



# **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](https://disabilityvote.org)
  - **Facebook:** [www.facebook.com/wisconsin Disability Vote](https://www.facebook.com/wisconsin Disability Vote)
- **DRW Voter Hotline:**
  - call 844-DIS-VOTE
  - email [info@disabilityvote.org](mailto: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 Medicaid and Medicare Services has communicated with facilities and residents about the requirement to affirm and support the right of residents to vote: [Compliance with Residents' Rights Requirement related to Nursing Home Residents' Right to Vote | CMS.](#)

# Voter Eligibility

- Voter is a U.S. Citizen.
- Voter will be at least 18 years old on or before Election Day.
- Voter has resided at their current address in Wisconsin for 28 days prior to the election.
- Voter is not currently serving a sentence for a felony conviction.
- Voter has 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: [Wisconsin Legislature: 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.**

# 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: \_\_\_\_\_

If not present and the court permits attendance by telephone for good cause shown as follows: \_\_\_\_\_

If not present and the court excuses the attendance as follows: \_\_\_\_\_

Personal evaluations are not necessary.

**AND NEED FOR GUARDIANSHIP**

Based on the presentation of clear and convincing evidence, 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:  
(1) consent to marriage.  
(2) apply for an operator's/driver's license.  
(3) apply for a fishing license.

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

➤ **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](http://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/](https://disabilityrightswi.org/resource-center/guardianship-and-voting/)
  - Disability Vote Coalition:  
[disabilityvote.org/2022/guardianship-and-voting-resources/](https://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](https://MyVote.wi.gov) (up to 20 days before the election)
- **By mail to the municipal clerk** (up to 20 days before the election)
- **In person at the municipal clerk's office** (through 5pm the Friday before the election)
- **At the 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 Voter Registration Status

- Check voter registration status at [www.myvote.wi.gov](http://www.myvote.wi.gov).
- Confirm the voting address and mailing address are current. This can be updated online.
- Options if you are not registered to vote:
  - Online, at [myvote.wi.gov/](http://myvote.wi.gov/). This requires *current* WI driver license or WI ID card.
  - 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](https://myvote.wi.gov):

1. A WI Driver License or WI ID Card with current address
2. Address can be updated online with the DMV. The voter needs their license/ID number, birthdate, and last 4 digits of S.S. number: [DMV Address Change \(state.wi.us\)](https://www.state.wi.us/dmv/address-change)
3. Once updated in the DMV system a voter can register or update their registration address with My Vote: [myvote.wi.gov](https://myvote.wi.gov).

## To register using a paper form:

1. An acceptable proof of residence document
2. A 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](https://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



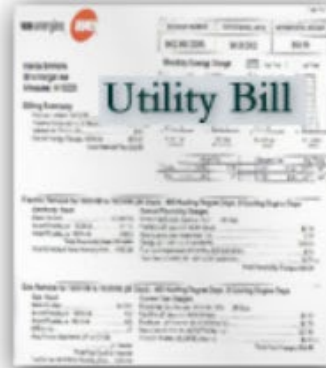
# Proof of Residence

**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/](https://myvote.wi.gov/), a 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 (allowed only when registering in-person), 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



FIRST BANK OF WIKI  
CHECKING ACCOUNT STATEMENT  
Page 1 of 1  
Statement Period: 01/01/12 to 01/31/12

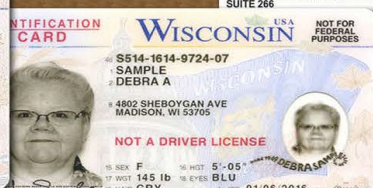
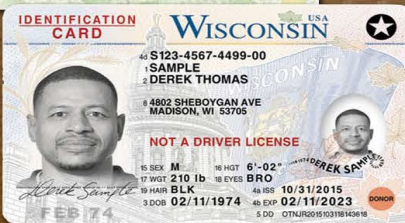
Date	Description	AMT	Withdrawals	Balance
01/01/12	Opening Balance			1,000.00
01/05/12	Deposit - Salary	1,234.56		2,234.56
01/10/12	ATM Withdrawal - Groceries		50.00	2,184.56
01/15/12	ATM Withdrawal - Gas		25.00	2,159.56
01/20/12	ATM Withdrawal - Rent		1,000.00	1,159.56
01/25/12	Deposit - Dividend	10.00		1,169.56
01/31/12	Closing Balance			1,169.56



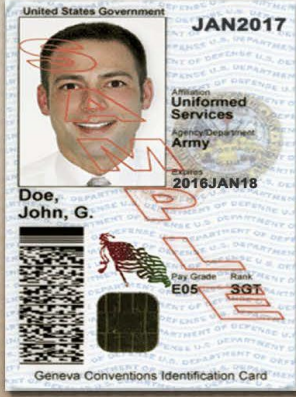
# WI DRIVER LICENSE



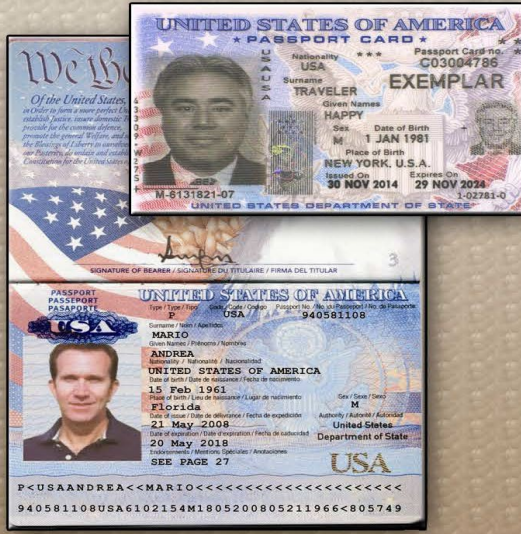
# WI STATE ID



# US UNIFORMED SERVICES



# US PASSPORT BOOK OR CARD



# WI DRIVER, STATE ID, OR IDPP RECEIPT



# CERTIFICATE OF NATURALIZATION



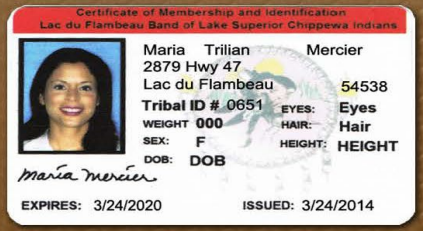
# VETERAN AFFAIRS ID CARD



# UNIVERSITY / COLLEGE TECH COLLEGE + ENROLLMENT VERIFICATION



# TRIBAL ID





# 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/](https://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](http://bringit.wi.gov)

# Types of Facilities Eligible for Special Voting Deputies (SVDs)



Residential Care Facilities



Retirement Homes

# 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



# 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.
- Observers at care facilities must register in advance with the Clerk's office

## 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 or a braille 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.

# 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

- The right to vote privately and independently.
- The right to access the polling place, including an accessible route to enter the building.
- 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.
- 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.)

- 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](https://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](mailto:elections@wi.gov)
  - Website: [elections.wi.gov](https://elections.wi.gov)
- **DRW Voter Hotline:**
  - Call: 844-DIS-VOTE / 844-347-8683
  - Email: [info@disabilityvote.org](mailto: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](https://Vote411.org):** nonpartisan information about the candidates
- **Disability Vote Coalition:** [disabilityvote.org](https://disabilityvote.org)  
*Like us on Facebook!* [www.facebook.com/wisconsin Disability Vote/](https://www.facebook.com/wisconsin Disability Vote/)

# Resources for Care Facilities and Service Providers

- **MyVote Wisconsin:** [myvote.wi.gov/](https://myvote.wi.gov/)
- **Disability Vote Coalition:**  
[disabilityvote.org](https://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](https://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](https://longtermcare.wi.gov/Documents/Ombudsman/Voting%20Rights_onepage_2024.pdf)

# Wisconsin Fall 2024 Elections

## 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?**