

109TH CONGRESS
1ST SESSION

H. R. 1300

To ensure the Federal voting rights of persons who have been released
from incarceration.

IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 2005

Mr. CONYERS (for himself, Mr. BRADY of Pennsylvania, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. FATTAH, Mr. FRANK of Massachusetts, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Mr. LEWIS of Georgia, Ms. KILPATRICK of Michigan, Ms. LEE, Mr. MEEK of Florida, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Mr. MORAN of Virginia, Ms. NORTON, Mr. OWENS, Mr. RANGEL, Mr. RUSH, Ms. SCHAKOWSKY, Mr. TOWNS, Ms. WATERS, Mr. WATT, and Mr. WYNN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To ensure the Federal voting rights of persons who have
been released from incarceration.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Civic Participation and
5 Rehabilitation Act of 2005”.

6 **SEC. 2. FINDINGS.**

7 The Congress makes the following findings:

1 (1) The right to vote is the most basic constitu-
2 tive act of citizenship and regaining the right to vote
3 reintegrates offenders into free society. The right to
4 vote may not be abridged or denied by the United
5 States or by any State on account of race, color,
6 gender or previous condition of servitude. Basic con-
7 stitutional principles of fairness and equal protection
8 require an equal opportunity for Americans to vote
9 in Federal elections. Congress has ultimate super-
10 visory power over Federal elections, an authority
11 which has repeatedly been upheld by the Supreme
12 Court.

13 (2) Congress finds three areas where discrep-
14 ancies in State laws regarding felony convictions
15 lead to unfairness in Federal elections: (A) there is
16 no uniform standard for voting in Federal elections
17 which leads to an unfair disparity and unequal par-
18 ticipation in Federal elections based solely on where
19 a person lives; (B) laws governing the restoration of
20 voting rights after a felony conviction are unequal
21 throughout the country and persons in some States
22 can easily regain their voting rights while in other
23 States persons effectively lose their right to vote per-
24 manently; and (C) State disenfranchisement laws
25 disproportionately impact ethnic minorities.

1 (3) Although State law determines the quali-
2 fications for voting, Congress must ensure that those
3 laws are in accordance with the Constitution. Cur-
4 rent laws vary throughout the country resulting in
5 discrepancies regarding which citizens may vote in
6 Federal elections.

7 (4) An estimated 4,700,000 Americans, or one
8 in 44 adults, currently cannot vote as a result of a
9 felony conviction. Women represent 676,730 of this
10 total. Disenfranchisement results from varying State
11 laws that restrict voting while under some form of
12 criminal justice supervision or after the completion
13 of a felony sentence in some States. Two States do
14 not disenfranchise felons at all (Maine and
15 Vermont). Forty-eight States and the District of Co-
16 lumbia have disenfranchisement laws that deprive
17 convicted offenders of the right to vote while they
18 are in prison. In thirty-five States, convicted offend-
19 ers may not vote while they are on parole and in
20 thirty-one States probationers may not vote. Six
21 States disenfranchise ex-offenders who have fully
22 served their sentences, regardless of the nature or
23 seriousness of the offense. 1,700,000 of the
24 4,700,000 disqualified voters are not in prison, but
25 are on probation, parole or are ex-offenders.

1 (5) In those States that disenfranchise ex-of-
2 fenders, the right to vote can be regained in theory,
3 but in practice this possibility is often illusory. In
4 fourteen States, a pardon or order from the Gov-
5 ernor or a parole or pardon board is required. Of-
6 fenders convicted of a Federal offense often have ad-
7 ditional barriers to regaining voting rights. In some
8 States, Federal offenders cannot use the State pro-
9 cedure for restoring their civil rights. The only
10 method provided by Federal law for restoring voting
11 rights to ex-offenders is a Presidential pardon. Few
12 persons who seek to have their right to vote restored
13 have the financial and political resources needed to
14 succeed.

15 (6) Thirteen percent of the African American
16 adult male population, or 1,400,000 African Amer-
17 ican men, are disenfranchised. Given current rates
18 of incarceration, three in ten of the next generation
19 of black men will be disenfranchised at some point
20 during their lifetime. Hispanic citizens are also dis-
21 proportionately disenfranchised since they are dis-
22 proportionately represented in the criminal justice
23 system.

24 (7) These discrepancies should be addressed by
25 Congress. Basic concepts of fundamental fairness

1 and equal protection require an equal opportunity
2 for Americans to vote in Federal elections. This Act
3 will restore fairness in the Federal election process
4 and promote reintegration of former offenders into
5 a life as law abiding citizens of the United States.

6 **SEC. 3. RIGHTS OF CITIZENS.**

7 The right of an individual who is a citizen of the
8 United States to vote in any election for Federal office
9 shall not be denied or abridged because that individual has
10 been convicted of a criminal offense unless such individual
11 is serving a felony sentence in a correctional institution
12 or facility at the time of the election.

13 **SEC. 4. ENFORCEMENT.**

14 (a) ATTORNEY GENERAL.—The Attorney General
15 may, in a civil action, obtain such declaratory or injunctive
16 relief as is necessary to remedy a violation of this Act.

17 (b) PRIVATE RIGHT OF ACTION.—(1) A person who
18 is aggrieved by a violation of this Act may provide written
19 notice of the violation to the chief election official of the
20 State involved.

21 (2) Except as provided in paragraph (3), if the viola-
22 tion is not corrected within 90 days after receipt of a no-
23 tice under paragraph (1), or within 20 days after receipt
24 of the notice if the violation occurred within 120 days be-
25 fore the date of an election for Federal office, the ag-

1 grieved person may, in a civil action obtain declaratory
2 or injunctive relief with respect to the violation.

3 (3) If the violation occurred within 30 days before
4 the date of an election for Federal office, the aggrieved
5 person need not provide notice to the chief election official
6 of the State under paragraph (1) before bringing a civil
7 action to obtain declaratory or injunctive relief with re-
8 spect to the violation.

9 **SEC. 5. DEFINITIONS.**

10 For purposes of this Act—

11 (1) the term “correctional institution or facil-
12 ity” means any prison, penitentiary, jail, or other in-
13 stitution or facility for the confinement of individ-
14 uals convicted of criminal offenses, whether publicly
15 or privately operated, except that such term does not
16 include any residential community treatment center
17 (or similar public or private facility);

18 (2) the term “election” means—

19 (A) a general, special, primary, or runoff
20 election;

21 (B) a convention or caucus of a political
22 party held to nominate a candidate;

23 (C) a primary election held for the selec-
24 tion of delegates to a national nominating con-
25 vention of a political party; or

1 (D) a primary election held for the expres-
2 sion of a preference for the nomination of per-
3 sons for election to the office of President; and

4 (3) the term “Federal office” means the office
5 of President or Vice President of the United States,
6 or of Senator or Representative in, or Delegate or
7 Resident Commissioner to, the Congress of the
8 United States.

9 **SEC. 6. RELATION TO OTHER LAWS.**

10 (a) Nothing in this Act shall be construed to prohibit
11 the States enacting any State law which affords the right
12 to vote in any election for Federal office on terms less
13 restrictive than those established by this Act.

14 (b) The rights and remedies established by this Act
15 are in addition to all other rights and remedies provided
16 by law, and neither rights and remedies established by this
17 Act shall supersede, restrict, or limit the application of
18 the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.)
19 or the National Voter Registration Act (42 U.S.C. 1973–
20 gg).

21 **SEC. 7. FEDERAL PRISON FUNDS.**

22 No State, unit of local government, or other person
23 may receive or use, to construct or otherwise improve a
24 prison, jail, or other place of incarceration, any Federal
25 grant amounts unless that person has in effect a program

1 under which each individual incarcerated in that person's
2 jurisdiction who is a citizen of the United States is noti-
3 fied, upon release from such incarceration, of that individ-
4 ual's rights under section 3.

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