

LONG TERM CARE COMMUNITY COALITION

Advancing Quality, Dignity & Justice

Voting Rights in Nursing Homes: A Quick Guide for Residents, Families, and Those Who Assist Them

Living in a nursing home does not take away a person's right to vote. Residents who are legally eligible retain the same fundamental right to participate in elections as people who live outside of nursing homes.

Voting can require preparation, particularly when a resident needs to register, obtain a mail-in ballot, arrange transportation, or receive assistance. Residents, families, nursing home staff, Long-Term Care Ombudsmen, and advocates should begin planning well before Election Day.

Table of Contents

RESIDENTS' VOTING RIGHTS.....	2
KNOW YOUR RIGHTS	2
ADVANCE PLANNING IS ESSENTIAL.....	2
START EARLY	3
VOTING BY MAIL	3
WHEN REQUESTING A MAIL-IN BALLOT	3
WHEN THE BALLOT ARRIVES	3
PROTECT THE BALLOT	4
PROVIDING VOTING ASSISTANCE	4
GOOD ASSISTANCE MEANS:.....	4
ASSISTANCE DOES NOT MEAN:	5
HELPING A RESIDENT WITH A DISABILITY VOTE	5
TYPES OF APPROPRIATE ASSISTANCE.....	5
SUPPORTING THE VOTER'S CHOICES	6
COGNITIVE IMPAIRMENT AND THE RIGHT TO VOTE	6
WHY RESIDENTS AND SUPPORTERS MAY NEED TO BE MORE PROACTIVE	7
IF A RESIDENT IS NOT RECEIVING HELP.....	7
LTCCC'S NURSING HOME VOTING RESOURCE CENTER	8
PLANNING CHECKLIST	8

Residents' Voting Rights

Federal nursing home regulations protect residents' rights as residents and citizens. A nursing home **must** support residents in exercising their rights without interference, coercion, discrimination, or reprisal.

Every resident has the right to:

- **Vote** if legally eligible under state law.
- **Decide** freely whether or not they want to vote.
- **Make independent choices** free from pressure, bias, or steering.
- **Receive lawful assistance** from a person of their choosing.
- **Maintain full privacy** when marking and submitting a ballot.
- **Be free from pressure** about whether, how, or for whom to vote.

A nursing home must never assume a resident cannot or will not vote due to age, illness, physical disability, or cognitive impairment.

KNOW YOUR RIGHTS

Moving into a nursing home does not end your right to vote. You may ask for help registering, obtaining a ballot, understanding voting procedures, or casting your vote. Assistance should help you express **your choices**, not influence those choices.

Advance Planning Is Essential

Many of the steps needed to vote must be completed days or weeks before Election Day. Deadlines and procedures vary by state.

Residents and those assisting them should begin early enough to:

- Find out if the resident is interested in voting in the election.
- Confirm whether the resident is registered.
- Update the resident's name or address, if necessary.
- Learn the deadlines for registration and mail-in ballot requests.
- Decide whether the resident wants to vote by mail, vote early, or vote at a polling place.
- Request a mail-in or absentee ballot.
- Identify any assistance or accommodations the resident may need.
- Arrange transportation if the resident wishes to vote in person.
- Resolve questions with election officials before a deadline passes.

START EARLY

Do not wait until Election Day. Missing a registration, ballot-request, or ballot-return deadline may prevent an otherwise eligible resident from voting.

Use the Planning Checklist at the end of this guide to help you plan ahead.

Voting by Mail

Voting by mail may be a practical option for residents who have difficulty traveling to a polling place. However, the rules differ by state.

As of July 2026, 29 states permit any voter to request an absentee or mail ballot without giving a reason. Eight states and Washington, D.C., conduct elections primarily by mail. The remaining 13 states require an accepted reason, although illness or disability generally qualifies under those states' laws. [For more information, see <https://www.ncsl.org/elections-and-campaigns/table-1-states-with-no-excuse-absentee-voting>]

Some states also permit eligible voters to join a permanent absentee or mail-ballot list. Depending on the state, this option may be available to all voters or to voters who meet criteria such as having a permanent disability. [For more information, see <https://www.ncsl.org/elections-and-campaigns/table-3-states-with-permanent-absentee-voting-lists>]

WHEN REQUESTING A MAIL-IN BALLOT

- Confirm that the request is being made for the correct election.
- Make sure the ballot will be mailed to the correct address.
- Check the deadline for submitting the request.
- Ask when the ballot should arrive.
- Determine whether the state offers an online ballot-request portal.
- Keep a record of when and how the request was submitted.

WHEN THE BALLOT ARRIVES

- Give it promptly to the resident.
- Keep the ballot and related materials private and secure.
- Read and follow all instructions carefully.
- Check whether signatures, dates, witness information, identification, or special envelopes are required.
- Provide only the assistance requested by the resident and permitted by law.
- Return the ballot through an authorized method with enough time to meet the applicable deadline.

States use different rules for determining whether a mailed ballot was returned on time. In many states, it must be received by the close of polls on Election Day; other states accept qualifying ballots received later if they were postmarked by the required date. ([NCSL](#))

PROTECT THE BALLOT

Never complete, sign, alter, collect, or return another person's ballot unless the resident has requested assistance and state law permits it. Rules governing who may assist with or handle another person's ballot vary considerably.

For general information about mail and absentee voting, visit the National Conference of State Legislatures' voting-by-mail resource, www.ncsl.org/elections-and-campaigns/table-1-states-with-no-excuse-absentee-voting.

Residents and those assisting them should also consult their state or local election officials for current requirements. [For more information, see <https://www.usvotefoundation.org/>]

Providing Voting Assistance

A resident may need help with one or more parts of the voting process, including:

- Registering or updating a registration.
- Requesting a mail-in ballot.
- Reading election materials or ballot instructions.
- Communicating a voting choice.
- Physically marking a ballot.
- Signing or completing required ballot materials.
- Returning a ballot through a lawful method.
- Traveling to and navigating a polling place.

Assistance should be based on the resident's wishes and needs. It should never be used to direct, pressure, or influence the resident.

GOOD ASSISTANCE MEANS:

- Asking the resident what help is wanted.
- Explaining procedures in a neutral manner.
- Giving the resident enough time to make choices.
- Using accessible communication methods.
- Respecting the resident's privacy.
- Following applicable election laws.

- Stopping if the resident no longer wants assistance.

ASSISTANCE DOES NOT MEAN:

- Telling the resident which candidate or party to support.
- Marking choices that the resident did not select.
- Pressuring the resident to vote or not vote.
- Assuming the resident's choices based on family views, past voting, or perceived interests.
- Completing or submitting a ballot without the resident's authorization.

The resident should select the person providing assistance whenever possible. State laws may limit who can assist a voter or require the person providing assistance to complete or sign certain information.

Helping a Resident with a Disability Vote

Federal law protects the right of people with disabilities to participate fully in the voting process. This includes registering to vote, voting in person, and voting by absentee or mail-in ballot. A voter who needs assistance because of a disability generally has the right to receive help from a person of their choosing.

TYPES OF APPROPRIATE ASSISTANCE

- Helping the resident register or update their registration.
- Reading the ballot or voting instructions aloud.
- Explaining unfamiliar words or how the voting process works, without suggesting how the resident should vote.
- Helping the resident communicate or physically mark their choices.
- Using a communication device or other assistive technology.
- Helping the resident request, complete, or lawfully return an absentee or mail-in ballot.
- Arranging transportation and confirming that an in-person voting location is accessible.
- Asking election officials for an accessible voting machine or other reasonable assistance.

The resident must make their own voting choices. A person providing assistance may read the ballot, explain words, or help mark the choices selected by the resident, but should never tell the resident whom or what to vote for. [For more information, see <https://thearc.org/resource/tips-for-helping-a-person-with-a-disability-vote/>]

SUPPORTING THE VOTER'S CHOICES

Ask what assistance the resident wants. Provide only that assistance, communicate neutrally, protect the resident's privacy, and allow enough time for the resident to make and express their own decisions.

State procedures may differ, particularly for absentee and mail-in ballots. Check with state or local election officials when there are questions about permissible assistance, required forms, or ballot-return procedures.

Cognitive Impairment and the Right to Vote

Myth: A person with dementia or cognitive impairment cannot vote.

Fact: A diagnosis of dementia, Alzheimer's disease, or another cognitive impairment does not automatically eliminate a person's right to vote.

Voting eligibility is governed by state law. Some states restrict voting rights following particular court findings concerning guardianship or legal incapacity; others protect voting rights unless a court has expressly removed them.

Do not assume that a resident cannot vote because the resident:

- Has dementia or another diagnosis.
- Has a guardian.
- Needs help communicating.
- Cannot independently read or mark a ballot.
- Has difficulty recalling names or recent events.
- Appears confused at certain times.

The appropriate question is whether the resident remains legally eligible under state law and can communicate a voting choice, with assistance when permitted.

For an overview of state laws, see the Bazelon Center's Survey of State Laws Affecting Voting Rights of People with Disabilities, <https://www.bazelon.org/wp-content/uploads/2020/10/Survey-of-State-Laws-Affecting-Voting-Rights-of-People-with-Disabilities-2020-Update-FINAL.pdf>.

Because laws can change, confirm current requirements with election officials or a qualified disability-rights organization.

Why Residents and Supporters May Need to Be More Proactive

Federal policy continues to recognize that nursing home residents retain the right to vote and to receive support in exercising their rights. Nursing homes may not interfere with, coerce, discriminate against, or retaliate against residents for exercising those rights.

However, federal officials recently withdrew earlier guidance that more clearly encouraged nursing homes to plan for elections and take affirmative steps to assist residents with registration, mail-in voting, transportation, and related needs. The replacement guidance focuses more heavily on preventing coercion and unlawful conduct.

Safeguards against coercion are important, but residents still need meaningful opportunities and support to vote. Residents, families, ombudsmen, advocates, and responsible facility staff should not assume that voting arrangements will occur automatically. Raise the issue early, identify what the resident needs, and follow up until the necessary arrangements are in place.

Do Not Assume Someone Else Is Handling It

Ask who is coordinating voting assistance at the nursing home. Confirm that requests have been submitted and arrangements made. Follow up before each deadline.

If a Resident Is Not Receiving Help

Take action promptly if a resident:

- Is unable to obtain information about voting.
- Is not receiving requested help with registration or a ballot.
- Does not receive voting-related mail promptly.
- Is denied lawful assistance.
- Is pressured to vote, not vote, or select a particular candidate.
- Has a ballot completed or handled without permission.
- Is prevented from traveling to vote after arrangements were promised.

Possible steps include:

1. Speak with the nursing home administrator, social services department, or staff member coordinating voting.
2. Put the resident's request in writing and keep a copy.
3. Contact the Long-Term Care Ombudsman Program.
4. Contact state or local election officials.
5. Contact a disability-rights or voter-protection organization.

6. File a complaint with the State Survey Agency when the facility may have violated federally protected resident rights.

Keep a record of requests, dates, names, responses, deadlines, and any documents submitted.

LTCCC's Nursing Home Voting Resource Center

LTCCC provides free materials to help residents, families, ombudsmen, advocates, and nursing home staff protect residents' voting rights and prepare for elections.

Resources include:

- Information about residents' federal voting rights.
- Links to state election information and other useful resources (including those cited in this document).
- Guidance concerning disability and voting.
- Information about voter registration and assistance.
- Educational materials for residents, families, and professionals.
- Federal guidance and related voting resources.

Visit: nursinghome411.org/learn/voting/

Remember: Voting is a personal choice and a fundamental civil right. Advance planning, timely assistance, and respect for each resident's wishes can help ensure that living in a nursing home does not become a barrier to participating in our democracy.

Planning Checklist

Several weeks before an election:

- ☐ Ask whether the resident wants to vote.
- ☐ Confirm the resident's registration and current address.
- ☐ Check registration and voting deadlines.
- ☐ Discuss whether the resident prefers to vote by mail or in person.
- ☐ Request a mail-in or absentee ballot, if needed.
- ☐ Identify a trusted person to provide assistance, if requested.
- ☐ Determine whether the resident needs accessible voting materials or other accommodations.
- ☐ Arrange transportation, if necessary.
- ☐ Contact state or local election officials with questions.