



Yes, you *can* vote!

A guide for residents of long-term care facilities,
their families, staff and administrators

Developed by



Introduction

This guide is intended to provide a quick summary of the voting rights of Maine citizens who reside in long-term care facilities.

It is also intended to be a guide for families of loved ones in long-term care facilities, and staff and administrators of those facilities, in helping to assist and accommodate residents' access to voting.

Democracy is stronger when more people participate in decision-making. This guide is a tool to help and encourage everyone to engage residents of long-term care facilities in the election process in Maine.

Acknowledgements

Many of these materials are courtesy of our partner organizations as well as Maine's Secretary of State. We especially want to thank Disability Rights Maine for allowing us to utilize sections of their excellent voter guide "Voting Rights in Action: Engaging Maine Voters with Disabilities: 2020" which can be found at <https://drme.org/assets/brochures/EngagingVotersGuide2020.pdf>.



Voting Rights

Including Maine residents under guardianship

- ✓ In Maine, every U.S. citizen over the age of 18 has the right to vote.
- ✓ **In Maine, people under guardianship have the right to vote.** People under guardianship retain the right to vote unless that right is specifically limited by a court and that court has concluded that they cannot communicate, with or without support, a specific desire to participate in the voting process.
18-C M.R.S. § 5-310 (2)
- ✓ If someone has a cognitive or intellectual disability that affects their learning, reading, writing, or speaking, they still have the right to vote.
- ✓ If someone has a physical disability that affects their ability to fill out a registration form or mark a paper ballot, they still have the right to vote.
- ✓ If someone is temporarily in a hospital or lives in a group home, they still have the right to vote.
- ✓ Residents of long-term care facilities have the right to cast a private vote that reflects their choice, the same as all citizens of Maine do.



Voting by Absentee Ballot

in Long-Term Care Facilities

Due to the ongoing COVID-19 pandemic, voting in long-term care facilities will be different this election compared with other years. In the past, municipal clerks came into facilities and conducted voting for residents prior to election day. Residents didn't need to arrange for transportation to the polls nor did they need to request an absentee ballot in advance. Due to the threat COVID-19 poses for long-term care facility residents and staff, the Governor waived the requirement that municipal clerks enter facilities to administer voting in the November 3rd election. Given this, the Secretary of State has developed new guidance to safely ensure that all residents of long-term care facilities have the ability to exercise their right to vote. Here's an overview of how it will work:

STEP 1 ►

Municipal clerks will provide facilities with absentee ballot application forms and facilitate the retrieval of completed forms.

- If you haven't heard from your municipal clerk yet reach out now and initiate this process.
- Long-term care facility staff must distribute the absentee ballot applications to residents, collect them for return to the municipality, and then determine with the municipality the best way to return them, preferably in one batch. Options for return can include scanning and emailing, faxing, hand-delivery, mailing, or having the clerk pick them up at the facility.
- Completed applications should be returned to the municipality as soon as possible to allow sufficient time for the municipality to assemble and deliver the ballot materials to the facility.

Voting by Absentee Ballot (continued)

STEP 2 ►

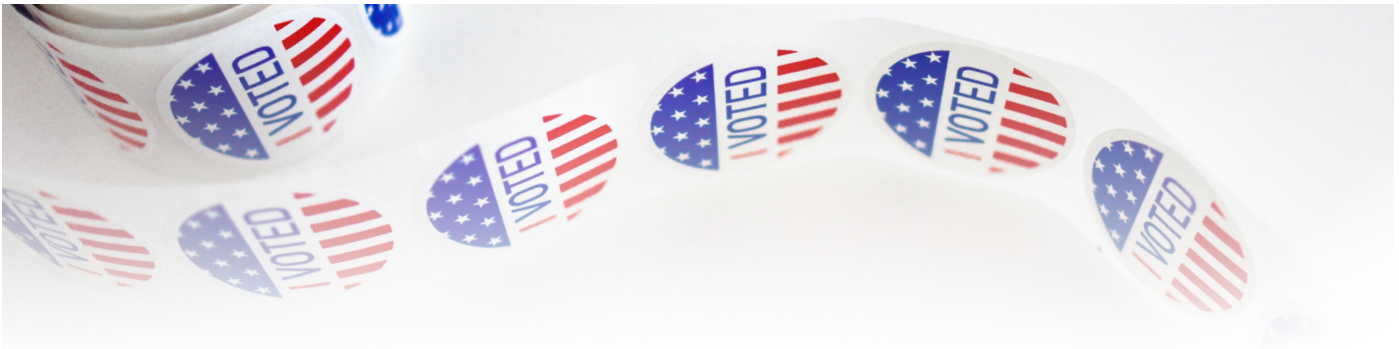
Municipal clerks deliver the requested absentee ballots in sealed delivery envelopes to each facility.

- Long-term care facility staff must distribute the sealed envelopes to each voter.
- Staff may provide assistance to residents in completing their ballots. See “How to Assist a Voter” for more details.
- When residents have completed the voting process, staff must collect all the sealed ballot envelopes and return them to the municipality.

STEP 3 ►

Municipal clerks retrieve the sealed ballot envelopes from each facility prior to election day.

- The facility director may contact the municipal clerk to request them to retrieve the ballots from the facility.
- Retrieval of ballots should be done at least one week before the election, so there is time to resolve any issues.



How to Assist a Voter:

Do's and Don'ts

Any Maine voter can ask for help from a friend or family member. For residents of long-term care facilities, this includes the staff who work at the facility.

While voting in Maine is relatively easy, it does present some barriers to people who are unfamiliar with the process. You can and should offer to help facilitate voting. You should, of course, not assume a person needs help. Only help a voter if they indicate they want help. If a voter has a disability they can request accommodations, including the ability to cast their vote privately.

When assisting a voter it is crucial to be:

- Respectful
- Confidential
- Non-partisan

Always:

- Do what the voter asks you to do, even if you disagree with it.
- Give the voter information about how to fill out the absentee ballot application, ballot and envelope correctly.
- Give the voter information from elections materials, such as those provided by the Secretary of State or municipality.
- Use language that is appropriate to the voter's needs. This can include clarifications and summaries, as long as it does not alter the meaning or contain bias.
- Clarify what the voter means, without biased questions.
- Do not share how the voter voted with anyone else.
- Do not try and persuade the voter to vote a certain way.
- Do not wear clothing or pins that suggest the voter should vote a certain way, or that are affiliated with any political parties or preferences.

How to Assist a Voter (continued)

- Be careful to not change the language of a ballot measure or candidate to try to influence the voter.
- Be careful not to give the voter extra information or comments, or leave out information, to try and influence them.

Important information to share with the voter you are assisting

- Explain that the voter can skip any contest, or write in candidates. The voter does not have to vote for every office or question.
- Explain that the voter can request a replacement ballot - this includes for mistakes, damage, or any other reason.
- Let the voter know that they can request to be given accommodations to vote privately. See "Voting privately when you request accommodation" for more information.

Some staff may be concerned that they may not give residents appropriate or adequate information about the candidates or measures.

As one of the people who communicates with the resident most often, you may know how to give them information that best meets their communication style. You can clarify and summarize ballot measures and candidates' positions, as long as you are not altering the meaning or giving a bias to the information. If you feel you do not have enough information or will give biased information, you can offer them other resources. See our resources section for suggestions or call one of our organizations. Disability Rights Maine and the Long-Term Care Ombudsman Program are non-partisan, advocacy agencies and are available if you have questions about voting rights or access to voting. Disability Rights Maine is available at 1-800-452-1948 or the Long-Term Care Ombudsman Program at 1-800-499-0229.

Filling out the ballot and envelope

If a resident asks for assistance in reading or marking the ballot, staff will arrange a time when that can occur *with an assistant or another staff person to witness*. The role of the witness is to ensure the ballot is unmarked before the voting process starts and to observe the marking process to be sure the voter is not influenced.

When the ballot is completed, the voter (or assistant) folds the ballot and puts it in the return envelope and seals the envelope. The voter signs the envelope flap where indicated. If the voter is unable to sign, the assistant signs "Jane Doe assistant on behalf of voter John Smith" or "John Smith voter signed by Jane Doe assistant."

IMPORTANT: If assistance was provided for signing the envelope or reading and/or marking the ballot according to the voter's wishes, then the assistant must complete and sign the aide certificate in the presence of a witness who completes and signs the witness certificate - both of which are on the back of the envelope.



Voting Privately

When You Request Accommodation

Maine now has an accessible absentee ballot system that allows blind, visually impaired and print disabled people to vote independently and privately.

Maine voters with print disabilities can access an Accessible Absentee Ballot Request Form on the Secretary of State's website to request an accessible electronically-delivered absentee ballot. Maine's accessible ballot will allow voters to both receive and return the ballot electronically to the Secretary of State's Office to be counted.

Print disabilities may include vision impairment or blindness, physical dexterity limitations, learning disabilities, such as dyslexia, brain injury or cognitive impairment, early dementia, all which prevent the individual from independently marking a paper ballot.

Maine's accessible absentee ballot request form is located here: apps.web.maine.gov/cgi-bin/online/AbsenteeBallot/index.pl

The application is accessible by standard screen reader text-to-speech software, and enables a voter who is blind or visually impaired to navigate the application and independently complete the form fields. The Secretary of State's welcome page for accessible absentee ballot users contains tips for each screen reader, which will walk the user through each step of accessing the ballot. The welcome page also contains a sample absentee ballot so people can practice prior to voting with the real ballot using their own operating system.

Once the voter's application is approved, the voter receives a secure log in and credentials to access the state ballot for the electoral districts in which they reside, as well as any local ballots. Voters will be able to mark their choices independently and confidentially, and then submit the ballot via a secure delivery system using the secure log in credential. Voters can track the status of the absentee ballot at every stage of the process.

To assist voters navigate the new system, the Secretary of State's vendor has hired an expert in accessibility, Maria Delgado, formerly of American Printing House for the Blind, to troubleshoot any problems that occur when print-disabled voters are attempting to cast an absentee ballot. Ms. Delgado will work with each voter through the system if any problems should occur. Information on how to contact her will be on the accessible ballot web page.



Frequently Asked Questions

**Where does a voter who is a resident of a long-term care facility register to vote?
In the municipality where the facility is or their hometown?**

Voters who reside in a long-term care facility have a choice. They may register to vote in the community that they are in currently, the municipality where the facility is, or they may decide to continue to vote in the community where they came from, their home. To remain a registered voter in their home community, they should not register someplace else and remain as an active voter. The voter will need to contact the municipal clerk in the town they are registered in to receive an absentee ballot. They can do this directly or use the absentee ballot request form on the Secretary of State's website, which then gets sent automatically to the clerk.

**Can a voter use a stamp of their signature in place of their actual signature?
Some residents have difficulty signing their names and use a stamped version of their signature on some documents.**

A stamped version of a voter's signature will not be accepted in place of an actual signature. Voters should sign their absentee ballot envelopes as best they can.

What about initials? Can a voter who has difficulty writing initial their absentee ballot envelope instead of sign?

Yes, initials are accepted as signature on the absentee ballot envelope but will still be checked against the voter registration information.



Sample Letter

for facilities to send to families of residents regarding voting

Dear Family members:

We've gotten some questions in the past few weeks regarding voting access for residents this election cycle. Let me take this opportunity to share with you our plans for ensuring access this year. Because of COVID-19 precautions, municipal clerks will not be able to conduct in-person voting at our facility this fall. However, we are working closely with clerks to ensure all our residents have access to absentee ballots, should they want to participate in the November elections.

Municipal clerks have delivered/will be delivering absentee ballot applications. Our staff are going room to room asking residents if they would like to request an absentee ballot. We will be sending those requests back to the municipal clerk. The clerks will then deliver ballot packets to the facility and our staff will distribute these to each resident who requested them. When residents have completed their ballots and sealed them in the provided envelopes, staff will arrange for the municipal clerk to come back and retrieve the ballots. We will be doing this as far in advance as possible to give time for any issues that may arise.

We are here if you need us, and be assured we are doing the utmost to make sure we are following all state and local guidelines on voting access in long-term care facilities. There is no pressure for anyone to vote. However, we want to be advocates for residents' rights to do so as they choose to engage.

Disability Rights Maine and the Long-Term Care Ombudsman Program are advocacy agencies and are available if you have questions about voting rights or access to voting. Feel free to contact Disability Rights Maine at 1-800-452-1948 or the Long-Term Care Ombudsman Program at 1-800-499-0229.

Sincerely,



Additional Resources

AARP Maine's Election 2020 hub:

<https://states.aarp.org/maine/election-voting-guide>

Ballot Ready: online platform that helps you review your ballot ahead of time and research candidates and issues. Non-partisan.

<https://www.ballotready.org/>

Disability Rights Maine Engaging Voters Guide 2020:

<https://drme.org/assets/brochures/EngagingVotersGuide2020.pdf>

Maine's Secretary of State Absentee Ballot info:

<https://www.maine.gov/sos/cec/elec/voter-info/absent.html>

Know Your Vote: Non-partisan, factual information on candidates.

<https://www.knowyourvote.io/>

"Assisting Cognitively Impaired Individuals with Voting: A Quick Guide." Prepared by the American Bar Association Commission on Law and Aging and the Penn Memory Center.
https://www.americanbar.org/content/dam/aba/administrative/law_aging/2020-voting-guide.pdf



The Maine Long-Term Care
Ombudsman Program

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