

COLLABORATION TO SUPPORT RESIDENTS' RIGHT TO VOTE

People receiving long-term services and supports retain their voting rights no matter where they live or what type of care they receive. Unfortunately, despite these rights, citizens living in long-term care facilities are often not supported in exercising their right to vote. Residents in long-term care facilities have a harder time accessing voting locations due to mobility, health, and other challenges. 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.

How can Ombudsman programs and Protection & Advocacy agencies (P&As) work together in their state to help promote and support residents' right to participate in the political process?

Individual Advocacy

One of the top priorities for the P&A program is to ensure individuals with disabilities participate in and have access to the electoral process. The Protection & Advocacy for Voting Accessibility (PAVA) program was established in 2003 as part of the Help America Vote Act (HAVA) of 2002. Under this program, P&As have a mandate to help ensure that individuals with disabilities participate in the electoral process through voter education, training of poll officials, registration drives, and polling place accessibility surveys.¹ The PAVA program plays a crucial role to "ensure the full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote and accessing polling places."²

Ombudsman programs frequently share information with residents, facility staff, family members, and others regarding residents' right to vote. For example, the [2016 Residents' Rights Month](#) (RRM) theme was "My Vote Matters" and Ombudsman programs across the country promoted residents' right to vote, provided training and information about residents' rights and the voting process, and participated in local and state RRM activities. However, if an Ombudsman program representative is asked to provide direct assistance to residents with their ballot, the program needs to be careful of unintended consequences and maintain the role of the ombudsman program. The role of the Ombudsman program is to provide advocacy and information to empower residents to obtain the necessary services and supports to vote. Such as, providing information on how to update their address, register to vote, access transportation, or obtain a mail-in ballot. As with any unmet need a resident has the Ombudsman program's role is to ensure that the facility or other services are provided to help the resident, not to provide direct services for the resident.

Systems Advocacy

As part of systemic advocacy related to voting, Ombudsman programs may collaborate with P&A to educate, train, and empower residents to exercise their right to vote. The distinct roles of the Ombudsman program and P&As may vary on how direct assistance or advocacy on behalf of a resident is handled. For example, the Ombudsman program may advocate that others (family, friends, and facility staff) provide the necessary assistance to residents in the voting process while the P&A staff may directly assist individuals in their efforts to participate in voting.

¹ P&A agencies may not use PAVA program funds for litigation. There is no such restriction in any of the other P&A programs.

<http://www.ndrn.org/en/about/paacap-network.html>

² <http://www.ndrn.org/en/public-policy/voting.html>

Examples of opportunities for collaboration include:

- Providing joint training and organized events to assist people in the process of registering to vote or update their address if they are already registered. Many Secretary of State Offices offer the voter registration training.
- Training poll workers on the accommodations to be offered to assist people with disabilities in voting.
- Informing long-term care facility residents, families, and staff of the voting rights of people with intellectual disabilities or cognitive diagnoses. This information is important in order to address the common misconception that individuals with these types of disability are not eligible to vote.
- Educating people with intellectual disabilities or cognitive diagnoses about the voting ballot. The American Bar Association has in-depth materials and state examples.³

STATE EXAMPLES

Alaska

The Alaska Long-Term Care Ombudsman Program partnered with AARP, League of Women Voters, Disability Law Center (P&A), and the Alaska Division of Elections to share information about residents' rights and voting and provide opportunities to residents living in long-term care facilities to participate in the election process. Through this partnership two consumer education brochures were developed, individuals were trained to assist residents with registering to vote, registration events were held in six facilities, and some facilities have incorporated voter registration into their intake process. Additionally, the State Ombudsman sent the brochures and a letter regarding residents' right to vote and how facility staff can and cannot assist them with registering to vote and completing a mail-in ballot to all nursing homes and assisted living facilities in the state.⁴

South Carolina

The South Carolina State Ombudsman participated in the Protection and Advocacy (P&A) Voting Coalition and the coalition produced a series of videos about voting. The videos, developed by [SC Protection and Advocacy](#) and The South Carolina Disability Voting Coalition, address how to register to vote, the different ways a person with a disability can vote, and accessibility challenges that may exist at polling places.

- Registration: <https://vimeo.com/158411946/cd39097244>
- Ways to Vote: <https://vimeo.com/158471063/78677a7ddc>
- Accessibility Issues: <https://vimeo.com/158440380/6f470dc4f5>

RESOURCES

Note: This resource is part of series of materials regarding Ombudsman program and P&A collaboration, visit the NORC [website](#) for additional information on this topic.

Administration on Intellectual and Developmental Disabilities (AIDD) - State Protection and Advocacy Systems- Help America Vote Act (HAVA)

<http://www.acl.gov/programs/aidd/Programs/HelpAmericaVoteAct/index.aspx>

Administration for Community Living, Administration on Aging- Long-Term Care Ombudsman Program

http://www.aoa.gov/AoA_programs/Elder_Rights/Ombudsman/index.aspx

³http://www.americanbar.org/content/dam/aba/administrative/law_aging/voting_summ_prom_pracs.authcheckdam.pdf

⁴ The materials developed by the Alaska Long-Term Care Ombudsman Program in partnership with AARP, League of Women Voters, Disability Law Center (P&A), and the Alaska Division of Elections are available here:

http://ltcombudsman.org/omb_support/pm/collaboration/ltcop-protection-and-advocacy-agencies-collaboration-toolkit

National Disability Rights Network- P&A/CAP Network- Voting
<http://www.ndrn.org/en/public-policy/voting.html>

National Consumer Voice for Quality Long-Term Care- www.theconsumervoice.org

- Residents' Rights Month
<http://theconsumervoice.org/events/residents-rights-month-2016>
- Voting Rights Issue Page
<http://theconsumervoice.org/issues/other-issues-and-resources/voting-rights>

National Long-Term Care Ombudsman Resource Center- Voting Issue Page
<http://ltombudsman.org/issues/voting>

American Bar Association- Summary of Voting Promising Practices, Resources, and Contact Information
http://www.americanbar.org/content/dam/aba/administrative/law_aging/voting_summ_prom_pracs.authcheckdam.pdf

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