

113TH CONGRESS
2D SESSION

S. 2399

To safeguard the voting rights of Native American and Alaska Native voters and to provide the resources and oversight necessary to ensure equal access to the electoral process.

IN THE SENATE OF THE UNITED STATES

MAY 22, 2014

Mr. BEGICH (for himself, Ms. HIRONO, Mr. TESTER, Mr. WALSH, Mr. JOHNSON of South Dakota, and Ms. HEITKAMP) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To safeguard the voting rights of Native American and Alaska Native voters and to provide the resources and oversight necessary to ensure equal access to the electoral process.

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 “Native Voting Rights
5 Act of 2014”.

1 **SEC. 2. TRIBAL IDENTIFICATION; ACTIONS FOR A DIS-**
2 **PARITY IN AVAILABILITY OF POLLING**
3 **PLACES.**

4 Section 2 of the Voting Rights Act (42 U.S.C. 1973)
5 is amended by adding at the end the following:

6 “(c) If a State or political subdivision requires an in-
7 dividual to present a valid form of identification for the
8 purposes of voting, including registering to vote, an indi-
9 vidual’s unexpired tribal identification document issued by
10 an Indian tribe (including a tribal identification document
11 issued by a Native Corporation, as defined in section 3
12 of the Alaska Native Claims Settlement Act (43 U.S.C.
13 1602)) shall be treated as a valid form of identification
14 for such purposes.

15 “(d)(1)(A) The Attorney General may institute in the
16 name of the United States actions, including actions
17 against States or political subdivisions, for declaratory
18 judgment or injunctive relief if the Attorney General finds,
19 at the discretion of the Attorney General, a disparity be-
20 tween in-person voting opportunities for members of an
21 Indian tribe as compared to in-person voting opportunities
22 for individuals who are not members of an Indian tribe.

23 “(B) Such injunctive relief shall include measures to
24 reduce such disparity by increasing the availability of poll-
25 ing places.

1 “(2) The district courts of the United States shall
2 have jurisdiction of such actions which shall be heard and
3 determined by a court of three judges in accordance with
4 the provisions of section 2284 of title 28 of the United
5 States Code and any appeal shall lie to the Supreme
6 Court. It shall be the duty of the judges designated to
7 hear the case to assign the case for hearing at the earliest
8 practicable date, to participate in the hearing and deter-
9 mination thereof, and to cause the case to be in every way
10 expedited. There shall be a presumption that such dis-
11 parity results in a denial or abridgement of the right of
12 any citizen of the United States to vote on account of race
13 or color, or in contravention of the guarantees set forth
14 in section 4(f)(2).

15 “(3) Notwithstanding paragraphs (1) and (2), an ag-
16 grieved person may bring an action described in paragraph
17 (1)(A). The provisions of paragraph (2) shall apply to
18 such action.”.

19 **SEC. 3. PROTECTIONS RELATING TO POLLING PLACES ON**
20 **INDIAN RESERVATIONS.**

21 (a) Section 4 of the Voting Rights Act of 1965 (42
22 U.S.C. 1973b) is amended by adding at the end the fol-
23 lowing:

24 “(g) PROTECTIONS RELATING TO INDIAN RESERVA-
25 TIONS.—

1 “(1) IN GENERAL.—No State or political sub-
2 division shall carry out any of the following activities
3 unless that State or political subdivision obtains the
4 approval of the court or the nonobjection of the At-
5 torney General under section 5(a):

6 “(A) Eliminating the only polling place or
7 voter registration site on an Indian reservation.

8 “(B) Moving or consolidating a polling
9 place or voter registration site 1 mile or further
10 from the existing location of the polling place or
11 voter registration site on an Indian reservation.

12 “(C) Moving or consolidating a polling
13 place on an Indian reservation across a river,
14 lake, mountain, or other natural boundary such
15 that it makes travel difficult for a voter, regard-
16 less of distance.

17 “(D) Eliminating in-person voting on an
18 Indian reservation by designating an Indian
19 reservation as a permanent absentee voting lo-
20 cation, unless the entire State is or becomes a
21 permanent absentee voting State.

22 “(E) Removing an early voting location or
23 otherwise diminishing early voting opportunities
24 on an Indian reservation.

1 (2) in subsection (c), as redesignated by para-
2 graph (1) of this section, by striking “subsection (c),
3 such observers” and inserting “subsection (d), the
4 observers described in this section”; and

5 (3) by inserting after subsection (a) the fol-
6 lowing:

7 “(b) The Attorney General may authorize Federal ob-
8 servers for elections that occur on an Indian reservation,
9 as defined under section 203, if the Attorney General has
10 received from a tribal organization—

11 “(1) a written complaint that efforts to deny or
12 abridge the right to vote under the color of law on
13 account of race or color, or in contravention of the
14 guarantees set forth in section 4(f)(2), may occur on
15 an Indian reservation; and

16 “(2) a request for the authorization of Federal
17 observers for elections that occur on that Indian res-
18 ervation.”.

19 **SEC. 5. TERMINATION OF ELECTION OBSERVERS.**

20 Section 13(a) of the Voting Rights Act of 1965 (42
21 U.S.C. 1973k(a)) is amended—

22 (1) in paragraph (1)—

23 (A) by striking “section 8” and inserting
24 “subsection (a) of section 8”; and

25 (B) by striking “and” after the semicolon;

1 (2) in paragraph (2), by striking the period at
2 the end and inserting “; and”; and

3 (3) by adding at the end the following:

4 “(3) with respect to observers appointed pursu-
5 ant to subsection (b) of section 8, after the end of
6 the next general election for the office of Presi-
7 dent.”.

8 **SEC. 6. DEFINITIONS.**

9 Section 14(c) of the Voting Rights Act of 1965 (42
10 U.S.C. 1973l(c)) is amended by adding at the end the fol-
11 lowing:

12 “(4) The terms ‘Indian tribe’ and ‘tribal organiza-
13 tion’ have the meaning given such terms under section 4
14 of the Indian Self-Determination and Education Assist-
15 ance Act (25 U.S.C. 450b).

16 “(5) The term ‘member of an Indian tribe’ means an
17 individual who is a member of an Indian tribe, as defined
18 under section 4 of the Indian Self-Determination and
19 Education Assistance Act (25 U.S.C. 450b) and includes
20 a member of a Native Corporation, as defined in section
21 3 of the Alaska Native Claims Settlement Act (43 U.S.C.
22 1602).”.

1 **SEC. 7. BILINGUAL ELECTION REQUIREMENTS; DEFINITION**
2 **OF INDIAN RESERVATION.**

3 Section 203 of the Voting Rights Act of 1965 (42
4 U.S.C. 1973aa–1a) is amended—

5 (1) in subsection (b)(3)(C), by striking “1990”
6 and inserting “2010”; and

7 (2) in subsection (c), by striking “or in the case
8 of Alaskan natives and American Indians, if the pre-
9 dominant language is historically unwritten” and in-
10 sserting “(as of the date on which the materials or
11 information is provided)”.

12 **SEC. 8. ELECTION OBSERVER TRANSPARENCY.**

13 The Attorney General shall make publicly available
14 the reports of Federal election observers appointed in ac-
15 cordance with section 8 of the Voting Rights Act of 1965
16 (42 U.S.C. 1973f), not later than 6 months after the date
17 that such reports are submitted to the Attorney General.

18 **SEC. 9. TRIBAL VOTING CONSULTATION.**

19 The Attorney General shall, to the extent practicable,
20 consult annually with tribal organizations regarding issues
21 relating to voting for members of an Indian tribe.

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