

LONG TERM CARE COMMUNITY COALITION

Advancing Quality, Dignity & Justice

PROTECTING VOTING RIGHTS IN NURSING HOMES FACT SHEET

For individuals residing in nursing homes, participating in elections can sometimes present unique challenges. Nursing homes must ensure that their residents can exercise their right to vote for their preferred candidate using the voting method of their choice.

This fact sheet aims to provide clarity and guidance on the voting rights of nursing home residents, empowering both residents and caregivers with the knowledge they need to participate fully in the electoral process.

Note: Information below quotes directly or paraphrases the Code of Federal Regulations (CFR), federal guidance,¹ or other resources (see footnotes). Federal standards are applicable to all residents in licensed U.S. nursing homes, including short-term, long-term, private pay, Medicaid, Medicare, or privately insured.

Voting rights are a fundamental right for residents in long-term care. Nursing homes must protect residents' rights as U.S. citizens and must support residents in the exercise of their rights.

Voting and Privacy

42 C.F.R. § 483.10 (b); F-550

Facilities must ensure that residents can exercise their rights as citizens of the United States without interference, coercion, or reprisal from the facility.

42 C.F.R. § 483.10(g)(7); F-576

If a resident is unable to cast their ballot in person, facilities must ensure that—

- 1) Residents can communicate with individuals inside and outside of the facility;
- 2) Residents have access to (i) the telephone; (ii) the Internet to the extent available to the facility; and (iii) stationary, postage, writing implements, and the ability to send mail.

42 C.F.R. § 483.10(h)(2); F-576

Facilities must respect residents' right to personal privacy, including oral, written, and electronic communications. Residents have the right to send a promptly² receive unopened mail and other letters, packages, and other materials delivered to the facility for the resident.

¹ <https://www.cms.gov/medicare/provider-enrollment-and-certification/guidanceforlawsandregulations/downloads/appendix-pp-state-operations-manual.pdf>.

² "Promptly" means the delivery of mail or other materials to the resident within 24 hours of delivery by the postal service (including a post office box) and delivery of outgoing mail to the postal service within 24 hours, except when there is no regularly scheduled postal delivery and pick-up service. See CMS Compliance with Residents' Rights related to Nursing Home Resident's Right to Vote, available at <https://www.cms.gov/files/document/qso-21-02-nh-pdf>.

What nursing homes can do to facilitate voting by residents:

- ✓ Have a plan to make sure residents can vote;
- ✓ Create and distribute a How to Vote guide that describes how residents can vote;
- ✓ Host a How to Vote session explaining key dates and methods of voting;
- ✓ Post signs reminding residents of upcoming voting dates;
- ✓ Host voter registration drives;
- ✓ Place voting guides of local election agency in common areas;
- ✓ Request absentee ballots;
- ✓ Ensure residents receive their ballots and vote by mail;
- ✓ Host mobile polling, wherein a bipartisan team of workers help residents vote in their nursing homes;
- ✓ Allow nonpartisan organizations to enter and help residents with their ballots;
- ✓ Permit nursing home staff or long-term care ombudsman to assist residents with their ballots (if their states allow this activity);
- ✓ Host polling sites so residents do not have to leave the facility to vote;
- ✓ Safely transport nursing home residents to voting locations or drop-boxes.

ADDITIONAL RESOURCES

- [LTCCC's Voting Resources for Long-Term Care Residents](#)
- [LTCCC's Webinar on LTC Voting Rights](#)
- [Consumer Voice for Quality Long-Term Care: Voting Rights for Residents of Long-Term Care Facilities](#)
- [Centers for Medicare & Medicaid Services: Memo on the Right of Nursing Home Residents to Exercise Their Right to Vote](#)
- [Department of Justice Civil Rights Division: File a Complaint if Your Voting Rights or Ability to Vote Are Affected](#)
- [NCSL: Assistance for Voters in Nursing Homes or Long Term Care Facilities](#)