

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5510

To secure the Federal voting rights of persons who have been released  
from incarceration.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 2002

Mr. CONYERS (for himself, Mr. FROST, Mr. RANGEL, Ms. JACKSON-LEE of Texas, Ms. WATERS, Mr. CLYBURN, Mr. DAVIS of Illinois, Mr. BROWN of Ohio, Mr. RUSH, Mr. OWENS, Ms. KILPATRICK, Mr. WYNN, Mr. JACKSON of Illinois, Mr. HASTINGS of Florida, Mr. FATTAH, Ms. LEE, Mr. CUMMINGS, Mr. HILLIARD, Mr. BRADY of Pennsylvania, Mr. FORD, Mrs. JONES of Ohio, Ms. SCHAKOWSKY, Mr. LEWIS of Georgia, and Ms. NORTON) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To secure the Federal voting rights of persons who have  
been 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. SHORT TITLE.**

4       This Act may be cited as the “Civic Participation and  
5       Rehabilitation Act of 2002”.

6       **SEC. 2. FINDINGS.**

7       The Congress makes the following findings:

1           (1) The right to vote is the most basic constitu-  
2           tive act of citizenship and regaining the right to vote  
3           reintegrates offenders into free society. The right to  
4           vote may not be abridged or denied by the United  
5           States or by any State on account of race, color,  
6           gender or previous condition of servitude. Basic con-  
7           stitutional principles of fairness and equal protection  
8           require an equal opportunity for Americans to vote  
9           in Federal elections. Congress has ultimate super-  
10          visory power over Federal elections, an authority  
11          which has repeatedly been upheld by the Supreme  
12          Court.

13          (2) Congress finds three areas where discrep-  
14          ancies in State laws regarding felony convictions  
15          lead to unfairness in Federal elections: (A) there is  
16          no uniform standard for voting in Federal elections  
17          which leads to an unfair disparity and unequal par-  
18          ticipation in Federal elections based solely on where  
19          a person lives; (B) laws governing the restoration of  
20          voting rights after a felony conviction are unequal  
21          throughout the country and persons in some States  
22          can easily regain their voting rights while in other  
23          States persons effectively lose their right to vote per-  
24          manently; and (C) State disenfranchisement laws  
25          disproportionately impact ethnic minorities.

1           (3) Although State law determines the quali-  
2           fications for voting, Congress must ensure that those  
3           laws are in accordance with the Constitution. Cur-  
4           rent laws vary throughout the country resulting in  
5           discrepancies regarding which citizens may vote in  
6           Federal elections.

7           (4) An estimated 3,900,000 Americans, or one  
8           in fifty adults, currently cannot vote as a result of  
9           a felony conviction. Women represent about a half  
10          million of this total. Disenfranchisement results  
11          from varying State laws that restrict voting while  
12          under some form of criminal justice supervision or  
13          after the completion of a felony sentence in some  
14          States. Four States do not disenfranchise felons at  
15          all (Maine, Massachusetts, New Hampshire, and  
16          Vermont). Forty-six States and the District of Co-  
17          lumbia have disenfranchisement laws that deprive  
18          convicted offenders of the right to vote while they  
19          are in prison. In thirty-two States, convicted offend-  
20          ers may not vote while they are on parole and in  
21          twenty-nine States probationers may not vote. Four-  
22          teen States disenfranchise ex-offenders who have  
23          fully served their sentences, regardless of the nature  
24          or seriousness of the offense. Three-fourths (73%) of

1 the 3,900,000 disqualified voters are not in prison,  
2 but are on probation, parole or are ex-offenders.

3 (5) In those States that disenfranchise ex-of-  
4 fenders, the right to vote can be regained in theory,  
5 but in practice this possibility is often illusory. In  
6 eight States, a pardon or order from the Governor  
7 is required. In two States, ex-offenders must obtain  
8 action by the parole or pardon board. Offenders con-  
9 victed of a Federal offense often have additional bar-  
10 riers to regaining voting rights. In at least 16  
11 States, Federal offenders cannot use the State pro-  
12 cedure for restoring their civil rights. The only  
13 method provided by Federal law for restoring voting  
14 rights to ex-offenders is a Presidential pardon. Few  
15 persons who seek to have their right to vote restored  
16 have the financial and political resources needed to  
17 succeed.

18 (6) Thirteen percent of the African American  
19 adult male population, or 1,400,000 African Amer-  
20 ican men, are disenfranchised. Given current rates  
21 of incarceration, three in ten of the next generation  
22 of black men will be disenfranchised at some point  
23 during their lifetime. Hispanic citizens are also dis-  
24 proportionately disenfranchised since they are dis-

1 proportionately represented in the criminal justice  
2 system.

3 (7) These discrepancies should be addressed by  
4 Congress. Basic concepts of fundamental fairness  
5 and equal protection require an equal opportunity  
6 for Americans to vote in Federal elections. This Act  
7 will restore fairness in the Federal election process  
8 and promote reintegration of former offenders into  
9 a life as law abiding citizens of the United States.

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

11 The right of an individual who is a citizen of the  
12 United States to vote in any election for Federal office  
13 shall not be denied or abridged because that individual has  
14 been convicted of a criminal offense unless such individual  
15 is serving a felony sentence in a correctional institution  
16 or facility at the time of the election.

17 **SEC. 4. ENFORCEMENT.**

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

21 (b) PRIVATE RIGHT OF ACTION.—

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

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

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

15 **SEC. 5. DEFINITIONS.**

16 For purposes of this Act—

17           (1) the term “correctional institution or facil-  
18 ity” means any prison, penitentiary, jail, or other in-  
19 stitution or facility for the confinement of individ-  
20 uals convicted of criminal offenses, whether publicly  
21 or privately operated, except that such term does not  
22 include any residential community treatment center  
23 (or similar public or private facility);

24           (2) 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; and

11 (3) the term “Federal office” means the office  
12 of President or Vice President of the United States,  
13 or of Senator or Representative in, or Delegate or  
14 Resident Commissioner to, the Congress of the  
15 United States.

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

17 (a) Nothing in this Act shall be construed to prohibit  
18 the States enacting any State law which affords the right  
19 to vote in any election for Federal office on terms less  
20 restrictive than those established by this Act.

21 (b) The rights and remedies established by this Act  
22 are in addition to all other rights and remedies provided  
23 by law, and neither rights and remedies established by this  
24 Act shall supersede, restrict, or limit the application of  
25 the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.)

1 or the National Voter Registration Act (42 U.S.C. 1973–  
2 gg).

3 **SEC. 7. FEDERAL PRISON FUNDS.**

4 No State, unit of local government, or other person  
5 may receive or use, to construct or otherwise improve a  
6 prison, jail, or other place of incarceration, any Federal  
7 grant amounts unless that person has in effect a program  
8 under which each individual incarcerated in that person's  
9 jurisdiction who is a citizen of the United States is noti-  
10 fied, upon release from such incarceration, of that individ-  
11 ual's rights under section 3.

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