

OASIS · AT A GLANCE

Voting Rights and Civic Participation for Autistic Adults

Autism and intellectual disability do not automatically disqualify anyone from voting, even under full guardianship in most states. That fact gets violated constantly, almost always through ignorance rather than malice.

BY JIM PALASTY · 10 MIN READ · A RIGHT LOST MORE OFTEN TO IGNORANCE THAN TO LAW

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CIVIC PARTICIPATION RIGHTS THIS GUIDE COVERS

Voting and jury duty. Two distinct rights, both frequently and wrongly assumed to disappear the moment a guardianship order is signed.

How it works

THREE STEPS

STEP 1

Guardianship doesn't automatically remove voting rights

Most states require a specific, separate legal finding of incapacity to vote, not an assumption that comes with guardianship generally.

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STEP 2

Practical support can make voting genuinely accessible

Accessible ballots, assistance at the polls, and advance planning all exist and are underused.

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STEP 3

The capacity question deserves honesty, not avoidance

Real questions about voting capacity exist for some individuals. Answering them honestly is different from defaulting to exclusion.

What to check and confirm

Voter registration status

Check directly; don't assume guardianship changed it

State-specific guardianship and voting law

Varies by state; confirm what your state actually requires

Accessible ballot options

Ask your local election office what's available

Polling place assistance

Assistance and curbside voting are both real accommodations

Jury duty eligibility

A separate question from voting; check separately

THE BALLOT THAT ALMOST NEVER GOT CAST

“Yusuf’s guardian assumed, without checking, that guardianship had automatically ended his right to vote, an assumption that had gone unquestioned for three election cycles. A disability rights advocate at a community event asked a simple question that changed everything: had anyone actually checked the state’s specific legal requirement. Nobody had. Yusuf’s voting rights had never actually been removed. He cast his first ballot in over six years that November.

THREE ELECTION CYCLES WERE LOST TO AN ASSUMPTION NOBODY HAD BOTHERED TO VERIFY. ONE QUESTION FIXED IT.

What matters, at a glance

The legal framework, plainly

Most states require a specific court finding of incapacity to vote, separate from a general guardianship order, before voting rights are legally removed.

Practical voting support exists

Accessible ballot formats, assistance at polling places, and curbside voting are all real, usable accommodations.

Rights get violated through ignorance

Poll workers, family members, and even guardians frequently assume voting rights are automatically gone, without ever checking the actual law.

Jury duty is a related, separate question

Jury service involves its own distinct eligibility considerations, worth understanding separately from voting rights.

The capacity question, honestly

Genuine capacity questions exist for some individuals and deserve honest, individualized consideration rather than blanket assumption.

Ethical considerations matter too

A caregiver's role in supporting, rather than directing, a family member's civic participation deserves deliberate thought.

BRING THESE · CHECK AS YOU GO

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| ☐ Your family member's current voter registration status | ☐ Your state's specific guardianship and voting law |
| ☐ Contact information for your local election office | ☐ Information on accessible ballot formats available in your state |
| ☐ A plan for supporting, not directing, your family member's actual vote | |

YOUR MOVE

When you want to confirm or support voting rights, here is what to do

- 1 Check your family member's voter registration status directly.
- 2 Research your specific state's guardianship and voting law.
- 3 If rights were wrongly assumed lost, contact your local election office to correct it.
- 4 Ask about accessible ballot formats and polling place assistance.
- 5 Discuss jury duty eligibility separately, if relevant.
- 6 Approach any genuine capacity question individually and honestly, not by default assumption.

Rights lost to ignorance are still lost. Checking the actual law, rather than assuming, is how you get them back.

VOTING RIGHTS AND CIVIC PARTICIPATION RESOURCES

The REV UP Campaign (aapd.com/rev-up), run by the American Association of People with Disabilities, provides nonpartisan voter registration and rights information specifically for people with disabilities.

The Bazelon Center for Mental Health Law (bazelon.org) and your state's Protection and Advocacy agency both address voting rights violations related to guardianship and disability.

Informational only. Not legal or medical advice. Verify current program rules before acting.

ABOUT THE AUTHOR



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