



KIM JOHNSON
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



GAVIN NEWSOM
GOVERNOR

October 6, 2020

PIN 20-36-ASC

TO: ALL ADULT AND SENIOR CARE PROGRAM RESIDENTIAL
LICENSEES

FROM: *Original signed by Pamela Dickfoss*
PAMELA DICKFOSS
Deputy Director
Community Care Licensing Division

SUBJECT: **RESIDENT RIGHTS AND VOTING**

Provider Information Notice (PIN) Summary

PIN 20-36-ASC provides Adult and Senior Care (ASC) residential licensees with guidance on assisting residents with voting.

Please post this PIN in the facility where residents can easily access it and distribute the Resident Fact Sheet (located at the end of this PIN) to residents and if applicable, their authorized representatives.

On November 3, 2020, California voters will vote on the President of the United States, seats in Congress, the California Legislature, local races, and ballot measures. Due to the COVID-19 pandemic and in a continued effort to protect the health of all Californians and ensure access to voting, Governor Newsom issued [Executive Order N-64-20](#) directing that **every Californian who has registered to vote for the November 3, 2020 General Election is to receive a vote-by-mail ballot**. Counties will begin mailing **vote-by-mail** ballots to registered California voters on **October 5, 2020**. Please note, the **last day** to register to vote in California is **October 19, 2020**.

Resident Rights and Voting

Licensees play an important role in keeping residents connected with and participating in civic life, which includes voting. The Community Care Licensing Division (CCLD) recognizes voting may be difficult for many residents in ASC residential facilities, and with the ongoing COVID-19 pandemic, voting has become more challenging.

CCLD reminds licensees that residents in ASC residential facilities have the right to receive assistance in exercising their right to vote. [California Code of Regulations (CCR), Title 22, sections [81072\(a\)\(21\)](#), [85072\(b\)\(11\)](#), [87468.1\(a\)\(17\)](#), and [87872\(a\)\(13\)](#)] Residents in privately operated Residential Care Facilities for the Elderly (RCFEs) have the right to be encouraged and assisted in exercising their rights as citizens and as residents of the facility [CCR, Title 22, [section 87468.2\(a\)\(3\)](#)]. It is important to remember that residents have the right to be free from any of the adverse actions specified in CCR, Title 22, sections [80072\(a\)\(3\)](#), [81072\(a\)\(3\)](#), [87468.1\(a\)\(3\)](#), and [87872\(a\)\(3\)](#).

Residents in ASC residential facilities right to vote is also protected under federal law in the Voting Accessibility for the Elderly and Handicapped Act of 1984 (42 USC 1973ee).

Role and Responsibilities of the Licensee

Licensees should let facility residents know of the election and voting timelines and that they are there to help at the request of a resident. When help is requested, licensees and facility staff must help residents in ways that observe **privacy and confidentiality**. Examples of assistance with voting includes, but is not limited to:

- Help with registering to vote or updating voter registration.
- Reminders of important deadlines for voting.
- Advising of different ways to vote, such as early voting, voting by mail, or in person. Since some residents may be at higher risk for severe illness from COVID-19, it is highly recommended that residents be encouraged to consider early voting or vote-by-mail.
- Assistance with [tracking a resident's ballot](#).
- Accessing election materials, which are available in multiple languages, online or receiving them by mail.
- Reading election materials or a ballot.
- Assisting residents with a written statement that requests a ballot be delivered to them in circumstances when a resident is requesting a vote-by-mail ballot after the close of the period for requesting vote-by-mail ballots. [California Election Code [section 3021](#)]

Licensees are also encouraged to reach out to their [County Elections Office](#) for alternative voting methods such as [Remote Accessible Vote-by-Mail \(RAVBM\)](#). This system allows voters to mark their selections using their own compatible technology to vote independently and privately at the facility. Please see the [RAVBM FAQs \(PDF\)](#) fact sheet for more information on how to access, and the deadlines for requesting to use , this alternative voting method.

It is important to remember that licensees and facility staff **cannot do the following** when assisting a resident with voting:

- Influence a resident's vote or mark a ballot in any way other than as directed by the resident.
- Tell anyone how the resident voted.
- Determine that a resident is mentally incompetent to vote. Only a court of law may determine whether or not a qualified voter is mentally incompetent for the purposes of voting. Existence of a conservatorship does not always mean that a resident is mentally incompetent to vote. [California Elections Code [section 2208](#)]
- Determine if a resident is eligible to vote. This authority lies with the County Elections Office.
- Vote by proxy. For example, a staff member knows that in the past, a resident has always voted a straight party ticket. Now, the resident is progressing through the stages of dementia and unable to respond in regard to how they want to vote. The staff member may not vote the resident's ballot if the staff member is unable to reliably determine how the resident wants to vote.

Long-Term Care Ombudsman

Another resource for assisting residents in voting is the [Local Long-Term Care Ombudsman](#). Ombudsman programs support and advocate for all eligible residents' right to vote, and they are available to assist ASC residential facilities in:

- Discussing residents' rights, including the right to vote, with residents, facility staff, and family members or representatives.
- Contacting the local County Elections Office for information and assistance to support residents in voting.
- Providing information about the voting process and relevant dates and deadlines such as: when to register; how to register; how to request an absentee or mail-in ballot; how to make sure residents receive their ballot by mail; how to locate accessible polling places; how to find transportation to polling places; how to vote remotely and by mail; and how to connect with outside organizations that could assist residents directly.
- Helping residents change their address to the facility address to receive their ballot by mail or ask the resident's representative to bring the ballot to the facility if it was mailed to the resident's home.
- Contacting facilities within their service area to discuss with facility staff what their plans are for facilitating voting for residents.

- Reminding facility staff about their responsibility to assist residents in exercising their right to vote, including: how to cast their ballot by mail; finding transportation to a polling place; or identifying other ways residents can cast their ballot (e.g., drop box, early voting, mobile polling, or becoming a polling site).
- Creating and distributing educational materials about voting rights.
- Encouraging resident councils to invite candidates to their meetings to speak and visit with residents via videoconference or onsite.
- Investigating complaints regarding residents' rights and access to information, including the right to vote.

COVID-19 Safety Precautions

In an effort to prevent the spread of COVID-19, licensees should consider doing the following:

- Encourage residents to register early so that they can vote-by-mail and avoid public polling places. Residents may [register to vote](#) online.
- Offer scheduled voting or staggered entry to a polling place.
- Assist residents in maintaining appropriate social distancing while voting at a polling place.
- Handle ballots as little as possible and wear gloves when handling ballots.
- Alert residents of scams that claim to help them avoid exposure to COVID-19 by assisting them to vote in exchange for a fee and a bank account number.

Additional Resources

- [Centers for Disease Control - Considerations for Election Polling Locations and Voters](#)
- [California Secretary of State Elections and Voter Information](#)
 - [Election 2020](#)
- [Long-Term Care Ombudsman - Voting](#)

If you have any questions regarding this PIN, please contact your local [Adult and Senior Care Regional Office](#).

Resident Fact Sheet for Provider Information Notice (PIN) 20-36-ASC, Assisting Residents with Voting

On November 3, 2020, California voters will have the chance to vote on the President of the United States, seats in Congress, the California Legislature, local races, and ballot measures. In a continued effort to protect the health of all Californians in the ongoing COVID-19 pandemic and make sure everyone has access to voting, Governor Newsom has ordered every ***Californian who has registered to vote for the November 3, 2020 General Election is to receive a vote-by-mail ballot.*** Counties will begin mailing **vote-by-mail** ballots to registered California voters on **October 5, 2020**. Please note, the **last day** to register to vote in California is **October 19, 2020**.

Your Rights and Assistance with Voting

You, as a resident of this facility, have the right to request and receive assistance from the licensee of your facility or care providers in exercising your right to vote if you need it. The licensee of your facility and care providers should offer to help you in a way that observes your **privacy and confidentiality**. Examples of assistance with voting includes, but is not limited to:

- **Help with registering to vote or updating your voter registration.**
- **Reminders of important deadlines** for voting.
- **Advising of different ways** to vote, such as **early voting**, voting **by mail**, or **in person**. It is **highly recommended** that you consider **early voting** or **vote-by-mail**.
- **Assistance with tracking your ballot.**
- **Accessing election materials**, which are available in multiple languages, **online** or **receiving them by mail**.
- **Reading** election materials or a ballot to you.
- **Assist you with a written statement** that requests a ballot be delivered to you in circumstances when you are requesting a vote-by-mail ballot after the close of the period for requesting a vote-by-mail ballot.

Also, you or your care provider can contact the [County Elections Office](#) for alternative methods of voting such as using the [Remote Accessible Vote-by-Mail \(RAVBM\)](#) system to mark your ballot if you are unable to do so.

Also, you or your care providers can **contact** your [Long-Term Care Ombudsman](#) as an additional resource to assist you. Ombudsman programs support and advocate for all eligible residents' right to vote.

It is important to remember, the licensee of your facility and care provider should **always be impartial and objective** in helping you with voting. They should not encourage or discourage you to vote for any particular candidate or for or against any

ballot measure. Licensees and facility staff cannot determine if you are eligible to vote. Only your [County Elections Office](#) can determine your eligibility.

If you experience any of these actions by a licensee or care provider when exercising your right to vote or have any other concerns, you may file a complaint with the Community Care Licensing Division (CCLD) in one of these three ways:

- **Hotline:** 1-844-LET-US-NO (1-844-538-8766)
- **E-mail:** LetUsNo@dss.ca.gov
- **Mail:** California Department of Social Services
CCLD Centralized Complaint and Information Bureau
744 P Street
Sacramento, CA 95814

If you have questions, please reach out to the licensee of your facility or a care provider, or the Ombudsman, who are available to answer your questions.