



FOR IMMEDIATE RELEASE

Often Disenfranchised, People with Mental Disabilities Can Assert Their Voting Rights

Washington DC, October 7, 2008-"Vote. It's Your Right." So states the title of a guide for people with mental disabilities issued today by two national advocacy groups. The booklet written for voters with mental disabilities and their advocates also informs elections officials and mental health providers about laws that affect voting by individuals with mental disabilities.

"There is a widespread myth that people with mental disabilities shouldn't vote," said Jennifer Mathis, deputy legal director of the Bazelon Center for Mental Health Law and a principal author of the guide.

"Such arbitrary disenfranchisement violates federal law," Mathis added. "We produced this guide to provide needed clarity and ensure that people with mental disabilities can exercise their right to vote like every other citizen."

The guide was developed by the Bazelon Center and the National Disability Rights Network, national nonprofits representing people with mental illnesses and intellectual disabilities. It focuses on four main areas: 1) voter-competence requirements, 2) state photo-ID laws, 3) voter challenges and 4) providing help to voters with disabilities. It explains which federal laws apply and includes a list of **key legal principles** and a chart citing each state's laws that affect the voting rights of people with mental disabilities.

All but 11 states have some type of law limiting voting rights based on competence, although more than half allow a court to take away someone's right to vote only if it specifically finds that the person lacks the capacity to vote. However, even in states without such laws, actions by election officials or staff at hospitals, nursing homes or group homes often deprive residents of access to the ballot. The guide cites the example of a Veterans Administration nursing home that refused to permit volunteers to help residents register (noting that the VA recently modified that policy).

"Only a court can decide that someone is not competent to vote," the guide points out. It recommends that a voter who is told by a poll worker that he or she may not vote "ask to vote a provisional ballot before leaving the polling place."

Accompanying the guide are two flyers: one explaining their voting rights to people with mental disabilities and another informing election officials and service providers how help can be provided to a voter with mental disabilities, and by whom.

Vote. It's Your Right. and the flyers are available as PDFs to download from the Bazelon Center's website at <http://www.bazelon.org/issues/voting>. Print copies can be purchased online via a link from that page, with bulk discounts available, or by contacting pubs@bazelon.org for information.

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The Bazelon Center for Mental Health Law (www.bazelon.org) is the leading national legal-advocacy organization representing people with mental disabilities. It promotes laws and policies that can enable people with psychiatric or developmental disabilities to exercise their life choices and access the resources they need to participate fully in their communities.

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