

# Intellectual disability and voting

By Dr Ellen Skladzien

Many people with intellectual disability want to vote and have the capacity to vote if they are provided with appropriate support. People with disability have a right to participate in political and public life, including voting. This right is protected by the UNCRPD.

The good news is that in Australia there is a presumption of capacity. This means that a person with an intellectual disability can enrol to vote when they turn 18 years old, just like their peers.

The Australian Electoral Commission has developed a range of Easy English resources to support people with intellectual disability understand the voting process. ([www.aec.gov.au/About\\_AEC/Publications/easy-english/index.htm](http://www.aec.gov.au/About_AEC/Publications/easy-english/index.htm)).

Currently, not all people with an intellectual disability are able to vote in Australia. The *Commonwealth Electoral Act 1918* states that a person of 'unsound mind' who is 'incapable of understanding the nature and significance of enrolment or voting' is not entitled to have their name on the electoral roll or to vote in any Senate or House of Representatives election. This means that if someone believes that a person with an intellectual disability does not understand the nature and significance of voting, they can apply to have that person removed from the electoral roll. This application includes a form from a medical doctor verifying that the person does not have capacity to vote.

DSA has advocated to government to change this process. We are concerned with the language used ('unsound mind') as well as the lack of a clearly defined process for deciding whether someone understands the voting process. Most doctors would not have the time nor the expertise to identify whether a person could understand the voting process if they were provided with the right supports.

In 2014, the Australian Law Reform Commission (ALRC) recommended that the *Commonwealth Electoral Act 1918* be amended to repeal these provisions. DSA supports the ALRC recommendation that this provision of the Electoral Act should be repealed and replaced with a new exemption from compulsory voting for those who are unable to make decisions about voting, rather than being removed from the roll. Therefore, the person could decide based on their circumstances whether or not to vote. They would not be penalised if they didn't vote, but also not be prevented from voting if they wanted to participate.

We will continue to advocate for change. In the meantime, if you have been removed from the electoral roll on medical grounds but want to vote, you can apply to have yourself put back on the electoral roll. You will need to provide a new enrolment application and a medical certificate to re-enrol. The medical certificate must be signed by a registered medical practitioner and state that you are capable of understanding the nature and significance of enrolment and voting.

DSA is a strong advocate for ensuring that people with intellectual disability have the support they need to participate in the political system. We are advocating to political parties to provide information about their party platform in an accessible format. We have written to the Labor Party, Liberal National Party, and the Australian Greens asking them to provide information about their policies in Easy Read ahead of the next federal election. We are still waiting for them to respond to our requests.

As we get closer to the next federal election, if you have Down syndrome (or support a person with Down syndrome) it is a good idea to check if you are registered to vote and think about what supports you might need to be involved in the political process.

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