**Voting Rights: Persons Subject to** Conservatorship

https://www.sos.ca.gov/elections/voter-registration/conservatorship

There is a presumption in the law that a person is competent to vote regardless of whether they are conserved. As such, being conserved does not automatically take away a person’s right to vote. A court is the only entity that can revoke someone’s right to vote, and the court must make a specific finding to do so, apart from assigning someone a conservator.

Registering to Vote – Eligibility

To register to vote, you must be:

* A United States citizen,
* A resident of California,
* 18 years old or older on Election Day,
* Not currently serving a state or federal prison term for the conviction of a felony, and
* Not currently found mentally incompetent to vote by a court.

You can register to vote online at [**RegisterToVote.ca.gov**](http://registertovote.ca.gov/) or by filling out a paper voter registration card.

**Voter Registration – Conservatorships and Persons with a Disability**

[**Elections Code section 2102**](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=ELEC&sectionNum=2102.) requires that an individual with a disability who is under a conservatorship be permitted to register to vote unless that individual has been disqualified from voting. Section 2102 also requires that an individual with a disability, who is otherwise qualified to vote but needs accommodations to complete an affidavit of voter registration, be granted such necessary accommodations to the extent they are reasonable.

[**Elections Code section 2150**](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=ELEC&sectionNum=2150.), which specifies the minimum content of a voter registration affidavit, requires that an individual with a disability be permitted to complete the affidavit of registration with reasonable accommodations, as needed. If another person helps the voter to complete the affidavit, that person must also sign and date the affidavit.

**Presumption of Competency to Vote**

[**Elections Code section 2208**](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=ELEC&sectionNum=2208.) establishes a presumption that a person is competent to vote regardless of their conservatorship status. A person may be declared mentally incompetent and therefore disqualified from voting only if a court or, in certain cases, a jury finds by clear and convincing evidence that the person cannot communicate, with or without reasonable accommodations, a desire to participate in the voting process ***and*** the person is subject to a conservatorship or is gravely disabled, as specified.

Section 2208 also prohibits a person’s disqualification from voting simply because they need to sign the affidavit of registration with a mark, a cross, or a signature stamp; complete the affidavit with help from another person; or complete the affidavit with other reasonable accommodations.

**Superior Court Investigator - Yearly or Biennial Review**

[**Elections Code section 2209**](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=ELEC&sectionNum=2209.) provides that during the yearly or biennial review of probate conservatorships, including limited conservatorships, the court investigator must review the conservatee’s capability of communicating, with or without reasonable accommodations, a desire to participate in the voting process. If the conservatee was disqualified from voting because they could not communicate that desire or because they could not complete an affidavit of voter registration and the investigator finds that the conservatee is currently incapable of communicating a desire to vote, then the disqualification from voting may continue without a court hearing.

If, however, the conservatee was disqualified under either standard—inability to complete a registration affidavit or inability to communicate a desire to vote—and the investigator finds that the conservatee is capable of communicating a desire to vote, the investigator must notify the court, which must then hold a hearing regarding capability. Unless it determines by clear and convincing evidence that the conservatee is incapable of communicating a desire to vote, the court must restore the conservatee’s right to register to vote.

On the other hand, if the conservatee has not been disqualified from voting and the investigator determines that the conservatee cannot currently communicate a desire to vote, the investigator must inform the court, and the court must hold a hearing regarding capability. Again, unless it finds by clear and convincing evidence that the conservatee cannot communicate a desire to vote, the court must affirm the conservatee’s right to register to vote.

Finally, if the conservatee was not disqualified from voting and the investigator finds that they are currently able to communicate a desire to vote, no further judicial action is needed.

It is important to note that restoration of a conservatee’s right to register to vote does not automatically lead to their registration. A newly eligible conservatee must register to vote as described on this page.

**Voter Registration Restoration and Cancellation**

[**Elections Code section 2211.5**](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=ELEC&sectionNum=2211.5.) requires the superior court in each county to provide notice to the Secretary of State of all court orders regarding any person’s competency to vote. The Secretary of State provides information regarding the restoration and the revocation of the right to vote to county elections officials.

Section 2211.5 requires county elections officials to notify a person if their right to vote has been restored.

Additionally, Section 2211.5 requires county elections officials to notify voters before cancelling their registration for mental incompetency. The notice must include a return form for these voters to indicate their eligibility to vote, if they believe the cancellation is in error.

**County Compliance Training**

Elections Code 2214 requires county elections officials and specified county court staff to take a yearly training on voting rights disqualifications and restorations, and their role in the process. The Secretary of State has provided training modules [**on our website**](https://www.sos.ca.gov/elections/voter-registration/conservatorship/county-compliance-training).

[**Conservatorship Statistics**](https://www.sos.ca.gov/elections/voter-registration/conservatorship/statistics)

The Secretary of State reports the number of findings made by county superior courts regarding any person's competency to vote.

**More Information and Resources**

✆ If you have any questions about your voting rights as a conservatee or the voting rights of a loved one, please call the Disability Rights California Voting Hotline at (888) 569-7955.

Judicial Council of California’s Self-Help section addressing Conservatorships can be found at [**http://www.courts.ca.gov/selfhelp-conservatorship.htm**](http://www.courts.ca.gov/selfhelp-conservatorship.htm).

✆   If you are not registered to vote and are eligible, you may fill out an [**online voter registration application**](https://registertovote.ca.gov/). You may also pick up an application at your county elections office, any Department of Motor Vehicles office, and many post offices, public libraries, and other government offices. To have a paper application mailed to you, call your county elections office or the Secretary of State's toll-free voter hotline at (800) 345-VOTE.

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✆ If you have any questions about this process, contact your [**county elections office**](https://www.sos.ca.gov/elections/voting-resources/county-elections-offices).

Your Vote Matters!