



Advocacy Update
WI Caregiver Support Community Statewide Meeting
July 26, 2022

State

Voting Rights

- **Celebrating the ADA's 32nd Anniversary and Its Impact on Voting Rights – from the Wisconsin Disability Vote Coalition**

Today is the 32nd anniversary of the Americans with Disabilities Act (ADA). The ADA is one of America's most comprehensive pieces of civil rights legislation and includes protections for equitable access to voting. On July 28th at 12 noon, the Wisconsin Disability Vote Coalition will host a virtual celebration, "A Celebration of the ADA's 32nd Anniversary and Its Impact on Voting Rights".

Thursday's celebration will feature legal experts discussing the protections in the ADA for voting rights, as well as the aftermath of the Teigen case and how to request a disability related accommodation. Our panel of self-advocates will reflect on the significance of the ADA anniversary, and the importance of providing voting rights and accommodations, as required by federal and state law. All are welcome to attend, however, registration is required.

What: ***A Celebration of the ADA's 32nd Anniversary and Its Impact on Voting Rights***

When: Thursday, July 28, 12 noon – 1:15 PM

Where: Register online for this Zoom event: bit.ly/drw-ada-2022

Who: Speakers include:

- Charlotte Lanvers, Trial Attorney from the Disability Rights Section of the Civil Rights Division, US Department of Justice
- Kit Kerschensteiner, Director of Legal and Advocacy Services, Disability Rights Wisconsin.
- Our voter panel will share perspectives on the ADA and on voting rights: Stacy Ellingen, Oshkosh; Trudy Le Beau, Sheboygan, and Felicia Clayborne, Milwaukee.

Link to event flyer: [View the accessible event flyer here.](#)

- **Supreme Court of Wis. (SCOWI) Drop Box and Absentee Ballot Return Assistance Decision**

On July 8, 2022, the SCOWI issued a decision restricting the use of absentee ballot drop boxes. Voters in a number of communities across Wisconsin have utilized drop boxes as safe (no face-to-face contact), secure options for returning absentee ballots. The use of drop boxes has been especially helpful to absentee voters who are concerned there may not be sufficient time to mail their ballots in time to be counted and for those who have difficulty returning their ballot directly to the clerk's office due to a lack of transportation and/or inability to get there during business hours.

The state Supreme Court also determined, as a matter of state law, only the voter may return his/her *own* absentee ballot in-person to the municipal clerk's office. The court did not issue any decisions or provide any guidance related to assistance with mailing a completed absentee ballot.

Many older and disabled Wisconsin voters rely on family members, friends and neighbors, or care providers to help return their absentee ballot by physically placing it in a mailbox or returning it to their local clerk's office. Voting rights activists at Disability Rights Wisconsin and the League of Women Voters of Wisconsin indicate the recent state Supreme Court decision does not change federal protections for people with disabilities. Federal law protects the ability of voters with disabilities to have assistance from a person of their choice. The Wisconsin Elections Commission (WEC) met on July 12 to consider what, if any, guidance they will provide regarding this recent state Supreme Court ruling. As of this date, WEC has not released any guidance. Pending any additional guidance from WEC, voters with disabilities unable to return their own ballots should call their municipal clerk to request an accommodation.

In response to the SCOWI ruling, four voters with disabilities have filed a lawsuit asking the federal court to allow disabled voters to give their ballots to others to return for them. The lawsuit is not seeking to overturn the state Supreme Court's ruling related to banning the use of absentee ballot drop boxes, but instead focuses on part of the ruling that found voters can turn in only their own ballots when they visit an election clerk's office.

Their argument is that the recent state Supreme Court ruling violates the U.S. Constitution, the Voting Rights Act, the Civil Rights Act, and the Americans with Disabilities Act.

As you work with caregivers in your community who are trying to help voters prepare for the upcoming elections (8/9 & 11/08/22), please refer them to the Wisconsin Disability Vote Coalition's Make Your Plan to Vote to [fact sheet](#).

- **JCRAR Suspends Wisconsin Elections Commission's Emergency Rule Regarding Missing or Incorrect Witness Information on Absentee Ballot Certificate Envelopes**

On July 20, the state legislature's Joint Committee for Review of Administrative Rules (JCRAR) voted to suspend an emergency rule published by the Wisconsin Elections Commission on July 11, 2022. The purpose of the emergency rule, requested earlier this year by JCRAR, was to formalize existing elections practices authorizing professional, nonpartisan clerks to correct or seek correction of any missing address information for witnesses signing an absentee ballot certificate on behalf of a voter. Though the emergency rule was suspended, earlier Guidance on Absentee Ballot Certificate Correction issued by WEC remains in place; however, questions as to what constitutes an "address" remain. For now, WEC has indicated the guidance allows clerks to make corrections or add missing information to

the witness address. A lawsuit has already been filed against the WEC guidance. This court case will eventually determine if the guidance can remain in place or must be revoked.

Current state statutes indicate: [6.87\(6d\)](#) - if a certificate is missing the address of a witness, the ballot may not be counted, and [6.87\(9\)](#) – if a municipal clerk receives an absentee ballot with an improperly completed certificate or with no certificate, the clerk may return the ballot to the elector, inside the sealed envelope when an envelope is received, together with a new envelope if necessary, **whenever time permits** the elector to correct the defect and return the ballot within the period authorized under sub. [\(6\)](#).

Please remind caregivers assisting voters with disabilities and all voters with disabilities, if they are voting by absentee ballot, they should make sure the witness address is complete before returning their ballots to ensure their votes will be counted!

Federal

FY 2023 Older Americans Act Appropriations Update

The full House of Representatives has now passed a spending package for fiscal year (FY) 2023 that includes 6 of the 12 appropriations bills - including the Transportation, Housing and Urban Development and Agriculture bills – and contains funding for several programs that support older adults, such as the Commodity Supplemental Food Program (CSFP), the Senior Farmers Market Nutrition Program (SFMNP) and the Community Development Block Grant (CDBG), among others.

This week the House is expected to vote on three more of the appropriations bills, including the Labor, Health and Human Services, and Education (Labor-HHS-Ed) spending bill which includes a 30% increase in funding for the Older Americans Act (OAA) Nutrition Program and funding increases for most OAA programs of 12 to 20 percent.

The Senate Appropriations Committee (of which U.S. Senator Tammy Baldwin is a member) is expected to release their FY 2023 spending bills by the end of July. The Senate is likely to hold off on marking up the bills now and plans to wait for future negotiations on overall spending levels. Congress needs to come to a bipartisan agreement on spending levels for these funding bills and will hopefully do so before the end of the federal FY which ends on September 30.

Members of Congress will be in their home states and districts in August. During a Congressional recess is a great time to invite your federal legislators for a site visit to see your programs in action and to hear from you, program staff, volunteers, board members, and program participants how your programs are providing vital services to community members and how funding shortfalls are impacting your ability to meet the needs of older adults in your community. Go to: [Wisconsin Members of the 117th Congress](#) for contact information for your U.S. Representative and Wisconsin's U.S. Senators Tammy Baldwin and Ron Johnson.

We cannot afford to lose ground during the Senate appropriations process. It's critical to push the Senate to champion FY 2023 funding levels advanced by our national partner USAging or, at minimum, support the House-passed levels (see USAging's [current appropriations chart](#)).