

116TH CONGRESS
1ST SESSION

H. R. 4

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. PASCRELL, 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

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 2019”.

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

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

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

18 **SEC. 3. CRITERIA FOR COVERAGE OF STATES AND POLIT-**
 19 **ICAL SUBDIVISIONS.**

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

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

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

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

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

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

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

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

22 “(2) PERIOD OF APPLICATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 “(4) TIMING OF DETERMINATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 **SEC. 4. DETERMINATION OF STATES AND POLITICAL SUB-**
9 **DIVISIONS SUBJECT TO PRECLEARANCE FOR**
10 **COVERED PRACTICES.**

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

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

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

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

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

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

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

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

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

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

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

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

8 Any change to the method of election—

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

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

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

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

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

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

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

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

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

1 “(3) CHANGES THROUGH REDISTRICTING.—

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

8 “(A) 10,000; or

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

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

24 “(5) CHANGES TO MULTILINGUAL VOTING MA-
25 TERIALS.—Any change that reduces multilingual

1 voting materials or alters the manner in which such
2 materials are provided or distributed, where no simi-
3 lar reduction or alteration occurs in materials pro-
4 vided in English for such election.

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

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

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

18 “(c) PRECLEARANCE.—

19 “(1) IN GENERAL.—Whenever a State or polit-
20 ical subdivision with respect to which the require-
21 ments set forth in subsection (a) are in effect shall
22 enact, adopt, or seek to implement any covered prac-
23 tice described under subsection (b), such State or
24 subdivision may institute an action in the United
25 States District Court for the District of Columbia

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

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

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

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

23 “(4) PURPOSE OF PARAGRAPH (2).—The pur-
24 pose of paragraph (2) of this subsection is to protect

1 the ability of such citizens to elect their preferred
2 candidates of choice.

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

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

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

21 “(e) COUNTING OF RACIAL GROUPS AND LANGUAGE
22 MINORITY GROUPS.—For purposes of this section, the cal-
23 culation of the population of a racial group or a language
24 minority group shall be carried out using the methodology

1 in the guidance promulgated in the Federal Register on
2 February 9, 2011 (76 Fed. Reg. 7470).

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

8 “(g) MULTILINGUAL VOTING MATERIALS.—In this
9 section, the term ‘multilingual voting materials’ means
10 registration or voting notices, forms, instructions, assist-
11 ance, or other materials or information relating to the
12 electoral process, including ballots, provided in the lan-
13 guage or languages of one or more language minority
14 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
19 1965 (52 U.S.C. 10301 et seq.) is amended by in-
20 serting 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 proce-
2 dure with respect to voting in any election for Fed-
3 eral office that will result in the prerequisite, stand-
4 ard, practice, or procedure being different from that
5 which was in effect as of 180 days before the date
6 of the election for Federal office, the State or polit-
7 ical subdivision shall provide reasonable public notice
8 in such State or political subdivision and on the
9 Internet, of a concise description of the change, in-
10 cluding the difference between the changed pre-
11 requisite, standard, practice, or procedure and the
12 prerequisite, standard, practice, or procedure which
13 was previously in effect. The public notice described
14 in this paragraph, in such State or political subdivi-
15 sion and on the Internet, shall be in a format that
16 is reasonably convenient and accessible to voters
17 with disabilities, including voters who have low vi-
18 sion or are blind.

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

23 “(b) TRANSPARENCY REGARDING POLLING PLACE
24 RESOURCES.—

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

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

20 “(A) The name or number.

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

1 “(C) The voting-age population of the area
2 served by the precinct or polling place, broken
3 down by demographic group if such breakdown
4 is reasonably available to such State or political
5 subdivision.

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

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

15 “(F) The number of official paid poll
16 workers assigned.

17 “(G) The number of official volunteer poll
18 workers assigned.

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

21 “(3) UPDATES IN INFORMATION REPORTED.—
22 If a State or political subdivision makes any change
23 in any of the information described in paragraph
24 (2), the State or political subdivision shall provide
25 reasonable public notice in such State or political

1 subdivision and on the Internet, of the change in the
 2 information not later than 48 hours after the change
 3 occurs or, if the change occurs fewer than 48 hours
 4 before the date of the election for Federal office, as
 5 soon as practicable after the change occurs. The
 6 public notice described in this paragraph in such
 7 State or political subdivision and on the Internet
 8 shall be in a format that is reasonably convenient
 9 and accessible to voters with disabilities including
 10 voters who have low vision or are blind.

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

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

1 graph (3) for each of the geographic areas described
2 in paragraph (2).

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

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

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

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

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

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

23 “(B) If it is reasonably available to the
24 State or political subdivision involved, an esti-
25 mate of the population of the area which con-

1 sists of citizens of the United States who are 18
2 years of age or older, broken down by demo-
3 graphic group.

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

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

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

23 “(4) VOLUNTARY COMPLIANCE BY SMALLER JU-
24 RISDICTIONS.—Compliance with this subsection shall

1 be voluntary for a political subdivision of a State un-
2 less the subdivision is one of the following:

3 “(A) A county or parish.

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

8 “(C) A school district with a population
9 greater than 10,000, as determined by the Bu-
10 reau of the Census under the most recent de-
11 cennial census. For purposes of this subpara-
12 graph, the term ‘school district’ means the geo-
13 graphic area under the jurisdiction of a local
14 educational agency (as defined in section 9101
15 of the Elementary and Secondary Education
16 Act of 1965).

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

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

1 division involved did not meet the applicable requirements
2 of this section with respect to the change.

3 “(f) DEFINITIONS.—In this section—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (b) GROUNDS FOR GRANTING RELIEF.—Section
 21 12(d) of such Act (52 U.S.C. 10308(d)) is amended—

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

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

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

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

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

24 “(iv) Whether the defendant has failed to pro-
25 vide 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))
5 is amended by adding at the end the following: “A juris-
6 diction’s inability to enforce its voting or election laws,
7 regulations, policies, or redistricting plans, standing alone,
8 shall not be deemed to constitute irreparable harm to the
9 public interest or to the interests of a defendant in a law-
10 suit under the U.S. Constitution or any Federal law that
11 prohibits discrimination on the basis of race, color, or
12 membership in a language minority group in the voting
13 process, for the purposes of determining whether a stay
14 of a court’s order or an interlocutory appeal under section
15 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-
23 Determination 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
3 of title 18, United States Code;

4 “(B) any land in Alaska that is owned,
5 pursuant to the Alaska Native Claims Settle-
6 ment Act, by an Indian tribe that is a Native
7 village (as such term is defined in section 3 of
8 such Act), or by a Village Corporation that is
9 associated with the Indian tribe (as such term
10 is defined 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
18 for the purposes of the most recent decennial
19 census.

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

1 “(4) TRIBAL GOVERNMENT.—The term ‘Tribal
2 Government’ means the recognized governing body
3 of an Indian Tribe.

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

12 **SEC. 9. 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, 2015; 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, 2015.”.

○