
Title	Northern Lakes CMH Policies
Part 106	Supports and Services – NLCMH Provided and Contract
Subpart J	Mental Health Code Protected Recipient Rights
Policy No.	106.1011
Subject	Voting Rights (RR)

Applicability

Policy applies to all NLCMH activities, operations and sites and to all Workforce Members except members of the governing body. Policy also applies to any Network Provider and its employees, volunteers, or agents that has elected to adopt and adhere to NLCMH policies and procedures pertaining to Recipient Rights under the terms of its Participating Provider Agreement.

Policy

Northern Lakes CMH and its contracted providers shall protect and promote the right of recipients to participate in the electoral process.

STANDARDS

VOTING RIGHTS:

A recipient shall have the right to exercise his or her franchise without discrimination pursuant to the United States Constitution (15th Amendment) and the Michigan State Constitution of 1963 (article 2, section 2). Section 7009 of the MDCH Administrative rules and Opinions of the Michigan Attorney General have provided that the right of a recipient, including a recipient determined to be legally incompetent, to participate in the electoral process, including primaries and special recall elections, shall not be abridged and that it is unconstitutional to prohibit a recipient from exercising his or her rights to change residency for the purposes of voting.

A qualified voter is defined under the Michigan Assisted Voter statute (MCLA 168.492) as follows: *"Every person who has the following qualifications of an elector, or who will have such qualifications at the next ensuing election or primary election, shall be entitled to be registered as an elector in the township, ward, or precinct in which he or she resides. Such person must be a citizen of the United States; at least 18 years of age, a resident of the state for at least 30 days; and be a resident of the city, township, or village on or before the thirtieth day prior to the next ensuing regular or special election or primary election."* This does not apply to recipients who are inmates confined in a jail or prison or convicted of a felony, and who may not vote pursuant to the Opinion of the Michigan Attorney General, OAG, 1976, No. 5121, p. 656.

VOTER REGISTRATION:

Pursuant to the National Voter Registration Act of 1993 (Title 42, Chapter 20, Subchapter 1 H, Section 1973gg) and as a State funded program providing services to persons with disabilities, Northern Lakes CMH is designated as a “voter registration agency.” As such Northern Lakes CMH Workforce Members will:

1. Make available mail voter registration forms with an offer to assist recipients;
2. Upon request, provide assistance to recipients in completing voter registration forms;
3. Accept voter registration forms for transmittal to the appropriate State election official;
4. Provide opportunities for registration to persons receiving both office and home-based services;

Registration opportunities shall be offered to recipients in waiting rooms at all office sites with postings offering assistance by the recipient’s assigned worker during the course of the person-centered planning process to allow sufficient time for voter registration and acquisition of absentee ballots for any election. The same degree of assistance with regard to the completion of the registration application form will be provided to recipients as is provided with regard to the completion of Northern Lakes CMH’s own forms, unless the applicant refuses such assistance.

In assisting recipients to register to vote providers shall not:

1. Seek to influence an applicant’s political preference or party registration;
2. Display any such political preference or party allegiance;
3. 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 in voting;
4. Make any statement or take any action the purpose or effect is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

ADDITIONAL RIGHTS OF RECIPIENTS OF RESIDENTIAL PROGRAMS:

Specialized residential programs shall do all of the following:

1. Canvass all residents 18 years of age or over to ascertain their interest in registering to vote, obtaining absentee ballots, and casting ballots. The canvass shall be conducted to allow sufficient time for voter registration and acquisition of absentee ballot, or provided residents with an opportunity to leave the premises to exercise voting privileges, or to register to vote,

or a facility director may require supervisory personnel to accompany residents and may require residents to bear reasonable transportation costs.

2. Make arrangements with state and local election officials are made to provide voter registration and casting of ballots for interested residents at the facility or may elect to encourage the use of absentee ballots.
3. Assist election officials in determining a resident's place of residence for voting purposes.
4. Not prohibit a resident from receiving campaign literature.
5. Permit campaigning by candidates, but may reasonably regulate the time, duration, and location of these activities. A facility director shall permit a resident to place political advertisements in his or her personal quarters.
6. Be cognizant of the Michigan Assisted Voter statute (MCL 168.751), which states that, "*When at an election an elector shall state that the elector cannot mark his or her ballot, the elector shall be assisted in marking of his or her ballots by 2 inspectors of election. If an elector is so disabled on account of blindness, the elector may be assisted in the marking of his or her ballot by a member of his or her immediate family or by a person over 18 years of age designated by the blind person.*"

Procedures

None.

Adoption Date: May 23, 2006

Review Dates:
June 8, 2009
May 14, 2010

Revision Dates:
August 31, 2010