March 30, 2007

California Secretary of State
Debra Bowen
1500 11th Street
Sacramento, CA 95814

RE: Top to Bottom Review of Electronic Voting Systems Certified for use in California Draft

Dear Secretary of State Bowen:

The California Foundation for Independent Living Centers (CFILC) is committed to ensuring that people with disabilities have equal access to voting.

We have reviewed the draft Top to Bottom Review of Electronic Voting Systems Certified for use in California and have these comments:

People with disabilities have a legal right to an accessible polling place where they are able to mark, verify and cast a secure, reliable, independent and private ballot. While your office reviews the security measures of voting systems in California, we encourage you to consider accessibility and security of voting systems as equally important.

We believe that voting system certification on both the federal and state level needs to include more comprehensive accessibility and usability testing. The Accessibility Standards in your draft Top to Bottom Review will if implemented, increase the accessibility and usability of voting systems and we believe they should be included in *future* state testing.

From our knowledge of voting systems currently certified, it appears that not all systems certified for use in California would meet every one of the accessibility requirements that you are proposing. While each voting system certified for use in California has some accessibility problem, any of the certified voting systems provide much greater accessibility for people with a wide range of disabilities than a traditional paper ballot provides. We are gravely concerned that If voting systems currently used in the state are decertified, there will

be no HAVA compliant, accessible system for the elections in 2008 and local elections that may occur earlier.

Therefore, we recommend that California keeps currently certified voting systems certified for use until a new generation of voting systems are developed that will increase accessibility.

We also recommend that California adopt the 2005 Voluntary Voting Systems Guidelines with the additional recommendations put forth by the Secretary of States Voting Accessibility Advisory Committee in 2006.

Additionally, we recommend that an addition be made to the accessibility section of the Top to Bottom review that requiring that voters be able to vote independently without assistance if the voter so chooses. Further, that a section to the Accessibility Standards be added that requires ballot marking devices allow the voter to independently insert and remove the ballot.

We recommend the criteria you use to choose "qualified reviewers" for the accessibility certification section of the Top to Bottom Review include people representing different types of disabilities since accessibility of voting systems should be tested to ensure access for a wide range of disabilities. Accessibility testers should also receive usability training to ensure that they have both accessibility and usability skills.

We hope that your office will press Congress for additional funding to ensure that there is continued research and development to increase the accessibility and security of voting systems.

Thank you for considering our comments and recommendations. We are looking forward to working with you in building successful accessible and secure elections in 2008 and beyond.

Sincerely,

Ann Guerra,
CFILC, Chair of the Board

Cc: Ana Acton, Chair CFILC SCNetwork Voting Committee