

Six Questions to Ask

Before helping a loved one vote

FOR FAMILY AND FRIENDS — NOT ACTIVISTS

These questions help a spouse, adult child, or trusted friend decide whether a nursing-home resident still understands voting and can make a choice. This is a conversation guide — not a court order, and not a tool for strangers or political workers. About five minutes. Repeat any question that is unclear.

HOW TO START

“I’m going to ask you some questions about elections. This should take about five minutes. If you don’t understand something, tell me and I will repeat it. Some questions may seem simple — we’re just looking for straightforward answers. Do you have any questions before we begin?”

SET THE SCENE

“Imagine that two candidates are running for governor of [your state] and that today is Election Day in [your state].”

QUESTIONS 1–3 · THE DOE LEGAL STANDARD · Understanding + choice

1 Does this person understand the nature of voting?

“What will the people of [your state] do today to select the next governor?”

If they describe how someone would decide (TV ads, issues), follow up: “That’s how you might decide who should be governor. But how would you actually indicate your choice?”

2 Adequate	They will go to the polls and vote. Each person will cast a vote for one candidate or the other.
1 Unclear	That’s why we have Election Day.
0 Inadequate	There’s nothing you can do; the TV guy decides.

2 Does this person understand the effect of voting?

“When the election for governor is over, how will it be decided who the winner is?”

If the first answer already covers both nature and effect, give full credit for each and skip this question.

2 Adequate	The votes will be counted, and the person with more votes will be the winner.
1 Unclear	By the numbers.
0 Inadequate	It all depends on which sign they were born under.

3 Can this person make a choice?

Hand them a card in large print. Let them keep it. Then read:

CANDIDATE A

Wants the state to do more to provide health insurance and spend more money on schools. Willing to raise taxes to pay for it.

CANDIDATE B

Says government should not provide health insurance. Believes schools already have enough money. Against raising taxes.

“Based on what I just told you, which candidate do you think you are more likely to vote for: Candidate A or Candidate B?”

If they cannot choose or keep changing their mind, ask: “If you had to make a choice based on the information before you, whom would you pick?”

2 Adequate	Clearly names A or B. Being undecided after considering both is also a choice.
1 Unclear	I think I might go for the guy who doesn't like taxes, but I'm not sure because schools are important too.
0 Inadequate	I don't know. I can never make up my mind.

QUESTIONS 4–6 · BEYOND THE DOE STANDARD · Useful context — not the legal test

4 Can they compare the two candidates?

If they picked a candidate: “How is voting for [their choice] better than voting for [the other candidate]?”

If they did not pick: “How might voting for Candidate A be better or worse than voting for Candidate B?”

2 Adequate	Names at least one real difference: “Someone who really cares about health care would be a better governor.”
1 Unclear	Health care.
0 Inadequate	I just think he's good. / I can't see any difference.

5 Can they name a consequence of the choice?

“If [their choice, or Candidate A if they made no choice] were elected governor in your state, how could that affect your life?”

If they say it will not affect them, ask why. A coherent reason still scores.

2 Adequate	I’d have better access to health care. / I’ll be moving to another state soon. / I’ll be dead in a year anyway.
1 Unclear	Health.
0 Inadequate	Cannot name a personal consequence or a reason there would be none.

6 Do they appreciate what voting means for them?

“Would you want to vote in the next election for governor of your state? If yes, why? If no, why not?”

2 Adequate	Yes — my vote makes it more likely the candidate I like will win. No — my one vote is unlikely to change the result.
1 Unclear	It helps to run the country. / They might not let me.
0 Inadequate	The person I pick will win. / They never count my vote anyway. (Confused or detached from how voting works.)

HOW FAMILIES SHOULD READ THE ANSWERS

Questions 1–3 decide capacity

The 2001 Doe v. Rowe standard is simple: does the person understand what voting is, understand that votes are counted to pick a winner, and can they make a choice? A combined score of 6 is clearly capable. A combined score of 0–2 is clearly not.

Questions 4–6 are extra context

Reasoning and appreciation are harder. Using them as a pass/fail test would take the vote away from people the court said may still vote. Use 4–6 to understand how much help a loved one may need — not to disqualify them.

WHAT THE 2005 STUDY FOUND

- Very mild or mild Alzheimer’s: most people still understood voting and could choose.
- Severe Alzheimer’s: most people could not meet the Doe standard.
- Moderate Alzheimer’s: results were mixed — you cannot tell from a Mini-Mental score or from “I want to vote.”
- Wanting to vote is a poor predictor of capacity. Several people who scored 0 still said they wanted to vote.

A note on rights and limits

This is a family conversation, not a legal finding. When capacity is unclear, the person keeps the right to vote. Do not coach answers, mark a ballot for someone who cannot choose, or let a stranger run this interview.