Date: January 16, 2024.

Subject: Support for legislation mandating accessible absentee and in-person voting.

From: R.J. Ray, Mary L. McGee, National Federation of the Blind of Iowa.

To: Iowa General Assembly.

The Americans With Disabilities Act, 42 U.S.C. S. 12101, et seq, provides important safeguards protecting disabled people’s rights. Currently, Iowa is violating this statute because, even in the 21st Century it many times requires blind voters to seek the aid of a sighted person to vote absentee or in person, thereby depriving them of an independent right to vote. The Help American Vote Act became law in October of 2022 to address the problems that occurred during the 2020 presidential election and one of the goals of the statute is to provide all American voters, including those who are blind or low vision, the opportunity to vote both privately and independently. Because of poor or nonexistent poll worker training and no electronic absentee ballot marking system, Iowa is in violation of this law as well. Therefore, the State of Iowa is in effect ignoring clear Federal mandates. Moreover it continues to deprive a protected class of its citizens a substantive Constitutional right at both the state and federal levels.

In recent court cases involving the right of voters with print disabilities to mark a paper absentee or by mail ballot privately and independently, the Federal Courts of Appeals for the Fourth Circuit and Sixth Circuit found that Title II of the Americans With Disabilities Act (ADA) and Section 504 of the Rehabilitation Act require that voters with disabilities be provided an opportunity to exercise their right to vote that is equal to that provided voters without disabilities. See Nat’l. Fed’n. of the Blind v. Lamone, 813 F.3d 494, 506 (4th Cir. 2016) and Hindel v. Husted, 875 F.2d 344, 349 (6th Cir. 2017). These holdings mean that blind, low vision, and other voters with print disabilities must be able to make their absentee ballot privately and independently at home as voters without disabilities are able to do. Courts in Massachusetts and North Caroline have found that when a state permits military and overseas voters to return their marked ballot electronically, voters with print disabilities must be afforded the same opportunity. Also, a number of states have passed legislation to permit voters with disabilities to receive and return their by mail ballots electronically. Tragically, Iowa is not one of these states and that is why we request your support for this bill.

This state’s voting mechanisms present problems such as the following for blind citizens. These people have given their permission to share their stories.

Jonathon Ice of Cedar Rapids voted absentee. He is legally blind but has a small amount of residual vision. He was only able to complete his absentee ballot independently by reading it from one inch away from his eye; this caused eyestrain and the risk of missing critical information printed on the ballot.

Kim Brown went to vote in person at her polling place and no one there knew how to connect the headphones. She had let her husband fill out the ballot.

Roger Erpelding has encountered precinct workers who don’t know how to operate the voting machines to make them accessible. At one precinct, an hour lapsed before precinct workers were able to make the machine work properly and the ballot printed was a different size from the others so it was not a secret ballot.

The above stories are but a smattering of those recalled by blind and low vision Iowans, despite the ADA and HAVA. They demonstrate that Iowa is way behind the times!

“Our American heritage is threatened as much by our own indifference as it is by the most unscrupulous office or by the most powerful foreign threat. The future of this republic is in the hands of the American voter.” President Dwight D. Eisenhower.

As previously stated, the right of blind Americans to vote is guaranteed. It is a right that many American citizens have demonstrated for, fought for, and died for so that present and future generations can continue to exercise their right to vote. Therefore, we blind Iowans of voting age have a responsibility to exercise the right to vote, despite the state’s discriminatory election system, and we demand it.

We pay taxes; therefore we deserve representation in government; “No taxation without representation,” John Adams said with the Sons of Liberty. Are blind Iowans not entitled to vote? Apparently. Please change this inequity by supporting the designated bill. Thank you very much!