

## Appendix A: Guidelines for DPSCS Non-Custody Staff Helping an Eligible Individual in the Custody of the Department to Participate in the Electoral Process

### .01 General Guidelines.

- A. If designated by the managing official, you may assist an eligible individual with registering to vote, requesting a mail-in ballot, or completing a ballot.
- B. An eligible individual in the custody of the Department is required to vote by mail-in ballot and the mail-in ballot must be returned to the local election board by placing it in:
  - (1) The outgoing mail; or
  - (2) A facility's official ballot box.
- C. Ask the eligible individual what type of assistance the eligible individual needs.
  - (1) You may:
    - (a) Read the information on a voter registration application (VRA), mail-in ballot request form (MIBR), or a ballot;
    - (b) Complete a VRA, MIBR, or mark a ballot; or
    - (c) Read and complete a VRA, MIBR, or ballot.
    - (d) If necessary and when asked by the eligible individual, you may print the eligible individual's name in the required signature area and place your initials next to the printed name. If a certification is required, complete the certification.
  - (2) If qualified, you may translate the VRA, MIBR, or ballot for the eligible individual.
- D. How to Provide Assistance. When reading an eligible individual a VRA, MIBR, or a ballot:
  - (1) Do not influence, suggest, or persuade a voter to choose a specific candidate, political party, or cause.
  - (2) Do not attempt to influence, suggest, or persuade a voter to choose a specific candidate, political party, or cause.
  - (3) Do not communicate with the voter in a way that makes the eligible individual feel forced to make certain choices. *Example:* Never say, "X, Y, and Z are running for this position, but really, only X and Y stand a chance. Any votes for Z are just a waste of time."

- (4) Do not make any statement or take any action that may lead the eligible individual to believe that a decision to register or not to register has any bearing on the availability of services or privileges. *Example:* Never say, “You won’t be able to vote in the primary if you register as an X” or “If that initiative doesn’t get enough ‘Yes’ votes, they are going to cut all your services.”
- (5) Do not display any political or candidate preference or political party allegiance.
- (6) Do not make assumptions about an eligible individual’s voting preferences. *Example:* Don’t assume that because an eligible individual belongs to political party X, that the eligible individual will choose all of the candidates with political party X by their name.
- (7) Do not make suggestions about the eligible individual’s voting preference. *Example:* Never say, “That county council president X really botched things up last year. Do you really want to vote for him or this other person?”

**E. Misinformation.**

- (1) Never alter the content of the information provided for each selection, as doing so can unintentionally influence the individual’s vote.
- (2) Never withhold information that is printed on the VRA, MIBR, or ballot from the eligible individual you are assisting.
- (3) Never give false information about what is printed on the VRA, MIBR, or ballot to an eligible individual you are assisting.

**F. Decision Making. When completing a VRA, MIBR, or a ballot for an eligible individual:**

- (1) Do not make decisions for the eligible individual even if asked to do so.
- (2) Never mark or change the application or ballot to reflect a choice other than the choice expressed by the eligible individual.
- (3) A voter is not required to cast a vote on every measure or candidate on the ballot.

**G. Protect the eligible individual’s privacy.**

- (1) Respect the privacy of the voter at all times during the registration and voting process.

- (2) Ensure that the voter’s choices remain private even after completing a VRA, MIBR, or ballot.
- (3) Do not discuss the assistance you provided. It is the voter’s choice whether to disclose this information to individuals outside of the voting process.

**.02 Voter Eligibility.**

A. To determine if the individual is already registered to vote in Maryland you can search here: [Maryland State Board of Elections - Voter Lookup \(https://voterservices.elections.maryland.gov/VoterSearch\)](https://voterservices.elections.maryland.gov/VoterSearch).

B. General Eligibility.

- (1) To be eligible to register to vote, a person must be:
  - (a) A U.S. citizen;
  - (b) A Maryland resident; and
  - (c) At least 16 years old.
- (2) A person cannot have been:
  - (a) Convicted of buying or selling votes;
  - (b) Under guardianship for mental disability and found by a court to be unable to communicate a desire to vote; or
  - (c) Convicted of a felony and currently serving a court-ordered sentence of imprisonment for the felony. See State Board of Elections website: [https://elections.maryland.gov/voter\\_registration/restoration.html](https://elections.maryland.gov/voter_registration/restoration.html).

C. Incarcerated Individual Eligibility.

- (1) An incarcerated individual must meet all of the conditions listed in §.02B(1);
- (2) Be incarcerated in a DPSCS correctional facility; and
  - (a) Held in a pretrial status; or
  - (b) Currently serving a sentence for only a misdemeanor offense(s).

**.03 Voter Registration Application.**

A. If an incarcerated individual in custody of the Department requests an VRA, regardless of whether you believe the incarcerated individual is eligible to vote, you must provide a voter registration application or direct the incarcerated individual on how to obtain one.

**B.** When assisting an eligible individual to register to vote, you must also inform the individual that while incarcerated, the individual will only be permitted to vote by mail-in ballot. You must also inform the eligible individual that he or she must complete a MIBR in order to obtain a mail-in ballot.

**C.** VRA.

- (1) Familiarize yourself with the VRA form and instructions.
- (2) If the eligible individual requires reading assistance:
  - (a) Read the instructions in the VRA to the eligible individual; and
  - (b) If asked, explain or carefully and accurately reword the instructions as appropriate for the needs of the eligible individual.
- (3) If needed, assist the eligible individual in obtaining the individual's driver's license number or the last four (4) digits of the individual's Social Security number. This information shall be kept confidential.
- (4) If the eligible individual requires writing assistance you may:
  - (a) Complete items 1 through 12 on the application at the direction of the eligible individual;
  - (b) If the eligible individual is already registered to vote but wants to change address or political party affiliation, complete Items A–B at the bottom of the form at the direction of the eligible individual; and
  - (c) Address the VRA to the local board of elections for the jurisdiction where the individual is registering to vote.
- (5) The individual registering to vote is responsible for providing all postage for mailing the VRA to the local board of elections, unless:
  - (a) The postage is prepaid; or
  - (b) The individual is indigent and receives free postage from the mailroom administrator.

**.04 Mail-In Ballot Request Form.**

**A.** If an eligible individual has previously registered to vote in an earlier election cycle, the eligible individual may automatically receive a MIBR from the local elections board.

**B.** If the eligible individual is newly registered to vote and does not receive an MIBR from the local board, an MIBR form is available in the packets provided by the State Board of Elections (SBE) and on the SBE website in [English-MBR](#) and [Spanish-MBR](#) (<https://elections.maryland.gov/voting/absentee.html>).

**C.** MIBR.

- (1) Familiarize yourself with the MIBR form and instructions.
- (2) If the eligible individual requires reading assistance:
  - (a) Read the instructions in the MIBR to the eligible individual; and
  - (b) If asked, explain or carefully and accurately reword the instructions as appropriate for the needs of the eligible individual.
- (3) If the eligible individual requires writing assistance you may:
  - (a) Complete items 1 through 7 on the application at the direction of the eligible individual; and
  - (b) Address the MIBR to the local board of elections for the jurisdiction where the individual is registered to vote.
- (4) MIBR Section 4: Be aware of an eligible individual’s upcoming release date when completing Section 4 of a MIBR form. Make sure the eligible individual will still be incarcerated at the time the ballot is delivered. The eligible individual may indicate on the form whether to receive a mail-in ballot for the:
  - (a) Primary election only;
  - (b) General election only;
  - (c) Primary and general election for the current year; or
  - (d) All future federal and state elections.
- (5) MIBR Section 5: An individual incarcerated within a Department correctional facility does not have access to an email account or a facsimile machine. You should advise the eligible individual to have the ballot sent via the U.S. Mail.
- (6) MIBR Section 7: Signatures and Certification of Assistance. The person assisting the voter must complete this section by signing in the section labelled “Assistant, sign here” and acknowledge, “Under penalty of perjury, I hereby certify that this voter

needed help with this form because he or she has a disability or is unable to read or write. The voter authorized me to complete this form. If the voter could not sign this form, I printed the voter's name [on the Signature of Voter line] and wrote my initials.”

- (7) Seal the completed MIBR in the provided return envelope.
  - (8) The eligible individual is responsible for providing all postage for mailing the MIRB to the local board of elections, unless:
    - (a) The postage is prepaid; or
    - (b) The individual is indigent and receives free postage from the mailroom administrator.
- D.** Direct or assist the eligible individual to return the ballot by mail or to place the ballot in the designated ballot box.

**.05 Assisting an Individual Complete an Election Ballot.**

- A.** Familiarize yourself with the ballot and instructions.
- B.** When assisting an eligible individual to mark a ballot, remember:
  - (1) To use or provide a black ink to mark the ballot.
  - (2) That the eligible individual does not sign the ballot. The eligible individual signs the return envelope.
  - (3) To seal the return envelope.
  - (4) To send the ballot using the postage-paid return envelope.
- C.** If the eligible individual requires reading assistance:
  - (1) Read the instructions that accompany the ballot to the eligible individual;
  - (2) If asked, explain or carefully and accurately reword the instructions as appropriate for the needs of the eligible individual; and
  - (3) Repeat the questions and possible answers on the ballot as many times as is needed by the eligible individual.
- D.** If the eligible individual requires writing assistance you may:
  - (1) Mark the ballot as directed by the eligible individual. If unsure of the eligible individual's selection, ask for clarification without adding influencing language.

- (2) If the eligible individual chooses more than one selection for a single ballot question that only allows one answer, inform the eligible individual of the error, explain the effect of the error, and provide the opportunity to fix the error before the ballot is cast.
  - (3) Address the ballot envelope to the local board of elections for the jurisdiction where the individual is registered to vote.
- E.** If you are providing any form of assistance to an eligible individual who is voting a ballot, you must complete and sign the *Certification of Person Assisting Mail-in Voter* form (provided with ballot). This certification must be returned in the envelope with the marked ballot.
- F.** Ballot Review.
- (1) Before sealing the ballot and the certification in the return envelope, give the eligible individual the opportunity to privately review the ballot answers; and
  - (2) Give the eligible individual the opportunity to privately and independently change the ballot before it is cast.
- G.** The eligible individual is responsible for providing all postage for mailing the ballot to local board of elections, unless:
- (a) The postage is prepaid; or
  - (b) The individual is indigent receives free postage from the mailroom administrator.
- H.** If a ballot is being mailed, the ballot will only be counted if it is returned in the return envelope and the affidavit is signed with a valid signature in the place provided for the signature on the envelope.
- I.** Direct or assist the individual to return the ballot by mail or to place the ballot in the designated ballot box.

**.06 Providing Candidate Information.**

- A.** A voter may request a facility librarian, who maintains the resources in a correctional library operated by the Maryland Department of Labor, to assist him or her in researching a candidate who appears on the ballot.
- B.** The State Board of Elections provides candidate information on their website but the link will change with each primary, general, and special election. [2024 Primary](#)

[https://www.elections.maryland.gov/elections/2024/primary\\_candidates/index.html](https://www.elections.maryland.gov/elections/2024/primary_candidates/index.html).

- C. The League of Women Voters Educational Fund maintains a non-partisan website entitled [VOTE411.org](https://www.vote411.org) (<https://www.vote411.org/maryland>) that provides voting information by election jurisdiction. On the website, add the mailing address where the incarcerated individual is registered to vote and a list of candidates and ballot measures for that jurisdiction will be provided. The League often provides candidates with surveys and will post the candidate responses to the website.