

Thomas M. Susman
Director
Governmental Affairs Office

AMERICAN BAR ASSOCIATION
740 Fifteenth Street, NW
Washington, DC 20005-1022
(202) 662-1760
FAX: (202) 662-1762

January 13, 2011

Governor-Elect Terry Branstad
Office of the Governor
State Capitol Building
603 East 12th Street
Des Moines, IA 50319

Dear Governor-Elect Branstad,

On behalf of the American Bar Association (ABA), with nearly 400,000 members nationwide, I write to urge you to retain in force Executive Order 42, which restores the right to vote automatically to all persons convicted of crimes upon completion of sentences. You have proposed to rescind the Order, and to make restoration of voting rights depend upon individual application and upon an individual's satisfaction of any court-imposed financial obligations.

For over thirty years, the ABA has urged jurisdictions to allow convicted individuals to vote except during actual confinement, based on a general belief that criminal punishment should not extend to loss of the rights and privileges of citizenship. (See Criminal Justice Standards on Collateral Sanctions and Discretionary Disqualification of Convicted Persons, Standard 19-2.6(a) (3d ed. 2003); Standards on the Legal Status of Prisoners, Standard 23-8.4 (1981).) Voting is a fundamental civil right that connects individuals to the values of our democracy while reminding them of the reciprocal duties that citizens share. Treating people with conviction histories as second-class citizens by excluding them from the democratic process tends to be alienating and counterproductive. Thus, restoration of the right to vote is an important part of an individual's successful reentry and reintegration into the community after conviction.

The ABA is also dedicated to eliminating racial disparities and bias in the criminal justice system that are amplified by laws withholding the right to vote even after an individual's liberty is restored. We understand that prior to Executive Order 42 Iowa had the highest rate of African-American disenfranchisement in the country.

Finally, we believe that no civil right should ever hinge on an individual's ability to pay for it. Conditioning the right to vote on payment of court-imposed fees, fines and restitution, as you have indicated is your intention, is contrary to the fundamental principles of our democracy. Certainly persons with criminal convictions should be expected to satisfy their debts to society and to those they have injured. However, making

the right to vote contingent on such payments essentially creates a modern-day poll tax, allowing individuals of means to vote while keeping those who are struggling to pay off their debts disenfranchised.

In conclusion, the ABA fully supports Executive Order 42, and in doing so we join with the many other organizations and individuals that have urged you to not to rescind it. Thank you for your consideration of our views.

Sincerely,

A handwritten signature in black ink, reading "Thomas M. Susman". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Thomas M. Susman
Director
Governmental Affairs Office
American Bar Association