IN THE SENATE OF THE UNITED STATES

DECEMBER 9, 2019

Received; read twice and referred to the Committee on the Judiciary

AN ACT

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,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Voting Rights Advancement Act of 2019”.

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

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

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

SEC. 3. CRITERIA FOR COVERAGE OF STATES AND POLITICAL SUBDIVISIONS.

(a) DETERMINATION OF STATES AND POLITICAL SUBDIVISIONS SUBJECT TO SECTION 4(a).—
(1) IN GENERAL.—Section 4(b) of the Voting Rights Act of 1965 (52 U.S.C. 10303(b)) is amended to read as follows:

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

“(1) EXISTENCE OF VOTING RIGHTS VIOLATIONS DURING PREVIOUS 25 YEARS.—

“(A) STATEWIDE APPLICATION.—Subsection (a) applies with respect to a State and all political subdivisions within the State during a calendar year if—

“(i) fifteen or more voting rights violations occurred in the State during the previous 25 calendar years; or

“(ii) ten or more voting rights violations occurred in the State during the previous 25 calendar years, at least one of which was committed by the State itself (as opposed to a political subdivision within the State).

“(B) APPLICATION TO SPECIFIC POLITICAL SUBDIVISIONS.—Subsection (a) applies with respect to a political subdivision as a separate unit during a calendar year if three or more
voting rights violations occurred in the subdivision during the previous 25 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; and

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

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

“(ii) POLITICAL SUBDIVISIONS.—If a
political subdivision obtains a declaratory
judgment under subsection (a), and the
judgment remains in effect, subsection (a)
shall no longer apply to such political sub-
division pursuant to paragraph (1), includ-
ing pursuant to paragraph (1)(A) (relating
to the statewide application of subsection
(a)), unless, after the issuance of the de-
claratory judgment, paragraph (1)(B) ap-
plies to the political subdivision solely on
the basis of voting rights violations occur-
ing after the issuance of the declaratory
judgment.

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

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

“(B) Final Judgment; Violations of This Act.—In a final judgment (which has not been reversed on appeal), any court of the United States has determined that a voting qualification or prerequisite to voting or standard, practice, or procedure with respect to voting was imposed or applied or would have been imposed or applied anywhere within the State or subdivision in a manner that resulted or would have resulted in a denial or abridgement of the right of any citizen of the United States to vote on account of race, color, or membership in a language minority group, in violation of subsection (e) or (f), or section 2 or 203 of this Act.

“(C) Final Judgment; Denial of Declaratory Judgment.—In a final judgment (which has not been reversed on appeal), any court of the United States has denied the request of the State or subdivision for a declaratory-
tory judgment under section 3(c) or section 5, and thereby prevented a voting qualification or prerequisite to voting or standard, practice, or procedure with respect to voting from being enforced anywhere within the State or subdivision.

“(D) Objection by the Attorney General.—The Attorney General has interposed an objection under section 3(c) or section 5 (and the objection has not been overturned by a final judgment of a court or withdrawn by the Attorney General), and thereby prevented a voting qualification or prerequisite to voting or standard, practice, or procedure with respect to voting from being enforced anywhere within the State or subdivision.

“(E) Consent Decree, Settlement, or Other Agreement.—A consent decree, settlement, or other agreement was entered into, which resulted in the alteration or abandonment of a voting practice anywhere in the territory of such State that was challenged on the ground that the practice denied or abridged the right of any citizen of the United States to vote on account of race, color, or membership in a language minority group in violation of subsection
(e) or (f), or section 2 or 203 of this Act, or the 14th or 15th Amendment.

“(4) Timing of determinations.—

“(A) Determinations of voting rights violations.—As early as practicable during each calendar year, the Attorney General shall make the determinations required by this subsection, including updating the list of voting rights violations occurring in each State and political subdivision for the previous calendar year.

“(B) Effective upon publication in Federal Register.—A determination or certification of the Attorney General under this section or under section 8 or 13 shall be effective upon publication in the Federal Register.”.

(2) Conforming amendments.—Section 4(a) of such Act (52 U.S.C. 10303(a)) is amended—

(A) in paragraph (1), in the first sentence of the matter preceding subparagraph (A), by striking “any State with respect to which” and all that follows through “unless” and inserting “any State to which this subsection applies during a calendar year pursuant to determinations made under subsection (b), or in any political
subdivision of such State (as such subdivision existed on the date such determinations were made with respect to such State), though such determinations were not made with respect to such subdivision as a separate unit, or in any political subdivision with respect to which this subsection applies during a calendar year pursuant to determinations made with respect to such subdivision as a separate unit under subsection (b), unless”;

(B) in paragraph (1) in the matter preceding subparagraph (A), by striking the second sentence;

(C) in paragraph (1)(A), by striking “(in the case of a State or subdivision seeking a declaratory judgment under the second sentence of this subsection)”;

(D) in paragraph (1)(B), by striking “(in the case of a State or subdivision seeking a declaratory judgment under the second sentence of this subsection)”;

(E) in paragraph (3), by striking “(in the case of a State or subdivision seeking a declaratory judgment under the second sentence of this subsection)”;}
(F) in paragraph (5), by striking “(in the case of a State or subdivision which sought a declaratory judgment under the second sentence of this subsection)”;

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

and

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

(b) Clarification of Treatment of Members of Language Minority Groups.—Section 4(a)(1) of such Act (52 U.S.C. 10303(a)(1)) is amended by striking “race or color,” and inserting “race, color, or in contravention of the guarantees of subsection (f)(2),”.

SEC. 4. DETERMINATION OF STATES AND POLITICAL SUBDIVISIONS SUBJECT TO PRECLEARANCE FOR COVERED PRACTICES.

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

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

“(a) Practice-Based Preclearance.—

“(1) In general.—Each State and each political subdivision shall—
“(A) identify any newly enacted or adopted
law, regulation, or policy that includes a voting
qualification or prerequisite to voting, or a
standard, practice, or procedure with respect to
voting, that is a covered practice described in
subsection (b); and

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

“(2) Determinations of Characteristics
of Voting-Age Population.—

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

“(B) Publication in the Federal Reg-
ister.—A determination or certification of the
Attorney General under this paragraph shall be effective upon publication in the Federal Register.

“(b) COVERED PRACTICES.—To assure that the right of citizens of the United States to vote is not denied or abridged on account of race, color, or membership in a language minority group as a result of the implementation of certain qualifications or prerequisites to voting, or standards, practices, or procedures with respect to voting newly adopted in a State or political subdivision, the following shall be covered practices subject to the requirements described in subsection (a):

“(1) CHANGES TO METHOD OF ELECTION.—

Any change to the method of election—

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

“(i) two or more racial groups or language minority groups each represent 20 percent or more of the political subdivision’s voting-age population; or

“(ii) a single language minority group represents 20 percent or more of the voting-age population on Indian lands located in whole or in part in the political subdivision; or
“(B) to convert one or more seats elected from a single-member district to one or more at-large seats or seats from a multi-member district in a State or political subdivision where—

“(i) two or more racial groups or language minority groups each represent 20 percent or more of the political subdivision’s voting-age population; or

“(ii) a single language minority group represents 20 percent or more of the voting-age population on Indian lands located in whole or in part in the political subdivision.

“(2) Changes to jurisdiction boundaries.—Any change or series of changes within a year to the boundaries of a jurisdiction that reduces by 3 or more percentage points the proportion of the jurisdiction’s voting-age population that is comprised of members of a single racial group or language minority group in a State or political subdivision where—

“(A) two or more racial groups or language minority groups each represent 20 per-
cent or more of the political subdivision’s voting-age population; or

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

“(3) Changes through redistricting.—Any change to the boundaries of election districts in a State or political subdivision where any racial group or language minority group experiences a population increase, over the preceding decade (as calculated by the Bureau of the Census under the most recent decennial census), of at least—

“(A) 10,000; or

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

“(4) Changes in documentation or qualifications to vote.—Any change to requirements for documentation or proof of identity to vote such that the requirements will exceed or be more stringent than the requirements for voting that are described in section 303(b) of the Help America Vote Act of 2002 (52 U.S.C. 21083(b)) or any change to the requirements for documentation or proof of iden-
tity to register to vote that will exceed or be more
stringent than such requirements under State law on
the day before the date of enactment of the Voting

“(5) Changes to multilingual voting ma-
terials.—Any change that reduces multilingual
voting materials or alters the manner in which such
materials are provided or distributed, where no simi-
lar reduction or alteration occurs in materials pro-
vided in English for such election.

“(6) Changes that reduce, consolidate,
or relocate voting locations, or reduce vot-
ing opportunities.—Any change that reduces,
consolidates, or relocates voting locations, including
early, absentee, and election-day voting locations, or
reduces days or hours of in person voting on any
Sunday during a period occurring prior to the date
of an election during which voters may cast ballots
in such election—

“(A) in one or more census tracts wherein
two or more language minority groups or racial
groups each represent 20 percent or more of
the voting-age population of the political sub-
division; or
“(B) on Indian lands wherein at least 20 percent of the voting-age population belongs to a single language minority group.

“(7) NEW LIST MAINTENANCE PROCESS.—Any change to the maintenance of voter registration lists that adds a new basis for removal from the list of active registered voters or that puts in place a new process for removing a name from the list of active registered voters—

“(A) in the case of a political subdivision imposing such change if—

“(i) two or more racial groups or language minority groups each represent 20 percent or more of the voting-age population of the political subdivision; or

“(ii) a single language minority group represents 20 percent or more of the voting-age population on Indian lands located in whole or in part in the political subdivision; or

“(B) in the case of a State imposing such change, if two or more racial groups or language minority groups each represent 20 percent or more of the voting-age population of—

“(i) the State; or
“(ii) a political subdivision in the State, except that the requirements under subsections (a) and (c) shall apply only with respect to each such political subdivision.

“(c) PRECLEARANCE.—

“(1) IN GENERAL.—Whenever a State or political subdivision with respect to which the requirements set forth in subsection (a) are in effect shall enact, adopt, or seek to implement any covered practice described under subsection (b), such State or subdivision may institute an action in the United States District Court for the District of Columbia for a declaratory judgment that such covered practice neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group, and unless and until the court enters such judgment such covered practice shall not be implemented. Notwithstanding the previous sentence, such covered practice may be implemented without such proceeding if the covered practice has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not inter-
posed an objection within 60 days after such submission, or upon good cause shown, to facilitate an expedited approval within 60 days after such submission, the Attorney General has affirmatively indicated that such objection will not be made. Neither an affirmative indication by the Attorney General that no objection will be made, nor the Attorney General’s failure to object, nor a declaratory judgment entered under this section shall bar a subsequent action to enjoin implementation of such covered practice. In the event the Attorney General affirmatively indicates that no objection will be made within the 60-day period following receipt of a submission, the Attorney General may reserve the right to reexamine the submission if additional information comes to the Attorney General’s attention during the remainder of the 60-day period which would otherwise require objection in accordance with this section. Any action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court.

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

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

“(4) PURPOSE OF PARAGRAPH (2).—The pur-
pose of paragraph (2) of this subsection is to protect
the ability of such citizens to elect their preferred
candidates of choice.

“(d) ENFORCEMENT.—The Attorney General or any
aggrieved citizen may file an action in a Federal district
court to compel any State or political subdivision to satisfy
the obligations set forth in this section. Such actions shall
be heard and determined by a court of three judges under
section 2284 of title 28, United States Code. In any such
action, the court shall provide as a remedy that any voting
qualification or prerequisite to voting, or standard, prac-
tice, or procedure with respect to voting, that is the sub-
ject of the action under this subsection be enjoined unless
the court determines that—
“(1) the voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting, is not a covered practice described in subsection (b); or

“(2) the State or political subdivision has complied with subsection (c) with respect to the covered practice at issue.

“(e) COUNTING OF RACIAL GROUPS AND LANGUAGE MINORITY GROUPS.—For purposes of this section, the calculation of the population of a racial group or a language minority group shall be carried out using the methodology in the guidance promulgated in the Federal Register on February 9, 2011 (76 Fed. Reg. 7470).

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

“(g) MULTILINGUAL VOTING MATERIALS.—In this section, the term ‘multilingual voting materials’ means registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, provided in the language or languages of one or more language minority groups.”.
SEC. 5. PROMOTING TRANSPARENCY TO ENFORCE THE
VOTING RIGHTS ACT.

(a) TRANSPARENCY.—

(1) IN GENERAL.—The Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.) is amended by inserting after section 5 the following new section:

“SEC. 6. TRANSPARENCY REGARDING CHANGES TO PROTECT VOTING RIGHTS.

“(a) NOTICE OF ENACTED CHANGES.—

“(1) NOTICE OF CHANGES.—If a State or political subdivision makes any change in any prerequisite to voting or standard, practice, or procedure with respect to voting in any election for Federal office that will result in the prerequisite, standard, practice, or procedure being different from that which was in effect as of 180 days before the date of the election for Federal office, the State or political subdivision shall provide reasonable public notice in such State or political subdivision and on the Internet, of a concise description of the change, including the difference between the changed prerequisite, standard, practice, or procedure and the prerequisite, standard, practice, or procedure which was previously in effect. The public notice described in this paragraph, in such State or political subdivision and on the Internet, shall be in a format that
is reasonably convenient and accessible to voters
with disabilities, including voters who have low vi-
sion or are blind.

“(2) Deadline for notice.—A State or polit-
ical subdivision shall provide the public notice re-
quired under paragraph (1) not later than 48 hours
after making the change involved.

“(b) Transparency regarding polling place
resources.—

“(1) In general.—In order to identify any
changes that may impact the right to vote of any
person, prior to the 30th day before the date of an
election for Federal office, each State or political
subdivision with responsibility for allocating reg-
istered voters, voting machines, and official poll
workers to particular precincts and polling places
shall provide reasonable public notice in such State
or political subdivision and on the Internet, of the
information described in paragraph (2) for precincts
and polling places within such State or political sub-
division. The public notice described in this para-
graph, in such State or political subdivision and on
the Internet, shall be in a format that is reasonably
convenient and accessible to voters with disabilities
including voters who have low vision or are blind.
“(2) INFORMATION DESCRIBED.—The information described in this paragraph with respect to a precinct or polling place is each of the following:

“(A) The name or number.

“(B) In the case of a polling place, the location, including the street address, and whether such polling place is accessible to persons with disabilities.

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

“(D) The number of registered voters assigned to the precinct or polling place, broken down by demographic group if such breakdown is reasonably available to such State or political subdivision.

“(E) The number of voting machines assigned, including the number of voting machines accessible to voters with disabilities, including voters who have low vision or are blind.

“(F) The number of official paid poll workers assigned.
“(G) The number of official volunteer poll workers assigned.

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

“(3) Updates in information reported.—If a State or political subdivision makes any change in any of the information described in paragraph (2), the State or political subdivision shall provide reasonable public notice in such State or political subdivision and on the Internet, of the change in the information not later than 48 hours after the change occurs or, if the change occurs fewer than 48 hours before the date of the election for Federal office, as soon as practicable after the change occurs. The public notice described in this paragraph in such State or political subdivision and on the Internet shall be in a format that is reasonably convenient and accessible to voters with disabilities including voters who have low vision or are blind.

“(c) Transparency of Changes relating to Demographics and Electoral Districts.—

“(1) Requiring public notice of changes.—Not later than 10 days after making any change in the constituency that will participate in an election for Federal, State, or local office or
the boundaries of a voting unit or electoral district in an election for Federal, State, or local office (including through redistricting, reapportionment, 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, 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 each of the following:

“(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)(i) If the change applies to a State, the actual number of votes, or (if it is not reasonably practicable for the State to ascertain the actual number of votes) the estimated number of votes received by each candidate in each statewide election held during the 5-year period which ends on the date the change involved is made; and
“(ii) if the change applies to only one political subdivision, the actual number of votes, or (if it is not reasonably practicable for the political subdivision to ascertain the actual number of votes) 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 be voluntary for a political subdivision of a State unless the subdivision is one of the following:

“(A) A county or parish.

“(B) A municipality with a population greater than 10,000, as determined by the Bureau of the Census under the most recent decennial census.

“(C) A school district with a population greater than 10,000, as determined by the Bureau of the Census under the most recent decennial census. For purposes of this subparagraph, the term ‘school district’ means the geographic area under the jurisdiction of a local educational agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965).
“(d) **Rules Regarding Format of Information.**—The Attorney General may issue rules specifying a reasonably convenient and accessible format that States and political subdivisions shall use to provide public notice of information under this section.

“(e) **No Denial of Right To Vote.**—The right to vote of any person shall not be denied or abridged because the person failed to comply with any change made by a State or political subdivision to a voting qualification, standard, practice, or procedure if the State or political subdivision involved did not meet the applicable requirements of this section with respect to the change.

“(f) **Definitions.**—In this section—

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

“(2) the term ‘election for Federal office’ means any general, special, primary, or runoff election held solely or in part for the purpose of electing any candidate for the office of President, Vice President, Presidential elector, Senator, Member of the House of Representatives, or Delegate or Resident Commissioner to the Congress; and
“(3) the term ‘persons with disabilities’, means individuals with a disability, as defined in section 3 of the Americans with Disabilities Act of 1990.”.

(2) Conforming Amendment.—Section 3(a) of such Act (52 U.S.C. 10302(a)) is amended by striking “in accordance with section 6”.

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

SEC. 6. AUTHORITY TO ASSIGN OBSERVERS.

(a) Clarification of Authority in Political Subdivisions Subject to Preemption.—Section 8(a)(2)(B) of the Voting Rights Act of 1965 (52 U.S.C. 10305(a)(2)(B)) is amended to read as follows:

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

(b) Assignment of Observers To Enforce Bilingual Election Requirements.—Section 8(a) of such Act (52 U.S.C. 10305(a)) is amended—
(1) by striking “or” at the end of paragraph (1);  
(2) by inserting after paragraph (2) the following:  
“(3) the Attorney General certifies with respect to a political subdivision that—  
“(A) the Attorney General has received written meritorious complaints from residents, elected officials, or civic participation organizations that efforts to violate section 203 are likely to occur; or  
“(B) in the Attorney General’s judgment, the assignment of observers is necessary to enforce the guarantees of section 203;”; and  
(3) by moving the margin for the continuation text following paragraph (3), as added by paragraph (2) of this subsection, 2 ems to the left.

SEC. 7. PRELIMINARY INJUNCTIVE RELIEF.

(a) Clarification of Scope and Persons Authorized To Seek Relief.—Section 12(d) of the Voting Rights Act of 1965 (52 U.S.C. 10308(d)) is amended—  
(1) by striking “section 2, 3, 4, 5, 7, 10, 11, or subsection (b) of this section” and inserting “the 14th or 15th Amendment, this Act, or any Federal
voting rights law that prohibits discrimination on the basis of race, color, or membership in a language minority group”; and

(2) by striking “the Attorney General may institute for the United States, or in the name of the United States,” and inserting “the aggrieved person or (in the name of the United States) the Attorney General may institute”.

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

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

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

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

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

“(2)(A) In any action for preliminary relief described in this subsection, the court shall grant the relief if the court determines that the complainant has raised a serious question whether the challenged voting qualification or prerequisite to voting or standard, practice, or procedure violates this Act or the Constitution and, on balance, the hardship imposed upon the defendant by the grant of the
relief will be less than the hardship which would be imposed upon the plaintiff if the relief were not granted. In balancing the harms, the court shall give due weight to the fundamental right to cast an effective ballot.

“(B) In making its determination under this paragraph with respect to a change in any voting qualification, prerequisite to voting, or standard, practice, or procedure with respect to voting, the court shall consider all relevant factors and give due weight to the following factors, if they are present:

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

“(I) discrimination on the basis of race or color in violation of the 14th or 15th Amendment;

“(II) a violation of this Act; or

“(III) voting discrimination on the basis of race, color, or membership in a language minority group in violation of any other Federal or State law.

“(ii) Whether the qualification, prerequisite, standard, practice, or procedure in effect prior to the
change served as a ground for the dismissal or settlement of a claim alleging—

“(I) discrimination on the basis of race or color in violation of the 14th or 15th Amendment;

“(II) a violation of this Act; or

“(III) voting discrimination on the basis of race, color, or membership in a language minority group in violation of any other Federal or State law.

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

“(iv) Whether the defendant has failed to provide timely or complete notice of the adoption of the change as required by applicable Federal or State law.”.

(c) GROUNDS FOR STAY OR INTERLOCUTORY APPEAL.—Section 12(d) of such Act (52 U.S.C. 10308(d)) is further amended by adding at the end the following:

“(3) A jurisdiction’s inability to enforce its voting or election laws, regulations, policies, or redistricting plans, standing alone, shall not be deemed to constitute irreparable harm to the public interest or to the interests of a defendant in an action arising under the U.S. Constitu-
tion or any Federal law that prohibits discrimination on
the basis of race, color, or membership in a language mi-
nority group in the voting process, for the purposes of de-
termining whether a stay of a court’s order or an inter-
locutory appeal under section 1253 of title 28, United
States Code, is warranted.”

SEC. 8. DEFINITIONS.

Title I of the Voting Rights Act of 1965 (52 U.S.C.
10301) is amended by adding at the end the following:

“SEC. 21. DEFINITIONS.

“In this Act:

“(1) INDIAN.—The term ‘Indian’ has the mean-
ing given the term in section 4 of the Indian Self-
Determination and Education Assistance Act.

“(2) INDIAN LANDS.—The term ‘Indian lands’
means—

“(A) any Indian country of an Indian
tribe, as such term is defined in section 1151
of title 18, United States Code;

“(B) any land in Alaska that is owned,
pursuant to the Alaska Native Claims Settle-
ment Act, by an Indian tribe that is a Native
village (as such term is defined in section 3 of
such Act), or by a Village Corporation that is
associated with the Indian tribe (as such term is defined in section 3 of such Act);

“(C) any land on which the seat of government of the Indian tribe is located; and

“(D) any land that is part or all of a tribal designated statistical area associated with the Indian tribe, or is part or all of an Alaska Native village statistical area associated with the tribe, as defined by the Bureau of the Census for the purposes of the most recent decennial census.

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

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

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

SEC. 9. ATTORNEYS’ FEES.

Section 14(c) of the Voting Rights Act of 1965 (52 U.S.C. 10310(c)) is amended by adding at the end the following:

“(4) The term ‘prevailing party’ means a party to an action that receives at least some of the benefit sought by such action, states a colorable claim, and can establish that the action was a significant cause of a change to the status quo.”.

SEC. 10. OTHER TECHNICAL AND CONFORMING AMENDMENTS.

(a) ACTIONS COVERED UNDER SECTION 3.—Section 3(c) of the Voting Rights Act of 1965 (52 U.S.C. 10302(c)) is amended—

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

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

HR 4 RFS
(b) Clarification of Treatment of Members of Language Minority Groups.—Section 4(f) of such Act (52 U.S.C. 10303(f)) is amended—

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

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

e) Period During Which Changes in Voting Practices Are Subject to Preemption Under Section 5.—Section 5 of such Act (52 U.S.C. 10304) is amended—

(1) in subsection (a), by striking “based upon determinations made under the first sentence of section 4(b) are in effect” and inserting “are in effect during a calendar year”;

(2) in subsection (a), by striking “November 1, 1964” and all that follows through “November 1, 1972” and inserting “the applicable date of coverage”; and

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

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

“(1) June 25, 2013, if the most recent determination for such State or subdivision under section 4(b) was made on or before December 31, 2019; or

“(2) the date on which the most recent determination for such State or subdivision under section 4(b) was made, if such determination was made after December 31, 2019.”.

Passed the House of Representatives December 6, 2019.

Attest: CHERYL L. JOHNSON, Clerk.