



Office for People With Developmental Disabilities

Memorandum Re: Voting Rights for Persons with Developmental Disabilities

The National Voter Registration Act of 1993 (also known as “The Motor Voter Act”) made it easier for all Americans, regardless of ability, to exercise their fundamental right to vote. The Motor Voter Act requires all offices of State-funded programs that are primarily engaged in providing services to persons with disabilities to provide all program applicants with voter registration forms and to assist in their completion and submission.

OPWDD is committed to ensuring that voting rights are upheld for the people we serve, and that every person is given the opportunity to register to vote. Every effort should be made to discuss with individuals their right to vote and to encourage and assist with any interest in doing so.

This year’s general election will be held: Tuesday, November 3, 2020.

In NYS, the deadline to register to vote is: Friday, October 9th, 2020, and it can be done online, in person or by mail.

Additionally, if registered to vote, mail-in ballots can be requested by Tuesday, October 27, 2020. Several early voting days will be available, beginning October 24th.

A safe way to vote must be discussed with every individual seeking to exercise this right.

Mental Hygiene Law 33.01 provides for equal provision of civil rights to persons with developmental disabilities and specifically includes the right to register for and to vote in elections “if in all other respects qualified and eligible.” New York State Election Law sets forth the qualifications for eligible voter participation. Section 5-106 prohibits those who have been convicted of a felony and those who “have been adjudged incompetent by order of a court of competent judicial authority” from voting. Interpretation, implementation and monitoring of eligibility criteria is left to the Local Boards of Elections and questions regarding specific individuals’ eligibility and registration statuses should be directed to the Local Boards of Election.

Counsel's Office Bureau of Service Delivery may be contacted at (518) 474-7700 with additional questions.