

# Accessible Absentee Balloting

Polk County Bar Assn. Fall Seminar

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# Introduction (Jane)

1. My name is Jane Hudson and I am the Exec Dir of Disability Rights Iowa. My colleague is Carrie Chapman, President of the Iowa Council of the United Blind. Ms. Chapman will first tell you about herself and the Council, known as ICUB. I will then tell you about Disability Rights Iowa.
2. Focus today – need for accessible absentee balloting for Iowans who are blind, significantly visually impaired or disabled (unable to fill out paper ballot)
3. What lawyers and the bar associations could do to help get accessible absentee balloting in Iowa

# Iowa Council of the United Blind (Carrie)

- Personally, president for the last few years, prior to that on the local and state board, as well as on the board of Iowa Radio Reading Information Service (IRIS) and Iowa Library for the Blind and Physically Disabled.
- ICUB is a non-profit consumer organization established over 30 years ago.
- Affiliate of the American Council of the Blind.
- One of two organizations of the blind in the state.
- ICUB has Des Moines, Dubuque, and Across Iowa Chapters.
- Motto: Believe it. Achieve it!
- Mission: We advocate for equality, opportunity, and independence of people with vision loss. We know that, if given good blindness training and the opportunity to succeed, blind individuals can contribute fully to their families, communities, and their jobs.

# Disability Rights Iowa (Jane)

- DRI is the protection and advocacy system for Iowans with disabilities.
- Non profit law firm
- Initially arose out of a scandal – Willowbrook in NY
- Congress created P&As: investigate A/N, pursue adm, legal remedies
- Agencies like DRI in every state and territory (57 total)

## Disability Rights Iowa (cont. Jane)

- Since then, DRI has grown to cover all types of disabilities, including mental illness and all ages (children and adults)
- 20 employees (8 attorneys): education, health care, comm integ, empl, housing, accessibility, voting, AT, abuse/neglect/financial exploit
- Free to clients and persons requesting information b/c funded by federal agencies and private donations
- Personally, lawyer for 30+ years; retiring in July 2021, applications out on December 1st

# What is Accessible Absentee Balloting? (Carrie)

1. Contact county auditor to send electronically upon request
2. Read and fill out electronically using existing computer software
3. Deliver to auditor by mail or in person the same as any other absentee voter

Different vendors can set up systems in a couple of weeks

- Democracy Live
- Voting Works

**NOT ON-LINE VOTING BECAUSE WE ARE NOT ASKING THAT BALLOTS BE RETURNED ELECTRONICALLY.**

## Why are Accessible Absentee Ballots Needed? (Carrie)

- 50,000 Iowans are blind or significantly visually impaired.
- Need accessible absentee ballots to:
  - vote in person and possible risk their lives during the COVID pandemic or other times
  - get assistance from another person to fill out a paper absentee ballot (not private and independent)

# Federal Law Requires Accessible Absentee Balloting (Jane)

- Americans with Disabilities Act Title II ( state and local public entities)
  - Equal opportunity to access benefits of services, programs or activities by a public entity (ELECTIONS )
  - Must be equal to that afforded to others (private, independent, secret)
  - Reasonable modifications to policies and procedures – accessible absentee ballots
  - Auxiliary aids and services- provided in ways to protect privacy and independence
- Section 504 of Rehabilitation Act-no individual w disability excluded from participation in program receiving federal financial assistance
- Help America Vote Act – right to verify in private and independent manner votes selected before cast and counted

Approximately 20 states have accessible absentee balloting (MI, DE, NY, NC)

# Initial Strategies (Carrie)

- Individual organizations and their leaders met with Secretary of State Paul Pate many times for more than a year
  - Iowa Council of the United Blind
  - National Federation of the Blind of Iowa
  - Disability Rights Iowa
- **But**, Secretary Pate said he needed legislative approval to change election laws
- Attempt to introduce legislation last January, but went no where

# Coalition (Carrie)

August 28, ICUB, NFBI and DRI formed coalition to work on next steps:

- Op Ed in Des Moines Register
- Letters to the Editor
- Articles in other papers (Ames Tribune)
- Grass Roots Advocacy – members NFBI and ICUB
- Outreach to Legislators and 24-member Legislative Council to allow during COVID, but Secretary of State Pate did not do so

## Next steps (Jane)

- Educate Iowans about need for accessible absentee balloting
- Work with legislature to try to get law passed
  - Even though no state legislation needed to authorize accessible absentee balloting because federal law already requires it
  - But, legislators may want to delineate the process and appropriate funding (Help America Vote Act may have funding to do this)
- Model we like: Colorado has law that gives Colorado Secretary of State the discretion to create a process and to certify vendors
- If Iowa legislature does not act, we will explore possibility of litigation

# What Can Lawyers and Bar Associations do to help? (Carrie)

- Please reach out to your associations and get them to support legislation in 2021
- Learn more – [drivoting.org](https://drivoting.org)

## QUESTIONS AND THANK YOU!