

108TH CONGRESS
2D SESSION

H. R. 4758

To amend the National Voter Registration Act of 1993 to prohibit States from removing individuals from the official list of eligible voters for Federal elections in the State by reason of criminal conviction unless the removal is carried out in accordance with standards providing notice and an opportunity for an appeal, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 6, 2004

Mr. WEXLER introduced the following bill; which was referred to the
Committee on House Administration

A BILL

To amend the National Voter Registration Act of 1993 to prohibit States from removing individuals from the official list of eligible voters for Federal elections in the State by reason of criminal conviction unless the removal is carried out in accordance with standards providing notice and an opportunity for an appeal, 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 “Fair and Open Voting
5 Standards Act of 2004”.

1 **SEC. 2. STANDARDS FOR REMOVAL OF INDIVIDUALS FROM**
2 **OFFICIAL LIST OF ELIGIBLE VOTERS BY REA-**
3 **SON OF CRIMINAL CONVICTION.**

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

7 (1) by redesignating subsection (j) as sub-
8 section (k); and

9 (2) by inserting after subsection (i) the fol-
10 lowing new subsection:

11 “(j) STANDARDS FOR REMOVAL OF INDIVIDUALS
12 FROM LIST OF ELIGIBLE VOTERS BY REASON OF CRIMI-
13 NAL CONVICTION.—

14 “(1) PROHIBITING REMOVAL NOT IN COMPLI-
15 ANCE WITH STANDARDS.—A State may not remove
16 a registrant from the official list of eligible voters for
17 an election for Federal office by reason of criminal
18 conviction unless the State certifies to the Election
19 Assistance Commission that the State has in effect
20 procedures for such removal which meet the require-
21 ments of this subsection and any other requirements
22 applicable under this section.

23 “(2) MINIMUM NOTICE PRIOR TO REMOVAL.—

24 “(A) IN GENERAL.—In addition to any
25 other requirements applicable under this sec-
26 tion, a State may not remove a registrant from

1 the official list of eligible voters for an election
2 for Federal office by reason of criminal convic-
3 tion unless the State provides the registrant
4 with a notice of removal meeting the require-
5 ments of subparagraph (B)—

6 “(i) not later than 60 days before the
7 date of the election; and

8 “(ii) not later than 90 days before the
9 date of removal.

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

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

18 “(ii) A description of the reasons for
19 removal, including sufficient identifying in-
20 formation on the criminal conviction al-
21 leged to be the basis for removal to enable
22 the registrant to determine whether the
23 registrant was convicted of the offense
24 cited in the notice.

1 “(iii) A statement that the registrant
2 may appeal the removal in accordance with
3 the procedures established under para-
4 graph (3).

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

10 “(3) AVAILABILITY OF APPEAL.—

11 “(A) IN GENERAL.—A State shall establish
12 administrative procedures meeting the require-
13 ments of this paragraph under which a reg-
14 istrant who receives a notice of removal under
15 paragraph (2) may file a written appeal to an
16 appropriate State election official to withdraw
17 the notice and retain the registrant on the offi-
18 cial list of eligible voters.

19 “(B) DEADLINE.—A State may establish a
20 deadline for the filing of an appeal under this
21 paragraph, except that the deadline may not
22 occur earlier than the expiration of the 30-day
23 period which begins on the date a registrant re-
24 ceives the notice of removal under paragraph
25 (2).

1 “(C) CONTENTS.—A registrant filing an
2 appeal may include in the appeal such informa-
3 tion and evidence as the registrant considers
4 appropriate to show that the registrant is not
5 subject to removal from the list under State
6 law, including information and evidence show-
7 ing that the registrant was not convicted of the
8 criminal offense cited in the notice.

9 “(D) RESPONSE BY STATE.—Not later
10 than 10 days after a registrant files an appeal,
11 the State shall review the information and evi-
12 dence included and accept or reject the appeal,
13 and shall notify the registrant in writing of its
14 decision.

15 “(E) NO REMOVAL PERMITTED WHILE AP-
16 PEAL IS PENDING.—If a registrant files an ap-
17 peal under subparagraph (A), the State may
18 not remove a registrant from the official list of
19 eligible voters until a final decision is reached
20 on the appeal.”.

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

1 (c) EFFECTIVE DATE.—The amendments made by
2 this Act shall apply with respect to the regularly scheduled
3 general election for Federal office held in November 2004
4 and any succeeding Federal election.

