

SOS GUIDANCE: HEALTH CARE FACILITIES

FOR ELECTIONS ADMINISTERED DURING THE COVID-19 PANDEMIC

ISSUE

Some health care facilities (HCFs) in Iowa have suspended non-essential visitation due to the COVID-19 pandemic. This suspension has led to questions about the requirements precinct election officials must meet in order to enter a HCF as a member of a bi-partisan voting team. A resident's rights, including the right to vote, must not be impeded in any way by the HCF and its facility staff. County Auditors and their staff should collaborate with HCF staff to ensure the rights of HCF residents are not impeded.

IOWA CODE OR ADMINISTRATIVE RULE

Absentee voting in HCFs are covered in Iowa Code Section 53.22.

WHAT HAS NOT CHANGED

HCF residents are required to request a ballot in order to receive one. County Auditors may send a bundle of request forms to the designated staff member of the HCF as you have done in the past. County Auditors may also provide a list of voters registered at the HCF facility to assist staff in determining which residents need to register before requesting an absentee ballot.

Remember: HCF residents do not need to provide an ID Number on their absentee ballot request form.

Iowa law requires that a bipartisan team deliver absentee ballots to voters who are patients in hospitals and health care facilities in your county. The bipartisan team is made up of two PEOS, one Democrat and one Republican, that are appointed from the ASVP board.

Exception: For any election except primary elections, general elections, and special election held pursuant to §69.14, absentee ballots may be mailed to a hospital or health care facility if no more than two requests are received from that institution. If there are three or more requests from a hospital or health care facility in any election, the bipartisan team must deliver the ballots.

Information about voters who are patients in an HCF outside of your county or who are admitted to an HCF after the absentee ballot request deadline can be found in the Absentee Chapter of the EAH beginning on pg. 34.

WHAT HAS CHANGED

While nothing has changed regarding the use of a bi-partisan team, there are additional considerations you may need to make while planning for your bi-partisan team's visit to an HCF.

1. Members of a bi-partisan team **CAN** be required to wear personal protective equipment (PPE). If PPE is required, it should be provided by the HCF facility with instructions on proper usage.
2. Members of a bi-partisan team **CAN** be required to answer a questionnaire regarding their possible exposure to COVID-19 and if they are currently experiencing any symptoms of COVID-19.
3. Members of a bi-partisan team **CAN** be required to submit to a temperature check.
4. Members of a bi-partisan team **CANNOT** be required to submit to a COVID-19 test or provide proof of a negative COVID-19 test prior to entry into an HCF.
5. Members of a bi-partisan team **CANNOT** be required to provide proof of vaccination prior to entry into an HCF.

Additionally, HCFs may wish to set up a separate room for voting purposes instead of having the bi-partisan team visit residents in their own rooms. This practice is acceptable, but steps must be taken to ensure that the resident's right to personal privacy, and right to a private ballot, is protected. This means a separate room or space set aside for voting purposes must respect the residents' rights to personal privacy, including the right to privacy in their oral (that is, spoken) and written communications.

ADDITIONAL RESOURCES

CMS QSO Memo, "Compliance with Residents' Rights Requirement related to Nursing Home Residents' Right to Vote" (Ref: QSO-21-02-NH): <https://www.cms.gov/files/document/qso-21-02-nh.pdf>

IDPH and IDIA Long Term Care Visitation Guidance:

<https://idph.iowa.gov/Portals/1/userfiles/61/covid19/LTC/LTC%20Visitation%20Guidance.pdf>

CMS QSO Memo, "Nursing Home Visitation – COVID-19 (Revised)" (Ref: QSO-20-39-NH):

<https://www.cms.gov/files/document/qso-20-39-nh-revised.pdf>

CONCLUSION

While the COVID-19 Public Health Emergency has resulted in limitations to visitation for HCF residents, HCFs must still ensure residents are able to exercise their Constitutional right to vote.