

ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES
DDS DIRECTOR'S OFFICE POLICY MANUAL

Policy Type	Subject of Policy	Policy No.
Administrative	Voter Registration Application Activities	1085

- I. This procedure is to implement DHS Policy Voter Registration Act, effective January 1,1996.
- II. All DDS staff are affected by this procedure who participate in Intake/Application processes, Recertification/Renewal process and Name and Address changes of persons with developmental disabilities who receive or request services through Developmental Disabilities Services (DDS).
- III. Specific Central Office staff will be designated to assist the general public with voter registration application activities. Persons of the general public may elect to mail the forms themselves. These forms will not be tallied in the daily count.
- IV. The Human Development Centers shall institute procedures that ensure compliance with this Policy.
- V. Upon any request for service application (home, direct mail), and/or name and address change, the DDS Service Coordinator shall include voter registration application and declaration forms.
- VI. The DDS Service Coordinator shall offer the same degree of assistance in completing the application or declaration form for voter registration activities as for the DDS Application for Service and all other required documents.
- VII. At the time of eligibility recertification/renewal, DDS staff person(s) responsible for recertification/ renewal activities shall offer the opportunity to complete an application to register to vote. The staff person shall offer the same degree of assistance in completing the declaration and application for voter registration as the recertification/renewal documents.
- VIII. Upon receipt of a change of name and/or address of a service recipient, by any DDS staff person, the DDS Central Record Room shall be notified of the name and/or address change.

Effective Date: January 1, 1996

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Reference: Public Law 103-31, National Voter Registration Act; Arkansas Act 964, 1995, and DHS Policy Voter Registration Act, effective January 1, 1996; Administrative

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IX. The DDS Service Coordinator or recertification/renewal staff shall provide a declaration and application to register to vote forms to the individual whose name and/or address has changed and will offer assistance in completing the forms.

NOTE: Regardless of the person's last decision regarding voter registration application, the law requires that the offer be made upon each of the designated occurrences (application/intake; recertification/renewal; name and/or address change) Therefore, if a person declines the application because he/she is already registered, a declaration/declination form must be completed and maintained.

X. Reporting and Retention.

- 1) Declination (declaration forms marked no) forms will be maintained in the office of origin for a period of 24 months.
- 2) All completed original voter registration applications and recap sheets will be MAILED DAILY at DDS expense in properly addressed envelopes (mailing labels will be provided by the Secretary of State), or will be electronically transmitted (when system is available), to the Secretary of State's Office. The agency's confidential code assigned by the Secretary of State's Office will be added to all forms mailed by DDS.
- 3) By the 5th work day of each month, each section shall submit to the DDS Director's Office a report of the number of application and declination forms completed during the previous month.
- 4) The DDS Director's Office shall collect and maintain data on the number of voter registration applications completed or declined and any additional statistical evidence that the Secretary of State or the State Board of Election Commissioners deem necessary for program evaluation. Such voter registration application activity data shall be retained for a period of two (2) years.
- 5) Division totals will be reported by the DDS Director's Office to the office of Chief Council on a form entitled "Application for Voter Registration Monthly Report Form" by the 10th day of each month.

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XI. Forms.

- 1) Declaration and voter registration forms will be provided to each agency by the Secretary of State's Office.
- 2) Declaration forms may be duplicated as needed.
- 3) Application forms may NOT be duplicated. Only original forms may be used.
- 4) Declination forms will be maintained in a location other than in an individual's file.
- 5) Alternate formats will be made available upon request, i.e., bilingual-Spanish/English, large print, Braille.

XII. Training.

- 1) DDS shall provide on-going training for employees who will be assisting persons with voter registration activities and shall include information regarding training procedures in the report filed with the Secretary of State under the provisions outlined in Section 4, Act 964 of 1995.
- 2) The staff person(s) who provide voter registration assistance shall not:
 - a. Seek to influence an applicant's political preference or party registration;
 - b. Display any such political preference or party allegiance;
 - c. Make any statement to any applicant or take any action to the purpose or effect of discouraging the applicant from registering to vote;
 - d. Make any statement to any applicant or take any action to the purpose or effect of leading the applicant to believe that a decision to register or not register has any bearing on the availability of service or benefits; or
 - e. Disclose any applicant's voter registration information, except as necessary for administration of voter registration.
- 3) In-service training will be completed by January 1, 1996, for those staff who are involved in Application, Recertification/Renewal, Name and Address Changes, and General Public in compliance with Voter Registration Activities.

- 4) All new employees involved in the above activities will receive training during job orientation.

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XIII. Penalties.

- 1) Any person who shall maliciously and intentionally destroy, steal, mutilate or unlawfully detain or obtain any voter registration form or any Registration Record Files shall be guilty of a felony, and upon conviction thereof shall be fined in the sum of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1000.00), or be imprisoned in the State Penitentiary for a period of not less than one (1) year nor more than five (5) years, or both.
- 2) Any public official or election official who willfully violates any provision of Act 964 of 1995 shall be guilty of a misdemeanor, and upon conviction thereof shall be guilty of a misdemeanor, and upon conviction thereof shall also be removed from such office.
- 3) Any other person who willfully violates any provision of Act 964 of 1995 shall be guilty of a misdemeanor.

XIV. Voter Eligibility.

- 1) The ultimate decision and responsibility regarding eligibility and voter registration is a function of the County Clerk in which the individual or member of the general public resides.
- 2) Any individual or member of the general public who wishes to complete an application to register to vote is provided an application.
- 3) DDS staff is not to attempt to answer any question posed regarding eligibility. The staff of the Secretary of State or the County Clerk are the only individuals who are allowed to answer questions. Refer the individual or member of the general public to the Secretary of State 501-682-5070, TDD 501-682-3520 or 1-800-482-1127 or the County Clerk in the local county.

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Procedural Addendum For
Human Development Centers - Office of The Superintendent

- I. This procedure is to implement DDS Director's Policy Number 1085 and DHS Policy Voter Registration Act.
- II. Procedures and Implementation.
 - A. Declaration and voter registration application forms provided by the Secretary of State will be obtained and provided to HDC staff assigned voter registration application responsibilities.
 - B. Whether through contacts directly, at home, or by mail, voter registration application activities will be carried out at the time of each intake/ application; each renewal or recertification; and upon each notification of a name and/or address change for persons applying for, or receiving services within HDCs.
 - C. Assigned social services staff will assist as necessary in assuring that voter registration application activities are carried out as mandated for DDS applicants and recipients within the HDC.

NOTE: Regardless of the person's last decision regarding voter registration application, the law requires that the offer be made upon each of the occasions noted in B. above. Therefore, if a person declines the voter application because he/ she is already registered, a declination form must be completed and maintained.

- D. The HDCs will also offer voter registration opportunities to the general public. Pamphlets regarding voter registration developed by the Secretary of State will be obtained and provided to all HDC staff assigned NVRA responsibilities or distribution, upon request. Notice regarding information pamphlets and voter registration opportunities will be posted in public areas of each HDC.

Reference: Public Law 103-31, National Voter Registration Act; Arkansas Act 964, 1995, and DHS Policy Voter Registration Act, effective January 1, 1996; Administrative Rules and Regulations Sub-Committee of the Arkansas Legislative Council December 7, 1995.

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Human Development Centers - Office of The Superintendent

- E. Superintendents will assign staff in each HDC to provide related forms and assistance to the general public in completing voter registration application forms.
 - F. Agency codes, which is confidential information assigned by the Secretary of State's office, will be added to each application mailed by the agency.
 - G. When necessary, a person's mark will qualify as a signature on the voter registration application form.
 - H. The same degree of assistance that is provided for completing agency forms will be offered by assigned agency staff in completing declaration and voter registration application forms. (Special form formats will also be made available upon request, i.e., bilingual- Spanish/English, large print, braille.) Assigned staff will provide assistance in completing declaration and voter registration application forms in accordance with the applicant's preference. This applies to forms for Center residents, as well as the general public.
- III. Reporting and Retention.
- A. The Center staff will mail to the Secretary of State's office daily all completed voter registration application forms. These may include applications from the general public and Center residents. Persons may elect to mail the forms themselves – such is expected to occur most often with the general public who may choose to pick up forms at the Center.
 - B. Along with applications, the Center will forward daily recap/total sheets of declination and voter registration applications received, to the Secretary of State's

office. This information will be electronically submitted should related capabilities be achieved.

- C. The Center will also maintain records of the numbers of applications and Declarations received each day. By the 5th working day of each month, the HDC shall forward totals of applications and declination forms received by the Center for the previous month to the DDS Director's Office on "Application for Voter Registration Monthly Report Forms." Any additional statistical evidence that the Secretary of State or State Board of Election Commissioners deem necessary will also be forwarded when requested.

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Human Development Centers - Office of The Superintendent

- D. The Office of the DDS Director will complete and submit DDS information to the Office of Chief Counsel monthly. The OCC will compile and submit DHS required reports to the Legislative Council at required six-month intervals.
- E. Declination forms-declaration forms with a "no" response will be maintained within the HDC for two years. These forms will be kept in files separate from individual's records.
- F. Declaration and declination forms will be discarded in accordance with guidelines regarding disposal of confidential documents.

IV. Training

- A. HDC staff assigned duties associated with the NVRA will be trained regarding these responsibilities prior to policy implementation on January 1, 1996.
- B. New staff persons will receive in-service training regarding these matters during job orientation and prior to assignment of related responsibilities.
- C. On-going training will be provided employees who assist with voter registration application activities as needed.
- D. Any person posing questions that staff are unable to answer from information received in training will be referred to the Secretary of State (501-682-3520; TDD 501-682-3520; 1-800-482-1127), or to their County Clerk.

- V. Legislative Stipulations Regarding Staff Involved in Voter Registration Activities.
 - A. Employees shall not seek to influence an applicant's political preference or party affiliation/ registration;
 - B. Display any such political preference or party allegiance;
 - C. Make any statement to any applicant or take any action to the purpose or effect of discouraging the applicant from registering to vote;

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- D. Make any statement to any applicant or take any action to the purpose or effect of leading the applicant to believe that a decision to register or not to register to vote has any bearing on the availability of service or benefits; or
 - E. Disclose any applicant’s voter registration information, except as necessary for administration of voter registration.
- VI. Penalties.
 - A. Any person who shall maliciously and intentionally destroy, steal, mutilate or unlawfully detain or obtain any voter registration form or any Registration Record Files shall be guilty of a felony, and upon conviction thereof shall be fined in the sum of not less than one hundred (\$100.00) nor more than one thousand (\$1000.00) dollars, or be imprisoned in the State Penitentiary for a period of not less than one year, nor more than five years, or both.
 - B. Any public official or election official who willfully violates any provision of Act 964 of 1995 shall be guilty of a misdemeanor, and upon conviction thereof shall be removed from such office.
 - C. Any other person who willfully violates any provision of Act 964 of 1995 shall be guilty of a misdemeanor.

VII. Voter Eligibility.

A. The ultimate decision regarding voter eligibility is a function of the County Clerk, not the worker assigned to assist with voter registration application forms. For overall reference purposes, however, the following are eligible for voter registration.

- 1) Those who are, or become, qualified elector during the thirty days immediately preceding the next county election.
- 2) U.S. Citizen, Arkansas resident, age 17 years 11 months and up.

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- 3) Those not presently adjudged mentally incompetent by a court of competent jurisdiction. (The Secretary of State legal counsel has opined that court orders must specifically exclude the right to vote in order for a person to be ineligible to vote.)
- 4) Those with no felony conviction that has not been discharged or pardoned.
- 5) Those who do not claim the right to vote in another county or state.

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