

116TH CONGRESS
1ST SESSION

H. R. 4

AN ACT

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

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

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. VIOLATIONS TRIGGERING AUTHORITY OF COURT**
5 **TO RETAIN JURISDICTION.**

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

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

21 **SEC. 3. CRITERIA FOR COVERAGE OF STATES AND POLIT-**
22 **ICAL SUBDIVISIONS.**

23 (a) DETERMINATION OF STATES AND POLITICAL
24 SUBDIVISIONS SUBJECT TO SECTION 4(a).—

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

4 “(b) DETERMINATION OF STATES AND POLITICAL
5 SUBDIVISIONS SUBJECT TO REQUIREMENTS.—

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

8 “(A) STATEWIDE APPLICATION.—Sub-
9 section (a) applies with respect to a State and
10 all political subdivisions within the State during
11 a calendar year if—

12 “(i) fifteen or more voting rights vio-
13 lations occurred in the State during the
14 previous 25 calendar years; or

15 “(ii) ten or more voting rights viola-
16 tions occurred in the State during the pre-
17 vious 25 calendar years, at least one of
18 which was committed by the State itself
19 (as opposed to a political subdivision with-
20 in the State).

21 “(B) APPLICATION TO SPECIFIC POLITICAL
22 SUBDIVISIONS.—Subsection (a) applies with re-
23 spect to a political subdivision as a separate
24 unit during a calendar year if three or more

1 voting rights violations occurred in the subdivi-
2 sion during the previous 25 calendar years.

3 “(2) PERIOD OF APPLICATION.—

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

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

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

15 “(B) NO FURTHER APPLICATION AFTER
16 DECLARATORY JUDGMENT.—

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

1 violations occurring after the issuance of
2 the declaratory 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 de-
12 claratory judgment, paragraph (1)(B) ap-
13 plies to the political subdivision solely on
14 the basis of voting rights violations occur-
15 ring after the issuance of the declaratory
16 judgment.

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

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

1 of any citizen of the United States to vote on
2 account of race, color, or membership in a lan-
3 guage minority group, in violation of the 14th
4 or 15th Amendment, occurred anywhere within
5 the State 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
9 United States has determined that a voting
10 qualification or prerequisite to voting or stand-
11 ard, practice, or procedure with respect to vot-
12 ing was imposed or applied or would have been
13 imposed or applied anywhere within the State
14 or subdivision in a manner that resulted or
15 would have resulted in a denial or abridgement
16 of the right of any citizen of the United States
17 to vote on account of race, color, or membership
18 in a language minority group, in violation of
19 subsection (e) or (f), or section 2 or 203 of this
20 Act.

21 “(C) FINAL JUDGMENT; DENIAL OF DE-
22 CLARATORY JUDGMENT.—In a final judgment
23 (which has not been reversed on appeal), any
24 court of the United States has denied the re-
25 quest of the State or subdivision for a declara-

1 tory judgment under section 3(c) or section 5,
2 and thereby prevented a voting qualification or
3 prerequisite to voting or standard, practice, or
4 procedure with respect to voting from being en-
5 forced anywhere within the State or subdivision.

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

16 “(E) CONSENT DECREE, SETTLEMENT, OR
17 OTHER AGREEMENT.—A consent decree, settle-
18 ment, or other agreement was entered into,
19 which resulted in the alteration or abandonment
20 of a voting practice anywhere in the territory of
21 such State that was challenged on the ground
22 that the practice denied or abridged the right of
23 any citizen of the United States to vote on ac-
24 count of race, color, or membership in a lan-
25 guage minority group in violation of subsection

(e) or (f), or section 2 or 203 of this Act, or the 14th or 15th Amendment.

“(4) TIMING OF DETERMINATIONS.—

“(A) DETERMINATIONS OF VOTING RIGHTS VIOLATIONS.—As early as practicable during each calendar year, the Attorney General shall make the determinations required by this subsection, including updating the list of voting rights violations occurring in each State and political subdivision for the previous calendar year.

“(B) EFFECTIVE UPON PUBLICATION IN FEDERAL REGISTER.—A determination or certification of the Attorney General under this section or under section 8 or 13 shall be effective upon publication in the Federal Register.”.

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

(A) in paragraph (1), in the first sentence of the matter preceding subparagraph (A), by striking “any State with respect to which” and all that follows through “unless” and inserting “any State to which this subsection applies during a calendar year pursuant to determinations made under subsection (b), or in any political

1 subdivision of such State (as such subdivision
2 existed on the date such determinations were
3 made with respect to such State), though such
4 determinations were not made with respect to
5 such subdivision as a separate unit, or in any
6 political subdivision with respect to which this
7 subsection applies during a calendar year pur-
8 suant to determinations made with respect to
9 such subdivision as a separate unit under sub-
10 section (b), unless”;

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

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

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

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

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

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

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

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

14 **SEC. 4. DETERMINATION OF STATES AND POLITICAL SUB-**
15 **DIVISIONS SUBJECT TO PRECLEARANCE FOR**
16 **COVERED PRACTICES.**

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

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

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

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

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

“(B) ensure that no such covered practice is implemented unless or until the State or political subdivision, as the case may be, complies with subsection (c).

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

“(A) IN GENERAL.—As early as practicable during each calendar year, the Attorney General, in consultation with the Director of the Bureau of the Census and the heads of other relevant offices of the government, shall make the determinations required by this section regarding voting-age populations and the characteristics of such populations, and shall publish a list of the States and political subdivisions to which a voting-age population characteristic described in subsection (b) applies.

“(B) PUBLICATION IN THE FEDERAL REGISTER.—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
7 language minority group as a result of the implementation
8 of certain qualifications or prerequisites to voting, or
9 standards, practices, or procedures with respect to voting
10 newly adopted in a State or political subdivision, the fol-
11 lowing shall be covered practices subject to the require-
12 ments described in subsection (a):

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

14 Any change to the method of election—

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

17 “(i) two 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; or

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

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

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

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

23 “(A) two or more racial groups or lan-
24 guage minority groups each represent 20 per-

cent or more of the political subdivision's voting-age population; or

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

“(3) CHANGES THROUGH REDISTRICTING.—

Any change to the boundaries of election districts in a State or political subdivision where any racial group or language minority group experiences a population increase, over the preceding decade (as calculated by the Bureau of the Census under the most recent decennial census), of at least—

“(A) 10,000; or

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

“(4) CHANGES IN DOCUMENTATION OR QUALIFICATIONS TO VOTE.—Any change to requirements for documentation or proof of identity to vote such that the requirements will exceed or be more stringent than the requirements for voting that are described in section 303(b) of the Help America Vote Act of 2002 (52 U.S.C. 21083(b)) or any change to the requirements for documentation or proof of iden-

1 tity to register to vote that will exceed or be more
2 stringent than such requirements under State law on
3 the day before the date of enactment of the Voting
4 Rights Advancement Act of 2019.

5 “(5) CHANGES TO MULTILINGUAL VOTING MA-
6 TERIALS.—Any change that reduces multilingual
7 voting materials or alters the manner in which such
8 materials are provided or distributed, where no simi-
9 lar reduction or alteration occurs in materials pro-
10 vided in English for such election.

11 “(6) CHANGES THAT REDUCE, CONSOLIDATE,
12 OR RELOCATE VOTING LOCATIONS, OR REDUCE VOT-
13 ING OPPORTUNITIES.—Any change that reduces,
14 consolidates, or relocates voting locations, including
15 early, absentee, and election-day voting locations, or
16 reduces days or hours of in person voting on any
17 Sunday during a period occurring prior to the date
18 of an election during which voters may cast ballots
19 in such election—

20 “(A) in one or more census tracts wherein
21 two or more language minority groups or racial
22 groups each represent 20 percent or more of
23 the voting-age population of the political sub-
24 division; or

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

4 “(7) NEW LIST MAINTENANCE PROCESS.—Any
5 change to the maintenance of voter registration lists
6 that adds a new basis for removal from the list of
7 active registered voters or that puts in place a new
8 process for removing a name from the list of active
9 registered voters—

10 “(A) in the case of a political subdivision
11 imposing such change if—

12 “(i) two or more racial groups or lan-
13 guage minority groups each represent 20
14 percent or more of the voting-age popu-
15 lation of the political subdivision; or

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

21 “(B) in the case of a State imposing such
22 change, if two or more racial groups or lan-
23 guage minority groups each represent 20 per-
24 cent or more of the voting-age population of—

25 “(i) the State; or

1 “(ii) a political subdivision in the
2 State, except that the requirements under
3 subsections (a) and (c) shall apply only
4 with respect to each such political subdivi-
5 sion.

6 “(c) PRECLEARANCE.—

7 “(1) IN GENERAL.—Whenever a State or polit-
8 ical subdivision with respect to which the require-
9 ments set forth in subsection (a) are in effect shall
10 enact, adopt, or seek to implement any covered prac-
11 tice described under subsection (b), such State or
12 subdivision may institute an action in the United
13 States District Court for the District of Columbia
14 for a declaratory judgment that such covered prac-
15 tice neither has the purpose nor will have the effect
16 of denying or abridging the right to vote on account
17 of race, color, or membership in a language minority
18 group, and unless and until the court enters such
19 judgment such covered practice shall not be imple-
20 mented. Notwithstanding the previous sentence, such
21 covered practice may be implemented without such
22 proceeding if the covered practice has been sub-
23 mitted by the chief legal officer or other appropriate
24 official of such State or subdivision to the Attorney
25 General and the Attorney General has not inter-

1 posed an objection within 60 days after such submis-
2 sion, or upon good cause shown, to facilitate an ex-
3 pedited approval within 60 days after such submis-
4 sion, the Attorney General has affirmatively indi-
5 cated that such objection will not be made. Neither
6 an affirmative indication by the Attorney General
7 that no objection will be made, nor the Attorney
8 General's failure to object, nor a declaratory judg-
9 ment entered under this section shall bar a subse-
10 quent action to enjoin implementation of such cov-
11 ered practice. In the event the Attorney General af-
12 firmatively indicates that no objection will be made
13 within the 60-day period following receipt of a sub-
14 mission, the Attorney General may reserve the right
15 to reexamine the submission if additional informa-
16 tion comes to the Attorney General's attention dur-
17 ing the remainder of the 60-day period which would
18 otherwise require objection in accordance with this
19 section. Any action under this section shall be heard
20 and determined by a court of three judges in accord-
21 ance with the provisions of section 2284 of title 28,
22 United States Code, and any appeal shall lie to the
23 Supreme Court.

24 “(2) DENYING OR ABRIDGING THE RIGHT TO
25 VOTE.—Any covered practice described in subsection

1 (b) that has the purpose of or will have the effect
2 of diminishing the ability of any citizens of the
3 United States on account of race, color, or member-
4 ship in a language minority group, to elect their pre-
5 ferred candidates of choice denies or abridges the
6 right to vote within the meaning of paragraph (1) of
7 this subsection.

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

11 “(4) PURPOSE OF PARAGRAPH (2).—The pur-
12 pose of paragraph (2) of this subsection is to protect
13 the ability of such citizens to elect their preferred
14 candidates of choice.

15 “(d) ENFORCEMENT.—The Attorney General or any
16 aggrieved citizen may file an action in a Federal district
17 court to compel any State or political subdivision to satisfy
18 the obligations set forth in this section. Such actions shall
19 be heard and determined by a court of three judges under
20 section 2284 of title 28, United States Code. In any such
21 action, the court shall provide as a remedy that any voting
22 qualification or prerequisite to voting, or standard, prac-
23 tice, or procedure with respect to voting, that is the sub-
24 ject of the action under this subsection be enjoined unless
25 the court determines that—

1 “(1) the voting qualification or prerequisite to
2 voting, or standard, practice, or procedure with re-
3 spect to voting, is not a covered practice described
4 in subsection (b); or

5 “(2) the State or political subdivision has com-
6 plied with subsection (c) with respect to the covered
7 practice at issue.

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

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

19 “(g) MULTILINGUAL VOTING MATERIALS.—In this
20 section, the term ‘multilingual voting materials’ means
21 registration or voting notices, forms, instructions, assist-
22 ance, or other materials or information relating to the
23 electoral process, including ballots, provided in the lan-
24 guage or languages of one or more language minority
25 groups.”.

1 **SEC. 5. PROMOTING TRANSPARENCY TO ENFORCE THE**
2 **VOTING RIGHTS ACT.**

3 (a) TRANSPARENCY.—

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

7 **“SEC. 6. TRANSPARENCY REGARDING CHANGES TO PRO-**
8 **TECT VOTING RIGHTS.**

9 “(a) NOTICE OF ENACTED CHANGES.—

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

1 is reasonably convenient and accessible to voters
2 with disabilities, including voters who have low vi-
3 sion or are blind.

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

8 “(b) TRANSPARENCY REGARDING POLLING PLACE
9 RESOURCES.—

10 “(1) IN GENERAL.—In order to identify any
11 changes that may impact the right to vote of any
12 person, prior to the 30th day before the date of an
13 election for Federal office, each State or political
14 subdivision with responsibility for allocating reg-
15 istered voters, voting machines, and official poll
16 workers to particular precincts and polling places
17 shall provide reasonable public notice in such State
18 or political subdivision and on the Internet, of the
19 information described in paragraph (2) for precincts
20 and polling places within such State or political sub-
21 division. The public notice described in this para-
22 graph, in such State or political subdivision and on
23 the Internet, shall be in a format that is reasonably
24 convenient and accessible to voters with disabilities
25 including voters who have low vision or are blind.

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

4 “(A) The name or number.

5 “(B) In the case of a polling place, the lo-
6 cation, including the street address, and wheth-
7 er such polling place is accessible to persons
8 with disabilities.

9 “(C) The voting-age population of the area
10 served by the precinct or polling place, broken
11 down by demographic group if such breakdown
12 is reasonably available to such State or political
13 subdivision.

14 “(D) The number of registered voters as-
15 signed to the precinct or polling place, broken
16 down by demographic group if such breakdown
17 is reasonably available to such State or political
18 subdivision.

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

23 “(F) The number of official paid poll
24 workers assigned.

1 “(G) The number of official volunteer poll
2 workers assigned.

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

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

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

22 “(1) REQUIRING PUBLIC NOTICE OF
23 CHANGES.—Not later than 10 days after making
24 any change in the constituency that will participate
25 in an election for Federal, State, or local office or

1 the boundaries of a voting unit or electoral district
2 in an election for Federal, State, or local office (in-
3 cluding through redistricting, reapportionment,
4 changing from at-large elections to district-based
5 elections, or changing from district-based elections
6 to at-large elections), a State or political subdivision
7 shall provide reasonable public notice in such State
8 or political subdivision and on the Internet, of the
9 demographic and electoral data described in para-
10 graph (3) for each of the geographic areas described
11 in paragraph (2).

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

15 “(A) The State as a whole, if the change
16 applies statewide, or the political subdivision as
17 a whole, if the change applies across the entire
18 political subdivision.

19 “(B) If the change includes a plan to re-
20 place or eliminate voting units or electoral dis-
21 tricts, each voting unit or electoral district that
22 will be replaced or eliminated.

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

1 “(3) DEMOGRAPHIC AND ELECTORAL DATA.—

2 The demographic and electoral data described in this
3 paragraph with respect to a geographic area de-
4 scribed in paragraph (2) are each of the following:

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

7 “(B) If it is reasonably available to the
8 State or political subdivision involved, an esti-
9 mate of the population of the area which con-
10 sists of citizens of the United States who are 18
11 years of age or older, broken down by demo-
12 graphic group.

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

17 “(D)(i) If the change applies to a State,
18 the actual number of votes, or (if it is not rea-
19 sonably practicable for the State to ascertain
20 the actual number of votes) the estimated num-
21 ber of votes received by each candidate in each
22 statewide election held during the 5-year period
23 which ends on the date the change involved is
24 made; and

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

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

12 “(A) A county or parish.

13 “(B) A municipality with a population
14 greater than 10,000, as determined by the Bu-
15 reau of the Census under the most recent de-
16 cennial census.

17 “(C) A school district with a population
18 greater than 10,000, as determined by the Bu-
19 reau of the Census under the most recent de-
20 cennial census. For purposes of this subpara-
21 graph, the term ‘school district’ means the geo-
22 graphic area under the jurisdiction of a local
23 educational agency (as defined in section 9101
24 of the Elementary and Secondary Education
25 Act of 1965).

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

6 “(e) NO DENIAL OF RIGHT TO VOTE.—The right to
7 vote of any person shall not be denied or abridged because
8 the person failed to comply with any change made by a
9 State or political subdivision to a voting qualification,
10 standard, practice, or procedure if the State or political
11 subdivision involved did not meet the applicable require-
12 ments of this section with respect to the change.

13 “(f) DEFINITIONS.—In this section—

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

19 “(2) the term ‘election for Federal office’ means
20 any general, special, primary, or runoff election held
21 solely or in part for the purpose of electing any can-
22 didate for the office of President, Vice President,
23 Presidential elector, Senator, Member of the House
24 of Representatives, or Delegate or Resident Commis-
25 sioner to the Congress; and

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

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

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

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

12 (a) CLARIFICATION OF AUTHORITY IN POLITICAL
13 SUBDIVISIONS SUBJECT TO PRECLEARANCE.—Section
14 8(a)(2)(B) of the Voting Rights Act of 1965 (52 U.S.C.
15 10305(a)(2)(B)) is amended to read as follows:

16 “(B) in the Attorney General’s judgment,
17 the assignment of observers is otherwise nec-
18 essary to enforce the guarantees of the 14th or
19 15th Amendment or any provision of this Act
20 or any other Federal law protecting the right of
21 citizens of the United States to vote; or”.

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

1 (1) by striking “or” at the end of paragraph
2 (1);

3 (2) by inserting after paragraph (2) the fol-
4 lowing:

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

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

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

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

18 **SEC. 7. PRELIMINARY INJUNCTIVE RELIEF.**

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

23 (1) by striking “section 2, 3, 4, 5, 7, 10, 11,
24 or subsection (b) of this section” and inserting “the
25 14th or 15th Amendment, this Act, or any Federal

1 voting rights law that prohibits discrimination on
2 the basis of race, color, or membership in a language
3 minority group”; and

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

9 (b) GROUNDS FOR GRANTING RELIEF.—Section
10 12(d) of such Act (52 U.S.C. 10308(d)) is amended—

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

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

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

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

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

1 relief will be less than the hardship which would be im-
2 posed upon the plaintiff if the relief were not granted. In
3 balancing the harms, the court shall give due weight to
4 the fundamental right to cast an effective ballot.

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

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

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

1 change served as a ground for the dismissal or set-
2 tlement of a claim alleging—

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

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

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

21 “(3) A jurisdiction’s inability to enforce its voting or
22 election laws, regulations, policies, or redistricting plans,
23 standing alone, shall not be deemed to constitute irrep-
24 arable harm to the public interest or to the interests of
25 a defendant in an action arising under the U.S. Constitu-

tion or any Federal law that prohibits discrimination on the basis of race, color, or membership in a language minority group in the voting process, for the purposes of determining whether a stay of a court’s order or an interlocutory appeal under section 1253 of title 28, United States Code, is warranted.”.

SEC. 8. DEFINITIONS.

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

“SEC. 21. DEFINITIONS.

“In this Act:

“(1) INDIAN.—The term ‘Indian’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act.

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

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

“(B) any land in Alaska that is owned, pursuant to the Alaska Native Claims Settlement Act, by an Indian tribe that is a Native village (as such term is defined in section 3 of such Act), or by a Village Corporation that is

1 associated with the Indian tribe (as such term
2 is defined in section 3 of such Act);

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

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

12 “(3) INDIAN TRIBE.—The term ‘Indian tribe’ or
13 ‘tribe’ has the meaning given the term ‘Indian tribe’
14 in section 4 of the Indian Self-Determination and
15 Education Assistance Act.

16 “(4) TRIBAL GOVERNMENT.—The term ‘Tribal
17 Government’ means the recognized governing body
18 of an Indian Tribe.

19 “(5) VOTING-AGE POPULATION.—The term
20 ‘voting-age population’ means the numerical size of
21 the population within a State, within a political sub-
22 division, or within a political subdivision that con-
23 tains Indian lands, as the case may be, that consists
24 of persons age 18 or older, as calculated by the Bu-

1 reau of the Census under the most recent decennial
2 census.”.

3 **SEC. 9. ATTORNEYS’ FEES.**

4 Section 14(c) of the Voting Rights Act of 1965 (52
5 U.S.C. 10310(c)) is amended by adding at the end the
6 following:

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

12 **SEC. 10. OTHER TECHNICAL AND CONFORMING AMEND-**
13 **MENTS.**

14 (a) ACTIONS COVERED UNDER SECTION 3.—Section
15 3(c) of the Voting Rights Act of 1965 (52 U.S.C.
16 10302(c)) is amended—

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

22 (2) by striking “at the time the proceeding was
23 commenced” and inserting “at the time the action
24 was commenced”.

1 (b) CLARIFICATION OF TREATMENT OF MEMBERS OF
2 LANGUAGE MINORITY GROUPS.—Section 4(f) of such Act
3 (52 U.S.C. 10303(f)) is amended—

4 (1) in paragraph (1), by striking the second
5 sentence; and

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

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

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

15 (2) in subsection (a), by striking “November 1,
16 1964” and all that follows through “November 1,
17 1972” and inserting “the applicable date of cov-
18 erage”; and

19 (3) by adding at the end the following new sub-
20 section:

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

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

1 “(2) the date on which the most recent deter-
2 mination for such State or subdivision under section
3 4(b) was made, if such determination was made
4 after December 31, 2019.”.

Passed the House of Representatives December 6,
2019.

Attest:

Clerk.

116TH CONGRESS
1ST SESSION

H. R. 4

AN ACT

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.