

GENERAL DISTRIBUTION

**WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION**

NUMBER: 503.01

DATE: 01 February 2020

**SUBJECT: INMATES VOTING ABSENTEE
BALLOTS**

POLICY DIRECTIVE

PURPOSE:

To provide eligible inmates the opportunity to exercise their right to vote in primary, general or special elections by absentee ballots.

REFERENCE:

WV Code §3-3-1, *et seq.*

RESPONSIBILITY:

No additional written instructions on this subject are required.

CANCELLATION:

Any previous written instruction on the subject including RJA Policy 14005, dated 04 November 1991

APPLICABILITY:

All facilities within the DCR which house inmates eligible to vote in accordance with WV Code §3-3-1. This Policy is for general distribution and is to be made available for inmate review.

DEFINITIONS:

Assistance in Voting: For the purpose of this Policy Directive, this shall mean assistance in physically marking the official absent voter's ballot for an inmate or reading or directing the inmate's attention to any part of the official absent voter's ballot.

POLICY:

- I. Registered voters and other qualified voters are authorized to vote an absentee ballot by mail if they are confined to a specific location and prevented from voting in person throughout the period of voting in person because of incarceration. Provided, that the underlying conviction is not for a crime which is a felony or a violation of state code involving bribery in an election.
 - A. Inmates on pre-trial status and those convicted of a misdemeanor shall have the opportunity to exercise their right to vote.
 - B. An inmate authorized and desiring to vote a mail-in absentee ballot in any primary, general or special election must make application in writing in the proper form to the proper official.
 1. Counseling staff, upon request by the inmate, may assist the inmate in obtaining an “application for voting absentee by mail” from the official designated to supervise and conduct absentee voting from the political division in which the election is to be held (e.g. county or municipality).
 2. The inmate desiring to vote shall complete and sign the application in her or her own handwriting or, if unable to complete the application because of illiteracy or physical disability, counseling staff may assist and witness the mark of the inmate by signing his or her name in the space provided.
 3. The inmate shall be responsible for mailing the completed application to the designated official no earlier than eighty-four (84) days preceding the election and no later than the sixth (6th) day preceding the election.
 4. The official, upon acceptance of the completed application, shall determine whether the application has been completed as required by law, the applicant is duly registered to vote, and the applicant is authorized to vote an absentee ballot by mail for the reasons given.
 5. The official shall give notice to the voter if the required conditions have not been met. Otherwise the official shall mail to the inmate the official ballot(s), one (1) unsealed envelope, printed instructions and one (1) postage paid envelope.
 - C. Upon receipt of an official ballot(s), the inmate shall mark the ballot alone; provided, the inmate may have assistance in voting because of illiteracy or physical disability as specified below.
 - D. The inmate shall then be responsible for mailing the completed ballot(s) in order for the official to receive no later than the day after the election.

- II. No inmate shall receive any assistance in voting an absent voter's ballot by mail unless he or she makes declaration at the time of application for an absent voter's ballot because of blindness, disability, advance age or inability to read or write.
- A. An inmate who required assistance due to these reasons shall indicate to counseling staff their need for an eligible person to assist him or her.
- B. The staff member assisting shall make an affidavit on the appropriate form, that he or she will not in any manner request, or seek to persuade, or induce the inmate to vote any particular ticket or for any particular candidate or for or against any public question, and that he or she will not keep or make any memorandum or entry of anything occurring and that he or she will not, directly or indirectly, reveal to any person the name of any candidate voted for, which ticket voted, or how voted on a public question, or anything occurring, except when required pursuant to law to give testimony as to such matter in a judicial proceeding.

ATTACHMENT(S):

#1 None.

APPROVED SIGNATURE: _____


Betsy C. Jividen, Commissioner

1-17-20
Date