



PEOPLE WITH INTELLECTUAL AND DEVELOPMENT DISABILITIES HAVE THE RIGHT TO VOTE

Most people want to vote, including voters with intellectual or development disabilities. If you are a voter with one of these disabilities, you should know your rights. Knowing your rights will help make sure you are able to vote. Take this flyer with you when go to vote so you will know what your rights are. You can also show this to others if you run into any problems.

YOU HAVE THE RIGHT TO VOTE!

- If you are a person with a mental disability and understand what it means to vote, federal law protects your right to vote. The laws that protect that right: The Constitution and the Americans with Disabilities Act, 42 U.S.C. § 12132.
- Alabama allows people with mental disabilities keep the right to vote EXCEPT when they are under a guardianship, a judge finds the person incompetent, and the judge removes the right to vote from the person.
 - State Constitution: No person who is mentally incompetent shall be qualified to vote, unless the disability has been removed. ALA. CONST. art. 8, § 177(b).
 - Guardianship Statues: In a limited guardianship, the partially incapacitated person retains all legal rights which the court has not seen fit to delegate to the limited guardian. Comment to ALA. CODE § 26-2A-105.
 - Mental Health Statues: Consumers of mental health services have the same general rights as other citizens of Alabama, including the right to vote and participate in the political process. ALA. CODE § 22-56-4(a)(5).
 - Developmental Disabilities Statutes: Persons with developmental disabilities and traumatic brain injury have the right to vote and participate in the political process, subject to applicable laws. ALA. CODE § 38-9C-4(7). Persons with developmental disabilities and traumatic brain injury are presumed competent until a court determines otherwise. ALA. CODE § 38-9C-4(5).

YOU HAVE THE RIGHT TO GET HELP FROM A PERSON YOU CHOOSE!

- If you can't read or need help voting because of your disability, you can have someone help you vote. You can bring a friend, family member or someone else you trust to help you. You can ask the poll worker to help you if you didn't bring anyone with you. The law that gives you that right: The Voting Rights Act, 42 U.S.C. §§1973aa-6; The Americans with Disabilities Act, 42 U.S.C. § 12132.

THE LAW SAYS EVERYONE GETS TO CAST A BALLOT, SO DON'T LEAVE WITHOUT VOTING!

- Even if someone says you cannot vote, the law says the poll worker must allow you to vote a special ballot called a Provisional Ballot. Later, an election worker will decide whether you are allowed to vote in the election. If you are, your vote will be counted. The law that gives you that right: The Help America Vote Act, 42 U.S.C. § 15482

WHAT CAN HELPERS DO TO HELP A PERSON VOTE?

- First, an assistance provider—helper—should ask the voter what choice he or she wants to make. The helper must never make assumptions about how a person wants to vote!
- The helper must respect the voter's privacy at all times during voting.
- The helper should understand the instructions on how to cast a ballot and be prepared to explain them to the voter, and/or demonstrate the voting process.
- The helper should be prepared to read or explain all ballot choices or questions in a language the voter understands
- The helper may mark a ballot for a voter with a disability only if the voter has directed him or her to do so.
- After the ballot has been completed, the helper should make sure that it accurately reflects the voter's choices.

WHAT CAN HELPERS NOT DO WHILE HELPING A PERSON VOTE?

- Making decisions for the voter—for example, marking or changing a ballot to reflect a choice other than a choice expressed by the voter.
- Communicating with the voter in a way that makes the voter feel forced to make certain choices.
- Pressuring the voter to vote for a particular candidate or in a certain way.
- Withholding information or giving false information to a voter.
- Pressuring the voter to cast a vote on every measure or candidate.
- Revealing to others how the voter voted. Respect the voter's right to privacy.

**IF YOU HAVE A PROBLEM, YOU CAN CONTACT THE ALABAMA
DISABILITIES ADVOCACY PROGRAM (ADAP) BY:**

PHONE: 205.348.4928

EMAIL: JTHALL@ADAP.UA.EDU