

State of Iowa

Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

EXECUTIVE ORDER NUMBER FORTY-TWO

WHEREAS, the right to vote is the foundation of a representative government; and

WHEREAS, under the Constitution of the State of Iowa, an individual convicted of a felony or aggravated misdemeanor is denied the right to vote, a disability which may continue long after a sentence has been fully served; and

WHEREAS, tens of thousands of Iowans who are living, working, and paying taxes in the state are denied the right to vote as a result of a prior conviction; and

WHEREAS, disenfranchisement of offenders has a disproportionate racial impact thereby diminishing the representation of minority populations; and

WHEREAS, research indicates ex-offenders that vote are less likely to re-offend; and

WHEREAS, restoration of the right to vote is an important aspect of reintegrating offenders in society to become law-abiding and productive citizens; and

WHEREAS, Iowa is one of only five states that does not currently provide an automatic process for restoring voting rights for offenders upon discharge of their sentences; and

WHEREAS, the current means by which offenders seek to have their rights restored is unnecessarily time consuming and not used by all offenders that are eligible; and

WHEREAS, Article IV, section 16 of the Constitution of the State of Iowa authorizes the Governor of Iowa to restore the rights of citizenship that were forfeited by reason of conviction.

NOW, THEREFORE, I, Thomas J. Vilsack, Governor of the State of Iowa, by the power vested in me by the laws and the Constitution of the State of Iowa, do hereby order and direct as follows:

- I. The rights of citizenship, including that of voting and qualification to hold public office, which were forfeited by reason of conviction shall be restored for all offenders that are completely discharged from criminal sentence, including any accompanying term of probation, parole, or supervised release, as of July 4, 2005, but have not made an application pursuant to Iowa Code Chapter 914. This executive order shall serve as evidence of restoration of citizenship rights for such individuals.
- II. From this date forward, offenders that wholly discharge their criminal sentence, including any accompanying term of probation, parole, or supervised release, will be given consideration for a restoration of citizenship rights without undue delay.

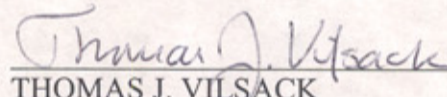
Beginning August 1, 2005, the Director of the Department of Corrections shall submit monthly a record of offenders meeting this criterion to the Governor's Office. The list of eligible offenders, along with any recommendations made pursuant to Iowa Code section 907.9(4), will be reviewed forthwith to determine whether restoration of citizenship rights is warranted.

- III. Notwithstanding this executive order, offenders still may make application for a restoration of citizenship rights pursuant to Iowa Code Chapter 914. All applications, unless withdrawn, will be processed according to the procedures set forth in Chapter 914 of the Code of Iowa.
- IV. This executive order, and all future restorations of citizenship rights, shall not include rights with respect to the receipt, transportation, or possession of firearms as provided by federal law or Chapter 724, Weapons, of the Code of Iowa, nor shall it relieve an offender of any unpaid restitution, fine, or other financial obligation resulting from a conviction.
- V. This executive order, and all future restorations of citizenship rights, shall not be construed as a pardon or as a remission of guilt or forgiveness of the offense and shall not operate as a bar to greater penalties for second offenses or a subsequent conviction as a habitual criminal.

Nothing in this executive order shall be construed to contravene any applicable state or federal law.

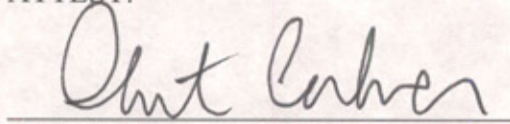


IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed. Done at Des Moines this 4th day of July, in the year of our Lord two thousand five.



THOMAS J. VILSACK
GOVERNOR

ATTEST:



CHESTER J. CULVER
SECRETARY OF STATE