



March 15, 2006

Wisconsin State Elections Board
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Madison, WI 53703

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www.Vote-PAD.us

Dear Members of the State Elections Board:

We are writing to respond to the concerns expressed by the leaders of the Survival Coalition of Wisconsin Disability Organizations and to their request that you reconsider your approval of the Vote-PAD for use in Wisconsin.

To our knowledge, none of the Coalition leaders who signed the letter have had an opportunity to use the Vote-PAD. Your staff invited twenty disabilities organizations to the mock election held during their examination of the product, and only three people attended. Two of them were invited by us on the day of the mock election; both were blind, and both said in their questionnaire that they were able to vote independently and privately on the Vote-PAD. The third was dexterity impaired and indicated that not only was she able to vote independently and privately, but she was also very pleased with the experience.

The Coalition leaders provide no evidence of the failure of the device to provide independent voting for people with disabilities, and their concerns show a lack of understanding about the way the Vote-PAD is used. Evidence contrary to their concerns has been collected by your staff, the Ramsey County staff, our own testing, and subsequent examinations by Yolo County, California and Nevada County, California.

We have found that many people are skeptical of the Vote-PAD until they see how it is actually used by people with disabilities. But once the people for which the device is intended have an opportunity to use it, they have a positive experience of voting independently. The concerns the Coalition leaders expressed to you are speculation born of an uninformed skepticism, as well as an incomplete understanding of HAVA. We address their concerns specifically below:

- ◆ The Coalition leaders fear that people presented with the Vote-PAD will choose to compromise their privacy by asking for assistance, yet they present no evidence of any people who have attempted unsuccessfully to use the Vote-PAD. On the other hand, there is much evidence to the contrary.
- ◆ The Coalition leaders speculate that it will be difficult to manage the audio component and the ballot at the same time, but many people with visual disabilities have done so easily and have pointed out to us that – unlike sighted people – such activities are part of their normal life.

- ◆ The Coalition leaders speculate that a voter who wishes to replay a section or skip a section will have difficulty knowing where they are in the voting process. This concern reveals that these leaders have not listened to or read the instructions, which explain exactly where the voter is immediately before giving the instructions for each contest. For example, the instructions would say, “Moving down the middle column on the front of the ballot, the second contest is for District Court Judge.” Throughout the audio, the instructions continue to re-orient voters to their position on the ballot and to the position of each candidate’s name within the contest choices.
- ◆ The Coalition leaders object to the write-in methods provided with the Vote-PAD. It is true that writing in candidates is a difficult process for people with disabilities – on the Vote-PAD just as it is on electronic assistive devices. However, the Vote-PAD provides flexibility by offering three different ways to vote a write-in – all legally approved within Wisconsin, and this flexibility has proven to be effective. For example, David Ballman, a blind member of the Wisconsin Election Administration Council, successfully wrote in Kristofer Frederick’s name in the space provided by the cutout, and a blind woman who attended the demonstration in Oregon successfully used our write-in sheet to write in a candidate’s name. Evidence indicates that someone who wants to write in a candidate can do so using one of the three methods provided.
- ◆ The Coalition leaders speculate that a person with dexterity or fine motor impairments might have difficulty using the verification wand. We are sensitive to the fact that some people have more than one disability, however, most people with dexterity impairments will be able to view their choices and will not need to use the wand. In fact, that has been the case with all the people who have tested the Vote-PAD to date.
- ◆ The Coalition leaders are concerned that the wand does not verify which candidate’s name is associated with the mark on the ballot. However, as the audio instructions lead voters through reviewing their ballots, they are able to double-check that they have marked the position they meant to mark. We have been told by people with visual impairments that they have learned to coordinate what they hear with what they feel just as efficiently as sighted people have learned to coordinate what they hear with what they see.
- ◆ The Coalition leaders claim that the Vote-PAD does not meet the HAVA requirement for a voting system to notify voters of overvotes. This is an incomplete reading of HAVA, which specifically allows that requirement to be met by instructions and a voter education program specific to the voting system. [See Section 301(a)(1)(B)(i and ii)] While the Vote-PAD instructions do warn voters of the effect of overvoting, the Vote-PAD is not a voting system, but an assistive device. The voting system – as defined by HAVA – includes administrative procedures, which can include education and instructions. In polling places using the Vote-PAD with precinct optical scanners, the scanners will also warn voters of overvotes. In hand counted jurisdictions general instructions to voters will provide a warning, as required by HAVA, in addition to the warnings provided in the Vote-PAD instructions.

- ◆ The Coalition leaders speculate that the Vote-PAD requires more poll worker set up than other products. It appears that they are uninformed about the difficult and challenging setup required for some of the computerized devices. Furthermore, our extensive experience helping computer novices, especially the elderly, use a computer has taught us that it can be a long and frustrating process for them to become familiar enough with the concepts and controls to operate the computer unassisted.
- ◆ The Coalition leaders mistakenly claim that voters' privacy is compromised by the Vote-PAD. They are apparently unaware of the privacy shield, specifically designed to protect the privacy of the ballot when the voter deposits it into a ballot box or scanner. If a poll worker's assistance is required by a voter, the shield prevents the poll worker from seeing the ballot choices.
- ◆ The Coalition leaders claim that the possibility of making unintended marks on the ballot is great. While they present no evidence supporting their claim, we acknowledge that voters can and do make errors. In fact, election officials often attribute the many votes lost and cast inaccurately on electronic voting machines to voter error. The Vote-PAD protects against unintended marks in two ways: the ballot sleeve is designed to help prevent them, and the verification wand is designed to detect them.
- ◆ The Coalition leaders claim that the Vote-PAD functions like a glorified punch card ballot, thus confirming that they have not had an opportunity to see how it is used.

The Vote-PAD is new, and any purchases at this point can only be among the first. While Ramsey County, Minnesota chose not to purchase the Vote-PAD, we have received no evidence that Ramsey County's decision was because of concerns about its ability to comply with HAVA requirements. In fact, Yolo County, California has already purchased the Vote-PAD, with the strong support of the county's disabilities community, and Alameda County, California purchased it to offer as a demo in a recent election.

As a result of the January 18 approval of the Vote-PAD, we have been doing demonstrations and contacting clerks around the state. Many clerks have expressed interest in the Vote-PAD and are finalizing their purchase decisions near the end of March. We have received strong interest from clerks representing over 100 paper-ballot municipalities, and several clerks with optical scanners in their counties have indicated they would like to have the Vote-PAD approved for scanners so it would be an option for them.

Since the leaders of the Survival Coalition of Wisconsin Disability Organizations, who signed the letter objecting to the Vote-PAD, did not attend the Wisconsin mock election, they have no experience with the Vote-PAD and their objections are merely speculations that run counter to the evidence.

We request that the Wisconsin State Elections Board base its decision on the evidence and uphold its earlier decision to approve the Vote-PAD for use in Wisconsin. Such evidence includes:

- ◆ The Department of Justice has examined the Vote-PAD and did not indicate there was any reason not to approve it.

- ◆ People with disabilities in many states, including Massachusetts, Pennsylvania, Florida, Illinois, New York, Minnesota, Oregon, and California, were able to use the Vote-PAD successfully in our testing and demos; others used it successfully in mock elections in Wisconsin, Minnesota, and California.
- ◆ Many of those who tested it were enthusiastic in their praise.
- ◆ The Wisconsin Election Administration Council, including the one member who is blind, voted to approve it. Another attending member with dexterity impairment indicated that he was able to vote successfully on the Vote-PAD.

Sincerely,

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 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
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