



June 22, 2020

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

Dear Governor Reynolds,

We write to applaud your recent announcement that you will issue an executive order to restore voting rights to Iowans with felony convictions prior to the November 2020 election. Since you took office, you have led the effort to end Iowa's place as the only state to permanently disenfranchise all people with felony convictions and implement fair and inclusive rights restoration policies. An executive order will be a tremendous step forward for Iowa and for the rights of returning citizens. We encourage you to craft an inclusive order. In particular, we urge you to ensure that Iowans are not denied their voice in our democracy simply because they cannot afford to pay their way into the ballot box. Such an order would be in conflict with your current policy that allows rights restoration based on good faith efforts to pay what a person can afford, would place Iowa once again among a minority of states with pay to vote systems, and violate the U.S. Constitution.

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 are accessible and comply with state and federal law.

Over the last year, we have worked with over 275 justice-involved Iowans who want to vote. Many of these citizens previously would not have been able to restore their right to vote but for your work to streamline the application and ease financial barriers. Around 36% of the Iowans we have met who currently need to restore their right to vote by application continue to owe legal financial obligations. Yet around 60% of those citizens are on plans to pay back that debt. Under your crucial reforms, those citizens can still apply for rights restoration and are not disenfranchised solely due to their financial means. Additionally, many of the people we work with are indigent and the prior \$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 for 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 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. Nearly a third of the justice-involved citizens we have worked with were already eligible to vote but believed that they were ineligible or were uncertain of their status.

Your Executive Order will be an enormous step in the right direction. It has the potential to set out clear rules for who can and cannot vote, alleviating confusion and misinformation. But it is crucial that this order not leave out lowans who simply cannot afford to pay their legal financial obligations. We have seen first-hand that many lowans with past convictions are unable to pay off these debts, despite their best efforts. As your policies have thus far recognized, that does not mean that they do not deserve a voice in our government.

This is not just a policy position; it is an established Constitutional principle. Last year, a federal court enjoined a Florida law that denied the right to vote to returning citizens who had completed their sentences but still owed legal financial obligations that they could not afford to pay.<sup>1</sup> The 11th Circuit Court of Appeals upheld that court's injunction, ruling that Florida's pay-to-vote procedure for restoring voting rights violates the Equal Protection Clause of the Fourteenth Amendment.<sup>2</sup> In May, the district court reaffirmed that decision and held that any requirement to pay fees and costs to vote also violates the Twenty-Fourth Amendment's ban on poll taxes.<sup>3</sup> Any system created by executive action that denies the right to vote simply because of non-payment of legal debt would violate the Equal Protection Clause, unless it includes an exception for those who are genuinely unable to pay.

We urge you to consider this constitutional principle as you craft your executive order. Consider a scenario in which two people have been convicted of the same crime and have been ordered to pay the same amount of restitution. The only material difference between these two individuals is that one is rich and one is poor. Would it be just if the poor person is indefinitely denied suffrage while the rich one buys her constitutional right back? Such a system is not only unconstitutional; it is fundamentally out of step with American values. And at a time when the country is suffering from record unemployment and lowans are struggling to stay afloat, an executive order that discriminates based on wealth would be particularly disheartening.

Finally, it is undeniable that the impact of a pay-to-vote system in Iowa would disproportionately silence Black, Indigenous, and People of Color, who experience poverty in Iowa at disproportionately high rates.<sup>4</sup> Black lowans have suffered a higher level of job loss during the COVID-19 crisis<sup>5</sup> and are disenfranchised at nearly three times the rate of non-black lowans.<sup>6</sup> We are in a moment when our country is grappling with the reality that racial inequality is often a feature, not a bug, of the American legal system. It is time to actively work to dismantle political inequality, not exacerbate it.

Felony disenfranchisement silences tens of thousands of lowans. 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. In December of this year, we

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<sup>1</sup> ORDER DENYING THE MOTION TO DISMISS OR ABSTAIN AND GRANTING A PRELIMINARY INJUNCTION, *Jones v. DeSantis*, No. 4:19-cv-300 (N.D. Fla. Oct. 18, 2019).

<sup>2</sup> *Jones v. Governor of Florida*, 950 F.3d 795 (11th Cir. 2020).

<sup>3</sup> *Jones v. DeSantis*, No. 4:19-cv-300 (N.D. Fla. May 24, 2020).

<sup>4</sup> "Poverty by Race and Hispanic Origin," Iowa Data Center, State Library of Iowa (accessed June 17, 2020, 6:47 PM) <https://www.iowadatacenter.org/data/acs/econ/poverty/poverty-race>

<sup>5</sup> "Black Workers Face Two of the Most Lethal Preexisting Conditions for Coronavirus – racism and economic inequality," Economic Policy Institution (June 1, 2020) <https://www.epi.org/publication/black-workers-covid/>

<sup>6</sup> "Six Million Lost Voters: State Level Estimates of Felony Disenfranchisement," The Sentencing Project (2016) <https://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/>.

raised with your office the issue of the backlog of rights restoration applications. We were impressed by and grateful for the diligence and focus with which you managed that problem in advance of the caucuses. 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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