

**House File 523 - Introduced**

HOUSE FILE 523

BY WOLFE

**A BILL FOR**

1 An Act relating to the restoration of the rights of  
2 citizenship, and providing for a contingent effective date.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

RESTORATION OF THE RIGHT TO VOTE

1  
2  
3 Section 1. Section 39A.1, subsection 2, Code 2019, is  
4 amended to read as follows:

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

26 Sec. 2. Section 43.18, subsection 9, Code 2019, is amended  
27 to read as follows:

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

33 Sec. 3. Section 43.67, subsection 2, paragraph i, Code 2019,  
34 is amended to read as follows:

35 *i.* A statement that the candidate is aware that the

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

5 Sec. 4. Section 44.3, subsection 2, paragraph i, Code 2019,  
6 is amended to read as follows:

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

12 Sec. 5. Section 45.3, subsection 9, Code 2019, is amended  
13 to read as follows:

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

19 Sec. 6. Section 48A.6, subsection 1, Code 2019, is amended  
20 to read as follows:

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

28 Sec. 7. Section 57.1, subsection 2, paragraph c, Code 2019,  
29 is amended to read as follows:

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

1 time of the election.

2 Sec. 8. Section 123.3, subsection 35, paragraph d, Code  
3 2019, is amended to read as follows:

4 *d.* The person has not been convicted of a felony. However,  
5 if the person's conviction of a felony occurred more than five  
6 years before the date of the application for a license or  
7 permit, and if the person's rights of citizenship have been  
8 restored by the governor pursuant to sections 914.1 through  
9 914.6, the administrator may determine that the person is of  
10 good moral character notwithstanding such conviction.

11 Sec. 9. Section 161A.5, subsection 3, paragraph b, Code  
12 2019, is amended to read as follows:

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

23 Sec. 10. Section 277.4, subsection 2, paragraph b, Code  
24 2019, is amended to read as follows:

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

1 the candidate seeks, and that if elected the candidate will  
2 qualify for the office. The affidavit shall also state that  
3 the candidate is aware that the candidate is disqualified  
4 from holding office if the candidate has been convicted of a  
5 felony or other infamous crime and the candidate's rights have  
6 not been restored by the governor, ~~or~~ by the president of the  
7 United States, or by operation of law.

8 Sec. 11. Section 376.4, subsection 2, paragraph b, Code  
9 2019, is amended to read as follows:

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

20 Sec. 12. Section 914.2, Code 2019, is amended to read as  
21 follows:

22 **914.2 Right of application.**

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

29 Sec. 13. NEW SECTION. **914.8 Restoration of right to**  
30 **register and to vote.**

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

1 restored.

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

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

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

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

23 DIVISION II

24 RESTORATION OF FIREARM RIGHTS

25 Sec. 14. Section 724.26, subsection 1, Code 2019, is amended  
26 to read as follows:

27 1. A Except as provided in section 724.26A, a person who  
28 is convicted of a felony in a state or federal court, or who  
29 is adjudicated delinquent on the basis of conduct that would  
30 constitute a felony if committed by an adult, and who knowingly  
31 has under the person's dominion and control or possession,  
32 receives, or transports or causes to be transported a firearm  
33 or offensive weapon is guilty of a class "D" felony.

34 Sec. 15. NEW SECTION. 724.26A Restoration of rights.

35 1. A person convicted of a class "D" felony, other than a

1 forcible felony or domestic abuse assault under section 708.2A,  
2 subsection 5, may apply to the department of public safety for  
3 the restoration of the right to possess, receive, or transport  
4 or cause to be transported a firearm, if all of the following  
5 apply:

6     *a.* Ten years have elapsed from the date of the class "D"  
7 felony conviction.

8     *b.* The applicant has no pending criminal charges and no  
9 felony convictions in the previous ten years.

10     *c.* The applicant would otherwise be eligible to possess,  
11 receive, or transport or cause to be transported a firearm.

12     2. The department of public safety shall conduct a criminal  
13 background check on the applicant including an inquiry of the  
14 national instant criminal background check system maintained  
15 by the federal bureau of investigation or any successor agency  
16 to determine if ten years have elapsed from the date of the  
17 class "D" felony conviction, the person has no pending criminal  
18 charges and no felony convictions in the previous ten years,  
19 and the person would otherwise be eligible to possess, receive,  
20 or transport or cause to be transported a firearm.

21     3. *a.* If the application is approved by the department  
22 of public safety, the department shall issue a certificate  
23 of restoration of firearm rights to the applicant. The  
24 certification shall be proof that the firearm rights of the  
25 applicant have been restored unless the rights are subsequently  
26 taken away by a disqualifying event.

27     *b.* One copy of the certification shall be delivered to the  
28 applicant and one copy shall be delivered to the clerk of the  
29 district court where the judgment of the class "D" felony is  
30 of record.

31     *c.* If the department of public safety denies the  
32 application, the department shall provide the applicant with  
33 written notification of the denial and the reason for the  
34 denial. An applicant may seek review of the denial pursuant to  
35 subsection 4.

1 4. The applicant may file an appeal with an administrative  
2 law judge by filing a copy of the denial with a written  
3 statement that clearly states the applicant's reasons rebutting  
4 the denial with a fee of ten dollars. Additional supporting  
5 information relevant to the proceedings may also be included.

6 a. The administrative law judge shall, within forty-five  
7 days of receipt of the request for an appeal, set a hearing  
8 date. The hearing may be held by telephone or video conference  
9 at the discretion of the administrative law judge. The  
10 administrative law judge shall receive witness testimony and  
11 other evidence relevant to the proceedings at the hearing. The  
12 hearing shall be conducted pursuant to chapter 17A.

13 b. Upon conclusion of the hearing, the administrative  
14 law judge shall order that the denial be either rescinded or  
15 sustained. An applicant shall have the right to judicial  
16 review in accordance with the terms of chapter 17A.

17 c. The standard of review under this section shall be clear  
18 and convincing evidence that the department's written statement  
19 of the reasons for the denial constituted probable cause to  
20 deny the application.

21 5. An applicant may still make an application for  
22 restoration of citizenship rights pursuant to sections 914.1  
23 through 914.6.

24 6. The department of public safety shall adopt rules  
25 pursuant to chapter 17A to administer this section.

26 Sec. 16. Section 914.7, Code 2019, is amended to read as  
27 follows:

28 **914.7 Rights not restorable.**

29 1. Notwithstanding Except as provided in section 724.26A,  
30 notwithstanding any other provision of **this chapter**, a person  
31 who has been convicted of a forcible felony, a felony violation  
32 of **chapter 124** involving a firearm, or a felony violation of  
33 chapter 724 shall not have the person's rights of citizenship  
34 restored to the extent of allowing the person to receive,  
35 transport, or possess firearms.



1 correctional services to notify an individual whose rights have  
2 been restored. The department of corrections is also required  
3 to monthly provide a list of the individuals notified to the  
4 state registrar of voters (secretary of state).

5 DIVISION II — RESTORATION OF FIREARM RIGHTS. The bill  
6 provides a person convicted of a class "D" felony, other than a  
7 forcible felony or domestic abuse assault under Code section  
8 708.2A(5), may apply to the department of public safety for  
9 the restoration of the right to possess, receive, or transport  
10 or cause to be transported a firearm, if all of the following  
11 apply: 10 years have elapsed from the date of the class  
12 "D" felony conviction, the applicant has no pending criminal  
13 charges or felony convictions in the previous 10 years, and the  
14 applicant would otherwise be eligible to possess, receive, or  
15 transport or cause to be transported a firearm.

16 The bill requires the department of public safety to conduct  
17 a criminal background check on the applicant including an  
18 inquiry of the national instant criminal background check  
19 system maintained by the federal bureau of investigation or  
20 any successor agency to determine if the application meets the  
21 requirements for restoration of firearm rights established in  
22 the bill.

23 If the application is approved by the department of public  
24 safety, the bill requires the department of public safety to  
25 issue a certificate of restoration of firearm rights to the  
26 applicant. The bill specifies the certification shall be proof  
27 the firearm rights of the applicant have been restored unless  
28 the rights are subsequently taken away by a disqualifying  
29 event.

30 The bill requires one copy of the certification be delivered  
31 to the applicant and one copy shall be delivered to the clerk  
32 of the district court where the judgment of the class "D"  
33 felony is of record.

34 If the department of public safety denies the application  
35 under the bill, the department shall provide the applicant

1 with written notification of the denial and the reason for the  
2 denial. The bill permits an applicant to seek review of the  
3 denial.

4 If the applicant appeals the denial of the application  
5 of the department of public safety, the bill requires the  
6 administrative law judge to set a hearing date within 45 days  
7 of receipt of the request for an appeal. The hearing may be  
8 held by telephone or video conference at the discretion of the  
9 administrative law judge. The administrative law judge shall  
10 receive witness testimony and other evidence relevant to the  
11 proceedings at the hearing. The hearing shall be conducted  
12 pursuant to Code chapter 17A.

13 The bill does not prohibit an applicant to make an  
14 application for restoration of citizenship rights pursuant to  
15 Code sections 914.1 through 914.6.

16 The bill also makes conforming changes to Code sections  
17 724.26 and 914.7.

18 DIVISION III — CONTINGENT EFFECTIVE DATE. The bill takes  
19 effect on the date an amendment to Article II, section 5,  
20 of the Constitution of the State of Iowa is ratified by the  
21 general public which allows a person convicted of an infamous  
22 crime to be an elector.