A BILL FOR

1 An Act defining infamous crime as election misconduct in
2 the first degree that is vote fraud for the purposes of
3 disqualifying a person from registering to vote and voting
4 and from being a candidate for certain elective offices and
5 limiting such disqualifications to the term of the sentence.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. Section 39.3, subsection 8, Code 2018, is amended to read as follows:

8. "Infamous crime" means a felony election misconduct in the first degree that is vote fraud as defined described in section 701.7 39A.2, subsection 1, paragraph "b", or an offense classified as a felony under federal law and shall not include any misdemeanor or other felony. A person’s disqualification on account of the person’s conviction of an infamous crime pursuant to Article II, section 5 of the Constitution of the State of Iowa is limited in duration to the period of the person’s sentence, and the person’s right to vote is restored automatically upon the person’s successful discharge of the criminal conviction, including any period of probation or parole, regardless of the person’s payment of fines, fees, or restitution.

Sec. 2. Section 39A.1, subsection 2, Code 2018, is amended to read as follows:

2. The purpose of this chapter is to identify actions which threaten the integrity of the election process and to impose significant sanctions upon persons who intentionally commit those acts. It is the intent of the general assembly that offenses with the greatest potential to affect the election process be vigorously prosecuted and strong punishment meted out through the imposition of felony sanctions which, as a consequence, remove the voting rights of the offenders. Other offenses are still considered serious, but based on the factual context in which they arise, they may not rise to the level of offenses to which felony penalties attach. The general assembly also recognizes that instances may arise in which technical infractions of chapters 39 through 53 may occur which do not merit any level of criminal sanction. In such instances, administrative notice from the state or county commissioner of elections is sufficient. Mandates or proscriptions in chapters 39 through 53 which are not specifically included in this chapter shall be considered to be...
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directive only, without criminal sanction.

Sec. 3. Section 43.18, subsection 9, Code 2018, is amended
to read as follows:

9. A statement that the candidate is aware that the
candidate is disqualified from holding office if the candidate
has been convicted of a felony or other an infamous crime as
defined in section 39.3 and the candidate's rights have not
been restored by the governor, or by the president of the
United States, or by operation of section 39.3.

Sec. 4. Section 43.67, subsection 2, paragraph i, Code 2018,
is amended to read as follows:

i. A statement that the candidate is aware that the
candidate is disqualified from holding office if the candidate
has been convicted of a felony or other an infamous crime as
defined in section 39.3 and the candidate's rights have not
been restored by the governor, or by the president of the
United States, or by operation of section 39.3.

Sec. 5. Section 44.3, subsection 2, paragraph i, Code 2018,
is amended to read as follows:

i. A statement that the candidate is aware that the
candidate is disqualified from holding office if the candidate
has been convicted of a felony or other an infamous crime as
defined in section 39.3 and the candidate's rights have not
been restored by the governor, or by the president of the
United States, or by operation of section 39.3.

Sec. 6. Section 45.3, subsection 9, Code 2018, is amended
to read as follows:

9. A statement that the candidate is aware that the
candidate is disqualified from holding office if the candidate
has been convicted of a felony or other an infamous crime as
defined in section 39.3 and the candidate's rights have not
been restored by the governor, or by the president of the
United States, or by operation of section 39.3.

Sec. 7. Section 47.7, subsection 2, paragraph a, Code 2018,
a. On or before January 1, 2006, the state registrar of voters shall implement in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration file defined, maintained, and administered at the state level that contains the name and registration information of every legally registered voter in the state and assigns a unique identifier to each legally registered voter in the state. The state voter registration system shall be coordinated with other agency databases within the state, including, but not limited to, state department of transportation driver's license records, judicial records of convicted felons persons convicted of infamous crimes as defined in section 39.3 and persons declared incompetent to vote, and Iowa department of public health records of deceased persons.

Sec. 8. Section 48A.6, subsection 1, Code 2018, is amended to read as follows:

1. A person who has been convicted of a felony an infamous crime as defined in section 701.7, or convicted of an offense classified as a felony under federal law 39.3. If the person's rights are later restored by the governor, or by the president of the United States, or by operation of section 39.3, the person may register to vote.

Sec. 9. Section 48A.14, subsection 1, paragraph e, Code 2018, is amended to read as follows:

e. The challenged registrant has been convicted of a felony an infamous crime as defined in section 39.3, and the registrant's voting rights have not been restored.

Sec. 10. Section 48A.30, subsection 1, paragraph d, Code 2018, is amended to read as follows:

d. The clerk of the district court, or the United States attorney, or the state registrar sends notice of the registered voter's conviction of a felony an infamous crime as defined in section 701.7, or conviction of an offense classified as a felony under federal law 39.3. The clerk of the district court

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shall send notice of such a felony conviction to the state registrar of voters. The registrar shall determine in which county the felony convicted person is registered to vote, if any, and shall notify the county commissioner of registration for that county of the felony conviction.

Sec. 11. Section 49.79, subsection 2, paragraph f, Code 2018, is amended to read as follows:

f. The challenged person has been convicted of a felony an infamous crime as defined in section 39.3, and the person’s voting rights have not been restored.

Sec. 12. Section 57.1, subsection 2, paragraph c, Code 2018, is amended to read as follows:

c. That prior to the election the incumbent had been duly convicted of a felony an infamous crime, as defined in section 39.3, and that the judgment had not been reversed, annulled, or set aside, nor the incumbent pardoned or restored to the rights of citizenship by the governor under chapter 914, by the president of the United States, or by operation of section 39.3, at the time of the election.

Sec. 13. Section 161A.5, subsection 3, paragraph b, Code 2018, is amended to read as follows:

b. Every candidate shall file with the nomination papers an affidavit stating the candidate’s name, the candidate’s residence, that the person is a candidate and is eligible for the office of commissioner, and that if elected the candidate will qualify for the office. The affidavit shall also state that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted of a felony or other an infamous crime as defined in section 39.3 and the candidate’s rights have not been restored by the governor, or by the president of the United States, or by operation of section 39.3.

Sec. 14. Section 277.4, subsection 2, paragraph b, Code 2018, is amended to read as follows:

b. Signers of nomination petitions shall include their
addresses and the date of signing, and must reside in the same director district as the candidate if directors are elected by the voters of a director district, rather than at-large. A person may sign nomination petitions for more than one candidate for the same office, and the signature is not invalid solely because the person signed nomination petitions for one or more other candidates for the office. The petition shall be filed with the affidavit of the candidate being nominated, stating the candidate's name, place of residence, that such person is a candidate and is eligible for the office the candidate seeks, and that if elected the candidate will qualify for the office. The affidavit shall also state that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted of a felony or other an infamous crime as defined in section 39.3 and the candidate's rights have not been restored by the governor, or by the president of the United States, or by operation of section 39.3.

Sec. 15. Section 376.4, subsection 2, paragraph b, Code 2018, is amended to read as follows:

b. The petition must include the affidavit of the individual for whom it is filed, stating the individual's name, the individual's residence, that the individual is a candidate and eligible for the office, and that if elected the individual will qualify for the office. The affidavit shall also state that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted of a felony or other an infamous crime as defined in section 39.3 and the candidate's rights have not been restored by the governor, or by the president of the United States, or by operation of section 39.3.

Sec. 16. Section 602.8102, subsection 15, Code 2018, is amended to read as follows:

15. Monthly, notify the county commissioner of registration and the state registrar of voters of persons seventeen and
one-half years of age and older who have been convicted of a felony an infamous crime, as defined in section 39.3, during the preceding calendar month or persons who at any time during the preceding calendar month have been legally declared to be a person who is incompetent to vote as that term is defined in section 48A.2.

EXPLANATION

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

Article II, section 5, of the Constitution of the State of Iowa denies the privilege of an elector to any person convicted of an infamous crime. State statute defines infamous crime as a felony conviction under state or federal law. State law also allows a person who has been discharged from parole, probation, or work release, or who has been released from incarceration upon completion of sentence, to apply to the governor for restoration of the rights of citizenship, which include the rights to register to vote and to vote. State statute also requires that a candidate for elective office under the laws of the state must be an eligible elector at the time of election. By operation of law, this excludes persons who have been convicted of a state or federal felony and not had their rights of citizenship restored by the governor or the president of the United States. This bill alters the definition of "infamous crime" to include only vote fraud that is election misconduct in the first degree under Code section 39A.2. The bill also limits the disqualification from holding the privilege of an elector due to conviction of an infamous crime to the period of the convicted person’s sentence. A convicted person’s right to vote and hold office is restored automatically upon the discharge of that person’s sentence, including any period of probation or parole, but not including the payment of fines, fees, or restitution. The bill removes references to conviction of a felony under...
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1 federal law.