

VOTER RIGHTS

Position Statement

NASW, Iowa Chapter, affirms the protection and enforcement of individual suffrage rights, particularly for those who have less political power or those who experience social vulnerabilities (minorities, women, the elderly, low income individuals and those with disabilities).

Discussion

- *Background: Voting Rights Act*

Significant events in U.S. history have challenged suffrage for women and minorities. Women's suffrage was gained in 1924 as traditional gender relations were confronted and societal changes took place (McCammom, Campbell, Granberg, & Mowery, 2001). For blacks, the Reconstruction Acts of 1867 initiated a pathway for the Voting Rights Act of 1965. Previous court decisions had permitted southern states to rewrite their constitutions so as to exclude blacks through oppressive devices such as literacy tests, good character tests, and poll taxes (Davidson, 1994). Throughout the 19th and 20th centuries, these practices remained a pervasive method of threatening minorities from exercising their voting rights. Such practices evolved into institutionalized voter discrimination designed to disfranchise minority voices. The passage of the 1965 Voting Rights Act "ensured that no federal, state, or local government may in any way impede people from registering to vote or voting because of their race or ethnicity" (National Association of Colored People (NAACP), 2013). Lyndon B. Johnson called the Voting Rights Act "the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men" (Garrow, 1990, p. 377).

Despite these important political achievements, "...in the 1980's, people living in poverty, those with less education, and people of color remained overrepresented among U.S. citizens who did not vote" (Humphreys, 2011. p.346). To confront this widespread disfranchisement, education was founded to promote voter registration (Humphreys, 2011). Additionally, the Help America Vote Act (HAVA) was created in response to the 2000 presidential election where the use of outdated voting machines produced questionable results. HAVA was implemented to streamline the voting system by mandating changes in the election practices to protect voters and the democratic process (Williams, n.d.). HAVA authorized federal funding of new voting amenities, including handicapped accessible machines and ballots in multiple languages. HAVA requires simple and accessible voting information to be posted at all polling sites. HAVA also created the provisional ballot, allowing individuals who believed they are eligible to vote to cast a provisional ballot (Williams, n.d.).

- *Voter Issues Nationally and in Iowa*

Currently, there are several voting rights issues facing both the nation and the state. These include: 1) efforts to implement voter photo identification; 2) disfranchisement of people with criminal convictions; and 3) efforts to purge voter rolls of alleged non-citizen voters.

1. *Voter Photo Identification Issues*

Voter identification requirements are being examined across the nation; some believe these efforts are necessary while others question the underlying motives and view them as a way to further disenfranchise certain segments of the voting population. A national investigative news report indicated that a total of ten people (zero Iowans) since the year 2000 had committed voter fraud at in-person voting sites. With 146 million registered voters, this represents about one out of every 15 million voters (Khan & Corbin, 2012). Regardless of such statistics, voter identification, as a form of disenfranchisement, continues. The majority of those affected are women; 90 percent of women change their names due to marriage or divorce so if legal names do not match current identifications they will face opposition when voting (The American Prospect, 2013). A study by Washington University reports that as many as 700,000 minorities under age 30 and living

in certain states may not have been able to cast their ballots due to stringent voter identification laws (“Study: Voter ID”, 2012). The study cites several issues -- incorrect addresses, suspended licenses, and/or limited access to the documents needed to obtain a valid government ID (n.p.n.). The elderly may not have a birth certificate on record, or perhaps were born at home and thus lack state documentation. To acquire a driver’s identification card takes some sophistication and awareness to which many marginalized people do not have access (R.Bettis, personal communication, Oct. 18, 2012).

2. *Disfranchisement of those with Criminal Convictions*

An estimated 3.5 million Americans were unable to vote due to felony convictions, before and after their prison term was completed (Nonprofit Vote, 2010). The act of voting is the foundation of democracy and those who have successfully completed the requirements put forth by the judicial system and the department of corrections should be given a pathway to restore their right to vote (Fair Vote, The Right to Vote Initiative, 2009). In 2005, then Iowa Governor Vilsack announced that he would restore voting rights to an estimated 80,000 Iowans with felony records who had completed their sentences in accordance with the Iowa Department of Corrections. His executive order required a simple application process rather than a lengthy petition (Foley, 2012). Shortly after taking office, Governor Branstad reversed Vilsack’s order. Under Branstad restoration of one’s right to vote involved filling out a lengthy application, providing an Iowa Criminal History Record, providing a credit history, and verifying payment of court costs and restitution (“Streamlined application”, n.d.). However, on December 19, 2012 Governor Branstad made substantial changes to his stringent voting rights restoration process. For Iowans convicted of a felony who have been released from prison and/or state supervision, the reinstatement process has been simplified and streamlined. In addition to removing the requirement for a credit history, the current application process provides instructions that are less complicated; clarification of the current policy requiring documentation to show an applicant completed payment of his/her fines, restitution, and court costs or has been making payments in good faith; information about free resources to help fill out the necessary voter restoration paperwork; and a detailed “checklist of materials” to ensure that applicants present all required materials.

Broadening voting privileges for individuals with felony records is a way to help them reconnect and re-engage with their communities (Zernike, 2005). This is particularly true for African American men, especially in Iowa, where they are disproportionately represented in the criminal justice system. In 2005, Black males in Iowa represented just 2% of the overall population, but 19% of those denied the right to vote in that year..

3. *Voter Purging*

Voter purging occurs when there is government pressure to remove voters who are deemed to be ineligible or for whom duplicate records exist. When voter registration lists are outdated or are riddled with inaccuracies, the process can result in the removal of eligible voters (Brennan Center for Justice, n.d.). In Iowa, Secretary of State Matt Schultz attempted to purge voters from rolls prior to the November 2012 election. The court temporarily blocked his move on the grounds that might cause uncertainty and fear among voters, thus preventing some from exercising their lawful rights. Since the election, Schultz has focused on the removal of some 3,000 alleged noncitizens from a DOT list of registered voters. On January 4, 2013 Schultz pre-filed a voter identification bill that would require Iowans to have government issued identification for elections held after January 1, 2015 (Schultz, n.d.). Updated voting equipment and technology would assist in correcting inaccuracies in data and registration details, improving the voting process for all.

- *Voter Modernization Proposals*

The Brennan Center at New York University has proposed a nationwide Voter Registration Modernization program. This would benefit the outdated, paper-based system, which is inefficient, costly and subject to inaccuracies based on misspellings or incorrect addresses. Recently, 22 states (including Iowa) have moved to automate voter registration at the Department of Motor Vehicles; 8 states have portable registration systems available to update information for registered voters, allowing them to secure a valid ballot; 10 states (including Iowa) have laws providing Election Day registration for eligible citizens; 34 states (including

Iowa) allow citizens to look up voter registration online; and 16 states currently or soon will make available online registration.

Recommendations

NASW recommends the following provisions:

- Ensure that efforts to update voter information system ensure the integrity of the voting process are designed and conducted in thoughtful and meaningful manner.
- Encourage the state to adopt the Voter Registration Modernization proposed by the Brennan Center for Justice
- Implement legislation to ensure that individuals who have been released from the Iowa criminal justice system (post prison term and probation) and who are adhering to the terms of their parole, including paying court cost, restitution, and fines, are given the means to regain the right to vote.
- Support efforts to increase voter participation, especially among communities of color, low-income individuals, persons with disabilities, homelessness individuals, the elderly, and others who have traditionally been oppressed and less likely to vote.
- Encourage advocacy groups to support the integrity of the voting process by being watchful of actions by the courts and legislature that challenge voter rights and/or voter access in Iowa.

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Written by: Sandra McGee, PhD, LMSW; Ksenija Garton, Lauren Hickman, Jim Michels, and Kristen Peerbaccus.