

THE VOTER

Empowering Voters. Defending Democracy.

CO-PRESIDENTS' REPORT

By Terese Grant and Holly Oppelt, Co-President

We are in the midst of an election season and the League of Women Voters is preparing members and our communities to vote. Each one of our local Leagues is working hard to register voters. Across the state, our local Leagues are registering voters at their local high schools and college campuses, libraries, churches, and local festivals. They participated in the National Voter Registration Day as well. Leagues have been busy throughout the month of September and will continue until election day.

In addition to registering voters, Leagues have been educating voters about how and where to vote by distributing newsletters, sending post cards, and displaying posters. Local Leagues have been hosting candidate forums where the candidates are asked questions about their views and opinions about important issues. Information about voting can also be found on the League website, Vote411.org. The League was also contacted by a local TV station for an interview about the work the League does in preparing for the election. All Leagues are doing their best to give voters the information they need to vote on November 5th.

With all the effort and work being done by members of the Leagues, we would like to offer our thanks and appreciation for all these efforts to make our citizens educated about the voting process and about the candidates. Thanks to all as we continue to "Empower Voters and Defend Democracy."

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GET OUT THE VOTE



Vote. It's that simple. The 2024 election is fast approaching, and the League of Women Voters of Iowa is on a mission to drive voter turnout across the state. With absentee voting starting on October 16 and Election Day on November 5, we are encouraging all Iowans to make their voices heard. Whether you are helping others register or voting yourself, every action matters. Learn more at lwvia.org.

Key Dates to Remember:

- **October 16:** Absentee voting begins—first day absentee ballots can be mailed or voted in person.
- **October 21:** Deadline for pre-voter registration and absentee ballot requests.
- **November 4:** Last day of in-person absentee voting.
- **November 5:** Election Day—polls open from 7:00 a.m. to 8:00 p.m. Absentee ballots must be received by county auditors by 8:00 p.m.

SAVE THE DATE: A LEGISLATIVE PRIORITIES VIRTUAL EVENT

Be sure to save this date to attend the Legislative Priorities Virtual meeting with Amy Campbell on Tuesday, October 22 at 7:00 p.m. Details to come soon.



SAVE THE DATE: LWVIA ANNUAL MEETING**DEI CORNER**

Discrimination or harassment of any kind will not be accepted within the League, including but not limited to race, socio-economic status, age, ability status, religion, sexual orientation, national origin, gender identity, or marital status. The League is committed to fostering, cultivating, and preserving a culture of diversity, equity, inclusion, access, and belonging for all people. The League is an organization that respects and values the richness of our community and our members. The collective sum of our individual differences and life experiences represents not only our culture, but our reputation and the organization's mission and achievements as well.

Updated by the LWVUS Board 1/21/2024

BRINGING ECONOMIC JUSTICE TO THE JUSTICE SYSTEM

The League of Women Voters of Iowa created a quick reference guide for LWVIA members and others to communicate policy changes needed to support LWVIA positions in this area.

To contact legislators, the legislative members of the committees and subcommittees listed may be found here: <https://www.legis.iowa.gov/committees>.

The full LWVIA state study, which provides more facts and rationales for these positions may be found here: <https://lwvia.org/wp-content/uploads/2023/11/LWVIA-Study-Bringing-Economic-Justice-to-the-Justice-System-Amended-Final.pdf>

FOR IOWA HOUSE & SENATE JUDICIARY COMMITTEES

Bail & Pretrial Alternatives

The LWVIA supports amending Iowa Code §811.2 (which provides that judges consider the likelihood of a defendant's appearance in court and safety of others when ordering pretrial release) to add consideration of the risk of harm to the defendant and the defendant's family if the defendant were detained.

Why: The LWVIA believes that holding nonviolent defendants in jail pretrial is counterproductive, often compounding poverty for defendants, causing loss of job, car, schooling, and possessions.

Criminal Justice Debt – Indigent Defense

The LWVIA supports:

- Providing free legal services of high quality for indigent defendants, and repealing Iowa Code §815.9(3) to make this possible.
- Mandating that collected public defense fees be remitted to an indigent defense fund rather than the general fund (should the legislature refuse to repeal Iowa Code §815.9(3) and indigent defendants continue to be charged these fees).

Continued...

Bringing Justice to the Justice System, continued

Why: Of the states that allow defendants to be billed for the services of a public defense attorney, Iowa assesses some of the highest fees in the nation.

Revenue from these fees is remitted to Iowa's general fund, and not the public defense delivery system (National Legal Aid & Defender Association, 2022). The collection rate for these indigent defense fees was 2% in 2020 (Iowa Legal Aid)

- Eliminating fees assessed to indigent defendants whose charges are dismissed.

Why: Between 2014 and 2019, over \$15 million was assessed in criminal cases where all charges were dismissed (Iowa Legal Aid). This saddles indigent persons with debt that jeopardizes their job, housing, possessions, and the welfare of their families.

Criminal Justice Debt – Fines & Fees

The LWVIA believes that just as the state has the responsibility to prove a defendant guilty, so does the state have the responsibility of proving that the defendant has the ability to pay fines and fees. The determination should be based on all relevant evidence and sources of information. The burden of proof should be with the state which has greater resources than an indigent defendant.

Why: In a law change[JB1] a few years ago, the state went from no presumption that a defendant had ability to pay, to now presuming that an individual has ability to pay, per Iowa Code §910.2A.

The LWVIA supports:

- Mandating use of a guideline for all judges and court clerks to apply in determining reasonable ability to pay.
- Requiring monthly payment amounts that do not exceed 2% of an individual's monthly net income (including wages and excluding any child support or Supplemental Security Income) or \$10-whichever is greater.

Why: Iowa's district court does not have guidelines to assist judges in determination of ability to pay. (National Legal Aid & Defender Association, 2022).

Continued...

Bringing Justice to the Justice System, continued

FOR IOWA JUSTICE SYSTEM APPROPRIATIONS SUBCOMMITTEE

The LWVIA supports funding the courts to provide indigent persons awaiting trial an adequate number of high- quality defense attorneys or contract attorneys to ensure a speedy trial.

Why: The LWVIA believes justice delayed is justice denied.

FOR THE IOWA JUDICIAL BRANCH'S CONSIDERATION

The LWVIA supports waiving or reducing fines, fees, or any other monetary sanctions after a court determines an individual's ability-to-pay. Courts should permit individuals to enroll in a payment plan and should offer community service as an alternative form of payment. Courts should be flexible and allow a wide range of activities to qualify as community service.

Why: A study by the Brennan Center for Justice found that fees and fines are an inefficient source of government revenue.

- The LWVIA supports streamlining and simplifying forms, petitions and processes designed to determine indigency and ability to pay. The "Financial Affidavit and Request for Reasonable Ability to Pay Determination for Category B Restitution" form should be rescinded.
- The LWVIA opposes the use by some County Attorneys in making Category B restitution a factor in plea negotiations, such as requiring agreement to forgo a Reasonable-Ability-to-Pay determination.

Why: The form is intimidating; it is long and mistakes may lead to charges and penalties for perjury. Defendants who are indigent have already completed a 1-page form for the hearing that determined eligibility for court- appointed counsel.

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FOR IOWA JUDICIAL BRANCH & IOWA DEPARTMENT OF CORRECTIONS

Bail & Pretrial Alternatives

The LWVIA supports providing prosecutors, defense attorneys, contract attorneys, and judges with regular training about the alternatives to jail for those awaiting trial, including pretrial diversion, pretrial supervision, and restorative justice programs. Funding for pretrial alternatives should not be assessed to indigent defendants.

Criminal Justice Debt

The LWVIA opposes:

- Incarceration, extension of probation, denial of services, or driver's license suspension as punishment for missed payments by an individual on a payment plan.
- Issuance or execution of warrants for any failure to pay.

Why: People should not be penalized for inability to pay.

CONSTITUTIONAL AMENDMENTS ON THE BALLOT – AN ARTICLE FROM IPR

Following is a September 16, 2024 article from Iowa Public Radio about two Iowa constitutional amendments that are on the ballot this November.

The original article was published here: <https://www.iowapublicradio.org/ipr-news/2024-09-16/iowans-will-decide-on-two-constitutional-amendments-in-november-what-to-know>

From Iowa Public Radio

This article is part of U.S. Democracy Day, a nationwide collaborative on Sept. 15, the International Day of Democracy, in which news organizations cover how democracy works and the threats it faces. To learn more, visit usdemocracyday.org.

Iowa voters will not only cast their votes for candidates in the upcoming general election but will also have the opportunity to decide if two measures are added to the state constitution.

It's one of the few opportunities Iowa voters have to weigh in directly on statewide public policy.

In many states, voters will make decisions on ballot issues that were initiated by voter petitions, bypassing the state legislature.

Following the overturn of *Roe v. Wade* in 2024, ballot initiatives related to abortion access have played a prominent role in many states that moved to restrict the procedure. Ohio voters approved a constitutional amendment protecting abortion and reproductive rights in 2023, and states like Kentucky and Kansas saw initiatives to restrict the medical procedure fail during the 2022 midterm elections.

Several states, including Iowa's neighboring states of Nebraska, Missouri, and South Dakota, will consider ballot measures to restrict or protect abortion access in the upcoming election. Additionally, multiple states will weigh in on other high-profile issues through ballot initiatives like non-citizen voting, marijuana legalization and their state's minimum wage.

In many of these cases, these subjects were brought onto the 2024 ballot through a petition system, where statutes or constitutional amendments can be brought to voters following a successful signature drive.

Iowa does not have this system. Instead, the only statewide ballot initiatives Iowa voters will see are constitutional amendments that have been passed as resolutions through two consecutive general assemblies. Voter approval in a general election through a simple majority is the final step needed to amend the Iowa state constitution.

This year, Iowans will consider two amendment proposals, making the final decision on whether they will be enshrined in the state constitution. Here's what to know:

Gubernatorial line of succession

One of the constitutional amendments Iowans will vote on this year is about the state's gubernatorial line of succession. Iowans will vote on whether to repeal and replace a section of the Iowa constitution dealing with what happens if an Iowa governor resigns, dies, or is removed from office.

The proposed new language would clarify that in these circumstances, the lieutenant governor will take over the position of governor until the end of the elected term. The measure also clarifies that this change will create a vacancy in the office of lieutenant governor, allowing the new governor to appoint a new lieutenant governor to fill the position.

The amendment would change Article IV, Section 17 of the Iowa State Constitution to be:

Lieutenant governor or lieutenant governor-elect to become or act as governor or governor-elect.

If there is a temporary disability of the governor, the lieutenant governor shall act as governor until the disability is removed, or the governor dies, resigns, or is removed from office. In case of the death, resignation, or removal from office of the governor, the lieutenant governor shall become governor for the remainder of the term, which shall create a vacancy in the office of lieutenant governor. This section shall also apply, as appropriate, to the governor-elect and the lieutenant governor-elect.

This issue came up after Gov. Kim Reynolds — formerly lieutenant governor under former Gov. Terry Branstad — took the top office when Branstad resigned to join former President Donald Trump’s administration as U.S. ambassador to China.

While Reynolds became governor, former Attorney General Tom Miller issued a legal opinion in 2017 that stated Reynolds had technically not vacated the position of lieutenant governor and could not formally appoint someone to the position. Reynolds appointed former Lt. Gov. Adam Gregg to the position in May 2017. However, until he and Reynolds won reelection in 2018, the person to fill the office of governor if Reynolds left would have been then-Senate President Jack Whitver.

The measure received bipartisan support when it passed through the Legislature, but some Democrats voted against the proposed amendment while asking for legislative approval to be added to the appointment process. Rep. Adam Zabner, D-Iowa City, said in 2023 that he believed the lieutenant governor should be confirmed by the Iowa Senate, similar to how Senate approval is needed when the governor appoints heads of state agencies.

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“My concern is the lack of oversight from the Legislature on who would be chosen for this position,” Zabner said. “For a position as important as lieutenant governor, I think it’s very important that the Legislature have a say in at least confirming the appointment and making sure that it is a reasonable person.”

Discussion about the amendment has also recently been driven by Gregg’s resignation as lieutenant governor earlier in September. Rep. Heather Matson, D-Ankeny, said there has been some confusion over the language because of questions about who will fill the new vacancy in the lieutenant governor’s office.

“The coincidence of timing is why there is that added level of confusion,” Matson said in an interview with the Iowa Capital Dispatch. “But the amendment only applies to when someone is lieutenant governor and becomes governor, because the person who was governor has stepped down or left office for some particular reason.”

Reynolds is currently able to appoint a person to serve as her lieutenant governor without stipulations or legislative approval — and has said she plans to make an appointment for the position later this fall. The person appointed will serve for the remaining term of office, until the next gubernatorial election — in this case, until 2026.

The problem that arose in 2017 came about because of the attorney general’s ruling that Reynolds had not officially vacated the office of lieutenant governor after succeeding Branstad. The constitutional amendment is only meant to address circumstances where the Iowa governor leaves their position and will not have an impact on Reynolds’ ability to fill Gregg’s position.

Voting age, citizenship language

Another proposed constitutional amendment would repeal and replace Article II, Section 1 of the Iowa State Constitution to read:

Only a citizen of the United States of the age of eighteen years, who shall have been a resident of this state for such period of time as shall be provided by law and of the county in which the citizen claims the citizen’s vote for such period of time as shall be provided by law, shall be entitled to vote at all elections which are authorized by law. However, for purposes of a primary election, a United States citizen must be at least eighteen years of age as of the next general election following the primary election. The required periods of residence shall not exceed six months in this state and sixty days in the county.

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The change would codify in the state constitution that 17-year-olds are allowed to vote in primary elections if they will be age 18 by the general election, in addition to modifying the voting age from 21 to 18. These voting age regulations are already in practice under state law but would simply be added to the state constitution if voters approve the measure in the general election.

The amendment also includes a language change, replacing the wording that “every citizen of the United States” who meets voter requirements can participate in the state’s elections to instead state “only a citizen of the United States” with needed qualifications can vote.

The amendment passed through the legislative process with unanimous support in all four votes.

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https://stores.inksoft.com/league_of_women_voters/








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