Voting Technology and Options for Voters with Disabilities

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Prepared for Montana’s State Administration and Veterans Affairs Committee
What Is NCSL And What Does It Do?

- Serves 7,383 legislators and 25,000 legislative staff
- Provides non-partisan research & analysis
- Links legislators with each other and with experts
- Speaks on behalf of legislatures in D.C.
What Does NCSL’s Elections Team Do?

- Works for you
- Publishes The Canvass (please subscribe!)
- Keeps up on legislation
- Puts on meetings (please come!)
My plan for the next 25 minutes

- Voting technology—where are we now?
- Voting for people with disabilities at polling places
- Voting for people with disabilities at home
- Other states’ experiences
- Utah details
- Montana options
Elections Technology: The Big Picture

- Tabulation Systems
- Accessible Systems
- Other Technology
Voting for People with Disabilities

Pre-1990: Voters could ask for assistance
1990: ADA - physical access
2002: HAVA - funding for accessible systems
Now: Aging equipment
Accessible Options for Voting in Polling Places
What Montana Uses Now
Today’s Polling Place Accessible Equipment
Testing and Certification in the States

- 9 states test to Federal Standards
- 4 states have testing by a federally accredited lab
- 9 states have full EAC certification
- 11 states have no federal requirements
- 17 states have other mention of Federal Standards
Los Angeles County: Voting Solutions for All People (VSAP)

- Voter-centered design
- Hardware and source code (within security constraints) is available for public inspection
Ballot Marking at Home
Electronic Ballot Transmission (EBT)

- Includes email, fax, web portal
- MOVE Act requires states to send blank ballots electronically to military and overseas voters
- 31 states permit the return of completed ballots electronically (for some voters)
- Slow expansion in recent years—including for people with disabilities
Potential Benefits of Remote Ballot Marking Systems

- Convenient (“anytime”) voting
- Instant delivery of correct ballot
- Prevents overvotes and warns of undervotes
- Accessibility
- Solves transportation issues
Potential Issues for Remote Ballot Marking Systems

- Communicating how to use the system
- Relying on a voter’s own technology
- Privacy and the secret ballot
- Security
Accessible Remote Systems

- Five Cedars Group, Inc.
- Everyone Counts
- Democracy Live
- Others?

everyonecounts®
Case Studies from Other States
Case Study: California

- 2016 legislation defined “remote accessible vote by mail system”
- SOS established standards and certification
- For UOCAVA voters and voters with disabilities
- Provides remote ballot marking
- Voter still prints the ballot to submit
Case Study: Ohio

- 2016 legislation permitted the state to certify ballot marking devices
- Deployment before 2018 election required
- $1.5 million in grant funds available
- Voters apply for absentee ballot and indicate they want to use the remote system
- Voters still print their ballots to submit
Case Study: Maryland

2010: developed a method for sending a blank ballot electronically; available for all absentee voters
2013: removed from use due to security concerns
2014: sued by National Federation of the Blind
2015: system back for people with disabilities
2016: system approved by state board, all users again
2018: bill to limit system to people with disabilities
Case Study: Oregon

- All-mail elections since 2000
- Large print ballots by request: mail or email
- Can mark on computer; print to return
- Same process for UOCAVA voters, so there are lots of ballots coming back this way
Case Study: Louisiana

- Excuse (with proof) required to vote absentee
- 2016 legislation permits a voter with a disability to receive a ballot electronically
- Ballots can be returned via fax
- A voter must waive the right to a secret ballot (common practice for any electronically returned ballots)
Case Study: New Mexico

- 2017 legislation to create electronic transmission of ballots for low vision voters
- 2018 system deploys in the primary
- Voters will mark the ballot online using personal assistive devices
- Voters print ballots, return in envelope that will be mailed to them
Case Study: Utah (6 slides)

- Uniform voting system
- Election administration like Montana’s
- Two recent studies: remote ballot marking and statewide replacement of voting systems
Utah’s Remote Ballot Marking Pilot

- 2014 law permitted pilot of remote ballot marking for voters with disabilities
- Voters used personal devices
- Voter printed and signed the ballot, but could send back to election office via fax, email or mail
- Still in effect but not being used by counties
Utah’s Task Force on New Voting System

- Included state/local election officials, security experts, advocates for voters with disabilities
- Addressed all aspects of elections system
- Desire to maintain uniform voting system
- Defined requirements, issued statewide RFP
Utah held a public demonstration of voting systems
Utah Task Force Outcomes

- 2017 vendor awarded contract
- Statewide cooperative contract
- Counties still pay
- State funding
Utah and Accessible Voting

- Accessible voting: concern about different ballot size and keeping the ballot secret
- Will institute procedural fixes
- Ballots all counted on the same ballot scanners
Montana Options

- Think about the election model as a whole.
- Involve outside experts and voters.
- Consider security.
- And accessibility.
- And reliability.
- And costs.
Montana Options, cont’d.

Review statutes for:
- outdated language
- technology neutrality
- flexibility
- standards

Consider:
- convening stakeholders
- state/local funding
- vendor fair/demo
- state contract & RFP
NCSL Resources

- The Price of Democracy: Splitting the Bill for Elections (recent report)
- Elections tech meeting with national experts
- Many webpages on elections tech
- Customized research
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