

111TH CONGRESS
1ST SESSION

H. R. 3576

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 2009

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 2009”.

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 5,300,000 individuals in the
18 United States, or 1 in 41 adults, currently cannot
19 vote as a result of a felony conviction. Women rep-
20 resent about 676,000 of those 5,300,000.

21 (5) State disenfranchisement laws dispropor-
22 tionately impact ethnic minorities.

23 (6) Ten States disenfranchise some or all ex-of-
24 fenders who have fully served their sentences, re-
25 gardless of 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. In 2 States, for
5 certain felonies, a pardon is required.

6 (8) Few persons who seek to have their right to
7 vote restored have the financial and political re-
8 sources needed to succeed.

9 (9) Thirteen percent of the African-American
10 adult male population, or 1,400,000 African-Amer-
11 ican men, are disenfranchised. Given current rates
12 of incarceration, 3 in 10 African-American men in
13 the next generation will be disenfranchised at some
14 point during their lifetimes. Hispanic citizens are
15 also disproportionately disenfranchised, since those
16 citizens are disproportionately represented in the
17 criminal justice system.

18 (10) The discrepancies described in this sub-
19 section should be addressed by Congress, in the
20 name of fundamental fairness and equal protection.

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

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) CORRECTIONAL INSTITUTION OR FACIL-
4 ITY.—The term “correctional institution or facility”
5 means any prison, penitentiary, jail, or other institu-
6 tion or facility for the confinement of individuals
7 convicted of criminal offenses, whether publicly or
8 privately operated, except that such term does not
9 include any residential community treatment center
10 (or similar public or private facility).

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

12 (A) a general, special, primary, or runoff
13 election;

14 (B) a convention or caucus of a political
15 party held to nominate a candidate;

16 (C) a primary election held for the selec-
17 tion of delegates to a national nominating con-
18 vention of a political party; or

19 (D) a primary election held for the expres-
20 sion of a preference for the nomination of per-
21 sons for election to the office of President.

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

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

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

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

10 (B) the payment of damages by the indi-
11 vidual;

12 (C) periodic reporting by the individual to
13 an officer of the court; or

14 (D) supervision of the individual by an of-
15 ficer of the court.

16 **SEC. 4. RIGHTS OF CITIZENS.**

17 The right of an individual who is a citizen of the
18 United States to vote in any election for Federal office
19 shall not be denied or abridged because that individual has
20 been convicted of a criminal offense unless, at the time
21 of the election, such individual—

22 (1) is serving a felony sentence in a correctional
23 institution or facility; or

24 (2) is on parole or probation for a felony of-
25 fense.

1 **SEC. 5. ENFORCEMENT.**

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

6 (b) PRIVATE RIGHT OF ACTION.—

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

11 (2) ACTION.—Except as provided in paragraph
12 (3), if the violation is not corrected within 90 days
13 after receipt of a notice provided under paragraph
14 (1), or within 20 days after receipt of the notice if
15 the violation occurred within 120 days before the
16 date of an election for Federal office, the aggrieved
17 person may bring a civil action in such a court to
18 obtain the declaratory or injunctive relief with re-
19 spect to the violation.

20 (3) ACTION FOR VIOLATION SHORTLY BEFORE
21 A FEDERAL ELECTION.—If the violation occurred
22 within 30 days before the date of an election for
23 Federal office, the aggrieved person shall not be re-
24 quired to provide notice to the chief election official
25 of the State under paragraph (1) before bringing a

1 civil action in such a court to obtain the declaratory
2 or injunctive relief with respect to the violation.

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

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

9 (b) NO LIMITATION ON OTHER LAWS.—The rights
10 and remedies established by this Act shall be in addition
11 to all other rights and remedies provided by law, and shall
12 not supersede, restrict, or limit the application of the Vot-
13 ing Rights Act of 1965 (42 U.S.C. 1973 et seq.) or the
14 National Voter Registration Act of 1993 (42 U.S.C.
15 1973gg et seq.).

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