



December 16, 2019

The Honorable Kim Reynolds
Governor of Iowa
State Capitol
1007 East Grand Ave.
Des Moines, Iowa 50319

Dear Governor Reynolds,

We write to commend you for streamlining Iowa's voting rights restoration process and to recommend ways to improve the process prior to the 2020 elections.

Restore Your Vote is a project of Campaign Legal Center, a non-partisan, non-profit that advances democracy through law at the federal, state, and local levels, so that every American has an equitable opportunity to participate in and affect our democratic process. Our Restore Your Vote campaign works to ensure that the over 23 million Americans with felony convictions understand their voting rights by providing direct rights restoration services, training community leaders, and conducting public education. We have assisted thousands of Americans with felony convictions restore their right to vote and where necessary worked with all levels of administrators to ensure that local policies comply with state and federal law.

We currently have three organizers assisting individuals with felony convictions in Iowa to restore their voting rights. In just a few weeks, we have worked with nearly 250 justice-involved individuals who want to vote. Many of these citizens previously would not have been able to restore their right to vote but have now begun the application process. We commend you for simplifying the process and for easing financial barriers to rights restoration. Around a quarter of the Iowans we have met who will need to restore their right to vote by application continue to owe legal financial obligations. Yet around 60 percent of those citizens are on plans to pay back that debt, meaning they can still apply for rights restoration thanks to your reforms. Additionally, many of the people we work with are indigent and the \$15 application fee might have been an insurmountable burden on top of their other

necessary expenses. Again, you have opened a door to political participation that never should have been closed to these Iowans.

However, many Iowans still do not know that the rights restoration process exists at all. Moreover, we have seen that confusion and misinformation around the right to vote persist. Many people who have never been convicted of felonies believe that they cannot vote because of their contact with the criminal justice system. Some were convicted of aggravated misdemeanors and others were charged with felonies but the charges were dismissed, reduced, or deferred. Others who have had their rights restored under law through prior executive orders believe they cannot vote because they do not know their rights have been restored or because they have been misinformed by state and local officials. Roughly a third of the justice-involved citizens we have worked with are eligible to vote right now but they believed that they were ineligible or were uncertain of their status.

Additionally, we have encountered some individuals who were fortunate enough to learn about the rights restoration application process but have been waiting for months for a response. Some of those individuals are eager to participate in the February caucuses and are relying on your public statement that the process would take a month to complete.¹

Overall, even with the considerable improvements you have made to the application process many people struggle to navigate the process. We would like to recommend three relatively small and discrete improvements that your office can swiftly implement to ensure that eligible Iowans are able to restore their right to vote in time to participate in what is widely seen as one of the most significant elections of our generation.

First, we strongly recommend that you work with the Secretary of State to create an online portal where Iowans can check their voting rights status and apply for rights restoration, if necessary. The most common barrier to the franchise for the people we have assisted has been a lack of information or misinformation. The easiest way to alleviate this confusion is to provide a portal for individuals to determine if they are eligible to register to vote. The data behind this portal could be generated by the combination of the Governor's list of citizens who have been re-enfranchised since 2005 and the Secretary of State's list of disenfranchised citizens.² The portal can also make clear that if an individual completed their entire sentence before July 4, 2005, that they have had their rights restored. If a person believes they are wrongly listed as disenfranchised, the portal can provide a quick and direct way to contest

¹ See, e.g., Katarina Sostarik, "Reynolds Simplifies Felon Voting Rights Restoration While Advocating for Constitutional Amendment," Iowa Public Radio (March 13, 2019) <https://www.iowapublicradio.org/post/reynolds-simplifies-felon-voting-rights-restoration-while-advocating-constitutional-amendment#stream/0>.

² The Secretary of State has pledged to begin a multi-tiered process to clean up the many errors on this list using HAVA funds. The Governor should encourage and support that clean-up and help make the results widely available. "Media Release: Secretary Pate Announces Multi-Tiered Solutions for Felon Database," Office of Iowa Sec'y of State (Nov. 20, 2019) https://sos.iowa.gov/news/2019_11_20.html.

their inclusion on the disenfranchised list. Additionally, if an individual learns that they need to apply to restore their right to vote, they could apply online through the portal. A person who has applied could check the status of their application to see if it has been received, is being processed, requires additional information, or has been approved. A website like this would significantly curb confusion in Iowa around voting rights restoration. Virginia, which has a similar felony disenfranchisement and re-enfranchisement legal structure to Iowa, has a website at Restore.Virginia.Gov that provides an excellent template for such a portal.

Second, we ask that you address the backlog of applications. When your office announced the streamlined application, you said that you would endeavour to respond to the applications within a month. However, we have encountered some Iowans who have been waiting for several months for their applications to be approved. Many have expressed interest in voting in the caucuses and were disappointed to learn that the process may take too long to allow them to participate. Our understanding is that there are currently hundreds of applications in the backlog and that the cause of the delay may be understaffing within the Division of Criminal Investigation. This seems to be an administrative problem within the power of the Governor to address. We strongly encourage you to keep your public promise to these individuals and take action to ensure that everyone who has submitted an application by the end of the year can caucus in February. Moreover, as the 2020 presidential elections approach, more and more Iowans will no doubt be energized and seek rights restoration. Now is the time to address the backlog in advance of a swell in applications.

Third, we ask that you clarify longstanding grey areas in Iowa's re-enfranchisement policies. There is significant confusion surrounding the impact of deferred judgments and pathways to restoration for individuals with out-of-state and federal convictions. These grey areas sow confusion not just for impacted individuals, but they also make it difficult to create materials and teach community leaders about the contours of the law. This slows the spread of information around the application process. We encourage you to make any positions held by your office on these topics public and to promulgate rules where no policies currently exist. We would welcome the opportunity to discuss these legal ambiguities.

Felony disenfranchisement impacts tens of thousands of Iowans. These are fathers, mothers, daughters, and sons who live and work in their communities. They deserve a voice in our democracy and a say in the future of the state. We commend you for the steps you have taken as Governor and look forward to your continued leadership in creating a more participative and inclusive democracy

Regards,

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