



1-844-DIS-VOTE  
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Date: September 14, 2022

From: Wisconsin Disability Vote Coalition

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To: Legislative Leadership

Re: Clarifications Regarding Guardianship and Voting

The Wisconsin Disability Vote Coalition has become aware of a letter from Sen. Jacque and Rep. Brandtjen dated September 15, 2022 to the Wisconsin Elections Commission (WEC) currently being circulating for co-signers.

We are writing to provide important clarifications regarding guardianship and voting.

The September 15th letter seems to suggest that guardianship automatically means the ward cannot vote, and that therefore everyone with a guardian should be removed from voting rolls. **This is not true.**

Wisconsin has a limited guardianship system, which means the court can decide the ward may retain some civil rights (like the right to vote).

The "Determination and Order" states which rights the ward retains, which rights they have lost, which rights have been transferred to the guardian, and which decisions the guardian may make in consultation with the ward (Wis. Stats. 54.25). Every Determination and Order is potentially different, depending on the capacities and incapacities of the ward.

We believe statewide data on the number of people under guardianship and the terms of the guardianship orders is not available. The details of individual cases are private and

confidential. Information about individuals' guardianship cases is **not** publicly available on CCAP. These cases are confidential per Wis. Stats. 54.75. Registers in probate do not have access to cases outside their own county. The public does not have access to these cases. The fact that an individual has been found incompetent and the name of and contact information for the guardian is only accessible if the individual requesting the information demonstrates to the custodian of the records a need for that information.

Additionally, there are two types of guardianship under the statutes, Guardianship of the Estate and Guardianship of the Person. The guardian of the estate and guardian of the person have separate and distinct duties and powers under the statute. **Some people may only have a guardianship of the estate, which does not have any effect on an individual's civil right to vote.**

Courts currently report to WEC when individuals have lost the right to vote. But no reports are required when:

- People have only guardianships of the estate because these never result in the loss of the right to vote.
- People have a limited guardianship of the person, and the court has determined that they retain their right to vote.
- People have a guardian of the person and have lost the right to vote but were never registered to vote (they would not be on WECs voter rolls).

Courts also report to WEC when individuals have their right to vote restored by the courts. Voters found by a court to be incompetent to vote should not be on the voter rolls; however, removing everyone who has a guardian, without determining what type of guardian has been appointed and whether the right to vote has been removed, is contrary to Wisconsin law.

The Wisconsin Disability Vote Coalition is a sponsor of "[Guardianship and Voting: Preserving and Restoring the Right to Vote](#)" webinar today (Sept. 14<sup>th</sup>) from 11:30 to 12:30. This webinar will be covered by WisconsinEye and a recording will be available after the event. We encourage interested members to participate in the webinar or watch the recording.

As always, the Disability Vote Coalition is available to answer any follow-up questions.

CC: Administrator Meagan Wolfe  
Commissioner Don M. Millis  
Commissioner Robert F. Spindell, Jr.  
Commissioner Marge Bostelmann  
Commissioner Ann S. Jacobs  
Commissioner Mark L. Thomsen  
Commissioner Julie M. Glancey