

Voting Rights Are Human Rights: In Our Own Voices



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Voting Rights Are Human Rights: In Our Own Voices

This document shares the voices of voters with disabilities and their allies who are concerned about voting bills recently approved by the Wisconsin State Legislature. The bills will create new barriers and impact the voting rights of hundreds of thousands of Wisconsinites with a disability, older adults and other voters.

Voting rights are the cornerstone of our democracy. Adding more administrative hurdles and penalties for voters or people trying to help voters is not fair or wise. For a truly representative government, the goal should be to make it easy for everyone to participate in elections.

Many people with disabilities fight every day to have a say about what happens in their own lives. They

Americans With Disabilities Act



should not have to fight to have equal and easy access to the fundamental right to vote that gives us all a say in our government.

On July 26th, we will celebrate the 31st anniversary of the Americans with Disabilities Act. Title II of the ADA requires state and

local governments to ensure that people with disabilities have a full and equal opportunity to vote. As we celebrate this milestone, we ask our state and national policy makers to make a pledge to work with the disability community to make our elections accessible and inclusive of people of all abilities.

The Wisconsin Disability Vote Coalition stands ready to work with policy makers to address barriers to voting and make our elections more accessible, not less.

About the Wisconsin Disability Vote Coalition

The Wisconsin Disability Vote Coalition is a non-partisan effort to help ensure full participation in the entire electoral process for voters with disabilities. The Coalition is coordinated by Disability Rights Wisconsin and Wisconsin Board for People with Developmental Disabilities. Members include people with disabilities, and community agencies including People First Wisconsin, Wisconsin Coalition of Independent Living Centers, Wisconsin Council of the Blind and Visually Impaired, Wisconsin Association of the Deaf, NAMI Wisconsin, GWAAR, the Arc Wisconsin, IndependenceFirst, CIL Western Wisconsin, Options for Independent Living, and many others.



Letters to the Editor

Voters with disabilities and family members submitted letters to the editor to venues around our state, and shared their letters with the Disability Vote Coalition.



Stephanie Birmingham, Door County

As we approach our nation's birthday on July 4th I can't help but observe the irony that while many celebrate freedom, independence and democracy as hallmarks of our nation people with disabilities continue to fight to protect their rights. The irony is particularly poignant because of the current voting bills in our state legislature.

Ensuring that all people, including disabled people, have the right to vote is imperative. I believe the bills that have been up for consideration and have passed will make it harder for people like me, disabled adults, and other historically marginalized groups to vote.

As a young disabled professional who values her civil right to participate in the democratic process I am deeply worried that my right to vote is being stripped away simply because I live in a society with built-in barriers that make voting access difficult and cumbersome. The ableism and paternalism rampant in the bills that have made their way through the legislature is astounding.

In conclusion, the reality is that the disability community is the largest minority that ANYONE can become a part of at any point in their life through accident, illness, or injury. And if one is fortunate to live into older age, they will likely experience a disabling condition. Disability does not know race, gender, age, economics, political party, religion, and so on. These bills may very likely impact yourself at some point, if not now. Therefore, it's imperative that accessible and inclusive elections are supported for all people.



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Andy Thain, Thorp

As someone living with cerebral palsy in a very rural part of Wisconsin, I share the concerns of the disability community statewide about a set of bills going through the Legislature that would make it especially hard for people like me to vote. I do not drive, and my polling place is not close enough for me to access without arranging for a driver which presents its own unique challenges. For those reasons, absentee voting makes the most sense for

me. Depending on the postal service has been questionable in recent elections. I need to know my ballot will be delivered, and for me, asking a trusted friend or support staff to deliver it is the most reliable option. The set of bills lawmakers are considering would make my limited options even harder. The support staff that I rely on daily fluctuate because of the high turnover and relatively low pay. If I need to rely on someone to deliver my ballot on my behalf, I want to have the flexibility to pick the most trustworthy and dependable individual. If needed I could designate this person in writing ahead of time. If that extra step is required, it should be easy and straightforward to update that information, as necessary. Lawmakers should be working with us to remove the voting barriers we already have, not make it even harder for people like me to vote. We will build the best version of democracy only when everyone is able to participate.

I have had no confidence that my absentee ballot will reach the clerk's office in time. So finding someone to drop off my ballot for me is my best chance at having my ballot counted.

Stacy Ellingen, Oshkosh



As someone living with cerebral palsy who does not drive, and was stuck at home with limited in-home support during the pandemic, I'm especially upset that the Legislature is considering a package of bills that will make it even more difficult for me to vote. Despite no evidence of voter fraud in recent elections, I feel as a voter with a physical disability I am particularly being punished and am at risk of having my vote not counted with this new legislation. I always vote absentee because getting to my polling place is an ordeal: I have to find an accessible vehicle, hope that an accessible voting machine is available at my polling place, then secure someone to help me physically cast the ballot. That's

why I vote absentee. Not because I want to cheat. In recent elections, I have had no confidence that my absentee ballot will reach the clerk's office in time. So finding someone to drop off my ballot for me is my best chance at having my ballot counted. One of the proposed new bills would limit who can drop off my ballot for me. That's a special worry for me because I never know from day to day who my in-home support worker will be. And that's the person I would need to drop off my ballot.

Anne Morgan Giroux, Madison

There is NOTHING in this bill that would protect the rights of my adult daughter who lives with a disability. Your bill will mandate that a ballot must be returned by an immediate family member or legal guardian, regardless of distance. That assumes that every person with a disability HAS a family member nearby and has a good, trusting relationship with that family member. That's a big assumption.

My husband and I are planning for the day when we are no longer around. We want to ease the burden on both our daughter and her sisters. Legislation like this does not help. Your bill insists her sisters, who may live in another part of Wisconsin, have to drive to her, grab her ballot and deliver it to the polls. For many citizens it was not safe to vote in person in 2020. This wasn't fraudulent, abusive, disrespectful, or sneaky. And it certainly wasn't illegal. This was appropriate use of this provision which states:

“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. The designation is appropriate for electors who are indefinitely confined because of age, physical illness or infirmity or are disabled for an indefinite period.”

Here's what I know to be true: Zero disability and aging organizations in Wisconsin support this burdensome bill. There is zero evidence that anyone used the "indefinitely confined" provision inappropriately. Overall, voter fraud in Wisconsin is negligible (27 votes out of 3.3 million).

On the other side of the coin, the number of disabled and elderly citizens who will be disenfranchised by your bill is massive (estimated 887,000 voting Wisconsinites).

Pam Jandura, Fond du Lac

The disability community, which includes my family, has enough barriers to voting, including difficulty getting a ride, often inaccessible polling places and no

accessible machines (or machines that don't work), and no access to computers to request an absentee ballot or check to see if our ballot was received. Now the Wisconsin Legislature wants to make it even harder. The bills being introduced by Republicans would eliminate the option to permanently vote absentee, apply for an absentee ballot for every election, make it a crime for group home or nursing home staff to give residents absentee voting information, and limit who can return an absentee ballot to a polling site or clerk. News alert: people with disabilities and older adults don't want to cheat! We just want voting to be accessible and available to us. Policymakers should be listening to our ideas to improve the voting process, not making it harder to vote.

Nancy Gapinski, Glendale

Thank you for your coverage of the state GOP's efforts to restrict ballots. One final word was missing from the title of your article, "Why Georgia's voting laws won't come to Wisconsin" and that word is "yet." The moment that there is a Republican in the Governor's office these restrictive bills will be ready to go forward.

It should alarm all Wisconsin voters that these bills were proposed in the first place. The devil is in the details and these bills would make it more difficult for people with disabilities, older adults with chronic health conditions, and people with transportation limitations to exercise their right to vote. An accident or a health condition can lead to disability at any point in anyone's life and these bills, if voted into law, would also lead to disenfranchisement. While voters can take comfort that Governor Evers would veto these bills, we cannot become complacent, or we will find ourselves in a colder version of Georgia.

Sydney Badeau, Brodhead



Dear Editor: As someone living with a disability who does not drive and has spent more than a year stuck in my home because of the COVID pandemic, I am confused by Sen. Duey Stroebel's column. He says his voting bills will make it easier for people with disabilities to vote and then goes on to list the ways it will actually be much harder for people to obtain a ballot easily. He shares no evidence that people with disabilities have been caught committing fraud.

Instead, he shares data that last year's requests for

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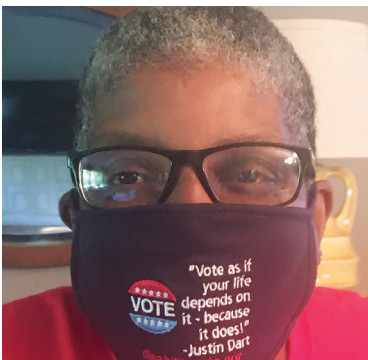
”

indefinitely confined status went way up. That wasn't because people wanted to cheat. It's because we were stuck at home — truly "indefinitely confined" and not knowing when it would be safe to again go out to crowded public places, like polling sites. He says 293,000 people requested that status, so some of those folks must be making an untrue claim. But census figures show that more than 395,000 Wisconsin residents are over age 75, and another 492,000 of us are living with disabilities. And during the pandemic, all of these people were at much higher risk of getting really sick or even dying of COVID.

That's why many older adults and people with disabilities, for the first time ever, requested to be listed as indefinitely confined so we could keep getting our absentee ballots during the multiple elections during the pandemic. For me, absentee voting was the only safe way to vote this year. And many people with disabilities and older adults don't have computers or scanners to upload our state IDs to a website. It makes me sad and mad that legislators are claiming to try to help us when all we want to do is vote safely and fairly.

Voters shared their concerns by submitting testimony in writing and/or virtually for public hearings on the bills.

Cindy Bentley, Glendale



"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."

Rhonda Staats, 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."



Jason Endres, Eau Claire



"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."

Ramsey Lee, Hudson



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.

I am a 40-year-old individual from Hudson, Wisconsin, and I am in a wheelchair.

Therefore, I rely on others

to drop my ballot off. I also have several friends in group homes. Wisconsin has a large population of citizens who are non-drivers. I believe voting is a civic duty that everyone should be able to do regardless of ability. I ask this committee, before moving forward with these proposals, to please work with the disability committees throughout the state. These laws could not only have numerous negative consequences for the state, but communities as a whole as well. Every day is filled with hope for American citizens; let's not increase barriers for voters, let's reduce barriers so that everyone who wants to vote can fully participate in the voting process.

YOUR VOTE IS YOUR VOICE!



Jordan Anderson, Auburndale



"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. I also know other people with disabilities who can't drive so they have a hard time getting to the DMV to get a photo ID or to a polling place.

They also have a hard time with using technology so making someone who is indefinitely confined request a ballot every time will make it a lot harder for them to vote. "

Re SB 212: "I worry that it prohibits a municipal clerk from correcting a defect on the completed absentee ballot certificate envelope. 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.

Senior care administrator, Whitefish Bay

"....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 stakeholders and advocates. They should be given every opportunity to make voting easier for them. These restricting measures are nothing more than voter suppression.

**Restricting who can return
absentee ballots will negatively
impact older voters and make
it more difficult for some older
adults to vote.**

While I can appreciate the concern for voter fraud—there is NO evidence that it exists. In fact, absentee voting is one of the most secure ways to vote! So why is there a movement to restrict the voting process? One day you will be a senior—will you have the opportunity to cast your vote with ease and in a dignified manner?"

Why is it necessary to limit the amount of drop boxes, which would make it easier

for all citizens to cast their ballots? To me, it makes no sense. For a Democracy to work, all citizens should have access to voting. We should be having a hearing addressing ways to make voting easier and have more accessibility”.

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.”

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 envelope. 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.”



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

“Wisconsin’s indefinitely confined statute has been on the books for decades, and provides an important safeguard to ensure many disabled, elderly and chronically ill voters can cast a ballot. Many have such difficult lives and the option to be a permanent absentee voter is so important to their ability to exercise their constitutional right to vote. The proposed changes would create new barriers

and disenfranchise many disabled and elderly voters.”

Statements from Indefinitely Confined Voters

Several bills would create new barriers for Wisconsin’s Indefinitely Confined voters. These are voters who because of their disability, health or frailty may have difficulty leaving their home to vote at their polling place. Wisconsin law allows voters to self-certify that they are “indefinitely confined because of age, illness, infirmity, or disability and request absentee ballots be sent to me automatically until I am no longer confined or I fail to return a ballot.”

The Disability Vote Coalition shares the perspective of disabled Wisconsin voters who rely on the Indefinitely Confined provision to exercise their right to vote. They are concerned that the proposed changes to the law would create new barriers for them.

63 year old Voter with Cerebral Palsy

I’m a 63-year-old woman with Cerebral Palsy. Since 1989, I have lived in my own wheelchair accessible apartment with the help of in-home health aides. I use an electric wheelchair, and I use the County Paratransit van to get around. You have to schedule a ride two days in advance and you have to allow a lot of waiting time on both ends because it is a shared ride service. It would be very difficult to vote using the Paratransit van, because I wouldn’t know two days in advance when to tell them to come back and would probably also have to ride around for a while on the way to vote.

I think it was my social worker that told me how to get an absentee ballot when I first moved out on my own. I was told at that time that as long as I always returned my ballot, I would continue to get them and I have voted in every election since then. My physical condition isn’t going to get better, and in fact I get less mobile as I get older, so having to reapply every time wouldn’t make sense, and would probably make me miss elections.

58 year old voter with autoimmune disease

I became suddenly disabled in 2014 after developing post viral autoimmune diseases that cause extreme fluctuations in blood pressure and heart rate. There is no cure for my condition. I have been housebound since 2014, only leaving the house for medical and physical therapy appointments.

I have voted in every election since I turned 18 years old and feel very strongly that it is every citizen’s right and responsibility to do so. On the advice of my physician, a year after I became ill, I applied for indefinite confinement so that I could continue to vote, and I have done so in every election since. I strongly object to any attempt to disenfranchise any person who chooses to use the legal

option of declaring indefinite confinement. This option was created for a reason, for people like me. Just because we have physical disabilities or are aged does not mean that we have difficulty using our minds and that our rights as citizens to vote can be discounted.

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. 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 items.

39 year old on Dialysis



Dee has been voting as an indefinitely confined absentee voter since 2016. When she went online to get her absentee ballot in 2016, she was in the hospital. She knew that she would need to always ask for one. She saw online that Indefinitely Confined was an option (which she didn't know about prior to this). Dee is a patient on dialysis.

Because of her struggles with dialysis, she's begun having lots of other health issues, including skin lesions, mobility difficulties, and stroke. Dee uses a walker about 80% of the time. Dee says that even leaving the house is difficult to do. In public places, people will unintentionally bump or crowd her. This makes her very nervous and anxious about even going places. The message these bills send to her is that "maybe we just shouldn't vote because we are not capable of getting to the polls....That does not nullify our ability to vote. Our voice matters and as a citizen, it's a privilege and responsibility for me to vote."

28 year old with multiple disabilities

J. lives with his parents who serve as his guardian. J. needs support with reading and completing his ballot. With all the commotion at the polling place, this is more easily done at home for him. Although polling places are required to be ADA compliant, physical accessibility can be difficult for J, so voting at home alleviates these problems. When J. went to court for his guardianship hearing, it was very important to him and to his family that he retain his right to vote. The Guardian ad Litem was initially not very supportive of this, but his parents worked with the GAL to help her understand that J. understood and could participate in the voting process. When J. turned 18, he went with his parents to the Clerk's office to register. Upon registering, they requested Indefinitely Confined voter status right away.

Voter with MS, in her 60's

K is a mother, wife, and taxpayer. She loved her job but had to stop working over 20 years ago as she was increasingly disabled by Multiple Sclerosis. She lives at home but is at a nursing home level of care. She spends her days in bed and needs assistance with all activities of daily living. Leaving her home to go to an essential medical appointment requires extensive planning and coordination, because of her level of disability, frailty, and accessibility needs.

She has voted as an indefinitely confined voter for ten years and takes pride in being a good citizen and regular voter. She is not able to complete forms by herself either by hand or on the computer. Having to resubmit the request every two years and repeatedly provide a copy of photo ID would be very difficult and could prevent her from voting.



Disability Vote Coalition Survey Results

The Wisconsin Disability Vote Coalition surveyed 341 people with disabilities, older adults and family members to see how the voting bills would impact their ability to vote. The following is a summary of those results.

Absentee Voting

- 80% of people with disabilities who took the survey voted absentee in the last year.

Transportation Barriers

- Nearly a quarter of people with disabilities have no driver's license (23%).
- A third (32%) rely on someone else to drive them anywhere they need to go
- More than quarter (26%) say transportation is a barrier for them to vote.



“ This will be impossible for my disabled family member to vote as we do not have public transportation and he will likely never have a driver's license.

[Our son] would not be able to vote without us driving him there.

There is limited bus service in this area and NO private cab service. ”



Assistance with Voting

- 28% of people with disabilities received assistance during the voting process.
- Nearly three-quarters (73%) said they would have difficulty voting if residential staff could no longer assist them with voting.

“ Not everyone living in a residential facility have guardians or family members living in Wisconsin. A lot of guardians live out of state and could not assist with voting.

I probably wouldn't vote. ”

Absentee Drop Boxes

- 64% of people with disabilities would have difficulty with voting if there were only one drop box attached to the municipal clerk's permanent office building.



“It would be even worse than having it at the voting location because a small-town clerk usually works out of their home, which is not a public facility. There's still no transportation, but even if there was, there's no handicapped parking, no accessible entrance, etc. on a private home.

People that drive think it's easy for everyone to get a ride. Not so easy in a wheelchair...”



Indefinitely Confined

- 85% of people with disabilities said they would have difficulty voting if they had to request a ballot for each election and provide photo ID for indefinitely confined status.
- Nearly 9 in 10 (89%) said they would have difficulty voting if they had to renew their indefinitely confined status every two years.

“It's difficult to figure out how to add the photo ID to an online request for an absentee ballot.

My daughter doesn't have the technology or knowledge to be able to take a photo of her ID and upload it each time.

Not only would this bill negatively affect my sons with disabilities, but one of my parents is over 80 years old with a chronic medical condition. She does not have a home computer and could not do any online requests or photo scanning. She has limited access to transportation. These kinds of restrictions take autonomy away from voters with disabilities. Legislators should be working with disability advocates to remove barriers to voting, not making it harder to vote!”

Resource List for Disability Rights and Voting Bills, July 2021

Wisconsin Disability Vote Coalition, <https://disabilityvote.org/>

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>

Wisconsin Election Commission November 2020 Election Data Report
<https://elections.wi.gov/node/7329>
Includes data on Indefinitely Confined Voters in the 2020 election.

Elections Commission to Discuss Suspected Voter Fraud Reports for 2020 and 2021 Elections, May 24, 2021. <https://elections.wi.gov/index.php/node/7440>
Link to commission materials with reports: <https://elections.wi.gov/node/7340>

Barriers Faced by Elderly Voters and Voters with Disabilities, Wisconsin Election Commission, June 2021.

<https://elections.wi.gov/sites/elections.wi.gov/files/2021-07/WEC%20Accessibility%20Report1%20Final1.pdf>

DVC Statement on the WEC Report:

<https://disabilityvote.org/wp-content/uploads/2021/07/DVC-WEC-Report-7-1-21-acc.pdf>

Disability Rights and Voting: A Briefing for Policymakers. April 2021

<https://disabilityvote.org/wp-content/uploads/2021/04/DVC-Disability-Voting-Rights-Briefing-04-12-2021-acc.pdf>

Getting There is Half the Battle: Wisconsin's Photo ID Law, Access to DMV Services, and the Fight for Our Freedom to Vote, May 2021

https://allvotingislocal.org/wp-content/uploads/2021/05/LCCHR_AVL_report.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>

Recent Media on Wisconsin Voting Bills and Disability Perspective

<https://disabilityvote.org/2021/in-the-news/>

Enhancing Accessibility in U.S. Elections, July 2021

<https://www.americanprogress.org/issues/democracy/reports/2021/07/08/501364/enhancing-accessibility-u-s-elections/>

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

CMS Memorandum on Compliance with Residents' Rights Requirement related to Nursing Home Residents' Right to Vote, Center for Medicare and Medicaid Services, Oct. 2020 <https://www.cms.gov/files/document/qso-21-02-nh.pdf>

Competency, Guardianship, and Voting in Wisconsin:

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

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