



The Question of Capacity to Vote

The right to vote is one of the most sacred privileges in a representative

democracy and it should be available to all citizens, whether they are

cognitively impaired or unimpaired. Evaluating a person's capacity to vote

outside the voting process itself is inappropriate and should not be done

except by a court authorized to do so.

Ask a person if he or she wants to vote. If he or she answers yes, ask if any

assistance is needed with registering, ordering, or completing the ballot.

Your opinion of a person's choice—their vote and rationale—is not relevant.

If the individual indicates a choice among available ballot selections, their

reasons for such choice are not relevant. The helpers' opinion of the choice is

not relevant. What matters is that the person for whom you provide support

is allowed to vote and his or her preferences are respected. People who are

otherwise cognitively healthy may base their votes on any whim or reason.

Similarly, persons with cognitive impairment may also choose according to

their own preferences. If a person can indicate a desire to vote, he or she can

also indicate a choice among available ballot selections.

Capacity to vote is much like the capacity to ride a bicycle, which



can be determined accurately only by allowing the individual to mount a bike and start pedaling. If capacity is lacking, the task just won't be completed. Likewise, an individual simply will not be able to make or communicate a choice on a ballot, even with assistance, if capacity to vote is lacking. The process stops by its own lack of momentum. It may mean that only part of the ballot is completed, but that is perfectly okay. There is no requirement to complete every ballot. A medical diagnosis does not disqualify a person from voting. A diagnosis of Alzheimer's disease, traumatic brain injury, or other cause of cognitive impairment does not disqualify a person from being eligible to vote. In fact, many persons diagnosed with a condition that involves cognitive impairment are able to cast a ballot. This means that chart notes, medical diagnoses, or cognitive test scores do not disqualify a person from voting. Everyone should be approached about voting, and everyone who wants to vote should be given the opportunity.

[2020-voting-guide.pdf \(americanbar.org\)](https://www.americanbar.org/publications/2020-voting-guide.pdf)

[People with Dementia Have the Right to VoteDownload](#)



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References:

- [Voting & Cognitive Impairments \(americanbar.org\)](#)
- [People with Dementia Have the Right to Vote | Psychology Today](#)