

Union Calendar No. 258

116TH CONGRESS
1ST SESSION

H. R. 4

[Report No. 116–317]

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

FEBRUARY 26, 2019

Ms. SEWELL of Alabama (for herself, Mr. LEWIS, Ms. PELOSI, Mr. HOYER, Mr. CLYBURN, Mr. LUJÁN, Ms. JUDY CHU of California, Mr. CASTRO of Texas, Mr. JEFFRIES, Ms. ADAMS, Mr. AGUILAR, Mr. ALLRED, 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. BROWN of Maryland, Ms. BROWNLEY of California, Mrs. BUSTOS, Mr. BUTTERFIELD, Mr. CÁRDENAS, Mr. CARSON of Indiana, Mr. CARTWRIGHT, Mr. CICILLINE, Mr. CISNEROS, Ms. CLARK of Massachusetts, Ms. CLARKE of New York, Mr. CLAY, Mr. CLEAVER, Mr. CONNOLLY, Mr. COOPER, Mr. COSTA, Mr. COX of California, Mrs. CRAIG, Mr. CRIST, Mr. CUMMINGS, Mr. DANNY K. DAVIS of Illinois, Ms. DEAN, Ms. DEGETTE, Ms. DELAURO, Ms. DELBENE, Mr. DELGADO, Mrs. DEMINGS, Mr. DEUTCH, Mrs. DINGELL, Mr. DOGGETT, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. ENGEL, Ms. ESCOBAR, Ms. ESHOO, Mr. ESPAILLAT, Mr. GALLEG0, Mr. GARAMENDI, Mr. GOMEZ, Mr. GOTTHEIMER, Mr. GREEN of Texas, Ms. HAALAND, Mr. HASTINGS, Mr. HECK, Mr. HIGGINS of New York, Ms. HILL of California, Mr. HIMES, Mr. HORSFORD, Mr. HUFFMAN, Ms. JACKSON LEE, Ms. JAYAPAL, Ms. JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. KEATING, Ms. KELLY of Illinois, Mr. KHANNA, Mr. KILMER, Mrs. KIRKPATRICK, Mr. KRISHNAMOORTH1, Ms. KUSTER of New Hampshire, Mr. LAMB, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mrs. LAWRENCE, Mr. LAWSON of Florida, Ms. LEE of California, Mr. TED LIEU of California, Mr. LOWENTHAL, Mrs. LOWEY, Mr. LYNCH, Mrs. CAROLYN B. MALONEY of New York, Mr. SEAN PATRICK MALONEY of New York, Ms. MATSUI, Mrs. MCBATH, Ms. MCCOLLUM, Mr. MCEACHIN, Mr. MCGOVERN, Mr. MEEKS, Ms. MENG, Ms. MOORE, Mr.

MORELLE, Mr. MOULTON, Ms. MUCARSEL-POWELL, Mrs. MURPHY, Mrs. NAPOLITANO, Mr. NORCROSS, Ms. NORTON, Ms. OCASIO-CORTEZ, Ms. OMAR, Mr. PALLONE, Mr. PANETTA, Mr. PAPPAS, Mr. PASCARELL, Mr. PERLMUTTER, Mr. PETERS, Ms. PLASKETT, Mr. POCAN, Ms. PRESSLEY, Mr. PRICE of North Carolina, Mr. QUIGLEY, Mr. RASKIN, Miss RICE of New York, Mr. ROUDA, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RUSH, Mr. RYAN, Ms. SÁNCHEZ, Ms. SCANLON, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCHNEIDER, Ms. SCHRIER, Mr. SCOTT of Virginia, Mr. DAVID SCOTT of Georgia, Mr. SERRANO, Ms. SHALALA, Mr. SHERMAN, Ms. SHERRILL, Mr. SIRES, Mr. SMITH of Washington, Mr. SOTO, Ms. SPANBERGER, Ms. SPEIER, Mr. SUOZZI, Mr. SWALWELL of California, Mr. TAKANO, Mr. THOMPSON of Mississippi, Ms. TITUS, Ms. TLAIB, Mr. TONKO, Mrs. TORRES of California, Mrs. TRAHAN, Mr. VELA, Ms. WASSERMAN SCHULTZ, Mrs. WATSON COLEMAN, Mr. WELCH, Ms. WILD, Ms. WILSON of Florida, Mr. CASE, Mr. CASTEN of Illinois, Ms. CASTOR of Florida, Mr. COHEN, Ms. DAVIDS of Kansas, Mr. DESAULNIER, Ms. FINKENAUER, Mrs. FLETCHER, Mr. FOSTER, Mr. CUELLAR, Mr. CROW, Ms. FUDGE, Mr. KILDEE, Mr. KIND, Mr. LEVIN of Michigan, Mr. LEVIN of California, Mr. LOEBSACK, Ms. LOFGREN, Mr. NEGUSE, Mr. MCNERNEY, Mr. PHILLIPS, Ms. PINGREE, Mr. RUIZ, Mr. SARBANES, Ms. SLOTKIN, Mr. STANTON, Ms. STEVENS, Mr. THOMPSON of California, Ms. UNDERWOOD, Mr. VEASEY, Ms. VELÁZQUEZ, Ms. WATERS, Ms. WEXTON, Ms. PORTER, Mr. VARGAS, Mr. GARCÍA of Illinois, Mr. GONZALEZ of Texas, Mr. TRONE, Mr. COURTNEY, Ms. KENDRA S. HORN of Oklahoma, Ms. BARRAGÁN, Mrs. DAVIS of California, Mr. EVANS, Ms. FRANKEL, Mr. GRIJALVA, Mrs. HAYES, Mr. NADLER, Mr. KENNEDY, and Ms. HOULAHAN) introduced the following bill; which was referred to the Committee on the Judiciary

NOVEMBER 29, 2019

Additional sponsors: Mr. YARMUTH, Mrs. LEE of Nevada, Mr. KIM, Ms. GARCIA of Texas, Mr. CARBAJAL, Mr. DEFazio, Mr. O'HALLERAN, Mr. ROSE of New York, Mr. PAYNE, Mrs. LURIA, Mrs. AXNE, Mr. NEAL, Mr. MALINOWSKI, Mr. LANGEVIN, Ms. GABBARD, Ms. KAPTUR, Mr. VIS-CLOSKY, Mr. CORREA, Mr. SCHRADER, Ms. TORRES SMALL of New Mexico, Mr. GOLDEN, and Mr. CUNNINGHAM

NOVEMBER 29, 2019

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on February 26, 2019]

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 Advance-*
 5 *ment Act of 2019”.*

6 **SEC. 2. VIOLATIONS TRIGGERING AUTHORITY OF COURT TO**
 7 **RETAIN JURISDICTION.**

8 (a) *TYPES OF VIOLATIONS.*—Section 3(c) of the Voting
 9 *Rights Act of 1965 (52 U.S.C. 10302(c)) is amended by*
 10 *striking “violations of the fourteenth or fifteenth amend-*
 11 *ment” and inserting “violations of the 14th or 15th Amend-*
 12 *ment, violations of this Act, or violations of any Federal*
 13 *law that prohibits discrimination in voting on the basis*
 14 *of race, color, or membership in a language minority*
 15 *group,”.*

16 (b) *CONFORMING AMENDMENT.*—Section 3(a) of such
 17 *Act (52 U.S.C. 10302(a)) is amended by striking “viola-*
 18 *tions of the fourteenth or fifteenth amendment” and insert-*
 19 *ing “violations of the 14th or 15th Amendment, violations*
 20 *of this Act, or violations of any Federal law that prohibits*
 21 *discrimination in voting on the basis of race, color, or mem-*
 22 *bership in a language minority group,”.*

1 **SEC. 3. CRITERIA FOR COVERAGE OF STATES AND POLIT-**
 2 **ICAL SUBDIVISIONS.**

3 (a) *DETERMINATION OF STATES AND POLITICAL SUB-*
 4 *DIVISIONS SUBJECT TO SECTION 4(a).—*

5 (1) *IN GENERAL.*—*Section 4(b) of the Voting*
 6 *Rights Act of 1965 (52 U.S.C. 10303(b)) is amended*
 7 *to read as follows:*

8 “(b) *DETERMINATION OF STATES AND POLITICAL SUB-*
 9 *DIVISIONS SUBJECT TO REQUIREMENTS.—*

10 “(1) *EXISTENCE OF VOTING RIGHTS VIOLATIONS*
 11 *DURING PREVIOUS 25 YEARS.—*

12 “(A) *STATEWIDE APPLICATION.*—*Subsection*
 13 *(a) applies with respect to a State and all polit-*
 14 *ical subdivisions within the State during a cal-*
 15 *endar year if—*

16 “(i) *15 or more voting rights violations*
 17 *occurred in the State during the previous 25*
 18 *calendar years; or*

19 “(ii) *10 or more voting rights viola-*
 20 *tions occurred in the State during the pre-*
 21 *vious 25 calendar years, at least one of*
 22 *which was committed by the State itself (as*
 23 *opposed to a political subdivision within*
 24 *the State).*

25 “(B) *APPLICATION TO SPECIFIC POLITICAL*
 26 *SUBDIVISIONS.—Subsection (a) applies with re-*

1 *spect to a political subdivision as a separate*
 2 *unit during a calendar year if 3 or more voting*
 3 *rights violations occurred in the subdivision dur-*
 4 *ing the previous 25 calendar years.*

5 *“(2) PERIOD OF APPLICATION.—*

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

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

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

16 *“(B) NO FURTHER APPLICATION AFTER DE-*
 17 *CLARATORY JUDGMENT.—*

18 *“(i) STATES.—If a State obtains a de-*
 19 *claratory judgment under subsection (a),*
 20 *and the judgment remains in effect, sub-*
 21 *section (a) shall no longer apply to such*
 22 *State pursuant to paragraph (1)(A) unless,*
 23 *after the issuance of the declaratory judg-*
 24 *ment, paragraph (1)(A) applies to the State*
 25 *solely on the basis of voting rights violations*

1 *occurring after the issuance of the declara-*
 2 *tory judgment.*

3 “(ii) *POLITICAL SUBDIVISIONS.—If a*
 4 *political subdivision obtains a declaratory*
 5 *judgment under subsection (a), and the*
 6 *judgment remains in effect, subsection (a)*
 7 *shall no longer apply to such political sub-*
 8 *division pursuant to paragraph (1), includ-*
 9 *ing pursuant to paragraph (1)(A) (relating*
 10 *to the statewide application of subsection*
 11 *(a)), unless, after the issuance of the declar-*
 12 *atory judgment, paragraph (1)(B) applies*
 13 *to the political subdivision solely on the*
 14 *basis of voting rights violations occurring*
 15 *after the issuance of the declaratory judg-*
 16 *ment.*

17 “(3) *DETERMINATION OF VOTING RIGHTS VIOLA-*
 18 *TION.—For purposes of paragraph (1), a voting rights*
 19 *violation occurred in a State or political subdivision*
 20 *if any of the following applies:*

21 “(A) *FINAL JUDGMENT; VIOLATION OF THE*
 22 *14TH OR 15TH AMENDMENT.—In a final judg-*
 23 *ment (which has not been reversed on appeal),*
 24 *any court of the United States has determined*
 25 *that a denial or abridgement of the right of any*

1 *citizen of the United States to vote on account of*
2 *race, color, or membership in a language minor-*
3 *ity group, in violation of the 14th or 15th*
4 *Amendment, occurred anywhere within the State*
5 *or subdivision.*

6 “(B) *FINAL JUDGMENT; VIOLATIONS OF*
7 *THIS ACT.—In a final judgment (which has not*
8 *been reversed on appeal), any court of the United*
9 *States has determined that a voting qualification*
10 *or prerequisite to voting or standard, practice, or*
11 *procedure with respect to voting was imposed or*
12 *applied or would have been imposed or applied*
13 *anywhere within the State or subdivision in a*
14 *manner that resulted or would have resulted in*
15 *a denial or abridgement of the right of any cit-*
16 *izen of the United States to vote on account of*
17 *race, color, or membership in a language minor-*
18 *ity group, in violation of subsection (e) or (f), or*
19 *section 2 or 203 of this Act.*

20 “(C) *FINAL JUDGMENT; DENIAL OF DECLAR-*
21 *ATORY JUDGMENT.—In a final judgment (which*
22 *has not been reversed on appeal), any court of*
23 *the United States has denied the request of the*
24 *State or subdivision for a declaratory judgment*
25 *under section 3(c) or section 5, and thereby pre-*

1 *vented a voting qualification or prerequisite to*
2 *voting or standard, practice, or procedure with*
3 *respect to voting from being enforced anywhere*
4 *within the State or subdivision.*

5 “(D) *OBJECTION BY THE ATTORNEY GEN-*
6 *ERAL.—The Attorney General has interposed an*
7 *objection under section 3(c) or section 5 (and the*
8 *objection has not been overturned by a final*
9 *judgment of a court or withdrawn by the Attor-*
10 *ney General), and thereby prevented a voting*
11 *qualification or prerequisite to voting or stand-*
12 *ard, practice, or procedure with respect to voting*
13 *from being enforced anywhere within the State*
14 *or subdivision.*

15 “(E) *CONSENT DECREE, SETTLEMENT, OR*
16 *OTHER AGREEMENT.—A consent decree, settle-*
17 *ment, or other agreement was entered into, which*
18 *resulted in the alteration or abandonment of a*
19 *voting practice anywhere in the territory of such*
20 *State that was challenged on the ground that the*
21 *practice denied or abridged the right of any cit-*
22 *izen of the United States to vote on account of*
23 *race, color, or membership in a language minor-*
24 *ity group in violation of subsection (e) or (f), or*

1 *section 2 or 203 of this Act, or the 14th or 15th*
2 *Amendment.*

3 “(4) *TIMING OF DETERMINATIONS.*—

4 “(A) *DETERMINATIONS OF VOTING RIGHTS*
5 *VIOLATIONS.*—*As early as practicable during*
6 *each calendar year, the Attorney General shall*
7 *make the determinations required by this sub-*
8 *section, including updating the list of voting*
9 *rights violations occurring in each State and po-*
10 *litical subdivision for the previous calendar year.*

11 “(B) *EFFECTIVE UPON PUBLICATION IN*
12 *FEDERAL REGISTER.*—*A determination or cer-*
13 *tification of the Attorney General under this sec-*
14 *tion or under section 8 or 13 shall be effective*
15 *upon publication in the Federal Register.”.*

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

18 (A) *in paragraph (1), in the first sentence*
19 *of the matter preceding subparagraph (A), by*
20 *striking “any State with respect to which” and*
21 *all that follows through “unless” and inserting*
22 *“any State to which this subsection applies dur-*
23 *ing a calendar year pursuant to determinations*
24 *made under subsection (b), or in any political*
25 *subdivision of such State (as such subdivision ex-*

1 *isted on the date such determinations were made*
2 *with respect to such State), though such deter-*
3 *minations were not made with respect to such*
4 *subdivision as a separate unit, or in any polit-*
5 *ical subdivision with respect to which this sub-*
6 *section applies during a calendar year pursuant*
7 *to determinations made with respect to such sub-*
8 *division as a separate unit under subsection (b),*
9 *unless”;*

10 *(B) in paragraph (1) in the matter pre-*
11 *ceding subparagraph (A), by striking the second*
12 *sentence;*

13 *(C) in paragraph (1)(A), by striking “(in*
14 *the case of a State or subdivision seeking a de-*
15 *claratory judgment under the second sentence of*
16 *this subsection)”;*

17 *(D) in paragraph (1)(B), by striking “(in*
18 *the case of a State or subdivision seeking a de-*
19 *claratory judgment under the second sentence of*
20 *this subsection)”;*

21 *(E) in paragraph (3), by striking “(in the*
22 *case of a State or subdivision seeking a declara-*
23 *tory judgment under the second sentence of this*
24 *subsection)”;*

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

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

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

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

SEC. 4. DETERMINATION OF STATES AND POLITICAL SUBDIVISIONS SUBJECT TO PRECLEARANCE FOR COVERED PRACTICES.

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

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

“(a) PRACTICE-BASED PRECLEARANCE.—

“(1) IN GENERAL.—Each State and each political subdivision shall—

1 “(A) identify any newly enacted or adopted
 2 law, regulation, or policy that includes a voting
 3 qualification or prerequisite to voting, or a
 4 standard, practice, or procedure with respect to
 5 voting, that is a covered practice described in
 6 subsection (b); and

7 “(B) ensure that no such covered practice is
 8 implemented unless or until the State or polit-
 9 ical subdivision, as the case may be, complies
 10 with subsection (c).

11 “(2) DETERMINATIONS OF CHARACTERISTICS OF
 12 VOTING-AGE POPULATION.—

13 “(A) IN GENERAL.—As early as practicable
 14 during each calendar year, the Attorney General,
 15 in consultation with the Director of the Bureau
 16 of the Census and the heads of other relevant of-
 17 fices of the government, shall make the deter-
 18 minations required by this section regarding vot-
 19 ing-age populations and the characteristics of
 20 such populations, and shall publish a list of the
 21 States and political subdivisions to which a vot-
 22 ing-age population characteristic described in
 23 subsection (b) applies.

24 “(B) PUBLICATION IN THE FEDERAL REG-
 25 ISTER.—A determination or certification of the

1 *Attorney General under this paragraph shall be*
 2 *effective upon publication in the Federal Reg-*
 3 *ister.*

4 “(b) *COVERED PRACTICES.*—*To assure that the right*
 5 *of citizens of the United States to vote is not denied or*
 6 *abridged on account of race, color, or membership in a lan-*
 7 *guage minority group as a result of the implementation of*
 8 *certain qualifications or prerequisites to voting, or stand-*
 9 *ards, practices, or procedures with respect to voting newly*
 10 *adopted in a State or political subdivision, the following*
 11 *shall be covered practices subject to the requirements de-*
 12 *scribed in subsection (a):*

13 “(1) *CHANGES TO METHOD OF ELECTION.*—*Any*
 14 *change to the method of election—*

15 “(A) *to add seats elected at-large in a State*
 16 *or political subdivision where—*

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

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

1 “(B) to convert one or more seats elected
2 from a single-member district to one or more at-
3 large seats or seats from a multi-member district
4 in a State or political subdivision where—

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

9 “(ii) a single language minority group
10 represents 20 percent or more of the voting-
11 age population on Indian lands located in
12 whole or in part in the political subdivi-
13 sion.

14 “(2) CHANGES TO JURISDICTION BOUNDARIES.—
15 Any change or series of changes within a year to the
16 boundaries of a jurisdiction that reduces by 3 or more
17 percentage points the proportion of the jurisdiction’s
18 voting-age population that is comprised of members of
19 a single racial group or language minority group in
20 a State or political subdivision where—

21 “(A) 2 or more racial groups or language
22 minority groups each represent 20 percent or
23 more of the political subdivision’s voting-age
24 population; or

1 “(B) a single language minority group rep-
2 resents 20 percent or more of the voting-age pop-
3 ulation on Indian lands located in whole or in
4 part in the political subdivision.

5 “(3) CHANGES THROUGH REDISTRICTING.—Any
6 change to the boundaries of election districts in a
7 State or political subdivision where any racial group
8 or language minority group experiences a population
9 increase, over the preceding decade (as calculated by
10 the Bureau of the Census under the most recent decen-
11 nial census), of at least—

12 “(A) 10,000; or

13 “(B) 20 percent of voting-age population of
14 the State or political subdivision, as the case
15 may be.

16 “(4) CHANGES IN DOCUMENTATION OR QUALI-
17 FICATIONS TO VOTE.—Any change to requirements for
18 documentation or proof of identity to vote such that
19 the requirements will exceed or be more stringent than
20 the requirements for voting that are described in sec-
21 tion 303(b) of the Help America Vote Act of 2002 (52
22 U.S.C. 21083(b)) or any change to the requirements
23 for documentation or proof of identity to register to
24 vote that will exceed or be more stringent than such
25 requirements under State law on the day before the

1 *date of enactment of the Voting Rights Advancement*
 2 *Act of 2019.*

3 “(5) *CHANGES TO MULTILINGUAL VOTING MATE-*
 4 *RIALS.—Any change that reduces multilingual voting*
 5 *materials or alters the manner in which such mate-*
 6 *rials are provided or distributed, where no similar re-*
 7 *duction or alteration occurs in materials provided in*
 8 *English for such election.*

9 “(6) *CHANGES THAT REDUCE, CONSOLIDATE, OR*
 10 *RELOCATE VOTING LOCATIONS.—Any change that re-*
 11 *duces, consolidates, or relocates voting locations, in-*
 12 *cluding early, absentee, and election-day voting loca-*
 13 *tions—*

14 “(A) *in 1 or more census tracts wherein 2*
 15 *or more language minority groups or racial*
 16 *groups each represent 20 percent or more of the*
 17 *voting-age population of the political subdivi-*
 18 *sion; or*

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

22 “(c) *PRECLEARANCE.—*

23 “(1) *IN GENERAL.—Whenever a State or polit-*
 24 *ical subdivision with respect to which the require-*
 25 *ments set forth in subsection (a) are in effect shall*

1 enact, adopt, or seek to implement any covered prac-
2 tice described under subsection (b), such State or sub-
3 division may institute an action in the United States
4 District Court for the District of Columbia for a de-
5 claratory judgment that such covered practice neither
6 has the purpose nor will have the effect of denying or
7 abridging the right to vote on account of race, color,
8 or membership in a language minority group, and
9 unless and until the court enters such judgment such
10 covered practice shall not be implemented. Notwith-
11 standing the previous sentence, such covered practice
12 may be implemented without such proceeding if the
13 covered practice has been submitted by the chief legal
14 officer or other appropriate official of such State or
15 subdivision to the Attorney General and the Attorney
16 General has not interposed an objection within 60
17 days after such submission, or upon good cause
18 shown, to facilitate an expedited approval within 60
19 days after such submission, the Attorney General has
20 affirmatively indicated that such objection will not be
21 made. Neither an affirmative indication by the Attor-
22 ney General that no objection will be made, nor the
23 Attorney General's failure to object, nor a declaratory
24 judgment entered under this section shall bar a subse-
25 quent action to enjoin implementation of such covered

1 *practice. In the event the Attorney General affirma-*
2 *tively indicates that no objection will be made within*
3 *the 60-day period following receipt of a submission,*
4 *the Attorney General may reserve the right to reexam-*
5 *ine the submission if additional information comes to*
6 *the Attorney General's attention during the remain-*
7 *der of the 60-day period which would otherwise re-*
8 *quire objection in accordance with this section. Any*
9 *action under this section shall be heard and deter-*
10 *mined by a court of three judges in accordance with*
11 *the provisions of section 2284 of title 28, United*
12 *States Code, and any appeal shall lie to the Supreme*
13 *Court.*

14 *“(2) DENYING OR ABRIDGING THE RIGHT TO*
15 *VOTE.—Any covered practice described in subsection*
16 *(b) that has the purpose of or will have the effect of*
17 *diminishing the ability of any citizens of the United*
18 *States on account of race, color, or membership in a*
19 *language minority group, to elect their preferred can-*
20 *didates of choice denies or abridges the right to vote*
21 *within the meaning of paragraph (1) of this sub-*
22 *section.*

23 *“(3) PURPOSE DEFINED.—The term ‘purpose’ in*
24 *paragraphs (1) and (2) of this subsection shall in-*
25 *clude any discriminatory purpose.*

1 “(4) *PURPOSE OF PARAGRAPH (2).*—*The purpose*
 2 *of paragraph (2) of this subsection is to protect the*
 3 *ability of such citizens to elect their preferred can-*
 4 *didates of choice.*

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

16 “(1) *the voting qualification or prerequisite to*
 17 *voting, or standard, practice, or procedure with re-*
 18 *spect to voting, is not a covered practice described in*
 19 *subsection (b); or*

20 “(2) *the State or political subdivision has com-*
 21 *plied with subsection (c) with respect to the covered*
 22 *practice at issue.*

23 “(e) *COUNTING OF RACIAL GROUPS AND LANGUAGE*
 24 *MINORITY GROUPS.*—*For purposes of this section, the cal-*
 25 *culation of the population of a racial group or a language*

1 *minority group shall be carried out using the methodology*
 2 *in the guidance promulgated in the Federal Register on*
 3 *February 9, 2011 (76 Fed. Reg. 7470).*

4 “(f) *SPECIAL RULE.*—For purposes of determinations
 5 under this section, any data provided by the Bureau of the
 6 Census, whether based on estimation from sample or actual
 7 enumeration, shall not be subject to challenge or review in
 8 any court.

9 “(g) *MULTILINGUAL VOTING MATERIALS.*—In this sec-
 10 tion, the term ‘multilingual voting materials’ means reg-
 11 istration or voting notices, forms, instructions, assistance,
 12 or other materials or information relating to the electoral
 13 process, including ballots, provided in the language or lan-
 14 guages of one or more language minority groups.”.

15 **SEC. 5. PROMOTING TRANSPARENCY TO ENFORCE THE**
 16 **VOTING RIGHTS ACT.**

17 (a) *TRANSPARENCY.*—

18 (1) *IN GENERAL.*—The Voting Rights Act of 1965
 19 (52 U.S.C. 10301 et seq.) is amended by inserting
 20 after section 5 the following new section:

21 **“SEC. 6. TRANSPARENCY REGARDING CHANGES TO PRO-**
 22 **TECT VOTING RIGHTS.**

23 “(a) *NOTICE OF ENACTED CHANGES.*—

24 “(1) *NOTICE OF CHANGES.*—If a State or polit-
 25 ical subdivision makes any change in any pre-

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

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

22 “(b) *TRANSPARENCY REGARDING POLLING PLACE RE-*
 23 *SOURCES.*—

24 “(1) *IN GENERAL.*—*In order to identify any*
 25 *changes that may impact the right to vote of any per-*

1 son, prior to the 30th day before the date of an elec-
2 tion for Federal office, each State or political subdivi-
3 sion with responsibility for allocating registered vot-
4 ers, voting machines, and official poll workers to par-
5 ticular precincts and polling places shall provide rea-
6 sonable public notice in such State or political sub-
7 division and on the Internet, of the information de-
8 scribed in paragraph (2) for precincts and polling
9 places within such State or political subdivision. The
10 public notice described in this paragraph, in such
11 State or political subdivision and on the Internet,
12 shall be in a format that is reasonably convenient
13 and accessible to voters with disabilities including
14 voters who have low vision or are blind.

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

18 “(A) The name or number.

19 “(B) In the case of a polling place, the loca-
20 tion, including the street address, and whether
21 such polling place is accessible to persons with
22 disabilities.

23 “(C) The voting-age population of the area
24 served by the precinct or polling place, broken
25 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 machines*
10 *accessible to voters with disabilities, including*
11 *voters who have low vision or are blind.*

12 “(F) *The number of official paid poll work-*
13 *ers 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.—If*
19 *a State or political subdivision makes any change in*
20 *any of the information described in paragraph (2),*
21 *the State or political subdivision shall provide reason-*
22 *able public notice in such State or political subdivi-*
23 *sion and on the Internet, of the change in the infor-*
24 *mation not later than 48 hours after the change oc-*
25 *curs or, if the change occurs fewer than 48 hours be-*

1 *fore the date of the election for Federal office, as soon*
 2 *as practicable after the change occurs. The public no-*
 3 *tice described in this paragraph in such State or po-*
 4 *litical subdivision and on the Internet shall be in a*
 5 *format that is reasonably convenient and accessible to*
 6 *voters with disabilities including voters who have low*
 7 *vision or are blind.*

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

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

1 “(2) *GEOGRAPHIC AREAS DESCRIBED.*—*The geo-*
2 *graphic areas described in this paragraph are as fol-*
3 *lows:*

4 “(A) *The State as a whole, if the change ap-*
5 *plies statewide, or the political subdivision as a*
6 *whole, if the change applies across the entire po-*
7 *litical 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 estab-*
13 *lish new voting units or electoral districts, each*
14 *such new voting unit or electoral district.*

15 “(3) *DEMOGRAPHIC AND ELECTORAL DATA.*—*The*
16 *demographic and electoral data described in this*
17 *paragraph with respect to a geographic area described*
18 *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 consists*
24 *of citizens of the United States who are 18 years*

1 of age or older, broken down by demographic
2 group.

3 “(C) The number of registered voters, broken
4 down by demographic group if such breakdown
5 is reasonably available to the State or political
6 subdivision involved.

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

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

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

25 “(A) A county or parish.

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

5 “(C) *A school district with a population*
 6 *greater than 10,000, as determined by the Bu-*
 7 *reau of the Census under the most recent decen-*
 8 *nial census. For purposes of this subparagraph,*
 9 *the term ‘school district’ means the geographic*
 10 *area under the jurisdiction of a local educational*
 11 *agency (as defined in section 9101 of the Ele-*
 12 *mentary and Secondary Education Act of 1965).*

13 “(d) *RULES REGARDING FORMAT OF INFORMATION.—*
 14 *The Attorney General may issue rules specifying a reason-*
 15 *ably convenient and accessible format that States and polit-*
 16 *ical subdivisions shall use to provide public notice of infor-*
 17 *mation under this section.*

18 “(e) *NO DENIAL OF RIGHT TO VOTE.—The right to*
 19 *vote of any person shall not be denied or abridged because*
 20 *the person failed to comply with any change made by a*
 21 *State or political subdivision to a voting qualification,*
 22 *standard, practice, or procedure if the State or political*
 23 *subdivision involved did not meet the applicable require-*
 24 *ments of this section with respect to the change.*

25 “(f) *DEFINITIONS.—In this section—*

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

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

13 “(3) the term ‘persons with disabilities’, means
 14 individuals with a disability, as defined in section 3
 15 of the Americans with Disabilities Act of 1990.”.

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

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

23 **SEC. 6. AUTHORITY TO ASSIGN OBSERVERS.**

24 (a) *CLARIFICATION OF AUTHORITY IN POLITICAL SUB-*
 25 *DIVISIONS SUBJECT TO PRECLEARANCE.*—Section

1 8(a)(2)(B) of the Voting Rights Act of 1965 (52 U.S.C.
2 10305(a)(2)(B)) is amended to read as follows:

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

9 (b) ASSIGNMENT OF OBSERVERS TO ENFORCE BILIN-
10 GUAL ELECTION REQUIREMENTS.—Section 8(a) of such Act
11 (52 U.S.C. 10305(a)) is amended—

12 (1) by striking “or” at the end of paragraph (1);
13 (2) by inserting after paragraph (2) the fol-
14 lowing:

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

17 “(A) the Attorney General has received
18 written meritorious complaints from residents,
19 elected officials, or civic participation organiza-
20 tions that efforts to violate section 203 are likely
21 to occur; or

22 “(B) in the Attorney General’s judgment,
23 the assignment of observers is necessary to en-
24 force the guarantees of section 203;”; and

1 (3) by moving the margin for the continuation
 2 text following paragraph (3), as added by paragraph
 3 (2) of this subsection, two ems to the left.

4 **SEC. 7. PRELIMINARY INJUNCTIVE RELIEF.**

5 (a) *CLARIFICATION OF SCOPE AND PERSONS AUTHOR-*
 6 *IZED TO SEEK RELIEF.*—Section 12(d) of the Voting
 7 *Rights Act of 1965 (52 U.S.C. 10308(d)) is amended—*

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

14 (2) by striking “the Attorney General may insti-
 15 tute for the United States, or in the name of the
 16 United States,” and inserting “the aggrieved person
 17 or (in the name of the United States) the Attorney
 18 General may institute”.

19 (b) *GROUND FOR GRANTING RELIEF.*—Section 12(d)
 20 *of such Act (52 U.S.C. 10308(d)) is amended—*

21 (1) by striking “(d) Whenever any person” and
 22 inserting “(d)(1) Whenever any person”;

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

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

3 (4) by adding at the end the following new para-
4 graph:

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

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

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

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

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

16 “(II) a violation of this Act; or

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

21 “(iii) Whether the change was adopted fewer
22 than 180 days before the date of the election with re-
23 spect to which the change is to take effect.

24 “(iv) Whether the defendant has failed to provide
25 timely or complete notice of the adoption of the

1 *change as required by applicable Federal or State*
 2 *law.”.*

3 *(c) GROUNDS FOR STAY OR INTERLOCUTORY AP-*
 4 *PEAL.—Section 12(d) of such Act (52 U.S.C. 10308(d)) is*
 5 *further amended by adding at the end the following:*

6 *“(3) A jurisdiction’s inability to enforce its voting or*
 7 *election laws, regulations, policies, or redistricting plans,*
 8 *standing alone, shall not be deemed to constitute irreparable*
 9 *harm to the public interest or to the interests of a defendant*
 10 *in an action arising under the U.S. Constitution or any*
 11 *Federal law that prohibits discrimination on the basis of*
 12 *race, color, or membership in a language minority group*
 13 *in the voting process, for the purposes of determining wheth-*
 14 *er a stay of a court’s order or an interlocutory appeal under*
 15 *section 1253 of title 28, United States Code, is warranted.”.*

16 **SEC. 8. 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.—The term ‘Indian’ has the mean-*
 22 *ing given the term in section 4 of the Indian Self-De-*
 23 *termination and Education Assistance Act.*

24 *“(2) INDIAN LANDS.—The term ‘Indian lands’*
 25 *means—*

1 “(A) any Indian country of an Indian
2 tribe, as such term is defined in section 1151 of
3 title 18, United States Code;

4 “(B) any land in Alaska that is owned,
5 pursuant to the Alaska Native Claims Settlement
6 Act, by an Indian tribe that is a Native village
7 (as such term is defined in section 3 of such
8 Act), or by a Village Corporation that is associ-
9 ated with the Indian tribe (as such term is de-
10 fined in section 3 of such Act);

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

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

19 “(3) INDIAN TRIBE.—The term ‘Indian tribe’ or
20 ‘tribe’ has the meaning given the term ‘Indian tribe’
21 in section 4 of the Indian Self-Determination and
22 Education Assistance Act.

23 “(4) TRIBAL GOVERNMENT.—The term ‘Tribal
24 Government’ means the recognized governing body of
25 an Indian Tribe.

1 “(5) *VOTING-AGE POPULATION*.—The term ‘vot-
 2 ing-age population’ means the numerical size of the
 3 population within a State, within a political subdivi-
 4 sion, or within a political subdivision that contains
 5 Indian lands, as the case may be, that consists of per-
 6 sons age 18 or older, as calculated by the Bureau of
 7 the Census under the most recent decennial census.”.

8 **SEC. 9. ATTORNEYS’ FEES.**

9 Section 14(c) of the Voting Rights Act of 1965 (52
 10 U.S.C. 10310(c)) is amended by adding at the end the fol-
 11 lowing:

12 “(4) The term ‘prevailing party’ means a party to an
 13 action that receives at least some of the benefit sought by
 14 such action, states a colorable claim, and can establish that
 15 the action was a significant cause of a change to the status
 16 quo.”.

17 **SEC. 10. OTHER TECHNICAL AND CONFORMING AMEND-**
 18 **MENTS.**

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

22 (1) by striking “any proceeding instituted by the
 23 Attorney General or an aggrieved person under any
 24 statute to enforce” and inserting “any action under

1 *any statute in which a party (including the Attorney*
 2 *General) seeks to enforce”; and*

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

6 *(b) CLARIFICATION OF TREATMENT OF MEMBERS OF*
 7 *LANGUAGE MINORITY GROUPS.—Section 4(f) of such Act*
 8 *(52 U.S.C. 10303(f)) is amended—*

9 *(1) in paragraph (1), by striking the second sen-*
 10 *tence; and*

11 *(2) by striking paragraphs (3) and (4).*

12 *(c) PERIOD DURING WHICH CHANGES IN VOTING*
 13 *PRACTICES ARE SUBJECT TO PRECLEARANCE UNDER SEC-*
 14 *TION 5.—Section 5 of such Act (52 U.S.C. 10304) is amend-*
 15 *ed—*

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

20 *(2) in subsection (a), by striking “November 1,*
 21 *1964” and all that follows through “November 1,*
 22 *1972” and inserting “the applicable date of coverage”;*
 23 *and*

24 *(3) by adding at the end the following new sub-*
 25 *section:*

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

3 “(1) *June 25, 2013, if the most recent deter-*
4 *mination for such State or subdivision under section*
5 *4(b) was made on or before December 31, 2019; or*

6 “(2) *the date on which the most recent deter-*
7 *mination for such State or subdivision under section*
8 *4(b) was made, if such determination was made after*
9 *December 31, 2019.”.*

Union Calendar No. 258

116TH CONGRESS
1ST Session

H. R. 4

[Report No. 116-317]

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.

NOVEMBER 29, 2019

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed