

Communication to Wisconsin Clerks from Disability Rights Wisconsin

Date: July 20, 2022

Re: ***Absentee voting protections for people with disabilities after the Supreme Court of Wisconsin Teigen decision***

To: Wisconsin Municipal and County Clerks

From: Disability Rights Wisconsin

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Disability Rights Wisconsin (DRW) 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 full participation in the electoral process for individuals with disabilities (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.

Following the Supreme Court of Wisconsin Teigen decision, we are contacting you to share information about absentee voting protections for people with disabilities. Federal law protects the right of people with disabilities to have assistance mailing their ballot, and also to have a person of their choice deliver their ballot to their clerk or polling place.

Teigen did not limit or alter federal laws that protect the rights of voters with disabilities including the following:

- 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.
- [Section 208 of the Voting Rights Act of 1965](#) states that "Any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the

voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union".

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."

Accordingly, 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 a voter with a disability needs assistance with ballot delivery, DRW is recommending that the voter contact their clerk and ask for a disability related accommodation. We have provided a [sample accommodation request for ballot drop off](#) on our website, along with the [DRW statement on Absentee Ballot Voting Protections](#). It is possible that you may receive such accommodation requests. We wanted to ensure you were aware of these requirements and of the sample form we are sharing with suggested language for requesting an accommodation. Please feel free to refer voters with disabilities to our the statement on our website or to the DRW Voter Hotline at 844-347-8683 / info@disabilityvote.org Additional voting resources are available on the Wisconsin Disability Vote Coalition website at disabilityvote.org.

Wisconsin clerks play a vital role in ensuring our elections are accessible and inclusive of voters with disabilities. Thank you for your service, and for taking into consideration the protections and accommodations offered by federal law and ensuring that voters with disabilities who need ballot return assistance are accommodated.