

The Right to Vote and Cognitive Impairment

Whenever an opportunity to vote is on the horizon, our team often fields questions from family members and other client supports regarding voting when the person in our mutual care is living with a cognitive impairment.

FAQs about voting include:

- May I fill out my mom's ballot once I know her choices?
- My father-in-law asked me who he should vote for. What do I do?
- My dad has supported one political party his whole life and still makes comments that are consistent with supporting that party. If he can't identify the candidates, may I vote a straight party ticket for him based on his known patterns of voting?
- My Aunt Mary moved to an assisted living community, is she still able to vote?



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~ American Bar Association Committee on Law and Aging

Our goal is to allay these concerns and help you navigate how best to support the person in your care in exercising their right to vote.

Why is this important? We live in a representative democracy and voting is a fundamental right protected by the federal and state constitutions.

As stated by the [American Bar Association Commission on Law and Aging](#), "[t]he 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."

Voting is a hallmark of our democracy. We also believe it's fundamental to the autonomy of the individual.

Having dementia doesn't mean you can't vote. In a timely article published just before the 2020 election – *Having Dementia Doesn't Mean You Can't Vote* – for 'The New Old Age' column in the New York Times, journalist Paula Span interviewed Charles Sabatino, then-director of the American Bar Association (ABA) Commission on Law and Aging.

“There are many misperceptions of what ‘capacity to vote’ is,” said Sabatino. “Incapacity to follow a recipe and cook dinner doesn't mean incapacity to vote. The inability to remember your grandchildren's names doesn't mean you can't vote.” The ability to express a preference is what is required.¹

“Can you pick among the choices?” said Dr. Jason Karlawish, a geriatrician and co-director of the [Penn Memory Center](#). “That's it.”

The ABA Commission on Law and Aging in collaboration with the Penn Memory Center have prepared this thoughtful pamphlet – [Assisting Cognitively Impaired Individuals with Voting: A Quick Guide](#) – to help anyone assisting with and supporting the right to vote of a person living with cognitive impairment.

As noted in the Guide: “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.”

Here in Washington state, we are fortunate to have vote-by-mail ballots. Voting can be done from the convenience of the place you call home, including a long-term care facility. Voters can take time to review the voters' pamphlet and make their choices. This also gives you time to schedule and provide guidance in the process.

The [Quick Guide](#) will help you assist a voter living with a cognitive impairment navigate any communication challenges, all while staying consistent with election laws.

ADDITIONAL RESOURCES

- [Defining and Assessing Capacity to Vote: The Effect of Mental Impairment on the Rights of Voters](#)
- [Washington State Elections and Voters with Disabilities](#)
- [Who Has the Capacity to Vote?](#)