SILENCED in IOWA: Citizens Without a Vote

This examination of the enduring and far-reaching impact of felony disenfranchisement in Iowa – the practice of stripping American Citizens of their right to vote – is one in a series produced by the Voting Rights Initiative of the National Association for the Advancement of Colored People. The series includes a national overview and state-level examinations of felony disenfranchisement in Florida, North Carolina, Virginia, and Kentucky.
OVERVIEW

Firmly rooted in the nation’s most insidious elements of race relations, felony disenfranchisement is this country’s enduring nod to Jim Crow— a continued bridge between states intentional circumvention of the Thirteenth, Fourteenth, and Fifteenth Amendments and the goal of preventing accrual of political power in the black community.

Part and parcel to its rapid expansion, were changes to criminal codes that facilitated disenfranchisement for petty offenses such as larceny and miscegenation while exempting offenses – such as murder – believed to be most often committed by white men.

With more than 5.8 million citizens unable to vote as a result of a felony conviction amounting to one out of every 40 adults, the United States is the only democratic nation recognized for stripping so many people of their voting rights even after they are no longer incarcerated.

Seventy-five percent of the nation’s disenfranchised – an estimated 4.3 million people – are no longer incarcerated. As a result, the returning citizen population includes many individuals who are parents, workers, neighbors, and taxpayers, forced to live in the margins of democracy despite practicing responsible citizenship.

HISTORY

Iowa’s state constitution has undergone major amendments three times: in 1844, 1846, and again in 1857. The first Felony disenfranchisement scheme emerged in Iowa’s 1846 constitution; the approach was maintained when the constitution was amended some 11 years later. The 1857 constitution stated:

“No idiot, or insane person, or person convicted of any infamous crime, shall be entitled to the privilege of an elector.” - Iowa Constitution, Article II, Section 5.
Often ‘Black Codes’ – a series of changes to laws, policies and practices that enabled the white majority to maintain control of the black community – are viewed in the context of Jim Crow. In turn, Jim Crow emerged in response to the abolishment of slavery in 1865 via the Thirteenth Amendment, the granting of full citizenship to former slaves in 1868 through the Fourteenth Amendment, and prohibition of impositions on the franchise based on race, color, or former condition of servitude through passage of the Fifteenth Amendment in 1870.

Iowa however, was an exception to the rule as it began using ‘Black Codes’ in the late 1830s as at that time, it was already a slave-free territory under the terms of the Missouri Comprise. In 1839 the first Territorial Legislature of Iowa passed “An Act to Regulate Blacks and Mulattoes.” This act required that all black and mulatto individuals seeking to live in Iowa produce a certificate affirming their status as free individuals and it instituted a $500 bond as guarantee of good behavior once becoming residents of the state. It also permitted slave-owners to retrieve ‘fugitive slaves’ from within the state’s borders.

In 1844 – two years before the state turned to felon disenfranchisement – the new constitution prohibited slavery outright and allowed blacks to settle in the state, but denied them rights of suffrage. In 1851, the state legislature passed a new law excluding black immigration into the state; it did however, allow those who were living in the state at the time of passage to remain. Thus, prior to the nation’s dramatic shift away from slavery in 1865 and Jim Crow policies (including ‘Black Codes’) which emerged thereafter, Iowa had long since grounded itself in efforts to thwart the black vote.

As one of only four states that strips United States citizens of their voting rights for life upon conviction of a felony – next to Florida – Iowa is recognized for having one of the toughest processes for those seeking restoration. A process instituted by the sitting governor on the day he took office in 2011, the application includes 31 questions and obligates the applicant to attach a copy of her credit history report. According to media reports emerging in June 2012, an estimated 8,000 people with felony convictions had returned to the community since the sitting governor took office in 2011 but less than 12 had succeeded in restoring their rights.

By comparison, a 2012 study of the impact of Executive Order 42 showed that upon signing of the order alone, an estimated 80,000 people were re-enfranchised and voter participation among the newly re-enfranchised was significantly higher than among those discharged prior to the order’s emergence. This study shows that given the opportunity to engage in what the United States Supreme Court has characterized as “the essence of a democratic society,” returning citizens will vote. Iowa however, no longer grants returning citizens full citizenship.
IMPACT

Prior to 2011, Iowa had abandoned the permanent aspects of its felony disenfranchisement scheme after the sitting governor issued Executive Order 42, granting automatic restoration of voting rights to returning citizens.

- During the period that Executive Order 42 remained in effect, more than 80,000 individuals were estimated to have been re-enfranchised.
- As compared to citizens who returned to the community before the order was issued, the latter group participated in the nation’s political processes at a much higher rate.

Despite the advances made under Executive Order 42, Iowa has resorted to permanent disenfranchisement once again.

- Across the state, nearly 22,000 citizens who are either incarcerated or on probation or parole, are unable to vote – amounting to less than 1 percent of the state’s voting age population.
- However, Iowa disenfranchises almost 7 percent of its voting-eligible black residents. Black residents – of any age – only make up 3.1 percent of the state’s population.

In all likelihood, Iowa’s disenfranchised population is much higher than what readily available data suggests as researchers have yet to fully analyze the spread of disenfranchisement since Executive Order 42 was rescinded in 2011.

- Existing estimates (i.e. the 22,000 disenfranchised citizens) do not take into consideration individuals who are now post-sentence (i.e. they have completed all the terms of their sentence).
- This population however, includes the estimated 8,000 citizens who have returned to the community since the current governor took office, most of which have not succeeded in restoring their rights.

Iowa’s rapid return to permanent disenfranchisement and the inevitable growing body of disenfranchised minorities that will follow as a result of the roll of race in incarceration rates, is incongruent with the nation’s belief that voting is “the essence of a democratic society.”
Felony Disenfranchisement: At-A-Glance

Nationally, 1 out of every 13 voting-eligible African-Americans has been stripped of their voting rights.

Over 8,000 former offenders have returned to the community since Executive Order 42 (granting automatic restoration) was rescinded. Less than 12 of these individuals however, have had their rights restored.

According to available data, Iowa disenfranchises more than one in 14 African Americans, amounting to more than 7 percent of their adult voting-age population.
SOLUTIONS

• **Immediate First Steps.** Realign Iowa with the American values of redemption, rehabilitation and responsible citizenship through Executive Order or legislative initiatives granting automatic restoration of voting rights to all persons who, while having been convicted of a felony-level offense, are no longer incarcerated. Ensure unfettered re-enfranchisement by ensuring the Order eliminates the need for formal application to any governing or decision-making agency, before rights can be restored. Rather, require all detention facilities as well as post-release supervisory agencies to inform returning citizens that their right to vote has been automatically restored.

• **Institutionalize American Values.** Permanently align the state of Iowa with the American values of redemption, rehabilitation and responsible citizenship by abolishing the state’s felony disenfranchisement scheme altogether.

COMMUNITY ACTION STEPS

• **Promote Proactive Change.** Use mass public education to spotlight the impact felony disenfranchisement has on voting-eligible Iowans. Emphasize the fact that most of Iowa’s disenfranchised voters are community residents.

• **Understand the Options.** Abolishing felony disenfranchisement can be challenging because it is often written into the state constitution. In addition to understanding your legislative process, you may also have to learn about the various options for amending the constitution as set forth in Article IV, Section 16 of the Iowa state constitution.

• **Identify Likely and Unlikely Allies.** Stripping individuals convicted of a felony-level offense of their voting rights negatively impacts the formerly convicted, their families, the communities they call home, and the nation’s image as a true democracy. This means the base of people that may stand with you in opposition to felony disenfranchisement can be diverse.

• **Send a Clear and Succinct Message.** Let the Governor, state legislators, and the public know community supports full citizenship for everyone. Use online petitions, email, fax, phone, and in-person campaigns to make your position clear. Host town hall meetings and other forums to shed light on community's support for full citizenship for all people – invite public officials to attend.

SAMPLE RESOURCES and REFERENCES

• Uggen, Christopher and Shannon, Sarah (University of Minnesota), and Manza, Jeff (New York University) (2012), *State-Level Estimates of Felon Disenfranchisement in the United States, 2010*

• Sentencing Project (2012), *Felony Disenfranchisement: An Annotated Bibliography*

References


ii Id. at 5.


v Id.

vi Id.


xi Id. at 16.

xii Id. at 17.
