



## FOR IMMEDIATE RELEASE

**Subject: Voting in Long Term Care Settings**

**Release Date: June 4, 2024**

### Voting Rights in Long Term Care Communities

Residents of long-term care settings have the same right to vote as any other citizen.<sup>1</sup> Long-term care facility staff have a responsibility to support all resident rights, which includes a resident's right to vote. The facility must ensure residents can exercise all their rights without interference or coercion from facility staff or other individuals.

If a resident requests that facility staff assist them in voting, staff may provide assistance where appropriate and permitted under state and federal law. Facility staff can only assist if requested by the resident. Facility staff may not influence the resident's decision whether or not to vote, who to vote for, nor disclose to others details about the resident's voting activity.

### Voter Registration

To vote in Wisconsin, residents must be registered to vote. You can register to vote:

- Online or by mail: <https://myvote.wi.gov/en-us/Voter-Registration>,
- In-person at your municipal clerk's office, or
- At your polling place on Election Day.

Residents of residential care facilities<sup>2</sup> can register from their home address or their long-term care community address. If a resident intends to return home, they can register to vote from their home address. If the resident's return home is uncertain, they can select which location to identify as their residence. Voters can only be registered to vote at one location at a time.

The resident will have to provide proof of residence. Certain documents from long-term care settings, such as an intake form, may be sufficient. If the resident is using their home address, a utility bill, Wisconsin ID with their home address, or other government document, such as a

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<sup>1</sup> Generally, to be an eligible voter, individuals must be a U.S. citizen, age 18 or older, who has resided in an election district or ward for 28 consecutive days before any election. See Wis. Stats. §§ 6.02, 6.875, 42 CFR § 483.10.

<sup>2</sup> This includes an adult family home, community-based residential facility, nursing home, or residential care apartment complex. See Wis. Stat. § 6.875(1)(bm).

Medicare statement, would suffice. Anyone assisting a voter with completing the registration form must also list their name and address.

To determine current voter registration status, contact the municipal clerk (<https://myvote.wi.gov/en-us/My-Municipal-Clerk>) or search online at My Vote WI (<https://myvote.wi.gov/en-us/My-Voter-Info>).

### **Voter Registration Deadlines<sup>3</sup>**

Voters can register to vote at their polling place on Election Day, or by the deadlines listed below.

#### **Tuesday, August 13, 2024: State Partisan Primary**

By mail or online: Wednesday, July 24, 2024

In-person at municipal clerk's office: Friday, August 9, 2024

#### **Tuesday, November 5, 2024: General Election**

By mail or online: Wednesday, October 16, 2024

In-person at municipal clerk's office: Friday, November 1, 2024

### **Absentee Voting, Special Voting Deputies, and Early In-Person Voting**

Any voter can apply for an absentee ballot. Absentee ballots can be requested:

- Online: <https://myvote.wi.gov/en-us/Vote-Absentee-By-Mail>
- By mail: <https://elections.wi.gov/wec-form/absentee-ballot-request>
- By e-mailing your municipal clerk: <https://myvote.wi.gov/en-us/My-Municipal-Clerk>
- In-person at your municipal clerk's office.

Long-term care residents who choose to vote by absentee ballot should carefully read the instructions on the absentee ballot or have someone assist them, if appropriate. It is important to return the absentee ballot as soon as possible to ensure the resident's vote is properly counted. All absentee ballots must be returned by 8:00pm on Election Day. If mailing the ballot, it is recommended that the absentee ballot be mailed at least one week prior to Election Day.

The legislature has previously recognized that residents of long-term care settings might have more difficulty physically accessing their polling place. Laws were put in place to ensure greater access for these residents by requiring Special Voting Deputies (SVDs), who conduct in-person absentee voting at certain long-term care settings.<sup>4</sup> In these locations, residents can participate in in-person absentee voting by requesting an absentee ballot as described above. If SVDs are dispatched

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<sup>3</sup> <https://myvote.wi.gov/en-us/Voter-Deadlines>

<sup>4</sup> See Wis. Stat. § 6.875.



to a long-term care setting, the SVD may assist residents in filling out their ballot and will deliver the resident's absentee ballot to the municipal clerk.

Long-term care residents can also choose to vote in person at certain times and locations before Election Day. This is known as "early voting" or "in-person absentee voting." If residents choose to vote in person, we encourage early voting. Residents can work with the facility staff or their care team to develop a plan to address transportation or other accommodations. Residents should contact their municipal clerk for more information on this process, including dates, times, and locations where in-person absentee voting prior to Election Day is conducted.

Finally, residents can vote in-person at their polling place on Election Day. If voting in person, be sure to verify the appropriate [polling place](#) and [registration](#) status at My Vote Wisconsin (<https://myvote.wi.gov/en-us/>).

### **Indefinitely Confined Voters and Photo ID Requirements**

An "indefinitely confined" voter is a voter confined due to age, physical illness, infirmity, or disability. If a long-term care resident is indefinitely confined, either temporarily or permanently, the resident may request an absentee ballot be sent to them at their long-term care facility. These requests can be made on MyVote.wi.gov or by contacting the municipal clerk. Proof or documentation related to the reason for confinement is not required. Indefinitely confined status does not require permanent or total inability to leave the long-term care residence. If a resident has requested their ballot as an "indefinitely confined" voter, absentee ballots will be sent to them for every election until the resident is no longer confined or the resident fails to return a ballot. If a resident is no longer confined and no longer wishes to have absentee ballots sent to them, the resident should notify their municipal clerk as soon as possible. If an indefinitely confined voter is unable to provide a valid photo ID, the photo ID requirement can be met instead by submitting a statement signed by a witness.


If a resident is not indefinitely confined but resides in a qualified residential care facility that does not have special voting deputies, the resident may submit a statement along with the absentee ballot that is signed by a witness and an authorized representative of the facility. The Wisconsin Elections Commission has a form available for this purpose (EL-122 Special). For additional information on this issue, contact the municipal clerk.

### **Removal of the Right to Vote**

The right to vote can sometimes be removed by the court, for example, in a guardianship proceeding or while serving a felony sentence.<sup>5</sup> To determine if a resident's right to vote was retained in a guardianship proceeding, refer to the court form titled "Determination and Order on Petition for Guardianship Due to Incompetency." As seen below, there is a section on this court

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<sup>5</sup> See Wis. Stat. § 6.03.



form that lists rights to be removed, including the right to vote.

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 by any person.**

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 because the individual is unable to understand the objective of the elective process.

If the box is not checked, it is the sole decision of the person under guardianship if they want to exercise their right to vote. If the box is checked, then the right to vote has been removed. If this right has been removed, the person under guardianship can petition the court to restore their right to vote.

To obtain a copy of this Order, contact the Register in Probate in the County where the guardianship was ordered. The municipal clerk can also check the list they receive from the state of individuals that are not eligible to vote.

A surrogate decision-maker such as a power of attorney agent or a guardian does not have the ability to decide if someone votes or does not vote. An activated Power of Attorney for Health Care or the existence of a Power of Attorney for Finances does not remove an individual’s constitutional right to vote. A surrogate decision-maker can never vote in place of another.

**For more information on voting, please visit:**

My Vote Wisconsin: <https://myvote.wi.gov/en-us/>, 1-866-VOTE-WIS or 1-608-266-8005

WI Elections Commission: <https://elections.wi.gov/>

WI Disability Vote Coalition: <https://disabilityvote.org/>

Disability Rights Voter Hotline, 1-844-DIS-VOTE /844-347-8683

The National Consumer Voice, <https://theconsumervoice.org/issues/other-issues-and-resources/voting-rights>

Referrals to the Long Term Care Ombudsman Program can be made regarding resident rights and access to information, which includes the right to vote. The Ombudsman program serves long-term care residents age 60 and older. You can reach us at [BOALTC@wisconsin.gov](mailto:BOALTC@wisconsin.gov) or at 1-800-815-0015.

