

Michelle G. Fry, J.D., Ph.D.
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3440 Harden Street Extension
Columbia, South Carolina 29203
803/898-9600
Toll Free: 888/DSN-INFO
Home Page: www.ddsn.sc.gov

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Applicability: DDSN, DDSN Regional Centers and Residential Habilitation Settings; Intake Providers; Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID) Providers and Residential Habilitation Providers

PURPOSE

The purpose of this Directive is to implement the National Voter Registration Act (NVRA), S.C. Code Ann. § 7-5-110 through §7-5-340 (2019), and to provide guidance for assisting people who are eligible for DDSN services to exercise their right to vote.

VOTER REGISTRATION

Requirement:

The National Voter Registration Act (NVRA) requires that any office in a State that provides either public assistance or state-funded programs primarily engaged in providing services to persons with disabilities must offer voter-registration services. In accordance with NVRA, a State must designate the offices in the State as voter-registration agency. In South Carolina, the Department of Disabilities and Special Needs (DDSN) is designated as a voter-registration

agency. As a voter-registration agency, DDSN must provide the opportunity to register to vote to persons when (1) applying for DDSN services, (2) re-applying for DDSN services, and (3) changing the address used for DDSN services. As a voter-registration agency, DDSN must:

- Distribute voter-registration forms;
- Provide an “information” form that contains information on the voter-registration process;
- Provide the same level of assistance to all applicants in completing the voter-registration forms as is provided to the person when he/she is applying for DDSN services (unless the applicant refuses the assistance);
- Accept completed registration forms; and
- Transmit each completed voter-registration form to the appropriate State election official with the prescribed time frame.

Implementation – Voter Registration:

The NVRA requires that voter-registration services be offered when applying for or re-applying for services; therefore, Intake providers will be primarily responsible for performing these functions on behalf of DDSN. It is recommended that, as appropriate, each Intake provider designate one staff member to act as the coordinator of voter registration services. If designated, the coordinator would train new employees, ensure an adequate supply of forms, monitor voter registration activities, and resolve questions and problems that may arise. If a coordinator is designated, his/her responsibilities would be ongoing, but not full time.

Intake providers will be responsible for offering the opportunity to register to vote to those seeking eligibility for DDSN services (applicants) when the applicant:

- Is a citizen of the United States and of the State of South Carolina;
- Is eighteen (18) years of age or older;
- Is a resident in the county and in the polling precinct in which he/she offers to vote;
- Is not mentally incompetent as adjudicated by a court of competent jurisdiction;
- Is not serving a term of imprisonment resulting from a conviction of a crime;
- Has not been convicted of a felony or offenses against the election laws, unless the disqualification has been removed by the service of the sentence, including probation and parole time unless sooner pardoned.

Intake provider staff members (Intake workers) who offer the opportunity to register to vote are **strictly prohibited** from:

- Seeking to influence an applicant’s political preference or party affiliation, or
- Displaying any political preference or party allegiance, or
- Taking any action or making any statement to an applicant to discourage the applicant from registering to vote, or
- Taking an action or making any statement that may lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

Intake workers must:

1. Determine if the applicant:
 - (a) Is currently registered to vote at his/her current address, or
 - (b) Would like to register to vote, or
 - (c) Would like to decline to register to vote.

The Voter Registration Declination form (Attachment) should be presented and explained. The applicant should be asked to complete the form. If needed, assistance, to the same degree as given to complete forms for DDSN eligibility, should be provided. It should be noted that failure to check either box on the form constitutes declination to register. If the applicant declines to check a box he/she must be told, *“If you do not check either box, you will be considered to have decided not to register to vote at this time.”*

The Voter Registration Declination form (Attachment) has two (2) sections. The top section of the completed form should be retained by Intake worker as part of the person’s record. The top section of the declination form shall be kept in a confidential manner for one (1) year. The bottom section of the form should be separated from the top (along the dotted line) and given to the applicant. The provision of the form and the offering of the opportunity to register to vote must be documented as an Intake activity.

2. If the applicant is registered to vote at his/her current address, declines to register to vote, or fails to check a box on the Voter Registration Declination form, no additional actions by the Intake worker are required.
3. If the applicant chooses to register to vote at his/her current address or change his/her voter registration address, and the applicant possesses a valid South Carolina driver’s license or state identification card issued by the Department of Motor Vehicles, he/she may submit an application for voter registration electronically on the Internet website of the State Election Commission ([SC Votes](#)). Assistance, to the same degree provided for completing DDSN eligibility, can be provided to complete the registration electronically.
4. If the applicant chooses to register to vote at his/her current address or change his/her voter registration address but does not possess a valid South Carolina driver’s license or state identification card issued by the Department of Motor Vehicles, the completion of a paper voter-registration form is required. The paper/printed form should be given to the applicant and, if needed, assistance, to the degree provided in the completion of forms for DDSN eligibility, provided to complete it. Voter registration forms can be printed from the South Carolina Election Commission website ([Voter Registration Forms](#)).

When a paper voter registration form is completed, the completed form must be transmitted to the county board of voter registration and elections of the county in which the applicant resides. This transmission may be by mail, e-mail, or fax. Information about each county board of voter registration and elections in the State can be found on the website of the State Election Commission ([SC Votes](#)). Completed forms must be

transmitted to the appropriate county board of voter registration and elections within ten (10) days of completion unless the form is completed within five (5) days before the last day to register to vote in an election, in which case the completed form must be transmitted within five (5) days.

All voter registration activities performed by the Intake worker must be documented. The documentation must specify mode used for registration (paper form or electronic). When a paper form is completed, the date and mode (e.g., mail, email, fax) of transmission of the completed form must be documented along with address or fax number to which the document was transmitted.

Implementation – Updating Voter Registration:

When someone who is eligible for DDSN services has moved / changed addresses, the person's case manager or Qualified Intellectual Disabilities Professional (QIDP) must be prepared to assist him/her with updating his/her voter registration. Assistance to update his/her voter registration should be provided by the case manager or QIDP as needed and to the degree provided in the completion of other forms required for service provision. Anyone assisting someone to update his/her voter registration is **strictly prohibited** from:

- Seeking to influence a person's political preference or party affiliation, or
- Displaying any political preference or party allegiance, or
- Taking any action or making any statement to the person to discourage the him/her from registering to vote, or
- Taking an action or making any statement that may lead the person to believe that updating his/her registration has any bearing on the availability of services or benefits.

People can be assisted to update their voter registration in the following ways:

1. If the person possesses a valid South Carolina driver's license or state identification card issued by the Department of Motor Vehicles (DMV), and has updated his/her address with the DMV, he/she may be assisted to complete the voter registration form electronically on the Internet website of the State Election Commission ([SC Votes](#)).
2. If the person moved from one address to another within the same county of the State, a change of address form and assistance to complete and transmit the form can be provided. Change of address forms can be found on the website of the State Election Commission ([SC Votes](#)). Completed forms may be transmitted by mail, e-mail, or fax and must be transmitted to the county board of voter registration and elections in which the person currently resides. Information about each county board of voter registration and elections in the State can be found on the website of the State Election Commission ([SC Votes](#)).
3. A paper voter registration form and assistance to complete and transmit the form can be provided. A paper voter registration form is required when the person moves from the

county in which he/she is registered to vote to another. A completed form must be transmitted to the county board of voter registration and elections of the county in which the person now resides. This transmission may be by mail, e-mail, or fax. Information about each county board of voter registration and elections in the State can be found on the website of the State Election Commission ([SC Votes](#)).

4. If the person moved from one address within a county to another within the same county, assistance can be provided to fill out the back of the person's voter registration card and transmit it by mail to the county board of voter registration and elections in the county in which the person resides. Information about each county board of voter registration and elections in the State can be found on the website of the State Election Commission ([SC Votes](#)).

When the assistance provided to update voter registration includes the transmission of completed forms, those forms must be transmitted to the appropriate county board of voter registration and elections within ten (10) days of completion unless the form is completed within five (5) days before the last day to register to vote in an election, in which case the completed form must be transmitted within five (5) days.

All activities provided to assist with updating voter registration information must be documented. The documentation must specify mode used for updating the registration. When a paper form or voter's registration card is used, the date and mode of transmission of the completed forms must be documented along with name of the entity and the mailing address, e-mail address or fax number to which the document was transmitted.

VOTING ASSISTANCE

General:

As citizens of the United States of America and the State of South Carolina, adults with disabilities have the right to vote. When an adult with disabilities needs assistance to exercise his/her right to vote, assistance can and should be provided. Assisting someone to vote may include but may not be limited to the following:

- Providing information about voting and the electoral process;
- Assisting with registering to vote or updating his/her voter registration;
- Providing information about how to vote, such as information about voting systems (e.g., machines), the roll of poll workers, the assistance (e.g., curbside voting, reading the ballot) that can be provided, how to get needed assistance at the poll, who can (e.g., friends, family, poll workers) and cannot (e.g., service provider staff, employer/boss) assist with casting a ballot;
- Helping the person to find information about upcoming elections and candidates (e.g., providing a printed sample ballot); and
- Helping the person with transportation to their polling place on election day.

While much support can and should be provided to people eligible for DDSN services to exercise their right to vote, employees or contractors of DDSN, a Disabilities and Special Needs Board or a DDSN-contracted service provider are **strictly prohibited** from:

- Seeking to influence the person's political preference or party affiliation,
- Seeking to influence the person's choice of candidate or response to ballot measures.
- Taking any actions or making any statements to discourage the person from exercising his/her right to vote,
- Taking an action or making any statement that may lead the person to believe that a decision to vote or not vote has any bearing on the availability or continuation of services or benefits.
- Taking an action or making any statement that may lead the person to believe that a decision to vote for or against a specific candidate or ballot measure has any bearing on the availability or continuation of services or benefits, and
- Assisting the person to cast his/her ballot when voting in person.

Absentee Voting:

Registered voters with disabilities are qualified to vote absentee prior to Election Day. Absentee voting can be completed in-person or by mail. When a person eligible for DDSN services is a registered voter and requests assistance to vote absentee, the person should be asked if they prefer to vote absentee in-person or by mail.

If the person prefers to vote absentee in-person, assistance should be provided as needed to support their decision. This assistance may include sharing information about the in-person absentee voting process, or arranging for providing transportation to the office of the county board of voter registration and elections.

If the person is not receiving Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID) services or Residential Habilitation, and prefers to vote absentee by mail, assistance should be provided as needed and appropriate. Any assistance provided must be documented. The person may, for example, be assisted to:

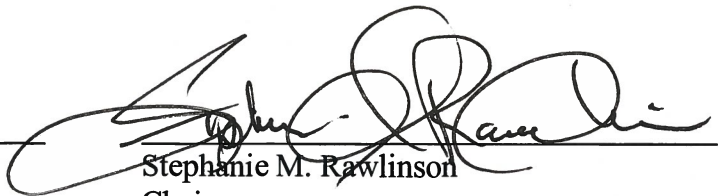
- Obtain an application form to request an absentee ballot by mail. Application forms can only be requested by the person (the voter), a member of the person's immediate family, or an authorized representative acting on behalf of the person. Please note, for people who are not receiving ICF/IID services or Residential Habilitation, employees or contractors of DDSN, a Disabilities and Special Needs Board or a DDSN-contracted service provider agency are **prohibited** from acting as the authorized representative of the person for the purpose of requesting an absentee ballot by mail.
- Complete the application for absentee voting and transmit the completed application to the county voter registration and elections office by the deadline which is 5:00 p.m. on the fourth (4th) day prior to the election. Applications can be transmitted by mail, e-mail, fax or personal delivery.
- Return/submit the completed ballot to the county board of voter registration and elections.

For DDSN, Disabilities and Special Needs Boards and DDSN-qualified providers of ICF/IID services or Residential Habilitation (agencies), information found on the South Carolina Election Commission website "[Absentee Voting at Residential Care Facilities](#)" should serve as a guide for assisting those supported in these settings to exercise their right to vote by casting an absentee ballot by mail. Employees of an agency who are designated by the agency as the voting coordinator may, for the sole purpose of absentee voting by mail, serve as an authorized representative of a person receiving ICF/IID services or Residential Habilitation from the agency. An agency may only designate a voting coordinator if the agency issues a policy on absentee voting which:

- Specifies the minimum qualifications of the employee who may serve as the voting coordinator,
- Specifies that the duties of the voting coordinator includes coordinating any absentee voting by mail efforts with the people supported (voters), their family members / representatives, and the county board of voter registration and election,
- Requires the written acknowledgement by the employee serving as the voting coordinator that it is unlawful to vote or attempt to vote for a voter, impersonate a voter, attempt to bribe a voter, provide assistance when not requested, and falsely take an authorized representative's oath.
- Specifies that the agency will notify law enforcement if any unlawful actions (above) are witnessed by the voting coordinator or any agency staff member or contractor.



Barry D. Malphrus
Vice Chairman



Stephanie M. Rawlinson
Chairman

To access the following attachments, please see the agency website page "Current Directives" at: <https://ddsn.sc.gov/providers/ddsn-directives-standards-and-manuals/current-directives>

RELATED FORM: SEC Form 2030-201004 Declination to Register to Vote