

NYS Board of Election Considers Approval of Ballot Marking Device

What All Stakeholders Need to Know!

On September 26, 2018, the New York State Board of Elections (SBOE) is expected to vote on the certification of the Dominion ImageCast Evolution (ICE) Ballot Marking device (BMD). New York Election Law requires that all BMDs undergo this certification process.

Q. What does a BMD do?

A BMD is machine that allows voters with disabilities to mark a ballot privately and independently.

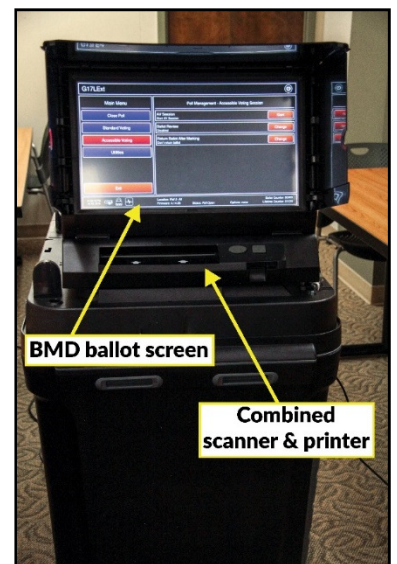
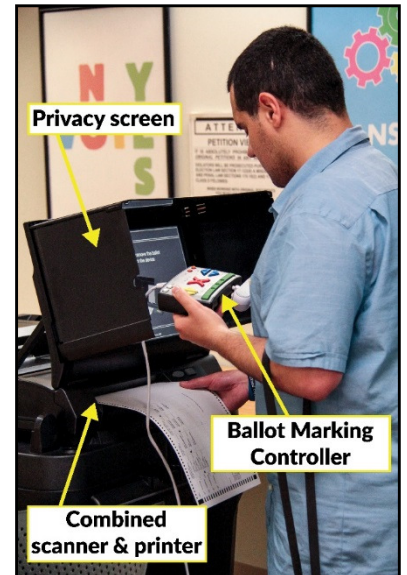
Q. Why is DRNY concerned about the ICE BMD?

The ICE BMD has a critical design flaw that impacts voters with disabilities. During a limited viewing of the ICE BMD on July 2, 2018, DRNY discovered that the device only has one access point to scan ballots and to function as the BMD. This means that voters using the ICE BMD to mark their ballots must interrupt the device's scanning capabilities. In other words, the ICE device cannot simultaneously function as a BMD and ballot scanner.

Q. How does the ICE BMD affect voter accessibility?

On average, using a BMD to mark a ballot can take between 15 and 45 minutes. Voters ready to submit their ballots will have to wait until the voter using the BMD has marked, reviewed, printed, and scanned their ballot. This design flaw compromises a voter's privacy during an accessible voting session, causes significant stress on the voter using the BMD, and will negatively impact the community's voting experience. Poll workers may seek to discourage voters from using the ICE device as a BMD because it will disrupt poll site operations.

As long as there are voters waiting to scan their ballots on the ICE device, both the voter using the BMD and poll workers will experience pressure to rush through the accessible voting session or abandon the concept all together. This denies a voter using the BMD an equal opportunity to vote.



Q. What are people with disabilities saying about the ICE device?

Mr. Blaise Bryant, a disability rights advocate who is blind, attended the July demonstration of ICE BMD. He summarized his thoughts about the ICE BMD to DRNY because the SBOE does not offer a public comment period as part of the BMD certification process. Mr. Bryant explains, “There is already this sentiment that people with disabilities get special privileges because people feel this unnecessary pity. Asking people to wait to scan their ballot while you are voting only feeds this sentiment. This machine, quite frankly, should not be certified until there is a way where ballots can be scanned while someone is voting [using the BMD].”

Q. What is DRNY recommending?

DRNY recommends that the NYS Board of Elections withhold its certification on the device until Dominion addressed the device’s design deficiencies. DRNY is also recommending that another demonstration of this device be held to allow more people who need to use the BMD function to vote to attend.

Q. What do I do if I want to comment on this device?

You can submit your comments to the New York State Board of Elections by simply writing a short email or calling. Send your email to info@elections.ny.gov attn. Elections Operations or call 518.473.5086 and ask to speak with the Director of Elections Operations.

Sample Email

Dear Commissioners,

I write to express concern about certifying the Dominion ImageCast Evolution (ICE) Ballot Marking device (BMD). I am [choose one of the following: a person with a disability, a family member of a person with a disability, an advocate, a concerned citizen]. People with disabilities rely on their polling location’s BMD to cast a ballot privately and independently. The design of the ICE BMD jeopardizes the ability to vote privately on Election Day. The ICE device cannot simultaneously scan ballots and offer an accessible voting session. The device also negatively impacts the overall flow of voters on Election Day.

I am requesting that you hold another public demonstration that is accessible to people with disabilities and solicit input from this community. The certification of the ICE device should not move forward until the concerns identified by this community have been addressed. It is your responsibility to ensure every BMD you certified can serve voters with disabilities equally to those who do not rely on the BMD to vote.

Sincerely,

[Your name]