

THE INCLUSIVE DEMOCRACY ACT

Congresswoman Ayanna Pressley (MA-07) & Senator Peter Welch (VT)

BACKGROUND

One of the most important rights of American citizens is the right to vote. However, an estimated 4 million citizens are denied voting rights because of a criminal conviction, barring them from voting in Federal elections. Currently, there are inconsistent systems across 48 states that treat different crimes as felonies and set different standards for disenfranchisement. All citizens should be allowed a voice in our democracy.

The practice of felony disenfranchisement is biased, counterproductive, and deters eligible voters from civic engagement. By entangling the criminal legal system in our elections, people who are disproportionately affected, especially Black citizens, are unfairly disenfranchised and excluded from representation. Additionally, when people are able to maintain community ties while incarcerated, they are more likely to successfully return to their homes upon release, but stripping their right to vote further disconnects them from civic engagement and denies them participation in democratic governance. States can arbitrarily make decisions on who to disenfranchise and for how long often resulting in people with criminal records – who have the right to vote – foregoing voting due to confusion or to avoid further criminalization. Felony disenfranchisement is antidemocratic and undermines the strength of our democracy.

BILL SUMMARY

The Inclusive Democracy Act would end felony disenfranchisement in Federal elections. More specifically, the bill would:

- Guarantee the right to vote in Federal elections for citizens who have criminal convictions;
- Require State and Federal entities to notify individuals who are convicted, incarcerated, on probation, or on parole of their right to vote in Federal elections;
- Outline the process for citizens in carceral settings to register to vote by mail, if registration is required by their State;
- Outline the process for citizens in carceral settings to vote by mail, including protecting and prioritizing election mail, curing ballots with mistakes, and casting a provision ballot;
- Ensure citizens in carceral settings have access to information about elections through mechanisms available to them such as the internet, campaigns, and third party groups;
- Provide guidance to State officials to not prosecute citizens in carceral settings who complete an election ballot that includes an election they are not eligible to vote in; and
- Provide a private right of action to enforce this legislation.