

FOR IMMEDIATE RELEASE

April 12, 2024

Statement: Voting Rights of Residents in Nursing Homes

Article III of the Wisconsin Constitution creates a right to vote for state residents who are:

- U.S. citizens,
- Age 18 or older,
- Residents of a Wisconsin election district as residency is defined under implementing legislation, and
- Are not denied the right to vote on the grounds of a felony conviction or incompetency or partial incompetency as determined by a court.

This same right holds true for voters residing in nursing homes, as well as other residential care facilities (community based residential facilities [CBRFs], retirement homes, residential care apartment complexes [RCACs], and state licensed or certified adult family homes [AFHs]).

Some people need residential care on a temporary basis for a period of rehabilitation or recuperation or when a caregiver needs respite. For a variety of reasons (social, difficulty meeting care needs, limited or no access to paid and unpaid caregivers, inaccessible housing), others seek long term residence in a care facility. **Regardless of what care needs someone has or where they choose to live, it should in no way automatically imply questionable competence to vote and should have no relation to their rights to vote.**

Many older adults and people with disabilities experience barriers to voting. The Wisconsin Aging Advocacy Network advocates for older adults (and people with disabilities) residing in nursing homes and other residential care facilities to receive the support and assistance needed to **ensure every eligible older adult (and eligible adult of any age) who wants to vote, can vote, no matter where they live.**

According to America's Health Rankings, average voter participation among older Wisconsinites ranked second in the nation in the last presidential and the last midterm national elections; this level of civic engagement should be celebrated.¹

Additional voting information and resources:

- Wisconsin Constitution, Article III -
<https://docs.legis.wisconsin.gov/constitution/wi/000229/000002>

¹ America's Health Rankings analysis of U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, United Health Foundation, AmericasHealthRankings.org, accessed 2024.

- Wisconsin Elections Commission, “What Voters in Residential Care Facilities Need to Know” - <https://elections.wi.gov/what-voters-residential-care-facilities-need-know#accordion-7671>
- Disability Vote Coalition – <https://disabilityvote.org/>
 - “Residential Service Providers: Resources for Voters with Disabilities” - <https://disabilityvote.org/wp-content/uploads/2020/02/Supporting-Voters-as-Residential-Service-Providers-02-2020-final-acc.pdf>
 - “Guardianship and Voting: The Basics of Wisconsin's Guardianship Law and Its Impact on the Right to Vote” - <https://disabilityvote.org/wp-content/uploads/2023/02/DRW-Basics-of-Guardianship-Fact-Sheet-rev-01-2023-acc.pdf>
- *The Guardian*, newsletter of the Wisconsin Guardianship Support Center, “Allegations of Incompetency and the Right to Vote”, -<https://gwaar.org/api/cms/viewFile/id/2007234#page=7> (article starts on pg. 7)
- Wisconsin Statute [§ 6.875](#) - outlines the process for absentee voting in certain residential care facilities and retirement homes
- Disability Rights Wisconsin Voter Hotline - 1-844-347-8683
- My Vote Wisconsin: <https://myvote.wi.gov/en-us/>
- The National Consumer Voice for Quality Long-Term Care, “Voting Rights for Residents of Long-Term Care Facilities” - <https://theconsumervoice.org/issues/other-issues-and-resources/voting-rights>

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Core member organizations

Aging and Disability Professionals Association of Wisconsin (ADPAW) •
 Board on Aging and Long Term Care (BOALTC) • Wisconsin Adult Day Services Association (WADSA)
 Wisconsin Association of Area Agencies on Aging (W4A) • Wisconsin Association of Benefit Specialists (WABS)
 Wisconsin Association of Nutrition Directors (WAND) • Wisconsin Association of Senior Centers (WASC)
 Wisconsin Family and Caregiver Support Alliance (WFACSA) • Wisconsin Institute for Healthy Aging (WIHA)
 Wisconsin Senior Advocates • Wisconsin Senior Corps Association (WISCA) • Wisconsin Tribal Aging Unit Association

Mission

The Wisconsin Aging Advocacy Network (WAAN) works with and for all older adults by educating community members and policy makers on priority issues while advocating for meaningful change. Learn more at <https://gwaar.org/waan>.