

Kansans To Vote On Voting Rights of Kansans with Mental Illnesses

Elana Gordon (2010-10-26)



Cherie Bledsoe speaks at an Amendment Two rally in Overland Park. Photo by Elana Gordon
KANSAS CITY, KS (KCUR) - Right now, the Kansas legislature has the authority to prohibit someone with a mental illness from voting. Next Tuesday, voters will decide whether or not to change that. [Constitutional Amendment Question No. 2](#), as it's called, has not met much formal opposition, but proponents say a victory would still be extremely significant.

Kansans with mental illnesses have been voting without state constitutional protections for decades. It was no big deal. Until about two years ago, when Rocky Nichols, director of the state's disability rights center, was working on a case involving the voting rights of a client with an intellectual disability.

"And I said, well, let me check the constitution. So I went to the suffrage provision and read it, and found out that there's no prohibition for a person with an intellectual disability, but there is a potential prohibition for a person with a mental illness," says Nichols. "And it just hit me like a ton of bricks. I was just shocked."

Section two, article five of the Kansas constitution states 'the legislature may, by law, exclude persons from voting because of mental illness, or commitment to a jail or penal institution.'

Nichols says what ensued after sharing what he learned with others in the mental health community was a groundswell of support to try and eliminate the prohibition. The campaign's been largely funded by the health care foundation of Kansas City, which underwrites health reporting at KCUR.

Kansas is not the only place that includes such language about mental illness in its books. And a century ago, referring to people as idiots or insane within areas of voting restrictions and other legal issues was the norm. In fact, the Kansas legislature removed that language from article five in the mid seventies, but then replaced it with the term mental illness.

Still Lewis Bossing, a senior attorney at the [Bazelon Center for Mental Health Law](#), says in recent years, many states and the federal government have been moving away from statutes that exclude general groups of people - like those with disabilities - from voting.

"As a country, we're moving toward a recognition in our voting laws that people with mental illness should have the same right to vote that everyone else does," says Bossing. "It's a crucial distinction to note that for the most part, people with mental illness at most times are capable to make a choice. And for state governments to take away that right based a categorical blanket kind of concern about the impropriety of voting or some voter irregularity is simply a form of discrimination. There are a lot of people without mental illness who come into the voting process without a lot of information or perhaps without having given it a lot of thought. I don't think there's a reason to classify people with mental illness as having harder times making the choice than anyone else does."

To date, Kansas has not actually acted on its authority to prohibit people with mental illnesses

from voting. Bossing says with the passage of legislation like the Americans with Disabilities Act, courts would likely overrule any attempt to do so. That happened several years ago in Maine, after voters twice rejected a measure to amend similar language in their state's constitution.

Local advocates say they still view the language as a potential threat here, and concerns over public perceptions of the issue have many out this campaign season.

Cherie Bledsoe faces a crowd of about seventy five at an Amendment Two rally in Overland Park. She says she's struggled with mental illness but, has gotten help and since recovered. She now directs a consumer organization and says it's crucial for the state to clean up the threatening language of the constitution.

"It stigmatizes those of us with mental illness. It furthers the discrimination, the disrespect, fear and misunderstanding that surrounds mental illness," says Bledsoe. "It gives a false impression of our capabilities and makes assumptions that paint a negative picture of people with mental illness."

Mark Wiebe, the rally's M.C., and director of public affairs at [Wyandot Center](#), tells the crowd the issue is one that directly and indirectly affects just about everyone.

"Mental illness can strike anyone at anytime," says Wiebe. "Consider this: one in five Kansans can be expected to have a mental health disorder in a given year. That comes to more than half a million Kansans. It includes people with post traumatic stress disorder and many other disorders. Think about that last illness, PTSD. It can affect anyone who experiences a traumatic incident, but it's most often associated with victims of sexual assault and soldiers returning from combat."

Weibe says the constitution's language is of another era, when people didn't know what they do today about mental health. He sees the change as part of a larger shift in the way society views and cares for people with mental illness.

Whether or not others see it that way, has yet to be determined...at least until next Tuesday, when Kansans take to the voting booth.

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