



## **California Judges May Have Banned Some 32,000 People with Disabilities from Voting**

On August 7, 2014, Spectrum Institute received documents from the Los Angeles Superior Court in response to our administrative records request regarding how many conservatees had been disqualified from voting by court orders issued during the first three months of that year. Conservatees are seniors and people with disabilities who lack the ability to make some or all major life decisions on their own. The court appoints a conservator to help them make decisions or to make decisions for them.

An audit of court records of limited conservatorships conducted in 2014 disclosed that in 90 percent of the cases we reviewed, judges had banned conservatees from voting in the future. These voter disqualification orders were often issued because court-appointed attorneys who should have defended their clients voting rights, instead were routinely surrendering them. Limited conservatorships are used for adults with intellectual and developmental disabilities. There are more than 40,000 such people under conservatorship in California. If what was happening in Los Angeles was occurring statewide, some 36,000 people with disabilities may have lost their voting rights over the course of the past 10 years or so.

The documents supplied by the court to Spectrum Institute on August 7 involved a broader sample of disqualification orders. They affected general conservatorships (seniors and other adults with cognitive disabilities) and limited conservatorships. The combined total of voting ban orders issued in general and limited conservatorships for January through March 2014 came to a total of 200. We therefore estimate that for the full year of 2014, Los Angeles judges may have banned as many as 800 seniors and people with disabilities from voting. These bans last indefinitely.

The conservatorship caseload in Los Angeles is about 25 percent of such cases throughout the state. Therefore, if judges in other counties were issuing voter disqualification orders at the same rate as Los Angeles, there would have been 3,200 conservatees who received voting ban orders in 2014.

Once under an order of conservatorship, people generally remain under the court's protection until they die. For many seniors, this could last up to 10 years or so. For younger adults with developmental disabilities, they might remain under a limited conservatorship for decades. If we extrapolate from this data, and just go back 10 years, it is not hard to imagine that some 32,000 or more Californians have been disqualified from voting.

Spectrum Institute has alleged, and the Department of Justice is investigating, whether judicial practices involved in banning people from voting violated the "literacy test" prohibition of the Voting Rights Act of 1965 and various provisions of the Americans with Disabilities Act.