

106TH CONGRESS  
2D SESSION

# S. 2666

To secure the Federal voting rights of persons who have fully served their sentences, including parole and probation, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 25, 2000

Mr. REID introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To secure the Federal voting rights of persons who have fully served their sentences, including parole and probation, and for other purposes.

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 Act  
5 of 2000”.

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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