

116TH CONGRESS
1ST SESSION

H. R. 1799

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

MARCH 14, 2019

Mr. SENSENBRENNER (for himself, Mr. HURD of Texas, Mrs. BEATTY, Mr. FITZPATRICK, Mr. GALLEGRO, Mr. COHEN, Mr. COOPER, Ms. SCHAKOWSKY, Mr. SWALWELL of California, Mr. COLE, Miss RICE of New York, Ms. MOORE, Mr. CRIST, Mr. TURNER, and Mr. PETERS) 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 Amend-
5 ment 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 (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 (52 U.S.C. 10302(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 (52 U.S.C. 10303(b)) is amend-
3 ed to read as follows:

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

6 “(1) EXISTENCE OF VOTING RIGHTS VIOLA-
7 TIONS DURING PREVIOUS 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-

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

4 “(2) PERIOD OF APPLICATION.—

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

12 “(i) that begins on January 1 of the
13 year in which subsection (a) applies pursu-
14 ant to the applicable provisions of para-
15 graph (1); and

16 “(ii) that ends on the date which is 10
17 years after January 1 of the year in which
18 the most recent voting rights violation oc-
19 curred in the State or political subdivision.

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

22 “(i) STATES.—If a State obtains a de-
23 claratory judgment under subsection (a),
24 and the judgment remains in effect, sub-
25 section (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 judg-
22 ment.

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 (52 U.S.C. 10303(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 ceeding 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 (52 U.S.C. 10303(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 (52 U.S.C.
11 10303(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 (52 U.S.C. 10301 et seq.) is amended by in-
18 serting 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

1 elections, or changing from district-based elections
2 to at-large elections), a State or political subdivision
3 shall provide reasonable public notice in such State
4 or political subdivision and on the internet, in a rea-
5 sonably convenient and accessible format, of the de-
6 mographic and electoral data described in paragraph
7 (3) for each of the geographic areas described in
8 paragraph (2).

9 “(2) GEOGRAPHIC AREAS DESCRIBED.—The ge-
10 ographic areas described in this paragraph are as
11 follows:

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

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

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

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

1 paragraph with respect to a geographic area de-
2 scribed in paragraph (2) are as follows:

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

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

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

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

24 “(4) VOLUNTARY COMPLIANCE BY SMALLER JU-
25 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 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 (52 U.S.C. 10302(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 (52 U.S.C.
25 10305(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
5 or any other law of the United States pro-
6 tecting the right of citizens of the United States
7 to vote;”.

8 (b) ASSIGNMENT OF OBSERVERS TO ENFORCE BI-
9 LINGUAL ELECTION REQUIREMENTS.—Section 8(a) of
10 such Act (52 U.S.C. 10305(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 (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 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 (52 U.S.C.
5 10302(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 (52 U.S.C. 10303(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 (52 U.S.C. 10304)
23 is 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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