is too burdensome or time consuming for voters with particular disabilities.

Moreover, it is also our position that state and local election officials can have an equally negative and chilling programmatic effect if they do not include the disability community in the electoral decision-making process, fail to aggressively overcome attitudinal prejudices about people with disabilities among members of their staff or poll workers, or do not adequately train poll workers in assisting voters with disabilities at polling places.

- **Privacy and Ballot Integrity Issues:** People with disabilities must be accorded the right to cast private, independent, and verifiable ballots both in public settings and by absentee ballot. While assistance may sometimes be needed by voters with disabilities, polling workers need to be sensitized about the need to protect the privacy of their ballot choice, ensure that they are provided opportunities to exercise complete independence about their ballot choices and decisions, and take all of the steps to verify that their votes were cast in full legal compliance. All of these requirements are necessary to ensure that ballots that are cast by voters with disabilities are secure and accurate.

- **Adaptations to All Types of Disabilities:** State and local election officials must ensure that the voting process is fully accessible to voters with all types of cognitive, sensory, and physical disabilities. CFILC supports increasing the accessibility of all new, existing, and emerging technological solutions to casting and verifying votes.
- **Accessibility of All Voting Materials:** CFILC encourages the development of guidelines to require that all voter registration materials, voter education materials, and sample ballots are available in a variety of accessible formats. Voting materials must be created using plain and understandable language.

Absentee Voting

- **Need for Continuing Research:** CFILC recommends conducting research that would allow people with disabilities to use computers or telephones to vote privately and independently when casting absentee ballots.

Voting Machines and VVPAT

- **Security Issues:** CFILC recommends that any and all measures instituted to provide enhanced security, accuracy, or voter confidence must be developed in a manner that also ensures that they are accessible to people with disabilities.
- **Universal Design:** Universal design principles should be implemented so that all citizens can vote on the same types of designated machines. All voting machines need to be operated by both voice and touch, including marking, verifying, and casting a ballot.

If the ballot process includes paper, the paper must be fully accessible and people with disabilities must be able to vote without seeing, touching, or handling paper. Poll workers or other individuals should not be necessary in order for the person with a disability to complete the vote casting process.

In addition, in order to assist individual with hearing impairments, audio components should be required to have adjustable volume levels. All spoken text must be clear, easily heard, and understandable with respect to instructions and ballot information.

- **Paperless Voting Technology:** Paperless voting technology needs to be designed and made available to local election officials. In addition, accessibility requirements should be equivalent for paper, electronic, or all other emerging formats.

- **Vote Verification:** The commission's guidelines should ensure that vote verification information and technology is fully accessible to all individuals. Similarly, if a paper ballot is prescribed as part of the official vote record, it must be fully accessible. All disabled voters must be able to verify their vote casting using the same methods that were used to cast their votes.

Polling Places and Poll Workers

- **Recruitment of People with Disabilities to Serve as Poll Workers:** State and local election officials should be encouraged to develop outreach and education programs specifically designed to reach out to community leaders, elected officials, and disability advocacy organizations to assist them in developing and implementing campaigns designed to actively recruit more people with disabilities to serve as poll workers.
- **Accessible Materials and Training Programs:** In order to ensure that people with disabilities are able to cast their votes, state and local election officials should be required to develop educational and instructional materials and training programs on disability accessibility issues and how poll workers can best assist voters with disabilities when such assistance is requested. The training should include the ways in which poll workers can be fully prepared to troubleshoot problems with voting machines, including a requirement that poll workers must be trained to have the expertise necessary to deal with the technology that is being utilized at that polling place.

In closing, CFILC thanks the United States Election Assistance Commission for the opportunity to submit these public comments. We look forward to continuing our work with you on these important issues.

Respectfully,

A handwritten signature in black ink, appearing to read 'Teresa Favuzzi', written over a horizontal line.

Teresa Favuzzi, MSW
Executive Director