

AMENDMENT TO H.R. 1

OFFERED BY MS. VELÁZQUEZ OF NEW YORK

Page 266, insert after line 5 the following (and re-designate the succeeding provision accordingly):

1 **Subtitle O**

2 **SEC. 1941. SHORT TITLE.**

3 This subtitle may be cited as the “Removing Mone-
4 tary Barriers to Voting Act”.

5 **SEC. 1942. FINDINGS.**

6 Congress makes the following findings:

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

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

18 (3) An estimated 6,100,000 citizens of the
19 United States, or about 1 in 40 adults in the United

1 States, currently cannot vote as a result of a felony
2 conviction. As of 2016, an estimated 6,100,000 citi-
3 zens, or about 1 in 40 adults in the United States,
4 could not vote as a result of a felony convictions.

5 (4) At least 8 States explicitly prohibit individ-
6 uals who owe money associated with their criminal
7 convictions from voting. At least 22 other States
8 have laws that can implicitly prohibit individuals
9 from voting because of unpaid legal debts, either
10 through requirements that individuals complete pa-
11 role or probation, which themselves hinge on pay-
12 ment of fines, fees or restitution, or clemency re-
13 strictions based on unpaid legal debts.

14 (5) Across the Nation, approximately 10 million
15 individuals owe a collective \$50 billion in debt re-
16 lated to the criminal justice system, and findings
17 from 14 States show that families on average owe
18 \$13,600 in fees and fines.

19 (6) State disenfranchisement laws additionally
20 disproportionately impact racial and ethnic minori-
21 ties.

22 (7) The right to vote additionally may not be
23 abridged or denied by the United States or by any
24 State on account of race, color, gender, or previous
25 condition of servitude. The 13th, 14th, 15th, 19th,

1 and 26th Amendments to the Constitution of the
2 United States empower Congress to enact measures
3 to protect the right to vote.

4 (8) Continuing to disenfranchise individuals
5 who have outstanding fees, fines, and restitution and
6 who are living and working in the community serves
7 no State interest and hinders their rehabilitation
8 and reintegration into society.

9 **SEC. 1943. PROHIBITING DENIAL OF RIGHT TO VOTE ON**
10 **GROUNDS OF OWING AMOUNTS RELATING TO**
11 **CONVICTION OF CRIMINAL OFFENSE.**

12 (a) IN GENERAL.—The right of an individual to vote
13 in any election for public office shall not be denied or
14 abridged because that individual owes an outstanding fine,
15 fee, or restitution relating to conviction of a criminal of-
16 fense.

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

22 **SEC. 1944. ENFORCEMENT.**

23 (a) ATTORNEY GENERAL.—The Attorney General
24 may, in a civil action, obtain such declaratory or injunctive
25 relief as is necessary to remedy a violation of this subtitle.

1 (b) PRIVATE RIGHT OF ACTION.—

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

6 (2) RELIEF.—Except as provided in paragraph
7 (4), if the violation is not corrected within 90 days
8 after receipt of a notice under paragraph (1), or
9 within 20 days after receipt of the notice if the viola-
10 tion occurred within 120 days before the date of an
11 election for public office, the aggrieved person may,
12 in a civil action, obtain declaratory or injunctive re-
13 lief with respect to the violation.

14 (3) ATTORNEY'S FEES.—In any action or pro-
15 ceeding to enforce this subtitle against any govern-
16 mental body, the court may allow a prevailing plain-
17 tiff, other than the United States, reasonable attor-
18 ney's fees as part of the costs, and may include ex-
19 pert fees as part of the attorney's fee.

20 (4) EXCEPTION.—If the violation occurred
21 within 60 days before the date of an election for
22 public office, the aggrieved person need not provide
23 notice to the chief election official of the State under
24 paragraph (1) before bringing a civil action to obtain

1 declaratory or injunctive relief with respect to the
2 violation.

3 **SEC. 1945. DEFINITIONS.**

4 For purposes of this subtitle:

5 (1) CHIEF ELECTION OFFICIAL.—The term
6 “chief election official” means, with respect to a
7 State, the individual designated by the State under
8 section 10 of the National Voter Registration Act of
9 1993 (52 U.S.C. 20509) to be responsible for coordi-
10 nation of the State’s responsibilities under such Act

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

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

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

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

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

23 (3) FEE.—The term “fee” means any sur-
24 charge, court cost, administrative fee, or any mone-

1 tary amount imposed to cover the costs of the judi-
2 cial system or to generate revenue.

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

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

9 (6) STATE.—The term “State” means each of
10 the several States, the District of Columbia, the
11 Commonwealth of Puerto Rico, American Samoa,
12 Guam, the United States Virgin Islands, and the
13 Commonwealth of the Northern Mariana Islands.

14 **SEC. 1946. RELATION TO OTHER LAWS.**

15 (a) STATE LAWS RELATING TO VOTING RIGHTS.—
16 Nothing in this subtitle may be construed to prohibit a
17 States from enacting any State law which affords the right
18 to vote in any election for public office on terms less re-
19 strictive than those established by this subtitle.

20 (b) CERTAIN FEDERAL ACTS.—The rights and rem-
21 edies established by this subtitle are in addition to all
22 other rights and remedies provided by law, and neither
23 rights and remedies established by this subtitle shall su-
24 persede, restrict, or limit the application of the Voting
25 Rights Act of 1965 (52 U.S.C. 10301 et seq.) or the Na-

1 tional Voter Registration Act of 1993 (52 U.S.C. 20501
2 et seq.).

3 **SEC. 1947. EFFECTIVE DATE.**

4 This subtitle shall apply with respect to individuals
5 voting in any election for public office held after the date
6 of the enactment of this Act.

