

MEMORANDUM

To: John Matson
Alabama Nursing Home Association

From: Angie C. Cameron
Monica Nelson Fischer

Date: November 1, 2012

Re: Guidance Memorandum on Voting Procedures

In light of the recent publicity regarding voting in nursing homes and the upcoming election, this Memorandum is provided to you for distribution to Alabama Nursing Home Association (“ANHA”) members with respect to assisting residents with exercising their right to vote and encouraging employees and family members to exercise their right to vote.

I. Duty of Nursing Homes to Assist Residents with Exercising their Right to Vote

The federal rules entitled “Requirements for Long Term Care Facilities,” section 42 C.F.R. § 483.10(a)(1) affirmatively state that nursing homes must protect and promote a resident's right to exercise his or her rights as a citizen of the United States. The right to vote certainly is one of the most important rights a resident can exercise as a citizen of our state and nation. Therefore, a nursing home should take steps to encourage and assist alert residents to exercise this most important civic right.

II. Alabama Voter Guide 2012

Attached to this Memorandum is the Alabama Voter Guide 2012 (the “Voter Guide”) provided by the Office of the Secretary of State. The Voter Guide provides information regarding voter registration, basic voting procedure, acceptable forms of identification for use at the polling place, voter assistance, absentee voting eligibility, completing absentee voting applications, and answers to frequently asked questions. This voting information may be shared with employees, residents and family members in an effort to help each person effectively exercise his or her right to vote.

III. Identification Required for Voting

A voter must present an acceptable form of identification (“ID”) before he or she can vote. If a voter is voting with an absentee ballot, the voter must provide a copy of an acceptable form of ID with the absentee ballot. Acceptable forms of ID are as follows:

- current valid photo ID issued by the government;
- current and valid photo ID issued by a voter's employer;
- current and valid photo ID issued by a public or private college, university, or postgraduate technical or professional school located within the state; or
- copy of a current utility bill, bank statement, government paycheck, or other government document that shows the name and address of the voter.

The term "other government document" includes:

- Medicaid card, Medicare card, or an Electronic Benefits Transfer Card (formerly referred to as a food stamp card")
- social security card
- ID issued by a branch, department, or any entity of the State of Alabama, any other state, or the United States authorized by law to issue personal identification
- United States passport
- Alabama hunting or fishing license
- Alabama permit to carry a pistol or revolver
- pilot's license issued by the Federal Aviation Administration or other authorized agency of the United States
- United States military identification card
- certified copy of the elector's birth certificate
- certified naturalization document
- certified copy of court records showing adoption or name change

IV. Assisting Residents with Voting

The following are general guidelines to follow when providing assistance to residents that decide to exercise their right to vote:

1. Any resident at the polls who wishes to have assistance with voting is entitled to receive assistance. Under the law, a voter may ask anyone (except his or her employer, an agent of the employer, or an officer or agent of the voter's union) to give that assistance. If a resident needs assistance at the polls, we recommend requesting that a poll worker assist the resident with voting.

2. Nursing home personnel, at the request of a resident, may also assist a resident in filling out an application to receive an absentee election ballot and in making certain that the resident actually receives an absentee ballot. Once the ballot is received, however, nursing home personnel should cease to have any direct role in assisting nursing home residents in the absentee ballot process.

3. If a resident needs additional assistance in casting his or her ballot, the sponsor of the resident, if the resident has a sponsor, should be contacted and, at the request of the resident, provide whatever assistance the resident may desire in exercising

his or her right to cast an absentee ballot. In the event a resident does not have a sponsor, nursing facilities can have a committee, made up from the community (**BUT NOT FROM THE CAMPAIGN STAFF OF A PARTICULAR CANDIDATE**), or from the local registrar's office provide any assistance a resident desires in exercising his or her right to cast an absentee ballot.

4. Nursing home personnel should not be present when a resident casts his or her vote by absentee ballot. Of course, this privacy of the resident should be respected. The applicable statute states as follows:

Any applicant [to vote by absentee ballot] may receive assistance in filling out the application as he or she desires, but each application shall be manually signed by the applicant and, if he or she signs by mark, the name of the witness to his or her signature shall be signed thereon. The application may be handed by the applicant to the absentee election manager or forwarded to him or her by United States mail. An application for an emergency absentee ballot pursuant to Section 17-11-3 may be forwarded to the absentee election manager by the applicant or his or her designee. *Alabama Code Section 17-11-4.*

V. Encouraging Employees, Residents and Family Members to Vote

Nursing homes may encourage their residents, employees, and family members to exercise their right to vote. Voting can be encouraged by posting and sending reminders of voting dates and times, providing the Alabama Voter Guide 2012 to interested parties, and organizing and providing transportation to and from the voting polls. Transportation may be provided for employees during their scheduled shift. Additionally, Alabama nursing homes can provide information to employees, residents and family members regarding the subject matter of each election, including a sample ballot.