

House File 516

H-1136

1 Amend House File 516 as follows:

2 1. Page 21, before line 20 by inserting:

3 <DIVISION ____

4 PRIVILEGES OF ELECTORS

5 Sec. ____ . Section 39.3, subsection 8, Code 2017, is
6 amended to read as follows:

7 8. "*Infamous crime*" means a felony election
8 misconduct in the first degree that is vote fraud as
9 defined described in section 701.7 39A.2, subsection
10 1, paragraph "b", or an offense classified as a felony
11 under federal law and shall not include any misdemeanor
12 or other felony. A person's disqualification on
13 account of the person's conviction of an infamous crime
14 pursuant to Article II, section 5 of the Constitution
15 of the State of Iowa is limited in duration to the
16 period of the person's sentence, and the person's right
17 to vote is restored automatically upon the person's
18 successful discharge of the criminal conviction,
19 including any period of probation or parole, regardless
20 of the person's payment of fines, fees, or restitution.

21 Sec. ____ . Section 39A.1, subsection 2, Code 2017,
22 is amended to read as follows:

23 2. The purpose of **this chapter** is to identify
24 actions which threaten the integrity of the election
25 process and to impose significant sanctions upon
26 persons who intentionally commit those acts. It is the
27 intent of the general assembly that offenses with the
28 greatest potential to affect the election process be
29 vigorously prosecuted and strong punishment meted out
30 through the imposition of felony sanctions ~~which, as a~~
31 ~~consequence, remove the voting rights of the offenders.~~
32 Other offenses are still considered serious, but
33 based on the factual context in which they arise,
34 they may not rise to the level of offenses to which
35 felony penalties attach. The general assembly also

1 recognizes that instances may arise in which technical
2 infractions of **chapters 39 through 53** may occur which
3 do not merit any level of criminal sanction. In
4 such instances, administrative notice from the state
5 or county commissioner of elections is sufficient.
6 Mandates or proscriptions in **chapters 39 through 53**
7 which are not specifically included in **this chapter**
8 shall be considered to be directive only, without
9 criminal sanction.

10 Sec. _____. Section 43.18, subsection 9, Code 2017,
11 is amended to read as follows:

12 9. A statement that the candidate is aware that
13 the candidate is disqualified from holding office
14 if the candidate has been convicted of ~~a felony or~~
15 ~~either an infamous crime as defined in section 39.3 and~~
16 the candidate's rights have not been restored by the
17 governor or by the president of the United States.

18 Sec. _____. Section 43.67, subsection 2, paragraph i,
19 Code 2017, is amended to read as follows:

20 *i.* A statement that the candidate is aware that
21 the candidate is disqualified from holding office
22 if the candidate has been convicted of ~~a felony or~~
23 ~~either an infamous crime as defined in section 39.3 and~~
24 the candidate's rights have not been restored by the
25 governor or by the president of the United States.

26 Sec. _____. Section 44.3, subsection 2, paragraph i,
27 Code 2017, is amended to read as follows:

28 *i.* A statement that the candidate is aware that
29 the candidate is disqualified from holding office
30 if the candidate has been convicted of ~~a felony or~~
31 ~~either an infamous crime as defined in section 39.3 and~~
32 the candidate's rights have not been restored by the
33 governor or by the president of the United States.

34 Sec. _____. Section 45.3, subsection 9, Code 2017, is
35 amended to read as follows:

1 9. A statement that the candidate is aware that
2 the candidate is disqualified from holding office
3 if the candidate has been convicted ~~of a felony or~~
4 ~~either~~ an infamous crime as defined in section 39.3 and
5 the candidate's rights have not been restored by the
6 governor or by the president of the United States.

7 Sec. _____. Section 47.7, subsection 2, paragraph a,
8 Code 2017, is amended to read as follows:

9 a. On or before January 1, 2006, the state
10 registrar of voters shall implement in a uniform and
11 nondiscriminatory manner, a single, uniform, official,
12 centralized, interactive computerized statewide voter
13 registration file defined, maintained, and administered
14 at the state level that contains the name and
15 registration information of every legally registered
16 voter in the state and assigns a unique identifier to
17 each legally registered voter in the state. The state
18 voter registration system shall be coordinated with
19 other agency databases within the state, including,
20 but not limited to, state department of transportation
21 driver's license records, judicial records of ~~convicted~~
22 ~~felons~~ persons convicted of infamous crimes as defined
23 in section 39.3 and persons declared incompetent to
24 vote, and Iowa department of public health records of
25 deceased persons.

26 Sec. _____. Section 48A.6, subsection 1, Code 2017,
27 is amended to read as follows:

28 1. A person who has been convicted of ~~a felony~~
29 an infamous crime as defined in section 701.7, ~~or~~
30 ~~convicted of an offense classified as a felony under~~
31 ~~federal law~~ 39.3. If the person's rights are later
32 restored by the governor, or by the president of the
33 United States, the person may register to vote.

34 Sec. _____. Section 48A.14, subsection 1, paragraph
35 e, Code 2017, is amended to read as follows:

1 e. The challenged registrant has been convicted
2 of ~~a felony~~ an infamous crime as defined in section
3 39.3, and the registrant's voting rights have not been
4 restored.

5 Sec. _____. Section 48A.30, subsection 1, paragraph
6 d, Code 2017, is amended to read as follows:

7 d. The clerk of the district court, or the United
8 States attorney, or the state registrar sends notice
9 of the registered voter's conviction of ~~a felony~~
10 an infamous crime as defined in section ~~701.7~~, ~~or~~
11 ~~conviction of an offense classified as a felony under~~
12 ~~federal law~~ 39.3. The clerk of the district court
13 shall send notice of such a felony conviction to
14 the state registrar of voters. The registrar shall
15 determine in which county the ~~felon~~ convicted person
16 is registered to vote, if any, and shall notify the
17 county commissioner of registration for that county of
18 the ~~felony~~ conviction.

19 Sec. _____. Section 49.79, subsection 2, paragraph f,
20 Code 2017, is amended to read as follows:

21 f. The challenged person has been convicted of a
22 ~~felony~~ an infamous crime as defined in section 39.3,
23 and the person's voting rights have not been restored.

24 Sec. _____. Section 57.1, subsection 2, paragraph c,
25 Code 2017, is amended to read as follows:

26 c. That prior to the election the incumbent had
27 been duly convicted of ~~a felony~~ an infamous crime, as
28 defined in ~~section 701.7~~ 39.3, and that the judgment
29 had not been reversed, annulled, or set aside, nor
30 the incumbent pardoned or restored to the rights of
31 citizenship by the governor under ~~chapter 914~~, ~~or by~~
32 the president of the United States for an infamous
33 crime under federal law, at the time of the election.

34 Sec. _____. Section 161A.5, subsection 3, paragraph
35 b, Code 2017, is amended to read as follows:

1 *b.* Every candidate shall file with the nomination
2 papers an affidavit stating the candidate's name, the
3 candidate's residence, that the person is a candidate
4 and is eligible for the office of commissioner, and
5 that if elected the candidate will qualify for the
6 office. The affidavit shall also state that the
7 candidate is aware that the candidate is disqualified
8 from holding office if the candidate has been convicted
9 of a ~~felony or other~~ an infamous crime as defined in
10 section 39.3 and the candidate's rights have not been
11 restored by the governor or by the president of the
12 United States.

13 Sec. _____. Section 277.4, subsection 2, paragraph *b*,
14 Code 2017, is amended to read as follows:

15 *b.* Signers of nomination petitions shall include
16 their addresses and the date of signing, and must
17 reside in the same director district as the candidate
18 if directors are elected by the voters of a director
19 district, rather than at-large. A person may sign
20 nomination petitions for more than one candidate for
21 the same office, and the signature is not invalid
22 solely because the person signed nomination petitions
23 for one or more other candidates for the office. The
24 petition shall be filed with the affidavit of the
25 candidate being nominated, stating the candidate's
26 name, place of residence, that such person is a
27 candidate and is eligible for the office the candidate
28 seeks, and that if elected the candidate will qualify
29 for the office. The affidavit shall also state
30 that the candidate is aware that the candidate is
31 disqualified from holding office if the candidate
32 has been convicted of a ~~felony or other~~ an infamous
33 crime as defined in section 39.3 and the candidate's
34 rights have not been restored by the governor or by the
35 president of the United States.

1 Sec. _____. Section 376.4, subsection 2, paragraph b,
2 Code 2017, is amended to read as follows:

3 *b.* The petition must include the affidavit of
4 the individual for whom it is filed, stating the
5 individual's name, the individual's residence, that the
6 individual is a candidate and eligible for the office,
7 and that if elected the individual will qualify for
8 the office. The affidavit shall also state that the
9 candidate is aware that the candidate is disqualified
10 from holding office if the candidate has been convicted
11 ~~of a felony or other~~ an infamous crime as defined in
12 section 39.3 and the candidate's rights have not been
13 restored by the governor or by the president of the
14 United States.

15 Sec. _____. Section 602.8102, subsection 15, Code
16 2017, is amended to read as follows:

17 15. Monthly, notify the county commissioner of
18 registration and the state registrar of voters of
19 persons seventeen and one-half years of age and older
20 who have been convicted of ~~a felony~~ an infamous crime,
21 as defined in section 39.3, during the preceding
22 calendar month or persons who at any time during the
23 preceding calendar month have been legally declared to
24 be a person who is incompetent to vote as ~~that term is~~
25 defined in section 48A.2.>

26 2. Title page, line 5, after <voting,> by inserting
27 <the privileges of electors in order to register to
28 vote, vote, and hold public office,>

29 3. By renumbering as necessary.

HUNTER of Polk