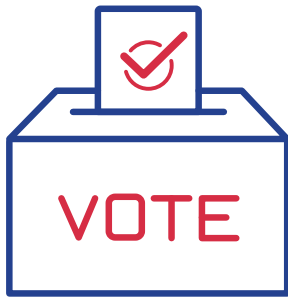


# GUARDIANSHIP & VOTING: HOW TO GET YOUR RIGHT TO VOTE BACK

A SUMMARY BY DISABILITY RIGHTS WISCONSIN



**This guide briefly explains the steps you must take if you have lost your right to vote in a guardianship case and want to get it back.** It may be helpful to ask a friend, family member, teacher, or guardian to read this with you. You may also have them help you follow all the steps.

A detailed guide is available on the **Disability Rights Wisconsin (DRW)** website at [disabilityrightswi.org](http://disabilityrightswi.org), or contact the **DRW Voter Hotline** at 844-347-8683 or [info@disabilityvote.org](mailto:info@disabilityvote.org).

## HOW DO I KNOW IF I LOST THE RIGHT TO VOTE?

If a guardian was named by a court to make decisions for you, there will be a written decision. It is called a “Determination and Order on Petition for Guardianship Due to Incompetency.” These are your guardianship papers. These papers show if you have the right to vote or if it was taken away.

Look for paragraph 3. A. (3). It looks like this:

**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 because the individual is unable to understand the objective of the elective process.

Your papers may be worded differently. What’s important is if the box is checked or not. If the box is checked, you cannot vote.

**Use this guide to help you get your right to vote back.**

## HOW DO I GET MY RIGHT TO VOTE BACK?

You must go back to the court that granted your guardianship and ask for your right to vote back. You must tell the court that you are “capable of understanding the objective of the elective process.” [Page 3](#) explains what “capable of understanding the objective of the elective process” means.



## HOW DO I START TO GET MY RIGHT TO VOTE BACK?



You start by filing a legal paper with the court that took away your right to vote. The paper is called a “Petition”. There is no cost or fee to file the Petition. You can find the court in your area at [www.wripa.org/directory-of-wisconsin-probate-offices.html](http://www.wripa.org/directory-of-wisconsin-probate-offices.html).

In the Petition, you can ask the court to find and pay for an attorney to help you if you cannot afford to do so.

You do not need to ask the county or anyone else to start. You decide when to file the Petition.

You can file the Petition yourself. Or you can ask someone else to file it for you. This can be your guardian, a friend, or a family member. It should be someone who agrees that you should get your right to vote back.

You can take the Petition to the courthouse. Go to the Register in Probate’s office. Or you can mail the Petition to the Register in Probate’s office.

## WHAT HAPPENS NEXT?

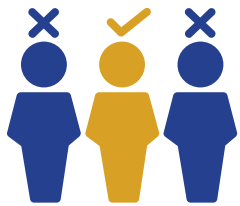
**Notice:** The court will tell you when and where the hearing will be. This is called “Notice.” It is very important that you remember the date and time and place of the hearing.

The court will want your guardian to be told the date and time and place of the hearing. The court may want other people to be told.



**Appointment of Guardian ad Litem:** The court will appoint an attorney called a Guardian ad Litem or GAL (pronounced G-A-L). The GAL is **not** your attorney. The GAL decides what she or he thinks is best for you, even if that is not what you want. Even if the GAL believes that you should not get your right to vote back, you can still tell the court that you should.

**The Hearing:** The hearing is the formal meeting at the courthouse. This is when you tell the court why you should get your right to vote back.



Before the date of your hearing, you should think about what it means to vote. Think about why you want to vote. Think about what you know about elections. Think about how you decide who you want to vote for.

Then say your thoughts out loud. Practice what you want to tell the court. Practice in front of someone who supports your right to vote.

It is a good idea to find someone who agrees that you should be allowed to vote. It can be a friend, family member, teacher, aide, caregiver, or your guardian. Ask them to come to the hearing and tell the court why you should be allowed to vote.

At the hearing, tell the court why you should be allowed to vote. A simple way to explain is to tell the court you want to vote so that the person (called the candidate) you vote for can win the election.



The person who has come with you should tell the court why you should be allowed to vote.

The court is deciding if **you understand the objective of the elective process**. What does that mean? Know is another word for understand. Purpose is another word for objective. Election is another word for elective process. You need to tell the court that you know that the purpose of an election is to vote for a person (candidate) so that the candidate can win. You do not need to say which candidate you want to vote for.

You can tell the court that other people do not have to pass any tests or explain anything before they can vote.

The court will listen to you, your supporter, and the GAL. The court will make a decision. Be sure to get a copy of the court's written decision.

## TO GET THE PETITION AND A DETAILED GUIDE:

- **Disability Rights WI Guardianship and Voting Resource Page:** [disabilityrightswi.org/resource-center/guardianship-and-voting](https://disabilityrightswi.org/resource-center/guardianship-and-voting)
- **Wisconsin Disability Vote Coalition:** [disabilityvote.org](https://disabilityvote.org)
- **Wisconsin Guardianship Support Center**  
For information and assistance on issues related to adult guardianship, protective placement, and advance directives.
  - ◇ **Website:** [gwaar.org/guardianship-resources](https://gwaar.org/guardianship-resources)
  - ◇ **Toll-Free Helpline:** (855) 409-9410
  - ◇ **E-mail:** [guardian@gwaar.org](mailto:guardian@gwaar.org)

## FOR VOTING QUESTIONS, CONTACT US YEAR-ROUND:



### Disability Rights Wisconsin Voter Hotline

- **Phone:** 844-DIS-VOTE / 844-347-8683
- **Email:** [info@disabilityvote.org](mailto:info@disabilityvote.org)

## DISCLAIMER

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This publication does not cover the loss of the right to vote due to a felony conviction when the person is still "on paper" (serving their sentence).

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