



HOW TO GET YOUR RIGHT TO VOTE BACK AFTER A FELONY CONVICTION IN IOWA

August 2016

A STEP-BY-STEP GUIDE

Use the chart below to figure out your current voting rights status. **Before your voting rights will be restored, you must have completed your criminal sentence. That means you've discharged any probation or parole. But you need not have paid in full your court costs, restitution, and fines.**

I was convicted of a crime. Can I vote?

If you were convicted of this crime...	And completed your sentence within this time...	...Here's what you need to do to vote after you have completed your sentence:
Any Misdemeanor	Any time	You can vote.* You never lost your voting rights. Only felonies can disqualify you from voting. However, if you are still in jail you may have to vote by absentee ballot.
Any Felony	Before July 4, 2005	You can vote.* Your rights were automatically restored.
	After July 4, 2005 but before January 14, 2011	You probably can vote.* Your right to vote was probably automatically restored—but if you never received notice in the mail after you completed your sentence, you should check with the Office of the Governor at 515-281-5211. The Governor's Office maintains a list of people whose right to vote was restored. If you are on the list maintained by the Governor's Office, you can vote; if you are not on the list, you must go through the five steps detailed on the next page to get back your right to vote.
	After January 14, 2011	You cannot vote until the Governor restores your right to vote. Go through the five steps detailed on the next page to get back your right to vote. Out of state felony conviction? The Governor's Office has said that if you have received a restoration of rights from another state after being convicted of a felony by that state, it does not require you to apply for a second restoration to vote in Iowa.

* **You still need to register to vote.** Registering to vote is simple and easy. You can even register to vote at the polls on Election Day. You can also pre-register by getting a mail-in voter registration form at <https://sos.iowa.gov> or calling 515-281-5204 (business hours Monday to Friday); or from your county auditor's office; or when you get a driver's license or apply for services at government agencies; or

YOU CAN REGISTER IF ALL THE FOLLOWING ARE TRUE:

- You haven't been convicted of a felony or you were convicted of a felony, and your right to vote was restored (see the above chart)
- You are an Iowa resident
- You are at least 17 ½ years old (and 18 by Election Day)
- You have given up your right to vote in any other place (you'll swear to that on your registration form)
- You have not been declared by court to be incompetent to vote (unless the court certifies you are no longer incompetent)
- You are a U.S. citizen

QUESTIONS? NEED HELP?

Still unsure if you are eligible to vote?

- Call the Governor's Office at 515-281-5211 (during business hours Monday through Friday.)
- If the Governor's Office is not responsive or you need more help, email the ACLU of Iowa at legal.program@aclu-ia.org.

Five Steps to Restore Your Voting Rights

CHECKLIST

STEP 1: Obtain, complete, and sign an Application for Restoration of Citizenship Rights.

If not attached to this flier, this application can be found at <http://governor.iowa.gov>. Click on "Constituent Services," then "Restoration of Citizenship Rights."

STEP 2: Obtain a complete Iowa Criminal History Record.

You have to request your criminal history from the Iowa Division of Criminal Investigation by filling out a request form **and** a billing form. If both are not attached to this flier, go to:

http://www.dps.state.ia.us/DCI/supportoperations/crimhistory/10-01-2010_Request_Form.pdf

http://www.dps.state.ia.us/DCI/supportoperations/crimhistory/10-01-2010_Billing_Form.pdf

Print and fill out these forms. Be sure to use these forms and not any non-waiver criminal histories available online. The fee is \$15. Mail the two forms and a check to:

Iowa Division of Criminal Investigation
215 E. 7th Street
Des Moines, IA 50319
Phone: 515-725-6066

Processing takes 1 to 4 weeks and the record will then be mailed to you.

STEP 3: Get printed documents verifying that you are current on your payment of court costs, restitution, and fines.

You don't need to have complete all of your payments; you just need to be **current** on the payments.

To get this verification, call the courthouse of your conviction. You may call the Department of Corrections at 515-725-5701 to get the number for your local Community-Based Corrections Office, which can also help you in getting the verification.

STEP 4: Attach an "explanation form" for why you haven't fully paid all of your court costs, fines, and restitution.

This can be a simple note you write. Or you can use the form we've created and attached to this flier. (If not attached, go to <http://www.aclu-ia.org> and click on "Legal Documents" to get a copy.)

STEP 5: Put together the following documentation in one envelope and mail it.

1. Your completed Restoration of Citizenship Rights application, including release form
2. Your Iowa Criminal History Record
3. Verification from the court that you are current or have fully paid your costs, fines, and restitution
4. Note that you have written or the completed ACLU form, explaining why your costs, fines, and restitution aren't fully paid

Mail to: Legal Counsel, Governor's Office, State Capitol Bldg., Des Moines, IA 50319

The Governor's Office says that if you fill out the application correctly, provide all the required documentation, and are current on payments of court costs, fines, and restitution, your right to vote will be restored.

It's YOUR Right to Vote. Get it Back!



The right to vote is the foundation for all other civil rights.

Iowa is one of only three states that make it so hard to vote for people who have completed their sentences after a felony conviction. The roadblocks for Iowans with convictions to get their right to vote back are bad public policy: evidence shows a severely disparate impact on African Americans. And making voting harder does nothing to facilitate a person's successful reentry into society. In fact, people who are engaged in civic life have lower rates of recidivism.

The ACLU of Iowa is working to make the system fairer and to help people vote.

What Happens If I Am Not Qualified to Vote and Vote Anyway?

CURRENT IOWA LAW MAKES IT MANDATORY TO GO THROUGH THE FORMAL PROCESS OF GETTING YOUR RIGHT TO VOTE BACK FROM THE GOVERNOR IF YOU HAVE A FELONY CONVICTION*

It is critically important that you not skip this process. That's because there are very severe, felony-level penalties for registering to vote or voting if you know you aren't qualified.

- It is registration fraud to willfully swear falsely to the oath that you take when you register to vote, saying you have not been convicted of a felony (or that if you have been, your right to vote was restored).
- It is vote fraud to willfully submit a ballot or an absentee ballot that you know is materially false, fictitious, forged, or fraudulent, as well as to willfully make a false or untrue statement in an application for an absentee ballot or to make or sign a false certification or affidavit in connection with an absentee ballot.
- It is perjury to sign a voter registration form with false information of material facts that the person knows to be untrue.

** Unless your right to vote was restored automatically, prior to January 14, 2011. (See chart on first page for details.)*

We'd like to hear from you!

If you are not receiving fair, timely treatment and/or responses from the Governor's Office, please let us know. With your permission, we will use these stories to advocate for a better, fairer process.

To share your story, email us at legal.program@aclu-ia.org. Be sure to tell us why you are writing us and how to contact you.





Terry E. Branstad
GOVERNOR

OFFICE OF THE GOVERNOR

Kim Reynolds
LT. GOVERNOR

Streamlined Application for Restoration of Citizenship Rights (Right to Vote and Hold Public Office)

General Information: A restoration of citizenship restores the right of a person to vote and hold public office. This is not an application for pardon, commutation or a special restoration of citizenship rights (firearms). If you would like to apply for pardon, commutation or a special restoration of citizenship rights (firearms), you must submit a different application, which can be found on the Governor's website at www.governor.iowa.gov/. There is no application fee for clemency.

Who may apply: An individual convicted in Iowa State Court, Federal Court, and a court outside of Iowa may apply to have their right to vote and hold public office restored.

Questions: You may call Iowa Department of Corrections at 515/725-5701 to obtain the phone number for your local Community Based Corrections Office to help you fill out the application. You may also visit the "Frequently Asked Questions" at: <https://governor.iowa.gov/constituent-services/restoration-of-citizenship-rights/>.

Instructions:

- Step 1** **Complete and sign application:**
 - Make sure you answer all of the questions.
- Step 2** **Sign and date the Release attached to the application**
- Step 3** **Enclose Proof of payment of court costs, fines, and restitution**
 - Submit documentation of your court costs, restitution, and fines.
 - o **Completed payment:** If you have completed your payment of court costs, restitution, and fines you must submit documentation verifying your payment.
 - o **Still working on payment:** If you are current on your payment of court costs, restitution, and fines and continue to pay these costs in good faith, you must submit documentation of your payments along with an explanation of your payments and why they are not completed.
 - You may obtain your financial history by going to the Iowa Courts Online, entering your name, selecting your case and selecting [Financial].
You may find the website at:
<https://www.iowacourts.state.ia.us/ESAWebApp/TrialSimpFrame>
- Step 4** **Enclose a Current Iowa Criminal History Record**
 - You may call Iowa Department of Criminal Investigations at 515/725-6066 to obtain your Iowa Criminal History or obtain a request form at:
<http://www.dps.state.ia.us/DCI/supportoperations/crimhistory/RequestFrom.pdf>.
- Step 5** **Place the information from Steps 1, 2, 3, and 4 into an envelope and mail it to:**
Legal Counsel
Governor's Office
State Capitol Building
Des Moines, Iowa 50319
- Step 6** **Make a copy of the application and materials submitted for your records.**

Application for Restoration of Citizenship Rights - Right to Vote and Hold Public Office

TO: Terry E. Branstad, Governor of Iowa
I hereby make application for Restoration of Citizenship Rights (Right to Vote and Hold Public Office).

1. Name: _____ Sex (circle one): Male/ Female
2. _____
Street City State Zip Code () -
Cell Phone (or number best reached at)
3. Date of Birth: _____
4. Social Security Number: _____ U.S. Citizen (circle one) Yes or No
5. Crime/Offense: _____
Classification of Crime (ie: Class D felony): _____
6. County and State of Conviction: _____ Jurisdiction (circle one): State or Federal Court
7. Sentence Received (ie: 5-years prison, probation, court costs, etc.): _____

8. Date of Crime (Month/Day/Year): _____
9. Date of Conviction (Month/Day/Year): _____
10. Date you discharged your sentence (Month/Day/Year): _____
11. Amount of restitution, court costs and attorney's fees ordered and amount paid:
 - (1) Restitution ordered: _____ Amount paid: _____
 - (2) Court Costs ordered: _____ Amount paid: _____
 - (3) Fine ordered: _____ Amount paid: _____
12. Have you ever been **convicted** of an offense at any other time? (circle one): Yes/ No
13. If the answer to Question #12 is yes, provide the following information for **each** offense. (Attach additional sheets if needed.)
 - a. Crime/Offense: _____
 - b. Date of offense: _____
 - c. Sentence received (ie: 5-years prison, probation, court costs, etc.): _____
 - d. County and state where convicted: _____ Jurisdiction (circle one): State or Federal Court
 - e. Date you discharged your sentence: _____
 - f. Amount of restitution, court costs and attorney's fees ordered and amount paid:
 - i. Restitution ordered: _____ Amount paid: _____
 - ii. Court Costs ordered: _____ Amount paid: _____
 - iii. Fine ordered: _____ Amount paid: _____

I certify, under the penalty of perjury, that my application is true and complete.

Signature of Applicant

Print Name of Applicant

RELEASE

**YOU MUST SIGN AND DATE THIS RELEASE FORM
OR YOUR APPLICATION WILL NOT BE PROCESSED**

I, _____, the undersigned applicant for executive clemency to the Governor of the State of Iowa, do hereby authorize any and all persons, firms or corporations, to release any and all information or documents they may now have or hereinafter receive concerning me.

I authorize the release of said information to the Governor of the State of Iowa, the Governor's designee or agent. In granting this release, it is my understanding that the information or documents obtained will be used for the sole consideration of my application for executive clemency.

I further forever hold blameless those persons, firms, corporations and the Governor's Office, who by virtue of this consent may release information as requested.

A photocopy of this release form will be valid as an original, even though said photocopy does not contain an original writing of my signature.

I have read fully and understand the contents of this application and the authorization for release of personal information.

Signature of Applicant

Print Name of Applicant

Date of Application:



STATE OF IOWA

Criminal History Record Check Request Form



DCI Account Number: _____
(if applicable)

To: Iowa Division of Criminal Investigation
Support Operations Bureau, 1st Floor
 215 E. 7th Street
 Des Moines, Iowa 50319
 (515) 725-6066
 (515) 725-6080 Fax

From: _____

Phone: _____

Fax: _____

I am requesting an Iowa Criminal History Record Check on:

Last Name (mandatory)	First Name (mandatory)	Middle Name (recommended)
Date of Birth (mandatory)	Gender (mandatory)	Social Security Number (recommended)
	<input type="checkbox"/> Male <input type="checkbox"/> Female	

Waiver Information: Without a signed waiver from the subject of the request, a complete criminal history record may not be releasable, per Code of Iowa, Chapter 692.2. For complete criminal history record information, as allowed by law, always obtain a waiver signature from the subject of the request.

Waiver Release: I hereby give permission for the above requesting official to conduct an Iowa criminal history record check with the Division of Criminal Investigation (DCI). Any criminal history data concerning me that is maintained by the DCI may be released as allowed by law.

Waiver Signature: _____

Iowa Criminal History Record Check Results

(DCI use only)

As of _____, a search of the provided name and date of birth revealed:

- No Iowa Criminal History Record found with DCI
- Iowa Criminal History Record attached, DCI # _____

DCI initials _____

Waiver Information:

Iowa law does **not** require a waiver. However, without a signed waiver from the subject of the request any arrest over 18 months old, **without** a final disposition, cannot be released to a non-law enforcement agency.

Deferred judgments where DCI has received notice of successful completion of probation also cannot be released to non-law enforcement agencies without a signed waiver from the subject of the request.

If the “No Iowa Criminal History Record found with DCI” box is checked, it could mean that the information on file is not releasable per Iowa law without a waiver.

General Information:

The information requested is based on **name** and **exact date of birth only**. Without fingerprints, a **positive** identification cannot be assured. If a person disputes the accuracy of information maintained by the Department, they may challenge the information by writing to the address on the front of this form or personally appearing at DCI headquarters during normal business hours.

The records maintained by the Iowa Department of Public Safety are based upon reports from other criminal justice agencies and therefore, the Department cannot guarantee the completeness of the information provided.

The criminal history record check is of the Iowa Central Repository (DCI) **only**. The DCI files do not include other states’ records, FBI records, or subjects convicted in federal court within Iowa.

In Iowa, a **deferred judgment** ***is not*** considered a conviction once the defendant has been discharged after successfully completing probation. However, it should be noted that a deferred judgment may still be considered as an offense when considering charges for certain specified multiple offense crimes, i.e. second offense OWI. If a disposition reflects that a deferred judgment was given, you may want to inquire of the individual his or her current status.

A **deferred sentence** ***is*** a conviction. The judge simply withholds implementing a sentence for a certain probationary period. If probation is successful, the sentence is not carried out.

Any questions in reference to Iowa criminal history records can be answered by writing to the address on the front of this form or calling (515) 725-6066 between 8:00 a.m. and 4:00 p.m., Monday - Friday.

REMINDER - (1) Send in a separate Request Form for each last name, (2) a fee is required for each last name submitted, (3) a completed Billing Form must be submitted with all request(s).

Iowa law requires employers to pay the fee for potential employees’ record checks.



STATE OF IOWA Criminal History Record Check Billing Form



Date: _____ DCI Account Number: _____

To: Iowa Division of Criminal Investigation
Support Operations Bureau, 1st Floor
215 E. 7th Street
Des Moines, Iowa 50319
(515) 725-6066
(515) 725-6080 Fax

From: _____

Phone: _____
Fax: _____

- A **completed Billing Form is required** when submitting record check requests to the DCI.
- **Each last name submitted requires a separate Request Form with payment for each.**
- Only **one Billing Form** is needed when submitting several requests at the same time.
- **Payment must be included** unless a pre-paid account is established.
- All pre-paid accounts must complete the **DCI Account Number** in the space provided above.
- All credit card payments must include the **CSV Code** for processing.
- Please **check either Mail Back or Fax Back results**, according to how you would like the results returned as **we will not do both** unless payment is included for each method.

Mail Back Results <input type="checkbox"/> Fax Back Results <input type="checkbox"/> <small>*If neither box above is checked, results will be mailed back to the address provided.</small>	Fee per request <u> \$15.00 </u> Number of requests submitted: <u> x </u> Amount Due: \$ _____
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METHOD OF PAYMENT
 (Checks should be made payable to the Iowa Division of Criminal Investigation)

Check # _____
 Cash
 Money Order
 Pre-paid Account
 Interagency

MasterCard/Visa/Discover: _____ **Expiration Date:** _____
Cardholder's Name: _____ **CSV Code:** _____
required

On the lines provided below, please write the last name(s) of the person(s) you are submitting the record check on. This is important for tracking purposes.

1. _____ 2. _____ 3. _____ 4. _____ 5. _____
6. _____ 7. _____ 8. _____ 9. _____ 10. _____

This is a form created by the ACLU of Iowa to help applicants for restoration of voting rights more easily answer the question posed by the Governor's Office, as part of the application process, on why they are not current on their payments.

Date: _____ (Month/ Day/ Year)

Re: **EXPLANATION OF PAYMENTS**

To Whom It May Concern:

As the attached documentation shows, I am *current* on my payments for court costs, restitution, and fines. However, I have not *completed* (paid in full) my court costs, restitution, and fines.

I am currently paying: \$ _____ each _____ (week, month, year)
(State the amount of money, usually set up in monthly payments, that you are paying.)

Check one or both of the following:

The reason my payments are not completed (paid in full) is:

I cannot financially afford to pay a lump sum.

Other. Please explain:

Name: (Please print) _____

Name: (Your signature) _____

When completed, this form should be sent, along with your other application materials, to:

*Legal Counsel
Governor's Office
State Capitol Building
Des Moines, IA 50319*