

116TH CONGRESS
1ST SESSION

S. 561

To amend the Voting Rights Act of 1965 to revise the criteria for determining which States and political subdivisions are subject to section 4 of the Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 26, 2019

Mr. LEAHY (for himself, Mr. DURBIN, Mrs. FEINSTEIN, Mr. JONES, Mr. SCHUMER, Mr. COONS, Ms. HARRIS, Mr. WHITEHOUSE, Mr. CASEY, Mr. KAINE, Mr. BLUMENTHAL, Mr. REED, Mr. BROWN, Ms. SMITH, Mr. MERKLEY, Mr. MARKEY, Ms. CANTWELL, Mr. MURPHY, Ms. BALDWIN, Ms. HASSAN, Mrs. MURRAY, Mr. HEINRICH, Mr. WYDEN, Mr. BOOKER, Ms. HIRONO, Mr. KING, Mrs. SHAHEEN, Mr. SANDERS, Mr. VAN HOLLEN, Ms. CORTEZ MASTO, Mr. WARNER, Ms. STABENOW, Mr. CARPER, Mr. CARDIN, Mr. MENENDEZ, Mr. UDALL, Mr. BENNET, Mr. SCHATZ, Mrs. GILLIBRAND, Ms. WARREN, Ms. DUCKWORTH, Ms. KLOBUCHAR, Ms. ROSEN, Mr. TESTER, Mr. PETERS, and Ms. SINEMA) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Voting Rights Act of 1965 to revise the criteria for determining which States and political subdivisions are subject to section 4 of the Act, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Voting Rights Ad-
3 vancement Act of 2019”.

4 **SEC. 2. VOTING ON INDIAN LANDS.**

5 Section 2 of the Voting Rights Act of 1965 (42
6 U.S.C. 1973) is amended by adding at the end the fol-
7 lowing:

8 “(c) VOTING ON INDIAN LANDS.—

9 “(1) TRIBAL REQUESTS FOR POLLING PLACES;
10 POLLING PLACE PROVIDED.—

11 “(A) IN GENERAL.—A representative offi-
12 cial of an Indian Tribe, with authorization from
13 the governing body of the Tribe, may request
14 one or more polling places to be located on the
15 Indian lands of the Indian Tribe. Such request
16 shall be delivered in writing to the State or po-
17 litical subdivision with responsibility for assign-
18 ing polling places at least 6 months prior to the
19 next election for which the request is made, and
20 shall specify the location of each requested poll-
21 ing place.

22 “(B) POLLING PLACES PROVIDED.—Each
23 requested polling place shall be provided by the
24 State or political subdivision in response to a
25 request made under subparagraph (A), at no
26 expense to the Indian Tribe, if the voting-age

1 population within the geographic area of the In-
2 dian lands relevant to the requested polling
3 place is at least equal to the smallest voting-age
4 population served by any other polling place in
5 the State. Each polling place that is provided
6 under this subparagraph shall continue to be
7 provided after the election for which the request
8 was made, until such time as the Indian Tribe
9 that requested that polling place delivers a writ-
10 ten request to the State or political subdivision
11 asking that such polling place be withdrawn.

12 “(C) RULE OF CONSTRUCTION.—Nothing
13 in this paragraph shall be construed to prevent
14 a State or political subdivision from providing
15 additional polling places on Indian lands if no
16 request was made under subparagraph (A), or
17 if such request was made less than 6 months
18 prior to the next election for which the request
19 was made.

20 “(2) REQUIREMENT TO PROVIDE EQUITABLE
21 POLLING LOCATIONS.—

22 “(A) IN GENERAL.—A State or political
23 subdivision shall provide the same ratio of poll
24 workers and voting devices, the same rate of
25 pay to poll workers, and the same days and

1 hours of operation, for polling places that are
2 located on Indian lands as are provided in other
3 locations of polling places in the State or polit-
4 ical subdivision.

5 “(B) ELIGIBILITY TO VOTE AT A POLLING
6 LOCATION.—A polling place located on Indian
7 lands shall be open to voting by all persons who
8 are otherwise eligible to vote residing within the
9 precinct, voting unit, or electoral district.

10 “(C) FEDERAL FACILITIES.—Polling
11 places located on Indian lands may be des-
12 ignated at—

13 “(i) a Federal facility, such as Indian
14 Health Service or Bureau of Indian Affairs
15 service buildings;

16 “(ii) any Tribal government facility
17 that meets the requirements of Federal
18 and State law applied to other polling loca-
19 tions within the State;

20 “(iii) a tribally owned building; or

21 “(iv) another facility that meets the
22 requirements for polling places in the
23 State.

24 “(3) ABSENTEE BALLOTS AND EARLY VOT-
25 ING.—

1 “(A) IN GENERAL.—A representative offi-
2 cial of an Indian Tribe, with authorization from
3 the governing body of the Indian Tribe, may de-
4 liver a request to the appropriate State or polit-
5 ical subdivision that a location on Indian lands
6 be designated as an absentee ballot location or
7 an early voting location, and such State or po-
8 litical subdivision shall grant the request, at no
9 expense to the Indian Tribe, if—

10 “(i) the requested location on Indian
11 lands is in a State that permits voting by
12 an absentee or mail-in ballot or early vot-
13 ing (also called absentee in-person voting),
14 as the case may be; and

15 “(ii) the voting-age population within
16 the geographic area of Indian lands rel-
17 evant to the requested absentee ballot loca-
18 tion or early voting location is at least
19 equal to the smallest voting-age population
20 served by any other absentee ballot loca-
21 tion or early voting location in the State.

22 “(B) INDIAN LANDS AS ABSENTEE BALLOT
23 LOCATION.—If a location on Indian lands is
24 designated as an absentee ballot location or an
25 early voting location, absentee ballots, or early

1 ballots, as the case may be, shall be provided,
2 at no expense to the Indian Tribe, to each reg-
3 istered voter living in such designated location
4 without the requirement of an excuse for an ab-
5 sentee ballot or early voting. Bilingual election
6 materials and oral language assistance shall be
7 provided if required by section 203.

8 “(4) TRIBAL REQUESTS FOR VOTER REGISTRA-
9 TION AGENCIES.—A representative official of an In-
10 dian Tribe, with authorization from the governing
11 body of the Tribe, may request that Tribal govern-
12 ment service offices be designated as voter registra-
13 tion agencies under section 7 of the National Voter
14 Registration Act of 1993 (52 U.S.C. 20506). Such
15 a request shall be delivered in writing to the State
16 or political subdivision with responsibility for assign-
17 ing polling locations at least 6 months prior to the
18 next election for which the request is made. Such a
19 request shall be granted if the Tribal government
20 service office meets the requirements of Federal and
21 State law applied to other designated voter registra-
22 tion agencies within the State.”.

1 **SEC. 3. VIOLATIONS TRIGGERING AUTHORITY OF COURT**
 2 **TO RETAIN JURISDICTION.**

3 (a) TYPES OF VIOLATIONS.—Section 3(c) of the Vot-
 4 ing Rights Act of 1965 (52 U.S.C. 10302(c)) is amended
 5 by striking “violations of the fourteenth or fifteenth
 6 amendment” and inserting “violations of the 14th or 15th
 7 Amendment, violations of this Act, or violations of any
 8 Federal law that prohibits discrimination in voting on the
 9 basis of race, color, or membership in a language minority
 10 group,”.

11 (b) CONFORMING AMENDMENT.—Section 3(a) of
 12 such Act (52 U.S.C. 10302(a)) is amended by striking
 13 “violations of the fourteenth or fifteenth amendment” and
 14 inserting “violations of the 14th or 15th Amendment, vio-
 15 lations of this Act, or violations of any Federal law that
 16 prohibits discrimination in voting on the basis of race,
 17 color, or membership in a language minority group,”.

18 **SEC. 4. CRITERIA FOR COVERAGE OF STATES AND POLIT-**
 19 **ICAL SUBDIVISIONS.**

20 (a) DETERMINATION OF STATES AND POLITICAL
 21 SUBDIVISIONS SUBJECT TO SECTION 4(a).—

22 (1) IN GENERAL.—Section 4(b) of the Voting
 23 Rights Act of 1965 (52 U.S.C. 10303(b)) is amend-
 24 ed to read as follows:

25 “(b) DETERMINATION OF STATES AND POLITICAL
 26 SUBDIVISIONS SUBJECT TO REQUIREMENTS.—

1 “(1) EXISTENCE OF VOTING RIGHTS VIOLA-
2 TIONS DURING PREVIOUS 25 YEARS.—

3 “(A) STATEWIDE APPLICATION.—Sub-
4 section (a) applies with respect to a State and
5 all political subdivisions within the State during
6 a calendar year if—

7 “(i) 15 or more voting rights viola-
8 tions occurred in the State during the pre-
9 vious 25 calendar years; or

10 “(ii) 10 or more voting rights viola-
11 tions occurred in the State during the pre-
12 vious 25 calendar years, at least one of
13 which was committed by the State itself
14 (as opposed to a political subdivision with-
15 in the State).

16 “(B) APPLICATION TO SPECIFIC POLITICAL
17 SUBDIVISIONS.—Subsection (a) applies with re-
18 spect to a political subdivision as a separate
19 unit during a calendar year if 3 or more voting
20 rights violations occurred in the subdivision
21 during the previous 25 calendar years.

22 “(2) PERIOD OF APPLICATION.—

23 “(A) IN GENERAL.—Except as provided in
24 subparagraph (B), if, pursuant to paragraph
25 (1), subsection (a) applies with respect to a

1 State or political subdivision during a calendar
2 year, subsection (a) shall apply with respect to
3 such State or political subdivision for the pe-
4 riod—

5 “(i) that begins on January 1 of the
6 year in which subsection (a) applies; and

7 “(ii) that ends on the date which is 10
8 years after the date described in clause (i).

9 “(B) NO FURTHER APPLICATION AFTER
10 DECLARATORY JUDGMENT.—

11 “(i) STATES.—If a State obtains a de-
12 claratory judgment under subsection (a),
13 and the judgment remains in effect, sub-
14 section (a) shall no longer apply to such
15 State pursuant to paragraph (1)(A) unless,
16 after the issuance of the declaratory judg-
17 ment, paragraph (1)(A) applies to the
18 State solely on the basis of voting rights
19 violations occurring after the issuance of
20 the declaratory judgment.

21 “(ii) POLITICAL SUBDIVISIONS.—If a
22 political subdivision obtains a declaratory
23 judgment under subsection (a), and the
24 judgment remains in effect, subsection (a)
25 shall no longer apply to such political sub-

1 division pursuant to paragraph (1), includ-
2 ing pursuant to paragraph (1)(A) (relating
3 to the statewide application of subsection
4 (a)), unless, after the issuance of the de-
5 claratory judgment, paragraph (1)(B) ap-
6 plies to the political subdivision solely on
7 the basis of voting rights violations occur-
8 ring after the issuance of the declaratory
9 judgment.

10 “(3) DETERMINATION OF VOTING RIGHTS VIO-
11 LATION.—For purposes of paragraph (1), a voting
12 rights violation occurred in a State or political sub-
13 division if any of the following applies:

14 “(A) FINAL JUDGMENT; VIOLATION OF
15 THE 14TH OR 15TH AMENDMENT.—In a final
16 judgment (which has not been reversed on ap-
17 peal), any court of the United States has deter-
18 mined that a denial or abridgement of the right
19 of any citizen of the United States to vote on
20 account of race, color, or membership in a lan-
21 guage minority group, in violation of the 14th
22 or 15th Amendment, occurred anywhere within
23 the State or subdivision.

24 “(B) FINAL JUDGMENT; VIOLATIONS OF
25 THIS ACT.—In a final judgment (which has not

1 been reversed on appeal), any court of the
2 United States has determined that a voting
3 qualification or prerequisite to voting or stand-
4 ard, practice, or procedure with respect to vot-
5 ing was imposed or applied or would have been
6 imposed or applied anywhere within the State
7 or subdivision in a manner that resulted or
8 would have resulted in a denial or abridgement
9 of the right of any citizen of the United States
10 to vote on account of race, color, or membership
11 in a language minority group, in violation of
12 subsection (e) or (f), or section 2 or 203 of this
13 Act.

14 “(C) FINAL JUDGMENT; DENIAL OF DE-
15 CLARATORY JUDGMENT.—In a final judgment
16 (which has not been reversed on appeal), any
17 court of the United States has denied the re-
18 quest of the State or subdivision for a declara-
19 tory judgment under section 3(c) or section 5,
20 and thereby prevented a voting qualification or
21 prerequisite to voting or standard, practice, or
22 procedure with respect to voting from being en-
23 forced anywhere within the State or subdivision.

24 “(D) OBJECTION BY THE ATTORNEY GEN-
25 ERAL.—The Attorney General has interposed

1 an objection under section 3(c) or section 5
2 (and the objection has not been overturned by
3 a final judgment of a court or withdrawn by the
4 Attorney General), and thereby prevented a vot-
5 ing qualification or prerequisite to voting or
6 standard, practice, or procedure with respect to
7 voting from being enforced anywhere within the
8 State or subdivision.

9 “(E) CONSENT DECREE, SETTLEMENT, OR
10 OTHER AGREEMENT.—A consent decree, settle-
11 ment, or other agreement was entered into,
12 which resulted in the alteration or abandonment
13 of a voting practice anywhere in the territory of
14 such State that was challenged on the ground
15 that the practice denied or abridged the right of
16 any citizen of the United States to vote on ac-
17 count of race, color, or membership in a lan-
18 guage minority group in violation of subsection
19 (e) or (f), or section 2 or 203 of this Act, or
20 the 14th or 15th Amendment.

21 “(4) TIMING OF DETERMINATIONS.—

22 “(A) DETERMINATIONS OF VOTING RIGHTS
23 VIOLATIONS.—As early as practicable during
24 each calendar year, the Attorney General shall
25 make the determinations required by this sub-

1 section, including updating the list of voting
2 rights violations occurring in each State and po-
3 litical subdivision for the previous calendar
4 year.

5 “(B) EFFECTIVE UPON PUBLICATION IN
6 FEDERAL REGISTER.—A determination or cer-
7 tification of the Attorney General under this
8 section or under section 8 or 13 shall be effec-
9 tive upon publication in the Federal Register.”.

10 (2) CONFORMING AMENDMENTS.—Section 4(a)
11 of such Act (52 U.S.C. 10303(a)) is amended—

12 (A) in paragraph (1), in the first sentence
13 of the matter preceding subparagraph (A), by
14 striking “any State with respect to which” and
15 all that follows through “unless” and inserting
16 “any State to which this subsection applies dur-
17 ing a calendar year pursuant to determinations
18 made under subsection (b), or in any political
19 subdivision of such State (as such subdivision
20 existed on the date such determinations were
21 made with respect to such State), though such
22 determinations were not made with respect to
23 such subdivision as a separate unit, or in any
24 political subdivision with respect to which this
25 subsection applies during a calendar year pur-

1 suant to determinations made with respect to
2 such subdivision as a separate unit under sub-
3 section (b), unless”;

4 (B) in paragraph (1) in the matter pre-
5 ceding subparagraph (A), by striking the second
6 sentence;

7 (C) in paragraph (1)(A), by striking “(in
8 the case of a State or subdivision seeking a de-
9 claratory judgment under the second sentence
10 of this subsection)”;

11 (D) in paragraph (1)(B), by striking “(in
12 the case of a State or subdivision seeking a de-
13 claratory judgment under the second sentence
14 of this subsection)”;

15 (E) in paragraph (3), by striking “(in the
16 case of a State or subdivision seeking a declara-
17 tory judgment under the second sentence of this
18 subsection)”;

19 (F) in paragraph (5), by striking “(in the
20 case of a State or subdivision which sought a
21 declaratory judgment under the second sentence
22 of this subsection)”;

23 (G) by striking paragraphs (7) and (8);
24 and

1 (H) by redesignating paragraph (9) as
2 paragraph (7).

3 (b) CLARIFICATION OF TREATMENT OF MEMBERS OF
4 LANGUAGE MINORITY GROUPS.—Section 4(a)(1) of such
5 Act (52 U.S.C. 10303(a)(1)) is amended by striking “race
6 or color,” and inserting “race, color, or in contravention
7 of the guarantees of subsection (f)(2),”.

8 **SEC. 5. DETERMINATION OF STATES AND POLITICAL SUB-**
9 **DIVISIONS SUBJECT TO PRECLEARANCE FOR**
10 **COVERED PRACTICES.**

11 The Voting Rights Act of 1965 (52 U.S.C. 10301 et
12 seq.) is further amended by inserting after section 4 the
13 following:

14 **“SEC. 4A. DETERMINATION OF STATES AND POLITICAL**
15 **SUBDIVISIONS SUBJECT TO PRECLEARANCE**
16 **FOR COVERED PRACTICES.**

17 **“(a) PRACTICE-BASED PRECLEARANCE.—**

18 **“(1) IN GENERAL.—**Each State and each polit-
19 ical subdivision shall—

20 **“(A)** identify any newly enacted or adopted
21 law, regulation, or policy that includes a voting
22 qualification or prerequisite to voting, or a
23 standard, practice, or procedure with respect to
24 voting, that is a covered practice described in
25 subsection (b); and

1 “(B) ensure that no such covered practice
2 is implemented unless or until the State or po-
3 litical subdivision, as the case may be, complies
4 with subsection (c).

5 “(2) DETERMINATIONS OF CHARACTERISTICS
6 OF VOTING-AGE POPULATION.—

7 “(A) IN GENERAL.—As early as prac-
8 ticable during each calendar year, the Attorney
9 General, in consultation with the Director of
10 the Bureau of the Census and the heads of
11 other relevant offices of the government, shall
12 make the determinations required by this sec-
13 tion regarding voting-age populations and the
14 characteristics of such populations, and shall
15 publish a list of the States and political subdivi-
16 sions to which a voting-age population char-
17 acteristic described in subsection (b) applies.

18 “(B) PUBLICATION IN THE FEDERAL REG-
19 ISTER.—A determination or certification of the
20 Attorney General under this paragraph shall be
21 effective upon publication in the Federal Reg-
22 ister.

23 “(b) COVERED PRACTICES.—To assure that the right
24 of citizens of the United States to vote is not denied or
25 abridged on account of race, color, or membership in a

1 language minority group as a result of the implementation
 2 of certain qualifications or prerequisites to voting, or
 3 standards, practices, or procedures with respect to voting
 4 newly adopted in a State or political subdivision, the fol-
 5 lowing shall be covered practices subject to the require-
 6 ments described in subsection (a):

7 “(1) CHANGES TO METHOD OF ELECTION.—

8 Any change to the method of election—

9 “(A) to add seats elected at-large in a
 10 State or political subdivision where—

11 “(i) 2 or more racial groups or lan-
 12 guage minority groups each represent 20
 13 percent or more of the political subdivi-
 14 sion’s voting-age population; or

15 “(ii) a single language minority group
 16 represents 20 percent or more of the vot-
 17 ing-age population on Indian lands located
 18 in whole or in part in the political subdivi-
 19 sion; or

20 “(B) to convert one or more seats elected
 21 from a single-member district to one or more
 22 at-large seats or seats from a multimember dis-
 23 trict in a State or political subdivision where—

24 “(i) 2 or more racial groups or lan-
 25 guage minority groups each represent 20

1 percent or more of the political subdivi-
2 sion’s voting-age population; or

3 “(ii) a single language minority group
4 represents 20 percent or more of the vot-
5 ing-age population on Indian lands located
6 in whole or in part in the political subdivi-
7 sion.

8 “(2) CHANGES TO JURISDICTION BOUND-
9 ARIES.—Any change or series of changes within a
10 year to the boundaries of a jurisdiction that reduces
11 by 3 or more percentage points the proportion of the
12 jurisdiction’s voting-age population that is composed
13 of members of a single racial group or language mi-
14 nority group in a State or political subdivision
15 where—

16 “(A) 2 or more racial groups or language
17 minority groups each represent 20 percent or
18 more of the political subdivision’s voting-age
19 population; or

20 “(B) a single language minority group rep-
21 resents 20 percent or more of the voting-age
22 population on Indian lands located in whole or
23 in part in the political subdivision.

24 “(3) CHANGES THROUGH REDISTRICTING.—
25 Any change to the boundaries of election districts in

1 a State or political subdivision where any racial
2 group or language minority group experiences a pop-
3 ulation increase, over the preceding decade (as cal-
4 culated by the Bureau of the Census under the most
5 recent decennial census), of at least—

6 “(A) 10,000; or

7 “(B) 20 percent of voting-age population
8 of the State or political subdivision, as the case
9 may be.

10 “(4) CHANGES IN DOCUMENTATION OR QUALI-
11 FICATIONS TO VOTE.—Any change to requirements
12 for documentation or proof of identity to vote such
13 that the requirements will exceed or be more strin-
14 gent than the requirements for voting that are de-
15 scribed in section 303(b) of the Help America Vote
16 Act of 2002 (52 U.S.C. 21083(b)) or any change to
17 the requirements for documentation or proof of iden-
18 tity to register to vote that will exceed or be more
19 stringent than such requirements under State law on
20 the day before the date of enactment of the Voting
21 Rights Advancement Act of 2019.

22 “(5) CHANGES TO MULTILINGUAL VOTING MA-
23 TERIALS.—Any change that reduces multilingual
24 voting materials or alters the manner in which such
25 materials are provided or distributed, where no simi-

1 lar reduction or alteration occurs in materials pro-
2 vided in English for such election.

3 “(6) CHANGES THAT REDUCE, CONSOLIDATE,
4 OR RELOCATE VOTING LOCATIONS.—Any change
5 that reduces, consolidates, or relocates voting loca-
6 tions, including early, absentee, and election-day vot-
7 ing locations—

8 “(A) in 1 or more census tracts wherein 2
9 or more language minority groups or racial
10 groups each represent 20 percent or more of
11 the voting-age population of the political sub-
12 division; or

13 “(B) on Indian lands wherein at least 20
14 percent of the voting-age population belongs to
15 a single language minority group.

16 “(c) PRECLEARANCE.—

17 “(1) IN GENERAL.—Whenever a State or polit-
18 ical subdivision with respect to which the require-
19 ments set forth in subsection (a) are in effect shall
20 enact, adopt, or seek to implement any covered prac-
21 tice described under subsection (b), such State or
22 subdivision may institute an action in the United
23 States District Court for the District of Columbia
24 for a declaratory judgment that such covered prac-
25 tice neither has the purpose nor will have the effect

1 of denying or abridging the right to vote on account
2 of race, color, or membership in a language minority
3 group, and unless and until the court enters such
4 judgment such covered practice shall not be imple-
5 mented. Notwithstanding the previous sentence, such
6 covered practice may be implemented without such
7 proceeding if the covered practice has been sub-
8 mitted by the chief legal officer or other appropriate
9 official of such State or subdivision to the Attorney
10 General and the Attorney General has not inter-
11 posed an objection within 60 days after such submis-
12 sion, or upon good cause shown, to facilitate an ex-
13 pedited approval within 60 days after such submis-
14 sion, the Attorney General has affirmatively indi-
15 cated that such objection will not be made. Neither
16 an affirmative indication by the Attorney General
17 that no objection will be made, nor the Attorney
18 General's failure to object, nor a declaratory judg-
19 ment entered under this section shall bar a subse-
20 quent action to enjoin implementation of such cov-
21 ered practice. In the event the Attorney General af-
22 firmatively indicates that no objection will be made
23 within the 60-day period following receipt of a sub-
24 mission, the Attorney General may reserve the right
25 to reexamine the submission if additional informa-

1 tion comes to the Attorney General’s attention dur-
2 ing the remainder of the 60-day period which would
3 otherwise require objection in accordance with this
4 section. Any action under this section shall be heard
5 and determined by a court of three judges in accord-
6 ance with the provisions of section 2284 of title 28,
7 United States Code, and any appeal shall lie to the
8 Supreme Court.

9 “(2) DENYING OR ABRIDGING THE RIGHT TO
10 VOTE.—Any covered practice described in subsection
11 (b) that has the purpose of or will have the effect
12 of diminishing the ability of any citizens of the
13 United States on account of race, color, or member-
14 ship in a language minority group, to elect their pre-
15 ferred candidates of choice denies or abridges the
16 right to vote within the meaning of paragraph (1) of
17 this subsection.

18 “(3) PURPOSE DEFINED.—The term ‘purpose’
19 in paragraphs (1) and (2) of this subsection shall in-
20 clude any discriminatory purpose.

21 “(4) PURPOSE OF PARAGRAPH (2).—The pur-
22 pose of paragraph (2) of this subsection is to protect
23 the ability of such citizens to elect their preferred
24 candidates of choice.

1 “(d) ENFORCEMENT.—The Attorney General or any
2 aggrieved citizen may file an action in a Federal district
3 court to compel any State or political subdivision to satisfy
4 the obligations set forth in this section. Such actions shall
5 be heard and determined by a court of 3 judges under
6 section 2284 of title 28, United States Code. In any such
7 action, the court shall provide as a remedy that any voting
8 qualification or prerequisite to voting, or standard, prac-
9 tice, or procedure with respect to voting, that is the sub-
10 ject of the action under this subsection be enjoined unless
11 the court determines that—

12 “(1) the voting qualification or prerequisite to
13 voting, or standard, practice, or procedure with re-
14 spect to voting, is not a covered practice described
15 in subsection (b); or

16 “(2) the State or political subdivision has com-
17 plied with subsection (c) with respect to the covered
18 practice at issue.

19 “(e) COUNTING OF RACIAL GROUPS AND LANGUAGE
20 MINORITY GROUPS.—For purposes of this section, the cal-
21 culation of the population of a racial group or a language
22 minority group shall be carried out using the methodology
23 in the guidance promulgated in the Federal Register on
24 February 9, 2011 (76 Fed. Reg. 7470).

1 “(f) SPECIAL RULE.—For purposes of determina-
 2 tions under this section, any data provided by the Bureau
 3 of the Census, whether based on estimation from sample
 4 or actual enumeration, shall not be subject to challenge
 5 or review in any court.

6 “(g) MULTILINGUAL VOTING MATERIALS.—In this
 7 section, the term ‘multilingual voting materials’ means
 8 registration or voting notices, forms, instructions, assist-
 9 ance, or other materials or information relating to the
 10 electoral process, including ballots, provided in the lan-
 11 guage or languages of one or more language minority
 12 groups.”.

13 **SEC. 6. PROMOTING TRANSPARENCY TO ENFORCE THE**
 14 **VOTING RIGHTS ACT.**

15 (a) TRANSPARENCY.—

16 (1) IN GENERAL.—The Voting Rights Act of
 17 1965 (52 U.S.C. 10301 et seq.) is amended by in-
 18 serting after section 5 the following new section:

19 **“SEC. 6. TRANSPARENCY REGARDING CHANGES TO PRO-**
 20 **TECT VOTING RIGHTS.**

21 “(a) NOTICE OF ENACTED CHANGES.—

22 “(1) NOTICE OF CHANGES.—If a State or polit-
 23 ical subdivision makes any change in any pre-
 24 requisite to voting or standard, practice, or proce-
 25 dure with respect to voting in any election for Fed-

1 eral office that will result in the prerequisite, stand-
2 ard, practice, or procedure being different from that
3 which was in effect as of 180 days before the date
4 of the election for Federal office, the State or polit-
5 ical subdivision shall provide reasonable public notice
6 in such State or political subdivision and on the
7 Internet, of a concise description of the change, in-
8 cluding the difference between the changed pre-
9 requisite, standard, practice, or procedure and the
10 prerequisite, standard, practice, or procedure which
11 was previously in effect. The public notice described
12 in this paragraph, in such State or political subdivi-
13 sion and on the Internet, shall be in a format that
14 is reasonably convenient and accessible to voters
15 with disabilities, including voters who have low vi-
16 sion or are blind.

17 “(2) DEADLINE FOR NOTICE.—A State or polit-
18 ical subdivision shall provide the public notice re-
19 quired under paragraph (1) not later than 48 hours
20 after making the change involved.

21 “(b) TRANSPARENCY REGARDING POLLING PLACE
22 RESOURCES.—

23 “(1) IN GENERAL.—In order to identify any
24 changes that may impact the right to vote of any
25 person, prior to the 30th day before the date of an

1 election for Federal office, each State or political
2 subdivision with responsibility for allocating reg-
3 istered voters, voting machines, and official poll
4 workers to particular precincts and polling places
5 shall provide reasonable public notice in such State
6 or political subdivision and on the Internet, of the
7 information described in paragraph (2) for precincts
8 and polling places within such State or political sub-
9 division. The public notice described in this para-
10 graph, in such State or political subdivision and on
11 the Internet, shall be in a format that is reasonably
12 convenient and accessible to voters with disabilities
13 including voters who have low vision or are blind.

14 “(2) INFORMATION DESCRIBED.—The informa-
15 tion described in this paragraph with respect to a
16 precinct or polling place is each of the following:

17 “(A) The name or number.

18 “(B) In the case of a polling place, the lo-
19 cation, including the street address, and wheth-
20 er such polling place is accessible to persons
21 with disabilities.

22 “(C) The voting-age population of the area
23 served by the precinct or polling place, broken
24 down by demographic group if such breakdown

1 is reasonably available to such State or political
2 subdivision.

3 “(D) The number of registered voters as-
4 signed to the precinct or polling place, broken
5 down by demographic group if such breakdown
6 is reasonably available to such State or political
7 subdivision.

8 “(E) The number of voting machines as-
9 signed, including the number of voting ma-
10 chines accessible to voters with disabilities, in-
11 cluding voters who have low vision or are blind.

12 “(F) The number of official paid poll
13 workers assigned.

14 “(G) The number of official volunteer poll
15 workers assigned.

16 “(H) In the case of a polling place, the
17 dates and hours of operation.

18 “(3) UPDATES IN INFORMATION REPORTED.—
19 If a State or political subdivision makes any change
20 in any of the information described in paragraph
21 (2), the State or political subdivision shall provide
22 reasonable public notice in such State or political
23 subdivision and on the Internet, of the change in the
24 information not later than 48 hours after the change
25 occurs or, if the change occurs fewer than 48 hours

1 before the date of the election for Federal office, as
2 soon as practicable after the change occurs. The
3 public notice described in this paragraph in such
4 State or political subdivision and on the Internet
5 shall be in a format that is reasonably convenient
6 and accessible to voters with disabilities including
7 voters who have low vision or are blind.

8 “(c) TRANSPARENCY OF CHANGES RELATING TO DE-
9 MOGRAPHICS AND ELECTORAL DISTRICTS.—

10 “(1) REQUIRING PUBLIC NOTICE OF
11 CHANGES.—Not later than 10 days after making
12 any change in the constituency that will participate
13 in an election for Federal, State, or local office or
14 the boundaries of a voting unit or electoral district
15 in an election for Federal, State, or local office (in-
16 cluding through redistricting, reapportionment,
17 changing from at-large elections to district-based
18 elections, or changing from district-based elections
19 to at-large elections), a State or political subdivision
20 shall provide reasonable public notice in such State
21 or political subdivision and on the Internet, of the
22 demographic and electoral data described in para-
23 graph (3) for each of the geographic areas described
24 in paragraph (2).

1 “(2) GEOGRAPHIC AREAS DESCRIBED.—The ge-
2 ographic areas described in this paragraph are as
3 follows:

4 “(A) The State as a whole, if the change
5 applies statewide, or the political subdivision as
6 a whole, if the change applies across the entire
7 political subdivision.

8 “(B) If the change includes a plan to re-
9 place or eliminate voting units or electoral dis-
10 tricts, each voting unit or electoral district that
11 will be replaced or eliminated.

12 “(C) If the change includes a plan to es-
13 tablish new voting units or electoral districts,
14 each such new voting unit or electoral district.

15 “(3) DEMOGRAPHIC AND ELECTORAL DATA.—
16 The demographic and electoral data described in this
17 paragraph with respect to a geographic area de-
18 scribed in paragraph (2) are each of the following:

19 “(A) The voting-age population, broken
20 down by demographic group.

21 “(B) If it is reasonably available to the
22 State or political subdivision involved, an esti-
23 mate of the population of the area which con-
24 sists of citizens of the United States who are 18

1 years of age or older, broken down by demo-
2 graphic group.

3 “(C) The number of registered voters, bro-
4 ken down by demographic group if such break-
5 down is reasonably available to the State or po-
6 litical subdivision involved.

7 “(D)(i) If the change applies to a State,
8 the actual number of votes, or (if it is not rea-
9 sonably practicable for the State to ascertain
10 the actual number of votes) the estimated num-
11 ber of votes received by each candidate in each
12 statewide election held during the 5-year period
13 which ends on the date the change involved is
14 made; and

15 “(ii) if the change applies to only one polit-
16 ical subdivision, the actual number of votes, or
17 (if it is not reasonably practicable for the polit-
18 ical subdivision to ascertain the actual number
19 of votes) in each subdivision-wide election held
20 during the 5-year period which ends on the date
21 the change involved is made.

22 “(4) VOLUNTARY COMPLIANCE BY SMALLER JU-
23 RISDICTIONS.—Compliance with this subsection shall
24 be voluntary for a political subdivision of a State un-
25 less the subdivision is one of the following:

1 “(A) A county or parish.

2 “(B) A municipality with a population
3 greater than 10,000, as determined by the Bu-
4 reau of the Census under the most recent de-
5 cennial census.

6 “(C) A school district with a population
7 greater than 10,000, as determined by the Bu-
8 reau of the Census under the most recent de-
9 cennial census. For purposes of this subpara-
10 graph, the term ‘school district’ means the geo-
11 graphic area under the jurisdiction of a local
12 educational agency (as defined in section 8101
13 of the Elementary and Secondary Education
14 Act of 1965 (20 U.S.C. 7801)).

15 “(d) RULES REGARDING FORMAT OF INFORMA-
16 TION.—The Attorney General may issue rules specifying
17 a reasonably convenient and accessible format that States
18 and political subdivisions shall use to provide public notice
19 of information under this section.

20 “(e) NO DENIAL OF RIGHT TO VOTE.—The right to
21 vote of any person shall not be denied or abridged because
22 the person failed to comply with any change made by a
23 State or political subdivision if the State or political sub-
24 division involved did not meet the applicable requirements
25 of this section with respect to the change.

1 “(f) DEFINITIONS.—In this section—

2 “(1) the term ‘demographic group’ means each
3 group which section 2 protects from the denial or
4 abridgement of the right to vote on account of race
5 or color, or in contravention of the guarantees set
6 forth in section 4(f)(2);

7 “(2) the term ‘election for Federal office’ means
8 any general, special, primary, or runoff election held
9 solely or in part for the purpose of electing any can-
10 didate for the office of President, Vice President,
11 Presidential elector, Senator, Member of the House
12 of Representatives, or Delegate or Resident Commis-
13 sioner to the Congress; and

14 “(3) the term ‘persons with disabilities’, means
15 individuals with a disability, as defined in section 3
16 of the Americans with Disabilities Act of 1990 (42
17 U.S.C. 12102).”.

18 (2) CONFORMING AMENDMENT.—Section 3(a)
19 of such Act (52 U.S.C. 10302(a)) is amended by
20 striking “in accordance with section 6”.

21 (b) EFFECTIVE DATE.—The amendment made by
22 subsection (a)(1) shall apply with respect to changes which
23 are made on or after the expiration of the 60-day period
24 which begins on the date of the enactment of this Act.

1 **SEC. 7. AUTHORITY TO ASSIGN OBSERVERS.**

2 (a) CLARIFICATION OF AUTHORITY IN POLITICAL
3 SUBDIVISIONS SUBJECT TO PRECLEARANCE.—Section
4 8(a)(2)(B) of the Voting Rights Act of 1965 (52 U.S.C.
5 10305(a)(2)(B)) is amended to read as follows:

6 “(B) in the Attorney General’s judgment,
7 the assignment of observers is otherwise nec-
8 essary to enforce the guarantees of the 14th or
9 15th Amendment or any provision of this Act
10 or any other Federal law protecting the right of
11 citizens of the United States to vote;”.

12 (b) ASSIGNMENT OF OBSERVERS TO ENFORCE BI-
13 LINGUAL ELECTION REQUIREMENTS.—Section 8(a) of
14 such Act (52 U.S.C. 10305(a)) is amended—

15 (1) by striking “or” at the end of paragraph
16 (1); and

17 (2) by adding after paragraph (2) the following:

18 “(3) the Attorney General certifies with respect
19 to a political subdivision that—

20 “(A) the Attorney General has received
21 written meritorious complaints from residents,
22 elected officials, or civic participation organiza-
23 tions that efforts to violate section 203 are like-
24 ly to occur; or

1 “(B) in the Attorney General’s judgment,
2 the assignment of observers is necessary to en-
3 force the guarantees of section 203; or

4 “(4) the Attorney General certifies that the At-
5 torney General has received from the appropriate of-
6 ficial of the governing body of a federally recognized
7 Indian Tribe—

8 “(A) a written complaint that efforts to
9 deny or abridge the right to vote under the
10 color of law on account of race or color, or in
11 contravention of the guarantees set forth in sec-
12 tion 4(f)(2) are likely to occur; and

13 “(B) a written request for the authoriza-
14 tion of Federal observers for elections that
15 occur on Indian lands;”.

16 **SEC. 8. PRELIMINARY INJUNCTIVE RELIEF.**

17 (a) CLARIFICATION OF SCOPE AND PERSONS AU-
18 THORIZED TO SEEK RELIEF.—Section 12(d) of the Vot-
19 ing Rights Act of 1965 (52 U.S.C. 10308(d)) is amend-
20 ed—

21 (1) by striking “section 2, 3, 4, 5, 7, 10, 11,
22 or subsection (b) of this section” and inserting “the
23 14th or 15th Amendment, this Act, or any Federal
24 voting rights law that prohibits discrimination on

1 the basis of race, color, or membership in a language
2 minority group”; and

3 (2) by striking “the Attorney General may in-
4 stitute for the United States, or in the name of the
5 United States,” and inserting “the aggrieved person
6 or (in the name of the United States) the Attorney
7 General may institute”.

8 (b) GROUNDS FOR GRANTING RELIEF.—Section
9 12(d) of such Act (52 U.S.C. 10308(d)) is amended—

10 (1) by striking “(d) Whenever any person” and
11 inserting “(d)(1) Whenever any person”;

12 (2) by striking “(1) to permit” and inserting
13 “(A) to permit”;

14 (3) by striking “(2) to count” and inserting
15 “(B) to count”; and

16 (4) by adding at the end the following new
17 paragraph:

18 “(2)(A) In any action for preliminary relief described
19 in this subsection, the court shall grant the relief if the
20 court determines that the complainant has raised a serious
21 question whether the challenged voting qualification or
22 prerequisite to voting or standard, practice, or procedure
23 violates this Act or the Constitution and, on balance, the
24 hardship imposed upon the defendant by the grant of the
25 relief will be less than the hardship which would be im-

1 posed upon the plaintiff if the relief were not granted. In
2 balancing the harms, the court shall give due weight to
3 the fundamental right to cast an effective ballot.

4 “(B) In making its determination under this para-
5 graph with respect to a change in any voting qualification,
6 prerequisite to voting, or standard, practice, or procedure
7 with respect to voting, the court shall consider all relevant
8 factors and give due weight to the following factors, if they
9 are present:

10 “(i) Whether the qualification, prerequisite,
11 standard, practice, or procedure in effect prior to the
12 change was adopted as a remedy for a Federal court
13 judgment, consent decree, or admission regarding—

14 “(I) discrimination on the basis of race or
15 color in violation of the 14th or 15th Amend-
16 ment;

17 “(II) a violation of this Act; or

18 “(III) voting discrimination on the basis of
19 race, color, or membership in a language minor-
20 ity group in violation of any other Federal or
21 State law.

22 “(ii) Whether the qualification, prerequisite,
23 standard, practice, or procedure in effect prior to the
24 change served as a ground for the dismissal or set-
25 tlement of a claim alleging—

1 “(I) discrimination on the basis of race or
2 color in violation of the 14th or 15th Amend-
3 ment;

4 “(II) a violation of this Act; or

5 “(III) voting discrimination on the basis of
6 race, color, or membership in a language minor-
7 ity group in violation of any other Federal or
8 State law.

9 “(iii) Whether the change was adopted fewer
10 than 180 days before the date of the election with
11 respect to which the change is to take effect.

12 “(iv) Whether the defendant has failed to pro-
13 vide timely or complete notice of the adoption of the
14 change as required by applicable Federal or State
15 law.”.

16 **SEC. 9. DEFINITIONS.**

17 Title I of the Voting Rights Act of 1965 (52 U.S.C.
18 10301) is amended by adding at the end the following:

19 **“SEC. 21. DEFINITIONS.**

20 “In this Act:

21 “(1) INDIAN LANDS.—The term ‘Indian lands’
22 means—

23 “(A) any Indian country of the Indian
24 Tribe, as defined in section 1151 of title 18,
25 United States Code;

1 “(B) any land in Alaska that is owned,
2 pursuant to the Alaska Native Claims Settle-
3 ment Act (43 U.S.C. 1601 et seq.), by an In-
4 dian Tribe that is a Native village (as defined
5 in section 3 of that Act (43 U.S.C. 1602)) or
6 by a Village Corporation that is associated with
7 the Indian Tribe (as defined in section 3 of that
8 Act (43 U.S.C. 1602));

9 “(C) any land on which the seat of govern-
10 ment of the Indian Tribe is located; and

11 “(D) any land that is part or all of a Trib-
12 al designated statistical area associated with the
13 Indian Tribe, or is part or all of an Alaska Na-
14 tive village statistical area associated with the
15 Tribe, as defined by the Bureau of the Census
16 for the purposes of the most recent decennial
17 census.

18 “(2) INDIAN TRIBE.—The term ‘Indian Tribe’
19 or ‘Tribe’ means any American Indian or Alaska
20 Native Tribe, band, nation, pueblo, village, or com-
21 munity that the Secretary of the Interior acknowl-
22 edges to exist as a federally recognized Indian Tribe
23 under the Federally Recognized Indian Tribe List
24 Act of 1994 (25 U.S.C. 5130 et seq.).

1 “(3) VOTING-AGE POPULATION.—The term
2 ‘voting-age population’ means the numerical size of
3 the population within a State, within a political sub-
4 division, or within a political subdivision that con-
5 tains Indian lands, as the case may be, that consists
6 of persons age 18 or older, as calculated by the Bu-
7 reau of the Census under the most recent decennial
8 census.”.

9 **SEC. 10. BILINGUAL ELECTION REQUIREMENTS.**

10 Section 203(c) of the Voting Rights Act of 1965 (52
11 U.S.C. 10503(c)) is amended by striking “or in the case
12 of Alaskan natives and American Indians, if the predomi-
13 nant language is historically unwritten” and inserting “(as
14 of the date on which the materials or information is pro-
15 vided)”.

16 **SEC. 11. OTHER TECHNICAL AND CONFORMING AMEND-**
17 **MENTS.**

18 (a) ACTIONS COVERED UNDER SECTION 3.—Section
19 3(c) of the Voting Rights Act of 1965 (52 U.S.C.
20 10302(c)) is amended—

21 (1) by striking “any proceeding instituted by
22 the Attorney General or an aggrieved person under
23 any statute to enforce” and inserting “any action
24 under any statute in which a party (including the
25 Attorney General) seeks to enforce”; and

1 (2) by striking “at the time the proceeding was
2 commenced” and inserting “at the time the action
3 was commenced”.

4 (b) CLARIFICATION OF TREATMENT OF MEMBERS OF
5 LANGUAGE MINORITY GROUPS.—Section 4(f) of such Act
6 (52 U.S.C. 10303(f)) is amended—

7 (1) in paragraph (1), by striking the second
8 sentence; and

9 (2) by striking paragraphs (3) and (4).

10 (c) PERIOD DURING WHICH CHANGES IN VOTING
11 PRACTICES ARE SUBJECT TO PRECLEARANCE UNDER
12 SECTION 5.—Section 5 of such Act (52 U.S.C. 10304)
13 is amended—

14 (1) in subsection (a), by striking “based upon
15 determinations made under the first sentence of sec-
16 tion 4(b) are in effect” and inserting “are in effect
17 during a calendar year”;

18 (2) in subsection (a), by striking “November 1,
19 1964” and all that follows through “November 1,
20 1972” and inserting “the applicable date of cov-
21 erage”; and

22 (3) by adding at the end the following new sub-
23 section:

24 “(e) The term ‘applicable date of coverage’ means,
25 with respect to a State or political subdivision—

1 “(1) June 25, 2013, if the most recent deter-
2 mination for such State or subdivision under section
3 4(b) was made on or before December 31, 2015; or

4 “(2) the date on which the most recent deter-
5 mination for such State or subdivision under section
6 4(b) was made, if such determination was made
7 after December 31, 2015.”.

8 **SEC. 12. TRIBAL VOTING CONSULTATION.**

9 The Attorney General shall consult annually with
10 Tribal organizations regarding issues related to voting for
11 members of an Indian Tribe (as defined under section 21
12 of the Voting Rights Act of 1965, as added by section
13 9 of this Act).

○