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February 22, 2005

To: Special Committee on Election Law Review  
From: Lynn Breedlove & Alicia Sidman, Wisconsin Coalition for Advocacy  
Jennifer Ondrejka, Wisconsin Council on Developmental Disabilities  
Maureen Ryan, Wisconsin Coalition of Independent Living Centers  
Re: **Disability issues to be considered by the Legislative Council Special Committee on Election Law Review**

Dear Committee Members:

The Wisconsin Coalition for Advocacy (WCA), Wisconsin Coalition of Independent Living Centers (WCILC), and the Wisconsin Council on Developmental Disabilities (WCDD) are organizations that work to address issues of interest to the disability community. We have all worked closely with the Wisconsin State Elections Board on the state's implementation of the Help America Vote Act (HAVA), and throughout Wisconsin to address voting rights and increase participation for individuals with disabilities.

First, we are proud that Wisconsin has traditionally had a high rate of voter turnout for the general population. This speaks to the commitment of the citizens to the democratic process, to the commitment of the municipal clerks and the State Elections Board, and to the strength of our voting laws. It is also true, however, that because of a variety of barriers, individuals with disabilities vote at a rate of 15 percent lower than the general population.

The number of individuals with disabilities in Wisconsin is substantial. According to the American Association of People with Disabilities (AAPD), there are approximately **600,000 individuals with disabilities in Wisconsin who are of voting age**. This number includes individuals with all disabilities including sensory, cognitive, physical, mental, learning, and other disabilities.

We have attended the Legislative Council Special Committee on Election Law Review meetings and would like to bring forth our positions and concerns on some of the items discussed during the meetings. We are pleased that the Committee on Election Law Review is meeting to discuss how we can make the elections process in Wisconsin even better.

During the meetings, a number of issues have arisen that we think the Committee on Election Law Review should take into consideration when thinking about changes to our elections laws because individuals with disabilities may be positively or negatively affected by the changes.

### **Absentee Ballots**

The committee discussed restricting the instances when Wisconsin voters can request an absentee ballot. It is clear from the November 2004 presidential elections that absentee voting is essential for many of Wisconsin's eligible voters. **There are many reasons why individuals with disabilities might choose to vote by absentee ballot. These reasons include, but are not limited to, inaccessible polling sites<sup>1</sup>, inability to find transportation or accessible transportation to the polls, and the specific nature of the disability or medical conditions itself that makes it difficult or impossible to make it to the polls, stand in line to wait or cast a ballot.** We would oppose changing Wisconsin from a "no excuse" state back to an "excuse" state. Further, we would oppose restricting this law in ways that would adversely disenfranchise the disability community or other Wisconsin citizens.

The committee discussed restricting who can provide assistance to voters who are voting by an absentee ballot including who can pick up and deliver absentee ballots. The intent behind this is to keep political operatives from influencing or tampering with the ballots. While we understand the reasoning behind this proposed restriction, we want to make sure that the committee does not unintentionally restrict human services workers who assist individuals with disabilities from delivering or assisting with the absentee ballot process.

**The committee mentioned having the voter pay for the return postage of their absentee ballots.** We strongly oppose this option. As discussed above, absentee voting is often the only way an individual is able to participate in the electoral process. Charging a fee, by forcing individuals to pay for return postage, unfairly charges the voter and is likely to significantly decrease the number of individuals in Wisconsin with disabilities who vote. We know that people with disabilities often represent some of the lowest incomes in the state. We view providing return postage as a part of the cost of having an election and therefore should not be changed.

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<sup>1</sup> We recently conducted surveys of over 150 polling sites across Wisconsin using the State Election Board accessibility survey and found that approximately 75 percent of the polling sites surveyed had at least one accessibility barrier.

On October 8, 2004 Kevin Kennedy wrote you a letter on proposed changes in election law to be considered by the Legislative Council Special Committee on Election Law Review. We support Mr. Kennedy's recommendation to maintain the current law that specifies that only one person needs to witness the absentee ballot except in the instance of casting an absentee ballot by individuals residing in a nursing home, which currently requires two voting deputies to administer the process. We believe that requiring more than one witness, or complicating the absentee process in other ways, will discourage individuals with disabilities from voting. By increasing the witness requirements, the consequence of decreased voter turnout from the disability community is likely to increase.

## **Registration**

It seems to be the consensus of the committee to recommend no changes to the current same day registration law in Wisconsin. We agree wholeheartedly. We believe that one of the main reasons Wisconsin has traditionally had such high voter turnout is due in part to this law. Proudly, Wisconsin is one of six states that have same day registration. If same day registration was revoked, Wisconsin would have to follow other laws, such as the Motor Voter Act and provisional voting requirements in HAVA, for which we are currently exempt. This would increase the burden to municipal clerks, the State Elections Board, the citizens of Wisconsin, and others. Our current system works. We strongly support a recommendation to keep this law in tact.

There are many individuals with disabilities in Wisconsin who rely on corroboration to prove that they live at a particular residence. Many individuals with disabilities don't have a driver's license, State issued ID, or do not receive their bills at their home location because they have a financial guardian. Disallowing people to register to vote who have a corroborator would make it difficult for them to vote. Changing this requirement and/or changing the current registration guidelines, such as requiring a photo ID in order to register to vote, would disenfranchise the disability community, among others. We strongly urge the committee to explore other ways to decrease fraud other than to make the process of registering to vote more burdensome.

HAVA requires the establishment of a statewide voter registration list by January 1, 2006. This requirement was added to HAVA to address potential voter fraud. To date we have not allowed this system to work. Before we add another potential barrier to the voting process, i.e. photo ID, let's first analyze whether the registration system works and eliminates voter fraud.

## **Voting Equipment**

The Committee on Election Law Review may be considering whether or not to redefine polling sites in order to decrease the cost of voting equipment for municipalities. This issue was first addressed to the committee in a letter from Mr. Kevin Kennedy dated October 8, 2004.

To clarify, HAVA requires one accessible voting system at each polling site. Under the law, each polling site must have an accessible voting machine by January 1, 2006. The purpose of the accessible voting machine is so individuals with disabilities, who are currently unable to cast a private and independent ballot using the current voting equipment, will be able to do so. This law is extraordinarily important to members of the disability community who have not been able to participate equally in the voting process, and who have been waiting for years to be able to have equal access to cast a ballot.

**The spirit of HAVA is to increase accessibility of voting so that individuals with a wide range of disabilities will have equal access to the electoral process.**

**Consolidating or regionalizing polling places would work against that intent by increasing *other* barriers to voting.** For example, it may be much more difficult for an individual with a disability to get to the polling site. In fact, research shows that the farther an individual has to travel to the poll site, the less likely they are to vote. In other words, distance to the polls affects voter turnout. Moreover, during the November 2<sup>nd</sup> election, there were numerous reports across the country of long lines at the polls. This was in part due to the record-breaking voter turnout; however, in some areas the lines were exacerbated by consolidation. A variety of disabilities make it difficult or impossible to stand for long periods of time.

Finally, it is possible that the cost to purchase and maintain the voting equipment is lower than anticipated. We contacted Elections Systems and Software (ES&S) and were told that the cost to purchase the AutoMark voting system would be approximately \$5,000 per unit and there would be a one time cost of approximately \$2,500 for software for all units purchased in Wisconsin. In addition, the annual cost to maintain one piece of equipment would be about \$275<sup>2</sup>. This cost includes firmware, hardware and labor costs associated with programming the equipment for an election. Depending on the system, therefore, the total cost that municipalities will incur could vary and may well be lower than expected.

In sum, we are concerned that consolidation or regionalization will be particularly burdensome to people with disabilities. We recommend that the committee look into the nuances of these issues and look into alternatives to consolidation or regionalization of polling sites prior to making a recommendation.

We also respectfully ask the committee to consider how changes to the current law may either positively or negatively affect the voting practices of people with disabilities in all issues up for discussion. We support your efforts to maintain high integrity in our voting process, while at the same time making voting accessible and convenient for people with disabilities in Wisconsin.

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<sup>2</sup> Note that the \$275 annual fee does not include storage and replacement costs as estimated by Kevin Kennedy in the letter dated October 9, 2004.