

Fact Sheet: Voting in Care Facilities

For residents, family members, friends & staff in skilled nursing facilities, Residential Care Facilities, Adult Residential Facilities, and other group settings

Residents of long-term care facilities have the right to vote! And COVID and visitation restrictions may stand in the way. Poor, Black and brown residents are affected disproportionately.

This election has been called the most important election of a lifetime and is in large part a referendum on the pandemic that threatens long-term care facility residents the most.

The Centers for Medicare and Medicaid Services (CMS) put out a notice, “affirming the continued right of nursing home residents to exercise their right to vote.”

“Nursing homes should have a plan to ensure residents can exercise their right to vote, whether in-person, by mail, absentee, or other authorized process.” See [HERE](#) or at www.sdaction.org.

Why is voting in care facilities an issue this year?

- Many nursing homes are traditionally polling places but will not be this year because of the pandemic.
- Residents may need help physically filling out a ballot, or those with cognitive or intellectual disabilities may need additional support. The Voting Rights Act states that no one but a court may determine whether or not a qualified voter is mentally incompetent for voting. Being conserved or having dementia does not automatically remove the right to vote.
- Restrictions on visitation mean that family members and friends may not be able to assist people to vote as they often might. Ombudsmen may be asked to help but there are not nearly enough staff to reach all the facilities.

What rights do people in care facilities have to vote?

- Facility staff and family members are NOT allowed to determine that someone is mentally incapable of voting.
- Residents who need assistance reading a ballot, understanding the ballot, or filling out their votes are entitled to that assistance.
- Staff can only fill out a ballot as directed by a resident.

What can you do?

Residents: Exercise your right to vote!

- Call your local voting office to make sure they have your facility as your address, so they can send you a mail-in ballot.
- Learn about accessible voting if that is helpful to you.
- Ask a staff person or friend to help you fill out your ballot if needed.

Family members and friends: Make sure people have the chance to vote!

- Help other residents with their ballots, since many residents do not have friends and family able to visit them. You can NOT influence a resident's vote, vote for a person, or determine that they are ineligible to vote.
- Talk to local care facility staff about how they can help residents to vote.
- Drop off copies of this fact sheet and voter information at the care facility in your neighborhood!

Facility Staff: Assist residents to vote!

- Ask your employer for time to assist residents to vote.
- Share this fact sheet and voter guides with residents, in their language.
- Ask residents if they need help checking their registration and if they need help filling out their ballot or putting it in the mail.

If your rights are violated or if you are aware that someone is being effectively denied the ability to vote:

Call 1-866-OUR-VOTE or go to 866ourvote.org

***To get involved in getting out the vote,
please contact info@sdaction.org***

[See this document or go to \[www.sdaction.org\]\(http://www.sdaction.org\) for more resources.](#)

Created by the California Care Rationing Coalition
Senior and Disability Action, California Advocates for Nursing Home Reform, Choice in Aging,
SEIU 2015, ILRC, California Foundation for Independent Living Centers, DREDF, and others

For more information, please contact info@sdaction.org