

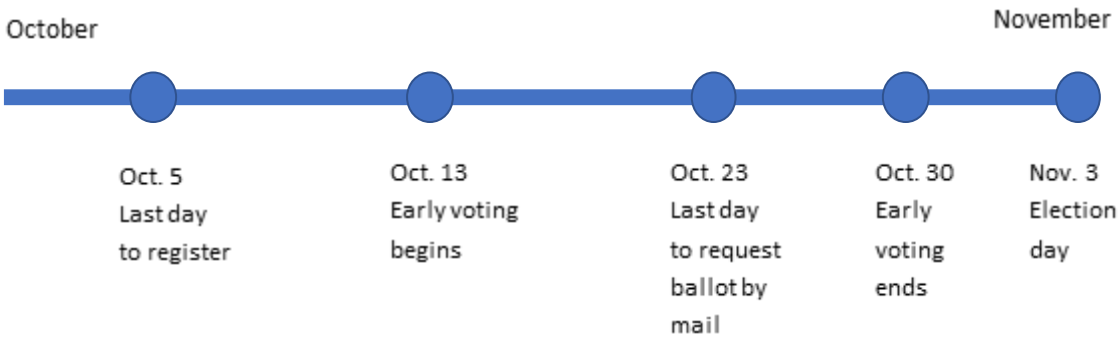


Voting Information for Residents and Long-Term Care Facilities

Office of the State Long-Term Care Ombudsman, Issued September 15, 2020

This resource is based on information from the Texas Secretary of State’s website at <https://www.sos.state.tx.us/>. Ask questions about this document to the Office of the State Long-Term Care Ombudsman at ltc.ombudsman@hhsc.state.tx.us or 1-800-252-2412.

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Right to Vote

Living in a nursing facility or assisted living facility does not take away a resident's right to vote. Nursing and assisted living facility staff should help residents exercise their right to vote. During the pandemic and 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 resident and families.**

Voting Eligibility

A person is eligible to vote 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;
- has not been finally convicted of a felony, or if a convicted felon, you must have fully discharged your punishment, including any incarceration, parole, supervision, period of probation or be pardoned; and
- has not been declared mentally incompetent by final judgment of *a court of law*.

A diagnosis of dementia does not take away a person's right to vote. A power of attorney does not decide whether a person can vote. And, only a voter can decide their vote.

Registering to Vote

How to Find Out If a Resident Is Registered

Residents can check if they are registered to vote at: <https://votetexas.gov/>.

Where to Find a Voter Registration Form

If a person is not registered to vote, he or she can find the voter registration form at <https://webservices.sos.state.tx.us/vrapp/index.asp> and print and hand deliver, mail, or fax to the voter registrar in the person's county of residence. A list of voter registration officials by county can be found here: <https://www.sos.state.tx.us/elections/voter/votregduties.shtml>.

Address Used to Register

A resident should register to vote at the address they consider 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. The address on the voter's identification does not have to match the voter's registration address.

Who Can Help

Anyone can assist a resident in completing a voter registration application. However, there are restrictions on who can help the resident sign the application as a witness. A person signing as a witness can only be used if the applicant is unable to do so because of a physical disability or illiteracy. There is

no limit on how many voter registration applications a person can serve as a witness on, if the witness information on the application is completed each time. Both witnessing and assisting must be conducted **in the presence** of the voter.

Requesting a Ballot to Vote by Mail

Who Is Eligible

A person is eligible to vote by mail in Texas, if the person:

- is 65 years or older;
- disabled;
- out of the county on election day and during the period for early voting by personal appearance;
or
- confined in jail, but otherwise eligible.

How to Request

To apply to vote by mail, a resident can download the application form at <https://webservices.sos.state.tx.us/forms/5-15f.pdf> or request an application to vote by mail be mailed to the voter at <https://webservices.sos.state.tx.us/vrrequest/bbm.asp>.

To apply to vote by mail, the applicant must do one of the following:

- add postage and **mail** the completed application to vote by mail to the Early Voting Clerk in the county in which they will vote;
 - **hand deliver** the application to the Early Voting Clerk;
 - Only the applicant can hand deliver the application.
 - **fax** the application if a fax machine is available in the Early Voting Clerk's office;
 - If the application is faxed, a hard copy of the application must be mailed and received by the Early Voting Clerk no later than the 4th business day from when it was faxed.
- or
- **email** a scanned copy of the application to the Early Voting Clerk.
 - If the application is emailed, then a hard copy of the application must be mailed and received by the Early Voting Clerk no later than the 4th business day from when it was emailed.

Find the mailing address and, if available, fax and email addresses for the Early Voting Clerk here:

<https://www.sos.texas.gov/elections/voter/county.shtml>. The Early Voting Clerk is the County Clerk or Elections Administrator for a county.

Helping a Resident to Request a Ballot to Vote by Mail

There is a difference between who can assist a resident complete an application for a ballot by mail and who can help a resident sign the application as a witness, if the resident is unable to sign. Both assisting and witnessing must happen **in the presence** of the voter.

Assistance Completing the Application

A person may assist the voter in completing the application to vote by mail. There is no limit on the number of ballot by mail applications a person can assist with, if the assistant includes the required information on the application each time.

Witnessing If a Resident Is Unable to Sign the Application

There is a limit to who can help the voter sign the application as a witness. A person signing as a witness can only be used if the applicant is unable to do so because of a physical disability or illiteracy. A person can only act as a witness for one applicant per election unless the witness is:

- an Early Voting Clerk or deputy Early Voting Clerk; or
- related to the applicant as a parent, grandparent, spouse, child, or sibling.

Deadline to Request a Ballot to Vote by Mail

The deadline to request a ballot by mail is Friday, October 23, 2020.

Voting by Mail

If the application is accepted, the voter will receive balloting materials in the mail. The voter must mark their ballot and return the ballot in the official Carrier envelope to the Early Voting Clerk's office.

Helping a Resident Complete and Submit a Ballot by Mail

Assistance Completing the Ballot

A resident is eligible to receive assistance in completing the ballot if the resident has a physical disability that renders the resident unable to write or see the ballot or an inability to read the language in which the ballot is written. Proof of disability or illiteracy is not required. Any person that the resident chooses can assist the voter except the voter's employer, an agent of their employer, or an officer or agent of the voter's union.

Assistance completing the ballot by mail is limited to what is allowed at the polling place, which is:

- reading the ballot to the voter;
- directing the voter to read the ballot;
- marking the voter's ballot as directed by the voter;
- directing the voter to mark the ballot; and
- serving as an interpreter.

The assistant may help the voter mail in their ballot but *only* the voter can hand deliver their ballot to the clerk on election day.

Witnessing If a Resident Is Unable to Sign

A person signing as a witness can only be used if the resident is unable to sign because of a physical disability or illiteracy. A person can serve as a witness on any number of ballots, if the witness information is completed each time. This is different from the application to vote by mail, where a person can only witness one application per election.

Deadline to Be Counted

For most people voting by mail, Texas counties must receive completed ballots by Election Day. If they are postmarked by 7 p.m. on election day, they will be counted if they come in by 5 p.m. the day after election day.

Voting in Person

All polling places should be in a building that meets ADA requirements and has accessible voting system equipment.

Who Can Get Assistance?

Any voter who is physically unable to mark the ballot, who cannot read the languages on the ballot, or who cannot speak English, or communicates only with sign language, and wants assistance in communicating with election officials is eligible for assistance.

Assisting a Resident to Vote

Any person that the resident chooses can assist the voter except the voter's employer, an agent of their employer, or an officer or agent of the voter's union. Election workers may also assist a voter.

Curbside Voting

If a voter is unable to enter a polling place without assistance or likelihood of injury, the voter may be assisted *curbside*. One election official may deliver a ballot to a voter at the entrance of the polling place. Calling ahead to let the polling location know of a request for curbside voting is recommended.

Early Voting

Texas voters can also vote before Election Day. The early voting period runs from Tuesday, October 13, 2020 to Friday, October 30, 2020, but dates and hours may vary based on where you live. Curbside voting is also available during the early voting period.

Important 2020 Dates

Oct. 5 – Last day to register to vote

Oct. 13 – Early voting begins

Oct. 23 – Last day to apply for a ballot by mail (received, not postmarked)

Oct. 30 – Last day to early vote

Nov. 3 – Election day (votes by mail must be postmarked by 7 p.m.)

Voting Identification

To vote, a voter must show proper identification. An election officer may not refuse to accept a voter's documentation if the address on the identification does not match the voter's registration.

Acceptable Identification

In Texas, there are seven types of acceptable identification:

- Texas Driver License issued by the Texas Department of Public Safety (DPS);
- Texas Personal Identification Card issued by DPS;
- Texas Election Identification Certificate issued by DPS;
- Texas Handgun License issued by DPS;
- United States Military Identification Card containing the person's photograph;
- United States Citizenship Certificate containing the person's photograph; or
- United States Passport (book or card).

Getting an Election Identification Certificate

Election Identification Certificates are available from DPS driver license offices during regular business hours.

Find locations here: <https://www.votetexas.gov/mobile/eic/index.htm>.

Reasonable Impediment Identification Option

If a person does not have and cannot reasonably get one of the seven forms of identification, the person can fill out a declaration at the polls describing a *reasonable impediment* to obtaining it. After filling out the reasonable impediment declaration, the person can vote with a copy or original of one of the following supporting forms of identification:

- government document that shows a person's name and an address, including a voter registration certificate;
- current utility bill;
- bank statement;
- government check;
- paycheck; or
- U.S. birth certificate or a document confirming birth admissible in a court of law which establishes your identity (which may include a foreign birth document).

Tips for Long-Term Care Facilities

Planning and communication during the pandemic will ensure residents have access to voting.

Things to Consider



Which staff will 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.



What communication is needed for:

- residents about their voting options and how the facility can help?
- family members about the facility's procedures to help residents vote?



What are the needs and goals of each resident:

- How many residents want to vote but are not registered?
- Are there residents who need help getting identification?
- How many residents need assistance completing a voter registration form, applying to vote by mail, or ballot? Which facility staff will help?
- How many residents need someone to sign as a witness for them? Remember, to apply to vote by mail, a different person must act as a witness for each application. Which facility staff will help residents who need assistance signing?
- How many residents want to vote in person? Will the facility provide transportation?



What are the early voting dates in the facility's area? Which polling places are open for early voting? Call ahead to plan and request **curbside** voting. Planning with the polling location will make the process easier for everyone.



If driving residents to the polls, plan to minimize the risk of COVID-19 exposure

- Give residents PPE to wear.
- Transport residents with the same COVID-19 status together.
- Clean and disinfect vehicle surfaces. Train facility staff as needed.



Straight-party voting is no longer used in Texas. It may be helpful to inform residents that it is no longer an option.