

Disability Rights Wisconsin: Statement on Voting Bills

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This week, Wisconsin legislators will be considering voting bills that will impact the voting rights of Wisconsinites with disabilities.

Many people with disabilities experience barriers to voting including lack of transportation, mobility restrictions, inaccessible polling places, limited access to the internet, difficulty obtaining a state photo ID for voting, and denial of needed accommodations. As policymakers and election officials consider changes to Wisconsin law, we ask that they safeguard the rights of voters with disabilities, including upholding the protections already enshrined in federal and state law. The goal should be to ensure our elections are accessible and inclusive of all voters. For our democracy to work, it must include all of us.

Disability Rights Wisconsin (DRW) is committed to protecting and defending the voting rights of disabled Wisconsinites. Our perspective on these bills is grounded in our work supporting voters with disabilities, who have shared with us the barriers they experience. DRW asks policy makers to consider our recommendations and to support policies that will make our elections more accessible, and to oppose any legislation that will create new barriers and restrictions. More detailed comments are posted here:

AB 1002/ SB 937 – Indefinitely Confined Voters. DRW joins other disability and aging groups in supporting this bill as amended because it will protect and maintain Wisconsin's Indefinitely Confined Voter status. It includes some new helpful provisions to accommodate indefinitely confined voters. While not all changes we requested were addressed, the bill was amended to address the most significant concerns raised at the hearing, and an additional amendment will be offered on the floor. For additional detail, see the Statement on SB 937 and our

comments.

AB 996/SB 941. -DRW opposes this bill which would impede WEC and other state agencies from implementing federal election guidance and procedures without approval of state legislators on the JCRAC. **Concerns:** Voting rights are protected by federal laws including the ADA, the VRA, HAVA, and other civil rights laws. It should not be optional to comply. Any state action that would impede the operation of the federal statutes (or regulation) would raise constitutional issues, and fall under the Supremacy Clause, which establishes that the federal constitution, and federal law generally, take precedence over state laws, and even state constitutions, and prohibits states from interfering with the federal government's exercise of its constitutional powers.

AB 999/ SB 939: DRW opposes this bill because it would make the process of absentee voting more difficult. Access to absentee voting is essential to many disabled voters because of the barriers they face to voting in person. **Concerns:** DRW opposes this bill. Voters would no longer be able to request absentee ballots for the year and would need to resubmit photo ID for every absentee ballot request. Having to repeatedly complete and resubmit absentee ballot applications and photo ID will create a burden for voters, especially voters with disabilities such as blindness, multiple sclerosis, spinal cord injuries, cerebral palsy that make it difficult to complete forms either by hand or on line. The bill would create new restrictions for voters who need to request assistance with absentee ballot return. Clerks would be prohibited from sending absentee ballot applications to anyone who has not requested them. The practice of sending absentee ballot applications has been very helpful, as so many voters with disabilities and older adults are isolated and not able to easily obtain or print an application

AB 1004/SB 935: This bill includes some positive provisions to address voting in care facilities during a pandemic or public health emergency when Special Voting Deputies cannot be admitted.

Concerns: DRW does not support this bill because we are concerned about provisions that would prohibit clerks from correcting minor defects on the absentee ballot certificate. We are also concerned the "personal care voting assistants" established by the bill are not allowed to assist with voter registration.

AB-1005 / SB-934 Voter Registration List. This bill includes some positive provisions to address lines at polling places, and create additional requirements for

clerk training

Concerns: DRW does not support this bill because of several concerns. The bill would require that people who move within a municipality be marked ineligible to vote. Clerks would no longer be allowed to send the voter a confirmation notice, and update the information without requiring the voter to re-register. The bill would require that information received from ERIC be considered reliable for purposes of changing voter status to ineligible. The accuracy of ERIC data has been the subject of litigation, because of proven error rates in the range of 5 - 10 percent.

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AJR 133 DRW opposes this bill which would advance a constitutional amendment requiring photo identification to vote in any election. **Concerns.** Photo ID is already required in Wisconsin. A Constitutional amendment is not needed, and is not the right vehicle for this type of policy. Since it is difficult to change, it cannot be responsive to public need. Many people with disabilities are non-drivers and have barriers to obtaining an acceptable photo ID for voting. DRW has recommendations in our testimony to make changes to the current photo ID law, to expand acceptable photo ID options to be inclusive of nondrivers. Having a constitutional amendment requiring photo ID, will create formidable barriers to making changes needed to provide equitable access to non-drivers.

Voting rights are the cornerstone of our democracy. Adding more administrative hurdles and penalties for voters or people trying to help voters is not fair or wise. Our goal should be to make it easier for our citizens to participate in elections - not harder. In that spirit, we ask our state policy makers to work with us to make our elections fully accessible and inclusive of people of all abilities.

Disability Rights Wisconsin 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. DRW staffs a Voter Hotline and assists voters with disabilities, older adults, family members, service providers, and others.

DRW Voter Hotline: 844-347-8684 / 844-DIS-VOTE