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Little Hoover Commission on Voter Participation in Los Angeles County

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Disability Rights California (DRC) appreciates the opportunity to testify before the Commission again. The testimony will focus on (1) Los Angeles County's Voting System Assessment Project (VSAP), (2) Los Angeles County's implementation of the Voter's Choice Act; and (3) updates from DRC's testimony at the May 25, 2017 hearing.

Los Angeles County's Voting Systems Assessment Project (VSAP)

Background

From the early stages of the VSAP project, community feedback has been an integral part of the design process. Since the project launched in 2009, the focus has been on establishing greater community input through a collaborative

approach with the academic community, public interest organizations and policy makers.

A large portion of the initial research phase was dedicated to collecting and analyzing data from diverse sources, including voters, community organizations, poll workers, election advocates and local elections staff. The research was comprised of both voter survey responses and registered voter focus group feedback. These initial focus groups included different language communities, permanent vote-by-mail voters and voters with disabilities.

The VSAP aimed at achieving three goals: (1) allow current and future Los Angeles County voters the opportunity to participate in the assessment and development process; (2) increase voter confidence in the electoral process through the participatory structure of the project; and (3) compile public input and research to acquire or develop a new voting system for the County¹.

In April 2013, Los Angeles County, in collaboration with IDEO, a design and innovation firm, officially began the design phase of the project. Throughout the project, IDEO's design team dedicated time for numerous interviews with subject matter experts from stakeholders throughout the County. Among these were representatives of the disability community, including representatives from the County's Voting Accessibility Advisory Committee (VAAC) and the clients from United Cerebral Palsy Los Angeles.

Throughout the design process, the designers at IDEO and the VSAP have welcomed this continued input and feedback from community stakeholders, advocates and voters with disabilities. Representatives from United Cerebral Palsy Los Angeles, along with other stakeholder representatives, had the opportunity to provide feedback to the IDEO design team on a voting system. Participants provided feedback on their voting experience with regard to ease of finding contests and marking their selections, level of confidence on the privacy and anonymity of the experience and trust in the system to successfully record their votes².

¹ *VSAP Quarterly Report – 3rd Quarter, 2015*, Los Angeles County Register-Recorder/County Clerk, October 2, 2015, <http://vsap.lavote.net/wp-content/uploads/2016/06/VSAP-3rd-Quarter-Board-Report-and-Newsletter.pdf>. "Return to Main Document"

² *VSAP Quarterly Report – 4th Quarter, 2015*, Los Angeles County Register-Recorder/County Clerk, December 15, 2015, <http://vsap.lavote.net/wp-content/uploads/2016/06/VSAP-4th-Quarter-Board-Report-and-Newsletter.pdf>. "Return to Main Document"

In May 2016, the IDEO team offered members of the County's VSAP Advisory Committee an additional opportunity to provide feedback on the latest version of the ballot-marking device³. The Committee members were able to test out various components of the prototype and test the system's accessibility features as well. They provided feedback on how to improve some of the directional cues included in the audio instructions. The Committee members also provided input on the clarity of the instructions regarding the reading of candidates' names and proposition descriptions. The IDEO design staff took note of each suggestion and adjusted the software based on this feedback.

During the California Association of Clerks and Election Officials' annual conference in Redondo Beach in July 2016, Fred Nisen, DRC's supervising attorney for voting rights, and Gabriel Taylor, DRC's advocate for voting rights, had the opportunity to provide additional feedback to the VSAP team on the prototype. Upon using the ballot marking device, Mr. Nisen observed that a voter who requires the use of the directional keypad to make their selections might have difficulty using it due to its location on the unit. Even though there was an attached extension cord for the keypad, the positioning of the keypad posed a problem for voters who have limited dexterity on their left side. In a July 2016 letter to the IDEO design firm, DRC expressed this concern regarding the positioning of the control key pad. In response to these concerns, the VSAP team has stated they are interested in scheduling a meeting with DRC staff to discuss possible adjustments on the prototype.

Accessibility Features of the VSAP Model for Voters with Disabilities

The system provides touchscreen options. For voters who are blind or low vision, it provides both the ability to increase font size and to change the color contrast. The system also allows voters the opportunity to navigate through the ballot using audio instructions, via headphones. The system will read the ballot to the voter. For voters with dexterity limitations, a voter may adjust the touchscreen sensitivity. For voters who cannot physically use the touchscreen, they can use the directional keypad. The system also includes an outlet for voters who may use a sip-and-puff device. Once finished making their selections, a voter can review their choices, make any changes to their selections and cast their ballot all from one location. Voters who are blind or low vision can feed the completed ballot back into the ballot marking device to have it read it back to them. Once the voter confirms that the choices are correct, the system spits the ballot back

³ Gabriel Taylor is a member of the VSAP Advisory Committee. "Return to Main Document"

out for the voter to cast. Once the voter reviews and confirms their selections they can press a button to submit the ballot. As a result, the system allows for a truly private and independent voting experience for all voters.

The system also includes a new option called “Vote Pass.” Vote Pass allows a voter to download and complete a sample ballot on their smartphone. Once completed, a QR code is generated, which allows the voter to scan and upload their ballot selections onto the voting machine at their local polling place or vote center. This feature offers convenience, not only for voters with disabilities, but also for all voters. Additionally, the system is designed for modularity, meaning that the County can upgrade the system incrementally as newer parts for the system are manufactured. This will be vital to address not only the changing needs of voters throughout the County, but also the advancements being made with assistive technology components and devices. The system is unique in that it allows a voter to utilize the ballot-marking device to make their selections, review their selections and cast a ballot all from the same station.

Recommendations

While the County has been receptive to the community input up to this point, the primary concern going forward is that crucial feedback during these later stages of the VSAP certification and implementation process not be overlooked. Adjustments, like the repositioning of the keypad, are essential to ensure an accessible voting experience for voters with disabilities. The County’s VSAP staff and IDEO’s design team have been receptive to the input received from the disability stakeholder organizations. In these final design stages, continuous dialogue between the County and the disability community will be crucial.

Furthermore, as Los Angeles County begins implementing components of the Voter’s Choice Act (VCA), the ongoing dialogue and community feedback will remain necessary. The voting process will be changing dramatically for all voters. With the implementation of vote centers, ballot drop-off locations and the County’s new voting system, there will be new procedures and information that must be included in the poll worker trainings beginning in 2018. For this reason, a portion of the trainings must focus solely on the setup, operation and breakdown of the new voting system, as well as a review of the troubleshooting procedures. In previous elections, the County had a dedicated voting accessibility segment in their poll worker trainings. With the numerous changes being implemented beginning in 2018, the accessibility component should become a focus during the

poll or vote center worker trainings. This will ensure all voters with disabilities have a truly private and independent voting experience.

Lessons for Other Counties

The concept of this human-centered design approach in creating a new voting system from scratch is good for voters with disabilities. Achieving the final project of the VSAP prototype required a great deal of time and financial resources. In the case of Los Angeles County, it has provided them insight into what voters want and need in a voting experience.

This approach is beneficial for other counties that are considering new voting systems or new procedures. Providing community stakeholders in the disability community the opportunity to provide input on the future of elections in their respective counties serves two key purposes. First, it creates a better working relationship between County officials and the disability community. Secondly, it will lessen the number of accessibility concerns and potential complaints the County might have to address in the future.

Making the VCA Accessible in Los Angeles County

Background

The VCA allows Los Angeles County to use a version of the vote center model beginning in 2020. Los Angeles County has the largest population in the state and the largest amount of people with disabilities. The VCA has some different requirements for Los Angeles County compared to the VCA in other counties. The biggest differences are the requirements for more vote centers and ballot drop-off locations for a given population size than the other counties⁴. Additionally, voters will receive a vote-by-mail ballot only if they are registered as permanent vote-by-mail voters⁵. In the other VCA counties, all voters will receive a vote-by-mail ballot⁶.

Los Angeles County has additional requirements for vote center placement based on travel time. If voters are more than a 30 minute travel time from a vote

⁴ Cal. Elec. Code § 4007 (a)(3)&(4). “Return to Main Document”

⁵ *Id.* at (a)(2). “Return to Main Document”

⁶ Cal. Elec. Code § 4005 (a)(8)(A). “Return to Main Document”

center, voters will be mailed a vote-by-mail ballot⁷. Vote centers must be located within a “reasonable travel time of registered voters”⁸. The VCA does not elaborate on how travel time will be determined. Los Angeles County should consult voters with disabilities who drive and those who use various forms of public transportation to assess travel times.

Although the VCA has some unique requirements for Los Angeles County in Section 4007 of the Election Code, the general VCA requirements in Section 4005 are applicable to Los Angeles County where Section 4005 and 4007 are not inconsistent⁹. Practically, this means Los Angeles County must meet all of the VCA’s accessibility and disability community outreach requirements. Los Angeles County will be required to have three accessible voting systems at each vote center. For the Elections Administration Plan (EAP), Los Angeles County will need to hold consultation meetings and seek input from the disability community. Los Angeles County will be required to use the media to inform voters about accessible voting options. Please see our previous written testimony for more discussion of VCA accessibility requirements¹⁰.

VCA Counties in the 2018 Elections

DRC has been working closely with the four counties currently implementing the VCA for the 2018 elections¹¹. Orange County is one of the counties eligible for the VCA that opted to retain the traditional polling place model. However, it is a useful tool for comparison because, of the 14 counties, Orange County was most similar to Los Angeles County. It has a population of about 3 million, and, like Los Angeles County, is densely populated and predominantly urban.

The Orange County Registrar of Voters had completed extensive preparation and community outreach prior to the Board of Supervisors deciding not to implement the VCA. In November 2016, Orange County operated some polling locations as vote centers and used the data to help plan for the future. Some of Orange County’s plans for the VCA would seem to be best practices for Los

⁷ Cal. Elec. Code § 4007(a)(9). “Return to Main Document”

⁸ *Id.* at (a)(10). “Return to Main Document”

⁹ *Id.* at (a)(1). “Return to Main Document”

¹⁰ Fred Nisen, *Little Hoover Commission Written Testimony on Voter Participation*, Disability Rights California, May 25, 2017,

<http://www.lhc.ca.gov/sites/lhc.ca.gov/files/CurrentStudies/VoterParticipation/WrittenTestimony/NisenMay2017.pdf>. “Return to Main Document”

¹¹ Of the fourteen counties, San Mateo, Napa, Nevada, Sutter and Sacramento Counties are going forward with the VCA in 2018. Two counties are still undecided, and seven counties are not going forward in 2018. “Return to Main Document”

Angeles County. For example, the Orange County Registrar hired additional outreach staff and planned extensive outreach to voters. Orange County was also planning to train vote center workers for 4.5 days instead of the 1 to 2 day training typically used for poll workers.

Impact on Voters with Disabilities in Los Angeles County

The big issues facing voters with disabilities will be increased travel times to vote centers, practical barriers for disability community input on the EAP and a lack of awareness about the new system.

It is likely that voters will have to travel further to vote at a vote center than they would have to their former polling place. Los Angeles County has some of the worst traffic in the nation, meaning that travelling even a few miles farther can consume large amounts of time¹². If properly followed, the elections planning requirements should help limit the impact on voters with disabilities. In addition to the reasonable travel time requirements for the Election Administration Plan, Los Angeles must consider various other factors for vote center placement, such as proximity to voters with disabilities and proximity to public transportation. Robust consultation with the disability community will help elections officials to accurately apply these requirements.

Voters with disabilities might have trouble participating in the public consultation and outreach components of the VCA due to the vast scale of Los Angeles County. The large amounts of people might drown out individual voices, and the long travel times will make attending meetings difficult. The VCA has specific requirements such as the VAAC, a public consultation with the disability community on the Election Administration Plan and a workshop for the disability community. However, the VCA only requires one of each of these. In order to meet the needs of Los Angeles County's large population there will have to be more meetings and consultations in order to spread the opportunities across the county¹³. They will also need to find a way to coordinate community members' comments and provide alternative methods for those that cannot attend functions in-person.

¹² Associated Press, *No surprise here: Los Angeles is the world's most traffic-clogged city, study finds*, Los Angeles Times, February 20, 2017, <http://www.latimes.com/local/lanow/la-me-traffic-los-angeles-20170220-story.html>. "Return to Main Document"

¹³ Currently, the Los Angeles County VAAC holds meeting in different locations across the county to more conveniently serve the needs of its community members. "Return to Main Document"

The Los Angeles County Registrar will need to do outreach to millions of voters about the VCA. The large size of the county and saturated media environment will make reaching the disability community more difficult. Further complicating matters, the county shares a border with four counties that will have different rules in place. Even if the other counties implement the VCA, the requirements will be different. For example, if Ventura County implements the VCA in 2020, all voters will receive a vote-by-mail ballot, whereas, in Los Angeles County, only permanent vote-by-mail voters will automatically be sent the ballot. Additionally, Los Angeles County will be required to explain complex subjects to millions of voters, such as the option to vote at home using a remote accessible vote-by-mail system.

Recommendations for VCA Best Practices in Los Angeles County

The VCA provides the minimum for accessibility, and counties have flexibility to provide more service to better meet the accessibility needs of their population. Based on past experience, DRC believes that Los Angeles County will be proactive about meeting the VCA accessibility requirements. DRC believes Los Angeles County should implement the following:

- Hire sufficient outreach staff and budget accordingly for increased media outreach
- Directly engage the disability community, contact disability services organizations about opportunities to participate and continue to collaborate with VAAC members on community engagement
- Devote more days of training for vote center workers
- Have VAACs meet more frequently
- Continue offering VAAC meeting locations across the county
- Provide phone and video call-in options for VAACs, workshops and public consultations
- Improve elections website and create a portal for VCA public comments
- Provide vote center locations to the public as early as possible
- Provide interactive maps online for assessing the EAP as well as online information with dates, times and locations for the workshops and public consultations
- Put VSAP and remote accessible vote-by-mail tutorials online

Los Angeles County's VAAC Must Continue to be Engaged with Planning and Outreach Efforts

The County established their VAAC in 2006. Since its inception, the Committee's membership has increased, and the collaborative relationship with the County has improved. Currently, the committee members include representatives from numerous disability service organizations, including California Council for the Blind, United Cerebral Palsy of Los Angeles County, Westside Center for Independent Living, Disability Rights California and Disabled Resources Center, Inc.

As Registrar/County Clerk Dean Logan and Deputy Registrar Tim McNamara have said, the input from the disability community through the VAAC has been important in going forward with the developments of the VCA and the VSAP. Their continued focus on engaging the VAAC members in the planning discussions and incorporating many of their suggestions along the way has been a major reason for the VSAP's success.

The County has made a concerted effort to involve the VAAC members in their outreach efforts. The VAAC members participated in the production of, and were featured in, the County's public service announcement on voting in the spring of 2016. Members of the Committee participated in the County's National Voter Registration Day event last September at their headquarters in Norwalk.

In February of this year, the VAAC's current two co-chairs, Gabriel Taylor and Terri Lantz, collaborated with County staff to provide a presentation to the Los Angeles County Commission on Disabilities. They provided the commissioners with information on general voting accessibility and addressed several concerns brought up by the Commission.

Updates from DRC's May 25, 2017 Testimony

VAACs

We previously provided the Commission with a list of counties that have a VAAC, the community-based committee that partners local elections officials with voters with disabilities. More county elections officials have established a new VAAC, in anticipation of implementation of the VCA. Please accept this up to date list:

Counties with VAACs:

Alameda County

Calaveras County¹⁴

Contra Costa County
El Dorado County
Fresno County
Inyo County
Los Angeles County
Madera County
Marin County
Napa County
Nevada County
Orange County
Placer County
Riverside County
Sacramento County
San Bernardino County
San Diego County
San Francisco County
Santa Barbara County
Shasta County
Tehama County¹⁵
Tuolumne County
Sonoma County
Ventura County

¹⁴ This county has a VAAC combined with a Language Accessibility Advisory Committee (LAAC). Counties with fewer than 50,000 registered voters have the option to combine the VAAC with a LAAC. DRC recommends having a separate VAAC and LAAC because it makes the committees more efficient and better able to serve the needs of the community. “Return to Main Document”

¹⁵ Tehama County and Shasta County share a VAAC. DRC does not recommend this as a best practice. However, this is preferable to not having a VAAC at all. “Return to Main Document”

DMV Timeline for AB 1461 Implementation

DRC has been closely following the progress on implementing AB 1461. As we stated in our previous testimony, DRC believes AB 1461 has the unique power to improve voter registration opportunities for Californians with disabilities because almost all Californians access Department of Motor Vehicles (DMV) services.

In June, DRC attended a stakeholder meeting at the Secretary of State's office. A representative from the California State Transportation Agency provided a description of the coordinated efforts between the California Department of Technology (CDT), DMV and the Secretary of State. We were informed the CDT helped devise a faster implementation strategy. The details of the application process for in-person transactions were not yet finalized. It seemed decided that customers will be encouraged to fill out an electronic application form on their own computers or smart phones prior to their DMV appointments, but left undecided was the method for completing an application in-person for those that who do not complete an application ahead of time.

The DMV sent a follow-up letter to the Commission confirming these coordinated efforts. The letter confirmed in writing that the implementation date is April 2018.

Despite the stakeholder meeting and the letter to the Commission, the process has not been transparent for stakeholders. The in-person transactions in the letter were vaguely referred to as "stations." We are not sure if the DMV has selected how people will complete the in-person transactions. If an electronic method like kiosks or tablets is used, it should be made accessible for people with disabilities. It is important to remember that encouraging people to use their own devices to fill out an electronic form will disproportionately affect people with disabilities. People with disabilities are less likely to have computers or smart phones than people without disabilities¹⁶. Any impediments in the transaction process make it less likely that someone will complete the voter registration component.

¹⁶ Pew Research Center, *Disabled Americans are Less Likely to Use Technology*, April 7, 2017, <http://www.pewresearch.org/fact-tank/2017/04/07/disabled-americans-are-less-likely-to-use-technology/>
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The DMV letter confirmed that they have hired an “ADA Consultant.” We subsequently learned that this is a digital accessibility consultant from a well- regarded digital accessibility consultation company. This is a positive step, and the DMV is strongly encouraged to use their advice to make the process fully accessible from the outset.

Additionally, the DMV should properly train field technicians about the changes prior to implementation. A lack of field technician training also disproportionately affects people with disabilities because they may need extra assistance from field technicians to navigate the application process.