

House File 2173 - Introduced

HOUSE FILE 2173

BY HUNTER

A BILL FOR

1 An Act automatically restoring the right to vote and hold
2 elective office for persons who have been discharged
3 from probation, parole, or work release, or who have been
4 released from confinement.

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

1 Section 1. Section 43.18, subsection 9, Code 2020, is
2 amended by striking the subsection.

3 Sec. 2. Section 43.67, subsection 2, paragraph i, Code 2020,
4 is amended by striking the paragraph.

5 Sec. 3. Section 44.3, subsection 2, paragraph i, Code 2020,
6 is amended by striking the paragraph.

7 Sec. 4. Section 45.3, subsection 9, Code 2020, is amended by
8 striking the subsection.

9 Sec. 5. Section 48A.6, subsection 1, Code 2020, is amended
10 to read as follows:

11 1. A person who has been convicted of a felony as defined
12 in [section 701.7](#), or convicted of an offense classified as a
13 felony under federal law. If the person's rights are later
14 restored ~~by the governor, or by the president of the United~~
15 ~~States, pursuant to section 914.8, or by a pardon issued by the~~
16 governor or the president of the United States, the person may
17 register to vote.

18 Sec. 6. Section 57.1, subsection 2, paragraph c, Code 2020,
19 is amended to read as follows:

20 c. That prior to the election the incumbent had been duly
21 convicted of a felony, as defined in [section 701.7](#), and that
22 the judgment had not been reversed, annulled, or set aside, nor
23 the incumbent pardoned by the governor or the president of the
24 United States or restored to the rights of citizenship ~~by the~~
25 ~~governor under [chapter 914](#) pursuant to section 914.8~~, at the
26 time of the election.

27 Sec. 7. Section 123.3, subsection 40, paragraph d, Code
28 2020, is amended to read as follows:

29 d. The person has not been convicted of a felony. However,
30 if the person's conviction of a felony occurred more than five
31 years before the date of the application for a license or
32 permit, and if the person's rights of citizenship have been
33 restored by the governor pursuant to sections 914.1 through
34 914.6, the administrator may determine that the person is of
35 good moral character notwithstanding such conviction.

1 Sec. 8. Section 161A.5, subsection 3, paragraph b, Code
2 2020, is amended to read as follows:

3 *b.* Every candidate shall file with the nomination papers
4 an affidavit stating the candidate's name, the candidate's
5 residence, that the person is a candidate and is eligible for
6 the office of commissioner, and that if elected the candidate
7 will qualify for the office. ~~The affidavit shall also state~~
8 ~~that the candidate is aware that the candidate is disqualified~~
9 ~~from holding office if the candidate has been convicted of a~~
10 ~~felony or other infamous crime and the candidate's rights have~~
11 ~~not been restored by the governor or by the president of the~~
12 ~~United States.~~

13 Sec. 9. Section 277.4, subsection 2, paragraph b, Code 2020,
14 is amended to read as follows:

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

33 Sec. 10. Section 376.4, subsection 2, paragraph b, Code
34 2020, is amended to read as follows:

35 *b.* The petition must include the affidavit of the individual

1 for whom it is filed, stating the individual's name, the
2 individual's residence, that the individual is a candidate and
3 eligible for the office, and that if elected the individual
4 will qualify for the office. ~~The affidavit shall also state~~
5 ~~that the candidate is aware that the candidate is disqualified~~
6 ~~from holding office if the candidate has been convicted of a~~
7 ~~felony or other infamous crime and the candidate's rights have~~
8 ~~not been restored by the governor or by the president of the~~
9 ~~United States.~~

10 Sec. 11. Section 914.2, Code 2020, is amended to read as
11 follows:

12 **914.2 Right of application.**

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

19 Sec. 12. Section 914.6, subsection 3, Code 2020, is amended
20 to read as follows:

21 3. In the case of a remission of fines and forfeitures,
22 restoration of rights of citizenship other than the right to
23 register to vote and to vote, or a pardon, commutation of
24 sentence, or reprieve, if the person is not in custody, one
25 copy of the executive instrument shall be delivered to the
26 person and one copy to the clerk of the district court where
27 the judgment is of record. ~~A list of the restorations of~~
28 ~~rights of citizenship issued by the governor shall be delivered~~
29 ~~to the state registrar of voters at least once each month.~~

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

32 1. A person convicted of a felony criminal offense who has
33 been discharged from probation under section 907.9, discharged
34 from parole or work release under section 906.15, or who is
35 released from confinement under section 902.6 because the

1 person has completed the person's term of confinement, shall
2 have the right to register to vote and to vote as provided in
3 this section.

4 2. Upon discharge from confinement or supervision, the
5 department of corrections or judicial district department of
6 correctional services, whichever is applicable, shall provide
7 written notice to the inmate, parolee, or probationer of the
8 person's discharge which shall include a voter registration
9 form and a statement that the person's right to register to
10 vote and to vote is restored. The notice shall also inform the
11 person that when first registering to vote after discharge, the
12 person must present the discharge notice to the commissioner of
13 registration.

14 EXPLANATION

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

17 This bill makes restoration of the right to register to vote
18 and to vote automatic upon a person's release from probation,
19 parole, or work release. By operation of law, persons whose
20 rights have been restored are eligible to run for elective
21 office.

22 The bill requires the department of corrections or the
23 judicial district department of correctional services to
24 provide written notice upon discharge from confinement or
25 supervision that a person's voting rights are restored and
26 that the person must provide written notice of discharge when
27 registering to vote. The notice shall also include a voter
28 registration form.