

Senate File 343 - Introduced

SENATE FILE 343

BY HATCH and DEARDEN

(COMPANION TO LSB 2173HH BY
HUNTER)

A BILL FOR

1 An Act providing for the restoration of the right to register
2 to vote and to vote and hold elective office for certain
3 persons and including effective date and retroactive
4 applicability provisions.

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

1 Section 1. Section 39A.1, subsection 2, Code 2011, is
2 amended to read as follows:

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

24 Sec. 2. Section 43.18, subsection 9, Code 2011, is amended
25 to read as follows:

26 9. A statement that the candidate is aware that the
27 candidate is disqualified from holding office if the candidate
28 has been convicted of a felony or other infamous crime and the
29 candidate's rights have not been restored by the governor, ~~or~~
30 by the president of the United States, or by operation of law.

31 Sec. 3. Section 43.67, subsection 2, paragraph i, Code 2011,
32 is amended to read as follows:

33 *i.* A statement that the candidate is aware that the
34 candidate is disqualified from holding office if the candidate
35 has been convicted of a felony or other infamous crime and the

1 candidate's rights have not been restored by the governor, ~~or~~
2 by the president of the United States, or by operation of law.

3 Sec. 4. Section 44.3, subsection 2, paragraph i, Code 2011,
4 is amended to read as follows:

5 *i.* A statement that the candidate is aware that the
6 candidate is disqualified from holding office if the candidate
7 has been convicted of a felony or other infamous crime and the
8 candidate's rights have not been restored by the governor, ~~or~~
9 by the president of the United States, or by operation of law.

10 Sec. 5. Section 45.3, subsection 9, Code 2011, is amended
11 to read as follows:

12 9. A statement that the candidate is aware that the
13 candidate is disqualified from holding office if the candidate
14 has been convicted of a felony or other infamous crime and the
15 candidate's rights have not been restored by the governor, ~~or~~
16 by the president of the United States, or by operation of law.

17 Sec. 6. Section 48A.6, subsection 1, Code 2011, is amended
18 to read as follows:

19 1. A person who has been convicted of a felony as defined
20 in section 701.7, or convicted of an offense classified as a
21 felony under federal law. If the person's rights are later
22 restored ~~by the governor, or by the president of the United~~
23 ~~States,~~ pursuant to section 914.8, or by a pardon issued by the
24 governor or the president of the United States, the person may
25 register to vote.

26 Sec. 7. Section 57.1, subsection 2, paragraph c, Code 2011,
27 is amended to read as follows:

28 *c.* That prior to the election the incumbent had been duly
29 convicted of a felony, as defined in section 701.7, and that
30 the judgment had not been reversed, annulled, or set aside, nor
31 the incumbent pardoned by the governor or the president of the
32 United States or restored to the rights of citizenship ~~by the~~
33 ~~governor under chapter 914~~ pursuant to section 914.8, at the
34 time of the election.

35 Sec. 8. Section 99B.1, subsection 13, paragraph a,

1 subparagraph (3), Code 2011, is amended to read as follows:

2 (3) The applicant has not been convicted of a felony.
3 However, if the applicant's conviction occurred more than five
4 years before the date of the application for a license, and
5 if the applicant's rights of citizenship have been restored
6 by the governor pursuant to sections 914.1 through 914.6, the
7 director of the department may determine that the applicant is
8 an eligible applicant.

9 Sec. 9. Section 123.3, subsection 26, paragraph d, Code
10 2011, is amended to read as follows:

11 d. The person has not been convicted of a felony. However,
12 if the person's conviction of a felony occurred more than five
13 years before the date of the application for a license or
14 permit, and if the person's rights of citizenship have been
15 restored by the governor pursuant to sections 914.1 through
16 914.6, the administrator may determine that the person is of
17 good moral character notwithstanding such conviction.

18 Sec. 10. Section 161A.5, subsection 3, paragraph b, Code
19 2011, is amended to read as follows:

20 b. Every candidate shall file with the nomination papers
21 an affidavit stating the candidate's name, the candidate's
22 residence, that the person is a candidate and is eligible for
23 the office of commissioner, and that if elected the candidate
24 will qualify for the office. The affidavit shall also state
25 that the candidate is aware that the candidate is disqualified
26 from holding office if the candidate has been convicted of a
27 felony or other infamous crime and the candidate's rights have
28 not been restored by the governor, ~~or~~ by the president of the
29 United States, or by operation of law.

30 Sec. 11. Section 277.4, subsection 2, paragraph b, Code
31 2011, is amended to read as follows:

32 b. Signers of nomination petitions shall include their
33 addresses and the date of signing, and must reside in the same
34 director district as the candidate if directors are elected
35 by the voters of a director district, rather than at-large.

1 A person may sign nomination petitions for more than one
2 candidate for the same office, and the signature is not invalid
3 solely because the person signed nomination petitions for
4 one or more other candidates for the office. The petition
5 shall be filed with the affidavit of the candidate being
6 nominated, stating the candidate's name, place of residence,
7 that such person is a candidate and is eligible for the office
8 the candidate seeks, and that if elected the candidate will
9 qualify for the office. The affidavit shall also state that
10 the candidate is aware that the candidate is disqualified
11 from holding office if the candidate has been convicted of a
12 felony or other infamous crime and the candidate's rights have
13 not been restored by the governor, ~~or~~ by the president of the
14 United States, or by operation of law.

15 Sec. 12. Section 376.4, subsection 2, paragraph b, Code
16 2011, is amended to read as follows:

17 *b.* The petition must include the affidavit of the individual
18 for whom it is filed, stating the individual's name, the
19 individual's residence, that the individual is a candidate and
20 eligible for the office, and that if elected the individual
21 will qualify for the office. The affidavit shall also state
22 that the candidate is aware that the candidate is disqualified
23 from holding office if the candidate has been convicted of a
24 felony or other infamous crime and the candidate's rights have
25 not been restored by the governor, ~~or~~ by the president of the
26 United States, or by operation of law.

27 Sec. 13. Section 914.2, Code 2011, is amended to read as
28 follows:

29 **914.2 Right of application.**

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

1 Sec. 14. NEW SECTION. **914.8 Restoration of right to**
2 **register and to vote.**

3 1. A person convicted of a felony criminal offense who has
4 been discharged from probation under section 907.9, discharged
5 from parole or work release under section 906.15, or who is
6 released from confinement under section 902.6 because the
7 person has completed the person's term of confinement shall
8 have the right to register to vote and to vote restored in the
9 manner provided in this section.

10 2. Upon complete discharge from criminal sentence,
11 including any accompanying term of probation, parole, or
12 supervised release, the department of corrections or judicial
13 district department of correctional services, whichever
14 is applicable, shall provide written notice to the inmate,
15 parolee, or probationer of the person's discharge which
16 shall include a voter registration form and a statement that
17 the person's right to register to vote and to vote has been
18 restored.

19 3. The department of corrections shall monthly provide a
20 list of all persons discharged from confinement or supervision
21 to the state registrar of voters who shall provide the
22 information to the county registrars of voters as deemed
23 necessary.

24 4. Offenders may still make application for a restoration
25 of citizenship rights pursuant to this chapter. All such
26 applications, unless withdrawn, shall be processed as required
27 by this chapter.

28 5. This section shall not relieve an offender of any
29 unpaid restitution, fine, or other obligation resulting from
30 conviction.

31 Sec. 15. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
32 APPLICABILITY. This Act, being deemed of immediate importance,
33 takes effect upon enactment and applies retroactively to
34 January 14, 2011.

35

EXPLANATION

1 This bill requires that, upon the complete discharge from
2 certain criminal sentences, citizenship rights related to
3 voting and qualification for public office, must be restored.

4 The bill requires that the right to register to vote and to
5 vote be restored for any individual who has been completely
6 discharged from criminal sentence, including any accompanying
7 term of probation, parole, or supervised release. The
8 restoration of citizenship rights provided for under the bill
9 shall only extend to the right to register to vote and to vote,
10 and would not include any other citizenship rights. The bill
11 would not relieve the individual of unpaid restitution, fines,
12 or other obligations resulting from conviction within the
13 terms or conditions of a criminal sentence. The bill will not
14 limit an individual's ability to apply to the governor for a
15 restoration of citizenship rights.

16 The bill requires that the department of corrections notify
17 the state registrar of voters upon the complete discharge of
18 criminal sentence for an individual. The bill requires that,
19 where applicable, the judicial district department make the
20 notification.

21 The bill takes effect upon enactment and applies
22 retroactively to January 14, 2011.