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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To prohibit the denial of the right to vote in elections for public office on the grounds of owing fines, fees, or restitution relating to a conviction of a criminal offense.

IN THE HOUSE OF REPRESENTATIVES

Ms. VELÁZQUEZ introduced the following bill; which was referred to the Committee on _____

A BILL

To prohibit the denial of the right to vote in elections for public office on the grounds of owing fines, fees, or restitution relating to a conviction of a criminal offense.

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 “Removing Monetary
5 Barriers to Voting Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) The 24th amendment to the Constitution of
2 the United States prohibits Congress and States
3 conditioning the right to vote in Federal elections on
4 payment of any poll tax or any other tax, and this
5 prohibition was extended to States under the 14th
6 amendment in 1964 in *Harper v. Virginia Board of*
7 *Elections*.

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

12 (3) An estimated 6,100,000 citizens of the
13 United States, or about 1 in 40 adults in the United
14 States, currently cannot vote as a result of a felony
15 conviction. As of 2016, an estimated 6,100,000 citi-
16 zens, or about 1 in 40 adults in the United States,
17 could not vote as a result of a felony convictions.

18 (4) At least 8 States explicitly prohibit individ-
19 uals who owe money associated with their criminal
20 convictions from voting. At least 22 other States
21 have laws that can implicitly prohibit individuals
22 from voting because of unpaid legal debts, either
23 through requirements that individuals complete pa-
24 role or probation, which themselves hinge on pay-

1 ment of fines, fees or restitution, or clemency re-
2 strictions based on unpaid legal debts.

3 (5) Across the Nation, approximately 10 million
4 individuals owe a collective \$50 billion in debt re-
5 lated to the criminal justice system, and findings
6 from 14 States show that families on average owe
7 \$13,600 in fees and fines.

8 (6) State disenfranchisement laws additionally
9 disproportionately impact racial and ethnic minori-
10 ties.

11 (7) The right to vote additionally may not be
12 abridged or denied by the United States or by any
13 State on account of race, color, gender, or previous
14 condition of servitude. The 13th, 14th, 15th, 19th,
15 and 26th Amendments to the Constitution of the
16 United States empower Congress to enact measures
17 to protect the right to vote.

18 (8) Continuing to disenfranchise individuals
19 who have outstanding fees, fines, and restitution and
20 who are living and working in the community serves
21 no State interest and hinders their rehabilitation
22 and reintegration into society.

1 **SEC. 3. PROHIBITING DENIAL OF RIGHT TO VOTE ON**
2 **GROUNDS OF OWING AMOUNTS RELATING TO**
3 **CONVICTION OF CRIMINAL OFFENSE.**

4 (a) IN GENERAL.—The right of an individual to vote
5 in any election for public office shall not be denied or
6 abridged because that individual owes an outstanding fine,
7 fee, or restitution relating to conviction of a criminal of-
8 fense.

9 (b) APPLICABILITY.—The right of an individual to
10 vote in any election under subsection (a) shall apply not-
11 withstanding if such individual is on parole, probation, or
12 any other form of supervision solely related to an out-
13 standing fine, fee, or restitution.

14 SEC. 4. ENFORCEMENT.

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

18 (b) PRIVATE RIGHT OF ACTION.—

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

(2) RELIEF.—Except as provided in paragraph (4), if the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the viola-

1 tion occurred within 120 days before the date of an
2 election for public office, the aggrieved person may,
3 in a civil action, obtain declaratory or injunctive re-
4 lief with respect to the violation.

5 (3) ATTORNEY’S FEES.—In any action or pro-
6 ceeding to enforce this Act against any governmental
7 body, the court may allow a prevailing plaintiff,
8 other than the United States, reasonable attorney’s
9 fees as part of the costs, and may include expert
10 fees as part of the attorney’s fee.

11 (4) EXCEPTION.—If the violation occurred
12 within 60 days before the date of an election for
13 public office, the aggrieved person need not provide
14 notice to the chief election official of the State under
15 paragraph (1) before bringing a civil action to obtain
16 declaratory or injunctive relief with respect to the
17 violation.

18 **SEC. 5. DEFINITIONS.**

19 For purposes of this Act:

20 (1) CHIEF ELECTION OFFICIAL.—The term
21 “chief election official” means, with respect to a
22 State, the individual designated by the State under
23 section 10 of the National Voter Registration Act of
24 1993 (52 U.S.C. 20509) to be responsible for coordi-
25 nation of the State’s responsibilities under such Act

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

2 (A) a general, special, primary, or runoff
3 election for public office;

4 (B) a convention or caucus of a political
5 party held to nominate a candidate for public
6 office;

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

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

13 (3) FEE.—The term “fee” means any sur-
14 charge, court cost, administrative fee, or any mone-
15 tary amount imposed to cover the costs of the judi-
16 cial system or to generate revenue.

17 (4) FINE.—The term “fine” means any mone-
18 tary penalty imposed by a court or other entity as
19 punishment for conviction of a crime.

20 (5) RESTITUTION.—The term “restitution”
21 means any monetary sanction imposed by a court to
22 compensate for actual losses resulting from a crime.

23 (6) STATE.—The term “State” means each of
24 the several States, the District of Columbia, the
25 Commonwealth of Puerto Rico, American Samoa,

1 Guam, the United States Virgin Islands, and the
2 Commonwealth of the Northern Mariana Islands.

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

4 (a) STATE LAWS RELATING TO VOTING RIGHTS.—
5 Nothing in this Act may be construed to prohibit a States
6 from enacting any State law which affords the right to
7 vote in any election for public office on terms less restric-
8 tive than those established by this Act.

9 (b) CERTAIN FEDERAL ACTS.—The rights and rem-
10 edies established by this Act are in addition to all other
11 rights and remedies provided by law, and neither rights
12 and remedies established by this Act shall supersede, re-
13 strict, or limit the application of the Voting Rights Act
14 of 1965 (52 U.S.C. 10301 et seq.) or the National Voter
15 Registration Act of 1993 (52 U.S.C. 20501 et seq.).

16 **SEC. 7. EFFECTIVE DATE.**

17 This Act shall apply with respect to individuals voting
18 in any election for public office held after the date of the
19 enactment of this Act.