

## Voting Technology for Language Minorities

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- **There are new developments in the case of Latino<sup>1</sup> voting and technology.** For many years, NCLR, the Latino community, and other language minority groups have been patiently waiting for technology that responds to the needs of limited-English-proficient citizens. The Help America Vote Act (HAVA), P.L. 107-252, was enacted in October 2002. For the first time, thanks to technological advances, we have the potential to fully empower language minority voters, those with sight impairments, and people with limited literacy levels, while at the same time reducing the burden on both language minorities and elected officials. The use of Direct Recording Electronic (DRE) voting machines is an effective approach to fulfilling HAVA's mandates, thus empowering citizens to exercise their constitutional right to vote.
- **DREs have the inherent capacity to allow language minorities, people with disabilities, and those with limited literacy skills the opportunity to vote independently and privately.** For the first time language minority voters will not have to rely on interpreters – who often are not available – or be forced to compare a translated sample ballot to the actual ballot. Voters with sight impairments will be able to vote independently instead of relying on a pollworker or caregiver to read and mark the ballot. And research shows that people with low literacy skills are more likely to be able to operate a DRE voting machine, thanks to its didactic nature. In Orange County, California, for instance, voters using electronic machines can vote in Chinese, English, Korean, Spanish, and Vietnamese, or use headsets to listen to the ballot read in those languages. By contrast, optical scan voting systems cannot provide this multilingual capacity.
- **Data show that voters prefer electronic voting because it is easy to use, thus increasing voter confidence.**
  - According to the San Bernardino County Registrar of Voters, a recent survey found that 98% of the voters considered their electronic voting system "superior" or "very superior" to any voting system they had ever used before. Additionally, 92% indicated that they had confidence or a high degree of confidence that their votes were accurately recorded on the DRE machine.<sup>2</sup>
  - A Solano County, California, survey of 14,500 voters showed that 97% of the voters found the new touch screens easy to use; 86% liked touch screen systems more than punch card systems.<sup>3</sup>
  - Ranked-choice voting becomes much easier to understand with DRE systems. In fact, among voters who have traditionally been disenfranchised – minorities, people with disabilities, new voters – DREs have been especially well-received.
- **Problems with over-voting and uncounted ballots are reduced with electronic voting systems.** According to an article from *USA Today*, in Georgia, "[T]he number of uncounted ballots in the 2002 election dropped to fewer than 1% with electronic voting. In a 1998 statewide election, the number of uncounted ballots totaled nearly 5%."<sup>4</sup>

- **DRE voting technology meets the voter verification provisions required under HAVA.** DREs allow for voters to review the ballot prior to officially casting it via a final review screen. DREs also allow the voter to make changes to the ballot before it is cast, within the privacy of the voting booth. Optical-scan and other paper-based systems require the issuance of new ballots if the voter wishes to make a change, and often the review process is not carried out privately.
- **DREs can work accurately and effectively, but like all voting systems they require adequate procedural safeguards and management.** DREs are not immune to malfunctions or security threats. As with all systems, steps should be taken to improve their reliability, access, and security. In response to public concerns about potential security problems, the states of Ohio and Maryland commissioned independent studies to examine DREs. Both states are implementing the recommendations and moving forward with the use of DREs, as are many other jurisdictions.
- **Allegations of wrongdoing by a particular manufacturer are not a justification to scrap the technology or punish all manufacturers.** There are several vendors that produce electronic voting machines, including Sequoia, Hart, and ES & S. Some, such as Diebold, produce both electronic voting machines and the optical-scan machines. Certification guidelines should be strengthened for all voting equipment, and regardless of the voting technologies used we expect federal and state laws designed to punish criminal and civil wrongdoing in the electoral process to be enforced.
- **To date, Voter Verified Paper Trail (VVPT) technology is unproven.** This new method of electronic voter verification using a paper trail is still in its developmental stages. The Elections Assistance Commission (EAC) is currently developing national certification standards that would evaluate if a VVPT system fully provides access to language minorities and people with disabilities. Since no VVPT system has met national certification standards, it is simply unrealistic to expect that these systems can be both certified and widely implemented in time for the 2004 election.

## Endnotes

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1. The terms "Hispanic" and "Latino" are used interchangeably throughout this brief and refer collectively to Mexicans, Puerto Ricans, Cubans, Central and South Americans, Dominicans, and others of Spanish and Latin American descent. Hispanics can be of any race.
2. News Release from the San Bernardino County Registrar of Voters, March 2, 2003.
3. "Touchscreen Voting Sees Smooth Debut," *Daily Republic*, March 3, 2004.
4. "Electronic Voting Can Zap Skeptics' Concerns," *USA Today*, March 1, 2004.