

Yes, Your Honor, That Is How it Works

California Governor Jerry Brown's office announced yesterday that he signed AB 1311 protecting the voting rights of people with developmental disabilities. <http://gov.ca.gov/news.php?id=18731>

The idea for the voter registration portion of the bill came out of a Voting Rights Conference convened in June 2014 by the Disability and Abuse Project of Spectrum Institute. The conference was convened in response to an incident when Stephen Lopate, a young man with autism, almost lost his right to vote because his court-appointed attorney was unaware of voting rights protections for people with developmental disabilities. With help from the Disability and Abuse Project, Stephen finally gained the right to vote.

The bill was sponsored by California Secretary of State Debra Bowen. The Arc of California endorsed the bill and its Public Policy Director, Greg deGiere, worked diligently to promote it and line up support.

AB1311 clarifies that judges may not disqualify a person from voting because he or she has received assistance from someone in completing a voter registration form.

"Yes, your honor, a person can have help in filling out a voter registration form," said Thomas F. Coleman in response to learning that Governor Brown signed the bill. Coleman is the Legal Director of the Disability and Abuse Project.

Coleman was referring to a statement made by Los Angeles Superior Court Judge Daniel Murphy to nearly 200 lawyers at a training program earlier this year.

Murphy told the lawyers that he once warned a mother in a limited conservatorship proceeding that her son would lose his right to vote unless he could complete a voter registration form. The mother told Murphy that it would not be a problem because she could fill it out for him and then have him sign it. In recalling the incident during his remarks to the lawyers, Murphy laughed as he stated, "That's not how it works." The lawyers laughed in response, and Murphy then ended the so-called training on voting rights of limited conservatees.

Coleman, who was present at the seminar, was shocked at how callously and abruptly Murphy had handled the voting issue, so he put a spotlight on the seminar and used it as an example at the Voting Rights Conference. The issue caught the attention of Arlene Pinzler, a senior advisor to the California Secretary of State, who attended the conference. Pinzler and Chief of Staff Evan Goldberg got the ball rolling and within a few weeks, Assemblyman Steven Bradford amended a pending bill, AB 1311, with language to override the judge's bad joke. Secretary of State legislative advisor Bart Broome successfully guided the bill through the legislative process.

For once, people with developmental disabilities get the last laugh.

Some are calling AB1311 "Stephen's Law" in recognition of the advocacy of Stephen Lopate. Without his case coming to light, the voting rights conference and subsequent push for new legislation would not have happened. Stephen and his mother, Teresa Thompson, also helped the Disability and Abuse Project file a voting rights complaint against the Los Angeles Superior Court with the United States Department of Justice in July for ongoing and systematic violations by the court of the voting rights of thousands of other persons with developmental disabilities. The complaint is still pending and under investigation with the DOJ.

Special thanks to my colleague, Dr. Nora Baladerian, for her assistance and collaboration on the voting rights project, especially with the conference and the complaint to the DOJ. She was involved in the process from start to finish.

(For more information on the rights of people with developmental disabilities in conservatorship proceedings, go to: www.disabilityandabuse.org)