

Press Release: Temporary Injunction Allows Email Delivery of Accessible Absentee Ballots for Voters with Print Disabilities

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Contact:

- Molly Carmichael, Communications Manager, League of Women Voters of Wisconsin, mcarmichael@lwvwi.org, (608) 256-0827
- Kit Kerschensteiner, Director of Legal and Advocacy Services, Disability Rights Wisconsin, kitk@drwi.org, (608) 308-2642

Today, a Dane County Circuit Court judge granted a temporary injunction that will allow voters with print disabilities to request that their municipal clerks send their absentee ballots by email, instead of by U.S. mail, so these voters can use assistive technology to read and mark their ballots privately and independently.

Current state law requires all absentee ballots to be mailed to voters except for military and overseas voters. But state and federal law require that people with a disability must be able to vote on equal terms to those without disabilities, and Wisconsin's Constitution protects voters' right to a secret ballot. For many voters with print disabilities (including voters who are blind or have a physical disability that impairs manual dexterity), the mailing restriction means that they are required to share their vote with a third-party assistant who manually marks the absentee ballot on behalf of the voter.

Under today's order, beginning with the November 2024 election, a voter is qualified to request an emailed ballot from their municipal clerk if they certify that they are unable to independently read and/or mark a paper absentee ballot due to a print disability. For now, qualifying voters must still print their marked ballot and return it to their municipal clerk by U.S. mail, just as military and overseas voters do, but this relief allows voters with print disabilities the option

to complete their ballot independently without disclosing the content of their vote to a third party. Voters with print disabilities may still vote in-person or absentee with an assistant if they choose.

Kit Kerschensteiner, Director of Legal and Advocacy Services for Disability Rights Wisconsin, said, “The law protects every voter’s right to cast their ballot without having to share who they voted for. This decision gives voters with print disabilities that option.”

Debra Cronmiller, Executive Director of the League of Women Voters of Wisconsin, said, “While we expect the decision to be appealed, this is an exciting day for Plaintiffs and other voters with print disabilities who have been fighting for the dignity of voting like everyone else: privately and independently.”

Today’s order reflects one aspect of the relief that the plaintiffs in the lawsuit — Disability Rights Wisconsin, the League of Women Voters of Wisconsin, and voters Stacy Ellingen, Michael Christopher, Tyler Engel, and Don Natzke — sought in their complaint. Even with this relief in place for the November 2024 general election, the case will continue so the court can consider additional relief the plaintiffs seek, including the electronic return of completed ballots.

The plaintiffs are represented in the suit by Stafford Rosenbaum, LLP and Wilmer Cutler Pickering Hale and Dorr LLP.

Organization Information

Disability Rights Wisconsin (DRW) is a private non-profit organization that protects the rights of people with disabilities statewide. As Wisconsin's recognized Protection and Advocacy Organization, Disability Rights Wisconsin is legislatively mandated to provide services to voters with disabilities and ensure individuals with disabilities can participate in every step of the voting process.

[More information is available at Disability Rights Wisconsin's website.](#)

League of Women Voters of Wisconsin (LWVWI) is a nonpartisan political organization that advocates for informed and active participation in government. There are more than 20 local Leagues throughout Wisconsin.

[More information is available at the League of Women Voters of Wisconsin's website.](#)

Stafford Rosenbaum LLP is a full-service law firm with offices in Madison and Milwaukee, Wisconsin. Among other practices, Stafford has a renowned team of attorneys practicing in the area of election and political law.

[More information is available at Stafford Rosenbaum's website.](#)

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