

116TH CONGRESS
2D SESSION

H. R. 8101

To prohibit States from denying or abridging the right to vote in elections for Federal office of individuals on the grounds of conviction of a criminal offense, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 25, 2020

Mrs. DEMINGS introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To prohibit States from denying or abridging the right to vote in elections for Federal office of individuals on the grounds of conviction of a criminal offense, 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 “Every American Has
5 the Right To Vote Act”.

1 **SEC. 2. RIGHT TO VOTE OF INDIVIDUALS CONVICTED OF**
2 **CRIMINAL OFFENSE.**

3 (a) RIGHT TO VOTE.—A State may not deny or
4 abridge the right of an individual who is a citizen of the
5 United States to vote in any election for Federal office
6 on the grounds that the individual has been convicted of
7 a criminal offense, and shall make such accommodations
8 as the State considers necessary to enable an individual
9 who has been convicted of a criminal offense to cast a bal-
10 lot in such an election, including permitting the individual
11 to vote by mail if the individual is unable to cast a ballot
12 in person at a polling place.

13 (b) GUARANTEE OF RESIDENCY OF INCARCERATED
14 INDIVIDUALS FOR PURPOSES OF VOTING.—For the pur-
15 poses of voting in any election for Federal office, an indi-
16 vidual who is absent from a State or jurisdiction because
17 the individual is incarcerated shall not, solely by reason
18 of that absence—

19 (1) be deemed to have lost a residence or domi-
20 cile in that State or jurisdiction;

21 (2) be deemed to have acquired a residence or
22 domicile in any other State or jurisdiction; or

23 (3) be deemed to have become a resident in or
24 a resident of any other State or jurisdiction.

1 **SEC. 3. NOTIFICATION OF RETENTION OF VOTING RIGHTS.**

2 (a) STATE NOTIFICATION.—At the time an individual
3 is convicted of a criminal offense under the law of a State,
4 the State shall notify the individual in writing that the
5 individual's conviction of the offense does not affect the
6 individual's right to vote in an election for Federal office
7 and that the individual may register to vote in an election
8 for Federal office if the individual is otherwise eligible to
9 vote in the election.

10 (b) FEDERAL NOTIFICATION.—At the time an indi-
11 vidual is convicted of a criminal offense under Federal law,
12 the court in which the individual is convicted shall notify
13 the individual in writing that the individual's conviction
14 of the offense does not affect the individual's right to vote
15 in an election for Federal office and that the individual
16 may register to vote in an election for Federal office if
17 the individual is otherwise eligible to vote in the election.

18 **SEC. 4. ENFORCEMENT.**

19 (a) DECLARATORY AND INJUNCTIVE RELIEF.—The
20 Attorney General may bring a civil action against any
21 State or jurisdiction in an appropriate United States Dis-
22 trict Court for such declaratory and injunctive relief (in-
23 cluding a temporary restraining order, a permanent or
24 temporary injunction, or other order) as may be necessary
25 to enforce this Act.

26 (b) PRIVATE RIGHT OF ACTION.—

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

5 (2) RELIEF.—Except as provided in paragraph
6 (3), if the violation is not corrected within 20 days
7 after receipt of a notice under paragraph (1), or
8 within 5 days after receipt of the notice if the viola-
9 tion occurred within 120 days before the date of an
10 election for Federal office, the aggrieved person
11 may, in a civil action, obtain declaratory or injunc-
12 tive relief with respect to the violation.

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

20 **SEC. 5. DEFINITIONS.**

21 In this Act, the following definitions apply:

22 (1) The term “chief State election official”
23 means, with respect to a State, the individual des-
24 ignated by the State under section 10 of the Na-
25 tional Voter Registration Act of 1993 (52 U.S.C.

1 20509) to be responsible for coordination of the
2 State’s responsibilities under such Act.

3 (2) The terms “election” and “Federal office”
4 have meaning given such terms in section 301 of the
5 Federal Election Campaign Act of 1971 (52 U.S.C.
6 30101 et seq.).

7 (3) The term “State” means each State, the
8 District of Columbia, the Commonwealth of Puerto
9 Rico, Guam, American Samoa, the United States
10 Virgin Islands, and the Commonwealth of the North-
11 ern Mariana Islands.

12 **SEC. 6. EFFECTIVE DATE.**

13 This Act shall apply with respect to elections for Fed-
14 eral office held on or after the date of the enactment of
15 this Act.

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