



RE: Voting and COVID

During these very difficult times, the Alliance for Better Long Term Care, the designated Office of the Rhode Island State Long Term Care Ombudsman Program and Disability Rights Rhode Island, Rhode Island's Protection and Advocacy agency for people with disabilities **urge you to protect and support the voting rights of the residents you serve.** Board of Elections procedures for voting in nursing homes, assisted living facilities and hospitals have been modified due to COVID. If staff at your facility have not yet been in contact with the Board of Elections to prepare for the coming election season, please do so immediately by reaching out to Jennifer Regan of the Board of Elections.

Residents may vote if they are registered to vote, want to vote and can make choices about how to vote. They have a right to assistance and may need help to complete the registration form, the application for a mail ballot, or the ballot. Unless a court has specifically determined that they lack the capacity to vote, if they meet the registration requirements, your residents have the right to vote. **We are jointly promoting that you offer all residents the opportunity to vote unless a court has specifically determined that they lack the capacity to vote.** We recognize that questions may arise regarding some residents' capacity to vote, particularly if they have a legal guardian, or have cognitive limitations due to Alzheimer's disease, another dementia, or another disability. However, the right to vote is a fundamental right protected by the Constitution. Therefore, the right to vote cannot be taken away except by a court that specifically finds after notice and hearing that the individual lacks the capacity to vote. Absent such a court order, all residents who meet the registration requirements have the right to vote and should be offered the opportunity to vote.

You and the residents may call Disability Rights RI (DRRI) with disability-related questions about voting rights. DRRI maintains a Voting Rights Hotline during business hours and when the polls are open. Contact Jennifer Regan of the Board of Elections at 401-222-2345 or email at Jennifer.Regan@elections.ri.gov to ensure that you are prepared to facilitate voting for your residents.

Sincerely,

Kate Bowden, Disability Rights RI
Tel:401-831-3150

Lorrena Nardi
Alliance for Better Long Term Care
Office of the Rhode Island State Long Term Care Ombudsman
Tel: 401-785-3340

August 2020