

they want to keep their rights and prerogatives and reflect the desires of the people of their State, two ballots will be needed. When you have Federal and State elections, there are names of Presidential candidates, candidates for Congress, maybe the Senate, along with State legislators, Governor, Lieutenant Governor, whoever else is being elected. We will need a separate ballot for those who have the right to vote in State and Federal, and a separate ballot for those only in Federal elections. In effect, what we would need at the polling place is a separate voting booth.

I guess we would have an ex-felon voting booth where they would only vote in Federal elections, while the vast majority of the other voters would vote in the others.

This causes a great deal of unnecessary cost and imposes many impractical problems on the State. The goal of the bill is to help voting fairness in the States, respecting the rights of States, not putting on unfounded mandates as has been done previously. This amendment will cause consternation and confusion.

Most importantly, understanding the basic jurisdiction, I object to this amendment in that it usurps the rights of the States. It usurps and preempts and dictates contrary to the will of the people not only of the Commonwealth of Virginia but it exceeds the scope and breadth of what the Federal Government should be involved in.

I hope my colleagues will allow this issue to be properly debated in the way the framers of our Constitution thought it should be debated and decided. That is, in the State legislatures, as opposed to meddling from the Federal Government.

We care about the voting of military personnel overseas. I don't see where we have any business meddling in trying to get ex-felons the right to vote.

I yield the floor.

The PRESIDING OFFICER (Mr. BAYH). The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I missed part of the Senator's remarks. I ask the Senator from Virginia, I believe he raised the issue, how this would work in a year in which there were both Federal candidates on the ballot and State candidates on the ballot. Did the Senator from Virginia discuss that issue?

I am having a hard time figuring out how it could possibly work. Does the Senator from Virginia have any thought about that?

Mr. ALLEN. I say to the Senator from Kentucky, my good friend from the Commonwealth of Kentucky, born in Virginia, formerly a part of the Commonwealth of Virginia and voluntarily seceded, as well as the President's State of Indiana, regardless, the States, for a variety of reasons, have State elections different from Federal elections. So not to have undue Federal influence or national issues affecting issues that matter most to people in

those communities and localities, you would still have a problem. Over 40 States run Federal elections at the same time as they run State and local or perhaps even municipal elections.

In the event that the people in the States who are perfectly capable of debating and deciding this issue as they see fit for people who have raped, murdered, robbed, or maliciously wounded individuals in their States and been convicted in their State courts. In the event they want to keep their law in effect, what will have to happen is you will have to have a role of registered voters for Federal elections only and a role of voters who are registered for all elections.

Then when you go into that election, assuming the States—once you actually conduct the election on election day—want to keep their rules where restitution is important, in a period of years to show they are leading a good life. Whatever the reasons, they want to do what they think is right, as opposed to what people in Washington think is right for them. Assuming they want to do it, you have to have a separate voting booth. The ballots in those States, where you have Federal and State elections the same year, all the names on there—Members of Congress, a President in Presidential year, as well as, the Governor, State representatives, and so forth—so you will need a separate voting booth.

Mr. MCCONNELL. So it will be a voting booth for felons?

Mr. ALLEN. Ex-felons. I don't think the proponents want to go so far as felons but ex-felons, which would be, I think, a nightmare and insulting, as well.

Mr. MCCONNELL. Whereas under the current system, is it not true, I ask the Senator and former Governor, there is a procedure for getting the rights restored, which many people who have served their time go through, and is it not typically the case that Governors review those and restore rights from time to time based upon the record?

Mr. ALLEN. I say to my friend, the Senator from Kentucky, and I expect the President may have done this, as well when he served as Governor of Indiana, as Governor, at least in our State, you get many petitions. Some are to restore rights, and also some to say that they never committed a crime and they want an absolute pardon.

Every Governor has a conscience to do his or her duty properly. Those governors have the record of the individual telling what he or she has done since the time of serving.

Mr. MCCONNELL. It is true in every State there is an opportunity for someone who has served their time to get those rights restored?

Mr. ALLEN. Correct.

Mr. MCCONNELL. Through a petition.

Mr. ALLEN. In some States, it is not by the Governor. In Virginia, they amended the laws, and nonviolent felons can go to the circuit court for petitioning to have their rights restored.

Mr. MCCONNELL. There is a procedure, so it is not hopeless.

Mr. ALLEN. Absolutely, there is a procedure.

Mr. MCCONNELL. It is not a hopeless situation.

Mr. ALLEN. It is not a hopeless situation. Sometimes it can be cumbersome, and it is time consuming for the Governor as well as those in the Secretary of the Commonwealth's office, the attorney general's office, the Governor's staff and others to assemble this information, and also for the petitioner, as well.

That is part of the price one pays when they commit a felony and they are convicted beyond a reasonable doubt by a judge and a jury of that crime. This is one of the many rights one gives up. I heard this being compared to slavery. It is not like slavery. Slavery is wrong and the worst thing that has ever occurred in this country. It is a willful act. Many of the felony cases were vile, premeditated, deliberate acts to commit a felony—not a misdemeanor, a felony—and this is one of the prices and penalties that one pays. A person loses their liberty, obviously, while incarcerated. To get all of their liberties and rights back, they have to demonstrate good behavior. In each State, that demonstration may be slightly different.

But these are State laws being violated. It is a proper role of the people in the States to determine when these rights should be restored, as well as, under what conditions and circumstances the rights are restored.

Mr. MCCONNELL. Mr. President, I thank the distinguished Senator from Virginia, as a former Governor, for adding his unique perspective on that. I say unique; there are other Governors who have had similar experiences, but I think that does help us understand what I hope will be the conclusion on this amendment. I know it is well intentioned, but it seems to me it should be defeated. I thank the Senator from Virginia for his support and contribution to this debate.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I think we are about to vote on this amendment. I believe the Senator from Nevada is going to ask for a recorded vote.

I happen to agree with the thrust of the amendment of my dear friend, offered with the Senator from Pennsylvania, Mr. SPECTER. When people have paid their dues to society, they have completed their probation and whatever else is required of them, the restoration of their rights is something we ought to embrace and encourage. I think it may contribute, in fact, to the rehabilitation of people who may otherwise become recidivists and rejoin the criminal element.

The fact that 36 States have already, to one degree or another, embraced that concept, some more so than others, is an indication of the direction in which the country is clearly heading