

MEMORANDUM

To: Commission on Presidential Nomination Timing and Scheduling
From: Catherine Weiss, Jennifer Weiser
Re: Amending the Iowa Constitution To Restore Voting Rights To People Who Have Completed Prison Sentences on Criminal Convictions
Date: May 11, 2005

Iowa is one of the five most restrictive states in the nation in its criminal disfranchisement policies. Unlike most states, Iowa permanently bars people with felony convictions from the voting booth, even after they have completed their sentences.

Reasons for Reform

1. Voting is a fundamental right. Restoring the right to vote strengthens democracy by increasing voter participation. More than 80,000 Iowans who are living, working, and paying taxes in the community cannot vote.
2. Re-enfranchisement reduces crime and helps people who have served prison sentences to reintegrate into society. A recent study shows that among those previously arrested, voters are less than half as likely as non-voters to be re-arrested.¹
3. By leading the presidential primary schedule, Iowa plays a critical role in shaping our national debate. Unfortunately, Iowa's ban on ex-felon voting puts it out of step with 90% of the states of our nation and creates an electorate that is even less representative of our nation as a whole.
4. Disfranchisement in Iowa has a disproportionate impact on minority communities. Although African-Americans make up only 2% of Iowa's population, nearly 25% of the state's African-American population is disfranchised, the highest rate in the nation. The disfranchisement rate among Latinos is also considerably higher than for the general population.
5. Extending disfranchisement beyond a person's term of incarceration complicates the process of restoring the right to vote. Under current law, a person may apply to the governor or the Iowa Board of Paroles for restoration of citizenship following the

¹ Christopher Uggen and Jeff Manza, *Voting and Subsequent Crime and Arrest: Evidence from a Community Sample*, 36 Colum. Hum. Rts. L. Rev. 174, 205-06 (2004).

discharge of his or her sentence.² This system requires the involvement of many government officials. Moreover, efforts to prevent people with criminal convictions from voting can result in the erroneous exclusion of voters who have no convictions but are caught up in a bureaucratic mistake. An amendment to the Iowa Constitution to make citizens eligible to vote once they have served their time in prison would streamline restoration and save taxpayer dollars.

State Constitutional Amendment

The Iowa Constitution now disfranchises all persons “convicted of any infamous crime.”³ Iowa law defines “infamous crime” as a felony under state or federal law.⁴ A state constitutional amendment is therefore necessary to restore the vote to people with such convictions. We recommend that Iowa follow the example of Illinois, Indiana, Michigan, Ohio, and nine other states by enfranchising all non-incarcerated people. Thus, Article II, Section 5 of the Iowa Constitution should be amended as follows:

No idiot, or insane person, or person ~~convicted of any~~ serving a prison sentence upon conviction of an infamous crime, shall be entitled to the privileges of an elector.

A constitutional amendment requires passage by a majority of both houses of the legislature in two successive sessions and ratification by a majority of voters.

Legislative Change

To accomplish this end, the legislature would need to pass: (1) a resolution to submit a constitutional amendment to the voters, and (2) implementing legislation. Legislation implementing this provision should have the following components:

- Automatic restoration of voting rights upon release from incarceration;
- Notice by a court to a criminal defendant that a felony conviction will result in the loss of voting rights during the period of incarceration, and notice by the Department of Corrections before releasing an inmate who has served a felony sentence that voting rights will be restored;
- Addition of the Department of Corrections to the existing list of “voter registration agencies” that must, under federal and Iowa law, assist people with voter registration;
- Automatic restoration of the names of eligible and registered ex-felons to Iowa’s centralized voter registration database, which is being developed in compliance with the federal Help America Vote Act;
- Training and education of attorneys, judges, election officials, correction officers, and members of the public regarding the changes in the law.

² Iowa Code Ann. § 14.3(3)a.

³ Iowa Const. Art. II, § 5.

⁴ Iowa Code Ann. § 39.3(8).