

JAN 19 2005
STATE GOVERNMENT

HOUSE FILE 80
BY JOCHUM

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act automatically restoring the right to vote and hold
2 elective office for certain persons who have made full
3 restitution and who have been discharged from probation,
4 parole, or work release, or who have been released from
5 confinement.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 43.18, subsection 9, Code 2005, is
2 amended by striking the subsection.

3 Sec. 2. Section 43.67, subsection 9, Code 2005, is amended
4 by striking the subsection.

5 Sec. 3. Section 44.3, subsection 2, paragraph i, Code
6 2005, is amended by striking the paragraph.

7 Sec. 4. Section 45.3, subsection 9, Code 2005, is amended
8 by striking the subsection.

9 Sec. 5. Section 48A.6, subsection 1, Code 2005, is amended
10 to read as follows:

11 1. A person who has been convicted of a felony as defined
12 in section 701.7, or convicted of an offense classified as a
13 felony under federal law. If the person's rights are later
14 ~~restored by the governor, or by the president of the United~~
15 ~~States,~~ pursuant to section 914.8, or by a pardon issued by
16 the governor or the president of the United States, the person
17 may register to vote.

18 Sec. 6. Section 57.1, subsection 2, paragraph c, Code
19 2005, is amended to read as follows:

20 c. That prior to the election the incumbent had been duly
21 convicted of a felony, as defined in section 701.7, and that
22 the judgment had not been reversed, annulled, or set aside,
23 nor the incumbent pardoned by the governor or the president of
24 the United States or restored to the rights of citizenship ~~by~~
25 ~~the governor under chapter 914~~ pursuant to section 914.8, at
26 the time of the election.

27 Sec. 7. Section 99B.1, subsection 13, paragraph c, Code
28 2005, is amended to read as follows:

29 c. The applicant has not been convicted of a felony.
30 However, if the applicant's conviction occurred more than five
31 years before the date of the application for a license, and if
32 the applicant's rights of citizenship have been restored by
33 the governor pursuant to sections 914.1 through 914.6, the
34 director of the department may determine that the applicant is
35 an eligible applicant.

1 Sec. 8. Section 123.3, subsection 26, paragraph d, Code
2 2005, is amended to read as follows:

3 d. The person has not been convicted of a felony.
4 However, if the person's conviction of a felony occurred more
5 than five years before the date of the application for a
6 license or permit, and if the person's rights of citizenship
7 have been restored by the governor pursuant to sections 914.1
8 through 914.6, the administrator may determine that the person
9 is of good moral character notwithstanding such conviction.

10 Sec. 9. Section 161A.5, subsection 3, unnumbered paragraph
11 1, Code 2005, is amended to read as follows:

12 At each general election a successor shall be chosen for
13 each commissioner whose term will expire in the succeeding
14 January. Nomination of candidates for the office of
15 commissioner shall be made by petition in accordance with
16 chapter 45, except that each candidate's nominating petition
17 shall be signed by at least twenty-five eligible electors of
18 the district. The petition form shall be furnished by the
19 county commissioner of elections. Every candidate shall file
20 with the nomination papers an affidavit stating the
21 candidate's name, the candidate's residence, that the person
22 is a candidate and is eligible for the office of commissioner,
23 and that if elected the candidate will qualify for the office.
24 ~~The affidavit shall also state that the candidate is aware~~
25 ~~that the candidate is disqualified from holding office if the~~
26 ~~candidate has been convicted of a felony or other infamous~~
27 ~~crime and the candidate's rights have not been restored by the~~
28 ~~governor or by the president of the United States.~~

29 Sec. 10. Section 277.4, unnumbered paragraph 3, Code 2005,
30 is amended to read as follows:

31 Signers of nomination petitions shall include their
32 addresses and the date of signing, and must reside in the same
33 director district as the candidate if directors are elected by
34 the voters of a director district, rather than at-large. A
35 person may sign nomination petitions for more than one

1 candidate for the same office, and the signature is not
2 invalid solely because the person signed nomination petitions
3 for one or more other candidates for the office. The petition
4 shall be filed with the affidavit of the candidate being
5 nominated, stating the candidate's name, place of residence,
6 that such person is a candidate and is eligible for the office
7 the candidate seeks, and that if elected the candidate will
8 qualify for the office. ~~The affidavit shall also state that~~
9 ~~the candidate is aware that the candidate is disqualified from~~
10 ~~holding office if the candidate has been convicted of a felony~~
11 ~~or other infamous crime and the candidate's rights have not~~
12 ~~been restored by the governor or by the president of the~~
13 ~~United States.~~

14 Sec. 11. Section 376.4, unnumbered paragraph 4, Code 2005,
15 is amended to read as follows:

16 The petition must include the affidavit of the individual
17 for whom it is filed, stating the individual's name, the
18 individual's residence, that the individual is a candidate and
19 eligible for the office, and that if elected the individual
20 will qualify for the office. ~~The affidavit shall also state~~
21 ~~that the candidate is aware that the candidate is disqualified~~
22 ~~from holding office if the candidate has been convicted of a~~
23 ~~felony or other infamous crime and the candidate's rights have~~
24 ~~not been restored by the governor or by the president of the~~
25 ~~United States.~~

26 Sec. 12. Section 602.8102, Code 2005, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. 45. Notify a person that the person has
29 made full restitution, including the community service
30 requirement, and that if the person has been discharged from
31 probation, parole, or work release or has been released from
32 confinement because the term of confinement is completed, the
33 person may apply to register to vote.

34 Sec. 13. Section 910.9, Code 2005, is amended by adding
35 the following new unnumbered paragraph:

1 NEW UNNUMBERED PARAGRAPH. The clerk of the sentencing
2 court shall notify the offender that full restitution,
3 including the community service requirement, has been made,
4 and that if the offender has been discharged from probation,
5 parole, or work release or has been released from confinement
6 because the term of confinement is completed, the offender may
7 apply to register to vote.

8 Sec. 14. Section 914.2, Code 2005, is amended to read as
9 follows:

10 914.2 RIGHT OF APPLICATION.

11 Except as otherwise provided in section 902.2 or 914.8, a
12 person convicted of a criminal offense has the right to make
13 application to the board of parole for recommendation or to
14 the governor for a reprieve, pardon, commutation of sentence,
15 remission of fines or forfeitures, or restoration of rights of
16 citizenship at any time following the conviction.

17 Sec. 15. Section 914.6, subsection 3, Code 2005, is
18 amended to read as follows:

19 3. In the case of a remission of fines and forfeitures,
20 restoration of rights of citizenship other than the right to
21 register to vote and to vote, or a pardon, commutation of
22 sentence, or reprieve, if the person is not in custody, one
23 copy of the executive instrument shall be delivered to the
24 person and one copy to the clerk of the district court where
25 the judgment is of record. ~~A list of the restorations of~~
26 ~~rights of citizenship issued by the governor shall be~~
27 ~~delivered to the state registrar of voters at least once each~~
28 ~~month.~~

29 Sec. 16. NEW SECTION. 914.8 RESTORATION OF RIGHT TO
30 REGISTER AND TO VOTE.

31 1. A person convicted of a felony criminal offense who has
32 been discharged from probation under section 907.9, discharged
33 from parole or work release under section 906.15, or who is
34 released from confinement under section 902.6 because the
35 person has completed the person's term of confinement, and who

1 has made full restitution, including fulfilling the community
2 service requirement, shall have the right to register to vote
3 and to vote restored in the manner provided in this section.

4 2. Upon discharge from confinement or supervision, the
5 department of corrections or judicial district department of
6 correctional services, whichever is applicable, shall provide
7 written notice to the inmate, parolee, or probationer of the
8 person's discharge which shall include a voter registration
9 form and a statement that the person's right to register to
10 vote and to vote will be restored upon making full
11 restitution, including fulfilling the community service
12 requirement, and that the clerk of court will notify the
13 person when full restitution has been made. The notice shall
14 also inform the person that when first registering to vote
15 after discharge, the person must present to the commissioner
16 of registration the discharge notice and the notice that full
17 restitution has been made.

18 3. A person convicted of a class "A" felony whose sentence
19 has been commuted by the governor shall not be allowed to
20 register to vote.

21 EXPLANATION

22 This bill makes restoration of the right to register to
23 vote and to vote automatic upon a person's release from
24 probation, parole, or work release, or upon completion of the
25 person's term of confinement and upon the person making full
26 restitution, including completion of a community service
27 requirement. By operation of law, persons whose rights have
28 been restored are eligible to run for elective office.

29 The bill requires the department of corrections or the
30 judicial district department of correctional services to
31 provide written notice upon discharge from confinement or
32 supervision that a person's voting rights will be restored
33 when full restitution is made and that the person must provide
34 written notice of discharge and written notice that full
35 restitution has been made when registering to vote. The

1 notice shall also include a voter registration form.

2 The bill does not extend restoration of the right to
3 register to vote and to vote to a person convicted of a class
4 "A" felony whose sentence has been commuted by the governor.

5 The bill requires the clerk of the sentencing court to
6 notify the offender that full restitution has been made, and
7 that, if the person has been discharged from probation,
8 parole, or work release, or released from confinement, the
9 person may register to vote.

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