

Małgorzata Babula

WSPiA University in Rzeszów (Poland)

Electoral Rights and Intellectual Disability:

Considerations *de lege lata*

Abstract: The Constitution of the Republic of Poland mentions as one of the principles of electoral law its universality. This means that anyone who meets the requirements of law is entitled to vote. The admissibility of exclusions from this principle is also expressly defined by the law. One of the limitations in the exercise of electoral rights is an intellectual disability resulting in the incapacity of the individual. Meanwhile, Poland's international obligations resulting e.g. from the ratification of the Convention on the Rights of Persons with Disabilities provides with a necessity of a deeper reflection on the present solutions. The ratification by Poland of the UN Convention has stimulated discussion on the political rights of people with intellectual disabilities, extending the field of debate on the legitimacy of the current form of institution of incapacitation. The aim of this article is to reflect on the current solutions in the exercise of electoral rights by people affected by intellectual disability but not being incapacitated.

Keywords: *political rights; electoral rights; intellectual disability; individual rights; discrimination; constitution*

Introduction

While discussing the electoral rights and intellectual disability, there is one significant rule referring to the mentioned matter: universality. It means, that all persons who meet the conditions set out in the Constitution and laws are entitled to vote and to stand as candidates. In a positive sense, this principle guarantees each voter an active and passive electoral right, and in the negative sense introduces a ban on setting restrictions. Its importance is focused on indicating the circle of entities with electoral rights (Dąbrowski, 2010, p. 262; see: Chmaj, 2008, pp. 39–40). The principle of the universality of elections is contained in art. 62, art. 96 sec. 2, art. 97 par. 2, art. 127 par. 1, art. 169 sec. 2 of the Constitution of the Republic of Poland, nevertheless, it cannot form the basis for the adopted assumption that all adult citizens have electoral rights. Universality is formed on the basis of census, i.e.

the exclusion of active electoral law due to the lack of specific features or qualifications (Banaszak, 2001, p. 326). Deprived of the possibility of active participation in elections – in the Polish law – are people who:

- a) are deprived of public rights by a legally valid court or electoral law;
- d) are incapacitated by a valid court decision (Kodeks wyborczy, Art. 10§2).

Limiting the universality of electoral rights also indicates that a person deprived of public rights by a court ruling, deprived of electoral rights by a judgment of the State Tribunal and incapacitated (completely or partially) by a valid court judgment does not have the right to vote (Buczowski, 1998, p. 65). Therefore, the universality of electoral law does not mean that every Polish citizen has an active electoral right and can use it at his own discretion. Only those who have an appropriate level of awareness and who are responsible for their decisions, including electoral decisions, can participate in the election (Gronowska et al., 2013, p. 141).

One of the famous psychiatrist once wrote: “people have their eccentricities, intrusive thoughts, suspicions, delusions, tend to be presumptuous, tend to be affected and lie addicted, although they do not gain anything clearly; they are constantly depressed and full of foreboding, and nobody tells them about mental illness, as long as these symptoms do not interfere with their work and do not threaten the environment” (Witwicki, 1948, pp. 1–2). The purpose of the article is not to discuss the legal situation of incapacitated persons, but these two issues are very closely related (Frydrych-Depka, 2016, pp. 33–53). The legal bases for the incapacitation are every time a mental illness, a mental retardation or other type of mental disorder, in particular drunkenness or drug addiction (Kodeks cywilny, Art. 13 and 16).

I

The second important issue from the perspective of the topic is intellectual disability. The participation of people with intellectual disabilities in elections is regulated in the Polish law in such a way that whenever the person is not legally incapacitated by a final judgment – she can vote without any exclusions (except already mentioned exclusions resulting from censures or deprivation of public rights). The Supreme Court ruled that “it is impossible to deny the right to vote to persons who have been incapacitated by a final court judgment or deprived of public or electoral rights (Art. 62 par. 2 of the Constitution and Art. 3 of the Act of 27 September 1990: the Election of the President of the Republic of Poland). However, there is an exception to the basic electoral law, the limits of which are strictly defined. There are no grounds to assume that this right is not vested in some voters also for other reasons. There is no legal basis, regardless of the fact that it would be discretionary assessment, as it depends on the actual (and not legal) situation of voters indicated in the protest. This is an exception to the basic electoral law, the limits of which are clearly defined. There is no reason to assume that this right is not entitled to some voters from other causes. There is

no legal basis for this, regardless of the fact that it would be a discretionary judgment, as it depends on the factual (non-legal) voters indicated in the protest. Any relativization and any attempts to differentiate grades are unacceptable here. Therefore, the health condition of the voter, his psychophysical fitness or actual location is irrelevant unless he is incapacitated or deprived of public rights by a valid court decision. It is also not entitled to search for a legal basis in civil law provisions on the defects of a declaration of will (Article 82 of the Polish Civil Code) or on the invalidity of a legal act (Article 58 of the Polish Civil Code). What is different is the sphere of basic freedoms and political rights and private (civil) law. The constitutional right to vote and its implementation by the voter does not constitute a declaration of will that constitutes a legal act of civil law (Article 60 et seq.). Provisions regarding defects in the declaration of intent under art. 82 k.c.¹ et seq. concern the will as part of the legal act. They do not apply to the assessment of the voter's will expressed in the vote. Also only on the basis of a civil legal act it is possible to annul it on the basis of Art. 58 of Civil Code" (Postanowienie SN z dnia 20/7/2010, sygn. akt III SW 74/10).

It is also worth to mention that so far, the term *intellectual disability* functioned as a *mental retardation*. One of the arguments of this nomenclature change is, among others, the fact that intellectual disability has less stigmatizing overtones and also exists in the international space (including in the names of organizations) (Radlińska, 2017, pp. 74–75; Zasepa, 2016, p. 35). Intellectual disability is not a disease or a mental disorder. Nevertheless, it is pointed in two international classifications of diseases and disorders: both in the international ICD-10 and in the American DSM-V classification (Zasepa, 2016, p. 42).

The definability of disability on the ground of law is not easy at all. There are a lot of definitions. For example, the International Classification of Functioning, Disability and Health – issued by the WHO in 2001 – points to the following definitions:

- disability; is any limitation or lack (resulting from damage) of the ability to perform activities in a manner or within the range considered normal for a human being. This is a task-level dysfunction;
- handicap; an unfavorable situation of a given person resulting from damage or disability, which limits or prevents the fulfillment of its roles, and hence tasks and behaviors in social situations, taking into account age, gender and cultural and social factors, i.e. forms of actions and behaviors accepted in a given cultural and social environment (Kurowski, 2014, p. 17).

Krzysztof Kurowski indicates also that there are basically two models of disability: medical and social. "In the medical model, disability is a direct consequence of illness or injury. According to the social model, disability arises due to limitations experienced by people affected by it, such as individual prejudices, difficult access to public utility buildings, unsuitable transport system, segregation of education, unadjusted solutions on the labor

¹ Ustawa z dnia 23 kwietnia 1964 r. – Kodeks cywilny; Dz. U. 1964 Nr 16 poz. 93; Retrieved from: <https://goo.gl/WsTn6r>; Access: 20/2/2018.

market” (Kurowski, 2014, p. 14). The CRPD changed the perception of people with intellectual disabilities. The optics of social welfare has been changed to equal use of all rights (Rybski, 2014, p. 90). According to the Convention: persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others (Art. 1 CRPD).

The Electoral Code defines a disabled voter as a person with limited physical, mental, intellectual or sensory ability, which disability makes it difficult to take part in elections (art. 5 pt. 11). As Krzysztof Kurowski points out, first of all this is the latest definition of disability in the Polish legal system, and second of all it is modeled on the definition from CRPD (Kurowski, 2014, p. 20). Moreover, this definition is not a reference to the definition of a disability operating on the ground of law. The legal definition is the one given in Art. 2 point 10 *ustawy z dnia 27 sierpnia 1997 o rehabilitacji zawodowej i społecznej oraz zatrudnianiu osób niepełnosprawnych* (Dz. U. 1997 Nr 123 poz. 776 ze zm.). Disability was defined there as: permanent or temporary inability to fulfill social roles due to permanent or long-term impairment of the body’s fitness, in particular resulting in inability to work. The Electoral Code therefore adopts a wider view, because in principle it does not require a decision on disability, unless it directly refers to the degree of disability within the meaning of the Act, as, for example, in Article 61a §1. (Banaszak, 2014, p. 19). One more definition is worth mentioning – the one included in The Card for the Rights of People with Disabilities (M.P. z 13.08.1997 r. Nr 50 poz. 475): disabled are people whose physical, psychological or mental fitness permanently or periodically hinders, limits or prevents daily life, study, work and social roles, in accordance with legal norms and customs.

II

On September 6, 2012, Poland ratified the CRPD², but at this point all good news ends. The practical aspect of implementation of the convention leaves much to be desired, and this is, inter alia, due to the fact that an optional protocol to the convention has not been signed by Poland. This results in the fact that a Polish citizen or a person who is not a citizen of the Republic of Poland but has been harmed by the operation of a Polish public institution cannot file an individual complaint against the above violations. This *not signing* has its further consequences, namely it causes that Poland committed only to regular reports on the progress in the application and observance of the Convention (Trociuk, et al., 2017, p. 93) excluding the possibility of submitting individual complaints about violations of the CRPD.

² Convention on the Rights of Persons with Disabilities (Retrieved from: <https://goo.gl/bHhi6X>); access: 26.02.2018.

The CRPD under the concept of discrimination includes such actions, the aim of which is to hinder or prevent a given person from exercising their rights or enforcing fundamental liberties on an equal footing with other citizens. Discrimination within the meaning of the Convention will also be a refusal to rationally adapt the environment to the special needs of people with disabilities (Radziejowska & Mazurczak 2013, p. 13). At no place does the Convention (like other international documents of anti-discrimination nature) refer more precisely to intellectual disability than is in art. 1 CRPD. The possible definition of disability also does not facilitate the matter. It is not included in the ECHR or the Directive on equal treatment in employment and occupation³ (Fundamental Rights Agency, 2010, p. 108). Moreover, the EU directives referring to non-discrimination on the basis of disability only refer to it in the context of access to employment (2010, p. 93).

Essentially, in the area of European directives disability functions in a special set called *protected features*. The aforementioned directive on equal treatment in employment and occupation applies to it. On the basis of the ECHR, it is pointless to look for references to disability and discrimination due to its occurrence in a given person, but it should be sought in a conventional term: for any other reasons (2010, p. 97).

Art. 12 par. 2 of the CRPD states that States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life. Robert Rybski emphasizes that this article is a milestone in not only the perception of people with disabilities but, above all, in granting them the rights and ability to act on an equal basis. It is the core for other CRPD articles, including also Article 29 (Rybski, 2014, pp. 95–96).

Till the CRPD had been signed by States Parties, there was no bounding law (*hard law*) referring to people with disabilities. So called *soft law* was based on:

- Recommendation of the Committee of Ministers of the Council of Europe [No. R(99)4 of 23/02/1999];
- Recommendations of the Committee of Ministers of the Council of Europe [Rec (2006) 5];
- Opinion of the Venice Commission (no. 190 / 2002) on the Code of Good Practice in Election Matters (Bodnar, 2014, p. 238) and its revised version⁴.

Calling a spade a spade, it should be stressed that the findings of the above documents were quite shallow. Adam Bodnar indicates that CRPD reverses the dominant point of view of people with disabilities. The state ceased to be perceived as an entity that provides certain benefits for persons with disabilities, but it is to create conditions enabling them to develop fully (2014, p. 239). It was the convention that introduced binding tasks for States Parties.

³ Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (Retrieved from: <https://goo.gl/qaBgkK>); access: 26.02.2018.

⁴ Revised interpretative declaration to the Code of good practice in electoral matters on the participation of people with disabilities in elections; 19/12/2011; Retrieved from: <https://goo.gl/QN6JdQ> (access: 27.02.2018).

Of course, the CRPD encounters difficulties in its full implementation (e.g. a dissenting sentence submitted by Poland in relation to Article 12 of the Convention aimed at leaving the institution of incapacitation with the full consequence of depriving the electoral rights of incapacitated persons). However, CRPD is not a lone knight on the battlefield for the rights of disabled people. The helper is, for example, the ECHR, which has already issued few judgments relating to the possibility of voting by persons with intellectual disabilities, for whom incapacitation was pronounced. Bearing in mind the ruling of *Zsolt Budoso and others vs. Hungary* and *Alajos Kiss vs. Hungary* (Łasak, 2016), it should be made clear that the jurisprudential “tendency” is that even incapacitation does not mean arbitrary deprivation of electoral rights. One can agree or disagree with this solution, but it is difficult to discuss the facts. The consequence of the above judgments may be the need to change Polish law. “It may be” because until the analogous matter is brought before the ECHR against Poland, we will slip somewhat between what is being identified and what is reserved in the form of separate opinions (e.g. Article 12 of the CRPD).

There is one more not only interesting but important aspect while considering the electoral rights of people with disabilities. Adam Bodnar draws attention to the method used by the ECtHR in issuing the ruling in the case of *A. Kiss*. The Court used the principle of *strict scrutiny*, which was applied by the Supreme Court of the United States of America in the case of *Carolene Products* (it concerns Footnote No. 4). Thus, the Tribunal has departed from the narrow margin of adjudication in favor of a wider perspective, which is to take into account the fact that, as a rule, people with intellectual disabilities are subject to social ostracism and are discriminated against. For this reason, any legal document treating intellectually disabled persons or a legal institution concerning people with intellectual disabilities (e.g. incapacitation) should be carefully verified with an emphasis on *individually* resolving the case (Bodnar, 2014, pp. 244–245).

A separate but equally important issue is also to meet the standards of the polling stations to enable people with disabilities to participate in the elections. It would seem that this case is a minor, but nothing further from the truth, because there is also a direct reference to people with intellectual disabilities. Intellectual disability may go hand in hand with other disabilities of the person, which may affect the individual’s motor skills. From this perspective, the Ombudsman’s actions aimed at adapting premises to the needs of people with disabilities also extend to intellectual disability (Zbieranek, 2015). It should be taken into account not only the specificity of functioning but the multidimensionality of intellectual disability affecting it. The levels for which intellectual disability affects are:

- intellectual disabilities; such as: reasoning, planning, problem solving;
- adaptive behavior;
- health; composed by: **physical**, mental, social and spiritual well-being; and therefore not only **physical fitness**, but also the ability to think logically and to recognize and express feelings and the ability to perform certain social functions;
- participation: establishing and maintaining relationships, functioning in society;

- context: living conditions that are determined by the environment in which the person lives; the immediate surroundings of the person and general cultural, religious and political patterns (Zasępa, 2017, pp. 45–47).

Statutory assistance solutions are limited in principle only to the possibility of voting through overlays for voting cards made in Braille, correspondence voting and by proxy (Borski, 2016, pp. 19–29). The electoral law also provides for the possibility of asking for help with the voting act, which is not identical to the vote by the proxy. The procedure for granting it is not formalized. In principle, such assistance may also be provided by an underage person, excluding members of committees and trustees (Kodeks wyborczy, Art. 53) and its nature is to be technical and cannot consist in suggesting how a person should vote or vote for a person asking for help. But it accepts for the “helper” to stay in the place and at the time of voting; it also allows, for example, to hold the wrist of a voter, assuming that this is not happening against the will of the voter (Banaszak, 2014, pp. 104–105). Support should be adapted to the person’s ability and one of the possibilities to provide it is the institution of personal assistant. In the perspective of incapacitation, this is to be a remedy for custody and care, which is subject to an individual with limited or excluded legal capacity. Everyone works on the basis of certain constructs, but they are particularly important for people with intellectual disabilities. They are included, among others during the diagnosis process. These are intellectual functioning and adaptive behavior (Zasępa, 2017, pp. 47–48).

The first comes down to real intelligence, the second to dealing with the requirements of the environment (Zasępa, 2017, pp. 48–65). CRPD recognizes in Preamble, that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others (CRPD, Preamble, Point E). Therefore, it is the obligation for whole society to improve the presence of disabled people within every single existing living space. The exemplification of such a nod towards disabled can be the amendment to the Electoral Code from 2011 which resulted in the addition of chapter 5a. Article 37a which obliges the commune head, mayor or president of the city (or a person appointed by them) to provide the voter with disability appropriate information about his/her electoral district and voting district, adapted premises of the electoral commissions located in the city the closest to his place of residence, the conditions for adding a disabled voter to the electoral register in the voting circuit in which there is an adapted venue, the date of elections and voting hours, electoral committees taking part in elections and registered candidates and lists of candidates, terms and forms of voting. This information is also subject to publication in the Public Information Bulletin and in the manner customarily adopted in a given municipality. Besides, the National Electoral Commission publishes information on the website about the rights of disabled voters based on the code, in the form of taking into account different types of disability (Kodeks cywilny, art. 37b §1). On the other side Krzysztof Kurowski underlines, that there is no obligation in the Electoral Code to prepare information materials in the language easy to read for people with intellectual disabilities.

Such materials are prepared by the Polish Association for People with Mental Disabilities (Kurowski, 2014, p. 157).

Conclusions

Let the summary be the interpretation of the Article 29 of the CRPD done by the Committee on the Rights of Persons with Disabilities: Article 29 of the Convention requires States parties to ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, including by guaranteeing their right to vote. Article 29 neither foresees any reasonable restriction, nor allows any exception for any group of persons with disabilities. Therefore, an exclusion of the right to vote on the basis of a perceived, or actual psychosocial or intellectual disability, including a restriction pursuant to an individualized assessment, constitutes discrimination on the basis of disability, within the meaning of article 2 of the Convention. Having found the assessment of individuals' capacity to be discriminatory in nature, the Committee holds that this measure cannot be purported to be legitimate. Nor is it proportional to the objective to preserve the integrity of the State party's political system. The Committee recalls that, under article 29 of the Convention, the State party is required to adapt its voting procedures, by ensuring that they are "appropriate, accessible, and easy to understand and use", and allowing, where necessary, assistance in voting upon request of the person with disability. It is by so doing that the State party will ensure that persons with intellectual disability cast a competent vote, on an equal basis with others, while guaranteeing the secrecy of the vote. Article 29 of the Convention requires states to adapt their voting procedures to facilitate the exercise of the right to vote by persons with disabilities, and to ensure that they are able to cast a competent vote. Their capacity to vote should not be contested, and nobody should be forced to undergo an assessment of voting capacity as a precondition of participating in elections (CRPD/C/10/D/4/2011).

References:

- Banaszak, B. (2001). *Prawo konstytucyjne*. C.H. Beck: Warszawa.
- Banaszak, B. (2014). *Kodeks wyborczy. Komentarz*. C.H. Beck: Warszawa.
- Bodnar, A. (2014). "Międzynarodowe standardy praw człowieka a prawa wyborcze osób z niepełnościami intelektualnymi lub psychicznymi. In: D. Pudzianowska, (Ed.), *Prawa osób z niepełnościami intelektualną lub psychiczną w świetle międzynarodowych instrumentów ochrony praw człowieka*, Warszawa: Wolters Kluwer.
- Borski, M. (2016). *Czy głosowanie przez pełnomocnika może być antidotum na przymusową absencję wyborczą osób niepełnosprawnych?*, *Roczniki Administracji i Prawa* nr XVI(1), pp. 19–29. Retrieved from: <https://goo.gl/ZDgTmR>.
- Buczowski, J. (1998). *Podstawowe zasady prawa wyborczego*. Lublin: Wydawnictwo UMCS.

- Chmaj, M. (2008). *Wolności i prawa człowieka w Konstytucji Rzeczypospolitej Polskiej*, Warszawa: Wolters Kluwer.
- Convention on the Rights of Persons with Disabilities. Retrieved from: <https://goo.gl/bHhi6X>. CRPD/C/10/D/4/2011; Committee on the Rights of Persons with Disabilities: Communication No. 4/2011. Retrieved from: <https://goo.gl/TtAjBY>.
- Dąbrowski, M. (2010). "Ubezłasnowolnienie częściowe a prawo wyborcze w świetle standardów europejskich", *Przegląd Prawa Konstytucyjnego*, Nr 2–3, p. 262. Retrieved from: <https://goo.gl/Agim45>.
- Frydrych-Depka, A. (2016). "Prawnoczłowiecze" spojrzenie na czynne prawo wyborcze", *Łódzkie Studia Wyborcze*, Tom 21, pp. 33–53.
- Fundamental Rights Agency, (2011). *Podręcznik europejskiego prawa o niedyskryminacji*. Luksemburg: Urząd Publikacji Unii Europejskiej.
- Gronowska, B. (2013). "Wolności, prawa i obowiązki człowieka i obywatela". In: Z. Witkowski, J. Galster, B. Gronowska, A. Bień-Kacała, A. Kustra, M. Rączka, K.M. Witkowska-Chrzczonowicz, I. Wróblewska (Eds.), *Prawo Konstytucyjne*. Toruń: Wydawnictwo TNOiK Dom Organizatora.
- Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r. uchwalona przez Zgromadzenie Narodowe w dniu 2 kwietnia 1997 r., przyjęta przez Naród w referendum konstytucyjnym w dniu 25 maja 1997 r., podpisana przez Prezydenta Rzeczypospolitej Polskiej w dniu 16 lipca 1997 r. (Dz. U. 1997 Nr 78, poz. 483 ze zm.). Retrieved from: <https://goo.gl/UXHwvw>.
- Radziejowska, M, Mazurczak A. (2014). *Konwencja o prawach osób niepełnosprawnych. Poradnik RPO*. Warszawa: Biuro Rzecznika Praw Obywatelskich.
- Kurowski, K. (2014). *Wolności i prawa człowieka i obywatela z perspektywy osób z niepełnosprawnościami*. Warszawa: Biuro Rzecznika Praw Obywatelskich.
- Łasak, K. (2016). "Czynne prawo wyborcze osób niepełnosprawnych psychicznie lub umysłowo. Uwagi na tle wyroku Europejskiego Trybunału Praw Człowieka w sprawie Alajos Kiss i Komitetu do spraw Praw Osób Niepełnosprawnych Zsolt Budoso i inni", *Gdańskie Studia Prawnicze*, Tom XXXVI. Retrieved from: <https://goo.gl/X7ukUV>.
- Opinion of the Venice Commission (no. 190 / 2002) on the Code of Good Practice in Election Matters. Retrieved from: <https://goo.gl/9Y6NGk>.
- Postanowienie SN z dnia 20/7/2010, sygn. akt III SW 74/10. Retrieved from: <https://goo.gl/k59GLY>.
- Radlińska, I. (2017). "Ochrona podmiotowości prawnej osób niepełnosprawnych intelektualnie w stopniu umiarkowanym w prawie polskim". *Pomeranian Journal of Life Sciences*, Vol. 63, Nr 1. Retrieved from: <https://goo.gl/R3g3mz>.
- Recommendation of the Committee of Ministers of the Council of Europe [No. R(99)4 of 23/02/1999]. Retrieved from: <https://goo.gl/1MGecv>.
- Recommendations of the Committee of Ministers of the Council of Europe [Rec(2006)5]. Retrieved from: https://www.coe.int/t/dg3/health/recommendations_en.asp.
- Revised interpretative declaration to the Code of good practice in electoral matters on the participation of people with disabilities in elections (19/12/2011). Retrieved from: <https://goo.gl/QN6JdQ>.
- Rybski, R. (2014). "Zdolność w sferze prawa osób z niepełnosprawnościami intelektualnymi oraz osób z problemami zdrowia psychicznego. Raport Agencji Praw Podstawowych Unii Europejskiej z 2013 r.". In: D. Pudzianowska, (Ed.), *Prawa osób z niepełnosprawnościami intelektualną lub psychiczną w świetle międzynarodowych instrumentów ochrony praw człowieka*. Warszawa: Wolters Kluwer.
- Trociuk, S., et al. (2017). *Informacja o działalności Rzecznika Praw Obywatelskich w obszarze równego traktowania w roku 2016*. Warszawa: Biuro Rzecznika Praw Obywatelskich.
- Witwicki, W. (1948). *Dusze chore*. Warszawa: Spółdzielnia Wydawnicza »Czytelnik«.

- Wyrok ETPC z dnia 20 maja 2010, *Alajos Kiss* przeciwko *Węgrom*, skarga nr 38832/06. Retrieved from: <https://goo.gl/koxdbQ>.
- Zasępa, E. (2016). *Osoba z niepełnosprawnością intelektualną. Procesy poznawcze*. Kraków: Impuls.
- Zbieranek, R. (2015). *Lokale wyborcze dostosowane do potrzeb osób niepełnosprawnych w wyborach samorządowych 2014 roku. Raport Rzecznika Praw Obywatelskich z kontroli lokali wyborczych*. Warszawa: Biuro Rzecznika Praw Obywatelskich. Retrieved from: <https://goo.gl/5DZhqy>.
- Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 1 sierpnia 1997 r. – Karta Praw Osób Niepełnosprawnych (1997). Retrieved from: <https://goo.gl/Y9PLj6>.
- Uchwała Zgromadzenia Ogólnego Organizacji Narodów Zjednoczonych 2856 (XXVI) z dnia 9 grudnia 1975 r. – Deklaracja praw osób niepełnosprawnych. Retrieved from: <https://www.rpo.gov.pl/pl/content/akty-prawne-0>.
- Ustawa z dnia 23 kwietnia 1964 r. – Kodeks cywilny (Dz. U. 1964 Nr 16 poz. 93 ze zm.). Retrieved from: <https://goo.gl/WsTn6r>.
- Ustawa z dnia 27 sierpnia 1997 o rehabilitacji zawodowej i społecznej oraz zatrudnianiu osób niepełnosprawnych (Dz. U. 1997 Nr 123 poz. 776 ze zm.). Retrieved from: <https://goo.gl/ALDdLk>.
- Ustawa z dnia 5 stycznia 2011 r. – Kodeks wyborczy (Dz. U. 2011 Nr 21 poz. 112 ze zm.). Retrieved from: <http://www.sejm.gov.pl/prawo/kodeks/kodeks.htm>.

Author

Małgorzata Babuła

WSPiA University in Rzeszów, Department of Constitutional Law.

Contact details: malgorzata.babula@gmail.com