

Date: July 20, 2022

Re: Comments on Emergency Rule 2209 re: correction of absentee ballot certificate envelopes

To: Joint Committee for Review of Administration Rules Co-chairs: Senator Nass & Representative Neylon and members of the committee

From: Barbara Beckert, Disability Rights Wisconsin, Director of External Advocacy

Thank you, Co-chairs Nass and Neylon, and members of the committee for the opportunity to share this testimony to inform your consideration of Emergency Rule 2209.

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 provides training and support to assist voters with disabilities and older adults, family members, service providers, and others.

DRW is on the front-line providing assistance to voters with disabilities and their families, service providers, and other disability organizations. Based on this work, we can share with you that absentee voting is essential to the ability of many voters with disabilities and older adults to ensure that they can cast a ballot. Many face barriers to voting in person, including lack of transportation (many disabled adults are nondrivers); inaccessible polling places; discrimination when accommodation requests are denied due to limited knowledge and training of some election workers; and their own long-term conditions such as Cerebral Palsy, Multiple Sclerosis, Muscular Dystrophy, ALS, autoimmune disorders, and spinal cord injuries which may limit the option to vote at their polling place.

Today, we ask the Joint Committee to approve the emergency rule proposed by the Wisconsin Elections Commission advising clerks on how to fix minor problems on the witness's form on the absentee ballot return envelope. The rule is intended to reduce the number of absentee voters whose votes may not be counted due to a clerical error in a witness address on their absentee ballot certificate envelope. Small clerical errors should not be a reason to throw out someone's vote.

Wisconsin Election Commission's emergency rule 2209 clarifies the kinds of minor clerical errors election clerks can correct on absentee ballots, and it should be adopted. Minor technical mistakes, like a missing city or zip code on a witness address, are easily corrected, and should not result in an absentee voter's ballot being discounted. Such errors are not voter fraud; they are common mistakes.

Wisconsin's professional nonpartisan election clerks have local knowledge and common sense, and they currently monitor and correct these mistakes. This practice has been accepted for years and has worked for countless past elections. This has been an important safeguard to honor the intent of the voter, and it is very important to the disability community as such a high percentage of disabled voters vote absentee.

In closing, we ask you to support the proposed rule because it will honor the will of the voter and provide clarity and uniformity to the clerks across the state, allowing them to rectify these small technical mistakes that have nothing to do with the ballot itself and are not indicative of fraud. Don't make it harder for our vote to count.

DRW welcomes the opportunity to serve as a resource for legislators, as you consider opportunities to address voting rights and access for voters with disabilities.

Thank you for your consideration of our comments supporting Emergency Rule 2209 re: correction of absentee ballot certificate envelopes.