



1-844-DIS-VOTE  
[www.disabilityvote.org](http://www.disabilityvote.org)

**Disability Rights Wisconsin  
Wisconsin Disability Vote Coalition  
Public Comments for Wisconsin Election Commission**

December 1, 2021  
Barbara Beckert, Disability Rights Wisconsin

Thank you for the opportunity to share this informational testimony with the Wisconsin Election Commission to inform the Commission's response to the **Audit Report 21-19: Elections Administration**. This testimony will address audit findings and opportunities to ensure that Wisconsin elections are accessible and protect the rights of Wisconsinites with disabilities and older adults.

**About the Wisconsin Disability Vote Coalition**

The Wisconsin Disability Vote Coalition (DVC) is a non-partisan effort to help ensure full participation in the entire electoral process of voters. The Coalition is coordinated by Disability Rights Wisconsin (DRW) and Wisconsin Board for People with Developmental Disabilities. Members include people with disabilities and agency representatives including People First Wisconsin, Wisconsin Coalition of Independent Living Centers and the eight Centers for Independent Living, Wisconsin Council of the Blind and Visually Impaired, Wisconsin Association of the Deaf, NAMI Wisconsin, GWAAR, the Arc Wisconsin, and many others. The DVC provides training and educational resources.

**About Disability Rights Wisconsin**

As the federally mandated Protection and Advocacy system for our state, DRW is charged with protecting the voting rights of people with disabilities and mandated to help "ensure the full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote, and accessing polling places." (Help America Vote Act, 42 U.S.C. § 15461 (2002)). DRW staffs a Voter Hotline and assists voters with disabilities and older adults, family members, service providers, and others. In coordination with the Wisconsin DVC, we provide training and educational resources. The hotline and trainings provide us with a front line understanding of the barriers experienced by many voters with disabilities.



*The Wisconsin Disability Vote Coalition is a project of  
Wisconsin Board for People with Developmental Disabilities and Disability Rights Wisconsin*

## **Voters with Disabilities**

A significant number of Wisconsin voters have a disability. The CDC indicates that 26% (1 in 4) of adults have some type of disability. According to the American Association of People with Disabilities (AAPD), approximately 23% of the electorate in November election were people with disabilities. Many older adults have disabilities acquired through aging, although they may not formally identify as a person with a disability.

Historically voters with disabilities are underrepresented at the ballot box; many experience barriers to voting including accessibility challenges, lack of transportation, lack of photo ID, and limited information about disability related accommodations and voting rights. This year there were unprecedented challenges because many Wisconsinites with disabilities and older adults were at greater risk for COVID-19, and wanted to vote absentee or vote early to limit exposure to COVID 19.

## **Response to Audit Report 21-19: Elections Administration**

DRW and the DVC are pleased to see that the Legislative Audit Bureau's investigation of the November 2020 general election affirms that the 2020 general election was accurate, safe, and secure. DRW appreciated the opportunity to meet with LAB staff to share our perspective as an agency mandated by federal law to provide education and advocacy to ensure full participation of people with disabilities in the electoral process.

It is important to note that this election was unique. The pandemic created unprecedented challenges for election administration and for voters. We heard from many individuals with disabilities and older adults who did not feel safe voting in person and were isolated at home because of their high vulnerability to COVID 19. Wisconsinites with disabilities and older adults comprised a high percentage of the state's total deaths. Election officials had a legal and moral imperative to implement public health guidance and ensure voters could safely participate in the electoral process in a manner that did not put their health at risk.

We want to recognize and commend the significant efforts of the Wisconsin Election Commission, of staff, local election officials, poll workers, and volunteers to ensure the safety of this election and to support the right of Wisconsinites to safely and securely cast a ballot during a world-wide pandemic.

This testimony will comment on several areas of election administration addressed in the report because of their importance to the voting rights of people with disabilities and older adults.

## **TRAINING**

*The audit report includes recommendations for WEC to promulgate administrative rules prescribing the contents of training that municipal clerks must provide to special voting deputies (SVDs) and election inspectors.*

Because of the decentralized nature of Wisconsin elections, there is wide variation in the content and amount of training for election inspectors, also known as poll workers. As a result, many election inspectors are unfamiliar with the rights of voters with disabilities and the accommodations they are entitled to by law, such as having an assister complete their ballot, use of curbside voting, or use of an accessible voting machine. Training may also be inconsistent for SVDs.

Current requirements for election inspector training are minimal. Wisconsin statutes require that all election inspectors receive training at least once every two years.\* §7.315(1)(b), Wis. Stats. The municipal clerk must provide this training and should document that the inspectors have been trained.

### **DRW and the DVC recommend:**

- To ensure election inspectors understand the laws that address voter accommodations and voter rights, as well as other voting regulations, Wisconsin should require new election inspectors to complete training on core competencies **before serving**. This requirement could be met by completing the WEC Election Inspector training. If clerks have developed equivalent training, it could be reviewed and certified by WEC as meeting the training requirements.
- Training topics should include voter rights, ADA accessibility requirements, legal requirements for use of accessible voting machine, accommodations for voters with disabilities, and disability awareness and etiquette.
- Election inspectors should be required to attend a minimum of one training program annually thereafter.
- Completion of training should be tracked by the WEC and funding should be provided to support the additional staff time needed to provide this centralized oversight and support.
- Training for Special Voting Deputies is a priority for DRW and the DVC because they provide in- person absentee voting for residents of care facilities including older adults and adults with disabilities as young as 18 and across the lifespan. SVDs should have thorough and consistent training that includes training on voting rights and accommodations, including the right for a voter to request and receive assistance with completing their ballot as directed by the voter, and an understanding that the right to vote may only be taken away by a court. The opinion of a care provider, family member, friend, or any other person about the competency of a person should not be allowed to prevent that person from registering to vote or from voting if that person has not been adjudicated by a court

to be incompetent for purposes of registering to vote or voting. A surrogate decision maker such as a power of attorney does not have the right to decide if someone does or does not vote.

## **MAINTENANCE OF VOTER REGISTRATION RECORDS**

*The audit report includes recommendations for maintenance of voter registration records.*

The report includes recommendations regarding improved data-sharing with other agencies including DOT, DHS, and DOC including “comparing driver’s license and state identification card numbers of all registered voters each night. An additional or alternative approach would be to implement Automatic Voter Registration (AVR).

### **DRW and the DVC recommend:**

- The WEC, legislature and WisDOT should work together to implement AVR in Wisconsin. If implemented, an integrated registration updating procedure would enhance the accuracy of the voter registration rolls by ensuring that voters who have moved also submit an up-to-date registration. It would also reduce the number of voters who must receive the ERIC Movers Mailing, the Four-Year Maintenance Process mailing, and reduce the number of voters who need to update their voter registration with the clerks or at the polling place on election day. Implementing Automatic Voter Registration will help to ensure that we have the most current address and name updates for voters. With a small update at the Department of Motor Vehicles, the WEC can ensure WisVote records are accurate, which decreases the potential for fraud and tampering.

**Voter Signatures.** DRW and the DVC are concerned that the LAB report seems to suggest that DOT signature data should be used for signature matching. Wisconsin state statutes do not allow for or require voter signature comparison at any point in the registration or absentee voting process. We do not support any action that would lead to “exact match,” or other options to require clerks to match voters’ signatures. There are many reasons why a voter’s signature at one point in time would not match a signature at another point in time, for example, disability, aging, stroke or use of electronic equipment. Clerks are not trained handwriting experts; we are concerned this process would result in voters being disenfranchised.

## **ABSENTEE BALLOTS**

*The audit report includes several recommendations related to absentee voting. Voters with disabilities and older adults have a higher utilization of absentee voting. Many are non-drivers with limited access to transportation. In addition, polling place accessibility issues and/ or disability-related mobility and/ or health concerns may limit their ability to vote in person and make it difficult to get to their polling place. Because of the pandemic, we found that many more disabled and elderly voters wanted to vote absentee in the November election, due to their high vulnerability to COVID.*

## **DRW and the DVC recommend the following:**

- **Absentee Ballot Certificates.** DRW and the DVC support having standard practices to allow municipal clerks to correct or add missing witness address information to absentee ballot certificates. This should provide a uniform approach in which clerks are allowed to correct errors in the witness address or potentially print the witness name on the certificate based on their own reliable information. There must also be guidance in place for all clerks to monitor returned absentee ballots and notify voters of deficiencies in a timely manner to ensure that there is time for the voter to cure the deficiency.
- **Electronic Voting Equipment.** Audit recommendations for “clerks to receive additional training on completing statutorily required pre-election tests of electronic voting equipment” could help ensure that the accessible voting machine required at each polling place is tested and that election inspectors are familiar with the equipment. It is not unusual for voters and observers to report that the accessible machine is not turned on, that election inspectors are not aware of it and do not know how to use it. While WEC directs that the accessible machine should be turned on and tested, that requirement is not consistently met.
- **Drop Boxes.** Many people with disabilities are non-drivers, rely on absentee voting, and use drop boxes where they are available to guarantee receipt of their ballots. During the 2020 elections and to a more limited extent in 2021, the DRW Voter Hotline heard from many absentee voters who were concerned that absentee ballots would not be delivered on time if they used the postal service. In many cases, we assisted callers by identifying the locations of absentee drop boxes in their community. In some cases, the voter was able to walk to a drop box to return their ballot. Other voters required assistance from a neighbor, care provider or others person of their choice to return their ballot to a nearby drop box. If drop boxes are not available or the number of drop boxes is limited, many people with disabilities will be forced to rely on increasingly unreliable mail delivery and their ballots may not arrive in time to be counted. In addition, disability advocates have identified the need for drop boxes to meet ADA accessibility standards.

## **INDEFINITELY CONFINED VOTERS**

*The audit provides data regarding indefinitely confined voters in the November 2020 General election. It does not include recommendations.*

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, including those who live in care facilities, can assert their constitutional right to cast a ballot. An indefinitely confined voter does not need to provide a copy of photo ID. Instead, the witness’ signature on the Absentee Ballot Certificate Envelope satisfies the photo ID requirement. The voter registration process also requires the voter to prove their identity with proof of residency. On December 14<sup>th</sup> 2020, the Wisconsin

Supreme Court affirmed that it is up to the voter to determine whether they are indefinitely confined.

It is not surprising that the number of indefinitely confined voters increased in 2020. Because of their high vulnerability to COVID 19, many elderly and disabled citizens sheltered at home and did not feel safe voting in person. Public health data confirms the high risk for this vulnerable population.

As noted in a [WEC report](#), 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. These individuals may not have had access to the technology or the ability to upload their photo ID or provide a copy with their absentee ballot application. This could be resolved by allowing Indefinitely Confined voters who have a photo ID to provide the number of their driver's license or state ID card and date of birth on their absentee ballot application.

A minority of indefinitely confined voters do not have acceptable photo ID. It is essential that Wisconsin law continue to accommodate them; most who are without photo ID are non-drivers, disabled, and face significant barriers to obtaining a photo ID, especially during the pandemic. These are voters for whom, due to age, illness, or disability, either permanent or intermittent, leaving their residence imposes a burden. The same factors that make it difficult or impossible to go to the polling place may make it difficult to go to the DMV. While a free photo ID for voting is available at Wisconsin DMVs, access to DMV is difficult for non-drivers, as locations and hours are limited. During the pandemic, DMV locations were closed for months.

More public education is needed to clarify that the Indefinitely Confined Voter status is restricted to an elector who is indefinitely confined because of age, physical illness or infirmity or is disabled for an indefinite period and for that reason is requesting that an absentee ballot be sent to the elector automatically for every election. We support updating the current statutory language to update and clarify eligibility, and update "indefinitely confined" to "Permanent Absentee Voter due to age, illness or disability".

**DRW and the DVC recommend the following:**

- Update Wisconsin's Indefinitely Confined Voter provision to clarify eligibility. Replace the terminology of "indefinitely confined voter" with "Permanent Absentee Voter due to age, illness or disability." Indefinitely confined voter is outdated terminology, is not generally used by other states for this purpose, and it is confusing to voters. Additional detail is provided in an addendum to this testimony.
- Consider alternative ways to confirm the identify of indefinitely confined voters who have an acceptable photo ID by allowing them to enter the ID number and their date of birth on the absentee ballot application, or on MyVote.

- Provide additional education to the public and election officials about eligibility for Indefinitely Confined status.
- Follow current state law (Wis. Stat. § 6.86(2)(b)) which requires Municipal Clerks to send a 30-day letter to any indefinitely confined voter who does not return their ballot. This letter allows the voter to request renewal of their absentee request within 30 days. If they do not respond to the letter, their absentee ballot request is to be deactivated.

### **SPECIAL VOTING DEPUTIES**

*The audit reviews the role of Special Voting Deputies (SVDs) and recommend that WEC staff promulgate administrative rules to specify the situations when municipal clerks should not send SVDs to care facilities. The report also identifies additional issues for legislative consideration regarding Special Voting Deputies. DRW and the Disability Vote Coalition have identified gaps in the SVD program and have developed additional recommendations regarding care facility voting for your consideration.*

The LAB report addressed voting in care facilities and primarily focused on the decision not to dispatch SVDs during the pandemic. As advocates for people with disabilities who live in care facilities, DRW and the DVC supported the decision not to dispatch SVDs. We advocated for a clear plan to ensure that both the health and the voting rights of residents were protected and they had the opportunity to safely and securely cast a ballot. Wisconsin was able to utilize the statutory process for sending absentee ballots to care facility residents who had a request on file, along with providing detailed guidance documents and training opportunities. This was essential to protect the lives of highly vulnerable residents of nursing homes and residential facilities, while also protecting their rights.

Materials and training provided by WEC to care facilities provided details on the voting process, resident rights, and on the role of staff. All voters, no matter where they reside, have a right to be free of interference, coercion, discrimination, and reprisal in exercising their rights. No one should ever experience coercion or interference in casting their vote; these concerns should be promptly reported when they occur and investigated by the district attorney or other law enforcement.

**Additional efforts are needed to ensure that voting rights of care facility residents are protected.** Care facility residents who are citizens of Wisconsin have the right to vote unless they have legally been declared incompetent AND have had their voting rights taken away in court. [Federal](#) and [state](#) laws (§ 208 of the VRA and Wisconsin 6.87(5)) state that these residents have the right to request assistance by a person *of the voter's choice*, other than the voter's employer or an officer or agent of the voter's union/collective bargaining. Residents of residential care facilities and qualified retirement homes have the same rights as any other qualified elector, including other electors with disabilities. Any provision that narrows the ability of a

specific class of electors to vote in the same way as others raises legal concerns that have not yet been resolved.

As policy makers discuss how to support the voting rights of care facility residents, it is important to consider the diverse needs of these voters. Care facility residents include younger people with disabilities, as young as 18, as well as older adults. Younger residents may be first time voters who need support to register to vote and to request an absentee ballot. Older residents may also need assistance in registering and requesting an absentee ballot as they usually have a new address for voting when they move to a care facility. There is wide variation in the type of care facilities eligible for SVDs from large skilled nursing homes to smaller congregate care facilities such as group homes. Facilities with as few as 10 residents may be eligible for SVDs but may not be aware of the program. Smaller facilities do not have the staff resources and may not have the technological resources that larger facilities have, so the SVD program could be especially helpful.

While the SVD program is an important and helpful program, it has significant gaps, and may not reach many eligible care facility residents. We ask for policymakers to consider our recommendations to address gaps in the SVD program.

**DRW and the DVC recommend the following to address gaps in the current SVD program:**

- 1. Develop a protocol to ensure all eligible facilities are being offered SVD services.** The data from 2016 indicates a relatively small number of care facility residents participated in the SVD program: 21,701. As of February 9<sup>th</sup>, 2021, these are the number of potentially eligible care facilities and beds in Wisconsin.

Facility Type	Facilities	Beds
Nursing Home	360	28,057
CBRF	1,655	34,375
AFH	2,137	8,254
RCAC	349	16,598

Although not all residents may be eligible to vote, the presence of over 87,000 beds suggests that Wisconsin can do more to support the right of care facility residents to vote. Funding could be proposed to support coordination between DHS and clerks to expand outreach to care facilities and ensure all eligible facilities are included. It would also be important to recruit and train additional SVDs.

- 2. Change Wisconsin law to allow all SVDs to have the option to assist residents with voter registration and to expand the timeline.**

Options for care facility residents to register to vote are very limited within the SVD program. Currently there is a two-day window between open registration and care

facility voting. If the SVD visit is not within first two days, SVDs cannot register voters. Since an SVD is taking on the role of the clerk and conducting in person absentee voting, a case could be made that SVDs should have the same timeline as the clerk to register voters – up until 5 PM of the Friday prior to an election.

Facility staff should also receive training on voter registration and new residents should be asked if they need assistance with registering to vote, and if they wish to request an absentee ballot. This process would also help to ensure more of the smaller care facilities meet the requirement to participate in the SVD program.

- 3. Provide an option for municipal clerks to hand deliver ballots for care facility voters, and pick up completed ballots.** This is becoming increasingly important, given the delays in delivery of the US mail, and will help to ensure that residents ballots are counted.

- 4. Move up the deadline for the second SVD visit, to allow time for clerks to deliver absentee ballots to residents who did not vote during SVD visits.**

SVDs only visit a facility twice; we have heard that this does not provide the opportunity to assist all residents. Under Wisconsin law, those residents have the right to receive their absentee ballot by mail but they must receive it early enough to allow time to complete and return the ballot. The current SVD timeline allows the second visit to be as late as the Friday before the election which is too late and does not allow time for delivery, completion, and return of absentee ballots to residents who did not vote with SVDs.

- 5. Ensure that the process for allowing relatives of residents to observe the voting process and assist with marking the ballot complies with the residents' rights and protections.** Residents have a right to be treated with respect and to have their privacy and individual autonomy protected. Any sharing of personal information with family members or others must be consented to by the resident (legal guardians may also have the right to look at important records and make decisions on behalf of the resident). Additionally, residents have the right to make their own decisions and have private visits. These rights should be respected and protected whether observation is occurring in-person or virtually.

## **COMPLAINTS AND CONCERN**

*The report includes recommendations to improve tracking of complaints and concerns.*

DRW and DVC want to recognize the efforts of WEC staff to provide an option on their website for voters to report accessibility-related concerns. While there is still a need for a formal complaint process, the option provides a way for voters who have internet access to report accessibility-related concerns, and for staff to respond. While this is a positive addition, many voters still use the phone to report a concern. At this time, there is not one uniform way to track all concerns that have been reported, whatever the mechanism.

DRW and the DVC support making improvements to ensure that all election related complaints and concerns are considered, tracked, and reported on. Additional funding and staff resources would be needed to support these enhanced efforts.

## **COMPLIANCE WITH STATE AND FEDERAL LAWS ADDRESSING ACCESSIBILITY AND ACCOMMODATIONS**

While the LAB report affirmed that accuracy and security of the 2020 elections, it did not address to what extent election officials are complying with laws that protect the rights of voters with disabilities and ensure the accessibility of our elections. DRW and the DVC had hoped that the report would address to what extent local election officials are complying with these laws.

WEC provided guidance and training to local election officials on the laws related to curbside voting, accessible polling places, accessible voting machines, and disability-related accommodations such as the right for a voter with a disability to have an individual of their choice assist them with completing a ballot. These rights are protected by state and federal law, yet we continue to hear concerns from voters around the state who were denied accommodations required by federal and /or state law. This is an area that requires more attention and oversight to be sure clerks and election officials are complying with existing laws that are essential to ensure voters with disabilities have full access to the ballot.

As noted by the National Conference of State Legislatures, Wisconsin's voting system is a "unique case study in elections administration" because it is highly decentralized. Elections are run by 1,852 jurisdictions at the city, town and village level, rather than on the county level as in most other states. The smallest election jurisdiction in the state has just 45 voters and most have fewer than 1,000. Voters with disabilities experience wide variations at the local level in terms of accessibility, knowledge and enforcement of voting rights and accommodations, and training of election workers.

**Accessible Absentee Ballot.** Due to a lack of an accessible absentee ballot, thousands of Wisconsinites living with significant vision loss, learning, physical or developmental disabilities, are denied access to the right to vote privately and independently. Anyone who cannot see, read or physically mark the ballot is dependent on assistance to be able to vote. A securely sent electronic ballot sent to a registered voter, upon their request, could be read and marked privately and independently using access technology and then submitted securely to the clerk. Other states are moving in this direction either on their own accord or as the result of civil litigation. The Elections Commission has the opportunity to be a leader in establishing equitable, accessible voting for all eligible voters by requesting the legislature to amend statute to make electronic and accessible ballots permissible for voters with disabilities.

**DRW and DVC recommend:**

- Provide WEC with additional authority and resources to provide oversight and enforcement to ensure state and federal laws addressing accessibility and accommodations are being followed.
- Ask the Legislature to increase funding for the Wisconsin Election Commission Polling Place Accessibility Audits program conducted on Election Day to increase the number of audits. This should include development of a plan for a comprehensive statewide assessment of polling places and allocation of additional funding to fill the gap created by the reduced federal funds.
- Continue and expand the WEC accessibility supply program which provides cost effective, simple options to address many accessibility issues. The program provided municipalities with the option to order signage for disabled parking, curbside voting, cones to mark off parking areas and to mark pathways, among other items. Designate funding for the program and expand it to fund portable ramps, wireless doorbells for use with curbside voting, signature guides and lighted magnifying glasses.
- Request that the legislature provide equitable access to absentee voting for voters with print disabilities by amending statute to make electronic and accessible ballots permissible.

**Election funding:** In order to have well-functioning elections, they must be fully funded at all levels. Mandates without resources will not be successful. It is the legislature's responsibility to ensure our elections are fully funded.

Thank you for your ongoing efforts to ensure our elections are accessible and inclusive of voters with disabilities and older adults. We look forward to continuing and building on these efforts to ensure equitable access for voters with disabilities.

## **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.*

## **ADDENDUM**

### **PROPOSAL TO CHANGE INDEFINITELY CONFINED VOTER LANGUAGE**

**3/22/2021**

**Contact:** Barbara Beckert, Disability Rights WI [barbara.beckert@drwi.org](mailto:barbara.beckert@drwi.org)  
414-292-2724 / 414-719-1034 (cell)

### **CURRENT WISCONSIN LANGUAGE: INDEFINITELY CONFINED VOTER**

6.86. (2) (a)

An elector who is indefinitely confined because of age, physical illness or infirmity or is disabled for an indefinite period may by signing a statement to that effect require that an absentee ballot be sent to the elector automatically for every election. The application form and instructions shall be prescribed by the commission, and furnished upon request to any elector by each municipality. The envelope containing the absentee ballot shall be clearly marked as not forwardable. If any elector is no longer indefinitely confined, the elector shall so notify the municipal clerk.

#### **Language on absentee ballot application**

**For indefinitely-confined voters only: I certify that I am 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. Anyone who makes false statements in order to obtain an absentee ballot may be fined not more than \$1,000 or imprisoned not more than 6 months or both.

Wis. Stats. §§ 12.13(3)(i), 12.60(1)(b).

#### **On page 2 of application: Wisconsin Application for Absentee Ballot Instructions**

**In lieu of photo ID,** the voters listed below may satisfy the photo ID requirement by the following means:

Individuals who are indefinitely confined (see Section 6) – the signature of a witness on the Absentee Certificate Envelope.

Section 6

Selection the third option **only if you are indefinitely confined due to age, illness, infirmity, or disability** and wish to request absentee ballots for all elections until you are no longer confined or fail to return a ballot for an election.

## **PROPOSED REPLACEMENT FOR WISCONSIN INDEFINITELY CONFINED VOTER PROVISIONS** (Rev. 3/22/2021)

Replace the terminology of "indefinitely confined voter" with the following language which is more descriptive and current. Indefinitely confined voter is dated terminology, is not generally used by other states for this purpose, and is confusing to voters. The use of "infirmity" is also dated.

### **Permanent Absentee Voter due to age, illness or disability**

Individuals for whom, due to age, illness, or disability, either permanent or intermittent, leaving their residence imposes a burden.

If the voter does not have a photo ID or lacks the ability to provide a copy, the voter can meet the requirement by the signature of a witness on the absentee certificate envelope.

### **REVISIONS TO CURRENT LANGUAGE – INDEFINITELY CONFINED VOTER**

*Replace the current statutory language that is struck out with the language in purple italics below.*

6.86. (2) (a)

*An elector for whom, due to age, illness, or disability, either permanent or intermittent, leaving their residence imposes a burden* An elector who is indefinitely confined because of age, physical illness or infirmity or is disabled for an indefinite period may by signing a statement to that effect require that an absentee ballot be sent to the elector automatically for every election. The application form and instructions shall be prescribed by the commission, and furnished upon request to any elector by each municipality. The envelope containing the absentee ballot shall be clearly marked as not forwardable. If any elector is no longer indefinitely confined *no longer meets the criteria*, the elector shall so notify the municipal clerk.

### **Language on absentee ballot application**

*For Permanent Absentee Voters only: I certify that due to age, illness, or disability, either permanent or intermittent, For indefinitely confined voters only: I certify that I am indefinitely confined because of age, illness, infirmity or disability and I am requesting absentee ballots be sent to me automatically until I am no longer confined no longer meet this criteria, or I fail to return a ballot. Anyone who makes false statements in order to obtain an absentee ballot may be fined not more than \$1,000 or imprisoned not more than 6 months or both.*

Wis. Stats. §§ 12.13(3)(i), 12.60(1)(b).

### **On page 2 of application: Wisconsin Application for Absentee Ballot Instructions**

**In lieu of photo ID**, the voters listed below may satisfy the photo ID requirement by the following means:

*Individuals for whom, due to age, illness, or disability, either permanent or intermittent, leaving their residence imposes a burden* ~~Individuals who are indefinitely confined~~ (see Section 6) – the signature of a witness on the Absentee Certificate Envelope.

## Section 6

Selection the third option **only if you are** *an individual for whom, due to age, illness, or disability, either permanent or intermittent, leaving your residence imposes a burden* ~~indefinitely confined due to age, illness, infirmity, or disability~~ and wish to request absentee ballots for all elections until ~~you are no longer confined~~ or fail to return a ballot for an election *or no longer meet this criteria*.