

**United States Election Assistance Commission
Public Hearing**

Suffolk University Law Center
120 Tremont Street
Sargent Function Hall, First Floor
Boston, MA 02108

Wednesday, April 27, 2016

VERBATIM TRANSCRIPT

The following is the verbatim transcript of the United States Election Assistance Commission (EAC) Public Hearing that was held on Wednesday, April 27, 2016. The meeting convened at 10:34 a.m. EDT and adjourned at 1:02 p.m., EDT.

PUBLIC HEARING

CHAIRMAN HICKS:

Good morning. Thank you. We will begin our public hearing of the United States Election Assistance Commission. I'm honored to be here today and to be listening on a subject so close to my heart of improving access to the polls for people with disabilities. The purpose of today's hearing is to receive testimony from election officials and voters with disabilities about accessible voting and the progress made since the passage of the Help America Vote Act in 2002. In addition, we'll be listening to voters with disabilities regarding their voting experiences and to inform the Commission as we continue to make the EAC resources available to assist election officials in preparing for 2016 -- the 2016 elections and beyond.

The hearing will be webcast live and archived will be available for playback shortly. In advance of today's hearing, we encouraged voters with disabilities to share written testimony of their experiences with accessible voting with the EAC at listen@eac.gov which will be included with today's written transcript. And I ensure you that we are working to make sure that that transcript will be fully accessible to everyone who has a disability.

Before we start today I wanted to make sure that I thank the individuals who made today possible and without their help we would not be here today. I want to thank Christine Griffin, the Executive Director of the Disability Law Center of Massachusetts, Alison Tejada, I don't know where she went, the Associate Director of Community Planning and Scheduling for Suffolk Law School here, Michelle Bishop, the Disability Advocate Specialist for Voting Rights for the National Disability Rights Network, Jim Dickson, the consultant, National Council for Independent Living and Pat Leahy who's on the EAC staff.

And with that I would like to lead the room in the Pledge of Allegiance, so if you will stand.

[Chairman Thomas Hicks led all present in the recitation of the Pledge of Allegiance.]

CHAIRMAN HICKS:

Now I will call the roll, Christy McCormick.

COMMISSIONER McCORMICK:

Here.

CHAIRMAN HICKS:

Matt Masterson.

VICE-CHAIR MASTERSON:

Here.

CHAIRMAN HICKS:

And Tom Hicks being present I confirm that there's a quorum and we can move forward.

Before we get started I want to thank former Chair Christy McCormick for all her hard work -- and she was surprised about this, she doesn't know about this. So without Christy's help in being Chair last year we would not be where we are today. So I wanted to just give her a small token of our appreciation...

COMMISSIONER McCORMICK:

Thank you. Thank you very much.

CHAIRMAN HICKS:

...for her serving as Chair for the EAC last year.

COMMISSIONER McCORMICK:

Well thank you very much, I appreciate it.

[Applause]

CHAIRMAN HICKS:

Is there a motion to adopt the agenda?

VICE-CHAIR MASTERSON:

So moved.

COMMISSIONER McCORMICK:

I second.

[The motion carried unanimously.]

CHAIRMAN HICKS:

With that, we can begin -- the vote being unanimous we can now move forward with the hearing itself.

With that, I would like to read a brief statement. "The work of the EAC -- the EAC has been working to make elections accessible since our creation in 2002 and today we'll take another step towards another contribution of equality that is far from over. It is my goal to ensure that all Americans can vote independently and privately in the electoral system. It is our responsibility to assure that all Americans have access to elections and know that their rights are guaranteed under the law.

According to a report by Rutgers University about one in five Americans has a disability. This number is only expected to grow as baby boomers get older and wounded warriors come home. Their voting rights must be honored as vehemently as all others. The EAC has funded or conducted research to look into free or reduced postage for return -- for the return of voted absentee ballots, improve of usability and accessibility of voting systems and products through NIST, report on effective election design, developing the Military Heroes Initiative a grant effort to help wounded warriors in the voting process, background research under the Voluntary Voting System Guidelines 1.1 and 1.0 and the

EAC led the Accessible Voting Technology Initiative, a \$7.5 million EAC grant program that produced approximately 45 research and development technology and administration solutions to ensure voters with disabilities can vote privately and independently.

At our meeting in 2015 my fellow Commissioners and I adopted a resolution celebrating the 25th anniversary of the Americans with Disabilities Act reaffirming its mandate and commitment under HAVA to equal participation in elections. There are two clauses that I would like to highlight from that resolution: “Whereas, individuals with disabilities must be provided the same opportunity for access and participation, including privacy and independent as other voters,” and second, “Whereas, EAC is charged with promoting information about polling places, outreach programs, training of election officials, poll workers and volunteers on how best to promote the access and participation of individuals with disabilities in elections for federal office.”

It is my hope that the VVSG working groups will continue to take this into consideration for these two clauses when considering individuals with disabilities during the formulation of the next iteration of voting system standards. This is a direct relation to our mandate of promoting methods of voting and administrating elections that will be convenient, accessible and easy to use for all voters. I’ve worked with several advocates and other stakeholders

to print a bill of rights for folks with disabilities, a small card that voters can fit into their wallet to ensure that voters know exactly what they may request at their voting polling places. We have a few of these cards here today and they're available on our website as well. And we are working to ensure that that card is fully accessible and hopefully will be available in Braille shortly.

I urge all of us, panelists and contributors alike, to take a moment to not only listen to the struggles of our fellow Americans but to open our minds to create new and innovative solutions. Together we continue our progress towards equality because the full promise of the ADA and HAVA will only be reached if we remain committed to continue our efforts to fully implement these Acts.

At this point I would like to welcome the Commissioners to give an opening statement. Vice-Chair Masterson would you like to give a statement?

VICE-CHAIR MASTERSON:

Thank you Chairman Hicks and congratulations to you chairing your first meeting, and I think it's appropriate with your focus on making voting accessible for all that we're here having this hearing as your first hearing.

Good morning to all of you and thank you for being willing to be here to participate in this hearing and to share your thoughts and testimony with us here today. The promise of HAVA

guarantees the ability for all voters to vote freely and independently regardless of ability. For some that promise has been fulfilled. And if you were to go and look and look at some of the testimony we've already received at our prior hearings, as well as on our website, it is a moving testimony to the power of the ability to vote freely and independently. Unfortunately though for others despite the best efforts of many, including the thousands of election officials across this country, that promise remains a goal or a dream. Today we'll hear from election officials and voters in an open and frank discussion about some of the successes and failures of HAVA. I encourage everyone here, everyone watching online and all of my colleagues in the election world to go to eac.gov read and watch the transcript of this hearing and read the public testimony we've already received in writing as it speaks to not only the successes but the challenges that remain in front of us.

One of the takeaways I had from reading from the testimony we've already received is the need for greater and better training, not just of poll workers to set up and have the equipment ready but to properly be educated on how to approach voters with disabilities and how to allow the experience to be truly free and independent for them. That power of training and service for voters with disabilities is something that I know my colleagues in the election

world strive to and that the EAC will work diligently this year to try to provide resources to attain that goal.

I look forward to listening and learning from you all today and taking what we hear and sharing it across the country to ensure that the promise of HAVA for the ability to vote freely and independently becomes a reality for all.

Thank you Chairman Hicks and I look forward to the testimony today.

CHAIRMAN HCKS:

Commissioner McCormick.

COMMISSIONER McCORMICK:

Good morning, it's great to be back here in Massachusetts. I spent some of my time growing up in Acton, Massachusetts so I have a real affinity in my heart for Massachusetts and Boston and I love the folks here.

Thank you for allowing the EAC to be here this morning and to hear important testimony on the state of accessibility for voters with disabilities. As Commissioner Masterson and Commissioner Hicks both have alluded to, HAVA's clearest promise was for independent, private and accessible voting for all voters in the United States. That promise as Commissioner Masterson said has still not been fully fulfilled. Last summer we held a public meeting focused on accessibility issues and we heard some very moving

testimony that showed us the need to hear more from this community and from election officials who are working on these issues. Your voices and testimony are critical to the process of fulfilling this mission.

So thank you for being here, for helping us become more and better informed. The EAC is committed and we will continue to work diligently on accessibility issues until we indeed see the promise of HAVA fulfilled. We want to make sure that you all have private, independent and equal opportunity to vote in our country. So thank you Mr. Chairman for making sure that this meeting got held and I look forward to hearing the testimony and the experiences from all those who are testifying today. I urge you also to please send us testimony so that we can include it in the transcript of this meeting. It really is very critical for us to hear from you and about your experiences. Thank you very much.

CHAIRMAN HICKS:

Thank you and thank you for reminding me that I actually grew up here in Boston.

[Laughter]

CHAIRMAN HICKS:

And I wanted to acknowledge my mother who is here to watch my first Chairmanship hearing and my -- a woman who's been like my

aunt, Evelyn, who is here also to watch this hearing take place. So I want to thank the Commissioners.

Today we will hear testimony from two panels; election administrators and advocates and voters with disabilities. At the conclusion of each panel we will open the floor for the Commissioners to ask questions.

Today we are honored to have as our keynote before the panel testifies to receive testimony from the Honorable William Galvin, Secretary of the Commonwealth of Massachusetts, and with that.

SECRETARY GALVIN:

Thank you.

[Applause]

SECRETARY GALVIN:

I'm standing because I was told if I sat here you wouldn't be able to see me. That's seldom a problem for me.

[Laughter]

SECRETARY GALVIN:

But I want to thank first of all the Commission for coming here to Boston. I want to applaud your work in this area and your work generally. You know it's hard to believe as I was sitting here thinking about what I was going to say one of the things that came to my mind first and foremost is the creation of the Commission

came out of an electoral crisis, the election of 2000 and what that did to our country. And here we are 16 years later and we have made a great deal of progress, but we still have a long way to go as has already been noted. This is just one aspect of the work of the Election Assistance Commission but an extremely important aspect and one which I think the presence of so many people here today confirm is very important.

I think that when you look at the voting by persons who have disabilities you're looking at a subject that was for a long time sort of papered over. I'll put myself in the same papered over status as just about everybody else. If you're like me and you've been involved with elections or election administration for a very long time you're so focused on the mechanics of voting and the significance of the outcome of elections that you perhaps didn't take as much time as you should have, if you're like me, to think about what it meant to individual citizens.

And I had that revelation in a very personal way when Massachusetts moved forward with our first effort at creating an environment with proper equipment. We were experimenting with different types of equipment as we considered what we would do to meet our mandated obligations and we chose a pilot project and one of the communities we selected was the town of Watertown and the reason we did that was we knew that the Perkins School

for the Blind, a nationally known institution was in Watertown and we knew that there was a large number of citizens in that area that would be likely to take advantage of this. And I went over to Watertown that day to the polling place where this was being done in the Perkins School area and we had our AutoMark machine there being used for the first time and I just remember how strikingly moving it was to watch these citizens who were blind or had sight issues, sight impairment issues voting for the first time and how joyful they were when they were able to vote. And what they said to me was not simply that they were able to vote, because most of them had voted by absentee ballot or some other way before, but the importance to them of privacy, the importance to them of certainty, certainty that their vote was being cast as they wanted it to be cast, that they weren't dependent upon anybody else, not even somebody who was related to them, not even someone who they trusted but they were sure using this equipment that when they cast a vote for a certain candidate it was indeed for that candidate. That affirmed their citizenship. And that's really what this is about. It's affirming this fundamental right of citizenship voting.

So the process that we're going through today or you're going through today are further expanding and defining how we're going to implement that right is extremely important. As has

already been noted, the problem is less now about equipment, less now about access to physical buildings and locations, although those still are very important issues that have to be dealt with on a continuing basis, but it largely has to do with training and awareness and sensitivity. And the reason that that's important is that as all of you who are involved in election administration know when you're dealing with an election, I'm fond of pointing out to people mostly as a defensive mechanism, you're talking about an event where you have on most instances, at least here in Massachusetts, literally millions of people participating in doing something they, at best, do once a year, more often do about every four years with an army of tens of thousands of temporary workers in facilities that are sort of ad hoc to the purpose. And so all of this coming together doesn't leave much room for error, and it's just a fact that when you're trying to assemble this workforce of temporary workers that oftentimes you have to remind people, you have to retrain people, you have to tell people what they have to be aware of. And so often they're so overwhelmed by the huge crowds that you have at election. For instance we have had over three million people vote in our last two presidential elections here in Massachusetts. We certainly expect we're going to have that occur again. When you have this crush of people coming out, sometimes things get overlooked and unfortunately oftentimes it's the

sensitivity of those who are disabled who might be needing to use the equipment. It's not that the equipment isn't there. It's not that it doesn't work. It does work and it is there, but we must educate on a continuing basis the people who are administering the election at the local basis, at the precinct basis to make sure they know what has to happen, to make sure that not only is that voter able to use that equipment but they're able to use it with confidence and they're able to use it without any sense of stigma because they shouldn't have any stigma as that process goes forward.

So I think the process now is about further helping our election administrators as well as our citizens move it forward and I know the Election Assistance Commission is committed to that. Their presence here today is a sign of that commitment. I hope that the testimony that will be received today will help us further define how we can improve our efforts, how we can make sure that as we go forward we have election officials who are trained and sensitive, voters who know what their rights are and the opportunity for all of our citizens, no matter what their conditions may be, to participate fully. It's a proud American right that we must defend and extend to every one of our citizens. So I applaud your presence here today. I am delighted to see so many people here and I hope that the testimony will be helpful. And I'm sure I speak for all of our Massachusetts election administrators when I say that we're

anxious to move forward in implementing your findings and with your help make it a better experience for everyone.

Thank you very, very much.

[Applause]

CHAIRMAN HICKS:

We will now move to hear from members of our first panel. They are Michelle Tassinari, Director of Legal Counsel for Secretary Galvin, Dionne Irish, Chairman of the Boston Elections Commission and Andrew Dowd, President of the Massachusetts Clerk Association and Town Clerk of Northborough, Massachusetts.

We ask that you limit your remarks to five minutes and with that Ms. Tassinari.

MS. TASSINARI:

First I'd like to thank you for -- the Commission for allowing me to provide testimony regarding this very important subject of election -- accessibility in the election process. Making sure that all voters, including those with disabilities, are able to fully participate in the process has always been a priority of our office. As Secretary Galvin mentioned in his opening remarks, access -- physical access to the polling locations has been something that we've worked on in the past and our first comprehensive survey of all polling locations in Massachusetts was done in 1998 and then again fully in 2004. We worked with various members of the

disability community including the Mass Office on Disability, local disability organizations including Independent Living Centers. And we currently continue to survey polling locations to make sure access remains open and that the polling places are accessible. We also are preparing for a new round of surveying as we do have a new process that will be coming for our November election which is early voting which will be available at locations in Massachusetts for the first time prior to the November election. And, again, we want to make sure that the polling locations for the early voting sites are accessible and also have accessible equipment available in them.

So then we moved onto the Help America Vote Act where we received funding to acquire the accessible voting equipment so that the voters with disabilities had the ability to mark their ballots privately and independently like all other voters. Prior to HAVA we had worked -- we had kind of done an ad hoc provision of making templates for ballots for voters with disabilities who had requested them which was accompanied by an audiotape with directions, and if someone could find a tape player now that would be awesome to listen to.

[Laughter]

MS. TASSINARI:

When we were selecting our accessible equipment we worked really closely with the disability community and we actually traveled across Massachusetts and had voting equipment vendor fairs. At the time we had invited any vendor who had what they claimed was accessible equipment to attend and we also invited the disability community. We wanted them to use it. We wanted them to try it. We wanted them to give us what was -- what worked best, what the best features were on each of the equipment, what the features that didn't work, what features they would like to see. And using that feedback what we were able to do is draft our request for response and ultimately ended up with our AutoMark equipment.

So with greater advances in technology we now have access to the polling locations, we think we have great equipment to allow voters to be able to come in and vote privately and independently, but now we have more technology that's available for all voters and that includes the use of online resources. So we have now kind of shifted our focus to make sure that our online resources that we have available are also fully accessible. What's interesting is that Commissioner Masterson has recently discussed election officials are becoming IT managers. Luckily for me we have an incredible in-house IT staff that understands the importance of our election needs and my lack of technology experience. So we are fully committed to facilitating the accessibility and usability of all of our

online resources and our websites for the disabled community. So some of our websites that we have, we have a polling place locator where a person enters -- they don't have to verify their information, they can just look up what their polling location is by entering their voting address. It also gives them a list of their elected officials and links to those pages. We have an absentee ballot tracking system and online voter registration.

So as we've done in the past, we do internal testing when we're creating things. We use -- we've used various members of our staff that have assistive technologies and we've worked with members of the disability community that we've had a relationship with to kind of test our systems. After reviewing the accessibility issues reported using websites nationally we determined that we definitely needed further expertise, so we had received quotes from various consultants for a full accessibility review of our elections division web pages. So working with our accessibility consultant, our IT development team is implementing the relative portions of the World Wide Web Consortium's Web Content Accessibility Guidelines 2.0 level AA as its web accessibility standards. So this will bring all of the elections division websites into conformance with Section 508 of the web accessibility standards developed by the United States Access Board. So our web pages will also be tested on a periodic basis with the most current assistive technology test

tools and we're making every reasonable effort to ensure that our election web pages are accessible by users with disabilities who depend on assistive technologies.

So currently we have six different websites that we're working with. We have already fully implemented the accessibility changes for the "Where do I Vote" which is the polling place lookup, the "Am I Registered to Vote" which will -- which is where someone can look up what their -- where they're currently registered to vote, their party enrollment as well as if they're listed active or inactive and then the "Track my Ballot" which is voting for people who -- to be able to check the status of their absentee ballot. What we're also currently in development on which we expect will be fully upgraded this month -- next month, early next month is our online voter registration application and then we have early voting places. So those will -- that is a requirement under our new law that we will have to post those as well as the hours. And so as soon as those are developed and those are going to go on line we will be making sure that they meet all of those standards.

So some of the steps that we took when we were implementing our accessibility policy is that we engaged an experienced accessibility consultant, the National Center for Accessible Media at WGBH, to conduct a website accessibility audit. And they provided us with specific recommendations to

facilitate website accessibility. They also provided initial onsite training for our development team to the conformance standards and they continue to provide us with the onsite training as necessary. So we also have employed them as a consultant for an as-needed support team code reviews and end user accessibility testing to provide us with feedback as we go through all of our web pages. And so we have also adopted a website accessibility policy to support this commitment to accessibility.

What's an interesting result of our accessibility changes is that we have found that the changes just make our websites generally more user friendly and easier to use. So the rearrangement of certain questions and certain buttons on the pages are making it less confusing for all voters, anyone who is accessing it which we think is a great, huge help for all of our users on that. We also wanted to let you know that our efforts are ongoing and if at any time voters or anyone using our website have specific questions or concern about our webpage or any of our accessibility to the election process we are available, we want to hear that feedback, we want to make improvements. And so we stand committed to, again, working with the disability community to get the feedback and make any changes that we can so that we can ensure that our elections are fully accessible from all aspects.

Thank you.

VICE-CHAIR MASTERSON:

Thank you.

MR. IRISH:

Good morning Chairman Hicks, Vice-Chairman Masterson and Commissioner McCormick. Thank you -- welcome to Boston and thank you for bringing this hearing to our great city. And I really want to just say some words of appreciation for Honorable Secretary Galvin's words earlier that were very inspiring.

A quick background on myself, I'm Commissioner of the City of Boston's Election Department. I've been in service with the City of Boston for about 21 years for in various capacities as the Director of the Office of Civil Rights and currently in this role where I'm looking to work to fulfill Mayor Walsh's vision and my vision for creating a thriving democracy that's inclusive of all of our residents. So I was appointed to this position in August 2015 and to date I've overseen four elections and the most comprehensive review of ward lines, precinct lines and address assignments that the city has undergone in over 50 years thanks to Michelle. My vision for the department is to advance democracy through innovation technology and increasing accessibility.

Being new to the department I've also been a student of our work and studied what our past challenges are and our accomplishments are and one of the things that I found that I'm

most proud of and want to talk about today is our Accessibility Ambassador Program that the EAC was kind enough to help us fund and establish in 2010.

Martin Kane who is in the room with us today he's the lead trainer for the City of Boston's election department, so he trains all of our poll workers and other folks, and he recalls many years ago getting a call from a voter who had a disability that needed to make sure that the polling place would allow a wheelchair. And even talking to Mr. Kane today, you know, you could still see the emotion of how upset he was to have to tell that voter, no, that site was not accessible. I'm proud to say that all of our sites are accessible today and all of our sites are equipped with the AutoMark machine that I won't get deep into, but we do have technology available. But as the Secretary said earlier, it's more than just the mechanics and that's what I found most interesting about the Accessibility Ambassador Program is because it went beyond that and focused more on the people. It's one of the most innovative initiatives that we have accomplished and we did it in partnership with the EAC, with Suffolk University so it's great today that we're here in Suffolk Law School, the Disability Law Center and the City of Boston's Commission for Persons with Disabilities. And I also want to acknowledge that the Commissioner of that department, Kristen McCosh, she's also with us here today. So they helped to establish

the program and the program recognized that accessible polling places and the technology were good steps forward but we could go a lot further to assist voters with disabilities to exercise their right to vote in person. And I emphasize in person because many folks with disabilities are participating with absentee and Commissioner McCosh also shared her story with me. She actually had an incident when she was 16 that led to her disability and when she became 18 she was very much interested in voting. And so the Boston election department sent a registrar out to her home and they registered her to vote and she voted by absentee and there was a snafu and she didn't get to cast her vote because of the mail, whatever happened for one particular election, so she wanted to make sure that that never happened again, she wanted to vote in person. So at the age of 25 she voted in person for the first time and she recalls it as being one of the most empowering things that she's ever done. So that's sort of the driving force that's coming from the city's side to make sure that we're doing all that we can.

So a little bit about the way the program worked is that we recruited volunteer poll workers to attend a special training and they weren't compensated for that training which is different from our typical poll worker training. This ensured that we had a self-selected group of people who weren't there for the money. They were really there because they wanted to help voters with

disabilities. The training went beyond the normal explanation of the laws and the equipment and the mechanics and instead it focused on the understanding of people with disabilities and how poll workers could appropriately assess them. Roughly 60 poll workers were trained as accessibility ambassadors in 2010 and this far exceeded the original expectations and goals of the program which was to recruit enough poll workers to help us at the sites so we had -- at the spaces where we have multiple precincts and multiple lines. And it was a great experience for the poll workers who provided that service as well as for our electorate. In 2011 many of those same poll workers volunteered to do the same thing again. And today I'm pleased to announce that we're going to be continuing the Accessibility Ambassador Program for the Massachusetts State primary election and presidential election and for our early voting which, you know, as Michelle Tassinari pointed out this is the first time we're having early voting in Massachusetts, we want to make sure it's open for everyone and that includes for people -- persons with disabilities to be able to vote in person. We will be conducting outreach and creating partnerships with groups so that we can encourage voters with disabilities to vote in person at their polling place.

And in closing I would like to announce that on National Voter Registration Day, which is September 27th, 2016, that the

Commission for Persons with Disabilities in Boston and my department will be partnering to host a civic engagement day for voters with disabilities where they can meet elected officials in city agencies, they can register to vote and we'll also be providing demonstrations on the AutoMark machine that assist voters to privately mark their ballots.

Thank you.

CHAIRMAN HICKS:

Thank you Mr. Irish, Mr. Dowd if you would like to give your testimony now please.

MR. DOWD:

Good morning, thank you for having me. As was said, I'm the current President of the Massachusetts Town Clerks Association, so we obviously represent the approximately 320 towns in the state and also interact greatly with our folks in the City Clerks Association like Mr. Irish.

Town clerks know our local communities I can tell you that as of today have 10,783 registered voters in my community of Northborough, Massachusetts and if you ask any other clerk or local election official they can probably rattle that number off the top of their head. It may be a little bit more difficult for large communities like Boston...

[Laughter]

MR. DOWD:

...but it's an important part of our function.

VICE-CHAIR MASTERSON:

We'll have a quiz later.

MR. DOWD:

...it's an important part of our function. But again, thank you for having me. I appreciate the opportunity to be here today.

As a local election official we want people to vote and we want that to be a positive experience. Communication and outreach is key. We need input from members of the disability community and how we can further improve access to our polling places and encourage voting on the AutoMark voter assist terminal. We need to bring visibility to the AutoMark here in our communities. The vendor is always happy to provide demonstrations along with the local election officials, such as us, to groups such as your elder service organizations, veterans' agents, clientele, independent living centers and that list could go on and on.

I've heard from other clerks who have had success in working with community groups such as the Alliance Club, the Rotary, other civic groups, your senior centers. When you bring the AutoMark machine specifically to a group like that and demonstrate it, oftentimes the first reaction is "I've never seen this before." That's unfortunate and that's our fault. We need to do more to

promote it and make sure that everyone knows it's available in all 351 cities and towns at all polling locations in the Commonwealth. We can do more to encourage the use of it. People when they use it for the first time and they have that independent voting experience they're excited about it. Obviously we like to see that. We want to encourage more to do it.

To make the voting public aware that when they come to vote in November in a year like this one where it's going to be a very busy day, a busy election that there are other options for folks with disabilities to utilize the AutoMark machine. Promote the use in the media, utilize your senior center's newsletter, local newspapers to encourage people and inform them and get information out.

As Michelle and others mentioned, the early voting will be conducted in Massachusetts for the first time this November so for the two weeks prior to the November 8th election folks will have an opportunity to vote during that period and that gives an additional option for people that may have difficulty arranging transportation, worried about the weather and other things that could impede their experience on the actual voting day. And as it's been said, it's important that our sites for early voting are also accessible and we have the AutoMark machine available.

So the most important message I can give is that we as local election officials need input from the public and the public also needs to hear from us. So communication is key and that is the key to our success. And I greatly appreciate the opportunity to be here today. Thank you.

VICE-CHAIR MASTERSON:

Thank you.

CHAIRMAN HICKS:

Thank you and I want to thank you all for your testimony. At this point I will open the floor for questions, Commissioner Masterson.

VICE-CHAIR MASTERSON:

Well that's scary letting me start.

CHAIRMAN HICKS:

I know.

VICE-CHAIR MASTERSON:

Well thank you all three for being here and your willingness to testify. I appreciate all your thoughts.

Ms. Tassinari I'm going to start with you with a question. You all obviously have put in a lot of time, a lot of work into making your website and your services accessible. Outside of more money, which is always a solution that someone throws out there, what advice do you have for your fellow state election officials in working to ensure that their services on their website -- online

registration has been highlighted as a challenge in a lot of states to make it accessible. What advice do you have on resources and approach, thought process to making that accessible?

MS. TASSINARI:

So for us what was interesting was that we had actually asked for quotes from multiple vendors -- or multiple consultants that do accessibility reviews and we ended up going with a local organization WGBH because they were significantly lower in price and yet came very highly rated. So money actually wasn't that big of a deal in this situation because it's -- you get a lot of bang for your buck on this one because it wasn't just we're going to go in and we're going to make it accessible. What they did for us was to be able to go through it, identify the issues and then tell us how to make it right moving forward which is now what enabled us to go back and look at all of our other programs. So it wasn't just limited to "This is how you fix this site," it is "This is how you make all of your sites accessible, this is the way the technology needs to work and this is the way the programming needs to work." And so for us the resource was a minimal original outlay which is going to give us a lot of -- it's given us a lot of information and ability to be able to advance our website so that we can make sure that it is accessible. So for us again we had originally looked at using -- we were using internal testers that we were familiar with. Their assistive

technology did not have issues, but when we delved deeper into it and working with WGBH who will -- they sit down with us, they showed us what the problems were, they taught us how to do it right. And so now we were able to go back and make everything else so that we do -- we won't have these issues moving forward.

So I think, you know, taking the approach of not just having someone "Hey make my system accessible, teach me how to make my systems accessible" is I think the better lesson so that you can know as you develop more and as you look at your other features on your website that you're making sure that you know going into it that you're not just building it now and then will have to change it to make it accessible so that now you're moving forward, everything you do you know how to make it accessible from the start. So I think that's been a valuable lesson for us.

VICE-CHAIR MASTERSON:

Yeah so it sounds like you've had not only a change on your website but a mindset change of from the time we start building something we're going to ensure it's...

MS. TASSINARI:

Exactly.

VICE-CHAIR MASTERSON:

...accessibility.

MS. TASSINARI:

Exactly.

VICE-CHAIR MASTERSON:

Yeah, Mr. Irish I really appreciated your testimony about the ambassador program. It sounds like it's been a big success for you all. Can you talk a little bit about what specific training those ambassadors go through, what the approach is to educate those ambassadors so, as you mentioned in your testimony, they're not just there to be there but in fact they provide a valuable service to voters with disabilities?

MR. IRISH:

So I can speak to that somewhat. I'm still -- I wasn't actually there in person having seen it yet for myself but I'm looking forward to it. But I can tell you that the training incorporated a pre-test where many, you know, folks at the end of the training they thought that they knew how to help someone with disabilities and they realized that they actually didn't know enough. There was -- it included a video that really explained what the experience is for someone with disabilities and how it's important to understand that you put the people first and the disability second and that there may be some folks with disabilities who don't want help or may not react in the best way to you offering assistance but that shouldn't deter -- you know you from continuing to provide assistance to folks. So in general it just covered those types of things, like how to understand

the experience of someone with a disability so that you could better assist them.

VICE-CHAIR MASTERSON:

Do you have resources available on your website about the ambassador program that can be shared with this community and the larger community?

MR. IRISH:

Not currently. We're actually undergoing a website change and we will be launching a new website in a few weeks. It's going to be accessible and will have information on our program as well.

VICE-CHAIR MASTERSON:

Awesome, also I want to make the offer to you, and I'm sure others will too, this is your first presidential election, is that right?

MR. IRISH:

Yes.

VICE-CHAIR MASTERSON:

There are hugs available in December after you get through it.

So...

[Laughter]

MR. IRISH:

Where?

VICE-CHAIR MASTERSON:

Mr. Dowd, thank you very much for being here and for testifying on behalf of all the clerks. Can you speak a little bit to sort of how you've seen the approach to accessibility and offering better services to voters with disabilities evolve since the passage of HAVA, and perhaps more importantly what more you'd like to do, how you'd like to approach the problem moving forward?

MR. DOWD:

I can somewhat. My experience really started 12 years ago when I became clerk, so kind of right around the time that this all started to be rolled out I took delivery of the AutoMark machines, you know, shortly after taking office. Like Mr. Irish, I started in a presidential year back in 2004 so came in in July and conducted my first one in November.

But -- so I'm familiar with the current system, you know. I think, as I said in my testimony before, the key thing really is to do more outreach, to make people aware that it's available. I find one thing that we can do well is every time I vote in an election I use the AutoMark machine. I encourage my poll workers to use the AutoMark machine. I love the idea of the ambassador program that they've developed in Boston. I like to think that we have maybe a version of that on our own because, you know, we try to obviously welcome all of our voters into the precinct and assist them and make them feel comfortable in any way that we can.

But I think the outreach is key you know. The more we can get out there in the media the more we can communicate with the voters and then encourage communication back to us because there are things that we may miss, and I know I learned this when I attended the "Rev Up to Vote" event last fall when I heard from some members of the disability community we're not always aware of something that it may be a simple fix or a quick change that we could do to make things, you know, easier for them. So, like I said, the communication back and forth is important, not just a one-sided conversation.

VICE-CHAIR MASTERSON:

Thank you, thank you Mr. Chairman.

CHAIRMAN HICKS:

Commissioner McCormick?

COMMISSIONER McCORMICK:

Yes thank you, thank you all for being here. Michelle Tassinari you testified that you go out and survey all the polling places on a regular basis. What are some of the more frequent issues -- accessibility issues do you come across when you do those surveys?

MS. TASSINARI:

Well we actually have the staff member that does most of it is here today. She carries a level -- a smart level in her car. And so you

know -- because some of the issues that we come across are -- well our interesting issues for surveying polling locations is when people are proposing a new location. So it's an interesting dynamic in Massachusetts where it's generally the Board of Selectmen or the City Council that are designating what the polling locations are, yet the election officials are the ones that have to run the election in that location. Sometimes there are disagreements about that. Sometimes there are efforts to try to consolidate to have multiple precincts in one polling location. And from an election official standpoint, sometimes that works well, sometimes the space isn't adequate. So oftentimes we will go in when there's a proposed change to a polling location to try to identify issues.

I think one of the things that's somewhat frustrating is when you have what is a brand new building that is built, such as a new school, and they want to use it as a polling location and we will survey it for accessibility just to the accessibility standards for polling locations on Election Day and it doesn't meet them. It's a brand new school. So it's somewhat frustrating that -- to see a municipality who has just expended a lot of money who now has to try to make some sort of alternate arrangements.

I think one of the challenges that we have here, not so much this past winter but the winter before that where we had so much weather conditions and the way that affected the physical

structures of the polling locations, you know. The ramps, the bottoms of the ramps were deteriorating, the sidewalks, the curb cuts. Things were getting torn up from plows. I mean it was just those are the types of things that we kind of see the weather having an effect on that.

A lot of the other things that we have seen are just generally space issues and having certain polling locations where there's, you know, the school doesn't want to give us an entire gymnasium for an entire day or they don't have the room for it and trying to make adjustments to say, "Well can leave this door open" which does make it so that it's accessible where there's double doors or it doesn't have the accessible hardware. So we've worked really hard to try to come up with fixes so that they can use polling locations and sometimes adjust the route into the polling location, use temporary parking to make it so that it's a shorter route from the accessible parking area to the accessible entrance.

And then the other thing that I think has been helpful is sometimes just rearranging the way a polling location is set up to make it easier for all voters it ends up being where the -- in Massachusetts we do both a check-in and a check-out process, so as the voter checks in to make sure that it's an easier flow so that they're in the positioning of the AutoMark so that it's not that the screen for the AutoMark is in full display of any voter who's walking

in, so that there is, you know, an area so that the person -- any voter who's using the AutoMark has some additional privacy as well as a screen that goes over it. So that just making small adjustments and tweaks we found has been extremely helpful in ensuring that the polling places are accessible. But I think the weather conditions and the way they deteriorate the outside of the facilities I think has been the biggest challenge.

COMMISSIONER McCORMICK:

Does -- do you -- does the state provide physical equipment, accessibility equipment? Or is that left up to the municipalities?

MS. TASSINARI:

The -- we have -- we supplied all of the AutoMarks. We continue to maintain them and supply them but anything else relating to the polling location is supplied by the municipalities.

COMMISSIONER McCORMICK:

So ramps, cones?

MS. TASSINARI:

Correct.

COMMISSIONER McCORMICK:

Signs.

MS. TASSINARI:

Our state law had already provided for polling places to be accessible and regulations providing for accessibility prior to the passage of HAVA.

COMMISSIONER McCORMICK:

Okay, thank you. Mr. Irish thank you for being here, I appreciated your testimony. I have seen and we have received testimony from a lot of voters with disabilities that when they get into the polling places, yes, there is a required AutoMark machine in the polling place but oftentimes that machine is not set up or it is not functioning. Do you have any kind of special training for your clerks in Boston or you polling -- your election workers on how to set up that machinery and to make sure that that is available for voters with disabilities when they do enter the polling place?

MR. IRISH:

Yes, my staff who conducts the set ups they're all trained in how to set up properly and all machines are set up and tested at every single precinct in the City of Boston for every election and I can guarantee for at least the four that I've been there.

COMMISSIONER McCORMICK:

Do you test them on the morning of the election? Or do you just test them ahead of time?

MR. IRISH:

We test them ahead of time and we provide public notice of our testing.

COMMISSIONER McCORMICK:

And do you often get people or are people not interested in observing that process?

MR. IRISH:

Yeah, folks don't tend to be very interested in observing the testing but we do provide notice of it.

COMMISSIONER McCORMICK:

Okay, thank you. Mr. Dowd thank you for being here, appreciate your testimony as well. I know in Massachusetts you have some clerks' offices that are extremely small and some that are larger. What kind of resources are available to the smaller clerks' offices regarding how to greet and assist voters with disabilities and the -- basically the whole training for election workers? What do you have available to assist the smaller townships?

MR. DOWD:

Well, first of all, as an association, you know, we do three conferences a year and conduct other training. Michelle Tassinari is always a popular trainer at our events and I'm sure you can understand why. So we try to provide that information. We also hold our conferences at three different locations in the state to try to capture, you know, the folks that are way out in western Mass that

may not be able to travel, you know, say down to Falmouth which we're having a conference there in June. And we have information on our website. We have developed our own "Know before You Go" voter information. We just try to, you know, share as much information as possible with our members knowing that the sizes of the communities are, you know, vastly different across the state. We're all tasked with the same challenge but getting that information to those smaller towns is probably more difficult. So fortunately, you know, everyone has access for the most part to the Internet and we share a variety of information, you know, as I said on our website through our LISTSERV via e-mail. Michelle's office is great about getting information out to all cities and towns regardless of size, standardized you know criteria for training of polling workers. So I like to think that that information is available to all communities regardless of their size.

COMMISSIONER McCORMICK:

Thank you. Chairman Hicks?

CHAIRMAN HICKS:

Thank you, I just have a couple of quick questions.

Michelle when -- I want to commend the Commonwealth for all its efforts that are moving forward with the disabled community and early voting and other aspects of that. But I have a couple of quick questions in terms of contingency.

So if a -- and this reminds me because of the weather conditions today of, you know, we left basically 70 degree weather to come up here and it's a little more chilly. So I always -- in growing up here I always -- you never know if -- when a snowstorm is going to come and whether or not that's going to be November or May -- or through May. And so I wanted to know what sort of contingency planning is done in terms of if someone with a disability can't actually get into a polling place on Election Day is there a way for them to call to say -- or somehow notify the poll workers to say "I'm not able to get in"? Is there a way for the ramps to be cleared or some sort of aspect that way?

MS. TASSINARI:

Yeah, so we've worked with the various municipalities. I mean I think for the November elections generally we have an expectation we can figure out what the weather conditions are going to be. We work with our municipalities to say you know -- we did have a hurricane a few years ago in which we were reminding them to make sure you take your ballots off the ground if they're in the basement for storage and just kind of reminding people that when there is weather conditions that we're expecting, or things like that, that we want to make sure that we are not just looking at access to the polling location but access to the accessible features of the polling location. So making sure that the ramps are clear, making

sure that the sidewalks are clear, making sure that the curb cuts are clear on the path to the polling location especially where, again, not even anticipating that there's going to be snow but if there has been rain and it's cold there might be a puddle at the end of the ramp or the curb cut and to making sure that any ice is clear or that it's de-iced so that there isn't an issue happening with that.

I think the bigger challenge is that in Massachusetts our municipalities many of them have their municipal elections starting in February going all the way through June. We have had instances in which the polling locations, you know, it starts out we're only going to get an inch of snow, so it's not a big deal, and then at noontime we already have six inches. And so in instances like that there have been times where polling locations have been shutdown and elections rescheduled. And in advance of that it is a consideration when you're anticipating, for a municipal election anyway, that there might be some snow it's not a matter of just, you know, can we keep the street clear, it's will voters be safe going into the polling location and one of that is looking at the accessibility. We might be able to keep the plows out there to keep the polling locations -- the driving to the polling locations okay but if they can't keep the sidewalks clear and the ramps clear it doesn't make sense to go forward with the election because there could be issues.

Other than that, I mean again we expect that our polling locations will be accessible and that everything should be happening. If we do have an issue, we encourage people to call our office so we can reach out to the local election officials to make sure that the polling places are accessed -- or have full accessibility. In the event that there is something that happens, you know, we try to work with both the voter and the election officials to make sure that every voter has the same opportunity to vote. Our laws don't necessarily provide for curbside voting, it's actually prohibited, but we do work with our local election officials and our voters every chance we can to make sure that everyone does have the opportunity.

CHAIRMAN HICKS:

Okay, thank you. Chairman Irish, thank you for being here and I appreciate your testimony today. Something you talked about on -- for September 27th for National Voter Registration Day where exactly will that be located for folks who might want to attend that?

MR. IRISH:

It will be located in the fifth floor of City Hall which will provide good access to city council chambers and also to the mayor's office and provides us with lots of space to set up all the various tables and equipment for the demonstration that we envision.

CHAIRMAN HICKS:

Will people be able to sign up as volunteers as poll workers at that event as well?

MR. IRISH:

Absolutely.

CHAIRMAN HICKS:

Okay, great, great, great. Mr. Dowd, and thank you again for your testimony, I just have one quick question. You had talked a little bit about how there's a lot of access to the Internet currently, but for those folks who still are not Internet savvy do you still go out to community centers or nursing homes and provide this information to them as well?

MR. DOWD:

Absolutely, you know, anything we're aware of if there's a different means of communication that would be appropriate for a certain group, you know, I know I'm willing and most election officials you talk to we want to reach out to the members of our community and get them the information they need in whatever format that might be appropriate for us, so definitely.

CHAIRMAN HICKS:

Is there any other questions?

VICE-CHAIR MASTERSON:

Yeah I just have one more if it's okay and it's for any one of the panelists. And it's a little bit pie in the sky, but as we look to the

future, the next set of voting equipment, you know, those AutoMarks aren't going to last forever, right, and you look to how to approach serving voters with disabilities, but really serving all voters, one of the conversations that's happening in the election's world is this desire to serve voters in a way that they live right lives, right, and so the voting experience should feel similar to the way they live their lives. In your all world as you look at technology in a way to serve voters what would you like to offer voters, not just voters with disabilities, though you know by serving them I think you serve all, what kind of technology and services would you like to be offering that you can't right now? Or what kind of, you know, existing technology out there do you wish you had available to you right now that you'd like to utilize if any?

MS. TASSINARI:

I'll start. So I mean I think from an elections perspective in, you know, attending national meetings with other state election directors I do enjoy hearing about projects and pilot projects that are happening in other states and there is a lot of technology that's being used or, you know, experimented with in other states which intrigues me. I have an iPad, I love my iPad. When I first got my iPad my husband was like, "Oh do you want one?" And I was like, "No, I don't think I'll use it." I don't think I've touched a computer at home since I've got my iPad.

[Laughter]

MS. TASSINARI:

And it's -- I just find it very easy to use. We recently got one for my father who lives in Florida who doesn't use computers. And you know it's a great thing and it's a tool that seems -- you know that type of technology seems to be pretty easy for people to use. And recognizing that having technology that is easier to use perhaps, you know, again our online voter registration we think is good but for -- we need to recognize that the technology that is available to voters we have to make sure is technology that can also be used by our poll workers. And again, you know, as the Secretary was speaking earlier in his opening remarks we're using a temporary force of people who are poll workers and many of them are older. And so technology is not necessarily something that they're totally familiar with, so trying to find kind of the lowest common denominator of technology that would assist both voters and be workable by poll workers I think would be something that's great.

The other thing is while I recognize the need for technology to be able to be used in the polling location and to make voting easier, we want to make sure that whatever is used isn't just because it's easy to use. We need to make sure that it also has the -- provides the voters and the election officials with the confidence level that what is happening on that technology is what the voter

intent is. And so I think that's kind of the double edge sword here. We want to make it easier but we also want to make sure that it's safe and protected. And so I am interested in the pilot programs that are happening in both Colorado and as well as LA County where they're developing their own technology. I look forward to seeing what they do.

VICE-CHAIR MASTERSON:

Yeah. Any other reflections?

MR. DOWD:

Just a brief comment, one thing that we're looking at technology wise and we've advocated for as an association is being able to use poll pads, basically an iPad, for checking in process just to speed that process up and make it an electronic process. And that's legislation that's been filed and we're hoping to see that, you know, pass soon just as a way of expediting folks through the polling location. As Michelle mentioned, technology is great but you want to make sure that as she said we're not just using it because it's easy. It has to be secure. It has to have, you know, a method of tracking.

One thing that I've looked at often as far as voting equipment is I think in a perfect world it would be great if the AutoMark machine and our scanner that's tabulating the votes was we had some way to, you know, make that all one system instead of

having, you know, a unique system for, you know, the voter assist terminal; that it would be a system that everyone would use to vote on. And, you know, that maybe is a pie in the sky dream but I think it would make a lot of sense and probably cost a lot of money but I think it would be, you know -- the ability to maybe vote online some day is, you know, I know it's out there and, you know, could it work? Probably but I think we're a long ways off from that.

MR. IRISH:

I agree with both what Andrew and Michelle mentioned, the electronic poll book I think is a great idea that I also support. And I think it would be wonderful if there was actually one machine that would be useful for every voter and that someone with a disability didn't have to use a separate machine. So I think that would be great.

Overall I have lots of ideas from what I've seen about technology but -- I'd love to have some more offline conversations about those. But I think in general we should be looking at technology that makes it -- make voting convenient but also makes it more efficient and also saves resources so we can put resources into other areas like voter engagement, you know. We have technology, we have -- the spaces are there for folks to vote, but I've participation which I feel that maybe we could use technology a little bit more to help with voter engagement. But -- I don't have a

specific thing that I would say that we could but in general that's where I see us going with technology.

VICE-CHAIR MASTERSON:

Awesome.

CHAIRMAN HICKS:

With that, I want to thank you all...

VICE-CHAIR MASTERSON:

Thank you.

CHAIRMAN HICKS:

...for being here. And if you want to talk about -- just give a quick plug on your website so that we can get that on the record that would be great. But I want to thank you all three for being here today.

MS. TASSINARI:

Absolutely our website is www.sec.state.ma.us/ele gets you to the elections division and then all of the other tools you can access from that.

CHAIRMAN HICKS:

Okay.

MR. IRISH:

Our website is www.cityofboston.gov. You can go on and actually give us some feedback on this new site that we're about to launch.

And I also want to just plug our twitter account which is @
BostonElections.

MR. DOWD:

I'll join that website club, our association has website which is
www.masstownclerks.org. We also are on Facebook and Twitter.
So thank you.

CHAIRMAN HICKS:

Thank you all.

VICE-CHAIR MASTERSON:

Thank you.

CHAIRMAN HICKS:

With that I want to call up the second panel and as they come up I'll
just give the list of who they are.

So first up will be Dr. David Ticchi, an educator. Next will be
Allegra Stout, Community Organizer for the Boston Center for
Independent Living. After that will be Anne Fracht, Chairperson,
Massachusetts Advocates Standing Strong (MASS). Then there
will be Ted Jackson, Community Organizer/Director, California
Foundation for Independent Living Centers and then Paul Spooner,
Executive Director, the Metro West Center for Independent Living,
Inc., and Linda Vaillancourt, President with Greater Northwoods,
New Hampshire Chapter, North National Federation for the Blind.

To begin I want to thank you all for agreeing to testify with us today. We will just wait until everyone is situated. Again I want to ask that the witnesses limit -- try to limit your testimony, oral or written testimony for five minutes but, you know, if things go over a little bit that's fine. But we want to be able to hear from all of you and with that I want to start with Dr. David Ticchi.

DR. TICCHI:

Thank you very much and good morning and I appreciate the opportunity of being here today and the work of the Commission.

Maybe it's because my background is as an educator and a teacher I want to begin with a little bit of history and then I'll get to my personal experiences and current status of accessible from my perspective.

Just in terms of history we wouldn't be here today unless the disabled community and the National Federation of the Blind in particular organized together to affect this legislation. And we often talk in the area of civil rights where there are rights there are responsibilities, and I think the disabled community has stepped up to do this. The National Federation of the Blind is the largest civil rights consumer advocacy right of the blind and in fact of any group of disabled people in the country. Headquartered in Baltimore, Maryland, there are affiliates in each of the 50 states and local chapters. I mention this because when HAVA was proposed and

sponsored members of the Federation every year go to Washington for what's called Washington Seminar to work with Congress for the passage of legislation which impacts the lives of blind people and other people with disabilities. And I can tell you I personally can recall literally walking the halls of Congress visiting members of the Massachusetts Congressional Delegation, Senators and Representatives to advocate for HAVA. So it was wonderful that we had the HAVA Act but, again, people with disabilities had to step forward and take the responsibility to have equal right to private, independent voting.

My experience following the implementation of HAVA and here in Massachusetts I think the Secretary of State's Office has done a fine job with that. I live in Cambridge, Massachusetts and I first went to vote, I don't recall the exact year of the first election when the AutoMark was available, but I wanted to vote. So I have always voted either by absentee ballot or going to the poll with a good friend of mine. In the most recent years I've always gone with a very close friend of mine, a Cambridge police officer now retired and I said to him, his name is Frank Pasquarello, "Frank, I want to vote at seven o'clock in the morning. If the polls were open for the public, they're open for us." So I went to my ward and precinct anticipating to vote but Frank was with me just in the event that the equipment wasn't ready and set up, and unfortunately that was the

case. My first voting experience the equipment was in a box, newspapers on top with peoples' coffee. I asked to speak to the warden and the warden told me it hadn't been set up yet. And I must add that the attitude was one of utter indifference. So I told her that I would file a complaint with the Secretary of State's Office and over that time I became connected with Michelle Tassinari and others of her staff.

And I want to pause here just for a moment. Prior to that first voting experience once HAVA had been passed I went with my friend to the election commissioner in Cambridge to say HAVA had been passed, you know, it meant that there had to be accessible voting, one system at each ward and precinct, and if I or members of the National Federation of the Blind could help with that we would be glad to. At the time I was president of the Cambridge chapter and I'm president emeritus of the state affiliate. So having wanted to pave the way by collaborating with the Election Commission, unfortunately that wasn't successful.

As I said, contacted the Secretary of State's Office and another election came about, seven o'clock the morning my friend Frank and I showed up and a similar experience to the first time, once again filed a complaint. I know more training was going on around the state and there was a change in the commissioner of elections in Cambridge. The third time my friend and I, Frank,

seven o'clock in the morning up and running, I voted successfully. And they had -- a new warden had been assigned and I voted successfully. And I have to say it was exhilarating to be able to vote privately and independently for the first time in my life. Fourth voting experience went again with Frank just to be safe and the system was up but not running, it had not been tested and it was not programmed for the current election. So I voted with Frank. And, again, each of these times I filed a complaint. So there were three situations where I had to issue a complaint and again call Michelle and her staff.

Subsequently a few more elections I did go with Frank but I'm happy to say ever since I've been able to vote without a hitch and to the point that I am totally confident Frank no longer accompanies me to my ward and my precinct.

[Laughter]

DR. TICCHI:

And it's just really, I can't think of any other word than, exhilarating. I can remember our last local election, and again come into Massachusetts because not only is the equipment available for federal, state but it's available for local elections and there are local elections in Cambridge with a very, very long ballot. Well I was -- one Tuesday afternoon I went to go to Cambridge the YMCA where I'm a member and I work out, I grabbed my gym bag, purposefully

walked down the street, walked in -- it was a bright sunny day -- walked in, checked in, voted, walked out and went down the street to work out in the gym. And again it just -- to be able to do that is just hard to express with words.

I want to follow up on a little of what was said by the previous panel and that is that, again, early action voting ought to be accessible as should absentee ballot voting accessible. There was just a recent Court case in Maryland where a determination was made about absentee ballots and their accessibility and also what one of the previous panelists mentioned about poll workers setting up the equipment the prior day, not the morning of. When the polls open at seven, they're open for everyone, and that equipment being set up and being tested how essential that is.

But also in closing I want to say that it's important for us blind and other disabled people to be adamant about this and to work with this particular Commission and officials in our local communities. Again where there are rights there are responsibilities and problems can't be solved unless they're known about. But it's important that we advocate for this and work collaboratively from everything from the equipment being updated and maybe through some form of universal design someday we're all using the same equipment to some type of awareness and

training of staff when disabled folks come into their respective wards and precincts.

So a lot of good work has been done. There's been a lot of interaction and improvement and I think we're certainly in a better place now than we were in 2002, but I think there are some challenges and some opportunities ahead. Thank you.

CHAIRMAN HICKS:

Thank you.

VICE-CHAIR MASTERSON:

Thank you.

CHAIRMAN HICKS:

Ms. Stout.

MS. STOUT:

Thank you for the opportunity to testify. My name is Allegra Stout and I'm a Community Organizer at the Boston Center for Independent Living, a disability services organization that serves over 5,000 people each year and also engages in civil and human rights advocacy for a systemic change for people with disabilities. I'm also a woman with learning disabilities and a chronic illness and I'm a Boston resident and voter.

Today I'd like to highlight concerns specific to accessibility for people with invisible or non-apparent disabilities as well as to share some of BCIL's research and advocacy regarding voting

access. And to start with I'd like to share an experience that two of my coworkers had in a recent election, in the most recent primary election, and I think it really fits in well with the theme that's emerged this morning that simply having the technology physically present isn't enough and it shows how physical barriers, lack of training for poll workers and attitudinal barriers can all combine to make voting a challenge.

So my two coworkers, one of them uses a wheelchair and has a visual impairment and the other has a non-obvious disability, and the first -- their first barrier was that they found that they had to enter the polling place through a ramp in the back that wasn't even marked and was very steep and then once they entered the door through that ramp they found that the polling place was arranged in such a way that they were knocking things over as they tried to check in because there was no accessible route from the door that they had to use. And then once they tried to check in, the polling place worker spoke to the -- my coworker who appeared non-disabled rather than to the man who uses a wheelchair even though they were both trying to vote and when the poll workers were redirected to speak directly to the wheelchair user they used a very loud and condescending tone. And they also asked him if he was registered to vote whereas for the coworker who appeared

non-disabled she was simply asked for her name and address because it was assumed that she was a registered voter.

And then once they had finally checked in my coworker who uses a wheelchair and has a visual impairment asked to use the AutoMark machine and despite the fact that the machine was visible on a table nearby the poll worker said that they didn't know anything about that and didn't know what my coworkers were talking about. And they asked my wheelchair using coworker's companion to assist him with voting. And she said, "No I'm here to vote for myself. It's your responsibility to provide that assistance." And so finally one of the poll workers did, but they did so by reading his ballot to him and it was very loud and really interfered with his privacy. And so unfortunately although we've made a lot of improvements, these situations are still happening and shouldn't be happening in 2016. And as the story shows, barriers to voting for people with disabilities go far beyond physical access and just having the machines there, as we've talked about this morning. And I know this from my own experience and from working closely with the autistic self-advocacy network on various projects and people with learning, neurological and other cognitive disabilities, face many barriers as well.

And one area of concern is the accessibility of information before one even arrives at the polling place. And certainly website

access is a big part of that so I was glad to hear that discussed earlier, but another aspect is just the accessibility of language that's used. So in Massachusetts we receive detailed guides before elections for complicated ballot questions but the language often is really not plain language and not something that everyone can understand and that's a major barrier.

And then, furthermore, polling places may not be accessible for people with sensory sensitivities. For example many autistic people can't function well in spaces with fluorescent lights, and that's extra difficult as an access barrier because information on features like lighting usually isn't available in advance. So someone may not know whether their polling place will be accessible to them and whether they're going to be able to vote that day, and that's a barrier that polling place workers generally might not be aware of. And auditory processing issues, which are part of my own experience, can also come into play as for some of it's really difficult to do things in spaces with lots of other conversations and background noise as is the case in many polling places. And poll workers generally aren't equipped to provide access and help problem solve when situations like that come up. And I encourage you to contact organizations like the Autistic Self-Advocacy Network to learn more about that type of barriers and possible solutions.

And moving on I'd like to share a little bit about BCIL's advocacy for voting access. Some of this is before my time as I've been at BCIL for four years, but as an organization we've experienced the unique challenges of establishing physically accessible polling places in urban areas in our work with the Disability Law Center and the City of Boston and one issue has been that the -- there are just a lot of wards and precincts in Boston dating back to the times when populations were more condensed and transportation was limited. And as recently as the early 2000's Boston had about 200 voting sites, which is a huge number for a small election commission to oversee, and because of that polling places were often in whatever public facilities were available and that was often older school buildings and municipal buildings or private clubs, gyms and churches, where it was difficult to compel access. And as a result, many voting locations were simply not accessible with barriers such as steps, inadequate ramps, steep terrains and uneven sidewalks. And when BCIL began advocating for greater access at polling places in the early 2000s, we found that getting these locations changed from those inaccessible locations was very difficult. And there were several reasons but they included that there were just a limited number of alternative accessible sites. Also many local residents were resistant to change from the polling places they'd always known. And, in

addition, city councilors and legislators were sometimes resistant to altering voting scenarios that had gotten them elected. And because of these reasons it took years of negotiating and advocacy pressure with Boston to get city officials to embrace full accessibility. But eventually they did, despite these barriers, and by about 2008 to 2009 over 40 sites were moved or precincts were consolidated to more accessible locations.

And throughout this experience we as an organization learned that achieving accessibility in an urban setting in particular takes much more than issuing compliance mandates. It means weaving through strong local political and community dynamics and understanding that the Department of Justice or the state's voting overseers may have limited resources to police every community and respond to all complaints.

At this point I'm happy to say that physical access has greatly improved but some barriers do remain. In 2014 and 2016 BCIL member and staff, including me, surveyed approximately 25 polling places in Boston and nearby communities for compliance and most were in compliance. Of those that weren't, three had locked accessible entrances so there was just no way to get in. And in other cases alternatives routes were long and challenging or no one responded when people knocked on the door to the accessible entrance and there was just no other way to get in.

And in conclusion I'd just like to add that I'm sure that the EAC is also thoroughly investigating voting barriers facing people with colors and I'd like to just state my hope that you look specifically as well into the particular barriers that might face people of color with disabilities and people who are multiply marginalized in those ways for whom access barriers might be compounded or additional.

So thank you very much.

VICE-CHAIR MASTERSON:

Thank you.

CHAIRMAN HICKS:

Thank you.

MS. FRACHT:

Good morning my name is Anne Fracht and I'm here today as a board member of Self Advocates Becoming Empowered and as a voter with a disability. SABE is a national organization run by people with disabilities for people with disabilities. SABE has been working on issues surrounding voters with disabilities since 2000. Early on we recognized the need for education for the voters, election officials and poll workers about all kinds of accessibility. So when the Help America Vote Act was passed in 2002 we were very excited to be able to expand our work.

For the 2014 election SABE worked with the protection and advocacy organizations to collect information about the voting experiences of people with disabilities. We asked questions about accessibility on poll locations, accessibility and availability of voting equipment, absentee ballots and poll workers. Our findings are summarized in a report 2014 with Disability Election Report and are available on our website www.sabeusa.org.

A few things we learned from the 364 surveys were 27 percent of voters who used wheelchairs had problems moving around the voting area, 11 percent of the voters reported poll workers treated them like they were not able to vote, 17 percent of the voters said the accessible voting machines were not up and running when they arrived at the polling location, 19 percent of voters who used absentee ballots did so because they felt they could not vote privately at the polling location.

As you know my name is Anne Fracht. I live in Allston, Mass and vote at the Jackson Mann School. I've been chosen to testify by Self Advocates Becoming Empowered. I'm also chairperson of MASS Advocates Standing Strong. I have a few stories by SABE board members, along with my own testimony, that I wish to read for you.

"When I used to go in to vote on a paper ballot, I had trouble. I would sometimes get confused, scared and things would like it

was on a different line. When I asked for help, I was told that it wasn't their job to help me and the poll workers were not allowed to help. I was sometimes there trying to figure out if I had the right person checked off for 30 minutes. When I learned how to use the AutoMark machine and asked to use it, no one knew how. It wasn't plugged in or near an outlet. The next time there was no privacy. Again no one knew how to use it but I said I did. The following time when there was no privacy I was told they could build a human wall for me. I said no thank you, that's not privacy. Sometimes the sound didn't work. This last time after I had been at a voting forum and talked to someone about not having privacy, there were cardboard panels on the side of the machines but I was told you had to bring your own headphones."

Another voter with a disability from Arizona had a different kind of problem than mine. Because she used Dial-A-Ride, a paratransit system to get her to and from the polls, she had to give them time to pick her up. She felt two hours should be plenty of time. She had recently attended training on how to use the audio part of the accessible equipment so she could vote independently. She was very excited to vote. However, she ended up not voting. The poll worker had to set up the equipment for her to vote that took a long time. When she was finally at her booth, the paratransit driver arrived and told her she had five minutes and then he was

leaving. With all the pressure of using the equipment independently for the first time and the paratransit driver shouting at her, she became frustrated and said, "I cannot do this" and left.

Another self-advocate, Jaquada Stuckey from South Carolina said, "I have been to the polls to vote. I filled my registration card. I always need help to get started. I don't trust the poll workers. I asked my mom to help me get started. The lady at the poll told me it's against policy for my mom to help me. She said I don't let her -- if I don't let her help me -- if I don't let her help me I couldn't vote. My mom always helped me before and no one ever had a problem with it. The worker got an attitude with me. Another poll worker came over and asked what the problem was. I told her I wanted my mom to help me. I have a disability and want my mom to help me. Before she came over I was about to go out the door. I felt mad and angry. It shouldn't matter who helps me, it's my choice. I felt good after I voted though."

And other self-advocate from Arizona said, "I'm a very proud voter and like to vote on Election Day at my polling place. I have cerebral palsy and I know it can be hard for people to understand me. All you have to do is be patient and together we will work it out. When I go to vote poll workers always ask "Where's your staff?" I explain I do not need staff. All I need is the accessible voting machine. The machine is usually not set up and poll workers

do not know how to set it up. I do so I show them how to set it up. If the machine is set up, it's usually not turned on. This is when I have to be patient with the poll workers and that is okay. The last time I voted the head poll worker placed the accessible machine right next to where she was sitting and registering people. In her mind she could be there to help if anyone had problems but in my mind I had no privacy. Everyone registering to vote could see my ballot. My voting experience has never been easy but I think the solution to making it better could be solved with better poll worker training. Now with the voters in Arizona required to use mega centers where multiple precincts vote in the same location, voting has become even more confusing for voters and for poll workers.”

In the interest of time I've included more personal stories from voters with disabilities with my testimony, including one about a woman with a disability who served as a poll worker. I hope you'll take time to read them, including an incident was reported to the Arizona Disability Law Center that makes me speechless. A poll worker was walking up and down the long lines at a polling location saying, “All handicapped to the front of the line.” Having a disability is not the problem with voting, it is having the accessible equipment, accessible locations and respect to do so.

Thank you.

VICE-CHAIR MASTERSON:

Thank you.

CHAIRMAN HICKS:

Thank you, thank you and we will take time to read those.

MS. FRACHT:

Thank you.

VICE-CHAIR MASTERSON:

Yes.

CHAIRMAN HICKS:

Mr. Jackson.

MR. JACKSON:

Good morning commissioners and thank you for providing this opportunity. My name is Ted Jackson and I'm the Community Organizing Director for California Foundation for Independent Living Centers. CFILC is a membership organization open to California's 28 independent living centers and our mission is to grow the capacity of our member ILC's to serve people with disabilities in their communities. I'm also here as a member of the National Council on Independent Livings Voting Rights Subcommittee.

In my job I organize and support CFILC's statewide disability organizing network, or DO network, which brings together advocates from 28 ILC's, disability community partners, social justice organizations and nearly 1,700 volunteer members to create

systems change. Our commitment to advocating for equal access in elections is one of our highest priorities. Past voting access successes have included collaborating with the California Department of Justice for polling place access surveys, advocacy to rebuild California's online voter registration which according to a 2014 ACLU national report is the only fully accessible system of its kind in the nation meeting all ADA standards. And in 2013 Secretary of State Debra Bowen awarded CFILC the National Association of Secretaries of State Medallion Award.

Our relationship with the current Secretary of State's Office is further connected as myself, our board chair and one of our DO network members are appointed by Secretary Alex Padilla to the California Accessibility Advisory Committee. Secretary Padilla's administration has taken a keen interest in access to voting and enfranchisement for people with disabilities and has been responsive to much of our feedback. Last year his office supported a bill to strengthen the role of this advisory committee and he has sponsored yet another bill currently making its way through the Legislature that would allow for accessible vote-by-mail for disabled voters. Also, last year he personally toured vote centers in Colorado. I tagged along and he was very interested in learning access requirements at polling places in a very hands-on way. And

his office has sought to foster productive relationships between advocates and election officials.

However while things are moving in the right direction at the state level, great barriers to access still exist in every region of California. Problems persist regarding the availability of electronic accessible voting machines and the education about their use to both voters and poll workers. Officials continue to rely on voter education materials in out-of-date alternate formats. Folks have problems receiving their vote-by-mail ballots which aren't accessible for all. In some places there's a general lack of understanding how to protect the rights or even prioritizing the rights of voters to read and mark a ballot privately and independently. And, 25 years after the passage of the Americans with Disabilities Act physical access is still an issue.

In 2014 the Marin Center for Independent Living embarked on a public education campaign about accessible voting systems because the county was claiming their non-use were grounds for replacing in-person elections with all vote-by-mail elections. This community is largely senior citizens and this campaign discovered that many seniors who could benefit from the machine had not been told it was for them to use as well. Each election cycle we hear about voting machines not turned on, workers who don't know how to use it, or question someone's request to use it. Recently in

Washington, D.C. they have addressed this issue in the District of Columbia by making it so that every voter is offered the machine. And what they've actually found out is that about a third of all voters use the machine. The voters are happy and there is no hesitation on the part of the poll worker to actually engage with them about the machine. They embrace the machine. But most often in California we hear that the machine is not positioned for privacy and workers refuse to move it. I personally have experienced this many times in my polling place as well as witnessed intimidation of a voter with a developmental disability in Sacramento, California, as a result of the machine being positioned in full public view.

But my favorite story -- my favorite machine story comes from the program staff at the Silicon Valley Independent Living Center. This staff member has been working in the polls for awhile and witnessed a poll worker in San Jose turn on the machine then fold it back up power on and placed a tablecloth and a potted plant on it as a decorative table. Our rights and the tools we use to enjoy them should never be trivialized as an exercise in interior design.

In 2012 members of the DO network came to us about receiving voter education materials in alternate formats which were being automatically sent in audiocassette tapes, like the ones you would need to have a tape player from Radio Shack to listen to. Their requests for more modern formats like discs and downloads

or large print in languages other than English were in many cases going unfilled and arriving past Election Day. Through an inventory ordering exercise we were able to demonstrate that ILC clients and consumers alone, a very small sector of the disability community, had a 912 percent greater need for materials in disc format alone than the Secretary of State had created for that entire election cycle. And this was only one format and only statewide information. The Secretary of State's Office did act swiftly to produce more of them and in more formats for the 2014 election. This included creating an accessible online ordering form, better website placement for downloaded MP3s and even produced some information in American Sign Language on video. But most counties in California still struggle to provide the most basic information in an efficient and accessible manner to voters with disabilities in a modern format. Many materials in most counties are provided in an inaccessible PDF format, including sample ballot and Election Day logistic information.

In 2014 the DO network conducted a survey of its members that voted in the midterm election. Results concerning voter education materials showed that these voters with disabilities relied less on their own community organizations, like regional centers or ILCs -- we had wished it had been higher -- and more on groups like the League of Women Voters but most on county election

officials and websites for their voter information just like anyone else. This amplifies the need for counties and authorities of all kinds to do a better job of prioritizing accessibility.

Vote-by-mail is being fueled in California by cost savings and budgetary concerns. It seems to be growing very, very fast in modern government. The trend is moving so fast that it's leaving behind many of our citizens and giving them an unequal option, asking them to trade in their right for a private and independent ballot to conform to others and possibly disenfranchising them. For example, I've met a woman named Theresa in Shasta County many times. She uses a power chair and experiences difficulty writing but she also lives in a rural area assigned as an all vote-by-mail precinct. California law creates these precincts for areas with 250 voters or less within a geographic area. For the past several election cycles she has been registered to vote and wants to vote. Each cycle she calls and confirms her voter registration with the county registrar, yet in the last three elections she did not receive her ballot and was not able to vote.

California is following in the path of states like Colorado and Oregon by developing a proposal for all vote-by-mail elections with vote centers. Our Secretary of State has been generous to listening to the concerns equally of all parties involved with developing this proposal which include his own senior staff, the

county registrars, disability language and voting rights advocates and legislators. I myself have been a part of this group for nearly a year now. We are discussing a model that would send every registered voter a vote-by-mail ballot. Then for folks who want an in-person experience the need for accessible voting machine or want to drop off the ballot in person a system of vote centers and drop locations would be engaged. Vote centers would be required to be close to public transportation and planned with local disability language and voting rights advocates. And counties would be responsible for delivering electronically a ballot that voters with disabilities can read and mark privately and independent, accessible vote-by-mail. For the larger picture we have a lot of agreement. In fact my organization sees this as an opportunity to increase our own get-out-the vote efforts, yet two large issues loom over the cooperation -- over the cooperative relationships of this deal rooted in geography as an access issue. Currently the proposal is that there would be one vote center for every 50,000 registered voters with a minimum of two in each county and then opening ten days before Election Day. Then three days prior to Election Day additional vote centers would open, one for every 10,000 voters.

Nearly half of all California's 58 counties are rural with less than 100,000 voters. Rural counties experience a less complete

public transportation than metro centers. Their fixed route services often run limited hours and less days, they have less access to taxis, and paratransit is only required to pick up or drop off three quarters of a mile off the fixed route service map. It often does not run on weekends as well. ILCs in rural counties have told us that they can't imagine this working without at least four vote centers for this early period. In Humboldt County near the Oregon border there is only one trip each way per day on the cross-county public transportation line. If a voter with a disability traveled to either of the two centers proposed because they wanted to use the accessible machine, it is likely that that person would need to stay overnight just to cast their ballot. Even in metro areas people with disabilities will need to rely on seamless travel between multiple modes of transportation just to go vote. Many in our community live on fixed and low incomes. They may not have traditional weekends with days off to go vote or the money to travel the increased distance to the polls.

The second great concern about these vote centers is the minimum number of accessible voting machines that will be used in each one. In Colorado they had several, so they were well prepared for voters with disabilities. We are hoping that multiple machines like in other states will increase disability voter turnout. We are requesting only three per site. We feel this is a reasonable

request as the counties will still need to deploy less of these costly machines than currently. But also with the great number of machines that break down it will ensure that there is accessible technology ready to go in the field of fewer places to go vote. I'm disappointed to report that we have received opposition on this request due to cost, even when pointed out that the accessible tablet technology that will be even better in a couple of years when it's time for them to purchase new machines will be as low as ten percent of the current cost of the current machines.

When faced with these reasonable arguments for access consideration, our partners with the counties and state often respond with their concerns for budgetary limitations. There is no cost on democracy. Or they will tell us that folks can simply choose the new accessible vote-by-mail model that they're promoting. What -- we're very excited about that, by the way, very excited about that. But what they don't see is that by relying on this new technology as an excuse they are creating greater inequality by increasing choice for some while limiting it for disabled voters. Moreover, attitudes continue to creep their way into county election staff planting poll worker attention to access and cultural interaction with people with disabilities.

Although some do engage in the disability community in preparing for executing their poll worker training many do not

stating they have a checklist and printed materials to go by and decline our communities' offer for help. One story sticks out most clearly in my mind when it comes to the interaction between people with disabilities and county election officials. Last year I visited several county registrar offices with ILC staff hoping to jumpstart relationships for assistance and county level voter accessibility advisory committees, what we call VAC's. During one meeting a county staff person presented us with their VAC membership roster and materials that they told us they had recently been using. They claimed that the VAC had been meeting regularly to advise the staff. The problem was that one of the persons on the roster and attending the meeting with me was the ILC's program manager who had previously been on the VAC and had not been contacted for a meeting in five years. She noted that the rest of the folks on the roster were former ILC staff now retired and no longer living in the area. It was abundantly clear that these staffers entrusted with the rights and accommodations for voters with disabilities chose to fabricate an advisory group rather than accept our offer for help.

I'm nearing the end of my testimony today. I've spoken a lot about access barriers caused by a world moving so fast it leaves people with disabilities behind or election officials sprinting to catch up. For my final story I'd like to take us back to some very basic issues around physical access in pre-Election Day planning. I'd like

to take you to Alameda County, California, the county where Ed Robertson, the “Rolling Quads,” forged the first curb cuts and founded the first Center for Independent Living where students from Berkley came together to help Kitty Cone and Judy Heumann plan the Section 504 protest and the county that still to this day has some of the most basic barriers to access for voters with disabilities. Just to be clear, we commonly call it “Little Mississippi.”

I want to share with you the story of Jacob Lesner-Buxton. His story is important for you to hear not only because it’s a trifecta of access barrier issues but also because he is an ambulatory man with difficulty walking and using his hands and experienced barriers that we most often ourselves ascribe to the blind or wheelchair users. Jacob had the option of voting by mail but because he could not fill out the ballot in secret using the machine at the polling place was very important to him. His polling place is St. Andrews Baptist Church in Oakland, California. There has never been a designated accessible entrance to this polling place. One must go down six very steep small steps, a great difficulty for Jacob because of his motor dexterity issues. On three occasions he was denied the use of the accessible voting machine. One time the machine was broken and the county had made the decision not to replace it for it for the day. Another time it simply was not set up and the poll workers claimed they didn’t know how to set it up or how to get it

working. And the last time was at the 2012 general election. Jacob had just finished recovering from surgery and although he was tired he walked to his polling place and entered through the inaccessible entrance. When he asked to use the machine, he discovered that the county hadn't delivered it at all and was told by the poll worker they wouldn't be rectifying the issue. He wanted to vote so he decided to fill in a paper ballot. However, the county only delivered three polling booths for that Election Day and there was a line. For fear his legs would give out Jacob had no other option but to complete his ballot without his constitutional right to privacy at a table out in the open.

In my work across the State of California I actually get many different complaints about voting in Alameda County, mostly about physical access. It is an established area with older construction but this county has also had a great amount of new construction since 2000. We've met with their leadership before to offer our help and the outcome of this meeting was that they informed us that the Ed Roberts Campus, one of the most accessible buildings in the nation, was not accessible enough for a polling place.

In closing I think you can tell that there is a need for enforcement with help from partners like the Department of Justice on these many issues. There is a need to engage more people with disabilities in the decision -- as decision makers in their voting

process. There is a need to be investigating the newest technologies that can redefine freedom for voters with disabilities. And there is a need to never forget that voting is about choice and choice is what defines us as a democracy. No citizen should ever be left without an equal choice. But I also want to stick up for those counties which have been -- of which I've been so critical. I know that they do work very hard and they do try to provide accessibility. It is true that I hold them to a high standard, but I do know that they speak truth when it comes to voting in elections being a priority in local, state and Federal Government budgets. Anyone who has run an organization or a project knows that your budget defines your priorities. I urge you to make recommendations to Congress for a new and General Accounting Office needs survey for voters with disabilities. I urge you to encourage Congress to pass another appropriation of funds to states and counties for purchasing accessible voting technology. And I urge you to seek the White House's support for this funding and make this funding permanent on a regular schedule.

Voting and choice are what defines us. They are who we are as a nation and who we model for others around the globe. And if we can't get this one thing right, then maybe we need not be modeling or instructing others around the world. Thank you.

VICE-CHAIR MASTERSON:

Thank you.

CHAIRMAN HICKS:

Thank you. Ms. Vaillancourt, you can go next.

MS. VAILLANCOURT:

My name is Linda Vaillancourt and I'm here -- first of all I would like to thank the EAC for inviting me and allowing me this opportunity to voice my experiences with voting in the past.

In the early 1980s I would enter the voting booths with my husband at tow to help me in doing the voting process. Yes we were married and there's very little that you leave to question between one another in a marriage situation, but the God given right of voting privately was one that was still denied.

Then in the early 2000's when the telephone voting system came into place I was really excited. I'd heard -- sorry.

VICE-CHAIRMAN HICKS:

Take your time.

MS. VAILLANCOURT:

I'd heard that this would be the opening door for my independence. There was a telephone number that was supplied to all voters requesting the accessibility voting system where you could access from your home telephone. I dialed in. I was instructed auditorially on how the system was to work. I felt very confident when I was to go and vote. Upon my arrival with white cane in hand the checklist

lady attempted to hand me a ballot. At that time I requested the accessible voting booth, the telephone system, and she called over another moderator that had been apparently -- was aware and familiar with the system. I was led to the accessible voting booth. She refreshed herself, the moderator, with written instructions on how to use it. It was all set up ready to go. She dialed and she repeated a few of the instructions to me myself. And while voting and listening on the telephone it was great. The keypad which you use on the telephone was in large print and very familiar with most anyone in the 19th Century with a telephone keypad and you have the tactile five number in the middle so you can maneuver very easily yourself. And at the beginning as well there was also auditory information on how the process was going to take place; what numbers on the keypad to use for backwards, forward to place your voting choice, et cetera.

It was held in a school, a local school area, so the time that I had gone many times it had been very noisy, a lot of noisy background, so I would put one finger to one ear and listen very closely to the instructions, et cetera. Then once my vote was completed the ballot was to be printed out in that very booth with me. It was a little slow but it was great. And once it printed I felt empowered, I walked out to the ballot deposit box, put my ballot -- well I was instructed to put it facedown because apparently I had it

face up but -- and it brought it in the counter with all the other ballots of any other voter that would have been participating in that primary or voting system that day.

I'm sorry I need to back up a little bit because the first time I did go in for the telephone communication thing they had asked me to come back because it wasn't -- the lady that was familiar with it wasn't available. Now I live in a rural community and my husband is my transportation, we have no public transportation, but we agreed to and we did come back and the voting process went as I described.

Now with the new -- that had worked for a few times for me in going and I've always had a wonderful reception when I come into voting. Nobody has talked down to me or anything. They're more than obliging. Upon -- at present with the voting for all I contacted my city clerk's office the week prior to my wanting to go in and vote for the primary to be assured that the system would be in place and available. She told me yes that it was -- that they had received it but they had only received it prior to that approximately three days so they hadn't had any real training on the unit. She herself, the city clerk, had attempted to use it and she confided in me that she did not see this unit as being visually impaired or blind accessible. She said "I see issues with it" but she said "it's up to you."

So I did go to the voting polls and requested the technology for the tablet for the voting, the accessible voting booth, and when I was brought to the booth they had to ask after the checklist, which they already knew what affiliation you are, what affiliation I was. She gathered a separate ballot from some pile, brought me into the voting booth and attempted to -- with a touch screen for the tablet. Now this lady was obviously not trained on it because I had been -- also the city clerk had also informed me to try and come in in the late morning, early afternoon when it would be less busy so that they would be more up-to-date on it and up to par and maybe more accessible and easier for me to use and them to accommodate. And showing up at that time she was still -- she was very nervous. She did start trying to punch -- tap the tablet and was very frustrated. She was unable to. She couldn't connect. She couldn't understand why. And then she tried again. She said, "Well I'll just try and reboot." So she shut off the unit and attempted rebooting again. She goes "Ah," and she was very apologetic, overly apologetic. I felt bad for her. But -- so she tried again and she got through a couple of screens and I said, well, isn't there an auditory headphone or something that will give -- I thought I might be able to help because I use technology at home. I thought maybe I would hear some kind of an instruction type of thing. She -- I don't know, I guess she just didn't hear me and then she -- "I'm going to reboot

again.” She rebooted the item for the third time and with her total frustration with the system she said, “I think I’m just going to have to go call” the city clerk’s name “and get her in here to help me get this up and running.”

Well we lucked out that day because the city clerk just happened to walk in at that very moment over to our booth seeing that there was an issue because my husband was outside waiting the booth for me and had -- so now we have three people in my private booth for my voting trying to figure out how to get this up and running for me. She tries the first time, it’s a miss. She shuts it off one more time and she said, “Okay it’s a go.” And by this time I was a little, I don’t know, more nervous I guess just with the reaction from them and I asked for the auditory and they gave me, I’m sorry, I don’t remember if it was a headphone or earplug, but -- and directed -- I said, okay, now how do I direct on my -- to navigate through the voting ballot? “Oh, the keypad on the keyboard.” Well the keyboard was here and by that time -- I use a keyboard on a daily basis with my technology and I had to ask, okay, where is the -- where is the up and down arrow and she, you know, got me to the right position.

Then of course as we all realize there were a number of candidates on the primary so once we -- I had in the back of my mind the possibility of once I got into that booth I was going to know

whether I was going to know whether I was going to vote one person or another. Well by the time that all of this had proceeded and I got to the first one that had crossed my mind I said, "Good, that's my vote." And then I went out and asked for -- but then with the synthesized voice on top of that it sounded like a foreign computer echoing trying to speak English. And I use auditory devices on a daily basis and this was not audible at all to myself you know. I had a very difficult time understanding. And then once I realized what he had said, the synthesized voice, I had inadvertently put in the wrong choice. So I contacted the moderator because the printer is in the accessibility voting booth. Once it came out I asked her -- I said I made an error. And so then she went and had to discuss it with whomever and got that corrected, then brought -- she told me that that ballot was destroyed and she brought in another one and we started again. And then I did manage to navigate through.

But my concern was I did not receive any type of auditory commands on this system telling me what key was going to allow me what function and that type of thing. All I knew at the time was -- well they did say "enter" as you went along if that's the choice you want, but there was no auditory information to me explaining if you needed to go back and if you wanted to correct something there was nothing of that matter.

So I did get -- I eventually did vote correctly and upon departure from the voting booth you would think you could -- well apparently it's a different color, I didn't even see what color the ballot was, but apparently it's totally, you know, whether it's Democrat or Republican you have a different color ballot and because it was also used in the accessibility voting booth. Now this ballot was not allowed to go in with the ordinary counter. You had a slot on the side that it needed to be deposited in. I live in a very small community and there is no way that this would be considered a private vote. There may be a few other members in the community that access accessibility voting but my issue was that I didn't have -- there's no way that this was the God given right that everyone else as an American has as a privacy vote casting your ballot.

I also had -- once I had returned home upon this adventure of voting and I said I want to see what's going on online with voting and on my LISTSERV my computer just lit up with total disarray, moderator's difficulties, this and that. I think out all of the LISTSERV posts that I read there was one that said that they had experienced a good experience for this voting system.

I also contacted my city clerk in regards to why we did not still have the telephone system where it had seemed to me to work and her comment was that she thought that it was -- this system

was much easier and more accessible for them for setting up, et cetera. Whether it's because of the phone line I'm not sure but -- and because you don't really need a Wi-Fi connection it's all just the device and the printer.

But I would also -- some of my members -- I'm President of the Great Northwoods NFB New Hampshire Chapter which covers all of New -- the northern New Hampshire area and I mentioned to them once I had gotten home and had another meeting another day about a survey that was being taken. There was a telephone number and there was a website through the disabilities association that -- administration where you could document any issues that you might have had and I forwarded the information to other members in my groups and heard of their disarray of their voting experiences. And some of them -- one totally blind did not even attempt it just because of the unfamiliarity of the system and not being sure he continued to vote with his wife at his hand. But the other gentleman that is in my group that did access the voting system he said as soon he walked in he says, "Oh well we had a difficult time with this earlier this morning. Let's hope we have it up and going for you now."

VICE-CHAIRMAN HICKS:

Yeah.

MS. VAILLANCOURT:

And there was -- there were a few issues and she was very apologetic. Still -- the exact issues I'm really not sure, but it did take a couple tries I believe at that time to get it up and running. And his issue as well was putting your ballot in the side slot as opposed to the voter with the others.

VICE-CHAIRMAN HICKS:

I would really suggest that those folks also contribute to our listen@eac.gov because we want to hear from them. But in the interest of time I think that we should go to Mr. Spooner. And so if you could sum in the next minute because I don't want to...

MS. VAILLANCOURT:

Yes.

VICE-CHAIRMAN HICKS:

...negate his testimony. But thank you.

MS. VAILLANCOURT:

I did forward all that information.

VICE-CHAIRMAN HICKS:

Great, great, great. Last, but not least, Mr. Spooner and it's great to see you again because I remember meeting with you late last year.

MR. SPOONER:

My name is Paul Spooner and I'm currently the Executive Director of the MetroWest Center for Independent Living. I serve the area of

MetroWest which is kind of the middle area between the City of Boston and the City of Worcester approximately 26, 27 towns. I've been the director since '92 so I can share with you some of the experiences we've had over those numerous decades now.

But I want to start out with first it's my experience as an advocate, as a voter, as an individual with disabilities. And clearly my first election was a local town election in the small little town of Carver, Mass where they grown cranberries. That's about all they do there.

[Laughter]

MR. SPOONER:

But fortunately voting was held in a school, which at that time, had been built fairly accessible. It was a one-floor school. It was kindergarten and first through fifth grade. And so the voting for all members of that town was that spot and we're talking 3,000 individuals at that time. So that was fairly accessible as far as having an accessible route for me to be able to get in and there was parking and so forth, all of that. But in those days in Massachusetts everything was a paper ballot and you did, you know, pencil fill in the circle routine. And that's what we had and that sufficed for me but clearly was a barrier to many, many other individuals with disabilities.

Since then I've moved around and I've voted in many different situations as an individual and I currently live in the city of Taunton which is in southeastern Massachusetts, a city of about 55,000. And they have, like many other towns and large cities, have multiple polling places based on wards and precincts and the City of Taunton has a collection of school buildings, some city buildings and other private entities. I actually have been voting since 1994 in a Baptist church which fortunately again for Massachusetts having some significant architectural access requirements for buildings of public accommodation the church actually had a compliant ramp, porch and back entrance. So over time I have not really faced a physical barrier of accessing the polls. But clearly the barrier I face, which I think is somewhat unique, is that you know throughout the years I've been involved in disability business somehow the impression is one size fits all seems to permeate everything and the fact is that an accessible polling booth does not work for me. The desk itself is too high, you know. I'd be sitting here like this. I can't see over the top of the desk to actually fill in my ballot which still, to this day, the ballot is fill in with a black marker and then that's fed through the machine once you're done. So I've, you know, taken it upon myself and justified that I need to vote so I'm going to resolve my obligations for privacy and when I go in there and register I just -- maybe it's because who I am, I

don't ask -- I just tell them, "Oh I'm going over to this table and fill in my ballot because I can't fit in the booth." Now whether they remember me I don't remember the polling individuals or they're just not accustomed to dealing with this sort of folks there's never been an argument about that. That's very possible.

However, I have faced some interesting discrimination on a different level at this place. I believe it was the first George W. Bush's election and there was a long line and it was raining outside. And I had my umbrella, I was perfectly happy, you know. I don't need a chair, I bring my own. And I'm sitting in line and this police officer comes along and says, "Come on, I'll get you in." And I refused that. I find that -- that's to me again creating an assumption that people with disabilities or disabled people, you know, aren't able to stand in line or shrink in line or whatever. And if you are a person with a disability and you need assistance then you take that opportunity. I don't need that assistance so I don't take that opportunity.

So for me personally the act of voting in a participatory process I'm willing to compromise some flavors of that in order so I can get in there and vote because I clearly believe that this is one of the most important activities you can do as a citizen is to vote. It's pretty much if you didn't vote I don't want to hear what you're complaining about, you know, because you threw away your power

to make a difference. And particularly, you know, without commenting on anything coming up I think this coming election is going to be incredibly important and everyone needs to vote.

Now having said that, as a professional running an organization promoting disability rights, which MetroWest Center for Independent Living is a proud member of the National Council on Independent Living, we have throughout the years working with the Disability Law Center have done on-the-spot surveys of as many polling places as we can on the days that elections whether they be national elections or primaries or states, state election is every two years, we've gone out and send staff out to just do spot checks of what the polling places are like. And I don't have the statistics in front of me but what we've found over the years is that as a number of issues with first of all the ADA and then back in the late '90s there was the Motor Voter bill and then HAVA all brought increases in responses to accessibility, increases in getting the various adaptive equipment out there. Nevertheless still trying to manage the lack of education and awareness of the voting staff and so forth, we've found a pretty gradual, consistent movement forward in accessibility. More and more cities and towns are getting the basics right.

However, what we have noticed which may be kind of a downfall of the tragedy of 9/11 that one of the barriers we're seeing

more and more is schools are locked down. And so many cities and towns use schools but the voting area, which may be in the gym, is not closest to the accessible and only entrance that's open in a school due to school security. So unless the town is ensuring that there's security forces at every polling place, and I know most cities and towns try to do that, but in some cases that's not possible, the accessible path to vote has become astronomically large. And so even moving temporary parking closest to the accessible entrance which usually is closest to the administration office, the main entrance of the school, then to walk all the way down to generally it's a gym or some type of facility like that, a cafeteria, is a lengthy walk. And we've heard a number of complaints from our consumers about how much effort it actually physically takes to get to the actual voting place.

We also hear and take calls on voting day about people running into problems and are able to refer them up to the Secretary of State's Office or the Disability Law Center runs a hotline for voter access issues on voting day. So we've been able to try to help and triage that process that occurs. And you know best laid plans work well if they're tested first, and in many cases the cities and towns do not have enough resource to test everything out so come Election Day that's when everything gets tested and unfortunately that's when all the problems seem to pop up.

It is clear to me and the MetroWest Center for Independent Living is that we need to really think about elections and the process of elections as looking at how to better integrate the voting process so that everyone does the same thing. The sooner you get this process separated from them and us, oh us the disabled, they got special equipment, they got this and that, I challenge anyone to explain to me why what's good for non-disabled people can't be perfectly modified or a new system created that encompasses everyone. The example I give you, how many of you fly? You have a piece of luggage with wheels on it? What if there weren't curb cuts? Do you know how hard it is to bump a suitcase up a curb? No one does it because they all go to the curb cut. Well the curb cut wasn't invented for you guys.

[Laughter]

MR. SPOONER:

It was invented for me, you know. So my point is we can -- we can design something that works for everybody. And clearly options like mail-in ballot are feasible as a temporary solution, adaptive equipment at the polls for sensory disabilities, issues around other multi-chemical, multi-environmental aspects need to be addressed. But clearly the goal ought to be a system that everyone can vote and it would be an easy process to vote. We're never going to get to the point -- unfortunately I'm being a bit too realistic -- that we'll

have everything perfect for everyone. But the only way we're going to integrate people with disabilities make them feel empowered that their vote counts is to make it easy to go to the polls as it easy to go do anything else. And that's what our responsibility is, is to ensure that we develop something that's workable. That's why I'm a big fan of Internet voting. With all of the aspects of the problems the Internet presents, I recognize all of those, but clearly you know if we can develop banking systems that are run in third world countries all because all they have is smartphones I don't believe we can't create a voting system that would be as easy to use as a device that we are all capable of using.

So on that note, I'll end my testimony that things are looking good, there are many problems, things are improving, but we still got a long ways to go. Thank you.

CHAIRMAN HICKS:

Thank you.

VICE-CHAIR MASTERSON:

Thank you.

CHAIRMAN HICKS:

And with that I want to open it up for a round of questioning starting with Commissioner McCormick.

COMMISSIONER McCORMICK:

Well given that we're between lunch and this folks, I just have a couple of really quick questions for the panel in general.

Can you speak to the use of personal assistive devices in voting and the importance of that to the disability community? Any of you can answer.

MR. JACKSON:

Yeah, you know, that's a really, really good topic because, you know, where I've seen some counties will provide them, some people will bring them. But I wanted to point out when we did an observation of Colorado last year they just chose the new tablet technology, they do not provide the add-ons. They only have the paddle and they do have the headphones. Now I have two pairs of headphones in my backpack and most people have headphones if they have a smartphone, but they're operating under the assumption that a person travels with not just the straw but the entire sip-and-puff device and they travel with their paddles. And they actually told me that. And I went back just to be sure and talked to many, many, many people who are quads who use those and they say, "No I travel with a straw, that's it. I expect that those things are going to be there." So the devices there's a lot of discussion that needs to come on with that. And the vendors also often sell them separately. They do not come as part of the

machine. So there's a lot of education that needs to be done around that.

COMMISSIONER McCORMICK:

Anybody else want to speak to that at all? Also just a general question -- and I know we don't have a lot of time so I'll pass it on after that -- what suggestions do you have to make election officials and poll workers more aware of the barriers facing voters with disabilities? What is it that we could put out there to help educate folks on these issues?

MR. SPOONER:

Make part of their training -- most volunteers are paid a stipend. Mandate training, disability awareness, disability sensitivity, some type of training done by individuals with disabilities from various organizations whether they be independent living centers or Federation for the Blind and so on that, you know, provide real large comprehensive disability awareness training, not just sit in a wheelchair for an hour or two concept, but to understand you know language, to understand what people's issues are, to recognize complex issues that people have with hidden disabilities that they may never be aware of. I think that's one of the things that's probably the largest barrier that's now occurring in our community is the number of folks who have pretty significant hidden disabilities.

COMMISSIONER McCORMICK:

Thank you.

CHAIRMAN HICKS:

Commissioner Masterson?

VICE-CHAIR MASTERSON:

I'm going to -- I appreciate -- I'm going to forgo questions just in the interest of time. As someone who rarely misses a meal I don't want these folks to miss a meal either.

[Laughter]

VICE-CHAIR MASTERSON:

But I do want to thank each and every one of our panelists for sharing your experience, sharing your concerns. I can assure you that we'll be reaching back out not only to you all but the folks in this room to leverage your expertise and your experience and also to ask you to help our election officials across the country to understand these challenges.

So thank you for your time in being here today.

[Applause]

CHAIRMAN HICKS:

We're not done, we're not done. So I just wanted to -- I'm not going to ask any real questions right now because I know that it's always difficult to go right between lunch and the last speaker. So I wanted to basically have a request for each of you and it's mostly to help us

at the EAC. So we're working on our new iteration of voting system standards with the VVSG and I ask that each of you look at our Website and sign up to be a part of one of the working groups because I think that your input is very valuable and it will go a long way to improving the way that voting is conducted in the next iteration of that. So at...

VICE-CHAIR MASTERSON:

The website to sign up to participate is vote.nist.gov. And these are public working groups for the development of the next set of voting system standards. There is an accessibility constituency group that's already formed that -- some of you may know Diane Golden, Dr. Diane Golden is heading up and we need your help to ensure things like universal design are part of the next set of standards and requirements for voting systems because it's been a universal concept here shared and something that we should all strive for. So we thank you for bringing that up Mr. Chairman.

Also I'd like to move that we keep the record open for 14 days for the submission of additional testimony to listen@eac.gov. So 14 days I would move to keep the record open.

COMMISSIONER McCORMICK:

I second that.

CHAIRMAN HICKS:

So approved.

[The motion carried unanimously.]

CHAIRMAN HICKS:

I want to thank the Commissioners. And as I mentioned earlier, the Commission also solicited and received written testimony from over 50 individuals on their experiences of accessible voting with the EAC and that will be included in the written transcript.

Also if you can, what Commissioner Masterson was talking about, go to listen@eac.gov to add more testimony to that.

I want to thank everyone here in attendance today and who were watching via the webcast. I especially want to thank Pat Leahy on our staff who helped plan and spearhead the agenda.

Our next public meeting will be held Wednesday May 25th of this year and we're going to talk about a few other things at that.

With that I now move to adjourn the hearing.

VICE-CHAIR MASTERSON:

Second.

CHAIRMAN HICKS:

All those in favor say aye, all those opposed nay.

[The motion carried unanimously.]

CHAIRMAN HICKS:

Thank you and we are adjourned.

VICE-CHAIR MASTERSON:

Thank you.

COMMISSIONER McCORMICK:

Thank you.

[Applause]

[The public hearing of the United States Election Assistance Commission (EAC)
adjourned at 1:02 p.m. EDT.]