

113TH CONGRESS  
2D SESSION

# S. 1945

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.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 16, 2014

Mr. LEAHY (for himself, Mr. DURBIN, and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## 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 Amend-  
5       ment Act of 2014”.

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 (42 U.S.C. 1973a(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 (other than a violation  
 8 of section 2(a) which is based on the imposition of a re-  
 9 quirement that an individual provide a photo identification  
 10 as a condition of receiving a ballot for voting in an election  
 11 for Federal, State, or local office); or violations of any  
 12 Federal voting rights law that prohibits discrimination on  
 13 the basis of race, color, or membership in a language mi-  
 14 nority group,”.

15 (b) CONFORMING AMENDMENT.—Section 3(a) of  
 16 such Act (42 U.S.C. 1973a(a)) is amended by striking  
 17 “violations of the fourteenth or fifteenth amendment” and  
 18 inserting “violations of the 14th or 15th Amendment, vio-  
 19 lations of this Act, or violations of any Federal voting  
 20 rights law that prohibits discrimination on the basis of  
 21 race, color, or membership in a language minority group,”.

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

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

1           (1) IN GENERAL.—Section 4(b) of the Voting  
 2       Rights Act of 1965 (42 U.S.C. 1973b(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 15 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 5 or more voting rights viola-  
 12      tions occurred in the State during the previous  
 13      15 calendar years, at least one of which was  
 14      committed by the State itself (as opposed to a  
 15      political subdivision within the State).

16          “(B) APPLICATION TO SPECIFIC POLITICAL  
 17      SUBDIVISIONS.—Subsection (a) applies with re-  
 18      spect to a political subdivision during a cal-  
 19      endar year if—

20           “(i) 3 or more voting rights violations  
 21           occurred in the subdivision during the pre-  
 22           vious 15 calendar years; or

23           “(ii) 1 or more voting rights violations  
 24           occurred in the subdivision during the pre-  
 25           vious 15 calendar years and the subdivi-

sion had persistent, extremely low minority turnout during the previous 15 calendar years.

“(2) PERIOD OF APPLICATION.—

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

“(i) that begins on January 1 of the year in which subsection (a) applies pursuant to the applicable provisions of paragraph (1); and

“(ii) that ends on the date which is 10 years after January 1 of the year in which the most recent voting rights violation occurred in the State or political subdivision.

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

“(i) STATES.—If a State obtains a declaratory judgment under subsection (a), and the judgment remains in effect, subsection (a) shall no longer apply to such

1 State pursuant to paragraph (1)(A) unless,  
2 after the issuance of the declaratory judgment,  
3 paragraph (1)(A) applies to the  
4 State solely on the basis of voting rights  
5 violations occurring after the issuance of  
6 the declaratory judgment.

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

23 “(3) DETERMINATION OF VOTING RIGHTS VIO-  
24 LATION.—For purposes of paragraph (1), a voting

1 rights violation occurred in a State or political sub-  
2 division if any of the following applies:

3 “(A) In a final judgment (which has not  
4 been reversed on appeal), any court of the  
5 United States has determined that a denial or  
6 abridgement of the right of any citizen of the  
7 United States to vote on account of race, color,  
8 or membership in a language minority group, in  
9 violation of the 14th or 15th Amendment, oc-  
10 curred anywhere within the State or subdivi-  
11 sion.

12 “(B) In a final judgment (which has not  
13 been reversed on appeal), any court of the  
14 United States has determined that a voting  
15 qualification or prerequisite to voting or stand-  
16 ard, practice, or procedure with respect to vot-  
17 ing was imposed or applied or would have been  
18 imposed or applied anywhere within the State  
19 or subdivision in a manner that resulted or  
20 would have resulted in a denial or abridgement  
21 of the right of any citizen of the United States  
22 to vote on account of race or color, or in con-  
23 travention of the guarantees set forth in sub-  
24 section (f)(2), in violation of section 2.

1           “(C) In a final judgment (which has not  
2           been reversed on appeal), any court of the  
3           United States has denied the request of the  
4           State or subdivision for a declaratory judgment  
5           under section 3(c) or section 5, and thereby  
6           prevented a voting qualification or prerequisite  
7           to voting or standard, practice, or procedure  
8           with respect to voting from being enforced any-  
9           where within the State or subdivision.

10           “(D) The Attorney General has interposed  
11           an objection under section 3(c) or section 5  
12           (and the objection has not been overturned by  
13           a final judgment of a court or withdrawn by the  
14           Attorney General), and thereby prevented a vot-  
15           ing qualification or prerequisite to voting or  
16           standard, practice, or procedure with respect to  
17           voting from being enforced anywhere within the  
18           State or subdivision, other than an objection  
19           which is based on a voting qualification or pro-  
20           cedure which consists of the imposition of a re-  
21           quirement that an individual provide a photo  
22           identification as a condition of receiving a ballot  
23           for voting in an election for Federal, State, or  
24           local office.

1           “(4) DETERMINATION OF PERSISTENT, EX-  
 2           TREMELY LOW MINORITY TURNOUT.—For purposes  
 3           of paragraph (1)(B)(ii), a political subdivision has  
 4           persistent, extremely low minority turnout with re-  
 5           spect to a calendar year if any of the following ap-  
 6           plies:

7                   “(A) With respect to the general elections  
 8                   for the office of President which were held in  
 9                   the political subdivision during the previous 15  
 10                  calendar years—

11                           “(i) in the majority of such elections,  
 12                           the minority turnout rate in the political  
 13                           subdivision was below—

14                                   “(I) the minority turnout rate for  
 15                                   the entire Nation,

16                                   “(II) the nonminority turnout  
 17                                   rate for the entire Nation,

18                                   “(III) the minority turnout rate  
 19                                   for the State in which the political  
 20                                   subdivision is located,

21                                   “(IV) the nonminority turnout  
 22                                   rate for the State in which the polit-  
 23                                   ical subdivision is located, and

24                                   “(V) the nonminority turnout  
 25                                   rate for the political subdivision; and



1           “(ii) the average minority turnout  
2           rate across all such elections in the polit-  
3           ical subdivision was more than 10 percent-  
4           age points below the average nonminority  
5           turnout rate for the entire Nation.

6           “(B) With respect to the general elections  
7           for Federal office which were held in the polit-  
8           ical subdivision during the previous 15 calendar  
9           years—

10           “(i) in the majority of such elections,  
11           the minority turnout rate in the political  
12           subdivision was below—

13           “(I) the minority turnout rate for  
14           the State in which the political sub-  
15           division is located,

16           “(II) the nonminority turnout  
17           rate for the State in which the polit-  
18           ical subdivision is located, and

19           “(III) the nonminority turnout  
20           rate for the political subdivision; and

21           “(ii) the average minority turnout  
22           rate across all such elections in the polit-  
23           ical subdivision was more than 10 percent-  
24           age points below the average nonminority

1 turnout rate for the State in which the po-  
 2 litical subdivision is located.

3 “(5) 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 (other than the determinations de-  
 9 scribed in subparagraph (B)), including updat-  
 10 ing the list of voting rights violations attrib-  
 11 utable to each State and political subdivision  
 12 for the previous calendar year.

13 “(B) DETERMINATIONS OF TURNOUT  
 14 RATES.—As early as practicable during each  
 15 odd-numbered calendar year, the Attorney Gen-  
 16 eral, in consultation with the heads of the rel-  
 17 evant offices of the government, shall make the  
 18 determinations of turnout rates required by this  
 19 subsection, including the minority and non-  
 20 minority turnout rates for the general elections  
 21 for Federal office held in the previous year in  
 22 each State and political subdivision (expressed  
 23 as percentages of the citizen voting-age popu-  
 24 lation of the State and subdivision and deter-

1           mined using scientifically accepted statistical  
2           methodologies).

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

8           “(6) OTHER DEFINITIONS.—In this subsection,  
9           the following definitions apply:

10           “(A) The term ‘general election for Fed-  
11           eral office’ means a general election held solely  
12           or in part for the purpose of electing any can-  
13           didate for the office of President, Vice Presi-  
14           dent, Presidential elector, Senator, Member of  
15           the House of Representatives, or Delegate or  
16           Resident Commissioner to the Congress.

17           “(B) The term ‘minority’ means persons  
18           who identify themselves as being—

19                   “(i) of Hispanic or Latino origin;

20                   “(ii) of a race other than white; or

21                   “(iii) of 2 or more races.

22           “(C) The term ‘nonminority’ means per-  
23           sons who identify themselves as being—

24                   “(i) not of Hispanic or Latino origin;

25                   “(ii) white; and

1 “(iii) not of any other race.

2 “(D) The term ‘turnout rate’ means, with  
3 respect to a demographic group and an election,  
4 the amount (expressed as a percentage) equal  
5 to the quotient of—

6 “(i) the number of individuals in that  
7 group who are citizens of the United  
8 States, who are 18 years of age or older on  
9 the date of the election, and who cast bal-  
10 lots in the election; divided by

11 “(ii) the total number of individuals in  
12 that group who are citizens of the United  
13 States and who are 18 years of age or  
14 older on the date of the election.”.

15 (2) CONFORMING AMENDMENTS.—Section 4(a)  
16 of such Act (42 U.S.C. 1973b(a)) is amended—

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

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

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

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

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

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

24              (F) in paragraph (5), by striking “(in the  
25       case of a State or subdivision which sought a

1           declaratory judgment under the second sentence  
2           of this subsection)”; and

3           (G) by striking paragraphs (7) and (8).

4           (b) CLARIFICATION OF TREATMENT OF MEMBERS OF  
5 LANGUAGE MINORITY GROUPS.—Section 4(a)(1) of such  
6 Act (42 U.S.C. 1973b(a)(1)) is amended by striking “race  
7 or color,” and inserting “race or color or in contravention  
8 of the guarantees of subsection (f)(2),”.

9           (c) REPEAL OF RETENTION OF JURISDICTION OF 3-  
10 JUDGE COURT.—Section 4(a)(5) of such Act (42 U.S.C.  
11 1973b(a)(5)) is amended by striking the second and third  
12 sentences.

13 **SEC. 4. PROMOTING TRANSPARENCY TO ENFORCE THE**  
14 **VOTING RIGHTS ACT.**

15           (a) TRANSPARENCY.—

16           (1) IN GENERAL.—The Voting Rights Act of  
17 1965 (42 U.S.C. 1973 et seq.) is amended by insert-  
18 ing after section 5 the following new section:

19           “TRANSPARENCY REGARDING CHANGES TO PROTECT  
20 VOTING RIGHTS

21           “SEC. 6. (a) NOTICE OF ENACTED CHANGES.—

22           “(1) NOTICE OF CHANGES.—If a State or polit-  
23 ical subdivision makes any change in any pre-  
24 requisite to voting or standard, practice, or proce-  
25 dure affecting voting in any election for Federal of-  
26 fice that will result in the prerequisite, standard,

1 practice, or procedure being different from that  
2 which was in effect as of 180 days before the date  
3 of the election, the State or political subdivision shall  
4 provide reasonable public notice in such State or po-  
5 litical subdivision and on the Internet, in a reason-  
6 ably convenient and accessible format, of a concise  
7 description of the change, including the difference  
8 between the changed prerequisite, standard, practice,  
9 or procedure and the prerequisite, standard, prac-  
10 tice, or procedure which was previously in effect.

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

15 “(b) TRANSPARENCY REGARDING POLLING PLACE  
16 RESOURCES.—

17 “(1) IN GENERAL.—In order to identify any  
18 changes that may impact the right to vote of any  
19 person, prior to the 30th day before the date of an  
20 election for Federal office, each State or political  
21 subdivision with responsibility for allocating reg-  
22 istered voters, voting machines, and official poll  
23 workers to particular precincts and polling places  
24 shall provide reasonable public notice in such State  
25 or political subdivision and on the Internet, in a rea-

1 sonably convenient and accessible format, of the in-  
2 formation described in paragraph (2) for precincts  
3 and polling places within such State or political sub-  
4 division.

5 “(2) INFORMATION DESCRIBED.—The informa-  
6 tion described in this paragraph with respect to a  
7 precinct or polling place is as follows:

8 “(A) The name or number.

9 “(B) In the case of a polling place, the lo-  
10 cation, including the street address.

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

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

21 “(E) The number of voting machines as-  
22 signed.

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, in a reasonably con-  
11 venient and accessible format, of the change in the  
12 information not later than 48 hours after the change  
13 occurs or, if the change occurs fewer than 48 hours  
14 before the date of the election, as soon as practicable  
15 after the change occurs.

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

18           “(1) REQUIRING PUBLIC NOTICE OF  
19 CHANGES.—Not later than 10 days after making  
20 any change in the constituency that will participate  
21 in an election for Federal, State, or local office or  
22 the boundaries of a voting unit or electoral district  
23 in an election for Federal, State, or local office (in-  
24 cluding through redistricting, reapportionment,  
25 changing from at-large elections to district-based

elections, or changing from district-based elections to at-large elections), a State or political subdivision shall provide reasonable public notice in such State or political subdivision and on the Internet, in a reasonably convenient and accessible format, of the demographic and electoral data described in paragraph (3) for each of the geographic areas described in paragraph (2).

“(2) GEOGRAPHIC AREAS DESCRIBED.—The geographic areas described in this paragraph are as follows:

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

“(B) If the change includes a plan to replace or eliminate voting units or electoral districts, each voting unit or electoral district that will be replaced or eliminated.

“(C) If the change includes a plan to establish new voting units or electoral districts, each such new voting unit or electoral district.

“(3) DEMOGRAPHIC AND ELECTORAL DATA.—The demographic and electoral data described in this

paragraph with respect to a geographic area described in paragraph (2) are as follows:

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

“(B) If it is reasonably available to the State or political subdivision involved, an estimate of the population of the area which consists of citizens of the United States who are 18 years of age or older, broken down by demographic group.

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

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

“(4) VOLUNTARY COMPLIANCE BY SMALLER JURISDICTIONS.—Compliance with this subsection shall

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 under the  
6               most recent decennial census.

7               “(C) A school district with a population  
8               greater than 10,000, as determined under the  
9               most recent decennial census. For purposes of  
10              this paragraph, the term ‘school district’ means  
11              the geographic area under the jurisdiction of a  
12              local educational agency (as defined in section  
13              9101 of the Elementary and Secondary Edu-  
14              cation Act of 1965).

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

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

1 “(f) DEFINITIONS.—In this section—

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

7 “(2) the term ‘election’ means, with respect to  
8 Federal office, any general, special, primary, or run-  
9 off election held solely or in part for the purpose of  
10 electing any candidate for the office of President,  
11 Vice President, Presidential elector, Senator, Mem-  
12 ber of the House of Representatives, or Delegate or  
13 Resident Commissioner to the Congress.”.

14 (2) CONFORMING AMENDMENT.—Section 3(a)  
15 of such Act (42 U.S.C. 1973a(a)) is amended by  
16 striking “in accordance with section 6”.

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

21 **SEC. 5. AUTHORITY TO ASSIGN OBSERVERS.**

22 (a) CLARIFICATION OF AUTHORITY IN POLITICAL  
23 SUBDIVISIONS SUBJECT TO PRECLEARANCE.—Section  
24 8(a)(2)(B) of the Voting Rights Act of 1965 (42 U.S.C.  
25 1973f(a)(2)(B)) is amended to read as follows:

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

8           (b) ASSIGNMENT OF OBSERVERS TO ENFORCE BI-  
 9           LINGUAL ELECTION REQUIREMENTS.—Section 8(a) of  
 10          such Act (42 U.S.C. 1973f(a)) is amended—

11           (1) by striking “or” at the end of paragraph  
 12          (1);

13           (2) by adding “or” at the end of paragraph (2);  
 14          and

15           (3) by inserting after paragraph (2) the fol-  
 16          lowing new paragraph:

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

19           “(A) the Attorney General has received  
 20          written meritorious complaints from residents,  
 21          elected officials, or civic participation organiza-  
 22          tions that efforts to violate section 203 are like-  
 23          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. 6. 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 (42 U.S.C. 1973j(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 (42 U.S.C. 1973j(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 relief described in this sub-  
6           section, the court shall grant the relief if the court deter-  
7           mines that, on balance, the hardship imposed upon the  
8           defendant by the issuance of the relief will be less than  
9           the hardship which would be imposed upon the plaintiff  
10          if the relief were not granted.

11          “(B) In making its determination under this para-  
12          graph with respect to a change in any voting qualification,  
13          prerequisite to voting, or standard, practice, or procedure  
14          affecting voting, the court shall consider the following fac-  
15          tors (to the extent applicable to the action):

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

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

23                         “(II) a violation of this Act; or

24                         “(III) voting discrimination on the basis of  
25                         race, color, or membership in a language minor-



1           ity group in violation of any other Federal or  
2           State law.

3           “(ii) Whether the qualification, prerequisite,  
4           standard, practice, or procedure in effect prior to the  
5           change served as a ground for the dismissal or set-  
6           tlement of a claim alleging—

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

10                   “(II) a violation of this Act; or

11                   “(III) voting discrimination on the basis of  
12                   race, color, or membership in a language minor-  
13                   ity group in violation of any other Federal or  
14                   State law.

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

18           “(iv) Whether the defendant has failed to pro-  
19           vide timely or complete notice of the adoption of the  
20           change as required by applicable Federal or State  
21           law.”.

1 **SEC. 7. OTHER TECHNICAL AND CONFORMING AMEND-**  
 2 **MENTS.**

3 (a) ACTIONS COVERED UNDER SECTION 3.—Section  
 4 3(c) of the Voting Rights Act of 1965 (42 U.S.C.  
 5 1973a(c)) is amended—

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

11 (2) by striking “at the time the proceeding was  
 12 commenced” and inserting “at the time the action  
 13 was commenced”.

14 (b) CLARIFICATION OF TREATMENT OF MEMBERS OF  
 15 LANGUAGE MINORITY GROUPS.—Section 4(f) of such Act  
 16 (42 U.S.C. 1973b(f)) is amended—

17 (1) in paragraph (1), by striking the second  
 18 sentence; and

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

20 (c) PERIOD DURING WHICH CHANGES IN VOTING  
 21 PRACTICES ARE SUBJECT TO PRECLEARANCE UNDER  
 22 SECTION 5.—Section 5 of such Act (42 U.S.C. 1973c) is  
 23 amended—

24 (1) in subsection (a), by striking “based upon  
 25 determinations made under the first sentence of sec-

1       tion 4(b) are in effect” and inserting “are in effect  
2       during a calendar year”;

3           (2) in subsection (a), by striking “November 1,  
4       1964” and all that follows through “November 1,  
5       1972” and inserting “the applicable date of cov-  
6       erage”; and

7           (3) by adding at the end the following new sub-  
8       section:

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

11           “(1) June 25, 2013, if the most recent deter-  
12       mination for such State or subdivision under section  
13       4(b) was made on or before December 31, 2015; or

14           “(2) the date on which the most recent deter-  
15       mination for such State or subdivision under section  
16       4(b) was made, if such determination was made  
17       after December 31, 2015.”.

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