

108TH CONGRESS  
2D SESSION

# H. R. 4250

To amend the National Voter Registration Act of 1993 to require States to provide notice and an opportunity for review prior to removing any individual from the official list of eligible voters by reason of criminal conviction or mental incapacity.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 2004

Mr. PRICE of North Carolina (for himself, Ms. CORRINE BROWN of Florida, Mr. DAVIS of Florida, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Illinois, Ms. LEE, Mr. BALLANCE, Mr. CLAY, Mr. FORD, Mr. OWENS, Mr. PAYNE, Mr. TOWNS, Mr. WATT, Mr. WYNN, Mr. BERMAN, Mr. DINGELL, Mr. HINCHEY, Mr. BRADY of Pennsylvania, Mr. CASE, Mr. GRIJALVA, Mr. SERRANO, Mr. SHERMAN, and Mr. HOLT) introduced the following bill; which was referred to the Committee on House Administration

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## A BILL

To amend the National Voter Registration Act of 1993 to require States to provide notice and an opportunity for review prior to removing any individual from the official list of eligible voters by reason of criminal conviction or mental incapacity.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protect American Vot-  
3 ers Act of 2004”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

6 (1) Prior to the 2000 Presidential election,  
7 which was decided by only 547 votes in Florida, sev-  
8 eral Florida counties purged their voting rolls of just  
9 under 58,000 people who supposedly had committed  
10 felonies and were therefore forbidden to vote by  
11 Florida law. Those removed from the voting rolls re-  
12 ceived no notification and were given no chance to  
13 appeal the decision.

14 (2) After the election, it was learned that thou-  
15 sands of Floridians had been mistakenly included on  
16 the list of convicted felons used to purge the voter  
17 rolls and were incorrectly denied their right to vote.

18 (3) Purging voting rolls of felons can be a dif-  
19 ficult and confusing process for State election offi-  
20 cials. Many States do not keep comprehensive data  
21 sets of convicted felons. Furthermore, there have  
22 been numerous documented instances in which  
23 States have incorrectly purged voters because their  
24 names were similar to convicted felons, because  
25 State records did not distinguish between arrests  
26 and convictions, or due to simple clerical errors.

1           (4) The risk that innocent Americans may be  
 2           mistakenly denied their Constitutional right to vote  
 3           is still very real and places the legitimacy of future  
 4           elections at risk.

5   **SEC. 3. NOTICE AND REVIEW REQUIREMENTS FOR RE-**  
 6                   **MOVAL OF INDIVIDUALS FROM OFFICIAL**  
 7                   **LIST OF ELIGIBLE VOTERS BY REASON OF**  
 8                   **CRIMINAL CONVICTION OR MENTAL INCA-**  
 9                   **PACITY.**

10       (a) IN GENERAL.—Section 8 of the National Voter  
 11   Registration Act of 1993 (42 U.S.C. 1973gg–6) is amend-  
 12   ed—

13           (1) by redesignating subsection (j) as sub-  
 14   section (k); and

15           (2) by inserting after subsection (i) the fol-  
 16   lowing new subsection:

17       “(j) NOTICE AND REVIEW REQUIREMENTS FOR RE-  
 18   MOVAL OF INDIVIDUALS FROM LIST OF ELIGIBLE VOT-  
 19   ERS BY REASON OF CRIMINAL CONVICTION OR MENTAL  
 20   INCAPACITY.—

21           “(1) MINIMUM NOTICE PRIOR TO REMOVAL.—

22           “(A) IN GENERAL.—In addition to any  
 23   other requirements applicable under this sec-  
 24   tion, a State may not remove a registrant from  
 25   the official list of eligible voters for an election

1 for Federal office by reason of criminal convic-  
2 tion or mental incapacity unless the State pro-  
3 vides the registrant with a notice of removal  
4 meeting the requirements of subparagraph (B)  
5 not later than 30 days before the date of the  
6 election.

7 “(B) REQUIREMENTS FOR NOTICE.—The  
8 notice required under this subparagraph shall  
9 be sent by forwardable mail, and shall include  
10 the following:

11 “(i) A statement that the State in-  
12 tends to remove the registrant from the of-  
13 ficial list of eligible voters for elections for  
14 Federal office.

15 “(ii) A description of the reasons for  
16 removal, including (in the case of an indi-  
17 vidual proposed to be removed by reason of  
18 criminal conviction) sufficient identifying  
19 information on the criminal conviction al-  
20 leged to be the basis for removal to enable  
21 the registrant to determine whether the  
22 registrant was convicted of the offense  
23 cited in the notice.

24 “(iii) A statement that the registrant  
25 may obtain a review of the removal from

1 an appropriate State election official in ac-  
2 cordance with paragraph (2).

3 “(iv) A postage pre-paid and pre-ad-  
4 dressed envelope and a clear list of contact  
5 information for the appropriate state elec-  
6 tion official that includes a mailing ad-  
7 dress, telephone number, and fax number.

8 “(2) REVIEW OF DECISION TO REMOVE.—

9 “(A) IN GENERAL.—A registrant who re-  
10 ceives a notice of removal under paragraph (1)  
11 may submit a written request to an appropriate  
12 State election official to withdraw the notice  
13 and retain the registrant on the official list of  
14 eligible voters, and may include in the request  
15 such information and evidence as the registrant  
16 considers appropriate to show that the reg-  
17 istrant is not subject to removal from the list  
18 under State law, including information and evi-  
19 dence showing that the registrant was not con-  
20 victed of the criminal offense cited in the notice  
21 (in the case of an individual proposed to be re-  
22 moved by reason of criminal conviction).

23 “(B) RESPONSE BY STATE.—Not later  
24 than 10 days after receiving a request from a  
25 registrant under subparagraph (A), the State

1           shall review the information and evidence in-  
2           cluded and accept or reject the request, and  
3           shall notify the registrant in writing of its deci-  
4           sion.

5           “(3) OPPORTUNITY TO CAST PROVISIONAL BAL-  
6           LOT.—Any registrant who receives a notice of re-  
7           moval under paragraph (1) and believes that the re-  
8           moval decision was made in error shall be permitted  
9           to cast a provisional ballot in an election for Federal  
10          office in accordance with section 302(a) of the Help  
11          America Vote Act of 2002.”.

12          (b) CONFORMING AMENDMENT.—Section 8(a)(3)(B)  
13          of such Act (42 U.S.C. 1973gg–6(a)(3)(B)) is amended  
14          by striking “State law,” and inserting “State law and con-  
15          sistent with the requirements of subsection (j),”.

16          (c) EFFECTIVE DATE.—The amendments made by  
17          this Act shall apply with respect to the regularly scheduled  
18          general election for Federal office in November 2004 and  
19          each succeeding election for Federal office.

20       **SEC. 4. RULE OF CONSTRUCTION.**

21          Nothing in this Act or any amendment made by this  
22          Act may be construed—

23               (1) to affect the right of any individual to cast  
24               a provisional ballot under section 302(a) of the Help  
25               America Vote Act of 2002; or

1           (2) to prohibit any State from providing indi-  
2       viduals threatened with removal from the official list  
3       of eligible voters in the State with greater protec-  
4       tions than those required under section 8(j) of the  
5       National Voter Registration Act of 1993 (as added  
6       by section 2(a)).

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