

March 20, 2006

Kevin Kennedy
Executive Director
Wisconsin State Elections Board

Wisconsin State Elections Board Members
17 W. Main Street, Suite 310
P.O. Box 2973
Madison, WI 53703

Dear Mr. Kennedy and Members of the State Elections Board:

Again, the leaders of a Wisconsin disabilities organization have written to you asking you to rescind your approval of the Vote-PAD. Like the leaders of the Survival Coalition of Wisconsin Disability Organizations, their objections are based on speculation and misinformation about the Vote-PAD.

The March 15 letter from Disability Rights Wisconsin, authored by Jodi Hanna and Alicia Sidman, contains many vague, speculative, and misleading statements. We will address three.

- ◆ Page 4. "Ms. Smith also states that 'people who are blind and severely dexterity impaired would find it difficult and perhaps impossible to vote on the Vote-PAD,' but she excuses this by making the vague claim that the same would be true for other products. This is untrue. Voting products that meet the 2002 FEC standards provide a greater degree of accessibility and are far less likely to disenfranchise people with disabilities than the Vote-PAD."

While the authors allude to superior accessibility provided by other systems, they fail to point to any. They further fail to mention that the 2002 FEC standards do not include any sections relevant to manual disabilities. This is why there are now 2002-qualified electronic systems on the market that provide no accommodation for people with dexterity impairments.

- ◆ Page 5. "People from the disability community in Wisconsin who have tested the Vote-PAD and found it is inaccessible are not alone."

Earlier in their letter, they reference two people who attended the mock election and were negative in their responses, however, those same two people stated in their exit interview that they were able to vote independently on it. They did not find it inaccessible. The third tester, who was dexterity impaired, gave very positive comments.

- ◆ Page 5. "We are aware that the Vote-PAD has been tested in Oregon, Minnesota, and Texas. The disability community in these states had strong negative reaction to the Vote-PAD and the system was not approved in those states."

Saying that the Vote-PAD was not approved in those states suggests that application for approval was rejected. This is not true.

We did not apply for approval of the Vote-PAD in Texas, nor have we been in contact with Advocacy, Inc. in Texas. The letter from Advocacy, Inc. says that they met with a representative from Verified Voting, a group with whom we are not affiliated. While someone may have demonstrated something to Advocacy, Inc., it could have been an early prototype or a different device entirely.

There were no people with dexterity impairments present at our demonstration in Oregon, so it is difficult to understand the statement from the Oregon Advocacy Center that, “voters with manual dexterity impairments could not use this system independently.” One of the blind women at the demonstrations used the write-in sheet successfully, and one of those who took the time to use the Vote-PAD said quite clearly that she really liked it. When we last spoke with Mr. Newton, Oregon HAVA Program Officer, about the Vote-PAD, he indicated that they were not planning to use it, but his reasons did not include a concern about whether it provided independent voting.

While the 10 pages summarizing Dr. Diane Cordry Golden’s credentials as an expert are impressive, she cannot be considered an expert on the Vote-PAD since she has neither seen it nor observed people with disabilities using it. Nevertheless, she states her conclusions with authority, even as her “analysis” reveals a severe lack of information about the device.

1. For example, on page one of her document, she says:

“No large print output available unless separate hard copy large print ballot is provided. Unless the hard copy can be counted by machine with all other ballots, it will be difficult to ensure a private and secret vote as the large print makes that ballot readily identifiable from all others.”

Since the Vote-PAD does not include a large-print ballot, and we do not recommend a large-print ballot, it is clear that Dr. Golden is unfamiliar with the device she is evaluating.

2. On the second page of her comments, she says:

“No controls are available for ballot navigation and marking. Without such controls, a voter with a closed fist, a hand in a fixed position, or a voter with other fine motor limitations will not be able to navigate and mark the ballot.”

This is simply incorrect. Voters with precisely those disabilities have used the Vote-PAD independently and successfully.

3. In fact, Dr. Golden’s entire point-by-point comparison of the Vote-PAD with the federal voting system standards suggests that she mistakenly believes the Vote-PAD is an electronic voting machine, since in September of 2004 she told the Election Assistance Commission Technical Guidelines Development Committee that the FEC 2002 standards “were written specifically to apply only to direct recording electronic (DRE) voting systems, which leaves open to question what standards could or should be used to verify accessibility of non-DRE systems.”¹ It appears that she was still of the same mind in August of 2005, when she wrote that the FEC 2002 access standards “apply only to direct recording electronic (DRE) voting systems that do not have a voter verified paper audit trail (VVPAT).”²

¹ Election Assistance Commission Technical Guidelines Development Committee September 22, 2004 Hearing; Statement for the Record, Diane Cordry Golden, Ph.D. Director, Missouri Assistive Technology; Representing the Association of Assistive Technology Act Programs (ATAP); Page 2. <http://vote.nist.gov/GoldenTestimony.pdf>

² Comparison of FEC 2002 Access Standards to Proposed VVSG Access Standards. August 16, 2005. Diane Cordry Golden, Ph.D. http://www.eac.gov/docs/golden_ATAP_082305.pdf

Clearly, a strict application of electronic voting system standards to a non-electronic assistive device makes no sense, nor does it take into account the fact that Section 301 of HAVA specifically allows the continued use of paper ballot systems, which do not provide electronic controls or features.

“Section 301(c) Construction. — (1) In general.--Nothing in this section shall be construed to prohibit a State or jurisdiction which used a particular type of voting system in the elections for Federal office held in November 2000 from using the same type of system after the effective date of this section, so long as the system meets or is modified to meet the requirements of this section.”

We are troubled by the fact that disabilities advocates with second-hand knowledge of the Vote-PAD object so strenuously to its approval, while individuals with disabilities who have actually tried it are able to use it successfully to mark a paper ballot independently and privately.

Five people with disabilities tested the Vote-PAD during the Wisconsin approval process. Some liked it very much; others did not. Nevertheless, all five were able to mark sample ballots independently and privately. This pattern is consistent with all the other testing we know of.

We respectfully urge the Board not to be swayed by the mistaken belief that only computers can provide accessible voting to people with disabilities, particularly when there is overwhelming evidence to the contrary.

Sincerely,

Ellen Theisen
President, Vote-PAD, Inc.
360-437-9922
ellen@vote-pad.us

Dianna Smith
Vice President, Vote-PAD, Inc.
773-289-4705
dianna@vote-pad.us

cc:

George Dunst
Kristofer Frederick
Diane Lowe
Ross Hein
Wisconsin County Clerks
Governor Jim Doyle
Senator Herb Kohl
Senator Russ Feingold
Senator Reynolds, Chairperson of the Committee on Labor and Election Process Reform
Representative Freese, Chairperson of the Committee on Campaigns and Elections
Representative Gundrum, Vice-Chairperson of the Committee on Campaigns and Elections
Senator Schultz, Senate Majority Leader
Senator Robson, Senate Minority Leader
Representative Huebsch, Assembly Majority Leader
Representative Kreuser, Assembly Minority Leader
Tammy Liddicoat, Coordinator, ADA Wisconsin Partnership
Tom Frazier, Executive Director, Coalition for Wisconsin Aging Groups (CWAG)
D’Anna Bowman, Executive Director, AARP-WI
Andrea Kaminski, Executive Director, League of Women Voters of Wisconsin (LWV)

Mike McCabe, Executive Director, Wisconsin Democracy Campaign
Jay Heck, Executive Director, Common Cause -Wisconsin
Bob Hudek, Executive Director, Wisconsin Citizen Action
Diane Cordry Golden
Alicia Sidman
WisPolitics.com
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