



505 Fifth Ave. Suite 901, Des Moines, Iowa 50309

www.aclu-ia.org

FOR IMMEDIATE RELEASE: Friday, September 23, 2016

Contacts:

Veronica Fowler, ACLU of Iowa communications director

Polk County Auditor Jamie Fitzgerald Honored With Louise Noun Award by ACLU of Iowa

Des Moines, Iowa – For his courageous and principled stand to support voting rights for as many Iowans as possible, Jamie Fitzgerald has been named the ACLU of Iowa’s 2016 Louise Noun Award winner.

Fitzgerald has served as Polk County Auditor and Commissioner of Elections since 2007. His office is responsible for a wide variety of functions, including conducting elections in Iowa’s largest county.

He has been given the award as a result of his taking a legal stand to protect the right to vote of tens of thousands of Iowans who have a felony conviction in their background.

In January 2016, Fitzgerald filed a friend-of-the-court brief in the recent Iowa Supreme Court Case brought by the ACLU of Iowa – *Kelli Jo Griffin v. Paul Pate*. Kelli Griffin is a Montrose, Iowa mom who took her children with her to vote in order to show them how the democratic process works. She ended up standing trial and facing up to 15 years in jail for voter fraud because she mistakenly believed that she could vote after completing her sentence that resulted from a non-violent felony drug conviction in her past. In 2011, Governor Terry Branstad issued an executive order making it illegal for Iowans with felony convictions to vote unless they first have their voting rights restored by the Governor, a process that is burdensome to most.

At the time of her conviction Griffin was told, correctly at the time, by her defense lawyer that she could vote once she completed her probation. But Iowa law changed out from under her, and she was never notified. She was acquitted of all criminal charges for voting, but still couldn’t vote. The ACLU of Iowa represented her in her lawsuit, which asked the Iowa Supreme Court to find that the Iowa law that disqualified her from voting for her nonviolent conviction was unconstitutional.

As part of that lawsuit, the Iowa Association of Counties and Iowa County Attorney Association were on the opposing side of justice, arguing that Iowans with a felony conviction should not automatically have their right to vote restored.

As Rita Bettis, ACLU of Iowa Legal Director, summarized it: “Essentially, they were asking the Court to deny the fundamental right to vote to Kelli Griffin and thousands of others with felony convictions, based on the claim that letting these Iowans vote would be an administrative hassle. We countered with an explanation that counties couldn’t put administrative convenience above a fundamental constitutional right.”

That’s where Fitzgerald came in, exhibiting true leadership in office and putting his oath to protect the constitutional rights of voters in his district above any other considerations. With the help of attorney Gary Dickey, he filed an amicus brief in the case, rebuking the opposition’s claims. He made clear that “allowing some felons to vote would not be an administrative burden any more than the myriad other provisions that county auditors and poll-workers must

contend with."

Fitzgerald's stand was especially powerful because he is the administrator of elections in the state's largest and most diverse county, where the disenfranchisement associated with the case has especially effected people of color. That fact was noted in his amicus brief: "Ease of election administration is not the most important concern of a county auditor," Fitzgerald's brief read. "The most important concern of the Auditor as commissioner of elections is ensuring that qualified Iowa voters can access the ballot." Griffin lost her case in a narrow 4-3 decision.

As Bettis observed, "While we respect the Court's decision in the *Griffin* case, history will not look back on its outcome favorably; with leaders like Auditor Fitzgerald, we will eventually win this important civil rights effort."

About the Noun Award:

The Louise Noun Award is given annually to an individual or group who has made a significant contribution to the defense of civil liberties. It is named after the notable former president of the ACLU of Iowa in the '60s and '70s. She was a key factor in the success of the *Tinker v. the Des Moines Schools* Vietnam War-era black armband student protest case that became a landmark free speech win in the U.S. Supreme Court.

* * * * *

The ACLU of Iowa is a private, non-partisan organization that fights to advance civil liberties for all. It is the state affiliate of the national American Civil Liberties Union. The ACLU prides itself in upholding everyone's civil liberties, no matter who they are or what they believe. We work to assure the rights of all Iowans – from atheists to devout Christians, from labor unions to businesspeople and more – to make sure the constitutional rights of all are preserved. For more information, please go to www.aclu-ia.org.

Want to be removed from this press release contact list? Prefer it go to a different email? Or do you want to be added to our press release contact list? Please email editor@aclu-ia.org.