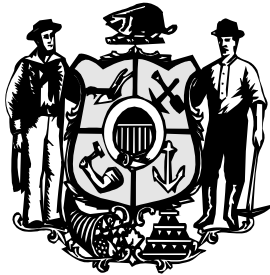


# **Absentee Voting in Nursing Homes, Qualified Retirement Homes and Community-Based Residential Facilities (CBRFs)**

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## **Introduction**

The state legislature has determined that the vigorous exercise of our constitutional right to vote should be strongly encouraged, (§6.84(1), Wis. Stats.). The legislature recognizes that it is difficult for many individuals to get to the polling place on election day. This is particularly true for individuals residing in nursing homes, retirement homes, and community-based residential facilities.

In order to meet this need, the legislature has established the privilege of absentee voting as an extension of the right to vote on election day. The legislature recognizes that the privilege of voting absentee is exercised wholly outside the traditional safeguards of the polling place. The privilege of absentee voting must be carefully regulated to prevent the potential for fraud or abuse; to prevent overzealous solicitation of absent electors who may prefer not to participate in an election; and to prevent undue influence on an absentee elector to vote for or against a candidate or referendum, (§6.84(1), Wis. Stats.).

The purpose of this manual is to describe the procedures for absentee voting in Wisconsin nursing homes, in qualified retirement homes, and in qualified community-based residential facilities. These procedures have been developed in order to encourage residents of these homes to participate in the process of choosing their elected representatives.

## **Definitions**

For purposes of administering the absentee voting laws as they relate to nursing homes, qualified retirement homes, and qualified community-based residential facilities, the following definitions are set out:

Nursing Home – a facility occupied by 10 or more unrelated individuals for the primary purpose of obtaining full-time personal or nursing care which is necessitated by their physical or mental conditions, but does not include a hospital, (§6.875(am), Wis. Stats.).

Qualified Retirement Home – a facility occupied as a primary place of abode by 10 or more unrelated individuals, where it is determined by the municipal clerk or board of election commissioners that a significant number of the occupants lack adequate transportation to the appropriate polling place, a significant number of the occupants are aged 60 or over, or there are a significant number of indefinitely confined electors, (§6.875(1)(at), (c), (2)(b), Wis. Stats.).

Qualified Community-Based Residential Facility (CBRF) – a facility licensed under §50.01(lg), Wis. Stats., except that it must be occupied by at least 10 unrelated adults, and it is determined by the municipal clerk or board of election commissioners that a significant number of the occupants lack adequate transportation to the appropriate polling place, a significant number of the occupants are aged 60 or over, or there is a significant number of indefinitely confined electors, (§6.875(1)(a), (as), (2)(b), Wis. Stats.).

The State Elections Board strongly encourages any elector who has the opportunity to vote at the polls on election day to do so. Because of the unique nature of nursing homes, retirement homes, and community-based residential facilities, strict adherence to the statutory requirements for absentee voting provides a safeguard to the integrity of the electoral process and reaffirms for all citizens the validity of the election process.

If the procedures described in this pamphlet are not followed, the absent elector's ballot may not be counted, (§6.84(2), Wis. Stats.).

### **Who May Vote Absentee**

Any qualified elector who is unwilling or unable to appear at the polling place on election day may vote absentee, (§6.85, Wis. Stats.). A qualified elector is a United States citizen, age 18 or older on election day, who has resided in an election district 10 days before any election where the person offers to vote, and is not prohibited from voting by any of the impediments listed in §6.03, Wis. Stats., (§6.02(1), Wis. Stats.).

### **Voter Registration**

If a person is voting for the first time in Wisconsin, or has changed their name or address since the last time they voted, they are required to complete a registration form (EB-131) before they vote. Before receiving an absentee ballot, the elector must be registered.

- Special Voter Registration Deputies are appointed by the clerk to register individuals outside of the clerk's office until the third Wednesday before an election, (§6.28, Wis. Stats.).
- A qualified elector may also register to vote *by mail* no later than the third Wednesday before an election, (§6.30(4), Wis. Stats.). First-time voters registering to vote by mail, must provide Proof of Residence. See §6.34(3), Wis. Stats., for a list of acceptable forms of Proof of Residence. Registration forms for mail registration may be obtained by request from the municipal clerk or from the State Elections Board's website, <http://elections.state.wi.us/>. **NOTE: Individuals who are indefinitely confined due to age, illness or physical disability are exempt from the requirement for first-time voters registering to vote by mail to provide an identifying document.** (HAVA 303(b)(3)(C)(ii)).
- An elector may also register at the municipal clerk's office until the day before the election, (§6.29(2), Wis. Stats.). When registering in the clerk's office *after* the third Wednesday before an election event, the elector must provide Proof of Residence. See §6.34(3), Wis. Stats., for a list of acceptable forms of Proof of Residence. An elector registering in the clerk's office *before* the third Wednesday before an election event is not required to provide Proof of Residence.
- Electors who vote at the polls may register at the polling place on election day, (§6.55(2), Wis. Stats.). Electors registering at the polling place on election day must provide Proof of Residence. See §6.34(3), Wis. Stats., for a list of acceptable forms of Proof of Residence.

**NOTE:** If the special voting deputies are conducting absentee voting at a facility after the third Wednesday before the election, all prospective voters must already be registered to vote. After the third Wednesday before an election, registration may only occur in the office of the municipal clerk.

### **How to Obtain an Absentee Ballot**

Any elector wishing to vote absentee at an election must make a written application to the municipal clerk or board of election commissioners for each election, (§6.86(1), Wis. Stats.). If made by mail, this written application may be made no later than 5:00 p.m. on the Thursday preceding the election. Indefinitely confined electors must make written application no later than 5:00 p.m. on the Friday preceding the election.\* After that time, an elector must apply for

an absentee ballot in person in the office of the municipal clerk. (\* See page 5 (NOTE) for an exception for voters in nursing homes, qualified retirement homes and CBRFs.)

The application must be signed by the absentee elector. It cannot be signed by anyone else on behalf of the elector unless the absentee elector needs assistance in signing his or her name. If someone else signs the application for the elector, that person must include a statement that the individual was unable to sign their name. The application must be in writing; it cannot be made by telephone. An elector may request an absentee ballot for the primary and election with a single application.

The State Elections Board has developed an Application for Absentee Ballot (EB-121), a copy of which is included with this manual. An elector may apply for an absentee ballot by sending a written request to the municipal clerk.

It is recommended that nursing homes, retirement homes, and community-based residential facilities keep an ample supply of the application forms in stock. The forms may be obtained from the municipal clerk.

### **Application by Indefinitely Confined Elector**

Many residents of the facilities covered in this manual are confined to the facility and are unable to get to the polling place on election day. An elector indefinitely confined due to age, illness, or physical disability may make a single request and be permitted to vote absentee automatically at each election, (§6.86(2), Wis. Stats.). This request must be in writing. (See Section 5 on the Application for Absentee Ballot - EB-121.)

The municipal clerk keeps a list of indefinitely confined electors and automatically sends or arranges for delivery of an absentee ballot to the indefinitely confined elector at each election. If an elector does not return a ballot sent under this provision, the clerk will inform the elector that he or she must reapply within 30 days of receiving the notice in order to automatically receive an absentee ballot at the next election, (§6.86(2), Wis. Stats.).

### **Residence of Absentee Voter**

In Wisconsin an elector can maintain a voting residence for an indefinite period of time. Many electors residing in a nursing home, retirement home, or community-based residential facility located in a municipality other than the one they last voted in, may wish to maintain their former voting address, rather than voting in the municipality where the facility is located.

If a clerk receives an absentee ballot application from a former resident who now resides in a qualified care facility located in another municipality, the absentee ballot is sent to the municipal clerk where the facility is located for delivery to the voter by the special voting deputies of the municipality where the facility is located. If an absentee ballot application is received from a resident of a qualified care facility located in the municipality, but who is a resident of another municipality, the clerk must, as soon as possible, notify the clerk of the municipality in which the elector is a resident, and request that an absentee ballot be issued to the resident of the facility for delivery by the special voting deputies of the municipality where the facility is located, (§6.875(3), Wis. Stats.). The special voting deputies must return the ballot to the proper clerk before noon on election day. Any person residing in a care facility for at least 10 days before the election, who is a United States citizen and 18 years of age or older, and who is not prohibited from voting by any of the impediments listed in §6.03, Wis. Stats.,

may vote in the municipality in which the facility is located. The resident must be registered in addition to meeting the other qualifications of an elector.

### **Delivery and Voting of Absentee Ballots in Nursing Homes, Qualified Retirement Homes and Community-Based Residential Facilities**

Absentee ballots are brought to the nursing home, retirement home, or community-based residential facility by special voting deputies appointed by the municipal clerk. These special voting deputies represent the two major political parties whenever deputies are appointed with regard to party affiliation. No person who is or was in the last two years employed or retained at a nursing home, qualified retirement home, or qualified community-based residential facility, or a member of the immediate family of such an individual may serve as a special voting deputy, (§6.875(4), Wis. Stats.). These voting deputies take a special oath of office (Oath of Special Voting Deputy, EB-155), (§6.875(6), Wis. Stats.).

Special voting deputies shall arrange one or more convenient times with the administrator of the facility to conduct absentee voting for the election. These special voting deputies shall contact the administrator of the facility as soon as possible but, no later than 5:00 p.m. on the Friday before an election. Absentee voting may be conducted no earlier than the fourth Monday before the election and no later than 5:00 p.m. on the Monday before the election, (§6.875(6), Wis. Stats.). As soon as possible after arrangements are made for the visit, but not less than 24 hours before the visit, the municipal clerk shall post a notice at the home or facility indicating the date and time that absentee voting will take place at that home or facility.

### **Party Observers**

One observer from each of the two recognized political parties whose candidate for governor or president received the greatest number of votes in the municipality at the most recent general election may accompany the deputies to each home or facility where absentee voting will take place. The observers may observe the process of absentee ballot distribution in the common areas of the home or facility. Each party wishing to have an observer present shall submit the name of the observer to the clerk no later than the close of business on the last business day prior to the visit.

At the designated time, two special voting deputies shall visit the facility. Both voting deputies, together, shall personally offer each absentee elector who has filed the proper application an opportunity to cast his or her ballot. The deputies shall administer the oath and assist the elector in marking the absentee ballot if requested. No one other than a special voting deputy or relative of an elector may assist the elector, (§6.875(6), Wis. Stats.).

If, after two visits to the facility by the special voting deputies, a resident who has requested an absentee ballot has not voted, the municipal clerk may mail the absentee ballot to the resident of the home in the same manner as other absentee ballots are mailed, (§6.875(6), Wis. Stats.). The absentee ballot must be returned for delivery to the proper polling place before the polls close on election day.

The municipal clerk or board of election commissioners shall issue a supply of ballots sufficient to provide for the proper applications received, and also an additional number of ballots and application forms. The municipal clerk or board of election commissioners is required to keep a careful record of all ballots issued to the deputies and require the deputies to return every ballot, (§6.875(6), Wis. Stats.).

**NOTE:** The special voting deputies may accept an application for absentee ballot from a qualified voter and issue an absentee ballot while at the qualified care facility, (§6.875(6), Wis. Stats.)

Absentee ballots must be voted only by the absent elector, unless the voter needs assistance. If an elector asks, a relative of the elector who is present may assist the elector in marking the absentee ballot. No individual other than a special voting deputy or a relative of an elector may provide voting assistance. The person providing the assistance must sign in the space provided for the assisting elector on the ballot, (§6.875(6), Wis. Stats.).

After marking the ballot in the presence of the special voting deputies, the voter places the marked ballot(s) in the certificate envelope (EB-122), and seals the envelope. The voter completes and signs the certification on the envelope. Both of the special voting deputies must sign as witnesses on the certificate envelope, (§6.875(6), Wis. Stats.).

### **Return of Ballots**

Upon completion of voting, the deputies shall promptly deliver, either personally or by first class mail, the sealed certificate envelopes containing each ballot to the municipal clerk of the municipality for which the elector casting the ballot resides within such time as to permit delivery to the polling place before election day. A special voting deputy may personally deliver the ballots to the polling place no later than noon on election day, (§6.875(6), Wis. Stats.).


### **Special Precautions**

In order to assure the integrity of the absentee voting process, the State Elections Board recommends that the personnel in nursing homes, retirement homes, and community-based residential facilities familiarize themselves with the absentee voting process. Administrators of these facilities should communicate regularly with the municipal clerk concerning the status of absentee voters at their facility. The administrator should also make an effort to assure that any resident who desires to vote is properly registered. Persons who are placed under guardianship pursuant to court order under Ch. 880, Wis. Stats., or are found by a court to be incapable of understanding the electoral process are not permitted to vote, (§6.03(1)(a), Wis. Stats.).

The administrator, all personnel, and residents of nursing homes, retirement homes, and community-based residential facilities should be aware that failure to comply with these requirements will result in invalidation of the votes of residents, (§6.84(2), Wis. Stats.). In order to encourage an informed electorate, we recommend that care facility administrators make candidate literature available and provide the opportunity for candidates to present their positions to residents of these facilities.

Any questions concerning absentee voting in Wisconsin should be directed to the State Elections Board. Contact information is listed below:

Wisconsin State Elections Board  
17 West Main Street, Suite 310  
Madison, Wisconsin 53701-2973  
Phone Number: 608-266-8005  
Fax: 608-267-0500  
Email: [seb@seb.state.wi.us](mailto:seb@seb.state.wi.us)  
Website: <http://elections.wi.gov>

		Application for Absentee Ballot																					
		Confidential Elector ID# <small>(HINDI - sequential #) (Office Use Only)</small>										SVRS ID # <small>(Office Use Only)</small>											
General Instructions: Please Review Fully		Please use uppercase ( <b>CAPITAL</b> ) letters only. Fill in circles as appropriate. Return completed form to municipal clerk. This document can be made available in accessible formats to persons with disabilities, upon request.																					
<b>Voter Declaration:</b> I certify that I am a qualified elector, a U.S. citizen, at least 18 years old, having resided at the below residential address for at least 10 days immediately preceding this election, not currently serving a sentence including probation or parole for a felony conviction, and not otherwise disqualified from voting.																							
Required Information (NOTE: In order to receive an absentee ballot, you must be a registered elector)																							
1	Municipality	<input type="radio"/> Town <input type="radio"/> Village <input type="radio"/> City																					
	County																						
2	Last Name																Suffix (e.g. Jr, II, etc.)						
	First Name												Middle Name										
	Date of Birth (MM/DD/YYYY)				/				/				Telephone										
3	Residence Address: Street Number & Name																						
	Apt. Number				City																		
	State (WI Only)				ZIP + 4																		
4	<b>If Mailing Address is different than the Residence Address, Send Ballot To:</b>																						
	Name		C		/		O																
	Nursing Home Name (If applicable)																						
	Mailing Address: Street Number & Name																						
	Apt. Number				City																		
	State & ZIP + 4																						
5	<b>Elections</b> <input type="radio"/> I request that an absentee ballot be sent to me for the elections I have listed below: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>Primary Date: <span style="border: 1px solid black; padding: 2px 20px;"></span></div> <div>Election Date: <span style="border: 1px solid black; padding: 2px 20px;"></span></div> </div>																						
	<b>OR</b> <input type="radio"/> I certify that I am indefinitely confined because of age, illness, infirmity or disability, and request an absentee ballot be sent to me for every subsequent election until I am no longer confined or fail to return a ballot for an election.																						
6	If you are a military or overseas elector, fill in the appropriate circle (see instructions for definitions): <input type="radio"/> Military <input type="radio"/> Overseas																						
7	Hospitalized Voter Information (Only for those electors who are <b>not</b> indefinitely confined; please fill in circle.)																						
	<input type="radio"/> I certify that I cannot appear at the polling place on election day because I am hospitalized, and appoint the following person to serve as my agent, pursuant to s.6.86(3), Wis. Stats:																						
	Agent Last Name																						
	Agent First Name												Agent Middle Name										
	AGENT: I certify that I am the duly appointed agent of the hospitalized absentee elector, that the absentee ballot to be received by me is received solely for the benefit of the above named hospitalized elector, and that such ballot will be promptly transmitted by me to that elector and then returned to the municipal clerk or the proper polling place.																						
	Agent Signature		X										Agent Address										
	WITNESS: I certify that I am a resident of this absentee elector's municipality, and that the statements contained in this application are true to the best of my knowledge.																						
	Witness Signature		X										Witness Address										
Signature of Elector		X										Date (MM/DD/YYYY)				/				/			
Office Use Only:	Ward	Sch. Dist.	Alder.	Cty. Supr.	Ct. of App.	Assembly	St. Senate	Congress	Other														
THE INFORMATION ON THIS FORM IS REQUIRED BY SS.6.85, 6.86, 6.87, WIS. STATS. PROVIDING FALSE INFORMATION ON THIS FORM IS PUNISHABLE BY A FINE OF \$1,000, IMPRISONMENT OF 6 MONTHS OR BOTH SS.12.13(3)(1), 12.60(1)(B), WIS STATS.																							



## Application for Absentee Ballot Instructions

<b>General Instructions:</b> <i>Please Review Fully</i>	<b>This form should be submitted to your municipal clerk, unless directed otherwise.</b> Each section on the front side of this document corresponds to the sections below (1-7). This form should only be completed by registered voters; if you are not a registered voter or military elector, please submit a Voter Registration Application (EB-131) in addition to this form.
1	If your municipal information has not been pre-printed, indicate the municipality and county of your residence. Use the formal names of your municipality and county. If in doubt, contact your municipal clerk to confirm this information.
2	Provide your current first and last names in the spaces provided. If applicable, please provide your suffix and/or middle name. Enter your formal names, as indicated on official government documents; no nicknames please. Optional: Providing your telephone number allows elections officials to contact you if further information is required. Complete this section by providing your month, day, and year of birth. Do not fill in the current year under the birth year.
3	Provide your home address (legal voting residence). This residence must be located in Wisconsin. The full house number should be filled in, including those with house numbers ending in a fraction like "1/2."  You may not enter a post office box as a voting residence. A rural route box without a number should not be used.
4	If you would like your ballot(s) sent to an address other than your residence address, please complete this section. Indicate in the 'Name' area the contact to whom the ballot should be sent (provide your own name if applicable). If you are in a Nursing Home, please indicate the name of the facility in the space provided. Provide the address to which you would like the absentee ballot(s) sent.
5	You are required to select <b>ONLY</b> one of the two options in this section. <ul style="list-style-type: none"><li>• Select Option 1 if you are <b>NOT</b> indefinitely confined. When you select this option, you must indicate the date of the election event for which you are requesting an absentee ballot. You may only request a single primary and/or election on one form. Unless you are a military elector, the indication "All" will not be accepted.</li><li>• Select Option 2 if you are indefinitely confined. You may request absentee ballots for all elections until you are no longer confined or you fail to return a ballot for an election.</li></ul>
6	If you are a military or overseas elector as defined here, fill in the appropriate circle: <ul style="list-style-type: none"><li>• A "Military elector" is a person, or the spouse or dependent of a person who is a member of a uniformed service or the merchant marines, a civilian employee of the United States, a civilian officially attached to a uniformed service and serving outside the United States, or a Peace Corp volunteer. Military electors do not need to register to vote. An absentee ballot request is valid for all elections as long as the person is a military elector.</li><li>• An "Overseas elector" is a person who is a United States citizen, 18 years old or older, who resided in Wisconsin immediately prior to leaving the United States, who is now living outside the United States and has no present intent to return, who is not registered in any other location, or who is an adult child of a United States citizen who resided in this state prior to establishing residency abroad. Overseas electors will receive ballots for federal offices only and must register to vote prior to receiving a ballot.</li></ul>
7	This section is only to be completed by an elector or the agent of an elector who is currently hospitalized. A hospitalized elector must certify that he or she cannot appear at the polling place on election day by filling in the circle.  An agent completing this form for a hospitalized elector must provide his/her name, signature and address on this application.  An application for a hospitalized voter must be witnessed by an elector of that hospitalized voter's municipality, with the witness also providing his/her address. If the agent is a resident of the hospitalized voter's municipality, he/she can also sign as a witness.
<b>Signature:</b> By signing and dating this form, you certify that you are a qualified elector, a U.S. citizen, at least 18 years old, having resided at your residential address for at least 10 days immediately preceding this election, not currently serving a sentence including probation or parole for a felony conviction, and not otherwise disqualified from voting.	



# Oath of Special Voting Deputy



STATE OF WISCONSIN

\_\_\_\_\_, County

} ss.

I, \_\_\_\_\_, having been appointed  
to the office of special voting deputy in and for the (town, village, city) of  
\_\_\_\_\_, swear (or affirm) that:

I will support the constitution of the United States and the constitution of the State of Wisconsin and will faithfully and impartially discharge the duties of a special voting deputy to the best of my ability.

I am qualified to act as a special voting deputy pursuant to s.6.875, Stats.; I have read the statutes governing absentee voting; I understand the proper absentee voting procedure; I understand the penalties set out in s.12.13, Stats., for noncompliance with the absentee voting procedure.

I understand that my sacred obligation is to fully and fairly implement the absentee voting law and to seek to have the intent of the electors ascertained. I realize that any error in conducting the absentee voting procedure may result in invalidation of an elector's vote under s.7.51(1)(ar), Stats. I realize that absentee voting is a privilege and not a constitutional right.

\_\_\_\_\_  
(Signature of Special Voting Deputy)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Signature of person authorized to administer oaths)

My commission expires \_\_\_\_\_, or is permanent ☐

Notary Public ☐ or \_\_\_\_\_  
(Official title, if not a notary)