



1-844-DIS-VOTE
www.disabilityvote.org

Disability Rights and Voting Bills: May 12 at 9 AM

This briefing features Wisconsin voters with disabilities, discussing how voting bills being voted on in the Legislature this week may create new barriers and make it harder to vote. As policymakers consider changes to Wisconsin voting laws, it is important that they safeguard the rights of voters with disabilities and older adults. The Disability Vote Coalition wants to work with policymakers to ensure our elections are accessible and inclusive of voters of all abilities.

The following voters will share their perspective:

- Stephanie Birmingham, Sturgeon Bay
- Andy Thain, Thorp
- Ramsey Lee, Hudson
- Melanie Ramey, Madison

Moderated by:

- Jenny Neugart, Wisconsin BPDD, WI Disability Vote Coalition
- Barbara Beckert, Disability Rights Wisconsin, WI Disability Vote Coalition

See briefing resource packet for additional information.

Briefing Hosted by 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. The Coalition is coordinated by Disability Rights Wisconsin and the Wisconsin Board for People with Developmental Disabilities. Members include people with disabilities, community agencies, and other partners.

Question? Contact Barbara Beckert, barbara.beckert@drwi.org 414-292-2724 or Jenny Neugart, Jennifer.neugart@wisconsin.gov, (608) 266-7707



New Bills Could Make It Harder for People with Disabilities, Older Adults and People of Color to Vote (rev 5/12/2021)

Wisconsin legislators have introduced bills that will make it harder for many Wisconsinites to vote. The bills could:

- Make it harder to absentee vote. Absentee voting is important to many voters with disabilities due to lack of transportation, inaccessible polling places, and mobility concerns.
- Limit who can assist you with returning an absentee ballot.
- Restrict workers in nursing homes and group homes from offering residents assistance with voting.
- Put volunteers, clerks, and others at risk for prosecution for violating the new restrictions.

SUMMARY OF VOTING BILLS

SB 203 / AB 192: Secure delivery of absentee ballots

- Would limit options to obtain and return absentee ballots.
- Prohibits any individual from helping more than one non-family member to return their absentee ballot.
- Limits who can return a voter's absentee ballot to the voter's immediate family (spouse, sibling, parent, child) or legal guardian, with very limited exceptions. Anyone else returning a ballot for another voter would be guilty of a Class 1 felony.
- **Concerns:**
 - Many absentee voters are non-drivers and may rely on friends, neighbors, extended family, or others to deliver their absentee ballot to the clerk or to a secure drop box.
 - These new restrictions will be very confusing. If voters have immediate family in the state, they cannot have someone else assist them, even if their family lives hours away or refuses to help.
 - Many voters rely on care workers to return their ballots. SB 203 would not allow a person who delivers a ballot to be compensated.
 - Severe penalties. Could be a Class 1 felony to return a ballot for another voter.
 - Voters should have the freedom to choose the person they trust to return their absentee ballot – not have it dictated by government

SB 204/ AB 201 Absentee Ballot Applications

- Eliminates the option for indefinitely confined voters to receive absentee ballots automatically for every election.
- Would require all indefinitely confined voters to provide a photo ID with their absentee ballot request.
- Prohibits the WI Election Commission, clerks, and other groups from sending absentee ballot applications to all eligible voters; makes it a felony to mail absentee ballot applications to anyone who has not requested one.
- **Concerns**
 - By requiring indefinitely confined voters to request an absentee ballot for each election, this bill eliminates the Permanent Absentee Voter status which is the purpose of this statute.
 - Obtaining a copy of a photo ID can be a formidable barrier for some voters with disabilities; a high percentage are non-drivers with limited access to transportation. Many have difficulty leaving their home due to health status. DMV hours and locations are extremely limited.
 - Receiving an absentee ballot application by mail is very helpful to disabled voters; many are isolated and do not have access to the internet.

SB 206/AB 180 Returning Absentee Indefinitely Confined Voter

- Would limit rights of voters who certify as “indefinitely confined”.
- Voters would be required to provide statements under oath.
- Voters under 65 would need to have their statements signed by their doctors. A false statement would be a felony.
- Voters would need to renew their status every two years. Currently, they receive an absentee ballot for every election for as long needed.
- **Concerns:**
 - It is outside of a health care role for medical professionals to complete voting paperwork and they may refuse to do so. Indefinitely confined voters may have difficulty getting to the doctor’s office.
 - Since this is not a medical visit it would not be covered by insurance; the voter would have to pay.
 - Having to renew the status every two years eliminates the permanent absentee voter status which is so important to these voters.

What is an Indefinitely Confined Voter? If a voter has a hard time leaving their home to vote, due to age, illness, or disability, he/she may request an absentee ballot for every election and certify he/she is “indefinitely confined because of age, illness, infirmity, or disability”. An indefinitely confined voter is not required to show a Photo ID when voting by absentee ballot. *Instead the witness verifies the voter’s name and address “in lieu of providing identification”.* [Wis Stats 6.87\(4\)\(b\)2](#)

SB 205 / AB 179 Absentee Voting in residential care facilities

- Proposes criminal penalties for staff in nursing homes and residential care facilities to restrict them from assisting residents with voting.
- Any action by staff that influences an eligible resident voter to request an absentee ballot or refrain from doing so would be a Class I felony.
- This bill would require the administrator of the facility to notify residents' relatives as to when the special voting deputies will be coming to the facility to assist in the casting of absentee ballots. It does not provide residents with the choice of whom or if they wish to have family members observe their voting.
- **Concerns**
 - This may conflict with federal law which requires nursing homes to support and affirm the right of residents to vote.
 - Will make it harder for residents to vote. Staff will be afraid to provide information or assistance, due to criminal penalties.
 - It is important for staff to let residents know that an election is coming up, and that residents may request assistance if they want to register to vote, request an absentee ballot, or need assistance completing a ballot.
 - The role of staff is to assist residents with voting as directed by the resident and not to influence their choices – that would be illegal under current law.

SB 207/AB 173 – private resources used for an election/appointment of poll workers

- Would restrict who can serve as a poll worker. Prohibits employees of an issue advocacy group from serving as poll workers.
- Would prohibit municipalities from applying for or accepting donations or grant moneys for purposes of election administration.
- Concerns:
 - Would prohibit employees of groups who advocate for voting rights, or for people with disabilities from serving as poll workers. Wisconsin currently has a shortage of poll workers.
 - Some municipalities have used donations and grant funding to address accessibility and curbside voting.
 - Grant funding funded health and safety precautions during COVID.

SB 209/AB 177 Returning Absentee Ballots/ Ballot Drop Boxes

- Limits absentee drop boxes to a single location attached to the clerk's permanent office.
- Sets standards for drop boxes including that they be tamper resistant, moisture-proof, and satisfy the accessibility requirements under the federal Americans with Disabilities Act. ADA accessibility requirements would be a very positive thing.
- Concerns:
 - Reducing drop box locations will limit options for nondrivers and other voters to return their absentee ballot.

SB 212/ AB 198 Defects on Absentee Ballot Certificates

- Prohibits a municipal clerk from correcting a defect on the completed absentee ballot certificate envelope.

Example: *a witness for your absentee ballot forgets to fully complete their address. Currently the clerk may look up the address or contact the voter for information.*

- If there is a defect on the absentee ballot certificate envelope, the clerk must return the ballot to the voter and post a notification on the elector's voter information page on MyVote website.
- Concerns:
 - Many voters don't have internet or device to access MyVote; they would be unaware of the problem, and not able to correct it.
 - Mail is slow. There may not be time to return the ballot to the voter and for the voter to send it back by the deadline.

SB 214/ AB 310: re early canvassing of absentee ballots, combined polling places.

- Authorizes any city, village, or town with a population of less than 35,000 to enter into an agreement to share a polling place with an adjacent community having a population of less than 35,000.
- Allows municipal clerks to start canvassing the absentee ballots the day before the election, which could be helpful for clerks.
- Concerns:
 - Transportation is already a significant barrier for many voters, combining polling sites would only increase this challenge.



Concerns from Voters and Advocates Re SB 203 and SB 212

Voters with disabilities, older adults, and advocates have shared their concerns about SB 203 and SB 212 by submitting comments to the recent public hearings.

In their own words, here are some concerns of Wisconsin voters regarding SB 203 and SB 212 in excerpts from public comments.

Door County voter with a disability

"I believe these bills will make it harder for people like me, disabled adults, to vote. Senate Bill 203 will create an undue burden and barrier to a group of individuals who already face systemic challenges to exercising the right to vote. Few things are more important to me than my right to vote and ensuring that ALL people, including people with disabilities, have that same opportunity."

Blind voter from La Crosse

I am among the population of elders and people with disabilities who are non-drivers, a circumstance for which we already face a significant barrier to travel independently to polling places. Consequently, many of us rely on the absentee ballot. Any directive which restricts the use of absentee ballots will negatively affect our ability to vote. Proposed legislation that may penalize those assisting individuals to complete and submit their absentee ballots means that fewer elders and people with disabilities get to vote. Individuals who normally assist us to vote may think twice if they believe there is a chance to incur a penalty."

Eau Claire Voter with a physical disability

"Many friends of mine are not able to make it to their polling place for many reasons. Most can't find rides to the polling location and many locations are not on a bus route. Some of my friends and my grandma are in nursing homes for various reasons and can't leave the nursing homes for health reasons. These people often have a hard time filling out the Absentee ballot and ask a care worker for help because they trust them to fill it out the way they want. This should not be against the law. This is also the same if a family member or friend bring the person's ballot to the correct polling place."

Glendale voter with an intellectual disability

"I do not think that these bills are going to work for people with intellectual disabilities, older adults, and people that are shut in. You are taking the rights away from people like myself. Absentee voting is convenient for those who do not have means of transportation. Not everybody drives. Some people have medical conditions and cannot leave their home."

Auburndale voter with a physical disability

"I don't think there should be a limit for returning ballots because people should be able to help whoever they want. I can't drive because of my disability so it limits my options for returning the ballot. If my parents weren't able to return my ballot, I would need to ask a friend, teacher or neighbor and hope that they hadn't already helped someone else. This is an extra hoop to jump through that could limit voting."

Parent Advocate from Glendale, Wisconsin

"This bill is so confusing and could cause problems for voters in many ways. Sometimes voters with disabilities have care providers who assist with returning an absentee ballot. A caregiver may provide care to more than one person and should be able to return ballots if the people in their care trust them to do so. I know a neighbor couple with health concerns, and it is illogical to me that I would not be allowed to drop off ballots for both of them if they needed assistance. I am confused if I would be allowed to drop off the absentee ballots for my mother-in-law and father-in-law or would it need to be my husband who would do it? If my in-laws' neighbor or their building manager, offered to take their ballots to the drop box, under this bill, they could not assist. This bill seems like incredible government overreach that will lead to confusion and people accidentally breaking the law by simply trying to be helpful good neighbors."

Re SB 212: "I worry that it prohibits a municipal clerk from correcting a defect on the completed absentee ballot certificate envelope. I think that sometimes a witness may forget to include their address on the envelope for the ballot. Currently, the clerk may look up the address or contact the voter for information. I fear that if you make it illegal for a clerk to do that and require them to return the ballot to the voter and post a notification on the elector's voter information page on MyVote website, that votes will end up being missed as a result. Many voters do not have internet or a device to access MyVote; they would be unaware of the problem, and not able to correct it. Mail is slow. There may not be time to return the ballot to the voter and for the voter to send it back to the clerk by the deadline. As a result, the vote would not be counted."

Senior care administrator, Milwaukee County

"...absentee voting is one of the most secure ways to vote! So why is there a movement to restrict the voting process? These bills not only restrict the ability for these seniors to vote, but it also restricts those who care for them the ability to help them vote—why? The senior members of our community are stake holders and advocates. They should be given every opportunity to make voting easier for them. These restricting measures are nothing more than voter suppression."

Disability Advocate, Dane County

"This bill would restrict who can return an absentee ballot on a voter's behalf to the voter's immediate family or legal guardian. Other good Samaritans would face felony charges for the same act of turning in a sealed official document. Current law recognizes wide network of people who are willing to help their neighbors and allows the voters to choose who trust to carry out important tasks. This approach better reflects the reality of people lives and support networks. Family members and guardians may live at a distance and not be available or willing to return a voter's absentee ballot."

"Occasionally absentee voters or their witnesses may inadvertently make errors such as the witness forgetting to complete their full address on the completed absentee ballot certificate envelop. Most of these errors are minor and are currently easily corrected by the municipal clerk.Inadvertent administrative error that are currently monitored and corrected by professional nonpartisan municipal clerks should not become a reason that people lose the ability to have their vote count."

Aging Advocate, Portage County

"Restricting who can return absentee ballots will negatively impact older voters and make it more difficult for some older adults to vote. SB 203 does not acknowledge the support systems put in place by many older adults where friends help one another, as the bill prohibits any person designated to deliver an absentee ballot from delivering more than one ballot for any election for a person who is not a member of their immediate family."

"Removing the clerk's ability to correct even minor administrative errors (on otherwise valid ballots) and requiring notifications of defects to be posted online (instead of communicated more directly) will likely increase the number of absentee voters whose ballots are returned and rejected. We encourage policymakers to explore alternatives that would allow clerks to consistently respond to improperly completed or missing certificate information in a manner that is timely and requires voters to be notified of the defects and corrections needed by means other than solely online."

Disability Advocate, Dane County

"I am asking that the committee slow down the process to gain better understanding of the hundreds of thousands of Wisconsinites who will be adversely impacted when trying to fulfill our right to vote if this legislation were to become law."

Disability Advocate, Milwaukee County

"Based on the experience of the voters that we assist, it has been very helpful for clerks to correct a minor defect on the absentee ballot certificate envelope, such as completing the witness address, and honoring the voter's intent. If this process changes and clerk must return the ballot to the voter, it is highly probable that there will not be enough time for the voter to correct the problem and return the ballot. Posting information on MyVote would result in inequitable access as so many Wisconsinites do not have ready access to the internet and to a computer or smart phone. The majority of voters who contact us for assistance do not have such access. We are concerned proposed changes would disenfranchise many voters with disabilities."



1-844-DIS-VOTE
www.disabilityvote.org

Resource List for *Disability Rights and Voting Bills: May 12, 2021*

The Americans with Disabilities Act and Other Federal Laws Protecting the Rights of Voters with Disabilities:

https://www.ada.gov/ada_voting/ada_voting_ta.htm

Wisconsin Statutes Related to Accessibility

<https://disabilityvote.org/wp-content/uploads/2021/04/State-Statutes-Related-to-Accessibility-acc.pdf>

Disability and Voting Accessibility in the 2020 Elections. Final Report on Survey Results, Rutgers University for the US Election Assistance Committee

https://www.eac.gov/sites/default/files/voters/Disability_and_voting_accessibility_in_the_2020_elections_final_report_on_survey_results.pdf

WEC November 2020 Election Data Report

<https://elections.wi.gov/node/7329>

Includes data on Indefinitely Confined Voters in the 2020 election.

Wisconsin Disability Vote Coalition Voting Rights fact sheet,

<https://disabilityvote.org/wp-content/uploads/2020/10/Voting-Rights-Fact-Sheet-1020-acc.pdf>

Wisconsin Disability Vote Coalition Testimony to the Joint Legislative Audit Committee Regarding Proposed Audit.

<https://disabilityvote.org/wp-content/uploads/2021/04/WDVC-Testimony-for-the-JL-Audit-Committee-02-11-21-acc.pdf>

Wisconsin Voter Experiences Shared by Voters with Disabilities and Older Adults, Wisconsin Disability Vote Coalition.

<https://disabilityvote.org/wp-content/uploads/2021/04/Disability-Voter-Experience-4-2021-acc.pdf>

CMS Memorandum on Compliance with Residents' Rights Requirement related to Nursing Home Residents' Right to Vote, Center for Medicare and Medicaid Services, October 5th 2020:

<https://www.cms.gov/files/document/qso-21-02-nh.pdf>

[*Assisting Cognitively Impaired Individuals with Voting: A Quick Guide*](#):
America Bar Association Commission on Law and Aging and the Penn Memory Center.

Competency, Guardianship, and Voting in Wisconsin:

<https://disabilityvote.org/wp-content/uploads/2018/08/Guardianship-and-voting-English-ACC.pdf>

Covid-19 and the Disability Vote: A Policy Report from the American Association of People with Disabilities (AAPD) on the impact of the COVID-19 pandemic on voting accessibility with key recommendations to ensure that voters with disabilities have full access to our democracy in 2020 and beyond. <https://www.aapd.com/wp-content/uploads/2020/09/COVID-19-and-the-Disability-Vote.pdf>