

Our Voices, Our Votes

Disabled Voters Speak out on Voting Rights and Ballot Return Assistance



disabilityrights | WISCONSIN

Protection and advocacy for people with disabilities.

April 2022

Protecting and Defending the Voting Rights of Wisconsinites with Disabilities

As the federally mandated Protection and Advocacy system for our state, Disability Rights Wisconsin (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)).

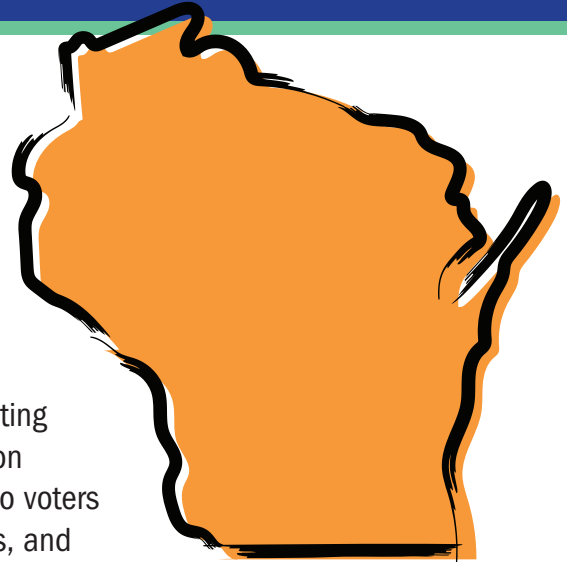
DRW staffs a Voter Hotline, trains people with disabilities on their voting rights, conducts polling place accessibility audits, works with election officials to make voting more accessible, and provides assistance to voters with disabilities and older adults, family members, service providers, and others.

We are deeply concerned about the new barriers to voting rights created by the Waukesha Circuit Court ruling that only a voter, and not another person designated by the voter, must mail or deliver the elector’s ballot, and that use of ballot drop boxes is prohibited.

Many voters with disabilities and older adults must rely on a friend, family member or care provider to physically place their ballot in the mailbox, or return it to their clerk or to a secure drop box. The prohibition on absentee ballot return assistance will make it difficult if not impossible for many disabled and elderly Wisconsin voters to return their ballots in the manner they have used for years.

As compared to other states, Wisconsin has many more people with significant disabilities living in the community – not in institutions. Providing our community members with access to community-based care is a good thing; however, it comes with a commitment to ensure that their voting rights are accommodated as required by the Americans with Disabilities Act (ADA). Wisconsin has over 80,000 individuals enrolled in community-based long term care programs. Participants qualify for these programs by meeting a nursing home level of care, meaning their support needs are significant and similar to nursing home residents. Health conditions such as Cerebral Palsy, Multiple Sclerosis, Muscular Dystrophy, ALS, autoimmune disorders, and spinal cord injuries may limit their ability to physically place their ballot in their own mailbox, or to travel to their clerk’s office or to a secure drop box to return a ballot.

In addition, those who live in congregate settings such as group homes, nursing homes, assisted living, psychiatric facilities, developmental disability centers, or jails may not have the option to personally mail or deliver a ballot.



Protections Under Federal Law

Having the right to request that a person of their choice return their absentee ballot is fundamental to exercising their right to vote. This right is protected by [Section 208 of the Voting Rights Act](#). It provides that voters who need assistance to vote by reason of blindness, disability, or inability to read or write, can receive assistance by a person of the voter's choice, other than the voter's employer or agent of the employer or officer or agent of the voter's union.

The Americans with Disabilities Act (ADA) further protects the voting rights of people with disabilities. Under the ADA, "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subject to discrimination by any such entity." 42 U.S.C. § 12132. The ADA has been interpreted "to apply to all aspects of voting, including voter registration, site selection, and the casting of ballots, whether on Election Day or during an early voting process." (U.S. Dept of Justice, "[The Americans with Disabilities Act and Other Federal Laws Protecting the Rights of Voters with Disabilities](#)," available at <https://www.justice.gov/file/69411/download>)

Voting: A Sacred Constitutional Right

This is not about "ballot harvesting" by political operatives which has not been a practice in Wisconsin. This is about our Wisconsin values. About helping our neighbor, helping a family member, helping a client. That's our Wisconsin way – people want to help their neighbor or a friend that reaches out to them. If someone asks for assistance to return their ballot, it is an honor and a civic duty to lend a hand. Providing this vital assistance should not be criminalized.

This document shares the concerns and personal stories of people with disabilities and their family members regarding how these new restrictions on voting rights have the potential to disenfranchise them and others like them. The right to vote is a sacred constitutional right. Many people with disabilities fight every day to have a say about what happens in their own lives. They 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.

These extreme restrictions may impact any one of us. 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, or religion. We all have a vested interest in ensuring our elections are accessible and inclusive of all voters, regardless of disability, age, or health status.

As a party to the current litigation on this issue, DRW remains optimistic that when the Wisconsin Supreme Court fully considers the merits and the rights of voters with disabilities, it will rule in support of these longstanding practices for absentee ballot return assistance.

In Our Own Words: Wisconsin Voters Speak Out

Voters from across Wisconsin have been contacting Disability Rights Wisconsin to express shock and disbelief after a circuit court order imposed new restrictions on ballot return. These restrictions make it difficult and, in some cases, impossible for these voters to cast a ballot. The issue is now before the Wisconsin Supreme Court. This document includes statements from voters and family members across Wisconsin. We are grateful to these voters for giving permission for their statements to be shared to increase awareness of how the court ruling is creating new barriers and restricting their right to vote.



Martha Chambers, Milwaukee

Having been injured from a horseback riding accident I am now paralyzed from my neck down, unable to use my hands or legs. I'm as independent as I can be by driving my chair with my head, using mouth sticks for remotes, my keyboard on my laptop, and in order to write; however, I'm unable to place

a ballot in a mailbox. Because of this new barrier, it is illegal for me to vote as well as anyone who chooses to vote absentee and cannot physically put their ballot in a mailbox or needs to have a family member, friend, or caregiver mail it.

“
Why would anyone want to make it harder for people with disabilities and older individuals to vote? Everyone should have the ability to vote no matter their circumstance.
”

The option of voting absentee is extremely important to me.

Since I have had my disability (nearly 30 years), I have always voted absentee. The ability to vote absentee is the best because the barriers to get to the voting polls in time can be very difficult for me. At times I have not had transportation, have had certain health concerns, and the ease of accessibility at polling places have been a challenge.

Voter in his 70s from Bayfield County

“
I live in a rural area in Bayfield County in the forest. I am 76 years old, disabled, and can hardly walk. My mailbox is half a mile from my home and I am unable to walk to my mailbox to pick up my mail or to post it. I submitted a request to the Post Office to have my mail delivered to my door because I have a disability which prevents me from retrieving my mail. The Post Office did not grant my request for an accommodation, and I am still trying to appeal the request. There was no understanding or humanity. If I am not able to have assistance to retrieve and return my ballot, I cannot vote. If I can't vote, how can I make a difference?
”



Timothy Carey, Appleton

I have Duchenne Muscular Dystrophy. At 49 this muscular wasting genetic disease has left me unable to move any part of my body. I control my power wheelchair with my mouth. I operate my computer with a mouth control and voice recognition.

I have no way to put my ballot in the mailbox or take it to the proper place. If I could do the above, I wouldn't need an absentee ballot.

“ The Constitution prohibits any and all infringement of the right to vote. ”

The Constitution prohibits any and all infringement of the right to vote. Women were told by their husbands and the law they can't vote. Minorities right to vote was also infringed on by the law. An action of this type is no different than what women and minorities experienced. To not allow me and others like me to vote infringes on my rights and is unconstitutional. It is also narrow minded and immoral to not allow people with disabilities to have someone mail or turn in their ballot. To ignore such a ridiculous ruling, I know would be with the blessing of our Founding Fathers and God.

Mr. Carey participated in this video to show how the Court ruling makes it hard for him to vote: [Wisconsin Supreme Court ruling makes it hard for Timothy Carey to vote](https://www.jsonline.com/story/news/politics/elections/2018/08/28/wisconsin-supreme-court-ruling-makes-it-hard-for-timothy-carey-to-vote/1077000001) (jsonline.com)



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 the court ruling 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. Policymakers 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. ”



Barbara Vedder, Madison

I, Barbara Vedder, am quadriplegic having sustained a neck-spinal cord injury in the year 1981. I am paralyzed from my chest down and am therefore restricted in a great number of ways physically. I am very concerned about this recent ruling which restricts the way I am able to vote in various ways. I am unable to get my ballot to the proper authorities without the help of another

person who is “able bodied.” I cannot drive and have serious restrictions on where I can go in my wheelchair especially in the Wisconsin winter months. Therefore, I am very concerned about my vote being properly taken care of during an election and having it to the correct and proper authorities. Having absentee drop boxes or having it taken to a clerk greatly facilitates my ability to freely vote. The recent judicial ruling would make voting for me more difficult, and I am a very active voter advocate, especially with people who have disabilities. Please do something to get rid of this recent ruling which only makes it harder to vote, especially for those who have disabilities.

“ Please do something to get rid of this recent ruling which only makes it harder to vote, especially for those who have disabilities. ”



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 by the court ruling. Due to transportation and care issues, I always vote absentee. I also require assistance physically filling out the ballot and putting it in the mailbox or dropbox. I’m literally physically unable to hold a ballot. If this ruling stands, I will not be able 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.



Marilee, Brookfield

“ I was born with a disability called Tetra-Amelia, which means missing all my limbs. I have home healthcare workers who help me with my activities of daily living. I would need their help in taking me to the voting center or taking the ballot to the drop box. Even if I took the ballot to the mail box I would need assistance to physically put the ballot into the mail box. ”



William Crowley, Milwaukee

I will be affected by this ruling based on my understanding of it. As a person with a spinal cord injury who uses a power wheelchair, I am unable to physically put my completed absentee ballot in the mail, requiring assistance from another person to do so. It is also a burden for me to get to the clerk’s office to return a ballot, which can be rendered extra difficult due to inclement weather, snow blocking sidewalks and curb cut access, and reduced bus schedules (I am unable to drive myself). Effectively, this ruling will prevent me from voting by absentee.



Mike Reece, Sun Prairie

My name is Mike Reece and I have Cerebral Palsy which effected my arms, legs and hands enough so that I need 24-hour care 7 days a week. I also have a speech impediment that prevents most people from understanding me. I have been voting every year since 1980 in Wisconsin.

I've been using absentee ballots for the last three years. Before that I went to the polling place where my wife helped me cast my vote. Since the pandemic I had to use absentee ballots. My wife has to fill them out and she goes to the polling place to tum in my ballot in to the County Clerk. If I couldn't have help filling out my ballot and getting it to the polling place I wouldn't be able to vote.

“ If I couldn't have help filling out my ballot and getting it to the polling place I wouldn't be able to vote. ”



Don Natske, Milwaukee

As a totally blind individual, 70 years of age, during a pandemic: the January 13, 2022 Circuit Court decision presents an undue hardship on my ability to complete and deliver absentee election ballots. To complete the printed ballot will require me to secure the assistance of an individual with vision to properly mark the ballot and to insure that all provisions required to submit that ballot are correctly completed.

Use of an inaccessible print ballot already requires that I waive my right to a secret ballot. Completing this ballot will most likely occur outside of normal business hours and may be done close to the date of the election. This raises concern that mailing the ballot may be unreliably delivered in time to be counted for the election.

My ability to personally deliver the ballot to the Clerk's office assumes that I can do so safely based on weather conditions such as high wind, snow, or other impediments. Though I am in proximity to my voting location, other individuals who do not operate motor vehicles may require the additional complications of arranging for accessible, and possibly costly transportation.

Again, another undue hardship on our franchise to exercise the rights of full citizenship.

Eliminating the use of drop boxes, and requiring that people with disabilities must themselves return absentee ballots further unnecessarily suppresses our vote. We have a great stake in the policies put forth by our elected representatives and our ability to select them should not be compromised. Providing for use of drop boxes and assistance in delivering our votes should be viewed as reasonable accommodations some 30 years since the passage of our ADA Civil Rights protections.

“ Eliminating the use of drop boxes, and requiring that people with disabilities must themselves return absentee ballots further unnecessarily suppresses our vote. ”

Larry Brown, Milwaukee

I depend upon a power wheelchair to get around and my area lacks sufficient transportation to get me to my polling place. I also need help getting my ballot delivered when I do not have accessible means to show up in person. Via mail my wheelchair cannot get to an accessible mailbox where I can functionally reach the handle and drop a piece of mail in the mail slot. My apartment's mail box is inaccessible for my hand function. At this time I depend on the decency of policy makers to make reasonable accommodations to ensure my ballot is counted.

“My apartment's mail box is inaccessible for my hand function. At this time I depend on the decency of policy makers to make reasonable accommodations to ensure my ballot is counted.”

“I am disabled and unable to drive or walk far enough to get to my village's drop box or my own mailbox and rely on family and friends to deliver my ballots.”

Fox Point voter

I am disabled and unable to drive or walk far enough to get to my village's drop box or my own mailbox and rely on family and friends to deliver my ballots. I would become unable to vote based on my understanding of the court's January 13th ruling. I have voted in every election since 1980 and for the past seven years have voted absentee with family and friends delivering my ballot to the village drop box. I no longer trust the US post office to deliver my ballot on time. I have learned the hard way how much discrimination and disdain exists for the disabled in our

society. Taking away our ability to vote would be anti-American and unconscionable.



Ginger Beuk, Oshkosh

I have Cerebral palsy and use absentee voting to vote. I do not drive, I have a caregiver to assist me with daily tasks. One very important thing that she does is run errands. Eliminating the drop boxes and not having assistance to return my Absentee Ballot is a form of Voter Suppression. I vote because it is my right given to me as an adult. Voting lets me join with other Americans to have my voice heard.



Ramsey Lee, Hudson

My name is Ramsey Lee, and I am writing to you today as a concerned citizen because it has come to my attention that a court recently ruled that drop boxes in Wisconsin and absentee voting assistance are illegal.

I have Cerebral Palsy and have direct knowledge of several individuals who are nondrivers and have trouble getting to the polls. I am a nondriver myself and therefore, I require a family member to drop off my ballot for me as I am unable to walk. Sometimes, for my own safety, it is not always safe to go out in public due to inclement weather and my vision impairment. It is important that all eligible voters can fully participate in the voting process. This ruling causes undue hardship for people with disabilities and their families. For myself, I rely on a family member to put my ballot in the Post Office box because of my limited use of hands and my limited muscle control. Let's help ensure that all eligible citizens can vote regardless of ability.



Stephanie Birmingham, Sturgeon Bay

As a young disabled professional, I often rely on family or caregivers to assist in returning my absentee ballot during an election. My understanding of the recent ruling will no longer allow such assistance to continue. Therefore, jeopardizing my right to vote. Disability doesn't know

political status or political party or affiliation, so I don't see this as a partisan issue in the way that I think it's often framed. I see this as a civil rights issue. And an issue about ensuring that people have the ability to engage in their civic duty.

“ — Disability doesn't know political status or political party or affiliation, so I don't see this as a partisan issue in the way that I think it's often framed. — ”

B.P., Husband of Greenfield resident

My wife has difficulty with mobility due to chronic pain issues, which can be unpredictable. On many days, she is unable to walk short or moderate distances. She would not be able to travel to the mailbox due to the steepness of our driveway. We like to wait as long as we can before voting, to ensure we miss no late breaking news or event that impacts our vote. Because we don't trust the post office to get the ballot there in time, we use a ballot drop-off box.



Jane Benson, Sumico, WI

I am submitting this testimony to be part of the public record making the WI Supreme Court, the WI Elections Commission and WI State Legislators aware of the ramifications of the legislation recently passed which prevents a person with an absentee ballot from getting help submitting their ballot.

I had major foot reconstruction surgery done in late February 2022. I have doctor's orders for "no weight bearing" on the surgical foot for 6 weeks. I'm wheelchair-bound, stand on the good leg and pivot to reach things in the house. That's it. Attached are photos of me with my cast, as well as a photo of the before and after x-rays of my foot. You can see the plate and screws holding the mid-foot in place so it can fuse.

I requested permission from my local Sumico Village Clerk to have my husband be able to put my absentee ballot for the April 5 election in our mailbox, which is a long way from our house and inaccessible to me. I was denied that accommodation..... Instead, I was told "while I am out" I should stop by the Village Hall, call staff and someone would come out to get the ballot from me from my car.



There are the steps into the garage which I cannot traverse, the car in the garage, and another photo of the long driveway. Our mailbox is marked at the end of the long driveway.

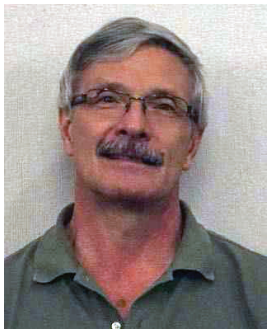
There is no permanent ramp for getting a wheelchair in and out of the house, since my disability is temporary. To make my husband go to a lot of work and expense of building a temporary ramp, setting it up and wheeling me around/driving me around in order for me to deliver "my" absentee ballot is an undue

burden, whether that's to the mailbox at the end of the driveway or to the Village Hall miles away. It is also a fall risk for me to go out after a major surgery, as is requested by the Village Clerk.

I know the Village Clerk is trying to "follow the law" as she understands it. I don't fault that. I take issue with the unfairness and undue voting burden on all of us with disabilities, whether temporary or permanent, as we try to return our absentee ballots.

Please let me know if I can provide any further testimony to help overturn this egregious legislation.

I know the Village Clerk is trying to "follow the law" as she understands it. I don't fault that. I take issue with the unfairness and undue voting burden on all of us with disabilities, whether temporary or permanent, as we try to return our absentee ballots.



George Zaske, River Falls

I assist my adult son with a cognitive disability with his absentee ballot. He does not drive, so I am the one who takes his ballot to post office. I am concerned that in the future if I or someone else cannot assist him he will effectively lose his right to vote. Additionally, I believe this will disenfranchise many eligible voters in nursing homes and group homes. Both settings have staffing shortages and transportation issues. Challenges that would make getting to a post office, a mailbox, polling place, or clerk's office more difficult than it needs to be to exercise a citizen's fundamental right.

Daughter of Mom with MS, Whitefish Bay

My mother has struggled with Multiple Sclerosis for almost 40 years and has not stepped onto her own two feet in over 20. While her mind is bright and her spirit full, her body is a hollow shell that has lived in the same bed, same room, for over two decades. She can barely move one arm, but it is still her RIGHT and her JOB as an American citizen to vote. No one should be able to take that away from her just because she can't physically get out of a bed and walk, to specifically place her own ballot, in her mailbox. This new ruling will strip my mother of one of her most basic rights, simply because her legs don't work.

Daughter who helped her late mother with voting, Glendale

My family provided live-in care for my elderly mother for many years until her death in 2020. She had chronic health conditions including congestive heart failure and she needed a lot of support. I recall in a three month period of time, for instance, that my mom had 32 appointments that I had to arrange and attend. At the time I also had a job and small children. Caregiving can be very overwhelming. My mom believed that voting was important, but as her health declined voting became increasingly more difficult. I assisted her in getting her state ID card when she was no longer able to drive.

“For my mom and many other elderly people and people with disabilities, every part of voting has to be planned and supported at different times in different ways. It is a lot to manage and placing greater restrictions on who can help, how they can help, when and where they can help will make it even more challenging, if not impossible”

Following a stroke behind one of her eyes, her vision was impaired and she needed help reading the ballot and filling it in. I helped her find information on candidates. I helped her request absentee ballots and helped her return them. For my mom and many other elderly people and people with disabilities, every part of voting has to be planned and supported at different times in different ways. It is a lot to manage and placing greater restrictions on who can help, how they can help, when and where they can help will make it even more challenging, if not impossible. My mom was fortunate to live with me and have my support with voting. Many people do not have that type of help readily available. Voting is a right that should be protected and supported, not politicized and restricted.



Stephanie Astrin, West Allis

Stephanie shared her concerns about how the restrictions on ballot return assistance would have impacted her mother. Her story is copied from the Journal Sentinel with her permission: [Wisconsin Supreme Court order limits voting of those with disabilities](https://www.jsonline.com/story/news/politics/elections/2021/05/11/wisconsin-supreme-court-order-limits-voting-of-those-with-disabilities/7500000002/) (jsonline.com)

“The state Supreme Court’s recent ruling frustrated Stephanie Astrin because a similar policy might have kept her mother from voting in the 2020 presidential election. Her mother, Inger Astrin, was diagnosed with lung cancer in September 2020. She was on oxygen and could not leave her Milwaukee home because of the risk of COVID. She filled out an absentee ballot and had her daughter place it in a ballot drop box for her.

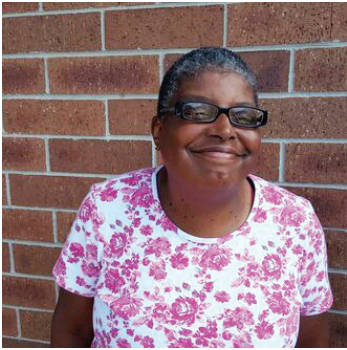
Inger Astrin died at age 83 after the election. She had difficulty getting to her own mailbox because she had trouble navigating stairs and her daughter said she did not know how she could have voted if the court’s recent ruling had been in place in 2020.

“She didn’t want to leave anyway and she couldn’t stand in line,” Stephanie Astrin said. “She couldn’t get down the stairs, but she still has the right to vote. Even if you’re terminally ill, you have the right to vote. And she wanted to fulfill her civic duty because she cared deeply about the future of our country.”

“She didn’t want to leave anyway and she couldn’t stand in line,” Stephanie Astrin said. “She couldn’t get down the stairs, but she still has the right to vote.”

Court order could make voting impossible for some, Cynthia Bentley

It's a matter of our civil rights.



As the director of People First Wisconsin, a statewide self-advocacy organization run by and for people with disabilities, I keep coming back to those words. We are worried that due to the court order forbidding assistance with returning absentee ballots that people with disabilities may not be able to vote.

Many of us don't drive, have physical limitations or health conditions, so we need to vote absentee. Caregivers, family and neighbors have provided assistance by placing ballots in the mail or returning them to the clerk. Now it will be illegal for them to assist us and impossible for some of us to vote without that assistance. It is also very confusing because many of us have had assistance since we began voting, leaving us wondering what to do.

“It is also very confusing because many of us have had assistance since we began voting, leaving us wondering what to do.”

Federal laws including the Voting Rights Act and the Americans with Disabilities Act protect the voting rights of people with disabilities, including the right for the voter to have assistance from a person of their choice. The last thing we need are new barriers.

Reprinted from the State Journal: [Court order could make voting impossible for some -- Cynthia Bentley | Letters to the Editor | madison.com](#)



Resource List: Laws Protecting the Rights Of Voters with Disabilities

U.S. Department of Justice, “The Americans with Disabilities Act and Other Federal Laws Protecting the Rights of Voters with Disabilities,” available at <https://www.justice.gov/file/69411/download>

Wisconsin Statutes Related to Accessibility

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

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>

Wisconsin Disability Vote Coalition. For additional resources about disability rights and voting

<https://disabilityvote.org/>



Disability Rights Wisconsin is the federally mandated Protection and Advocacy system for the State of Wisconsin, charged with protecting the rights of individuals with disabilities and keeping them free from abuse and neglect. 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.

disabilityrightswi.org/

www.facebook.com/DisabilityRightsWI

DRW Voter Hotline: 844-347-8683

Contact: Barbara Beckert, Disability Rights Wisconsin

barbara.beckert@drwi.org

414-292 -2724