

U.S. ELECTION ASSISTANCE COMMISSION

QUICK START MANAGEMENT GUIDE ON ELDERLY AND DISABLED VOTERS IN LONG TERM CARE FACILITIES

The Quick Start Management Guide on Elderly and Disabled Voters in Long Term Care Facilities is part of a series of brochures designed to highlight and summarize the information contained in the chapters of the U.S. Election Assistance Commission's (EAC) [Election Management Guidelines \(EMG\)](#). Additional voting accessibility issues are explored in current and future EMG publications. The goal of the EMG is to provide a collection of election management guidelines, consolidated into one document, to assist State and local election officials effectively manage and administer elections. These guidelines are solely designed to serve as a source of information for election officials and not as requirements by which they must abide.

The content of the EMG and the Quick Start Management Guides has been developed in collaboration with State and local election officials and other election professionals who have first-hand experience managing elections. The EAC is grateful for their participation and ensuring the guidelines are practical and applicable for jurisdictions regardless of their size and resources. The EMG and the Quick Starts are available online at www.eac.gov.

Quick Facts on Aging and Disability:¹

- 37.3 million = number of people 65 and older in the U.S. (12% of the total population)
- 86.7 million = projected population of people 65 and older in 2050 (21% of the total population)
- 147% = projected percentage increase in the 65 and older population between 2000 and 2050
- 1.6 million = number of people 65 and older who lived in nursing facilities in 2006
- 41.3 million = number of people who have some level of disability (15% of civilian non-institutionalized population 5 and older)
- 41% = adults 65 and older that have a disability
- 14.3 million = number of people with limitations in cognitive functioning, or who have a mental or emotional illness that interferes with daily activities, including those with Alzheimer's disease and mental retardation

¹ U.S. Census Bureau

Introduction

In the November 2006 general elections, 63% of adults aged 65 and older voted; this age group made up 17% of the voting age citizen population and 23% of the population that actually voted.² As noted above, this segment of the population is projected to increase 147% between 2000 and 2050. In addition, the Congressional Research Service has reported that “two-thirds of the people receiving long term care are over 65, an age group expected to double by 2030. After 2030, even faster growth rates are anticipated for people over 85, the age group most likely to need care.”

The administration of elections must, therefore, develop and implement policies that facilitate registration and voting processes for elderly and disabled voters, including those in long-term care facilities. These policies must include safeguards to preserve and protect the integrity of the voting process. Following are recommendations to consider when developing these policies; they are based on the actual experiences of States and local jurisdictions that have experience in this matter. Implementation of these policies will vary according to State laws and the local jurisdiction’s resources. The recommendations contained in this publication should be vetted with Federal, State, and local laws, regulations, and relevant case law to ensure they are properly and lawfully implemented; election officials should contact their State officials when there is a question as to whether a practice is permitted or prohibited under State law.

Developing Your Voting Assistance Plan

- Research the number of long term care (LTC) facilities in your jurisdiction; these include nursing homes and assisted living facilities. Identify their location, the services they provide, and the number of people they serve. This will provide useful information for conducting a general assessment of the resources you would need to reach LTC voters. It would also be beneficial to learn if any of the facilities serve a specific disability; this will help you develop and provide outreach suited to those particular needs.
 - *Tip: Your State’s licensing bureau can assist you with this task.*
- Contact your State’s election office and find out what studies or activities they have conducted or are developing regarding elderly and disabled voters, including those in long-term care facilities.
 - *Tip: Your State’s election office may have an advisory board that addresses accessibility issues. If they have such a board, learn what they do, who their members are, what resources they have, and how you can directly participate or be kept updated about their activities.*
- Contact the LTC facilities and ask to speak to their director or activities manager; if you can set up an in-person meeting. The goal of this meeting or conference call is to find out what has been done in the past at each facility to provide voting services, whether by community groups or the facility itself, and to learn how willing they are allow your office to come in and provide services. Questions you may want to ask during this conversation are, but not limited to:
 - What successes and challenges did they experience in the past?

² U.S. Census Bureau, *Voting and Registration in the Election of November 2006* (issued June 2008)

- What formal or informal procedures do they have for handling their clients' registration and voting needs? For example: do they periodically announce voting information or is it only upon request; do they have a dedicated staff member to handle voting inquiries; do they allow outside groups to conduct voter registration; have they ever received formal training about registration and voting procedures in your State and local jurisdiction; how do they manage absentee ballots requests; how do they assist voters to cast their ballots; etc.
 - Would they be willing to participate in a more formal meeting with your office, other care providers, and interested groups/individuals to discuss the development of jurisdiction-wide initiatives to provide uniform and consistent registration and voting services to voters in LTC facilities?
 - Ask the director or activities manager to identify the LTC staff who can serve as your main point of contact for future communications and efforts. Having an official point of contact at each facility will help you build your partnerships and ensure receipt of any information you provide them.
Tip: Designate one employee in your office to serve as the direct communication link with each LTC facility's main point of contact.
- Establish a local advisory board to assist you in developing, maintaining, and evaluating your LTC voting assistance plan. Small and medium size jurisdictions can partner up with several adjoining jurisdictions to develop a regional advisory board to help manage the cost and time burden of managing the board.
 - Identify organizations and volunteer agencies that would share your commitment to this project to serve on the board. For example, reach out to your area offices of aging and disability, nursing home and independent living center associations, ADA chapter, veterans associations, retired and senior volunteer organizations, League of Women Voters, local colleges and universities, and local government officials. *Tip: Consider hiring a project manager to identify and recruit these organizations, develop the board, and help administer it. They could also help develop additional boards/taskforces that address other voter populations or issues.*
 - Establish membership criteria, including terms of no more than two years, with a commitment of no more than 2-4 hours for quarterly meetings. *Tip: Take minutes of the board meetings and distribute them to local media and elected officials.*
- As you begin to design your voting assistance plan, make sure that your goals and objectives are clear, measurable, achievable, realistic, and be time-bound (always refer to the election calendar to identify the best time to implement the different action steps in your voting assistance plan). *Tip: Plan in advance! A good plan is one that builds in to its design ample time to implement strategies and correct them if necessary. This also allows care providers and other community partners time to make any changes necessary to their policies or procedures to implement your plan; the goal is to work as a team with the facility staff and to build your schedule to coincide with the activity schedule of the care facility.*

Outreach and Implementation Strategies

The types of services local jurisdictions will be able to provide to voters in LTC facilities will depend on the resources available to them (e.g. funding, staffing, volunteers, cooperation of LTC facilities and other stakeholders, etc.).

- Provide a calendar of voting deadlines to each LTC facility. The calendar should have, at a minimum, information on deadlines for: voter registration, absentee ballot requests, submitting absentee ballots, early voting (include dates and locations), special voter registration drives, and the date the election will be held. *Tip: Ask your contact at the LTC facility to share this information with all staff members and visibly display it in general areas and/or distribute it to each resident.*
- Recommend the registration of residents as a part of each facility's regular intake process. Incorporate voter registration applications and information about the voting process into each of the LTC facility's resident welcome packets.
- Establish a partnership with the LTC facilities to hold voter registration drives on special patriotic days (e.g. Fourth of July, Flag Day, Veterans Day, Presidents Day, etc). Use these occasions to provide hands-on demonstrations on how to complete absentee ballots and/or use your jurisdiction's voting equipment.³
- Provide each LTC facility a listing of all residents who are currently registered to vote. This list becomes the master list for determining if there are new residents that would like to register and/or request an absentee ballot.
- Provide individualized training to care facility staff on voter registration and elections. Develop a training guidebook that you can distribute to them as part of training. The guidebook should be easy to read and understand. Examples of information to include in the guidebook are, but not limited to:
 - Overview of voter registration laws and requirements
 - Suggestions on communication methods to inform residents and/or their family members about how to participate in the election process.
 - Deadlines and requirements for registering to vote, requesting and/or providing assistance with voting, including how to request an absentee ballot. *Tip: Develop scripts for use by facility directors and staff to ensure that the communication is accurate and consistent.*
 - Description of Federal and State laws on when and under what circumstances an individual can provide assistance to voters in casting their ballot and how to request a ballot on behalf of a voter.
 - Methods for protecting the security and integrity of residents' ballots.
 - Information and training on how to assist voters with special needs. *Tip: Engage the LTC facility staff and your local advisory board, if applicable,*

³ HAVA §301(a)(3) requires that each voting system used in an election for Federal office shall "(A) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters; (B) satisfy the requirement of subparagraph (A) through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and (C) if purchased with funds made available under Title II on or after January 1, 2007, meet the voting system standards for disability access (as outlined in this paragraph)."

in the development of voting assistance guidelines that address the various cognitive and physical challenges faced by these voters. This will also help ensure staff or voting assistants do not inadvertently make determinations on a voter's capacity to vote.

- Include details about how to change residence/voting address to another State and/or requesting a ballot be sent to a temporary address. *Tip: Familiarize yourself with the various residency rules pertaining to Medicare/Medicaid prior to assisting a resident with changing their official residence address.*
- In addition to training LTC staff, provide training to community groups that provide election outreach to voters in LTC facilities to ensure the information they provide is consistent and uniform with the information provided by your office. *Tip: Let the community groups know the dates you will be holding training at the LTC facilities so they may attend as well. The goal is to build effective collaboration between all groups for the benefit of the voters that receive these services.*
- Develop a Voter Information Toolkit for use at LTC facilities and independent living communities. *Tip: Remember to use large font and bulleted short sentences on posters and informational brochures.*⁴

Examples of contents include:

- Educational Videos
- Voter's Bill of Rights poster
- Large print voter registration applications and absentee ballot applications
- "How to Mark your Ballot" posters
- Audio of your local League of Women Voters voter guide

Consider providing this information in languages other than English based on the demographics of the facility and in accordance with Federal language assistance requirements, where applicable.

- Send teams of your office staff or recruit volunteers to provide voting services ("mobile polling") to voters in LTC facilities. Each team should be comprised of a minimum of two staff members (of opposite party affiliations, if required); they must also successfully complete training prior to providing services. The training should be similar to some of the aspects of poll worker training and the training described previously for LTC staff. For example, in addition to the elements listed in the LTC training, it should include, but not be limited to, information on:
 - How to complete a voter registration application, absentee ballot application, and other forms required by State law.

⁴ The EAC has published guidelines for the effective design of ballots and polling place materials. The best practices contained in the report are based on based on the *2005 Voluntary Voting System Guidelines* (VVSG), Americans with Disabilities Act (ADA) guidelines, research findings, and information design principles. The report is available on the EAC's Web site, www.eac.gov.

- Information on voter identification requirements, if applicable. *Note: The training should include how to assist residents with acquiring and/or locating acceptable identification for voting purposes.*
 - Details on where to pick up ballots and supplies; managing supplies on-site, including security of voted ballots; and delivery and return of all supplies and voted ballots.
 - Training on how to use voting equipment, if applicable. *Note: Election officials will have to decide if the mobile polling teams will use absentee ballots⁵ or take voting equipment along to assist residents to vote. This decision will impact how the voting assistance will be provided.*
- If an LTC facility is used as an Election Day polling place, the following must be considered:
 - The facility should only be used for voting by the LTC residents (i.e. it is its own precinct).
 - If it MUST be used as a polling site for area residents, then it must be set up in a manner that does not interfere with LTC services and resident traffic patterns, and it must give priority to the medical needs of the residents.
 - Will the designated voting area interfere with other resident services?
 - Is the voting area laid out to accommodate voters that require wheelchairs or other walking assistive devices?
 - How will the site be managed and staffed to avoid long wait lines?
 - How will assistance be provided to voters that are bedridden?
 - Electioneering and poll watching rules need to be in effect as they would in any other polling place.

National Resources

If you are interested in learning about jurisdictions that have experience in providing services to voters in LTC facilities, please contact the EAC's Election Management Guidelines Program at 1-866-747-1471 (toll free) or via email at HAVAinfo@eac.gov. The EAC will be happy to connect you with election officials with expertise in this area. Furthermore, please refer to the resources listed below for additional resources and information on matters that impact elderly and disabled voters:

ADA Best Practices Tool Kit for State and Local Government

www.ada.gov/pcatokit/toolkitmain.htm

American Association of People with Disabilities

www.aapd-dc.org

American Foundation for the Blind

www.afb.org

⁵ HAVA §301(a)(1)(B)(ii) requires jurisdictions that use a paper ballot system, including mail-in absentee ballots and mail-in ballots, to provide voters with "instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error)."

Americans with Disabilities Act

www.ada.gov (homepage)

<http://www.ada.gov/votingck.htm> (ADA Checklist for Polling Places)

DisabilityInfo.gov

<http://www.disabilityinfo.gov/digov-public/public/DisplayPage.do?parentFolderId=500>

National Council on Aging

www.ncoa.org/index.cfm

National Disability Rights Network

www.napas.org/issues/voting/laws/vaeha.htm

National Institute on Aging (of the National Institutes of Health)

www.nia.nih.gov

Online Resources for Americans with Disabilities

www.disabilityinfo.gov

State Provisions Regarding Voting: Constitutions, Election Laws, and Guardianship Statutes

www.abanet.org/aging/docs/state_provisions_regarding_voting_pdf

United States Access Board

<http://www.access-board.gov/>

U.S. Department of Justice, Civil Rights Division, Disability Rights Section

<http://www.usdoj.gov/crt/drs/drshome.htm>

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The EAC is an independent bipartisan commission created by the Help America Vote Act of 2002 (HAVA). It is charged with administering payments to states and developing guidance to meet HAVA requirements, implementing election administration improvements, adopting voluntary voting system guidelines, accrediting voting system test laboratories and certifying voting equipment, and serving as a national clearinghouse and resource of information regarding election administration.