

Assistance for Pennsylvania Voters with Disabilities:

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



Voters with disabilities who need assistance applying for, picking up, and/or delivering their mail-in or absentee ballot may use a “designated agent” as a reasonable accommodation. The Pennsylvania Department of State (DOS), which oversees elections, has a form on its website to “Authorize a Designated Agent to Help You Obtain and/or Return Your Mail-In or Absentee Ballot.” The form can be found at <https://www.votespa.com/Resources/Documents/Authorize-Designated-Agent-for-Mail-in-or-Absentee-Ballot.pdf>. The discussion below summarizes how a voter with a disability may request and receive assistance picking up and returning an absentee or mail-in 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.

For more information about the ADA definition of “disability,” please refer to our publication at <https://www.disabilityrightspa.org/wp-content/uploads/2018/05/ADAEligibilityMAY2018.pdf>.

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?

According to the DOS Authorization Form, a voter with a disability may use the 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>, 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 the voter intends to designate as his/her 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?

The instructions on the DOS Authorization Form indicate 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 DOS Authorization Form. There do not appear to be any 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?

No. The instructions on page 1 of the DOS Authorization Form state that the same person is not allowed to be the designated agent for more than one voter unless all such voters “live in the same household.”



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 his/her county board of elections with and at the same time as his/her 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 his/her 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.



Stay Connected

If you need more information or need help, please contact Disability Rights Pennsylvania (DRP) at [800-692-7443](tel:800-692-7443) (voice) or [877-375-7139](tel:877-375-7139) (TDD). Our email address is: intake@disabilityrightspa.org. DRP's live intake line is open Monday-Friday from 9:00 a.m. to 3:00 p.m.

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.

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