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**Public Comment to Wisconsin Election Commission  
Wisconsin Disability Vote Coalition, December 1, 2020  
Barbara Beckert, Disability Rights Wisconsin**

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 share public comments regarding participation of voters with disabilities in the November elections.

Historically voters with disabilities are underrepresented at the ballot box and many experience barriers to voting including accessibility challenges, lack of transportation, lack of photo ID as so many are nondrivers, and limited information about disability related accommodations and voting rights. This year there were unprecedented challenges Wisconsinites with disabilities and older adults are at greater risk for COVID-19; there is a public health imperative to help them to vote safely, including education and support regarding absentee voting.

Although there were significant and unique barriers this year, our coalition wants to share with you some of the success factors which allowed so many voters with disabilities and older adults to safely cast a ballot and assert their voting rights during the pandemic

**Wisconsin Election Commission**

We want to recognize the work of Wisconsin Election Commission (WEC) staff to address accessibility and voter rights. WEC provided guidance to clerks and poll workers on voter rights and accessibility, including offering special supplies such as signage about curbside voting. WEC staff spoke at Disability Vote Coalition virtual trainings, and answered hundreds of questions from voters with disability, providers,



and coalition members. WEC staff held a webinar for municipal clerks on *Polling Place Set-up* which addressed accessibility, and our Coalition members participated in the webinar, as well as helping with content. We partnered with the WEC staff to provide them with input, and disseminate guidance for care facilities (nursing homes and group homes) on their role and responsibility to assist residents with voting in the absence of Special Voting Deputies. Over a thousand service providers participated in the trainings for care facility staff, and additional staff accessed online materials. Our thanks to the WEC staff and to Commissioners for your support of these efforts to ensure accessibility and inclusion of voters with disabilities and older adults.

### **Municipal Clerks**

We appreciate the tireless support provided by Municipal Clerks and Poll workers to ensure our elections were accessible and safe, and every vote was counted. Clerks worked very hard to support the record number of absentee voters, add options for absentee drop boxes and early voting, address sanitation and social distancing, and address a multitude of questions. We are especially grateful to those clerks who provided information to the public and signage about curbside voting, which was an essential safeguard for many voters with disabilities and older adults who voted in person. We welcome the chance to partner with clerks moving forward to increase awareness of the rights of voters with disabilities and needed accommodations.

### **Service Providers**

We commend the work of service providers in nursing homes, group homes, and in the community who provided support to individuals with disabilities and older adults who wanted to cast a ballot in the November election, and assisted them with voter registration, requests for absentee ballots, witnessing, return of ballots, etc. Because voting is now a public health issue, support from service providers was especially important in ensuring that their residents and members had the option to vote safely.

We partnered with the Greater Wisconsin Agency on Aging Resources (GWAAR) and Board on Aging and Long Term Care, as well as WEC staff to deliver trainings for service providers including care facility staff. All trainings discussed the right of residents to vote and the responsibility of staff to assist them as addressed by the Center for Medicaid and Medicare Services in their guidance document *Compliance with Residents' Rights Requirement related to Nursing Home Residents' Right to Vote*. The role

of staff is to assist residents as requested with their permission; and not to influence their decision in any way.

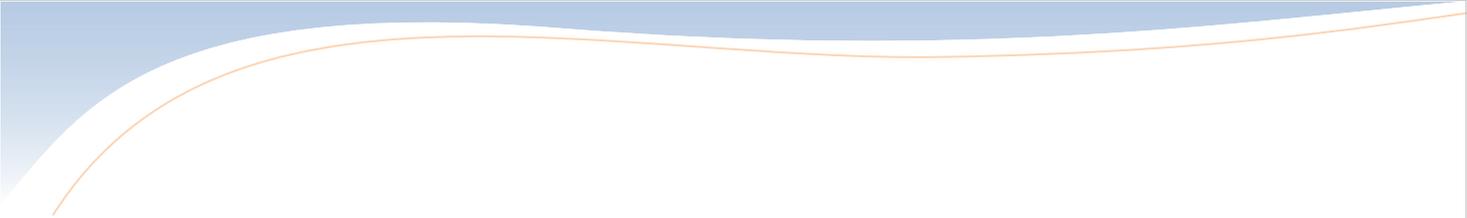
Although it's possible that the absence of Special Voting Deputies limited access for some residents, many facilities were not historically visited by SVDs. In addition, SVDs were only available at a specific time; we have heard concerns that this has limited access for some residents. With the increased support and training for facility staff, we are hopeful that more residents were able to make the choice to cast a ballot during the pandemic. We thank and commend the staff for their efforts to support residents in their constitutional right to cast a ballot during this pandemic, at a time when facility and community staff are already stretched very thin and many are short staffed.

### **Indefinitely Confined Voters**

We want to recognize Wisconsin voters with disabilities and older adults who have a strong commitment to their right to cast a ballot. Wisconsin's Indefinitely Confined provision is very important to so many voters with disabilities and older adults, especially during the pandemic. Wisconsin's indefinitely confined statute has been on the books for decades, and provides an important safeguard to ensure many disabled, elderly and physically ill voters can cast a ballot.

An Indefinitely confined voter is a person who, because of age, physical illness, infirmity or disability, may have difficulty traveling to the polling place, and wants to cast an absentee ballot. An indefinitely confined voter can reside in their own home, apartment, nursing home, or other care facility. An indefinitely confined voter is not required to provide a copy of photo ID. Instead, the witness' signature on the Absentee Ballot Certificate Envelope satisfies the photo ID requirement. The voter registration process also requires the voter to prove their identity with proof of residency. An Indefinitely Confined voter will receive an absentee ballot for every election, until they change their designation or do not complete and return their ballot.

Wisconsin's photo ID law includes a substitution for military and overseas voters and indefinitely confined voters; confidential voters are exempt from the requirement. These provisions ensure that these voters are not excluded and discriminated against and can participate in the electoral process.



Many older adults and voters with disabilities do not drive and do not have an acceptable photo ID for voting, and because of disability, age, illness or infirmity have difficulty obtaining such ID. The challenges this year were especially daunting as Wisconsin Department of Motor Vehicle (DMV) locations were closed for much of the year, so the ability to obtain a state ID was limited, as were options for safe transportation for non-drivers in this vulnerable population. In addition, many individuals who do have a photo ID were isolating because of the pandemic and did not have the technology or ability to upload or copy a photo.

Because of these significant barriers, Wisconsin provides the option for Indefinitely Confined voters to satisfy the photo ID requirement by the witnesses' signature. The Indefinitely Confined option is vital to preserving the constitutional right to vote for many Wisconsinites who are disabled, elderly, ill or infirm.

Thank you for your ongoing efforts to ensure our elections are accessible and inclusive of voters with disabilities and older adults. We look forward to continuing and building on these efforts, and encourage Commissions to prioritize the option for an accessible absentee ballot to ensure equitable access for voters who rely on assistive technology to vote privately and independently.