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Disability Rights Wisconsin: Statement on Teigen v WEC

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Today the Supreme Court of Wisconsin issued a ruling that will impact the voting rights of thousands of Wisconsinites with disabilities. While most drop boxes will no longer be allowed, DRW is pleased that federal law remains to protect the rights of voters with disabilities to have assistance with mailing or delivery of their absentee ballots.

The ruling bans the use of unstaffed ballot drop boxes and the use of even staffed drop boxes is in doubt. “It is disappointing when safe, reliable, and accessible methods to vote are taken away from Wisconsin voters,” stated Lea Kitz, Disability Rights Wisconsin (DRW) Executive Director. Drop boxes were utilized by many disabled voters as a safe, secure method for returning their ballot at a time when postal delivery is often slow and unpredictable. Staffed drop boxes do not provide voters with the same access to return their ballot in the evening or weekends.

The Court declined to address the question of whether an elector may receive assistance with mailing their completed absentee ballot. Federal law already protects the ability of voters with disabilities to have assistance from a person of their choice. Given the protections in federal law, voters with disabilities should feel comfortable having assistance with mailing their ballot.

The Court determined that, as a matter of Wisconsin law, only the voter may return their own ballot in person to the office of the municipal clerk or to their polling place.
"The right for voters with disabilities to have assistance from a person of their choice is
protected by federal law. Nothing in this decision changes federal protections for people
with disabilities", stated Barbara Beckert, Director of External Advocacy. "Voters with
disabilities who need ballot delivery assistance may want to contact their municipal clerk
to ask for a disability related accommodation."

DRW thanks the voters with disabilities who shared how ballot return assistance restrictions may disenfranchise them and other voters. Some of their statements are
included in "Our Voices, Our Votes: Disabled Voters Speak Out on Voting Rights and Ballot Return Assistance." There are thousands more Wisconsinites who, like these voters, treasure their right to vote, but must rely on a friend, family member or care provider to physically place their ballot in the mailbox, or return it to their clerk. Their
rights must be upheld by the courts and by election administrators.

This month we will celebrate the 32nd anniversary of the Americans with Disabilities Act. The ADA is one of America's most comprehensive pieces of civil rights legislation
and protects equitable access to voting. This case reminds us that we must continue to
be vigilant to realize the promise of the ADA, including ensuring that people with disabilities have a full and equal opportunity to vote.

DRW remains committed to protecting and defending the voting rights of disabled Wisconsinites. Voters who need assistance may contact the DRW Voter Hotline at 844-
348-8683.