

116TH CONGRESS
2D SESSION

H. R. 8941

To secure the Federal voting rights of persons when released from
incarceration.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 10, 2020

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

A BILL

To secure the Federal voting rights of persons when released
from incarceration.

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. RIGHTS OF CITIZENS.**

4 The right of an individual who is a citizen of the
5 United States to vote in any election for Federal office
6 shall not be denied or abridged because that individual has
7 been convicted of a criminal offense unless such individual
8 is serving a felony sentence in a correctional institution
9 or facility at the time of the election.

1 **SEC. 2. ENFORCEMENT.**

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

5 (b) PRIVATE RIGHT OF ACTION.—

6 (1) IN GENERAL.—A person who is aggrieved
7 by a violation of this Act may provide written notice
8 of the violation to the chief election official of the
9 State involved.

10 (2) RELIEF.—Except as provided in paragraph
11 (3), if the violation is not corrected within 90 days
12 after receipt of a notice under paragraph (1), or
13 within 20 days after receipt of the notice if the viola-
14 tion occurred within 120 days before the date of an
15 election for Federal office, the aggrieved person
16 may, in a civil action, obtain declaratory or injunc-
17 tive relief with respect to the violation.

18 (3) EXCEPTION.—If the violation occurred
19 within 30 days before the date of an election for
20 Federal office, the aggrieved person need not provide
21 notice to the chief election official of the State under
22 paragraph (1) before bringing a civil action to obtain
23 declaratory or injunctive relief with respect to the
24 violation.

1 **SEC. 3. NOTIFICATION OF RESTORATION OF VOTING**
2 **RIGHTS.**

3 (a) STATE NOTIFICATION.—

4 (1) NOTIFICATION.—On the date determined
5 under paragraph (2), each State shall notify in writ-
6 ing any individual who has been convicted of a
7 criminal offense under the law of that State that
8 such individual has the right to vote in an election
9 for Federal office pursuant to the Democracy Res-
10 toration Act of 2020 and may register to vote in any
11 such election.

12 (2) DATE OF NOTIFICATION.—

13 (A) FELONY CONVICTION.—In the case of
14 such an individual who has been convicted of a
15 felony, the notification required under para-
16 graph (1) shall be given on the date on which
17 the individual—

18 (i) is sentenced to serve only a term
19 of probation; or

20 (ii) is released from the custody of
21 that State (other than to the custody of
22 another State or the Federal Government
23 to serve a term of imprisonment for a fel-
24 ony conviction).

25 (B) MISDEMEANOR CONVICTION.—In the
26 case of such an individual who has been con-

1 victed of a misdemeanor, the notification re-
2 quired under paragraph (1) shall be given on
3 the date on which such individual is sentenced
4 by a State court.

5 (b) FEDERAL NOTIFICATION.—

6 (1) NOTIFICATION.—Any individual who has
7 been convicted of a criminal offense under Federal
8 law shall be notified in accordance with paragraph
9 (2) that such individual has the right to vote in an
10 election for Federal office pursuant to the Democ-
11 racy Restoration Act of 2020 and may register to
12 vote in any such election.

13 (2) DATE OF NOTIFICATION.—

14 (A) FELONY CONVICTION.—In the case of
15 such an individual who has been convicted of a
16 felony, the notification required under para-
17 graph (1) shall be given—

18 (i) in the case of an individual who is
19 sentenced to serve only a term of proba-
20 tion, by the Assistant Director for the Of-
21 fice of Probation and Pretrial Services of
22 the Administrative Office of the United
23 States Courts on the date on which the in-
24 dividual is sentenced; or

(ii) in the case of any individual committed to the custody of the Bureau of Prisons, by the Director of the Bureau of Prisons, during the period beginning on the date that is 6 months before such individual is released and ending on the date such individual is released from the custody of the Bureau of Prisons.

(B) MISDEMEANOR CONVICTION.—In the case of such an individual who has been convicted of a misdemeanor, the notification required under paragraph (1) shall be given on the date on which such individual is sentenced by a court established by an Act of Congress.

SEC. 4. DEFINITIONS.

For purposes of this Act:

(1) CORRECTIONAL INSTITUTION OR FACILITY.—The term “correctional institution or facility” means any prison, penitentiary, jail, or other institution or facility for the confinement of individuals convicted of criminal offenses, whether publicly or privately operated, except that such term does not include any residential community treatment center (or similar public or private facility).

(2) ELECTION.—The term “election” means—

1 (A) a general, special, primary, or runoff
2 election;

3 (B) a convention or caucus of a political
4 party held to nominate a candidate;

5 (C) a primary election held for the selec-
6 tion of delegates to a national nominating con-
7 vention of a political party; or

8 (D) a primary election held for the expres-
9 sion of a preference for the nomination of per-
10 sons for election to the office of President.

11 (3) FEDERAL OFFICE.—The term “Federal of-
12 fice” means the office of President or Vice President
13 of the United States, or of Senator or Representa-
14 tive in, or Delegate or Resident Commissioner to,
15 the Congress of the United States.

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

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

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

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

1 (D) supervision of the individual by an of-
2 ficer of the court.

3 **SEC. 5. RELATION TO OTHER LAWS.**

4 (a) STATE LAWS RELATING TO VOTING RIGHTS.—
5 Nothing in this Act shall be construed to prohibit the
6 States from enacting any State law which affords the right
7 to vote in any election for Federal office on terms less
8 restrictive than those established by this Act.

9 (b) CERTAIN FEDERAL ACTS.—The rights and rem-
10 edies established by this Act are in addition to all other
11 rights and remedies provided by law, and neither rights
12 and remedies established by this Act shall supersede, re-
13 strict, or limit the application of the Voting Rights Act
14 of 1965 (52 U.S.C. 10301 et seq.) or the National Voter
15 Registration Act of 1993 (52 U.S.C. 20501 et seq.).

16 **SEC. 6. FEDERAL PRISON FUNDS.**

17 No State, unit of local government, or other person
18 may receive or use, to construct or otherwise improve a
19 prison, jail, or other place of incarceration, any Federal
20 funds unless that person has in effect a program under
21 which each individual incarcerated in that person's juris-
22 diction who is a citizen of the United States is notified,
23 upon release from such incarceration, of that individual's
24 rights under section 1.

1 **SEC. 7. EFFECTIVE DATE.**

2 This Act shall apply to citizens of the United States
3 voting in any election for Federal office held after the date
4 of the enactment of this Act.

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