

107TH CONGRESS  
1ST SESSION

# H. R. 2830

To restore the eligibility to vote and register to vote in Federal elections to individuals who have completed sentences for criminal offenses, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2001

Ms. WATERS introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To restore the eligibility to vote and register to vote in Federal elections to individuals who have completed sentences for criminal offenses, and for other purposes.

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 “Voting Restoration  
5       Act”.

6       **SEC. 2. FINDINGS; PURPOSE.**

7       (a) FINDINGS.—Congress makes the following find-  
8       ings:

9 (2) There is no uniform eligibility standard for  
10 participating in Federal elections. Different States  
11 have different rules regarding the voting eligibility of  
12 ex-felons. While 48 States and the District of Co-  
13 lumbia prohibit the voting participation of inmates  
14 while serving their sentences, 13 States disenfran-  
15 chise some or all ex-offenders who have completed  
16 their sentences. Even in States that allow ex-offend-  
17 ers to vote, the process by which they regain that  
18 right makes it difficult for them to vote again. For  
19 example, in 8 States, a pardon or order from the  
20 Governor is required. In 2 States, the parole or par-  
21 don board must act. In addition, in 16 States Fed-  
22 eral offenders are not able to regain their right to  
23 vote via the State procedure. Instead, those offend-  
24 ers must obtain a Presidential pardon.

6 (4) In recent years, the number of incarcerated  
7 individuals has grown exponentially, due in part to  
8 onerous drug policies enacted by this body. Current  
9 studies point to the fact that 1 in 4 prison inmates  
10 in 1998 was incarcerated for a drug offense (com-  
11 pared to 1 in 10 in 1983), and that drug offenders  
12 constituted 58 percent of 1998 Federal prison in-  
13 mates in 1998. The harsh drug laws are not just af-  
14 fecting our men; more than one-third of the women  
15 in prison are incarcerated for a drug offense. Over-  
16 whelmingly, these drug offenses are nonviolent.  
17 Moreover, the racially disparate sentencing laws re-  
18 garding crack and powder cocaine have resulted in  
19 African-Americans being 31 percent of those con-  
20 victed for Federal drug charges, even though they  
21 are only 12 percent of the United States population  
22 and 15 percent of drug users.

23 (5) Minorities are disproportionately impacted  
24 by laws that remove a felon or ex-felon's right to  
25 vote. Currently 1,400,000, or 13 percent, of African-

1 American men are barred from participating in Fed-  
2 eral elections as a result of a felony conviction.

8 (b) PURPOSE.—It is the purpose of this Act to re-  
9 store the eligibility to vote and register to vote in Federal  
10 elections to individuals who have completed sentences for  
11 criminal offenses and promote the participation of such  
12 individuals in the civic life of their communities.

13 SEC. 3. PROTECTION OF RIGHT TO VOTE AND REGISTER TO  
14 VOTE IN FEDERAL ELECTIONS.

15 (a) IN GENERAL.—The right of any individual to vote  
16 in an election for Federal office or to register to vote in  
17 such an election may not be denied or abridged on the  
18 grounds that the individual has been convicted of a felony,  
19 except that a State may restrict the right of such an indi-  
20 vidual to vote or register to vote in such an election during  
21 any period in which the individual remains under the cus-  
22 tody or supervision of the State or local jurisdiction (in-  
23 cluding supervision through parole or probation).

24 (b) ENFORCEMENT.—

25 (1) PRIVATE RIGHT OF ACTION.—

22 (B) COMPENSATORY DAMAGES.—If a viola-  
23 tion of this Act occurs during the 3-day period  
24 which ends on the date of an election for Fed-  
25 eral office, a civil action brought under sub-

1                   paragraph (A)(ii) may include a request for  
2                   compensatory damages with respect to the vio-  
3                   lation.

4                   (2) ACTION BY ATTORNEY GENERAL.—The At-  
5                   torney General may bring a civil action in an appro-  
6                   priate district court for such declaratory or injunc-  
7                   tive relief as may be necessary to remedy a violation  
8                   of this Act.

9 **SEC. 4. GRANT PROGRAM TO ASSIST STATES IN PRO-**  
10                   **TECTING RIGHTS OF EX-FELONS TO VOTE**  
11                   **AND REGISTER TO VOTE IN FEDERAL ELEC-**  
12                   **TIONS.**

13                   (a) ESTABLISHMENT OF PROGRAM.—

14                   (1) IN GENERAL.—There is hereby established  
15                   a program under which the Attorney General shall  
16                   award grants to eligible States during each of the  
17                   first 5 fiscal years which begin after the date of the  
18                   enactment of this Act to carry out a program to pro-  
19                   tect the rights of individuals who have been con-  
20                   victed of felonies to vote and register to vote in elec-  
21                   tions for Federal office in the State by—

22                   (A) providing information to individuals  
23                   convicted of felonies regarding their eligibility  
24                   (or lack thereof) to register to vote and vote in

1 the State (in accordance with the requirements  
2 of subsection (b)); and

12 (A) information and assurances that the  
13 State will carry out the program described in  
14 paragraph (1); and

15 (B) such other information and assurances  
16 as the Attorney General may require.

20 (A) the total amount appropriated for the  
21 year for grants under this section; and

22 (B) the amount (expressed as a percent-  
23 age) equal to—

24 (i) the number of individuals residing  
25 in the State who have been convicted of

3 (ii) the total number of such individ-  
4 uals residing in all States eligible to receive  
5 a grant under this section for the year  
6 (based on the most recent information  
7 available).

1 jurisdiction during the previous 10 years, in-  
2 cluding information with respect to each such  
3 individual regarding whether the individual has  
4 the right to register to vote in the State and  
5 whether the individual has exercised that right.

6 (B) The State shall inform each individual  
7 engaged in plea bargaining with a State or local  
8 prosecutor of the impact of any proposed plea  
9 bargain on the individual's right to register to  
10 vote and vote.

11 (C) The State shall inform each individual  
12 convicted of a felony of the individual's eligi-  
13 bility (or lack thereof) to register to vote and  
14 vote upon conviction, upon release from the cus-  
15 tody of the State or local government, and upon  
16 the completion of any State or local supervision  
17 of the individual required as part of the individ-  
18 ual's sentence.

19 (D) The State shall carry out appropriate  
20 activities to notify such individuals of their  
21 right to register to vote and vote (in addition to  
22 the information required to be provided under  
23 subparagraph (C)), including providing infor-  
24 mation through the media, the Internet, the  
25 mails, and through cooperative agreements with

1           public or private entities providing services or  
2           otherwise having contact with convicted felons.

3           (2) REPORT TO ATTORNEY GENERAL.—Each  
4           State receiving a grant for a year under the program  
5           under this Act shall submit a report to the Attorney  
6           General not later than 30 days after the end of the  
7           year describing the activities carried out under the  
8           program described in this subsection, and shall in-  
9           clude in the report the number and percentage of in-  
10           dividuals subject to such program who have been di-  
11           rectly informed of their right to register to vote (or  
12           lack thereof).

13           (3) REDUCTION IN NUMBER OF FELONIES  
14           CAUSING LOSS OF VOTING RIGHTS.—Each State re-  
15           ceiving a grant under the program under this Act is  
16           encouraged to reduce the number of felonies which  
17           may result in the temporary or permanent dis-  
18           enfranchisement of convicted felons.

19           (c) PROGRAM TO INCREASE VOTER REGISTRATION  
20           RATES AMONG INDIVIDUALS CONVICTED OF FELO-  
21           NIES.—

22           (1) REQUIREMENTS OF PROGRAM.—Each State  
23           receiving a grant under the program under this Act  
24           shall carry out a program to increase voter registra-  
25           tion rates among individuals in the State convicted

1 of felonies using such methods as the State con-  
2 siders appropriate and effective, so long as the pro-  
3 gram meets the following requirements:

4 (A) The program shall include the estab-  
5 lishment and maintenance of an index of indi-  
6 viduals convicted of felonies who are eligible to  
7 register to vote in the State, including informa-  
8 tion on the number of such individuals who are  
9 registered to vote.

10 (B) Under the program, the State shall  
11 carry out such activities as it considers appro-  
12 priate to increase the voter registration rates of  
13 individuals convicted of felonies, so long as the  
14 rate at which such individuals are registered to  
15 vote in the State increases by at least 50% dur-  
16 ing the 5-year period which begins with the  
17 first year for which a State receives a grant  
18 under the program under this Act.

19 (C) Under the program, the State shall  
20 carry out such activities as it considers appro-  
21 priate to increase the rate at which individuals  
22 convicted of felonies who are registered to vote  
23 in the State actually vote in elections.

24 (2) ASSISTANCE OF PROVIDERS OF SERVICES.—  
25 In carrying out the program required under this

1 subsection, the State shall seek to enter into cooperative  
2 agreements with public and private entities  
3 which provide services in the State to individuals  
4 convicted of felonies and utilize information and  
5 other assistance provided by such entities to meet  
6 the requirements of this subsection.

7 (3) REPORT TO ATTORNEY GENERAL.—Each  
8 State receiving a grant under the program under  
9 this Act for a year shall submit a report to the Attorney  
10 General not later than 30 days after the end  
11 of the year describing the activities carried out  
12 under the program described in this subsection, and  
13 shall include in the report the number and percentage  
14 of individuals in the State convicted of felonies  
15 who are registered to vote and who voted in the  
16 most recent elections held in the State.

17 (d) TECHNICAL ASSISTANCE.—The Attorney General  
18 shall provide technical assistance to States receiving  
19 grants under the program under this Act to help the  
20 States in carrying out the programs funded with the  
21 grants.

22 (e) ANNUAL REPORT.—Not later than 30 days after  
23 the end of each year for which grants are awarded under  
24 the program under this Act, the Attorney General shall  
25 submit a report to the Committees on the Judiciary of

1 the House of Representatives and Senate on the activities  
2 carried out under the program, including the information  
3 provided to the Attorney General by the States partici-  
4 pating in the program.

5 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
6 are authorized to be appropriated such sums as may be  
7 necessary for grants under this section for each of the first  
8 5 fiscal years which begin after the date of the enactment  
9 of this Act.

10 **SEC. 5. RESPONSIBILITIES OF DEPARTMENT OF JUSTICE**  
11 **REGARDING INDIVIDUALS CONVICTED OF**  
12 **FEDERAL FELONIES.**

13 (a) INDEX OF INDIVIDUALS CONVICTED.—The Atto-  
14 ney General, acting through the Director of the Bureau  
15 of Prisons, shall establish and maintain an index of indi-  
16 viduals convicted of felonies by the Federal Government  
17 who are under the custody or supervision of the Federal  
18 Government (including supervision through parole or pro-  
19 bation), or who were released from the custody or super-  
20 vision of the Federal Government during the previous 10  
21 years.

22 (b) NOTICE REQUIREMENT.—The Attorney General  
23 shall inform—

24 (1) each individual engaged in plea bargaining  
25 with a Federal prosecutor of the impact of any pro-

1       posed plea bargain on the individual's right to reg-  
2       ister to vote and vote; and

3                   (2) each individual convicted of a felony of the  
4       individual's right to register to vote and vote (or  
5       lack thereof) upon conviction, upon release from the  
6       custody of the Federal Government, and upon the  
7       completion of any Federal or other supervision of  
8       the individual required as part of the individual's  
9       sentence.

10               (c) REPORT TO CONGRESS.—Not later than 30 days  
11       after the end of each year, the Attorney General shall sub-  
12       mit a report to the Committees on the Judiciary of the  
13       House of Representatives and Senate describing the activi-  
14       ties carried out pursuant to this section, and shall include  
15       in the report the number and percentage of the individuals  
16       described in this section who have been directly informed  
17       by the Attorney General of their right to register to vote  
18       and vote (or lack thereof).

19 **SEC. 6. DEFINITIONS.**

20       In this Act—

21               (1) the term “chief election official” means  
22       (with respect to a State) the individual designated  
23       by the State under section 10 of the National Voter  
24       Registration Act of 1993 (42 U.S.C. 1973gg-8) to

1       be responsible for coordination of the State's respon-  
2       sibilities under such Act;

3               (2) the terms "election" and "Federal office"  
4       have the meanings given such terms in section 301  
5       of the Federal Election Campaign Act of 1971 (2  
6       U.S.C. 431); and

7               (3) the term "State" means each of the several  
8       States, the District of Columbia, Puerto Rico,  
9       Guam, American Samoa, and the Virgin Islands.

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

11       (a) **NO EFFECT ON OTHER ELECTIONS.**—Nothing in  
12 this Act may be construed to affect the eligibility of any  
13 individual to vote or register to vote in any election other  
14 than an election for Federal office.

15       (b) **NO EFFECT ON VOTING RIGHTS ACT AND NA-  
16 TIONAL VOTER REGISTRATION ACT.**—The rights and  
17 remedies established by this Act shall be in addition to  
18 any other rights and remedies provided by law. No provi-  
19 sion of the Voting Rights Act of 1965 (42 U.S.C. 1973  
20 et seq.) or the National Voter Registration Act of 1993  
21 (42 U.S.C. 1973gg et seq.) shall be superseded, restricted,  
22 or otherwise limited by the rights and remedies established  
23 by this Act or any other provision of this Act.

