

**Delaware Health and Social Services
Division of Developmental Disabilities Services
Dover, Delaware**

Master copy w/signature

Title: Voter Registration

Approved By: maintained by PARC chair
Division Director

Written By: DDDS Policy Committee

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I. PURPOSE

To establish a process that promotes consumers' fundamental right to vote as required by the National Voter Registration Act of 1993. Every applicant for registration shall be a qualified voter if such applicant is a citizen of this State of the age of 18 years and upwards, or who will be 18 years old on or before the day of the general election next succeeding the applicant's registration, and is a bona fide resident of this State. No person adjudged mentally incompetent, person convicted of a crime deemed by law a felony, or person who shall have been rendered incapable of voting by reason of violating § 7 of Article V of the Constitution of this State for 10 years next following his or her conviction and sentence there under, shall be a qualified voter. "Mentally incompetent" refers to a specific finding in a judicial guardianship or equivalent proceeding, based on clear and convincing evidence that the individual has a severe cognitive impairment which precludes exercise of basic voting judgment.

II. POLICY

To ensure that staff facilitate the voter registration process for individuals who apply for services from or receive services from the Division of Developmental Disabilities Services (DDDS).

III. APPLICATION

Employees of DDDS (including Stockley Center, Community Services Residential, Family Support and Day Programs, Special Populations and the DDDS Intake Coordinator).

IV. DEFINITIONS

- A. Green Declination Card- A Department of Election document that indicates if an individual chooses to register to vote, is already registered to vote or does not want to register to vote.
- B. Delaware Resident- Refers to a person who is domiciled in Delaware and intends to remain in the State permanently or for an indefinite period of time. A person is not eligible to vote in Delaware if he/she is a "resident" of another State.
- C. Mail-In Voter Registration Application- A Department of Election packet that includes a voter registration application, set of instructions and return envelope.
- D. Re-Certification- For the purposes of this policy, re-certification shall be defined as annually.
- E. Voter Registration (Application) Log Sheets- A Department of Election document used to track the dissemination of Voter Registration Application forms.

V. STANDARDS

- A. Individuals who apply for DDDS services, receive DDDS services or are recertified for DDDS services shall be offered the opportunity to register to vote.
- B. Staff involved in the voter registration process must be trained by the Commissioner of Elections Office. Trained staff shall be considered by the Commissioner of Elections Office as temporary registrars.
- C. Staff shall offer assistance to individuals with completing the voter registration application and/or Green Declination Card only to the extent that they would provide assistance in completing agency forms. For example, staff may read a form to a consumer and/or explain the question and/or offer information that is documented in the individual’s record, if that is the level of assistance that is routinely required.
- D. Staff shall assist the individual to understand the oath above the applicant signature line, on the voter application. If the individual indicates that he/she understands the oath, request that he/she sign his/her voter application. If the individual clearly does not understand the oath to any degree after being given a series of prompts to assist with understanding, offer him/her the opportunity to sign the voter application. If the individual does not sign the voter application, the document shall be sent unsigned to the Department of Elections.
- E. Staff **shall not** provide assistance with answering question #21 (party affiliation) of the State of Delaware Voter Registration Application.
- F. Assistance shall not be provided to individuals if they or their legal guardian expressly communicate that no assistance is requested/needed. If the individual declines assistance, staff shall leave a Department of Election packet with instructions on how to fill out the documents and where to return the completed documents.
- G. Assistance to complete a voter registration application shall be provided in a non-partisan fashion.
- H. A temporary registrar shall not;
 - a. Seek to influence an applicant’s political preference;
 - b. Display any political preference or party allegiance;
 - c. Make any statement to an applicant or take any action; the intent of which is to discourage the applicant from registering to vote;
 - d. Offer, promise or pay any money or other valuable as compensation as an inducement or reward, to anyone eligible to register to vote, for registering or abstaining from registering to vote;
 - e. Make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

VI. Procedures

<u>Responsibility</u>	<u>Action</u>
At Time of Application	
Intake Coordinator	1. Sends letter to applicants deemed eligible to receive DDDS services and advises that he/she has a fundamental right to vote in elections. Advises that this will be further explained to him/her by the DDDS Family Support Specialist.

	<p>2. Forwards Intake Packet to Health Information Management Dept./Family Support Specialist</p>
<p>Family Support Specialist</p>	<p>3. Presents applicant with the Dept. of Election Green Declination Card.</p>
	<p>4. Sends Green Declination Card to the assigned Regional Designee if applicant checks that he/she does not want to register to vote. Ensures that identifying information located on the top of the card is completed prior to forwarding to assigned Regional Designee.</p>
	<p>5. Sends Green Declination Card to the assigned Regional Designee if applicant checks that he/she is already registered to vote. Ensures that identifying information located on the top of the card is completed prior to forwarding to the assigned Regional Designee.</p> <ul style="list-style-type: none"> a. Asks applicant if he/she would like to make any changes to his/her current voter registration status (i.e., name/address change or party change). b. If yes to above, provides applicant with a Mail-In Voter Registration Application and offers assistance with completing document (refer to standards for details). c. Offers to mail in completed Voter Registration Application (via State Mail) to the Dept. of Election.
	<p>6. Sends Green Declination Card to the assigned Regional Designee if applicant checks that he/she does want to register to vote. Ensures that identifying information located on the top of the card is completed prior to forwarding to the assigned Regional Designee.</p> <ul style="list-style-type: none"> a. Provides applicant with a Voter Registration Application and offers assistance with completing document (refer to standards and Agency Based Registration booklet for details). b. Informs applicant for voter registration of eligibility requirements and the penalties provided under law for submission of a false Voter Registration Application. A response of understanding is not required to proceed. c. Signs the Voter Registration Application on the line designated "Signature of Agency Representative," dates it and verifies that the

	<p>agency code is included on the form.</p> <p>d. Offers to mail in completed Voter Registration Application (via State Mail) to the Dept. of Election.</p> <p>e. Returns the completed Voter Registration Application to the applicable Assigned Regional Designee.</p> <p style="text-align: center;">OR</p> <p>f. Provides applicant with a Mail-In Voter Registration Application Packet.</p> <p>g. Maintains confidentiality relative to the Voter Registration Application.</p>
	7. Checks the box “RTS” at anytime the applicant refuses to sign the Green Declination Card.
	8. Submits completed Agency Voter Registration Log Sheets to the Assigned Regional Designee by the first working day of the following month.
Assigned Regional Designee	9. Copies Green Declination Card and sends original to respective County Department of Election Office on a weekly basis.
	10. Collects Agency Voter Registration Log Sheet and submits to the respective County Department of Elections Office on a monthly basis.
	11. Submits all damaged or voided Green Declination Cards and Voter Registration Applications to the respective County Department of Elections Office.
At Time of Re-Certification	
Residential Manager/Case Manager/ Family Support Specialist	12. Asks the consumer prior to the annual Essential Lifestyle Planning Meeting or annual family conference if he/she wants to register to vote or update his/her registration.
Residential Manager/Case Manager	13. Documents review of voter registration on the Annual Conference Summary form.
Residential Manager/Case Manager/ Family Support Specialist	14. Follows procedural steps #3-8, as applicable.
Assigned Regional Designee	15. Maintains the Voter Registration Application Log Sheets.

VII. References

- A. Title 15, Section 1701 of the Delaware Code
- B. National Voter Registration Act of 1993
- C. Delaware Health and Social Services Policy Memorandum # 25
- D. State of Delaware Agency Based Registration, Revised 2004

VIII. Exhibits

Frequently Asked Questions

Frequently Asked Questions: Voter Registration Documents

Green Declination Card

Question: What if a consumer signs the Green Declination Card with a mark?

Answer: The DDDS temporary voter registrar should initial the mark.

Question: Am I permitted to write on the back of the Green Declination Card?

Answer: Yes. It is permissible to write notes on the back of the Green Declination Card for the Department of Elections.

Question: What should the DDDS staff do if a consumer cannot provide an answer for the Green Declination Card?

Answer: DDDS staff should write in the consumer's name, county in which he/she resides, DOB and date. Write on the back of the Green Declination Card a brief explanation as to why it was not signed.

Question: Am I accountable for all Green Declination Cards given to me by my regional designee?

Answer: Yes. All Green Cards given to you by your regional designee must also be returned to him/her. Your regional designee is responsible to the County Department of Elections for all green cards; even those unsigned or damaged.

Question: Where should I document that a Green Declination Card was completed?

Answer: Document in the consumer's ELP Conference Summary the date that a Green Declination Card was completed. The regional designee will copy the Green Declination Card, mail the original to the County Department of Elections and file the copy in a binder designated for annual Green Declination Cards.

Question: Are we required to complete Green Declination Cards with consumers who live in out-of-state placements?

Answer: Yes. All individuals served by DDDS are considered to be Delaware residents, thus, the process for completing an annual Green Declination Card is required. The county listed shall be the same as the consumer's Case Manager/Social Worker's office. For instance, if a consumer is served in Pennsylvania but the DDDS Case Manager's office is at Silver Lake (Dover), the county should be listed as Kent.

Question: What kind of writing instrument must be used when completing the Green Declination Card?

Answer: Only use either a blue or black ballpoint pen.

Question: What should I do with the Green Declination Card after it has been completed?

Answer: The Case Manager/Social Worker should document in the person's ELP Conference Summary that the Green Declination Card was completed on mm/dd/yyyy. The CM/SW should send the completed Green Declination Card to the Assigned Regional Designee who will copy it and send it to the respective County Department of Elections Office on a weekly basis. The

Frequently Asked Questions (Cont)

Assigned Regional Designee will maintain a notebook with copies of all completed Green Declination Cards.

Voter Registration Application

Question: Is a person permitted to register to vote if he/she has a guardian?

Answer: A person with a guardian may register to vote and vote in elections unless his/her guardianship order includes a specific finding based on clear and convincing evidence that states the person's severe cognitive impairment precludes him/her from exercising basic voting judgment. The simple fact that a person has a guardian does not necessarily prevent him/her from exercising their voting rights.

Question: How should choice of party affiliation be indicated in block #21?

Answer: So as to avoid any potential mistakes that could arise from simply checking the party affiliation, it is recommended that the chosen party be written in block #21. Write "Rep" for Republican, "Dem" for Democrat or "Ind" for Independent.

Question: What should I do if a mistake is made on a Voter Registration Application and another Voter Registration Application is completed?

Answer: Write "Void" on the application with the error and return it to your assigned regional designee. The assigned regional designee will enter onto the Agency Voter Registration Log Sheet that the application with the corresponding application number was voided. He/She will return the Voter Registration Application to the applicable County Department of Elections Office on a weekly basis.

Question: What kind of writing instrument must be used when completing the Voter Registration Application?

Answer: Only use either a blue or black ballpoint pen.

Question: What is the difference between block # 13 (street address) and block #19 (mailing address)?

Answer: Block # 13 must include the physical address where the consumer lives (i.e., do not use post office boxes as a person does not live at the post office). Block #19 must include the person's address if he/she receives mail at an address different from their physical address. If the mailing address (block #19) is the same as the physical address (block #13), write the word "SAME" in block #19.

Question: What address should be entered in block #13 and #19 for a person who is served in an out-of state placement?

Answer: Use the DDDS regional office address for the person's assigned Case Manager/Social Worker. As needed, assist the person who is a Delaware resident and receiving services out of state to contact the applicable County Department of Elections office to file request and file an absentee ballot. A person who receives services in an out of state placement has already been determined to be a citizen of Delaware by virtue of being determine eligible for services from Delaware DDDS.

Frequently Asked Questions (cont.)

Question: What if the person does not have a 911 address?

Answer: Draw a map to the person's home on the voter registration application so that the Department of Elections can determine the correct voting district for the person.

Question: What if a person signs his/her Voter Registration Application with an "X" mark, on block #22?

Answer: If the person can only sign the application with an "X" mark, the temporary registrar must initial next to his/her mark to indicate that he/she have witnessed the signature.

Question: Who is supposed to sign block # 23 (signature of agency representative/registration officer)?

Answer: The temporary registrar (i.e., the DDDS employee who has completed the training provided by the Commissioner of Elections Office) enters his/her signature on block #23 if he/she assisted the person to complete the application.

Question: What is required to be written in box #25 ("Source")?

Answer: Block #25 is reserved for the DDDS agency code. The Commissioner of Elections Office will provide DDDS with pre-printed Voter Registration Applications. Advise your Assigned Regional Designee if you receive an application without a pre-printed agency code.

Question: What should the person expect after he/she has completed the Voter Registration Application?

Answer: Advise the person that he/she should receive a polling card approximately three(3) weeks after registering to vote. If he/she does not receive a polling card, advise him/her to call you or provide them with the appropriate contact information to the applicable Department of Elections office.