

Voting as a Resident of a Nursing Facility, Personal Care Homes, or other Long Term Care Facility



I. Introduction

In Pennsylvania, every United States citizen over the age of 18 has the right to vote, including those who live in a long-term care facility.

The Covid-19 pandemic has made everything about voting more complicated, particularly for voters in facilities. Using the mail to apply for or return a ballot is not a fast or reliable option for some voters. Facilities have limited both residents and visitors from coming and going in an effort to reduce the spread of the virus.

Despite these barriers, voters in facilities have the right to vote, to have assistance in voting, and to decide whether to vote in person or by mail-in or absentee ballot.

This fact sheet provides information about the different methods of voting, how residents can use a designated agent to assist in getting their mail-in ballot delivered on time, as well as how facilities must assist residents in exercising their right to vote.

II. How to Vote in the 2020 General Election

A. Be Sure You are Registered

No matter how a person chooses to vote, you must first be registered to do so. To check to see whether you are registered, or if your registration needs to be updated to reflect a change of address, visit: <https://www.votespa.com/Register-to-Vote/Pages/default.aspx>. Voters should be registered at the address that is considered their permanent residence, meaning the location where they are physically present and intend to remain. Thus, if you are currently living in a facility but are only there temporarily, you do not need to update your registration and change your address.

If you moved into the facility within the 30 days immediately preceding the election, you must either vote at your old polling place or apply for a vote by mail ballot. When applying, you must list the address that appears on your registration, but you will be able to indicate that you would like the ballot sent to your new address, rather than the address at which you are registered. If you have lived at the facility for longer than 30 days but did not update your registration, the state allows for a “grace period,” and you are entitled to vote at your old polling place for one election if you choose to vote in person.

If you are not registered to vote, you must register by **October 19, 2020** to vote in the general election.

B. If You Want to Vote by Mail, Apply by October 27

For facility residents who cannot or who simply prefer not to vote at the polls, facilities must ensure that they can cast their ballots via the U.S. Postal Service, or by returning a vote by mail ballot directly to the county Board of Elections. Because facilities are required to protect and help facilitate residents’ rights to communicate, this means that they must provide residents with reasonable access to the internet (to the extent it is available in the facility), postage, writing implements, and the ability to send and receive mail.

Any Pennsylvania voter can vote by mail-in ballot, and no excuse or specific reason need be given.

You may also be eligible to vote by absentee ballot if you will be out of the area on election day or you are unable to get to the polls because of an illness or physical disability. If you request an absentee ballot because of illness or disability, you will need to provide the Pennsylvania Department of State with information about your illness or disability, as well as contact information for your doctor. Even if you are eligible for an absentee ballot, you can still vote with a mail-in ballot.

Voters can apply for a mail-in or absentee ballot online at <https://www.pavoterservices.pa.gov/OnlineAbsenteeApplication/#/OnlineAbsenteeBegin>, or they can download a copy of either application and return it to their county Board of Elections by mail or in person. In order to be able to vote by mail in the 2020 general election, the Board of Elections must receive your completed application by **5 p.m. on October 27, 2020**.

Keep reading below for information on how voters with disabilities can use a “designated agent” to apply for a mail-in ballot in person.

C. Be Sure to Mark and Return Your Mail-in or Absentee Ballot as Soon as Possible!

Once you receive and mark your absentee or mail-in ballot, it can be returned either in person or through the mail. Ballots can be returned in person at the county Board of Elections, or, in some counties, at a satellite election office or designated, secure drop boxes. Voters who choose to return their ballots in person must do so before 8 p.m. on Election Day, November 3, 2020.

If you are returning an absentee or mail-in ballot through the mail, it must be postmarked by 8 p.m. on Election Day, November 3, 2020, and it needs to be received by the county Board of Elections by 5 p.m. on Friday, November 6, 2020. Given recent delays with the mail, voters who want to return their ballots by mail are advised to fill out and mail their ballots as soon as possible to ensure they are received on time.



D. How to Use a “Designated Agent” to Help You Pick Up and Deliver your Mail-in or Absentee Ballot in Time

If you need assistance to personally apply for, pick up, and/or deliver your mail-in or absentee ballot due to a disability, you may designate an agent to perform these tasks on your behalf. A designated agent form must be filled out and returned to the county Board of Elections at the first step in the process for which you require assistance (i.e. if you first require assistance for the “applying” stage of the voting process, the designated agent form should be returned with your absentee or mail-in ballot application). The designated agent form is available online at

<https://www.votespa.com/Resources/Documents/Authorize-Designated-Agent-for-Mail-in-or-Absentee-Ballot.pdf>. Your agent must return your application or ballot along with this form.

If your agent is returning the designated agent form along with your ballot, the forms **should not** be placed inside the ballot’s inner secrecy envelope. The form can be placed inside the outer envelope of the ballot or presented to a county official. Any questions about how to return the designated agent form should be directed to your county election officials.


You and your designated agent should keep a copy of the designation form.

Most facilities are now allowing some form of visitation, although there are likely restrictions on when and how such visits can occur (e.g. visitors may need to sign-up for a specific time slot, visits may only occur outdoors etc.) If a facility is still restricting all visitors, and there is no legitimate public health reason for doing so (meaning the facility has had no Covid-19 cases in the last 14 days and its county positivity rate is low or medium), it is a violation of federal law, as a facility must facilitate in-person visitation consistent with federal regulations unless doing so would unreasonably compromise residents’ safety. If you believe your facility is restricting visitors without cause, you can contact Disability Rights Pennsylvania for assistance.



Assuming that visitors are allowed into your facility, you are free to select a friend, family member, advocate, facility staff person, or other person of your choosing to serve as your designated agent. If you have chosen to get help voting from a designated agent, and are running into difficulty coordinating this process, facility staff must help facilitate it. Such help could include making exceptions to visiting restrictions to ensure a ballot is completed and returned before the deadline.

The designated agent form provides that a designee may only serve as the agent “for ONE voter” with a disability, unless the designee is also the designated agent for another voter with a disability or other voters with disabilities who “live in the same household as” the voter named in the form.



A “household” for the purpose of designating an agent does not include a long-term care facility. However, the Department of State has stated that a couple sharing a room or apartment within a facility may be considered members of the same household. This means that *each* resident who is unable to return his/her own voted ballot due to a disability must designate a different agent. Depending on the number of voters within a facility who will require a staff member to serve as their designated agent, this could present issues, and ultimately lead to voter disenfranchisement. Voters who require the help of an agent should consider this carefully when selecting who will serve as their agent.

E. If You Want to Vote in Person, Make a Plan!

On Election Day, polling places will be open in every county from 7 a.m. to 8 p.m. For this election, many polling places have changed due to consolidation. Voters can look up their polling place online at the Department of State’s website,

<https://www.pavoterservices.pa.gov/Pages/PollingPlaceInfo.aspx>.

When using the polling place locator, be sure to enter the address listed on your voter registration, which may be different than the address of your facility. For more information about accessibility requirements for polling places and voting systems, and what to do if your polling place or county’s voting system is inaccessible, visit

<https://www.disabilityrightspa.org/wp-content/uploads/2018/04/June2020-Voting-AAA.pdf>.

Voting is a fundamental, Constitutional right, and one that should be exercised in whatever manner a voter chooses; facility residents should have the same ability to choose how they vote as does any other Pennsylvanian.

Nevertheless, Covid-19 presents risks to people living in congregate settings, and it is possible that facilities may push back against residents asserting their right to vote in person. If you want to vote on Election Day, a friend, family member, or facility staff *should* be able to bring you to the polls to vote in person. Whether or not a voter will have push back from a facility depends on the Covid-19 risk in a particular community, and the individual circumstances in a facility. You should consider this in determining your plan to vote in person or by mail.

If you plan to vote in person but find out after the deadline for applying for a mail-in or absentee ballot that you will be restricted from doing so, you can still vote via an emergency absentee ballot. You can find the application for an emergency absentee ballot online at https://www.votespa.com/Resources/Documents/PADOS_EmergencyAbsenteeBallotApplication_English.pdf.

A representative may pick up and return the emergency absentee ballot on your behalf. Both you and your representative must fill out and sign a form designating the representative. The form can be found online at https://www.votespa.com/Resources/Documents/PADOS_AuthorizeRepresentativeforEmergencyAbsenteeBallot.pdf, and it should be returned along with your ballot. The emergency absentee ballot must be returned to the county Board of Elections by 8 p.m. on November 3, 2020.

III. No Matter How You Choose to Vote, the Facility Has a Duty to Help You

Due to Covid-19, facilities remain in various levels of restrictions, including limitations on when and how residents may leave the facility or when their loved ones may visit. Facilities need to be flexible with their visitation restrictions should residents elect to have a friend or family member serve as their designated agent or to assist them with voting at the polls.

If voters cannot get help voting from a friend or family member, or if they prefer to get assistance from staff, a facility staff member can, and must, help them apply for, fill out, or return an absentee or mail-in ballot. Staff must also help residents who choose to vote at the polls or hand deliver a vote by mail ballot do so by arranging for and providing transportation.

There is no competency requirement to vote under Pennsylvania law, so facility staff may not decide that a resident cannot vote because of a perceived or existing incapacity. This means that individuals with intellectual disabilities, mental illness, brain injury, dementia or other cognitive limitations should not be prevented from exercising their right to vote. Any resident who wishes to vote must be allowed to do so, and facility staff must provide him/her with the help (s)he requires.

If you are not getting cooperation from your facility in carrying out your plan to vote as a resident of a long term care facility, you can make a complaint with the Pennsylvania Department of Health and/or with your local long term care ombudsman.

If you need more information or need help, please contact Disability Rights Pennsylvania (DRP) at 800-692-7443 (voice) or 877-375-7139 (TDD). Our email address is: intake@disabilityrightspa.org.

Stay Connected

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The mission of Disability Rights Pennsylvania is to advance, protect, and advocate for the human, civil, and legal rights of Pennsylvanians with disabilities. Due to our limited resources, Disability Rights Pennsylvania cannot provide individual services to every person with advocacy and legal issues. Disability Rights Pennsylvania prioritizes cases that have the potential to result in widespread, systemic changes to benefit persons with disabilities. While we cannot provide assistance to everyone, we do seek to provide every individual with information and referral options.

IMPORTANT: This publication is for general informational purposes only. This publication is not intended, nor should be construed, to create an attorney-client relationship between Disability Rights Pennsylvania and any person. Nothing in this publication should be considered to be legal advice.

PLEASE NOTE: For information in alternative formats or a language other than English, contact Disability Rights Pennsylvania at 800-692-7443, Ext. 400, TDD: 877-375-7139 or intake@disabilityrightspa.org.

For Election Day Assistance, call our
hotline at 1.800.692.7443

or,

For more resources like this, visit
www.DisabilityRightsPA.org/resources
or scan here:



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