



FOR IMMEDIATE RELEASE: Tuesday, Sept. 19, 2017

Iowa Advocacy Groups Respond With Concern to Proposed Iowa Voter ID Rules

Des Moines, Iowa – Eight nonprofit groups have filed comments in response to newly proposed administrative rules that would implement changes in the way Iowans vote. These organizations, all of which work to protect voting rights, are concerned that the proposed rules will unnecessarily make it more difficult and complicated for Iowans to cast their ballots.

Last spring the Iowa Legislature passed a voter ID bill that included a number of provisions voting rights advocates found deeply problematic. In order to carry out the specifics of that legislation, earlier this month, the Iowa Secretary of State and the Iowa Voter Registration Commission each proposed a separate set of detailed rules that they think should be put in place. (These two sets of proposed rules are available via the link at the bottom of this press release.)

Daniel Zeno, ACLU of Iowa policy counsel, said, “The integrity of our election system and making sure every eligible Iowan can vote is essential to our democracy. The voter ID bill passed, despite our warning that it would do nothing to benefit that voter integrity. We are submitting these comments to make sure that the rules implementing the new law do the least amount of harm and protect the voting rights of all eligible Iowans.”

The organizations are concerned that the proposed rules will make it harder for qualified Iowans to vote – especially for people of color, older Iowans, and people living on low incomes or living with a disability.

“We know that when it’s harder and more complicated for people to vote, that essentially disenfranchises them,” Zeno said. “Making people go through more hoops to vote is especially difficult if you are older, have physical limitations, don’t drive, or have fewer resources. We hope that the Secretary and the Commission will change the rules to ensure that as many eligible Iowa voters can actually cast their votes with a regular ballot.”

Key concerns of the groups regarding the *Iowa Secretary of State’s* proposed rules are:

1) The rules improperly treat the ID documents allowed for *election day registrants* much more restrictively than for *pre-registered voters*, even though the voter ID bill did not specify this change.

The voter ID bill didn’t change the definition of “registered voter” in Iowa law. “Registered voter” is defined both a pre-registered voter and a voter who registers on election day – so they should be treated the same way in any proposed rules.

The proposed rules must make clear that all voters, including those who register at the polls on election day, would be able to use the same broader class of IDs allowed under Iowa Code section 48A to prove identity. Those include student IDs, out-of-state IDs, and employer IDs, as well as being able to sign an affidavit swearing to identity if a person lacked the needed IDs.

2) Rules specifying that a person’s voter registration could be cancelled and the voter purged from the voter registration lists due to the jury declination process need to be eliminated. If they are not eliminated, they must at least be improved.

Currently, a person is dismissed from potential jury duty if they say they are not a U.S. citizen. That jury declination information is then shared with the Secretary of State’s office.

There are four problems with the proposed rules regarding removal because of the jury declination process, some of which include violating federal voting rights laws.

First, the proposed rules do not require the Secretary to use the most current data to produce the list of potential ineligible voters based on jury declination. Not using the most current data could inadvertently remove eligible voters. The reason that the most current data must be used is because a person’s immigration status is fluid and, depending on individual circumstances, can be adjusted. For example, a person who is a lawful permanent resident of the United States may be able to become a U.S. citizen through the federal immigration laws. We are concerned about the potential disenfranchisement of *recent* U.S. citizens who may not have been U.S. citizens when they were called for jury service, but who have since become U.S. citizens.

Second, the proposed rules do not provide any timeframe for when the Secretary must provide the list of potentially ineligible voters based on jury declination to county auditors.

Third, while the proposed rules do provide for notice of the cancellation to the voter and an opportunity for the voter to prove their citizenship, the proposed rules do not provide any timeframe for when a county auditor must complete their review of information the voter presents to prove that person’s ability to vote. This has the potential to deprive new U.S. citizen voters from being able to vote, as well as represents a significant infringement of voters’ due process, especially if the cancellation occurs close to election day.

Fourth, the proposed rules allow for cancellation and removal during the 90-day “quiet period” required by the National Voter Registration Act (NVRA). Specifically, the matches and removals cannot be undertaken “monthly” throughout the year, because systematic list maintenance of this sort is prohibited within 90 days of a federal election (which would include March 5 to June 5 and August 6 to November 6, 2018).

3) Signature verification rules must also be altered to comply with federal laws protecting people with disabilities and others.

A person’s signature might change because of a disability or medical condition. Because of that, the proposed rules as drafted would screen out or tend to screen out individuals with disabilities from fully and equally exercising their right to vote. A rule change is important to protect the voting rights of people living with disabilities and to provide clarity to county auditors and poll workers.

Key concerns of the groups regarding the Iowa Voter Registration Commission’s proposed rules are:

1) Rules that exclude nongovernmental organizations that engage in voter registration drives from using the alternate voter registration form and obtaining that form, *without charge*, must be changed.

Currently, nongovernmental organizations, like League of Women Voters of Iowa and LULAC, are all authorized to use the alternate voter registration form as part of voter registration drives. Those groups can currently obtain this form online and without charge.

The result of the proposed rules appears to be that these nongovernmental organizations could be required to *purchase* voter registration forms instead of being able to receive the forms online, without charge from the Secretary’s office.

Changing this rule is important. It could otherwise result in disenfranchisement, especially of racial and ethnic minorities, people living with disabilities, and older Iowans. This is especially true for those marginalized Iowa voters who do not have a driver’s license or non-operator ID and therefore cannot register to vote online through the DOT.

Voter drives are an important way to register voters, especially for already marginalized Iowa voters without access to online voter registration. In Florida, similar restrictions targeting voter registration organizations were struck down as a violation of the constitutional rights of those organizations.

The comments filed by the groups regarding the Secretary of State’s proposed rules can be found at: https://www.aclu-ia.org/sites/default/files/2017-09-19_final_sos_comments.pdf

The comments filed by the groups regarding the Iowa Voter Registration Commission’s proposed rules can be found at: https://www.aclu-ia.org/sites/default/files/2017-09-19_final_vrc_comments.pdf

To see the proposed rules filed by the Secretary of State, go to: https://www.aclu-ia.org/sites/default/files/2017-08-30_sos_proposed_rules_re_hf516.pdf

To see the proposed rules filed by the Iowa Voter Registration Commission, go to: https://www.aclu-ia.org/sites/default/files/2017-08-30_voter_reg_comm_proposed_rules_re_hf516.pdf

Contact information for individuals with the groups submitting the comments:

Veronica Fowler, ACLU of Iowa Communications Director

veronica.fowler@aclu-ia.org

515-451-1777

Betty C. Andrews, President, Iowa-Nebraska NAACP

bettycandrews@yahoo.com

515-288-7171

Mary Rae Bragg, President, League of Women Voters of Iowa

bragg.maryrae388@gmail.com

563-583-0525

Joe Enriquez Henry, National Vice President, Midwest Region, LULAC

joehenry@iowalatinos.org

515-208-7312

Jane Hudson, Executive Director, Disability Rights Iowa

jhudson@driowa.org

515-278-2502 x20

Daniel Hoffman-Zinnel, Executive Director, One Iowa Action

daniel@oneiowa.org

515-288-4019, x 1

Connie Ryan, Executive Director, Interfaith Alliance of Iowa

connie@interfaithallianceiowa.org

515-279-8715

Rik Shannon, Public Policy Manager, Iowa Developmental Disabilities Council

rshanno1@dhs.state.ia.us

(515) 288-0443

* * * *end* * * *