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Disability Rights Wisconsin Statement on Indefinitely Confined Voters

As the federally mandated protection and advocacy agency for Wisconsin, DRW provides education and assistance to people with disabilities to promote their full participation in the electoral process. During the 2020 elections, DRW has provided assistance to hundreds of Wisconsinites with disabilities and older adults, who wanted to safely and lawfully cast a ballot during the pandemic.

This year, voting absentee was a public health imperative for many disabled and elderly Wisconsinites because of their vulnerability to COVID 19. In addition, nursing homes and group homes residents who wanted to vote this year had to submit an absentee ballot application since Special Voting Deputies were not dispatched, based on public health guidance and vulnerability of facility residents.

Wisconsin's indefinitely confined statute has been on the books for decades, and provides an important safeguard to ensure many disabled, elderly and physically ill voters can cast a ballot. An Indefinitely confined voter is a person who, because of age, physical illness, infirmity or disability, may have difficulty traveling to the polling place, and wants to cast an absentee ballot. An indefinitely confined voter can reside in their own home, apartment, nursing home, or other care facility. An indefinitely confined voter does not need to provide a copy of photo ID. Instead, **the witness' signature on the Absentee Ballot Certificate Envelope satisfies the photo ID requirement.** The voter registration process also requires the voter to prove their identity with proof of residency.

Wisconsin's photo ID law includes a substitution for military and overseas voters and indefinitely confined voters; confidential voters are exempt from the requirement. These provisions ensure that these voters are not excluded and discriminated against and can participate in the electoral process.

Many older adults and voters with disabilities do not drive and do not have an acceptable photo ID for voting, and because of disability, age, illness or infirmity have difficulty obtaining such ID. The challenges this year were especially daunting as Wisconsin Department of Motor Vehicle (DMV) locations were closed for much of the year, so the ability to obtain a state ID was limited.

Because of these significant barriers, Wisconsin provides the option for Indefinitely Confined voters to satisfy the photo ID requirement by the witnesses' signature. The Indefinitely Confined option is vital to preserving the constitutional right for many Wisconsinites who are disabled, elderly, ill or infirm.

Disability Rights Wisconsin is the federally mandated Protection and Advocacy system for the State of Wisconsin, charged with protecting the rights of individuals with disabilities and keeping individuals free from abuse and neglect.

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