118th Congress  1st Session

H. R. _____

To guarantee the right to vote for all citizens regardless of conviction of a criminal offense, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. PRESSLEY introduced the following bill; which was referred to the Committee on ____________________________

A BILL

To guarantee the right to vote for all citizens regardless of conviction of a criminal offense, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Inclusive Democracy Act of 2023”.

SEC. 2. PROTECTING THE FUNDAMENTAL RIGHT TO VOTE.

(a) PROTECTION OF RIGHT.—The right of citizens of the United States to vote in an election for Federal office shall not be denied or abridged by the United States or
by any State on account of conviction of a criminal of-

cense.

(b) APPLICATION.—Subsection (a) applies with re-

spect to convictions occurring before, on, or after the date

of the enactment of this Act.

SEC. 3. ACCESS TO THE BALLOT.

(a) Notification of Voting Rights.—

(1) State Notification.—At the time an in-

dividual is convicted of a criminal offense under the

law of a State, the State shall notify the individual

in writing that the individual’s conviction of the of-

cense does not affect the individual’s right to vote in

an election for Federal office and that the individual

may register or remain registered to vote in an elec-

tion for Federal office if the individual is otherwise

eligible to vote in the election, notwithstanding the

individual’s conviction.

(2) Federal Notification.—At the time an

individual is convicted of a criminal offense under

Federal law, the court in which the individual is con-

victed shall notify the individual in writing that the

individual’s conviction of the offense does not affect

the individual’s right to vote in an election for Fed-

eral office and that the individual may register or re-

main registered to vote in an election for Federal of-
(3) Persons on probation and parole.—Not later than 90 days after the date of the enactment of this Act, the head of each Federal, State, and local probation or parole office shall provide each individual on probation or parole under the jurisdiction of that office with written notification about any changes made by this Act to voter eligibility requirements in the applicable State.

(4) Persons in carceral settings.—Not later than 90 days after the date of the enactment of this Act, the head of each Federal, State, and local carceral setting shall provide each individual incarcerated in their carceral setting with written notification that the individual’s criminal conviction does not affect the individual’s right to vote in an election for Federal office and that the individual may register or remain registered to vote in an election for Federal office if the individual is otherwise eligible to vote in the election, notwithstanding the individual’s conviction.

(5) Public notice.—
(A) Role of the Election Assistance Commission.—Not later than 180 days after the date of the enactment of this Act, the Election Assistance Commission shall conduct a national public service announcement campaign, using newspapers, radio stations, social media platforms, and network television, to inform the public about the changes in voter eligibility pursuant to this Act.

(B) Role of the Department of Justice.—Not later than 60 days after the date of the enactment of this Act, the Attorney General shall publish updated information on voting rights for individuals with criminal records and guidance on developing voting practices for such individuals. Such information shall be—

(i) made publicly available on the Department of Justice’s website;

(ii) made publicly available on the Election Assistance Commission’s website; and

(iii) provided to the Federal Bureau of Prisons, the Office of U.S. Probation and Pretrial Services, and the chief State
election official and the head of the department of corrections in each State.

(b) Registration.—

(1) Access to registration.—The head of each carceral setting shall offer an individual who is incarcerated at the carceral setting the opportunity to register to vote in an election for Federal office by providing the individual with the mail voter registration application form described in section 9(a)(2) of the National Voter Registration Act of 1993 (52 U.S.C. 20508(a)(2)) at the time of the individual’s incarceration at the carceral setting and upon the individual’s request.

(2) Transmission of voter registration applications by carceral setting.—

(A) In general.—Not later than 10 days after an individual who is incarcerated in a carceral setting provides an employee of the carceral setting with the individual’s completed voter registration application form, the head of the carceral setting shall mail or otherwise transmit the form to the chief State election official of the State in which the individual has applied to register to vote.
(B) Expedited Transmission Within 5 Days of Election.—If an individual provides an employee of the carceral setting with a completed voter registration application form 5 days before the deadline for registering to vote in an election for Federal office for which the individual seeks to register, the head of the carceral setting shall—

(i) transmit to the chief State election official of the State in which the individual seeks to register to vote the individual’s application form electronically on the day on which the head of the carceral setting receives the form from the individual; or

(ii) shall ensure that the form is mailed to the chief State election official of the State in which the individual seeks to register to vote and is postmarked within 2 days of receiving the form from the individual.

(3) Acceptance of Forms by Election Officials.—

(A) Deadline for Acceptance.—A State may not refuse to accept or process a voter registration application form submitted on
be half of an individual under this subsection
with respect to an election for Federal office in
the State on the grounds that the individual did
not meet a deadline for returning the form to
the appropriate State or local election official if
the form is postmarked or otherwise indicated
by the United States Postal Service to have
been mailed within 2 days of the deadline for
receipt of the form under State law.

(B) REQUIRING ACCEPTANCE IN ELECTRONIC FORM.—A State may not refuse to ac-
cept or process a voter registration application
form submitted on behalf of an individual under
this subsection with respect to an election for
Federal office in the State on the grounds that
the individual submitted the form electronically,
including by fax or email, or that the individual
submitted the form by mail.

(4) ADDRESS FOR PURPOSES OF VOTER REG-
ISTRATION.—

(A) CHOICE OF ADDRESS.—An incarcer-
ated individual may register to vote in an elec-
tion for Federal office in accordance with this
section by using either the individual’s last
known address or the address of the carceral setting.

(B) PROVIDING SAME ABILITY TO CHANGE ADDRESS BETWEEN ELECTIONS AS REGISTRANTS NOT INCARCERATED.—To the extent that a State permits an individual who is not incarcerated to use a different address to register to vote in elections for the same Federal office, including primary, general, and runoff elections for that office, the State shall permit an incarcerated individual to use either the individual’s last known address or the address of the carceral setting to register to vote in elections for the same Federal office.

(5) EXCEPTION.—Nothing in this section shall be construed as requiring an incarcerated individual to register to vote if the individual’s address under paragraph (4)(A) is located in a jurisdiction that does not require voter registration as a prerequisite to voting in an election for Federal office.

(c) ABSENTEE VOTING.—

(1) IN GENERAL.—An individual who is incarcerated in a carceral setting and who is registered to vote in an election for Federal office shall have
the right to vote in the election by mail by absentee ballot.

(2) Absentee ballot applications.—

(A) Provision of applications.—If an individual who is incarcerated in a carceral setting is registered to vote in an election for Federal office, the head of the carceral setting shall provide the individual with an application to vote by absentee ballot in the election upon request.

(B) Transmission of applications.—Not later than 2 days after an incarcerated individual provides an employee of the carceral setting with a completed application to vote by absentee ballot, the head of the carceral setting shall mail or otherwise transmit the application to the chief State election official of the State in which the individual is registered to vote in the election.

(C) Acceptance of applications.—

(i) Deadline.—A State may not refuse to accept or process an application to vote by absentee ballot submitted on behalf of an individual under this subsection with respect to an election for Federal of-
office in the State on the grounds that the individual did not meet a deadline for returning the application to the appropriate State or local election official if the form is postmarked or otherwise indicated by the United States Postal Service to have been mailed within 2 days of the deadline for the receipt of the application under State law.

(ii) Requiring acceptance in electronic form.—A State may not refuse to accept or process an application to vote by absentee ballot submitted on behalf of an individual under this subsection with respect to an election for Federal office in the State on the grounds that the individual submitted the application electronically, including by fax or email, or that the individual submitted the application by mail.

(D) Requirements for states transmitting applications without request from registrant.—A State which transmits applications to vote by absentee ballot in an election for Federal office to each individual
who is registered to vote in the election, without
regard to whether the individual requests the
application, shall ensure that applications are
transmitted to individuals who are incarcerated
in a carceral setting and who are registered to
vote in the election in the same manner as ap-
lications are transmitted to other individuals
who are registered to vote in the election.

(3) Absentee ballots.—

(A) Provision of absentee ballots.—

(i) Election mail.—An absentee
ballot that is mailed to an incarcerated in-
dividual under this subsection shall be
treated and marked as election mail for
purposes of title 39, United States Code.

(ii) Expedited processing.—The
head of a carceral setting shall ensure that
any election mail is made available to an
incarcerated individual to whom it is ad-
dressed not later than 24 hours after such
mail is received at the carceral setting.

(B) Provisional ballots.—

(i) Right to cast provisional ab-
sentee ballot.—If an incarcerated indi-
vidual declares that such individual is a
registered voter in the jurisdiction in which
the individual desires to vote and that the
individual is eligible to vote in an election
for Federal office, but the name of the in-
dividual does not appear on the official list
of eligible voters for the election or an elec-
tion official asserts that the individual is
not eligible to vote, such individual shall be
permitted to cast a provisional absentee
ballot in the election, notwithstanding the
failure of the individual to request an ab-
sentee ballot prior to the deadline for sub-
mitting a request for the ballot under the
law of the State in which the individual
seeks to vote.

(ii) Process.—Section 302(a) of the
Help America Vote Act of 2002 (52 U.S.C.
21082(a)) shall apply with respect to a
provisional absentee ballot cast by an in-
carcerated individual under this subsection
in the same manner as such section applies
to a provisional ballot cast by a voter.

(C) Pre-paid Postage.—Consistent with
regulations of the United States Postal Service,
sponsible for the administration of the election
for Federal office involved shall prepay the
postage on any envelope provided to an incar-
cerated individual under this Act.

(D) TRANSMISSION OF BALLOTS.—The
head of a carceral setting shall mail or other-
wise transmit a ballot on behalf of an incarcer-
ated individual under this subsection to the ap-
propriate election official on the same day on
which an incarcerated individual submits the
ballot to an employee of the carceral setting, or,
if the individual submits the ballot to an em-
ployee of the carceral setting after business
hours, not later than 24 hours after the indi-
vidual submits the ballot to the employee.

(E) ACCEPTANCE OF BALLOTS.—A State
may not refuse to accept or process an absentee
ballot submitted on behalf of an individual
under this subsection with respect to an election
for Federal office in the State—

(i) on the grounds that the individual
did not meet a deadline for returning the
ballot to the appropriate State or local
election official if the ballot is postmarked
or otherwise indicated by the United States
Postal Service to have been mailed on or
before the date of the election; or

(ii) on the grounds that the individual
did not include with the ballot a copy of a
form of identification otherwise required
under State law.

(F) NOTICE AND OPPORTUNITY TO CURE
MISSING SIGNATURE OR OTHER DEFECT.—If an
incarcerated individual submits a ballot under
this subsection without a signature or submits
a ballot with another defect (other than a defect
consisting of the failure of a ballot to meet the
applicable deadline for the acceptance of the
ballot) which, if left uncured, would cause the
ballot to not be counted, the appropriate State
or local election official, prior to making a final
determination as to the validity of the ballot,
shall—

(i) make a good faith effort to imme-
diately notify the individual by mail, tele-
phone, and (if available) text message and
electronic mail that—

(I) the ballot did not include a
signature or has some other defect,
and
(II) if the individual does not provide the missing signature or cure the other defect prior to the expiration of the 10-day period which begins on the date the official notifies the individual that the ballot did not include a signature or has some other defect, such ballot will not be counted; and

(ii) count the ballot if, prior to the expiration of the 10-day period described in clause (i)(II), the individual provides the official with the missing signature on a form proscribed by the State or cures the other defect.

(D) REQUIREMENTS FOR STATES Transmitting APPLICATIONS WITHOUT REQUEST FROM REGISTRANT.—A State which transmits absentee ballots in an election for Federal office to each individual who is registered to vote in the election, without regard to whether the individual requests the absentee ballot, shall ensure that absentee ballots are transmitted to individuals who are incarcerated in a carceral setting and who are registered to vote in the election in the same manner as absentee ballots are
transmitted to other individuals who are registered to vote in the election.

(d) ACCESS TO SERVICES AND INFORMATION ON ELECTIONS.—

(1) ONLINE SERVICES.—If a carceral setting provides the individuals who are incarcerated in the carceral setting with access to computers, tablets, or other electronic devices with internet access, the carceral setting shall permit an incarcerated individual who is eligible to vote in an election for Federal office with access to the internet and such devices free of charge for the purpose of researching candidates in the election, political campaigns, and procedures for registration and voting.

(2) DISTRIBUTION OF INFORMATION BY CANDIDATES, CAMPAIGNS, AND NONPARTISAN GROUPS.—A carceral setting shall permit candidates, political campaigns, and non-partisan groups that register individuals to vote and distribute voter educational materials and information on an election for Federal office and voting, candidates, and political campaigns involved with the election to distribute such materials inside the carceral setting—

(A) in the case of a candidate, political campaign, or nonpartisan group that distributes
such materials and information on elections for
Federal office held in the State in which the
carceral setting is located, for not fewer than
60 days before the date of any election for Fed-
eral office held in the State; or

(B) in the case of a candidate, political
campaign, or nonpartisan group that distributes
such materials and information on elections for
Federal office which are not held in that State,
at least once a year.

(3) POSTING OF INFORMATION IN CARCERAL
SETTING.—The head of a carceral setting shall en-
sure that information on registering to vote in elec-
tions for Federal office, requesting an absent ballot
in such elections, and voting in elections for Federal
office is posted prominently in an area of the
carceral setting that is commonly accessible and visi-
table to the incarcerated individuals.

(e) ACCESS FOR THIRD PARTIES TO PROVIDE VOTER
REGISTRATION SERVICES.—

(1) ACCESS REQUIRED.—The head of a carceral
setting shall permit a nonpartisan entity that pro-
vides non-partisan voter registration services to
enter the carceral setting and provide such services
to individuals who are incarcerated in the carceral setting.

(2) Prohibiting restrictions on access of certain individuals.—The head of a carceral setting may not place restrictions on an individual’s ability to enter a carceral setting as a representative of a nonpartisan entity described in paragraph (1) on the grounds that the individual was formerly incarcerated or that the individual is on the visitors list of an individual who is currently incarcerated.

(f) Guidance on prosecution.—No incarcerated individual who is registered to vote in an election for Federal office and who is provided a ballot that includes an election for a non-Federal office, ballot initiative, or referendum for which the individual is not registered to vote may be prosecuted under any law on the grounds that the individual voted in that election for a non-Federal office, ballot initiative, or referendum.

(g) Effective date.—This section shall apply with respect to the regularly scheduled general elections for Federal office in November 2024 and each succeeding election for Federal office.
SEC. 4. ENFORCEMENT.

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

(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 State election official of the State involved, or, if the violation is alleged to be committed by an officer or employee of the Federal government, to the Attorney General.

(2) RELIEF.—Except as provided in paragraph (3), if the violation is not corrected within 30 days after receipt of a notice under paragraph (1), or within 10 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may, in a civil action, obtain declaratory or injunctive relief with respect to the violation.

(3) EXCEPTIONS.—Notwithstanding paragraphs (1) and (2), a civil action to obtain declaratory or injunctive relief with respect to a violation of this Act may be immediately brought by an incarcerated individual—

(A) who requested the opportunity to register to vote in an election for Federal office
and did not receive a voter registration application, or who submitted a voter registration application that was not properly transmitted or processed, within 30 days of the State’s voter registration deadline; and

(B) who is registered to vote in an election for Federal office and who—

(i) is denied access to an absentee ballot application;

(ii) has their request for an absentee ballot improperly denied;

(iii) is not supplied with an absentee ballot after properly requesting one;

(iv) does not have their voted ballot properly transmitted to the appropriate election official; or

(v) is otherwise denied the right to receive or cast an absentee ballot.

SEC. 5. DEFINITIONS.

For purposes of this Act:

(1) CARCERAL SETTING.—The term “carceral setting” means any prison, penitentiary, jail, or other institution or facility that confines individuals charged with or convicted of criminal offenses, whether publicly or privately operated, except that
such term does not include any residential community treatment center (or similar public or private facility).

(2) **Chief State Election Official.**—The term “chief State election official” means the individual designated by a State under section 10 of the National Voter Registration Act of 1993 (52 U.S.C. 20509) to be responsible for the coordination of State responsibilities under such Act.

(3) **Election.**—The term “election” means—

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

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

(C) a primary election held for the selection of delegates to a national nominating convention of a political party; or

(D) a primary election held for the expression of a preference for the nomination of persons for election to the office of President.

(4) **Federal Office.**—The term “Federal office” means the office of President or Vice President of the United States, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress.
SEC. 6. RELATION TO OTHER LAWS.

(a) State Laws Relating to Voting Rights.—Nothing in this Act shall be construed to prohibit a State from enacting any law which affords the right to vote or the right to register to vote in any election for Federal, State, or local office on terms less restrictive than those established by this Act.

(b) Certain Federal Acts.—The rights and remedies established by this Act are in addition to all other rights and remedies provided by law, and neither rights and remedies established by this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), the National Voter Registration Act of 1993 (52 U.S.C. 20501 et seq.), or the Help America Vote Act of 2002 (52 U.S.C. 20901 et seq.).

SEC. 7. INTERPRETATIONS FAVORABLE TO THE PERSON SEEKING TO REGISTER OR VOTE.

If a provision of this Act is susceptible to differing interpretations, it shall be construed in favor of the person seeking to register or vote.

SEC. 8. SEVERABILITY.

If any provision of this Act or the application of any provision thereof to any person or circumstance is judicially determined to be invalid, the remainder of this Act
or the application of such provision to other persons or circumstances shall not be affected by such determination.