

Delay and Denial of Voting Rights in California

By Thomas F. Coleman

When the author of a historic voting rights reform measure crafted the bill, he included provisions to restore the voting rights of tens of thousands of people with disabilities. He knew the state was under investigation by the Department of Justice for stripping people in conservatorships of voting rights in violation of federal voting rights and disability rights laws.

State Sen. Marty Block included a provision in Senate Bill 589 to give voting rights back to these potential voters. The bill was signed by Gov. Jerry Brown on Oct. 10, 2015 and became effective on Jan. 1. It had the support of Secretary of State Alex Padilla, the state's chief elections officer.

Block and Padilla knew there was a presidential election scheduled for November. Chief Justice Tani Cantil-Sakauye and the California Judicial Council – also under investigation by the DOJ – started preparing new court forms to be ready on Jan 1.

Unfortunately, it appears that none of these elected officials developed plans to restore the voting rights of upwards of 32,000 or more disenfranchised people with disabilities in time for them to vote in November. The issue of voting rights restoration was not a priority for them.

It appears that the state's major disability rights agencies and organizations did not make voting reinstatement a priority either. This includes the State Council on Developmental Disabilities, Disability Rights California, and a network of 21 regional centers that coordinate services for more than 140,000 adults with developmental disabilities. As a result, 32,000 conservatees who had been stripped of voting rights by probate court judges over the years have fallen between the bureaucratic cracks.

The court must develop a voting rights restoration plan that would get disenfranchised conservatees back on the voting rolls soon.

This week, my organization, the Spectrum Institute, filed a complaint with the DOJ against the state judiciary for failing to restore these voting rights in a timely manner. The lead individual in the class action

complaint is David Rector, a former producer with National Public Radio who was stripped of his voting rights by a probate court judge in 2011 during a conservatorship proceeding. David, who has quadriplegia and is unable to speak, is able to read and comprehend. Through an eye-tracking communications device, he informed a court clerk in San Diego that he wants his voting rights restored immediately. The request is pending.

Two weeks ago, David was unaware of SB 589. No one from the court or from any of the disability rights groups his fiancée sought help from mentioned the new law to her. It is likely that most other conservatees

who lost their voting rights like David did are also unaware that all they have to do to regain the franchise is to say or write four words – “I want to vote” – and have those words transmitted to the superior court. This is the best kept secret in California.

Less than two months from the voting registration deadline for the Nov. 8 election, and the courts still do not have a plan for timely restoration of voting rights. The disability rights groups and the regional centers are scratching their organizational heads wondering what to do. The judiciary has no comment. The secretary of state responds in vague generalities.

In the meantime, 32,000 people with disabilities in California will be kept from the polls in November. Surely this is not what Sen. Marty Block had in mind when he successfully moved SB 589 through the legislative process. Surely, this is not the type of reasonable accommodation contemplated by the Americans with Disabilities Act. ♦♦♦

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David Rector, Roz Alexander-Kasparik and Tom Coleman at rally in San Diego

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