

voter rights

laws related to mental health conditions

While NAMI has moved away from using antiquated language to describe people living with a mental illness or mental health condition, many laws use outdated language. Terminology used below reflects language in state law.

State	Voting Laws Related to Mental Health Conditions ¹
Alabama	<p>A person judged “mentally incompetent” by a court is disqualified from voting, unless finding is reversed.</p> <p>In a limited guardianship, a person retains the right to vote unless delegated to the guardian by the court.</p>
Alaska	<p>A person judged to be of “unsound mind” by a court is disqualified from voting, unless the finding is reversed.</p> <p>Guardianship is not a determination of legal incompetence; a person retains the right to vote unless specifically limited or granted to the guardian by the court.</p>
Arizona	<p>A person judged “incapacitated” or “insane” by a court is disqualified from voting or registering to vote.</p>
Arkansas	<p>A person judged “mentally incompetent” by a court is disqualified from voting.</p> <p>Guardianship is not a determination of legal incompetence; a person retains the right to vote unless specifically limited or granted to the guardian by the court.</p> <p>If a guardian was appointed prior to Oct. 1, 2001, then the guardian must obtain a court-order to prohibit voting. If a guardian was appointed on or after Oct. 1, 2001, then the guardian must obtain a court-order to approve voting.</p>
California	<p>A person judged “mentally incompetent” by a court is disqualified from voting.</p> <p>A person under conservatorship must be evaluated by the court for voting rights determination.</p>
Colorado	<p>A person’s right to vote is retained while confined in a state hospital.</p> <p>Mental health treatment facilities or agencies shall assist patients in obtaining voter registration forms, applications for absentee ballots, and absentee ballots and to comply with any other prerequisites for voting.</p>

Connecticut	<p>A person judged “mentally incompetent” by a court is disqualified from voting.</p> <p>The guardian or conservator of a person may file a petition to determine the person’s competency to vote.</p>
Delaware	<p>A person judged “mentally incompetent” or “incapacitated” by a court is disqualified from voting.</p>
District of Columbia	<p>A person judged “mentally incompetent” by a court is disqualified from voting, unless the finding is reversed.</p> <p>Incapacitation is not a determination of legal incompetence; a person retains the right to vote unless under guardianship.</p>
Florida	<p>A person judged “mentally incompetent” or “incapacitated” by a court is disqualified from voting, unless finding is reversed or civil rights are restored.</p> <p>A person under guardianship must be evaluated for voting rights determination.</p> <p>The department shall establish rules to enable patients to obtain voter registration forms, applications for absentee ballots, and absentee ballots.</p>
Georgia	<p>A person judged “mentally incompetent” by a court is disqualified from voting, unless the finding is reversed.</p> <p>Guardianship is not a determination of the right to vote.</p> <p>Facility administrators shall permit and reasonably assist patients in obtaining voter registration forms, applications for absentee ballots, and absentee ballots.</p>
Hawaii	<p>A person judged “mentally incompetent” or “incapacitated” by a court is disqualified from voting, provided the incapacitation is to the extent that the person lacks sufficient understanding or capacity to make or communicate responsible decisions concerning voting.</p>
Idaho	<p>No statute or provision disqualifying a person living with mental illness from voting.</p> <p>A mental health facility cannot deny right to vote unless right limited by prior court order.</p>
Illinois	<p>No statute or provision disqualifying a person living with mental illness from voting.</p>
Indiana	<p>No statute or provision disqualifying a person living with mental illness from voting.</p>
Iowa	<p>A person judged to be “insane”, an “idiot” or “incompetent to vote” by a court is disqualified from voting, unless the finding is reversed.</p> <p>A person under guardianship must be evaluated by the court for voting rights determination.</p>
Kansas	<p>No statute or provision disqualifying a person living with mental illness from voting.</p>

Kentucky	<p>A person judged to be “insane” or an “idiot” by a court is disqualified from voting.</p> <p>A person declared incompetent but not declared “insane” retains the right to vote.</p> <p>A person under guardianship or conservatorship retains the right to vote unless court specifically removes the right to vote.</p>
Louisiana	<p>A person judged “mentally incompetent” by a court is disqualified from voting, unless the finding is reversed.</p> <p>Patients in treatment facilities shall not be deprived of the right to vote solely because of status as a patient in a treatment facility.</p>
Maine	<p>A person judged “mentally incompetent” by a court is disqualified from voting, unless finding is reversed.</p> <p>Patients in residential facilities shall not be deprived of the right to vote solely because of status as a patient in a treatment facility.</p>
Maryland	<p>A person under guardianship for mental disability is disqualified from voting.</p> <p>A person may not lose the right to vote solely because of residency in a facility for a mental disorder.</p>
Massachusetts	<p>A person who is under guardianship and determined to be incompetent is disqualified from voting.</p> <p>No person shall be deprived of the right to vote solely on the basis of admission or commitment to a mental health facility.</p>
Michigan	<p>Legislature may exclude a person from voting based on “mental incompetence.”</p>
Minnesota	<p>A person judged “insane” or “mentally incompetent” by a court is not eligible to vote.</p> <p>Persons may not be deprived of the right to vote because of commitment or treatment.</p>
Mississippi	<p>A person judged “insane” or an “idiot” by a court is disqualified from voting.</p> <p>Admission, treatment or commitment does not deprive the person of the right to vote.</p>
Missouri	<p>A person judged “mentally incompetent” or “incapacitated” by a court is disqualified from voting.</p> <p>A person under guardianship for mental disability retains the right to vote if capacity is demonstrated.</p>
Montana	<p>A person judged to be of “unsound mind” by a court is disqualified from voting, unless the finding is reversed.</p>

Nebraska	<p>A person judged “mentally incompetent” by a court is disqualified from voting, unless the finding is reversed and civil rights are restored.</p> <p>Guardianship is not a determination of legal incompetence.</p>
Nevada	<p>A person judged “mentally incompetent” by a court is disqualified from voting, unless the finding is reversed. Medical director shall evaluate every six months to determine if sufficient cause to remain unable to vote.</p> <p>No person admitted to a mental health facility shall be denied the right to vote unless specifically found incompetent and finding is not reversed.</p>
New Hampshire	<p>No statute or provision disqualifying a person living with mental illness from voting.</p>
New Jersey	<p>A person judged incapable of understanding the act of voting by a court is disqualified from voting.</p> <p>Persons receiving inpatient treatment may register and vote.</p>
New Mexico	<p>A person judged “insane” or an “idiot” by a court is disqualified from voting.</p> <p>A person under a guardianship or limited guardianship retains the right to vote unless expressly limited or granted to the guardian by the court.</p>
New York	<p>A person judged “mentally incompetent” by a court is disqualified from voting, unless the finding is reversed.</p> <p>Receiving services for mental disability shall not deprive a person of right to vote if otherwise qualified.</p>
North Carolina	<p>Adults receiving services at a facility have the right to vote unless found incompetent.</p>
North Dakota	<p>A person judged “mentally incompetent” by a court is disqualified from voting, unless the finding is reversed.</p> <p>A person under a guardianship may not lose the right to vote, except upon specific findings of the court.</p> <p>Unless specifically restricted in writing every 14 days by a patient’s treating physician, all patients in treatment retain their right to vote.</p>
Ohio	<p>A person judged “insane,” or an “idiot,” or “mentally incompetent” for the purpose of voting by a court is disqualified from voting.</p> <p>Persons taken into custody voluntarily or involuntarily may vote unless found incompetent.</p>
Oklahoma	<p>A person judged “incapacitated” or “partially incapacitated” and their right to vote is restricted by a court is disqualified from voting, unless the finding is reversed.</p> <p>Court shall make a specific determination of the voting capacity of a person under guardianship or conservatorship.</p>

Oregon	A person with a “mental handicap” is entitled to vote unless found incompetent and finding is not reversed.
Pennsylvania	No statute or provision disqualifying a person living with mental illness from voting. Person in an institution can choose to vote either in the institution district or district of their residence prior to admission.
Rhode Island	A person judged “mentally incompetent” by a court is disqualified from voting. Patients admitted to a facility shall not be deprived of the right to vote and participate in political activity.
South Carolina	A person judged “mentally incompetent” by a court is disqualified from voting. Patients have the right to vote unless found “mentally incompetent.” County voter registration boards should also reasonably assist clients with obtaining registration materials and ballots.
South Dakota	A person judged “mentally incompetent” by a court is disqualified from voting. Guardianship or conservatorship is not a determination of legal incompetence; a person retains the right to vote unless specifically granted to the guardian or conservator by the court. Psychiatric hospital admission, treatment or commitment does not deprive the person of the right to vote.
Tennessee	Petition for conservatorship may include removal of the right to vote. Right to vote retained during hospitalization and court ordered treatment, unless specifically removed as part of conservatorship.
Texas	A person judged “mentally incompetent” by a court is disqualified from voting.
Utah	A person judged “mentally incompetent” by a court is disqualified from voting, unless the finding is reversed or the right is restored. Qualification shall be reviewed every 30 days.
Vermont	A person judged “mentally incompetent” by a court is disqualified from voting, unless the finding is reversed.
Virginia	A person judged “mentally incompetent” or “incapacitated” by a court is disqualified from voting, unless the finding is reversed.
Washington	A person judged “mentally incompetent” by a court is disqualified from voting or registering to vote. A person under guardianship shall not lose the right to vote, unless the court determines that the person is incompetent to vote.
West Virginia	A person judged of “unsound mind” or “mentally incompetent” by a court is disqualified from voting or registering to vote, unless the finding is reversed

Wisconsin	<p>A person under guardianship or judged “mentally incompetent” or “partially incompetent” by a court is disqualified from voting, unless the finding is reversed or court expressly determines that the person is competent to vote.</p> <p>A person under limited guardianship must be evaluated by the court for voting rights determination.</p>
Wyoming	<p>A person judged “mentally incompetent” by a court is disqualified from voting, unless the finding is reversed or civil rights have been restored.</p>

Note: In most states, persons undergoing court-ordered evaluation or receiving mental health treatment in a facility may not be denied the right to vote solely due to status as a patient.

¹Bazelon Center for Mental Health Law. (2012). State Laws Affecting Rights of People with Mental Disabilities. Retrieved from www.bazelon.org/LinkClick.aspx?fileticket=1kgFTxMFHZE%3d&tabid=315