

109TH CONGRESS
2D SESSION

H. R. 4762

To secure the Federal voting rights of a person upon the unconditional release of that person from prison and the completion of sentence, including parole.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2006

Ms. MILLENDER-McDONALD introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To secure the Federal voting rights of a person upon the unconditional release of that person from prison and the completion of sentence, including parole.

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 “Second Chance Voting
5 Rights Act of 2006”.

6 **SEC. 2. FINDINGS.**

7 The Congress makes the following findings:

1 (1) The right to vote is the most fundamental
2 act performed by citizens in our great representative
3 democracy.

4 (2) Citizen participation in local, State, and
5 Federal elections is the primary means to assure
6 representation of many constituent groups in the po-
7 litical process.

8 (3) More than 500,000 Americans who were
9 convicted of felony crimes have served their entire
10 sentence and stand free and clear of incarceration
11 and parole.

12 (4) It is the civic duty of every citizen of the
13 United States to vote in any election in order to
14 guarantee full and fair representation of all inter-
15 ests.

16 (5) Allowing ex-offenders to vote restores them
17 to their role as responsible citizens in this great
18 country whose greatness is strengthened by the civic
19 rehabilitation and participation of all nonvoting citi-
20 zens.

21 (6) The States of Alaska, Arkansas, California,
22 Colorado, Georgia, Hawaii, Idaho, Illinois, Indiana,
23 Kansas, Louisiana, Maine, Massachusetts, Michigan,
24 Minnesota, Missouri, Montana, New Hampshire,
25 New Jersey, New York, North Dakota, Ohio, Or-

1 egon, Pennsylvania, Rhode Island, South Carolina,
2 South Dakota, West Virginia, and Wisconsin, and
3 the District of Columbia, restore the right to vote
4 automatically upon the completion of sentence, in-
5 cluding parole.

6 (7) The United States should ensure that the
7 Federal voting rights of a person are restored upon
8 the unconditional release of that person from prison
9 and the completion of sentence, including parole.

10 **SEC. 3. FEDERAL VOTING RIGHTS OF INDIVIDUALS WHO**
11 **HAVE BEEN CONVICTED OF A CRIMINAL OF-**
12 **FENSE.**

13 (a) IN GENERAL.—The right of an individual who is
14 a citizen of the United States to vote in any election for
15 Federal office shall not be denied or abridged because that
16 individual has been convicted of a criminal offense.

17 (b) APPLICABILITY.—Subsection (a) shall apply to an
18 individual convicted of a criminal offense upon the uncon-
19 ditional release of that individual from incarceration for
20 that offense and the completion of sentence for that of-
21 fense, including parole.

22 **SEC. 4. ENFORCEMENT.**

23 (a) ATTORNEY GENERAL.—The Attorney General
24 may, in a civil action, obtain such declaratory or injunctive
25 relief as is necessary to remedy a violation of this Act.

1 (b) PRIVATE RIGHT OF ACTION.—

2 (1) A person who is aggrieved by a violation of
3 this Act may provide written notice of the violation
4 to the chief election official of the State involved.

5 (2) Except as provided in paragraph (3), if the
6 violation is not corrected within 90 days after receipt
7 of a notice under paragraph (1), or within 20 days
8 after receipt of the notice if the violation occurred
9 within 120 days before the date of an election for
10 Federal office, the aggrieved person may, in a civil
11 action obtain declaratory or injunctive relief with re-
12 spect to the violation.

13 (3) If the violation occurred within 30 days be-
14 fore the date of an election for Federal office, the
15 aggrieved person need not provide notice to the chief
16 election official of the State under paragraph (1) be-
17 fore bringing a civil action to obtain declaratory or
18 injunctive relief with respect to the violation.

19 **SEC. 5. DEFINITIONS.**

20 For purposes of this Act—

21 (1) the term “election” means—

22 (A) a general, special, primary, or runoff
23 election;

24 (B) a convention or caucus of a political
25 party held to nominate a candidate;

1 (C) a primary election held for the selec-
 2 tion of delegates to a national nominating con-
 3 vention of a political party; or

4 (D) a primary election held for the expres-
 5 sion of a preference for the nomination of per-
 6 sons for election to the office of President; and

7 (2) the term “Federal office” means the office
 8 of President or Vice President of the United States,
 9 or of Senator or Representative in, or Delegate or
 10 Resident Commissioner to, the Congress of the
 11 United States.

12 **SEC. 6. RELATION TO OTHER LAWS.**

13 (a) STATE LAWS.—Nothing in this Act shall be con-
 14 strued to prohibit the States enacting any State law which
 15 affords the right to vote in any election for Federal office
 16 on terms less restrictive than those established by this Act.

17 (b) FEDERAL LAWS.—The rights and remedies es-
 18 tablished by this Act are in addition to all other rights
 19 and remedies provided by law, and neither rights and rem-
 20 edies established by this Act shall supersede, restrict, or
 21 limit the application of the Voting Rights Act of 1965 (42
 22 U.S.C. 1973 et seq.) or the National Voter Registration
 23 Act (42 U.S.C. 1973–gg).

○