

Disability Rights Wisconsin: Joins lawsuit to prevent enforcement of bills passed during “extraordinary session” of the Legislature

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MADISON-DRW has joined with the League of Women Voters, Black Leaders Organizing for Communities and several other plaintiffs to file a lawsuit today in Dane County Circuit Court challenging the enforceability of the legislation adopted during an “extraordinary session” of the Wisconsin Legislature last month. The lawsuit asks the court to prevent the Wisconsin Election Commission and Governor Tony Evers from enforcing or implementing any of the provisions of the newly enacted laws. The lawsuit contends that because the Legislature unconstitutionally convened the December 2018 “extraordinary session,” all business conducted during the “extraordinary session” is void and unenforceable.

“DRW did not enter into this litigation lightly or because it supports the interests of any political party or position. DRW supports the interests of people with disabilities in Wisconsin to receive the services and supports they need and deserve in order to fulfill their highest potential in all areas of their lives.” Stated Lea Kitz, Executive Director of Disability Rights Wisconsin.

Kit Kerschensteiner, Director of Advocacy and Legal Services added: “These laws made changes to how the Department of Health Services manages Wisconsin’s Medicaid program, which DRW believes put the individuals with disabilities in Wisconsin at risk and undermines our ability to effectively carry out our federally

designated protection and advocacy functions. If they were not implemented properly and in a manner that respects the limits of their constitutional authority, they should not go forward and put people's lives at risk."

Several specific ways DRW believes these laws are harmful to the people they serve are based on the sweeping changes they made to the manner in which Medicaid is implemented in the state. "Recipients of Medicaid will be harmed by these rules and it ties the hands of the Department of Health Services to make even minor adjustments to Medicaid programs without legislative approval, including renewals of the Medicaid waivers that fund Children's Health Services and Home and Community Based Services for adults" said Kerschensteiner.

Additionally, these laws place restrictions on voting that will impact the ability of voters with disabilities to participate in the state's spring elections. The lack of access to transportation to get to their polling places will inakes these limitations disproportionately felt by people with disabilities.