

## **POLICY TITLE: VOTER REGISTRATION POLICY AND PROCEDURE**

### **Policy Statement**

Alameda County Behavioral Health Care Services both County operated and contract services shall provide voter registration forms and voter registration assistance during the assessment interview conducted by the service team provider site clinicians.

### **State Department of Mental Health Information**

**With very specific and limited expectations, psychiatric patients, including those held involuntarily, have the right to vote.** Persons under conservatorship may exercise this right unless the court decides otherwise. Section 2208 of the California Elections Code states that a person is deemed mentally incompetent and therefore disqualified from voting if a guardian or conservator is appointed and during the course of any such proceedings the court specifically finds that the person is not capable of completing an affidavit of voter registration. Persons judicially committed such as Not Guilty by Reason of Insanity (NGI), Penal Code Section 1026; Incompetent to Stand Trial (1ST), Penal Code Section 1370; Mentally Disordered Sex Offenders (MDSO's), Welfare and Institutions Code Section 6316; and Mentally Disordered Offenders (MDO's), Penal Code Section 2684, are all ineligible to vote while still under commitment, except for MDO's who are no longer on parole even though still under commitment.

The Secretary of State and the county registrars continue to have primary responsibility for NVRA implementation. The County of Alameda, Registrar of Voters office is located at 1225 Fallon Street, Room G-1, Oakland, CA 94612. The telephone number is (510) 272-6973 and the Fax number is (510) 272-6982. The telephone number of the Secretary of State office is (916) 654-0543.

## **PROCEDURE**

### **Registering Voter**

1. When clinically appropriate, mental health consumers shall be offered voter registration forms and voter registration assistance. Those mental health consumers who are currently receiving services shall be offered voter registration services at their next appointment or when clinically appropriate.
2. The same level of assistance shall be provided to mental health consumers registering to vote as is provided for completing other forms for mental health services. This level of assistance includes the provisions of interpreter services for mental health consumers who are deaf and hearing impaired and assistance to mental health consumers who are physically disabled, blind and visually impaired. Voter registration forms are not available in Braille.
3. If a mental health consumer is physically or mentally disabled (excluding those persons determined by a court to be mentally incompetent, or who are in a crisis situation) and

## **POLICY TITLE: VOTER REGISTRATION POLICY AND PROCEDURE**

cannot sign the Voter Registration Form, he/she must make a mark on the signature line ("X" or any other mark), witnessed by two persons. The staff person who is assisting the mental health consumer can be a witness.

4. When offering or assisting mental health consumers with voter registration, make sure that he/she is made aware of the four (4) requirements that must be met to register to vote (found in the first box of the Declination Form and Attachment A).
5. If the consumer accepts assistance, the staff person who is assisting the mental health consumer with voter registration must make sure that the forms are completely filled out and signed by the mental health consumer.
6. When assisting a mental health consumer with voter registration services, the staff person does not have to complete Box 13 and the Registration Form Receipt (stub) on the form, however, the staff person needs to fill out the bottom part of the Declination Form. •
7. Voter Registration Forms in languages other than English (in combination with English) i.e., Chinese, Japanese, Spanish, Vietnamese, etc. will be made available by the local county elections office. If the mental health consumer wishes a form in a language other than those available, provide that person with the Secretary of State's toll free number 1-800-345-VOTE.
8. In order to maintain confidentiality, all voter registration forms and other related materials should be kept separate from mental health consumer files.
9. If a mental health consumer informs his/her service provider either in person or by mail, that he/she has changed address, the mental health consumer must be offered the opportunity to update his/her voter registration by giving or mailing a voter registration form to that person.
10. If mailing forms, fill out die bottom part of the Application to Register or Declination form and file.
11. Do not refuse to provide voter registration services to any mental health consumer of whom there is a reason to believe he/she does not meet voter eligibility requirements. However make sure that the mental health consumer is made aware of the four (4) requirements to register to vote (this is contained in the first box of the Declination Form). If the individual is under conservatorship, the conservator will be informed that voter registration services are being offered to the mental health consumer.
12. The staff person assisting the mental health consumer will not:
  - a. Seek to influence an applicant's political preference or party registration, or
  - b. Display any such political preference or party allegiance, or
  - c. Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote, or
  - d. Make any statement to an applicant or take any action 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.

## **POLICY TITLE: VOTER REGISTRATION POLICY AND PROCEDURE**

### **Record-Keeping and Reporting**

1. The Secretary of State requires that the completed Application to Register or Declination Form be retained for two (2) years by the voter registration agency (any mental health services provider).
2. A separate file will be maintained for the Application to Register or Declination Form, which will be filed alphabetically by the mental health consumer's last name.
3. To maintain federally mandated standards pertaining to the confidentiality of information contained in the mental health consumer's case record, the completed Application to Register or Declination Form will not be filed in the case file.
4. In order to avoid confusion and potential delays in submission, each provider should, on a daily basis, forward completed forms, including segregated questionable registrations to the elections office in the county where the provider site is located.
5. The county elections office requires that valid forms must be received by them at least 25 days prior to the next election. To ensure that the 25-day deadline is met, each provider shall obtain a copy of the county election schedule from the elections office. Different elections are held yearly and these vary from county to county.
6. Voter Registration Cards completed and given to staff will be transmitted by inter-office courier mail to the County of Alameda, Registrar of Voters office. However, clients are welcome to mail the card on their own.
7. Voter Registration forms are available from the County of Alameda Registrar of Voters Office.

**Original Approval Date: October 25, 1996 Revision Date: May 20, 1997**

**APPLICATION:  
Behavioral Health Care Services  
Mental Health Division**