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www.disabilityvote.org

Wisconsin Disability Voting Coalition Voting Policy Recommendations

Rev July 12, 2020

The April 7, 2020 election created unprecedented barriers and disenfranchised many voters with disabilities. Because of concerns related to COVID 19, many voters with disabilities were unwilling to vote in person and risk their health. For those who attempted to vote in person, barriers included failure to offer curbside voting, long lines for curbside vote, or long lines to enter the polling place. Constraints related to their disability made it impossible for some voters to endure long waits in line. Absentee voting was heavily utilized by voters with disabilities. However, some voters who wished to vote absentee could not do so because they were unsure how to request the form by mail and what to include (for those without online access), did not receive a ballot in time, could not safely get their ballot witnessed, or were not able to upload their photo ID to request and receive a ballot. Voters who rely on assistive technology to vote privately and independently did not have equitable access to absentee voting as Wisconsin does not have an ADA compliant accessible absentee ballot.

These principles and policy recommendations are based on lessons learned from the April election. We look forward to working with policy makers to ensure future Wisconsin elections are safe, accessible, and inclusive for voters of all abilities.

PRINCIPLES

- **Access to absentee voting is very important to voters with disabilities.** Voters may have mobility challenges related to their health or disability that make it difficult for them to vote in person. In addition, many voters with disabilities are non-drivers and transportation to the polling place is often a barrier. Wisconsin's "no excuses" absentee voting policy is needed and should be maintained.
- **Disability advocates are very supportive of increasing access to "vote by mail" but do not support the idea of a "mail only election"** because it would exclude some voters, including some voters with disabilities. This includes voters who rely on assistive technology to vote privately and independently, and voters who experience housing insecurity and may not have a permanent address.
- **The absentee ballot process in Wisconsin is not accessible or ADA compliant.** Voters with disabilities need accessible options to be able to vote privately and independently. Our current paper absentee ballots exclude many voters with disabilities especially blind voters. Adding an accessible absentee ballot option should be a priority.
- **Voting options should support in-person absentee voting at accessible locations with accessible voting machines,** as well as in person voting at accessible locations on election day. Curbside voting should be available for voters who cannot enter the absentee voting location or polling place due to disability.
- **Voting related forms and public information** on My Vote and other government websites should be fully screen reader accessible/ compliant.
- **Limited access to photo ID for voting** is a barrier for many voters with a disability. Many Wisconsin residents who have a disability are nondrivers; they do not have a driver's license and may not have other acceptable photo ID required to vote. While a free ID for voting can be obtained at Department of Motor Vehicle (DMV) offices, it may be difficult to get transportation to the DMV. This is a concern across the state, and often an additional challenge in rural area where locations have very limited hours and travel times is long.

POLICY RECOMMENDATIONS

Photo ID for Voter Registration

- Expand options to obtain State ID for voting by expanding access to the DMV, including extended hours, and mobile DMV offices or satellite locations and locations where a state ID for voting may be obtained.
 - Explore the feasibility of having satellite DMV hours at ADRCs to offer improved access for people with disabilities and older adults to obtain a State ID for voting.
- Increase acceptable photo ID options for voting purposes. Some options to consider are: Any photo ID card issued by the federal government, the state of WI, or a Wisconsin county, local government, or other governmental entity; regular college and university ID cards from all WI colleges and technical schools; high school student photo ID cards, out-of-state drivers' licenses; an affidavit for voters who have reasonable impediments to obtaining a photo ID.
- Improve access to transportation to DMV sites.

Voter Registration

- Provide Voter Registration Applications at strategic public locations in each community such as Income Maintenance offices, ADRCs, libraries, post offices, public housing, human/social services agencies, and long term care and residential facilities.
- Provide My Vote information in Spanish (only static text is in Spanish/variable text is not).
- Combine voter registration with other state processes, such as allowing registration at the time a voter obtains or renews ID or a driver's license. The state should also consider incorporating online registration for voters who engage in other transactions with the state which already collect residence information, such as applying for a hunting or fishing license or applying for benefits. (would require legislation)
- Allow all voters to use the MyVote system to complete their voter registration online, even if they do not possess Wisconsin driver's licenses or state ID cards. One possibility is to allow voters to submit registration forms with documentary proof of residence electronically, so that these voters do not need to print out and mail in those documents.

ABSENTEE VOTING

- Mail information about absentee voting, including an absentee ballot application, before each election to every registered voter without an absentee ballot request on file, and to individuals living in residential care settings who want to vote regardless of if they have registered using their current address, or have a request on file.
- **Offer Absentee Ballot applications** at public locations in each community such as Income Maintenance offices, ADRCs, libraries, post offices, public housing, human/social services agencies, and long term care and residential facilities., including support for voters to copy their photo ID.
- **Accessible Absentee Ballot** options must be developed to ensure voters with disabilities are able to complete their ballot without assistance. As a first step to provide a screen reader accessible absentee ballot for Wisconsin voters, expand the provision in Wisconsin law to provide an electronic ballot to military and overseas voters, to provide an accessible ADA compliant absentee ballot to voters with disabilities upon request. The ballot would be accessible by screen reader. *Note: the ballot could be completed online, but would need to be printed and returned by mail.*

As a next step, add the option for voters with disabilities who complete their ballot online to return it electronically, to allow the voter to cast their ballot privately and independently and provide equitable access.

- Extend absentee ballot request deadlines.
- The deadline for receipt of absentee ballots should be extended. At a minimum, the Friday deadline should be restored, although especially in an emergency situation with heavy mail absentee voting, a Monday deadline is preferred.
- Provide an exemption for a witness signature, for voters who self-certify that they could not safely get a witness.
- Extend the time until after the election for clerks to contact voters to fix mistakes/cure their absentee ballot envelopes. (similar to provisional voting)
- Require early voting/in person absentee locations to offer the option of using an accessible voting machine, when feasible with current technology. Ensure that any new equipment approved by the state can be used for early voting. Some municipalities have an accessible voting machine that is also used as a tabulator, which limits access for

individuals to vote privately, and does not permit standalone use. Advocate for funding for municipalities to update these units, as they cannot be used as a standalone voting machine.

- Ensure multiple absentee ballot return options. Secure accessible absentee ballot dropboxes should be made available in every community to provide a safe options for return of absentee ballots. We support providing witness signature signers when possible.
- Retain “indefinitely confined” provisions and increase awareness among eligible voters.
- Add early voting locations and hours to MyVote and require municipalities to post this information.

IN PERSON VOTING

- 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 have other barriers (Black Americans who move more frequently and traditionally rely on in-person voting; homeless individuals who lack a fixed, regular nighttime residence; voters with disabilities who may require in-person accommodations to vote privately), as well as voters who missed voter registration deadlines and will need to access same-day voter registration.
- Develop a plan to address communication needs of Deaf and hard of hearing voters. Masks make it impossible to utilize lip reading or facial expressions to assist with communication. Clear face-shields or clear masks should be used; they provide protection while allowing for communication. Election workers should receive guidance and supplies to provide options for safely providing written communication to accommodate voters who have a disability that affects their hearing or speech.
- **Polling Place Consolidation:** WEC must 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).

- All polling locations, including alternate polling locations, must be accessible and ADA compliant.
- Every municipality should offer in-person access to early voting and voter registration.
- Provide curbside voting, as required by Wisconsin law, for voters who cannot enter the absentee voting location or polling place due to disability. Municipalities should be expected to publicly post their process for accessing curbside voting, including signage outside the polling place. (*longer term: review and update statutory language for curbside voting*)
- Alternate polling locations should be within close proximity to the closed location, ADA compliant and available by similar options for transit.
- **Emergency Planning:** Municipalities should develop emergency plans for how to respond and identify back up polling places and ensure they are accessible, there are enough staff to process absentee ballots and staff polling places on election day, to recruit and train emergency poll workers, and educate the public about any voting changes in a uniform manner.

Voting in Residential Care Facilities: Improve access and provide training

- **Alternative options to Special Voting Deputies (SVD)** should be developed when SVDs are not permitted access to residential care facilities to ensure access to voting for residents of nursing homes and other care facilities. Options should include mailing absentee ballots to voters who have a request on file *and* to all individuals currently living in residential care settings who want to vote regardless if they have registered using their current address (facility rosters can be used to verify residency) or have a request on file.
- **Care facility staff** should be permitted to assist voters residing in the facility and should be provided information, forms, and training to enable them to provide needed voter support and assistance to residents.
- **Care facility care plan/chart** for each resident should indicate whether an individual wishes to vote in upcoming elections, so assistance filing an absentee ballot request and ongoing voting support can be provided.

BACKGROUND NOTES

Voting Support for Nursing Homes and Care Facilities:

In the April and May 2020 elections, "Special Voting Deputies" were not permitted to enter nursing homes and other care facilities to assist with in person absentee voting and voter registration. Clerks were instructed to mail absentee ballots to voters in those facilities with an absentee ballot request on file. There was no guidance regarding support for residents who did not have an absentee ballot request on file; some of these voters are new residents who would need to register or have their voter registration updated.

Indefinitely Confined Voters:

Wisconsin law provides an option for a voter who is indefinitely confined because of age, physical illness or infirmity or is disabled for an indefinite period to sign a statement to that effect when requesting an absentee ballot. This requests that an absentee ballot be sent to the elector automatically for every election. Indefinitely confined voters are not required to provide a copy of their photo ID. According to the Wisconsin Elections Commission, "Designation of indefinitely confined status is for each individual voter to make based upon their current circumstance. It does not require permanent or total inability to travel outside of the residence. Statutes do not establish the option to require proof or documentation from indefinitely confined voters."

Accessible Absentee Ballots:

Many states allow for electronic access to the ballot for military and overseas voters. These methods, such as electronic transmission of ballots, may provide other creative solutions for voters with disabilities. The National Conference of State Legislatures provides excellent guidance in these practices. More information on electronic transmission of ballots can be found at the NCSL at <https://www.ncsl.org/research/elections-and-campaigns/internet-voting.aspx>.

For example, the state of Maryland offers two types of absentee ballots to voters; one is the traditional mailed print ballot. The other is available on the state's website. Voters with disabilities can request access to a ballot marking tool to make the ballot accessible to assistive technology, allowing them to complete the ballot without assistance. The ballot is then printed

and mailed to the appropriate authorities. To learn more about Maryland's accessible absentee voting, visit <https://elections.maryland.gov/voting/accessibility.html>

Curbside Voting:

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. Two poll workers should bring a ballot to the individual needing assistance, and conduct voting at their vehicle, or at the polling place entrance. These voters are not required to sign the poll list. Instead, the poll workers should write "exempt by order of inspectors" in the signature space on the poll list. This incident should also be recorded on the Inspector's Statement (EL-104).

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.