



1-844-DIS-VOTE
www.disabilityvote.org

Wisconsin Courts Matter: FAQ and Resources

These are some of the questions that the Disability Vote Coalition is hearing about the February election for an open seat on the State Supreme Court.

Why is it important to vote in February? Can't I just wait until the April general election?

Four candidates are running for one open seat on the State Supreme Court. The top two vote-getters will compete in the April 4 election. The candidate who wins in the April election will serve for ten years. Four years ago, a Wisconsin Supreme Court seat was decided by 6,000 votes, while three quarters of eligible voters stayed home. This primary could be equally close.

Why is the Supreme Court important to me as a voter with a disability?

Our state courts make decisions that affect our rights and liberties. They address issues like voting rights, mental health commitments, access to community living and healthcare, employment rights, education funding, access to ASL interpreters, and more. The Supreme Court hears about 60 cases a year, and many are decided on a 3 – 4 decision.

How do I evaluate judicial candidates?

Our [Wisconsin Supreme Court Fact Sheet](#) gives some suggestions for how to evaluate candidates. Consider what issues are important to you? What qualities do you want in a leader? Which candidates' judicial philosophies align with your values? How have the candidates voted in past cases?

How can I learn about the candidates?

- Visit their websites, watch candidate forums and interviews, go to VOTE411.org and other nonpartisan sources for information. (*see links below*)
- What are their qualifications?
- What are their judicial philosophies?

- What are their judicial records?
- What positions have they taken on issues that are important to you?

Links to learn about the candidates

- [Vote 411 Wisconsin](#) – Voter information from the League of Women Voters, including candidate information. Includes links to candidate websites.
- [Ballotopedia](#): View your ballot with links to candidate information
- [WisPolitics State Supreme Court Election Forum - WisconsinEye](#)
- Wisconsin Eye “Newsmaker” Interviews with the Candidates
Note 2 candidates have been interviewed. The other two are coming soon.
 - [Newsmakers: Campaign 2023 Interview with Wisconsin Supreme Court Candidate Everett Mitchell - WisconsinEye](#)
 - [Newsmakers: Campaign 2023 Interview with Wisconsin Supreme Court Candidate Dan Kelly - WisconsinEye](#)

Coverage in the media. Here are a few links:

- Wisconsin State Journal Editorial: [OUR VIEW: Look for a judge who hasn't made up mind](#)
- New York Times: [2023’s Biggest, Most Unusual Race Centers on Abortion and Democracy](#)

Other websites may offer nonpartisan information:

- PBS Wisconsin: [Meet the candidates running in the 2023 Wisconsin Supreme Court primary](#)
- Guides.Vote: [2023 Wisconsin Supreme Court Race Non-Partisan Voters Guide](#)

Can you share examples of some cases heard by the Wisconsin Supreme Court that impacted the rights of people with disabilities?

Community Living:

Protective Placement of D.E.R., 155 Wis. 2d (1990)

Right to Least restrictive environment under Chap. 55

In Re; the Guardianship of Judy K., 254 Wis.2d 383 (2002)

County's requirement to develop appropriate community placement

Crowley v. Knapp, 94 Wis 2d 421 (1980)

Restrictive covenant could not prevent use of home for group home for people with developmental disabilities

Mental Health Commitments

Waukesha County v. S.L.L., 387 Wis. 2d 333 (2019)

Court allowed commitment in *absentia*.

(Justice Kelly decision)

Sauk County v. S.A.M., 402 Wis. 2d 379 (2022)

Allowing meaningful appeal of commitment decisions despite mootness.
4-3 decision -Hagedorn swing

Waukesha County v. JHH, 390 Wis.2d 531 (2020)

deaf woman involuntarily committed without provision of an interpreter

Employment

Crystal Lake Cheese Factory v. LIRC and Susan Catlin, 264 Wis. 2d 200 (2003)
Reasonable accommodation may include modifying job duties and reassigning some.

Hutchinson Technologies v. LIRC and Susan Roytek, 267 Wis 2d 961 (2004)
Reasonable accommodation may include modified work schedule unless employer affirmatively proves hardship.

Wisconsin Bell v. LIRC and Charles Carlson, 382 Wis. 2d 624 (2018)
Rejects previously accepted inference method of proving discrimination based on disability.
(Justice Kelly decision)

Voting

Teigen v. Wisconsin Election Commission, 403 Wis. 2d 607 (2022)

Eliminated use of ballot drop boxes

The court did not address the federal rights of voters with disabilities to have ballot return assistance from a person of their choice, leaving in place the Waukesha Circuit Court ruling that only the voter may mail or return their absentee ballot to the clerk restrictions on ballot return assistance.

Voting Resources

- [MyVote Wisconsin](#): Check your voter registration, request an absentee ballot, view your ballot, check your polling place and more.
- [Wisconsin Disability Vote Coalition](#)
- [Voter Toolkit – 2023 Elections by Wisconsin Disability Vote Coalition](#): resources about voter registration, absentee voting, photo ID for voting, and voting rights.
- [Make Your Plan to Vote 2023 Fact Sheet - Wisconsin Disability Vote Coalition](#)
- [Vote 411 Wisconsin](#): Voter information from the League of Women Voters, including candidate information.
- [Wisconsin Supreme Court Fact Sheet](#)
- [Court of Appeals Fact Sheet](#)
- [Wisconsin Circuit Court Fact Sheet](#)

Know Your Rights

People with disabilities have the right to have an equal opportunity to vote, and to access disability-related accommodations, if needed. Some of the most widely used accommodations are curbside voting, receiving assistance with marking a ballot, and use of accessible voting machines. See our fact sheet and video:

- [View English Voting Rights fact sheet here \(accessible pdf\)](#).
- [View Spanish Voting Rights fact sheet here \(accessible pdf\)](#).
- [Know Your Rights video](#)

Ballot Return Assistance

As affirmed by a federal court in August 2022, any Wisconsin voter who requires assistance with mailing or delivering their absentee ballot to the municipal clerk because of a disability must be permitted to receive such assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union.

- [Guidance on Absentee Ballot Return Options Under the Federal Voting Rights Act](#), Wisconsin Elections Commission

Guardianship and Voting Rights

In Wisconsin, a person under guardianship retains the right to vote unless the court expressly removes it. If an individual is under guardianship and unsure of their right to vote, the Court's decision regarding the right to vote is recorded on a court form called "A Determination and Order on Petition for Guardianship Due to Incompetency." A person who has a guardian and has lost the right to vote may petition the court to restore their right to vote.

- [Competency, Guardianship and Voting in Wisconsin- English](#)
- [Competency, Guardianship and Voting in Wisconsin - Spanish](#)
- [Guardianship and Voting Resources - Disability Rights Wisconsin](#)

Help with Voting Questions

- **Disability Rights Wisconsin Voter Hotline:** 1-844-347-8683 / 1-844-DIS-VOTE or email us at info@disabilityvote.org.
- **Wisconsin Disability Vote Coalition website:** <https://disabilityvote.org/>
- **Your Municipal Clerk:** myvote.wi.gov/en-US/MyMunicipalClerk
- **Wisconsin Elections Commission:** 866-VOTE-WIS / 868-3944 (staffed Mon – Fri from 7:45 AM – 4:30 PM/ longer hours on Election Day)
 - Email: elections@wi.gov
 - Website: <https://elections.wi.gov/>
- **DMV Voter ID Hotline:** (844) 588-1069
Apply for a free Photo ID for voting at the [Wisconsin Division of Motor Vehicles](#) (DMV).