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SENATE FILE 86

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and McCOY

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

A BILL FOR

1 An Act relating to the process for restoring for certain persons
2 the right to register to vote and to vote.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 86
STATE GOVERNMENT

1 Section 1. Section 48A.6, subsection 1, Code 1999, is
2 amended to read as follows:

3 1. A person who has been convicted of a felony as defined
4 in section 701.7, or convicted of an offense classified as a
5 felony under federal law. ~~If~~ When the person's rights are
6 later restored ~~by the governor, or by the president of the~~
7 United States, pursuant to section 914.8, the person may
8 register to vote.

9 Sec. 2. Section 914.2, Code 1999, is amended to read as
10 follows:

11 914.2 RIGHT OF APPLICATION.

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

18 Sec. 3. Section 914.6, subsection 3, Code 1999, is amended
19 to read as follows:

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

30 Sec. 4. NEW SECTION. 914.8 RESTORATION OF RIGHT TO
31 REGISTER AND TO VOTE.

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

1 completed the person's term of confinement shall have the
2 right to register to vote and to vote restored in the manner
3 provided in this section.

4 2. The board of parole shall be responsible for the
5 issuance of certificates of restoration of the right to
6 register to vote and to vote. Each month the board shall
7 issue such certificates in the names of persons who have been
8 discharged from probation or parole or who are scheduled to be
9 released in the following month. A certificate of restoration
10 shall be issued by the board of parole in triplicate to the
11 officer having custody of or who is or was responsible for
12 supervision of the person. The officer, upon receipt of the
13 certificates, shall do all of the following:

14 a. Retain one copy of the certificate.

15 b. Enter the appropriate notations on the records of the
16 office.

17 c. On one copy, make a written return as required by the
18 order and forward the copy to the clerk of the district court
19 where the judgment is of record.

20 d. Deliver the third copy to the person, if the person is
21 in custody, upon that person's release from custody.

22 3. If the person is not in custody, one copy of the
23 certificate shall be delivered to the person and one copy to
24 the clerk of the district court where the judgment is of
25 record.

26 4. A list of restorations of right to register to vote and
27 to vote issued by the board shall be delivered to the state
28 registrar of voters at least once each month in the month
29 following issuance of such restoration certificates.

30 5. The clerk of the district court, upon receipt of the
31 copy of the certificate of restoration of right to register to
32 vote and to vote, shall immediately file and preserve the copy
33 in the clerk's office and note the filing on the judgment
34 docket of the case.

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EXPLANATION

1 This bill makes restoration of the right to register to
2 vote and to vote automatic upon a person's release from
3 probation, parole, or upon completion of the person's term of
4 confinement. The bill makes the board of parole responsible
5 for issuing certificates of restoration. The bill provides
6 that the board is to send three copies of the certificate of
7 restoration to the officer having custody of the person. The
8 officer is to retain one copy, send one copy to the
9 appropriate clerk of the district court, and deliver one copy
10 to the person upon the person's release from custody.

11 The bill requires the board of parole to, once each month,
12 send a list of those persons receiving certificates of
13 restoration in the previous month to the state registrar of
14 voters.

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