

MAR 4 2003  
STATE GOVERNMENT

HOUSE FILE 402  
BY RAECKER, MADDOX, ELGIN,  
JOCHUM, and MASCHER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act providing for the restoration of the right to vote for  
2 certain persons who have made full restitution and who have  
3 been discharged from probation, parole, or work release, or  
4 who have been released from confinement.

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

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HF 402

1 Section 1. Section 48A.6, subsection 1, Code 2003, 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 602.8102, Code 2003, is amended by adding  
10 the following new subsection:

11 NEW SUBSECTION. 16. Notify a person that the person has  
12 made full restitution, including the community service  
13 requirement, and that if the person has been discharged from  
14 probation, parole, or work release or has been released from  
15 confinement because the term of confinement is completed, the  
16 person may apply to register to vote.

17 Sec. 3. Section 910.9, Code 2003, is amended by adding the  
18 following new unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. The clerk of the sentencing  
20 court shall notify the offender that full restitution,  
21 including the community service requirement, has been made,  
22 and that if the offender has been discharged from probation,  
23 parole, or work release or has been released from confinement  
24 because the term of confinement is completed, the offender may  
25 apply to register to vote.

26 Sec. 4. Section 914.2, Code 2003, is amended to read as  
27 follows:

28 914.2 RIGHT OF APPLICATION.

29 Except as otherwise provided in section 902.2 or 914.8, a  
30 person convicted of a criminal offense has the right to make  
31 application to the board of parole for recommendation or to  
32 the governor for a reprieve, pardon, commutation of sentence,  
33 remission of fines or forfeitures, or restoration of rights of  
34 citizenship at any time following the conviction.

35 Sec. 5. Section 914.6, subsection 3, Code 2003, is amended

1 to read as follows:

2 3. In the case of a remission of fines and forfeitures,  
3 restoration of rights of citizenship other than the right to  
4 register to vote and to vote, or a pardon, commutation of  
5 sentence, or reprieve, if the person is not in custody, one  
6 copy of the executive instrument shall be delivered to the  
7 person and one copy to the clerk of the district court where  
8 the judgment is of record. ~~A list of the restorations of~~  
9 ~~rights of citizenship issued by the governor shall be~~  
10 ~~delivered to the state registrar of voters at least once each~~  
11 ~~month.~~

12 Sec. 6. NEW SECTION. 914.8 RESTORATION OF RIGHT TO  
13 REGISTER AND TO VOTE.

14 1. A person convicted of a felony criminal offense who has  
15 been discharged from probation under section 907.9, discharged  
16 from parole or work release under section 906.15, or who is  
17 released from confinement under section 902.6 because the  
18 person has completed the person's term of confinement, and who  
19 has made full restitution, including fulfilling the community  
20 service requirement, shall have the right to register to vote  
21 and to vote restored in the manner provided in this section.

22 2. Upon discharge from confinement or supervision, the  
23 department of corrections or judicial district department of  
24 correctional services, whichever is applicable, shall provide  
25 written notice to the inmate, parolee, or probationer of the  
26 person's discharge which shall include a voter registration  
27 form and a statement that the person's right to register to  
28 vote and to vote will be restored upon making full  
29 restitution, including fulfilling the community service  
30 requirement, and that the clerk of court will notify the  
31 person when full restitution has been made. The notice shall  
32 also inform the person that when first registering to vote  
33 after discharge, the person must present to the commissioner  
34 of registration the discharge notice and the notice that full  
35 restitution has been made.

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

4 EXPLANATION

5 This bill makes restoration of the right to register to  
6 vote and to vote automatic upon a person's release from  
7 probation, parole, or work release, or upon completion of the  
8 person's term of confinement and upon the person making full  
9 restitution, including completion of a community service  
10 requirement.

11 The bill requires the department of corrections or the  
12 judicial district department of correctional services to  
13 provide written notice upon discharge from confinement or  
14 supervision that a person's voting rights will be restored  
15 when full restitution is made and that the person must provide  
16 written notice of discharge and written notice that full  
17 restitution has been made when registering to vote. The  
18 notice shall also include a voter registration form.

19 The bill does not extend restoration of the right to  
20 register to vote and to vote to persons convicted of a class  
21 "A" felony whose sentence has been commuted by the governor.

22 The bill requires the clerk of the sentencing court to  
23 notify the offender that full restitution has been made, and  
24 that, if the person has been discharged from probation,  
25 parole, or work release, or released from confinement, the  
26 person may register to vote.

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HF 402 - Voting Rights (LSB 2576 YH)

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Fiscal Note Version — New

Requested by Representative J. Scott Raecker

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### **Description**

House File 402 makes restoration of the right to register to vote and to vote automatic upon the completion of a person's release from probation, parole, work release, or confinement and upon the person making full restitution, including any community service requirement. The Bill does not apply to any person who has been convicted of a Class A felony and whose sentence has been commuted by the Governor. House File 402 imposes notification requirements on the Department of Corrections, Community-Based Corrections (CBC) District Departments, and the Clerks of Court.

### **Assumptions**

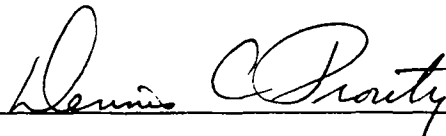
1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other corrections policies and practices will not change over the projection period.
3. The law will become effective July 1, 2003. A lag effect of six months is assumed, from the law's effective date to the date of first entry of affected offenders into the correctional system.
4. This information is provided from the Justice Data Warehouse, which consists of court information and Community-Based Corrections (CBC) data through FY 2002.
5. Approximately 7,200 people discharge their sentence annually in Iowa. It is not known how many people pay all restitution, including court costs, fines, supervision fees, community service, etc.
6. The Judicial Branch will incur additional programming costs for the Iowa Court Information System, its automated database. Staff in the Clerk of Court offices will have additional duties.
7. There is minimal impact on the Secretary of State's Office, the Department of Corrections, and the CBC District Departments.

### **Fiscal Impact**

Due to insufficient information, the fiscal impact of creating additional duties under HF 402 cannot be estimated. However, the Judicial Branch's one-time cost for additional computer programming is estimated to be \$15,000. Ongoing annual costs for the Clerk of Court offices are estimated to be \$4.00 per notice to each person who has completed his/her correctional sentence and fully paid all charges.

### **Sources**

Department of Human Rights, Criminal and Juvenile Justice Planning Division  
Department of Corrections  
Judicial Branch  
Office of the Secretary of State



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March 18, 2003

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