

# **Frequently Asked Questions**

(updated April 17, 2014)

- (1) Restoration of Citizenship Rights – Right to vote and hold public office**
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## **(1) Restoration of Citizenship Rights – Right to vote and hold public office**

### **What is a restoration of citizenship rights?**

The Governor of Iowa may restore an offender's right to vote and hold public office that was forfeited by reason of a conviction.

### **Who is ineligible to vote because of a prior conviction?**

Under Iowa law, anyone convicted of an “infamous” crime loses the right to vote and hold public office. Any person convicted of a felony is barred from voting or holding office. In order to vote or hold public office, a person convicted of a felony must apply to the Office of the Governor for restoration of citizenship rights – right to vote and hold public office and have the Governor grant a restoration.

### **What impact did the Iowa Supreme Court case *Chiodo v. Panel* have on individuals convicted of aggravated misdemeanors?**

As a result of an April 15, 2014 Iowa Supreme Court decision, it is now clear aggravated misdemeanors are not infamous crimes. Therefore, an individual convicted of an aggravated misdemeanor before or after April 15, 2014, has the right to vote and hold office. Persons convicted of misdemeanors, including aggravated misdemeanors, do not need to apply to the Office of Governor to restore the right to vote and hold office -- those rights have not been lost.

### **What if my conviction was for a federal crime?**

If you have been convicted of a federal felony, you are not eligible to vote in Iowa unless you have had your citizenship rights restored. Although the Governor of Iowa cannot grant a full pardon for a federal crime, the Governor can restore your right to vote and hold public office within Iowa.

### **What if my conviction was in a state court outside of the State of Iowa?**

If you have been convicted of a crime outside the State of Iowa, you are not eligible to vote in Iowa unless you have had your citizenship rights restored. Although the Governor of Iowa cannot grant a full pardon for a conviction received outside the State of Iowa, the Governor can restore your right to vote and hold public office within Iowa.

**What do I need to do in order to restore my right to vote and hold public office in Iowa?**

You must complete the Streamlined Application for Restoration of Citizenship Rights (Right to Vote and Hold Public Office).

**Must I complete my court costs, restitution, and fines before I apply?**

If you have not completed your court costs but 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.

**When can I apply to have my right to vote and hold public office restored?**

An individual may apply to have their right to vote and hold public office restored at any time. An individual must have paid courts costs, fines, and restitution. An individual must submit (1) a completed Streamlined Application for Restoration of Citizenship Rights form, (2) Signed Release, (3) Documentation verifying the payment of your court costs, fines, and restitution, and (4) Iowa Criminal History Record.

**If I discharged my sentence before July 4, 2005, how do I provide proof of restoration of citizenship rights?**

Offenders who discharged their sentences as of July 4, 2005, will not receive a separate restoration of citizenship certificate. Instead, Executive Order 42, itself, serves as evidence of restoration of citizenship rights for such offenders. A copy of the executive order is available at [http://publications.iowa.gov/3762/1/EO\\_42.pdf](http://publications.iowa.gov/3762/1/EO_42.pdf).

**Is a restoration of citizenship rights the same as a pardon?**

No, the executive order, and all restoration of citizenship rights, are not considered a pardon or as a remission of guilt or forgiveness of the offense and will not operate as a bar to greater penalties for second offenses or a subsequent conviction as a habitual criminal. If you wish to seek a pardon, you must obtain and submit an application to the Governor's office.

**If I have my citizenship rights restored, do I need to re-register to vote?**

Yes. Please contact your County Auditor or the Iowa Secretary of State's office for voter registrations forms. The Iowa Secretary of State's website: <http://www.sos.state.ia.us/>.

**How do I get a duplicate restoration of my citizenship rights certificate?**

You can obtain a duplicate of your restoration of citizenship rights certificate (right to vote and hold public office) by calling the Governor's Office at 515/281-5211.

**What happens if an individual re-offends?**

If an offender is convicted of an "infamous crime" after having their citizenship rights restored, they again lose the right to vote and hold public office.

## **(2) Special Restoration of Citizenship (Firearms Rights)**

### **If you have a State Conviction:**

If you would like to apply for restorations of firearms, please follow the instructions to completely and accurately fill out your application. You can obtain the instructions and application at: [www.governor.iowa.gov](http://www.governor.iowa.gov) or contact the office by phone at 515/281-3502.

### **Who can apply for restoration of firearms?**

An individual convicted of a criminal offense in the State of Iowa has the right to apply for restoration of his firearm rights, subject any state and federal requirements. Although an individual may submit an application at any time, it is the general policy of the Governor's Office to require at least five (5) years to pass from the date a person is discharged from sentence before granting restoration of firearm rights.

### **How long does the application process take?**

The process can take anywhere from two (2) to three (3) years due to the extensive investigation.

### **Who cannot have their rights to firearms restored?**

Under Iowa Law, a person who has been convicted of a forcible felony, a felony in violation of chapter 124 involving a firearm, or a felony violation of chapter 724 shall not have the person's rights of citizenship restored to the extent of allowing the person to receive, transport, or possess firearms.

(1) An individual convicted of a forcible felony:

- Felony child endangerment
- Assault
- Murder
- Sexual abuse
- Kidnapping
- Robbery
- Arson in the first degree
- Burglary in the first degree

(2) An individual convicted of a felony in violation of Iowa Code § 724 (weapons)

(3) An individual convicted of a felony in violation of Iowa Code § 124 controlled substances involving a firearm

(4) A minor who committed a public offense involving a firearm

### **Can the Governor restore my rights to firearms if I have a Federal Conviction?**

No. Individuals convicted of Federal offenses must apply for a Presidential Pardon through the Pardon Attorney's Office of the Department of Justice in Washington, DC.

Pardon Attorney's Office, U.S. Department of Justice  
500 First Street, NW. Suite 400  
Washington, DC 20530

### **Can the Governor restore my rights to firearms if I have a state conviction outside of Iowa?**

No. Individuals convicted of a State offense outside of the State of Iowa may contact the State of their conviction for information regarding restoration of firearm rights.

### **What must I do to restore my firearms rights if I have a state and Federal Conviction?**

Follow the instructions above for Federal convictions.

## **(3) Pardon**

### **When can I apply for a pardon?**

Although you may submit an application at any time, it is the general policy of the Governor's Office to require at least ten (10) years to pass from the discharge date for a pardon.

### **How long does the application process take?**

The process for a pardon can take anywhere from two (2) to three (3) years in order to receive a decision from the Governor due to the extensive investigation.

### **What affect does a pardon have?**

A pardon, which if full and unconditional, restores all citizenship rights (right to vote, hold public office, and firearm rights) and relieves an offender from further punishment imposed by reason of a conviction of a criminal offense.

### **Does a pardon expunge or erase a criminal record?**

No. An individual would need to contact an attorney of their choice to pursue expungement of a criminal record through the Judicial System.

## **(4) Commutation of Sentence**

### **What affect does a Commutation of Sentence have?**

A commutation is for an individual who is presently incarcerated and serving an active sentence. A commutation by the Governor commutes or reduces the sentence by any number of years, months, or days, or makes the individual eligible for parole.

### **If I obtain a commutation of sentence, can I be released from prison?**

In some circumstances, yes, an individual may be released from prison after being granted a commutation of sentence.