

**HOUSE . . . . . No. 657**

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**The Commonwealth of Massachusetts**

**In the Year Two Thousand Nine**

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.

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