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**Public Comment to Wisconsin Election Commission
Wisconsin Disability Vote Coalition, February 3, 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 the November 3, 2020 Election Data Report.

We want to thank members of the Commission and WEC staff for their work to address accessibility, accommodations, and the rights of voters with disabilities during the pandemic. Staff were responsive and innovative in developing an accessibility supply program, addressing accessibility and voter rights in clerk training, providing an online option for reporting accessibility concerns, and striving to address new challenges during the pandemic such as the increased need for curbside vote, the increase in absentee voting, and new communication challenges for deaf and hard of hearing voters. Thank you for your very hard work and responsiveness during a time of unprecedented challenges for many Wisconsinites with disabilities and older adults, and for clerks and election workers in our state. We also recognize the dedicated work of our clerks and poll workers.

Indefinitely Confined Voters

The report provides data regarding Indefinitely Confined voters in the 2020 November election. In our work assisting voters with disabilities and caregivers, we have seen the importance of the indefinitely confined provision. It is understandable that usage increased this year. Many individuals did not feel safe voting in person, and many isolated at home, because of their high vulnerability to COVID 19. Health data supports this concern. Wisconsinites with disabilities and older adults enrolled in Wisconsin's waiver programs (Family Care and IRIS) comprise 17.5% of the state's total deaths.

According to DHS data, 26.2% of cases in the waiver system result in hospitalization and 9.6% result in death, compared to 4.4% and .9% in the general state population, respectively. ([Medicaid Adult Home and Community-Based Services: COVID-19 Data | Wisconsin Department of Health Services](#))

The voters we assisted rely on the indefinitely confined provision, not because they do not want to provide a photo ID, but because of their disability, illness, infirmity, or age. In some cases, these voters have a photo ID: the report indicates that 80% of all indefinitely confined voters had a photo ID on file or had shown their ID sometimes in the past four years when they voted in person. Voters may be unable to upload a photo ID because of limited access to technology or limited ability. Obtaining a copy of a photo ID can also be a barrier for many voters with disabilities, especially during the pandemic.

Others do not have a current acceptable photo ID and would have great difficulty obtaining one. Many people with disabilities do not drive; they do not have a driver's license and may not have other acceptable photo ID. While a free ID for voting can be obtained at Department of Motor Vehicle (DMV) offices, many people with disabilities have very limited access to transportation, especially accessible transportation. This is especially challenging in rural area where many DMV locations have limited hours and a long commute to access of 40 minutes or more. During the pandemic, DMV locations were closed for months; some locations are still closed.

Many of the voters we support are on a fixed income; a ride to the DMV office to obtain a photo ID is not funded by Medicaid or other state transportation programs. Volunteer programs that provide transportation to polling stations for person do not have lift equipped vehicles, so they are not usable for persons with mobility disabilities.

Policy priorities for our Coalition include a recommendation to improve DMV access by expanding hours including adding evening and Saturday hours, and co-locating state ID operations at locations that are already accessed by people with disabilities and older adults such as ADRCs and income maintenance offices.

In the words of one Indefinitely Confined voter who became disabled in 2014:

"For people with significant health issues or due to age, providing a photo ID, just physically getting to the Division of Motor Vehicles to obtain one, can be impossible and therefore jeopardizes their ability to participate in our democracy. This is without the threat to their lives of catching COVID by being in public. Requiring

people with disabilities and the aged to upload a photo ID to a website can also be an insurmountable challenge. Not only because of the cost of the computer, scanner and internet connection but also because they may not physically be capable of getting to a location to complete the process if they lack these necessary items.”

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. When the Legislature passed the Photo ID Law in 2011, it exempted permanent absentee voters from having to provide a copy of their photo ID to receive a ballot. These voters are allowed a substitution under state law where their witness verifies their identity and certifies to that by signing the return envelope. State law requires the witness to verify the name and address of the indefinitely confined voter “in lieu of providing proof of identification.” [Wis Stats 6.87\(4\)\(b\)2](#).

We ask policymakers to preserve this important protection to ensure the voting rights of many Wisconsinites who are disabled, elderly, ill or infirm.

Voters in Care Facilities

A significant number of indefinitely confined voters live in congregate care facilities. These include nursing homes, group home, adult family homes, and other assisted living facilities. Residents include younger people with disabilities, as well as older adults.

Most, but not all care facilities, are eligible to have Special Voting Deputies dispatched by the clerk conduct in person absentee voting. Based on recommendations from public health experts regarding the high vulnerability of residents in nursing homes and other care facilities, Special Voting Deputies (SVDs) were not dispatched in the recent elections. This was a very difficult decision to make but was made to protect the health and the lives of care facility residents and staff.

The report indicates that over 22,000 voters in care facilities who would usually be served by SVDs requested a by-mail absentee ballot. Our Coalition worked with WEC staff, the Board on Aging and Long Term Care, and other partners to provide training and resources for care facility staff who assist residents with voting. We want to recognize and thank the care facility staff who assisted residents with voting, as a time when staff already had additional challenges due to the pandemic.

Although we look forward to a time when it will be safe to bring in SVDs, there will continue to be smaller residential facilities who do not have access to SVDs and there may be other health outbreaks that limit use of SVDs at some facilities. We strongly support provision of training to facility staff to ensure the voting rights of residents. This should include offering assistance with voter registration as part of the intake process. 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.

Staff should be able to help residents who want assistance with registering to vote and requesting a ballot. If requested by the voter, staff can assist them in filling out a mail in ballot or accompany them to the polling place. A voter is allowed to have someone assist with completing their ballot, but the ballot must be completed as directed by the voter. It would be illegal for a staff person, a family member, guardian or anyone else to complete a ballot not as directed by the voter.

Disability Vote Coalition Recommendations

In addition to expanding options to obtain photo ID, we have several additional recommendations we ask you to support.

- **Accessible Absentee Ballot.** Wisconsin should develop a screen reader accessible, Americans with Disabilities Act (ADA) compliant absentee ballot to allow equitable access to absentee voting for voters with blindness, vision, or other disabilities who do not have the ability to physically mark the ballot and rely on assistive technology to vote privately and independently. The ballot should be electronically sent to the voter, who can then complete the ballot using appropriate assistive technology, then electronically and securely submit the ballot to the municipal clerk. We request your support to add this to the WEC legislative agenda.
- **Poll Worker Training.** To ensure poll workers understand voting regulations and voter rights, Wisconsin should require new poll workers to complete training on core competencies before serving. This requirement may be met by completing the Wisconsin Election Commission Chief Inspector training, or equivalent training developed by local clerks. The training topics should include voter rights, accessibility, and accommodations for voters with disabilities. In addition, poll workers should be required to attend a minimum of one training program annually thereafter. Completion of training should be tracked by the Wisconsin Election Commission.

- **Polling Place Accessibility.** When public health conditions permit, continue and expand the Wisconsin Election Commission Polling Place Accessibility Audits program, conducted on Election day. This should include increasing the number of audits, providing supplies to correct accessibility issues, and for WEC staff to provide additional oversight and monitoring with municipalities, as well as training for clerks and poll workers on accessibility.

Thank you for your consideration and your service.

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 community agencies including Access to Independence, Wisconsin Council of the Blind and Visually Impaired, NAMI Wisconsin, People First Wisconsin, Mental Health America, Wisconsin Association of the Deaf, Wisconsin Coalition of Independent Living Centers, and many others. The Coalition is coordinated by Disability Rights Wisconsin and Wisconsin Board for People with Developmental Disabilities.