



## FLORIDA VOTING ASSISTANCE GUIDANCE

### Who is allowed to cast an absentee ballot?

Any Florida voter is permitted to request a vote-by-mail ballot, or have their legal guardian or member of their immediate family submit such a request “*if directly instructed by the voter.*” Fla. Stat. § 101.62(1)(a) (emphasis added). In other words, *only* immediate family members and legal guardians are authorized to submit absentee ballot requests for another person and *only* if they are expressly asked to do so. Fla. Stat. § 101.661(1).

Requests can be submitted in-person or via mail, email with a scanned attachment, fax, or phone to the relevant county supervisor of elections office. See Fla. Supervisor of Elections, *Vote-by-Mail Ballots*, <https://dos.fl.gov/elections/for-voters/voting/vote-by-mail>.

### Can nursing home staff assist their residents with absentee voting?

Not directly, unless the voter has a qualifying disability under federal law, but they can request external assistance as described below. See Fla. Stat. § 101.051(1). State law provides that “[a]ll electors must personally mark or designate their choices on the vote-by-mail ballot, except” for two exceptions specifically enumerated in statute (disabled voters and supervised voting teams for nursing homes and assisted living facilities). Fla. Stat. §§ 101.661, 101.655.

### Can nursing home staff assist disabled residents with absentee voting?

Yes, if they request assistance. Under Section 208 of the federal Voting Rights Act of 1965, “[a]ny voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter’s choice, other than the voter’s employer or agent of that employer or officer or agent of the voter’s union.” 52 U.S.C. § 10508. This language is replicated in state law.

Federal law defines a qualifying “disability” as “a physical or mental impairment that substantially limits one or more major life activities.” 42 U.S.C. § 12102(1)(A). absentee voting assistance is limited to voters who “are unable to personally mark or select [their] choices.” Fla. Stat. §§ 101.661(1), 101.65(b). Disabilities that do not affect a voter’s ability to mark their ballot do not qualify for assistance.

It is important to note that even under this exception, a disabled voter must still have the ability to choose the individual that assists them in casting their ballot. If the voter is unable to make such a specific request, then assistance cannot be rendered. Nursing home staff assisting a disabled voter are only entitled to “mark the elector’s choices or assist the elector in marking his or her choices on the ballot,” both of which presuppose that the voter

Disclaimer: This legal guidance is current as of May 2026 and may be subject to change. You should always consult an attorney before taking action to ensure that recent changes in law have not altered your obligations.

is capable of communicating their choices to the person assisting. Fla. Stat. § 101.661(1). Even when voting assistance is rendered by a professional team provided by the county, Florida law specifically provides that “[i]f any elector declines to vote a ballot *or is unable to vote a ballot*, the supervised voting team shall mark the ballot ‘refused to vote’ or ‘unable to vote.’” Fla. Stat. § 101.655(7) (emphasis added). If the voter is not present when their ballot is being marked, or is unable to provide staff with clear instructions concerning their desired vote choice, then staff are not allowed to mark the voter’s absentee ballot.

### **If nursing home staff is not allowed to assist residents with voting, then who can?**

An administrator of a “nursing home facility” or “assisted living facility” may request that the relevant county supervisor of elections provide supervised voting for residents so long as the request is submitted no later than 28 days before election day (i.e., by October 6, 2026) and identifies the name and address of the facility and all residents who wish to vote by mail. Fla. Stat. § 101.655(1). A supervised voting team must “consist of at least two persons” belonging to more than one political party, except for a partisan primary election where all team members may be members of the same party, and no political candidates can serve on a supervised voting team. Fla. Stat. § 101.655(4). A county supervisor of elections can also decide to offer supervised voting at a particular facility without an initial request from the administrator if at least five voters residing there have requested vote-by-mail ballots. Fla. Stat. § 101.655(2).

“Nursing home facility” means “any facility which provides nursing services” and is licensed by the State of Florida. Fla. Stat. § 400.021(12). “Assisted living facility” means “any building or buildings . . . private home, boarding home, home for the aged, or other residential facility, regardless of whether operated for profit, which through its ownership or management provides housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator.” Fla. Stat. § 429.02(5).

Supervised voting will occur at a date and time mutually agreeable to the supervisor of election and facility administrator. Fla. Stat. § 101.655(3). Even supervised voting teams are only authorized to assist a voter in marking their ballot if the voter “requests assistance in voting.” Fla. Stat. § 101.655(5). The team is also required to notify the voter that they have “the right to seek assistance in voting from some other person of the elector’s choice without the presence of the supervised voting team.” Fla. Stat. § 101.655(6).

Because supervisory teams are always available for facilities that are home to at least five voters who wish to vote by mail, see Fla. Stat. § 101.655(1), and because these teams are professionally trained and familiar with all state and federal legal rules concerning

Disclaimer: This legal guidance is current as of May 2026 and may be subject to change. You should always consult an attorney before taking action to ensure that recent changes in law have not altered your obligations.

absentee voting, it is best practice to submit a request for the assistance of a supervised voting team and allow them to assist voters within your facility.

### **How should voted absentee ballots be returned?**

Generally, a voter must return their own vote-by-mail ballot by mail or in-person to the appropriate county supervisor of elections, and mail ballots will only be counted if they are received by 7:00 PM on Election Day. Fla. Stat. § 101.64(5). Note, however, that while Florida law allows a voter to designate another person to pick up their vote-by-mail ballot on their behalf (provided that the voter signs a written authorization and their designee does not pick up more than two vote-by-mail ballots per election), it does not authorize another person to return a voter's ballot. Fla. Stat. § 101.62(3)(d)(4).

The only exception is when a supervised voting team conducts vote-by-mail balloting at a nursing home or assisted living facility, in which case the team delivers the ballots collected to the supervisor of elections. Fla. Stat. § 101.655(8).

### **What conduct indicates that illegal activity may be occurring in a nursing home?**

There are several factors that may be indicative of illegal absentee voting activity:

- Someone completing a voter's ballot outside the voter's presence, which should *never* happen.
- An unusually high number of requests for the same person to provide assistance.
- Individuals seeking to assist voters residing in a care facility who do not have a qualifying disability.
- Individuals aggressively seeking to assist disabled voters residing in a care facility without any initial request for assistance from those voters.
- Individual seeking to interfere with or influence the voter's selection while they are voting, which is illegal.
- Individual marking a ballot for a voter who is unable to clearly indicate their choice.
- Individuals sharing how a voter voted, which is illegal.

If you are aware that any of the above activities are occurring in a particular nursing home, you should report that information to the Department of State's Voter Fraud Hotline at (877) 868-3737 or submit a complaint form available at

<https://dos.fl.gov/elections/contacts/elections-fraud-complaint/>.

Disclaimer: This legal guidance is current as of May 2026 and may be subject to change. You should always consult an attorney before taking action to ensure that recent changes in law have not altered your obligations.

**What other criminal offenses related to absentee voting should nursing home staff be aware of?**

It is a third-degree felony to request a vote-by-mail ballot on behalf of another person unless you have are a legal guardian or immediate family member who has been directly instructed to do so by the voter. Fla. Stat. § 104.047(1). It is also a third-degree felony to “mark[] or designate[] a choice on the ballot of another person” unless rendering assistance to a voter with a qualifying disability or as part of a supervised voting team. Fla. Stat. § 104.047(2).

**CENTER FOR VULNERABLE VOTERS**

Please contact our National Training Coordinator, Laura Williams, OTR/L for inquiries at:

[Laura.Williams@centerforvulnerablevoters.org](mailto:Laura.Williams@centerforvulnerablevoters.org)

Centerforvulnerablevoters.org

Disclaimer: This legal guidance is current as of May 2026 and may be subject to change. You should always consult an attorney before taking action to ensure that recent changes in law have not altered your obligations.