



Wisconsin Elections Commission

Impediments Faced by Elderly Voters and Voters with Disabilities

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Wisconsin Elections Commission

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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 by 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 audit program, which first began in 2009, and also provide updates on additional agency efforts designed to ensure access to the polls. These efforts include 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. The polling place audit program focuses on physical accessibility of polling places, but this report will also discuss various other aspects of accessibility, including an overview of the work done by the WEC Accessibility Advisory Committee.

In accordance with its statutory mandate to consult with appropriate advocacy groups, Commission staff met regularly with the Accessibility Advisory Committee throughout 2016 to 2019 to identify issues of concern and to assist in evaluating polling place accessibility. 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 eight years polling place audits have been conducted in the vast majority of municipalities and all 72 counties in Wisconsin. Polling place audits historically have been conducted by WEC staff and volunteers from Disability Rights Wisconsin. These on-site audits 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 in the State of Wisconsin.

This report is required to cover only the last biennium (2018-2019) but will instead address the accessibility of voting for elections held during 2016-2019. This report was not published for the 2016-2017 reporting period. This report will analyze trends from the entirety of 2016-2019, but also provides separate analysis of each biennium.

Between 2016 Spring Primary and the 2019 Spring Election, there were 444 polling place audits conducted across seven elections. The audit program visited 335 municipalities in 45 counties in Wisconsin in 2016, 2018, and 2019. These audits identified 2851 total problems for an average of 6.42 problems per polling place but there was some variance in the year-by-year data. In 2016, there were 2506 problems identified at 366 polling places for an average of 6.85 problems per polling place. Whereas in 2018-19 there were 345 problems at 78 polling places for an average of 4.42 problems per polling place. The number of audits per year decreased throughout this period as federal funding designated to improve polling place accessibility was fully expended and the program transitioned to a state-funded model.

The Commission cannot yet determine whether this is a short-term fluctuation or part of a longer-term downward trend given the smaller sample size in 2018-2019 and other factors, but it is a result that warrants attention as well as monitoring going forward. This downward trend is promising because it could indicate that accessibility is improving at polling places across the state as the audit program continues to raise awareness of how Americans with Disabilities Act (ADA) standards apply to polling places.

Municipalities across the state have made improvements at their polling places in direct response to the polling place audit 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. The supply program has helped clerks to resolve common problems, such as signage, doorbells for inaccessible doors, and cones. 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 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.

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 who identify as "indefinitely confined" to their homes due to age, physical illness, infirmity, or

disability 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 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.¹ 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.

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 an individual 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

¹ Wisconsin State Elections Board, *Polling Place Accessibility in the 1998 Election*.

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 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 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. The photo identification portion of Act 23 was enforced following 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 FY19.² These funds were approved, but were less than the funds provided by HAVA, which had previously allowed WEC to hire additional temporary staff to 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

² 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.

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.³

Accessible Voting Issues: 2016-2019

Introduction

All audits 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 auditors are able to answer questions accurately, regardless of their background knowledge of ADA.

The survey is organized into five distinct polling place zones and categories within each zone that allow an auditor to answer questions that pertain to a specific location and disregard questions that are not applicable to that location.⁴ 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 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 as they travel from parking/drop-off zones to 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 space, and accessible voting equipment. Notices include all required postings, including notices, maps and street directories, and sample ballots. Accessible space 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

³ 2019 Wisconsin Act 48 can be found at <https://docs.legis.wisconsin.gov/2019/related/acts/48>.

⁴ Full text of the Polling Place Accessibility Survey can be found on the WEC website at:

https://elections.wi.gov/sites/elections.wi.gov/files/publication/65/2009_polling_place_accessibility_survey_pdf_15601.pdf

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 audits are conducted, WEC provides audit findings to each municipality for each polling place visited. These reports detail the problems identified on 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 audit 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 and remaining federal funds and are sent to requesting municipalities at no cost to them. These supplies include signature guides, page magnifiers, wireless doorbells, cones, and various signs for parking areas, pathways and accessible entrances.

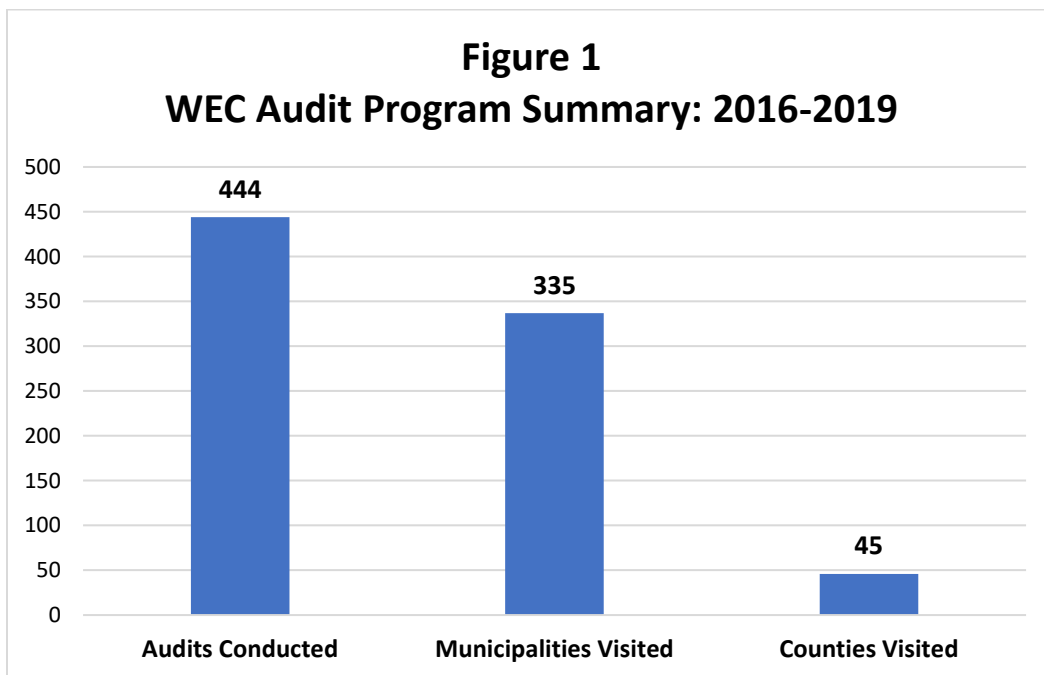
Until the 2014 Partisan Primary, paper reports were generated for each audit conducted. To address the high administrative burden of this paper-based system, elections staff worked to develop an electronic platform for reporting audit results to local election officials. The Polling Place Accessibility 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 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 audit program.

All auditors are provided with tablets to simplify the process of sending the audit survey to the clerk. This customizable format of the electronic survey allows auditors 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 auditors are able to efficiently take photos of each polling place and accessibility concerns. In 2019, WEC purchased upgraded Windows Surface tablets for auditors to use by 2020. These

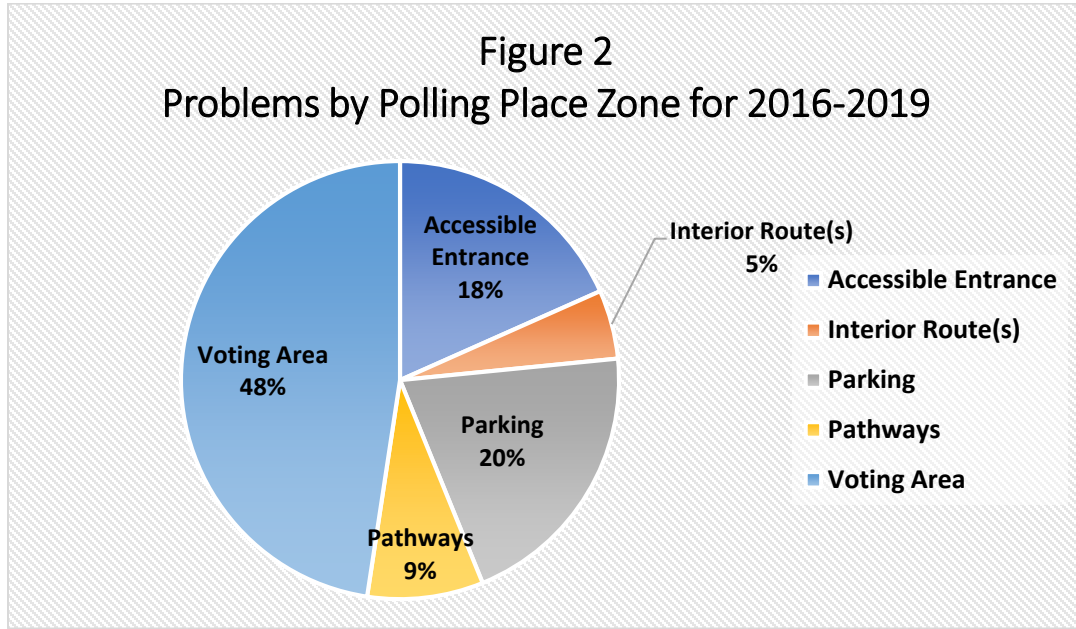
tablets provide auditors with higher photo quality, increased battery life, and improved features to simplify the auditing process and increase the quality of the data collected.

Polling Place Accessibility Audit Program 2016-2019 Summary

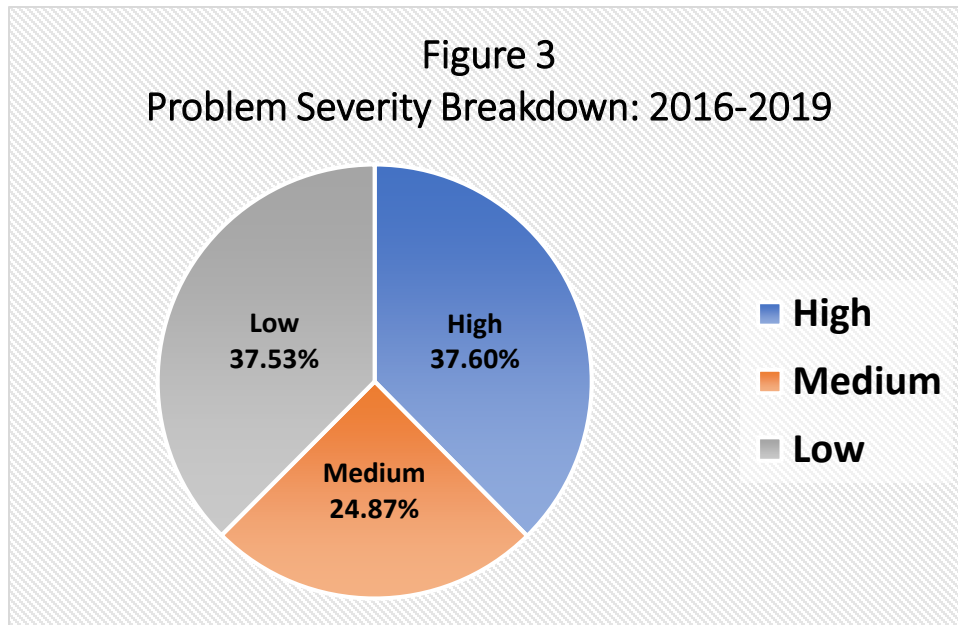
The Wisconsin Elections Commission conducts on-site audits during most state-wide elections to assess the physical accessibility of polling places in Wisconsin. During the 2016-2019 reporting period, 444 polling place audits were conducted over the course of seven elections. The audit program visited a total of 335 municipalities located in 45 Wisconsin counties during the 2016 to 2019 time period. Comparatively, in the 2013-2014 reporting period, 808 audits were conducted in 568 municipalities throughout 28 Wisconsin counties, and in 2011-2012, 1,614 audits were conducted in 621 municipalities throughout 16 counties (Figure 1). For additional data regarding the results of the polling place audit program during the 2016 – 2019 period, see Appendix A.



In 2016-2019, the voting area had the most problems identified out of any zone, with 47.60%, or 1,357 total problems. The next largest category was parking at 20.41% (582 problems) followed by accessible entrances at 18.34% (523 problems). The two smallest categories were pathways and interior routes at 8.56% (244 problems) and 5.09% (145 problems) respectively (Figure 2).

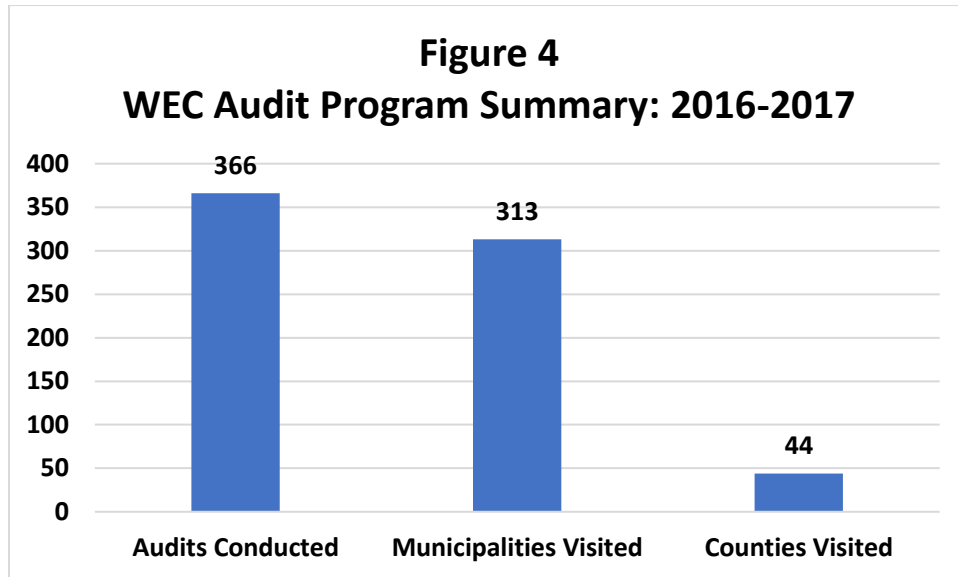


In all audits conducted from 2016-2019, a total of 2,851 problems were identified. Out of these problems, 1,072 were considered high severity, meaning that the problem may create a significant barrier for a voter with a disability. There were 731 medium-severity problems, meaning the problem may create a barrier for a voter with a disability. There were also 1,070 low-severity problems, meaning that the problem may make it more difficult, but does not likely prevent a voter with a disability to cast a private and independent ballot. Most problems were either high or low severity, accounting for 37.60% and 37.53% respectively of all problems, with medium closely behind at 24.87% of problems (Figure 3).



2016-2017 Polling Place Accessibility Audit Program Summary

In 2016, WEC staff continued the practice of sending out a team of auditors to conduct polling place accessibility audits for each election. The WEC did not audit any polling places during the one statewide election in 2017 due to staffing restraints. There were 366 total audits conducted over the course of four regularly scheduled elections in 2016. A summary of these findings is shown in Figure 4. These audits identified 2,506 problems for an average of 6.84 accessibility issues per site visit. On average, 91.5 municipalities were visited for each election with at least one audit conducted in half of all Wisconsin counties during this year.

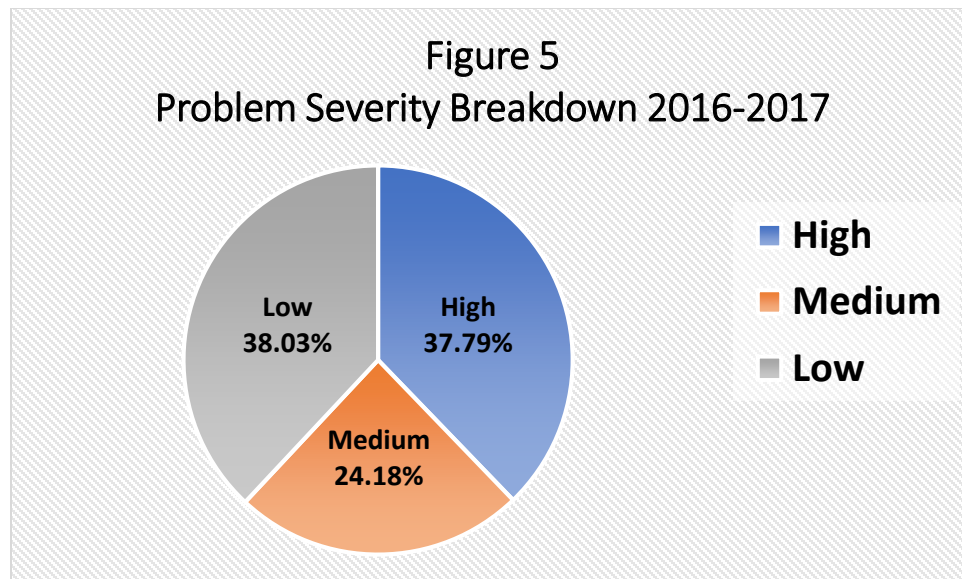


Of the 2,506 accessibility problems identified in 2016, 37.79% (947) were high-severity issues and 460 of those problems were associated with accessible entrances (Figure 5). High-severity issues included 225 polling place locations where entrances were not properly marked with the universal symbol of accessibility. This requirement allows voters to efficiently identify the accessible entrance and avoid entering the facility at a point that would not allow them to reach the voting area. Audits identified other problematic aspects of accessible entrances, such as heavy doors. 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 a reasonable amount of force with a closed fist. Thirty-seven, or 10.11% of surveyed polling places, did not meet this standard. An additional high-severity problem, non-functioning electronic accessible features such as automatic openers and doorbells, was found at 17 polling places.

Medium-severity issues comprised 24.18% (731) of all findings in 2016 (Figure 5). Of the 366 polling locations surveyed, 234 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, 49 locations had problems with the signage used to identify accessible parking spaces and 22 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 mobility disabilities.

The remaining 953 problems are classified as low-severity issues that alone would not prevent an elderly voter or a voter with a disability from casting a ballot, but would make that process more difficult. Low-severity problems, such as missing required notices, comprised 38.03% of all total problems (Figure 5). Additional data illustrating results from the 2016-17 audits can be found in Appendix A.

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. Out of 2,506 problems, 673 were related to required notices. Higher severity issues were also identified in voting areas, with 72 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 not set up at nine polling places at the time of these audits. At polling places that did have accessible voting equipment available, 44 had equipment positioned in a manner that would not ensure voter privacy.



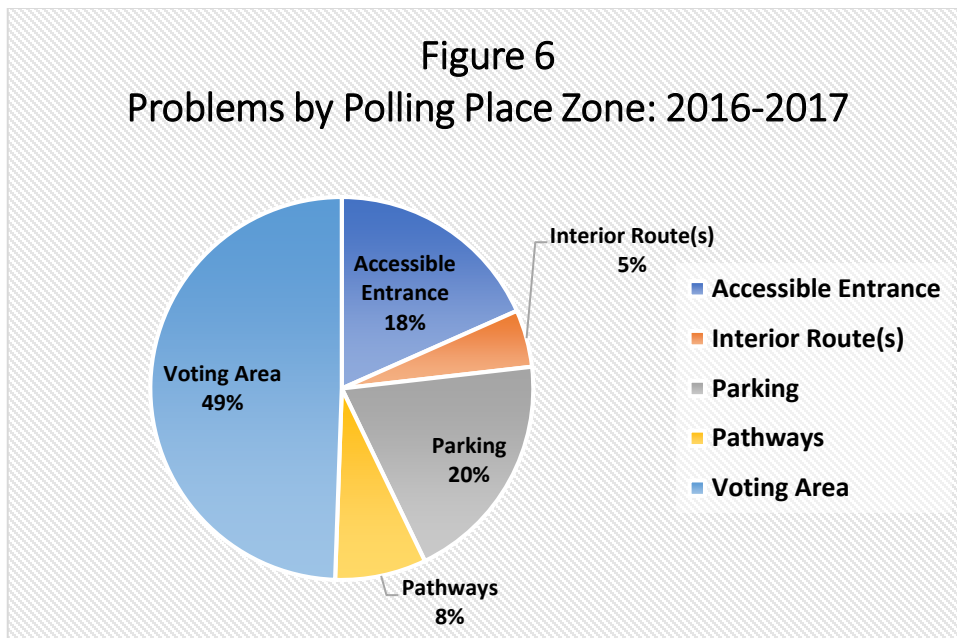
The majority of accessibility problems continued to be found in the voting area. Polling place audits during this two-year period identified 1,239 voting area problems, which is 49.44% of all audit findings from 2016-2017. The most common voting area problem identified was the Type D Polling Place Hours and Location Notice not being posted at 126 polling places. Following that was 107 instances of not posting the instructions for mail-in registrants and first-time voters (EL-116).

In addition to the problems found in the voting area, auditors reported 493 problems related to the parking area, or 19.67% of all reported problems. At 234 audited polling places in 2016-2017, there was a lack of accessible and van-accessible parking spots in off-street parking areas. Improper signage was noted by auditors frequently, with accessible parking signs not posted high enough at 90 sites and 49 sites lacking visible parking signs with proper signage.

Accessible entrances had 460 issues identified by audits, and 61.48% of audited polling places lacked signage indicating the accessible entrance (225 locations). Also, 94 sites out of the 460 were reported as having an unreasonably heavy entrance door.

Auditors identified 193 pathways with accessibility issues, with 78 pathways having cracks, breaks, or edges large enough to cause difficulty for a voter who uses a cane, walker or wheelchair and 32 locations with pathways that were not level, firm, stable, or slip resistant.

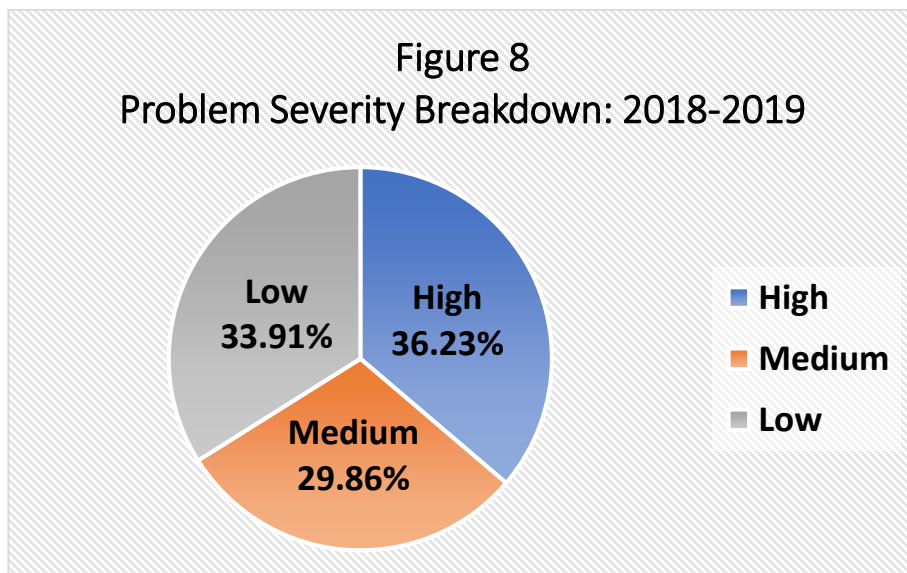
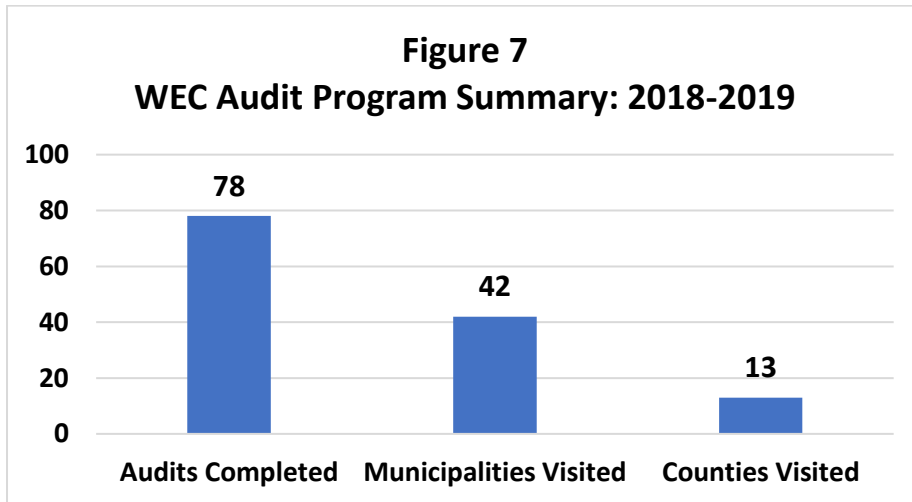
Finally, interior routes constituted was the zone with the least amount of accessibility problems with 121 problems identified during this period. Of these 121 problems, 20 locations had obstacles such as drinking fountains, display cases or tables located along the interior route that represent a hazard 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. Additionally, 39 issues were related to a lack of signage indicating the accessible interior route (Figure 6).



During the 2016-2017 reporting period, polling place audits identified an average of 6.85 accessibility problems at each visited location. The 2016 audits identified trends and persistent problems that were addressed through increased training efforts, the agency supply program, and outreach and education efforts coordinated with members of the Accessibility Advisory Committee. It also indicated 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. While the Commission did not issue a biennial report in 2017, its staff continued to use these audit findings to inform its training and outreach to local election officials.

2018-2019 Polling Place Accessibility Audit Program Summary

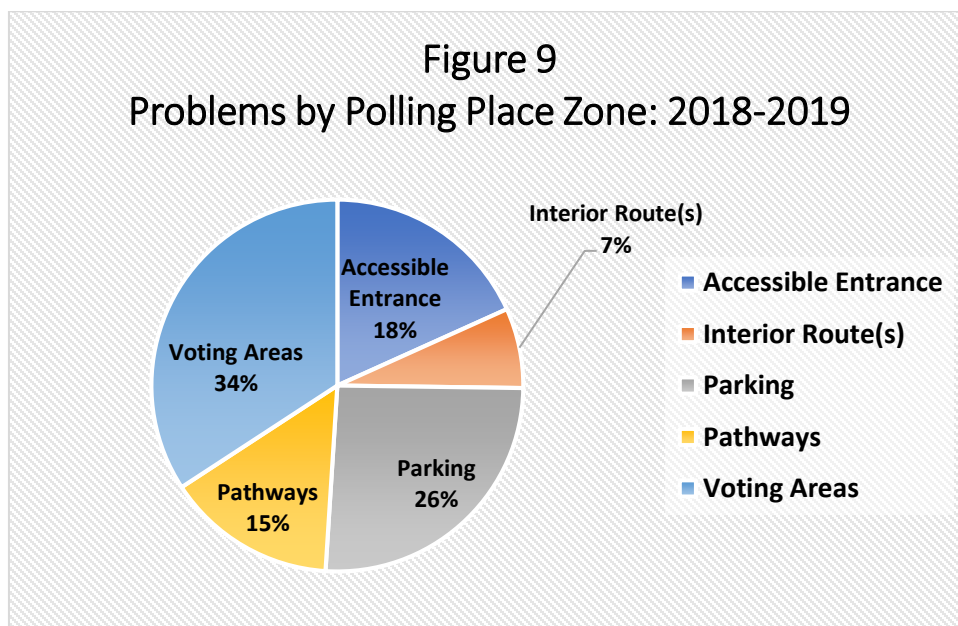
The WEC’s accessibility audit program identified 345 problems at 78 polling places over this two-year period for an average of 4.42 accessibility problems at each visited location. Audits were conducted in 42 municipalities in 13 counties across Wisconsin (Figure 7). Of those problems, 125 are considered 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 103 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 117 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. High severity problems constituted 36.23% of all problems identified with low-severity problems the next most commonly identified category at 33.91% (Figure 8). Additional data illustrating audit results from 2018 – 19 can be found in Appendix A.



The majority of accessibility problems continued to be confined to the voting area (Figure 9). Polling place audits during this two-year period identified 118 voting area problems, which is 34.20% of all audit findings from 2018-2019. Those infractions included three polling places with no booth or table where a voter in a wheelchair could cast a paper ballot and 12 locations where accessible voting equipment was not set up to ensure voter privacy, which are both high-severity issues.

In addition to the problems found in the voting area 35.90% (28) of audited locations did not have an accessible entrance that would be easily identifiable by voters with disabilities and 10 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 four locations.

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 118 problems, there were 12 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 (Figure 9).



2018 Audit Results

For the 2018 General Election, the WEC continued using volunteers from Disability Rights Wisconsin to audit polling places. The audit program reached 23 individual municipalities in nine counties over the course of the General Election. The 30 total audits that were conducted identified 122 total accessibility problems, for an average of 4.07 problems per polling place. A summary of these findings is shown in Appendix A.

There were 38 high-severity issues representing 31.13% of all accessibility problems and 10 of those problems were associated with accessible entrances. High-severity issues included 10

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 and not enter the facility at a point that would not allow them to reach the voting area.

Medium-severity issues comprised 24.60% (30) of all findings in 2018. Of the 30 polling locations surveyed, eight 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, four locations had problems with the signage used to identify accessible parking spaces and five 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.

Low-severity issues comprised 44.26% (54) of all findings in 2018. A significant number of low-severity problems were due to issues related to missing required election-related notices. There was a total of 34 required notices missing. Higher severity issues were also identified in voting areas, with one polling place 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 not set up at one polling place at the time of these audits. At polling places that did have accessible voting equipment available, eight had equipment positioned in a manner that would not ensure voter privacy.

2019 Audit Results

The 2019 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. Since a number of counties with a primary were located in Rusk and Chippewa counties, they were selected for site visits for this election. For the Spring Primary, seven audits were completed, and an additional 41 site visits took place during the Spring Election.

The audit program reached 23 individual municipalities in seven counties over the course of these two elections. The 48 total audits that were conducted identified 223 total accessibility problems, for an average of 4.65 problems per polling place. A summary of these findings is shown in Appendix A. Of those problems, 87 were classified as high-severity problems.

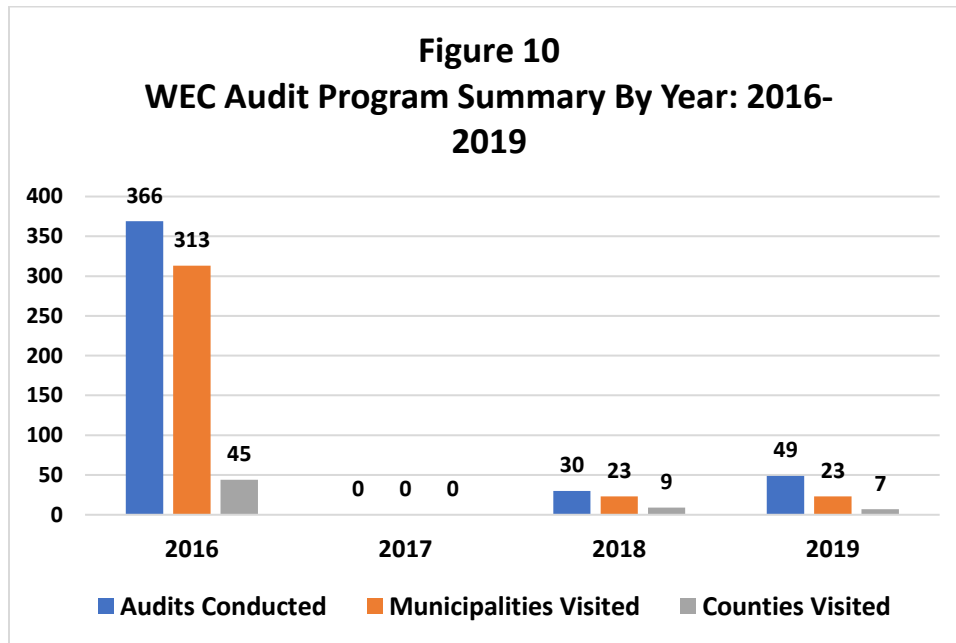
High-severity problems were especially prevalent in the voting area and at the accessible entrance. Accessible entrances at 18 locations were not marked as such with the universal symbol of accessibility, and 16.67% (eight) of visited polling places had heavy doors that were inaccessible. Problems were found along interior routes to the voting area at 10 locations where auditors found obstacles such as folding tables, chairs, and water fountains.

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 20 locations did not meet the standards for the type and/or number of accessible parking spaces required to be at each polling place. Accessible pathways at 10 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, 14.58% (seven) of all visited locations did not have signs directing voters to the

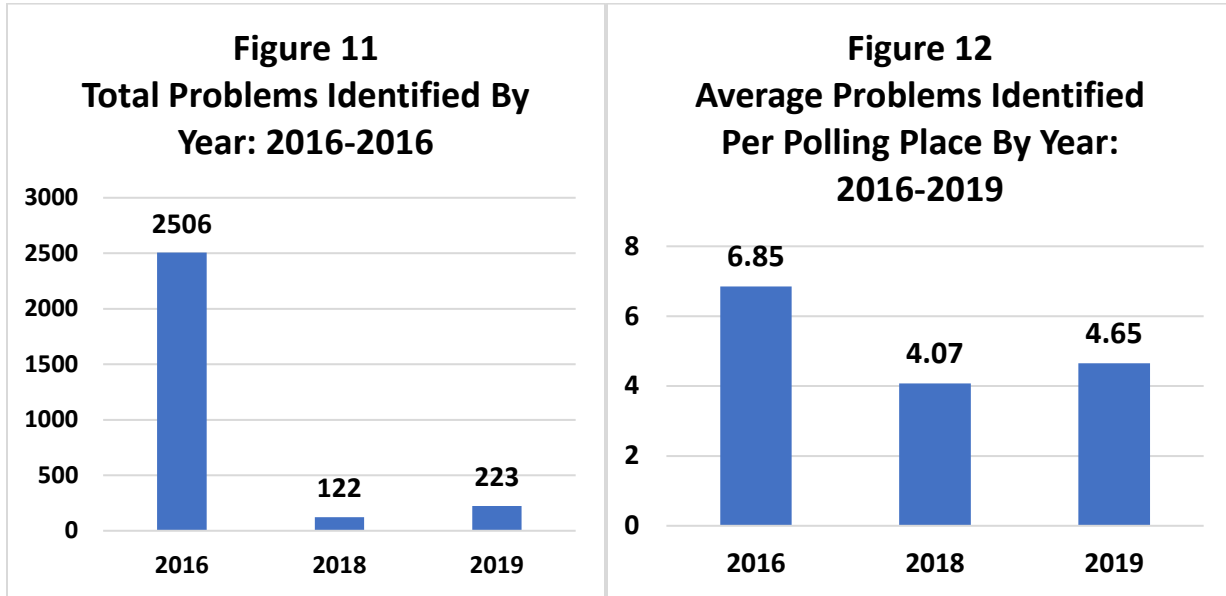
accessible entrance. This signage allows voters with mobility issues to travel the shortest possible distance to cast their ballot.

Cumulative 2016 - 2019 Audit Trends

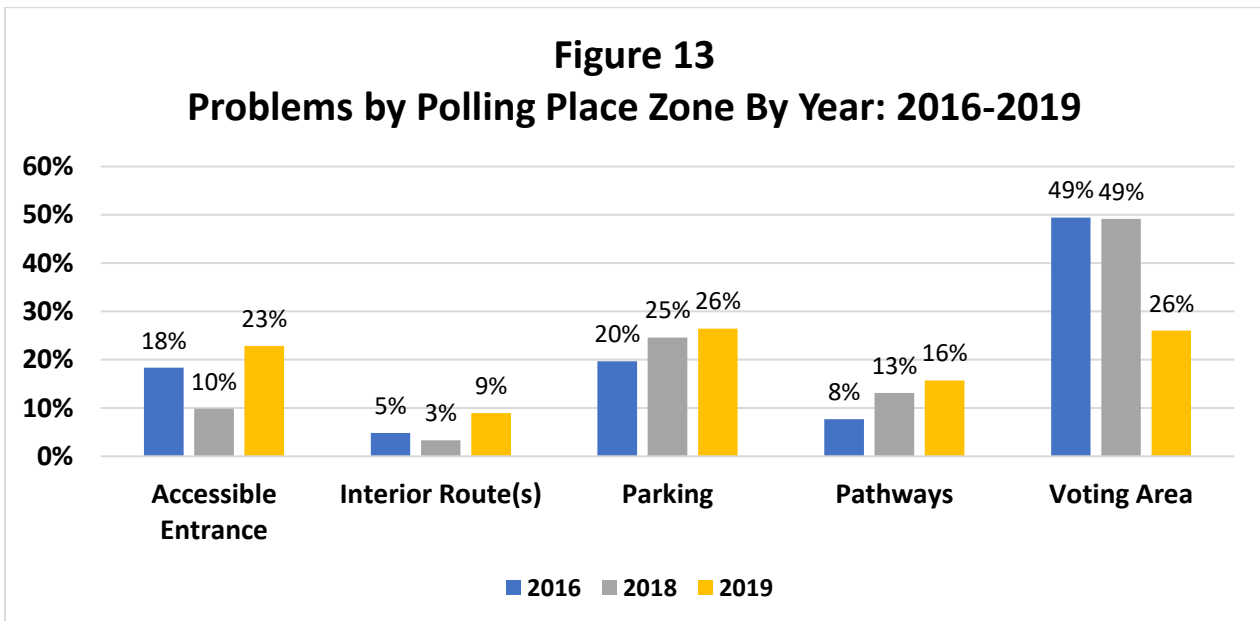
There were fewer audits conducted in 2018 and 2019 in comparison to 2016. Due to the exhaustion of federal HAVA funds designated specifically for accessibility initiatives, the Commission reduced the scope of the program to a sustainable level.



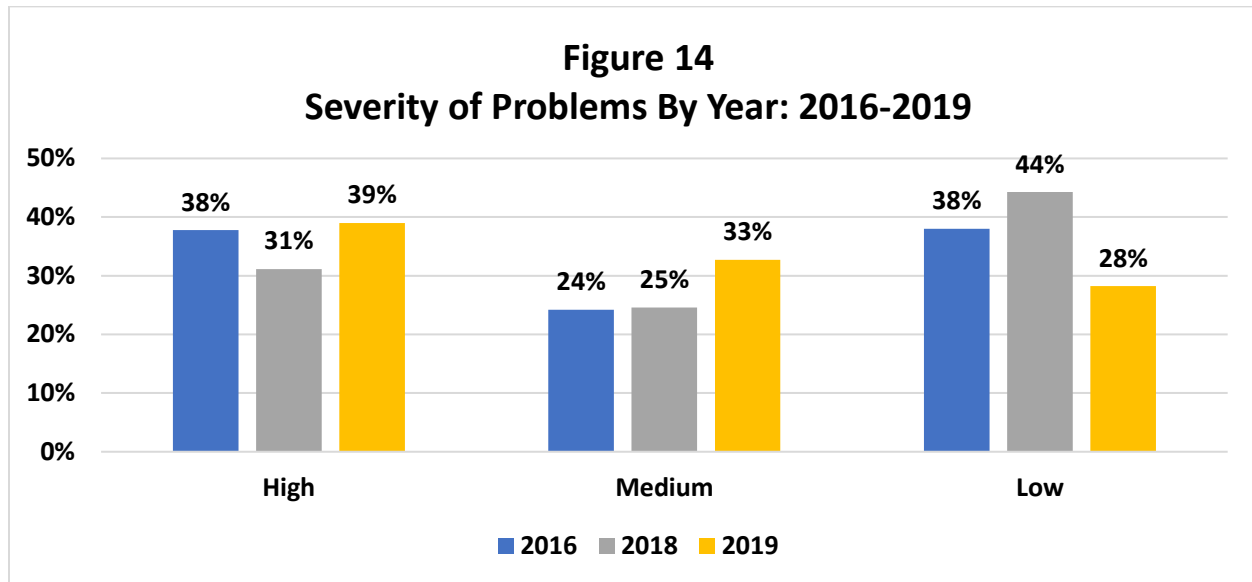
There was some variation between the average number of problems identified between the two time periods, with the average audit finding more than 2.5 less problems on average at polling places in 2018 versus 2016. However, audit results from 2018 and 2019 are fairly consistent, with an increase of .58 problems on average from 2018 to 2019. This significant decrease between 2016 (6.85 problems) and 2018 and 2019 (4.07 and 4.65 problems respectively) may be an encouraging indicator that voters faced fewer barriers, on average, at their polling places in 2018-19. The significantly smaller sample size in 2018-19 and the fact that the frequency of identified problems has fluctuated in the prior years may limit conclusions that may be drawn. Commission staff will continue to monitor future audit results to assess whether the significant decrease in identified problems over the past two years signals a trend towards fewer accessibility barriers at polling places in the future.



When reviewed in the context of the percentage of total problems found in each zone of the polling place, the numbers are relatively consistent across 2016, 2018, and 2019. In 2016, 2018, and 2019, three of the five zones have a range of 10 percentage points or less. However, the voting area zone varies from 49% in 2016 and 2018 to 26% in 2019. The zone with the fewest problems identified across 2016, 2018, and 2019 continues to be interior routes at a range of 3% to 9%. The most common problems across 2016, 2018, and 2019 were still found in the voting area followed by parking-related issues.

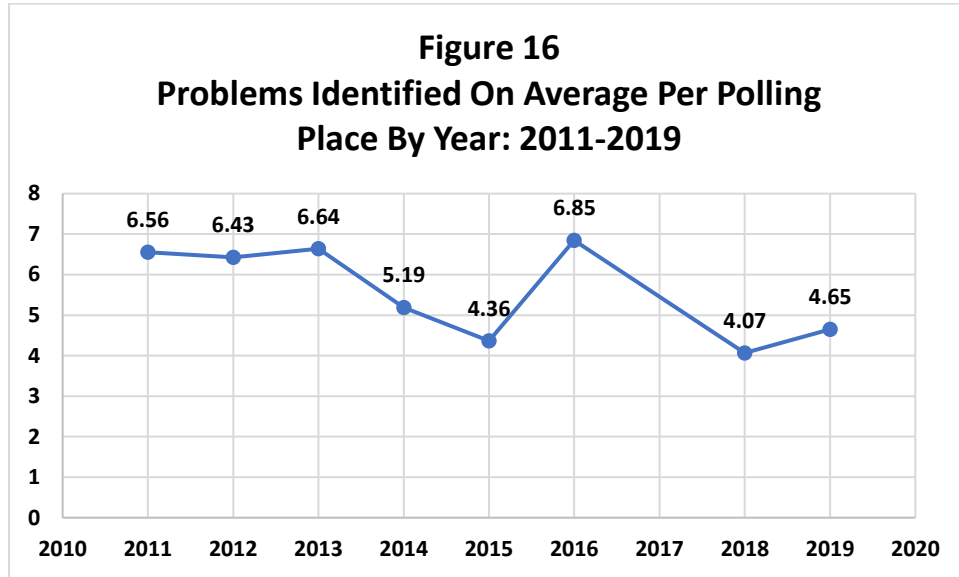


The frequency of problems must also be viewed in the context of their severity. An obstruction on an interior route, while less frequent, may pose more of a practical challenge than a notice that is not posted on the wall in the voting area. The frequency of problems in each severity category remained relatively consistent in 2016, 2018, and 2019, with a slight increase in the percentage of low-severity issues (38% to 44%) from 2016 to 2018 as well as a slight increase in the percentage of medium-severity issues (25% to 33%) from 2018 to 2019.



While the program visited counties in all geographic regions of Wisconsin, a significant number of audits were conducted in the two largest counties in the state (41 in Milwaukee and 23 in Dane). Site visits also occurred in less populated counties such as Bayfield, Rusk, and Buffalo in the northwest region, Grant in the southwest, and Vilas in the northeast corner of the state. See Appendix B for more details.

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 areas. For example, despite the consistent average of around 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.



A comparison of audit data from the previous two reporting periods suggests that polling place accessibility in Wisconsin may be improving. In 2016, staff audits of polling places revealed an average of 6.85 accessibility problems at each visited site. Results from the most recent reporting period indicated a decrease of over 2.78 problems per site between 2016 and 2018 with consistency shown between 2018 and 2019. 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, 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. Additionally, it is difficult to determine long-term significance at this point because of the significantly fewer number of audits completed in 2018-2019.

The percentage of problems per polling place zone has stayed relatively stable from 2011-2019. The most significant change was seen in the average number of problems identified in the voting area, a rate that declined by 15 percentage points between the 2016-2017 and 2018-2019 reporting periods (49% in 2016-2017 to 34% in 2018-2019). Problems identified at accessible entrances declined slightly on average from the 2014-15 biennium, going from 23% to 18%. Parking issues slightly decreased in 2016-17 to 18%, but increased again in 2018-19 to 26%.

	Parking		Pathways		Accessible Entrance		Interior Route(s)		Voting Area		Totals
	#	%	#	%	#	%	#	%	#	%	
2011 - 2013	1.4	22%	.56	8.5%	1.25	19%	.36	5.5%	2.9	45%	6.5
2014 - 2015	.96	20%	.28	5.2%	1.12	23%	.24	4.8%	2.30	47%	4.9
2016 - 2017	1.34	18%	.53	7.7%	1.26	18%	.33	4.8%	3.39	49%	6.9
2018 - 2019	1.14	26%	.65	15%	.81	18%	.31	7.0%	1.5	34%	4.4

The most commonly 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 2014-15 report. However, in 2014-15, there was a problem from each of the five polling place zones represented in the top 10 most commonly identified problems, while in 2016-19, the interior routes zone was no longer represented. A few problems shifted positions on the list from one election cycle or year to the next (Table 2). Required notices and postings, amount of parking spots, accessible entrances, and excessive force to open entrance doors remained in the top four questions between 2014-2019. However, height of accessible parking signage and parking spot ground problems moved into the top 10 list from positions 11 and 19, respectively, in 2014-15.

Table 2. Top Ten Most Common Problem Comparison 2014-15 and 2016-2019

2016-2019 Rank	Problem	Zone	2016-2019 Number	2014-2015 Rank
1	Required notices and postings were either not posted or not posted in the required 18-point font.	Voting Area	887	1
2	The polling area did not have enough accessible parking spaces to meet the minimum ADA standards	Parking	262	3
3	The accessible entrance was not clearly marked at the door	Accessible Entrance	253	2
4	The accessible entrance door required more than 8 pounds of force to open.	Accessible Entrance	121	4
5	The accessible parking sign in the off-street parking was not posted high enough.	Parking	111	11
6	The accessible pathway had breaks, edges, or cracks where the difference in height was over ½ inch.	Pathway	92	10
7	The voting area had no booth or table where a voter using a wheelchair may cast a paper ballot privately and independently.	Voting Area	75	6
8	The accessible spaces in off-street parking area were not marked with clearly visible parking signs with the proper symbol of accessibility.	Parking	57	7
9 (tie)	The accessible booth or table in the voting area was not set up to ensure voter privacy. It was positioned in a way that other voters or visitors to the polling place could see how a voter at the table was marking their ballot.	Voting Area	56	9
9 (tie)	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	56	8
10	The accessible parking spaces in the parking area were not on level, firm, stable and slip-resistant ground.	Parking	55	19

Polling place notices or postings that were either not posted or were not posted in the correct font size were identified as problems 887 times during elections from 2016 to 2019, constituting 31.11% of all polling place problems. These low-severity problems included 657 unique instances of a missing notice or posting, and 137 polling places that did not have two sample ballots or ward maps or street directories posted for public reference. Polling places during the 2016-2019 time period averaged 1.48 missing notices. 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.

Elections Commission Accessibility Program Overview

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

Supply 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 WEC 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 WEC has purchased accessibility-related supplies to assist local election and municipal officials with completing the necessary polling place changes.

For the 2016-2017 reporting period, the WEC distributed 691 supplies to 122 requesting municipalities. For the 2018-2019 reporting period, the WEC has distributed 113 supplies to 14 requesting municipalities. These supplies were purchased with state and remaining federal funds and several out-of-stock items were replenished in September of 2019. A number of items were also added to the list of supply options for municipalities. Previously the supply program consisted of van-accessible parking signs, accessible entrance window decals, two sizes of signature guides, and page magnifiers. In September of 2019, these supplies were replenished and 18” cones, wireless doorbells, doorbell instruction signs, and accessible entrance directional signs were also purchased. Supply orders are expected to correspond with findings from either a self-reported or WEC conducted audit, but municipalities can request any 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 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 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 WEC-conducted audits contributed to decisions 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 Wisconsin Elections Commission, pursuant to Wis. Stats. §§ 7.31 and 7.315, has developed curriculum for the training and certification of chief inspectors and municipal clerks.

A significant portion of the chief inspector and clerk training protocol focuses on assisting and working with voters with disabilities. The municipal clerk training program contains a chapter on

polling place accessibility, and accessibility concerns are addressed throughout the WEC's live and on-demand training webinar series.

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. Comprehensive election administration related information has been updated on the agency website, including a list of the most common accessibility audit findings and an outline of the curbside voting process.⁵

The WEC uses audit data and feedback from auditors to enhance and inform our training materials. For example, some auditors 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. Training by the WEC and municipal clerks of this requirement can increase accessible voting options for elderly voters and voters with disabilities.

Accessibility Advisory Committee

WEC staff partnered with disability organizations which serve on the Accessibility Advisory Committee on numerous projects throughout 2016-2019. See Appendix C for more details. The Accessibility Advisory Committee worked to improve the online voter registration 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.⁶ Additionally, the Accessibility Advisory Committee made updates to the document "Voting in Wisconsin: A Guide for Citizens with Disabilities," which was originally created in 2012, with updates also made in 2014.

In 2019 the Accessibility Advisory Committee provided feedback and guidance to the WEC on numerous documents for clerks, poll workers and the public. The Accessibility Advisory Committee gave valuable feedback and helped to revise the updated version of the Wisconsin Voter Registration Application (EL-131) and the poll worker training agendas. Committee members also provided suggested edits to the Election Administration Manual and local election official resources such as the clerk training agendas.

At its February 27, 2019 meeting the Committee voted to request the WEC add an item to its legislative agenda in order to request a change to state law to specifically provide for an accommodation to the requirement that a voter state their name and address before receiving a ballot. The WEC voted to add this item to the agency legislative agenda on June 11, 2019 and forwarded this request to the respective elections committees in the Assembly and the Senate. The provision was passed by both chambers on a bipartisan basis and signed into law by

⁵ These items are available at <https://elections.wi.gov/node/2858>).

⁶ These videos are available at: <https://elections.wi.gov/voters/accessibility>.

Governor Evers on November 22, 2019. As a result, voters who are unable to state their name and address may have an assistant state their name and address for them.

Impediments to Voting Report Conclusion

Accessible voting in Wisconsin remains a challenge for elderly voters and voters with disabilities. New polling place locations may increase or decrease accessibility concerns, or the new location may have comparable problems. Polling place turnover rates are expected to, at least, remain constant as many municipalities continue to consider replacing school buildings as polling places. As polling place locations change it is important to emphasize that ADA compliance should be a determining factor in that decision. 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 nine years and continue to create plans to audit new and unvisited polling places.

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 444 audits that have been conducted during this reporting period indicate that surveyed polling places averaged 6.85 accessibility problems in 2016-17 and 4.42 in 2018-19. This rate represents a decrease of over 2.43 problems per polling place from the previous biennium, but the cause of this decrease is difficult to identify.

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 (Rev. 2014), and missing required notices, instructions, ward maps and sample ballots accounted for 887 (31.11%) 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 4.42 from 2016-2019. 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 8.87% (253) of all polling place problems. At these 253 polling places, this issue could be resolved by adding a decal or sign to the door that identifies it as the accessible entrance. 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 audits. These problems were identified at similar rates throughout 2016-2019 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 31.20% 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 barriers identified by the polling place accessibility audit program, advocacy groups representing elderly voters and voters with disabilities advocated for the change of the state your name and address requirement at polling places when voting. Going beyond physical accessibility, it is important for polling places to be accessible in every way to voters with disabilities. The accommodation to have an assistant in the state your name and address portion of voting requirements represents one barrier that will no longer prevent elderly voters or voters with disabilities from expressing their right to vote.

Despite high turnover of election officials, it is promising that data was relatively consistent throughout 2016-2019. This report suggests that accessibility of polling places may be improving, but data is unable to fully capture the experience of elderly voters and voters with disabilities. Commission staff will continue to conduct audits 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

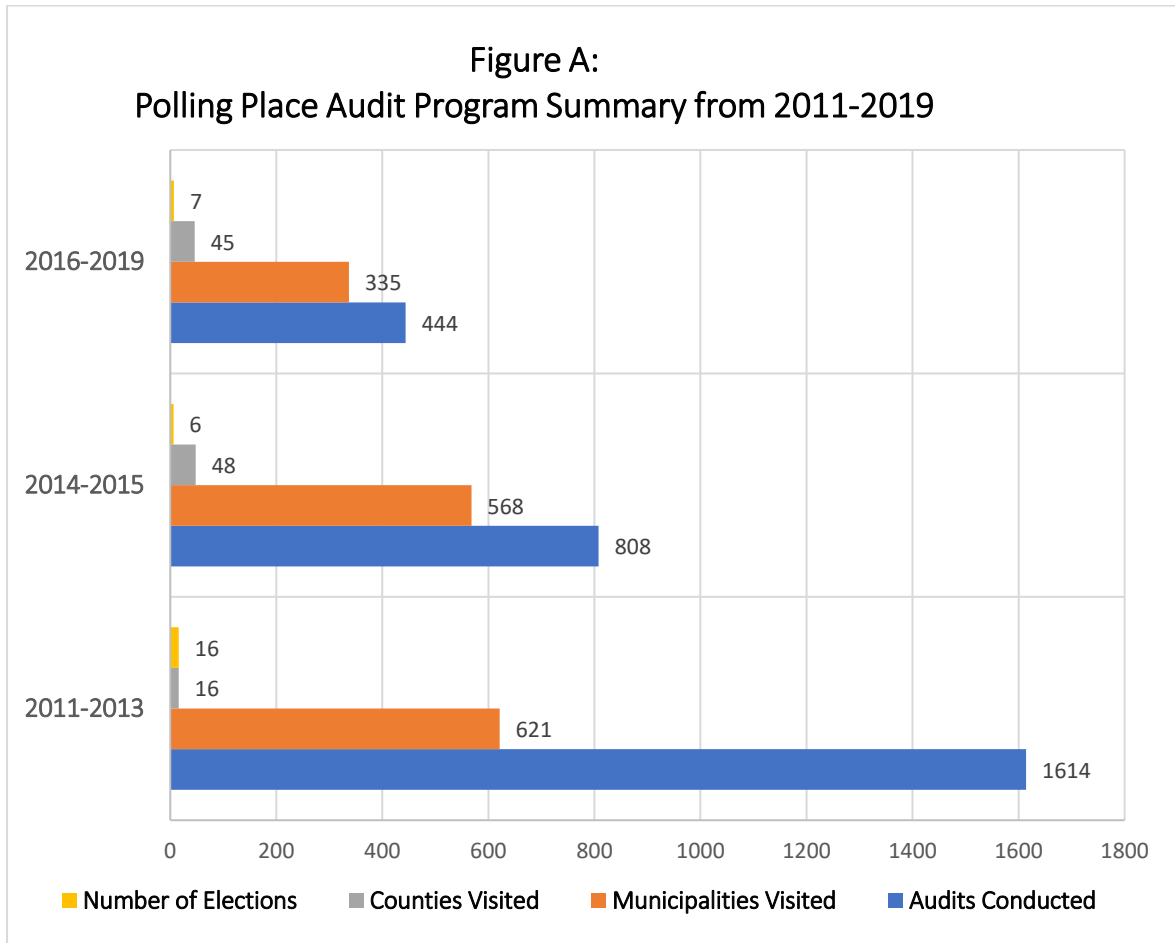


Table 3. Summary of Polling Place Audits from 2011-2019

	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

Table 4. 2016-2019 Problems by Polling Place Zone

		Parking	Pathways	Accessible Entrance	Interior Route(s)	Voting Area	Total
2016-2019 Overall	Number	582	244	523	145	1357	2851
	Percent	20.41%	8.56%	18.34%	5.09%	47.60%	100%
2016-2017	Number	493	193	460	121	1239	2506
	Percent	19.67%	7.70%	18.36%	4.83%	49.44%	100%
2018-2019	Number	89	51	63	24	118	345
	Percent	25.80%	14.78%	18.26%	6.96%	34.20%	100%

Table 5. 2016-2019 Problems by Severity

		High	Medium	Low
2016-19 Overall	Number	1072	731	1070
	Percent	37.60%	25.64%	37.53%
2016-2017	Number	947	606	953
	Percent	37.79%	24.18%	38.03%
2018-2019	Number	125	103	117
	Percent	37.60%	24.87%	37.53%

Appendix B

County	Number of Audits
Barron County	10
Bayfield County	6
Buffalo County	9
Burnett County	10
Calumet County	4
Chippewa County	8
Clark County	2
Columbia County	8
Crawford County	10
Dane County	23
Dodge County	6
Douglas County	2
Fond Du Lac County	24
Forest County	5
Grant County	35
Green Lake County	9
Iowa County	1
Jackson County	1
Jefferson County	19
Juneau County	6
Kenosha County	14
Langlade County	3
Manitowoc County	4
Milwaukee County	41
Monroe County	2
Multiple Counties	4
Oconto County	6
Oneida County	7
Outagamie County	11
Ozaukee County	5
Polk County	4
Richland County	16
Rock County	7
Rusk County	20
Sauk County	10
Sawyer County	4
Shawano County	7

Trempealeau County	6
Vernon County	17
Vilas County	6
Walworth County	12
Washburn County	3
Washington County	14
Waukesha County	16
Waupaca County	2
Winnebago County	5

Appendix C

2019 Wisconsin Elections Commission Accessibility Advisory Committee

	Advisory Group Members	Organization
1	Barbara Beckert Wendy Heyn	Disability Rights Wisconsin
2	Jenny Neugart	Wisconsin Board for People with Developmental Disabilities
3	Jason Beloungy 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	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	Ann Oberle	Lead Business Analyst
3	Christopher Doffing	Training Officer
4	Tony Bridges	IS Technical Services Specialist
5	Greg Grube	GIS Specialist – Accessibility Co-Lead
6	Brianna Hanson	Elections Specialist – Accessibility Co-Lead