DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
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Center for Clinical Standards and Quality/QUALITY & SAFETY SPECIAL ALERT MEMO

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SPECIAL ALERT-NURSING HOMES

DATE: July 20, 2026

TO: State Survey Agency Directors

FROM: Director, Quality, Safety & Oversight Group (QSOG)

SUBJECT: **Protecting the Voting Rights and Autonomy of Vulnerable Residents in Long-Term Care (LTC) Facilities**

Memorandum Summary

Nursing facilities and skilled nursing facilities are reminded of their obligation to promote participation in the democratic process for residents while complying with all applicable federal and state laws and regulations to avoid instances of coercion or otherwise violating resident rights or voter protection laws.

This memorandum does not create new regulatory requirements and does not update the State Operations Manual. It reinforces existing obligations.

CMS is rescinding the October 2020 and September 2024 Quality, Safety and Oversight (QSO) memoranda entitled "Compliance with Residents' Rights Requirement related to Nursing Home Residents' Right to Vote" (QSO-21-02-NH and QSO-24-21-NH). In this QSSAM, we reiterate nursing homes' responsibility to preserve residents' rights to vote and to promote participation in the democratic process. However, this activity should not violate federal or state voting laws, and CMS is reminding facilities and their staff that they cannot engage in inappropriate coercion or other violations of residents' rights.

Residents in nursing facilities retain all constitutional and statutory rights enjoyed by other citizens, including the right to vote and the right to decline participation in elections.[1] Federal regulations prohibit facilities and their staff from interfering with, coercing, or improperly influencing the exercise of resident rights.[2]

[1] 42 C.F.R. § 483.10(b)
[2] 42 C.F.R. § 483.10(b), (e), (g)

Background:

Unfortunately, in recent years, we have become aware of several allegations of instances in which resident rights were unlawfully violated.

In Texas a social worker was charged with 134 felony counts involving election fraud for unlawfully registering residents of the Mexia State Supported Living Center. Texas Attorney General Paxton said, "Registering citizens to vote or to obtain mail ballots without their consent is illegal. It is particularly offensive when individuals purport to be champions for disability rights, when in reality they are abusing our most vulnerable citizens in order to gain access to their ballots and amplify their own political voice."[3]

In Wisconsin, Sheriff Christopher Schmaling and Sgt. Michael Luell investigated a case in which they alleged that eight men and women whose mental capacities had diminished due to age or disease sent mail-in ballots from Ridgewood Care Center.[4]

Discussion:

Following these and other incidents, CMS is providing clarification to Medicare/Medicaid certified nursing facilities and skilled nursing facilities (often referred to as nursing homes) of their existing requirement to affirm and support the right of residents to vote:

> **§483.10(b)** Exercise of Rights: The resident has the right to exercise his or her rights as a resident of the facility and as a citizen or resident of the United States.
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> **§483.10(b)(1)** The facility must ensure that the resident can exercise his or her rights without interference, coercion, discrimination, or reprisal from the facility.
>
> **§483.10(b)(2)** The resident has the right to be free of interference, coercion, discrimination, and reprisal from the facility in exercising his or her rights and to be supported by the facility in the exercise of his or her rights as required under this subpart.

CMS would also like to clarify that nursing homes may not engage in any activity that violates federal or state voting laws. This includes actions like registering residents as voters without their knowledge or consent or completing a mail-in ballot on a resident's behalf without authorization. Additionally, pursuant to 42 C.F.R. § 483.10(g)(14), CMS expects facilities to notify the resident's authorized representative when a change occurs in the resident's legal or civil rights related to voting.

Residents who require assistance to vote should have the option of receiving assistance from the person of their choosing and should be offered the option of receiving assistance from their authorized representative. CMS also encourages nursing homes to coordinate with state election officials to encourage the use of bipartisan election workers, where authorized by state law, to facilitate voting in long-term care facilities without reliance on facility staff, thereby reducing the risk of undue influence wherever possible.

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[3] https://www.texasattorneygeneral.gov/news/releases/limestone-county-social-worker-charged-134-felony-counts-involving-election-fraud?

[4] https://kenoshanews.com/eight-cases-of-election-fraud-at-racine-county-nursing-home-sheriff-schmaling-says/article_762f8e77-e707-54e8-9d6d-26183fa5c38b.html?mode=nowapp

Nursing home residents or their representatives who believe their rights under these regulations have been violated can file a complaint with their State Survey Agency, here: https://www.cms.gov/Medicare/Provider-Enrollment-andCertification/SurveyCertificationGenInfo/Downloads/Complaintcontacts.pdf

Allegations of voter coercion or intimidation can also be referred to the Department of Justice for filing voting complaints with the Civil Rights Division by calling 800-253-3931, emailing voting.section@usdoj.gov or by submitting an online form.