

## IOWA AND FELONY DISENFRANCHISEMENT

In almost all states, conviction of a felony offense results in the loss of the right to vote for a period of time, but there is a broad variation among the states in these policies. In 48 states (except for Maine and Vermont) and the District of Columbia, persons in prison are not eligible to vote, in 35 of these states persons on probation and/or parole are ineligible, and in 14 states some or all felony offenders lose their right to vote even after completing their sentence.<sup>1</sup>

The state of Iowa is one of the most restrictive in the nation in regard to felony disenfranchisement. In contrast to most states, all persons convicted of a felony in Iowa are permanently barred from voting, even after completion of sentence. An estimated 100,631 persons are not eligible to vote, of whom 80,000 have served their time.<sup>2</sup> While the population of Iowa is only about 2% African American, one of every four black adults in the state cannot vote due to state laws disenfranchising felons and ex-felons; of this total, more than two-thirds (69%) have completed their sentences. This briefing paper summarizes the impact of felon disenfranchisement in Iowa.

### IOWA IN THE NATIONAL CONTEXT

Iowa is one of the five most restrictive states in the nation in its disenfranchisement policies, and is the most restrictive outside of the South. Of the 14 states that disenfranchise ex-offenders after completion of sentence, only five – including Iowa – disenfranchise *all* such people permanently. The other states in this category are Alabama, Florida, Kentucky, and Virginia.

All of the neighboring states to Iowa are less restrictive in their disenfranchisement policies. Minnesota, Missouri, and Wisconsin disenfranchise people in prison or on probation or parole, but restore voting rights automatically upon completion of sentence. Illinois and South Dakota only disenfranchise persons in prison, and restore voting rights upon discharge even if still under parole supervision. Nebraska had previously disenfranchised felons for life, but repealed that statute in 2005 and now imposes a two-year waiting period after completion of sentence before rights are restored.

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<sup>1</sup> “Felony Disenfranchisement Laws in the United States,” The Sentencing Project, March 2005.

<sup>2</sup> Christopher Uggen and Jeff Manza, “Democratic Contraction? Political Consequences of Felon Disenfranchisement in the United States,” *American Sociological Review*, 2002, Vol. 67. Unless otherwise noted, all disenfranchisement estimates in this briefing paper are from this source.

## VOTER IMPACT

The proportion of the adult population that is disenfranchised in Iowa – 4.65%, or one of every 22 residents – is double the national average of 2.28%, or one in 44. An estimated 100,631 persons were disenfranchised as of 2000, with the vast majority, 80,257, being ex-felons who had completed their sentence.

Currently, more than 5,000 people are released from prison each year in Iowa, figures that have been steadily increasing. Absent any change in disenfranchisement policies, these trends will increase the overall number of Iowa citizens who are disenfranchised.

## RACIAL DYNAMICS

Although Iowa has a small African American population, its rate of disenfranchisement is the highest in the nation. One of every four black adults in Iowa (male and female combined) is ineligible to vote as a result of a felony conviction. This rate (24.87%) is more than triple the national African American rate of 7.48%. The difference between Iowa and the national black rate of disenfranchisement is *entirely* due to the exclusion of ex-felons in Iowa. If Iowa permitted ex-felons to vote its rate of black disenfranchisement would still be quite high at 7.83%, but almost exactly at the national average.

The high black rate of disenfranchisement in Iowa reflects the high rate of incarceration of African Americans in the state. African Americans constitute 2% of the state's population, but represent nearly a quarter of prison inmates. Iowa's combined prison and jail incarceration rate for African Americans of 3,302 per 100,000 population (more than 11 times the rate for whites) is second in the nation only to Wisconsin and 50% higher than the national average of 2,209.

While no data has been assembled estimating the impact of disenfranchisement of Latinos or other racial/ethnic groups, Latinos make up approximately 2.8% of the population of Iowa, but 4.2% of the prison population.<sup>3</sup> These figures suggest that Latino disenfranchisement rates in Iowa are considerably higher than for the general population.

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<sup>3</sup> The most extensive study of the impact of felon disenfranchisement laws on Latinos is by MALDEF, "Diminished Voting Power in the Latino Community: The Impact of Felony Disenfranchisement Laws in Ten Targeted States," 2003 (finding that voting-aged citizen Latinos were over twice as likely as whites to be disenfranchised in Arizona and Texas, over three times as likely in Nebraska, North Carolina, and Washington state, and over five times as likely in California and New York).

## RESTORATION OF RIGHTS

Of the states that deny voting rights permanently, each has a process in place whereby former felons can apply to a governor or board of pardons to have their rights restored. But recent research has demonstrated that in most states, only a relative handful of persons – generally less than 3% of the disenfranchised population – are able to successfully use this process to restore their rights.<sup>4</sup> In most states, the process is cumbersome, time-consuming, and little known to most people with felony convictions.

Ex-felons in Iowa seeking to have their voting rights restored must apply for a pardon from the governor or for a Restoration of Citizenship through the Iowa Board of Parole. After reviewing applications, the Board of Parole makes a recommendation to the governor regarding restoration.

From 1998 to 2003, 3,067 people applied to the Iowa Board of Parole for restoration of rights, of whom 79% (2,245) were recommended for restoration. Of the 2,654 applications reaching the governor between 1999-2004, 81% (2,158) were approved for restoration of rights. While the overall proportion of disenfranchised persons regaining their rights in Iowa is higher than in a number of states, the number of successful applicants is quite modest compared to the estimated total of 80,257 ex-felons in the state.

## FELON PURGE PROCESS

When persons are convicted of a felony in Iowa, district court clerks send notices of final judgments to the state registrar for removal from the voter rolls.<sup>5</sup> However, unlike some other states, the state has no statutory requirement regarding the type of information that is sent and no mandated criteria by which to determine if the felon record matches the state electoral database. There is also no state statute requiring that notice be given to persons who are to be removed from the voter rolls.

## NATIONAL LEGISLATIVE CHANGE

There has been significant momentum for reform of disenfranchisement policies in recent years. Since 1997, ten states have enacted legislative reforms, in most cases easing the restrictions on voting for ex-felons. These changes have been bipartisan, with five of the bills being signed into law by Republican governors and four by Democrats (along with one legislative override of a gubernatorial veto). Changes include: the repeal of ex-felon disenfranchisement in New Mexico, Delaware (replaced with a five-year waiting period), and Nebraska (replaced with a two-year waiting period); repeal of the permanent voting ban on first-time non-violent felons in Nevada and Wyoming (replaced with a five-year waiting period); and expansion of voting rights to felons currently on probation in Connecticut.

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<sup>4</sup> Marc Mauer and Tushar Kansal, “Barred for Life: Voting Rights Restoration in Permanent Disenfranchisement States,” The Sentencing Project, February 2005.

<sup>5</sup> ACLU, Demos, and Right to Vote, *Purged!*, October 2004.

## PUBLIC OPINION AND DISENFRANCHISEMENT

A variety of public opinion polls show strong support for disenfranchisement reform. Polling by Harris Interactive shows that 80% of Americans believe that ex-felons should be able to vote and that nearly two-thirds support voting rights for people on probation (64%) or parole (62%).<sup>6</sup>

## RECOMMENDATIONS

In order to encourage voting by all citizens and to reduce the racially disproportionate impact of felon disenfranchisement laws, the state of Iowa should consider the following policy changes:

- *Limit voting restrictions only to incarcerated persons* – As is done in 13 states, the state of Iowa can reform its disenfranchisement policies to permit any non-incarcerated person to vote. This would extend voting to ex-felons and persons currently living in the community under probation or parole supervision. The rationale for doing so is two-fold: first, the goal of public safety is served by encouraging participation in the electoral process as one means of promoting constructive ties to the larger community; and, second, administrative problems with voter purges are largely eliminated if non-incarcerated people are eligible to vote. Such a policy has recently been recommended by the American Bar Association.
- *Aid eligible persons in the restoration process* – State corrections agencies should be required to notify eligible persons of the process by which they can seek restoration of rights and provide appropriate information and assistance to utilize that process. Under current law in Iowa, this would involve notifying persons completing a felony sentence of the process of applying for restoration of rights from the governor. If disenfranchisement is limited only to incarcerated persons, then such notification and assistance should be given to all persons upon exiting prison.

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<sup>6</sup> Jeff Manza, Clem Brooks, and Christopher Uggen, “Public Attitudes Towards Felon Disenfranchisement in the United States,” *Public Opinion Quarterly*, 68: 276-287, 2004.