

114TH CONGRESS
1ST SESSION

S. 457

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

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

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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