

BEFORE THE COMMITTEE ON RULES AND ADMINISTRATION
UNITED STATES SENATE
WASHINGTON, D.C.
STATEMENT OF
THE NATIONAL FEDERATION OF THE BLIND
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Good morning , Mr. Chairman. My name is James Gashel. I am Director of Governmental Affairs for the National Federation of the Blind. My address is 1800 Johnson Street, Baltimore, Maryland 21230; telephone, (410) 659-9314. On behalf of the Federation and the blind people I represent, I want to begin by expressing my sincere thanks to you and this Committee for the opportunity to participate in this important hearing today.

I believe I last appeared before this Committee in 1984--or perhaps it was 1983--when Congress was considering a bill which later became the Voting Accessibility for the Elderly and Handicapped Act. Several months before that, the National Federation of the Blind was very much involved in the process which led up to the 1982 enactment of amendments to the Voting Rights Act of 1965. The members of the National Federation of the Blind have a strong interest in any legislation affecting the voting process in this country, and we have a proud history of advocacy on behalf of full participation by the blind in our nation's electoral process.

To say that the Presidential election of 2000 is apt to become the catalyst for lasting changes in the way Americans vote is simply to state the obvious. Politics aside, the election of November, 2000, demonstrated to everyone that the most fundamental right and responsibility of citizens in our democracy--choosing our elected representatives--is vulnerable to antiquated methods and technology, especially in closely fought elections. The integrity of the process demands a solution, and the technology now available and becoming available, makes it possible.

Several bills are before you for consideration, but all of them have a common thread. The technology being used to cast and count ballots throughout the United States is not as reliable as we thought it was and certainly not as reliable as it could be. This means that changes in voting technology, already being made in the natural course of events, will be accelerated. It also means that the changes which do result from the present situation are apt to be in place for many decades to come.

This latter point--that the new technology which will emerge will be with us for

many years to come--is particularly important to the blind. In 1982, when Congress passed amendments to the Voting Rights Act, we advocated very strongly for a national standard to ensure that persons unable to read the printed ballot or the instructions on the voting machine would be able to have assistance provided by another person of the disabled voter's own choosing. We asked for this standard because of the widespread and objectionable practice of having election judges from each party physically present in the booth to assist a blind voter and monitor the casting of the ballot. It is an understatement to say that this process was both intimidating and demeaning to the blind voter, leading far too many to stay away from the polls on election day.

Congress agreed with us in finding that it is wrong to subject blind people to the scrutiny of election judges, but the voter assistance provision which was passed with the Voting Rights Amendments of 1982, was only a partial solution. However, it was really the best and most appropriate solution available at that time. That is no longer the case since microchip and digital technology will undoubtedly change the way Americans vote--not only in the next election but far beyond.

In the wake of the 2000 election, states and political subdivisions are scrambling to update their antiquated voting machines with electronic and computer-based voting systems. Arizona is already testing internet voting, and many jurisdictions have purchased touch-screen digital voting machines. Under present law, individual states develop and apply their own standards to approve or "certify" voting systems used in local jurisdictions. This is precisely why Congress must become involved in helping to set the standards applied to voting in the future.

In the case of technology, for example, the needs of blind voters are rarely understood or considered by the states in establishing criteria for certification of new voting systems. Consequently, the principle of "equivalent visual and nonvisual access" has not been adopted as a standard. As a result, virtually all electronic voting technology is unusable by as many as one million people who are blind and millions more who cannot see enough to read a printed ballot or visual display screen on a voting machine.

Section 508 of the Federal Rehabilitation Act as amended in 1998, requires Federal departments and agencies to ensure that their electronic and information technology is accessible to individuals with disabilities. This provision resulted from legislation introduced by Senator Dodd. It means that all electronic and information technology purchased by the federal government must be equipped and configured for effective use by anyone with or without a disability. This law also applies to technology (such as information kiosks) intended for public use.

At this point, Section 508 only has limited applicability to states. Therefore, it really has no direct applicability to voting. However, the principle of section 508--equivalent access--is sound. If section 508 did apply to all governmental entities, including states and local jurisdictions, then equivalent access would be required. In fact, only one state that I know of presently has a law requiring all voting equipment to be accessible to individuals with disabilities. That law was signed by the then Governor of Texas, George W. Bush. Therefore, I guess I can safely claim to have the support of the President of the United States for the point we are making here today.

According to the National Center on Policy Analysis, low voter turnout is primarily due to inconvenient voting procedures. Confirming this, an Ohio study pointed to "intimidating" voting methods as a significant reason why people don't vote. For blind people these factors are compounded by voting systems which are not only "inconvenient" but unusable. Inaccessible voting systems discourage blind voters from exercising the most fundamental right of citizenship--the right to vote.

Modern technologies (such as synthesized speech and speech activated software) allow electronic information to be accessed through visual and non-visual means. Using these technologies, blind people would be able to vote privately and independently. This is a step beyond the voter assistance provision presently in the Voting Rights Act, which will remain for years to come as the method most preferred by some blind people. However, with the advent of new technology, we can do better. This is especially important for those of us who are becoming accustomed to communicating by means of the computer. This is something we do every day; so why not communicate independently and effectively when we vote.

Mr. Chairman, the expectations and possibilities are changing for all Americans in regard to virtually everything we do. That includes the way we vote, as well. Blind people are not excluded from these advancements. With the possibility now upon us for voting independently and privately--with or without sight--the provision for voter assistance will not be good enough.

Fortunately, this principle has been embraced by most of the bills which address voting process reform. This includes the companion bills introduced by Senator Dodd and Representative Conyers, as well as an the earlier bill introduced by Senators Schumer and Brownback. Each of these bills has important provisions relating to standards for voting technology. And, most important of all, the standards called for in these bills would require nonvisual access, so blind people could cast their ballots both independently and in private. Enactment of these requirements as a part of legislation on voting process reform would extend the convenience and benefits of electronic voting systems to sighted and blind voters alike. This is the most important principle for

blind Americans, Mr. Chairman, and we also appreciate the support you have expressed for it. Therefore, on behalf of the National Federation of the Blind, I thank you.