Assistance for Pennsylvania Voters with Disabilities:

Requesting, Obtaining and Returning a Mail-in or Absentee Ballot

Voters with disabilities who need assistance to apply for, obtain, and/or deliver their mail-in or absentee ballot may use a “designated agent.” The Pennsylvania Department of State ("DOS"), which oversees elections, recently posted to its website a form to “Authorize a Designated Agent to Help You Obtain and/or Return Your Mail-In or Absentee Ballot.” DOS included some information and instructions on the form, available at https://www.votespa.com/Resources/Documents/Authorize-Designated-Agent-for-Mail-in-or-Absentee-Ballot.pdf ("DOS Authorization Form"). The discussion below summarizes and provides additional information regarding how a voter with a disability may request and receive assistance picking up and returning a mail-in or absentee ballot.

Q1: Who can get assistance with pickup or delivery of a mail-in or absentee ballot?

The DOS Authorization Form is intended only for “voters with a disability, as defined by the Americans with Disabilities Act ["ADA"], who designate an agent in writing” as instructed by DOS. The ADA defines a disability, in relevant part, as a condition that substantially impairs a person's ability to perform one or more major life activities. Major life activities are broadly defined in the ADA and include caring for oneself, walking, breathing, seeing, communicating, learning, thinking, and working. The DOS Authorization Form is a reasonable accommodation to voters who, because of a disability, need assistance with applying for, obtaining, and/or returning their mail-in or absentee ballot.

Q2: How can an eligible voter with a disability authorize someone else to apply for, pick up or return their mail-in or absentee ballot?

Instructions from DOS indicate that a voter with a disability may use the DOS Authorization Form “to authorize a designated agent to submit a paper application for, obtain, and/or return” the voter’s mail-in or absentee ballot. More information can be found at [https://www.votespa.com/Voting-in-PA/Pages/Mail-and-Absentee-Ballot.aspx](https://www.votespa.com/Voting-in-PA/Pages/Mail-and-Absentee-Ballot.aspx), or by calling 1-877-868-3772. The voter with a disability should complete page 2 of the DOS Authorization Form together with the person that voter intends to designate as their agent, and the designee should keep a copy of the completed authorization form. More information is included in the instructions on page 1 of the DOS Authorization Form.

**IMPORTANT:**
- Voters do not have to renew or redo their voter registration in order to authorize a third person as their designated agent to apply for, pick up or deliver a mail-in ballot.
- Voters do not need to have the DOS Authorization Form notarized.

Q3: Who can be authorized to assist a voter with a disability in applying for, picking up or delivering their mail-in or absentee ballot?

Voters can designate the person of their choosing as their designated agent, as long as that person is not the designated agent for another voter who lives in a different household than the voter making such designation. The instructions on the DOS Authorization Form state that a designee may only serve as the agent “for ONE voter” with a disability, except where the designee is also the designated agent for other voters with a disability who “live in the same household as” the voter named in the DOS Authorization Form. There are no other explicit requirements or limitations (such as by age, residency, relationship to voter, etc.) on who can be a designated agent.

DOS’s 2020 Voting Fact Sheet for Long Term Care Facilities states that the term “household,” as used in the DOS Authorization Form, “does not include a long-term care facility” (LTCF), although “a couple sharing a room or apartment within a facility may be considered members of the same household.” LTCFs are defined to include state-licensed skilled nursing facilities, personal care homes, assisted living residences and state-licensed intermediate care facilities.

Q4: Can multiple voters use the same person as their authorized agent to apply for, pick up or deliver their mail-in or absentee ballots?

Generally, no, unless the person is designated as the agent for multiple voters who live in the same “household,” as discussed above in the answer to Q3.
Q5: How does an eligible voter’s designated agent submit the voter’s application for, or pick up or return, the voter’s mail-in or absentee ballot?

Voters and designated agents should contact county election officials with any questions about submitting the DOS Authorization Form, application and/or ballot.

If the voter seeks assistance from a designated agent before the voter has applied for a mail-in or absentee ballot, the voter should return the completed DOS Authorization Form to their county board of elections with and at the same time as their application for mail-in or absentee ballot. The voter may submit the completed DOS Authorization Form with the application for mail-in or absentee ballot to the county board of elections either in-person (through their agent) or by mail.

If, after applying for or receiving their mail-in or absentee ballot, a voter with a disability wants to designated an agent to pick-up and/or return the voter’s ballot, the designated agent should keep a copy of the completed DOS Authorization Form, and the agent should be able to present the completed DOS Authorization Form as required by county officials when the agent picks up and/or returns the voter’s ballot.

*NEVER enclose the DOS Authorization Form in the inner “secrecy” envelope that contains the voted ballot.*
I have another question about voting. Who do I call?

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. You can also look at our other resources at disabilityrightspa.org or go to votespa.com for more information.

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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