



June 21, 2005

Committee on Rules and Administration
Chairman, Senator Trent Lott
Ranking Member, Senator Christopher Dodd
Washington, DC 20510-6325

Hearing Testimony: Voter Verification in the Federal Elections Process

Chairman Senator Trent Lott, Ranking Member Senator Christopher Dodd, and Members of the Senate Committee on Rules and Administration:

Thank you for the opportunity to submit testimony and appear before you. I'm Jim Dickson, Vice President of Government Affairs for the American Association of People with Disabilities (AAPD). AAPD supports secure, accurate and independent voting for all Americans and full implementation of the Help America Vote Act (HAVA) as does every member of the Disability Vote Project Coalition.

People with disabilities make up approximately 20% of the population and there are approximately 37.5 million voting aged Americans with disabilities, less than half of whom actually vote. Most people with disabilities have invisible disabilities. For every noticeable blind person, there are 9 individuals whose vision is so poor that they are unable to read standard print. Most people with multiple sclerosis do not have to use a wheelchair all of the time. The disease does limit or prevent people from walking normal distances or climbing and descending stairs. The same is true for people who have hypertension and asthma.

The disability and civil rights communities oppose opening up HAVA for any amendments. The passage of the Help America Vote Act was a huge step forward for the nation's largest minority. For all Americans, the law made significant improvements to our voting system. Election officials are hard at work implementing HAVA's historic features. Changes to our voting system must come incrementally. We need data based on real life experiences before the law is amended. Amending HAVA would be like trying to change the tires on a car traveling while traveling on an interstate at 60 mph.

The Voter Verified Paper Audit Trail (VVPAT) is a theory. It has barely been tested in actual elections. It is dangerous to the health of our Republic to force into our already complex voting system a mandate that is unproven. All of HAVA's changes were based on actual voting place experience carried out in the states. Before Congress mandates a VVPAT, it must be proven to

work at the local and state level. We need scientific and empirical proof that a VVPAT actually works and can be accessible before Congress acts.

The disability and civil rights communities supports safe, accurate, secure, and accessible voter verification systems. The only way to meet these four objectives for accessible voter verification systems is to test the system under actual election circumstances in a variety of settings, communities, and elections.

AAPD is the nation's largest cross-disability organization with over 100,000 members. I chair the Disability Vote Project Coalition with 38 national member organizations. They are:

American Association on Mental Retardation
American Association for Respiratory Care
American Association of People with Disabilities
American Council of the Blind
American Counseling Association
American Disabled Attendant Programs Today (ADAPT)
American Foundation for the Blind
American Network of Community Options & Resources
Association for Education & Rehab of the Blind & Visually Impaired
Bazelon Center for Mental Health Law
Blinded Veterans Association
Brain Injury Association of America
Disability Rights Education and Defense Fund
Easter Seals
Epilepsy Foundation
Family Voices
International Association of Jewish Vocational Services
International Association of Psychosocial Rehab Services
National Alliance for the Mentally Ill
National Association of Councils on Developmental Disability
National Association of Protection and Advocacy Systems
National Association of School Psychologists
National Council on Independent Living
National Industries for the Severely Handicapped (NISH)
National Mental Health Association
National Multiple Sclerosis Society
National Organization on Disability
National Parent Network on Disabilities
National Spinal Cord Injury Association
Paralyzed Veterans of America (PVA)
Self Help for Hard of Hearing People
The American Occupational Therapy Association, Inc.
The ARC of the United States
The Association for the Severely Handicapped (TASH)
The International Dyslexia Association
The Learning Disabilities Association of America (LDAA)

United Cerebral Palsy
United Spinal Association

Regarding HAVA's requirement for one accessible voting machine in every polling place by January 1, 2006, there is a misperception that states are rushing to purchase accessible touchscreen voting machines. This is not factually true. In a forthcoming report, Election Data Services and AAPD will document that 14% of voters had access to an accessible touchscreen in last year's presidential election. In fact, the overwhelming majority of states and counties are putting off the purchase of accessible equipment because of the Voter Verified Paper Audit Trail (VVPAT) hysteria.

Unfortunately, the number of disabled Americans who can vote secretly and independently on accessible voting machines, as HAVA requires, has significantly decreased.

- In California, as of July 1, 2005, it is illegal to continue to use the accessible touchscreens that were available to 44% of the State's citizens.
- Miami-Dade County has removed accessible touchscreens from all of its polling places.

There are numerous other examples. In all cases, the reason for removing accessible voting equipment, purchased with federal dollars, is the insistence that these machines have a VVPAT ballot. Accessible touchscreens that conform to the 2002 Voting System Standards (VSS) are the only existing federally certified voting systems that meet HAVA's disability access requirements. Most touchscreens in use in the United States are not accessible and use old and obsolete technology.

In 2001, CalTech and MIT reported that obsolete touchscreens had an error rate which was worse than punchcards. In 2005, CalTech and MIT reported that accessible touchscreens in Georgia achieved an error rate of less than 4/10 of 1 percent. Accessible touchscreens are the most accurate voting system available today. For instance, in one North Carolina county, an old, inaccessible electronic voting machine failed to record over 4,000 votes. Had an accessible touchscreen machine been in use, the machine would have automatically shut off when its memory was full. With this security feature, accessible touchscreens bring accuracy and consistency to the voting process when machines conform to the 2002 Voting System Standards. In other words, accessible touchscreens count more votes more accurately than any other voting system.

Supporters of a VVPAT claim to support access for voters with disabilities. In state after state, county after county, they have prevented jurisdictions from purchasing equipment that meets HAVA's January 1, 2006 deadline. From the hysterical supporters of the VVPAT, we continuously get lip service about supporting accessible, secret and independent voting and organized efforts which prevent it. VVPAT supporters will claim that accessible VVPATs will be available soon. This is nonsense. They have never laid out a timeline or offered a date certain for the availability of accessible VVPATs.

There are no federal standards for a VVPAT. The process of developing standards and machines has just begun. The last time Voting System Standards (VSS) were developed, it took 5 years. It then takes industry years to develop and produce equipment that meets the new standards. 2 years ago, the VSS were adopted. Today, only 4 of the machines have been certified to this

standard. It takes years to develop standards, additional years to develop conforming equipment, and additional years to certify and manufacture the equipment. An election director who wants to procure new voting equipment needs between 12 and 18 months from the point of purchase to actual deployment in a high turnout election.

VVPAT supporters want the paper ballot to be counted in runoffs and close elections. Prototype VVPATs use rolls of 3.5 inch wide thermofax paper, remember the old faxes you used to use? It is impossible to accurately and quickly count votes on this type of paper. Sacramento County, California tried. It took nearly 250 person hours to count approximately 2000 ballots. The supporters of the VVPAT have yet to demonstrate that these paper trail ballots can be counted efficiently and accurately. Boosters of the paper trail ignore 200 years of electoral error and fraud stemming from the use of paper. Professor Michael Shamos of Carnegie Mellon points out that a major flaw with VVPAT is problems associated with the chain of custody of paper ballots.

There are proven methods of verifying the accuracy of the touchscreen. Parallel monitoring has been used in several jurisdictions and each time, the machines had a 100% accuracy rate. Parallel monitoring randomly selects touchscreen machines on Election Day. Auditors vote on these machines and the accuracy of the machines recording the votes are checked in real time during the election.

In order for people with disabilities to be able to vote, we must run a gauntlet of physical and attitudinal barriers that often frustrate, humiliate and embarrass voters. I personally have had five experiences and my colleagues have had hundreds of thousands, if not millions of such negative experiences. Because I had to rely on third-party assistance to read the ballot, I had a pollworker say to me loud enough for everyone in the polling place to hear, "You want to vote for who?" I had a pollworker tell me, "Nobody understands these referenda. I'm really busy so we'll just end your voting now." Several of my blind colleagues also had the experience of a pollworker saying to them, as one did to me, "I can't read this small print, so let's stop here." That did not evoke much sympathy from me.

As part of the 2004 Election Protection Coalition, the coalition collected 2,429 disability complaints, which is far from complete as there are still reports from states that have not been added to the database.

In Ohio, a voter on a respirator and who uses a wheelchair, waited in line for hours. He did not have enough oxygen to stay in the long line and vote. He asked if he could get to the front of the line to vote, was told NO, and had to leave the polling place without voting.

In addition to painful experiences like these, millions of Americans who use wheelchairs, walkers, and while able to walk, cannot climb stairs, can't even get into the polling place. In 1984, Congress passed the Accessible Polling Place Act for the Elderly and Handicapped. 16 years later, during the 2000 election, the Government Accountability Office scientifically surveyed the nation's polling places for access on Election Day. Findings showed 84% of polling places were not accessible. For example, five years later, there has been some improvement, but not much. In Missouri, after finally surveying every polling place in 2004,

71% of polling places are not accessible. Ohio is one of several states that has not yet even begun to survey its polling places for physical accessibility.

Considerably more than half the polling places in this country are still inaccessible to people with physical and mobility disabilities. Lack of access includes the obvious, polling places that only have stairs, doors that are too narrow for a wheelchair to pass, lack of accessible parking, etc. Many of the physical barriers are thoughtless to the point of irresponsibility, such as having an accessible building and placing barriers in the line of travel.

For example, on November 2 in Washington, DC, a polling place had a ramp; the doors were not able to open because the accessible voting machine was placed in front of the doors. When advocates asked if the accessible voting machine could be moved, the pollworkers said no. One of the most common problems is nonexistent, poorly placed and downright misleading signage. There is an accessible entrance to the building but there is no directional sign pointing the way. After every election, we get complaints about polling places concerning signage that incorrectly directs people to the accessible entrance. Similarly, after every election, there are cases where the accessible door is locked and “cannot be unlocked”. We understand that, from time to time, polling places must be moved. We have reports of polling places that have been moved from an accessible location to an inaccessible location.

Curbside voting does not work and is discriminatory. Able-bodied voters can choose to vote absentee or at the polling place and people with disabilities must have the same opportunity to choose. For example, in every election, we get reports of voters being told by pollworkers they were too busy to offer curbside voting. Voters are also told--come back later--vote absentee--go to the county board of elections office.

In the State of Tennessee, the city of Nashville has made all of its polling places accessible. It's too bad that the rest of the state population doesn't live in Nashville. Regarding insensitivity, curbside voting is illegal while curbside hunting is made available for people with disabilities.

How many times can we expect a voter to experience these types of situations before the voter stops voting?

Last year, AAPD, with our grassroots colleagues across the nation, compared our member and client lists with the state voter registration files. More than 1.7 million individuals with disabilities were identified, and of the records compared, 55.7% were not registered to vote. Section 7 of the National Voter Registration Act (NVRA) requires that state funded agencies primarily providing services to people with disabilities must offer the opportunity to register to vote during intake and recertification procedures. Implementation of this requirement is uniformly infrequent, sloppy, and in some states and agencies, has never occurred.

The HAVA requirement for new statewide voter registration databases offered the opportunity to fix this problem and include these agencies in the new electronic, interactive voter registration system. States have not included this feature in their requests for proposals. More than a dozen states claim to comply with HAVA's voter registration list requirements, and of these, only Kentucky complies with Section 7 of the NVRA. There are currently state systems under

development which do not comply with this requirement. To my knowledge, there is not a single pending request for proposals that complies with Section 7 of the NVRA.

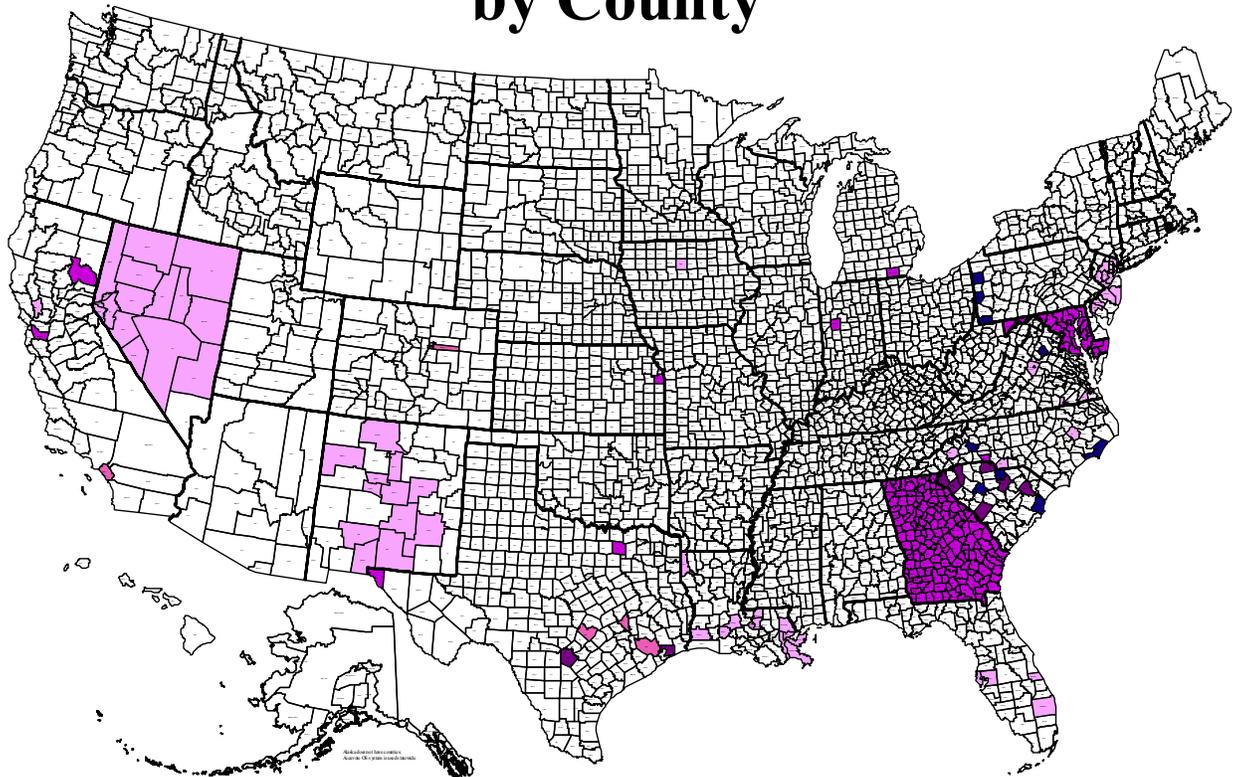
Recommendations:

- Complete access for people who have physical, mental, and sensory disabilities, to include voter registration, voting processes, and vote verification. Laws have been passed with the intention of facilitating the ability of voters with disabilities to cast a vote. These laws are often ignored and implementation has been consistently delayed. 21 years after the passage of the Accessible Polling Place Act, the majority of polling places are **not** accessible. 12 years after the passage of the National Voter Registration Act, poor people and voters with disabilities are **not** being offered the opportunity to register to vote in social service offices. The accessibility deadlines for HAVA have not yet arrived and we have organizations like the National Association of Secretaries of State and the National Association of County Organizations lobbying Congress to postpone HAVA's deadlines. If accessible voting is to become a reality, then the Election Assistance Commission must have the authority to withhold funds if a state or county is not accessible. The Department of Justice Disability Rights section needs additional funding to enforce compliance.
- Permanent and on-going federal funding for the administration of elections. Under HAVA, Congress allocated funds for elections research and development of new voting systems. To date, Congress has failed to appropriate any funds for research and development. The federal government must provide cash strapped counties and states with funds to conduct federal elections.
- Data collection and fact-based decision making regarding election administration and equipment. The federal government should support in every state a university based elections research and support center. In Georgia, Kennesaw State University has done an outstanding job with the statewide accessible touchscreen voting system. In addition to addressing the technology needs of elections, these centers could assist with other parts of our election process. The law school could provide assistance in writing contracts, using the expertise of professors who specialize in technology. The education department could provide assistance in developing public education programs, as well as pollworker training materials and procedures. The business school could analyze the election offices, their administrative procedures and personnel functions. Lastly, because each state has its own laws and procedures, there is need for a university elections center in each state.

The federal government, through our universities, supports just about every other aspect of American life. The federal government supports research and development for business and agriculture; for science and education, why not support the administration and conducting of elections?

Thank you for this opportunity and I look forward to working with you as you prepare your report.

Accessible Electronic Voting Equipment by County



- Patriot (9)
- iVotronic (9)
- eState Electronic Voting Sys (6)
- AVC Advantage (68)
- AccuVote-TS Ballot Station (192)
- Other systems (2874)

Equipment was used in the November 2004 election as reported by state election officials. The map shows equipment used at polling places, not necessarily absentee balloting.

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Washington, DC 20005-3417
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**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

April 5, 2005

Dear Member of Congress:

The Consortium for Citizens with Disabilities (CCD) is a coalition of approximately 100 national disability organizations working together to advocate for national public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. The Rights Task Force of CCD focuses on civil rights and protections for the 56 million people with disabilities and for the enforcement of civil rights provisions by federal agencies.

We are writing to declare our strong opposition to legislation that would open or amend the Help America Vote Act (HAVA) in any way. We oppose legislation that will delay the full implementation of HAVA's voting access requirements. In addition, we oppose changes to HAVA that on their face may not appear to affect people with disabilities, but that negatively impact voters with disabilities.

We write in support of HAVA, encouraging you to let the processes established under the Act be fully implemented and allowed to find the solutions, including "fixes", for issues relating to voting reform. Several bills have been introduced to amend HAVA, in an attempt to address perceived accuracy and security problems with electronic voting. HAVA, in its current form, already provides the means for addressing many of the accuracy and security concerns these legislative proposals purport to address. Although the proposed legislation claims to consider the access needs of voters with disabilities, they ignore the years required to develop and test any new voting technologies

The November 2004 election was the first conducted under HAVA's landmark election reform, which established new election administration standards and procedures. While HAVA was not in full effect and significant implementation of the Act will not take place until 2006, the 2004 elections provided the first step toward reforming elections. A CalTech-MIT report, "Residual Vote in the 2004 Election", cites the dramatic and measurable improvement rates exhibited by the State of Georgia. Georgia is the first state to comply with HAVA's requirement for one accessible voting device in every polling place. The report notes that purchasing a state-wide accessible touchscreen system, combined with robust public education and improved election

administration procedures, resulted in a residual vote count of less than four-tenths of one percent.

HAVA mandated the creation of the Election Assistance Commission (EAC). On February 9, 2005 the EAC reported to the Committee on House Administration that providing guidance on voting systems and voter registration databases to assist the States is among its top priorities for the year. The EAC guidance is being prepared in anticipation of the January 2006 deadline for the implementation of accessible and secure voting systems, state-wide voter registration databases, and the upgrades or replacement of voting systems to meet HAVA's requirements.

HAVA's success cannot be determined until its provisions are fully implemented. In keeping with previous election reform legislation, Congress exercised considerable thought in its passage of HAVA by including the mechanisms necessary to test and evaluate problems and solutions for creating secure, reliable and accessible voting systems. Only once HAVA's provisions have been carried out and research and evaluations regarding its implementation are conducted, can a sensible assessment be made about whether the Act has fulfilled its promise to reform elections. Accordingly, the CCD Rights Task Force urges every Member of Congress to allow the mandates set forth by HAVA to be fully implemented and to let this election reform legislation have the time and flexibility to work.

Sincerely,

[American Association of People with Disabilities](#)

[American Association on Mental Retardation](#)

[American Council of the Blind](#)

[American Foundation for the Blind](#)

[American Network of Community Options and Resources](#)

[APSE](#)

[Bazelon Center for Mental Health Law](#)

Blinded Veterans Association

Epilepsy Foundation

Family Voices

Goodwill Industries International, Inc.

Helen Keller National Center

[National Association for Protection and Advocacy Systems](#)

[National Association of Councils on Developmental Disabilities](#)

[National Association of the Deaf](#)

National Coalition on Deaf-Blindness

[National Organization on Disability](#)

[NISH](#)

[Paralyzed Veterans of America](#)

[Self Help for Hard of Hearing People](#)

Spina Bifida Association of America

[TASH](#)

[The Arc of the United States](#)

[United Cerebral Palsy](#)

United Spinal Association
Western Law Center for Disability Rights

A Bad Bill, With Some Good Things in It

By Daniel Tokaji

Associate Director, Election Law, St. Moritz School of Law, Ohio State University

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Voting activists descended upon Washington last week to urge enactment of the “Voter Confidence and Increased Accessibility Act of 2005” ([H.R. 550](#)). This bill is one of several that aims to enhance the security of electronic voting machines, by requiring that they produce a contemporaneous paper record of the electronic ballot, or “voter-verified paper record.” While H.R. 550 has some worthy features, Congress should not enact the bill in its present form because its core requirement would do more harm than good.

What the Bill Would Do

H.R. 550 is a modified version of a bill that was considered but not enacted by the last Congress (H.R. 2239). The chief sponsor of both bills is Representative Rush Holt (D-NJ). This year’s version has 135 co-sponsors in the House, almost all of them Democrats.

H.R. 550 would amend certain provisions of the Help America Vote Act (“HAVA”), the election reform law passed in 2002. The centerpiece of the current bill is its requirement that all voting systems “produce or require the use of an individual voter-verified paper record of the voter’s vote.” For electronic touchscreen machines, this would require an attached printer that would generate “a paper print-out of the voter’s vote.”

While HAVA already requires that voting systems generate a paper record, H.R. 550 would go further. In particular, it would require that electronic voting machines generate a paper record *contemporaneously* – that is, at the time of voting – so that the voter has the opportunity to “verify” his or her choices. This requirement would take effect on January 1, 2006, the effective date of HAVA’s other voting system requirements.

This sounds good on paper (apologies for the pun), but the results would be chaotic and possibly disastrous in practice. The most conspicuous problem is timing. It is unrealistic to require all jurisdictions using electronic voting technology to obtain printer add-ons by the 2006 election. That’s particularly true, given that there aren’t any federal standards for this device in place yet.

As many election officials discovered in the wake of the 2000 election, rushing the transition to new voting technology can cause more problems than it solves. A 2006 deadline doesn’t give states and counties nearly enough time to investigate their options, go through the procurement process, implement the new equipment, train their poll workers, and educate their voters.

Worse still, there is no provision exempting counties that have already made a successful transition to electronic voting technology. The State of Georgia, for example, moved to electronic voting throughout the state and saw the number of uncounted votes decline dramatically in 2004, particularly in heavily-minority precincts. Under H.R. 550, Georgia election officials would have just a few short months in which to replace their existing system –

or retrofit it with an as-yet unproven printing device. That's inviting trouble. It would be unfortunate if Congress enacted legislation that had the effect of reversing the substantial improvements in technology since the 2000 election.

The Experience in the States

Even beyond the timing issue, it's doubtful that H.R. 550 provides a workable or effective solution to the legitimate concerns regarding electronic voting security. So far, only one state – Nevada – has actually implemented an electronic voting machine with a contemporaneous paper record on any significant scale. Anecdotal evidence indicates that few voters actually bothered to check the contemporaneous paper records. A serious and unbiased analysis of Nevada's experiment is needed, before even considering a national mandate.

While experiments like Nevada's are to be encouraged, it's a mistake to lock in place a particular would-be solution – especially one that's expensive and not yet proven. This will only discourage states from trying other mechanisms that may turn out to be more effective. In the end, it may actually make our voting system less secure than it otherwise would be.

Congress should also look to the experience of states that have passed legislation to require a contemporaneous paper record. The experience of California and Ohio, in particular, demonstrates the hazards of mandating a contemporaneous paper record.

In California, former Secretary of State Kevin Shelley issued a directive requiring that electronic voting systems generate a contemporaneous paper record effective 2006, and the California legislature wrote this requirement into state law last year. The dilemma that counties face is that it's not at all clear whether these systems will actually work effectively – or, alternatively, whether paper jams, privacy issues, lack of accessibility, or the difficulty in reading the paper print-outs will hamper their effectiveness.

The result of this dilemma has been for the largest county in the United States, Los Angeles County, to retain its "Inkavote" system – an optical scan system that functions like the Votomatic punch card machine, but with dots that voters fill in instead of chad. This device was intended to be an interim solution, and is an improvement over the Votomatic that Los Angeles County used before 2004. But while "hanging chads" aren't a problem with the Inkavote, it's equally difficult for voters to check their work. The Inkavote is therefore inferior to the paperless electronic systems currently available, which not only reduce the number of uncounted votes but also provide accessibility advantages for disabled and non-English proficient voters. The result of California's paper-trail bill has thus been to hinder the country's largest electoral jurisdiction from moving to better technology.

The experience of Ohio, which also passed a law requiring a contemporaneous paper record last year, is equally illustrative. In Ohio, the result of this law has been to give a virtual monopoly of the electronic voting market to a single company – the oft-reviled Diebold. Until recently, there were no electronic systems certified in the state that satisfied the state's requirement that these machines generate a "voter verified paper audit trail." The only system presently certified is manufactured by Diebold and it is presently unclear whether any other systems will be certified in time to be implemented in 2006. Thus, in Ohio, the ironic result of the campaign to

require a contemporaneous paper record was to give a virtual lock on the market to the very company that has been the poster child for the supposed ills of electronic voting.

The Good, the Bad and the Ugly

California's and Ohio's experience with "voter verified" paper trail laws should give pause to anyone who believes that H.R. 550 is the magic bullet to the problem of electronic voting security. More fundamentally, the bill rests upon the questionable premise that paper is less susceptible to manipulation than electronic records. While there have been a number of documented instances of fraud in past elections, most have taken place with paper ballots; none have taken place with electronic voting.

Moreover, it's unlikely that the recount process mandated by the current version of H.R. 550 would catch fraud, even if it did occur with an electronic voting machine. The bill would require that the Election Assistance Commission ("EAC") conduct a manual recount of 2% of all precincts in the country in each general election. At least one precinct per county would be recounted. This would impose an enormous burden on the EAC, requiring unprecedented coordination among federal, state and local election officials, but would have only modest benefits. It would do nothing to catch fraud at the local level, where it is more likely to occur given that relatively small changes in vote totals can swing an election. Even for federal races, such a recount would by itself provide little reason for increased confidence in the accuracy of the result, according to [this analysis by VoteHere's Andrew Neff](#). Neff's analysis finds that a 2% precinct recount of a U.S. House race would catch a 5% change in the results (either accidentally or maliciously) with only 40% confidence. The bottom line is that the recount process mandated by H.R. 550 would impose a heavy financial burden on the federal government, while doing little to promote electoral integrity.

It is certainly important that voters be allowed to "check their work." The paperless electronic voting machines already available allow voters to do this, in a way that's likely to be more effective than a contemporaneous paper record that voters may or may not actually check. The best thing that may be said of allowing voters to check a paper record is that it functions as a sort of placebo, helping to elevate public confidence that elections are being conducted on the square. Even here, however, the benefits of paper are overstated. Approximately 90% of ballots in Washington's recent gubernatorial election, for example, were cast by paper ballot. Yet this did little to "convince the loser that he or she lost," one of the supposed advantages of paper.

None of this is to say that fraud and error are impossible with electronic voting. But better testing and procedures are much more likely to promote electoral integrity than a printer add-on. The \$150 million that H.R. 550 would authorize for such hardware – not to mention the unknown amounts that would be required on an ongoing basis for the 2% national recount – would be much better spent on improving the testing and certification of voting machines. The EAC is presently engaged in this process, but progress has been hampered by Congress' delay in funding its work.

While the centerpiece of H.R. 550 should be rejected, some of its subsidiary features are worthy of serious consideration. Foremost among them is a provision that would make the EAC permanent. HAVA only authorized appropriations to the EAC through fiscal year 2005, even though it has become abundantly clear that the work of election reform will not be finished by 2006. It's also a good idea to address conflicts of interest by the entities responsible for testing voting systems, as the bill would do.

Another salutary change contained in H.R. 550 would clarify that there is a private right of action, where state and county election officials fail to comply with HAVA's mandate. One federal appellate court, the Sixth Circuit, has already held that such a right of action exists. Nevertheless, it would be helpful to clarify the existence of a private right of action, so that the voting rights protected by HAVA may be adequately enforced.

Although H.R. 550 is undoubtedly well-intentioned, Congress should not enact the bill in its present form. Its core requirement would lock into place a device unlikely to be workable or effective, and would impose significant burdens – financial and otherwise – on the federal government, as well as state and local election officials. Congress should instead stay the course it charted when enacting HAVA, while providing the EAC with the authority and resources it needs to oversee the transition to better voting technology.

Voter Registration Summary
2004 AAPD Disability Vote Project Statewide Reports
 Contact Angela Katsakis, aapdvote@earthlink.net or 202-457-0046.

State	# Orgs	# PWD	# Mailed	# Called	# 1 st Enhancemt	# 2d Enhancemt	# Reg	Notes
AL	1	300	1000	300				Directed pwd to the LWV website for registration. Poised to launch a voter registration & gotv coalition.
AZ	16	5800	5800	600			100	From 1 organization. Poised to launch a voter registration & gotv coalition
CA	10/26			6000+	17,494 / 29,931 Unreg 58.4%	TBD, based on funding	TBD, Spring, 2005	Want to create a stronger coalition structure, evaluating next steps to be self-sustaining. Can't confirm voter reg #s w/o 2d list enhmt.
FL	12	29,961						Report to be completed.
GA	14/18	53,164	33,391	8867	33,391 / 53,164 unreg 62.8%	03/2005	TBD May, 2005	19,783 targeted for gotv in 2004 election.
IL	25/27	53,427	25,000	4800	37,562 / 53,427 unreg 70.3%	TBD, based on funding		48,500 mailed and 8000 called for gotv.
KS	93	1,047,000	276,000	Not known at this time.	59,000 / 145,000 unreg 40.7%	None scheduled Used state funds to pay for enhmt.	3000+	280K rec'd voter reg info and 64K rec'd info on voting as a pwd. Not known how many of the 623K in 88 orgs did list enhmt / voter reg mail.
MI	23							Focused on polling place surveys, HAVA imp, increasing election official sensitivity, & DDMR voting reg & education.
MO	45/45	215,064	90,000	90,000	113,823 / 215,064 unreg 52.9%	Spring, 2005	2200	101,064 targeted for gotv, 70,000 mailed and 50,000 called.
NH	1	300						Targeted pwd in mental health and ILC support groups. Poised to launch a voter registration & gotv coalition
NY	10						2500/yr	Targeted NY state advocates to recruit voters from personal

								networks & have voters pledge to recruit/vote in every election.
OH	16/21	58,172	22,397	9700	39,852 / 58,172 unreg 68.5%	Late spring, 2005	425	Very late timing on the start of the project & db issues led to high false negatives & low registration rates.
PA	14/18	39,597	28,000	3080	28,000 / 39,597 unreg 70.7%	Late spring, 2005	444	Very late timing on the start of the project & db issues led to high false negatives & low registration rates.
RI	73							Implementing voter registration in 2005 to prepare for the 2006 federal election
TN	38	142,879	55,000	24,623	81,441 / 142,879 unreg 57%	April, 2005	3238 +	Distributed more than 12,000 voter registration forms at events.
WI	3/5	20,000	17,606	1,900	2,250 / 3,300 Unreg 68.2%	Not determined	1,030	WI is a same day registration state, meaning that voters can register on Election Day.
Totals	427	1,701,695	560,194	149,870	412,813 / 740,534 Unreg 55.7%		12,937	

Where are the Voters

By Sue Stuyvesant, Jasper Independent Living Center

They are in the parking lot trying to navigate through the gravel.

They are at the bottom step of their polling site, trying to figure out how to fly up the steps since there is not a zero step entry.

They are calling friends for a ride.

They are sitting at the table trying to read the very small print on the ballot.

They are driving in circles looking for an accessible parking place.

They are still driving in circles looking for the accessible entrance signage.

They are in the ambulance on the way to the hospital because they have a vision impairment and walked into the hanging plant They are trying to convince the pollworker that this is really not a pet but a Seeing Eye dog.

They are trying to convince the pollworker that you don't have to look "normal" to be able to vote.

They are trying to convince the pollworker that yes my friend can read the ballot to me.

They are on the way to Board of Registrars because they were told that they must vote absentee.

They are sitting at the bottom step at the County Courthouse trying to figure out how to fly up the steps since they cannot find the accessible entrance.

They are at the Annex trying to get over to the 1st floor of the County Courthouse.

They are trying to find the Board of Registrars office because the signage on the door is too small and too high.

They are trying to open the door to the Board of Registrars.

They are sitting in their wheelchairs at the counter in the Board of Registrars office waiting to be seen.

They are trying to tell the Pollworker I am deaf but I can read. Let me do it myself.

They are waiting to find out if there are any Braille ballots.

They are trying to speak but the Pollworker won't give them enough time to finish the sentence.

They are asking Pollworkers for assistance with the ballot not asking them to mark the ballot.

They are becoming frustrated while explaining to the police that they don't have a behavioral disorder.

They are asking where the complaint forms are so they don't have to go through this the next time they vote.

They are members of our community, our brothers and sisters our friends.

Almost everyone has the right to VOTE.

JAMES C. DICKSON

Jim Dickson is Vice President for Governmental Affairs of the American Association of People with Disabilities (AAPD). He leads the AAPD Disability Vote Project, a broad coalition of 38 national disability-related organizations to close the political participation gap for people with disabilities. The project focuses on election reform, polling place access, voter registration, education and get-out-the-vote drives. Jim has over 20 years' experience with voting and election administration issues.

Jim co-chairs the Leadership Conference on Civil Right's Election Reform Task Force. For two years, Jim worked actively in drafting the Help America Vote Act of 2002. He is also a member of the Election Assistance Commission's Board of Advisors. Before assuming his position at AAPD, Jim directed the National Organization on Disability's VOTE! 2000 Campaign. Over 2 million new voters with disabilities exercised their franchise for the first time in the 2000 Presidential election. Jim was co-founder of Project Vote!, a national, non-partisan voter registration and education organization that has registered over four million African-Americans.

Jim, a graduate of Brown University, resides in Washington, DC with his wife and daughter.