

109TH CONGRESS
1ST SESSION

H. R. 663

To secure the Federal voting rights of certain qualified ex-offenders who have served their sentences.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2005

Mr. RANGEL introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To secure the Federal voting rights of certain qualified ex-offenders who have served their sentences.

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 “Ex-Offenders Voting
5 Rights Act of 2005”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

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

9 (1) The right to vote is the most basic constitu-
10 tive act of citizenship and regaining the right to vote

1 reintegrates offenders into free society. The right to
2 vote may not be abridged or denied by the United
3 States or by any State on account of race, color,
4 gender, or previous condition of servitude. Basic con-
5 stitutional principles of fairness and equal protection
6 require an equal opportunity for United States citi-
7 zens to vote in Federal elections.

8 (2) Congress has ultimate supervisory power
9 over Federal elections, an authority that has repeat-
10 edly been upheld by the Supreme Court.

11 (3) Although State laws determine the quali-
12 fications for voting in Federal elections, Congress
13 must ensure that those laws are in accordance with
14 the Constitution. Currently, those laws vary
15 throughout the Nation, resulting in discrepancies re-
16 garding which citizens may vote in Federal elections.

17 (4) An estimated 3,900,000 individuals in the
18 United States, or 1 in 50 adults, currently cannot
19 vote as a result of a felony conviction. Women rep-
20 resent about 500,000 of those 3,900,000.

21 (5) State disenfranchisement laws disproport-
22 ionately impact ethnic minorities.

23 (6) Fourteen States disenfranchise ex-offenders
24 who have fully served their sentences, regardless of
25 the nature or seriousness of the offense.

1 (7) In those States that disenfranchise ex-of-
2 fenders who have fully served their sentences, the
3 right to vote can be regained in theory, but in prac-
4 tice this possibility is often illusory.

5 (8) In 8 States, a pardon or order from the
6 Governor is required for an ex-offender to regain the
7 right to vote. In 2 States, ex-offenders must obtain
8 action by the parole or pardon board to regain that
9 right.

10 (9) Offenders convicted of a Federal offense
11 often have additional barriers to regaining voting
12 rights. In at least 16 States, Federal ex-offenders
13 cannot use the State procedure for restoring their
14 voting rights. The only method provided by Federal
15 law for restoring voting rights to ex-offenders is a
16 Presidential pardon.

17 (10) Few persons who seek to have their right
18 to vote restored have the financial and political re-
19 sources needed to succeed.

20 (11) Thirteen percent of the African-American
21 adult male population, or 1,400,000 African-Amer-
22 ican men, are disenfranchised. Given current rates
23 of incarceration, 3 in 10 African-American men in
24 the next generation will be disenfranchised at some
25 point during their lifetimes. Hispanic citizens are

1 also disproportionately disenfranchised, since those
2 citizens are disproportionately represented in the
3 criminal justice system.

4 (12) The discrepancies described in this sub-
5 section should be addressed by Congress, in the
6 name of fundamental fairness and equal protection.

7 (b) PURPOSE.—The purpose of this Act is to restore
8 fairness in the Federal election process by ensuring that
9 ex-offenders who have fully served their sentences are not
10 denied the right to vote.

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

13 (1) CORRECTIONAL INSTITUTION OR FACIL-
14 ITY.—The term “correctional institution or facility”
15 means any prison, penitentiary, jail, or other institu-
16 tion or facility for the confinement of individuals
17 convicted of criminal offenses, whether publicly or
18 privately operated, except that such term does not
19 include any residential community treatment center
20 (or similar public or private facility).

21 (2) ELECTION.—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.

7 (3) FEDERAL OFFICE.—The term “Federal of-
8 fice” means the office of President or Vice Presi-
9 dent, or of Senator or Representative in, or Delegate
10 or Resident Commissioner to, Congress.

11 (4) PAROLE.—The term “parole” means parole
12 (including mandatory parole), or conditional or su-
13 pervised release (including mandatory supervised re-
14 lease), imposed by a Federal, State, or local court.

15 (5) PROBATION.—The term “probation” means
16 probation, imposed by a Federal, State, or local
17 court, with or without a condition on the individual
18 involved concerning—

19 (A) the individual’s freedom of movement;

20 (B) the payment of damages by the indi-
21 vidual;

22 (C) periodic reporting by the individual to
23 an officer of the court; or

24 (D) supervision of the individual by an of-
25 ficer of the court.

1 **SEC. 4. RIGHTS OF CITIZENS.**

2 The right of an individual who is a citizen of the
3 United States to vote in any election for Federal office
4 shall not be denied or abridged because that individual has
5 been convicted of a criminal offense unless, at the time
6 of the election, such individual—

7 (1) is serving a felony sentence in a correctional
8 institution or facility; or

9 (2) is on parole or probation for a felony of-
10 fense.

11 **SEC. 5. ENFORCEMENT.**

12 (a) ATTORNEY GENERAL.—The Attorney General
13 may bring a civil action in a court of competent jurisdic-
14 tion to obtain such declaratory or injunctive relief as is
15 necessary to remedy a violation of this Act.

16 (b) PRIVATE RIGHT OF ACTION.—

17 (1) NOTICE.—A person who is aggrieved by a
18 violation of this Act may provide written notice of
19 the violation to the chief election official of the State
20 involved.

21 (2) ACTION.—Except as provided in paragraph
22 (3), if the violation is not corrected within 90 days
23 after receipt of a notice provided under paragraph
24 (1), or within 20 days after receipt of the notice if
25 the violation occurred within 120 days before the
26 date of an election for Federal office, the aggrieved

1 person may bring a civil action in such a court to
2 obtain the declaratory or injunctive relief with re-
3 spect to the violation.

4 (3) ACTION FOR VIOLATION SHORTLY BEFORE
5 A FEDERAL ELECTION.—If the violation occurred
6 within 30 days before the date of an election for
7 Federal office, the aggrieved person shall not be re-
8 quired to provide notice to the chief election official
9 of the State under paragraph (1) before bringing a
10 civil action in such a court to obtain the declaratory
11 or injunctive relief with respect to the violation.

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

13 (a) NO PROHIBITION ON LESS RESTRICTIVE
14 LAWS.—Nothing in this Act shall be construed to prohibit
15 a State from enacting any State law that affords the right
16 to vote in any election for Federal office on terms less
17 restrictive than those terms established by this Act.

18 (b) NO LIMITATION ON OTHER LAWS.—The rights
19 and remedies established by this Act shall be in addition
20 to all other rights and remedies provided by law, and shall
21 not supersede, restrict, or limit the application of the Vot-
22 ing Rights Act of 1965 (42 U.S.C. 1973 et seq.) or the
23 National Voter Registration Act of 1993 (42 U.S.C.
24 1973gg et seq.).

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