



# Oregon

Kate Brown, Governor

Department of Human Services

*Aging and People with Disabilities*

500 Summer St. NE, E-02

Salem, OR 97301

NF-20-130 - Provider Alert

September 28, 2020

**To:** All Licensed Nursing Facilities  
All Assisted Living Facilities  
All Residential Care Facilities  
All Adult Foster Homes



**Re:** Accommodation of residents' disabilities in exercising their right to vote:

As election season approaches, the Safety, Oversight and Quality Unit (SOQ) reminds providers that **residents have the right to vote** in the November 2020 elections, and some residents may want and need assistance in marking their ballot to vote. All residents should be encouraged and assisted in exercising their civil rights, including voting in general and local elections.<sup>1</sup> If a resident is unable to independently review and mark a ballot because of a disability or an inability to read or write, the resident may request and shall receive assistance in marking an election ballot either through the County Clerk's office or through some other person of the resident's choosing.<sup>2</sup> The person or persons assisting the resident pursuant to this Alert must determine the wishes of the resident and assist the resident in voting the ballot accordingly, and after assisting with the vote may give no further information regarding the vote.

Accordingly, facilities must permit individuals entrance who assist residents in exercising their voting rights. Generally, this will be two persons of different parties designated by the County Clerk,<sup>3</sup> or any one other person of the resident's choosing. Facility staff shall continue to apply safety protocols to protect residents and staff from potential Covid-19 exposure, including screening the assisters and appropriate utilization of PPE.

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<sup>1</sup> See, e.g., OAR 411-085-0300 and 0310(1) for nursing facilities and skilled nursing facilities; OAR 411-054-0027(n) for community-based care and assisted living facilities; and OAR 411-051-0105(1)(c) for adult foster homes. All residents, including those with disabilities or under guardianship protection retain the right to vote.

<sup>2</sup> See ORS 254.445.

<sup>3</sup> In accordance with statute; see footnote 2.

For voting assistance, see <https://sos.oregon.gov/voting/Pages/disabilities.aspx>.

Residents may also call their [County Elections Office](#) or 866-673-8683 or utilize TTY: 800-735-2900 for the hearing impaired.

See also: [Assisting Cognitively Impaired Individuals with Voting: A Quick Guide](#).

If you have questions concerning this accommodation for residents with disabilities you may direct them to: [SOQ.LTCinfo@dhsosha.state.or.us](mailto:SOQ.LTCinfo@dhsosha.state.or.us)

A handwritten signature in blue ink, appearing to read "Michael McCormick", with a stylized star or asterisk symbol at the end of the signature.

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Michael McCormick, Interim Director  
Aging and People with Disabilities Program  
Department of Human Services