

Guest column: Ex-felons saddled with debt forfeit voting rights

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An estimated 100,000 ex-felons have had their voting rights restored since former Gov. Tom Vilsack signed Executive Order 42 on July 4, 2005. It was a proud and inspiring time in Iowa history. That all changed when Executive Order 70 was signed by Gov. Terry Branstad shortly after taking the oath of office. Executive Order 70 rescinds Executive Order 42. Democracy and public safety for Iowans were needlessly blindsided.

Gov. Branstad inaccurately believes that more court costs and restitution will be collected from ex-felons if they are required to pay these debts in full before restoring voting rights. Studies have repeatedly shown that people who feel connected to the community are more likely to demonstrate responsible behaviors. Unfortunately for Iowans, those who feel hopeless and disconnected from the community are more likely to lash out and hurt innocent people, and are less likely to ever pay off their restitution.

Gov. Branstad made a decision based on information from the previous century. When he was the governor in the 1980s and early '90s, it was possible for an ex-felon to complete the requirements of paying all restitution, fines and fees prior to seeking restoration of rights.

Today, a goal of being relieved of a financial obligation to the state is an unobtainable dream for most ex-felons, especially for minorities living in poverty, a voting bloc desperately needing more political participation.

Since the mid-1990s, several additional financial burdens have been added to an ex-offender's list of paybacks.

In addition to fines, penalties, and court costs, surcharges have been increased and added. There are crime victim compensation programs, public agency restitution, correctional fees claimed by a sheriff or municipality (in some cases as high as \$65 a day), and court-appointed attorney fees, including the expenses for public defenders. (Although "you have the right to an attorney if you can't afford one," that doesn't mean you receive free legal defense; you have to reimburse the state for the costs of your court-appointed attorney).

On top of this, most ex-offenders have to pay a \$300 probation fee and charges for electronic monitoring, etc. right off the top before ever getting to the restitution plan.

In 1991, the Iowa Judicial Branch reported that more than \$18 million in outstanding fines remained uncollected. That figure grew to \$143 million in 1998, the year a constitutional amendment was adopted eliminating the \$100 cap on simple misdemeanors. Once the cap was lifted, fines grew exponentially, and the amount of uncollected fines after another 10-year period grew to \$521.4 million. According to the non-partisan Iowa Legislative Fiscal Division's report published last year, almost one-third of debt owed the courts is less than two years old. And none of this includes restitution.

Not all of the uncollected fines are amassed by ex-felons. Thousands of Iowans owe the state money in fines, court costs, surcharges, and other fees that have yet to be collected. Yet, their voting rights are intact. It wouldn't be proper or constitutional to deny the right to vote based upon an outstanding debt to the state. The right to vote should not be based on a duty to pay. If it were, we would revert back to the days in which wealthy, white, male landowners would be a privileged voting class.

There is no way the average ex-felon today can achieve a meaningful goal of repaying the state. Therefore, there is no meaningful goal of ever participating in the election process and proving that a person can change and be responsible. It is discouraging to know that those who believe denying voting rights to ex-felons (most of them poor) support a healthy democracy. It is a sad time in Iowa history.

Source:

<http://www.desmoinesregister.com/article/20110120/OPINION01/101200328/Guest-column-Ex-felons-saddled-with-debt-forfeit-voting-rights> [Accessed 1/20/2011].