



February 13, 2020

Representative Tusler
Chair, Assembly Committee on Campaigns and Elections
Wisconsin State Capitol, Rm 22W
Madison, WI 53708

Dear Representative Tusler and Committee members:

The Wisconsin Board for People with Developmental Disabilities (BPDD) analysis of AB 898 finds the proposed changes to absentee voting process could disproportionately impact voters with disabilities, including voters with intellectual and developmental disabilities (I/DD).

Many voters with disabilities rely on the absentee voting process to exercise their right to vote. This bill would require people to vote in person for the first time after they register if they register electronically or by mail.

Transportation challenges frequently prevent voters from travelling to the polls. Many voters with disabilities are non-drivers, do not own or have access to a personal vehicle, do not have public transportation options to get to and from polls, have unreliable transportation options even if they are scheduled in advance, live in rural areas with few transportation options and greater traveling distance, or live in congregant residential setting where transportation is provided only at limited times or for specialized purposes (which may not include participation in all elections). Accessibility of polling places is also a constant concern, and a reason why many people with disabilities use the absentee voting process.

To clarify, we interpret the in-person voting requirement does not apply to existing registered voters who used electronic or by mail registration methods as allowed under current law and have subsequently voted absentee. If new in-person requirements retroactively apply to existing voters who have been using the absentee process, significant effort will be needed to explain the changes and ensure that routine absentee voters are not disenfranchised.

It is unclear in the draft whether the requirement to initially vote in person applies only to voters registering for the first time, or every time a voter updates their existing registration. Registered voters frequently move to new addresses that may report to different polling locations. If initial in-person voting requirements apply each time a voter changes their name or polling location, this will cause significant confusion and challenges for persons who rely on absentee voting to access polls.

Many voters with disabilities live in state regulated congregant settings--including Adult Family Homes (AFHs), Community Based Residential Facilities (CBRFs), Residential Care Apartment Complexes (RCACs) that provide Medicaid-funded residential services. Individuals in these settings may be moved at the initiation the service provider or others who are not the resident; this population is more likely to depend on absentee voting and less likely to be able to get to the polls to vote in-person.

We request a broad exemption to these requirements that includes:

- all people with disabilities and older adults
- persons who have selected the “indefinitely confined” option that allows them to always receive an absentee ballot.
- persons who are updating their existing voter registrations,
- registered voters who registered electronically or by mail prior to the effective date of the legislation,
- and include a process by which any voter registering electronically or by mail can remotely connect with the clerk in advance of the election in lieu of appearing in-person at the polling place.

We suggest the bill include a specific date or timeframe that considers the current election schedule. As absentee voting is an established process used by many voters, it will be important for clerks and the voting public to understand these changes.

We note these changes to absentee voting will require additional and continual tracking by clerks. New registered voters who register electronically or by mail who are not exempt would not be able to vote absentee until after they have voted in person. This requires clerks to monitor new registered voters who have used two registration records, confirm when they have voted in-person, and then ensure that they are moved into the list of voters eligible to receive absentee ballots if so requested. Not all voters vote in every election, so it is possible that a “new” registered voter may still be subject to the in-person requirement many months or even years after they initially registered.

BPDD is charged under the federal Developmental Disabilities Assistance and Bill of Rights Act with advocacy, capacity building, and systems change to improve self-determination, independence, productivity, and integration and inclusion in all facets of community life for people with developmental disabilities (more about BPDD http://wi-bpdd.org/wp-content/uploads/2018/08/Legislative_Overview_BPDD.pdf).

Our role is to seek continuous improvement across all systems—education, transportation, health care, employment, etc.—that touch the lives of people with disabilities. Our work requires us to have a long-term vision of public policy that not only sees current systems as they are, but how these systems could be made better for current and future generations of people with disabilities.

Thank you for your consideration,



Beth Swedeen, Executive Director
Wisconsin Board for People with Developmental Disabilities