

116TH CONGRESS
1ST SESSION

H. R. 1694

To protect the voting rights of Native American and Alaska Native voters.

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2019

Mr. LUJÁN (for himself, Ms. HAALAND, Ms. DAVIDS of Kansas, Mr. GALLEGO, Ms. MCCOLLUM, Mr. COLE, Mr. CLYBURN, Mr. NADLER, Mr. O'HALLERAN, Mr. HUFFMAN, Ms. MOORE, Ms. NORTON, Mrs. TORRES of California, Mr. SOTO, Mr. BLUMENAUER, Mr. RUIZ, Mr. COHEN, Mr. KHANNA, Mr. AGUILAR, Ms. SEWELL of Alabama, Ms. BASS, Mr. POCAN, Mr. CARBAJAL, Mr. KILMER, Mr. CÁRDENAS, Mr. ESPAILLAT, Ms. KUSTER of New Hampshire, Mrs. KIRKPATRICK, Ms. ROYBAL-ALLARD, Ms. OMAR, Mr. TED LIEU of California, Mr. RASKIN, Mr. SIRES, Mr. DEFAZIO, Mr. SMITH of Washington, Mr. CASE, Mr. PETERS, Ms. JACKSON LEE, Ms. TORRES SMALL of New Mexico, Ms. SCHAKOWSKY, Mr. PALLONE, Ms. CLARK of Massachusetts, Mr. CICILLINE, Mr. CARTWRIGHT, Ms. TITUS, Ms. MENG, Mrs. BUSTOS, Ms. KELLY of Illinois, Mr. ALLRED, Ms. WASSERMAN SCHULTZ, Mr. HECK, Mrs. DINGELL, Mr. ROUDA, Ms. WILD, Mr. STANTON, Mr. TONKO, Mr. BUTTERFIELD, Mr. LARSEN of Washington, Mr. CASTEN of Illinois, Mr. MEEKS, Mr. HASTINGS, Mr. DANNY K. DAVIS of Illinois, Mr. EVANS, Mrs. LAWRENCE, Ms. LEE of California, Mr. CRIST, Ms. GABBARD, Mr. COURTNEY, Ms. SÁNCHEZ, Ms. LOFGREN, Mr. HIMES, Ms. CLARKE of New York, Mr. JEFFRIES, Mr. SAN NICOLAS, Ms. HILL of California, and Mr. NEAL) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To protect the voting rights of Native American and Alaska Native voters.

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 American Vot-
5 ing Rights Act of 2019”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) The Constitution explicitly and implicitly
9 grants Congress broad general powers to legislate on
10 issues relating to Indian Tribes, powers consistently
11 described as plenary and exclusive. These powers
12 arise from the grant of authority in the Indian Com-
13 merce Clause and through legislative matters arising
14 under the Treaty Clause.

15 (2) The Federal Government is responsible for
16 upholding the obligations that the Federal Govern-
17 ment has agreed to through treaties, legislation, and
18 executive orders, referred to as the Federal trust re-
19 sponsibility toward Indian Tribes and their mem-
20 bers.

21 (3) The Supreme Court has repeatedly relied on
22 the nature of this “government to government” rela-
23 tionship between the United States and sovereign
24 Indian Tribes for congressional authority to enact
25 “legislation that singles out Indians for particular

1 and special treatment.” *Morton v. Mancari*, 417
2 U.S. 535, 554–555 (1974).

3 (4) Legislation removing barriers to Native
4 American voting is vital for the fulfillment of Con-
5 gress’ “unique obligation” toward Indians, particu-
6 larly ensuring that Native American voters are fully
7 included as “qualified members of the modern body
8 politic.” *Board of County Comm’rs v. Seber*, 318
9 U.S. 705, 715 (1943).

10 (5) Under the Elections Clause of article I, sec-
11 tion 4 of the Constitution, Congress has additional
12 power to regulate any election conducted at least in
13 part to select Members of Congress. Taken together,
14 the Indian Commerce Clause and the Election
15 Clause give Congress broad authority to enact legis-
16 lation to safeguard the voting rights of Native Amer-
17 ican voters.

18 (6) Despite Congress’ decision to grant Native
19 Americans Federal citizenship, and with it the pro-
20 tections of the Fifteenth Amendment, with passage
21 of the Act of June 2, 1924 (Public Law 68–233; 43
22 Stat. 253) (commonly known as the “Indian Citizen-
23 ship Act of 1924”), States continued to deploy dis-
24 tinct methods for disenfranchising Indians by enact-
25 ing statutes to exclude from voter rolls Indians liv-

1 ing on reservations, requiring that Indians first ter-
2 minate their relationship with their Indian Tribe, re-
3 stricting the right to vote on account of a Tribal
4 member’s “guardianship” status, and imposing lit-
5 eracy tests.

6 (7) Barriers to voter access for Native Ameri-
7 cans persist today, and such barriers range from ob-
8 structing voter access, to vote dilution and inten-
9 tional malapportionment of electoral districts.

10 (8) The Native American Voting Rights Coaliti-
11 on’s recent 9 field hearings in Indian Country and
12 4-State survey of voter discrimination revealed a
13 number of additional obstacles that Native Ameri-
14 cans must overcome in some States, including—

15 (A) a lack of accessible registration and
16 polling sites, either due to conditions such as
17 geography, lack of paved roads, the absence of
18 reliable and affordable broadband connectivity,
19 and restrictions on the time and place that peo-
20 ple can register and vote, and the manner in
21 which people can register and vote, including
22 unequal opportunities for absentee, early, mail-
23 in, and in-person voting;

24 (B) nontraditional addresses for residents
25 on Indian reservations, which make voter reg-

1 istration, acquisition of mail-in ballots, and se-
2 curing required identification difficult, if not
3 impossible;

4 (C) inadequate language assistance for
5 Tribal members, including lack of outreach and
6 publicity, the failure to provide complete, accu-
7 rate, and uniform translations of all voting ma-
8 terials in the relevant Native language, and an
9 insufficient number of trained bilingual poll
10 workers; and

11 (D) voter identification laws that discrimi-
12 nate against Native Americans.

13 (9) The Department of Justice and courts have
14 also recognized that some jurisdictions have been
15 unresponsive to reasonable requests from federally
16 recognized Indian Tribes for more accessible voter
17 registration sites and in-person voting locations.

18 (10) According to the National Congress of
19 American Indians, there is a wide gap between the
20 voter registration and turnout rates of eligible Amer-
21 ican Indians and Alaska Natives, and the voter reg-
22 istration and turnout rates of non-Hispanic White
23 and other racial and ethnic groups.

1 (11) Despite these obstacles, the Native Amer-
2 ican vote continues to play a significant role in na-
3 tional, State, and local elections.

4 (12) In Alaska, New Mexico, Oklahoma, and
5 South Dakota, Native Americans comprise approxi-
6 mately 10 percent or more of the voting population.

7 (13) The Native American vote also holds great
8 potential, with over 1,000,000 voters who are eligible
9 to vote, but are not registered to vote.

10 (b) PURPOSES.—The purposes of this Act are—

11 (1) to fulfill the Federal Government’s trust re-
12 sponsibility to protect and promote Native Ameri-
13 cans’ exercise of their constitutionally guaranteed
14 right to vote, including the right to register to vote
15 and the ability to access all mechanisms for voting;

16 (2) to establish preclearance procedures for a
17 specific subset of State actions that have been used
18 to restrict access to the polls on Indian lands;

19 (3) to expand voter registration under the Na-
20 tional Voter Registration Act of 1993 (52 U.S.C.
21 20506 et seq.) to cover all Federal facilities, at the
22 request of the Indian Tribe;

23 (4) to afford equal treatment to forms of identi-
24 fication unique to Indian Tribes and their members;

1 (5) to clarify the obligations of States and polit-
2 ical subdivisions regarding the provision of trans-
3 lated voting materials for American Indians and
4 Alaska Natives under section 203 of the Voting
5 Rights Act of 1965 (52 U.S.C. 10503);

6 (6) to provide Tribal leaders with a direct path-
7 way to request Federal election observers, and to
8 allow public access to the reports of those election
9 observers; and

10 (7) to direct the Department of Justice to con-
11 sult on an annual basis with Indian Tribes on issues
12 related to voting.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) INDIAN.—The term “Indian” has the mean-
16 ing given the term in section 4 of the Indian Self-
17 Determination and Education Assistance Act (25
18 U.S.C. 5304).

19 (2) INDIAN LANDS.—The term “Indian lands”
20 includes—

21 (A) any Indian country of an Indian Tribe,
22 as defined under section 1151 of title 18,
23 United States Code;

24 (B) any land in Alaska owned, pursuant to
25 the Alaska Native Claims Settlement Act (43

1 U.S.C. 1601 et seq.), by an Indian Tribe that
2 is a Native village (as defined in section 3 of
3 that Act (43 U.S.C. 1602)) or by a Village Cor-
4 poration that is associated with an Indian Tribe
5 (as defined in section 3 of that Act (43 U.S.C.
6 1602));

7 (C) any land on which the seat of the Trib-
8 al Government is located; and

9 (D) any land that is part or all of a Tribal
10 designated statistical area associated with an
11 Indian Tribe, or is part or all of an Alaska Na-
12 tive village statistical area associated with an
13 Indian Tribe, as defined by the Census Bureau
14 for the purposes of the most recent decennial
15 census.

16 (3) INDIAN TRIBE.—The term “Indian Tribe”
17 has the meaning given the term “Indian tribe” in
18 section 4 of the Indian Self-Determination and Edu-
19 cation Assistance Act (25 U.S.C. 5304).

20 (4) TRIBAL GOVERNMENT.—The term “Tribal
21 Government” means the recognized governing body
22 of an Indian Tribe.

1 **SEC. 4. ESTABLISHMENT OF A NATIVE AMERICAN VOTING**
2 **TASK FORCE GRANT PROGRAM.**

3 (a) IN GENERAL.—The Office for Civil Rights at the
4 Office of Justice Programs of the Department of Justice
5 (referred to in this section as the “Office”) shall establish
6 and administer, in coordination with the Department of
7 the Interior, a Native American voting task force grant
8 program, through which the Office shall provide financial
9 assistance to eligible applicants to enable those eligible ap-
10 plicants to establish and operate a Native American Vot-
11 ing Task Force in each State with a federally recognized
12 Indian Tribe.

13 (b) PURPOSE.—The purpose of the Native American
14 voting task force grant program is to—

15 (1) increase voter outreach, education, registra-
16 tion, and turnout in Native American communities;

17 (2) increase access to the ballot for Native
18 American communities, including additional satellite,
19 early voting, and absentee voting locations;

20 (3) streamline and reduce inconsistencies in the
21 voting process for Native Americans;

22 (4) provide, in the community’s dominant lan-
23 guage, educational materials and classes on Indian
24 lands about candidacy filing;

25 (5) train and educate State and local employ-
26 ees, including poll workers, about—

1 (A) the language assistance and voter as-
2 sistance requirements under sections 203 and
3 208 of the Voting Rights Act of 1965 (52
4 U.S.C. 10503; 10508); and

5 (B) voter identification laws under section
6 8 of this Act;

7 (6) identify model programs and best practices
8 for providing language assistance to Native Amer-
9 ican communities;

10 (7) provide non-partisan poll watchers on elec-
11 tion day in Native American communities;

12 (8) participate in and evaluate future redis-
13 tricting efforts;

14 (9) address issues of internet connectivity as it
15 relates to voter registration and ballot access in Na-
16 tive American communities; and

17 (10) facilitate collaboration between local elec-
18 tion officials, Native American communities, and
19 Tribal elections offices.

20 (c) ELIGIBLE APPLICANT.—The term “eligible appli-
21 cant” means—

22 (1) an Indian Tribe;

23 (2) a Secretary of State of a State, or another
24 official of a State entity responsible for overseeing
25 elections;

1 (3) a nonprofit organization that works, in
2 whole or in part, on voting issues; or

3 (4) a consortium of one or more of the entities
4 described in paragraphs (1) through (3).

5 (d) APPLICATION AND SELECTION PROCESS.—

6 (1) IN GENERAL.—The Office, in coordination
7 with the Department of the Interior and following
8 consultation with Indian Tribes about the implemen-
9 tation of the Native American voting task force
10 grant program, shall establish guidelines for the
11 process by which eligible applicants will submit ap-
12 plications.

13 (2) APPLICATIONS.—Each eligible applicant de-
14 siring a grant under this section shall submit an ap-
15 plication, according to the process established under
16 paragraph (1), and at such time, in such manner,
17 and containing such information as the Attorney
18 General may require. Such application shall in-
19 clude—

20 (A) a certification that the applicant is an
21 eligible applicant;

22 (B) a proposed work plan addressing how
23 the eligible applicant will establish and admin-
24 ister a Native American Voting Task Force

1 that achieves the purposes described in sub-
2 section (b);

3 (C) if the eligible applicant is a consortium
4 as described in subsection (c)(4), a description
5 of the proposed division of responsibilities be-
6 tween the participating entities; and

7 (D) an explanation of the time period that
8 the proposed Native American Voting Task
9 Force will cover, which shall be a time period
10 that is not more than 3 years.

11 (e) USES OF FUNDS.—A grantee receiving funds
12 under this section shall use such funds to carry out one
13 or more of the activities described in subsection (b),
14 through the grantee’s Native American Voting Task
15 Force.

16 (f) RELATIONSHIP WITH OTHER LAWS.—Nothing in
17 this section reduces State or local obligations provided for
18 by the Voting Rights Act of 1965 (52 U.S.C. 10301 et
19 seq.), the National Voter Registration Act of 1993 (52
20 U.S.C. 20501 et seq.), the Help America Vote Act of 2002
21 (52 U.S.C. 20901 et seq.), or any other Federal law or
22 regulation related to voting or the electoral process.

23 (g) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to carry out this section
25 \$10,000,000 for each of fiscal years 2020 through 2035.

1 **SEC. 5. TRIBAL DESIGNATED VOTER REGISTRATION SITES.**

2 Section 7(a) of the National Voter Registration Act
3 of 1993 (52 U.S.C. 20506(a)) is amended—

4 (1) in paragraph (2)—

5 (A) in subparagraph (A), by striking
6 “and” after the semicolon;

7 (B) in subparagraph (B), by striking the
8 period at the end and inserting a semicolon;
9 and

10 (C) by adding at the end the following:

11 “(C) at the request of an Indian Tribe,
12 any Federal facility or federally funded facility
13 that is primarily engaged in providing services
14 to Indian Tribes and that provides such services
15 to the requesting Indian Tribe; and

16 “(D) at the request of an Indian Tribe, not
17 less than one Federal facility or federally fund-
18 ed facility that is located on the Indian lands of
19 the requesting Indian Tribe (which may be the
20 Federal facility or federally funded facility de-
21 scribed in subparagraph (C)).”; and

22 (2) by adding at the end the following:

23 “(8) Where practicable, each Federal agency
24 that operates a Federal facility or a federally funded
25 facility that is subject to the provisions of paragraph
26 (2)(C) or (D), shall designate one or more special

1 days at a centralized location within the boundaries
2 of the Indian lands of each applicable Indian Tribe
3 for the purpose of informing members of the Indian
4 Tribe of the timing, registration requirements, and
5 voting procedures in elections for Federal office, at
6 no cost to the Indian Tribe.”.

7 **SEC. 6. ACCESSIBLE TRIBAL DESIGNATED POLLING SITES.**

8 (a) IN GENERAL.—

9 (1) DESIGNATION OF STATE OFFICER.—Each
10 of the several States whose territory contains all or
11 part of an Indian Tribe’s Indian lands shall des-
12 ignate for each Indian Tribe an officer within that
13 State who will be responsible for compliance with the
14 provisions of this section. The State shall provide
15 written notice to each such Indian Tribe of the offi-
16 cer so designated.

17 (2) PROVISION OF POLLING PLACES.—For each
18 Indian Tribe that satisfies the obligations of sub-
19 section (c), and for each election for a Federal offi-
20 cial that is held 180 days or later after the date on
21 which the Indian Tribe initially satisfies such obliga-
22 tions, any State or political subdivision whose terri-
23 tory contains all or part of an Indian Tribe’s Indian
24 lands—

1 (A) shall provide a minimum of one polling
2 place for each precinct in which there are eligi-
3 ble voters who reside on Indian lands, in a loca-
4 tion selected by the Indian Tribe and at no cost
5 to the Indian Tribe;

6 (B) shall provide, at no cost to the Indian
7 Tribe, additional polling places in locations se-
8 lected by an Indian Tribe if, based on the total-
9 ity of circumstances described in subsection (b),
10 it is shown that not providing those additional
11 polling places would result in members of the
12 Indian Tribe and individuals residing on the In-
13 dian Tribe's Indian lands having less oppor-
14 tunity to vote than eligible voters in that State
15 or political subdivision who are not members of
16 an Indian Tribe and do not reside on Indian
17 lands;

18 (C) shall, at each polling place located on
19 Indian lands and at no cost to the Indian Tribe,
20 make voting machines, tabulation machines,
21 ballots, provisional ballots, and other voting ma-
22 terials available to the same extent that such
23 equipment and materials are made available at
24 other polling places in the State or political

1 subdivision that are not located on Indian
2 lands;

3 (D) shall, at each polling place located on
4 Indian lands, conduct the election using the
5 same voting procedures that are used at other
6 polling places in the State or political subdivi-
7 sion that are not located on Indian lands;

8 (E) shall, at each polling place located on
9 Indian lands, provide training, compensation,
10 and other benefits to election officials and poll
11 workers at no cost to the Indian Tribe and to
12 the same extent that such training, compensa-
13 tion, and benefits are provided to election offi-
14 cials and poll workers at other polling places in
15 the State or political subdivision that are not lo-
16 cated on Indian lands;

17 (F) shall cooperate in good faith with the
18 efforts of the Indian Tribe to satisfy the re-
19 quirements of subsection (c); and

20 (G) may fulfill the State's obligations
21 under subparagraphs (A) and (B) by relocating
22 existing polling places, by creating new polling
23 places, or both.

24 (b) **EQUITABLE OPPORTUNITIES TO VOTE.**—When
25 assessing the opportunities to vote provided to members

1 of an Indian Tribe and to other eligible voters in the State
2 residing on Indian lands in order to determine the number
3 of additional polling places (if any) that a State or political
4 subdivision must provide in accordance with subsection
5 (a)(2)(B), the State, political subdivision, and any court
6 applying this section, shall consider the totality of cir-
7 cumstances of—

8 (1) the number of voting-age citizens assigned
9 to each polling place;

10 (2) the distances that voters must travel to
11 reach the polling places;

12 (3) the time that voters must spend traveling to
13 reach the polling places, including under inclement
14 weather conditions;

15 (4) the modes of transportation, if any, that are
16 available to voters to use to reach the polling places;

17 (5) the existence of and access to public trans-
18 portation to the polling places; and

19 (6) any other factor relevant to effectuating the
20 purposes of this Act.

21 (c) OBLIGATIONS OF THE INDIAN TRIBE.—

22 (1) IN GENERAL.—The State and political sub-
23 division obligations under subsection (a)(2) shall
24 apply with respect to an Indian Tribe only if that
25 Indian Tribe files a standing request with the officer

1 designated under subsection (a)(1) for a polling
2 place or polling places for future elections, pursuant
3 to subsection (a)(2)(A), or subsection (a)(2)(B) (if
4 applicable), which—

5 (A) specifies the number and locations of
6 such polling places that the Indian Tribe is re-
7 questing;

8 (B) certifies that the Indian Tribe has ar-
9 ranged access to the facilities in which such
10 polling places will be located, and that such ac-
11 cess is in accordance with Federal and State
12 law;

13 (C) certifies that the Indian Tribe will en-
14 sure that each such polling place will be open
15 and available to all eligible voters who reside in
16 the precinct or other geographic area assigned
17 to such polling place, regardless of whether
18 such eligible voters are members of the Indian
19 Tribe or of any other Indian Tribe; and

20 (D) requests that the State shall designate
21 election officials and poll workers to staff such
22 polling places, or certifies that the Indian Tribe
23 will designate election officials and poll workers
24 to staff such polling places on every day that
25 the polling places will be open.

1 (2) OPT OUT.—At any time that is 60 days or
2 more before the date of an election, an Indian Tribe
3 that previously has satisfied the obligations of para-
4 graph (1) may notify the State that the Indian Tribe
5 intends to opt out of the standing request for one
6 or more polling places that were requested in accord-
7 ance with subsection (a)(2)(A) or subsection
8 (a)(2)(B) for a particular election or for all future
9 elections.

10 (d) FEDERAL POLLING SITES.—At an Indian Tribe’s
11 request, each State shall designate as voter polling facili-
12 ties any of the facilities identified in accordance with sec-
13 tion 7(a)(2)(C) or (D) of the National Voter Registration
14 Act of 1993 (52 U.S.C. 20506(a)(2)), at no cost to the
15 Indian Tribe, provided that the facility meets the require-
16 ments of Federal and State law as applied to other polling
17 places within the State or political subdivision. The appli-
18 cable agency of the Federal Government shall ensure that
19 such designated facilities are made available as polling
20 places.

21 (e) MAIL-IN BALLOTING.—In States or political sub-
22 divisions that permit absentee or mail-in balloting, the fol-
23 lowing shall apply with respect to an election for Federal
24 office:

1 (1) All postage shall be prepaid by the Federal
2 Government and each ballot postmarked the day the
3 ballot is received at a postal facility located on In-
4 dian lands.

5 (2) An Indian Tribe may designate a Tribal
6 Government building as a ballot pickup and collec-
7 tion location at no cost to the Indian Tribe. The ap-
8 plicable State or political subdivision shall collect
9 ballots from that location.

10 (3) The State or political subdivision shall pro-
11 vide mail-in and absentee ballots to each registered
12 voter residing on Indian lands in the State or polit-
13 ical subdivision without requiring a residential ad-
14 dress, a mail-in or absentee ballot request, or an ex-
15 cuse for a mail-in or absentee ballot.

16 (4) The address of a designated Tribal Govern-
17 ment building that is a ballot pickup and collection
18 location under paragraph (2) may serve as the ad-
19 dress and mailing address for voters living on Indian
20 lands if the designated Tribal Government building
21 is in the same precinct as that voter. If such des-
22 ignated Tribal Government building is not in the
23 same precinct as the voter, the voter may use the
24 designated Tribal Government building as a mailing
25 address and may separately designate the voter's ap-

1 appropriate precinct through a description of the vot-
2 er's address, as specified in section 9428.4(a)(2) of
3 title 11, Code of Federal Regulations.

4 (5) In the case of a State or political subdivi-
5 sion that is a covered State or political subdivision
6 under section 203 of the Voting Rights Act of 1965
7 (52 U.S.C. 10503), that State or political subdivi-
8 sion shall provide absentee or mail-in voting mate-
9 rials in the language of the applicable minority
10 group as well as in the English language, bilingual
11 election voting assistance, and written translations
12 of all voting materials in the language of the appli-
13 cable minority group, as required by section 203 of
14 the Voting Rights Act of 1965 (52 U.S.C. 10503),
15 as amended by this Act.

16 (f) EARLY VOTING.—In a State or political subdivi-
17 sion that provides for early voting, that State or political
18 subdivision shall provide not less than one early voting lo-
19 cation on Indian lands, upon the request of the applicable
20 Indian Tribe and at a site selected by the applicable In-
21 dian Tribe.

22 (g) ENFORCEMENT.—

23 (1) ATTORNEY GENERAL.—The Attorney Gen-
24 eral may bring a civil action in an appropriate dis-

1 trict court for such declaratory or injunctive relief as
2 is necessary to carry out this section.

3 (2) PRIVATE RIGHT OF ACTION.—

4 (A) A person or Tribal Government who is
5 aggrieved by a violation of this section may pro-
6 vide written notice of the violation to the chief
7 election official of the State involved.

8 (B) An aggrieved person or Tribal Govern-
9 ment may bring a civil action in an appropriate
10 district court for declaratory or injunctive relief
11 with respect to a violation of this section, if—

12 (i) that person or Tribal Government
13 provides the notice described in subpara-
14 graph (A); and

15 (ii)(I) in the case of a violation that
16 occurs more than 120 days before the date
17 of an election for Federal office, the viola-
18 tion remains and 90 days or more have
19 passed since the date on which the chief
20 election official of the State receives the
21 notice under subparagraph (A); or

22 (II) in the case of a violation that oc-
23 curs 120 days or less before the date of an
24 election for Federal office, the violation re-
25 mains and 20 days or more have passed

1 since the date on which the chief election
2 official of the State receives the notice
3 under subparagraph (A).

4 (C) In the case of a violation of this sec-
5 tion that occurs 30 days or less before the date
6 of an election for Federal office, an aggrieved
7 person or Tribal Government may bring a civil
8 action in an appropriate district court for de-
9 claratory or injunctive relief with respect to the
10 violation without providing notice to the chief
11 election official of the State under subpara-
12 graph (A).

13 (3) **RULE OF CONSTRUCTION.**—Nothing in this
14 section shall be construed to prevent a State or po-
15 litical subdivision from providing additional polling
16 places on Indian lands if no request was made by an
17 Indian Tribe under this section.

18 **SEC. 7. TRIBAL PRECLEARANCE.**

19 (a) **ACTIONS REQUIRING PRECLEARANCE.**—No State
20 or political subdivision may carry out any of the following
21 activities unless the requirements of subsection (b) have
22 been met:

23 (1) Eliminating the only polling place or voter
24 registration site on the Indian lands of an Indian
25 Tribe.

1 (2) Moving or consolidating a polling place or
2 voter registration site on the Indian lands of an In-
3 dian Tribe to a location 1 mile or further from the
4 existing location of the polling place or voter reg-
5 istration site.

6 (3) Moving or consolidating a polling place on
7 the Indian lands of an Indian Tribe to a location
8 across a river, lake, mountain, or other natural
9 boundary such that it makes travel difficult for a
10 voter, regardless of distance.

11 (4) Eliminating in-person voting on the Indian
12 lands of an Indian Tribe by designating an Indian
13 reservation as a permanent absentee voting location,
14 unless—

15 (A) the entire State is or becomes a per-
16 manent absentee voting State; or

17 (B) the Indian Tribe requests such a des-
18 ignation.

19 (5) Removing an early voting location or other-
20 wise diminishing early voting opportunities on In-
21 dian lands.

22 (6) Decreasing the number of days or hours
23 that an in-person or early voting location is open on
24 the Indian lands of an Indian Tribe or changing the

1 dates of in-person or early voting on the Indian
2 lands of an Indian Tribe.

3 (b) PRECLEARANCE.—

4 (1) IN GENERAL.—The requirements of this
5 subsection have been met if—

6 (A) the impacted Tribal Government sub-
7 mits to the Attorney General the Tribal Govern-
8 ment’s written consent to the proposed activity
9 described in subsection (a);

10 (B) the State or political subdivision insti-
11 tutes an action in the United States District
12 Court for the District of Columbia for a declar-
13 atory judgment, and a declaratory judgment is
14 issued, establishing that the specified activity
15 described in subsection (a) that the State or po-
16 litical subdivision desires to carry out neither
17 has the purpose nor will have the effect of deny-
18 ing or abridging the right to vote on account of
19 race or color, or membership in a language mi-
20 nority group; or

21 (C) the chief legal officer or other appro-
22 priate official of such State or political subdivi-
23 sion submits a request to carry out the specified
24 activity described in subsection (a) to the Attor-
25 ney General and the Attorney General has not

1 interposed an objection within 60 days after
2 such submission, or upon good cause shown, to
3 facilitate an expedited approval within 60 days
4 after such submission, the Attorney General has
5 affirmatively indicated that such objection will
6 not be made.

7 (2) NO LIMITATION ON FUTURE ACTIONS.—
8 Neither an affirmative indication by the Attorney
9 General that no objection will be made, nor the At-
10 torney General's failure to object, nor a declaratory
11 judgment entered under this section, nor a written
12 consent issued under paragraph (1)(A) shall bar a
13 subsequent action to enjoin enforcement of an activ-
14 ity described in subsection (a). In the event the At-
15 torney General affirmatively indicates that no objec-
16 tion will be made within the 60-day period following
17 receipt of a submission, the Attorney General may
18 reserve the right to reexamine the submission if ad-
19 ditional information comes to the Attorney General's
20 attention during the remainder of the 60-day period
21 which would otherwise require objection in accord-
22 ance with this section. Any action under this section
23 shall be heard and determined by a court of 3 judges
24 in accordance with the provisions of section 2284 of

1 title 28 of the United States Code and any appeal
2 shall lie to the Supreme Court.

3 **SEC. 8. TRIBAL VOTER IDENTIFICATION.**

4 (a) TRIBAL GOVERNMENT IDENTIFICATION.—If a
5 State or political subdivision requires an individual to
6 present identification for the purposes of voting or reg-
7 istering to vote in an election for Federal office, an identi-
8 fication card issued by a federally recognized Tribal Gov-
9 ernment, the Bureau of Indian Affairs, the Indian Health
10 Service, or any other Tribal or Federal agency issuing
11 identification cards to Indian voters shall be treated as
12 a valid form of identification for such purposes.

13 (b) VALIDITY OF TRIBAL IDENTIFICATION CARD.—
14 An individual shall not be required to show that a Tribal
15 identification card includes a residential address or an ex-
16 piration date in order for such Tribal identification card
17 to be considered valid for purposes of voting or registering
18 to vote. The voter may instead separately designate the
19 voter's appropriate voting precinct through a description
20 of the voter's address that conforms with the regulations
21 for national mail voter registration forms, as established
22 under section 9428.4(a)(2) of title 11, Code of Federal
23 Regulations.

24 (c) ONLINE REGISTRATION.—If a State or political
25 subdivision requires an identification card for an indi-

1 vidual to register to vote online or to vote online, that
2 State or political subdivision shall consider an identifica-
3 tion card as described in subsection (a) to be a valid form
4 of identification for the purpose of registering to vote on-
5 line or voting online.

6 **SEC. 9. BILINGUAL ELECTION REQUIREMENTS.**

7 Section 203 of the Voting Rights Act of 1965 (52
8 U.S.C. 10503) is amended—

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

11 (2) by striking subsection (c) and inserting the
12 following:

13 “(c) PROVISION OF VOTING MATERIALS IN THE LAN-
14 GUAGE OF A MINORITY GROUP.—

15 “(1) IN GENERAL.—Whenever any State or po-
16 litical subdivision subject to the prohibition of sub-
17 section (b) of this section provides any registration
18 or voting notices, forms, instructions, assistance, or
19 other materials or information relating to the elec-
20 toral process, including ballots, it shall provide them
21 in the language of the applicable minority group as
22 well as in the English language.

23 “(2) EXCEPTIONS.—

24 “(A) IN GENERAL.—

1 “(i) In the case of a minority group
2 that is not American Indian or Alaska Na-
3 tive and the language of that minority
4 group is oral or unwritten, the State or po-
5 litical subdivision shall only be required to
6 furnish, in the covered language, oral in-
7 structions, assistance, translation of voting
8 materials, or other information relating to
9 registration and voting.

10 “(ii) In the case of a minority group
11 that is American Indian or Alaska Native,
12 the State or political subdivision shall only
13 be required to furnish in the covered lan-
14 guage oral instructions, assistance, or
15 other information relating to registration
16 and voting, including all voting materials,
17 if the Tribal Government of that minority
18 group has certified that the language of
19 the applicable American Indian or Alaska
20 Native language is presently unwritten or
21 the Tribal Government does not want writ-
22 ten translations in the minority language.

23 “(3) WRITTEN TRANSLATIONS FOR ELECTION
24 WORKERS.—Notwithstanding paragraph (2), the
25 State or political division may be required to provide

1 written translations of voting materials, with the
2 consent of any applicable Indian Tribe, to election
3 workers to ensure that the translations from English
4 to the language of a minority group are complete,
5 accurate, and uniform.”.

6 **SEC. 10. FEDERAL OBSERVERS TO PROTECT TRIBAL VOT-**
7 **ING RIGHTS.**

8 (a) AMENDMENT TO THE VOTING RIGHTS ACT OF
9 1965.—Section 8(a) of the Voting Rights Act of 1965 (52
10 U.S.C. 10305(a)) is amended—

11 (1) in paragraph (1), by striking “or” after the
12 semicolon;

13 (2) in paragraph (2)(B), by adding “or” after
14 the semicolon; and

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

17 “(3) the Attorney General has received a writ-
18 ten complaint from an Indian Tribe that efforts to
19 deny or abridge the right to vote under the color of
20 law on account of race or color, or in contravention
21 of the guarantees set forth in section 4(f)(2), are
22 likely to occur;”.

23 (b) PUBLICLY AVAILABLE REPORTS.—The Attorney
24 General shall make publicly available the reports of a Fed-
25 eral election observer appointed pursuant to section

1 (8)(a)(3) of the Voting Rights Act of 1965 (52 U.S.C.
2 10305(a)(3)), as added by subsection (a), not later than
3 6 months after the date that such reports are submitted
4 to the Attorney General, except that any personally identi-
5 fiable information relating to a voter or the substance of
6 the voter's ballot shall not be made public.

7 **SEC. 11. TRIBAL VOTING CONSULTATION.**

8 The Attorney General shall consult annually with In-
9 dian Tribes regarding issues related to voting in elections
10 for Federal office.

11 **SEC. 12. ATTORNEYS' FEES, EXPERT FEES, AND LITIGATION**
12 **EXPENSES.**

13 In a civil action under this Act, the court shall award
14 the prevailing party, other than the United States, reason-
15 able attorney fees, including litigation expenses, reason-
16 able expert fees, and costs.

17 **SEC. 13. SEVERABILITY; RELATIONSHIP TO OTHER LAWS.**

18 (a) SEVERABILITY.—If any provision of this Act, or
19 the application of such a provision to any person, entity,
20 or circumstance, is held to be invalid, the remaining provi-
21 sions of this Act and the application of all provisions of
22 this Act to any other person, entity, or circumstance shall
23 not be affected by the invalidity.

24 (b) RELATIONSHIP TO OTHER LAWS.—Nothing in
25 this Act shall invalidate, or limit the rights, remedies, or

1 procedures available under, or supersede, restrict, or limit
2 the application of, the Voting Rights Act of 1965 (52
3 U.S.C. 10301 et seq.), the National Voter Registration
4 Act of 1993 (52 U.S.C. 20501 et seq.), the Help America
5 Vote Act of 2002 (52 U.S.C. 20901 et seq.), or any other
6 Federal law or regulation related to voting or the electoral
7 process.

8 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated such sums
10 as may be necessary to carry out this Act.

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