

113TH CONGRESS
2D SESSION

H. R. 4459

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2014

Mr. CONYERS (for himself, Ms. BROWN of Florida, Mr. CLAY, Mr. COHEN, Mr. GRAYSON, Mr. GRIJALVA, Mr. GUTIÉRREZ, Mr. HONDA, Ms. JACKSON LEE, Mr. JEFFRIES, Ms. LEE of California, Mr. MCGOVERN, Ms. MOORE, Mr. MORAN, Mr. NADLER, Ms. NORTON, Mr. PAYNE, Mr. RICHMOND, Ms. SCHAKOWSKY, and Mr. SERRANO) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To secure 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 “Democracy Restoration
5 Act of 2014”.

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. Regaining the right to vote
3 reintegrates individuals with criminal convictions
4 into free society, helping to enhance public safety.

5 (2) Article I, section 4 of the Constitution
6 grants Congress ultimate supervisory power over
7 Federal elections, an authority which has repeatedly
8 been upheld by the United States Supreme Court.

9 (3) Basic constitutional principles of fairness
10 and equal protection require an equal opportunity
11 for citizens of the United States to vote in Federal
12 elections. The right to vote may not be abridged or
13 denied by the United States or by any State on ac-
14 count of race, color, gender or previous condition of
15 servitude. The 13th, 14th, 15th, 19th, 24th, and
16 26th Amendments to the Constitution empower Con-
17 gress to enact measures to protect the right to vote
18 in Federal elections. The 8th Amendment to the
19 Constitution provides for no excessive bail to be re-
20 quired, nor excessive fines imposed, nor cruel and
21 unusual punishments inflicted.

22 (4) There are 3 areas in which discrepancies in
23 State laws regarding criminal convictions lead to un-
24 fairness:

1 (A) The lack of a uniform standard for
2 voting in Federal elections leads to an unfair
3 disparity and unequal participation in Federal
4 elections based solely on where a person lives.

5 (B) Laws governing the restoration of vot-
6 ing rights after a criminal conviction vary
7 throughout the country and persons in some
8 States can easily regain their voting rights
9 while in other States persons effectively lose
10 their right to vote permanently.

11 (C) State disenfranchisement laws dis-
12 proportionately impact racial and ethnic minori-
13 ties.

14 (5) Two States do not disenfranchise individ-
15 uals with criminal convictions at all (Maine and
16 Vermont), but 48 States and the District of Colum-
17 bia have laws that deny convicted individuals the
18 right to vote while they are in prison.

19 (6) In some States disenfranchisement results
20 from varying State laws that restrict voting while in-
21 dividuals are under the supervision of the criminal
22 justice system or after they have completed a crimi-
23 nal sentence. In 35 States, convicted individuals may
24 not vote while they are on parole and 31 of those
25 States disenfranchise individuals on felony probation

1 as well. In 11 States, a conviction can result in life-
2 time disenfranchisement.

3 (7) Several States deny the right to vote to in-
4 dividuals convicted of certain misdemeanors.

5 (8) An estimated 5,850,000 citizens of the
6 United States, or about 1 in 40 adults in the United
7 States, currently cannot vote as a result of a felony
8 conviction. Of the estimated 5,850,000 citizens
9 barred from voting, only 25 percent are in prison.
10 By contrast, 75 percent of the disenfranchised reside
11 in their communities while on probation or parole or
12 after having completed their sentences. Approxi-
13 mately 2,600,000 citizens who have completed their
14 sentences remain disenfranchised due to restrictive
15 state laws. In 6 States (Alabama, Florida, Kentucky,
16 Mississippi, Tennessee, and Virginia) more than 7
17 percent of the total population is disenfranchised.

18 (9) In those States that disenfranchise individ-
19 uals who have completed their sentence, the right to
20 vote can be regained in theory, but in practice this
21 possibility is often granted in a non-uniform and po-
22 tentially discriminatory manner. Disenfranchised in-
23 dividuals must either obtain a pardon or an order
24 from the Governor or an action by the parole or par-
25 don board, depending on the offense and State. Indi-

1 individuals convicted of a Federal offense often have ad-
2 ditional barriers to regaining voting rights.

3 (10) State disenfranchisement laws dispro-
4 portionately impact racial and ethnic minorities. Ap-
5 proximately 8 percent of the African-American popu-
6 lation, or more than 2,000,000 African-Americans,
7 are disenfranchised. Given current rates of incarcer-
8 ation, approximately 1 in 3 of the next generation
9 of African-American men will be disenfranchised at
10 some point during their lifetimes. Currently, 1 of
11 every 13 African-Americans are rendered unable to
12 vote because of felony disenfranchisement, a rate 4
13 times greater than non African-Americans (7.7 per-
14 cent of African-Americans versus 1.8 percent of non
15 African-Americans). In 3 States (Florida, 23 per-
16 cent; Kentucky, 22 percent; and Virginia, 20 per-
17 cent) more than 1 in 5 African-Americans are un-
18 able to vote because of prior convictions.

19 (11) Latino citizens are disproportionately
20 disenfranchised based upon their disproportionate
21 representation in the criminal justice system. If cur-
22 rent incarceration trends hold, 17 percent of Latino
23 men will be incarcerated during their lifetimes, in
24 contrast to less than 6 percent of non-Latino White
25 men. When analyzing the data across 10 States,

1 Latinos generally have disproportionately higher
2 rates of disenfranchisement compared to their pres-
3 ence in the voting age population. In 6 out of 10
4 States studied in 2003, Latinos constitute more
5 than 10 percent of the total number of persons
6 disenfranchised by State felony laws. In 4 States
7 (California, 37 percent; New York, 34 percent;
8 Texas, 30 percent; and Arizona, 27 percent) Latinos
9 were disenfranchised by a rate of more than 25 per-
10 cent.

11 (12) Disenfranchising citizens who have been
12 convicted of a criminal offense and who are living
13 and working in the community serves no compelling
14 State interest and hinders their rehabilitation and
15 reintegration into society.

16 (13) State disenfranchisement laws can sup-
17 press electoral participation among eligible voters by
18 discouraging voting among family and community
19 members of disenfranchised persons. Future elec-
20 toral participation by the children of disenfranchised
21 parents may be impacted as well.

22 (14) The United States is the only Western de-
23 mocracy that permits the permanent denial of voting
24 rights for individuals with felony convictions.

1 **SEC. 3. RIGHTS OF CITIZENS.**

2 (a) PROTECTION OF RIGHTS TO VOTE.—The right
3 of an individual who is a citizen of the United States to
4 vote in any election for Federal office shall not be denied
5 or abridged because that individual has been convicted of
6 a criminal offense unless such individual is serving a fel-
7 ony sentence in a correctional institution or facility at the
8 time of the election.

9 (b) CONDITIONING USE OF FEDERAL PRISON FUNDS
10 ON NOTIFICATION OF RIGHTS.—

11 (1) IN GENERAL.—No State, unit of local gov-
12 ernment, or other person may receive or use, to con-
13 struct or otherwise improve a prison, jail, or other
14 place of incarceration, any Federal grant amounts
15 unless that person has in effect a program under
16 which each individual incarcerated in that person’s
17 jurisdiction who is a citizen of the United States is
18 notified, upon release from such incarceration, of
19 that individual’s rights under this section.

20 (2) EFFECTIVE DATE.—Paragraph (1) shall
21 apply with respect to fiscal year 2015 and each suc-
22 ceeding fiscal year.

23 **SEC. 4. ENFORCEMENT.**

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

1 (b) PRIVATE RIGHT OF ACTION.—

2 (1) IN GENERAL.—A person who is aggrieved
3 by a violation of this Act may provide written notice
4 of the violation to the chief election official of the
5 State involved.

6 (2) RELIEF.—Except as provided in paragraph
7 (3), if the violation is not corrected within 90 days
8 after receipt of a notice under paragraph (1), or
9 within 20 days after receipt of the notice if the viola-
10 tion occurred within 120 days before the date of an
11 election for Federal office, the aggrieved person
12 may, in a civil action, obtain declaratory or injunc-
13 tive relief with respect to the violation.

14 (3) EXCEPTION.—If the violation occurred
15 within 30 days before the date of an election for
16 Federal office, the aggrieved person need not provide
17 notice to the chief election official of the State under
18 paragraph (1) before bringing a civil action to obtain
19 declaratory or injunctive relief with respect to the
20 violation.

21 **SEC. 5. NOTIFICATION OF RESTORATION OF VOTING**
22 **RIGHTS.**

23 (a) STATE NOTIFICATION.—

24 (1) NOTIFICATION.—On the date determined
25 under paragraph (2), each State shall notify in writ-

1 ing any individual who has been convicted of a
2 criminal offense under the law of that State that
3 such individual has the right to vote in an election
4 for Federal office pursuant to this Act and may reg-
5 ister to vote in any such election.

6 (2) DATE OF NOTIFICATION.—

7 (A) FELONY CONVICTION.—In the case of
8 such an individual who has been convicted of a
9 felony, the notification required under para-
10 graph (1) shall be given on the date on which
11 the individual—

12 (i) is sentenced to serve only a term
13 of probation; or

14 (ii) is released from the custody of
15 that State (other than to the custody of
16 another State or the Federal Government
17 to serve a term of imprisonment for a fel-
18 ony conviction).

19 (B) MISDEMEANOR CONVICTION.—In the
20 case of such an individual who has been con-
21 victed of a misdemeanor, the notification re-
22 quired under paragraph (1) shall be given on
23 the date on which such individual is sentenced
24 by a State court.

25 (b) FEDERAL NOTIFICATION.—

1 (1) NOTIFICATION.—On the date determined
2 under paragraph (2), the applicable official shall no-
3 tify in writing any individual who has been convicted
4 of a criminal offense under Federal law that such in-
5 dividual has the right to vote in an election for Fed-
6 eral office pursuant to this Act and may register to
7 vote in any such election.

8 (2) DATE OF NOTIFICATION.—

9 (A) FELONY CONVICTION.—In the case of
10 an individual who is convicted of a felony, the
11 notification required under paragraph (1) shall
12 be given—

13 (i) in the case of an individual who is
14 sentenced to serve only a term of probation
15 by the Federal court, on the date on which
16 the individual is sentenced; or

17 (ii) in the case of any other such indi-
18 vidual, at any time during the 6-month pe-
19 riod which ends on the date on which the
20 individual is released from the custody of
21 the Bureau of Prisons (unless the indi-
22 vidual is released to the custody of a State
23 to serve a term of imprisonment for a fel-
24 ony conviction).

1 (B) MISDEMEANOR CONVICTION.—In the
2 case of an individual who has been convicted of
3 a misdemeanor under Federal law, the notifica-
4 tion required under paragraph (1) shall be
5 given on the date on which such individual is
6 sentenced by the Federal court.

7 (3) APPLICABLE OFFICIAL.—For purposes of
8 this subsection, the “applicable official” is, with re-
9 spect to an individual who has been convicted of a
10 criminal offense under Federal law—

11 (A) in the case of an individual who has
12 been convicted of a misdemeanor, the Director
13 of the Bureau of Prisons;

14 (B) in the case of an individual who has
15 been convicted of a felony but sentenced to
16 serve only a term of probation, the head of the
17 office responsible for probation and pretrial
18 services with respect to the Federal court in-
19 volved; or

20 (C) in the case of any other individual who
21 has been convicted of a felony, the Director of
22 the Bureau of Prisons.

23 **SEC. 6. DEFINITIONS.**

24 For purposes of this Act:

1 (1) CORRECTIONAL INSTITUTION OR FACIL-
2 ITY.—The term “correctional institution or facility”
3 means any prison, penitentiary, jail, or other institu-
4 tion or facility for the confinement of individuals
5 convicted of criminal offenses, whether publicly or
6 privately operated, except that such term does not
7 include any residential community treatment center
8 (or similar public or private facility).

9 (2) ELECTION.—The term “election” means—

10 (A) a general, special, primary, or runoff
11 election;

12 (B) a convention or caucus of a political
13 party held to nominate a candidate;

14 (C) a primary election held for the selec-
15 tion of delegates to a national nominating con-
16 vention of a political party; or

17 (D) a primary election held for the expres-
18 sion of a preference for the nomination of per-
19 sons for election to the office of President.

20 (3) FEDERAL OFFICE.—The term “Federal of-
21 fice” means the office of President or Vice Presi-
22 dent, or of Senator or Representative in, or Delegate
23 or Resident Commissioner to, the Congress.

24 (4) PROBATION.—The term “probation” means
25 probation, imposed by a Federal, State, or local

1 court, with or without a condition on the individual
2 involved concerning—

3 (A) the individual's freedom of movement;

4 (B) the payment of damages by the indi-
5 vidual;

6 (C) periodic reporting by the individual to
7 an officer of the court; or

8 (D) supervision of the individual by an of-
9 ficer of the court.

10 **SEC. 7. RELATION TO OTHER LAWS.**

11 (a) STATE LAWS RELATING TO VOTING RIGHTS.—

12 Nothing in this Act shall be construed to prohibit any
13 State from enacting any State law which affords the right
14 to vote in any election for Federal office on terms less
15 restrictive than those established by this Act.

16 (b) CERTAIN FEDERAL ACTS.—The rights and rem-

17 edies established by this Act are in addition to all other

18 rights and remedies provided by law, and neither rights

19 and remedies established by this Act shall supersede, re-

20 strict, or limit the application of the Voting Rights Act

21 of 1965 (42 U.S.C. 1973 et seq.) or the National Voter

22 Registration Act of 1993 (42 U.S.C. 1973–gg et seq.).

1 **SEC. 8. EFFECTIVE DATE.**

2 This Act shall apply with respect to elections for Fed-
3 eral office held after the date of the enactment of this Act.

○