

**HOUSE . . . . . No. 00201**

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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 passage 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. 00201

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By Mr. Koutoujian of Waltham, petition (accompanied by Bill, House, No. 00201) of Peter J. Koutoujian for legislation to ensure privacy and independence for blind and visually impaired voters. Joint Committee on Election Laws.

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

## The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
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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 vote.
  - 5 (2) State and political subdivisions are replacing antiquated voting methods and machines with
  - 6 computer and electronic-based voting systems, but non-visual access, whether by speech, Braille,

7 or other appropriate means is often overlooked in certifying and purchasing the latest voting  
8 technology.

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

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

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

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

### 21 SECTION 3. Definitions

22 In this Act:

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

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

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

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

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

37 SECTION 5. Existing technology and systems.

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

41 SECTION 6. Action for injunction

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

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

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

47 SECTION 7. Effective date.

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