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Senator Paula Hollinger, Chair
Education, Health & Environmental Affairs Committee
Miller Senate Office Building, 2 West Wing
11 Bladen St.
Annapolis, MD 21401 – 1991

Re: Written Testimony–SB 63 Election Law-Voting Systems-Independent
Verification of Accuracy

Committee members: my name is Gary Christopher Norman. I am an attorney, guide dog user and president of the Maryland Area Guide Dog Users, Inc (MAGDUI). I submit this testimony to support an audible verifiable paper trail to the extent that it ensures accessibility to the sight impaired and to persuade you to unfavorably report SB 63.

This organization comprises a flag ship chapter of a national non-profit named Guide Dog Users, Inc. MAGDUI also possesses affiliation with the American Council of the Blind of Maryland (ACBM). The mission of MAGDUI includes, among others, educating the Maryland public about the rights, responsibilities and special relationship of guide dog teams. We will apply for our IRS non-profit status in the next few months.

MAGDUI has already achieved significant public policy successes since its formation in spring 2001. We have collaborated with Captain James Korne of the Baltimore County Fire department to establish a pilot ambulance service for injured or ill guide dogs, have obtained a national discount benefit to veterinarian care for all members of GDUI, have collaborated with the Maryland School for the Blind and the American Heart Association to conduct CPR training for our members, and have recently applied for a grant from a non-profit to initiate a public media campaign on radio and in print about guide dog access. We also introduced and are in the process of introducing legislation to protect guide dogs in Maryland.

As a blind citizen who has voted since the presidential election in 1992, I can personally attest to the barriers and discrimination that the sight impaired community encounter when endeavoring to engage in their fundamental right to vote. The land mark U.S. Supreme Court case of Reynolds v. Sims held that there must be one person one vote. At best for the past several elections, I have had to either have my father accompany me in the voting booth, or when I initially moved to Maryland four years ago for a national fellowship with the federal government, assist me to read the absentee ballot. Obviously, having another person describe the choices of a voting ballot, even in the best of relationships, such as that with my parents, leads to impermissible influence and fosters an atmosphere of impeded choice to me as a voter with a disability. One can argue that the lack of privacy resulting from accommodations where a sight impaired person cannot secretly cast an independent ballot violates this one person one vote principle. The advent of 21st Century computer technology, however, may be able to remedy the issue of privacy for sight impaired voters.

I was able to vote in secret and with independence for the first time this most recent presidential election through usage of one of the new touch-screen voting machines, which was adapted to broadcast speech output. The applicable board of elections for the district in which I am registered to vote initially contracted for inaccessible touch-screen voting machines. They colloquially dragged their feet to ensure that this technology would also be accessible to the sight impaired community. I am proud to have filed as a representative member of a class action against this board of elections to ensure prompt compliance with several statutes, including the Help America Vote Act. As consequence of this law suit, the board of elections installed touch-screen voting machines with voice output technology. I was able to most recently cast my ballot for president by placing a set of headphones over my ears and manipulating a hand-held remote control size key board. Any one who has ever utilized a desk top or lap top computer knows the degree to which they often fail or suffer from periodic disfunctionability.

Legislation was introduced to ensure that the periodic instability of computers will not impede the fundamental right to vote. True MD Vote.ORG has been at the avant garde of advocating for verification of ballots.

We support SB 9 to the extent that it will reflect the accessibility provisions contained in the excellent piece of legislation, which is numbered HB 107. This legislation, which presently pends and should receive a favorable report in the House of Delegates, possesses language embodying the spirit of the class action in which I was a plaintiff, i.e., access to voting through, among other reasonable accommodations, speech output. HB 107 also possesses language to protect the voting rights of persons who speak English as their second language. The new technology can readily translate and broadcast ballots in foreign tongues. Because

HB 107 will ensure that the state of Maryland complies with the fundamental right of all citizens to vote and will otherwise fortify the principle of one person one vote to the sight impaired community, we contend that the Maryland General Assembly should promptly enact that piece of legislation.

We would like to concisely state that we do not support SB 63, because it invests discretion in the hands of the board of elections. We understand that the National Federation of the Blind (NFB) may have dissuaded you to vote favorably on SB 9. First, the Maryland General Assembly should be aware that contrary to what they purport, their organization neither represents the voice of the sight impaired community as a national demographic nor in Maryland. Second, the NFB is but one of myriad advocacy organizations for the sight impaired. Despite what ever futile claims that the NFB may have made, HB 107 and SB 9 to the extent that it will reflect the provisions of the sister legislation in the House will ensure unprecedented access to the voting process.

We believe that voting constitutes a fundamental right and that the Maryland General Assembly should undertake all legislative actions or otherwise utilize its oversight authority to ensure broad access to voting. Like our affiliated advocacy non-profit ACBM, we support a verifiable audible paper trail to the extent that it ensures accessibility to the sight impaired community. Audible verification of the voting process will ensure that a permanent record of individual votes will exist in the case that the new computer technology does fail or if a security breach should occur. Just as one receives a receipt when purchasing a good, one should be able to receive a recordation of what they have cast for elected office. Commerce finds it sufficiently important to furnish a paper trail, why would voting, a sacred right in the constellation of Constitutional liberties be any less important. We can foresee that audible verification of ballots will redoubt to the benefit of the voting process by protecting against malfunction and fraud. We understand that California has already enacted similar legislation to that of HB 107. Therefore, we urge favorable report of SB 9. We would like to thank you for this opportunity to testify.