

House Study Bill 550

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

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

A BILL FOR

1 An Act relating to powers of the governor to grant reprieves,
2 commutations, and pardons including restoration of rights of
3 citizenship, and to remit fines and forfeitures and including
4 effective and retroactive applicability date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 5260YC 81
7 sc/je/5

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1 1 Section 1. Section 914.1, Code 2005, is amended to read as
1 2 follows:
1 3 914.1 POWER OF GOVERNOR.
1 4 The power of the governor under the constitution to grant a
1 5 reprieve, pardon, commutation of sentence, remission of fines
1 6 and forfeitures, or restoration of the rights of citizenship
1 7 shall not be impaired, subject to regulations as provided by
1 8 law. The power of the governor to grant a reprieve, pardon,
1 9 commutation of sentence, remission of fines and forfeitures,
1 10 or restoration of the rights of citizenship shall be exercised
1 11 only as provided in this chapter.

1 12 Sec. 2. DUTY OF COUNTY AUDITOR. The county auditor of
1 13 each county is directed to cancel the registration of any
1 14 person who registered to vote between July 4, 2005, and the
1 15 effective date of this Act if the person indicated on the
1 16 voter registration application form that the person had been
1 17 convicted of a felony. The county auditor shall notify such
1 18 persons of the cancellation of registration. Any person whose
1 19 registration has been canceled in this manner shall be allowed
1 20 to register to vote if the person produces for inspection by
1 21 the auditor the executive instrument issued by the governor
1 22 restoring that individual person's rights of citizenship.

1 23 Sec. 3. RETROACTIVE APPLICABILITY. This Act, being deemed
1 24 of immediate importance, takes effect upon enactment and
1 25 applies retroactively to July 4, 2005.

1 26 EXPLANATION

1 27 Article IV, section 16, of the constitution of the state of
1 28 Iowa gives the governor the power to grant reprieves,
1 29 commutations, and pardons (including restoration of
1 30 citizenship rights), and to remit fines and forfeitures, all
1 31 "subject to such regulations as may be provided by law". Code
1 32 chapter 914 ("Reprieves, Pardons, Commutations, Remissions,
1 33 and Restorations of Rights") provides the procedure by which
1 34 the governor exercises this power.

1 35 This bill amends Code chapter 914 to provide that the
2 1 governor shall exercise this power only as provided under Code
2 2 chapter 914.

2 3 The bill takes effect upon enactment and applies
2 4 retroactively to July 4, 2005. The bill directs each county
2 5 auditor to cancel the voter registration of any person who
2 6 registered between July 4, 2005, and the effective date if the
2 7 person indicated on the voter registration application that
2 8 the person had been convicted of a felony. If such a person
2 9 whose registration has been canceled produces an executive
2 10 instrument restoring that individual person's rights of
2 11 citizenship, the person will be allowed to register to vote
2 12 again.

2 13 LSB 5260YC 81

2 14 sc:rj/je/5.1