

Date: February 12, 2020

Re: AB 898 —Voting after Registration - Informational

To: Representative Tusler, Chair, Representative Sanfelippo, Vice Chair, and members of the Assembly Committee on Campaigns and Elections

From: Barbara Beckert, Disability Rights Wisconsin, Director Milwaukee Office

Thank you, Chairman Tusler, Vice Chair Sanfelippo, and members of the committee for the opportunity to share this testimony to inform your consideration of AB 898, Voting After Registration. Disability Rights Wisconsin (DRW) is the designated Protection and Advocacy system for Wisconsinites with disabilities. DRW is charged with protecting and enforcing the legal rights of individuals with disabilities, including mental health disabilities, investigating systemic abuse and neglect, and ensuring access to supports and services.

DRW receives funding as part of the Help America Vote Act of 2002 (HAVA) to provide education, training, and assistance to individuals with disabilities to promote their full participation in the electoral process, including registering to vote, casting a vote and accessing polling places. We provide training, resource materials, and advocacy assistance statewide, including staffing the Disability Rights Wisconsin Voter Hotline.

Much of our voting work is advanced collaboratively through the *Wisconsin Disability Vote Coalition (WDVC)*, which is coordinated by DRW in partnership with the Wisconsin Board for People with Developmental Disabilities (BPDD). The coalition is a non-partisan effort to help ensure full participation in the entire electoral process of voters with disabilities.

I want to thank members of the committee for your past responsiveness to addressing barriers for voters with disabilities. With your support and leadership, 2019 Wisconsin Act 48 (AB 168) was signed into last year to address a discriminatory practice which impacted voters with disabilities who could not speak their name and address. This new law is in place for our 2020 elections.

With appreciation of your past efforts to ensure the voting rights of voters with disabilities, it is important to be cautious in making changes to absentee voting which could create a new barrier for some voters with disabilities. Thank you for your consideration of these informational comments regarding AB 898 and the proposed changes to Voting After Registration.

DRW is on the front-line providing assistance to voters with disabilities and their families, service providers, and other disability organizations. Based on this work, we have seen the significant benefit of online voter registration (MyVote) and absentee voting for voters with disabilities. Many voters with disabilities experience barriers to voting in person, so the

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ability to vote absentee and to register online have increased participation of voters with disabilities and allowed more Wisconsinites the opportunity to exercise their constitutional right. We continue to work to increase participation. The Rutgers University Fact Sheet on Disability and Voter Turnout in the 2018 Elections notes a 10.4% gap in Wisconsin voter participation between citizens with and without disabilities.

We are concerned about the provision in AB 898 which would require voters who register to vote electronically or by mail, to vote for the first time after such registration in person at the polling place or by in-person absentee ballot. Lack of access to transportation, accessibility issues at Wisconsin polling places, and fluctuating symptoms or other disability related conditions that on any given day can make it difficult to go out, are just some of the barriers that make it difficult for many voters with disabilities to get to the polling site to vote. We are concerned that requiring newly registered voters to vote in-person at their polling place or clerk's office will keep some people with disabilities and older adults from being able to cast their votes.

An additional concern is the challenge of how this change in the law would be operationalized. People may register online well in advance of an election and request an absentee ballot at another time. What safeguards will be in place to cross check absentee ballots with My Vote (and registration via mail) and inform voters that although they have applied for an absentee ballot, they are still required to vote in person. What will be the result if a voter is unaware of the requirement and submits their absentee ballot by mail? How will clerks administer and track this and what appeal rights will be in place?

Accessibility issues at Wisconsin polling places are one of the key reasons that absentee voting is so important for many people with disabilities and older adults. Wisconsin has the most decentralized voting system in the country, with 1850 municipalities. For a high-turnout statewide election there are roughly 2700 polling places in use across the state. Local municipalities have tremendous autonomy in how they address accessibility concerns and Wisconsin law has minimal requirements for training of clerks and poll workers regarding accessibility, as well as a very limited role for the Wisconsin Election Commission (WEC) in oversight and monitoring of accessibility concerns.

In November 2019, the WEC released *2019 Impediments Faced by Elderly Voters and Voters with Disabilities*. The report included an overview of findings from accessibility audits conducted by WEC staff and staff from Disability Rights Wisconsin. I have participated in those audits. While many Wisconsin polling places are welcoming and accessible, the audits have demonstrated that there continue to be polling places that are not accessible to voters with disabilities. One of the most important findings in the report is the significant reduction in the number of accessibility audits in Wisconsin, due to reductions in federal funding. In 2011-2013 elections, 1,614 were conducted and in 2019, only 48 audits were conducted. With such a dramatic drop in this activity, it is difficult to determine if there have been improvements in polling place accessibility. Wisconsin's aging population will increase the need for accessibility at our polling places, as well as increasing reliance on absentee voting.

Based on these accessibility concerns, there is a need for policy makers to be cautious in advancing any policies that may limit access to absentee voting for voters with disabilities and older adults.

We sincerely thank Representative Tusler for his willingness to consider an amendment to address the need of people with disabilities and older adults. Initial amendment language included exemptions for individuals in the hospital, those who live in licensed residential/ congregate settings, and those voters who have completed an absentee ballot with the designation of "indefinitely confined." Although these are all sound reasons to exempt voters from the in-person voting requirement, this testimony has shared with you the need for a broader exemption.

The majority of Wisconsinites with disabilities (as well as most older adults) do not live in congregate facilities. They live in their own home or apartment. As noted in this testimony, many voters have barriers related to their disability that can make it difficult for them to get to their polling place or to the site for in-person absentee voting. This is why online registration as well as absentee voting have been so significant in making it possible for many more Wisconsinites with disabilities to participate in the electoral process and assert their right to vote. We hear this often from the voters that we assist and from families and providers. The exemptions you have noted in the draft amendment are all very important and sound. However, we fear that a limited exemption would have the unintended consequence of leaving many voters with disabilities behind. A broad exemption for all voters with disabilities and older adults will ensure that AB 898 does not create new barriers for these voters.

DRW welcomes the opportunity to serve as a resource for legislators, as you consider opportunities to address voting rights and access for voters with disabilities.

Thank you for your consideration of these informational comments.