



# 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!)



The screenshot shows the NCSL website interface. At the top left is the NCSL logo with the text 'NATIONAL CONFERENCE OF STATE LEGISLATURES'. To the right is a navigation menu with links: 'ABOUT US', 'LEGISLATORS &amp; STAFF', 'RESEARCH', 'MEETINGS &amp; TRAINING', 'NCSL IN D.C.', 'BOOKSTORE', and 'BLOG'. Below the navigation menu is a search bar. The main content area is titled 'ELECTION LAWS AND PROCEDURES OVERVIEW' with a date of '7/25/2014'. There is a small image of the word 'election' in colorful letters on a corkboard. To the right of the image is a text block: 'Election laws and procedures have been under increased scrutiny since the drawn-out presidential election of 2000. States are taking a closer look at voter registration, absentee and early voting, voter identification and other key election reform issues in an effort to provide fair elections for all eligible voters, and at a reasonable cost.' To the right of the text block is a 'TABLE OF CONTENTS' section with links: '50-state Elections Law Data', 'Other NCSL Elections Resources', and 'CONTACT'. At the bottom right of the screenshot is a 'NAVIGATE' section with a 'Home' link and a list of links: 'About State Legislatures', 'Agriculture and Rural Development', 'Civil and Criminal Justice', 'Education', 'Elections and Campaigns', 'Campaign Finance', 'Election Administration', 'Initiative and Referendum', and 'StateVote Election Results and Analysis'.



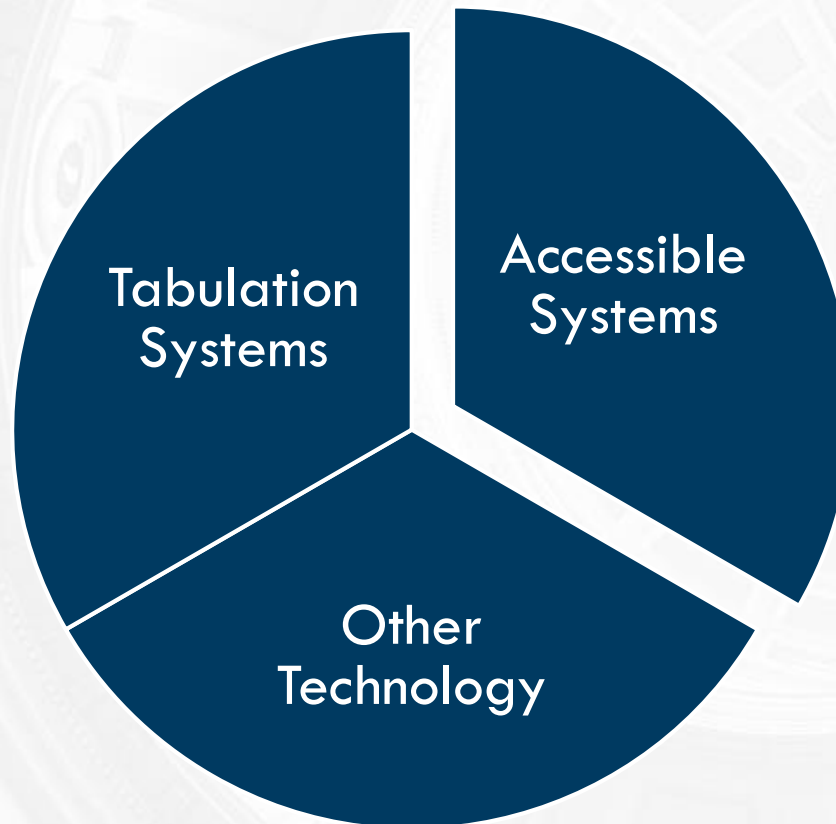
# My plan for the next 25 minutes

- 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



# 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

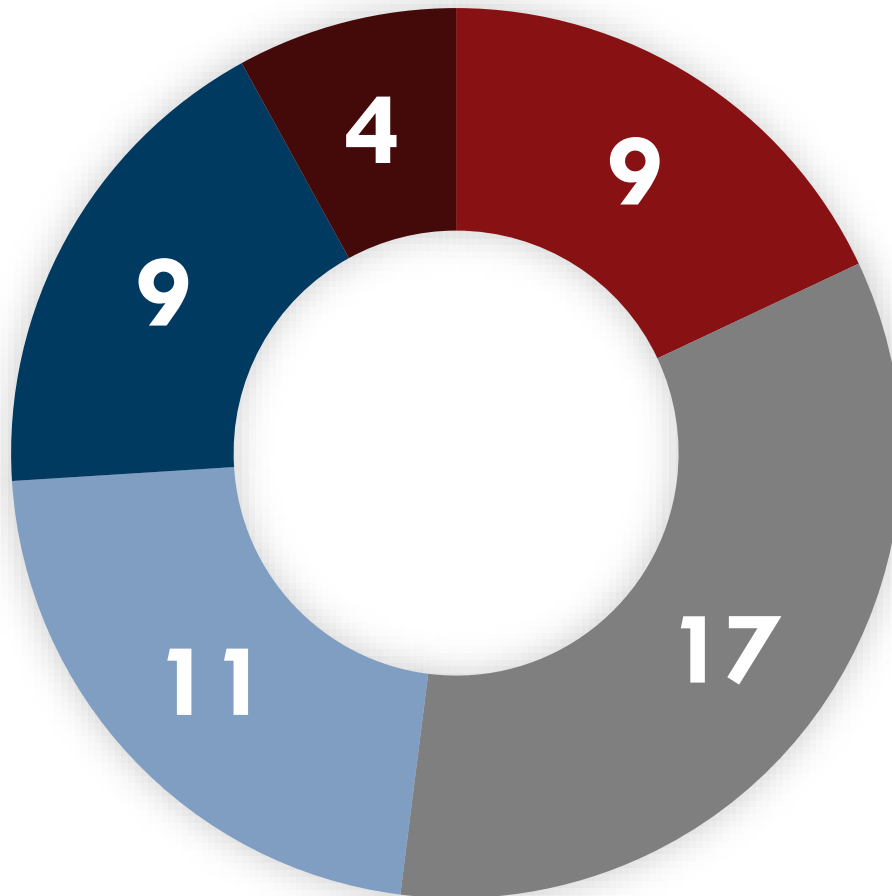




# Today's Polling Place Accessible Equipment



# Testing and Certification in the States

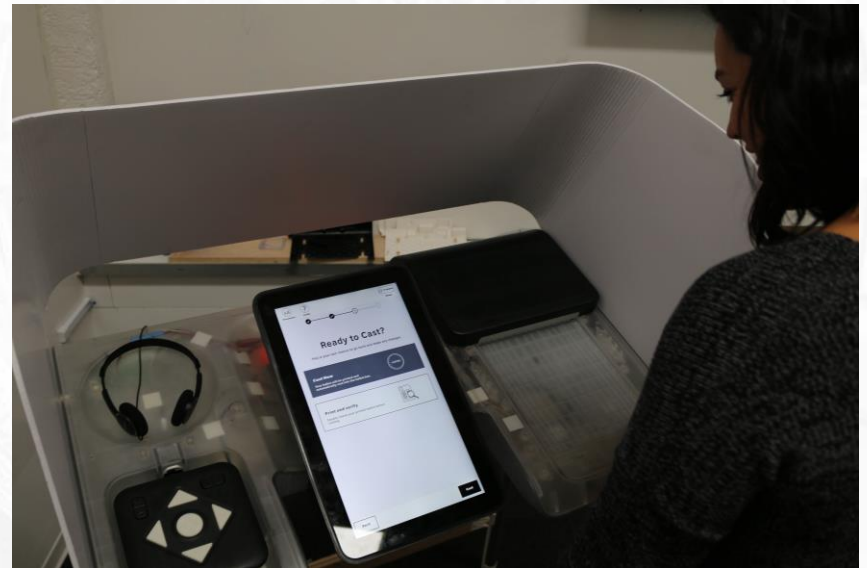


- Testing to Federal Standards
- Testing by Fed. Accredited Lab
- Full EAC Certification
- No Federal Requirements
- Other Mention of Federal Standards



# 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



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# 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

**NIST** National Institute of Standards and Technology  
U.S. Department of Commerce



- Convenient (“anytime”) voting
- Instant delivery of correct ballot
- Prevents overvotes and warns of undervotes
- Accessibility
- Solves transportation issues



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# 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?



**DEMOCRACYLIVE**  
VOTER INFORMATION TECHNOLOGIES

**everyone counts**<sup>®</sup>



# 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

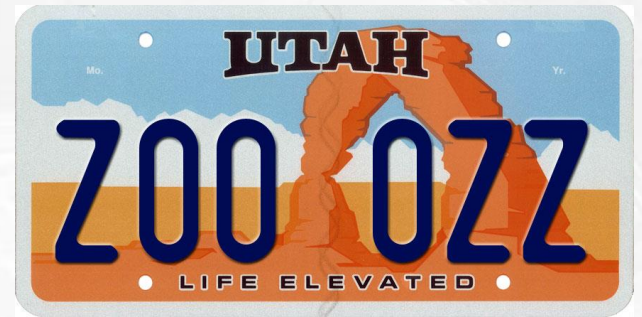


- 2017 legislation to create electronic transmission of ballots for low vision voters
- 2018 system deploys in the primary
- Voters will mark the ballot online using personal assistive devices
- Voters print ballots, return in envelope that will be mailed to them





# 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

Election  
Management  
System

Tabulation

Accessible  
System

Support &  
Training





# 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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