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A Celebration of the ADA's 32nd Anniversary and Its Impact on Voting Rights July 28, 2022

On July 28th, the Wisconsin Disability Vote Coalition hosted a celebration of the 32nd anniversary of the Americans with Disabilities Act (ADA) and its impact on voting rights. This document summarizes the key messages from this event and includes links to resources.

National Perspective on the ADA and Voting Rights

Charlotte Lanvers, Trial Attorney from the Disability Rights Section of the Civil Rights Division, US Department of Justice, provided a national perspective on the ADA and voting rights.

Key points include:

- Title II of the [Americans with Disabilities Act](#) requires state and local governments to ensure that people with disabilities have a full and equal opportunity to vote. This applies to **all** elections, including federal, state, and local elections, and applies to **all** aspects of voting, from voter registration to the casting of ballots, whether on Election Day or during an early voting process, whether in-person or absentee.
- Other federal laws also protect the right to vote for persons with disabilities: <https://www.justice.gov/file/69411/download>
- Title II requires that state and local governments must take steps to ensure **effective communication** with people who have hearing, vision, or speech disabilities.

- If a public entity cannot select an accessible facility, or one that can be made temporarily accessible, in a particular voting precinct, the public entity may provide an alternative method for voting, such as **curbside voting**, provided the curbside voting system is itself accessible.
- Voters with disabilities have rights under the ADA to:
 - have their polling place and ballot drop box be physically accessible and free of barriers.
 - have access to an accessible voting booth.
 - vote independently and privately in a manner that is equal to that afforded to others.
 - be provided auxiliary aids or services necessary to ensure effective communication.
 - be provided reasonable modifications to policies, practices, or procedures.
 - be accompanied by a service animal.
 - receive assistance/support from a person of their choice or a poll worker.
- [Report a violation of the ADA through the Civil Rights Division's website.](#)

RESOURCES

- [Voting Rights for People with Disabilities & The ADA, US Department of Justice, Civil Rights Division](#), March 2021
- [The Americans with Disabilities Act and Other Federal Laws Protecting the Rights of Voters with Disabilities](#)
- [List of Wisconsin Accessibility Provisions](#)

Wisconsin Perspective: The Aftermath of the Teigen Case and What It Means for Voters with Disabilities

Kit Kerschensteiner, Director of Legal and Advocacy Services, Disability Rights Wisconsin provided a Wisconsin perspective.

Key points include:

- The recent Supreme Court of Wisconsin ruling in the Teigen case did not limit or alter federal laws that protect the rights of voters with disabilities. These rights are protected by the [ADA](#) and [Section 208 of the Voting Rights Act of 1965](#).
- In addition, Wisconsin Statute [7.15\(14\)](#) states that: "Each municipal clerk shall make reasonable efforts to comply with requests for voting accommodations made by individuals with disabilities whenever feasible."
- It is the responsibility of election officials to provide reasonable accommodations in voting procedures for voters with disabilities, given the protection afforded for voters with disabilities in federal and state law.
- Voters with a disability who need assistance mailing their ballot, should feel comfortable doing so.
- If it is too close to the election for the voter to mail their completed ballot and the voter is not able to deliver their ballot because of disability, the voter may request a disability-related accommodation to have someone else deliver their completed ballot. DRW has provided a suggested process, including a sample accommodation request to provide with the ballot. [Process for Requesting an Accommodation for Ballot Return Assistance - Disability Rights Wisconsin](#)

Resources for Requesting an Accommodation

- [Accommodation Request Process](#)
- [Sample Accommodation Request](#)
- [Communication to Wisconsin Clerks from Disability Rights Wisconsin](#)
- **DRW Voter Hotline:** Voters with voting questions, or who need assistance requesting an accommodation or filing a complaint may contact the DRW Voter Hotline at 844-347-8683 | info@disabilityvote.org

Voter Panel

The program included a panel of voters who shared their perspective on the ADA anniversary and voting rights in Wisconsin, including the importance of ballot return assistance. Thanks to our panel members:

- Stacy Ellingen, Oshkosh; and Felicia Clayborne, Milwaukee; and Trudy Le Beau, Sheboygan.
- Facilitated by Denise Jess, Director of the Wisconsin Council of the Blind and Visually Impaired.

A few comments from panel members:

- I have a unique perspective because I was five years old when the ADA was signed. I obviously wasn't aware of voting rights back then, but, from what I gather, a lot of progress has been made. Things such as requiring polling places to be accessible and having accessible voting machines where people can vote independently are major steps in the right direction. Wisconsin also has a program where polling places are reviewed for accessibility. This is great progress; however, we still have a long way to go.
- Due to transportation and care issues, I always, always, always, vote absentee. I need physical assistance filling out the ballot and putting it in the mailbox. When this Teigen case came about, I worried about my ability to vote. Just because I can't physically put the ballot in a box myself shouldn't mean I can't vote! It was mind blowing to me that this was even a thing. Especially with the caregiver shortage, I can't risk asking my caregivers to supposedly commit a crime by placing my ballot in the mailbox for me. Wisconsin needs to stop going after voter rights and enforce the ADA and other laws that protect the right of people with disabilities!
- As a wheelchair-bound quadriplegic, many variables factor into whether or not I can vote in person: my health on voting day, availability of transportation, weather, caregiver schedules, etc. Absentee ballots provide a guarantee that I can vote. Because my hands are non-functional I require another person to put my ballot in my mailbox. Recent rulings now claim that is voter fraud, essentially preventing me from voting.

- Accommodations vary widely from community to community and officials' understanding of the ADA is inconsistent as well. There must be clear instructions regarding the provisions of the law as well as better correction of physical obstacles.

Call to Action

The program closed with a call to action from, Brian Peters, Independent Living Services Assistant Program Director, Independence First. Brian that everyone works together to make sure that voting is accessible for all.

"What you do affects me, what I do affects you, we're all in this together... Will you join in that fight with us? Will you help us to protect our right to vote?"

Event Recording: <https://youtu.be/Ec3aW-333V0>

Note: Due to DOJ policy, Ms. Lanvers is not recorded.

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