



May 5, 2021

Senator Bernier
Chair, Senate Committee on Elections, Election Process, Reform and Ethics
Wisconsin State Capitol, Rm 319 S
Madison, WI 53707

Dear Senator Bernier and Committee members:

The Wisconsin Board for People with Developmental Disabilities (BPDD) is concerned that changes proposed in SB 203, 206, 209 and 212 may negatively and disproportionately impact people with disabilities.

SB 203 / AB 192: Secure delivery of absentee ballots

Many voters prefer to have a trusted person drop off their absentee ballot directly at the clerk's office to guarantee it is received on time. Delays in mail delivery can impact when a requested ballot is received by the voter and returned to the clerk. Many absentee voters with disabilities are non-drivers and rely on friends, neighbors, extended family, and other community members to assist with routine errands and administrative tasks, including turning in their completed and secured absentee ballot.

This bill would restrict who can return an absentee ballot on a voter's behalf to the voter's immediate family or legal guardian. Other Good Samaritans would face felony charges for the same act of turning in a sealed official document. Current law recognizes a wide network of people who are willing to help their neighbors and allows the voters to choose who they trust to carry out important tasks. This approach better reflects the reality of people's lives and support networks.

The limited exception the bill makes to accommodate absentee voters who do not have immediate family or a guardian living in the state is insufficient. The burden is on the absentee voter to identify another registered voter who has not already delivered another absentee ballot and to designate that person in writing. Checking and verifying another person's registration status would be a barrier to many voters, and it is unclear why a person's registration status makes them better qualified to deliver paperwork. Many other important legal and governmental documents may be dropped off on behalf of someone else without any criteria imposed on the deliverer.

Many households have more than one absentee voter; the prohibition against a non-family member returning more than one ballot is inefficient and artificially restricts the number of available people who can assist absentee voters. Under this bill a nephew—not an immediate relative under the bill's definition--asked to drop off his elderly aunt and uncle's absentee ballot could help one and not the other.

SB 206/AB 180 Returning Absentee Indefinitely Confined Voter

Many people with disabilities rely on absentee voting to exercise their right to vote and use the "indefinitely confined" option because of barriers to independently getting around in their community, including to the polls.

These barriers are consistent from election to election. Many non-drivers, people with chronic or intermittent health conditions, people with sensory disabilities and others face such significant mobility challenges that absentee voting options are the only way they can do the advance planning necessary to guarantee they can exercise their right to vote. This bill would place additional barriers on voters who already face significant challenges, including introduction of administrative burdens that add to the timeline and complexity of being able to request an absentee ballot.

The bill establishes both the signed statement by a doctor and taking of an oath as pre-requisites for qualifying for “indefinitely confined” status and being able to apply for an absentee ballot under that status. The bill also requires this process be repeated every two years. Health care professionals are not arbitrators of voting rights. They diagnose and treat disease and conditions, many of which impact a patient’s mobility and daily living skills either intermittently or permanently. It is outside of a health care role to ask medical professionals to complete non-medical paperwork. Many people with disabilities who have used indefinitely confined status for years face the same barriers getting to a doctor’s office or county seat to take an oath as they do to the polls.

SB 209 / AB 177- Returning Absentee ballots to the office of the clerk

BPDD supports the provision of the bill that requires absentee drop boxes comply with ADA accessibility standards.

Many people with disabilities are non-drivers, rely on absentee voting, and routinely use drop boxes where they are available to guarantee receipt of their ballots. Allowing municipalities the continued flexibility to determine the number and location of drop boxes to be responsive to voter needs and facilitate the election process is important. Many absentee voters were concerned that absentee ballots would not be delivered on time if they used the postal service and were able to walk to or have their ballot returned to absentee drop boxes. If the number of drop boxes is limited, many people will be forced to rely on mail delivery and their ballots may not arrive in time to be counted.

SB 212/ AB 198 Defects on Absentee Ballot Certificates

Many people with disabilities, older adults, and other Wisconsin residents rely on absentee ballots to access their right to vote. Occasionally absentee voters or their witnesses may inadvertently make errors—such as the witness forgetting to write their full address on the completed absentee ballot certificate envelope. Most of these errors are minor and are currently easily corrected by the municipal clerk.

SB 212 would prohibit the municipal clerk from correcting those errors and require notification of errors on the MyVote website. Many people who rely on absentee voting may also be people who have limited or no internet access or devices that connect to the internet and may not have e-mail addresses. It is unclear how a voter would be notified or discover there is an error if they do not know to check the MyVote website or do not have the connectivity or devices to do so. Delays in postal service delivery may mean there may not be time to return the ballot to the voter and for the voter to send it back in time for the vote to be counted. Inadvertent administrative errors that are currently monitored and corrected by professional non-partisan municipal clerks should not become a reason that people lose the ability to have their vote count.

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 disabilities¹.

Thank you for your consideration,

A handwritten signature in cursive script that reads "Beth Swedeen".

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

¹ More about BPDD https://wi-bpdd.org/wp-content/uploads/2018/08/Legislative_Overview_BPDD.pdf.