

118TH CONGRESS
2D SESSION

S. 4217

To secure the Federal voting rights of persons when released from
incarceration under the First Step Act.

IN THE SENATE OF THE UNITED STATES

APRIL 30, 2024

Ms. BUTLER (for herself, Mr. BOOKER, Ms. KLOBUCHAR, Mr. WELCH, Mr. WYDEN, Ms. HIRONO, Mr. COONS, Ms. DUCKWORTH, Ms. SMITH, Mr. MARKEY, Mr. VAN HOLLEN, and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To secure the Federal voting rights of persons when released
from incarceration under the First Step Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the Next Step Home Act.

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

7 (1) The recidivism rates of beneficiaries of the
8 First Step Act (Public Law 115–391; 132 Stat.
9 5194) is only 12.4 percent compared to the overall

1 recidivism rate of 43 percent for prisoners in prisons
2 operated by the Bureau of Prisons.

3 (2) The success of most individuals released
4 under the First Step Act (Public Law 115–391; 132
5 Stat. 5194) demonstrates that reducing the popu-
6 lation in overcrowded Federal prisons can be done
7 safely and effectively.

8 (3) Extending the Federal franchise to individ-
9 uals with criminal convictions will further reduce re-
10 cidivism rates.

11 (4) Basic constitutional principles of fairness
12 and equal protection require an equal opportunity
13 for citizens of the United States to vote in Federal
14 elections.

15 (5) Section 4 of article I of the Constitution of
16 the United States grants Congress ultimate super-
17 visory power over Federal elections, an authority
18 which has repeatedly been upheld by the Supreme
19 Court of the United States.

20 (6) The Eighth Amendment to the Constitution
21 of the United States, which prohibits excessive bail,
22 the imposition of excessive fines, and the infliction of
23 cruel and unusual punishments, also moves Congress
24 to act when lifetime felony voting bans are used to
25 mistreat those with felony convictions.

1 (7) The 13th, 14th, 15th, 19th, 24th, and 26th
2 amendments to the Constitution of the United
3 States empower Congress to enact measures that
4 further protect the right to vote in Federal elections,
5 and codify the principle that the right to vote may
6 not be abridged or denied by the United States or
7 by any State on account of race, color, gender, or
8 previous condition of servitude.

9 (8) Congress also has independent authority
10 under the 14th, 15th, 19th, 24th, and 26th amend-
11 ments to the Constitution of the United States to
12 ensure elections are conducted without unlawful dis-
13 crimination. Under these amendments, Congress has
14 the duty to act when incarcerated individuals are
15 treated as second-class citizens through the denial of
16 the vote.

17 (9) The Reconstruction Amendments specifi-
18 cally, which include the 13th, 14th, and 15th
19 amendments to the Constitution of the United
20 States, require full legal and political equality for
21 former slaves and their progeny, many of whom are
22 individuals with criminal convictions today.

23 (10) The 14th Amendment to the Constitution
24 of the United States stands out as perhaps the most
25 important amendment given the Equal Protection

1 Clause in section 1 has been the basis on which Fed-
2 eral courts have been able to strike down laws and
3 practices that intentionally discriminate on the basis
4 of race. The rate at which Black men are imprisoned
5 in Federal facilities in the United States raises
6 Equal Protection concerns given that their imprison-
7 ment remains many times that of their White coun-
8 terparts and more than double that of the Hispanic
9 male population, showing huge racial discrepancies
10 in the criminal justice system.

11 (11) Additionally, according to scholars such as
12 Henry Chambers, “A reasonably robust vision of the
13 Fifteenth Amendment focuses on the political equal-
14 ity that should have been the culmination of the Re-
15 construction Amendments. That vision requires that
16 rules and procedures that limit the political equality
17 of minority groups be justified as necessary for the
18 functioning of the electoral system, not that they
19 merely appear colorblind. Such a reading of the Fif-
20 teenth Amendment may appear to require affirma-
21 tive action on the part of States to guarantee minor-
22 ity representation and might appear to conflict with
23 an equally robust reading of the Fourteenth Amend-
24 ment and its supposed colorblind principle. If this is
25 the case, so be it.”.

1 (12) The Civil Rights Act of 1964 (Public Law
2 88–352; 78 Stat. 241) and the Voting Rights Act
3 1965 (52 U.S.C. 10301 et seq.) also extend the au-
4 thority to Congress to continue to exercise its con-
5 stitutional authority in this space as appropriate.

6 (13) Congress is also moved to act given the
7 discrepancies in State laws regarding criminal con-
8 victions leading to unfairness in Federal elections.
9 As of 2024, 48 States have either temporarily or
10 permanently banned individuals with felony convic-
11 tions from voting while the District of Columbia, the
12 Commonwealth of Puerto Rico, and 2 States, Maine
13 and Vermont, ensure these individuals retain the
14 franchise even while they are incarcerated.

15 (14) In 23 States, individuals with felony con-
16 victions lose their access to the franchise only while
17 incarcerated and get their right to vote “automati-
18 cally restored” once their prison sentence is com-
19 pleted. These States are California, Colorado, Con-
20 necticut, Hawaii, Illinois, Indiana, Maryland, Massa-
21 chusetts, Michigan, Minnesota, Montana, Nevada,
22 New Hampshire, New Jersey, New York, New Mex-
23 ico, North Dakota, Ohio, Oregon, Pennsylvania,
24 Rhode Island, Utah, and Washington.

1 (15) The remaining 25 States have voting laws
2 on the books that are less friendly towards individ-
3 uals with prior felony convictions. In 14 States, indi-
4 viduals with felony convictions typically have their
5 voting rights restored after parole or probation is
6 completed. These States are Alaska, Arkansas, Geor-
7 gia, Idaho, Kansas, Louisiana, Missouri, North
8 Carolina, Oklahoma, South Carolina, South Dakota,
9 Texas, West Virginia, and Wisconsin. In the remain-
10 ing 11 States, individuals with felony convictions
11 lose their voting rights indefinitely for some crimes
12 or require the pardon of a Governor to get their ac-
13 cess to the franchise restored. These States are Ala-
14 bama, Arizona, Delaware, Florida, Iowa, Kentucky,
15 Mississippi, Nebraska, Tennessee, Virginia, and Wy-
16 oming.

17 (16) Despite their disenfranchisement, individ-
18 uals with felony convictions continue to be counted
19 as part of State populations for representation pur-
20 poses in Congress and for the Electoral College. Ac-
21 cording to author Michelle Alexander in *The New*
22 *Jim Crow*, “[T]he Census Bureau counts imprisoned
23 individuals as residents of the jurisdiction in which
24 they are incarcerated [through the usual-residence
25 rule].”.

1 (17) Disenfranchising citizens who have been
2 convicted of a criminal offense and who are living
3 and working in the community serves no compelling
4 State interest and hinders their rehabilitation and
5 reintegration into society.

6 (18) Finally, the right to vote is the most basic
7 constitutive act of citizenship. Restoring voting
8 rights in Federal elections to individuals with felony
9 convictions will better integrate these individuals
10 into free society, improve public safety, strengthen
11 the overall reentry process in the United States, and
12 move the United States closer to realizing the reha-
13 bilitative goals of its broken carceral system.

14 **SEC. 3. DEFINITIONS.**

15 For purposes of this Act:

16 (1) COVERED INDIVIDUAL.—The term “covered
17 individual” means an individual who—

18 (A) completes serving a sentence for a con-
19 viction under a Federal criminal law on or after
20 December 21, 2018; and

21 (B)(i) has time credits applied toward time
22 in prerelease custody or supervised release pur-
23 suant to section 3632(d)(4)(C) of title 18,
24 United States Code;

1 (ii) on or after the effective date of the
2 amendments made by section 102(b) of the
3 First Step Act of 2018 (Public Law 115–391;
4 132 Stat. 5210), receives credit toward the
5 service of the sentence of the individual under
6 section 3624(b)(1) of title 18, United States
7 Code;

8 (iii) is placed in prerelease custody or su-
9 pervised release under section 3624(g) of title
10 18, United States Code;

11 (iv) on or after December 21, 2018—

12 (I) commits a violation of section
13 401(b)(1) of the Controlled Substances Act
14 (21 U.S.C. 841(b)(1)) or section 1010(b)
15 of the Controlled Substances Import and
16 Export Act (21 U.S.C. 906(b)) after a
17 prior conviction for a serious drug felony
18 or serious violent felony, as those terms
19 are defined in section 102 of the Con-
20 trolled Substances Act (21 U.S.C. 802);
21 and

22 (II) is sentenced for a violation de-
23 scribed in subclause (I);

24 (v) is sentenced pursuant to section
25 3553(f) of title 18, United States Code, for a

1 conviction entered on or after December 21,
2 2018;

3 (vi) is sentenced pursuant to section
4 924(c)(1)(C) of title 18, United States Code,
5 for an offense—

6 (I) committed before December 21,
7 2018; and

8 (II) for which a sentence was not im-
9 posed before December 21, 2018;

10 (vii) receives a reduced sentence under sec-
11 tion 404 of the First Step Act of 2018 (Public
12 Law 115–391; 132 Stat. 5222);

13 (viii)(I) is an eligible elderly offender, as
14 defined in section 231(g)(5) of the Second
15 Chance Act of 2007 (34 U.S.C. 60541(g)(5));
16 and

17 (II) is placed in home detention pursuant
18 to section 231(g) of the Second Chance Act of
19 2007 (34 U.S.C. 60541(g)); or

20 (ix) receives a reduced term of imprison-
21 ment upon motion of the individual under sec-
22 tion 3582(c)(1)(A) of title 18, United States
23 Code.

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

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

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

5 (C) a primary election held for the selec-
6 tion of delegates to a national nominating con-
7 vention of a political party; or

8 (D) a primary election held for the expres-
9 sion of a preference for the nomination of per-
10 sons for election to the office of President.

11 (3) FEDERAL OFFICE.—The term “Federal of-
12 fice” means the office of President or Vice President
13 of the United States, or of Senator or Representa-
14 tive in, or Delegate or Resident Commissioner to,
15 the Congress of the United States.

16 (4) PROBATION.—The term “probation” means
17 probation, imposed by a Federal court with or with-
18 out a condition on the covered individual involved
19 concerning—

20 (A) the individual’s freedom of movement;

21 (B) the payment of damages by the indi-
22 vidual;

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

1 (D) supervision of the individual by an of-
2 ficer of the court.

3 **SEC. 4. RIGHTS OF CITIZENS.**

4 The right of a covered individual who is a citizen of
5 the United States to vote in any election for Federal office
6 shall not be denied or abridged because that individual has
7 been convicted of a criminal offense.

8 **SEC. 5. ENFORCEMENT.**

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

12 (b) PRIVATE RIGHT OF ACTION.—

13 (1) IN GENERAL.—A person who is aggrieved
14 by a violation of this Act may provide written notice
15 of the violation to the chief election official of the
16 State involved.

17 (2) RELIEF.—Except as provided in paragraph
18 (3), if the violation is not corrected within 90 days
19 after receipt of a notice under paragraph (1), or
20 within 20 days after receipt of the notice if the viola-
21 tion occurred within 120 days before the date of an
22 election for Federal office, the aggrieved person
23 may, in a civil action, obtain declaratory or injunc-
24 tive relief with respect to the violation.

1 (3) EXCEPTION.—If the violation occurred
2 within 30 days before the date of an election for
3 Federal office, the aggrieved person need not provide
4 notice to the chief election official of the State under
5 paragraph (1) before bringing a civil action to obtain
6 declaratory or injunctive relief with respect to the
7 violation.

8 **SEC. 6. NOTIFICATION OF RESTORATION OF VOTING**
9 **RIGHTS.**

10 (a) NOTIFICATION.—Any covered individual who has
11 been convicted of a criminal offense under Federal law
12 shall be notified in accordance with subsection (b) that
13 such individual has the right to vote in an election for Fed-
14 eral office pursuant to the Next Step Home Act and may
15 register to vote in any such election.

16 (b) DATE OF NOTIFICATION.—

17 (1) FELONY CONVICTION.—In the case of such
18 an covered individual who has been convicted of a
19 felony, the notification required under subsection (a)
20 shall be given—

21 (A) in the case of an covered individual
22 who is sentenced to serve only a term of proba-
23 tion, by the Assistant Director for the Office of
24 Probation and Pretrial Services of the Adminis-
25 trative Office of the United States Courts on

1 the date on which the individual is sentenced;
2 or

3 (B) in the case of any covered individual
4 committed to the custody of the Bureau of Pris-
5 ons, by the Director of the Bureau of Prisons,
6 during the period beginning on the date that is
7 6 months before such individual is released and
8 ending on the date such individual is released
9 from the custody of the Bureau of Prisons.

10 (2) MISDEMEANOR CONVICTION.—In the case
11 of such a covered individual who has been convicted
12 of a misdemeanor, the notification required under
13 subsection (a) shall be given on the date on which
14 such individual is sentenced by a court established
15 by an Act of Congress.

16 **SEC. 7. RELATION TO OTHER LAWS.**

17 (a) STATE LAWS RELATING TO VOTING RIGHTS.—
18 Nothing in this Act shall be construed to prohibit any
19 State from enacting any State law which affords the right
20 to vote in any election for Federal office on terms less
21 restrictive than those established by this Act.

22 (b) CERTAIN FEDERAL ACTS.—The rights and rem-
23 edies established by this Act are in addition to all other
24 rights and remedies provided by law, and neither rights
25 and remedies established by this Act shall supersede, re-

1 strict, or limit the application of the Voting Rights Act
2 of 1965 (52 U.S.C. 10301 et seq.), the National Voter
3 Registration Act (52 U.S.C. 20501), or the Help America
4 Vote Act of 2002 (52 U.S.C. 20901 et seq.).

5 **SEC. 8. FEDERAL PRISON FUNDS.**

6 No State, unit of local government, or other person
7 may receive or use, to construct or otherwise improve a
8 prison, jail, or other place of incarceration, any Federal
9 funds unless that State, unit of local government, or per-
10 son—

11 (1) is in compliance with section 4; and

12 (2) has in effect a program under which each
13 covered individual incarcerated in that person's ju-
14 risdiction who is a citizen of the United States is no-
15 tified, upon release from such incarceration, of that
16 individual's rights under section 4.

17 **SEC. 9. EFFECTIVE DATE.**

18 This Act shall apply to citizens of the United States
19 voting in any election for Federal office held on or after
20 the date of the enactment of this Act.

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