

# Voting rights for mental health patients

## Why is this guidance needed?

A study of the 2010 General Election found that psychiatric in-patients who were eligible to vote were half as likely to register as the general population and, if registered, were half as likely to vote.<sup>1</sup>

Nine out of ten of those unregistered cited a lack of knowledge of their eligibility to vote or of the registration process, with long-stay patients particularly disenfranchised.

## Who is entitled to vote?

Voluntary patients on medical wards are not subject to any restrictions on their voting rights. Being a psychiatric in-patient does not inherently change an individual's right to vote. Moreover, patients detained under the Mental Health Act 1983, including those on community treatment orders, have the same right to vote as anyone else.

**Patients who are entitled to vote:** all patients on civil sections (part 2) of the MHA and prisoners remanded to hospital under the MHA on Sections 35, 36 or 48.

**Patients with a condition that may impair their capacity to vote:** These individuals should be asked if they want to register to vote/want to vote and additional support offered to support them doing so. If they require assistance, they must be allowed to express their own intention of how they cast their vote. It is important that a staff member, advocate, relative or carer does not influence their voting choice. A lack of mental capacity is not a legal incapacity to vote.

**Patients who are not entitled to vote:** patients detained after having been convicted of committing a criminal offence and been ordered to hospital by the courts, and are subject to:

- a hospital order under Sections 37, 38, 44 or 51(5) or a hospital direction under Section 45A, 46, 47 of the MHA
- an order under Section 5(2)(a) of the Criminal Procedure (Insanity) Act 1964
- an order under Section 6(2) (a) or Section 14 (2) (a) of the Criminal Appeal Act 1968.

GENERAL ELECTION  
THURSDAY 7 MAY 2015

## How do patients register to vote?

A patient can register to vote online [www.gov.uk/register-to-vote](http://www.gov.uk/register-to-vote) or by post.

**A short-term patient in a psychiatric hospital** can register to vote in the usual way, providing their address outside the hospital as their place of residence.

**A long-term patient in a psychiatric hospital** can register at their address outside the hospital. Alternatively, they can register at the address of the hospital if they have been, or will be, in the hospital for a long enough period of time for it to be regarded as their place of residence.

**If a patient is homeless** they should make a declaration of local connection giving the address of a place where they spend a substantial part of their time, or the address of somewhere near to that place e.g. a cafe or drop-in centre. 'Declaration of local connection' forms are available from the electoral office.

**The deadline for registering to vote is Monday 20 April 2015.**

## How to vote

**In person** At a polling station between 7am and 10pm on Thursday 7 May.

**By post** A postal vote application form needs to be completed and sent back to the local electoral registration office. Postal vote packs are usually sent out about a week before election day. Votes need to be posted back to arrive by 10pm on the day of the election; otherwise, it can be handed to the local electoral registration office or local polling station by 10pm on election day.

**By proxy** Nominating someone to vote for you on the day of the election or by post. An individual must have capacity to decide who to choose to be their proxy.

The last day to apply to vote by post and for postal proxy applications is **5pm on Tuesday 21 April.**

## Further information

- Get information and register – [www.gov.uk/register-tovote](http://www.gov.uk/register-tovote)
- Useful information – [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk)
- A good easy read guide – [www.mencap.org.uk/allaboutvoting](http://www.mencap.org.uk/allaboutvoting)
- A Voting Rights film and factsheets – <http://www.cnwl.nhs.uk/news/know-rights/>

1. McIntyre J, Yelamanchili V, Naz S, Khwaja M, Clarke M. Uptake and knowledge of voting rights by adult in-patients during the 2010 UK general election. *The Psychiatrist* 2012; 36: 126–130.