

**Disability Rights Wisconsin Comments to Wisconsin Election Commission**  
**Wendy Heyn, Voting Outreach Advocacy Specialist**  
**December 3, 2018**

Thank you to members of the Wisconsin Election Commission for the opportunity to speak to you today to share recommendations to support full participation of Wisconsinites with disabilities in the electoral process, and to briefly address voting related proposals that are included in the Extraordinary Session this week.

Disability Rights Wisconsin (DRW) is the designated federally mandated protection and advocacy agency for Wisconsin, established in 1977. DRW receives funding as part of the Help America Vote Act of 2002 (HAVA) to provide education, training, and assistance to individuals with disabilities that will promote their full participation in the electoral process. The purpose of this program is to ensure full participation in the electoral process for Wisconsinites with disabilities, including registering to vote, casting a vote and accessing polling places.

Much of our voting work is advanced collaboratively through the Wisconsin Disability Vote Coalition (WDVC), which is coordinated by DRW in partnership with the Wisconsin Board for People with Developmental Disabilities (BPDD). The coalition works to educate the disability community about voting rights and access issues, increase voter turnout among people with disabilities and their allies, and increase awareness of elected officials regarding voters with disabilities.

DRW has worked with the Wisconsin Election Commission on a variety of activities to provide education and to address barriers that prevent people with disabilities from fully participating in the electoral process, including registering to vote, casting a vote and accessing polling places. We thank the Commission for the support and partnership you have provided for development of educational materials, including the Wisconsin Disability Vote Coalition **Know Your Rights** video which was released this fall. We encourage you to view the video; it is available on the videos page of our website: <http://www.disabilityvote.org/>

For the November 6<sup>th</sup> election, DRW provided educational materials and training to voters with disabilities, family members and service providers regarding voting rights and access issues, with the goal of increased participation in the electoral process. We also addressed questions and concerns through the Disability Rights Wisconsin Voter Hotline, as well as addressing questions submitted via email or in the community. In addition, 14 DRW staff conducted accessibility audits for the Wisconsin Election Commission on November 6<sup>th</sup> at 35 polling places.

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Today I will share with you observations from our voter education and outreach, and related recommendations, as well as DRW's perspective on legislative proposals under consideration for the Extraordinary Session that would impact voting.

### **Extraordinary Session Proposals**

Late Friday, five proposals were released to the public and will be considered by the Legislature this week, including by the Joint Finance Committee today. Several of the proposals address voting.

- DRW opposes AB 1071. By changing Wisconsin law to hold three primaries in three months, as well as reducing the time available for early voting, AB 1071 would decrease participation of voters with disabilities in the electoral process, create confusion, and add to the difficulties and cost for Wisconsin's 1800 plus municipalities to administer the elections and to provide legally required support for voters with disabilities.
- At this time, we are still reviewing language related to voter ID included in two other proposals released late Friday, AB 1070 and AB 1073.
- We are deeply concerned about the rushed process to advance such major changes to our elections, that will have a very significant impact on such an important civil right. Changes of this magnitude require careful consideration and analysis, and must allow time for public hearings, and for constituents to be in contact with their elected officials, including holding meetings in the district. That is the essence of the democratic process.

### **2018 Wisconsin Elections: DRW Observations and Recommendations**

We want to thank the Wisconsin Election Commission for their responsiveness to the concerns we will share with you, and their commitment to increasing accessibility and addressing barriers.

1. **Wisconsin law requires voters to say their name and address before receiving a ballot** (Section 6.79 (2)(a)); however, some voters cannot state their name and address due to disability or medical condition. For the November election, DRW received 6+ contacts related to concerns about this requirement for voters who were deaf or had a developmental disability and could not state their name and address. In these cases, poll workers were initially insistent that voters say their name and address. In one case, the poll worker told the voter that s/he would not receive a ballot unless the voter stated both name and address.

It is likely that other voters had similar experiences but did not contact DRW. While the voters who contacted us, preserved, and were ultimately able to vote, their experience was very troubling and not in alignment with the Americans with Disabilities Act which requires that a government service provides individuals with accommodations and equal access.

**Recommendation:** *The WEC should take legislative action to amend the statutory language so that it clearly requires accommodations for voters who are not able to state their name and address due to disability or medical condition.*

2. **Under the Help America Vote Act, each polling place is required to have an accessible voting machine to allow voters to independently and privately mark the ballot.** These machines should be set up to allow voters who use a wheelchair to reach the controls and have an audio ballot-marking option for voters with visual impairment. Based on voter calls and the polling place audits, DRW saw significant variation in use of implementation of accessible voting machines.
- **Best Practice:** Some communities actively promote use of accessible voting machine which is beneficial to all voters- those with and without disabilities. This is beneficial because it accommodates an extra voter and reduces the wait time for voters and can also be an easier way to vote for people who don't see themselves as having a disability. For example, print can be made larger and easier to read. The machine fills out the ballot, so for those who find writing difficult the machine is a good option.
  - At many polling places, accessible voting machines are used rarely, if at all. Election workers may not be aware of the option and may not offer it as an option for voters. The machines are sometimes hard to access or placed in a location where they are not visible or where the voter would not have privacy.
  - Some polling sites did not have a machine at all or could not locate their machine, or the machine was not working.
  - Some municipalities use a voting system that combines the polling place scanner and tabulator w/ accessibility functionality in one machine. This makes it highly unlikely that a voter will be able to access the accessible voting machine. Use of the accessible voting function would require that all other voters wait to scan their ballots, to allow a voter to use the accessibility feature of the machine.

**Recommendations:**

- *The WEC Accessibility Committee should develop a plan to improve training and support for clerks and poll workers regarding accessible voting and other disability related topics. This could include use of role-based training for poll workers, development of a video for poll workers with disabilities, as well as highlighting best practices with examples from some Wisconsin polling places.*
- *DRW and the Disability Vote Coalition should expand our efforts to educate voters about accessible voting machine, in collaboration with the WEC and local election officials.*
- *Use of voting systems that combine the polling place scanner and tabulator w/ accessibility functionality in one machine should be phased out, and they should be removed from the list of approve machines.*

3. **Overall Accessibility of Polling Places.** DRW commends the WEC for their commitment to continuing and expanding the Accessibility Audit program and we look forward to a continuing partnership to carry out the audits and follow up on the concerns identified.

Physical accessibility concerns continue to be a barrier in the polling place. Some concerns include lack of signage to indicate accessible routes; locations where all routes involved steps; polling places which were not accessible by ADA standards, yet had no signage for curbside voting, and doors which do not meet accessibility requirements. One voter who was using crutches shared her story of having to vote on the second floor of a middle school that did not have an elevator.

***Recommendations:** The WEC should continue the Accessibility Audit Program and expand the number of sites covered. This should include return audits of sites that previously had significant violations, as well as other follow-up and oversight to ensure corrections are made.*

4. **Curbside voting is not widely available, and voters are not aware that it should be available to voters who cannot enter the polling place due to disability.**

**Recommendations:**

- *The WEC should add information about curbside voting to the MyVote web site. The WEC should develop a plan to educate poll workers, clerks, and members of the public about all aspects of curbside voting including possible procedures for voters at the curbside to communicate their presence to poll workers.*
- *DRW and the Disability Vote Coalition would assist with these educational efforts.*

5. **The complaint process is difficult for members of the public to use.** It requires that they cite statutory language related to the concern, and have the complaint notarized. In addition, there is not a consistent process for tracking all complaints, both formal and informal.

**Recommendation:**

*The WEC should work with the WEC Accessibility Committee to explore options to simplify the complaint process and establish a consistent way to track all complaints whether received online, by mail, or by phone. Comprehensive complaint data should be publicly available, including steps being taken to address any systemic issues.*

6. **Early voting is helpful in improving access for voters with disabilities as it expands the timeline for voting.** While the MyVote site is an excellent resource for voting information, it does not currently include information about early voting locations and hours.

Transportation is a major obstacle for people with disabilities since many do not drive. The practices of early voting, curbside voting, and absentee voting in Wisconsin can be helpful with transportation challenges. DRW strongly supports the continuation and expansion of early voting and absentee voting, which have increased participation of voters with disabilities.

**Recommendation:** *DRW recommends that the WEC add early voting locations and hours to the MyVote website and instruct clerks to post such information on their own websites. The WEC should continue to educate the public about all the voting options in Wisconsin to minimize the impact on voters with transportation challenges.*

7. **Acquisition of acceptable Voter IDs continues to be difficult for some voters with disabilities.** Many voters 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, it may be difficult to get transportation to the DMV, especially in rural area where locations have very limited hours; for example, in Trempealeau County, the DMV is only open on Tuesday and Thursday from 7 AM – 5 PM. We counseled would-be voters who had a difficult time getting a ride to the DMV, then once they arrived (if the DMV was open) had limited ability to stand in line. In addition, voters may struggle to provide the needed documentation. For example, voters who have a rep payee to handles their bills and finances, may not have access to documents needed for proof of Wisconsin residency.

**Recommendation:** *DRW recommends that the WEC continue to educate the public about what acceptable forms of ID are. The WEC should also make recommendations to DMV locations that they extend their hours and advertise them widely prior to elections. DRW also supports expanding the list of acceptable IDs.*

8. **Special Voting Deputies play a key role in administering absentee ballots for voters with disabilities and older adults** who live in a Residential care facility such as a Nursing Home, Community Based Residential Facility, Residential Care Apartment Complex, or Adult Family Home. Many residential providers in community-based facilities need training and support regarding the role of Special Voting Deputies, and how they as residential providers can support their residents in asserting their right to vote.

**Recommendation:** *The WEC and DRW can partner with the Division of Quality Assurance which provides oversight and training for residential providers, to develop a plan to educate them about Special Voting Deputies and other information related to voting rights for their residents.*

Thank you for your consideration of these recommendations. Please let us know what additional information is needed, and how we can work together to increase access and remove barriers for voters with disabilities.

For information, please contact:

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