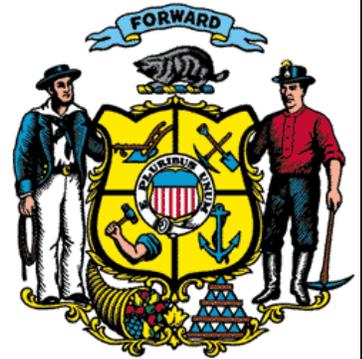




State of Wisconsin Government Accountability Board



Impediments Faced by Elderly Voters and Voters with Disabilities

June 2015



**Wisconsin Government Accountability
Board**

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Executive Summary

Wisconsin's state and local election officials are entrusted with the important responsibility of ensuring 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 voting. It also means acquiring voting equipment that enables all citizens to cast an independent and secret ballot in a dignified manner, and providing information that enables all citizens to fully participate in the election process.

The purpose of this report by the Government Accountability Board ("Board" or "G.A.B.") is to describe impediments to voting encountered by elderly voters and voters with disabilities who seek to participate in elections conducted in the State of Wisconsin. This biennial report to the Legislature is required by §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 former State Elections Board, was enacted into law by 1999 Wisconsin Act 182.

The Government Accountability Board is required to consult with appropriate advocacy groups representing the elderly and disabled populations in the preparation of this report. Board staff met regularly with the Accessibility Advisory Committee in 2014 and 2015 to identify issues of concern with the disability community and to assist in evaluating polling place accessibility. The Committee partnered with the agency to increase the effectiveness and scope of public outreach efforts designed to ensure that elderly voters and voters with disabilities can participate in the electoral process. Particular focus was paid to voters who reside in residential care facilities or nursing homes with informational packets provided to these facilities to confirm that both facility staff and residents understand the voting process. The Committee also partnered with the Board to create training materials for local election officials and poll workers that focused on the importance of accessible polling places.

During this reporting period, 2014-2015, Board staff focused on conducting on-site compliance reviews of polling places and updating municipal clerk training resources to incorporate accessibility-related materials. Over the course of seven elections, 808 on-site reviews were conducted by Board staff or representatives of the agency. Board staff reported results from these on-site reviews to each municipality and provided guidance and resources to facilitate compliance with the Americans with Disabilities Act (ADA) and the Help America Vote Act of 2002 (HAVA).

As noted in the previous biennial report, the Board's accessibility audit program has been recognized as a model for other states to emulate. In January 2014, the Presidential Commission on Election Administration released a report that addressed common challenges faced by voters and local election officials across the nation and identified best practices to remedy these problems. The bipartisan committee included a recommendation in their report that "states should survey and audit polling places to determine their accessibility," and cited the G.A.B.

audit program as a “model.” The report also recognized the Polling Place Accessibility Survey used to conduct all audits as a comprehensive tool for local election officials.¹

To accurately assess polling place accessibility in Wisconsin, Board staff continued a program of on-site visits that utilized the Polling Place Accessibility Survey as the foundation for an aggressive schedule of site audits. This survey was updated and reorganized in 2014 in coordination with representatives of disability advocacy groups. The survey is comprehensive and documents the degree of access to a polling place, including conditions related to the site’s parking area, entrance, the actual voting area, and the exit. The Board’s initiative is consistent with its responsibility, pursuant to §5.25(4)(a), Wis. Stats., to “ensure that the voting system used at each polling place will permit all individuals with disabilities to vote without the need for assistance and with the same degree of privacy that is accorded to nondisabled electors voting at the same polling place.”

At the time of this report, polling place accessibility audits have been conducted in 1,507 of Wisconsin’s 1,853 municipalities, in all 72 counties in the state. The results of the audits from the 2014-2015 biennium have identified 1,652 findings that are considered high severity, meaning that these problems represent a barrier that, in and of itself, would be likely to prevent a voter with a disability from entering a polling place and casting a ballot privately and independently. In addition to those high severity findings, auditors have also reported 924 medium severity issues and 1,394 low severity issues, or conditions that add extra burdens to voting that are not faced by voters without disabilities. On average, audits conducted during this period identified 4.9 accessibility issues at each polling place to be addressed by the municipality, with over 40 percent of the problems able to be resolved by posting required election notices and marking accessible entrances.

In an effort to facilitate compliance with polling place accessibility standards, Board staff has implemented a grant program that provides accessibility-related materials and tools to municipalities. These supplies were purchased with federal funds provided through HAVA and are sent to requesting municipalities at no cost. To date, the G.A.B. has sent out 2,146 polling place accessibility supplies to 471 municipalities.

The Government Accountability Board will continue to work with the State’s policymakers and local election officials to assure Wisconsin’s voters that all polling places will be physically accessible. These improvements, promoted by changes in law, federal funding, and increased education, will move the State of Wisconsin toward eliminating all impediments faced by elderly and disabled voters.

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¹ Presidential Commission on Election Administration, “The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration,” January 2014, p. 51-52. <https://www.supportthevoter.gov/files/2014/01/Amer-Voting-Exper-final-draft-01-09-14-508.pdf>

Legal Environment

In 1965, Congress passed the Voting Rights Act (VRA), a sweeping civil rights law that attempted to address the challenges facing many voters, including those with disabilities. The VRA authorized voting assistance for voters with disabilities who would otherwise have difficulty casting a ballot, provided the assistor is not the voter's employer or agent of the voter's employment union. 42 U.S.C. § 1973aa-6. This requirement was subsequently codified in Wis. Stat. § 6.82.

In 1975, the Legislature amended the election code to permit voters with physical disabilities to cast a ballot at the door of the polling place if the polling place was not accessible to persons in wheelchairs. 1975 Wisconsin Act 275, § 3. That same legislation recognized physical disability as a basis for registering to vote by mail and voting absentee. 1975 Wisconsin Act 275, § 2. It also permitted voters with disabilities to request that an absentee ballot application be sent to them automatically for each election. *Id.*

In 1985, the Legislature required all polling places to be accessible to persons in wheelchairs. 1985 Wisconsin Act 304, § 17g. This legislation also authorized municipal clerks to appoint Special Voting Deputies to administer absentee voting in nursing homes. 1985 Wisconsin Act 304, § 74m.

In 1989, the Legislature broadened the language of Wis. Stat. § 5.25 and required that all polling places be accessible to "elderly and handicapped individuals" by January 1, 1992. 1989 Wisconsin Act 192, §§ 4, 86. The State Elections Board was given the authority to exempt a polling place from this requirement in accordance with guidelines developed by administrative rule. 1989 Wisconsin Act 192, § 5. This legislation also permitted municipal clerks to reassign an elector to another polling place within the municipality in order to permit an "elderly or handicapped" individual to utilize an accessible polling place. 1989 Wisconsin Act 192, § 7.

In 1990, Congress passed the Americans with Disabilities Act (ADA), a wide-ranging civil rights law that in part requires public entities to make reasonable modifications on policies, practices or procedures to avoid discrimination against people with disabilities. 42 U.S.C. §§ 12101-12213. The ADA also requires that people with disabilities not be excluded from participating in any public program, service or activity. 42 U.S.C. §§ 12101-12213.

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

Under the conditions provided by the administrative rules and legislation passed in the 1980s and 1990s, the former State Elections Board determined that by 1998 the degree of polling place accessibility in Wisconsin had significantly improved.² However, the Help America Vote Act of 2002 (HAVA) instituted more rigorous requirements for polling place accessibility, leading to recognition that many polling places still present challenges to voters with disabilities who wish to vote independently and privately.

² Wisconsin State Elections Board, *Polling Place Accessibility in the 1998 Election*.

HAVA also provided funds to modernize voting systems across the country in reaction to the electoral problems of the 2000 General Election. HAVA required that the voting system used at each polling place permit all individuals to vote privately and independently. 42 U.S.C. 15481. For many voters with disabilities, this new generation of voting equipment enabled them to vote for the first time without assistance from another person.

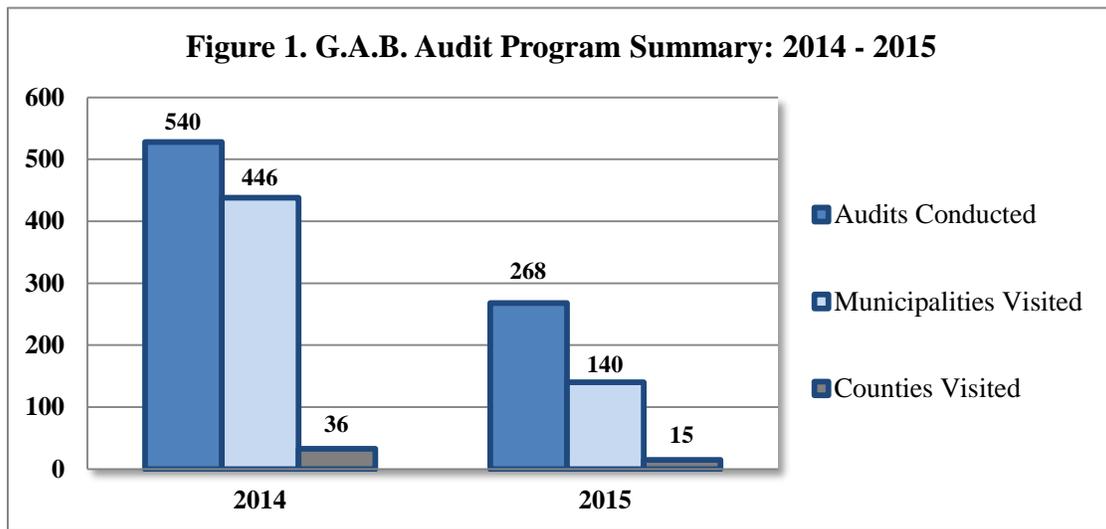
In 2003, the Legislature incorporated the HAVA requirements into state law and further broadened access to voting. 2003 Wisconsin Act 265. This legislation permitted an individual with a disability to notify a municipal clerk that he or she intends to vote at a polling place and to request a specific accommodation that will facilitate his or her voting. 2003 Wisconsin Act 265, § 14. It also required the municipal clerk to make reasonable efforts to comply with such requests for voting accommodations made by individuals with disabilities whenever feasible. 2003 Wisconsin Act 265, § 124.

In 2011, the Legislature required most electors to provide proof of identification before receiving a ballot. 2011 Wisconsin Act 23, § 45. Absentee voters who live in a qualified care facility served by special voting deputies or voters who certify they are indefinitely confined for reason of age, illness, disability or infirmity may have the witness to their absentee voting verify the voter's name and address. 2011 Wisconsin Act 23, §§ 68, 71. Additionally, this legislation required that all electors enter their signature on the poll list before receiving a ballot. 2011 Wisconsin Act 23, § 45. However, it provides that electors who cannot meet this requirement due to disability may be exempted. 2011 Wisconsin Act 23, § 46. Finally, this legislation also expanded the types of care facilities that are served by special voting deputies. 2011 Wisconsin Act 23, § 75.

Impediments to Voting: 2014 - 2015

Polling Place Accessibility Audit Program

The G.A.B. conducts on-site audits during each election to assess the physical accessibility of polling places in Wisconsin. During the 2014-2015 reporting period, 808 polling place audits were conducted over the course of seven elections. The audit program visited 568 municipalities located in 48 Wisconsin counties during this time (Figure 1). During the previous biennium, 921 municipalities were visited with 1,614 polling place audits completed during 16 elections. A summary table of the audit program for the reporting period can be found in Appendix A.



All audits are conducted using the Polling Place Accessibility Survey that was developed with the assistance of the G.A.B. Accessibility Advisory Committee. The survey is organized into five distinct polling place zones that allow a user to answer questions that pertain to a specific location and disregard questions that are not applicable to that location.³ This tool was significantly expanded in 2009 and reorganized in 2014 to increase accuracy in data collection and increase auditor efficiency in the field. The survey contains over 130 questions based upon the requirements outlined in the Americans with Disabilities Act (ADA), the Americans with Disabilities Act Accessibility Guidelines (ADAAG), the ADA Checklist for Polling Places and the ADA Guide for Small Towns. In addition, Board staff worked with the Accessibility Advisory Committee to assign a high, medium or low severity ranking to each question. These determinations allow Board staff to obtain a more nuanced understanding of the accessibility of each polling place. The severity rankings are defined as:

1. **High Severity:** A high severity finding indicates a barrier that, in and of itself, would be likely to prevent a voter with a disability from entering a polling place and casting a ballot privately and independently.

³ Full text of the Polling Place Accessibility Survey (Rev. 2014) can be found on the G.A.B. website at: <http://gab.wi.gov/publications/checklists/2009-polling-place-accessibility-survey>

2. **Medium Severity:** A medium severity finding indicates a barrier that makes it significantly more difficult for a voter with a disability to enter a polling place and cast a ballot privately and independently. Medium severity barriers, especially in combination, can prevent a voter with a disability from exercising his or her right to vote and add significant burdens to the exercise of that right that are not faced by voters without disabilities.
3. **Low Severity:** A low severity finding indicates a barrier that makes it more difficult for an elector with a disability to enter a polling place and cast a ballot privately and independently. Low severity barriers are unlikely to prevent an elector with a disability from exercising his or her right to vote but do add extra burdens to the exercise of that right that are not faced by voters without disabilities.

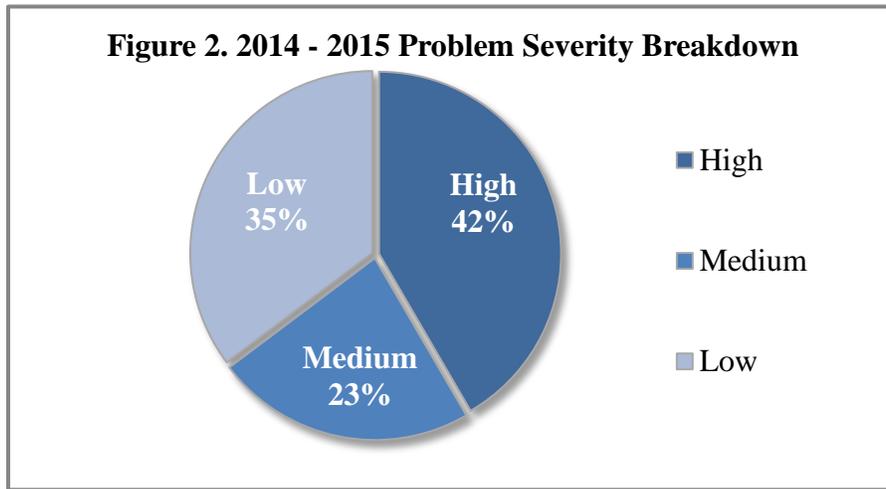
After each election, audit findings were reported to each municipality for each polling place that was visited. These reports detailed the problems identified on Election Day and provided municipal clerks with suggested resolutions to these issues. Clerks were required to file a Plan of Action with the Board that addressed all of the concerns outlined in the audit report. Board staff then reviewed each Plan of Action and worked with each municipality to ensure cost-effective and comprehensive solutions were put into place. Local election officials were provided with the opportunity to order specific accessibility-related supplies to assist their efforts in remedying problems. Those supplies were purchased by the G.A.B. using federal funds and were sent to requesting municipalities at no cost to them. These supplies include signature guides, page magnifiers and various signs for parking areas, pathways and accessible entrances.

Until the 2014 Partisan Primary, paper reports were generated for each audit conducted. To address the high administrative burden of this paper-based system, Board staff worked to develop an electronic platform for reporting audit results to local election officials. The Polling Place Accessibility Reporting System was launched in early 2015 and allows clerk users to view audit reports online, file their Plan of Action electronically and access reference materials to explain and aid polling place accessibility efforts. The System allowed staff to customize reports with specific explanations of problems and photos taken during site visits, leveraging the use of technology to improve the efficiency and effectiveness of the audit program.

❖ **2014-2015 Polling Place Accessibility Audit Program Summary**

The Board's accessibility audit program has identified 3,970 problems at 808 polling places over the last two years. Of those problems, 1,652 are considered to be high severity impediments to voting, meaning that the presence of one or more of these problems represents a barrier that, in and of itself, would be likely to prevent an elderly voter or a voter with a disability from entering a polling place and casting a ballot privately and independently. An additional 924 medium severity problems were found that would significantly impact the ability of those same voters to participate in the electoral process at their polling place. The remaining 1,394 problems are classified as low severity issues that would not prevent an elderly voter or a voter with a disability from casting a ballot, but would make that process more difficult. Over 40 percent of all problems identified were considered high severity problems with low severity problems the

next most commonly identified issues (Figure 2). A two-year summary of the audit program can be found in Appendix A.



The majority of accessibility problems continued to be confined to the voting area (Figure 3). Polling place audits during this two-year period identified 1,868 voting area problems, which is 47 percent of all audit findings from these two election cycles. Of those infractions, 780 qualify as high-severity problems, including 105 polling places with no booth or table where a voter in a wheelchair could cast a paper ballot and 97 locations where accessible voting equipment was not set up to ensure voter privacy.

In addition to the problems found in the voting area, 798 high-severity problems with accessible entrances were reported by auditors. Fifty-nine percent of audited locations did not have an accessible entrance that would be easily identifiable by voters with disabilities and 183 separate locations had doors that required too much force to open. Non-functioning electronic accessible features, such as automatic openers and doorbells, were identified as problems at five percent of all visited locations. Many local election officials report that these features were otherwise operational, but were not turned on for Election Day.

The remainder of the high-severity problems were found along interior routes from the accessible entrance to the area where voting was taking place. Of these 74 problems, several locations had obstacles such as drinking fountains, display cases or tables located along the interior route that represent a hazard to voters trying to gain access to the voting area. Other interior routes contained doors that did not meet the standard width to guarantee wheelchair access.

Table 1. Total 2014-2015 Problems by Polling Place Zone						
	Parking	Pathways	Accessible Entrance	Interior Routes	Voting Area	Total
High	0 ⁴	0 ⁵	798	74	780	1,652
Medium	545	178	65	120	16	924
Low	237	46	39	0	1,072	1,394
Total	782	224	902	194	1,868	3,970

During the 2014-2015 reporting period, polling place audits identified an average of 4.9 accessibility problems at each visited location. Consistent with the previous biennium, each of the five polling place zones remained represented in the ten most common problems identified (Appendix B). There was some variation between the average number of problems identified between the two years, with the average audit finding almost one fewer problem in 2015 than audits conducted in 2014. When reviewed in context of the percentage of problems found in each polling place zone, the numbers are consistent across 2014 and 2015. For example, in both 2014 and 2015, 47 percent of all accessibility problems were found in the voting area. Problems identified in the parking area section, constituted 19.3 percent of all problems in 2014 and 20.6 percent in 2015. The largest percentage difference between the two years was found in the accessible entrance section as 2014 audits identified three percent more problems at the accessible entrance than in 2015.

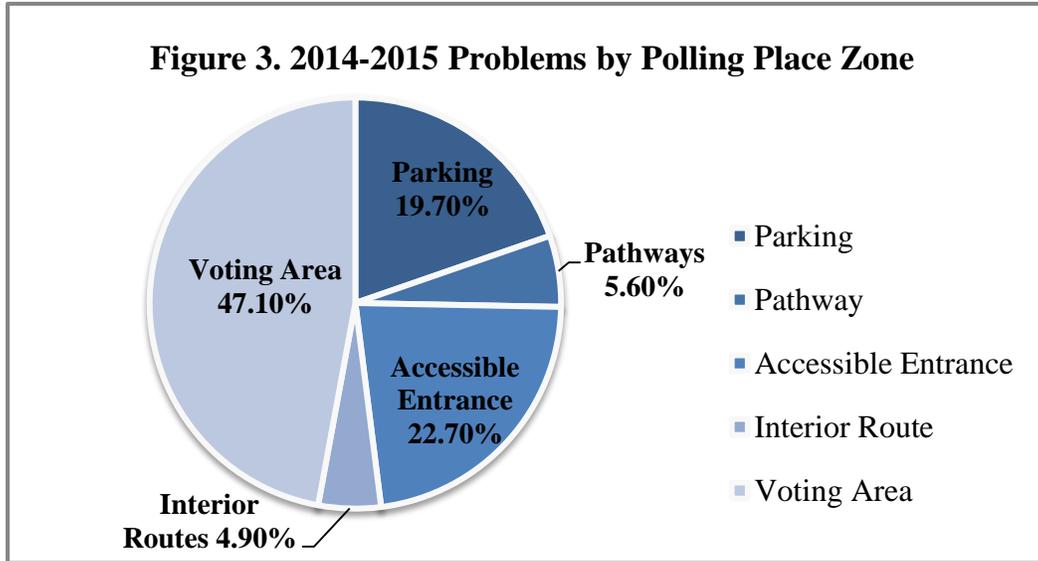
Polling place audit results were remarkably stable over the course of the biennium, with the average number of problems found in three polling place zones almost exactly the same in 2014 as in 2015. The average number of problems in parking areas, along accessible pathways and interior routes were all within .01 of each other. The remaining two zones, accessible entrances and voting areas, both had an average number of problems that was .03 lower in 2015 than it was in 2014. These numbers remained consistent even as the audit program visited a diverse range of Wisconsin municipalities and geographic areas. While the program visited counties in all geographical regions of Wisconsin, a significant number of audits were conducted in the three largest cities in the state (Milwaukee, Madison, and Green Bay). Site visits also occurred in less populated counties such as Douglas, Barron and Polk in the northwest region, Grant in southwest, and Marinette in the northeast corner of the state.

The stability of this data allows for trends to be identified and persistent problems to be addressed through increased training efforts. It also indicates a lack of awareness of certain aspects of polling place accessibility that public education and outreach to local election officials and governing bodies can improve. The consistency of the data, however, does not indicate that polling places in urban areas include precisely the same accessibility difficulties as sites in rural

⁴ No questions in the parking area zone of the Polling Place Accessibility Survey (Rev. 2014) are characterized as high severity issues.

⁵ No questions in the pathway zone of the Polling Place Accessibility Survey (Rev. 2014) are characterized as high severity issues.

areas. For example, despite the consistent average of one parking area problem per location, polling places in rural areas are much more likely to have issues with unpaved parking areas while sites in urban areas are more likely to lack curb cuts for sidewalk access in on-street parking situations.



❖ **2014 Audit Results**

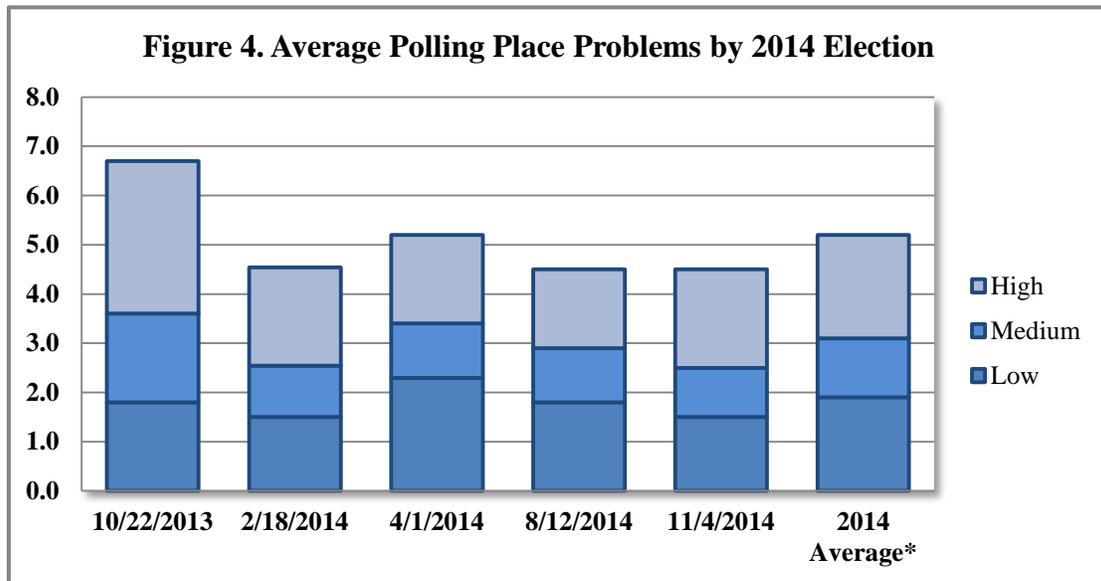
In 2014, Board staff continued the practice of sending out a team of auditors to conduct polling place accessibility audits for each election. 540 total audits were conducted over the course of four regularly scheduled elections in 2014 and one special election in late 2013 that occurred after the 2011-2013 reporting period. A summary of these findings is shown in Figure 4. These audits identified 2,801 total problems for an average of 5.2 accessibility issues per site visit. On average, 112 municipalities were visited for each election with at least one audit conducted in half of all Wisconsin counties during this year. Audits conducted during the Spring Primary and Spring Election were completed using the 2009 version of the Polling Place Accessibility Survey. The survey was revised in 2014 with the assistance of members from the Board’s Accessibility Advisory Committee and the new version of the survey was deployed for the 2014 Partisan Primary and the General Election.

Of the 2,801 accessibility problems identified in 2014, 1,115 were high-severity issues and 555 of those problems were associated with accessible entrances. High-severity issues included 354 polling place locations where entrances were not properly marked with the universal symbol of accessibility. This requirement allows voters to efficiently identify the accessible entrance and not enter the facility at a point that would not allow them to reach the voting area. Other aspects of accessible entrances also proved to be problematic with audits identifying heavy doors at many polling places. The ADA specifies that an entrance without an electronic accessible feature, such as a wireless doorbell or an automatic opener, should be able to be opened using eight pounds of force or less with a closed fist. Thirteen percent (106) of surveyed polling places did not meet this standard. An additional high-severity problem, non-functioning electronic

accessible features, such as automatic openers and door bells, was found at twenty-four polling places.

Medium-severity issues comprised 24 percent of all findings in 2014 and over half of those were located in the parking area. Of the 540 polling locations surveyed, 343 facilities did not meet federal standards concerning the required number of van-accessible and/or regular accessible parking spaces. In addition to the lack of accessible parking spaces, 117 locations had problems with the signage used to identify accessible parking spaces and 13 polling places had parking that was not located nearest to the accessible entrance. Long distances of travel to the accessible entrance serve as a deterrent for voters with disabilities or elderly voters who have ambulatory issues.

A significant number of problems were also found in the voting areas of audited polling places, but the vast majority of these problems were low severity issues related to missing required election-related notices. On average each visited location was missing 1.5 required notices and 819 unique notices were missing in total. Higher severity issues were also identified in voting areas, with eighty-five polling places found to be without a voting booth or table where a voter with a disability could cast a paper ballot privately and independently. HAVA-required accessible voting equipment was either not set up or not functioning properly at twenty-one polling places at the time of these audits. At polling places that did have accessible voting equipment available, fifty-two had equipment positioned in a manner that would not ensure voter privacy.



**These numbers include results from audits conducted during the 10/22/2013 Special Election.*

❖ **2015 Audit Results**

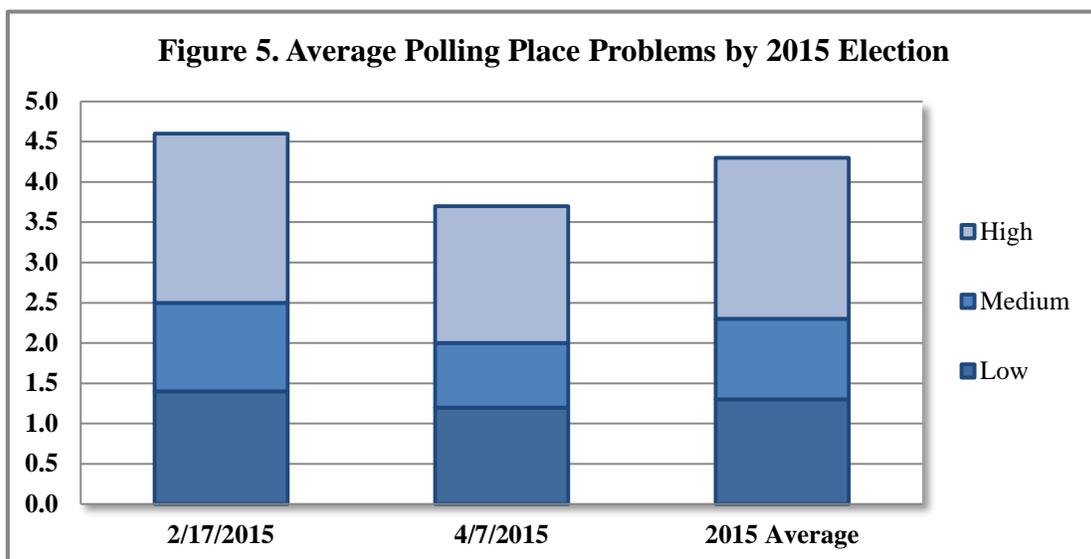
The 2015 election cycle provided two opportunities to conduct polling place accessibility audits. Planning for the Spring Primary was complicated by the lack of a statewide office on the ballot and the potential for inclement weather that could hamper travel to the northern region of Wisconsin. Counties with a primary that were located within a two-hour drive time of Madison

were selected for site visits for this election. For the Spring Primary, 102 audits were completed, and an additional 166 site visits took place during the Spring Election, including 61 in the City of Milwaukee.

The audit program reached 140 individual municipalities in fifteen counties over the course of these two elections. The 268 total audits that were conducted identified 1,169 total accessibility problems, for an average of 4.4 problems per polling place. A summary of these findings is shown in Figure 5. Of those problems, 536 were classified as high severity problems. High severity problems represented forty-five percent of all accessibility problems, and polling place audits identified an average of two such problems at each location.

These problems were especially prevalent in the voting area and at the accessible entrance. Voting areas had 296 high severity problems including at least 40 audited sites with at least one of the following problems: election notices that were not printed in the proper font size, lack of privacy for voters using the accessible voting system and privacy issues with accessible voting stations for paper ballot use. At the accessible entrance, auditors found 240 total problems with 219 of those problems considered high severity. 115 accessible entrances were not marked as such with the universal symbol of accessibility, and twenty-three percent of visited locations had heavy doors that did not meet ADA standards. The remainder of the high severity problems were found along interior routes to the voting area where auditors found obstacles such as folding tables, chairs, water fountains and non-compliant doors.

A lack of accessible parking spaces persisted in parking areas at polling places in Wisconsin. These problems are considered by the survey to be of medium severity and 125 locations did not meet the standards for the type and/or number of accessible parking spaces required to be at each polling place. Other common medium severity problems were found along accessible pathways and along interior routes to the voting area. Accessible pathways at 31 locations were found to have breaks, cracks or edges that were an impediment for voters using that pathway to gain access to the facility. Along interior routes, fifteen percent of all visited locations did not have signs directing voters to the voting area from the accessible entrance. This signage allows voters with mobility issues to travel the shortest possible distance to cast their ballot.



❖ **Cumulative 2011 - 2015 Audit Program Summary and Comparison**

From 2011 to 2015, Board staff conducted 2,422 polling place accessibility audits over the course of twenty-three elections. Staff averaged 105 site visits per election with the audit program identifying, on average, six accessibility problems at each polling place. These totals include audits conducted during thirteen regular elections and ten special elections, including the 2012 statewide Recall Primary and Recall Election. Audits were conducted in 1,507 of Wisconsin’s 1,853 municipalities and multiple audits were conducted in every county in the state over this time period.

A comparison of audit data from the previous two reporting periods suggests that polling place accessibility in Wisconsin is improving. For the 2011-2013 biennium, staff audits of polling places revealed an average of 6.5 accessibility problems at each visited site. Results from the most recent reporting period indicated a decrease of over 1.5 problems per site, for an average of 4.9. Analysis of the average polling place audit for each biennium reveals some decrease in the average number of findings in each polling place zone in the 2014-2015 reporting period, but the relative frequency of problems identified in each zone remained stable over the last five years (Table 2). While the statistical trend is encouraging, it should be noted that it is difficult to determine the cause of the decrease. Possible factors may include a greater awareness of and attention to accessibility issues, or a variance in the identification and detection of accessibility problems due to a difference in the survey tool or the judgment of individual auditors over the course of the program.

The average number of problems identified in each polling place zone decreased in the 2014-2015 biennium. The most significant change was seen in the average number of problems identified in the voting area, a rate that declined 20 percent between the two reporting periods. Although the percentage of total problems remained comparable, the 2014-2015 reporting period saw a decrease of .60 voting area problems to an average of 2.3 per audited location. Problems identified at accessible entrances declined slightly on average, but represented a four percent increase from the previous reporting period; up from 19 to 23 percent of all problems identified. The average number of problems found along accessible pathways declined by half (.56 to .28), and continued to represent a small number of overall problems. The remaining percentages by zone remained stable between the two reporting periods with problems in the parking area, accessible entrance and voting area comprising over 85 percent of all identified problems.

	Parking		Pathways		Entrance		Interior Routes		Voting Area		Totals
	#	%	#	%	#	%	#	%	#	%	
2011 - 2013	1.4	22%	.56	8.5%	1.25	19%	.36	5.5%	2.9	45%	6.5
2014 - 2105	.96	20%	.28	5.2%	1.12	23%	.24	4.8%	2.30	47%	4.9

The most commonly identified problems remained constant over this five-year period. In both reporting periods a problem from each of the five polling place zones was represented in the top ten overall most commonly identified problems. A comparison of the lists from each biennium reveals that many, if not all, of the most common problems remained the same, although several problems shifted positions on the list (Table 3). Missing signs directing people to the voting area

from the accessible entrance went from the tenth most common problem to the fifth most common, while missing accessible voting booths were also more common during the current reporting period. The remainder of the list showed very little fluctuation and affirmed these problems as both common and persistent.

Table 3. Top Ten Most Common Problems Comparison: 2011 - 2015				
2014 -2015 Rank	Problem	Zone	2014-2015 Number	2011-2013 Rank
1	Required polling place notices and instructions were either not posted or were not posted in the required 18 point font	Voting Area	1115	1
2	The accessible entrance was not clearly marked at the door.	Entrance	477	3
3	The number of accessible parking spaces does not meet minimum ADA requirements.	Parking	468	2
4	The accessible entrance door required more than 8 pounds of force to open with a closed fist.	Entrance	121	4
5	The interior routes were not clearly marked by large print signs.	Interior Route	107	10
6	The voting area had no booth or table where a voter using a wheelchair may cast a paper ballot privately and independently.	Voting Area	105	8
7	The off-street parking area did not have accessible spaces designated by clearly visible signs bearing the proper symbol of accessibility.	Parking	99	5
8	The accessible voting equipment was positioned in a way that, if a person was seated or standing at the machine, others might see how the voter was marking his/her ballot.	Voting Area	97	9
9	The accessible voting booth was positioned in a way that, if a person was seated or standing at the machine, others might see how the voter was marking his/her ballot.	Voting Area	86	8/NA ⁶
10	The accessible pathway (including any grating surface) had breaks or edges where the difference in height was over 1/2".	Pathway	82	7

Missing polling place notices or notices that were not posted in the correct font size were identified as problems 3,938 times during elections from 2011 to 2015. Polling places during this time period averaged 1.6 missing notices, with 2,823 of these problems identified during the 2011-2013 reporting period. Almost 60 percent of the problems identified in the voting area in 2014-2015 were missing required election-related notices and postings. These low-severity problems included 1,115 unique instances of a missing notice or posting, not including 63 polling places that did not have two sample ballots posted for public reference. During audits conducted in 2011-2013, missing notices constituted 60 percent of voting area problems; a rate similar to the current reporting period.

Accessible parking areas and spaces that did not meet ADA standards continued to be a challenge at Wisconsin polling places. While the survey results indicate that many locations did not have the required number of accessible parking spaces required by law, the majority of these locations had at least one accessible parking space, but that space did not meet all of the legal

⁶ The 2009 Polling Place Accessibility Survey asked users if a booth was 1) present and 2) set up to ensure voter privacy in the same question. The 2014 survey was revised to individually capture the information about the presence of the booth and the privacy set up. This finding would have been represented in the results from 2011-2013, but it would have also included polling places that did not have an accessible voting booth available.

requirements to be considered a van accessible parking space. Each polling place is required to have at least one van accessible space available on Election Day. To address this issue, Board staff has amended the survey form to collect more specific information about the van accessible parking situation at each location. The result of this change is that staff can now provide customized feedback designed to promote compliance including photos taken on location during the site visit and examples of best practices.

Impediments Identified by the Accessibility Advisory Committee

The G.A.B. is required to consult with appropriate advocacy groups representing the elderly and disabled populations in the preparation of this report. The Board has been able to hire staff with HAVA § 261 funds to develop close communication and business relationships with representatives of advocacy groups on issues related to polling place accessibility as well as other election administration topics. Board staff has continued to partner with advocacy groups represented on the Accessibility Advisory Committee, which works with the agency to identify and remedy barriers that elderly electors and citizens with disabilities face when voting. The participation of advocacy groups on this Committee provides the Board with insight and guidance from experts in the disability community and perspective from citizens who are directly affected by polling place accessibility and accessible voting issues.

The membership of the Accessibility Advisory Committee includes representatives from nine disability and municipal organizations, and it met regularly during the 2014-2015 reporting period. A full list of members can be found in Appendix C. Regular meetings were scheduled to coincide with the Spring and Fall election cycles and smaller workgroups were formed to assist Board staff with special projects and voter outreach initiatives. The Accessibility Advisory Committee provided feedback to the agency concerning the polling place accessibility audit program, assisted Board staff with revising and reorganizing the Polling Place Accessibility Survey, participated in the public review of accessible voting equipment prior to Board approval of the equipment, and assisted with the development of public information for voters with disabilities.

Board staff entered into a partnership agreement with the Wisconsin Disability Vote Coalition (WDVC) to produce public education materials for voters with disabilities in advance of the November 2014 General Election. The WDVC is a non-partisan voter advocacy group comprised of representatives from Disability Rights Wisconsin and the Board for People with Developmental Disabilities whose goal is “to increase voting turnout and participation in the electoral process among members of Wisconsin’s disability community.” The project consisted of three main components: updating and printing *Voting in Wisconsin: A Guide for Citizens with Disabilities*; the creation and distribution of informational packets for voters and staff at community-based residential care facilities; and the production of a training video for local election officials and poll workers.

Voting in Wisconsin: A Guide for Citizens with Disabilities was updated to reflect recent changes to Wisconsin election law. The 20-page voter information guide was designed to be used by voters and groups interested in voter education and get-out-the-vote efforts. It provides information on all aspects of the electoral process, including details on registering to vote, voting by absentee ballot, what to expect at the polling place on Election Day, and voting options for

residents of residential care facilities and nursing homes. A version of *Voting in Wisconsin* was also created to provide information about voter photo ID requirements that were not in place for the 2014 November General Election, but will be in effect for the 2016 election cycle. Board staff reviewed the guide for accuracy and clarity of content and provided support for printing and distribution. Versions of the guide were also created in Spanish and Hmong to assist voters whose native language is other than English and the guide was posted to the G.A.B. website where it can be printed as a resource for other voter outreach efforts.⁷

The informational packets related to voting at residential care facilities were created in response to feedback from members of the Accessibility Advisory Committee who identified areas of concern and confusion regarding the voting process and rules for voters who reside in community-based residential care facilities and nursing homes. They reported that both residents and care facility staff were unfamiliar with the details of this process and this uncertainty represented a potential barrier to participation for these voters. The informational packets were designed to provide guidance to care facility staff on how to educate residents on their voting rights and the rules and requirements for registering to vote and casting a ballot.

Included in the packets was a “Guide to Action” for care providers that explained how they can talk to residents about elections, information sheets about the specifics of voting in Wisconsin, details about the voter registration process, and a list of resources for voters or facility staff if any questions arise. The *Voting in Wisconsin* guide was also included along with a WDCV pamphlet on “Competency, Guardianship and Voting in Wisconsin,” a copy of the voter registration application and a DVD containing the local election official and poll worker training video that was produced as part of this project. Residential care facilities and nursing homes eligible for service by special voting deputies were also provided with a revised version of the G.A.B. manual “Absentee Voting in Residential Care Facilities and Retirement Homes.”

A training video was produced to provide local election officials, poll workers and voters with information about accessible voting options in Wisconsin and polling place etiquette for interacting with voters with disabilities. “This Is Where We Vote!” is an eleven minute video featuring voters with disabilities, local election officials and disability advocates talking about the importance of polling place accessibility. Local election officials discuss the importance of accessible polling place set-up while voters with disabilities speak about their previous voting experiences, the need to treat all voters with respect, and the necessity of ensuring that accessible voting equipment is set up and functioning properly on Election Day. Advocates for the disability community appear in the video to present information about forming partnerships to improve voter access and how to properly support voters who need assistance casting a ballot.⁸

This video was produced to educate local election officials and poll workers about the abilities and preferences for voters with disabilities and any voter who may have special needs. The format and tone of “This Is Where We Vote!” emphasized how seemingly inconsequential accommodations and patience from poll workers create a welcoming environment for all voters. The need for this message was reinforced by the results of a voter satisfaction survey conducted in Wisconsin after the November General Election in 2014 by the advocacy group Self

⁷ *Voting in Wisconsin: A Guide for Citizens with Disabilities* can be found on the G.A.B. website at <http://www.gab.wi.gov/publications/other/voting-in-wisconsin-a-guide-for-citizens-with-disabilities>.

⁸ “This Is Where We Vote!” can be found on the G.A.B. website at <http://www.gab.wi.gov/publications/videos/accessibility-training-this-is-where-we-vote>.

Advocates Becoming Empowered (SABE). While very few respondents indicated that they had difficulty entering the building, one out of every six voters felt that poll workers treated them as if they lacked the ability to vote. Fifteen percent of respondents also answered that they felt that poll workers acted as if they were not capable of voting independently.⁹ These results emphasize the need for continued training of poll workers to ensure that all voters feel welcome at the polling place on Election Day, as well as the positive impact that can result from such training.

Members of the Accessibility Advisory Committee also assisted the agency in the review process for accessible voting equipment applications to be approved for use in Wisconsin. Several members of the Committee also serve on the Wisconsin Election Assistance Committee (WIEAC) and participated in the public meeting where certification of these systems was discussed. Several other members of the Accessibility Advisory Committee attended the public demonstration for new voting systems and provided feedback on the accessibility features and usability of these machines. This feedback was considered during the development of staff recommendations to the Board regarding voting equipment approval, and survey results were included in the appendix of the staff's certification memo. Public input from the accessibility community provides another layer of transparency during the certification process and allows local election officials to review this feedback before purchasing decisions are finalized.

⁹This survey was conducted as part of the Project Vote Election Day Survey and the questions were developed by SABE's National Technical Assistance Center for Voting and Cognitive Access Project Vote Team and in collaboration with protection and advocacy groups nationwide and The National Federation of the Blind. The survey was administered to Wisconsin voters who attended a SABE conference after the November General Election. In total, 48 persons with disabilities completed the survey.

G.A.B. Accessibility Program Overview

The Government Accountability Board has created a multi-faceted program to improve polling place accessibility in Wisconsin. The audit program constitutes a significant portion of these efforts, but local election official training is also an essential aspect of the G.A.B. program. In addition, Board staff has recruited representatives from disability advocacy groups to serve on an Accessibility Advisory Committee. This Committee advises the agency on barriers to voting that their specific constituencies continue to experience. The Accessibility Advisory Committee also assists the G.A.B. in the development and dissemination of public information aimed at informing elderly voters and voters with disabilities about their voting rights and providing information about available voting options.

Impact of the Polling Place Accessibility Audit Program

The data gathered by the audit program has provided a baseline for polling place accessibility in Wisconsin. This information has been used to identify common problems with polling place set-up and accessible voting equipment, and general problems with municipal and private facilities where polling places are located. Review of this data allowed Board staff to adjust the existing training protocol where appropriate and develop appropriate additional training resources. As detailed earlier in this report, specific problems identified during polling place audits are also reported to municipalities to improve compliance. In addition to providing this guidance, the G.A.B. has purchased accessibility-related supplies to assist local election and municipal officials with completing the necessary polling place changes.

For the 2014-2015 reporting period, the G.A.B. has sent out 2,146 supplies to 471 requesting municipalities. This total includes 753 supplies sent to 152 municipalities after the reporting period closed in 2013, and 1,009 items were provided to 230 municipalities in 2014. In addition, 89 municipalities have been provided 384 individual supplies as of June 2015. These supplies were purchased in 2009 using HAVA funds and several out-of-stock items were replenished in 2014. Supply storage and shipping costs have added approximately \$8,300 to the budget for the program. Supply orders are expected to correspond with findings from either a self-reported or G.A.B.-conducted audit, but municipalities can request supplies that improve accessibility if they designate a need for the supplies with their request.

Municipalities across the state have undertaken projects aimed at improving polling place accessibility in direct response to the result of a polling place audit. A review of Plans of Action reveals that municipalities have worked to replace dirt and gravel accessible parking areas with asphalt or concrete, re-grade accessible pathways that were found to be too steep by ADA standards, rebuild non-compliant ramps and install electronic accessible features on entrances with heavy doors. In addition to accessibility problems with costly solutions, Board staff clarifies easily-achievable accessibility standards that ensure voting machines are positioned to guarantee voter privacy and reminds local election officials that ADA-compliant booths or tables must be available for voters who may want to cast a paper ballot but would have difficulty doing so at the standard booth. The program has also drawn attention to accessibility concerns that have low or no-cost remedies, such as keeping interior corridors and voting areas free from

obstacles or protrusions on Election Day and clearing leaves, snow and/or ice from accessible pathways.

Board staff has also heard from local election officials who use audit results to assist them with developing new or modifying existing polling place assignment plans. Local election officials must designate voting locations before each election and the results of accessibility audits have led to the determination that polling places should be reassigned to more accessible locations, rather than undertaking expensive construction projects to achieve compliance. Several municipalities have reported that accessibility issues uncovered during G.A.B.-conducted audits contributed to the decision to build new municipal facilities to replace the current non-compliant buildings.

Election Worker Training

Wisconsin law requires one certified chief inspector to be present in every polling place on Election Day while the polls are open and mandates that all municipal clerks attend a state-sponsored training program at least once every two years. The Government Accountability Board, pursuant to Wis. Stats. §§ 7.31 and 7.315, has developed curriculum for the training and certification of chief inspectors and municipal clerks.

During the 2014-2015 reporting period the Board conducted 73 Chief Inspector training sessions around the State of Wisconsin using a combination of in-person classes and internet-based training sessions to certify 2,550 election workers. Board staff and certified clerk-trainers have also conducted 17 municipal clerk training sessions during this timeframe with 652 municipal clerks participating in the program. A series of 30 Webinar programs were developed to provide local election officials with current election administration information and guidance. Municipal clerks, chief inspectors and regular election inspectors were the primary audience for these presentations, which lasted between 45 and 120 minutes with 50 - 400 participants per session. In addition, election administration staff attended and participated in conferences sponsored by the Wisconsin County Clerks Association, Wisconsin Municipal Clerks Association, and Wisconsin Towns Association, as well as quarterly district meetings for the Wisconsin Municipal Clerks Association.

A significant portion of this training protocol focused on assisting and working with voters with disabilities. The municipal clerk training program contains a chapter on polling place accessibility, and accessibility concerns were addressed throughout the recent Webinar series. In addition to explaining the rights of voters and the responsibilities of election inspectors and municipal clerks, Board staff created and updated training materials for use with election workers. These materials provide an overview of Americans with Disabilities Act requirements and define how those standards relate to polling place organization and configuration. Comprehensive election administration related information has been added to the agency website, including a list of the most common accessibility audit findings, information on providing assistance to voters with disabilities and an outline of the curbside voting process (<http://gab.wi.gov/node/2858>).

Public Outreach Efforts

Board staff partnered with disability organizations who serve on the Accessibility Advisory Committee to distribute public information materials before the 2014 fall election cycle. Comprehensive materials were created to provide elderly voters and voters with disabilities with information about election-related deadlines for voter registration and absentee voting. Additional accessible voting information was included to inform voters about polling place accessibility requirements, assistance available for voters who need help casting their ballot and the presence of accessible voting systems at each polling place. These materials were provided to Committee members and transmitted to members of their organizations and subscribers to their news feeds. Content was also specifically created to be shared on social media sites and organizational websites.

This public outreach plan was designed to ensure that voting information specific to elderly voters and the disability community was disseminated to a targeted audience. The relationships developed through the Accessibility Advisory Committee have allowed the agency to reach tens of thousands of voters with information about voting and elections and ensure that the information provided was relevant to them. The contact lists maintained by advocacy organizations were tools that were previously unavailable to Board staff and access to those channels of communication increased the effectiveness of agency public outreach efforts.

Voting equipment tutorial videos continued to be developed over the course of this reporting period. During this biennium, Board staff produced videos instructing voters on the functions of accessible voting equipment for two of the three most common systems approved for use in Wisconsin. Videos for the AutoMARK and Accuvote TSX were created when Board staff gained access to this equipment after software changes required those systems to be recertified. In addition, staff instituted a policy of filming voter tutorials for any new accessible voting systems brought into the state for initial approval. This program initiative resulted in the creation of videos for two systems, the ExpressVote and ImageCast Evolution, recently certified for use in the state. These videos were posted to the agency website and provided to relevant municipalities for use on their municipal and county websites.¹⁰

¹⁰ These videos can be found on the G.A.B. website on the voting equipment page here: <http://www.gab.wi.gov/voters/accessibility/accessible-voting-equipment>.

Impediments to Voting Report Conclusion

Accessible voting in Wisconsin remains a challenge for elderly voters and voters with disabilities. New locations are selected as polling places that may increase, decrease or create lateral accessibility concerns. Polling place turnover rates should continue to, at least, remain constant as many municipalities look to remove polling places from school buildings. The Government Accountability Board remains committed to visiting every polling place in the state to assess compliance with laws designed to ensure that all voters can enter their voting location on Election Day and cast a private and independent ballot. Board staff has visited 1,507 of 1,853 municipalities in Wisconsin over the last five years and estimate that all municipalities will have been visited by the end of the 2016 election cycle.

The agency's polling place accessibility audit program has been successful in identifying common accessibility problems, reporting those issues to local election officials and working with local election officials to address those problems. The results of the 808 audits that have been conducted during this reporting period indicate that surveyed polling places averaged 4.9 accessibility problems. This rate represents a decrease of over 1.5 problems per polling place from the previous biennium, but the cause of this decrease is difficult to identify. Many of the problems identified during audits continue to be classified as low-severity problems, meaning these deficiencies would make it more difficult for an elderly voter or a voter with a disability to cast a ballot but would not prevent them from doing so.

Current Wisconsin law requires up to 10 different notices, instructions and reference materials, including ward maps, to be posted in each polling place. Depending on the election, the number of required notices varies, with additional notices required for the Partisan Primary and for any election with a referendum on the ballot. In addition, two copies of the sample ballot are required to be prominently posted on Election Day in the voting area. The absence of these materials is considered a low-severity finding by the standards of the Polling Place Accessibility Survey (Rev. 2014), and missing required notices, instructions, ward maps and sample ballots accounted for 1,178 (31 percent) of all accessibility problems identified during this reporting period. If all of these required materials were present at the time of these audits, the average number of accessibility-related problems identified at each polling place decreases to 3.3. Board staff does not discount the importance of the missing notices, but consider them to be easily remedied problems with solutions that would come at little to no cost to municipalities not in compliance.

Accessible entrances that were not clearly marked with the universal symbol of accessibility account for 30 percent of all high-severity problems identified during this reporting period. At these 477 polling places, this issue could be resolved by adding a decal or sign to the door that indicates it as the accessible entrance. Compliant decals are currently available through the Board's polling place accessibility supply program and are provided to municipalities upon request at no cost.

Missing election materials and unmarked accessible entrances remain a significant portion of the total problems found during audits. These problems were identified at similar rates during the previous biennium and are easily correctable issues that do not require significant resources to achieve compliance. If these basic issues were corrected, the average surveyed polling place in Wisconsin would average over 40 percent fewer total problems. This analysis is not to suggest

that the significance of any identified problems should be minimized, but an in-depth review of the data reveals that the level of polling place accessibility in Wisconsin is not as dire as a superficial review of the statistics might suggest, and that meaningful progress can be made with little expense.

In addition to impediments identified by the polling place accessibility audit program, advocacy groups representing elderly voters and voters with disabilities assisted Board staff with identifying additional barriers to voting. Advocates indicated that voters with disabilities often lack basic information about voter registration and voting options in Wisconsin. In response to this issue, a comprehensive voting guide for citizens with disabilities was updated and distributed to interested parties. Confusion over rules for voters who reside in residential care facilities and nursing homes was identified as a problem by both Board staff and advocacy groups, so information packets about voting were created and sent to over 3,000 care facilities and nursing homes in advance of the 2014 November General Election. Anecdotal accounts and results from voter satisfaction surveys from Wisconsin indicated that many voters with disabilities felt that they could have been treated better at their polling place on Election Day. A poll worker training video was created that featured local election officials, voters with disabilities and advocates talking about their voting experiences and explaining how the combination of accessible polling places and respectful poll workers creates a welcoming environment for all voters.

Board staff will continue to use all information at its disposal to increase access to the polls for all eligible voters. The polling place audit program is projected to complete visits to the vast majority of polling places in Wisconsin by the end of the 2016 election cycle. The aim of the program will then shift to revisiting select locations to verify that problems identified by site visits have been corrected. The Accessibility Advisory Committee will continue to meet so that advocacy groups can share their experience and expertise with Board staff. All of the information gained through these endeavors will be used to create a well-rounded training protocol for local election officials and poll workers whose aim is to ensure that all eligible voters can cast a ballot without barriers that discourage participation.

Appendix A

Table 2. 2014-2015 Polling Place Audit Program Summary

Election Date	Audits	Municipalities	Counties	Overall Problems	Average Problems
10/22/2013	12	8	3	80	6.7
2/18/2014	104	86	13	478	4.6
4/1/2014	131	120	10	737	5.2
8/12/2014	136	126	10	655	4.5
11/4/2014	157	103	17	761	4.6
2/17/2015	102	62	8	472	4.4
4/7/2015	166	77	12	683	3.7
Totals	808	582	48	3,857	4.9

Appendix B

Table 3. Top Ten Most Common Problems: 2014 - 2015

Top Ten Most Common Problems: 2014 - 2015			
2014 -2015 Rank	Problem	Zone	Number
1	Required polling place notices and instructions were either not posted or were not posted in the required 18 point font	Voting Area	1115
2	The accessible entrance was not clearly marked at the door.	Entrance	477
3	The number of accessible parking spaces does not meet minimum ADA requirements.	Parking	468
4	The accessible entrance door required more than 8 pounds of force to open with a closed fist.	Entrance	121
5	The interior routes were not clearly marked by large print signs.	Interior Route	107
6	The voting area had no booth or table where a voter using a wheelchair may cast a paper ballot privately and independently.	Voting Area	105
7	The off-street parking area did not have accessible spaces designated by clearly visible signs bearing the proper symbol of accessibility.	Parking	99
8	The accessible voting equipment was positioned in a way that, if a person was seated or standing at the machine, others might see how the voter was marking his/her ballot.	Voting Area	97
9	The accessible voting booth was positioned in a way that, if a person was seated or standing at the machine, others might see how the voter was marking his/her ballot.	Voting Area	86
10	The accessible pathway (including any grating surface) had breaks or edges where the difference in height was over 1/2".	Pathway	82

Appendix C

2014 - 2015 Government Accountability Board Accessibility Advisory Committee

	Advisory Group Members	Organization
1	Alicia Boehme and Kit Kerschensteiner	Disability Rights Wisconsin
2	John Shaw	Wisconsin Board for People with Developmental Disabilities
3	Maureen Ryan	Wisconsin Coalition of Independent Living Centers
4	Nino Amato	Coalition of Wisconsin Aging Groups
5	Jason Glozier	City of Madison, Civil Rights Division
6	Annabelle Potvin	National Alliance for the Mentally Ill
7	Jason Endres	People First Wisconsin
8	Neil Ford	Wisconsin Council of the Blind and Visually Impaired
9	Daniel Olson	League of Wisconsin Municipalities

	G.A.B Staff	Title
	Kevin Kennedy	Director and General Counsel
	Michael Haas	Elections Division Administrator
	Ross Hein	Elections Supervisor
	Richard Rydecki	Elections Specialist – Accessibility Coordinator
	David Buerger	Elections Specialist
	Ann Oberle	SVRS UAT – Lead
	Christopher Doffing	Multi-Media Training Officer