

# KANSAS CITY REGIONAL HEARING

## (Iowa, Kansas, Missouri, and Nebraska)

University of Missouri-Kansas City School of Law  
Kansas City, Missouri  
April 21, 2014

### GUEST COMMISSIONERS

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Wendy Noran, Clerk, Boone County Missouri  
Marty Ramirez, (ret.) Counseling Psychologist,  
University of Nebraska  
Mary Ratliff, President, Missouri NAACP State  
Conference

Bill Rich, Professor of Law, Washburn University  
Marsha Ternus, (ret.) Chief Justice of the Iowa  
Supreme Court and Attorney at Law

### PANELISTS

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Betty Andrews, President, NAACP Iowa-Nebraska  
State Conference  
Keely Bassette, Winnebago Nation  
Gary Brunk, Executive Director, ACLU of Kansas  
Kip Elliot, Attorney, Disability Rights Center of  
Kansas  
Dolores Furtado, President, League of Women  
Voters of Kansas  
Christie Gerken, PAVA Coordinator, Disability  
Rights Iowa

Louis Goseland, Sunflower Community Action  
Joe Henry, State Director, LULAC of Iowa  
Bonnie Pitz, President, League of Women Voters  
of Iowa  
Adolphus Pruitt, First Vice-President & Political  
Action Chair, NAACP Missouri State Conference  
Eva Schulte, President & CEO, Communities  
Creating Opportunity  
Lazaro Spindola, Executive Director, Latino  
American Commission

### PUBLIC TESTIMONY

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Brad Murenz, Public Policy Specialist, Disability  
Rights of Nebraska  
Marvin Robinson

Lenora Rowe, League of Women Voters of  
Kansas  
Linda Smith, President, League of Women Voters  
of Kansas City, Jackson, Clay, & Platte Counties

### WRITTEN TESTIMONY

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ACLU of Iowa  
Lena Robinson  
Michael Blackwell

Adam Morefeld, Executive Director, Nebraskans  
for Civic Reform

### SUPPORTING ORGANIZATIONS (NOT EXHAUSTIVE)

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American Civil Liberties Union of Iowa  
American Civil Liberties Union of Kansas  
American Civil Liberties Union of Missouri  
American Civil Liberties Union of Nebraska

Disability Rights Center of Kansas  
Disability Rights Iowa  
Disability Rights Nebraska  
Iowa Citizen Action Network

Latino American Commission	National Action Network
Latinos Unidos of Iowa	National Lawyers Guild of Kansas City
League of Women Voters of Iowa	Nebraska Appleseed
League of Women Voters of Kansas	Nebraskans for Civic Reform
LULAC of Iowa	Sunflower Community Action
National Association for the Advancement of Colored People	University of Missouri-Kansas City School of Law

## KANSAS CITY REGIONAL HEARING HIGHLIGHTS

The National Commission on Voting Rights held its Kansas City Regional Hearing on April 21, 2014 at the University of Missouri-Kansas City School of Law in Kansas City, Missouri. Approximately 40 advocates and voters attended to present testimony and learn about the voting rights landscape in Iowa, Kansas, Missouri and Nebraska. Witnesses testified about a wide range of issues, including language access, disenfranchisement of individuals with criminal convictions, the closing of polling places in African-American neighborhoods and attempted voter intimidation.

### I. Language Access in Kansas and Nebraska

Witnesses testified about language barriers for Spanish-speaking voters. A precinct in Wichita, Kansas that was primarily Latino had no Spanish-speaking poll workers. Although federal law does not require Spanish-speaking poll workers or voting materials in this jurisdiction, it was apparent that Spanish-language assistance was needed in order for limited English proficiency voters to enjoy equal access. Additionally, some of these Spanish-speaking voters were denied their legally protected right to bring an assistor of choice to help them cast their ballots.

Lazaro Spindola of the Nebraska Latino American Commission also testified about inadequate compliance with federal requirements to provide voting information in Spanish in Colfax, Dakota and Dawson counties, all of which are jurisdictions covered by Section 203 of the Voting Rights Act. Per Spindola, translated materials on these county websites are either incomplete or difficult to find. For example, on the Dawson County website, only the early voting form is bilingual, and even this “lacks a very important piece of information which refers to the ability of non-partisan voters to request a partisan ballot from either the Democratic or Libertarian parties to be able to vote for Senate or House of Representatives partisan candidates. All other links lead to forms in English only, and no other voter registration, election notices, or other material is available in Spanish to Dawson County residents.”<sup>1</sup>

<sup>1</sup> See, <http://www.dawsoncountynet.org/clerk.html>

## II. Disenfranchisement of Former Offenders in Iowa

Betty C. Andrews of the Iowa/Nebraska NAACP State Conference of Branches, Michael Blackwell of the Black Hawk County Branch of the NAACP and Rita Bettis of the American Civil Liberties Union (ACLU) of Iowa testified about the permanent disenfranchisement of individuals with felony convictions in Iowa, which affects thousands of individuals and families. Iowa is in the minority of states that prevent the automatic restoration of the right to vote to persons convicted of a crime (as of now this disenfranchisement only applies to felonies, but until April 2014, it also applied to aggravated misdemeanors<sup>2</sup>).

Although these individuals can apply for restoration of their rights, the application process is extremely difficult. Andrews testified that in 2012 over 8,000 former offenders returned to the community, however, the rights of less than 25 have been restored.<sup>3</sup> Furthermore, in Iowa, African Americans comprise roughly 2.5 percent of the population but over 25 percent of the prison population.<sup>4</sup> Therefore, the permanent disenfranchisement of former offenders has a greatly disparate impact on the African-American community.

## III. Closing of Polling Places in Primarily African-American Areas in Nebraska

Vicky Young, president of the Omaha Branch of the NAACP in Nebraska testified that in 2012, as voter turnout was building momentum, the Douglas County election commissioner closed nearly one-third of the county's polling places. After community protest, he reconsidered his decision and reopened 27 polling places, 15 of which were for the most part located in communities of color.<sup>5</sup>

<sup>2</sup> Ms. Bettis testified that "in a groundbreaking decision in which the ACLU of Iowa took part...*Chiodo v. Panel, the Iowa Supreme court...held that no misdemeanors [qualified to disenfranchise voters.]*" The decision, however, leaves intact the Iowa law defining infamous crime to mean all felonies. *Chiodo v. Section 43.24 Panel, No. 14-0553, 2014 Iowa Sup. Ct.* For the automatic restoration of voting rights, see also, "Felony Disenfranchisement Laws in the United States" by: The Sentencing Project:

[http://sentencingproject.org/doc/publications/fd\\_Felony%20Disenfranchisement%20Laws%20in%20the%20US.pdf](http://sentencingproject.org/doc/publications/fd_Felony%20Disenfranchisement%20Laws%20in%20the%20US.pdf)

<sup>3</sup> See also, *AP New Break: Few Iowa Felons Pursue Voting Rights*, Associated Press, available at: <http://bigstory.ap.org/article/apnewsbreak-few-iowa-felons-pursue-voting-rights>

<sup>4</sup> See also, "State Data: Iowa" by: The Sentencing Project (<http://sentencingproject.org/map/statedata.cfm?abbrev=IA&mapdata=true>) and "Voting Landscape: State-by-State Profiles" by: The National Commission on Voting Rights (<http://votingrightstoday.org/LiteratureRetrieve.aspx?ID=124453>)

<sup>5</sup> See also, *Angel Martin, Phipps Will Add 27 Polling Sites Before November*, *KVNO News*, June 20, 2012: <http://www.kvnnews.com/2012/06/hipps-will-add-27-polling-sites-before-november/>

## IV. Attempted Voter Intimidation in Iowa

Bettis also testified regarding two regulations promulgated by the Iowa secretary of state in July 2012. Both of these regulations were submitted on an emergency basis, therefore the normal notice and public comment periods were not provided. The first regulation (the voter challenger rule)<sup>6</sup> would have, in Bettis' words, "allowed challenges to voters en masse, even if made anonymously... with the effect of putting the onus on the voter to prove their qualifications to voting officials." The second regulation (the voter removal rule)<sup>7</sup> would have allowed the secretary of state to cross-reference Iowa's voter rolls with unnamed state and federal databases to identify suspected non-citizens. Based on the results of the cross-referencing, the secretary of state would then send letters to those individuals notifying them that they had to provide proof of citizenship within 14 days or face removal from the voter rolls.

The ACLU of Iowa and the League of United Latin American Citizens of Iowa sued the secretary of state and obtained a temporary injunction against the implementation of the emergency rules.<sup>8</sup> Among the allegations made by plaintiffs was that the rule would infringe on the voting rights of Iowa voters, particularly Latino citizens.

After the rules were enjoined by the court, the secretary of state rescinded the voter challenger rule, but initiated rulemaking procedures for the voter removal rule. In the rulemaking process, the secretary of state made the following changes to the initial rule: (1) named the databases that would be cross-referenced (i.e., the Department of Transportation's list of foreign nationals, and the federal USCIS SAVE system); (2) the letters to the voter would be sent by certified mail; and (3) voters would be allowed 30 to 60 days before being removed from the rolls. The ACLU succeeded in stopping the voter removal rule, obtaining a court finding that the Secretary of State lacks the legal authority to promulgate the rule. As of July 2014, the case was on appeal to the Iowa Supreme Court.<sup>9</sup>

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6 *Iowa Admin. Code r. 721–21.100*

7 *Iowa Admin. Code r. 721–28.5*

8 *ACLU of Iowa v. Shultz, No. 05771 CV009311 (Iowa Dist. Court for Polk County, 2012)*

9 *ACLU of Iowa, v. Shultz, No. 14-0585 (Iowa Sup. Court).*