



NAACP

FOR IMMEDIATE RELEASE

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Concerns about AB-1004 / SB-935:

Residents Need Assistance with Voter Registration.

1. When individuals move to a nursing home, they need to re-register to vote. It is important that they receive this assistance. The personal care voting assistants are not allowed to register voters and most SVDs are not allowed to register voters. **Other staff may be afraid to offer assistance with voter registration, as this bill would make it a felony if an employee “coerces” a resident to register to vote.** We adamantly oppose any coercion. That being said, “coercion” is not defined and could be more broadly interpreted as offering assistance. Such a severe penalty is likely to result in staff being unwilling to take the risk of providing any assistance with voter registration and leave residents disenfranchised. The Voter Hotline has already received calls from staff who are fearful of assisting residents with any voting related support.

The federal Centers for Medicare & Medicaid Services (CMS) requires nursing homes that receive Medicare or Medicaid funding to affirm and support the residents’ right to vote.

That should include supporting residents with registering to vote if they wish to do so. Failing to provide such assistance could put facilities at risk for losing Medicare and Medicaid funding.

Recommendations:

- Give personal care voting assistants and SVDs the training and authority to register voters, as clerks can do at in-person absentee voting.
- Include voter registration as part of the intake process. New residents should be asked if they need assistance with registering to vote, and if they wish to request an absentee ballot.

2. Limiting assistance with voting to only the two assistants may restrict the residents from getting the support they need to register to vote, to complete an absentee ballot to return a ballot.

Section 208 of the Voting Rights Act requires election officials to allow a voter who is blind or has another disability to receive assistance from a person of the voter’s choice (other than the voter’s employer or its agent

or an officer or agent of the voter's union). In addition, Federal law requires that Medicare/ Medicaid certified long term care facilities affirm and support the right of residents to vote: "nursing homes are required to support a resident in the exercise of their right (§483.10(b)(2)) to vote, such as assisting with absentee or mail-in voting or transporting residents to polling locations or ballot drop-boxes in a safe manner."

Recommendation:

- Align Wisconsin law with the federal law to permit people with disabilities, including nursing home residents, to receive assistance from a person of their choice with completing their ballot, and to allow staff to assist residents with voting, as requested by the resident.

3. The bill would provide notice of the times and dates of absentee voting to each relative for whom the facility has contact information. Such notifications must be respectful of resident rights to privacy, and should only be done with the residents' consent.

Recommendation:

- Ensure notification of relatives and any observation of the voting process complies with the residents' rights and protections. Residents should have to consent to notification of family members or others.

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