# Wisconsin Elections Commission

# Impediments Faced by Elderly Voters and Voters with Disabilities

## June 2021

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## Executive Summary

In 1999, Wis. Stat. 5.25(4)(d) was amended to require the state elections agency to submit a report on impediments to voting faced by elderly voters and voters with disabilities to the appropriate standing committees of the legislature under s. 13.172 (3). The statute also requires the Commission to consult with appropriate advocacy groups representing the elderly and disability community when preparing this report. 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 with  1999 Wisconsin Act 182.

The goal of this report is to provide information regarding the accessibility of Wisconsin polling places. This report will analyze data from the Wisconsin Elections Commission (WEC) polling place review program (formerly called the polling place audit program), which first began in 2009, and provide updates on additional agency efforts designed to ensure access to the polls. In 2020, the accessibility program established a goal of 500 polling place accessibility reviews by the November 3, 2020 election, a plan which was approved by the Wisconsin Elections Commission. However, due to travel freezes and safety concerns with the COVID-19 pandemic, reviews were only completed during the 2020 February election.  Therefore, the WEC's accessibility program shifted to focus on other aspects of voting, including providing training and outreach materials that increase both the awareness of accessible voting options and the likelihood that these options are offered and administered in a uniform manner statewide.  This report will also focus on various other aspects of accessibility, including an overview of the work done by the WEC Accessibility Advisory Committee.

The WEC accessibility program has four pillars: the polling place accessibility review program, the supply program, the Accessibility Advisory Committee, and training.  Each pillar focuses on providing resources for clerks to ensure that every portion of the voting process is accessible and to identify areas for improvement.

In accordance with the statutory mandate to consult with appropriate advocacy groups, Commission staff met regularly with the Accessibility Advisory Committee (AAC) throughout 2020 and 2021 to identify areas of improvement and strengthen existing resources.  The work of the committee is essential to the WEC's understanding of accessible voting issues and allows the agency to partner with organizations which provide both insight and access to voters who may face barriers to participation in Wisconsin elections. This partnership increases the effectiveness and scope of public outreach efforts designed to ensure that elderly voters and voters with disabilities can participate in the electoral process.  Focus was placed on prioritizing accessibility in training materials and manuals to increase awareness of the barriers faced by elderly voters and voters with disabilities.

Over the past 12 years, polling place reviews have been conducted in a  vast majority of municipalities and in all 72 counties in Wisconsin.  Polling place reviews historically have been conducted by WEC staff and volunteers from Disability Rights Wisconsin.  These on-site reviews take place on Election Day and allow trained individuals to assess a polling place using a survey that outlines physical spaces an individual may need to interact while voting.

Commission staff reports these findings to each surveyed municipality and uses these results to update training materials and identify areas needing improvement throughout Wisconsin.

Between the 2020 Spring Primary and the 2021 Spring Election, there were 46 polling place audits conducted at one election[1]. The audit program visited 22 municipalities in three counties in Wisconsin in 2020. These audits identified 323 total problems for an average of 7.01 problems per municipality. In comparison, between the 2016 Spring Primary and the 2019 Spring Election, the review program visited 335 municipalities and identified 2851 total problems for an average of 6.42 problems per polling place.

These numbers are fairly consistent from the 2016-2019 and 2020-2021 time periods, but due to a small sample size, the Commission cannot yet determine if this is a longer-term trend given the smaller sample size in 2020 and other factors, including impacts on voting due to COVID-19. However, it is a result that warrants attention as well as monitoring going forward. While the data is an important aspect of the accessibility program, it is only one aspect. With this limited data, the audits alone cannot fully determine whether voting accessibility is improving. In 2020-2021, the Commission focused on training efforts and working to expand current resources for clerks to evaluate and improve accessibility independently.

Municipalities across the state have made improvements at their polling places in direct response to the polling place review results. Plans of Action to resolve issues raised in the polling place audit have shown that municipalities have worked to replace inaccessible pathways, door hardware, and ramps. With the shift toward independent evaluation tools, the WEC created resources to allow clerks to identify inaccessible aspects of their polling place. The WEC revised the clerk version of the polling place accessibility survey to make it more user friendly and shorter while still covering all required portions. This allowed clerks to be able to evaluate accessibility at their own polling places. The supply program is a key component of the accessibility review program and the clerk-conducted survey as it provides various items to improve access to their polling place, such as doorbells, cones, and signs for clerks at no cost.. Under the guidance of the Accessibility Advisory Committee, curbside voting signs were created and added to the list of items that clerks can order. The accessibility reviews and supply program have 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, clearing leaves, snow, and/or ice from accessible pathways, and improving election inspectors' attentiveness to the perspectives of elderly voters and individuals with disabilities.

The Wisconsin Elections Commission will continue to work with policymakers, local election officials, and community organizations to assure Wisconsin's voters that all polling places will be accessible. These improvements promoted by changes in law and increased education will help to eliminate barriers faced by Wisconsin's elderly and voters with disabilities.

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[1] This figure only includes the 2020 Spring Primary. There were five other statewide elections in 2020-2021 and one federal special election.

## 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. § 1973 aa-6. This requirement was subsequently codified at the state level 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. This process is otherwise known as curbside voting. 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 be sent to them automatically for each election if they self-certify as "indefinitely confined" to their homes due to age, physical illness, infirmity, or disability. *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 individuals and individuals with disabilities 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 individual or an individual with a disability 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 to 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 any municipal clerk who planned to use an inaccessible polling place to 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

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

recognition that many polling places still present challenges to voters with disabilities who wish to vote independently and privately.

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 permits 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 individuals with a disability to notify a municipal clerk that they intend to vote at a polling place and to request a specific accommodation that will facilitate 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 because of age, illness, disability, or infirmity may have the witness to their absentee voting verify the voter's identity.  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 to include qualified residential care apartment complexes and qualified adult homes.  2011 Wisconsin Act 23, § 75.  Act 23 also required that voters show certain photo identification in order to vote at a polling place or to obtain an absentee ballot.  Due to litigation, the photo identification portion of Act 23 was not enforced until after the April 7, 2015 election. 2011 Wisconsin Act 23, § 75.

The Legislature authorized Online Voter Registration (OVR) in accordance with Wis. Stat. § 6.30(5) as required by 2015 Wisconsin Act 261.  State law now provides that eligible voters who hold a valid State of Wisconsin Driver License or State ID Card (WI DL/ID) that has their current name and address on file with the Wisconsin Department of Motor Vehicles (WI DMV) can register to vote online.  The WEC's OVR system became available in January 2017 as a feature of the My Vote Wisconsin website (MyVote.wi.gov).

The Wisconsin Elections Commission was awarded a yearly HAVA grant for accessibility programming at roughly $200,000 for several years.  By the end of FY2018, the majority of HAVA funds had expired, but the Wisconsin Elections Commission made a request in its executive budget to continue funding the accessibility audit program and supply program, at approximately $48,300 for FY19.[3]  These funds were approved, but were less than the funds provided by HAVA, which had previously allowed WEC to hire additional temporary staff to

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[3] The Agency Budget Request for 2017-2019 can be found at
https://elections.wi.gov/sites/elections.wi.gov/files/publication/128/2017_19_wec_budget_submission_pdf_14351.pdf.

audit polling places.  The amount of funding approved from the executive budget allows WEC to continue the polling place audit program sustainably, without grant funds, at every statewide election.  Additionally, WEC made the commitment to continue requesting funds for this program in the future.

Wis. Stat. § 6.79(2)(a) originally stated that electors must state their full name and address and present proof of identification to the election official when checking in at their polling place. The ability of voters with some disabilities to have an assistant state their name and address for them became law in 2019.  The 2019 Wisconsin Act 48 amended the statute to say, "6.79 **(8)** VOTER UNABLE TO STATE NAME AND ADDRESS. An elector is not required to state his or her name and address under sub. (2) (a) if the elector is unable to do so, but an election official, or another person selected by the elector, shall state the elector's name and address after the election official verifies the elector's proof of identification under sub. (2) (a)."  The new statute eliminates a barrier for voters who are unable to state their name and address.[4]

In July 2020, the Seventh Circuit Court of Appeals issued a decision on the *One Wisconsin Institute* case that clarified several voting laws. One of these clarifications included a restriction that only allowed the sending of emailed and faxed ballots to military and overseas voters. Under the prior injunction, there was no prohibition on a clerk sending regular voters a ballot by email, but clerks were also not required to fulfil those requests.  These emailed ballots were able to be tagged and allowed a voter to use a screen reader to mark their ballot.  Voters were still required to print, sign, and have a witness sign the certification, and mail back their ballot to their clerk, but the emailed ballot allowed voters to independently fill out their absentee ballot.  The *One Wisconsin Institute* decision eliminated this opportunity. The Wisconsin Elections Commission is exploring alternative options for a voter to fill out a ballot independently, including expanding access to a braille ballot and large print ballot.

## Wisconsin Elections Commission Accessibility Program



| Polling Place Review Program | Supply Program | Accessibility Advisory Committee | Training |

The Wisconsin Elections Commission has created and maintained a multi-faceted program to improve polling place accessibility in Wisconsin. The review program constitutes a portion of these efforts, but local election official training and the polling place supply program are also

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[4] 2019 Wisconsin Act 48 can be found at https://docs.legis.wisconsin.gov/2019/related/acts/48.

essential aspects of the WEC program.  In addition, the Accessibility Advisory Committee is made up of representatives from local disability advocacy groups.  This Committee advises the agency on barriers to voting that their specific constituencies continue to experience.  The Accessibility Advisory Committee also assists the WEC 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.

The Accessibility Program is defined by four separate initiatives: The Polling Place Accessibility Review Program, the Supply Program, the Accessibility Advisory Committee, and Training.  Each initiative focuses on both the physical accessibility of polling places and absentee voting locations and ensuring that clerks and poll workers receive relevant training.

The **Polling Place Review Program** reviews each zone of the polling place to ensure that it is accessible.  Each polling place that is reviewed receives a list of any issues found and is required to submit a plan of action report to resolve each issue.

The **Supply Program** provides clerks with free supplies that include but are not limited to signs for accessible entrances, parking, and curbside voting, cones, and doorbells.

The **Accessibility Advisory Committee** is made up of local disability advocacy organizations that participate in meetings with the WEC multiple times per year.  They provide vital feedback on materials and WEC initiatives that ensure we are prioritizing accessibility.

Lastly, **training** is essential to the Accessibility Program. Training includes our Polling Place Accessibility Survey that clerks are required to fill out for new polling places, webinars, memos, curbside voting information, and other training materials.

## Polling Place Accessibility Reviews

Introduction

All reviews are conducted using the Polling Place Accessibility Survey that was developed with the assistance of the WEC Accessibility Advisory Committee.  The survey contains more than 130 questions based upon the requirements outlined in the Americans with Disabilities Act, the Americans with Disabilities Act Accessibility Guidelines (ADAAG), the ADA Checklist for Polling Places, the ADA Guide for Small Towns, and Wisconsin Building Codes.  Questions were designed to ensure that reviewers are able to answer questions accurately, regardless of their background knowledge of ADA.  Reviewers are given a two-and-a-half day training to understand the survey and to learn how to complete the surveys quickly and accurately. This training includes a history and purpose of the review program, how to handle interactions with the chief inspector, how to evaluate polling place accessibility quickly and accurately, and a mock polling place review conducted in partnership with the City of Madison Clerk's Office.

The survey is organized into five distinct polling place zones and categories within each zone.  This allow a reviewer to answer questions that pertain to a specific location and disregard

questions that are not applicable to that location.[5]  Questions are designed to address physical accessibility targeted at areas that a voter may interact with on Election Day.

1. **Parking**: Includes off-street parking, drop-off zones, and on-street parking.

2. **Pathways**: Includes general pathway information, curb cuts, and ramps. General information includes the width of pathways, obstacles/hazards in pathways, and lighting.

3. **Accessible Entrance**:  Includes doors, ramps, and threshold ramps that a voter may experience at the entrance of the building.

4. **Interior Route(s)**:  Includes corridors, doors, ramps, elevators, and wheelchair lifts. Corridors include signage, width, obstacles hazards in pathways, and lighting.  Elevators and wheelchair lifts consider controls or buttons, cab or lift space, and whether the elevator or lift is functional.

5. **Voting Area**:  Includes notices, accessible setup, and accessible voting equipment. Notices include all required postings, including notices, maps and street directories, and sample ballots.  Accessible setup includes accessibility of the paths of travel and the voting booth.  Accessible voting equipment includes whether the voting equipment is set up, powered on, working and set up to provide voter privacy

In addition, WEC staff worked with the Accessibility Advisory Committee to assign a high-, medium-, or low-severity ranking to each question. These determinations allow Commission 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.

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 their right to vote and add significant burdens 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 their right to vote but do add extra burdens that are not faced by voters without disabilities.

After each election where reviews are conducted, WEC provides review findings to each municipality for each polling place visited.  These reports detail the problems identified on

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[5] Full text of the clerk version of the Polling Place Accessibility Survey can be found on the WEC website at: https://elections.wi.gov/clerks/guidance/accessibility/new-polling-place

Election Day and provide municipal clerks with suggested resolutions to these issues. Clerks are required to file a Plan of Action with the WEC that addresses all concerns outlined in the review report. WEC staff then reviews each Plan of Action, and works with each municipality to ensure cost-effective and comprehensive solutions are put into place. Local election officials are provided with the opportunity to order specific accessibility-related supplies to assist their efforts in remedying problems. Those supplies are purchased by the WEC using state funds and are sent to requesting municipalities at no cost to them. These supplies can include signature guides, page magnifiers, wireless doorbells, cones, and various signs for parking areas, pathways, and accessible entrances.

Until the 2014 Partisan Primary, paper reports were generated for each review conducted. To address the high administrative burden of this paper-based system, elections staff worked to develop an electronic platform for reporting review results to local election officials. The Polling Place Accessibility Reporting System was launched in early 2015 and allows clerk users to view review reports online, file their Plan of Action electronically, and access reference materials to explain and aid polling place accessibility efforts. The System allows 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 review program.

All reviewers are provided with tablets to simplify the process of sending the survey to the clerk. This customizable format of the electronic survey allows reviewers to logically skip portions of the survey that do not apply to the polling place, such as skipping an off-street parking section if the polling place does not have off-street parking. Another benefit of using tablets is that reviewers can efficiently take photos of each polling place and accessibility concerns. In 2019, the WEC purchased upgraded Windows Surface tablets for use in 2020. These tablets provide reviewers with higher photo quality, increased battery life, and improved features to simplify the reviewing process and increase the quality of the data collected.

WEC staff are currently working on a redesign process to update the Access Elections data storage website and the tablet software used to support the site review program. This site also allows clerks to see their site review problems and submit plans of action in response to each problem. Staff plan to improve the tablet application, redesign the clerk portal, and simplify the process of downloading and analyzing data to create more efficient processes for verifying and providing the results of site reviews to municipalities. The anticipated completion timeline for this project is early 2022. These improvements will allow for increased usability with comparing past accessibility reviews from the same polling place and improve user experience on the website.

## Polling Place Accessibility Review Program 2020-2021 Summary

The Wisconsin Elections Commission conducts on-site reviews during most state-wide elections to assess the physical accessibility of polling places in Wisconsin. The Commission approved a site review plan that would have targeted 500 polling place reviews during this election cycle, but that plan had to be reevaluated due to the COVID-19 pandemic. During the 2020-2021 reporting period, 46 polling place reviews were conducted, all during the 2020 Spring Primary.

The review program visited a total of 22 municipalities located in 3 Wisconsin counties during 2020-2021 (Figure 1).



**Figure 1**
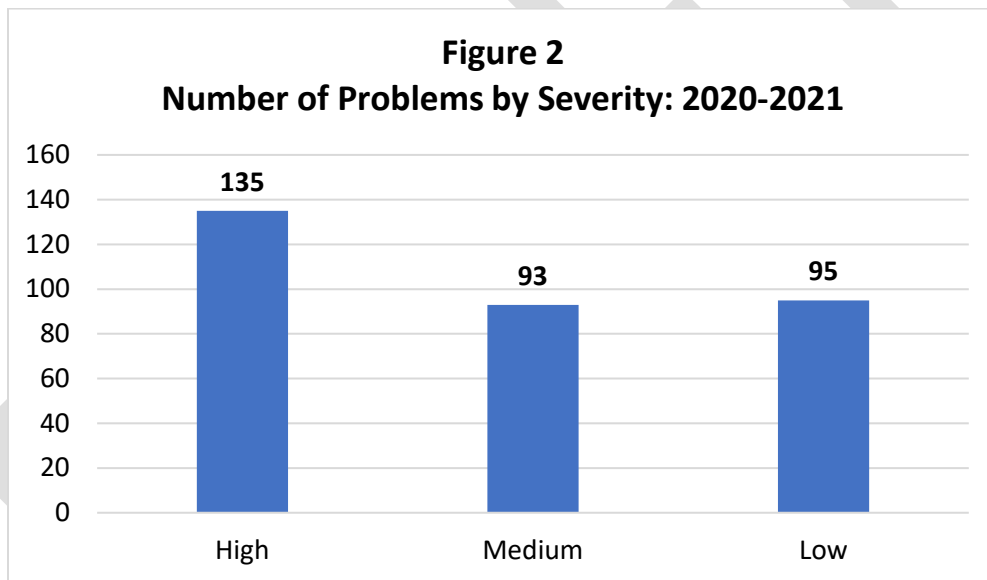**WEC Review Program Summary: 2020-2021**
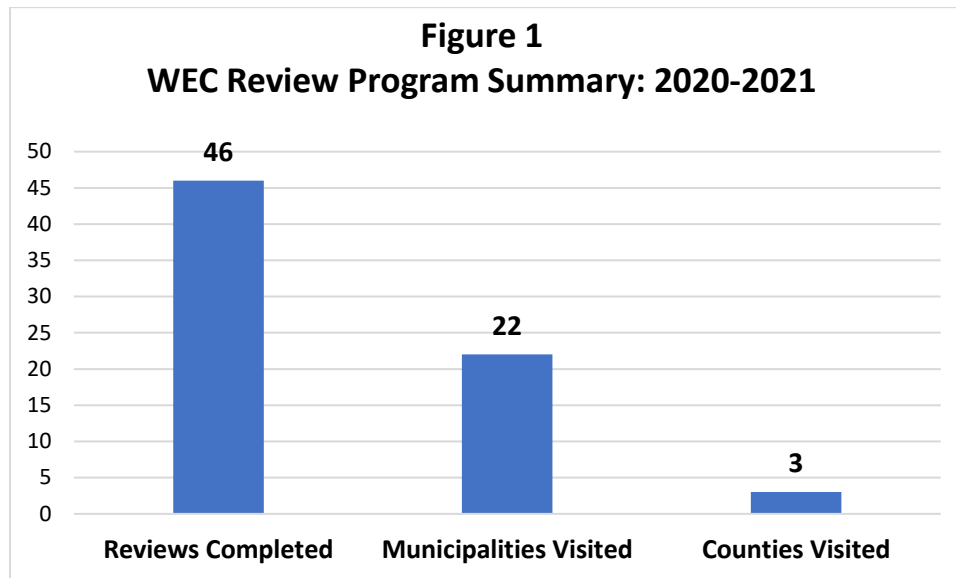
WEC staff's plan was to conduct 500 accessibility reviews over the five 2020 elections. From 2016-2019, only 366 reviews were conducted, down from 2014-15 with 808 reviews, and 2011-2012 with 1614 reviews (See Appendix for more years). The goal was to refresh the accessibility review program in 2020 and increase the number of reviews conducted every biennium to a sustainable level after federal funds from HAVA were exhausted. The program would use a hybrid model of both temporary staff and volunteers from organizations that advocate for the disability community. However, due to COVID-19, all nonessential travel was halted in March for State employees. The Commission directed staff to pause the program and focus on other training efforts to assist clerks remotely. This temporary pause meant that reviewers were only able to do on-site reviews during the February 2020 Spring Primary.

Table 1. Proposed 2020 Accessibility Review Plan

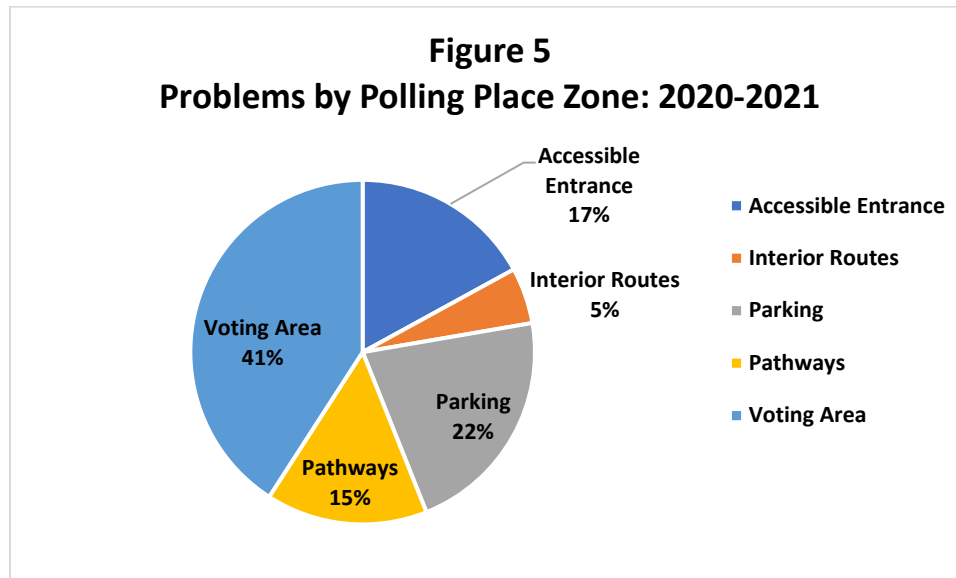| Election | Reviewers | Review Count Goal |
|---|---|---|
| February 18 | 3 temporary staff | 30 |
| April 7 | 15 temporary staff* | 150 |
| May 12 | 2 WEC staff | 20 |
| August 11 | 15 temporary staff* | 150 |
| November 3 | 15 temporary staff* | 150 |
| | Total reviews for 2020 | 500 |

The WEC's accessibility review program identified 323 problems at 46 polling places over this two-year period for an average of 7.1 accessibility problems at each visited location. Of those problems, 135 were considered to be high-severity barriers 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 93 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 95 problems are classified as low-severity issues that would likely not prevent an elderly voter or a voter with a disability from casting a ballot but would make that process more difficult (Figure 2). High severity problems constituted 42% of all problems identified with low-severity and medium-severity problems both identified at 29% (Figure 3). Additional data illustrating review results can be found in Appendix A.

**Figure 2**
**Number of Problems by Severity: 2020-2021**

| Severity | Number of Problems |
|----------|-------------------|
| High | 135 |
| Medium | 93 |
| Low | 95 |

**Figure 3**
**Percent of Problems by Severity: 2020-2021**
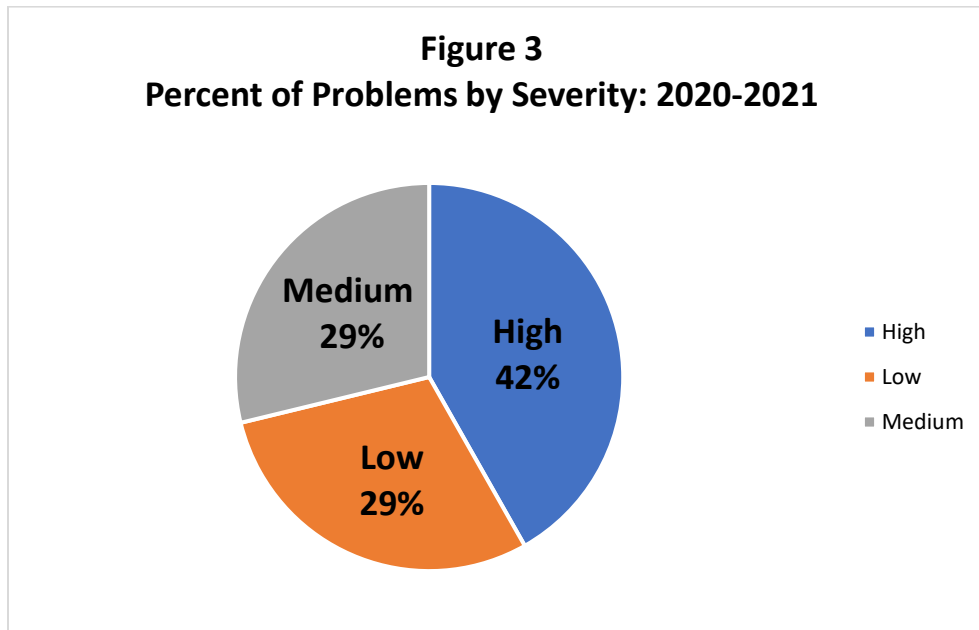


The most problems at site reviews were in the voting area, making up 41% of all polling place problems found in 2020-2021 for a total of 132 problems. In addition to the problems found in the voting area, 70 (22%) problems were found in the parking area, followed by 55 (17%) in the accessible entrance. Pathways had 49 (15%) problems, followed by interior routes, which only had 17 (5%) problems (Figures 4 and 5).

**Figure 4**
**Number of Problems by Polling Place Zone: 2020-2021**

**Figure 5**
**Problems by Polling Place Zone: 2020-2021**
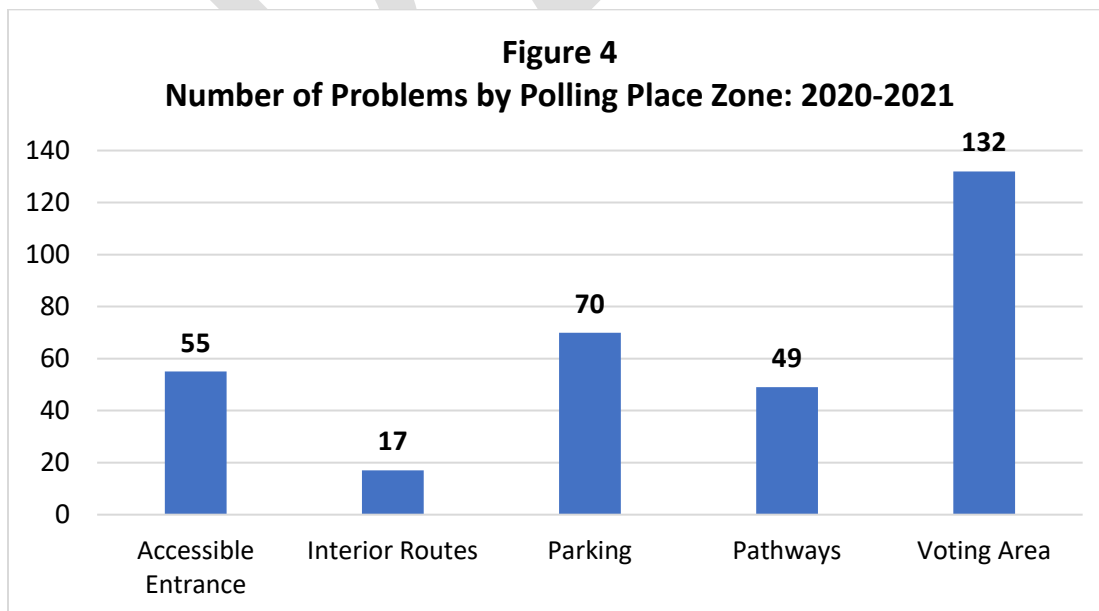


These infractions included 20 polling place locations where entrances were not properly marked with the international symbol of accessibility. This requirement allows voters to efficiently identify the accessible entrance. However, most of these polling places only had one entrance, so this did not prevent most voters from reaching the voting area. There were also four polling places with no booth or table where a voter in a wheelchair could cast a paper ballot and 13 locations where accessible voting equipment was not set up to ensure voter privacy, which are both high-severity issues.

The accessible entrance had the highest percentage of high-severity problems, making up 89% of accessible entrance problems (Figure 6). These problems include 14 separate locations that had doors that required too much force to open and 10 locations had non-functioning electronic accessible features, such as automatic openers and doorbells. 71% of problems in the interior routes were high-severity problems, with three identified problems relating to 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.
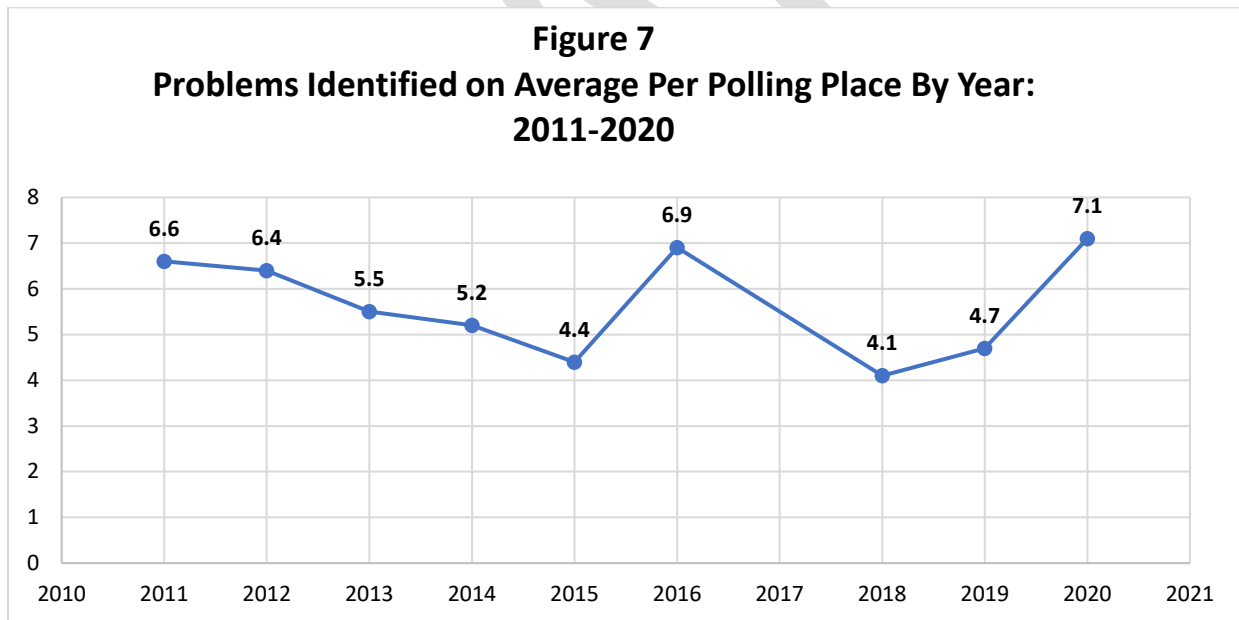
Pathways had the highest percent of medium-severity problems, making up 88% of all pathway problems. This includes 14 polling places that had cracks, breaks, or edges with a greater than one-half inch difference and 11 polling places that had a pathway with a slope greater than 5%. Parking also had many medium-severity problems, including 28 facilities that 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, 18 locations had problems with the signage used to identify accessible parking spaces.

Lastly, the voting area had the most low-severity problems, making up 44% of all voting area problems, but most of these were due to issues related to missing required election-related notices, which would likely not prevent a voter from casting their ballot.

Data collected during these site reviews has been aggregated and presented in three different ways below. Table 2 provides a breakdown of the total number of problems identified during

site reviews conducted in each two-year reporting period beginning with the 2011-2013 period and provides the breakdown of problems found in each polling place zone. Figure 6 provides an analysis of the number and severity of problems identified in each zone for this reporting period, while Figure 7 charts the average number of problems identified during polling place accessibility site visits on an annual basis.

| Table 2. 2011-2021 Average Number and Percent of Total Problems by Zone | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Parking | | Pathways | | Accessible Entrance | | Interior Route(s) | | Voting Area | | Totals |
| | # | % | # | % | # | % | # | % | # | % | |
| **2011 - 2013** | 1.4 | 21% | 0.6 | 9% | 1.2 | 20% | 0.4 | 6% | 2.9 | 44% | 6.6 |
| **2014 - 2015** | 1.0 | 20% | 0.3 | 6% | 1.1 | 22% | 0.2 | 4% | 2.3 | 47% | 4.9 |
| **2016 - 2017** | 1.3 | 19% | 0.5 | 7% | 1.3 | 19% | 0.3 | 4% | 3.4 | 50% | 6.8 |
| **2018 - 2019** | 1.1 | 25% | 0.7 | 16% | 0.8 | 18% | 0.3 | 7% | 1.5 | 34% | 4.4 |
| **2020 - 2021** | 1.5 | 21% | 1.1 | 15% | 1.2 | 17% | 0.4 | 6% | 2.9 | 41% | 7.1 |

**Figure 6**
**Percent of Problems by Polling Place Area and Severity: 2020-2021**



**Figure 7**
**Problems Identified on Average Per Polling Place By Year: 2011-2020**
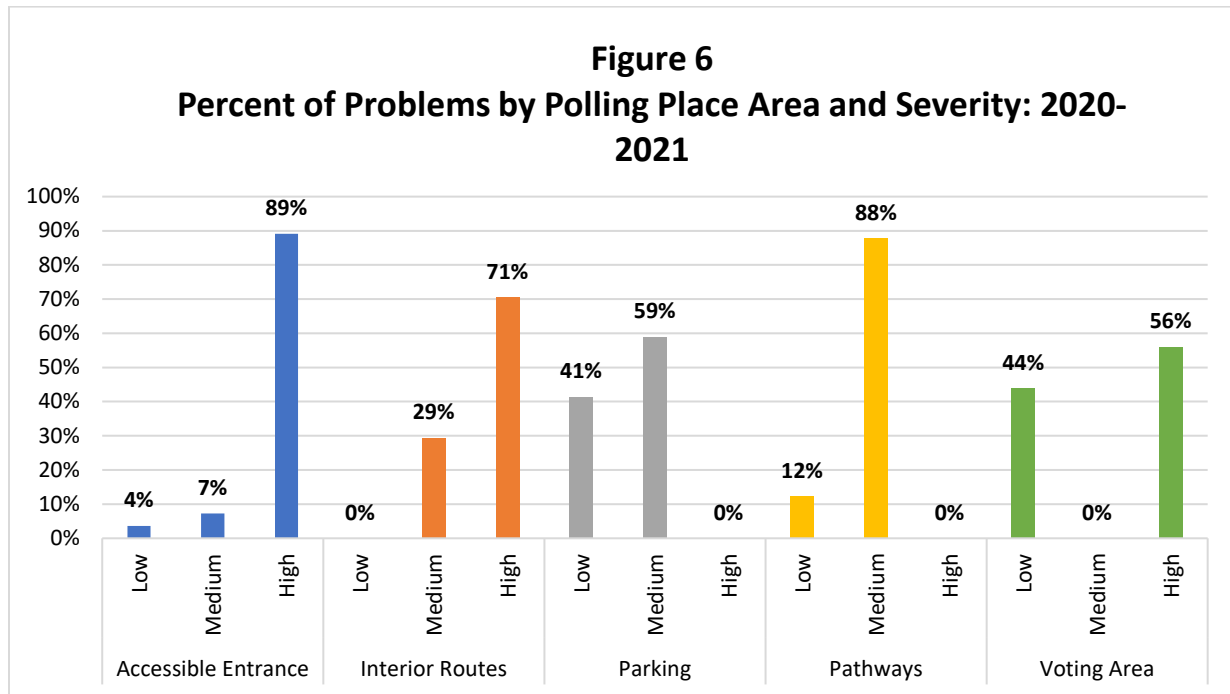


A comparison of review data from the previous two reporting periods suggests that there may be more polling place problems on average, but the sample size of site reviews was much smaller for 2020-2021 in comparison to previous reporting periods and, thus, could be misleading. In 2016, reviews of polling places revealed an average of 6.9 accessibility problems at each visited site. Results from 2018-2019 reporting period indicated a decrease of over 2.78 problems per site between 2016 and 2018 with consistency shown between 2018 and 2019. In the last report, it was noted that it is difficult to determine the cause of the decrease, especially due to the

significantly fewer number of reviews completed in 2018-2019. This uncertainty continues into the 2020-2021 period, with a continued small number of polling place reviews. The average of 7.1 problems per polling place in 2020-2021 is similar to the 2016 number but is 2.4 problems higher than 2019. While the statistical trend may seem like polling places are more inaccessible than 2017-2018, it is difficult to determine significance because of the small number of reviews completed and the single election where reviews were conducted.

Overall, the percentage of problems per polling place zone has stayed relatively stable from 2011-2021. The most significant change was seen in the average number of problems identified in the voting area, a rate that declined by 32% between the 2016-2017 and 2018-2019 reporting periods (50% in 2016-2017 to 34% in 2018-2019). This number then increased slightly to 41% in the 2020-2021 reporting period. This still reflects an overall decrease in problems in the polling area. There has also been a slight increase in pathway problems over the 10-year period with an overall increase from 9% of problems to 15% of problems.

The most identified problems remained consistent over this three-year period. The majority of the top 10 most common problems were the same as those identified in the agency's 2016-2019 report. Similar to 2016-2019, there is not a problem from the interior route represented in the top ten issues. A few problems shifted positions on the list from one election cycle or year to the next (Table 2). Missing required notices and postings, insufficient number of parking spots, accessible entrance issues, and the accessible entrance not being marked were the top three problems from 2016-2021. However, problems with the accessible pathway moved up to the eighth spot, despite not being in the top 10 from 2016-2019.

**Table 2. Top Ten Most Common Problem Comparison 2016-2019 and 2020-2021**

| 2020-2021 Rank | Problem | Zone | 2020-2021 Number | 2016-2019 Rank |
|---|---|---|---|---|
| 1 | Required notices and postings were either not posted or not posted in the required 18-point font. | Voting Area | 73 | 1 |
| 2 | The polling area did not have enough accessible parking spaces to meet the minimum ADA standards | Parking | 28 | 2 |
| 3 | The accessible entrance was not clearly marked at the door | Accessible Entrance | 20 | 3 |
| 4 | The accessible parking sign in the off-street parking was not posted high enough. | Parking | 18 | 5 |
| 5 | The accessible entrance door required more than 8 pounds of force to open. | Accessible Entrance | 14 | 4 |
| 5 | The accessible pathway had breaks, edges, or cracks where the difference in height was over ½ inch. | Pathway | 14 | 6 |
| 7 | 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 their ballot. | Voting Area | 13 | 9 |
| 8 | The accessible pathway had a slope great than 5%. | Pathway | 11 | N/A |
| 9 | The accessible spaces in off-street parking area were not marked with clearly visible parking signs with the proper symbol of accessibility. | Parking | 10 | 8 |
| 9 | The electronic accessibility feature (automatic opener/power-assisted open/bell/buzzer) on the accessible entrance door was not functioning from the outside and/or inside at the time of the Accessibility Review. | Accessible Entrance | 10 | 9 |

Polling place notices or postings that were either not posted or were not posted in the correct font size were identified as problems 73 times during elections in 2020, constituting 23% of all polling place problems These low-severity problems included 40 instances of a missing notice or posting, and 18 instances where the two sample ballots or ward maps or street directories were not posted for public reference. Polling places in 2020-2021 averaged .87 missing notices. The EL-116 Instructions for Mail-in Registrants and First-Time Voters no longer needs to be posted at polling places as there are no voters left under this category that must provide a proof of residence document. Postings serve an important purpose of educating voters about election law and the voting process. As postings continue to be a prevalent problem at polling places, WEC will continue to look at solutions to ensuring postings are at every polling place and are posted in an accessible size font.

Accessible parking areas and spaces that did not meet ADA standards also 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 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, WEC staff has increased the supply of accessible parking materials for the polling place supply program. The result of this change is that WEC staff can provide more materials to assist municipalities in creating accessible parking spaces that are consistent with the ADA requirements.

## Accessibility Advisory Committee

WEC staff partnered with disability organizations which serve on the AAC on numerous projects throughout 2020-2021. These partnerships have been essential to prioritizing accessibility in WEC initiatives. See Appendix C for more details. The AAC meets two to three times per year at an open meeting to discuss updates on the accessibility program, litigation and complaints, and any other timely topics. Members of the AAC assisted with agency training efforts and outreach efforts and have partnered with the WEC to provide a polling place set-up webinar available on the agency website[6]. Additionally, WEC staff attend Wisconsin Disability Vote Coalition meetings to provide updates, get feedback from members, and stay up to date on current areas of improvement with voting accessibility.

In past years, the Accessibility Advisory Committee worked to improve the online voter registration website and ensure that the tool is accessible for people with disabilities. The Accessibility Advisory Committee also produced two educational videos in collaboration with the Wisconsin Disability Vote Coalition. One video addressed accessible voting rights, and the other video focused on voter registration options. Both videos are available to view on the WEC website.[7] Additionally, the Accessibility Advisory Committee made updates to the document

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[6] This training is available at: https://elections.wi.gov/node/7141
[7] These videos are available at: https://elections.wi.gov/voters/accessibility.

"Voting in Wisconsin: A Guide for Citizens with Disabilities," which was originally created in 2012, with updates also made in 2014.

In 2020, the AAC met three times to discuss upcoming elections and provide feedback on past elections. The first meeting of the year was held on March 4, 2020 and the AAC provided extensive feedback on difficulties faced by voters while curbside voting. Members highlighted that many voters had to wait in long lines due to polling place consolidation and some voters could not wait in line to alert poll workers of their need of curbside voting. WEC responded to this feedback by providing training for clerks to clarify this process and ensure that voters do not need to wait in line to access curbside voting.

Additionally, the AAC provided input on improving accessibility in the absentee voting process. They discussed creating an accessible emailed ballot. When ballots were able to be emailed to any voter, they were typically scanned by a copy machine, making them inaccessible for screen readers. The WEC discussed creating a subcommittee within the AAC to create steps for clerks to ensure that emailed ballots are screen-reader accessible, but the project ended after a decision was issued in the *One Wisconsin Institute* case that limited the ability to receive ballots electronically to military and overseas voters. The AAC also provided feedback to improve the absentee voting options feature that became available on the agency's MyVote Wisconsin website.

Throughout the year, the AAC also worked on simplifying the complaint process and creating an easier and less formal process to report accessibility concerns. Members reviewed each question, helped WEC staff come up with specific categories for voters to choose from, and encourage people to use the form to report accessibility concerns. This is discussed in detail in the Training section earlier in this report. Members of the AAC also reviewed and provided feedback and their subject matter expertise to the updates to the new polling place accessibility survey for clerks. Members ensured that questions were written clearly and simply, but still maintained essential information to determine polling place accessibility.

In 2021, the AAC discussed the Special Voting Deputy process at care facilities and provided feedback on the process during COVID-19. The AAC will meet prior to the report being submitted to provide comments and edits to ensure that this report is representative of their work.

## Supply Program

The data gathered by the review 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 WEC staff to adjust the existing training protocol and develop additional training resources. As detailed earlier in this report, specific problems identified during polling place reviews are also reported to municipalities to improve compliance. In addition to providing this guidance, the WEC has purchased and distributed accessibility-related supplies to assist local election and municipal officials with completing the necessary polling place changes.  Supply orders are generally

expected to correspond with findings from either a self-reported or WEC-conducted review, but municipalities can request any supplies that improve accessibility if they designate a need for the supplies with their request.

For the 2020-2021 reporting period, the WEC distributed 3,359 supplies in 261 separate orders. These supplies were purchased with state funds and several out-of-stock items were replenished throughout the period. Due to COVID-19-related issues, clerks across the state saw an increase in curbside voting at the polling place and during in-person absentee voting. When many voters opted to vote curbside due to disability or illness, clerks reported that it was difficult for individuals to notify clerks when they arrived at the facility for curbside voting. In response to this reported issue, two separate curbside signs were developed by WEC in collaboration with the Accessibility Advisory Committee. One sign included a spot for a phone number while the other did not:
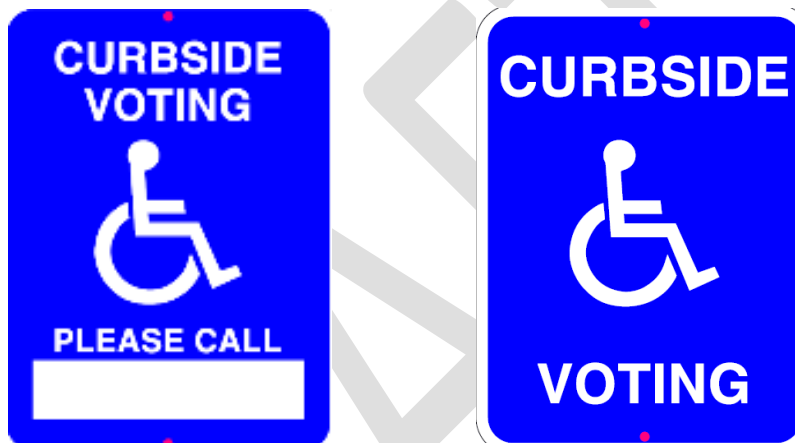


Curbside signs were ordered frequently once they were developed and added to the supply request form and 429 curbside signs were sent in total. The version with the phone number was more popular at 285 signs sent to 141 municipalities and 144 signs without the phone number were sent to 54 municipalities.

Municipalities across the state have undertaken projects aimed at improving polling place accessibility in direct response to the result of a polling place review. A review of submitted 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, WEC 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, clearing leaves, snow, and/or ice from accessible pathways, and improving election inspectors' attentiveness to the perspectives of voters with disabilities.

WEC staff has also heard from local election officials who use review 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 reviews 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 reported that accessibility issues uncovered during WEC-conducted reviews contributed to decisions to build new municipal facilities to replace the current non-compliant buildings.

## 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 Wisconsin Elections Commission, pursuant to Wis. Stats. §§ 7.31 and 7.315, developed curriculum for the training and certification of chief inspectors and municipal clerks.

In 2020, there was an increase in the number of new poll workers. Due to health concerns, many previous poll workers chose not serve in the April, August, and November 2020 elections, leading to poll worker vacancies across the state. The Wisconsin Elections Commission worked with local partners, such as the National Guard and State of Wisconsin employees, to fill vacancies. All new poll workers were required to take training before serving in an election and poll workers recruited with state partners were required to complete the Certified Chief Inspector training, which was available to the public on the WEC website. A significant portion of the chief inspector training focuses on assisting and working with voters with disabilities.

In addition to explaining the rights of voters and the responsibilities of election inspectors and municipal clerks, WEC staff created and updated training materials for use with election workers. These materials provide a suggested overview of training for all election inspectors to prepare them for Election Day. The overviews are created in agenda form and are easy for clerks to download and modify in order to use them as effectively as possible with their poll workers. Instead of creating an agenda specifically for accessibility, WEC staff made accessibility a consistent theme in each of the training agendas. For example, the Your Role as a Poll Worker agenda includes information about the right to an assistant for a voter to state their name and address[8]. Comprehensive election administration related information was also updated on the agency website, including a list of the most common accessibility review findings and an outline of the curbside voting process.[9]

Additionally, clerk training includes information on accessible voting and the Certified Clerk training program materials contains a chapter specifically on polling place accessibility. WEC staff incorporated accessibility reminders in webinars, posted memos before every election with common questions or timely reminders such as snow removal or voting equipment training, and

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[8] These agendas are available at : https://elections.wi.gov/clerks/education-training/election-inspectors.
[9] These items are available at https://elections.wi.gov/node/2858).

created an accessibility-specific training on polling place set-up. The WEC collaborated with organizations from the Accessibility Advisory Committee to co-present a training on how to set up the polling place from the parking lot to the voting area in September of 2020[10]. The presenters discussed the voting experience for people with disabilities and covered common problems, such as accessible parking, curbside voting, and ensuring that voting equipment is set up privately. This was a great opportunity to partner with the Accessibility Advisory Committee and provide clerks with a user-friendly resource to ensure that their polling place is accessible.

The WEC uses site review data and feedback from reviewers to enhance and inform training materials. For example, one reviewer reported that some election inspectors were unaware of the requirement for accessible voting equipment or were hesitant to suggest the use of accessible voting equipment to a voter. The WEC was able to incorporate this data into training to inform municipal clerks and other election officials about this requirement to increase accessible voting options for elderly voters and voters with disabilities.

**Curbside Voting**

Curbside voting is required by Wis. Stat. §6.82(1)(a). Currently, under state statute, a voter who needs a curbside ballot would have to have an assistant enter the polling place to alert the poll workers of the presence of a curbside voter. The assistant would also provide the voter's photo ID and proof of residence (if necessary). After checking the voter's photo ID, two poll workers would bring a ballot to the voter curbside. The voter would be able to complete their ballot curbside, and then return it to the poll worker for them to put the ballot into either the ballot box or the tabulator. The voter is not required to sign the poll book and instead the poll workers will write "Ballot received at poll entrance - Exempt"" in the poll book. However, this process creates barriers for voters who do not have an assistant to alert the poll workers inside the polling place about their need for a curbside ballot. The WEC suggests that all clerks have a process outlined for how voters can alert the poll workers of their need of curbside voting without having an assistant. Options for clerks include, having a doorbell outside for voters to ring when they arrive, designated parking spots for curbside voters with a greeter outside, a phone number for a voter to call, or even having a sign that says to honk on arrival if the election officials will be able to clearly hear it.

The April election presented new challenges, as many municipalities decided to consolidate their polling places to larger facilities to incorporate social distancing measures as suggested by the Wisconsin Department of Health Services. Some voters reported that there were long lines and it was difficult to alert poll workers that they needed curbside voting. WEC staff emphasized training on curbside voting for the August and November elections to ensure that all voters who needed to vote curbside were able to access this option. These new training materials focused on getting the new curbside signs posted and helping clerks create a plan for curbside voting at their polling place.

To promote social distancing, many clerks also requested information on "outdoor voting" and how it is different from curbside voting. Through training resources, the WEC emphasized that outdoor voting is not outlined in statute and is an optional process a municipality can pursue.

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[10] This webinar is available here: https://elections.wi.gov/index.php/publications/video/2020Poll_Place_Setup.

Clerks had many creative ideas, including using loading docks or bank drive-throughs for voters to complete their ballot from their car. Ultimately, the voting process during outdoor voting is the same as if the voting area were set up inside the facility, where any voter would provide their photo ID, sign the poll book, and complete and submit their ballot outside of their polling place or from their car. There still must be poll booths available and the voter would be able to put their own ballot in the ballot box or tabulator. Outdoor voting differs from curbside voting, which is a required process in state statute, and is available for voters with disabilities, who are not required to sign the poll book. Curbside voting is compared between outdoor voting and curbside voting in webinars, memos, and answered many questions from clerks via email and phone.

WEC staff will continue to improve the curbside voting process by emphasizing it in clerk trainings. Many voters with disabilities may opt to continue to curbside voting now that they are aware of the process and find it beneficial to their voting experience.

**Absentee Voting**

During 2020, absentee voting became more prevalent than past years. The April 7, 2020 Spring Election had 62% of voters cast an absentee ballot by mail, and the November 3, 2020 General Election had 41% by-mail absentee voters. Comparatively, only 5% of ballots cast were absentee by mail in the November 8, 2016 General Election and 6% in the November 6, 2018 General Election. There is a full report regarding absentee voting in the November 3, 2020 General Election available here: https://elections.wi.gov/node/7329. Due to the increase in absentee voting, unique issues were raised, especially regarding the indefinitely confined absentee status and the associated requirements.

Indefinitely Confined

In 2020, there was an increase in the number of indefinitely confined voters to 265,979 for the November General Election. This is compared to 66,611 indefinitely confined voters in November of 2016 and 70,218 in November of 2018. Under Wis. Stat. § 6.86(2)(a), voters may self-certify that they are indefinitely confined due to age, illness, infirmity, or disability. These voters will automatically receive an absentee ballot for every election unless they do not return an absentee ballot or their indefinitely confined status changes. In lieu of providing a copy of their photo ID, voters who self-certify that they are indefinitely confined have their identity verified by their witness, who signs the absentee certificate envelope.  (2011 Wisconsin Act 23).

Two-thirds of indefinitely confined voters for the November 2020 election were over the age of 65 and 80% or four out of every five of these voters have provided photo ID to vote in an election at some point since 2016. This means that they have a photo ID on file, or they presented a photo ID in a past election while voting in-person at their clerk's office or polling place on election day.

The indefinitely confined provision provides protection for many voters with disabilities and elderly voters who do not have an acceptable ID for voting purposes or may not otherwise be able to go to the polling place.

Witness Requirement

In the State of Wisconsin, all absentee voters are required to get a witness on their absentee certificate envelope. A witness can be anybody 18 years or older who is a U.S. citizen, including a family member, spouse, neighbor, or friend. With many individuals self-isolating or social distancing, some voters expressed difficulty finding a witness for their absentee ballot. Many voters voiced concerns about the witness requirement and the lack of accommodation for voters who may not live with anybody or who have difficulty getting around, especially during the COVID-19 pandemic. The WEC continues to explore ways to provide addition voter education materials regarding the certificate envelope to help voters understand the witness requirement and have previously created a series of videos that focused on voter education about the witness requirement and returning an absentee ballot.

**Face coverings**

Multiple local and state mask mandates were ordered throughout 2020 that required the use of face coverings in public buildings. The WEC determined that these mask mandates were not applicable to voters entering a polling place as they determined that the Commission alone cannot create additional requirements for voting. However, clerks were able to require poll workers to wear masks as a condition of their employment and observers were also required to wear face coverings under the statewide mandate.

In 2020, some voters with disabilities and elderly voters raised concerns about fellow voters and election workers not wearing face coverings, which may have prevented them from being able to safely vote at their polling place. We also heard from voters who were asked to wear a face covering but may have had a disability that prevented them from wearing one. WEC staff followed up with each clerk to ensure that voters were not being required to wear masks at the polling place and that poll workers were following any mask mandates in effect. The WEC provided additional training resources for clerks about this topic and provided clerks with a sample sign that encouraged, but not required, the use of a face covering for voters.

Concerns around face coverings also required some public education. Voters who were unable to wear a face covering and were concerned about COVID-19 exposure were informed about the option to vote absentee or to consider voting curbside if they were eligible. Additionally, some voters were concerned about other voters not wearing a face covering at the polling place, but WEC staff informed those voters that any face covering mandates do not supersede the constitutional right to vote.

Poll workers wearing face coverings also created barriers for voters who are hard of hearing or deaf. Some individuals rely on lip reading for communication, and a face covering prevents lip reading and can also muffle words. During training, WEC staff emphasized the need to have written communication tools available and instructions for voters printed out. If possible, it was also suggested that polling places have a clear face covering or face shield to use while communicating with voters who rely on lip reading for communication.

**Accessibility Concern Form**

The Accessibility Advisory Committee provided feedback to WEC that the current complaint process under Wis. Stat. §§ 5.05 and 5.06, and HAVA can be difficult for some individuals to complete due to the requirement to get a notary and send in an original copy of complaint materials to the Commission. Currently, voters may call or email the WEC with any accessibility-related concerns. Especially on Election Day, voters may face issues with voting equipment, their polling place, or have general accessibility questions. When a voter contacts the WEC, staff can assess the problem and contact the municipal clerk immediately to try to solve any potential problems. Often, the clerk can resolve the issue immediately so that it is not a barrier for other voters in that community.

The AAC recommended having an informal way for individuals to report accessibility-related concerns, such as a form on the website. In response to this suggestion, the WEC created a new concern form focused on accessible voting issues and added it to the agency website. This form allows for a structured process for individuals to report incidents to the WEC and have them resolved or followed-up with quickly. On the new concern form, the voter must select from a drop-down menu that includes polling place accessibility, curbside voting, voting equipment, website accessibility, and other. Each category has various issues that a voter can select, and if they choose, enter their contact information for staff to follow up. Below is a summary of the concerns that the WEC received since the concern form was created in May 2020.

- Polling place physical accessibility (5)
- Poll workers not wearing masks (5, including one submitted after expiration of mask mandate)
- Poll workers requiring voters to wear masks (4)
- Town of Hudson caucus (4)
- Curbside voting (3)
- Website accessibility (2)
- Clerk training around disability (1)
- Sanitizing headphones for accessible voting equipment (1)
- Wisconsin's lack of screen-reader accessible ballot (1)
- Difficulty obtaining a witness (1)
- Indefinitely confined voter (1)

Please note that not all concerns turned out to be accessibility-related issues. For example, under poll workers not wearing masks, one of those was submitted after the expiration of a mask mandate and the county did not have a mandate in place. This list does not include unrelated concerns that were submitted using the concern form, including concerns about Commission decisions unrelated to accessibility or help finding an address online. Those issues were followed addressed by WEC staff with voters but are not included in this data above.

Voters still have the option to file a sworn complaint, and it is often suggested especially for voters who want formal outcomes or who have an issue that cannot be resolved quickly.

**New Polling Place Accessibility Survey and Checklist**

In 2020, many clerks opted to move their polling places to larger spaces more conducive to social distancing. Since the Polling Place Accessibility Review Program was paused for the duration of 2020, WEC focused on ways to help clerks conduct self-evaluations of current and potential polling place locations. Currently, clerks are required to complete an accessibility survey for any new or renovated polling place. The 2009 version of Polling Place Accessibility Survey was over 20 pages long. To make it easier for clerks to self-evaluate their own polling places, WEC staff edited the version of the polling place survey for clerks, including shortening to the survey to 13 pages and creating options for clerks who did not have slope readers to test ramp steepness. This version of the survey went through several rounds of usability testing to ensure that it was easy to use.

Additionally, WEC partnered with Disability Rights Wisconsin to update the Election Day Accessibility Checklist designed for election officials. The checklist does not include every accessibility requirement for polling places, but rather covers some common problems and easy-to-fix issues. This version of the checklist was edited to include curbside voting procedures and accessible supplies, including extra seating in case of lines. The Election Day Accessibility Checklist also includes a section called "Interactions with Voters" which reminds poll workers of the right to an assistant and the right to an accommodation when casting a ballot.

**Voting Equipment**

The Wisconsin Elections Commission continues to remind clerks of the requirement to have accessible voting equipment set up and powered on at each polling place on Election Day. WEC staff worked with clerks to educate them of the difference between a tabulator, which is not required for all municipalities, and accessible voting equipment, which is required for every polling place.

Additionally, WEC heard from local advocates that there was some confusion with the Dominion ImageCast Evolution (ICE) machine, which serves as both a tabulator and an accessible voting machine. An election inspector can pause tabulation to allow a voter to use this machine to fill out their ballot. While several dozen municipalities who use this equipment have a separate monitor that allow the machine to serve as both an accessible voting machine and a tabulator at the same time, most municipalities do not have this feature meaning that the tabulator functionalities cannot be used while the accessible voting feature is in use. WEC is continuing to work with municipalities that use the ICE to ensure that poll workers are aware of the dual usage of the machine and to identify ways to create awareness of the dual usage to voters.

# Best Practices from Clerks in Wisconsin

Clerks across the State of Wisconsin worked tirelessly to assist voters with disabilities and brainstorm creative solutions to problems. This list is just a few examples and is in no way comprehensive and can never represent all the work that clerks do daily to make voting accessible.

**City of Owen – Clark County: Polling Place Accessibility**

The municipal clerk in the Town of Owen has worked tirelessly to ensure that the City's new polling place is accessible. The municipal clerk sent multiple photos of the polling place and worked closely with developers to make changes as the building was renovated. WEC staff were able to visit the polling place in April 2021 to complete an informal polling place accessibility review and confirm the polling place was designed with all ADA standards in mind.

**City of Arcadia – Trempealeau County: Accessible In-Person Absentee Voting**

The municipal clerk worked with a voter to use accessible voting equipment during in-person absentee voting. Not all voting machines are able to be used at in-person absentee locations, but this municipality was able to set this up. The clerk now sets the machine up for every election so that voters are able to use the machine.

**City of Madison – Dane County: Braille Ballots**

The City of Madison has a robust braille ballot program. WEC staff spoke with a voter who has been receiving a braille ballot from the City for years. The City created its own separate marking process that allows the voter to independently mark their ballot by connecting braille cells with a pen and has a labeling process, so voters are able to copy the ballot to be counted by optical scan equipment. WEC staff are working to create braille ballot best practices and maintain a list of vendors for clerks who may have to send a braille ballot to a voter and are using lessons learned from the City of Madison's experience with providing braille ballots to voters.

**Town of Richmond – Walworth County: Accessible Absentee Drop Box**

The municipal clerk in the Town of Richmond has worked to improve access to their drop box, working with local voters to make sure absentee voting is accessible and secure. The clerk implemented a plan to empty the contents of the drop box regularly, placed it next to the town hall to ensure accessibility and communicated this information with voters.

**City of Green Bay – Brown County: Curbside Voting**

The City of Green Bay greatly expanded its curbside voting program after the April election. The municipal clerk's office worked with WEC staff to order curbside voting signs from the supply program and improve the process. Green Bay went from having limited curbside voting procedures, and having an assistant enter the polling place to having curbside signs set up at polling places with either designated spots or a phone number, to call upon arrival.

**City of Ashland – Multiple Counties: Poll Worker Recruitment and Training**

The clerk's office in Ashland focused heavily on poll worker recruitment and effective training measures. Due to COVID-19, many poll workers were unable to work at the election, leading to poll worker shortages and many new poll workers. The City of Ashland worked to engage their community, especially younger individuals, to get involved with the election process and become poll workers. Training is especially important to create accessible polling places.

Some of these best practices were taken from the Municipal Clerk Nominations from the Disability Vote Coalition[11]. Voters nominated clerks across the State of Wisconsin for their work to improve voting accessibility.

## Impediments to Voting Report Conclusion

This report identifies the need for continued improvement for accessible voting in Wisconsin for elderly voters and voters with disabilities, but also outlines the work that was done in this reporting period to ensure that all voters had the ability to exercise their right to a private and independent ballot. In 2020, many polling places were moved to accommodate social distancing practices or consolidated due to poll worker shortages. It was important to emphasize that ADA compliance should be a determining factor in any decisions regarding polling place location changes. The Wisconsin Elections Commission 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. WEC staff and representatives have visited the vast majority of municipalities in Wisconsin over the last 11 years and continue to create plans to review new and unvisited polling places.

The agency's polling place accessibility review 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 46 reviews that have been conducted during this reporting period indicate that surveyed polling places averaged 7.01 in 2020-2021. This rate represents an increase in problems from past elections but does not necessarily mean that polling places are less accessible due to the small number of reviews conducted.

Notices continue to remain a relevant concern and represent almost a quarter of the 323 total problems found in polling places. Current Wisconsin law requires numerous 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 and would likely not prevent a voter from casting a ballot. However, if all of these required materials were present at the time of these reviews, the average number of accessibility-related problems identified at each polling place decreases to 5.4 from 2020-2021. Commission staff does not discount the importance of the missing notices, but considers them to be easily remedied problems with solutions that would come at little to no cost to municipalities that were not in compliance.

Accessible entrances that were not clearly marked with the international symbol of accessibility account for 6% (20) of all polling place problems. At these 20 polling places, this issue could be resolved by adding a decal or sign to the door that identifies it as the accessible entrance.

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[11] These can be found here: https://disabilityvote.org/2021/municipal-clerk-nominations/.

Compliant decals are currently available through the Commission'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 review. If these basic issues were corrected, the average surveyed polling place in Wisconsin would average over 29% 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.

The review program was impacted by COVID-19 and had to be paused for much of the 2020-2021 reporting period, but will hopefully restart in 2022 at a sustainable level. However, the WEC shifted focus during the 2020-2021 biennium to a focus on training resources and options for clerks to evaluate their own polling place accessibility. Many clerks saw a reduction in the number of in-person voters and an increase in overall by-mail and in-person absentee voters. This increase made it important for clerks to receive training related to accessible absentee drop boxes, accessible in-person absentee standards, and creating braille ballots. Additionally, many voters with disabilities opted to vote curbside, which the WEC addressed in memos and webinars for clerks. The Wisconsin Elections Commission plans to continue focusing on these efforts, especially creating accessible braille and large print ballot standards for clerks prior to 2022.

Advocacy groups representing elderly voters and voters with disabilities were essential to decreasing barriers that voters face in Wisconsin. Going beyond physical accessibility, it is important for polling places to be accessible in every way to voters with disabilities. Creating an easy-to-use accessibility concern form allows for better tracking and ensures that WEC can tailor its training to be impactful in reducing barriers to participation. Additionally, the updated Election Day Accessibility Checklist allows clerks and poll workers to assess their polling place, including their interactions with voters, to make improvements in how the polling place is organized and how election inspectors interact with voters.

Despite high turnover of Wisconsin election officials, it is promising that site review data was relatively consistent throughout 2011-2020. This report suggests that the data does not fully capture the experience of elderly voters and voters with disabilities. Training efforts and materials may have led to increased clerk awareness of accessibility practices and it is possible that future accessibility reviews will reflect that these efforts have improved voting for individuals with disabilities. Commission staff will continue to conduct reviews and provide supplies to clerks to increase access to the polls for all eligible voters. The Accessibility Advisory Committee will continue to meet so that advocacy groups can share their experience and expertise with Commission staff. All 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



Figure A
Polling Place Review Program Summary from 2011-2021
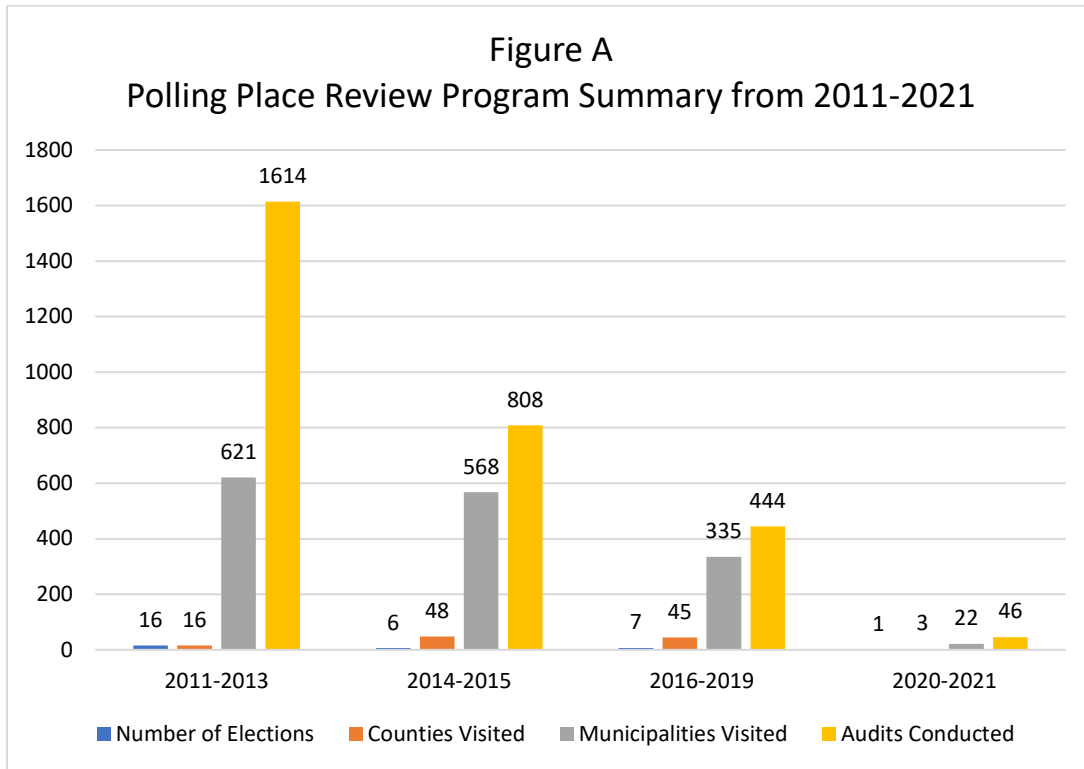
| Table 1. Summary of Polling Place Audits from 2011-2019 | | | | |
|---|---|---|---|---|
| | Audits Conducted | Municipalities Visited | Counties Visited | Number of Elections |
| **2011-2012** | 1614 | 621 | 16 | 16 |
| **2014-2015** | 808 | 568 | 48 | 7 |
| **2016-2019** | 366 | 327 | 45 | 10 |
| **2020-2021** | 46 | 22 | 3 | 1 |

## Appendix B

| County | Number of Audits |
|---|---|
| Dane County | 26 |
| Green County | 12 |
| Rock County | 8 |

## Appendix C

## 2021 Wisconsin Elections Commission Accessibility Advisory Committee

|  | Advisory Group Members | Organization |
|---|---|---|
| 1 | **Barbara Beckert**<br>**Wendy Heyn** | Disability Rights Wisconsin |
| 2 | **Jenny Neugart** | Wisconsin Board for People with Developmental Disabilities |
| 3 | **Kyle Kleist**<br>**Jason Beloungy** | Wisconsin Coalition of Independent Living Centers |
| 4 | **Nino Amato** | Coalition of Wisconsin Aging Groups |
| 5 | **Jason Glozier** | City of Madison, Civil Rights Division |
| 6 | **Crystal Hester** | NAMI Wisconsin |
| 7 | **Jason Endres** | People First Wisconsin |
| 8 | **Denise Jess** | Wisconsin Council of the Blind and Visually Impaired |

| 9 | **Janet Zander** | Greater Wisconsin Agency on Aging Resources |
|---|---|---|
| 10 | **Alice Sykora** | Wisconsin Association of the Deaf |
| 11 | **Ben Dallin** | National Federation of the Blind |

| | **WEC Staff** | **Title** |
|---|---|---|
| 1 | **Richard Rydecki** | Deputy Administrator |
| 2 | **Brianna Hanson** | Elections Specialist – Accessibility Co-Lead |
| 3 | **Greg Grube** | GIS Specialist – Accessibility Co-Lead |
| 4 | **Ann Oberle** | Lead Business Analyst |
| 5 | **Christopher Doffing** | Training Officer |
| 6 | **Tony Bridges** | IS Technical Services Specialist |