

# Voting Information for Residents and Long-Term Care Facilities

*Office of the NJ Long-Term Care Ombudsman, Issued October 5, 2020\**

This resource is based on information from the New Jersey Division of Elections website at <https://nj.gov/state/elections/index.shtml>. Ask questions about this document to the NJ Office of the Long-Term Care Ombudsman at 1-877-582-6995 or [ombudsman@ltco.nj.gov](mailto:ombudsman@ltco.nj.gov).

## The Right to Vote

The right to vote is a fundamental Constitutional right. Living in a long-term care facility such as a nursing home or assisted living residence does not take away a resident's right to vote. Long-term care facility staff should help residents exercise their right to vote. Due to the COVID-19 pandemic and ongoing visitation restrictions, residents depend more than ever on facility staff to help them exercise this right. **Facilities should plan now to ensure residents have access to voting and communicate this plan to residents and families.**

## Voting Eligibility

A person is eligible to vote in New Jersey if the person:

- is a citizen of the United States;
- is a resident of the county in which the application for registration is made;
- is at least 18 years old on election day;
- is not serving a sentence of incarceration as the result of a conviction of any indictable offense under the laws of this or another state or of the United States.

## Registering to Vote

### *How to Find Out If a Resident Is Registered*

Residents can check if they are registered to vote at: <https://voter.svrs.nj.gov/registration-check>.

### *Where to Find a Voter Registration Form*

If a resident is not registered to vote, they can:

- register online at this link <https://voter.svrs.nj.gov/register>; or
- print and mail in a paper registration form for their county of residence, found here: <https://nj.gov/state/elections/voter-registration.shtml>.

Online registrations must be completed and printed forms must be postmarked by October 13, 2020.

### *Address Used to Register*

A resident should register to vote at the address that is their permanent residence. This may be an address in the community, such as a family home, or the address of a long-term care facility.

### *Helping Residents to Register*

Anyone can assist a resident in completing a voter registration application if the resident is unable to fill it out for any reason. There is a section at the bottom of the form where the person must provide their name, address, and the date they filled out the form for the applicant. There are no limits to how many applicants a person can assist in this way.

## **Voting by Mail – Ballots Will Be Mailed to All Active Registered Voters**

Due to the COVID-19 pandemic, ballots for the November 3rd General Election will be mailed *automatically* by October 5th to all active registered voters in New Jersey. All counties must mail ballots on or before October 5<sup>th</sup>. Registered New Jersey voters do not need to request a ballot.

If a resident does not receive a ballot automatically, they can request a mail-in ballot from the County Clerk until October 23, 2020.

The voter must complete their ballot (with assistance, if needed) and return it in the official pre-paid carrier envelope. Before completing the ballot, the voter must read the instructions carefully. Failure to properly complete the ballot or the certification, or to seal the inner and outer envelopes can cause the ballot to be rejected. Finally, the signature on the ballot must match the signature on the registration form. If a voter fears that their signature has changed over time, they should fill out a new registration form and update their signature.

Please be advised that if the county Board of Elections determines that the signature on the certificate does not match that in the voter's record, the voter will be afforded an opportunity to cure the signature discrepancy. The voter will be notified of the discrepancy and provided a form to complete and return within two day of the certification of the election. The certification of the November 3, 2020 General Election is scheduled for November 20, 2020. If a voter receives a letter to cure their missing or mismatched signature, the voter must complete, sign, date and timely return the cure form for their ballot to be counted.

### *Help Filling out Mail-In Ballots*

Residents can ask anyone to help them fill out their ballot, including staff, family, or friends. If they prefer a family member or friend to help them, this can be done during approved outdoor visits or during indoor Essential Caregiver or Compassionate Care visits or any other visits that are approved by the facility as a result of the most recent DOH Executive Directive No. 20-026 on reopening.

The NJ Department of Health has stated that long-term care facilities cannot restrict family members from assisting residents to fill out voter forms (including registration forms and

ballots) during any visits that have been approved as a result of the most recent DOH Executive Directive No. 20-026 that addresses reopening. Facilities should do everything possible to allow residents to seek assistance from persons of their choice to exercise their right to vote.

Any person providing assistance to a voter is an assistor and must complete the assistor portion on the certificate attached to the inner envelope in which the voter's ballot will be sealed. Please be advised that in no event may a candidate for election provide assistance, nor may any person at the time of providing such assistance campaign or electioneer on behalf of any candidate. There is no limit to the number of times one can serve as an assistor. Finally, please be advised that no one, other than the voter, can sign the certificate attached to the inner envelope for the voter. The voter must sign the certificate attached to the inner envelope as the voter casting the ballot.

### *How and When to Submit a Mail-In Ballot*

Because of the dangers of COVID-19, the Long-Term Care Ombudsman strongly recommends that residents vote by mail and return the ballot via the facility's regular mail process. Ballots sent through the mail must be postmarked by Nov. 3 and received by the county election board within a week of Election Day (November 10<sup>th</sup>). We recommend that residents fill out and return their ballots as soon as possible to avoid any mail delay problems.

Ballots can also be dropped in secure elections drop boxes (there will be at least 10 per county) or taken to polling stations on Election Day. However, please know that for these alternative delivery methods, if a voter wants another person (a "bearer") to deliver their ballot for them, the bearer can carry no more than 3 ballots per election and must complete, in the voter's presence, the bearer portion on the envelope of the voter's ballot. For facilities handling ballots for multiple voters, using the facility's regular mail system will avoid this limitation on bearers.

## **Voting In Person**

Please be aware that the in-person voting experience will not be as it has been in the past. Only people with disabilities who are unable to fill out a paper provisional ballot will be able to vote via an ADA accessible voting machine at polling stations. All other persons must fill out a paper provisional ballot.

If a resident who is **COVID-19 negative, asymptomatic or COVID-19 recovered** receives a mail-in ballot but still prefers to vote in person, they may do so at a polling place via a paper provisional ballot. The NJ Department of Health has stated that long-term care facilities should not require voters to quarantine simply because they leave the facility to vote in person; instead, quarantining a resident will be dependent on the resident's exposure while out of the building.

There will be at least one in-person polling location in each of New Jersey's 565 municipalities. Residents can look up designated polling locations here: <https://nj.gov/state/elections/vote-polling-location.shtml>.

## Important 2020 Dates

<b>Oct. 5</b>	Mail-In Ballots sent to all NJ registered voters
<b>Oct. 13</b>	Voter registration deadline (online or postmarked paper form)
<b>Oct. 23</b>	Last day to request a Mail-in Ballot <u>by mail</u> if you did not receive one
<b>Nov. 3</b>	Election Day
<b>Nov. 10</b>	Last day for Board of Election to receive ballots postmarked by Nov. 3
<b>Nov. 20</b>	Certification of the results

## Voter Identification

If a resident has voted in New Jersey before, they do not need to show ID. If you are voting for the first time and did not submit ID with your registration, you will be asked to provide it.

Types of acceptable ID include:

- NJ driver's license, with or without a photo;
- Military or other government ID;
- Student ID;
- Employee ID;
- Store membership card;
- US passport; OR
- Bank statement, car registration, government check or document, rent receipt, sample ballot, utility bill, or any other official document.

## Mental Capacity and Voting

Unless there is a court order that explicitly strips a resident of their right to vote, they should be presumed capable of voting. Even many people who have guardians in New Jersey have not been stripped of this right.

A diagnosis of dementia does not take away a person's right to vote. A power of attorney may not vote the individual's ballot. Only a voter can decide their vote. The voter must decide their own vote and sign the certificate attached to the inner envelope in which the ballot is to be sealed. A power of attorney may not sign the certificate attached to the inner envelope for the voter.

Further, facilities should not administer competency tests to determine whether residents with diminished capacity are "allowed" to vote. **If a person can express a choice, they can vote.** Please remember that many of us have different reasons for our voting choices. Residents are no different. Even something as simple as "I want to vote for the woman candidate" (where there is only one) or "I always vote Republican and want to vote that way" are clear, valid choices. Again, if a resident can express a choice, they can vote.

Bottom line: **Long-term care facilities should not put up barriers to voting, but instead should provide support and assistance to help as many residents as possible to vote.**

## Tips for Long-Term Care Facilities

**Planning and communication will ensure residents have access to voting.**

### Things to Consider



#### DESIGNATE STAFF FOR VOTING

- Identify staff to help residents exercise their right to vote. Activity directors, social workers, van drivers, managers, administrators and others can all help residents exercise their right to vote.



#### COMMUNICATE

- Get your residents excited about voting in 2020!
- Talk to residents about their voting options and how the facility can help.
- Inform families how the facility will manage and assist with voting.



#### ASSESS RESIDENT NEEDS

- Identify residents who are not registered.
- Identify and help residents who need ID.
- Find out which residents need help with registration or ballots.
- Figure out which residents have family support to fill out ballots and which do not.
- Determine which residents wish to vote in person.



#### SCHEDULE

- Put important voting dates and deadlines on the calendar now.



#### TRANSPORTATION TO THE POLLS

- Plan this well in advance and train facility staff as needed.
- Ensure that drivers of transport vehicles (e.g., buses, vans) practice all safety actions and protocols as indicated for other staff (e.g., hand hygiene, masks).
- Reduce capacity of vehicle to allow for social distancing (i.e. one person seated per row, skipping a row between).

- Onboard back to front and exit front to back.
- Open windows if possible to increase circulation of outdoor air, but not if doing so might pose a safety or health risk.
- Clean and disinfect vehicle between trips if taking multiple trips in a day. To clean and disinfect buses or other transport vehicles, follow CDC guidance for [bus transit operators](#).

*\*This guidance was created in consultation with the NJ Department of Health, NJ Division of Elections, and Disability Rights NJ.*

