

114TH CONGRESS  
1ST SESSION

# S. 457

To secure the Federal voting rights of non-violent persons when released  
from incarceration.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2015

Mr. PAUL (for himself and Mr. REID) introduced the following bill; which was  
read twice and referred to the Committee on the Judiciary

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## A BILL

To secure the Federal voting rights of non-violent persons  
when 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 “Civil Rights Voting  
5       Restoration Act of 2015”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

8               (1) CORRECTIONAL INSTITUTION OR FACIL-  
9       ITY.—The term “correctional institution or facility”  
10       means any prison, penitentiary, jail, or other institu-

1       tion or facility for the confinement of individuals  
2       convicted of criminal offenses, whether publicly or  
3       privately operated, except that such term does not  
4       include any residential community treatment center  
5       (or similar public or private facility).

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

7               (A) a general, special, primary, or runoff  
8               election;

9               (B) a convention or caucus of a political  
10              party held to nominate a candidate;

11              (C) a primary election held for the selec-  
12              tion of delegates to a national nominating con-  
13              vention of a political party; or

14              (D) a primary election held for the expres-  
15              sion of a preference for the nomination of per-  
16              sons for election to the office of President.

17           (3) FEDERAL OFFICE.—The term “Federal of-  
18           fice” means the office of President or Vice President  
19           of the United States, or of Senator or Representa-  
20           tive in, or Delegate or Resident Commissioner to,  
21           the Congress of the United States.

22           (4) NON-VIOLENT CRIMINAL OFFENSE.—The  
23           term “non-violent criminal offense” means any of-  
24           fense that is not a crime of violence (as defined in  
25           section 16 of title 18, United States Code).

1           (5) PROBATION.—The term “probation” means  
 2           probation or parole supervision, imposed by a Fed-  
 3           eral, State, or local court or parole board, with or  
 4           without a condition on the individual involved con-  
 5           cerning—

6                   (A) the individual’s freedom of movement;

7                   (B) the payment of damages by the indi-  
 8           vidual;

9                   (C) periodic reporting by the individual to  
 10          an officer of the court or parole board; or

11                  (D) supervision of the individual by an of-  
 12          ficer of the court or parole board.

13 **SEC. 3. RIGHTS OF CITIZENS.**

14          (a) RIGHT TO VOTE.—The right of an individual who  
 15          is a citizen of the United States to vote in any election  
 16          for Federal office shall not be denied or abridged because  
 17          the individual has been convicted of a non-violent criminal  
 18          offense, unless, at the time of the election, the individual—

19                   (1) is serving a sentence in a correctional insti-  
 20          tution or facility; or

21                   (2) subject to subsection (b), is serving a term  
 22          of probation.

23          (b) RESTORATION OF VOTING RIGHTS FOR INDIVID-  
 24          UALS ON PROBATION.—An individual who is serving a

1 term of probation shall have the right to vote restored in  
2 any election for Federal office—

3           (1) on the date on which the term of probation  
4 ends, if the term of probation is less than 1 year;  
5 or

6           (2) on the date that is 1 year after the date on  
7 which the individual begins serving the term of pro-  
8 bation, if the term of probation is 1 year or longer.

9           (c) EFFECTIVE DATE.—This section shall take effect  
10 1 year after the date of enactment of this Act.

11 **SEC. 4. ATTORNEY GENERAL DESIGNATION.**

12           (a) IN GENERAL.—Not later than 1 year after the  
13 date of enactment of this Act, the Attorney General shall  
14 determine which criminal offenses under Federal law and  
15 the laws of each State are non-violent criminal offenses  
16 and establish a list of all such offenses.

17           (b) REQUIREMENTS.—The list established under sub-  
18 section (a) shall be—

19           (1) made publically available, in a searchable  
20 format, on the website of the Department of Justice;  
21 and

22           (2) updated no less frequently than every year.

1 **SEC. 5. ENFORCEMENT.**

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

5 (b) PRIVATE RIGHT OF ACTION.—

6 (1) IN GENERAL.—A person who is aggrieved  
7 by a violation of this Act may provide written notice  
8 of the violation to the chief election official of the  
9 State involved.

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

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

1 **SEC. 6. NOTIFICATION OF RESTORATION OF VOTING**  
2 **RIGHTS.**

3 (a) STATE NOTIFICATION.—

4 (1) NOTIFICATION.—On the date determined  
5 under paragraph (2), each State shall notify in writ-  
6 ing any individual who has been convicted of a non-  
7 violent criminal offense under the law of that State  
8 that the individual has, pursuant to this Act, the  
9 right to vote in an election for Federal office and to  
10 register to vote in any such election, subject to sec-  
11 tion 7(c).

12 (2) DATE OF NOTIFICATION.—

13 (A) FELONY CONVICTION.—In the case of  
14 such an individual who has been convicted of a  
15 felony, the notification required under para-  
16 graph (1) shall be given on the date on which  
17 the individual—

18 (i) is sentenced to serve only a term  
19 of probation; or

20 (ii) is released from the custody of  
21 that State (other than to the custody of  
22 another State or the Federal Government  
23 to serve a term of imprisonment for a fel-  
24 ony conviction).

25 (B) MISDEMEANOR CONVICTION.—In the  
26 case of such an individual who has been con-

1           victed of a misdemeanor, the notification re-  
2           quired under paragraph (1) shall be given on  
3           the date on which the individual is sentenced by  
4           a State court.

5           (b) FEDERAL NOTIFICATION.—

6           (1) NOTIFICATION.—On the date determined  
7           under paragraph (2), the Director of the Bureau of  
8           Prisons shall notify in writing any individual who  
9           has been convicted of a non-violent criminal offense  
10          under Federal law that the individual has, pursuant  
11          to this Act, the right to vote in an election for Fed-  
12          eral office and to register to vote in any such elec-  
13          tion, subject to section 7(c).

14          (2) DATE OF NOTIFICATION.—

15           (A) FELONY CONVICTION.—In the case of  
16          such an individual who has been convicted of a  
17          felony, the notification required under para-  
18          graph (1) shall be given on the date on which  
19          the individual—

20                   (i) is sentenced to serve only a term  
21                   of probation by a court established by an  
22                   Act of Congress; or

23                   (ii) is released from the custody of the  
24                   Bureau of Prisons (other than to the cus-

1                   tody of a State to serve a term of impris-  
2                   onment for a felony conviction).

3                   (B) MISDEMEANOR CONVICTION.—In the  
4                   case of such an individual who has been con-  
5                   victed of a misdemeanor, the notification re-  
6                   quired under paragraph (1) shall be given on  
7                   the date on which the individual is sentenced by  
8                   a State court.

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

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

15           (b) CERTAIN FEDERAL ACTS.—The rights and rem-  
16   edies established by this Act—

17               (1) are in addition to all other rights and rem-  
18   edies provided by law; and

19               (2) shall not supersede, restrict, or limit the ap-  
20   plication of the Voting Rights Act of 1965 (42  
21   U.S.C. 1973 et seq.) or the National Voter Registra-  
22   tion Act (42 U.S.C. 1973–gg).

23           (c) STATE LAWS RELATING TO VOTER REGISTRA-  
24   TION.—Nothing in this Act shall be construed to preempt



1 State laws relating to the timing of voter registration for  
2 any election for Federal office.

3 **SEC. 8. FEDERAL PRISON FUNDS.**

4 (a) IN GENERAL.—No State, unit of local govern-  
5 ment, or other person may receive or use, to construct or  
6 otherwise improve a prison, jail, or other place of incarcer-  
7 ation, any Federal grant amounts unless that person has  
8 in effect a program under which each individual incarcer-  
9 ated in that person's jurisdiction is notified, upon release  
10 from such incarceration, of that individual's rights under  
11 section 3.

12 (b) STATE NON-COMPLIANCE WITH NOTIFICATION  
13 REQUIREMENTS.—No State may receive or use, to con-  
14 struct or otherwise improve a prison, jail, or other place  
15 of incarceration, any Federal grant amounts unless the  
16 State is in compliance with the notification requirements  
17 under section 6(a).

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