

Election Assistance Commission
Public Hearing on the Use, Security and
Reliability of Computerized Voting Systems

Testimony
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Jim Dickson is the Vice President of Governmental Affairs for the American Association of People with Disabilities (AAPD). AAPD was founded in 1995 by a group of cross-disability leaders to help unite the diverse community of people with disabilities and to be a national voice for change in implementing the goals of the Americans with Disabilities Act (ADA). AAPD's mission is to promote the political and economic political empowerment of all people with disabilities. AAPD is the nation's largest disability organization with over 80,000 members.

Jim is the chair of the Disability Vote Project, a coalition of 38 national organizations committed to increasing the political participation of people with disabilities (see attached). He is member of the Election Assistance Commission Advisory Board. In addition, Jim is a co-chair of the Leadership Conference on Civil Rights (LCCR) Election Reform Task Force. The LCCR is the nation's oldest, largest and most diverse civil and human rights coalition consisting of 185 civil rights groups. LCCR has a very strong interest in preventing the disenfranchisement of voters, and in ensuring that the elections, in 2004 and beyond, are not marred by the same kind of ballot tabulation chaos that occurred in 2000.

I've been voting for 36 years. For the first time in my life I cast a secret ballot this January using the Sequoia touch screen system. I have absolute confidence that my vote was counted correctly. It was one of the most empowering experiences of my life and a day that made me proud to be an American.

Our country faces two election-related crises. One is the election apparatus itself, and the second is a crisis of participation. The horrifying truth is that we cannot count votes as accurately as we count money. The election morning prayer of most

election officials is “Dear God, please don’t let the election be close.” When an election is close (a margin of victory of under two percent), it is impossible to know with certitude who received the most votes. Of all the election systems in use today, Direct Recording Electronic devices (DRE’s) or touchscreens count the most votes, have the best backup, are the easiest for the voter to use because they don’t rely on paper and can easily integrate adaptive technologies to serve people with disabilities, people who have low English proficiency, and people who have low levels of literacy.

The majority of Americans with disabilities do not vote. There are many attitudinal and physical barriers that effectively deny the franchise to the nation’s largest minority. The unfortunate fact is that Americans who must rely on third party assistance to vote have a voting experience that is usually embarrassing, demeaning and time consuming. The New York Public Interest Research Group conducted an Election Day quiz of pollworkers at the polls. Only 15 percent had a perfect score when asked questions about the rules for providing third party assistance.

During my nearly four decades of voting, I have personally experienced the following things when having to rely on the assistance of others. I have had a poll worker say to me, "You want to vote for whom?" I have had a poll worker in a different election, in a different city say to me, "Well, you voted for the offices of President and Governor. Nobody even knows the rest of these people. Are we done?" In another election, in another city, I have had a poll worker say to me, "Nobody understands these referenda. I'm really busy. You don't want me to read them." In yet another election, I had a poll worker say to me, "This referenda print is so small I can't read it. So we'll just skip it, okay?" Considering the fact that I am blind, that pollworker’s remark did not

generate much sympathy. These experiences are not unique to me. They are typical of the Election Day experience of Americans with disabilities who vote.

A major barrier to voter participation is that, prior to the development of the DRE, voters with disabilities were not able to cast a secret ballot. People who use wheelchairs cannot get into polling places to cast a vote and tens of millions of Americans with disabilities cannot cast a secret ballot because they require assistance of someone to help them fill out the ballot. Touchscreens are the only system which allows a voter with a disability to cast a secret and independent vote. As of this writing, the US Census reports that there are 36 million voting aged Americans with disabilities, 22 million of whom did not vote in the 2000 election. There are 10 million Americans who report to the Census that their vision makes it “difficult or impossible” to read print. Further, there are 1.5 million Americans who are unable to hold a pencil or handle paper. The largest segment of the disabled population that will benefit from touchscreens are those with learning and cognitive disabilities. It is as impossible for a person with severe dyslexia to vote on a paper ballot with columns as it is for a blind person to read print. The audio ballot and adaptive aids, such as sip and puff and jelly switches, make it possible for all of these citizens to cast a secret and independent ballot. In addition, there are 33 million Americans, as reported by the National Institute for Literacy, who have low levels of literacy and cannot comprehend a written ballot. Obviously, there is some overlap among these groups. The point still stands that tens of millions of Americans can and will vote secretly and independently if, and only if, they use a touchscreen voting machine.

There are tens of millions of Americans who do not vote because they have experienced similar forms of humiliation or harassment, because they are reluctant to admit that they can no longer see, or because they are embarrassed to admit that they cannot properly read. I spent ten years running voter registration drives in 23 states. More times than I can remember, I have had prospective registrants say, “I don’t vote. I can’t read.” I’ve heard this at bus stops, in day care centers, in cheese lines, and in front of supermarkets.

The touch screen which allows me to vote secretly also allows those Americans who have suffered through an appallingly poor educational system, who cannot read, to cast a secret vote without the embarrassment of having to acknowledge that they cannot read. There are tens of millions of immigrants who are now citizens who came to this country, like my grandmother who was not taught to read in Italy. The same machine that allows me to vote secretly would have allowed her to hear the ballot in her native language. These devices would allow the 37 million Americans today who are citizens, who pay their taxes, and who speak their native language, but who cannot read English, the ability to vote secretly. It’s a simple matter for a computer-based system to handle ballots in multiple languages (Spanish, Viet, Tagalog, Native American symbols) and for those languages to be written and audible at the same time.

We have a problem in this country. When it is a close election, we cannot accurately count the paper ballots. For the United States of America, the wealthiest nation in history, the democratic hope of the world, this is appalling and unacceptable. There is no magic bullet to fix the problems with our voting system. With incremental progress, we can guide the nation’s voting system to the day when every vote

is counted. Evidence shows that the touchscreens have the lowest error rate. It's factual that more votes get counted on touchscreens than they do using the wide variety of paper-based voting systems. Counting votes accurately is part of the foundation of a secure voting system.

The contentious debate about a paper trail requirement is jeopardizing this fall's election. There are very loud, frightened and ill-informed voices announcing that the public doesn't trust electronic voting machines. Every objective public opinion poll to date reports that the public likes and trusts DRE's. A recent national survey by Opinion Research asked voters which voting system gives them the greatest confidence that their vote is going to be counted... The public trusts touchscreens, by approximately 70 percent (see attached). African Americans reported they had more confidence in touchscreens by a margin of twenty percent when compared to paper-based voting systems.

There was a paper ballot election just recently in Texas for Congressman Rodriguez, who won the first few recounts in a tightly contested electoral battle. In a tight electoral battle with a margin of more than 100 votes, two boxes of ballots were found that had not been included in the previous recounts. One ballot box from the home county of Congressman Rodriguez's challenger contained ballots that gave 100 percent of these newly discovered votes to the challenger. The second box of ballots, from another county, gave 80 percent of the votes to the challenger, changing the election result. This type of experience has happened over and over again with paper-based voting systems. Paper gets lost, damaged, misplaced. It is relatively easy to add paper ballots. Computers have been counting for votes for 40 years. Touchscreens have been

used for 20 years. There has never been a documented case of malicious or accidental vote counting. In the same time period, there have been 80 occasions that I know of where paper has resulted in recounts and court action.

My point is that we have had long, painful and well documented experiences of electoral paper fraud. Paper can be manipulated, and it does get manipulated. The idea of adding paper, which we know has been used to manipulate elections, is harmful to our electoral process because we have so much evidence of electoral malfeasance using paper as a vehicle.

The supporters of the paper trail have unproven and undocumented conspiracy theories. The conspiracy theorists state, "But you can't prove those elections weren't safe and accurate." It is impossible to prove a double negative. You cannot prove that there was not a fraud. It is an impossible assertion to prove or disprove. It's like saying, "When did you stop beating your wife?" Are we going to conduct our elections based on over-stated theory or factual evidence? Every system messes up. Touchscreens mess up least.

In the State of Ohio, they had planned to use touchscreens in this fall's election. This debate has stopped that decision. Seventy-four percent of Ohioans this fall are going to vote on the same punch card systems that they voted on in 2000. The error rate on the punch cards in Ohio in 2000 was 4.47 percent. We're talking about people who went to the polls, voted, left the polling place thinking their vote was going to be counted. And for 74% of Ohioans, that same statistic will be true in the 2004 elections in November. What we do know is an error rate based on 20 years of using touchscreens and that the worst the error rate will be is 1.5% and sometimes less than 1%.

I'll conclude with an analogy. If a professor of bioscience looked up from his or her desk or test tube and said, "Oh, my God, people are going to die from cancer. I have a pill that will prevent that, and I want a law passed that everybody has to take this pill," would you pass the law? This is a pill that is untested, unapproved by the FDA and has had no legitimate drug trials. Would you take this pill? That's what the proponents of the paper ballot are asking us to do.

Voter verified paper ballots have been tried in small elections, meaning between 1-2,000 votes, and each time experienced serious administrative problems, not the least of which was the paper jamming in the Sacramento election. The test paper ballot printers were jamming in the ballot box. The pollworkers decided that the only way they could solve the problem was to go to the car and get a windshield wiper. They then used the windshield wiper to pound the paper through the printing system so that it could go into the ballot box. Can you imagine the chaos of an untested system like that in a major election, in multiple jurisdictions with hundreds of thousands of votes?

For those voters who believe that they need to have a paper ballot, there's a system available to them in most states. It's called an absentee ballot. I would encourage people who feel they don't trust the voting machine to use the absentee ballot if they want to, but don't take away my right to a secret ballot. Do not disenfranchise tens of millions of Americans.

Considering that the overwhelming majority of documented election fraud involved paper, why should we add paper to the system? There are better ways to provide security for DRE's. Among them are continuing the practice of keeping voting systems offline, mandatory use of federally certified voting systems, clear procedures of polling place operations, restrictions on physical access to voting equipment,

development and enforcement of statewide security plans, and third party electronic verification to allow review of ballots on third party software.

I appreciate the opportunity to appear before the Election Assistance Commission.

Thank you very much.