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Statement: Voting Rights of Wisconsin Care Facility Residents

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In Wisconsin, approximately 17,500 individuals reside in nursing homes¹; thousands more reside in adult family homes (AFHs), community-based residential facilities (CBRFs), and residential care apartment complexes (RCACs). **The voting rights of these residents are no different than any other Wisconsinite: every person eligible to vote in Wisconsin, regardless of their living situation, maintains that eligibility unless a court determines they are not legally competent and removes their right to vote.**

The reasons people live in care facilities are varied: some people are in facilities for a few days or weeks after being discharged from a hospital or for rehabilitation, while others may live in a care facility for many years. Some are there because they have care needs that cannot be met in a different setting, and some individuals are forced prematurely to reside in a nursing home or other facility because of a lack of available care or affordable or appropriate housing opportunities in the community. **Regardless of the reason for or length of stay in a care facility, the voting rights of these residents are retained unless a court determines otherwise.**

Affirming and supporting the voting rights of care facility residents is a priority for the Wisconsin Disability Vote Coalition, and we welcome the opportunity to provide education and support to individuals, families, communities, and organizations – including care facilities – across the state regarding these issues.

¹ [Total Number of Residents in Certified Nursing Facilities | KFF](#)

Additional information and resources:

- [What Voters in Residential Care Facilities Need to Know | Wisconsin Elections Commission](#)
- [Residential Service Providers: Resources for Voters with Disabilities | Wisconsin Disability Vote Coalition](#)
- [Guardianship and Voting: The Basics of Wisconsin's Guardianship Law and Its Impact on the Right to Vote | Wisconsin Disability Vote Coalition](#)
- [“Allegations of Incompetency and the Right to Vote”](#) | *The Guardian*, the newsletter of the Wisconsin Guardianship Support Center; starts at page 7.
- [42 CFR § 483.10](#) of federal statutes outlines the rights of residents of long-term care facilities; guidance from the Centers for Medicare and Medicaid services (CMS) regarding compliance with this statute as it pertains to voting rights can be found here: [Compliance with Residents’ Rights Requirement related to Nursing Home Residents’ Right to Vote \(cms.gov\)](#).
- [Wisconsin Statute § 6.875](#) outlines the process for absentee voting in certain residential care facilities and retirement homes.

The [Wisconsin Disability Vote Coalition \(WDVC\)](#) is 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. WDVC includes over 40 community agency partners as well as self-advocates and other community members. The Coalition is on the frontline, providing training and support to voters with disabilities, family members, and service providers.