

disabilityrights | WISCONSIN

April 10, 2006

Municipal Clerk
Wisconsin

Dear Municipal Clerk:

Disability Rights Wisconsin (DRW) (formerly Wisconsin Coalition for Advocacy) is Wisconsin's protection and advocacy agency designated under state and federal law to provide advocacy for and with people with disabilities (See 42 U.S.C. §10801, et seq.; 42 U.S.C. §15041, et seq.; Wis. Stat. §51.62; Governor Earl Executive Order #19 of 1983).

Recently, the State Elections Board approved the Vote-PAD for use in Wisconsin for municipalities who currently hand-count paper ballots. The reason why you are receiving this letter is because you are a municipality who is eligible to purchase the Vote-PAD.

We believe the Vote-PAD does not comply with the Help America Vote Act of 2002 (HAVA) (42 U.S.C. §15101, et seq.), and that use of the Vote-PAD by municipalities would violate the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. §12101, et seq.) and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794, et seq.).

Unlike the other products currently approved by the State Elections Board, the Vote-PAD did not have to demonstrate that it meets any level of accessibility. Vote-PAD was not tested to show it meets minimum accessibility standards for people with disabilities.

In fact, many people from the disability community, including the National Federation of the Blind of Wisconsin who testified in front of the State Elections Board on March 22, 2006, expressed their concerns about the Vote-PAD to the State Elections Board. Enclosed is a copy of the letter written by the Survival Coalition (a group of over 50 disability organizations across Wisconsin) to the State Elections Board outlining the accessibility concerns about the Vote-PAD.

We strongly encourage you to purchase one of the other products that the State Elections Board has approved for use in Wisconsin.

We have heard from many municipalities that they are concerned about the cost of the product and the upkeep associated with many of the accessible voting machines. For this reasons, we recommend that you partner with other municipalities and county clerks to get lower rates on programming costs and share in the cost of product trainings.

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As you know, municipalities can receive up to 6,000 dollars per polling site in federal money to purchase an accessible voting product. This is a chance to provide the voters with disabilities in your municipality the opportunity to vote privately and independently, as the law mandates. In the long run it could be cheaper to purchase a product that is proven to meet a minimum level of accessibility standards.


People with disabilities vote at a rate of 15% below that of the general population. Studies and experience has shown that, in part, this is due the many barriers that people with disabilities face at the polls, such as the lack of accessibility of the polling place and not being able to vote privately and independently. DRW and many other organizations are working to increase the number of people with disabilities who participate in the electoral process. We have been telling people about the new laws and the increased efforts to make all our polling places and voting equipment accessible. We need your leadership and your commitment to ensure that voters with disabilities are able to vote—as HAVA intended—privately and independently like every other voter.

Voters with disabilities who are not able to vote privately and independently using the Vote-PAD may make a complaint with the federal Department of Justice or they may sue the State of Wisconsin, the SEB and municipalities for violations of their rights. Either the individuals or the Department of Justice may bring a legal action for an injunction to prevent use of the system and/or claims for declaratory judgment, damages and attorney's fees. In addition, voters with disabilities may ask the federal government to block funding or reimbursement for purchase of an inaccessible system in violation of HAVA. This would result in a huge waste of financial resources that could be better spent to improve voting systems in Wisconsin.

Again, we urge you to purchase one of the other approved voting systems. We would be happy to provide more information or tell you more about our concerns. Feel free to contact us at 608/267-0214.

Best regards,


Alicia Sidman
HAVA Coordinator


Jodi Hanna
Supervising Attorney

Cc: County Clerks in counties where there are municipalities that hand-count paper ballots