



Voting in Care Facilities: Rights, Responsibilities, and Resources

Wisconsin Disability Vote Coalition

- A non-partisan effort to help ensure full participation in the entire electoral process of voters with disabilities, including registering to vote, casting a vote, and accessing polling places.
- The Coalition is coordinated by Disability Rights Wisconsin and Wisconsin Board for People with Developmental Disabilities. Members include people with disabilities, and over 40 community agencies.
- Follow us:
 - **Website:** disabilityvote.org
 - **Facebook:** www.facebook.com/wisconsin Disability Vote
- **DRW Voter Hotline:**
 - call 844-DIS-VOTE
 - email info@disabilityvote.org

Why is Voting Important?

It's a constitutionally protected right.

It's a chance to choose decision makers who decide policies that impact people with disabilities and older adults.

It's a civic responsibility.

Importance of your role to support voting rights

- Voting is an important resident rights issue.
- People with disabilities, including intellectual and other cognitive disabilities, and older adults, who are citizens of Wisconsin have the right to vote unless they have legally been declared incompetent AND have had their voting rights taken away in court.
- All voters, no matter where they reside, have a right to be free of interference, coercion, discrimination, and reprisal in exercising their rights.
- Staff has a responsibility to assist residents in exercising their right to vote. Any assistance provided should be as directed by the voter.
- The [Centers for Medicare and Medicaid Services \(CMS\)](#) has communicated with facilities and residents about the requirement to affirm and support the right of residents to vote.

Voter Eligibility

You are eligible to vote if:

- You are a U.S. Citizen.
- You will be at least 18 years old on or before Election Day.
- You have resided at your current address in Wisconsin for 28 days prior to the election.
- You are not currently serving a sentence for a felony conviction.
- You have not been determined by a court to be ineligible to vote.

Voting Rights of People Alleged to Be Incompetent

- Only a court can remove the right to vote of a person alleged to be incompetent.
- No one else can interfere with the right to vote.
- The procedure for removing the right to vote is found in Wisconsin's guardianship law – Chapter 54.
- Rights are retained unless expressly removed.
- The standard for removing the right to vote is “incapable of understanding the objective of the elective process.”
- An individual who has lost the right to vote can petition the court to have their right to vote restored.

Voting Rights and Competency

- Who and what **cannot** stop a person from voting:
 - Guardian, family member, friend, care provider or another person
 - Activated Power of Attorney
 - Medical diagnosis
- The **only way to bar** a person from voting due to an allegation of incompetency is for **a court to decide.**

The Standard for the Capacity to Vote

What standard is imposed on voters **not** alleged to be incompetent?

- None.
- Can vote based on a rational analysis of the issues and the candidates – or on a whim or prejudice.
- Does not require the ability or interest to research platforms, or fact check speeches, ads, or social media.
- Does not require the voter to demonstrate the rationale for their vote or an understanding of how the voting process works.

The Standard for the Capacity to Vote (cont.)

- “Capable of understanding the objective of the elective process”
 - low standard of competency.
 - lower than the standard for appointing a guardian of the person.
 - inability to meet the essential requirements for physical health and safety.
- It means the individual must understand the purpose of voting – that is, to vote for the candidate they want to win.

Losing the Right to Vote

Guardianship of the Person Case

- An adult can be found by the court to be incompetent to vote, among other issues.
- The issue of voting does not arise if only a guardian of the estate is being appointed.
- A person will lose the right to vote if the court determines that the individual is “incapable of understanding the objective of the elective process.”
 - The ward retains the right to vote unless it is specifically removed by the court.
- Even if a guardian of the person is appointed, the person will retain the right to vote unless the court determines that the person **cannot** understand the objective of the elective process and **removes the right**.

How to Find Out if the Right to Vote has Been Lost

- The “Determination and Order on Petition for Guardianship Due to Incompetency” form (GN-3170) states whether the right to vote has been retained or removed.
- Not found in “Letters of Guardianship (GN-3200).

WISCONSIN, CIRCUIT COURT, _____ COUNTY

LETTER OF _____ Amended

Determination and Order on Petition for Guardianship Due to Incompetency (Adult Guardianship)

Case No. _____

for Guardianship Due to Incompetency was filed and a hearing was held on [Date] _____
consideration of the reports and other documents on file, all factors required by the statutes, and such
information presented;

FINDS:

ACTION, VENUE, NOTICE, APPEARANCES AND EVALUATIONS TO COURT

This court does does not have jurisdiction over the subject matter and the individual
is not the individual's home state but the court has jurisdiction because: _____

This court is is not a proper venue.

Notice was was not properly served.

The individual is
 present.
 not present because the guardian ad litem waived the individual's attendance.
 Other: _____

The proposed guardian and any proposed standby guardian are
present as follows: _____

Not present and the court permits attendance by telephone for good cause shown as follows: _____

Not present and the court excuses the attendance as follows: _____

Personal evaluations are not necessary.

AND NEED FOR GUARDIANSHIP

There is a determination of clear and convincing evidence,
that the individual is not incompetent.
The individual's planning by the individual renders guardianship unnecessary.

How to Find out if the Right to Vote has Been Lost, (cont.)

E. requirements for the individual's physical health and safety.
(For appointment of **guardian of the estate**)
the individual, because of an impairment, is unable effectively to receive, understand, or appreciate the nature and consequences of the individual's actions, to make or communicate decisions related to management of the individual's affairs, to the extent that at least one of the following applies:
(1) The individual has property that will be dissipated in whole or in part.
(2) The individual is unable to provide for the individual's support and maintenance.
(3) The individual is unable to prevent financial exploitation.

3. **GUARDIAN OF THE PERSON**
The individual is in need of a guardian of the person.

A. **Rights to be removed in full. If removed, these rights may not be exercised.**
The individual has the incapacity to exercise the right to

(1) execute a will.
 (2) serve on a jury.
 (3) register to vote or to vote in an election.

B. **Rights to be removed in full or exercised by individual only with the consent of the guardian.**
The individual has incapacity or limited capacity to exercise the following rights:

(If any box is not checked the individual retains that right in full.)

(1) consent to marriage.
(2) apply for an operator's/driver's license.
(3) apply for a fishing license.

➤ **If the box is not checked,** the right to vote has been retained.

➤ **If the box is checked,** the right has been removed.

Obtaining a Copy

- Care facilities and case managers may already have a copy.
- Care plans should state who the legal decision maker is and what the individual's rights are, including voting rights.
- A copy can be requested from the Probate Court in the county:
 - where the guardianship petition was granted, or
 - where the individual is receiving services, or
 - that is paying for services.
 - Cost is about \$2.00 a copy.
 - Register in Probate Directory by County:
www.wripa.org/directory-of-wisconsin-probate-offices.html

How to Restore the Lost Right to Vote

- Person under guardianship or someone acting on their behalf must file a petition with the court.
- Sample petitions and detailed resources on the process to restore the right to vote are available at:
 - Disability Rights Wisconsin:
disabilityrightswi.org/resource-center/guardianship-and-voting/
 - Disability Vote Coalition:
disabilityvote.org/2022/guardianship-and-voting-resources/

Who Needs to Register?

- First time voters.
- If you've moved, even if to a different apartment in the same building.
- If you've changed your name.
- If you haven't voted in over 4 years.
- If your voting rights have been restored:
 - after completing a felony sentence.
 - after restoration of voting rights for someone under guardianship.

How and When to Register

- **Online** at MyVote.wi.gov (up to 20 days before the election)
- **By mail to your municipal clerk** (up to 20 days before the election)
- **In person at your municipal clerk's office** (through 5pm the Friday before the election)
- **At your polling place on Election Day**
- **Residential facilities** should ask new residents if they are registered to vote and remind them they may need to update their address or re-register.
- **If Special Voting Deputies (SVDs) conduct voting at your facility**, they may not be able to register residents. SVDs can only register voters during open registration, if also appointed as Election Registration Officials. The window between open registration and the start of absentee voting in care facilities is only three days.

Checking Your Voter Registration Status

- Check your voter registration status at www.myvote.wi.gov.
- Confirm the voting address and mailing address are current. You can update this online.
- Options if you are not registered to vote:
 - Online, at myvote.wi.gov/. This requires Current Photo ID.
 - Mail, Up to 20 days before Election Day. Mail completed form to your municipal clerk with proof of residence.
 - In person, at the municipal clerk's office. Must provide proof of residence.
 - At your polling place on Election Day. Must provide proof of residence and photo ID.

What Is Needed to Register to Vote?

To register online at MyVote.wi.gov:

1. Your WI Driver License or WI ID Card with current address

To register using a paper form:

1. An acceptable proof of residence document
2. Your WI Driver License or ID Card number **OR**
Last 4 digits of your social security number, if you don't have a WI ID.

Download the paper registration form from WEC website:
elections.wi.gov/forms/el-131-fillable



Military & Overseas Voters

Search by Name

Search by Address

My Voter Info

Find My Polling Place

What's On My Ballot

Update My Name or Address

Register To Vote

Vote Absentee By Mail

Track My Ballot

Vote Absentee In Person

REGISTER TO VOTE

Register To Vote

Voter Registration

Need Assistance?

Find your municipal clerk by searching for your name or address

Find My Clerk



Next Statewide Election

2024 Partisan Primary

SEARCH BY NAME

*=Required Field

Am I Registered to Vote?

Before you can start the registration process, we need to first check to be sure that you are not already registered to vote. Please enter your name and date of birth.

Already Registered?

You can use MyVote to [update your name](#) or the [address](#) we have on file for you. If you need to request an absentee ballot, visit [Vote Absentee](#).

Search

+ Search Tip

First Name*

Jane

Last Name*

Doe

Date of Birth*

05/05/1955

[Clear](#)

Search



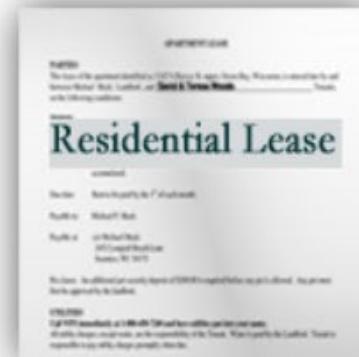
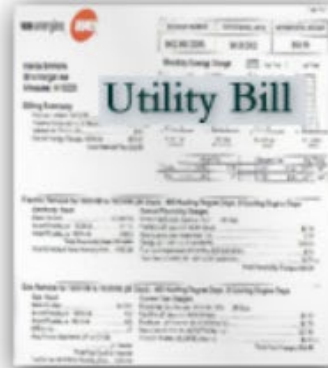
Proof of Residence

A Proof of Resident document is required when registering to vote, with voter's name and current address.

- If you register online at myvote.wi.gov/, your valid State of Wisconsin driver's license or State of Wisconsin ID card issued by the DMV qualify as a valid Proof of Residence document.
- If you register to vote by mail, in-person in your clerk's office, or at your polling place, you must provide a **Proof of Residence document** such as current utility bill, lease, paycheck or paystub, university ID card with fee receipt or other government issued document showing voter's name and current address.

Tip: Use an intake document or contract from group home or nursing home for proof of residence; room number is not required. Or a check or other document issued by a unit of government may be used.

Acceptable Proof of Residence



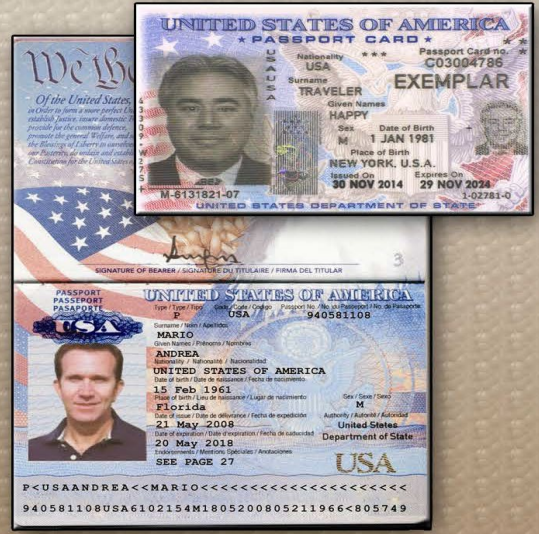
WI DRIVER LICENSE



US UNIFORMED SERVICES



US PASSPORT BOOK OR CARD



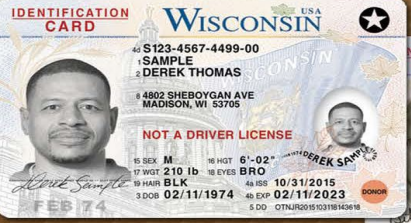
WI DRIVER, STATE ID, OR IDPP RECEIPT



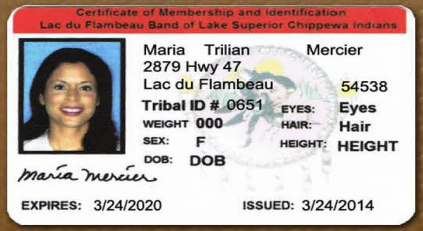
CERTIFICATE OF NATURALIZATION



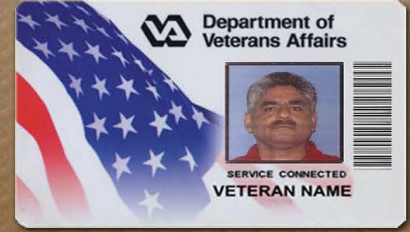
WI STATE ID



UNIVERSITY / COLLEGE + TRIBAL ID



VETERAN AFFAIRS ID CARD



ENROLLMENT VERIFICATION



How to Obtain Photo ID for Voting

- Get a free Photo ID for voting from the Department of Motor Vehicles (DMV). **Note:** Non-expiring ID cards are available for customers aged 65 and older.
 - Contact the DMV Voter ID Hotline at 844-588-1069.
 - DMV Customer Service Centers:
[wisconsin.gov/Pages/online-srvcs/find-dmv/default.aspx](https://www.wisconsin.gov/Pages/online-srvcs/find-dmv/default.aspx)
- Gather the necessary documents. Most people use a certified birth certificate, a Social Security card and a proof of residency document such as a cell phone bill, or government-issued correspondence.
- Even if you don't have the requested documentation, you can still get an ID for voting.
- Bring It to the Ballot: bringit.wi.gov/

Is there anyone who does not need to provide a photo ID?

- **Indefinitely confined voters**
- **Voters in special care facilities.**
The signature of both Special Voting Deputies on the Absentee Ballot Certification Envelope satisfies the photo ID requirement
- **Confidential electors are always exempt from Photo ID requirements.**
- More information on the Photo ID law is available at bringit.wi.gov

Types of Facilities Eligible for Special Voting Deputies (SVDs)



Residential Care Facilities



Retirement Homes

Residential Care Facility Definition

Residential Care Facility – an adult family home, community-based residential facility, nursing home or residential care apartment complex. [Wis. Stat. § 6.875(1)(bm).]

Adult Family Home – a facility licensed under Wis. Stat §50.01(1)(a)1. A facility that is certified or licensed to operate as an adult family home under Wis. Stat. §§ 50.032 or 50.033. [Wis. Stat. §6.875(1)(ab).]

Community-Based Residential Facility (CBRF) – a facility licensed under Wis. Stat. § 50.01(lg), except that it must be occupied by at least 10 unrelated adults who are not related to the operator or administrator. [Wis. Stat. § 6.875(1)(ae).]

Nursing Home – a facility occupied by 10 or more unrelated individuals for the primary purpose of obtaining full-time personal or nursing care which is necessitated by their physical or mental conditions, but does not include a hospital. [Wis. Stat. § 6.875(1)(am)]

Residential Care Apartment Complex – a facility that is certified or registered to operate as a residential care apartment complex under Wis. Stat. § 50.034. [Wis. Stat. § 6.875(1)(asm).]

Care Facility Qualifications to Have a Special Voting Deputy

at least five registered electors of the municipality who are occupants of the facility



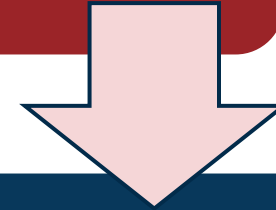
at least one absentee ballot application from an occupant of the facility



At least ten residents

Retirement Home Definition and Qualifications

Retirement Home – a facility occupied as a primary place of abode by ten or more unrelated individuals.
Wis. Stat. § 6.875(2)(a).



Retirement homes may be served by Special Voting Deputies if the municipal clerk determines that a significant number of the occupants:

- lack adequate transportation to the appropriate polling place; or
- need assistance in voting; or
- are aged 60 or over; or
- are declared as indefinitely confined electors.

Special Voting Deputies Visits: Timeline

- Visits can be scheduled starting 22 days prior to Election Day.
- Visits must be publicly noticed. The notice must be posted at the facility.
- SVDs will make up to 2 visits to each qualified facility.
- Last day for SVD voting is the Monday before Election Day.

Special Voting Deputies Visits: Mechanics

SVDs administer voting (bring ballots and envelopes)

SVDs provide assistance to voters AS NEEDED

- Mark ballot at voter's direction
- Read ballot to voter
- Sign on behalf of the voter
- If the SVD is assisting the voter, they must also complete the assistor section on the certificate envelope.
- If SVDs conduct voting at your facility, they may not be able to register residents. SVDs can only register voters during open registration, if also appointed as Election Registration Officials. The window when open registration and the start of absentee voting in care facilities is only three days.

Special Voting Deputies Visits: Facility Staff, Observers and Family

Role of facility staff:

- Coordinate location for voting.
- Staff cannot assist residents with voting if Special Voting Deputies are conducting voting.

Observers:

- One observer from the 2 main political parties are allowed.
- If multiple teams of Special Voting Deputies are used, multiple pairs of observers are allowed.

Family:

- May be present during voting.
- Can assist family member resident with voting, **if requested by resident.**
- May request SVD visit dates and times from facility.

Voting Post-SVD Visits

- State law provides that if a voter is unavailable during the 2 SVD visits, the clerk should send the ballot to the voter.
- Residents can also vote during in-person absentee voting (early voting).
- Residents can also vote at their polling place on Election Day. Be aware of double voting!

Absentee Voting by Mail Overview

- Many care facilities and nursing homes are not served by Special Voting Deputies.
- Absentee voting is request-based in Wisconsin.
- Voters will have to submit a written request to their municipal clerk if they want to receive a ballot.
- A voter must be registered before requesting a ballot.
- If a voter needs an accommodation, such as a large print ballot, include that information on the absentee request or contact the clerk **as soon as possible**.

Getting Assistance

- If a voter needs help reading or filling out their ballot or absentee return envelope, they may ask for assistance from anyone who is not their employer, representative of their labor union, or a candidate on the ballot. 6.87(5) (5)
- The assistant may also serve as a witness for the voter.
- Explaining how to fill out the voter's ballot or return envelope is not considered "assistance".
- The assistant must sign in the Certification of Voter Assistance section on the voter's ballot.
- The assistant can read the ballot to the voter or fill out the ballot under their direction but cannot tell them how to vote.
- If someone signs a voter's absentee return envelope on their behalf, make sure they also sign in the Certification of Assistant section.

Voting and Witnessing an Absentee Ballot

Each ballot must be marked in the presence of a witness who meets the following requirements:

- 18 years of age
- U.S. Citizen
(not required for military and overseas voters)


Official Absentee Ballot Certificate & Application			
CLERK or DEPUTY Initial Here >>		Voter exempt from or met PCI requirement _____	SVD
STEP 1 CLERK OR VOTER must complete this part			
Voter Information		Election Date (mm/dd/yyyy) _____	
<input type="checkbox"/> City Name: <input type="checkbox"/> Village Name: <input type="checkbox"/> Town Name: Name (Last, First, Middle) _____ Street Address _____ County _____ City _____ State _____ Zip _____ Ward _____ Ald. Dist _____			
STEP 2 VOTER must complete this part			
I certify, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), that:			
<ul style="list-style-type: none"> • I am a resident of the ward or of the aldermanic district of the municipality in the county of the state of Wisconsin indicated hereon OR I am entitled to vote in the ward or aldermanic district at the election indicated hereon • I am not voting at any other location in this election • I am unable or unwilling to appear at the polling place in the ward on Election Day, or I have changed my residence within the state from one ward to another less than 28 days before the election. • I displayed the ballot unmarked to the witness and in the presence of no other person marked the ballot and enclosed and sealed it in this envelope in a manner that no one but myself and an assistant under s. 6.87 (5), if I requested assistance, could know how I voted. • I requested this ballot and this is the original or a copy of that request 			
X			
Voter Signature			
Certification of Assistant (If applicable) I certify that the voter is unable to sign their name due to a disability and that I signed the voter's name at the direction and request of the voter			
Assistant Signature			
STEP 3 SVD must complete this part			
I the undersigned witness, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), certify that:			
<ul style="list-style-type: none"> • I am an adult U.S. citizen • I am not a candidate for any office on the enclosed ballot (except in the case of an incumbent municipal clerk). 		<ul style="list-style-type: none"> • I did not solicit or advise the elector to vote for or against any candidate or measure. • I further certify that the name and address of the voter is correct as shown 	
X		X	
Deputy #1 Signature		Deputy #2 Signature	
Deputy #1 Printed Name		Deputy #2 Printed Name	
_____		_____	
_____		_____	
Deputy #1 Address (Number, Street Name, City)		Deputy #2 Address (Number, Street Name, City)	

Absentee Ballot Return

The voter must complete and sign the certificate section of the return envelope.

STEP 3 **WITNESS must complete this part**

I the undersigned witness, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), certify that:


WITNESS
REQUIRED

- I am an adult U.S. citizen
- The above statements are true and the voting procedure was executed as stated
- I am not a candidate for any office on the enclosed ballot (except in the case of an incumbent municipal clerk).
- I did not solicit or advise the elector to vote for or against any candidate or measure

X

Witness Signature

Witness Printed Name

Witness Address (Number, Street Name, City)

Absentee Ballot Return Options

- **By mail**
- **Returned in person:** All ballots must be received by the clerk by 8:00 PM on Election Day to be counted.
- We encourage voters to complete and return their absentee ballots as soon as possible to ensure their vote will be counted.
- The US Postal Service recommends mailing your ballot at least one week before Election Day.
- If a voter cannot return their ballot themselves due to disability, they may ask someone else to deliver their completed sealed ballot for them. Voters with a disability must be permitted to receive assistance from a person of their choice, other than their employer or agent of that employer or officer or agent of their union.

In Person Absentee Voting (Early Voting)

- In-person absentee voting is available in each municipality prior to each election
 - Voting may begin no earlier than 14 days prior to Election Day.
 - Must end no later than the Sunday before Election Day.
 - No voting on Monday prior to Election Day.

Hours and location vary by municipality so call the clerk or check online for specific information.

Voter Rights

- You have the right to vote privately and independently.
- You have the right to access the polling place, including an accessible route to enter the building.
- You have the right to use an accessible voting machine at your polling place.
- All polling places are required by law to have an accessible voting machine.
 - **Note:** The law does not require this for early in-person absentee voting.
- You have the right to assistance marking your ballot, whether voting absentee or in-person. You may bring someone to assist you or ask a poll worker for assistance. Poll workers are required to assist a voter if they request it.
 - **Note:** You cannot receive assistance from your employer, from your union representative, or from a candidate on the ballot.

Voter Rights (cont.)

- You have the right to ask for reasonable accommodations. Some common accommodations are:
 - a chair to sit on
 - a signature guide
 - a magnifying glass
 - assistance with stating a person's name and address
 - tools to help poll workers interact with deaf and hard of hearing voters such as pen and paper or an easel for announcements.
- If a voter cannot enter the absentee voting location or polling place due to disability, Wis. Stat. § 6.82(1) requires that curbside voting must be available.

Tip: Contact your clerk in advance to discuss how to access curbside voting. (number to call, bell to ring, honk horn, etc.)

For Help with Voting Concerns

- **Your municipal clerk:** myvote.wi.gov/en-US/MyMunicipalClerk
- **Wisconsin Elections Commission:** 866-VOTE-WIS / 866-868-3944
The phone line is staffed Mon – Fri from 7:45 AM – 4:30 PM. They have longer hours on Election Day.
 - Email: elections@wi.gov
 - Website: elections.wi.gov
- **DRW Voter Hotline:**
 - Call: 844-DIS-VOTE / 844-347-8683
 - Email: info@disabilityvote.org
- **Wisconsin Election Protection:** Call 866-687-8683 or text “Our Vote” to 97779.
Non-partisan assistance from volunteer attorneys
- **DMV Voter ID Hotline:** Call (844) 588-1069. Apply for a free Photo ID for voting at the Wisconsin Division of Motor Vehicles (DMV).
- **Vote411.org:** nonpartisan information about the candidates
- **Disability Vote Coalition:** disabilityvote.org
Like us on Facebook! www.facebook.com/wisconsin Disability Vote/

Resources for Care Facilities and Service Providers

- **MyVote Wisconsin:** myvote.wi.gov/
- **Disability Vote Coalition:**
disabilityvote.org
- **Absentee Voting in Residential Care Facilities and Retirement Homes (SVD Voting), Wisconsin Elections Commission:**
elections.wi.gov/resources/manuals/absentee-voting-residential-care-facilities-and-retirement-homes-svd-voting
- **Board on Aging and Long-Term Care:**
longtermcare.wi.gov/Documents/Ombudsman/Voting%20Rights_onepage_2024.pdf

Special Elections

The Governor has called for two Special Elections.

Special Election for voters in State Senate District 4 will take place on:

- **Special Primary:** July 2, 2024 (Early voting begins June 18)
- **Special Election:** July 30, 2024 (Early voting begins July 16)

Special Election for voters in Congressional District 8 will take place on the same day as the:

- **Fall Partisan Primary:** August 13, 2024
- **November General Election:** November 5, 2024

Wisconsin Fall 2024 Elections

The offices to be elected include U.S. President, U.S. Senate (1 of 2), 8 U.S. Representatives, 16 Wis. Senators, all Wis. Assembly Representatives, County District Attorney, and County Partisan Offices. The elections will take place on:

Fall Partisan Primary – August 13, 2024

Registration Deadlines for the Aug. Primary Election:

- By Mail: Wednesday, July 24, 2024
- In Person: Tuesday, August 13, 2024
- Online: Wednesday, July 24, 2024 ([Register to vote!](#))

General Election – November 5, 2024

Registration Deadlines for the Nov. General Election:

- By Mail: Wednesday, October 16, 2024
- In Person: Tuesday, November 5, 2024
- Online: Wednesday, October 16, 2024 ([Register to vote!](#))

Questions?