

VOTING BILL OF RIGHTS

★★★ CARE FACILITY RESIDENTS ★★★

American Constitutional Rights Union | TheACRU.org

Voting is a cherished and precious right for all Americans — the American Constitutional Rights Union has been fighting for free and fair elections for decades. Now, we must turn our efforts to protect and preserve secure voting for care facility and group home residents.

Care facility residents face a host of voting challenges, often stemming from logistical hurdles. Often, due to living arrangements in assisted care facilities, residents must trust and rely on others for voting assistance. Sadly, these conditions create potential opportunities for fraud and absentee and mail-in ballot abuse.

We must do everything in our power to make sure the votes of care facility residents are protected and counted fairly. This Voter Bill of Rights outlines what citizens can and should expect from our election systems — an environment respecting their voting choices while making it easy to vote and hard to cheat.

I. THE RIGHT TO VOTE

The federal Voting Accessibility for the Elderly and Handicapped Act of 1984 (VAEHA) is designed to assure the fundamental right to vote by directing polling locations to provide access for elderly and handicapped voters.

II. THE RIGHT TO REGISTER TO VOTE

You also have the right to register to vote if you have changed your place of residence. Registration requirements vary by state and are found by calling your state, county or city election office. You may find your state's requirements or directly register to vote at <https://www.eac.gov/voters/register-and-vote-in-your-state>. To avoid fraudulent system abuse, we recommend contacting your previous voting jurisdiction to ensure you are removed from their voter rolls.

III. THE RIGHT TO CHALLENGE VOTE FRAUD

After every recent election, there have been reports of people taking advantage of seniors to commit vote fraud by changing votes, inputting false choices and other crimes. Vote fraud is often committed face-to-face by people who approach you to “assist” with filling out your ballot or “delivering” your ballot to a polling location. You should only rely on trusted and known individuals to assist you with voting, and you have the right to refuse assistance from anyone you do not know or trust.

IV. THE RIGHT TO PRIVACY

If any person is assisting you at your private home or residential facility with filling in your mail-in, absentee or in-person ballot, your choice is yours alone. It should not reflect the political preferences of the person assisting. You have the right to confirm your vote or ask assistance from another trusted friend or relative to make sure your choice is clearly marked.

Any person assisting you with transportation or accommodation at your home, residential facility or polling station has no right to ask you about your personal and private voting preferences or make a voting suggestion. Voting is confidential!

V. THE RIGHT TO REFUSE ASSISTANCE FROM UNKNOWN PERSONS

Many political operatives are active in neighborhoods or facilities with a large senior population and have been known to manipulate or change votes. Suppose a stranger approaches you with offers of voting assistance. In that case, you have a right to refuse such help and request that the operative or unknown person leave your property or residential unit.

VI. THE RIGHT TO AN ABSENTEE OR MAIL BALLOT

Although procedures for voting by mail or absentee ballots vary by state, every state must provide senior citizens with an absentee or mail-in ballot when requested. You can find this information by calling your state or local election office or online at <https://www.usa.gov/election-office>.

VII. THE RIGHT TO CONFIRMATION OF YOUR VOTE CHOICE

If you live in a senior residence, you may rely on staff or volunteers to assist you with filling out your absentee or mail-in ballot. Although it would reveal your vote, you have the right to ask for a third party (friend, relative, or staff member) to confirm your voting choice as marked is accurate.

VIII. THE RIGHT TO DEMAND VOTE ASSISTANCE TRAINING OF STAFF

You have a right to request your facility provide staff training on privacy, how to read a ballot to you, how to complete it, and how to ensure the integrity and privacy of your choice with any employee who might be called upon for such help. Staff must understand that they cannot influence or comment on your choice.

IX. THE RIGHT TO VOTING INFORMATION

The federal website www.USA.gov provides complete information about your polling station and requirements in its “Find My State or Local Election Office” tab. This information can be accessed directly here: <https://www.usa.gov/election-office>.

If you live in a residential facility, the National Long-Term Care Ombudsman Resource Center can provide information and resources to you by calling 202.332.2275 or online at <https://ltombudsman.org/issues/voting>.

X. THE RIGHT TO APPLY FOR PHOTO ID FROM YOUR STATE

Seniors who have given up a driving license have a right to receive a photo ID from their state. Presenting ID at polling stations helps to ensure no vote fraud will be committed in your name and affirms your right to vote in states requiring ID. Most states provide free photo ID to seniors; you or a trusted friend or relative can check with your state's motor vehicle department to determine procedures, required documentation and fees.

XI. THE RIGHT TO REQUEST ACCOMMODATION AT POLLING STATIONS

Federal law provides you with the right to ask your polling location for accommodation and alternate means of voting on election day if you have sensory or mobility issues. These accommodations include visual aids, telecommunication devices for the hearing impaired or wheelchair ramps, without a medical certificate being required.

XII. THE RIGHT TO MOVE TO THE HEAD OF THE LINE

If you are over 70 years old or physically disabled, federal law gives you the right to move to the front of the line at your polling location by making a request at check-in.

XIII. THE RIGHT TO VOTE EVEN IF YOUR POLLING LOCATION IS NOT ACCESSIBLE

Suppose your home polling location cannot provide adequate accommodation for your physical disability. In that case, that location must direct you to the nearest polling station that can accommodate your sensory or mobility restrictions or provide another means of voting for you on Election Day.

XIV. THE RIGHT TO CURBSIDE VOTING

Many states and local election locations provide drive-up voting to accommodate people who wish to vote in person but have mobility challenges. In this case, a designated curbside official will show you their credential then provide you with a paper or electronic ballot. Please call ahead or check the website of your state or local election officials to find out if this service is available to you.

XV. THE RIGHT TO EARLY VOTING

With shorter lines and fewer crowds, early voting is often a good option for seniors. As of December 2019, thirty-eight states and the District of Columbia permit early voting. Check with your state or local election office to see if your voting jurisdiction allows early voting.

XVI. THE RIGHT TO REDRESS IF NOT ACCOMMODATED ON ELECTION DAY

If you believe your rights to the accommodation have been violated, you can report this to your local election official. Be sure to notify your election official with specific detail, including time and place, within 45 days of the election violation.

XVII. THE RIGHT TO REQUEST CANDIDATE VISITS AT YOUR SENIOR RESIDENCE

Many candidates visit senior residences before elections. You have the right to request your residence manager invite candidates of all parties to visit your residence, hear your concerns, and explain their policy positions.

XVIII. THE RIGHT TO REQUEST ASSISTANCE

Many procedures and requirements for absentee or mail ballots and in-person voting accommodations can be found online on state and local voting information websites, as well as local political party pages. As not all seniors have easy access to the Internet, you have the right to ask for help from family members and friends or trusted residential staff. Learning about voting rights is a great civics lesson for young citizens.

XIX. THE RIGHT TO DEMAND YOUR VOTING RIGHTS

You've earned it! If you feel your rights are being violated on election day, speak up for those rights or ask for assistance from a relative or trusted friend to ensure you can trust the integrity of your voting choice and be provided full federally-protected sensory or physical accommodation.

XX. THE RIGHT TO MARK ELECTION DAY ON YOUR CALENDAR

If you prefer to vote absentee, we recommend requesting your ballot no later than two months before election day. Don't miss your chance to have your voice heard in the political process.

XXI. THE RIGHT TO BE PROUD OF YOUR VOTE

America celebrates and treasures its senior voters who have left an indelible mark on our strength and patriotic culture. We thank you for your leadership and life-long demonstration of exemplary citizenship.