

U.S. Department of Justice

Civil Rights Division

*Disability Rights Section - NYA
950 Pennsylvania Ave, NW
Washington, DC 20530*

May 15, 2015

VIA First Class Mail & EMAIL

Thomas F. Coleman
Legal Director
Disability & Abuse Project
2100 Sawtelle Boulevard
Suite 204
Los Angeles, CA 90025

Re: *Complaint Against the State of California's Voting Practices and Procedures In Superior Court Conservatorship Proceedings for Persons with Disabilities, DJ # 204-11E-398*

Dear Mr. Coleman:

The United States Department of Justice has opened an investigation of your complaint alleging that the State of California violated title II of the Americans with Disabilities Act of 1990 (ADA), as amended, 42 U.S.C. §§ 12131-12134, and the Department's implementing regulation, 28 C.F.R. Part 35. Specifically, your complaint alleges that the State of California unlawfully deprives persons with disabilities of their right to vote when they are adjudged to be limited conservatees. In particular, the complaint alleges that the Los Angeles Superior Court has deprived persons with disabilities of their right to vote by finding such persons are not capable of completing an affidavit of voter registration, without applying objective standards or fully investigating voter competency issues. The complaint further alleges that the Superior Court has restricted the inquiry regarding a person's capability to complete the affidavit to be without assistance, contrary to the ADA and other federal laws protecting the right to vote.¹ The complaint alleges that once a superior court determines that a person is not capable of completing the affidavit of voter registration, the person is then removed from the voting rolls or prohibited from registering to vote by the county clerk's office and that further reviews of the determination are not conducted.

Your complaint has been assigned the complaint number shown above. Please reference the DJ number in any further correspondence or communication with our office. Please send us any additional information you may have, or that you may obtain in the future, that is relevant to your complaint. Please also let us know if you have filed the same or a similar complaint with any other federal, state, or local governmental entity.

¹ The complaint included allegations that the State's actions violated other federal laws including Section 504 of the Rehabilitation Act. The Department reserves the right to expand the scope of this investigation to include other applicable federal laws, as appropriate.

Please be advised that the Department of Justice does not represent you or your organization as your attorney and can conduct and resolve this matter without your approval. The Department of Justice represents the interests of the United States and does not act as an attorney for private individuals or organizations.

Please also be advised that we may need to disclose your identity and other information you provide during the course of our investigation but we will not do so unless it is necessary for our enforcement activities or otherwise necessary and allowed by law.

You are further advised that under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, we may be required to release this letter as well as other correspondence and records related to the complaint in response to a request from a third party. Should we receive such a request, we will safeguard, to the extent permitted by FOIA, the release of information that constitutes an unwarranted invasion of privacy.

If you have any questions or additional relevant information, please feel free to contact Elizabeth Johnson at 202-307-3543 or by email at elizabeth.johnson@usdoj.gov. You may also contact AUSA Vincente Tennerelli at 559-497-4080 or by email at vincente.tennerelli@usdoj.gov. The U.S. Attorney's Office for the Eastern District of California is also counsel in this matter. We expect to be in touch in the near future.

Sincerely,



Elizabeth Johnson, Disability Rights Section,
Civil Rights Division

Vincente Tennerelli, United States Attorney's
Office, Eastern District of California