

# Accessible Voting

Webinar Series:

Wisconsin ADA Coordinators Association

## **Disclaimer**

This webinar hosted by the Wisconsin ADA Coordinators Association is not meant to be legal advice. Although we may refer to the Americans with Disabilities Act (ADA) or similar state and local laws, this presentation is provided as an educational resource. Our goal is to give public entities a framework for accessibility and providing accommodations or modifications. We encourage attendees to seek guidance about their obligations from their own legal counsel.

## 1. Accessible Voting

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## 2. Agenda

- Assistance
- Curbside Voting
- Accommodations
- Polling Place Review Program
- Accessible Voting Equipment

### 3. Assistance With Forms (1 of 2)

- Voters who are unable to sign their name on a form or mark a ballot due to disability have the right to assistance.
  - Voter Registration Application
  - Application for Absentee Ballot
  - Absentee Certificate Envelope
  - Ballot
- Who can assist a voter?
  - Voter selects their assistant.
  - Voter can select anyone who is **NOT** the voter's employer or officer/agent of a labor union that represents the voter (§6.82(2)(a)).

### 4. Assistance With Forms (2 of 2)

- Who can assist a voter? (continued)
  - An assistant can be a:
    - Spouse
    - Family member
    - Friend
    - Poll worker
    - Person who is ineligible to vote
    - Minor
    - Non-US citizen

**This is not an exhaustive list.**

- **No person assisting a voter may request, suggest, or seek to persuade a voter to cast a vote for or against any candidate, party, or question (§6.82(4)).**

## 5. Sign a Voter Registration Application (1 of 2)

- Who has a right to this assistance?
  - Voters who are unable to sign a form due to a disability.

## 6. Sign a Voter Registration Application (2 of 2)

- How is assistance provided?
  1. The assistant fills in the fields on the form at the direction of the voter.
  2. The assistant signs the voter's name in Section 9.
  3. The assistant signs their own name in Section 10 and provides their address.
  4. When an assistant signs the voter's Registration Application for the voter by reason of the voter's disability, the voter is exempt from signing the poll book when voting in person (§6.36(2)(a)).

## 7. Sign an Application for Absentee Ballot

- Who has a right to this assistance?
  - Voters who are unable to sign a form due to disability.
- How is assistance provided?
  - The assistant fills in the fields on the form at the direction of the voter.
  - The assistant signs and dates the Assistant Declaration/Certification.
  - The assistant signs the voter's name and dates the Voter Declaration/Certification.

## 8. Mark a Ballot (1 of 3)

- Who has a right to this assistance?
  - Voters who are unable to or have difficulty reading, writing, or understanding English.
  - Voters who are unable to mark a ballot or depress a button or lever on a voting machine due to disability.

## 9. Mark a Ballot (2 of 3)

- How is assistance provided?
  1. The voter tells election officials that they need assistance to mark their ballot.
  2. Election officials enter the word "assisted" in the poll book after the name of the voter.
  3. Election officials record the full name and address of the assistant in the poll book (§6.82(2)(d)).
  4. The assistant goes into the voting booth with the voter.

## 10. Mark a Ballot (3 of 3)

- How is assistance provided? (continued)
  5. The assistant reads the names of all candidates on the ballot for each office and asks, "for which one do you vote?"
  6. The assistant marks the ballot or depresses the lever or button according to the voter's expressed preference.
  7. The assistant can not disclose how the voter voted.
  8. The assistant signs the certification of Voter Assistance on the ballot (§6.82(2)(a)).
  9. If voting equipment is used, the assistant certifies on the registration list.

## 11. Sign an Official Absentee Ballot Certificate & Application (1 of 2)

- Who has a right to this assistance?
  - Voters who are unable to sign a form due to disability (§ 6.87(5) and 52 U.S.C. § 10508).
- How is assistance provided?
  - If necessary, the assistant fills in the Voter Information section at the direction of the voter.

- The assistant signs the voter's name on the Voter Signature line.
- The assistant signs the Certification of Assistant.

## 12. Sign an Official Absentee Ballot Certificate & Application (2 of 2)

- How is assistance provided? (continued)
  4. The voter can select the same person to assist them with completing their certificate envelope as with their absentee ballot.
  5. The assistant can also serve as the witness if they are an adult US citizen who is not a candidate on the ballot.

## 13. Return an Absentee Ballot (1 of 2)

- Who has a right to this assistance?
  - Voters who require assistance to return their absentee ballot due to disability (Carey v. WEC and 52 USC § 10508).

## 14. Return an Absentee Ballot (2 of 2)

- How is assistance provided?
  1. The assistant mails the voter's absentee ballot or personally returns the voter's absentee ballot to the voter's municipal clerk.
  2. The clerk receiving an absentee ballot can ask:
    - i. "Are you the voter?" If not, then:
    - ii. "Are you delivering the voter's ballot because the voter has determined that they require assistance returning their ballot due to their disability?" If yes, then:
    - iii. "Are you someone other than the voter's employer, an agent of that employer, or an officer or agent of the voter's union?" If yes, then the ballot can be accepted.
  3. A clerk does not need to confirm that a voter utilizing ballot return assistance is a voter who requires ballot return assistance due to a disability.
  4. A clerk does not need to confirm the disabled voter or assistant's identity or otherwise request additional information ([9/7/22 Guidance](#)).

## 15. State Name and Address at the Poll Book

- Who has a right to this assistance?
  - Voters who are unable to state their name and address.
- How is assistance provided?
  - The voter communicates to the election official that they are unable to state their name and address.
  - The election official verifies the voter's photo ID.
  - The election official or another person selected by the voter states the voter's name and address (§6.79(8)).
  - The voter signs the poll book.

## 16. Sign the Poll Book (1 of 2)

- Who has a right to this assistance?

- Voters who are unable to sign their name due to physical disability

## 17. Sign the Poll Book (2 of 2)

- How is assistance provided?
  1. If election officials determine that a voter is unable to sign the poll book due to physical disability, they will waive the requirement.
  2. Officials enter "exempt by order of inspectors" in the poll book next to the name and address of the voter.
  3. If both officials do not waive the signature requirement, the voter's ballot is challenged following the procedure in §6.92.
  4. The voter may provide evidence on their physical disability to the board of canvassers before the completion of the initial canvass.(§6.79(2)(am)).

## 18. Vote Curbside (1 of 3)

- Who has a right to this assistance?
  - Voters who as a result of disability are unable to enter the polling place can cast their ballot at the entrance.

## 19. Vote Curbside (2 of 3)

- How is assistance provided?
  1. The voter selects an individual to assist in the voting process if needed.
  2. The voter/assistant informs the election inspectors that they are unable to enter the polling place due to disability and want to vote curbside.
  3. The voter/assistant provides the voter's proof of identification to the election inspectors.
    - If the voter needs to register, they must also provide proof of residence.
  4. The inspectors write the name of the entity that issued the POI on the poll list and issue a ballot to the voter.
  5. The inspectors give the ballot to the voter/assistant to complete.

## 20. Vote Curbside (3 of 3)

- How is assistance provided? (continued)
  6. The voted ballot is folded, and election inspectors bring it back to the voting area.
  7. The inspector will "distinctly announce that he or she "has a ballot offered by (voter's name), an elector who, as a result of disability, is unable to enter the polling place without assistance. Does anyone object to the reception of this ballot?"
    - If no one objects, the inspectors record the voter's name under §6.79, deposit the ballot in the ballot box, and make a note on the poll list: "Ballot received at poll entrance" (§ 6.82(1)(a)).
    - If a qualified voter objects, the inspectors receive the ballot under § 6.95.



## 21. Accommodations

- A voter with a disability may ask for specific accommodations from their clerk to make it easier to vote at their polling place (§5.36).
- If the clerk decides the request is reasonable, they must make their best effort to comply.
- Common requests for accommodation include but are not limited to:
  - Large print ballot
  - Braille ballot
  - Curbside voting during in-person absentee voting
  - Seating at the polling place to wait out of line

## 22. Polling Place Review Program

- 3 Steps
  1. Review
  2. Report
  3. Plan of Action
- 5 zones of a polling place
  - Parking Area
  - Exterior Route
  - Entrance
  - Interior Route
  - Voting Area

## 23. Accessible Voting Equipment (1 of 2)

- HELP AMERICA VOTE ACT OF 2002
- Sec. 301(a)(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—
- The voting system shall—
  - (A) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;

## 24. Accessible Voting Equipment (2 of 2)

- HELP AMERICA VOTE ACT OF 2002
- Sec. 301(a)(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—
- The voting system shall—
  - (B) satisfy the requirement of subparagraph (A) through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place;

## 25. Examples of Accessible Voting Equipment

- ExpressVote With ADA Keypad.
- AutoMARK with plug-in headphones.
- ClearAccess with ADA keypad and plug-in headphones.
- ImageCast Evolution (ICE) with secondary screen.
- ImageCast X (ICX) VVPAT.
- ImageCast X (ICX) BMD.

## 26. Thank You!

For further information,  
contact Wisconsin Elections Commission (WEC).

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