



STATE OF WISCONSIN
BOARD ON AGING AND LONG TERM CARE
1402 Pankratz Street, Suite 111
Madison, WI 53704-4001

Ombudsman Program (800) 815-0015
Medigap Helpline (800) 242-1060
Part D Helpline (855) 677-2783
Fax (608) 246-7001
<http://longtermcare.wi.gov>

MEMBERS of the BOARD
Barbara M. Bechtel
Michael Brooks
Tanya L. Meyer
Dr. Valerie A. Palarski
James Surprise
Dr. Dale B. Taylor

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And
STATE LONG TERM
CARE OMBUDSMAN
Heather A. Bruemmer

Voting Rights in Long Term Care Communities During a Pandemic

Every¹ United States citizen, age 18 and older, regardless of where they reside, has the right to vote, guaranteed by the State of Wisconsin and United States Constitutions. Residents of long-term care facilities have the same right to vote as any other citizen.

Long-term care facility staff has a responsibility to assist residents in exercising their right to vote. This can include activities such as helping residents complete their ballots, voter registration forms and/or absentee requests or by acting as a witness. Facility staff can only assist the resident with their permission and may not influence their decision nor disclose to others who the resident voted for. Facility staff can read the ballot, candidate names, party affiliations, ballot instructions and can mark the ballot as directed by the voter. Staff cannot answer questions about candidates or their political platform. After assisting a voter, staff should sign the ballot in the box that says, "Certification of Voter Assistance".

Voter Registration

To vote in Wisconsin, residents must be registered to vote. Typically, online voter registration is available only for residents who have a valid WI driver license or State ID card. Registration can be done online at <https://myvote.wi.gov/en-US/RegisterToVote>. You can register from your home address or your long-term care community address. If you intend to return home, you can register to vote from your home address. If your return home is uncertain, you can select which one you identify as your residence. You can only be registered to vote at one location at a time. If you are not sure if you are registered to vote, you can contact your [Municipal clerk](#) via phone or search online at [My Vote WI](#).

You will also have to provide proof of residence. Certain documents from your long-term care community such as an intake form which documents your residency may be sufficient. If you are using your home address, then a utility bill, Wisconsin ID with your home address or other government document such as a Medicare statement would suffice. Anyone assisting you with completing the registration form must also list their name and address.

Voter Registration Deadlines

November 3rd election:

The General Election is for President, U.S. Representative, even numbered Wisconsin State Senate seats, all Wisconsin assembly seats and all District Attorneys.

By mail: Wednesday, October 14, 2020

¹ See also "Removal of the Right to Vote" section below.

Online: Wednesday, October 14, 2020

In person: November 3, 2020

Absentee Voting and Special Voting Deputies

The legislature had previously recognized that residents of long-term care settings might have more difficulty with physically accessing their polling place and laws were put in place to ensure greater access by requiring Special Voting Deputies (SVD). In a typical voting year, SVDs would come into long-term care facilities and conduct absentee voting with residents.

However, due to safety concerns with the current pandemic, SVDs will not be entering long-term care facilities for the November 2020 election. If you currently have an absentee request on file, a ballot will be mailed, or hand delivered to your facility. The Wisconsin Elections Commission has also sent a letter and training materials to long-term care facilities.

With the COVID-19 public health emergency and vulnerability of long-term care communities, residents are encouraged to vote by absentee ballot. Voting by absentee ballot may be the safest choice at this time. You can request an absentee ballot [online](#), [by mail](#), by e-mailing your clerk or by in-person early voting at the clerk's office. Residents however can still choose to vote in-person at the polls on Election Day. If voting in person, be sure to verify your [polling place](#) and [registration](#) status at My Vote Wisconsin.

If you choose to vote in person, we encourage early in-person voting. You can work with the facility staff or your care team to develop a plan to address transportation, curbside voting, or other accommodations. Please contact your municipal clerk for more information on this process.

If you do not already have a request on file, the deadline to request an absentee ballot for the November 3rd election is:

October 29th, 2020 at 5pm for regular voters

October 30th, 2020 at 5pm for Indefinitely Confined voters

We recommend carefully reading the instructions on the absentee ballot or having someone assist you. It is also important to return the absentee ballot as soon as possible. All absentee ballots must be returned by 8:00pm on election day. If mailing your ballot, it is recommended to mail it out at least a week prior to election day.

Indefinitely Confined Voters

An "indefinitely confined" voter is a voter confined due to age, illness, infirmity, or disability. To apply to be an indefinitely confined voter, complete the absentee ballot application and choose the "indefinitely confined" option on section 6 of the form or send a written request to your municipal clerk. It is not required for you to provide proof or documentation. Indefinitely confined status does not require permanent or total inability to leave the residence. If you have requested your ballot as an "indefinitely confined" voter, then absentee ballots will be sent to you for every election.

If you are an "indefinitely confined" voter, the photo ID requirement can be met instead through a witness providing their signature and address. If a voter is not "indefinitely confined" and does not have an acceptable photo ID, the care facility administrator can sign a special certificate (EL-122sp)

to verify the voter's identity. This certificate is also available for download on the WI Elections Commission website.

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. If you are a guardian or you are under guardianship and are unsure if the right to vote was retained, you can check on a court form called "Determination and Order on Petition for Guardianship Due to Incompetency." If you do not have a copy of this Order, you can contact the Register in Probate in the County where the guardianship was ordered. As seen below, there is a section on this court form for voting. If the box is not checked, then 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, however, you can also petition the court to restore your right to vote. The Municipal Clerk can also check the list they receive from the state of individuals that are not eligible 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.

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 someone'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/>

WI Elections commission: <https://elections.wi.gov/node/6957>, 1-866-VOTE-WIS

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

Disability Rights Wisconsin Voter Hotline: 844-DIS-VOTE, info@disabilityvote.org

Referrals to the Long Term Care Ombudsman Program can be made regarding resident rights and access to information, which includes the right to vote. You can reach us at BOALTC@wisconsin.gov or at 1-800-815-0015.

Submitted 8/26/2020