

official to take part in prohibited political activities with respect to any election for Federal office over which such official has managerial authority.

“(2) VOTING SYSTEM MANUFACTURERS.—It shall be unlawful for any person who owns or serves as the chief executive officer, chief financial officer, chief operating officer, or president of any entity that designs or manufactures a voting system to take part in prohibited political activities with respect to any election for a Federal office for which a voting system produced by such manufacturer is used.

“(b) DEFINITIONS.—For purposes of this section:

“(1) CHIEF STATE ELECTION OFFICIAL.—The term ‘chief State election official’ means the individual designated as such under section 10 of the National Voter Registration Act of 1993.”

“(2) PROHIBITED POLITICAL ACTIVITIES.—The term ‘prohibited political activities’ means campaigning to support or oppose a candidate or slate of candidates for Federal office, making public speeches in support of such a candidate, fundraising and collecting contributions on behalf of such a candidate, distributing campaign materials with respect to such a candidate, organizing campaign events with respect to such a candidate, and serving in any position on any political campaign committee of such a candidate.

“(b) OWNERSHIP.—For purposes of subsection (a)(2), a person shall be considered to own an entity if such person controls at least 20 percent, by vote or value, of the entity.”

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE VI—ENDING DECEPTIVE PRACTICES

SEC. 601. ENDING DECEPTIVE PRACTICES.

(a) IN GENERAL.—

(1) Subsection (b) of section 2004 of the Revised Statutes (42 U.S.C. 1971(b)) is amended—

(A) by striking “No person” and inserting the following:

“(1) IN GENERAL.—No person”; and

(B) by inserting at the end the following new paragraph:

“(2) DECEPTIVE ACTS.—No person, whether acting under color of law or otherwise, shall knowingly deceive any other person regarding the time, place, or manner of conducting a general, primary, run-off, or special election for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates, or Commissioners from the Territories or possessions; nor shall any person knowingly deceive any person regarding the qualifications or restrictions of voter eligibility for any general, primary, run-off, or special election for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates, or Commissioners from the Territories or possessions.”

(2) The heading of section 2004(b) of the Revised Statutes is amended by striking “OR COERCION” and inserting “COERCION, OR DECEPTIVE ACTS”.

(b) CRIMINAL PENALTY.—Section 594 of title 18, United States Code, is amended—

(1) by striking “Whoever” and inserting the following:

“(a) INTIMIDATION.—Whoever”; and

(2) by inserting at the end the following:

“(b) DECEPTIVE ACTS.—Whoever knowingly deceives any person regarding—

“(1) the time, place, or manner of conducting a general, primary, run-off, or special election for the office of President, Vice

President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates, or Commissioners from the Territories or possessions; or

“(2) the qualifications or restrictions of voter eligibility for any general, primary, run-off or special election for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates, or Commissioners from the Territories or possessions

shall be fined under this title, imprisoned not more than one year, or both.”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE VII—CIVIC PARTICIPATION BY EX-OFFENDERS

SEC. 701. VOTING RIGHTS OF INDIVIDUALS CONVICTED OF CRIMINAL OFFENSES.

(a) SHORT TITLE.—This title may be cited as the Civic Participation Act of 2005.

(b) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress makes the following findings:

(A) The right to vote is the most basic constitutive act of citizenship and regaining the right to vote reintegrates offenders into free society. The right to vote may not be abridged or denied by the United States or by any State on account of race, color, gender, or previous condition of servitude. Basic constitutional principles of fairness and equal protection require an equal opportunity for United States citizens to vote in Federal elections.

(B) Congress has ultimate supervisory power over Federal elections, an authority that has repeatedly been upheld by the Supreme Court.

(C) Although State laws determine the qualifications for voting in Federal elections, Congress must ensure that those laws are in accordance with the Constitution. Currently, those laws vary throughout the Nation, resulting in discrepancies regarding which citizens may vote in Federal elections.

(D) An estimated 4,700,000 individuals in the United States, or 1 in 44 adults, currently cannot vote as a result of a felony conviction. Women represent about 676,000 of those 4,700,000.

(E) State disenfranchisement laws disproportionately impact ethnic minorities.

(F) Fourteen States disenfranchise some or all ex-offenders who have fully served their sentences, regardless of the nature or seriousness of the offense.

(G) In those States that disenfranchise ex-offenders who have fully served their sentences, the right to vote can be regained in theory, but in practice this possibility is often illusory.

(H) In those States that disenfranchise ex-offenders, an ex-offender's right to vote can only be restored through a gubernatorial pardon or order, or a certificate granted by a parole board. Some States require waiting periods as long as 10 years after completion of the sentence before an ex-offender can initiate the application for restoration of the right to vote.

(I) Offenders convicted of a Federal offense often have additional barriers to regaining voting rights. Many States do not offer a restoration procedure for Federal offenders who have completed supervision. The only method available to such persons is a Presidential pardon.

(J) Few persons who seek to have their right to vote restored have the financial and political resources needed to succeed.

(K) Thirteen percent of the African-American adult male population, or 1,400,000 African-American men, are disenfranchised. Given current rates of incarceration, 3 in 10

African-American men in the next generation will be disenfranchised at some point during their lifetimes. Hispanic citizens are also disproportionately disenfranchised, since those citizens are disproportionately represented in the criminal justice system.

(L) The discrepancies described in this paragraph should be addressed by Congress, in the name of fundamental fairness and equal protection.

(2) PURPOSE.—The purpose of this title is to restore fairness in the Federal election process by ensuring that ex-offenders who have fully served their sentences are not denied the right to vote.

(c) DEFINITIONS.—In this title:

(1) CORRECTIONAL INSTITUTION OR FACILITY.—The term ‘correctional institution or facility’ means any prison, penitentiary, jail, or other institution or facility for the confinement of individuals 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) 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.

(3) FEDERAL OFFICE.—The term ‘Federal office’ means the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, Congress.

(4) PAROLE.—The term ‘parole’ means parole (including mandatory parole), or conditional or supervised release (including mandatory supervised release), imposed by a Federal, State, or local court.

(5) PROBATION.—The term ‘probation’ means probation, imposed by a Federal, State, or local court, with or without a condition on the individual involved concerning—

(A) the individual's freedom of movement;

(B) the payment of damages by the individual;

(C) periodic reporting by the individual to an officer of the court; or

(D) supervision of the individual by an officer of the court.

(d) RIGHTS OF CITIZENS.—The right of an individual who is a citizen of the United States to vote in any election for Federal office shall not be denied or abridged because that individual has been convicted of a criminal offense unless, at the time of the election, such individual—

(1) is serving a felony sentence in a correctional institution or facility; or

(2) is on parole or probation for a felony offense

(e) ENFORCEMENT.—

(1) ATTORNEY GENERAL.—The Attorney General may bring a civil action in a court of competent jurisdiction to obtain such declaratory or injunctive relief as is necessary to remedy a violation of this section.

(2) PRIVATE RIGHT OF ACTION.—

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

(B) ACTION.—Except as provided in subparagraph (C), if the violation is not corrected within 90 days after receipt of a notice provided under subparagraph (A), or within