

109TH CONGRESS
1ST SESSION

H. R. 2398

To provide fairness in voter participation.

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2005

Mr. DAVIS of Illinois introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To provide fairness in voter participation.

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 “Constitutional Protec-
5 tion of the Right to Vote Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The right to vote is the most basic constitu-
9 tive act of citizenship. The right to vote should not
10 be abridged by the United States or any State on
11 account of race, color, gender, or previous condition
12 of servitude. Fundamental fairness requires that all

1 members of society who have reached voting age, in-
2 cluding rehabilitated ex-felons, be given a right to
3 the ballot in State and Federal elections.

4 (2) The lack of a nationwide uniform standard
5 regarding ex-felons and eligibility to vote has led to
6 a crazy quilt of laws, where in some States ex-felons
7 are barred from voting for life. Currently, it is esti-
8 mated that 3.9 million United States citizens are
9 disenfranchised, including over one million who have
10 completed their sentences. State disenfranchisement
11 laws have had an adverse affect on African Ameri-
12 cans. Thirteen percent of African American men, or
13 1.4 million, are currently disenfranchised because of
14 such laws.

15 (3) While State law determines the qualifica-
16 tions for voting, Congress must ensure that the citi-
17 zens' right to the ballot is unabridged. Disenfran-
18 chisement laws are vestiges of medieval times when
19 citizens who committed crimes suffered civil death
20 and were banished from society. These laws serve no
21 purpose in a free and democratic country toward the
22 reintroduction of individuals back into society. After
23 an individual has served a sentence of imprisonment
24 and is no longer on probation or parole, that indi-

1 vidual should be eligible to participate in Federal
2 and State elections.

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

4 The right of a citizen of the United States to vote
5 shall not be denied or abridged because that citizen has
6 been convicted of a criminal offense, unless such citizen
7 is, at the time of the vote, serving a felony sentence in
8 a correctional institution or facility or is otherwise under
9 the supervision or actual or constructive custody of a gov-
10 ernmental authority pursuant to that conviction.

11 **SEC. 4. NOTICE TO PERSONS RELEASED.**

12 Not later than 90 days after the date of the enact-
13 ment of this Act, each correctional institution or facility
14 shall establish and carry out a system of notice to ensure
15 that persons being released from that institution or facility
16 are informed of the right to vote protected by this Act.

17 **SEC. 5. DEFINITION.**

18 As used in this Act, the term “correctional institution
19 or facility” means any prison, penitentiary, jail, or other
20 institution or facility for the confinement of individuals
21 convicted of criminal offenses.

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