



**LEGISLATION & PUBLIC
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May 3, 2018

Honorable Marc Berman
Chair, Elections and Redistricting Committee
California State Assembly
Capitol Building, Room 6011
Sacramento, CA 95814

RE: AB 2839 (ARAMBULA) – OPPOSE

Dear Assembly Member Berman:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, regrets to inform you that we respectfully **oppose AB 2839**. This bill is scheduled for hearing in the Assembly Elections and Redistricting Committee on May 9, 2018.

Existing law defines a “residence” for voting purposes as “a person’s domicile.” Elections Code §349(a). It further provides that the “domicile of a person is that place in which his or her habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. At a given time, a person may have only one domicile.” Elections Code §349(b).

AB 2839 provides, for the purposes of voting, that the domicile of a person adjudicated a sexually violent predator and who is committed to the custody of the Department of State Hospitals (DSH) shall be the last known address of the person before his or her commitment. Thus, this bill changes the law governing a voter’s domicile only for this particular class of California voters with disabilities.

The genesis of AB 2839 originates from the results of a recent ballot measure placed on the ballot by the City of Coalinga and defeated by city voters. The story begins before that though. In 2006, the City of Coalinga annexed into the city borders the property of the state-owned California State Hospital-Coalinga (CSH-C). Presumably, the annexation was intended to increase its census population and provide a benefit from increased revenue sharing, block grants, redistricting and political representation. The annexation gave CSH-C patients the right to participate in local city elections where they have been eligible to vote, and have voted, since the annexation over a decade ago. There are currently 304 active voters registered at the hospital. The patients all vote by mail, and the hospital is treated as a voting precinct in Coalinga.

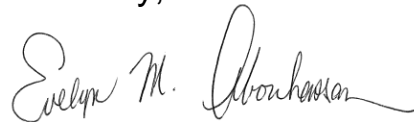
In November 2017, the City of Coalinga placed Measure C on the ballot. That measure proposed a one-cent increase in the city sales tax. The city voters, including some of the Coalinga patients, defeated that measure by 37 votes. The Coalinga patients cast 127 “no” votes and 50 “yes” votes. Following the election, the Coalinga City Council voted to file litigation challenging the election results based on the argument that, for the purpose of enfranchisement, the CSH-C patients were not domiciled in the City of Coalinga. That litigation is pending in the Fresno Superior Court.

AB 2839 now takes the approach of establishing an artificial domicile for a subset of California voters with disabilities to exclude them from voting in the communities where they reside because of their civil commitment status. Current law allows patients the option to register to vote at their previous domicile. However, given the significant lengths of time that these patients are civilly committed, and because the commitment often follows a lengthy criminal incarceration, this bill effectively disenfranchises many, if not all, of these state hospital patients because they practically have nowhere else where they can otherwise register to vote. Unless they happen to be from the area where their state hospital of residence is located, they do not reside in their old communities and are not impacted by local policies. A state hospital patient’s last known address also may no longer physically exist and they may no longer have any family or community ties to that jurisdiction. Furthermore, they do not pay taxes in those communities while they do pay taxes in the jurisdiction of the state hospital of their confinement.

The outcome of an election should not be the basis for changing the domicile of a particular class of voters with disabilities based on how they may have voted or excluding a *class* of persons from the right to vote. Had the election

gone the other way, it is doubtful litigation or this bill would have followed. Given these compelling reasons, DRC opposes this bill. Please contact me if you have any questions about our position.

Sincerely,

A handwritten signature in cursive script that reads "Evelyn M. Abouhassan". The signature is written in black ink and is positioned below the word "Sincerely,".

Evelyn Abouhassan
Senior Legislative Advocate
Disability Rights California

cc: Honorable Joaquin Arambula, California State Assembly
Hans Hemann, Chief of Staff, Office of Assembly Member Arambula
Honorable Members, Assembly Elections and Redistricting
Committee
Ethan Jones, Chief Consultant, Assembly Elections and Redistricting
Committee
Daryl Thomas, Consultant, Assembly Republican Caucus Committee