

**Date:** March 15, 2023

**To:** Senator Stroebel, Chair, and members of the Senate Committee on Government Operations, Elections, and Consumers Protection

**Re:** Public Comments on SB-26 – Ineligible Voters

**From:** Barbara Beckert, Director of External Advocacy Disability Rights Wisconsin [barbarab@drwi.org](mailto:barbarab@drwi.org)

Disability Rights Wisconsin (DRW) is the federally mandated Protection and Advocacy agency for Wisconsin, charged with protecting the voting rights of people with disabilities and mandated to help “ensure the full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote, and accessing polling places.” ([Help America Vote Act, 42 U.S.C. § 15461 \(2002\)](#)).

DRW staff are on the frontline supporting voters with disabilities. We staff a voter hotline year round, and provide training and education about voting to people with disabilities and those who may support them – family members, service providers, and in some cases election workers. We coordinate the Wisconsin Disability Vote Coalition in partnership with the Wisconsin Board for People with Developmental Disabilities.

As stated by the Legislative Reference Bureau, “under current law, if a voter who appears on the official voter registration list maintained by the Elections Commission becomes ineligible to vote for any reason, his or her status is changed from eligible to ineligible on the registration list. Under this bill, if a voter appearing on the registration list becomes ineligible to vote for any reason, he or she must be removed from the list and the Elections Commission must keep a permanent record of the removal, including the date of and reason for the removal.”

DRW agrees it is important to have clear and accurate information in Wisconsin’s voter rolls about whether voters are eligible or ineligible to vote. The current system of maintaining one list with appropriate designations of “eligible” and “ineligible” accomplishes this goal. The

creation of a second list – which is what SB 26 requires – is unnecessary. The current system allows clerks and other elections officials to easily determine the status and eligibility of a voter. Having ineligible voters on the list with their status clearly indicated provides sufficient security that prevents deceased or otherwise ineligible people from registering and voting. In addition, having one list makes it easier to correct mistakes or, if appropriate, change the status of the voter.

Having one list makes it easier for a voter and the clerk to check their eligibility. For example, we often find that people who have a guardian are unsure whether they have the right to vote, or whether the court removed that right as part of the guardianship process. Having the option to check with their clerk and determine whether they are coded “eligible” or “ineligible” is the most expedient way to determine the status of their voting rights. If there are two lists the clerk will have to check both. Having two lists – one a list of eligible voters and the second a list of ineligible voters – is cumbersome, inefficient and makes it harder to correct errors.

In addition, removing voters from the list rather than changing their status to ineligible is likely to cause confusion for voters who have had a change of address and simply need to re-register. A listing on the “ineligible” list implies that the status is permanent, and that the person cannot vote again.

As noted above, the voter registration list includes information about citizens who are ineligible to vote because the court has removed that right as part of the guardianship process. We would note that the confidentiality of guardianship information is protected by state law and it is important that our courts and election officials ensure that the confidentiality requirements of secs. 19.35 (1) (a), 19.36 (1), and 54.75, stats, are met to prevent release of confidential information to requesters or the public.

For these reasons, DRW is opposed to SB 26.