

Can Young Adults with Intellectual Disabilities Vote?

How one young man in AZ helped answer that question

When Americans turn 18 years old, among other things, they gain the right to vote. Unlike obtaining a driver's license or entering college, this rite of passage does not require passing any type of test or exam.

When Americans with intellectual disabilities approach the age of 18, they and their families face decisions about possible legal actions regarding their rights, including the right to vote.

Years before Clinton Gode turned 18 he knew he wanted to vote. His father, Art Gode, remembers Clinton's reaction when he was told he would not be able to vote once his parents were awarded guardianship. "He didn't understand. He agreed that he needed help in some areas but that didn't mean he should be kept from voting. So, we decided to work on this so he could vote." When asked

how he knew what steps to take, Art humbly replied, "These things just come up and you shotgun it till you get it right."

If a judge finds that an individual is 'incapacitated', the rights of that person, now called the ward, are removed. The ward's guardian becomes responsible for making decisions in the best interest of the ward.

At the time Clinton expressed an interest in voting, Art was a member of the Governor's Council on Developmental Disabilities (now known as the Arizona Developmental Disabilities Planning Council). After bringing Clinton's plight to the Council, the members worked to get a bill before the legislature. Art recalls that in addition to gaining voting rights, there was another focus of their effort. "The way the law was worded was pretty derogatory. It was written as if they [people under guardianship] were prisoners. It meant a lot to Clinton to have the wording changed to be more respectful, as well as for him to be able to vote."

Clinton recalled meeting with legislators. "I told them why I wanted to vote and talked about the

things that were important to me." His self-assurance was no accident; his father had been modeling good advocacy skills for Clinton throughout his entire life.

The Council's first attempt to change the law was unsuccessful, by the 2012 election season, Clinton was back visiting legislators and testifying at hearings. As always, Art was by his side. And, in the second week of April 2012, Governor Jan Brewer signed HB 2377 which states:

"In cases of limited guardianship only, a person is not deemed an incapacitated person for purposes of voting if the person files a petition, has a hearing and the judge determines by clear and convincing evidence that the person retains sufficient understanding to exercise the right to vote."



Clinton on the floor of the AZ House of Representatives

Clinton said, "It felt awesome when I found out the bill passed!" But changing the law was only the first hurdle. The following August, Clinton had his day in court. After being sworn in, Clinton spent about 30 minutes answering the questions of Mohave Superior Court Judge Lee Jantzen before the judge ruled Clinton had provided "clear and convincing evidence" and should be the first person under the new law to have his right to vote reinstated.

Clinton may have been the first to vote, but you or

"I told [the legislators] why I wanted to vote and talked about the things that were important to me."

~Clinton Gode

someone you know with an intellectual disability may be interested in voting.