

MAR 4 2003
STATE GOVERNMENT

HOUSE FILE 415
BY MASCHER

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

A BILL FOR

1 An Act defining infamous crime as a class "A" felony for purposes
2 of disqualifying a person from registering to vote and voting
3 and from being a candidate for certain elective offices.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 415

1 Section 1. Section 39.3, subsection 8, Code 2003, is
2 amended to read as follows:

3 8. "Infamous crime" means a class "A" felony as defined in
4 ~~section 701.77 or an offense classified as a felony under~~
5 ~~federal law~~ 902.1.

6 Sec. 2. Section 39A.1, subsection 2, Code 2003, is amended
7 to read as follows:

8 2. The purpose of this chapter is to identify actions
9 which threaten the integrity of the election process and to
10 impose significant sanctions upon persons who intentionally
11 commit those acts. It is the intent of the general assembly
12 that offenses with the greatest potential to affect the
13 election process be vigorously prosecuted and strong
14 punishment meted out through the imposition of felony
15 ~~sanctions which as a consequence remove the voting rights of~~
16 ~~the offenders~~. Other offenses are still considered serious,
17 but based on the factual context in which they arise, they may
18 not rise to the level of offenses to which felony penalties
19 attach. The general assembly also recognizes that instances
20 may arise in which technical infractions of chapters 39
21 through 53 may occur which do not merit any level of criminal
22 sanction. In such instances, administrative notice from the
23 state or county commissioner of elections is sufficient.
24 Mandates or proscriptions in chapters 39 through 53 which are
25 not specifically included in this chapter shall be considered
26 to be directive only, without criminal sanction.

27 Sec. 3. Section 43.18, subsection 9, Code 2003, is amended
28 to read as follows:

29 9. A statement that the candidate is aware that the
30 candidate is disqualified from holding office if the candidate
31 has been convicted of a class "A" felony ~~or other infamous~~
32 ~~crime~~ and the candidate's rights have not been restored by the
33 ~~governor or by the president of the United States~~.

34 Sec. 4. Section 43.67, subsection 9, Code 2003, is amended
35 to read as follows:

1 9. A statement that the candidate is aware that the
2 candidate is disqualified from holding office if the candidate
3 has been convicted of a class "A" felony or other infamous
4 ~~crime~~ and the candidate's rights have not been restored by the
5 governor ~~or-by-the-president-of-the-United-States~~.

6 Sec. 5. Section 44.3, subsection 2, paragraph i, Code
7 2003, is amended to read as follows:

8 i. A statement that the candidate is aware that the
9 candidate is disqualified from holding office if the candidate
10 has been convicted of a class "A" felony or other infamous
11 ~~crime~~ and the candidate's rights have not been restored by the
12 governor ~~or-by-the-president-of-the-United-States~~.

13 Sec. 6. Section 45.3, subsection 9, Code 2003, is amended
14 to read as follows:

15 9. A statement that the candidate is aware that the
16 candidate is disqualified from holding office if the candidate
17 has been convicted of a class "A" felony or other infamous
18 ~~crime~~ and the candidate's rights have not been restored by the
19 governor ~~or-by-the-president-of-the-United-States~~.

20 Sec. 7. Section 48A.6, subsection 1, Code 2003, is amended
21 to read as follows:

22 1. A person who has been convicted of a class "A" felony
23 ~~as defined in section 701.7, or convicted of an offense~~
24 ~~classified as a felony under federal law 902.1~~. If the
25 person's rights are later restored by the governor, ~~or-by-the~~
26 ~~president-of-the-United-States~~, the person may register to
27 vote.

28 Sec. 8. Section 48A.14, subsection 1, paragraph e, Code
29 2003, is amended to read as follows:

30 e. The challenged registrant has been convicted of a class
31 "A" felony, and the registrant's voting rights have not been
32 restored.

33 Sec. 9. Section 48A.30, subsection 1, paragraph d, Code
34 2003, is amended to read as follows:

35 d. The clerk of the district court ~~or-the-United-States~~

1 attorney, or the state registrar sends notice of the
2 registered voter's conviction of a class "A" felony as defined
3 in section ~~701:7, or conviction of an offense classified as a~~
4 ~~felony under federal law~~ 902.1. The clerk of the district
5 court shall send notice of a class "A" felony conviction to
6 the state registrar of voters. The registrar shall determine
7 in which county the felon is registered to vote, if any, and
8 shall notify the county commissioner of registration for that
9 county of the class "A" felony conviction.

10 Sec. 11. Section 57.1, subsection 2, paragraph c, Code
11 2003, is amended to read as follows:

12 c. That prior to the election the incumbent had been duly
13 convicted of a class "A" felony, as defined in section ~~701:7~~
14 902.1, and that the judgment had not been reversed, annulled,
15 or set aside, nor the incumbent pardoned or restored to the
16 rights of citizenship by the governor under chapter 914, at
17 the time of the election.

18 Sec. 12. Section 161A.5, subsection 3, unnumbered
19 paragraph 1, Code 2003, is amended to read as follows:

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

1 restored by the governor ~~or-by-the-president-of-the-United~~
2 States.

3 Sec. 13. Section 277.4, unnumbered paragraph 3, Code 2003,
4 is amended to read as follows:

5 Signers of nomination petitions shall include their
6 addresses and the date of signing, and must reside in the same
7 director district as the candidate if directors are elected by
8 the voters of a director district, rather than at-large. A
9 person may sign nomination petitions for more than one
10 candidate for the same office, and the signature is not
11 invalid solely because the person signed nomination petitions
12 for one or more other candidates for the office. The petition
13 shall be filed with the affidavit of the candidate being
14 nominated, stating the candidate's name, place of residence,
15 that such person is a candidate and is eligible for the office
16 the candidate seeks, and that if elected the candidate will
17 qualify for the office. The affidavit shall also state that
18 the candidate is aware that the candidate is disqualified from
19 holding office if the candidate has been convicted of a class
20 "A" felony ~~or-other-infamous-crime~~ and the candidate's rights
21 have not been restored by the governor ~~or-by-the-president-of~~
22 ~~the-United-States~~.

23 Sec. 14. Section 376.4, unnumbered paragraph 4, Code 2003,
24 is amended to read as follows:

25 The petition must include the affidavit of the individual
26 for whom it is filed, stating the individual's name, the
27 individual's residence, that the individual is a candidate and
28 eligible for the office, and that if elected the individual
29 will qualify for the office. The affidavit shall also state
30 that the candidate is aware that the candidate is disqualified
31 from holding office if the candidate has been convicted of a
32 class "A" felony ~~or-other-infamous-crime~~ and the candidate's
33 rights have not been restored by the governor ~~or-by-the~~
34 ~~president-of-the-United-States~~.

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EXPLANATION

1 Article II, section 5, of the Constitution of the State of
2 Iowa denies the privilege of an elector to any person
3 convicted of an infamous crime. State statute defines
4 infamous crime as a felony conviction under state or federal
5 law. State law also allows a person who has been discharged
6 from parole, probation, or work release, or who has been
7 released from incarceration upon completion of sentence, to
8 apply to the governor for restoration of the rights of
9 citizenship, which include the right to register to vote and
10 to vote. State statute also requires that a candidate for
11 elective office under the laws of the state must be an
12 eligible elector at the time of election. By operation of
13 law, this excludes persons who have been convicted of a state
14 or federal felony and not had their rights of citizenship
15 restored by the governor or the president of the United
16 States.

17 This bill changes the definition of "infamous crime" to
18 conviction of a class "A" felony under state law. The bill
19 removes references to conviction of a felony under federal law
20 and removes references to restoration of rights granted by the
21 president of the United States.

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