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Public Comment to Wisconsin Election Commission Wisconsin Disability Vote Coalition - Barbara Beckert June 10, 2020

The Wisconsin Disability Vote Coalition is a non-partisan effort to help ensure full participation in the entire electoral process of voters with disabilities, including registering to vote, casting a vote, and accessing polling places. Thank you for the opportunity to provide recommendations to ensure that voters with disabilities are able to fully participate in the August and November elections.

Our Coalition took an active role in educating voters with disabilities about absentee voting for the April 7 election and May 12 elections, and assisting voters who experienced barriers. Our recommendations are based on lessons learned from the April and May elections, as well as information gathered through our Voter Experience Survey.

Thank you for your consideration of the following recommendations.

- Wisconsinites with disabilities and older adults are at greater risk for COVID-19, and there is a public health imperative to support them to vote absentee when possible. **We ask the Commission to provide a public information campaign to promote absentee voting for the August and November elections**, including a strategy to reach voters who do not have access to the internet and/or digital technology.
- While many voters with disabilities were able to successfully vote absentee, others experienced barriers to doing so. This included voters who wanted to vote absentee but were not able to so because they did not receive a ballot in time,

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*The Wisconsin Disability Vote Coalition is a project of
Wisconsin Board for People with Developmental Disabilities and Disability Rights Wisconsin*

could not safely get their ballot witnessed, or were not able to upload their photo ID to request and receive a ballot.

An additional barrier for some voters with disabilities is the lack of an ADA compliant accessible absentee ballot to allow voters who rely on assistive technology to vote privately and independently to cast an absentee ballot. These voters do not have equitable access to absentee voting as addressed by Title II of the ADA. **We recommend that Commissioners direct staff to develop a process to provide ballots in a screen reader accessible format that could be emailed to voters with disabilities who require assistive technology to vote privately and independently.** Clerks already have the option to email a ballot to voters who request it but the ballots are not provided in a format that is screen reader accessible. This would be the first step to an accessible absentee ballot as it would allow voters to complete the ballot privately and independently, although they may still require assistance to print and mail the ballot. A fully accessible process would allow the voter to securely return the ballot electronically. Longer term, we ask that the WEC include in their legislative agenda a goal to provide a fully accessible absentee ballot process.

- The WEC's Accessibility Audit program provides essential oversight to address accessibility at Wisconsin polling places. Planned audits were not able to move forward in April due to the pandemic, and the status is very uncertain for August and November. Voters with disabilities continued to experience accessibility concerns in the recent elections, most significantly in communities that had a limited number of polling places resulting in long lines that many voters with disabilities could not endure. If a voter cannot enter the absentee voting location or polling place due to disability, Wis. Stat. § 6.82(1) requires that curbside voting must be available. We heard from voters and election observers that curbside voting was not available at some polling places or that they experienced barriers to accessing it. Some voters reported being denied disability related accommodations such as the right to have assistance with completing their ballot. **We recommend that Commissioners direct staff to provide a plan to address accessibility concerns for the August and November elections including accessibility training for clerks, supplies for clerks to reduce barriers for voters, signage for curbside voting, and a public information campaign to increase awareness of disability related accommodations including curbside voting as an accommodation for voters who cannot enter the absentee voting location or polling place due to disability.**

- Voters in care facilities also experienced barriers to voting in the April election; due to the pandemic. Use of Special Voting Deputies who usually assist voters in care facilities was suspended. Residents could not have any visitors who could have assisted them with obtaining and completing a ballot. Containing the spread of COVID-19 and protecting residents of nursing homes and residential facilities who are at greatest risk is of critical importance and requires some new approaches to support residents with voting. **The Disability Vote Coalition recommends that you direct staff to work with DHS to develop a plan to provide access to voting for residents of nursing homes and other care facilities including CBRFs and adult family homes.**

If Special Voting Deputies (SVD) are not provided to administer in-person absentee voting, other support should be provided. This should include mailing absentee ballots to voters who have a request on file (as was done in April), as well as providing a consistent process for other residents to receive assistance with requesting an absentee ballot and with voter registration. In the absence of SVDs, care facility staff should be allowed to assist voters, and should receive training. Care facility social service staff should keep voter registration forms and absentee ballot request forms on file and make them available to residents who wish to vote. New residents should be given the option to request an absentee ballot as part of the intake process.

We have also expressed concern to DHS about the need to clarify resident rights in regard to voting. For example, we were contacted on behalf of individual with a disability who lives in a group home in northern Wisconsin, who experienced barriers to voting. He was told that if he left the facility to vote in person, he would not be allowed to return. He expressed interest in absentee voting but did not know how to request a ballot; the group home did not provide assistance. Although he wanted to vote, he was afraid of the threat that he would become homeless if he left to vote, so did not participate in the election.

- **In-person voting options** must be maintained to the greatest extent possible to ensure access for all voters, particularly voters for whom traditional mail in voting systems are not accessible or who have other barriers. **We ask the Wisconsin Election Commission to require that each municipality retain polling locations in areas reasonably close to voters regular polling places, to readily serve all community members and allow voters to register and**

vote quickly and efficiently if they choose to vote in person on Election Day. Municipalities cannot be allowed to consolidate so many polling places that voters have difficulty accessing those locations, and/or that unreasonably long lines ensue and would be a particular concern if municipalities that drop below 75% of the typical number of polling locations. State law also requires that municipalities provide at least one voting booth for each 200 voters who voted in the last general election (i.e., November 2018), and that requirement must also be maintained. Wis. Stat. § 5.35(2). Polling places must be ADA compliant.

- Coalition members appreciate the work by WEC staff to improve the usability of the online options for reporting a complaint, including developing and implementing a new option to submit disability related voter complaints. The traditional complaint process which requires that a complaint be notarized is difficult for many voters with disabilities to comply with, especially during the pandemic. This additional option is more accessible and a good supplement to the sworn process which is still important as a way to request formal determinations or remedies. We anticipate the new option will be helpful in elevating accessibility concerns.

Thank you for considering our recommendations, and please contact us with any questions.

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About the Wisconsin Disability Vote Coalition

The WDVC is a non-partisan effort to help ensure full participation in the entire electoral process of voters with disabilities, including registering to vote, casting a vote, and accessing polling places. Members include people with disabilities, and representatives of community agencies including Access to Independence, Wisconsin Council of the Blind and Visually Impaired, NAMI Wisconsin, People First Wisconsin, Mental Health America of Wisconsin, Wisconsin Association of the Deaf, Disability Rights Wisconsin, Wisconsin Board for People with Developmental Disabilities, the Arc Wisconsin, IndependenceFirst and many others. The Coalition is coordinated by Disability Rights Wisconsin and Wisconsin Board for People with Developmental Disabilities.