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Many of those cases came amid COVID-19, which raised hurdles for voters with disabilities, because many of them couldn't or didn't feel safe voting in person, and voting absentee required them to complete ballots they couldn't fill out alone.

According to the lawsuits, that eliminated their right to a secret ballot, something every state either guarantees in its constitution or references in state law.

"A lot of us who have mobility and the transportation and so forth could go to the polls if we didn't like the way that absentee ballots were handled, but during the pandemic it became mission critical to have, in more jurisdictions ... a way for us to mark ballots independently," National Federation of the Blind Spokesperson Chris Danielsen said.

At this point, 13 states allow voters with disabilities to electronically fill out and return absentee ballots, according to the National Federation of the Blind.

Others, like Vermont, Michigan, Maryland and Pennsylvania, allow voters with disabilities to fill out ballots electronically, though depending on the jurisdiction they have to print and return them by mail, drop box, or in person.

Ellingen said the problem in Wisconsin was especially infuriating given that accessible technology exists elsewhere.

"For the life of me, I don't understand why this isn't an option for everyone, but it should be at least available as an accommodation for those who are unable to cast a ballot independently," she said.

Voters with disabilities, especially those who are blind or have low vision, have for years lobbied for more accessible absentee voting.

But they have often faced pushback over the security of receiving, casting, and returning ballots electronically.

Governmental election security experts say that sending digital copies of ballots to voters is safe, and that filling them out electronically is somewhat safe, but that returning them electronically adds significant security risks.

Still, filling and returning absentee ballots electronically is the gold standard for many people with disabilities, including blind and low-vision voters, Danielsen said.

Allowing voters with disabilities to fill out a ballot electronically and return it by mail is a step in the right direction, but it's inconvenient for people without printers, he said.

Lawsuit alleges 'incomplete framework' for protecting right to vote

The Wisconsin lawsuit acknowledges that federal and state laws provide some accommodations for voters with disabilities, but they "focus on assistance to the detriment of independence," which "forces voters to give up their

constitutional right to a secret ballot."

State law previously allowed clerks to send absentee ballots over email and fax to any eligible Wisconsin voter.

In theory, the measure allowed voters with disabilities to mark ballots electronically using a screen reader, a 2023 report by the Wisconsin Elections Commission stated.

But Denise Jess, executive director of the Wisconsin Council of the Blind & Visually Impaired, said she never knew about or used the method.

Don Natzke, a plaintiff in the lawsuit who's blind, said the same.

"When you end up having a policy or opportunity out there that isn't made available to people or knowledge brought to their attention, it sort of rings hollow," Natzke said.

In any case, that option was taken away in 2011, when then-Gov. Scott Walker signed a bipartisan bill restricting electronic absentee voting only to military and overseas voters.

A federal appeals court upheld the law in 2020, eliminating the ability for voters with disabilities to independently fill out an absentee ballot, the Wisconsin Elections Commission report stated.

"Voters with blindness or low vision still do not have an accessible absentee ballot or certificate

envelope that can be marked independently," that WEC report stated.

Natzke said he witnessed firsthand the lack of accessibility for people with disabilities.

Natzke, a Shorewood resident who has been blind since he was 12, said he has tried to vote in person in every election since the 1970s, but the COVID-19 disrupted that routine.

Dealing with high blood pressure and concerned that his age made him more vulnerable to the virus, he instead opted for an absentee ballot in 2020.

Using a paper ballot in that spring election, Natzke held a phone in one hand to scan the text while trying to figure out with a remote helper where he should mark the ballot.

He couldn't ask his wife to guide him, because she is also blind.

The process, he told Votebeat, "became absolutely infeasible, and it wasn't something that could possibly work out, so I abandoned it.

And then because of the restrictions, not wanting to be exposed to the virus, I didn't actually end up being able to vote for that election."

Even if he had somebody to assist him in person with voting, it would have presented a COVID-19 health risk and compromised the privacy of his vote, he said.

The lawsuit asks the Dane County Circuit Court to allow voters with disabilities to electronically receive, mark, and return absentee ballots.

A federal appeals court in 2020 upheld the law restricting who can receive ballots electronically, but the case wasn't brought by Wisconsinites with disabilities and didn't contain the same claims as the lawsuit filed, the complaint states.

The plaintiffs aren't asking the court "to develop and engineer a revolutionary method of accessible absentee voting," the complaint states. "Enfranchising Wisconsin's print disabled voters ... is simply a question of implementing existing solutions."

Thirty-one states, along with the District of Columbia and the U.S. Virgin Islands, allow military and

overseas voters to receive, cast, and return ballots electronically, according to the National Conference of State Legislatures.

At least a dozen of those states extend the same voting method to people with disabilities.

Lawmakers raise concerns over security of electronic absentee voting

Jess, who called the inability to vote absentee in an accessible way a "compromise of basic human dignity," said she received pushback when she urged Wisconsin lawmakers to allow for electronic voting.

Specifically, she said, the lawmakers raised fears that transmitting and returning ballots digitally could allow somebody to tamper with them.

Jess mentioned to lawmakers the less risky option of receiving and casting ballots electronically and then printing and returning the physical ballot, but she said, "there's not even an openness to that."

The Legislature's two election committee chairs, Rep. Scott Krug, R-Nekoosa, and Sen. Dan Knodl, R-Germantown, didn't respond to a request for comment.

Federal agencies have also raised concerns over

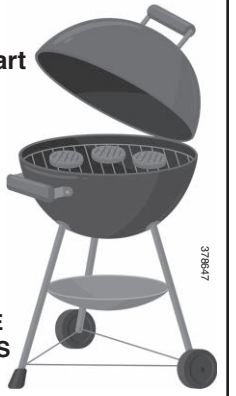
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