

United States Senate

WASHINGTON, DC 20510

August 12, 2026

The Honorable Mehmet Oz
Administrator
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Administrator Oz:

We write with concern that the recent guidance issued to nursing homes by the Centers for Medicare and Medicaid Services (CMS) may intimidate nursing home staff from helping residents exercise their constitutional right to vote and ultimately prevent nursing home residents from voting.¹ The nation's 1.2 million nursing home residents² face unique problems in obtaining access to the voting booth, and must not be denied their rights because they are disabled, elderly, lack transit, or face difficulties in obtaining a ballot or voting in person.³

In October 2020, during the first Trump Administration, CMS issued a memo titled "Compliance with Residents' Rights Requirement related to Nursing Home Residents' Right to Vote."⁴ The memo reminded nursing homes that CMS regulations require them to "support a resident in the exercise of their right ... to vote, such as assisting with absentee or mail-in voting, or transporting residents to polling locations or ballot drop-boxes in a safe manner."⁵ The memo listed programs that nursing homes may operate in order to enable their residents to vote, and cited the specific CMS regulations articulating nursing homes' responsibility to protect and facilitate residents' right to vote by mail.⁶ The memo also stated that nursing homes must ensure residents voting by mail "have the right to receive and send their ballots via the U.S. Postal Service, or other authorized mechanism allowed by the State or locality."⁷

¹ Centers for Medicare and Medicaid Services, "Protecting the Voting Rights and Autonomy of Vulnerable Residents in Long-Term Care (LTC) Facilities," memorandum, July 20, 2026, <https://www.cms.gov/files/document/qssam-26-04-nh-original-release-2026-07-20.pdf>.

² National Center for Health Statistics, "Nursing Home Care," <https://www.cdc.gov/nchs/fastats/nursing-home-care.htm>.

³ McGeorge Law Review, "Preserving Voting Rights in Long-Term Care Institutions: Facilitating Resident Voting While Maintaining Election Integrity," Nina A. Kohn, 2007, <https://ssrn.com/abstract=1216252>.

⁴ Centers for Medicare and Medicaid Services, "Compliance with Residents' Rights Requirement related to Nursing Home Residents' Right to Vote," memorandum, October 5, 2020, <https://www.cms.gov/files/document/qso-21-02-nh-rescinded-2026-07-20.pdf>.

⁵ *Id.*, p. 2 (citing 42 C.F.R. § 483.10).

⁶ *Id.*

⁷ *Id.*

The Biden Administration renewed this guidance in September 2024.⁸ In the updated memo, CMS “reinforc[ed] the regulatory expectations” that nursing homes “affirm and support the right of residents to vote,” reiterated nursing homes’ responsibility to ensure residents can vote by mail, and cited the specific CMS regulations related to vote by mail.⁹

However, on July 20, 2026, CMS issued a memo that appears to be an attempt to intimidate nursing home staff from assisting residents in the voting process. The newly released memo, titled “Protecting the Voting Rights and Autonomy of Vulnerable Residents in Long-Term Care (LTC) Facilities,” replaces language from CMS’s 2020 and 2024 guidance aimed at ensuring that facilities helped residents to vote with language threatening nursing home staff with prosecution for voter fraud.¹⁰ Specifically, the new memo removes suggestions of the specific ways nursing homes can facilitate voting and the references to CMS regulations related to voting by mail and instead baselessly emphasizes the risk that staff may exert “undue influence” on residents.¹¹ The memo warns nursing home staff not to “violate federal or state voting laws” and reminds staff that “they cannot engage in inappropriate coercion or other violations of residents’ rights.”¹² To reiterate this threat of investigation or prosecution, the July 2026 memo discusses two investigations of supposed election fraud occurring at nursing homes.¹³ However, no fraudulent votes were cast in either of these cases, and there is no evidence of any systemic or significant voter fraud or coercion in nursing homes.¹⁴

CMS’s release of this memo is just the latest in a series of actions the Trump Administration has taken to restrict vote by mail and undermine the right to vote based on unfounded allegations of voter fraud tied to the President’s denial of prior valid election results.¹⁵ We are concerned that by highlighting examples of prior voter fraud investigations and threatening criminal penalties on

⁸ Centers for Medicare and Medicaid Services, “Compliance with Residents’ Rights Requirement related to Nursing Home Residents’ Right to Vote,” memorandum, September 26, 2024, <https://www.cms.gov/files/document/qso-24-21-nh-rescinded-2026-07-20.pdf>.

⁹ *Id.*

¹⁰ Centers for Medicare and Medicaid Services, “Protecting the Voting Rights and Autonomy of Vulnerable Residents in Long-Term Care (LTC) Facilities,” memorandum, July 20, 2026, <https://www.cms.gov/files/document/qssam-26-04-nh-original-release-2026-07-20.pdf>.

¹¹ *Id.*

¹² Centers for Medicare and Medicaid Services, “Protecting the Voting Rights and Autonomy of Vulnerable Residents in Long-Term Care (LTC) Facilities,” memorandum, July 20, 2026, <https://www.cms.gov/files/document/qssam-26-04-nh-original-release-2026-07-20.pdf>.

¹³ *Id.*

¹⁴ Houston Chronicle, “Paxton made her the state’s worst election criminal. Now Texas is coming for her teaching license,” Eric Dexheimer, November 7, 2023, <https://www.houstonchronicle.com/news/investigations/article/brunner-paxton-voter-fraud-license-18459837.php>; FactCheck.org, “Unraveling Trump’s Unsubstantiated Claim of ‘Crooked’ Nursing Home Votes,” Robert Farley, July 28, 2022, <https://www.factcheck.org/2022/07/unraveling-trumps-unsubstantiated-claim-of-crooked-nursing-home-votes/>; American Society on Aging, “Voters Live Here: Understanding the Voting Rights and Needs of Long-term Care Residents,” Nina A. Kohn, March 15, 2023, <https://generations.asaging.org/voting-rights-and-needs-ltc-residents/>.

¹⁵ C-SPAN, “President Trump Says Congress Must Pass the Republican SAVE America Act,” July 16, 2026, <https://www.c-span.org/clip/white-house-event/president-trump-says-congress-must-pass-the-republican-save-america-act/5203013>; Executive Order 14248, “Preserving and Protecting the Integrity of American Elections,” March 25, 2025, <https://www.federalregister.gov/documents/2025/03/28/2025-05523/preserving-and-protecting-the-integrity-of-american-elections>.

nursing home staff—many of whom are legal immigrants who have already been targeted by Trump’s immigration policies¹⁶—CMS’s July 2026 guidance may intimidate nursing home staff from helping residents with the voting process. And the removal of guidance on vote by mail procedures, combined with specific threats to investigate nursing home staff for assisting residents who are exercising their right to vote, may deter nursing homes from assisting residents with voting by mail. Ultimately, we are concerned that the changes to CMS’s guidance will result in the disenfranchisement of nursing home residents.

The right to vote is guaranteed by the Constitution to *all* adult Americans, including nursing home residents. And CMS regulations require that each nursing home resident “be supported by the facility in the exercise of his or her rights.”¹⁷ While CMS’s 2020 and 2024 guidance assisted nursing homes in carrying out that responsibility, we are concerned that CMS’s new guidance will hinder their ability to do so. In order to protect nursing home residents’ voting rights, we request that you immediately rescind the July 2026 memo and reinstate the 2020 and 2024 guidance.

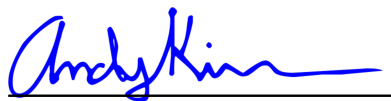
Sincerely,



Elizabeth Warren
United States Senator



Alex Padilla
United States Senator



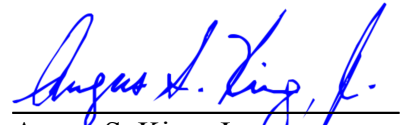
Andy Kim
United States Senator



Richard Blumenthal
United States Senator



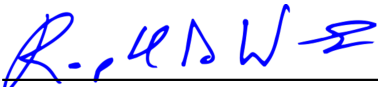
Angela D. Alsobrooks
United States Senator



Angus S. King, Jr.
United States Senator

¹⁶ Politico, “‘They’re the backbone’: Trump’s targeting of legal immigrants threatens health sector,” Alice Miranda Ollstein, May 31, 2025, <https://www.politico.com/news/2025/05/31/they-are-the-backbone-trumps-targeting-of-legal-immigrants-threatens-health-sector-00377579>.

¹⁷ 42 C.F.R. § 483.10(b)(2).



Raphael Warnock
United States Senator



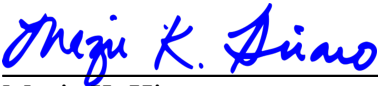
Mark R. Warner
United States Senator



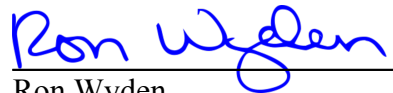
Kirsten Gillibrand
United States Senator
Ranking Member, Special
Committee on Aging



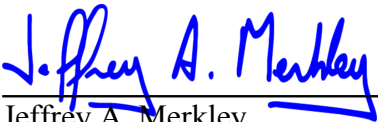
Cory A. Booker
United States Senator



Mazie K. Hirono
United States Senator



Ron Wyden
United States Senator



Jeffrey A. Merkley
United States Senator