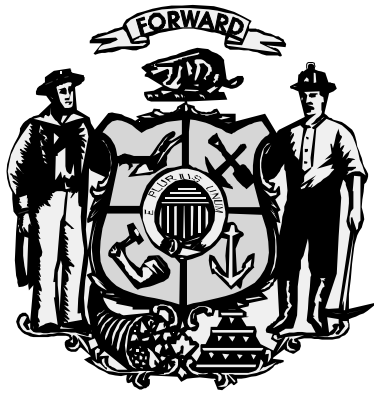


# 1999-2000 Biennial Report of the **Wisconsin State Elections Board**



June 2001

**Wisconsin State Elections Board**  
132 East Wilson Street, Suite 200  
P.O. Box 2973  
Madison, WI 53701-2973

Phone: 608-266-8005  
Fax: 608-267-0500  
E-mail: [seb@seb.state.wi.us](mailto:seb@seb.state.wi.us)  
Website: <http://elections.state.wi.us>

## **Performance Report**

# ❖ Table of Contents ❖

## **SECTION 1 - Introduction**

Purpose of Report .....	1
Content and Organization of Report .....	1
Acknowledgements .....	1

## **SECTION 2 - A Review of the Reporting Period**

Background .....	3
Polling Place Accessibility Reports .....	3
Polling Place Accessibility in the 1986 Election.....	4
Polling Place Accessibility in the 1992 Election.....	4
Polling Place Accessibility following the 1998 Election .....	4
Impediments Identified by Advocacy Groups .....	5
High Number of Citizens with Disabilities are not Registered to Vote .....	6
Shortcomings of Current Law .....	6
Accessibility Violations.....	6
Guardianship Concerns .....	6
Lack of Information on Citizenship Rights and Responsibilities.....	7
Accessibility Issues Identified in the Special Elections for the 33 <sup>rd</sup> State Senate District .....	7
City of Milwaukee .....	8
City of Brookfield.....	9
Education and Training.....	11
Investigations.....	11
Remedial Legislation .....	12
Other Activity .....	13
Conclusion .....	14

## **SECTION 3 - Recommendations**

Administration.....	15
Education and Training .....	15
Remedial Legislation.....	15
Other Activities .....	16
Recommendations .....	16

# **SECTION 1 - Introduction**

## **Purpose of Report**

The purpose of this report by the State Elections Board is to describe impediments to voting encountered by elderly and handicapped electors seeking to participate in elections conducted in the State of Wisconsin. The direction for this report comes from Section 5.25 (4) (d), Wisconsin Statutes. The concept for this report originated as one of several recommendations made by the Legislative Council's Special Committee to Review the Election Process. The Special Committee was established in 1998. This recommendation, along with several other election initiatives recommended by the Special Committee and the State Elections Board, was enacted into law by 1999 Wisconsin Act 182.

## **Content and Organization of Report**

This report is divided into three sections. Following this introductory section is a section describing the background for Wisconsin's efforts to provide full access to the voting process for all citizens along with a description of what this agency perceives to be impediments to electoral participation for elderly and disabled citizens. The third section presents a series of recommendations for reducing the impediments to voting experienced by the elderly and disabled communities.

The report contains many verbatim excerpts from written communications by local election officials and representatives of disability groups. These statements have been included to give the reader a feel for how barriers to voter participation are perceived. In many cases what is said and how it is said provides a clearer insight into the issues. Our communication also reflects our underlying attitudes which can be a very real but unmeasured barrier to full voter participation.

## **Acknowledgements**

Several individuals are responsible for the production of this report. Special mention must be given to the late Frederick G. Greasby of Dousman, Wisconsin. Fred was one of the 18 members of the Legislative Council's Special Committee to Review the Election Process. His passion and commitment to the needs of the disabled community was the genesis for the requirement that the State Elections Board review and evaluate the particular barriers encountered by individuals who are often overlooked in the administration and conduct of elections.

The Elections Board is required to consult with appropriate advocacy groups representing the elderly and disabled populations in the preparation of this report. Elections Board staff met with Mary Warren, a voter outreach specialist with the Wisconsin Council on Developmental Disabilities, to identify issues of concern with the disability community and assist in evaluating polling place accessibility in a special election conducted in the 33<sup>rd</sup> State Senate District. Agency staff also met with Linda Huffer of the Wisconsin Department of Health and Family Services. Ms. Huffer provided valuable insights and helped disseminate information about the Elections Board's survey of accessibility concerns in the special election.

The Board's Executive Director Kevin J. Kennedy wrote this report. Mr. Kennedy is Wisconsin's chief

election officer and is designated by law as the contact for individuals and agencies with concerns under the Voting Accessibility for the Elderly and Handicapped Act of 1984. Sharrie Hauge helped develop the organization of the report and served as the primary contact with representatives of the advocacy groups.

Diane Lowe was responsible for communicating with local election officials and coordinated efforts to gather information essential for the preparation of the report. These valuable employees reflect the commitment of the State Elections Board to eliminate impediments to voting experienced by elderly and disabled individuals.

## **SECTION 2 - A Review of the Reporting Period**

### **Background**

---

For years the only provision Wisconsin's election law made for elderly and disabled voters was to permit them to cast a ballot at the door of the polling place and have the ballot taken inside, where an announcement was made that pollworkers had a ballot from an elector who could not enter the polling place without assistance. The voter's name was announced and those present had the opportunity to object to the receipt of the ballot. The law has evolved, but impediments to voting encountered by elderly and disabled electors can be just as daunting and humiliating as the procedure described.

In 1975 Wisconsin's election code was amended to provide that whenever pollworkers do not receive ballots at the door, the polling place must have at least one entrance accessible to persons in wheelchairs. Chapter 275, Laws of 1975. That same legislation recognized physical disability as a basis for registering to vote by mail and voting absentee. It permitted disabled voters to request that an absentee ballot automatically be sent to them for each election.

1985 Wisconsin Act 304 required all polling places to be accessible to persons in wheelchairs effective January 1, 1992. That same legislation required the Elections Board to provide a copy of the reports it prepared for the Federal Election Commission under the Voting Accessibility for the Elderly and Handicapped Act of 1984 to the appropriate standing committees of the legislature. The information gathered in these reports is discussed in the following section.

1989 Wisconsin Act 182 required each polling place to be accessible to elderly and handicapped individuals effective January 1, 1992. The State Elections Board was given the authority to exempt a polling place from this requirement in accordance with guidelines developed by administrative rule. Municipal clerks were permitted to reassign an elector to another polling place within the municipality in order to permit an elderly or handicapped elector to utilize an accessible polling place. Section 5.25 (4) (c), (5) (b), Wisconsin Statutes.

In 1991 the Legislature directed that any municipal clerk that plans to use an inaccessible polling place file a written report to the Elections Board describing the municipality's plans to make the polling place accessible. 1991 Wisconsin Act 39, Section 9118 (1g).

Ten years later municipalities report 3% of the polling places in Wisconsin are not accessible. This report describes barriers to election participation for elderly and disabled voters. These impediments are real and are not limited to the physical attributes of the polling place.

### **Polling Place Accessibility Reports**

---

The State Elections Board prepared biennial reports on polling place accessibility for the Federal Election Commission beginning in 1987 and ending in 1993. These reports were required by the Voting Accessibility for the Elderly and Handicapped Act of 1984. 42 USC 1973ee-1(c)(1). The Elections Board conducted its latest polling place accessibility survey in the fall of 1999. A summary of the data collected in 1987, 1993 and 1999 is set out below.

## Polling Place Accessibility in the 1986 Election

Total Number of Polling Places: 2,859

Number of Polling Places Reported	Percent of Polling Places Reported
2,845	99%

Number of Inaccessible Polling Places	Percent of Polling Places Reported
853	30%

Reasons for Inaccessibility	Number of Inaccessible Polling Places	Percent of Inaccessible Polling Places
Inadequate Parking	207	24%
Obstructed Passages	392	46%
Unramped Stairs	Not Measured	
Other Architectural Barriers	Not Measured	
Problems in Voting Area	622	73%
Other-Obstructed Entrances	663	78%

Polling Places Providing Large Type Instructions	Percent of Polling Places Reported
Not Measured	Not Measured

## Polling Place Accessibility in the 1992 Election

Total Number of Polling Places: 2,721

Number of Polling Places Reported	Percent of Polling Places Reported
2,676	98%

Number of Inaccessible Polling Places	Percent of Polling Places Reported
553	21%

Reasons for Inaccessibility	Number of Inaccessible Polling Places	Percent of Inaccessible Polling Places
Inadequate Parking	401	72%
Obstructed Passages	272	49%
Unramped Stairs	294	53%
Other Architectural Barriers	185	33%
Problems in Voting Area	91	16%
Other	25	4%

Polling Places Providing Large Type Instructions	Percent of Polling Places Reported
2,440	91%

## Polling Place Accessibility following the 1998 Election

Total Number of Polling Places: 2,746

Number of Polling Places Reported	Percent of Polling Places Reported
2,725	99%

Number of Inaccessible Polling Places	Percent of Polling Places Reported
91	3%

Reasons for Inaccessibility	Number of Inaccessible Polling Places	Percent of Inaccessible Polling Places
Inadequate Parking	64	70%
Obstructed Passages	37	41%
Unramped Stairs	91	100%
Other Architectural Barriers	47	52%
Problems in Voting Area	24	26%
Other	4	4%

Polling Places Providing Large Type Instructions	Percent of Polling Places Reported
2,424	89%

The information gathered by the Elections Board shows a significant improvement in polling place accessibility following the enactment of the Voting Accessibility for the Elderly and Handicapped Act of 1984. The number of inaccessible polling places has been reduced from more than 500 at the November 1986 general election to 91 following the November 1998 general election. Local election officials describe approximately 3% of the state's polling places as inaccessible. The primary reasons for inaccessibility are unramped stairs and inadequate parking.

The data on polling place accessibility was collected by municipal clerks, who were directed to conduct an on-site inspection using a general questionnaire and detailed guidelines provided by the State Elections Board. The method of collection of polling place data is both a source of strength and a weakness in the validity of the data. The strength comes from the first hand knowledge that the municipal clerk has about the conditions of the polling place. The weakness is borne out by the observation of the Elections Board staff that information reported is sometimes inaccurate. Polling places that are described as accessible sometimes present formidable barriers to elderly and disabled citizens.

## **Impediments Identified by Advocacy Groups**

The Elections Board was directed to consult with appropriate advocacy groups representing the elderly and disabled populations in the preparation of this report. Section 5.25 (4)(d), Wisconsin Statutes. Elections Board staff met with Mary Warren, a voter outreach specialist with the Wisconsin Council on Developmental Disabilities, and Linda Huffer of the Wisconsin Department of Health and Family Services. Ms. Huffer serves as a state agency liaison with several disability boards and Independent Living Centers. Ms. Warren works closely with the National Organization on Disabilities. She also prepared a report to the State of Wisconsin ADA Partnership Executive Committee on voting accessibility issues.

Linda Huffer provided the best insight into the concerns of the disability community when she advised the Elections Board staff that it is very frustrating to be asked every two years by election officials and disability advocates "What problems do you have with the election system?" It appears that the election related concerns of the elderly and disabled community receive only passing attention in the preparation for the Fall general elections. Mary Warren described some of the manifestations of this perception in her report.

The report identifies several issues that are discussed below:

### **High Numbers of Citizens with Disabilities are not Registered to Vote**

The report states that almost 30,000 eligible Wisconsin voters with disabilities are not registered and non-voting despite a targeted effort facilitated by the National Organization on Disabilities. Wisconsin does not track registered voters by sex, race, ethnicity, political party or disability so it is difficult to measure the impact of any targeted voter registration or get out the vote effort. This is an area where methods to quantify or describe the number of unregistered and non-voting citizens with disabilities needs to be refined. Clearly one way of addressing the issue is to increase voter education efforts.

### **Shortcomings of Current Law**

Wisconsin is exempt from the National Voter Registration Act (“Motor Voter”) because it is one of six states with Election Day registration. This means that government agencies that provide direct services to the disability community are not required to offer the opportunity to register to vote to clients seeking government assistance. There is no restriction on this activity and voter registration information can be made readily available without the oppressive paperwork requirements mandated by the National Voter Registration Act.

A recent change in Wisconsin law initiated by the State Elections Board removes the requirement for an absentee voter to state a reason for requesting an absentee ballot. Before the passage of 1999 Wisconsin Act 182 an elector wishing to vote absentee had to state on their written application for an absentee ballot that they met one of the requirements for voting absentee that prevented a person from going to the polling place. These requirements included persons who could not get to the polling place because of age or physical disability.

The change eliminates classifying absentee electors as elderly or disabled. An elector, who is indefinitely confined because of age, illness or physical disability can request that an absentee ballot be automatically sent to the voter for each election. 1999 Wisconsin Act 182 also reduced the number of witnesses required on the certification envelope when voting absentee from two to one. This makes it easier for individuals who live alone or with a spouse to vote absentee.

### **Accessibility Violations**

Some polling places, voting systems, pollworkers and other related election procedures present multiple obstacles to a person with disabilities participating in the election process. The ability to cast an independent, secret ballot in a dignified manner is often impossible. These concerns are presently handled on an ad hoc basis. What is needed is a central place to receive complaints and document the incidents so they can be addressed expeditiously on Election Day if possible.

### **Guardianship Concerns**

There is confusion among case managers, social service providers, rehabilitation specialists, program directors, group home managers, caregivers, parents and other interested persons related to guardianship laws and voting. Current law excludes persons under guardianship from voting but requires a court to make a specific finding concerning an individual’s ability to understand the objectives of the electoral process. Sections 880.07 (3), 880.33 (3) (9), Wisconsin Statutes. Judges, clerks of court and individuals



working with persons under guardianship need to receive clear and complete information on the interaction of guardianship law and voting rights.

### **Lack of Information on Citizenship Rights and Responsibilities**

The report states the following conclusions about the availability of information to disabled individuals on citizenship rights and responsibilities:

*People with disabilities are generally not provided information about their basic citizenship rights neither during their education nor when they are in the adult community service system.*

*Networks of disability-related groups and service providers generally do not address citizenship rights and responsibilities and are often uninformed or have scattered and often scant information available to them.*

*There is currently no central source to obtain accurate or timely information related to the rights of people with disabilities in the election process or for resources on being an informed voter.*

*Some agencies that provide supportive services to people with disabilities are reluctant to offer information or participate in any citizenship/voter education activities, citing the belief that their constituents are unable to be informed voters, are too disabled to have any ability in this area, or that this type of activity is not their responsibility, and/or that they do not have either the time nor resources to participate in efforts of this nature.*

The advocacy groups describe barriers that can be formidable for elderly and disabled voters. It is essential that the Elections Board develop a working relationship with these organizations to ensure that its stated mission to make the electoral process in Wisconsin as responsive as possible to the needs of the voters, candidates, and election officials includes the elderly and disabled communities.

### **Accessibility Issues Identified in the Special Election for the 33<sup>rd</sup> State Senate District**

In order to get a current measure of impediments to voting encountered by elderly and disabled voters, the Elections Board directed the municipal clerks in the 33<sup>rd</sup> State Senate District to conduct an accessibility evaluation of the polling places used at the special primary held on June 12, 2001 and the special election on July 10, 2001. Agency staff also worked with Mary Warren and Linda Huffer to gather information from disabled citizens who participated in the special election to learn what were the specific impediments encountered in that election. The polling place locations were given to the disability advocates so that attention could be focused on this sample to assist in identifying the difficulties elderly and disabled citizens are faced with in the election process.

The results were informative. There were 54 polling places used in the special election, 23 of which were in Milwaukee County and 31 in Waukesha County. Sixteen (16) polling places were identified as not accessible – 11 of the 12 polling places used in the City of Milwaukee, 4 of the 5 polling places used in the City of West Allis and the polling place in the Town of Brookfield. Milwaukee had identified 17 of its 207 polling places as inaccessible in its accessibility report filed in January 2000. West Allis had described only 2 of its 22 polling places as inaccessible in its accessibility report filed in February 2000.

The Town of Brookfield described its polling place as accessible when it filed an accessibility report in September 1999.

According to the surveys all of the inaccessible polling places lacked accessible parking. In Milwaukee walkways and unramped entrances presented barriers. Walkways in West Allis and door widths in the Town of Brookfield prevented persons from gaining access to the polling place.

One of the polling places in the City of Brookfield was described as inaccessible by a voter who passed comments on to Linda Huffer. The specific concerns are set out below along with a description of the feedback received from the disability groups for particular polling places.

### **City of Milwaukee**

#### **Spanish Immersion School, 2765 South 55<sup>th</sup> Street**

No problems noted; polling place workers indicated they often offered chairs for people to sit who seemed tired or elderly.

#### **Lyons Park Pavilion, 3301 South 55<sup>th</sup> Street**

All designated parking is on the street with no specific area saved for handicapped parking. A very long but surface level walkway (approx. 75 feet) leads to a level entrance.

No signs were clear from the road that there was a handicapped entrance for voting or where it might be. Apparently, some voters with disabilities in the past chose to drive their cars up the walkway to the door of the pavilion.

Recommendation: Place large signs near the curb designating where voting occurs and that it is handicapped accessible.

#### **Curtin School, 3450 South 32<sup>nd</sup> Street**

Only a very small sign was attached to the front door of the building, which was a considerable distance from the sidewalk. Any voter with reduced vision would only have to assume that was the door to enter. Upon entering the building at those doors, there were 17 steps leading to the 2<sup>nd</sup> floor where polling was taking place. The only obvious parking was at the curbside with no special designation for handicapped parking. A drive that seemed to go behind the building was in fact, not an alley, but the drive to the back of the school. There is handicapped parking and a level entrance at the rear of the building. The pollworkers indicated a high number of elderly voters come to that site.

Recommendation: Place a large sign at the street entrance to the alleyway that goes behind the school indicating there is parking and an entrance behind the building that is handicapped accessible.

#### **Firehouse, 5600 West Oklahoma Avenue**

Parking was all on the street, at the side of the fire station or on a busy thoroughfare at the front of the station. If the driver were using a wheelchair, they would need to exit their car in traffic and go to the ramped curb cut at the corner or to the driveway leading from the fire station to get onto the sidewalk. The entrance to the poll that was marked, was

up one step and through a hallway clearly cluttered with lockers and too narrow to maneuver with a wheelchair. Questions asked of the pollworkers showed their concern for people with disabilities. There is space alongside the fire station that is used by the fire personnel that could be used for parking with entrance through the fire doors. In the event of an emergency this could create some problems.

Recommendation: Discuss with fire station staff the parking and entrance options available for people with disabilities during all types of weather.

### **City of Brookfield**

#### **Brookfield Safety Building**

<b>Polling Place</b>	<b>Accessibility</b>
Parking	Fully Accessible
Walkways or pathways to buildings	Fully accessible
Ramps and elevators entering or inside of the building	Fully accessible
Other architectural features	Accessible but inconvenient (Glass doors were not marked with a safety warning or fitted with a bar or barrier. Rugs or mats were not securely fastened.)
Voting area	Accessible but inconvenient (No seating available for the elderly or disabled voters waiting their turn to vote.)

#### **Brookfield East High School**

<b>Polling Place</b>	<b>Accessibility</b>
Parking	Fully Accessible
Walkways or pathways to buildings	Accessible but inconvenient (Cracks in the walk that exceeded 5/8 inch in height making it difficult for mobility. Debris on the sidewalks entering the building.)
Ramps and elevators entering or inside of the building	Fully accessible
Other architectural features	Accessible but inconvenient (Automatic doors that did not stay open for at least 8 seconds which caused difficulty getting into the building. There wasn't any seating or rest area in a corridor longer than 30 feet. Corridors did not have non-slip surfaces.
Voting area	Accessible but inconvenient (No magnifying devices available.)

## Burleigh Elementary School

Polling Place	Accessibility
Parking	Inaccessible (There was no drop off zone in the parking lot area.)
Walkways or pathways to buildings	Accessible but inconvenient (Cracks in the sidewalk that were over 5/8 inch in height making mobility difficult.)
Ramps and elevators entering or inside of the building	Fully accessible
Other architectural features	Inaccessible (All doors did not have an opening which clears 32 inches wide. There were tables and other obstacles in the route of travel inside the building. There was no seating or resting area in the corridors that were longer than 30 feet.)
Voting area	Accessible but inconvenient (There was no seating available for elderly or disabled voters waiting their turn to vote.)

The individual reporting on election-day accessibility of the polling place had these observations:

*"Additional items that were an issue at the polling site included the fact that I was not able to vote independently although I wanted to. The people who were working at the polling site were very helpful, but they were a bit too helpful. They saw that I used a wheelchair and had mobility difficulties and assumed that I would need their help. I use a communication device to type out my words and before I was able to tell them what I needed they were all set up to help me, getting assistance from another person who was also working there. I let them assist me although I wanted to be able to vote independently. I think the polling assistants need to be educated on how to approach a person with a disability and to ask them first if they need assistance before making the assumption."*

This information has been shared with the municipalities. The Elections Board staff will follow up to determine what steps were taken by the municipal clerks to correct problems identified in the surveys and the comments of the disability advocates.

One element that was not measured in the survey was the sensitivity of election officials to accessibility concerns. However, the Elections Board staff was able to document information based on responses from municipal clerks that provided insight into election officials' attitudes. There are 15 municipalities that are wholly or partially in the 33<sup>rd</sup> State Senate District. The Elections Board asked the municipal clerks to return the completed accessibility surveys by June 22, 2001. Only 9 of 15 clerks responded by that date. The Elections Board staff faxed a reminder to the 6 municipal clerks that did not return their surveys in a timely manner. We received the following responses:

*I was on vacation and just noticed it. I will send it in a couple of days.*

*I thought I sent it. I will FAX it over now. (The FAX was not received.)*

*I just discovered it in the bottom of my mailbox. I'm working on it. I will send it in a couple of days.*

*I don't know what you are talking about. FAX me one, and I'll fill it out.*

*Two municipalities did not respond to the reminder.*

The results from this endeavor demonstrate that while Wisconsin election officials have made progress in reducing barriers to voting for our elderly and disabled citizens, there is much that can be improved. The Elections Board will continue to use special elections to focus the attention of election officials and advocacy groups on accessibility concerns. We will also use the information we gather to correct problems and assist in our training.

## **Education and Training**

The Elections Board is charged by statute with the responsibility of conducting information and training sessions for local election officials. Section 5.05 (7), Wisconsin Statutes. The purpose of the meetings is to promote uniform, equitable and efficient administration of elections at all levels of government in Wisconsin. The Board is specifically charged with emphasizing to local election officials the importance of safeguarding the vote of all electors. The Elections Board staff has focused special attention on disability issues in these sessions.

In 1991 the Elections Board, in cooperation with the Wisconsin Towns Association, presented a series of regional workshops on polling place accessibility to town officials. Agency staff explained the law and provided concrete examples of how to make polling places accessible. The staff encouraged town officials to explore Wisconsin Conservation Corps projects and partnerships with local businesses and service organizations to provide the resources to remodel polling places. This endeavor was a key element in reducing the number of inaccessible polling places from 553 at the November 1992 general election to 91 following the 1998 elections.

This report and our contacts with representatives of advocacy groups provides the staff with renewed incentive to focus training efforts in this area. It is clear the lack of information on voting rights and responsibilities available to the elderly and disabled communities can be addressed through a coordinated training effort.

## **Investigations**

The Board is authorized to conduct investigations of election and campaign law violations upon the complaint of any person or on its own motion. Section 5.05 (3), Wisconsin Statutes. In 1984, legislation was enacted authorizing the Elections Board to review the decisions of local filing officers concerning nominations, qualifications of candidates, and ballot preparation. Section 5.06, Wisconsin Statutes. This authority was expanded significantly by the legislature in 1989 to include recall, voting qualifications, and any matter concerning election administration or the conduct of elections. Complaints about polling place accessibility are generally brought under Section 5.06, Wisconsin Statutes.

In order to assure there is a legitimate basis for the complaint that merits investigation, the Board requires all complaints to be sworn and filed in writing before the staff may begin an investigation. The person filing the complaint is required to specify under oath the facts that allege a violation and the basis for the complainant's belief that the facts are true. A copy of the complaint must be served on the respondent before it is filed with the Board.

In February 2001 the Elections Board received a complaint from an elector in the Grant County Village of Blue River that the polling place was not accessible. The complaint was filed pursuant to Section 5.06, Wisconsin Statutes. That law grants the State Elections Board compliance review authority over local election officials where it is alleged the local election official has acted contrary to law or abused his or her discretion with respect to the administration or conduct of elections. The Elections Board staff investigated the complaint and found that in fact the polling place did not meet accessibility standards.

The village clerk provided the following response to the complaint:

*The Village of Blue River has given assistance for the disabled/handicapped and elderly in previous elections and continues to do so. Residents have called the Village Clerk and election workers have gone upstairs to assist them in the voting booth and even out to their vehicles to make certain all electors are able to participate in the process.*

Two Elections Board employees went to the polling place to observe the conduct of the April 3, 2001 Spring nonpartisan election. They discovered that the voting area was actually located in a room in the basement of the village community building. The basement was not accessible to persons in wheelchairs and there was no one available at the entrance of the polling place to communicate to election officials that an individual was present who could not enter the voting area. A voting booth was positioned at the top of the stairs with a sign that stated:

*IF YOU NEED ASSISTANCE WITH VOTING PLEASE SEND SOMEONE  
DOWNSTAIRS TO NOTIFY A MEMBER OF THE ELECTION BOARD.*

The staff also learned the Town of Watterstown conducted its election in an adjoining room in the basement of the same building.

The staff looked for other buildings in the village and discovered a recently built fire station that was fully accessible. The complaint was resolved by convincing the village and the town to use the fire station for future elections. This disposition reflects the approach the State Elections Board has taken to address accessibility complaints. Agency staff endeavor to work with local election officials to address accessibility concerns.

## **Remedial Legislation**

---

The Elections Board works closely with county and municipal clerks, pollworkers, candidates, and other participants in the electoral process to develop legislative proposals which promote uniform, equitable, and efficient election administration procedures. This is an area that the advocacy groups have identified as needing more attention by the legislature. The Elections Board has some proposals that are discussed in the recommendation section of this report.

The National Task Force on Disabilities, convened by the Elections Center, updated several forms and

publications that had been developed following the implementation of the Voting Accessibility for the Elderly and Handicapped Act of 1984 and distributed them to election administrators nationwide in the summer before the 2000 elections. The Task Force has also focused attention on the efforts made in Los Angeles County and a video produced by the North Carolina Board of Elections as examples of best practices in reaching out to the elderly and disabled communities.

There has been renewed interest at the federal level to address the failure of state and local election officials to fully comply with the federal accessibility requirements. In the last session of Congress S. 511 brought representatives of advocacy groups and the election community together to address the practical issues of providing access to the election process to elderly and disabled voters. That legislation was not enacted into law.

Congress has focused attention on the issue in the current session. S. 565 and H. 1170 have garnered the same attention as S. 511 in the last session. This legislation requires all polling places be physically accessible by the November 2004 election and that each polling place have at least one voting system that allows blind and other voters with disabilities to cast a secret, independent and verifiable ballot.

In addition Congress has directed the General Accounting Office to conduct a nationwide study on access to polling places and polling methods by persons with disabilities. This study included an extensive interview with the Elections Board's Executive Director and on-site evaluations of polling places in Marathon, Oconto and Trempealeau Counties at the November 7, 2000 election. The report will be published in September 2001.

## **Other Activity**

---

The mission of the Elections Board is to make the electoral process in Wisconsin as responsive as possible to the needs of voters, candidates and election officials by administering and enforcing the State's election and campaign finance laws. The agency website provides a wealth of information relating to financing election campaigns and election administration on its website: <http://elections.state.wi.us/>. Individuals with disabilities can utilize computer software to access this information.

The Elections Board is also responsible for approving electronic voting equipment for use in Wisconsin. No electronic system may be marketed in the state unless the Elections Board approves it. The Elections Board has promulgated administrative rules that establish standards for approval. The evaluation of voting equipment has generally taken into consideration the needs and requirements of elderly and disabled electors. During the coming report period the Elections Board will review several direct record electronic voting systems that expand the capabilities for enabling an elderly or disabled elector to cast an independent, secret ballot in a dignified manner.

The Elections Board distributed informational materials provided by the National Organization on Disability to all municipal clerks before the fall 2000 elections. These materials were designed to inform election officials, particularly pollworkers, on how to address the needs of elderly and disabled individuals in a sensitive and helpful manner. The information was also highlighted in our annual mailing to local election officials and in our pollworker training materials.

## **Conclusion**

---

**A**s election officials we are given an awesome responsibility to ensure that elections are conducted in a fair and impartial manner that engenders confidence in the integrity of the process. A key element in developing and maintaining that public trust is to make the election process accessible to all participants. This requires working with the entities that provide polling places to eliminate physical barriers to the polling place. It also means acquiring voting equipment that enables all citizens to cast an independent, secret ballot in a dignified manner, and providing information that enables all citizens to fully participate in the election process if they choose to do so.

The key to success in this endeavor is to foster communication that is designed to accomplish these goals. The final section of this report contains a series of recommendations that will focus the efforts of the Elections Board in the next report period.

The Elections Board welcomes comments on the report and suggestions for helping to eliminate impediments to voting faced by Wisconsin's elderly and disabled citizens. Our contact information is set out below.

### **Wisconsin State Elections Board**

132 East Wilson Street, 2<sup>nd</sup> Floor

PO Box 2973

Madison, WI 53701-2973

Phone: (608) 266-8005

Fax: (608) 267-0500

E-mail: [seb@seb.state.wi.us](mailto:seb@seb.state.wi.us)

Website: <http://elections.state.wi.us>



## **SECTION 3 - Recommendations**

### **Administration**

---

**D**uring the next reporting period the Elections Board will marshal its limited resources and make a dedicated effort to work with the elderly and disabled communities to eliminate impediments to voting encountered by elderly and disabled electors. This will be particularly challenging in light of a 5% reduction in agency resources imposed by the 2001-2003 budget. 2001 Wisconsin Act 16. The budget also adds significant new responsibilities for agency staff. These include a training and certification program for chief election inspectors. These training requirements provide an opportunity to address the impediments described in this report, but the Legislature has not provided sufficient funding and personnel for the agency to meet this challenge effectively.

The Elections Board has begun to establish a working relationship with some advocacy groups. We plan to build on that experience and increase our communication with representatives of the elderly and disability communities. The agency office manager will become the key contact person at the Elections Board to coordinate activity in this area. This will enable the Elections Board to serve as a clearinghouse for resolving accessibility issues.

### **Education and Training**

---

**T**he Elections Board is charged by statute with the responsibility of conducting information and training sessions for local election officials. Section 5.05 (7), Wisconsin Statutes. These responsibilities have been increased as a result of the 2001-2003 budget legislation. The purpose of the meetings is to promote uniform, equitable and efficient administration of elections at all levels of government in Wisconsin. The Board is specifically charged with emphasizing to local election officials the importance of safeguarding the vote of all electors. The Elections Board staff will focus special attention on disability issues in these sessions.

Agency staff have identified some excellent resources used by other jurisdictions that will enhance our education and training efforts. One of the significant impediments identified by the disability community is the lack of available information on voter rights and responsibilities. The Elections Board staff will endeavor to provide education and assistance in this area for agencies that provide supportive services to people with disabilities.

### **Remedial Legislation**

---

**T**he Elections Board will discuss legislation developed by the staff to address the concerns articulated by the advocacy groups. These legislative recommendations include authorizing municipalities to establish regional polling places for all electors. With some reasonable limits, any voter will be able to cast a ballot at a regional polling place. The polling place may be open before Election Day to accommodate absentee voting.

Municipal clerks will be able to acquire new voting equipment that permits an elderly or disabled elector to cast a secret ballot without assistance. The equipment will also accommodate electors from more than

one reporting unit. A regional polling place will add a level of convenience to all voters and reduce the need to equip all polling places with expensive voting equipment. The Elections Board staff will also propose increased funding to provide the information and support for elderly and disabled voters requested by the advocacy groups.

## **Other Activities**

---

During the next reporting period the Elections Board will be reviewing new voting equipment for approval for use in Wisconsin. One of the key criteria that the Elections Board will add to its equipment specifications will be a requirement that the equipment will enable an elderly or disabled voter the opportunity to cast a secret and secure ballot without assistance.

The Elections Board will also continue to use special elections as an opportunity to evaluate polling places for accessibility and gather feedback from the elderly and disability communities that participate in those elections. This focus will assist in identifying particular impediments at the polling places used in the special election. It will also enable the Elections Board to identify impediments that may be prevalent throughout the state. The next opportunity will be when a special election in the 42<sup>nd</sup> Assembly District is called this fall to fill a vacancy caused by the resignation of an incumbent legislator.

## **Recommendations**

---

The Elections Board's Executive Director makes the following recommendations to reduce and eventually eliminate the impediments to voting experienced by elderly and disabled electors described in this report.

- ◆ Enact legislation that authorizes municipalities to establish regional polling places that enable all voters to cast their ballots in a convenient, fully accessible location that can be equipped with state of the art voting equipment and technology to enable all voters to cast a secret and secure ballot.
- ◆ Enact legislation that provides sufficient funding to the Elections Board for staff and resources to provide assistance, education and information for agencies that provide supportive services to people with disabilities.
- ◆ Develop informational materials on the effect of guardianship on an individual's voting rights to share with judges, clerks of courts, election officials, case managers, social service providers, rehabilitation specialists, program directors, group home managers, caregivers, parents and other interested persons.
- ◆ Develop a dispute resolution process for accessibility-related concerns administered by the State Elections Board.
- ◆ Provide government agencies and other organizations that serve the elderly and disabled communities with voter registration materials and training so this information is readily available to elderly and disabled voters.

These recommendations cannot be implemented without the support of the Legislature in the form of legislation and funding. Realistically, the Elections Board does not expect to see these recommendations fully implemented in the next report period. These recommendations establish a threshold of commitment by the Elections Board to the goal of identifying and reducing impediments to voting encountered by elderly and disabled electors.

The Elections Board and its staff look forward to working with local election officials, advocacy groups and the Legislature to ensure that all citizens have the opportunity to fully participate in Wisconsin elections.