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**Public Comment to Wisconsin Election Commission
Wisconsin Disability Vote Coalition, January 15, 2021
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 your discussion of Special Voting Deputies (SVDs) for the February 16th election.

The Wisconsin Disability Vote Coalition supports the recommendations shared with you by staff in the SVD Commission Memo 1.15.2020 to bypass the use of SVDs for the February 2021 Election and mail ballots directly to care facility residents:

"Given that the public health advice related to visitors and SVDs in care facilities is unchanged from the November 2020 election, staff recommends that the Commission continue this approach for the February 16, 2021 primary elections."

We remain hopeful that with dissemination of the vaccine, conditions may improve significantly, and health officials may endorse use of SVDs for the April election.

While we strongly support the use of SVDs to support the voting rights of residents, the health and safety of residents must come first. As was the case in 2020, our commitment to supporting the voting rights of residents by dispatching SVDs must be balanced with the health risk of bringing in SVDs and observers. This is a very vulnerable population at high risk for COVID-19, with a high mortality rate. As of January 2021, 27.66% of COVID related deaths in the state were people in care facilities. This includes older adults as well as younger people with disabilities.

It is important to make this decision now, so that care facility staff can be provided with guidance regarding their responsibilities for the February election, and ensure

that residents have time to register to vote, if needed, and to request absentee ballots if they do not currently have a request on file.

Federal law requires that Medicare/Medicaid certified long term care facilities affirm and support the right of residents to vote. In advance of the November election, the US Department of Health & Human Services Center for Medicaid and Medicare Services (CMS) released a guidance document for states to share with nursing homes. The document, [Compliance with Residents' Rights Requirement related to Nursing Home Residents' Right to Vote](#) notes that *"nursing homes are required to support a resident in the exercise of their right (§483.10(b)(2)) to vote, such as assisting with absentee or mail-in voting, or transporting residents to polling locations or ballot drop-boxes in a safe manner." "Nursing homes should have a plan to ensure residents can exercise their right to vote, whether in-person, by mail, absentee, or other authorized process."*

Facility staff have the responsibility to assist residents, as requested, with their permission. Staff may not influence their decision in any way: *§483.10(b)(2) The resident has the right to be free of interference, coercion, discrimination, and reprisal from the facility in exercising his or her rights and to be supported by the facility in the exercise of his or her rights as required under this subpart.*

In the absence of SVDs, it will be important for WEC staff to provide guidance to care facility staff about their responsibility to assist residents. The Disability Vote Coalition is also committed to serving as a resource for care facility staff and residents, as we did in 2020. We offered virtual trainings for care facility staff over a thousand participated. Our fact sheets, posters, and training videos were also available to assist staff and residents, and we provided assistance through the DRW Voter Hotline. All trainings stressed that the role of staff is assist residents as requested with their permission; and not to influence their decision in any way.

With the help of facility staff, we are hopeful that residents will have the support they need to request and cast a ballot. We commend staff for their efforts to support residents in their constitutional right to cast a ballot during this pandemic.

Thank you for your consideration. We stand ready to work with you to ensure the accessibility of our elections and preserve the rights of voters with disabilities and older adults.