



Disability and Guardianship Project

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June 1, 2015

Honorable Carolyn Kuhl
Presiding Judge
Los Angeles Superior Court
111 N. Hill Street
Los Angeles, CA 90012

Dear Judge Kuhl:

As you know, the issue of voting rights of limited conservatees has received much attention in the past year. That attention was stimulated by the education and advocacy efforts of Spectrum Institute.

AB 1311, signed into law last year, was prompted because some judges had a misunderstanding that proposed limited conservatees should be disqualified from voting if they could not complete an affidavit of voter registration without assistance. That misunderstanding was imparted to a room full of PVP attorneys at a training program last year – one that I attended. SB 589, which passed the Senate last month, is pending in the Assembly. It will eliminate the literacy test inherent in current law.

My own research into a sample of cases in the Los Angeles Superior Court found that 90 percent of limited conservatees were disqualified from voting and that their own attorneys contributed to the loss of their right to vote. Without understanding federal laws prohibiting literacy tests and without understanding ADA accommodation requirements, PVP attorneys had been checking off a box on the PVP report that they knew would result in their clients losing the right to vote.

Regional centers in Los Angeles County reported to the Department of Developmental Services that some 12,000 clients have open conservatorship cases. While we do not know exactly how many of them were disqualified from voting during conservatorship proceedings, we believe that thousands of them we so disqualified. In response to an administrative records request last year, data from the County Clerk indicated that about 1,100 limited conservatees were stripped of their right to vote last year alone due to orders issued by judges of the Los Angeles Superior Court. Based on our research, we estimate that as many as 10,000 adults with developmental disabilities have been disqualified from voting based on judges and attorneys who did not understand the requirements of federal law.

We suggest that the Superior Court take a pro-active approach to assist these adults to have their voting rights restored. Such an approach is required by Title II of the Americans with Disabilities Act. The court knows these individuals have cognitive and communication disabilities that make it difficult, if not impossible, for them to submit a petition to restore voting rights on their own. Most of them do not have attorneys since the court dismissed their attorneys when conservatorship orders were granted. Since the court may have improperly disqualified them from voting based on a lack of awareness of applicable federal laws, the court has an obligation to take action, on its own motion, to correct these erroneous orders. The next presidential cycle has begun, so corrective action by the court should start now.

Very truly yours,

Thomas F. Coleman
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cc: Chief Justice Tani Cantil-Sakauye