

Licensed Nursing
Homes and Assisted
Living Facilities:
Absentee Ballot &
Voter Registration
Procedures

2006

Procedures for Election Officials



Information included in this section:

- Overview of the Program
- Introducing the Program to Facilities
- Organizing as Teams
- Required Training
- Pre-Visit Checklist
- Post-Visit Checklist

Overview of Program

This program is intended to help all residents of nursing homes and assisted living facilities exercise their right to vote and is required by Chapter 61 of the Laws of Maryland (2006). Election officials, in teams, offer assistance to residents of these facilities with registering to vote, requesting an absentee ballot, and voting an absentee ballot. Completed voter registration and absentee ballot applications are returned for processing, and voted absentee ballots are returned for safekeeping until canvassing.

This manual establishes how a local board must conduct voter registration and absentee voting in nursing home and assisted living facilities. A local board that wishes to deviate from this manual must submit a request explaining how it proposes to conduct voter registration and absentee voting in the facilities and justification for its proposed deviation from the approved guidelines.

While voter registration and absentee voting will generally occur at the same time, this manual separates voter registration and absentee voting into separate chapters. As a result, there is some duplication of information between the two chapters.

Because this program is conducted during the busy election preparation time, it is recommended that each local board hire at least one individual to coordinate this program. This dedicated individual will ensure that each facility is contacted, team members recruited, and visits organized without impacting other election preparation activities.

Introducing the Program to Facilities

Except as provided in #7 below, each nursing home and assisted living facility in your jurisdiction must be contacted and encouraged to allow election officials to visit the facility and offer the residents the opportunity to register to vote and vote by absentee ballot.

To introduce the program:

1. Obtain a list of the names, addresses, and telephone numbers of all the facilities in your jurisdiction. The following websites offer lists of facilities by jurisdiction:

- a. The Maryland Health Care Commission's website at <http://mhcc.maryland.gov/consumerinfo/nhguide/search0.htm>;
- b. The Health Facilities Association of Maryland's website at www.hfam.org;
- c. Mid-Atlantic LifeSpan's website at www.manpha.org.

2. Identify the contact person at each facility. Job titles (i.e., Activity Director, Recreation Director, Social Director) vary by facility.

3. Before a primary election, contact each facility. The communication should:

- a. Introduce the program to the facility;
- b. Explain the services that will be provided and what will occur during the visit;
- c. Include what is expected from the facility before and during the visit;
- d. Identify your office's contact person and information;
- e. Include a list of voters registered at the address of the facility on which to record whether the voter wishes to vote by absentee ballot;
- f. Include a worksheet on which to list the name and date of birth of each individual wishing to register to vote;
- g. Include a statement that any resident who is under a court-ordered guardianship for mental disability should not be included on the worksheet; and
- h. Include a deadline for responding to the memorandum.

A sample memorandum is included in this manual on page 5.2.

4. If the primary and general elections are held more than a few months apart, separate memoranda should be sent for each election.

5. Call each facility that has not responded by the deadline to determine if the facility wants to participate in the program.

6. For facilities that refuse to participate in the program, ask if the facility will permit election officials to deliver voter registration and absentee ballot applications to the facility and pick-up the completed forms on a designated date. A sample letter for these facilities is included in this manual on page 5.7.

- a. Individuals who register to vote this way are subject to the federal identification requirement unless a staff member of the facility is a voter registration volunteer and assisted with the voter registration effort. For these applicants, the source of registration must be “by mail.”
- b. If a staff member of the facility is a voter registration volunteer and assisted with the registration effort, the federal identification requirement would not apply. The source of registration for these applicants must be “volunteer.”

7. While local boards must *contact* all facilities in the jurisdiction, local boards are not required to *visit* facilities with less than 50 residents. For these facilities, the local board may mail voter registration applications, absentee ballot applications, and absentee ballots to the facility. Remember, individuals registering to vote by mail are subject to the federal identification requirement.

Organizing as Teams

Election officials must work in teams of two when they are providing services in facilities. The members of each team must be registered with different political parties or be unaffiliated. The teams may be composed of Board members, election office staff, election judges, or sworn volunteers. Except for election office staff, each team member must attend a training session that includes information on both voter registration and absentee voting.

Required Training

Before the visit:

- 1. Train team members on how to complete a voter registration application, absentee ballot application, certificate of assistance,

absentee ballot, and the forms in Chapter 6 of this manual.

2. Instruct team members that:

- a. **Both** team members must be physically present when assisting a resident with an absentee ballot. They are not to coerce anyone into voting. If the voter decides not to vote before or while voting, the team must stop and retrieve the ballot. A partially voted ballot must be spoiled.
- b. A power of attorney does **not** entitle the person holding the power of attorney to register, apply for an absentee ballot, or vote an absentee ballot on behalf of another person. Voting is an individual right and cannot be assigned by a power of attorney.
- c. As long as the individual is not under a court-ordered guardianship for mental disability, he or she can register to vote and apply for and vote an absentee ballot. A doctor's letter or certificate stating that the voter is not mentally competent is **not** sufficient.
- d. Any interested resident must be offered the opportunity to register and vote and provided the assistance necessary to complete the process. You cannot deny forms or assistance to a resident who appears capable of obtaining the forms directly from the election office or who does not need assistance in completing the ballot.

3. If it is not feasible to send all ballot styles to the facility, explain how the team should handle a request for a ballot style that is not available on-site.

4. Using the oath on page 5.4 of this manual, require each volunteer to sign and take the oath. (Board members, election office staff, and election judges should have already taken an oath. If not, the individual must sign and take the oath on page 5.4.)

5. If an election office employee is visiting the facility, the election office employee shall be responsible for delivering and returning supplies and voted absentee ballots. If no election office employee is visiting the facility, designate one team as being responsible for delivering and returning the supplies and voted absentee ballots.

Pre-Visit Checklist

1. Review the worksheet returned by the facility to determine who is already registered to vote and who needs to be registered to vote.
2. Using the information provided by the facility, prepare voter registration applications for those individuals who wish to vote and are not yet registered to vote and absentee ballot applications for those individuals who wish to vote by absentee ballot.

Remember – with the voter registration application and absentee ballot application available at www.elections.state.md.us, you can type the resident's information directly into the form, print it, and take it with you for the resident to complete and sign.

- a. On the voter registration application, complete as much of the form as you can with the information provided, but do **not** complete the citizenship, party affiliation, and signature fields.
 - b. On the absentee ballot application, complete the application except for the signature field.
3. If the resident provides an address in another jurisdiction, the election office staff must notify the other jurisdiction and, if applicable, forward the voter registration application or absentee ballot application to the other jurisdiction. The other jurisdiction's local board will be responsible for sending the voter the absentee ballot. The election office staff must also notify the individual that the information and any application will be forwarded to the other jurisdiction.
4. If the resident is registered to vote and provides a new address within your jurisdiction, issue the absentee ballot for the new address. (This assumes that the resident provides the new address before the close of voter registration.)
5. **Do not** change the voter's address to the address of the facility, unless the voter has requested in writing that his or her address be changed to that of the facility.
6. Record on the Absentee Ballot Log the serial numbers/number of ballots that will be delivered to the facility. A sample log is included in

Chapter 6 of this manual.

7. Prepare each teams' supplies with the following items:
 - a. Contact person, address and telephone number of the facility to which the team has been assigned;
 - b. Letter from LBE stating the names of the team members and the purpose of the visit. A sample letter is provided on page 5.5;
 - c. Name tags for each team member;
 - d. Copy of the list of voters registered at the facility's address with notations by the facility's contact person indicating who wishes to vote by absentee ballot;
 - e. Copy of the worksheet with names of residents who want to register to vote and/or vote by absentee ballot;
 - f. Partially completed and blank voter registration applications;
 - g. Blank, large print voter registration applications;
 - h. Partially completed and blank absentee ballot applications;
 - i. Blank, large print absentee ballot applications;
 - j. Certificate of Assistance forms;
 - k. Absentee ballots for each ballot style¹;
 - l. Absentee envelopes with oath;
 - m. Instructions for voting an absentee ballot;
 - n. Large print instructions for voting an absentee ballot;
 - o. Sample ballots for the appropriate ballot styles;
 - p. Secured bag or box for voted absentee ballots (provisional ballot bag is acceptable);
 - q. Seal for bag or box after voting is complete; and
 - r. General office supplies (i.e., clipboard for each team member, black pens, rubber bands, paper clips, paper, etc).
8. Record the facility information and date of visit on the Absentee Ballot Accounting Form. This form is provided in Chapter 6 of this manual.
9. Confirm the date and time of the scheduled visit. If a quarantine is in effect for the day of the visit, schedule another date and time.
10. Notify other election office staff of the dates and times when teams will be at a facility conducting voter registration and absentee voting. It is

¹ If it is not feasible to take all ballot styles to the facility, send the ballots styles for the voters listed on the worksheet and extra ballots for the ballot style for the address of the facility.

very important that the teams get the proper assistance from the election office staff while they are at the facilities (i.e., to verify an individual's registration status, obtain the voter's identification number, etc.).

11. Team members should coordinate arrival times. If an election office employee is visiting the facility, the election office employee is responsible for delivering and returning the supplies. If no election office employee is visiting the facility, one team must deliver and return the supplies. Both team members must pick up and return the supplies together and travel in the same vehicle.

Post-Visit Checklist

After visiting a facility:

1. Forward any voter registration applications and absentee ballot applications with addresses in other jurisdictions to the appropriate jurisdiction.

2. Review the Absentee Ballot Accounting Form. Verify that the form is complete. The completed form can be used to generate registration and voter totals for each election.

3. Account for all absentee ballots – fully voted, partially voted, spoiled, and unvoted.

4. If it is necessary to remove the absentee ballots, place them in a secure location. You may remove the absentee ballots from the bag or box.

5. Process the voter registration applications, absentee ballot applications, and absentee ballots immediately.

a. All new voter registration applications completed in the presence of an election official at the facility should be entered with "In Person" as the "Source of Registration."

b. All changes to registration information completed in the presence of an election official at the facility should be entered with "In Person" as the "Source of Change."

- c. See 6(a) and (b) of “Introducing the Program to Facilities” (page 1.4) for processing voter registration applications and changes submitted by facilities not participating in the program.
- 6. Send notices to any deceased voter’s address of registration.
- 7. Send thank you letter to facility. See sample letter on page 5.8.

General Information

2

Information included in this section:

- Overview of the Program
- Pre-Visit Checklist
- General Rules and Information

Overview of Program

This program is intended to help all residents of nursing homes and assisted living facilities exercise their right to vote. Election officials, in teams, offer assistance to residents of these facilities with registering to vote, requesting an absentee ballot, and voting an absentee ballot. Completed voter registration and absentee ballot applications are returned for processing, and voted absentee ballots are returned for safekeeping until canvassing.

While voter registration and absentee voting will generally occur at the same time, this manual separates voter registration and absentee voting into separate chapters. As a result, there is some duplication of information between the two chapters.

Pre-Visit Checklist

1. Verify that you have the following information and supplies:
 - a. Contact person, address and telephone number of the facility to which the team has been assigned;
 - b. Letter from LBE stating the names of the team members and the purpose of the visit. Sample letter is on page 5.5;
 - c. Name tags for each team member;
 - d. Copy of the list of voters registered at the facility's address with notations by the facility's contact person indicating who wishes to vote by absentee ballot;
 - e. Copy of the worksheet with names of residents who want to register to vote and/or vote by absentee ballot;
 - f. Partially completed and blank voter registration applications;
 - g. Blank, large print voter registration applications;
 - h. Partially completed and blank absentee ballot applications;
 - i. Blank, large print absentee ballot applications;
 - j. Certificate of Assistance forms;
 - k. Absentee ballots for each ballot style¹;

¹ If it is not feasible to take all ballot styles to the facility, you will have the ballots styles for the voters listed on the worksheet and extra ballots for the ballot style for the address of the facility.

- l. Absentee envelopes with oath;
 - m. Instructions for voting an absentee ballot;
 - n. Large print instructions for voting an absentee ballot;
 - o. Sample ballots for the appropriate ballot styles;
 - p. Secured bag or box for voted absentee ballots (provisional ballot bag is acceptable);
 - q. Seal for bag or box; and
 - r. General office supplies (i.e., clipboard for each team member, black pens, rubber bands, paper clips, paper, etc).
2. Verify that the number of absentee ballots issued matches the number recorded on the Absentee Ballot Log.
3. Verify that the facility information and date of visit on the Absentee Ballot Accounting Form are complete.

General Rules and Information

1. You are at the facility simply to facilitate a resident's right to vote.
2. You and your team member must be of different party affiliations or be unaffiliated.
3. You must attend a training session and, unless already sworn in, sign and take an oath.
4. You and fellow team member must **both** be present when assisting a resident with an absentee ballot.
5. Individuals have the right to refuse to register or vote.
6. Voters have a right to privacy. Voters may prefer to vote in their rooms and may request to have team members present. This is their right, and, barring no unusual circumstances, you must accommodate their request. Request that the facility's contact person remain outside the resident's room while you and your team member are assisting the voter.
7. You are prohibited from:
 - a. Insisting that a person must register or vote;

- b. Allowing anyone to coerce or attempt to coerce someone into registering or voting; or
- c. Offering an opinion, suggestion, or any kind of advice on how to vote.

8. The only assistance you may provide is technical. If asked to provide assistance, you may:

- a. Read the form the instructions or content of the application form or absentee ballot; and
- b. Complete the application form or absentee ballot, following the instructions of the voter.

If the voter asks you for whom he or she should vote, you **must** tell the voter that you have no opinion.

9. If you and your fellow team member are responsible for delivering and/or returning supplies and voted absentee ballots to the election office, you must arrive and leave in the same vehicle as your fellow team member.

10. A power of attorney does **not** entitle the person holding the power of attorney to register, apply for an absentee ballot, or vote an absentee ballot on behalf of another person. Voting is an individual right and cannot be assigned by a power of attorney.

11. As long as an individual is not under a court-ordered guardianship for mental disability, he or she can register to vote and apply for and vote an absentee ballot. A doctor's letter or certificate stating that the voter is not mentally competent is **not** sufficient.

Voter Registration

3

Information included in this section:

- Pre-Visit Checklist
- Completing an Application
- Post-Visit Checklist

Completing an Application

1. If the election office staff prepared a voter registration application in advance, ask the applicant to:

- a. Review the application;
- b. Make any corrections;
- c. Complete the remainder of the application (citizenship and party affiliation); and
- d. Sign the application.

2. If the election office staff did not complete a voter registration application in advance, assist the individual who wishes to register to vote. The applicant may complete the application on his or her own, or you may complete the application with the information provided by the applicant.

- a. Verify that **all** information – including Box 4 – is complete. An incomplete application will not be accepted.
 - i. The applicant's driver's license or MVA identification number must be written in Box 4a.
 - ii. If the applicant does not have a driver's license or MVA identification number, at least the last 4 digits of his or her social security number must be written in Box 4a.
 - iii. If the applicant does not have a driver's license, MVA identification card, or social security number, the applicant must check Box 4b.
- b. If the individual was previously registered to vote, complete "Last Voter Registration Information" at the bottom of the application.
- c. If the applicant is unable to sign the application, guide the applicant's pen to make a mark on the signature line, write "as witnessed by," and sign your name.
- e. If the visit is before the close of registration, you may assist the applicant with requesting and voting an absentee ballot. Warn the applicant that the absentee ballot will only be counted if the election office completes the processing of the application.

3. Review the application to make sure that all fields are complete.
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Post-Visit Checklist

1. Give all completed voter registration applications and other supplies to the team returning supplies to the election office.

Absentee Voting

4

Information included in this section:

- Pre-Visit Checklist
- Issuing an Absentee Ballot
- How to Spoil an Absentee Ballot
- Information that Voter Has Died
- Post-Visit Checklist

Pre-Visit Checklist

1. Count and record on Line A of the Absentee Ballot Accounting Form the number of absentee ballots issued to the team.
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Issuing an Absentee Ballot

1. You will need the following supplies:
 - a. Absentee Ballot Application;
 - b. Absentee envelope with oath;
 - c. Certificate of Assistance; and
 - d. Absentee Ballot Instructions.
2. Check to see if the election office staff prepared an absentee ballot application for the individual.
3. If the election office staff prepared an application, ask the voter to review the application and make any corrections.

Note: If the election office staff prepared an absentee ballot packet for the voter, do **not** give the packet to anyone other than the voter for whom it was prepared.

4. If the election office staff did not prepare an application for the individual:
 - a. Call the election office and ask for the following information:
 - i. Verification that the person is registered to vote;
 - ii. Voter identification number;
 - iii. Address;
 - iv. District and precinct; and
 - v. Ballot style.
 - b. Write the following information on the application:
 - i. Address at which the individual is registered to vote;
 - ii. Voter identification number in the “Office Use Only” section;
 - iii. District and precinct in the “Official Use Only” section;
 - iv. Name or number of facility in the “Official Use Only” section; and
 - v. Ballot style in the “Official Use Only” section.

5. Verify that the address provided by the election office is the address at which the voter wishes to be registered. If not, write the voter's new address on the application.
6. Write the voter's name and the date on the oath on the return envelope.
7. If the election office states that the voter is an "inactive" voter, the election office will give you the voter's address, district and precinct as it is currently listed.

 - a. If the voter confirms that the address on file is correct, issue the ballot for that address.
 - b. If the voter provides a different address within your jurisdiction, issue the ballot for the new address.
 - c. If you do not have the appropriate ballot style, notify the voter that his or her absentee ballot will be mailed.
 - d. If the voter provides an address in another jurisdiction, inform the voter that the ballot will have to be issued by the election office in the other jurisdiction. The election office will forward the application to the other jurisdiction.
8. If the election office states that the voter is registered to vote in another jurisdiction:

 - a. Provide the voter with an absentee ballot application.
 - b. If necessary, assist the voter with completing the application.
 - c. Inform the voter that the absentee ballot application will be forwarded to the appropriate jurisdiction and that jurisdiction will mail the voter the absentee ballot.
9. Check to see if there is an absentee ballot envelope for the voter. If there is, give the voter the envelope. If there is not an envelope, issue the ballot for the address on the application.

Note: If the voter provided a new address on the application, give the voter the ballot style for his or her new address.

Note: If you do not have the proper ballot style for the voter, notify the voter that his or her absentee ballot will be mailed.

10. Record that an absentee ballot was issued. If the voter decides not to vote, record that the absentee ballot was refused.

11. Verify that the return mailing label has the correct district and precinct number or write the district and precinct number on the return envelope.

12. Ask voter to sign the absentee ballot application and the oath on the absentee ballot envelope. If the voter cannot sign his or her name, guide the voter's pen to make a mark on the signature line, write "as witnessed by," and sign your name.

13. Refer to pages 2.3 and 2.4 for information on what kind of assistance you can provide a voter.

14. If you assisted a voter with completing the absentee ballot, complete the Certificate of Assistance form. Include the name or number of the facility in the upper right corner. This form **must** be completed with the voter present.

15. Once the ballot has been voted, either deposit or ask the voter to deposit the voted ballot in the designated bag or box.

16. If the voter wants you to leave the ballot:

- a. Make note of the voter's name and that the ballot was left with the voter; and
- b. Provide the voter with the absentee ballot, instructions, certificate of assistance, and absentee ballot envelope with oath.

17. Review the list of voters registered at the facility's address. Verify that all voters who previously indicated an interest in voting an absentee ballot: (1) have voted; (2) have requested that the absentee ballot be left with the voter; (3) will have their absentee ballots mailed; or (4) are not able to vote and a reason is recorded on the list.

How to Spoil a Ballot

If you or the voter make a mistake while voting a ballot:

- a. Complete every oval for every candidate and ballot question;
- b. Write "SPOILED" on all pages of the ballot and set aside; and
- c. Record that an absentee ballot was spoiled.

A voter may not receive more than 2 replacement ballots.

Information that a Resident Has Died

If the contact person at the facility advises you that a resident whose name is on the worksheet has died, please record this information. The election office will follow up with the voter's family.

Post-Visit Checklist

1. Complete the Absentee Ballot Accounting Form. The accounting must include:

- a. Number of ballots at beginning of visit (Line A);
- b. Number of ballot voted during the visit (Line B);
- c. Number of ballots you left with voters (Line C);
- d. Number of spoiled ballots (Line D);
- e. Number of unused ballots (Line E);
- f. Number of declined absentee ballots; and
- g. Number of residents who appeared on the facility's initial list but have left, died, or are otherwise unavailable.

3. Give all completed absentee ballot applications, ballots (voted, spoiled, and unvoted), and other supplies to the person(s) returning supplies to the election office. If an election office employee is at the facility, the election office employee must return the supplies to the election office. If no election office employee is at the facility, the designated team must return the supplies to the election office.