

# Voting Guide for Assisting the Elderly and Disabled

## Legal Eligibility

- Confirm that the person meets the eligibility requirements to vote, including **age**, **U.S. citizenship**, state **residency** and that they are not otherwise disqualified (i.e. some states disqualify felons or the mentally incapacitated).
- Confirm that the person is **registered to vote** in the state.
- Make sure the person has ID to comply with any applicable **Voter ID laws**.

## Voting Options

- **Vote Early:** All states except CT, DE, KY, MO, MS, NH and SC offer either early voting or in-person absentee voting.
- **Absentee/Mail-In:** All states offer some form of absentee or mail-in voting. Most states require you to apply for an absentee ballot. Approximately one-third of states require an excuse. Make sure to check your state's deadlines.
- **Vote on Election Day:** Vote in person at your local polling place on November 3rd.

## FAQ's on Voting Rights of Mentally Disabled Voters and Nursing Home Residents

### 1. Are mentally disabled persons allowed to vote?

- Federal law **prohibits** states from subjecting the mentally disabled to different standards.
- State **election officials cannot** presume you are mentally incapacitated to vote merely because you are subject to a guardianship or reside in a nursing home or facility for the disabled.
- With limited exceptions, a mentally disabled person **cannot** be disqualified from voting **unless** they have been **ruled mentally incapacitated to vote by a court of law**.

### 2. What accommodations are mentally disabled persons entitled to?

- The Americans with Disabilities Act (ADA) **prohibits** discrimination against disabled voters in all aspect of voting, including registration, site selection and voting.
- Election officials and polling places are **required** to make **reasonable accommodations** and modify rules for disabled voters. Election officials are required to provide **assistance** if asked.
- A disabled person has a right to **assistance** from a person of their choice (not an employer or union rep).
- **Public facilities** and private **nursing homes** that receive federal financial assistance are **required** to make **reasonable accommodations** and **offer voting assistance** to residents who need it.

### 3. Who can challenge the right of a mentally disabled person to vote?

- Many states permit election officials or even private citizens to **challenge** a voter's competency.
- Challenges are usually subject to strict evidentiary standards. Challenges at the polling place are suspect.

### 4. What should you do if you are denied the right to vote?

- You have the **right** to cast a **provisional ballot** under the Help America Vote Act of 2002 (HAVA).
- If you are registered and eligible to vote in the jurisdiction and you are not being allowed to vote due to a voter challenge or other technicality, demand a **provisional ballot**. Your eligibility can be confirmed later.

## Do's and Don'ts of Assisting a Disabled Voter

<u>Do's</u>	<u>Don'ts</u>
<ul style="list-style-type: none"> <li>■ Assist the person in <b>reading and understanding</b> the ballot, if necessary.</li> </ul>	<ul style="list-style-type: none"> <li>■ <b>Do not</b> share <b>your opinion</b> about who you voted for or how you believe the person should vote. <b>Remember that this is their ballot, not yours.</b></li> </ul>
<ul style="list-style-type: none"> <li>■ Assist the person in <b>completing the ballot</b>, consistent with their choices, if necessary.</li> </ul>	<ul style="list-style-type: none"> <li>■ <b>Do not</b> complete a ballot for a person who is incapable of providing instructions as to how they would like to vote.</li> </ul>
<ul style="list-style-type: none"> <li>■ <b>Address each office and question</b> on the ballot, one at a time, allowing the person to make a selection.</li> </ul>	<ul style="list-style-type: none"> <li>■ <b>Do not</b> simply have a conversation and complete the ballot based on generalized assumptions.</li> </ul>
<ul style="list-style-type: none"> <li>■ If the person expresses choices for some offices and questions, but not others, simply leave the others blank. <b>They are not required to complete every section of the ballot.</b></li> </ul>	<ul style="list-style-type: none"> <li>■ <b>Do not</b> assume that the person wants to vote for the same party in every office on the ballot or that they take positions on issues you believe to be consistent with the candidate(s) they chose. <b>Do not make any assumptions.</b></li> </ul>
<ul style="list-style-type: none"> <li>■ Ask the <b>nursing home</b> or other facility where the person resides what <b>accommodations</b> they provide to assist the person with registering to vote, getting to the polling place, submitting absentee/mail-in ballots, etc.</li> </ul>	<ul style="list-style-type: none"> <li>■ <b>Do not</b> be persuaded or intimidated by anyone who baselessly tells you the person is not allowed to vote simply because they have some kind of cognitive impairment or reside in a nursing home.</li> </ul>
<ul style="list-style-type: none"> <li>■ Make sure the person brings any required form of <b>identification</b> to the polling center.</li> </ul>	<ul style="list-style-type: none"> <li>■ <b>Do not</b> assume that the person cannot vote merely because they do not have a driver's license. There are other forms of permitted identification.</li> </ul>
<ul style="list-style-type: none"> <li>■ If anyone at the polling place gives you a hard time, simply ask for a <b>provisional ballot</b>. Mental competence and voter identification can generally be verified after election day.</li> </ul>	<ul style="list-style-type: none"> <li>■ <b>Do not</b> question or judge the decisions of the person who is voting, even if their choices seem out of character. This is not your role as their assistant.</li> </ul>

## Additional Voting Resources

We relied on many of the resources below in completing this guide.

- You can find general information about voting eligibility at [USA.gov](https://www.usa.gov).
- You can register to vote at your local election office, which you can also find at [USA.gov](https://www.usa.gov).
- You can find your state's voting website as well as a link to the page where you can verify your voter registration in the directory provided by the Federal Voting Assistance Program at [FVAP.gov](https://www.fvap.gov).
- You can find out more about important voting-related dates and deadlines in your state at [USVOTEFUNDATION.org](https://www.usvote.org) and [VOTE.org](https://www.vote.org).
- Most states Secretary of State or Department of State websites have additional voting-related information. A list of these websites is provided by the National Association of Secretaries of State at [NASS.org](https://www.nass.org).
- You can find great information about the voting rights of mentally disabled persons at [BAZELON.org](https://www.bazelon.org).
- You can get detailed information about every candidate on the ballot as well as referendums at [BALLOTREADY.org](https://www.ballotready.org).
- You can learn more about what issues are on your local ballot at [VOTE411.org](https://www.vote411.org).
- The National Conference of State Legislatures (NCSL) offers a 50 state analysis of early voting rules and important dates at [NCSL.org](https://www.ncsl.org).
- NCSL also offers a 50 state analysis of absentee/mail-in voting rules and important dates at [NCSL.org](https://www.ncsl.org).
- To report voter fraud, contact your [local election's office](#), the [FBI](https://www.fbi.gov), the [U.S. Attorney's Office](https://www.usdoj.gov), the Public Integrity Section of the [Department of Justice](https://www.justice.gov) or your local county's office of the District of Attorney.
- To report voter intimidation or suppression, contact your [local election's office](#), the Voting Section of the Civil Right's Division of the [Department of Justice](https://www.justice.gov) or [file a complaint online](#).
- Make sure you participate in the [2020 Census](https://www.census.gov) to ensure that your district's census count is accurate for the next election.