

House File 79 - Introduced

HOUSE FILE 79

BY HUNTER, KEARNS, LENSING,
KACENA, OLDSON, STAED,
BENNETT, and MASCHER

A BILL FOR

1 An Act restoring the right to register to vote and to vote
2 and hold elective office for certain persons and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 39A.1, subsection 2, Code 2017, 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 2017, 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 2017,
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 2017,
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 2017, 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 2017, 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 2017,
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 123.3, subsection 34, paragraph d, Code

1 2017, is amended to read as follows:

2 *d.* The person has not been convicted of a felony. However,
3 if the person's conviction of a felony occurred more than five
4 years before the date of the application for a license or
5 permit, and if the person's rights of citizenship have been
6 restored by the governor pursuant to sections 914.1 through
7 914.6, the administrator may determine that the person is of
8 good moral character notwithstanding such conviction.

9 Sec. 9. Section 161A.5, subsection 3, paragraph b, Code
10 2017, is amended to read as follows:

11 *b.* Every candidate shall file with the nomination papers
12 an affidavit stating the candidate's name, the candidate's
13 residence, that the person is a candidate and is eligible for
14 the office of commissioner, and that if elected the candidate
15 will qualify for the office. The affidavit shall also state
16 that the candidate is aware that the candidate is disqualified
17 from holding office if the candidate has been convicted of a
18 felony or other infamous crime and the candidate's rights have
19 not been restored by the governor, ~~or~~ by the president of the
20 United States, or by operation of law.

21 Sec. 10. Section 277.4, subsection 2, paragraph b, Code
22 2017, is amended to read as follows:

23 *b.* Signers of nomination petitions shall include their
24 addresses and the date of signing, and must reside in the same
25 director district as the candidate if directors are elected
26 by the voters of a director district, rather than at-large.
27 A person may sign nomination petitions for more than one
28 candidate for the same office, and the signature is not invalid
29 solely because the person signed nomination petitions for
30 one or more other candidates for the office. The petition
31 shall be filed with the affidavit of the candidate being
32 nominated, stating the candidate's name, place of residence,
33 that such person is a candidate and is eligible for the office
34 the candidate seeks, and that if elected the candidate will
35 qualify for the office. The affidavit shall also state that

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

6 Sec. 11. Section 376.4, subsection 2, paragraph b, Code
7 2017, is amended to read as follows:

8 *b.* The petition must include the affidavit of the individual
9 for whom it is filed, stating the individual's name, the
10 individual's residence, that the individual is a candidate and
11 eligible for the office, and that if elected the individual
12 will qualify for the office. The affidavit shall also state
13 that the candidate is aware that the candidate is disqualified
14 from holding office if the candidate has been convicted of a
15 felony or other infamous crime and the candidate's rights have
16 not been restored by the governor, ~~or~~ by the president of the
17 United States, or by operation of law.

18 Sec. 12. Section 914.2, Code 2017, is amended to read as
19 follows:

20 **914.2 Right of application.**

21 Except as otherwise provided in [section 902.2](#) or [914.8](#), a
22 person convicted of a criminal offense has the right to make
23 application to the board of parole for recommendation or to
24 the governor for a reprieve, pardon, commutation of sentence,
25 remission of fines or forfeitures, or restoration of rights of
26 citizenship at any time following the conviction.

27 Sec. 13. NEW SECTION. **914.8 Restoration of right to**
28 **register and to vote.**

29 1. A person convicted of a felony criminal offense who has
30 been discharged from probation, parole, or work release or
31 who is released from confinement under section 902.6 because
32 the person has completed the person's term of confinement
33 shall have the person's right to register to vote and to vote
34 restored.

35 2. As soon as practicable, the department of corrections

1 or judicial district department of correctional services,
2 whichever is applicable, shall provide written notice to each
3 person, as described in subsection 1, who, on or after January
4 14, 2011, has been discharged from probation, parole, or work
5 release or who, on or after January 14, 2011, has completed a
6 term of confinement, that the person's right to register to
7 vote and to vote has been restored. The notice shall include a
8 voter registration form.

9 3. The department of corrections shall monthly provide a
10 list of all persons notified under subsection 2 in the previous
11 month to the state registrar of voters who shall provide the
12 information to the county registrars of voters as deemed
13 necessary.

14 4. A person described in subsection 1 may still make
15 application for a restoration of citizenship rights pursuant
16 to sections 914.1 through 914.6. Such an application, unless
17 withdrawn, shall be processed as required by this chapter.

18 5. This section shall not relieve a person of any unpaid
19 restitution, fine, or other obligation resulting from
20 conviction.

21 Sec. 14. EFFECTIVE UPON ENACTMENT. This Act, being deemed
22 of immediate importance, takes effect upon enactment.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 This bill enacts new Code section 914.8 which requires
27 that, upon discharge from certain felony criminal sentences,
28 citizenship rights related to voting and qualification for
29 public office must be restored.

30 The bill requires that the right to register to vote and to
31 vote be restored for any individual who has been discharged
32 from criminal sentence for any felony. To be discharged from
33 criminal sentence, under the bill, an individual must also be
34 discharged from any accompanying term of probation, parole,
35 or supervised release. The restoration of citizenship rights

1 provided for under the bill shall only extend to the right to
2 register to vote and to vote and to hold elective office, and
3 would not include any other citizenship rights. The bill does
4 not relieve the individual of unpaid restitution, fines, or
5 other obligations resulting from conviction. The bill does not
6 limit an individual's ability to apply to the governor for a
7 restoration of citizenship rights, as currently provided for in
8 Code chapter 914.

9 The bill requires that the department of corrections notify
10 an individual whose right to register to vote and to vote
11 has been restored on or after January 14, 2011. The bill
12 requires, where applicable, the judicial district department of
13 correctional services to notify an individual whose rights have
14 been restored. The department of corrections is also required
15 to monthly provide a list of the individuals notified to the
16 state registrar of voters (secretary of state).

17 The bill takes effect upon enactment.