

HOUSE No. 201

The Commonwealth of Massachusetts

PRESENTED BY:

Peter J. Koutoujian

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to secure the right of blind and visually impaired people to vote under the same conditions of privacy and independence as sighted people.

PETITION OF:

NAME:

Peter J. Koutoujian

DISTRICT/ADDRESS:

10th Middlesex

HOUSE No. 201

By Mr. Koutoujian of Waltham, petition (accompanied by Bill, House, No. 201) of Peter J. Koutoujian for legislation to ensure privacy and independence for blind and visually impaired voters. Election Laws.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 657 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to secure the right of blind and visually impaired people to vote under the same conditions of privacy and independence as sighted people.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. This Act may be cited as “The Accessible Voting Technology Act of 2003”.

2 SECTION 2. Findings.

3 The legislature makes the following findings:

4 (1) Microchip and digital technologies are increasingly changing the way Americans
5 vote.

6 (2) State and political subdivisions are replacing antiquated voting methods and machines
7 with computer and electronic-based voting systems, but non-visual access, whether by speech,
8 Braille, or other appropriate means is often overlooked in certifying and purchasing the latest
9 voting technology.

10 (3) Voting technology and systems which allow the voter to access and select information
11 solely through a visual means are a barrier to access by individuals who are blind or visually
12 impaired, thereby discouraging them from exercising the right to vote — the most fundamental
13 right of citizenship in a free and democratic society.

14 (4) Software and hardware adaptations have been created so that voters can interact with
15 voting technology and systems through both visual and non-visual means allowing blind and
16 visually impaired people to cast a secret ballot and independently verify their vote

17 (5) In promoting full participation in the electoral process, the goals of the state and its
18 political subdivisions must recognize the incontrovertible right of all citizens regardless of
19 blindness or visual impairment to vote; and

20 (6) This right must include the opportunity for individuals who are blind or visually
21 impaired to cast and verify their ballots independently.

22 SECTION 3. Definitions

23 In this Act:

24 (1) The term “access” means the ability to receive, use, select, and manipulate data and
25 operate controls included in voting technology and systems.

26 (2) The term “non-visual” means synthesized speech, Braille, and other output methods
27 not requiring sight.

28 SECTION 4. Requirements for accessible voting technology and systems.

29 (1) The state chief election officer shall require (by certification or otherwise) that the
30 voting technology and systems used by the state or any political subdivision provide blind and
31 visually impaired individuals with access which is equivalent to that provided to individuals who
32 are not blind or visually impaired, including the ability for the voter to cast and verify all
33 selections made by both visual and non-visual means.

34 (2) In requiring non-visual access pursuant to subparagraph 1, the chief election officer
35 shall obtain recommendations from representatives of blind consumer organizations, experts in
36 accessible software and hardware design, and any other individual or organization the chief
37 election officer determines to be appropriate.

38 SECTION 5. Existing technology and systems.

39 (1) Compliance with this Act in regard to voting technology and systems purchased prior
40 to the effective date of this Act shall be achieved at the time of procurement of an upgrade or
41 replacement of the existing equipment or systems.

42 SECTION 6. Action for injunction

43 (1) A person injured by a violation of this Act may maintain an action for injunctive relief
44 to enforce the terms of this Act.(a) Limitation period for a civil action.—

45 (1) Any such action shall be commenced within four years after the cause of action
46 accrues.

47 (2) For the purposes of this subsection, a cause of action for a continuing violation
48 accrues at the time of the latest violation.

49 SECTION 7. Effective date.

This act shall take effect and be in force from the date of enactment of this Act.