

115TH CONGRESS
1ST SESSION

H. R. 2978

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 HOUSE OF REPRESENTATIVES

JUNE 21, 2017

Ms. SEWELL of Alabama (for herself, Ms. JUDY CHU of California, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. LEWIS of Georgia, Mr. CLYBURN, Ms. PELOSI, Mr. CONYERS, Mr. HOYER, Ms. ADAMS, Ms. BARRAGÁN, Ms. BASS, Mrs. BEATTY, Mr. BERA, Mr. BEYER, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Ms. BLUNT ROCHESTER, Ms. BONAMICI, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. BRADY of Pennsylvania, Mr. BROWN of Maryland, Ms. BROWNLEY of California, Mrs. BUSTOS, Mr. BUTTERFIELD, Mr. CAPUANO, Mr. CARBAJAL, Mr. CÁRDENAS, Mr. CARSON of Indiana, Mr. CARTWRIGHT, Ms. CASTOR of Florida, Mr. CICILLINE, Ms. CLARK of Massachusetts, Ms. CLARKE of New York, Mr. CLAY, Mr. COHEN, Mr. CONNOLLY, Mr. COSTA, Mr. CRIST, Mr. CROWLEY, Mr. CUMMINGS, Mr. DANNY K. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFazio, Ms. DEGETTE, Mr. DELANEY, Ms. DELAURO, Ms. DELBENE, Mrs. DEMINGS, Mr. DEUTCH, Mrs. DINGELL, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Mr. ESPAILLAT, Mr. EVANS, Mr. FOSTER, Ms. FRANKEL of Florida, Ms. FUDGE, Mr. GALLEG0, Mr. GARAMENDI, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIÉRREZ, Ms. HANABUSA, Mr. HASTINGS, Mr. HECK, Mr. HIGGINS of New York, Ms. NORTON, Mr. HUFFMAN, Ms. JACKSON LEE, Ms. JAYAPAL, Mr. JEFFRIES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. KEATING, Ms. KELLY of Illinois, Mr. KENNEDY, Mr. KHANNA, Mr. KIHUEN, Mr. KILDEE, Mr. KILMER, Mr. KIND, Ms. KUSTER of New Hampshire, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mrs. LAWRENCE, Mr. LAWSON of Florida, Ms. LEE, Mr. LEVIN, Mr. TED LIEU of California, Mr. LOEBSACK, Ms. LOFGREN, Mr. LOWENTHAL, Mrs. LOWEY, Mr. BEN RAY LUJÁN of New Mexico, Mr. LYNCH, Mrs. CAROLYN B. MALONEY of New York, Mr. SEAN PATRICK MALONEY of New York, Ms. MATSUI, Ms. MCCOLLUM, Mr. MCEACHIN, Mr. MCGOVERN, Mr. MCNERNEY, Mr. MEEKS, Ms. MENG, Ms. MOORE, Mr. MOULTON, Mrs. MURPHY of Florida, Mr. NADLER, Mrs. NAPOLITANO, Mr. NOLAN, Mr. NORCROSS, Mr.

O'HALLERAN, Mr. O'ROURKE, Mr. PALLONE, Mr. PANETTA, Mr. PASCRELL, Mr. PAYNE, Mr. PERLMUTTER, Mr. PETERS, Ms. PINGREE, Ms. PLASKETT, Mr. POCAN, Mr. POLIS, Mr. PRICE of North Carolina, Mr. QUIGLEY, Mr. RASKIN, Miss RICE of New York, Mr. RICHMOND, Ms. ROSEN, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Ms. SÁNCHEZ, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCHNEIDER, Mr. SCHRADER, Mr. SCOTT of Virginia, Mr. DAVID SCOTT of Georgia, Mr. SERRANO, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. SIRES, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SOTO, Ms. SPEIER, Mr. SUOZZI, Mr. SWALWELL of California, Mr. TAKANO, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Ms. TITUS, Mrs. TORRES, Ms. TSONGAS, Mr. VARGAS, Mr. VEASEY, Mr. VELA, Ms. VELÁZQUEZ, Mr. WALZ, Ms. WASSERMAN SCHULTZ, Mrs. WATSON COLEMAN, Mr. WELCH, Ms. WILSON of Florida, Mr. YARMUTH, Mr. HIMES, Mr. DOGGETT, Mr. COOPER, Mr. TONKO, Mr. AGUILAR, Mr. CUELLAR, Mr. KRISHNAMOORTHY, Ms. ESTY of Connecticut, Mr. RUPPERSBERGER, Mr. COURTNEY, Mr. CORREA, and Mr. RUIZ) introduced the following bill; which was 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Voting Rights Ad-
 5 vancement Act of 2017”.

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

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

10 “(c) VOTING ON INDIAN LANDS.—

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

3 “(A) IN GENERAL.—A representative offi-
4 cial of an Indian tribe, with authorization from
5 the governing body of the tribe, may request
6 one or more polling places to be located on the
7 Indian lands of the Indian tribe. Such request
8 shall be delivered in writing to the State or po-
9 litical subdivision with responsibility for assign-
10 ing polling places at least 6 months prior to the
11 next election for which the request is made, and
12 shall specify the location of each requested poll-
13 ing place.

14 “(B) POLLING PLACES PROVIDED.—Each
15 requested polling place shall be provided by the
16 State or political subdivision in response to a
17 request made under paragraph (1), at no ex-
18 pense to the Indian tribe, if the voting-age popu-
19 lation within the geographic area of the Indian
20 lands relevant to the requested polling place is
21 at least equal to the smallest voting-age popu-
22 lation served by any other polling place in the
23 State. Each polling place that is provided under
24 this subparagraph shall continue to be provided
25 after the election for which the request was

1 made, until such time as the Indian tribe that
2 requested that polling place delivers a written
3 request to the State or political subdivision ask-
4 ing that such polling place be withdrawn.

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

13 “(2) REQUIREMENT TO PROVIDE EQUITABLE
14 POLLING LOCATIONS.—

15 “(A) IN GENERAL.—A State or political
16 subdivision shall provide the same ratio of poll
17 workers and voting devices, the same rate of
18 pay to poll workers, and the same days and
19 hours of operation, for polling places that are
20 located on Indian lands as are provided in other
21 locations of polling places in the State or polit-
22 ical subdivision.

23 “(B) ELIGIBILITY TO VOTE AT A POLLING
24 LOCATION.—A polling place located on Indian
25 lands shall be open to voting by all persons who

1 are otherwise eligible to vote residing within the
2 precinct, voting unit, or electoral district.

3 “(C) FEDERAL FACILITIES.—Polling
4 places located on Indian lands may be des-
5 ignated at—

6 “(i) a Federal facility, such as Indian
7 Health Service or Bureau of Indian Affairs
8 service buildings;

9 “(ii) any tribal government facility
10 that meets the requirements of Federal
11 and State law applied to other polling loca-
12 tions within the State;

13 “(iii) a tribally owned building; or

14 “(iv) another facility that meets the
15 requirements for polling places in the
16 State.

17 “(3) ABSENTEE BALLOTS AND EARLY VOT-
18 ING.—

19 “(A) IN GENERAL.—A representative offi-
20 cial of an Indian tribe, with authorization from
21 the governing body of the Indian tribe, may de-
22 liver a request to the appropriate State or polit-
23 ical subdivision that a location on Indian lands
24 be designated as an absentee ballot location or
25 an early voting location, and such State or po-

1 litical subdivision shall grant the request, at no
2 expense to the Indian tribe, if—

3 “(i) the requested location on Indian
4 lands is in a State that permits voting by
5 an absentee or mail-in ballot or early vot-
6 ing (also called absentee in-person voting),
7 as the case may be; and

8 “(ii) the voting-age population within
9 the geographic area of Indian lands rel-
10 evant to the requested absentee ballot loca-
11 tion or early voting location is at least
12 equal to the smallest voting-age population
13 served by any other absentee ballot loca-
14 tion or early voting location in the State.

15 “(B) INDIAN LANDS AS ABSENTEE BALLOT
16 LOCATION.—If a location on Indian lands is
17 designated as an absentee ballot location or an
18 early voting location, absentee ballots, or early
19 ballots, as the case may be, shall be provided,
20 at no expense to the Indian tribe, to each reg-
21 istered voter living in such designated location
22 without the requirement of an excuse for an ab-
23 sentee ballot or early voting. Bilingual election
24 materials and oral language assistance shall be
25 provided if required by section 203.

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

16 **SEC. 3. VIOLATIONS TRIGGERING AUTHORITY OF COURT**
17 **TO RETAIN JURISDICTION.**

18 (a) TYPES OF VIOLATIONS.—Section 3(c) of the Vot-
19 ing Rights Act of 1965 (52 U.S.C. 10302(c)) is amended
20 by striking “violations of the fourteenth or fifteenth
21 amendment” and inserting “violations of the 14th or 15th
22 Amendment, violations of this Act, or violations of any
23 Federal law that prohibits discrimination in voting on the
24 basis of race, color, or membership in a language minority
25 group,”.

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

8 **SEC. 4. CRITERIA FOR COVERAGE OF STATES AND POLIT-**
 9 **ICAL SUBDIVISIONS.**

10 (a) DETERMINATION OF STATES AND POLITICAL
 11 SUBDIVISIONS SUBJECT TO SECTION 4(a).—

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

15 “(b) DETERMINATION OF STATES AND POLITICAL
 16 SUBDIVISIONS SUBJECT TO REQUIREMENTS.—

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

19 “(A) STATEWIDE APPLICATION.—Sub-
 20 section (a) applies with respect to a State and
 21 all political subdivisions within the State during
 22 a calendar year if—

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

“(ii) 10 or more voting rights violations occurred in the State during the previous 25 calendar years, at least one of which was committed by the State itself (as opposed to a political subdivision within the State).

“(B) APPLICATION TO SPECIFIC POLITICAL SUBDIVISIONS.—Subsection (a) applies with respect to a political subdivision as a separate unit during a calendar year if 3 or more voting rights violations occurred in the subdivision during the previous 25 calendar years.

“(2) PERIOD OF APPLICATION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), if, pursuant to paragraph (1), subsection (a) applies with respect to a State or political subdivision during a calendar year, subsection (a) shall apply with respect to such State or political subdivision for the period—

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

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

1 “(B) NO FURTHER APPLICATION AFTER
2 DECLARATORY JUDGMENT.—

3 “(i) STATES.—If a State obtains a de-
4 claratory judgment under subsection (a),
5 and the judgment remains in effect, sub-
6 section (a) shall no longer apply to such
7 State pursuant to paragraph (1)(A) unless,
8 after the issuance of the declaratory judg-
9 ment, paragraph (1)(A) applies to the
10 State solely on the basis of voting rights
11 violations occurring after the issuance of
12 the declaratory judgment.

13 “(ii) POLITICAL SUBDIVISIONS.—If a
14 political subdivision obtains a declaratory
15 judgment under subsection (a), and the
16 judgment remains in effect, subsection (a)
17 shall no longer apply to such political sub-
18 division pursuant to paragraph (1), includ-
19 ing pursuant to paragraph (1)(A) (relating
20 to the statewide application of subsection
21 (a)), unless, after the issuance of the de-
22 claratory judgment, paragraph (1)(B) ap-
23 plies to the political subdivision solely on
24 the basis of voting rights violations occur-

1 ring after the issuance of the declaratory
2 judgment.

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

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

17 “(B) FINAL JUDGMENT; VIOLATIONS OF
18 THIS ACT.—In a final judgment (which has not
19 been reversed on appeal), any court of the
20 United States has determined that a voting
21 qualification or prerequisite to voting or stand-
22 ard, practice, or procedure with respect to vot-
23 ing was imposed or applied or would have been
24 imposed or applied anywhere within the State
25 or subdivision in a manner that resulted or

1 would have resulted in a denial or abridgement
2 of the right of any citizen of the United States
3 to vote on account of race, color, or membership
4 in a language minority group, in violation of
5 subsection (e) or (f), or section 2 or 203 of this
6 Act.

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

17 “(D) OBJECTION BY THE ATTORNEY GEN-
18 ERAL.—The Attorney General has interposed
19 an objection under section 3(c) or section 5
20 (and the objection has not been overturned by
21 a final judgment of a court or withdrawn by the
22 Attorney General), and thereby prevented a vot-
23 ing qualification or prerequisite to voting or
24 standard, practice, or procedure with respect to

1 voting from being enforced anywhere within the
2 State or subdivision.

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

15 “(4) TIMING OF DETERMINATIONS.—

16 “(A) DETERMINATIONS OF VOTING RIGHTS
17 VIOLATIONS.—As early as practicable during
18 each calendar year, the Attorney General shall
19 make the determinations required by this sub-
20 section, including updating the list of voting
21 rights violations occurring in each State and po-
22 litical subdivision for the previous calendar
23 year.

24 “(B) EFFECTIVE UPON PUBLICATION IN
25 FEDERAL REGISTER.—A determination or cer-

1 tification of the Attorney General under this
2 section or under section 8 or 13 shall be effective
3 upon publication in the Federal Register.”.

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

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

23 (B) in paragraph (1) in the matter preceding
24 subparagraph (A), by striking the second
25 sentence;

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

5 (D) in paragraph (1)(B), by striking “(in
6 the case of a State or subdivision seeking a de-
7 claratory judgment under the second sentence
8 of this subsection)”;

9 (E) in paragraph (3), by striking “(in the
10 case of a State or subdivision seeking a declara-
11 tory judgment under the second sentence of this
12 subsection)”;

13 (F) in paragraph (5), by striking “(in the
14 case of a State or subdivision which sought a
15 declaratory judgment under the second sentence
16 of this subsection)”;

17 (G) by striking paragraphs (7) and (8);
18 and

19 (H) by redesignating paragraph (9) as
20 paragraph (7).

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

1 **SEC. 5. DETERMINATION OF STATES AND POLITICAL SUB-**
 2 **DIVISIONS SUBJECT TO PRECLEARANCE FOR**
 3 **COVERED PRACTICES.**

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

7 **“SEC. 4A. DETERMINATION OF STATES AND POLITICAL**
 8 **SUBDIVISIONS SUBJECT TO PRECLEARANCE**
 9 **FOR COVERED PRACTICES.**

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

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

13 **“(A)** identify any newly enacted or adopted
 14 law, regulation, or policy that includes a voting
 15 qualification or prerequisite to voting, or a
 16 standard, practice, or procedure with respect to
 17 voting, that is a covered practice described in
 18 subsection (b); and

19 **“(B)** ensure that no such covered practice
 20 is implemented unless or until the State or po-
 21 litical subdivision, as the case may be, complies
 22 with subsection (c).

23 **“(2) DETERMINATIONS OF CHARACTERISTICS**
 24 **OF VOTING-AGE POPULATION.—**

25 **“(A) IN GENERAL.—**As early as prac-
 26 ticable during each calendar year, the Attorney

1 General, in consultation with the Director of
2 the Bureau of the Census and the heads of
3 other relevant offices of the government, shall
4 make the determinations required by this sec-
5 tion regarding voting-age populations and the
6 characteristics of such populations, and shall
7 publish a list of the States and political subdivi-
8 sions to which a voting-age population char-
9 acteristic described in subsection (b) applies.

10 “(B) PUBLICATION IN THE FEDERAL REG-
11 ISTER.—A determination or certification of the
12 Attorney General under this paragraph shall be
13 effective upon publication in the Federal Reg-
14 ister.

15 “(b) COVERED PRACTICES.—To assure that the right
16 of citizens of the United States to vote is not denied or
17 abridged on account of race, color, or membership in a
18 language minority group as a result of the implementation
19 of certain qualifications or prerequisites to voting, or
20 standards, practices, or procedures with respect to voting
21 newly adopted in a State or political subdivision, the fol-
22 lowing shall be covered practices subject to the require-
23 ments described in subsection (a):

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

25 Any change to the method of election—

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

3 “(i) 2 or more racial groups or lan-
4 guage minority groups each represent 20
5 percent or more of the political subdivi-
6 sion’s voting-age population; or

7 “(ii) a single language minority group
8 represents 20 percent or more of the vot-
9 ing-age population on Indian lands located
10 in whole or in part in the political subdivi-
11 sion; or

12 “(B) to convert one or more seats elected
13 from a single-member district to one or more
14 at-large seats or seats from a multi-member
15 district in a State or political subdivision
16 where—

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

21 “(ii) a single language minority group
22 represents 20 percent or more of the vot-
23 ing-age population on Indian lands located
24 in whole or in part in the political subdivi-
25 sion.

1 “(2) CHANGES TO JURISDICTION BOUND-
2 ARIES.—Any change or series of changes within a
3 year to the boundaries of a jurisdiction that reduces
4 by 3 or more percentage points the proportion of the
5 jurisdiction’s voting-age population that is comprised
6 of members of a single racial group or language mi-
7 nority group in a State or political subdivision
8 where—

9 “(A) 2 or more racial groups or language
10 minority groups each represent 20 percent or
11 more of the political subdivision’s voting-age
12 population; or

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

17 “(3) CHANGES THROUGH REDISTRICTING.—
18 Any change to the boundaries of election districts in
19 a State or political subdivision where any racial
20 group or language minority group experiences a pop-
21 ulation increase, over the preceding decade (as cal-
22 culated by the Bureau of the Census under the most
23 recent decennial census), of at least—

24 “(A) 10,000; or

1 “(B) 20 percent of voting-age population
2 of the State or political subdivision, as the case
3 may be.

4 “(4) CHANGES IN DOCUMENTATION OR QUALI-
5 FICATIONS TO VOTE.—Any change to requirements
6 for documentation or proof of identity to vote such
7 that the requirements will exceed or be more strin-
8 gent than the requirements for voting that are de-
9 scribed in section 303(b) of the Help America Vote
10 Act of 2002 (52 U.S.C. 21083(b)) or any change to
11 the requirements for documentation or proof of iden-
12 tity to register to vote that will exceed or be more
13 stringent than such requirements under State law on
14 the day before the date of enactment of the Voting
15 Rights Advancement Act of 2017.

16 “(5) CHANGES TO MULTILINGUAL VOTING MA-
17 TERIALS.—Any change that reduces multilingual
18 voting materials or alters the manner in which such
19 materials are provided or distributed, where no simi-
20 lar reduction or alteration occurs in materials pro-
21 vided in English for such election.

22 “(6) CHANGES THAT REDUCE, CONSOLIDATE,
23 OR RELOCATE VOTING LOCATIONS.—Any change
24 that reduces, consolidates, or relocates voting loca-

1 tions, including early, absentee, and election-day vot-
2 ing locations—

3 “(A) in 1 or more census tracts wherein 2
4 or more language minority groups or racial
5 groups each represent 20 percent or more of
6 the voting-age population of the political sub-
7 division; or

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

11 “(c) PRECLEARANCE.—

12 “(1) IN GENERAL.—Whenever a State or polit-
13 ical subdivision with respect to which the require-
14 ments set forth in subsection (a) are in effect shall
15 enact, adopt, or seek to implement any covered prac-
16 tice described under subsection (b), such State or
17 subdivision may institute an action in the United
18 States District Court for the District of Columbia
19 for a declaratory judgment that such covered prac-
20 tice neither has the purpose nor will have the effect
21 of denying or abridging the right to vote on account
22 of race, color, or membership in a language minority
23 group, and unless and until the court enters such
24 judgment such covered practice shall not be imple-
25 mented. Notwithstanding the previous sentence, such

1 covered practice may be implemented without such
2 proceeding if the covered practice has been sub-
3 mitted by the chief legal officer or other appropriate
4 official of such State or subdivision to the Attorney
5 General and the Attorney General has not inter-
6 posed an objection within 60 days after such submis-
7 sion, or upon good cause shown, to facilitate an ex-
8 pedited approval within 60 days after such submis-
9 sion, the Attorney General has affirmatively indi-
10 cated that such objection will not be made. Neither
11 an affirmative indication by the Attorney General
12 that no objection will be made, nor the Attorney
13 General's failure to object, nor a declaratory judg-
14 ment entered under this section shall bar a subse-
15 quent action to enjoin implementation of such cov-
16 ered practice. In the event the Attorney General af-
17 firmatively indicates that no objection will be made
18 within the 60-day period following receipt of a sub-
19 mission, the Attorney General may reserve the right
20 to reexamine the submission if additional informa-
21 tion comes to the Attorney General's attention dur-
22 ing the remainder of the 60-day period which would
23 otherwise require objection in accordance with this
24 section. Any action under this section shall be heard
25 and determined by a court of three judges in accord-

1 ance with the provisions of section 2284 of title 28,
2 United States Code, and any appeal shall lie to the
3 Supreme Court.

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

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

16 “(4) PURPOSE OF PARAGRAPH (2).—The pur-
17 pose of paragraph (2) of this subsection is to protect
18 the ability of such citizens to elect their preferred
19 candidates of choice.

20 “(d) ENFORCEMENT.—The Attorney General or any
21 aggrieved citizen may file an action in a Federal district
22 court to compel any State or political subdivision to satisfy
23 the obligations set forth in this section. Such actions shall
24 be heard and determined by a court of 3 judges under
25 section 2284 of title 28, United States Code. In any such

1 action, the court shall provide as a remedy that any voting
 2 qualification or prerequisite to voting, or standard, prac-
 3 tice, or procedure with respect to voting, that is the sub-
 4 ject of the action under this subsection be enjoined unless
 5 the court determines that—

6 “(1) the voting qualification or prerequisite to
 7 voting, or standard, practice, or procedure with re-
 8 spect to voting, is not a covered practice described
 9 in subsection (b); or

10 “(2) the State or political subdivision has com-
 11 plied with subsection (c) with respect to the covered
 12 practice at issue.

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

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

24 “(g) MULTILINGUAL VOTING MATERIALS.—In this
 25 section, the term ‘multilingual voting materials’ means

1 registration or voting notices, forms, instructions, assist-
 2 ance, or other materials or information relating to the
 3 electoral process, including ballots, provided in the lan-
 4 guage or languages of one or more language minority
 5 groups.”.

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

8 (a) TRANSPARENCY.—

9 (1) IN GENERAL.—The Voting Rights Act of
 10 1965 (52 U.S.C. 10301 et seq.) is amended by in-
 11 serting after section 5 the following new section:

12 **“SEC. 6. TRANSPARENCY REGARDING CHANGES TO PRO-**
 13 **TECT VOTING RIGHTS.**

14 “(a) NOTICE OF ENACTED CHANGES.—

15 “(1) NOTICE OF CHANGES.—If a State or polit-
 16 ical subdivision makes any change in any pre-
 17 requisite to voting or standard, practice, or proce-
 18 dure with respect to voting in any election for Fed-
 19 eral office that will result in the prerequisite, stand-
 20 ard, practice, or procedure being different from that
 21 which was in effect as of 180 days before the date
 22 of the election for Federal office, the State or polit-
 23 ical subdivision shall provide reasonable public notice
 24 in such State or political subdivision and on the
 25 Internet, of a concise description of the change, in-

cluding the difference between the changed prerequisite, standard, practice, or procedure and the prerequisite, standard, practice, or procedure which was previously in effect. The public notice described in this paragraph, in such State or political subdivision and on the Internet, shall be in a format that is reasonably convenient and accessible to voters with disabilities, including voters who have low vision or are blind.

“(2) DEADLINE FOR NOTICE.—A State or political subdivision shall provide the public notice required under paragraph (1) not later than 48 hours after making the change involved.

“(b) TRANSPARENCY REGARDING POLLING PLACE RESOURCES.—

“(1) IN GENERAL.—In order to identify any changes that may impact the right to vote of any person, prior to the 30th day before the date of an election for Federal office, each State or political subdivision with responsibility for allocating registered voters, voting machines, and official poll workers to particular precincts and polling places shall provide reasonable public notice in such State or political subdivision and on the Internet, of the information described in paragraph (2) for precincts

1 and polling places within such State or political sub-
2 division. The public notice described in this para-
3 graph, in such State or political subdivision and on
4 the Internet, shall be in a format that is reasonably
5 convenient and accessible to voters with disabilities
6 including voters who have low vision or are blind.

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

10 “(A) The name or number.

11 “(B) In the case of a polling place, the lo-
12 cation, including the street address, and wheth-
13 er such polling place is accessible to persons
14 with disabilities.

15 “(C) The voting-age population of the area
16 served by the precinct or polling place, broken
17 down by demographic group if such breakdown
18 is reasonably available to such State or political
19 subdivision.

20 “(D) The number of registered voters as-
21 signed to the precinct or polling place, broken
22 down by demographic group if such breakdown
23 is reasonably available to such State or political
24 subdivision.

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

5 “(F) The number of official paid poll
6 workers assigned.

7 “(G) The number of official volunteer poll
8 workers assigned.

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

11 “(3) UPDATES IN INFORMATION REPORTED.—
12 If a State or political subdivision makes any change
13 in any of the information described in paragraph
14 (2), the State or political subdivision shall provide
15 reasonable public notice in such State or political
16 subdivision and on the Internet, of the change in the
17 information not later than 48 hours after the change
18 occurs or, if the change occurs fewer than 48 hours
19 before the date of the election for Federal office, as
20 soon as practicable after the change occurs. The
21 public notice described in this paragraph in such
22 State or political subdivision and on the Internet
23 shall be in a format that is reasonably convenient
24 and accessible to voters with disabilities including
25 voters who have low vision or are blind.

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

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

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

21 “(A) The State as a whole, if the change
22 applies statewide, or the political subdivision as
23 a whole, if the change applies across the entire
24 political subdivision.

1 “(B) If the change includes a plan to re-
2 place or eliminate voting units or electoral dis-
3 tricts, each voting unit or electoral district that
4 will be replaced or eliminated.

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

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

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

14 “(B) If it is reasonably available to the
15 State or political subdivision involved, an esti-
16 mate of the population of the area which con-
17 sists of citizens of the United States who are 18
18 years of age or older, broken down by demo-
19 graphic group.

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

24 “(D)(i) If the change applies to a State,
25 the actual number of votes, or (if it is not rea-

sonably practicable for the State to ascertain the actual number of votes) the estimated number of votes received by each candidate in each statewide election held during the 5-year period which ends on the date the change involved is made; and

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

“(4) VOLUNTARY COMPLIANCE BY SMALLER JURISDICTIONS.—Compliance with this subsection shall be voluntary for a political subdivision of a State unless the subdivision is one of the following:

“(A) A county or parish.

“(B) A municipality with a population greater than 10,000, as determined by the Bureau of the Census under the most recent decennial census.

“(C) A school district with a population greater than 10,000, as determined by the Bureau of the Census under the most recent de-

1 cennial census. For purposes of this subpara-
 2 graph, the term ‘school district’ means the geo-
 3 graphic area under the jurisdiction of a local
 4 educational agency (as defined in section 9101
 5 of the Elementary and Secondary Education
 6 Act of 1965 (20 U.S.C. 7801)).

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

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

18 “(f) DEFINITIONS.—In this section—

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

24 “(2) the term ‘election for Federal office’ means
 25 any general, special, primary, or runoff election held

1 solely or in part for the purpose of electing any can-
 2 didate for the office of President, Vice President,
 3 Presidential elector, Senator, Member of the House
 4 of Representatives, or Delegate or Resident Commis-
 5 sioner to the Congress; and

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

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

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

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

18 (a) CLARIFICATION OF AUTHORITY IN POLITICAL
 19 SUBDIVISIONS SUBJECT TO PRECLEARANCE.—Section
 20 8(a)(2)(B) of the Voting Rights Act of 1965 (52 U.S.C.
 21 10305(a)(2)(B)) is amended to read as follows:

22 “(B) in the Attorney General’s judgment,
 23 the assignment of observers is otherwise nec-
 24 essary to enforce the guarantees of the 14th or
 25 15th Amendment or any provision of this Act

1 or any other Federal law protecting the right of
2 citizens of the United States to vote;”.

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

6 (1) by striking “or” at the end of paragraph
7 (1); and

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

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

11 “(A) the Attorney General has received
12 written meritorious complaints from residents,
13 elected officials, or civic participation organiza-
14 tions that efforts to violate section 203 are like-
15 ly to occur; or

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

19 “(4) the Attorney General certifies that the At-
20 torney General has received from the appropriate of-
21 ficial of the governing body of a federally recognized
22 Indian tribe—

23 “(A) a written complaint that efforts to
24 deny or abridge the right to vote under the
25 color of law on account of race or color, or in

1 contravention of the guarantees set forth in sec-
2 tion 4(f)(2) are likely to occur; and

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

6 **SEC. 8. PRELIMINARY INJUNCTIVE RELIEF.**

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

11 (1) by striking “section 2, 3, 4, 5, 7, 10, 11,
12 or subsection (b) of this section” and inserting “the
13 14th or 15th Amendment, this Act, or any Federal
14 voting rights law that prohibits discrimination on
15 the basis of race, color, or membership in a language
16 minority group”; and

17 (2) by striking “the Attorney General may in-
18 stitute for the United States, or in the name of the
19 United States,” and inserting “the aggrieved person
20 or (in the name of the United States) the Attorney
21 General may institute”.

22 (b) GROUNDS FOR GRANTING RELIEF.—Section
23 12(d) of such Act (52 U.S.C. 10308(d)) is amended—

24 (1) by striking “(d) Whenever any person” and
25 inserting “(d)(1) Whenever any person”;

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

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

5 (4) by adding at the end the following new
6 paragraph:

7 “(2)(A) In any action for preliminary relief described
8 in this subsection, the court shall grant the relief if the
9 court determines that the complainant has raised a serious
10 question whether the challenged voting qualification or
11 prerequisite to voting or standard, practice, or procedure
12 violates this Act or the Constitution and, on balance, the
13 hardship imposed upon the defendant by the grant of the
14 relief will be less than the hardship which would be im-
15 posed upon the plaintiff if the relief were not granted. In
16 balancing the harms, the court shall give due weight to
17 the fundamental right to cast an effective ballot.

18 “(B) In making its determination under this para-
19 graph with respect to a change in any voting qualification,
20 prerequisite to voting, or standard, practice, or procedure
21 with respect to voting, the court shall consider all relevant
22 factors and give due weight to the following factors, if they
23 are present:

24 “(i) Whether the qualification, prerequisite,
25 standard, practice, or procedure in effect prior to the

1 change was adopted as a remedy for a Federal court
2 judgment, consent decree, or admission regarding—

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

6 “(II) a violation of this Act; or

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

11 “(ii) Whether the qualification, prerequisite,
12 standard, practice, or procedure in effect prior to the
13 change served as a ground for the dismissal or set-
14 tlement of a claim alleging—

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

18 “(II) a violation of this Act; or

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

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

1 “(iv) Whether the defendant has failed to pro-
2 vide timely or complete notice of the adoption of the
3 change as required by applicable Federal or State
4 law.”.

5 **SEC. 9. DEFINITIONS.**

6 Title I of the Voting Rights Act of 1965 (52 U.S.C.
7 10301) is amended by adding at the end the following:

8 **“SEC. 21. DEFINITIONS.**

9 “In this Act:

10 “(1) INDIAN LANDS.—The term ‘Indian lands’
11 means—

12 “(A) any Indian country of the Indian
13 tribe, as defined in section 1151 of title 18,
14 United States Code;

15 “(B) any land in Alaska that is owned,
16 pursuant to the Alaska Native Claims Settle-
17 ment Act (43 U.S.C. 1601 et seq.), by an In-
18 dian tribe that is a Native village (as defined in
19 section 3 of that Act (43 U.S.C. 1602)) or by
20 a Village Corporation that is associated with
21 the Indian tribe (as defined in section 3 of that
22 Act (43 U.S.C. 1602));

23 “(C) any land on which the seat of govern-
24 ment of the Indian tribe is located; and

1 “(D) any land that is part or all of a tribal
 2 designated statistical area associated with the
 3 Indian tribe, or is part or all of an Alaska Na-
 4 tive village statistical area associated with the
 5 tribe, as defined by the Bureau of the Census
 6 for the purposes of the most recent decennial
 7 census.

8 “(2) INDIAN TRIBE.—The term ‘Indian tribe’ or
 9 ‘tribe’ means any American Indian or Alaska Native
 10 tribe, band, nation, pueblo, village, or community
 11 that the Secretary of the Interior acknowledges to
 12 exist as a federally recognized Indian tribe under the
 13 Federally Recognized Indian Tribe List Act of 1994
 14 (25 U.S.C. 479a et seq.).

15 “(3) VOTING-AGE POPULATION.—The term
 16 ‘voting-age population’ means the numerical size of
 17 the population within a State, within a political sub-
 18 division, or within a political subdivision that con-
 19 tains Indian lands, as the case may be, that consists
 20 of persons age 18 or older, as calculated by the Bu-
 21 reau of the Census under the most recent decennial
 22 census.”.

23 **SEC. 10. BILINGUAL ELECTION REQUIREMENTS.**

24 Section 203(c) of the Voting Rights Act of 1965 (52
 25 U.S.C. 10503(c)) is amended by striking “or in the case

1 of Alaskan natives and American Indians, if the predomi-
2 nant language is historically unwritten” and inserting “(as
3 of the date on which the materials or information is pro-
4 vided)”.

5 **SEC. 11. OTHER TECHNICAL AND CONFORMING AMEND-**
6 **MENTS.**

7 (a) ACTIONS COVERED UNDER SECTION 3.—Section
8 3(c) of the Voting Rights Act of 1965 (52 U.S.C.
9 10302(c)) is amended—

10 (1) by striking “any proceeding instituted by
11 the Attorney General or an aggrieved person under
12 any statute to enforce” and inserting “any action
13 under any statute in which a party (including the
14 Attorney General) seeks to enforce”; and

15 (2) by striking “at the time the proceeding was
16 commenced” and inserting “at the time the action
17 was commenced”.

18 (b) CLARIFICATION OF TREATMENT OF MEMBERS OF
19 LANGUAGE MINORITY GROUPS.—Section 4(f) of such Act
20 (52 U.S.C. 10303(f)) is amended—

21 (1) in paragraph (1), by striking the second
22 sentence; and

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

24 (c) PERIOD DURING WHICH CHANGES IN VOTING
25 PRACTICES ARE SUBJECT TO PRECLEARANCE UNDER

1 SECTION 5.—Section 5 of such Act (52 U.S.C. 10304)
2 is amended—

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

7 (2) in subsection (a), by striking “November 1,
8 1964” and all that follows through “November 1,
9 1972” and inserting “the applicable date of cov-
10 erage”; and

11 (3) by adding at the end the following new sub-
12 section:

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

15 “(1) June 25, 2013, if the most recent deter-
16 mination for such State or subdivision under section
17 4(b) was made on or before December 31, 2015; or

18 “(2) the date on which the most recent deter-
19 mination for such State or subdivision under section
20 4(b) was made, if such determination was made
21 after December 31, 2015.”.

22 **SEC. 12. TRIBAL VOTING CONSULTATION.**

23 The Attorney General shall consult annually with
24 tribal organizations regarding issues related to voting for
25 members of an Indian tribe (as defined under section 21

1 of the Voting Rights Act of 1965, as added by section
2 9 of this Act).

