



## Fact Sheet for Voters in Long-Term Care Facilities Issued 8/2022; Updated 9/2024

The Pennsylvania Department of State offers the following information to support long-term care facilities in providing options and considerations for residents to exercise their right to vote.

Long-term care facilities include skilled nursing facilities licensed by the Department of Health; and personal care homes, assisted living residences, and intermediate care facilities.

All long-term care facilities should continue to follow applicable federal and state guidance regarding voting rights and refer to the memorandum issued by the Centers for Medicare and Medicaid Services ([CMS QS-21- 02-NH Compliance with Residents' Rights Requirement related to Nursing Home Residents' Right to Vote](#)) regarding the voting rights of patients in nursing homes.

### I. Alternatives to Voting in Person on Election Day

#### A. Voting by Mail

All registered Pennsylvania voters can apply for a mail-in or absentee ballot by going online to [vote.pa.gov/ApplyMailBallot](https://vote.pa.gov/ApplyMailBallot) or by completing a paper form, which is available for download at <https://www.pa.gov/en/agencies/vote/resources/forms-and-documents.html>.

#### 1. Deadlines

The deadline to apply for a mail-in or absentee ballot is **5 p.m. on the Tuesday before Election Day**.

Ballots must be received by the county board of elections by **8 p.m. on Election Day**. Mail ballots postmarked by that time but received after 8 p.m. on Election Day do not count.

#### 2. Voting and Returning Ballots

The Department of State urges voters who plan to vote by mail to apply for their ballot as soon as possible, then complete their ballot as soon as they receive them and return them immediately.

It is also extremely important to follow the instructions for voting and returning ballots. Voters must follow these steps to ensure their ballots are counted:

- **Mark your ballot.** Be sure to complete both sides of the ballot, if applicable. Follow the instructions that come with your ballot.



- Place your completed ballot in the **yellow secrecy envelope** and seal it.
- Place the sealed yellow secrecy envelope in the **pre-addressed outer return envelope** and seal it.
- **Sign and write the current date** on the pre-addressed outer return envelope.



*Instructions to make your ballot count*

- **Return your ballot by 8 p.m. on Election Day** so it can be counted.
  - If you are dropping off your ballot in person, check your county elections website for times and locations.
  - If you are mailing your ballot, affix proper postage and send your ballot as soon as you can after you complete it.
  - Voters who do not require assistance should return their own ballot. For voters who need assistance returning their ballot, see Section C below.

You can also find information at [vote.pa.gov/ReturnBallot](https://vote.pa.gov/ReturnBallot) and [vote.pa.gov/MailBallot](https://vote.pa.gov/MailBallot).

## **B. Voting On-Demand by Mail-in or Absentee Ballot**

All registered Pennsylvania voters also have the option to complete the application process and vote by mail-in ballot in one visit to their county elections office or satellite elections offices designated by the county board of elections. Absentee voters may also use this option.

To use this option, voters can either take a completed ballot application with them to their county elections office and turn it in, or they can request an application to be filled out at the elections office once they arrive. The elections office will then issue the voter a mail-in or absentee ballot that the voter can complete and return that day. The office will secure the voter's completed ballot until the time that the ballot can be reviewed, opened, and tabulated.

All applications for voting by mail-in or absentee ballot, including applications submitted in-person for on-demand voting, must be submitted by 5 p.m. on the Tuesday one week before Election Day. After that deadline, counties may not process new applications, but



may accept return of mail-in and absentee ballots at designated locations up until 8p.m. on election day.

Find the location of your county elections office at [vote.pa.gov/County](https://vote.pa.gov/County). You can learn more about over-the-counter voting at [vote.pa.gov/MailBallot](https://vote.pa.gov/MailBallot).

Long-term care facilities that plan to take a group of voters for on-demand voting should contact their county elections office to determine the best days and times for such a visit.

### **C. Assistance with Voting by Absentee or Mail-In Ballot**

Federal laws, including the National Voting Rights Act and the Americans with Disabilities Act, protect the rights of individuals with disabilities or other potential impediments to voting to participate in the electoral process on an equal basis.

Under these laws, certain voters may designate another person, known as a “designated agent,” to assist them in voting. Specifically, a voter may authorize a designated agent to assist them with voting if the voter:

- (1) is blind;
- (2) has a disability, including one defined by the Americans with Disabilities Act, i.e., a physical or mental impairment that substantially limits one or more major life activities;
- (3) is unable to read or write; or
- (4) requires an interpreter.

Guidance from the Civil Rights Division of the U.S. Department of Justice explains the rights of voters with disabilities to assistance in the voting process:

Voters with disabilities may receive assistance in all aspects of the voting process, including in requesting, completing, and returning a ballot, whether in person, absentee, or by mail-in ballot. For example, if a voter with a disability requires assistance to mark a ballot, the voter must be allowed to receive assistance from the person of their choosing and is not limited to assistance from an election worker. And a voter who needs assistance in placing their ballot in a mailbox or drop box because of disability must be able to receive assistance from a person of their choosing.<sup>1</sup>

Consistent with this guidance, **a designated agent may assist the voter with all aspects of voting, including submitting an application for an absentee or mail-in**

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<sup>1</sup> The Americans with Disabilities Act and Other Federal Laws Protecting the Rights of Voters with Disabilities, updated Apr. 18, 2024, <https://www.ada.gov/resources/protecting-voter-rights/#rights-to-assistance-in-the-voting-process> (“Justice Department Guidance”).



**ballot; returning an absentee or mail-in ballot on the voter’s behalf; and providing any other help needed with voting.**

A designated agent may be any individual of the voter’s choosing “other than the voter’s employer or agent of that employer or officer or agent of the voter’s union.”<sup>2</sup> These rights extend to “qualified voters with a disability who reside in congregate settings such as nursing homes.”<sup>3</sup>

In addition, “[t]he ADA also prohibits state and local governments from intimidating or coercing voters with disabilities (or people who aid them) in exercising their rights under the ADA.”<sup>4</sup>

If you require assistance in voting from a designated agent, you and your designated agent should fill out the Designated Agent form. The form is available for download [here](#) and on [vote.pa.gov](http://vote.pa.gov). Both the voter and their designated agent must sign (or mark) the form. Voters should make and keep a copy of the form (a photo is acceptable) and give the original form to their designated agent. **The designated agent must have the completed form with them when they pick up or return the ballot or other voting materials. Do not put the form inside the yellow secrecy envelope with your ballot.**

Voters with disabilities have the right to designate an agent of their choice, and long-term care administrators and staff must permit disabled residents to designate a willing agent of their selection.

As an alternative to residents’ using designated agents to return voted ballots, a long-term care facility may arrange for residents to deliver their ballots to a United States Postal Service mailbox, their county elections office, or another drop-off location designated by the county board of elections.

#### **D. Voting by Mail – Additional Accommodations for Accessible Voting**

Additional accommodations for individuals with permanent disabilities include the following:

- alternative ballots,
- a permanent absentee ballot mailing list, and

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<sup>2</sup> 52 U.S.C. § 10508. If the voter has a disability as defined by the Americans with Disabilities Act, the prohibition on using the voter’s employer or agent of the voter’s employer or officer or agent of the voter’s union does not apply. See Justice Department Guidance (“For example, if a voter with a disability requires assistance to mark a ballot, the voter must be allowed to receive assistance from the person of their choosing and is not limited to assistance from an election worker. And a voter who needs assistance in placing their ballot in a mailbox or drop box because of disability must be able to receive assistance from a person of their choosing.”).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*



- access to an electronic ballot-marking tool.

For additional information regarding these options, please see the Department’s website at <https://www.pa.gov/en/agencies/vote/voter-support/accessible-voting.html>.

## II. Voting In Person on Election Day

In addition to the options outlined above, voters always have the option to vote in person at their assigned polling place between 7 a.m. and 8 p.m. on Election Day. Voters can use the online lookup tool at [vote.pa.gov/Polls](https://vote.pa.gov/Polls) to find their assigned polling place. In addition to displaying polling place addresses, the lookup tool identifies whether the polling place is accessible.

As with absentee and mail-in voting, a voter is entitled to receive assistance at their polling place if the voter:

- (1) is blind;
- (2) has a disability, including one defined by the Americans with Disabilities Act, i.e., a physical or mental impairment that substantially limits one or more major life activities;
- (3) is unable to read or write; or
- (4) requires an interpreter.

Voters who need assistance voting in person on Election Day will either have an indication in the poll book that they are entitled to assistance, or they will be asked to sign a Declaration of Need of Assistance before the Judge of Elections.

Voters who are entitled to assistance may receive help completing their ballots from any person of their choosing except for “the judge of election, the elector’s employer or an agent of the employer or an officer or agent of the elector’s union.”<sup>5</sup>

Section 203 of the federal Voting Rights Act requires certain counties to provide language assistance to voters with limited English proficiency. Berks, Lehigh, and Philadelphia counties must provide voting materials and assistance in Spanish. Philadelphia County is also required to provide voting materials and assistance in Chinese.

## III. Voting by Emergency Absentee Ballot

Voters in Pennsylvania can request an emergency absentee ballot in emergency situations, such as unexpected illness, disability, or last-minute absence from the municipality. You can submit this request beginning after 5 p.m. on the Tuesday before the election through 8 p.m. on Election Day.

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<sup>5</sup> 25 P.S. § 3058(b). Again, if the voter has a disability as defined by the Americans with Disabilities Act, the prohibition on using the voter’s employer or agent of the voter’s employer or officer or agent of the voter’s union does not apply.



Voters can request an emergency absentee ballot here:

[https://www.pa.gov/content/dam/copapwp-pagov/en/vote/resources/documents-and-forms/PADOS\\_EmergencyAbsenteeBallotApplication\\_English.pdf](https://www.pa.gov/content/dam/copapwp-pagov/en/vote/resources/documents-and-forms/PADOS_EmergencyAbsenteeBallotApplication_English.pdf)

Voters may also designate an Authorized Representative to pick up and/or return their emergency absentee ballot. The form is here: [https://www.pa.gov/content/dam/copapwp-pagov/en/vote/resources/documents-and-forms/PADOS\\_AuthorizeRepresentativeforEmergencyAbsenteeBallot.pdf](https://www.pa.gov/content/dam/copapwp-pagov/en/vote/resources/documents-and-forms/PADOS_AuthorizeRepresentativeforEmergencyAbsenteeBallot.pdf)