



EXERCISING THE RIGHT TO VOTE

Why Vote?

Throughout U.S. history, Americans have fought—and Americans have died—for the right to vote. Voting honors that history and is an important way to have an influence on the community, the state and the country.

Voting strengthens the voices of individuals within the government and may influence policies that affect their lives.

Barriers That Limit Opportunities to Vote:

More than 40 states have laws that, in some form or another, limit the rights of citizens with mental disorders to vote. The laws most often apply to those who are found to be “mentally incompetent” by the courts and placed under legal guardianship. This affects as many as 1.2 million nationwide. However, some court decisions offer reason for optimism:

Court Decisions in Favor of the Voting Rights of Individuals Diagnosed with Mental Illnesses:

In 2000, a New Jersey State Court ruled that an effort to restrict the voting rights of individuals involuntarily committed to psychiatric hospitals was based on flawed and prejudicial stereotypes.

In 2001, three women in Maine who had mental illnesses and were under guardianship challenged the provision in the Maine Constitution barring individuals with mental illnesses who are under guardianship from voting. Ruling in their favor, the federal judge said that the provision violated the U.S. Constitution and the Americans with Disabilities Act because it was “based on a stereotype rather than any actual relevant incapacity.”

Studies have shown that no evidence exists that people who have severe mental illnesses are any less able to make informed political choices than other Americans, and that this applies even to people who are hospitalized or under guardianships.

Voter Rights for Individuals Diagnosed with Mental Illnesses:

Many laws have been enacted that support the rights of citizens diagnosed with mental illnesses to vote. These include the Americans with Disabilities Act, the National Voter Registration Act, the Voting Rights Act and the Help America Vote Act. Listed below are some of the rights every citizen preparing to vote should know:

- Citizens can register to vote almost any time. Since the National Voter Registration Act was passed in 1993, most state agencies and state-funded programs providing disability services are now required to offer year-round voter registration.
- All citizens are allowed to cast a ballot. Therefore, even if an individual with a mental illness is denied the right to vote, he or she must be allowed to submit a Provisional Ballot. An election worker will later decide if the individual is eligible to vote. If the individual is deemed eligible, then the Provisional Ballot will be counted.
- Individuals who have been hospitalized, either voluntarily or involuntarily, still have the right to vote. In order to do so they must register and, prior to the election, request and complete an absentee ballot.

How to Find or Give Support:

- Getting people interested in politics—that is, the civic life of their community, their state and their country—is the first step. Newspapers and radio stations such as National Public Radio will often have information about a candidate’s background and agenda.
- If you need help voting, assistance can be provided by friends, family members, a poll worker or any other trusted individual you choose.



EXERCISING THE RIGHT TO VOTE (cont.)

- For information on voting rights, call 1-866-OUR-VOTE (1-866-687-8683) and ask to speak to a lawyer about voting rights.
- Volunteer for a local political party and engage yourself in the areas that interest you.
- Get involved with advocacy groups such as the Mental Health Voter Empowerment Project. This group registers voters, sends them educational material and

reminders of upcoming elections, and invites them to activities to facilitate voting. To learn more about voter empowerment, go to http://www.ncstac.org/content/projects/vep_links.htm

Voting is important and may be particularly important to people with disabilities. As President Lyndon Baines Johnson once said, the vote is the most powerful instrument ever devised for breaking down injustice.

RESOURCES

“Advocates Fight Voting Restrictions on People with Mental Illness.” Psychiatric News.
<http://www.psych.org/pnews/00-09-01/advocates.html>

“Also Turned Away.” The Nation.
<http://www.thenation.com/docprint.mhtml?i=20031124&s=chandleryork>

“Federal Court Strikes Down Maine Law Restricting Voting for People with Mental Illness”
<http://www.abilitymaine.org/article3.html>

Hemmens, Craig, et al. (2002). “The Consequences of Official Labels: An Examination of the Rights Lost by the Mentally Ill and Mentally Incompetent Ten Years Later.” Community Mental Health Journal, 33(2)

Judge David L. Bazelon Center for Mental Health Law
<http://www.bazelon.org/issues/voting/index.htm>

Mental Health Empowerment Project
<http://www.mhanys.org/mhvep/>

NAMI: National Alliance on Mental Illness
<http://www.nami.org/>

Project Vote Smart
<http://www.vote-smart.org/index.htm>

Targeting Stigma, a Campaign Seeks to Engage Mentally Ill Voters
<http://www.namimass.org/stigma.htm>

Voting Rights
http://www.nami.org/Content/NavigationMenu/Inform_Yourself/About_Public_Policy/2004_Election/votingrights.pdf

The Rehabilitation Research & Training
Center Promoting Community Integration
of Individuals with Psychiatric Disabilities

www.upennrrtc.org



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