

Disability Rights Wisconsin Comments on SB 246
Senate Committee on Elections, Ethics, and Rural Issues
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Thank you, Chairwoman Bernier, and members of the Committee for the opportunity to share with you comments from Disability Rights Wisconsin regarding the need for legislative changes to Wisconsin's requirement for voters to state their name and address to receive a ballot. Thank you also to Senator Bernier and Representative Zimmerman, for their leadership advancing this bill, and the co-sponsors of this legislation for your efforts to address a significant barrier for some Wisconsin voters who have a disability that impacts their ability to speak.

Background. Disability Rights Wisconsin (DRW) is the designated federally mandated protection and advocacy agency for Wisconsin, established in 1977. DRW receives funding as part of the Help America Vote Act of 2002 (HAVA) to provide education, training, and assistance to individuals with disabilities to promote their full participation in the electoral process, including registering to vote, casting a vote and accessing polling places. We provide training, resource materials, and advocacy assistance, including staffing the Disability Rights Wisconsin Voter Hotline.

Much of our voting work is advanced collaboratively through the *Wisconsin Disability Vote Coalition* (WDVC), which is coordinated by DRW in partnership with the Wisconsin Board for People with Developmental Disabilities (BPDD). The coalition is a non-partisan effort to help ensure full participation in the entire electoral process of voters with disabilities.

DRW has worked with the Wisconsin Election Commission to provide education and to address barriers that prevent people with disabilities from fully participating in the electoral process. I serve on the WEC Accessibility Advisory Committee which has endorsed the need for legislative changes to Wisconsin's requirement for voters to state their name and address to receive a ballot.

Request for Legislative Change to Requirement for Voters to State Name and Address

Today, we ask you to support SB 246 to address a barrier to voting for some voters with disabilities. We request this change because of the concerns we have heard from some voters with disabilities and family members about the troubling and discriminatory impact of current Wisconsin law requiring voters to say their name and address before receiving a ballot (Section 6.79 (2)(a)). Some voters cannot state their name and address due to disability or medical condition; Wisconsin law does not require a disability related accommodation for these voters.

We respectfully ask you to advance SB 246, **with the amendment approved by the Assembly in AB 168**; DRW is fully in support of the important clarification provided by the amendment.

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For the November election, DRW received 6+ contacts related to concerns about this requirement for voters who were deaf or had a developmental disability and could not speak their name and address. In these cases, poll workers were initially insistent that voters say their name and address. In one case, the poll worker told a deaf voter that they would not receive a ballot unless the voter stated both name and address. In another case, a family member reported that a young man with a developmental disability had difficulty receiving a ballot because he could not speak his address. It is highly likely that other voters had similar experiences but did not contact DRW. This document includes some of the concerns we have heard from voters with disabilities and their families in their own words. In some cases, we heard that the person with a disability was humiliated and shamed by the treatment experienced at their polling place, as they tried to fulfill their civic duty.

Voting is one of our nation's most fundamental rights and a hallmark of our democracy. Title II of the Americans with Disabilities Act (ADA) requires state and local governments as public entities to ensure that people with disabilities have a full and equal opportunity to vote. The ADA's provisions apply to all aspects of voting, including voter registration, site selection, and the casting of ballots, whether on Election Day or during an early voting process. The ADA requires public entities to modify their voting policies, practices, and procedures when such modifications are necessary to avoid discrimination on the basis of a voter's disability. The current statutory requirement in Wisconsin law requiring voters to state their name and address does not address the needed modifications, and in some cases is being implemented in a matter that is discriminatory.

Recommendation for Legislative Change

Today we ask you to address these discriminatory practices by supporting SB 246 which permits individuals who cannot state their name and address to have an election official or another individual selected by the voter state the name and address for them. Under current Wisconsin law, there is not a requirement to provide an accommodation; this is in conflict with requirements of the American with Disabilities Act.

Legislative Change Must be Supported by Comprehensive Education

Changing the law is a first step in correcting this discriminatory practice. To ensure that voting is truly accessible to Wisconsin voters who have a disability, it is essential to develop and implement a comprehensive education effort for election officials, poll workers, people with disabilities, and other stakeholders to communicate this change. To ensure that voters with disabilities are not discriminated against and receive needed accommodations, the education plan should address training, the accessibility checklist, signage, and other postings at each polling place.

DRW and the Wisconsin Disability Vote Coalition are committed to working with the WEC to develop and advance this essential education, and monitor this change to ensure the voting process is truly accessible to all voters.

Comments from Voters with Disabilities and Family Members

To inform your consideration of SB 246, we ask you to consider these comments from voters with disabilities and family members. We want to thank each of them for sharing their experiences and helping to advance this change. In particular I want to thank disability advocate Ramsey Lee who took a leadership role in sharing these concerns with his legislators, Representative Zimmerman and Senator Schachtner.

Comments DRW Received from Deaf Voters regarding the November 2018 election

- *Can someone educate all the polling site and informed them that they should not force a Deaf person to speak, they already show their driver license with picture and if a must speak instead of speaking, write their full name? I also want to point out that forcing someone who is Deaf to speak may cause some trauma triggers for some people who may have been traumatized being force to speak while growing up.*
- *So the procedure at my polling place is to recite your name and address aloud, then show a picture ID. I asked what the procedure was for people whose disability prevented them from speaking. The pollster told me that "people like that" come with a caregiver or interpreter. I asked what they would do if there was no caregiver and the person was perfectly capable of communicating that information another way. They looked shocked and said that they would have to call a supervisor, but that kind of thing would probably never happen. So, if you can't verbally recite your name and address, be sure to bring a caregiver with you or you will find yourself at the mercy of the people who trained my highly enlightened pollsters.*
- *At vote location. She demanded my name and address even I gave her my driver license with picture of me. I told her I'm deaf. She was still demanded my voice. I told her here was my driver license. Still wanted my voice so I signed to her without my voice. She accepted.*

Comments Shared with DRW from the Parent of a Deaf Voter

I told the poll worker my son is deaf and I was assisting him in voting. The poll worker took his driver's license and confirmed that the information was correct. She then told me my deaf son had to orally state his name and address. I was surprised and repeated to her that he's deaf and communicated by sign language and not orally. The poll worker insisted that he speak before being allowed to proceed to vote. I objected citing this as voter discrimination and an ADA violation. The poll worker disagreed and said I could take up the issue with the polling place manager. I communicated this to my son through sign language. He couldn't understand why he had to try to use his voice and he refused. He was clearly embarrassed and confused by this insensitive and ridiculous requirement. Finally another poll worker handed me a piece of paper so my son could obtain a ballot and vote. While he was voting I went to the poll manager to complain about this

requirement. The first thing the poll manager asked me was whether I told the poll worker my son was deaf? I said of course it's the first thing I said when we went up to the table. That question seemed to reflect the ignorance to disabilities on display at this polling place. I had to insist that he file this incident in his report and noted that this requirement for a deaf voter to have to orally state their name and address should not apply to deaf people trying to vote. I cannot believe the poll workers were not at least minimally trained to address disabled voters. The sign at the table stating a person had to state their name and address is also preposterous and needs to be reviewed when it comes to deaf people trying to exercise their right to vote. It's clear to me that my son would not have been able to vote if I wasn't there to advocate for him and that's just plain wrong.

Sister of a Voter with a Developmental Disability Who Contacted DRW (Nov. 2018)

She shared an experience where poll workers would not let her brother with a disability vote since he could not independently recite his address. She contacted DRW for assistance, to better understand his rights to vote and whether it was required for him to speak his address. DRW followed up with the WEC for assistance, and with the sister who had contacted us, to share guidance from WEC staff.

Comments DRW Received from Disability Advocate Ramsey Lee:

I have been informed that currently under Wisconsin law statute 6.79(2)(a) requires voters to state their name and address before receiving a ballot to vote. This could become a challenge for voters who are non-verbal and or have a hard time hearing. I have Cerebral Palsy myself and sometimes it is hard for people to understand me. I am doing this not for myself, I am doing this so that Wisconsin voters with disabilities can fully participate in the voting process. ... this requirement could be problematic for people that are non-verbal, have a hard time speaking, or who are deaf. I am working on it as a citizen because I care about all people of Wisconsin and I was wondering if we could get a modification or a change to the Legislative statute to amend the Legislation so that reasonable accommodations can be made for voters who might not be able to state their name and address due to disability. This will help insure all voters can have full access and participate in the voting process seamlessly.

Thank you for your consideration of this testimony. Please let us know what additional information is needed, and how we can work together to increase access and remove barriers for voters with disabilities, to advance their full participation in the electoral process.

For information, please contact:

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