



Date: October 10, 2017

To: Nursing Facilities and Assisted Living Facilities

Subject: Provider Letter 17-31 – Early Voting in Nursing Facilities and Assisted Living Facilities

A new temporary law related to early voting in a nursing facility (NF) or assisted living facility (ALF), went into effect September 1, 2017. New Texas Elections Code, Chapter 107, provides a method for individuals in a NF or ALF who submit an application to vote early by mail to have blank ballots hand delivered to them at the facility. Completed ballots are returned to the early voting clerk by election judges. This new process applies to NFs and ALFs with 11 or more beds and at least five residents who are registered to vote.

Local election officials will contact facility administrators and managers whose facilities must participate in early voting to determine when the election judges may hand deliver ballots to the residents who requested them. While present at the NF or ALF delivering ballots, the election judges may make available balloting materials for voting by mail to any resident who is registered to vote.

The law, at Texas Elections Code §107.006, requires NFs and ALFs to set aside common space for the election officials to set up as a voting area. The space must be accessible and allow residents to cast a secret ballot. A facility must also allow posting of required notices by the election judges during the period that voting is conducted at the facility. Election judges will be authorized to enter into the private room of a resident to deliver a ballot if requested by the resident. Additionally, while election judges are carrying out the early voting process, administrators and managers should be careful to ensure that early voting at the facility does not infringe on resident rights related to privacy, visitation, etc.

New Chapter 107, Texas Election Code, was added by House Bill (HB) 658, 85<sup>th</sup> Legislature, 2017 but repealed by Senate Bill (SB) 5, 85<sup>th</sup> Legislature, First Called Session, 2017. While Chapter 107 became effective on September 1, 2017 per HB 658, the chapter will be repealed

Provider Letter No. 17-31

October 10, 2017

2

December 1, 2017 per SB 5. However, Chapter 107 will be in effect for the November 7, 2017 election and any other election that takes place between September 1, 2017 and November 30, 2017. Texas Health and Safety Code §§242.0181 and 247.008 require NFs and ALFs to comply with Chapter 107 for the period of time it is effective.

If you have any questions about the early voting process that went into effect on September 1 or what to expect for your facility, you can email [elections@sos.texas.gov](mailto:elections@sos.texas.gov) or you can call 1-800-252-VOTE (8683).

If you have any questions about this letter, please contact a policy specialist in the Policy, Rules and Training section at (512) 438-3161.

Sincerely,

*[signature on file]*

Mary T. Henderson  
Associate Commissioner  
Long-term Care Regulatory

MTH:cg