

118TH CONGRESS  
1ST SESSION

# H. R. 4987

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

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## IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2023

Ms. CROCKETT (for herself, Mr. CARTER of Louisiana, Mr. RASKIN, Mr. NADLER, Ms. BARRAGÁN, Mr. BLUMENAUER, Ms. BLUNT ROCHESTER, Ms. BONAMICI, Ms. BROWN, Mr. CÁRDENAS, Mr. CARSON, Mr. CASAR, Mrs. CHERFILUS-McCORMICK, Ms. CLARKE of New York, Ms. DEAN of Pennsylvania, Mr. DESAULNIER, Ms. ESCOBAR, Mr. ESPAILLAT, Mr. EVANS, Mrs. FOUSHEE, Mr. FROST, Mr. ROBERT GARCIA of California, Mr. GARCÍA of Illinois, Mr. GOLDMAN of New York, Mr. GRIJALVA, Mrs. HAYES, Mr. IVEY, Mr. JACKSON of Illinois, Ms. JACKSON LEE, Ms. JACOBS, Ms. JAYAPAL, Mr. JOHNSON of Georgia, Ms. KAMLAGER-DOVE, Mr. KEATING, Ms. KELLY of Illinois, Ms. LEE of California, Ms. LEE of Pennsylvania, Mr. LIEU, Ms. McCLELLAN, Mr. MCGARVEY, Mr. MCGOVERN, Ms. MOORE of Wisconsin, Mr. MOULTON, Mr. MULLIN, Ms. NORTON, Ms. PORTER, Mrs. RAMIREZ, Ms. ROSS, Mr. RUPPERSBERGER, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SEWELL, Ms. STEVENS, Mr. TAKANO, Mr. THOMPSON of Mississippi, Ms. TLAIB, Ms. TOKUDA, Mr. TONKO, Ms. VELÁZQUEZ, Ms. WILLIAMS of Georgia, and Ms. WILSON of Florida) 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 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Democracy Restoration  
3 Act of 2023”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

6 (1) The right to vote is the most basic constitu-  
7 tive act of citizenship. Regaining the right to vote  
8 reintegrates individuals with criminal convictions  
9 into free society, helping to enhance public safety.

10 (2) Article I, section 4, of the Constitution  
11 grants Congress ultimate supervisory power over  
12 Federal elections, an authority which has repeatedly  
13 been upheld by the United States Supreme Court.

14 (3) Basic constitutional principles of fairness  
15 and equal protection require an equal opportunity  
16 for citizens of the United States to vote in Federal  
17 elections. The right to vote may not be abridged or  
18 denied by the United States or by any State on ac-  
19 count of race, color, gender, or previous condition of  
20 servitude. The Thirteenth, Fourteenth, Fifteenth,  
21 Nineteenth, Twenty-fourth, and Twenty-sixth  
22 Amendments to the Constitution empower Congress  
23 to enact measures to protect the right to vote in  
24 Federal elections. The Eighth Amendment to the  
25 Constitution provides for no excessive bail to be re-

1       quired, nor excessive fines imposed, nor cruel and  
2       unusual punishments inflicted.

3               (4) There are 3 areas in which discrepancies in  
4       State laws regarding criminal convictions lead to un-  
5       fairness in Federal elections—

6               (A) the lack of a uniform standard for vot-  
7       ing in Federal elections leads to an unfair dis-  
8       parity and unequal participation in Federal  
9       elections based solely on where a person lives;

10              (B) laws governing the restoration of vot-  
11       ing rights after a criminal conviction vary  
12       throughout the country and persons in some  
13       States can easily regain their voting rights  
14       while in other States persons effectively lose  
15       their right to vote permanently; and

16              (C) State disenfranchisement laws dis-  
17       proportionately impact racial and ethnic minori-  
18       ties.

19              (5) State disenfranchisement laws vary widely.  
20       Two States (Maine and Vermont) and the Common-  
21       wealth of Puerto Rico do not disenfranchise individ-  
22       uals with criminal convictions at all. In 2020, the  
23       District of Columbia re-enfranchised its citizens who  
24       are under the supervision of the Federal Bureau of  
25       Prisons. Twenty-five States disenfranchise certain

1 individuals on felony probation or parole. During  
2 2023, lawmakers in Minnesota and New Mexico ex-  
3 panded voting rights to citizens on felony probation  
4 and parole. In 11 States, a conviction for certain of-  
5 fenses can result in lifetime disenfranchisement.

6 (6) Several States deny the right to vote to in-  
7 dividuals convicted of certain misdemeanors.

8 (7) In 2022, over 4,600,000 citizens of the  
9 United States, or about 1 in 50 adults in the United  
10 States, could not vote as a result of a felony convic-  
11 tion. Of the 4,600,000 citizens barred from voting  
12 then, only 23 percent were in prison or jail. By con-  
13 trast, 75 percent of persons disenfranchised then re-  
14 sided in their communities while on probation or pa-  
15 role or after having completed their sentences. Ap-  
16 proximately 2,200,000 citizens who had completed  
17 their sentences were disenfranchised due to restric-  
18 tive State laws. Over 930,000 Floridians who com-  
19 pleted their sentence remain disenfranchised because  
20 of a pay-to-vote requirement that was enacted by  
21 Florida lawmakers in 2019 to undermine the impact  
22 of a 2018 ballot initiative that eliminated the life-  
23 time ban for persons with certain felony convictions.  
24 In 3 States—Alabama, Mississippi, and Tennessee—

1 more than 8 percent of the total population is  
2 disenfranchised.

3 (8) In those States that disenfranchise individ-  
4 uals post-sentence, the right to vote can be regained  
5 in theory, but in practice this possibility is often  
6 granted in a non-uniform and potentially discrimina-  
7 tory manner. Disenfranchised individuals sometimes  
8 must either obtain a pardon or an order from the  
9 Governor or an action by the parole or pardon  
10 board, depending on the offense and State. Financial  
11 restrictions may also inhibit individuals who have  
12 completed their sentences from re-enfranchisement.  
13 Individuals convicted of a Federal offense often have  
14 additional barriers to regaining voting rights.

15 (9) Many felony disenfranchisement laws today  
16 derive directly from post-Civil War efforts to stifle  
17 the Fourteenth and Fifteenth Amendments. Between  
18 1865 and 1880, at least 14 States—Alabama, Ar-  
19 kansas, Colorado, Florida, Georgia, Illinois, Mis-  
20 sissippi, Missouri, Nebraska, New York, North Caro-  
21 lina, South Carolina, Tennessee, and Texas—en-  
22 acted or expanded their felony disenfranchisement  
23 laws. One of the primary goals of these laws was to  
24 prevent African Americans from voting. Of the  
25 States that enacted or expanded their felony dis-

1       enfranchisement laws during this post-Civil War pe-  
2       riod, at least 11 continue to preclude persons on fel-  
3       ony probation or parole from voting.

4               (10) State disenfranchisement laws dispro-  
5       tionately impact racial and ethnic minorities. In re-  
6       cent years, African Americans have been imprisoned  
7       at over 5 times the rate of Whites. More than 6 per-  
8       cent of the voting-age African-American population,  
9       or 1,800,000 African Americans, are disenfranchised  
10      due to a felony conviction. In 9 States—Alabama  
11      (16 percent), Arizona (13 percent), Florida (15 per-  
12      cent), Kentucky (15 percent), Mississippi (16 per-  
13      cent), South Dakota (14 percent), Tennessee (21  
14      percent), Virginia (16 percent), and Wyoming (36  
15      percent)—more than 1 in 8 African Americans are  
16      unable to vote because of a felony conviction, twice  
17      the national average for African Americans.

18              (11) Latino citizens are also disproportionately  
19      disenfranchised based upon their disproportionate  
20      representation in the criminal justice system. Al-  
21      though data on ethnicity in correctional populations  
22      are unevenly reported and undercounted in some  
23      States, a conservative estimate is that at least  
24      506,000 Latino Americans or 1.7 percent of the vot-  
25      ing-age population are disenfranchised. More than 2

1 percent of the voting-age Latino population, or  
2 560,000 Latinos, are disenfranchised due to a felony  
3 conviction. In 31 States Latinos are disenfranchised  
4 at a higher rate than the general population. In Ari-  
5 zona and Tennessee over 6 percent of Latino voters  
6 are disenfranchised due to a felony conviction.

7 (12) Women have been significantly impacted  
8 by mass incarceration since the early 1980s. Ap-  
9 proximately 1,000,000 women were disenfranchised  
10 in 2022, comprising over 20 percent of the total  
11 disenfranchised population.

12 (13) Disenfranchising citizens who have been  
13 convicted of a criminal offense and who are living  
14 and working in the community serves no compelling  
15 State interest and hinders their rehabilitation and  
16 reintegration into society. Models of successful re-  
17 entry for persons convicted of a crime emphasize the  
18 importance of community ties, feeling vested and in-  
19 tegrated, and prosocial attitudes. Individuals with  
20 criminal convictions who succeed in avoiding recidi-  
21 vism are typically more likely to see themselves as  
22 law-abiding members of the community. Restoration  
23 of voting rights builds those qualities and facilitates  
24 reintegration into the community. That is why allow-  
25 ing citizens with criminal convictions who are living

1 in a community to vote is correlated with a lower  
2 likelihood of recidivism. Restoration of voting rights  
3 thus reduces violence and protects public safety.

4 (14) State disenfranchisement laws can sup-  
5 press electoral participation among eligible voters by  
6 discouraging voting among family and community  
7 members of disenfranchised persons. Future elec-  
8 toral participation by the children of disenfranchised  
9 parents may be impacted as well.

10 (15) The United States is one of the only West-  
11 ern democracies that permits the permanent denial  
12 of voting rights for individuals with felony convic-  
13 tions.

14 (16) The Eighth Amendment’s prohibition on  
15 cruel and unusual punishments “guarantees individ-  
16 uals the right not to be subjected to excessive sanc-  
17 tions”. (*Roper v. Simmons*, 543 U.S. 551, 560  
18 (2005)). That right stems from the basic precept of  
19 justice “that punishment for crime should be grad-  
20 uated and proportioned to [the] offense”. *Id.*  
21 (quoting *Weems v. United States*, 217 U.S. 349,  
22 367 (1910)). As the Supreme Court has long recog-  
23 nized, “[t]he concept of proportionality is central to  
24 the Eighth Amendment”. (*Graham v. Florida*, 560  
25 U.S. 48, 59 (2010)). Many State disenfranchisement



1 laws are grossly disproportional to the offenses that  
2 lead to disenfranchisement and thus violate the bar  
3 on cruel and unusual punishments. For example, a  
4 number of States mandate lifetime disenfranchise-  
5 ment for a single felony conviction or just two felony  
6 convictions, even where the convictions were for non-  
7 violent offenses. In numerous other States, dis-  
8 enfranchisement can last years or even decades while  
9 individuals remain on probation or parole, often only  
10 because a person cannot pay their legal financial ob-  
11 ligations. These kinds of extreme voting bans run  
12 afoul of the Eighth Amendment.

13 (17) The Twenty-Fourth Amendment provides  
14 that the right to vote “shall not be denied or  
15 abridged by the United States or any State by rea-  
16 son of failure to pay any poll tax or other tax”. Sec-  
17 tion 2 of the Twenty-Fourth Amendment gives Con-  
18 gress the power to enforce this article by appropriate  
19 legislation. Court fines and fees that individuals  
20 must pay to have their voting rights restored con-  
21 stitute an “other tax” for purposes of the Twenty-  
22 Fourth Amendment. At least five States explicitly  
23 require the payment of fines and fees before individ-  
24 uals with felony convictions can have their voting  
25 rights restored. More than 20 other States effec-

1 tively tie the right to vote to the payment of fines  
2 and fees, by requiring that individuals complete their  
3 probation or parole before their rights are restored.  
4 In these States, the non-payment of fines and fees  
5 is a basis on which probation or parole can be ex-  
6 tended. Moreover, these States sometimes do not  
7 record the basis on which an individual's probation  
8 or parole was extended, making it impossible to de-  
9 termine from the State's records whether non-pay-  
10 ment of fines and fees is the reason that an indi-  
11 vidual remains on probation or parole. For these  
12 reasons, the only way to ensure that States do not  
13 deny the right to vote based solely on non-payment  
14 of fines and fees is to prevent States from condi-  
15 tioning voting rights on the completion of probation  
16 or parole.

17 **SEC. 3. RIGHTS OF CITIZENS.**

18 The right of an individual who is a citizen of the  
19 United States to vote in any election for Federal office  
20 shall not be denied or abridged because that individual has  
21 been convicted of a criminal offense unless such individual  
22 is serving a felony sentence in a correctional institution  
23 or facility at the time of the election.

1 **SEC. 4. 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. 5. 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 2023 and may register to vote in any  
11 such election and provide such individuals with any  
12 materials that are necessary to register to vote in  
13 any such election.

14 (2) DATE OF NOTIFICATION.—

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

20 (i) is sentenced to serve only a term  
21 of probation; or

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

1           (B) MISDEMEANOR CONVICTION.—In the  
2 case of such an individual who has been con-  
3 victed of a misdemeanor, the notification re-  
4 quired under paragraph (1) shall be given on  
5 the date on which such individual is sentenced  
6 by a State court.

7           (b) FEDERAL NOTIFICATION.—

8           (1) NOTIFICATION.—Any individual who has  
9 been convicted of a criminal offense under Federal  
10 law shall be notified in accordance with paragraph  
11 (2) that such individual has the right to vote in an  
12 election for Federal office pursuant to the Democ-  
13 racy Restoration Act of 2023 and may register to  
14 vote in any such election.

15           (2) DATE OF NOTIFICATION.—

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

20           (i) in the case of an individual who is  
21 sentenced to serve only a term of proba-  
22 tion, by the Assistant Director for the Of-  
23 fice of Probation and Pretrial Services of  
24 the Administrative Office of the United

1 States Courts on the date on which the in-  
2 dividual is sentenced; or

3 (ii) in the case of any individual com-  
4 mitted to the custody of the Bureau of  
5 Prisons, by the Director of the Bureau of  
6 Prisons, during the period beginning on  
7 the date that is 6 months before such indi-  
8 vidual is released and ending on the date  
9 such individual is released from the cus-  
10 tody of the Bureau of Prisons.

11 (B) MISDEMEANOR CONVICTION.—In the  
12 case of such an individual who has been con-  
13 victed of a misdemeanor, the notification re-  
14 quired under paragraph (1) shall be given on  
15 the date on which such individual is sentenced  
16 by a court established by an Act of Congress.

17 **SEC. 6. DEFINITIONS.**

18 For purposes of this Act:

19 (1) CORRECTIONAL INSTITUTION OR FACIL-  
20 ITY.—The term “correctional institution or facility”  
21 means any prison, penitentiary, jail, or other institu-  
22 tion or facility for the confinement of individuals  
23 convicted of criminal offenses, whether publicly or  
24 privately operated, except that such term does not

1 include any residential community treatment center  
2 (or similar public or private facility).

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

4 (A) a general, special, primary, or runoff  
5 election;

6 (B) a convention or caucus of a political  
7 party held to nominate a candidate;

8 (C) a primary election held for the selec-  
9 tion of delegates to a national nominating con-  
10 vention of a political party; or

11 (D) a primary election held for the expres-  
12 sion of a preference for the nomination of per-  
13 sons for election to the office of President.

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

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

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

24 (B) the payment of damages by the indi-  
25 vidual;

1 (C) periodic reporting by the individual to  
2 an officer of the court; or

3 (D) supervision of the individual by an of-  
4 ficer of the court.

5 **SEC. 7. RELATION TO OTHER LAWS.**

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

11 (b) CERTAIN FEDERAL ACTS.—The rights and rem-  
12 edies established by this Act are in addition to all other  
13 rights and remedies provided by law, and neither rights  
14 and remedies established by this Act shall supersede, re-  
15 strict, or limit the application of the Voting Rights Act  
16 of 1965 (52 U.S.C. 10301 et seq.), the National Voter  
17 Registration Act (52 U.S.C. 20501), or the Help America  
18 Vote Act of 2002 (52 U.S.C. 20901 et seq.).

19 **SEC. 8. FEDERAL PRISON FUNDS.**

20 No State, unit of local government, or other person  
21 may receive or use, to construct or otherwise improve a  
22 prison, jail, or other place of incarceration, any Federal  
23 funds unless that State, unit of local government, or per-  
24 son—

25 (1) is in compliance with section 3; and



1           (2) has in effect a program under which each  
2 individual incarcerated in that person's jurisdiction  
3 who is a citizen of the United States is notified,  
4 upon release from such incarceration, of that indi-  
5 vidual's rights under section 3.

6 **SEC. 9. EFFECTIVE DATE.**

7           This Act shall apply to citizens of the United States  
8 voting in any election for Federal office held on or after  
9 the date of the enactment of this Act.

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