

Disability Rights Legal Center

DRLC

Formerly Western Law Center For Disability Rights

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August 1, 2007

The Honorable Debra Bowen
Secretary of State
1500 11th Street, 6th Floor
Sacramento, CA 95814

Via Electronic Mail & U.S. Mail

Re: Disability Rights Legal Center Comments for the July 30, 2007
Public Hearing on the July 26, 2007 California Top-to-Bottom
Voting Systems Review "Final Accessibility Review Report"

Dear Secretary Bowen:

The Disability Rights Legal Center (DRLC), formerly the Western Law Center for Disability Rights, was founded in 1975. We are a private nonprofit organization whose mission is to promote the rights of people with disabilities and the public interest in, and awareness of those rights by providing legal and related services.

DRLC provides services to individuals with disabilities throughout California and believes that voting is fundamental to our democracy and support efforts to voting systems are accessible, secure, accurate and recountable. As such, we are firmly committed to protecting the voting rights of persons with disabilities and ensuring that voters with disabilities are able to vote privately and independently, consistent with the requirements of the Help American Vote Act of 2002.

The Help American Vote Act (HAVA) requires that voting systems be accessible to voters with disabilities "in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters". (HAVA, Section 301(a)(3)(a).)

We have reviewed the July 26, 2007 Accessibility Review Report for California that concludes the Hart, Sequoia, and Diebold electronic voting systems to be non-compliant with the accessibility requirements of HAVA and the 2005 Voluntary Voting System Guidelines. We write to express our concern that the report's findings may lead some to urge you to decertify all or some of these voting systems.

We strongly oppose that position, and would urge you to not take action to decertify the voting systems that were subject of this review. We believe a decision to decertify the

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voting systems would violate the fundamental right of millions of Californians with disabilities right to vote and participate in election process.

The Accessibility Report identifies deficiencies with the reviewed systems and also recommends short term (for the 2008 elections) and long term mitigation strategies to address the deficiencies. We agree that a short term strategy can mitigate a number of the identified problems and concerns related to accessibility and usability of these voting systems.

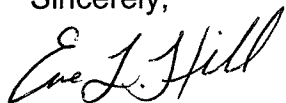
The report does not, however, also recommend decertification of any or all of the systems as either a short or long term strategy. We agree with this finding as well. Decertification, without identified and readily accessible replacement voting system(s), will result in the disenfranchising of the disability community at a critical time in our nation's history, in violation of federal and state law. The greatly improved access achieved with these three voting systems should not be disregarded in an effort to further improve voting systems.

We support and urge you to adopt the short term remedial mitigation measures as outlined in the report for the near term 2008 elections as an alternative to decertification, and work with County election officials as well as the manufactures of the Hart, Sequoia, and Diebold voting systems and take the necessary steps to implement these measures.

We acknowledge that no voting system is flawless, and that we need to set realistic standards and timelines to actively seek out, review, and certify new technologies and voting systems that refine and enhance the promise of an accessible, private, and independent vote for Californian's with disabilities.

We look forward to working in collaboration and ongoing dialogue with you, other disability rights advocates, local election officials, as well as the manufacturers of theses and other voting systems - to ensure meaningful voting rights protections for individuals with disabilities and fulfilling the promise of HAVA.

Sincerely,



Eve Hill
Executive Director