Disability Rights Iowa

LEGAL PROTECTION AND ADVOCACY

Disability Rights Iowa

SF 342 – Testimony in Opposition

February 23, 2023

Chairpersons and honorable members of the Committee. My name is Catherine E. Johnson. I am the Executive Director of Disability Rights Iowa. DRI is an independent, non-profit agency, which serves as the designated protection and advocacy system for people with disabilities in the state of Iowa, pursuant to federal mandates. The mission of the agency is to protect and advocate for the human and legal rights of Iowans with disabilities. I appear before you to share DRI's concerns regarding the impact of SF 342 on the Disability Community.

Americans with Disabilities Act and Voting.

Title II of the Americans with Disabilities Act requires that state and local governments ensure that individual with disabilities have a full and equal opportunity to vote. The Iowa Secretary of State's intent is to ensure that Iowan Voters with disabilities are fully able to exercise their voting rights at the polls. SF 342 creates barriers for voters with disabilities in obtaining their full and equal opportunity to vote.

SF 342 restricts voter access.

SF 342 restricts voting access. It is unclear to DRI what SF 342 intends to address and/or remedy in the conduct of elections. The proposed bill will create additional processes for voters, making voting more difficult for voters with disabilities. The proposed bill would only allow individuals registering to vote on Election Day to vote with a provisional ballot. The provisional ballot would only be counted if the precinct board determines that the person is an eligible voter. Voters with disabilities may be required to submit additional documentation to verify eligibility to vote. Currently, individuals registering to vote on Election Day receive a regular ballot after the polling place verifies their eligibility using the electronic poll book.

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Provisional Ballots for Individuals that register to vote on Election Day:

SF 342 seeks to add an additional process for same-day registrants. The county election officials will be required to check the registration qualifications after the ballot is cast. Individuals may be required to produce additional documentation to determine voter eligibility. The time to submit additional documentation is short. This creates a burden on individuals with disabilities. Individuals with disabilities may experience accessibility issues with the notifications regarding additional documentation from the county election offices. Many individuals with disabilities use public transportation and/or friends/family for transportation. Voters with disabilities may experience difficulty in securing transportation to the polling place and/or local county election office. Voters with disabilities may also experience accessibility issues in obtaining additional documentation required by the local county election officials. Voters with disabilities will be disproportionally disenfranchised by SF 342.

Provisional ballots of individuals voting in-person before election day.

Individuals with proper documentation that vote in-person before election day should have their ballot counted without additional documentation or review by county auditors. If a large number of voters need to provide additional documentation, this will create delays in processing the ballots. This delay could also reduce the amount of time a person has to remedy any deficiencies noted. If a provisional ballot is rejected, the individual voter receives notification of that decision. The voter has the ability to be present when the election board is reviewing their provisional ballot so they can immediately provide additional information if necessary. This process will create burdens for voters with disabilities in the accessibility of the notification and the ability to attend in-person the election board's review of their provision ballot(s).

SF 342 impacts voters with disabilities' rights to full and equal opportunity to vote. DRI opposes SF 342. It will create barriers and cause undue hardship for individuals with disabilities seeking to vote. DRI opposes SF 342. Thank you in advance for your thoughtful deliberation of our testimony in opposition of SF 342.