

## VOTING IN LONG-TERM CARE: THE ROLE OF THE LONG-TERM CARE OMBUDSMAN

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### ISSUE:

As citizens of the United States, residents in long-term care facilities have the constitutional right to vote. The right to vote may be restricted only by a court of law. Staff of long-term care facilities or family members of residents may not determine that a resident lacks capacity and deny them access to the voting process. Residents in long-term care facilities may encounter challenges as they exercise their right to vote (e.g. ensuring their voter registration is current, transportation to the polls, using an absentee ballot). Additionally, residents may need assistance completing and submitting their ballot.

### QUESTION:

Is it appropriate for staff and volunteer Long-Term Care Ombudsmen (LTCO) to assist residents with reading the ballot, marking the resident's vote and/or submitting the resident's ballot?

### RESPONSE:

As advocates, LTCO support all residents' right to vote and advocate on behalf of residents to ensure they have the opportunity to participate in the election process.

Examples of how LTCO assist residents during the election process include:

- Providing information about the voting process (e.g. when to register, how to register, how to request an absentee ballot, how to find transportation to polling sites, how the facility could become a polling site, connecting residents/staff/family members with outside organizations that could assist residents directly),
- Encouraging resident councils to invite candidates to their meetings to speak,
- Reminding facility staff, residents and family members of residents' right to vote,
- Investigating complaints regarding residents' exercising their right to vote.

If a LTCO is asked to provide direct assistance to residents with their ballot, the program needs to be careful of unintended consequences and the role of the ombudsman. Ombudsmen advocate for residents to exercise their rights and for others to provide necessary assistance. A resident's ability to exercise his/her right should not be dependent upon a LTCO being present to provide direct assistance\*. Potential ramifications of providing direct assistance to a resident with their ballot include exposing the program to issues that could not only challenge the credibility of the program, but perhaps cause further damage. For example, if an election were contested the assistance provided by LTCO may be challenged, possibly impacting local funding streams for the program or the LTCOP's host agency. Other potential issues may include allegations that the LTCO influenced the resident during the voting process or completed/filed the ballot incorrectly.

### RESOURCES:

#### **NORC "Voting in Long-Term Care" Issue page**

Examples of LTCO advocacy and activities regarding voting in long-term care and links to research and reports.

<http://www.ltcombudsman.org/issues/voting>

### CONTACT US:

If you have questions about this brief or would like to share some of your LTCOP's activities or challenges regarding voting in long-term care, please email [ombudcenter@theconsumervoices.org](mailto:ombudcenter@theconsumervoices.org) or call 202-332-2275.

*\*Direct assistance includes helping a resident vote in person, reading the ballot to a resident who is voting, marking the resident's vote, and/or submitting the resident's ballot.*