

116TH CONGRESS  
1ST SESSION

# S. 561

To amend the Voting Rights Act of 1965 to revise the criteria for determining which States and political subdivisions are subject to section 4 of the Act, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 26, 2019

Mr. LEAHY (for himself, Mr. DURBIN, Mrs. FEINSTEIN, Mr. JONES, Mr. SCHUMER, Mr. COONS, Ms. HARRIS, Mr. WHITEHOUSE, Mr. CASEY, Mr. KAINE, Mr. BLUMENTHAL, Mr. REED, Mr. BROWN, Ms. SMITH, Mr. MERKLEY, Mr. MARKEY, Ms. CANTWELL, Mr. MURPHY, Ms. BALDWIN, Ms. HASSAN, Mrs. MURRAY, Mr. HEINRICH, Mr. WYDEN, Mr. BOOKER, Ms. HIRONO, Mr. KING, Mrs. SHAHEEN, Mr. SANDERS, Mr. VAN HOLLEN, Ms. CORTEZ MASTO, Mr. WARNER, Ms. STABENOW, Mr. CARPER, Mr. CARDIN, Mr. MENENDEZ, Mr. UDALL, Mr. BENNET, Mr. SCHATZ, Mrs. GILLIBRAND, Ms. WARREN, Ms. DUCKWORTH, Ms. KLOBUCHAR, Ms. ROSEN, Mr. TESTER, Mr. PETERS, and Ms. SINEMA) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend the Voting Rights Act of 1965 to revise the criteria for determining which States and political subdivisions are subject to section 4 of the Act, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Voting Rights Ad-  
3 vancement Act of 2019”.

4 **SEC. 2. VOTING ON INDIAN LANDS.**

5 Section 2 of the Voting Rights Act of 1965 (42  
6 U.S.C. 1973) is amended by adding at the end the fol-  
7 lowing:

8 “(c) VOTING ON INDIAN LANDS.—

9 “(1) TRIBAL REQUESTS FOR POLLING PLACES;  
10 POLLING PLACE PROVIDED.—

11 “(A) IN GENERAL.—A representative offi-  
12 cial of an Indian Tribe, with authorization from  
13 the governing body of the Tribe, may request  
14 one or more polling places to be located on the  
15 Indian lands of the Indian Tribe. Such request  
16 shall be delivered in writing to the State or po-  
17 litical subdivision with responsibility for assign-  
18 ing polling places at least 6 months prior to the  
19 next election for which the request is made, and  
20 shall specify the location of each requested poll-  
21 ing place.

22 “(B) POLLING PLACES PROVIDED.—Each  
23 requested polling place shall be provided by the  
24 State or political subdivision in response to a  
25 request made under subparagraph (A), at no  
26 expense to the Indian Tribe, if the voting-age

1 population within the geographic area of the In-  
 2 dian lands relevant to the requested polling  
 3 place is at least equal to the smallest voting-age  
 4 population served by any other polling place in  
 5 the State. Each polling place that is provided  
 6 under this subparagraph shall continue to be  
 7 provided after the election for which the request  
 8 was made, until such time as the Indian Tribe  
 9 that requested that polling place delivers a writ-  
 10 ten request to the State or political subdivision  
 11 asking that such polling place be withdrawn.

12 “(C) RULE OF CONSTRUCTION.—Nothing  
 13 in this paragraph shall be construed to prevent  
 14 a State or political subdivision from providing  
 15 additional polling places on Indian lands if no  
 16 request was made under subparagraph (A), or  
 17 if such request was made less than 6 months  
 18 prior to the next election for which the request  
 19 was made.

20 “(2) REQUIREMENT TO PROVIDE EQUITABLE  
 21 POLLING LOCATIONS.—

22 “(A) IN GENERAL.—A State or political  
 23 subdivision shall provide the same ratio of poll  
 24 workers and voting devices, the same rate of  
 25 pay to poll workers, and the same days and

hours of operation, for polling places that are located on Indian lands as are provided in other locations of polling places in the State or political subdivision.

“(B) ELIGIBILITY TO VOTE AT A POLLING LOCATION.—A polling place located on Indian lands shall be open to voting by all persons who are otherwise eligible to vote residing within the precinct, voting unit, or electoral district.

“(C) FEDERAL FACILITIES.—Polling places located on Indian lands may be designated at—

“(i) a Federal facility, such as Indian Health Service or Bureau of Indian Affairs service buildings;

“(ii) any Tribal government facility that meets the requirements of Federal and State law applied to other polling locations within the State;

“(iii) a tribally owned building; or

“(iv) another facility that meets the requirements for polling places in the State.

“(3) ABSENTEE BALLOTS AND EARLY VOTING.—

“(A) IN GENERAL.—A representative official of an Indian Tribe, with authorization from the governing body of the Indian Tribe, may deliver a request to the appropriate State or political subdivision that a location on Indian lands be designated as an absentee ballot location or an early voting location, and such State or political subdivision shall grant the request, at no expense to the Indian Tribe, if—

“(i) the requested location on Indian lands is in a State that permits voting by an absentee or mail-in ballot or early voting (also called absentee in-person voting), as the case may be; and

“(ii) the voting-age population within the geographic area of Indian lands relevant to the requested absentee ballot location or early voting location is at least equal to the smallest voting-age population served by any other absentee ballot location or early voting location in the State.

“(B) INDIAN LANDS AS ABSENTEE BALLOT LOCATION.—If a location on Indian lands is designated as an absentee ballot location or an early voting location, absentee ballots, or early

1 ballots, as the case may be, shall be provided,  
2 at no expense to the Indian Tribe, to each reg-  
3 istered voter living in such designated location  
4 without the requirement of an excuse for an ab-  
5 sentee ballot or early voting. Bilingual election  
6 materials and oral language assistance shall be  
7 provided if required by section 203.

8 “(4) TRIBAL REQUESTS FOR VOTER REGISTRA-  
9 TION AGENCIES.—A representative official of an In-  
10 dian Tribe, with authorization from the governing  
11 body of the Tribe, may request that Tribal govern-  
12 ment service offices be designated as voter registra-  
13 tion agencies under section 7 of the National Voter  
14 Registration Act of 1993 (52 U.S.C. 20506). Such  
15 a request shall be delivered in writing to the State  
16 or political subdivision with responsibility for assign-  
17 ing polling locations at least 6 months prior to the  
18 next election for which the request is made. Such a  
19 request shall be granted if the Tribal government  
20 service office meets the requirements of Federal and  
21 State law applied to other designated voter registra-  
22 tion agencies within the State.”.

1 **SEC. 3. 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, or violations of any  
 8 Federal law that prohibits discrimination in voting on the  
 9 basis of race, color, or membership in a language minority  
 10 group,”.

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

18 **SEC. 4. CRITERIA FOR COVERAGE OF STATES AND POLIT-**  
 19 **ICAL SUBDIVISIONS.**

20 (a) DETERMINATION OF STATES AND POLITICAL  
 21 SUBDIVISIONS SUBJECT TO SECTION 4(a).—

22 (1) IN GENERAL.—Section 4(b) of the Voting  
 23 Rights Act of 1965 (52 U.S.C. 10303(b)) is amend-  
 24 ed to read as follows:

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

1           “(1) EXISTENCE OF VOTING RIGHTS VIOLA-  
2           TIONS DURING PREVIOUS 25 YEARS.—

3           “(A) STATEWIDE APPLICATION.—Sub-  
4           section (a) applies with respect to a State and  
5           all political subdivisions within the State during  
6           a calendar year if—

7                   “(i) 15 or more voting rights viola-  
8                   tions occurred in the State during the pre-  
9                   vious 25 calendar years; or

10                   “(ii) 10 or more voting rights viola-  
11                   tions occurred in the State during the pre-  
12                   vious 25 calendar years, at least one of  
13                   which was committed by the State itself  
14                   (as opposed to a political subdivision with-  
15                   in the State).

16           “(B) APPLICATION TO SPECIFIC POLITICAL  
17           SUBDIVISIONS.—Subsection (a) applies with re-  
18           spect to a political subdivision as a separate  
19           unit during a calendar year if 3 or more voting  
20           rights violations occurred in the subdivision  
21           during the previous 25 calendar years.

22           “(2) PERIOD OF APPLICATION.—

23           “(A) IN GENERAL.—Except as provided in  
24           subparagraph (B), if, pursuant to paragraph  
25           (1), subsection (a) applies with respect to a



1 State or political subdivision during a calendar  
 2 year, subsection (a) shall apply with respect to  
 3 such State or political subdivision for the pe-  
 4 riod—

5 “(i) that begins on January 1 of the  
 6 year in which subsection (a) applies; and

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

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

11 “(i) STATES.—If a State obtains a de-  
 12 claratory judgment under subsection (a),  
 13 and the judgment remains in effect, sub-  
 14 section (a) shall no longer apply to such  
 15 State pursuant to paragraph (1)(A) unless,  
 16 after the issuance of the declaratory judg-  
 17 ment, paragraph (1)(A) applies to the  
 18 State solely on the basis of voting rights  
 19 violations occurring after the issuance of  
 20 the declaratory judgment.

21 “(ii) POLITICAL SUBDIVISIONS.—If a  
 22 political subdivision obtains a declaratory  
 23 judgment under subsection (a), and the  
 24 judgment remains in effect, subsection (a)  
 25 shall no longer apply to such political sub-

1 division pursuant to paragraph (1), includ-  
2 ing pursuant to paragraph (1)(A) (relating  
3 to the statewide application of subsection  
4 (a)), unless, after the issuance of the de-  
5 claratory judgment, paragraph (1)(B) ap-  
6 plies to the political subdivision solely on  
7 the basis of voting rights violations occur-  
8 ring after the issuance of the declaratory  
9 judgment.

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

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

24 “(B) FINAL JUDGMENT; VIOLATIONS OF  
25 THIS ACT.—In a final judgment (which has not

1        been reversed on appeal), any court of the  
 2        United States has determined that a voting  
 3        qualification or prerequisite to voting or stand-  
 4        ard, practice, or procedure with respect to vot-  
 5        ing was imposed or applied or would have been  
 6        imposed or applied anywhere within the State  
 7        or subdivision in a manner that resulted or  
 8        would have resulted in a denial or abridgement  
 9        of the right of any citizen of the United States  
 10       to vote on account of race, color, or membership  
 11       in a language minority group, in violation of  
 12       subsection (e) or (f), or section 2 or 203 of this  
 13       Act.

14        “(C) FINAL JUDGMENT; DENIAL OF DE-  
 15        CLARATORY JUDGMENT.—In a final judgment  
 16        (which has not been reversed on appeal), any  
 17        court of the United States has denied the re-  
 18        quest of the State or subdivision for a declara-  
 19        tory judgment under section 3(c) or section 5,  
 20        and thereby prevented a voting qualification or  
 21        prerequisite to voting or standard, practice, or  
 22        procedure with respect to voting from being en-  
 23        forced anywhere within the State or subdivision.

24        “(D) OBJECTION BY THE ATTORNEY GEN-  
 25        ERAL.—The Attorney General has interposed

1 an objection under section 3(c) or section 5  
 2 (and the objection has not been overturned by  
 3 a final judgment of a court or withdrawn by the  
 4 Attorney General), and thereby prevented a vot-  
 5 ing qualification or prerequisite to voting or  
 6 standard, practice, or procedure with respect to  
 7 voting from being enforced anywhere within the  
 8 State or subdivision.

9 “(E) CONSENT DECREE, SETTLEMENT, OR  
 10 OTHER AGREEMENT.—A consent decree, settle-  
 11 ment, or other agreement was entered into,  
 12 which resulted in the alteration or abandonment  
 13 of a voting practice anywhere in the territory of  
 14 such State that was challenged on the ground  
 15 that the practice denied or abridged the right of  
 16 any citizen of the United States to vote on ac-  
 17 count of race, color, or membership in a lan-  
 18 guage minority group in violation of subsection  
 19 (e) or (f), or section 2 or 203 of this Act, or  
 20 the 14th or 15th Amendment.

21 “(4) TIMING OF DETERMINATIONS.—

22 “(A) DETERMINATIONS OF VOTING RIGHTS  
 23 VIOLATIONS.—As early as practicable during  
 24 each calendar year, the Attorney General shall  
 25 make the determinations required by this sub-

1 section, including updating the list of voting  
 2 rights violations occurring in each State and po-  
 3 litical subdivision for the previous calendar  
 4 year.

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

10 (2) CONFORMING AMENDMENTS.—Section 4(a)  
 11 of such Act (52 U.S.C. 10303(a)) is amended—

12 (A) in paragraph (1), in the first sentence  
 13 of the matter preceding subparagraph (A), by  
 14 striking “any State with respect to which” and  
 15 all that follows through “unless” and inserting  
 16 “any State to which this subsection applies dur-  
 17 ing a calendar year pursuant to determinations  
 18 made under subsection (b), or in any political  
 19 subdivision of such State (as such subdivision  
 20 existed on the date such determinations were  
 21 made with respect to such State), though such  
 22 determinations were not made with respect to  
 23 such subdivision as a separate unit, or in any  
 24 political subdivision with respect to which this  
 25 subsection applies during a calendar year pur-

1           suant to determinations made with respect to  
2           such subdivision as a separate unit under sub-  
3           section (b), unless”;

4           (B) in paragraph (1) in the matter pre-  
5           ceding subparagraph (A), by striking the second  
6           sentence;

7           (C) in paragraph (1)(A), by striking “(in  
8           the case of a State or subdivision seeking a de-  
9           claratory judgment under the second sentence  
10          of this subsection)”;

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

15          (E) in paragraph (3), by striking “(in the  
16          case of a State or subdivision seeking a declara-  
17          tory judgment under the second sentence of this  
18          subsection)”;

19          (F) in paragraph (5), by striking “(in the  
20          case of a State or subdivision which sought a  
21          declaratory judgment under the second sentence  
22          of this subsection)”;

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

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

3 (b) CLARIFICATION OF TREATMENT OF MEMBERS OF  
4 LANGUAGE MINORITY GROUPS.—Section 4(a)(1) of such  
5 Act (52 U.S.C. 10303(a)(1)) is amended by striking “race  
6 or color,” and inserting “race, color, or in contravention  
7 of the guarantees of subsection (f)(2),”.

8 **SEC. 5. DETERMINATION OF STATES AND POLITICAL SUB-**  
9 **DIVISIONS SUBJECT TO PRECLEARANCE FOR**  
10 **COVERED PRACTICES.**

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

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

17 **“(a) PRACTICE-BASED PRECLEARANCE.—**

18 **“(1) IN GENERAL.—**Each State and each polit-  
19 ical subdivision shall—

20 **“(A)** identify any newly enacted or adopted  
21 law, regulation, or policy that includes a voting  
22 qualification or prerequisite to voting, or a  
23 standard, practice, or procedure with respect to  
24 voting, that is a covered practice described in  
25 subsection (b); and

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

5           “(2) DETERMINATIONS OF CHARACTERISTICS  
 6           OF VOTING-AGE POPULATION.—

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

18          “(B) PUBLICATION IN THE FEDERAL REG-  
 19          ISTER.—A determination or certification of the  
 20          Attorney General under this paragraph shall be  
 21          effective upon publication in the Federal Reg-  
 22          ister.

23          “(b) COVERED PRACTICES.—To assure that the right  
 24          of citizens of the United States to vote is not denied or  
 25          abridged on account of race, color, or membership in a



1 language minority group as a result of the implementation  
 2 of certain qualifications or prerequisites to voting, or  
 3 standards, practices, or procedures with respect to voting  
 4 newly adopted in a State or political subdivision, the fol-  
 5 lowing shall be covered practices subject to the require-  
 6 ments described in subsection (a):

7           “(1) CHANGES TO METHOD OF ELECTION.—

8           Any change to the method of election—

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

11                           “(i) 2 or more racial groups or lan-  
 12                           guage minority groups each represent 20  
 13                           percent or more of the political subdivi-  
 14                           sion’s voting-age population; or

15                           “(ii) a single language minority group  
 16                           represents 20 percent or more of the vot-  
 17                           ing-age population on Indian lands located  
 18                           in whole or in part in the political subdivi-  
 19                           sion; or

20                   “(B) to convert one or more seats elected  
 21           from a single-member district to one or more  
 22           at-large seats or seats from a multimember dis-  
 23           trict in a State or political subdivision where—

24                           “(i) 2 or more racial groups or lan-  
 25                           guage minority groups each represent 20

1                   percent or more of the political subdivi-  
2                   sion's voting-age population; or

3                   “(ii) a single language minority group  
4                   represents 20 percent or more of the vot-  
5                   ing-age population on Indian lands located  
6                   in whole or in part in the political subdivi-  
7                   sion.

8                   “(2) CHANGES TO JURISDICTION BOUND-  
9                   ARIES.—Any change or series of changes within a  
10                  year to the boundaries of a jurisdiction that reduces  
11                  by 3 or more percentage points the proportion of the  
12                  jurisdiction's voting-age population that is composed  
13                  of members of a single racial group or language mi-  
14                  nority group in a State or political subdivision  
15                  where—

16                  “(A) 2 or more racial groups or language  
17                  minority groups each represent 20 percent or  
18                  more of the political subdivision's voting-age  
19                  population; or

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

24                  “(3) CHANGES THROUGH REDISTRICTING.—  
25                  Any change to the boundaries of election districts in

1 a State or political subdivision where any racial  
 2 group or language minority group experiences a pop-  
 3 ulation increase, over the preceding decade (as cal-  
 4 culated by the Bureau of the Census under the most  
 5 recent decennial census), of at least—

6 “(A) 10,000; or

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

10 “(4) CHANGES IN DOCUMENTATION OR QUALI-  
 11 FICATIONS TO VOTE.—Any change to requirements  
 12 for documentation or proof of identity to vote such  
 13 that the requirements will exceed or be more strin-  
 14 gent than the requirements for voting that are de-  
 15 scribed in section 303(b) of the Help America Vote  
 16 Act of 2002 (52 U.S.C. 21083(b)) or any change to  
 17 the requirements for documentation or proof of iden-  
 18 tity to register to vote that will exceed or be more  
 19 stringent than such requirements under State law on  
 20 the day before the date of enactment of the Voting  
 21 Rights Advancement Act of 2019.

22 “(5) CHANGES TO MULTILINGUAL VOTING MA-  
 23 TERIALS.—Any change that reduces multilingual  
 24 voting materials or alters the manner in which such  
 25 materials are provided or distributed, where no simi-

1        lar reduction or alteration occurs in materials pro-  
 2        vided in English for such election.

3            “(6) CHANGES THAT REDUCE, CONSOLIDATE,  
 4        OR RELOCATE VOTING LOCATIONS.—Any change  
 5        that reduces, consolidates, or relocates voting loca-  
 6        tions, including early, absentee, and election-day vot-  
 7        ing locations—

8            “(A) in 1 or more census tracts wherein 2  
 9            or more language minority groups or racial  
 10          groups each represent 20 percent or more of  
 11          the voting-age population of the political sub-  
 12          division; or

13          “(B) on Indian lands wherein at least 20  
 14          percent of the voting-age population belongs to  
 15          a single language minority group.

16        “(c) PRECLEARANCE.—

17          “(1) IN GENERAL.—Whenever a State or polit-  
 18          ical subdivision with respect to which the require-  
 19          ments set forth in subsection (a) are in effect shall  
 20          enact, adopt, or seek to implement any covered prac-  
 21          tice described under subsection (b), such State or  
 22          subdivision may institute an action in the United  
 23          States District Court for the District of Columbia  
 24          for a declaratory judgment that such covered prac-  
 25          tice neither has the purpose nor will have the effect

1 of denying or abridging the right to vote on account  
2 of race, color, or membership in a language minority  
3 group, and unless and until the court enters such  
4 judgment such covered practice shall not be imple-  
5 mented. Notwithstanding the previous sentence, such  
6 covered practice may be implemented without such  
7 proceeding if the covered practice has been sub-  
8 mitted by the chief legal officer or other appropriate  
9 official of such State or subdivision to the Attorney  
10 General and the Attorney General has not inter-  
11 posed an objection within 60 days after such submis-  
12 sion, or upon good cause shown, to facilitate an ex-  
13 pedited approval within 60 days after such submis-  
14 sion, the Attorney General has affirmatively indi-  
15 cated that such objection will not be made. Neither  
16 an affirmative indication by the Attorney General  
17 that no objection will be made, nor the Attorney  
18 General's failure to object, nor a declaratory judg-  
19 ment entered under this section shall bar a subse-  
20 quent action to enjoin implementation of such cov-  
21 ered practice. In the event the Attorney General af-  
22 firmatively indicates that no objection will be made  
23 within the 60-day period following receipt of a sub-  
24 mission, the Attorney General may reserve the right  
25 to reexamine the submission if additional informa-

tion 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 membership in a language minority group, to elect their preferred 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 include any discriminatory purpose.

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

1       “(d) ENFORCEMENT.—The Attorney General or any  
 2 aggrieved citizen may file an action in a Federal district  
 3 court to compel any State or political subdivision to satisfy  
 4 the obligations set forth in this section. Such actions shall  
 5 be heard and determined by a court of 3 judges under  
 6 section 2284 of title 28, United States Code. In any such  
 7 action, the court shall provide as a remedy that any voting  
 8 qualification or prerequisite to voting, or standard, prac-  
 9 tice, or procedure with respect to voting, that is the sub-  
 10 ject of the action under this subsection be enjoined unless  
 11 the court determines that—

12           “(1) the voting qualification or prerequisite to  
 13 voting, or standard, practice, or procedure with re-  
 14 spect to voting, is not a covered practice described  
 15 in subsection (b); or

16           “(2) the State or political subdivision has com-  
 17 plied with subsection (c) with respect to the covered  
 18 practice at issue.

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

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

6       “(g) MULTILINGUAL VOTING MATERIALS.—In this  
 7       section, the term ‘multilingual voting materials’ means  
 8       registration or voting notices, forms, instructions, assist-  
 9       ance, or other materials or information relating to the  
 10      electoral process, including ballots, provided in the lan-  
 11      guage or languages of one or more language minority  
 12      groups.”.

13   **SEC. 6. 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   **“SEC. 6. TRANSPARENCY REGARDING CHANGES TO PRO-**  
 20                   **TECT VOTING RIGHTS.**

21       “(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 with respect to voting in any election for Fed-



1       eral office that will result in the prerequisite, stand-  
2       ard, practice, or procedure being different from that  
3       which was in effect as of 180 days before the date  
4       of the election for Federal office, the State or polit-  
5       ical subdivision shall provide reasonable public notice  
6       in such State or political subdivision and on the  
7       Internet, of a concise description of the change, in-  
8       cluding the difference between the changed pre-  
9       requisite, standard, practice, or procedure and the  
10      prerequisite, standard, practice, or procedure which  
11      was previously in effect. The public notice described  
12      in this paragraph, in such State or political subdivi-  
13      sion and on the Internet, shall be in a format that  
14      is reasonably convenient and accessible to voters  
15      with disabilities, including voters who have low vi-  
16      sion or are blind.

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

21           “(b) TRANSPARENCY REGARDING POLLING PLACE  
22      RESOURCES.—

23           “(1) IN GENERAL.—In order to identify any  
24      changes that may impact the right to vote of any  
25      person, prior to the 30th day before the date of an

1 election for Federal office, each State or political  
2 subdivision with responsibility for allocating reg-  
3 istered voters, voting machines, and official poll  
4 workers to particular precincts and polling places  
5 shall provide reasonable public notice in such State  
6 or political subdivision and on the Internet, of the  
7 information described in paragraph (2) for precincts  
8 and polling places within such State or political sub-  
9 division. The public notice described in this para-  
10 graph, in such State or political subdivision and on  
11 the Internet, shall be in a format that is reasonably  
12 convenient and accessible to voters with disabilities  
13 including voters who have low vision or are blind.

14 “(2) INFORMATION DESCRIBED.—The informa-  
15 tion described in this paragraph with respect to a  
16 precinct or polling place is each of the following:

17 “(A) The name or number.

18 “(B) In the case of a polling place, the lo-  
19 cation, including the street address, and wheth-  
20 er such polling place is accessible to persons  
21 with disabilities.

22 “(C) The voting-age population of the area  
23 served by the precinct or polling place, broken  
24 down by demographic group if such breakdown

1 is reasonably available to such State or political  
2 subdivision.

3 “(D) The number of registered voters as-  
4 signed to the precinct or polling place, broken  
5 down by demographic group if such breakdown  
6 is reasonably available to such State or political  
7 subdivision.

8 “(E) The number of voting machines as-  
9 signed, including the number of voting ma-  
10 chines accessible to voters with disabilities, in-  
11 cluding voters who have low vision or are blind.

12 “(F) The number of official paid poll  
13 workers assigned.

14 “(G) The number of official volunteer poll  
15 workers assigned.

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

18 “(3) UPDATES IN INFORMATION REPORTED.—

19 If a State or political subdivision makes any change  
20 in any of the information described in paragraph  
21 (2), the State or political subdivision shall provide  
22 reasonable public notice in such State or political  
23 subdivision and on the Internet, of the change in the  
24 information not later than 48 hours after the change  
25 occurs or, if the change occurs fewer than 48 hours

1 before the date of the election for Federal office, as  
 2 soon as practicable after the change occurs. The  
 3 public notice described in this paragraph in such  
 4 State or political subdivision and on the Internet  
 5 shall be in a format that is reasonably convenient  
 6 and accessible to voters with disabilities including  
 7 voters who have low vision or are blind.

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

10 “(1) REQUIRING PUBLIC NOTICE OF  
 11 CHANGES.—Not later than 10 days after making  
 12 any change in the constituency that will participate  
 13 in an election for Federal, State, or local office or  
 14 the boundaries of a voting unit or electoral district  
 15 in an election for Federal, State, or local office (in-  
 16 cluding through redistricting, reapportionment,  
 17 changing from at-large elections to district-based  
 18 elections, or changing from district-based elections  
 19 to at-large elections), a State or political subdivision  
 20 shall provide reasonable public notice in such State  
 21 or political subdivision and on the Internet, of the  
 22 demographic and electoral data described in para-  
 23 graph (3) for each of the geographic areas described  
 24 in paragraph (2).

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

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

8                   “(B) If the change includes a plan to re-  
 9                   place or eliminate voting units or electoral dis-  
 10                  tricts, each voting unit or electoral district that  
 11                  will be replaced or eliminated.

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

15           “(3) DEMOGRAPHIC AND ELECTORAL DATA.—  
 16           The demographic and electoral data described in this  
 17           paragraph with respect to a geographic area de-  
 18           scribed in paragraph (2) are each of the following:

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

21                   “(B) If it is reasonably available to the  
 22                   State or political subdivision involved, an esti-  
 23                   mate of the population of the area which con-  
 24                   sists of citizens of the United States who are 18

1 years of age or older, broken down by demo-  
 2 graphic group.

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

7 “(D)(i) If the change applies to a State,  
 8 the actual number of votes, or (if it is not rea-  
 9 sonably practicable for the State to ascertain  
 10 the actual number of votes) the estimated num-  
 11 ber of votes received by each candidate in each  
 12 statewide election held during the 5-year period  
 13 which ends on the date the change involved is  
 14 made; and

15 “(ii) if the change applies to only one polit-  
 16 ical subdivision, the actual number of votes, or  
 17 (if it is not reasonably practicable for the polit-  
 18 ical subdivision to ascertain the actual number  
 19 of votes) in each subdivision-wide election held  
 20 during the 5-year period which ends on the date  
 21 the change involved is made.

22 “(4) VOLUNTARY COMPLIANCE BY SMALLER JU-  
 23 RISDICTIONS.—Compliance with this subsection shall  
 24 be voluntary for a political subdivision of a State un-  
 25 less the subdivision is one of the following:

1                   “(A) A county or parish.

2                   “(B) A municipality with a population  
3 greater than 10,000, as determined by the Bu-  
4 reau of the Census under the most recent de-  
5 cennial census.

6                   “(C) A school district with a population  
7 greater than 10,000, as determined by the Bu-  
8 reau of the Census under the most recent de-  
9 cennial census. For purposes of this subpara-  
10 graph, the term ‘school district’ means the geo-  
11 graphic area under the jurisdiction of a local  
12 educational agency (as defined in section 8101  
13 of the Elementary and Secondary Education  
14 Act of 1965 (20 U.S.C. 7801)).

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);

7 “(2) the term ‘election for Federal office’ means  
8 any general, special, primary, or runoff election held  
9 solely or in part for the purpose of electing any can-  
10 didate for the office of President, Vice President,  
11 Presidential elector, Senator, Member of the House  
12 of Representatives, or Delegate or Resident Commis-  
13 sioner to the Congress; and

14 “(3) the term ‘persons with disabilities’, means  
15 individuals with a disability, as defined in section 3  
16 of the Americans with Disabilities Act of 1990 (42  
17 U.S.C. 12102).”.

18 (2) CONFORMING AMENDMENT.—Section 3(a)  
19 of such Act (52 U.S.C. 10302(a)) is amended by  
20 striking “in accordance with section 6”.

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



1 **SEC. 7. AUTHORITY TO ASSIGN OBSERVERS.**

2 (a) CLARIFICATION OF AUTHORITY IN POLITICAL  
3 SUBDIVISIONS SUBJECT TO PRECLEARANCE.—Section  
4 8(a)(2)(B) of the Voting Rights Act of 1965 (52 U.S.C.  
5 10305(a)(2)(B)) is amended to read as follows:

6 “(B) in the Attorney General’s judgment,  
7 the assignment of observers is otherwise nec-  
8 essary to enforce the guarantees of the 14th or  
9 15th Amendment or any provision of this Act  
10 or any other Federal law protecting the right of  
11 citizens of the United States to vote;”.

12 (b) ASSIGNMENT OF OBSERVERS TO ENFORCE BI-  
13 LINGUAL ELECTION REQUIREMENTS.—Section 8(a) of  
14 such Act (52 U.S.C. 10305(a)) is amended—

15 (1) by striking “or” at the end of paragraph  
16 (1); and

17 (2) by adding after paragraph (2) the following:

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

20 “(A) the Attorney General has received  
21 written meritorious complaints from residents,  
22 elected officials, or civic participation organiza-  
23 tions that efforts to violate section 203 are like-  
24 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; or

4 “(4) the Attorney General certifies that the At-  
 5 torney General has received from the appropriate of-  
 6 ficial of the governing body of a federally recognized  
 7 Indian Tribe—

8 “(A) a written complaint that efforts to  
 9 deny or abridge the right to vote under the  
 10 color of law on account of race or color, or in  
 11 contravention of the guarantees set forth in sec-  
 12 tion 4(f)(2) are likely to occur; and

13 “(B) a written request for the authoriza-  
 14 tion of Federal observers for elections that  
 15 occur on Indian lands;”.

16 **SEC. 8. PRELIMINARY INJUNCTIVE RELIEF.**

17 (a) CLARIFICATION OF SCOPE AND PERSONS AU-  
 18 THORIZED TO SEEK RELIEF.—Section 12(d) of the Vot-  
 19 ing Rights Act of 1965 (52 U.S.C. 10308(d)) is amend-  
 20 ed—

21 (1) by striking “section 2, 3, 4, 5, 7, 10, 11,  
 22 or subsection (b) of this section” and inserting “the  
 23 14th or 15th Amendment, this Act, or any Federal  
 24 voting rights law that prohibits discrimination on

1 the basis of race, color, or membership in a language  
 2 minority group”; and

3 (2) by striking “the Attorney General may in-  
 4 stitute for the United States, or in the name of the  
 5 United States,” and inserting “the aggrieved person  
 6 or (in the name of the United States) the Attorney  
 7 General may institute”.

8 (b) GROUNDS FOR GRANTING RELIEF.—Section  
 9 12(d) of such Act (52 U.S.C. 10308(d)) is amended—

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

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

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

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

18 “(2)(A) In any action for preliminary relief described  
 19 in this subsection, the court shall grant the relief if the  
 20 court determines that the complainant has raised a serious  
 21 question whether the challenged voting qualification or  
 22 prerequisite to voting or standard, practice, or procedure  
 23 violates this Act or the Constitution and, on balance, the  
 24 hardship imposed upon the defendant by the grant of the  
 25 relief will be less than the hardship which would be im-

1 posed upon the plaintiff if the relief were not granted. In  
2 balancing the harms, the court shall give due weight to  
3 the fundamental right to cast an effective ballot.

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

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

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

17 “(II) a violation of this Act; or

18 “(III) voting discrimination on the basis of  
19 race, color, or membership in a language minor-  
20 ity group in violation of any other Federal or  
21 State law.

22 “(ii) Whether the qualification, prerequisite,  
23 standard, practice, or procedure in effect prior to the  
24 change served as a ground for the dismissal or set-  
25 tlement of a claim alleging—

1           “(I) discrimination on the basis of race or  
2           color in violation of the 14th or 15th Amend-  
3           ment;

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

5           “(III) voting discrimination on the basis of  
6           race, color, or membership in a language minor-  
7           ity group in violation of any other Federal or  
8           State law.

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

12          “(iv) Whether the defendant has failed to pro-  
13          vide timely or complete notice of the adoption of the  
14          change as required by applicable Federal or State  
15          law.”.

16 **SEC. 9. DEFINITIONS.**

17          Title I of the Voting Rights Act of 1965 (52 U.S.C.  
18          10301) is amended by adding at the end the following:

19 **“SEC. 21. DEFINITIONS.**

20          “In this Act:

21                 “(1) INDIAN LANDS.—The term ‘Indian lands’  
22                 means—

23                         “(A) any Indian country of the Indian  
24                         Tribe, as defined in section 1151 of title 18,  
25                         United States Code;

“(B) any land in Alaska that is owned, pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), by an Indian Tribe that is a Native village (as defined in section 3 of that Act (43 U.S.C. 1602)) or by a Village Corporation that is associated with the Indian Tribe (as defined in section 3 of that Act (43 U.S.C. 1602));

“(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.

“(2) INDIAN TRIBE.—The term ‘Indian Tribe’ or ‘Tribe’ means any American Indian or Alaska Native Tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as a federally recognized Indian Tribe under the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130 et seq.).

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

9   **SEC. 10. BILINGUAL ELECTION REQUIREMENTS.**

10          Section 203(c) of the Voting Rights Act of 1965 (52  
 11   U.S.C. 10503(c)) is amended by striking “or in the case  
 12   of Alaskan natives and American Indians, if the predomi-  
 13   nant language is historically unwritten” and inserting “(as  
 14   of the date on which the materials or information is pro-  
 15   vided)”.

16   **SEC. 11. OTHER TECHNICAL AND CONFORMING AMEND-**  
 17                           **MENTS.**

18          (a) ACTIONS COVERED UNDER SECTION 3.—Section  
 19   3(c) of the Voting Rights Act of 1965 (52 U.S.C.  
 20   10302(c)) is amended—

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

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

4       (b) CLARIFICATION OF TREATMENT OF MEMBERS OF  
5       LANGUAGE MINORITY GROUPS.—Section 4(f) of such Act  
6       (52 U.S.C. 10303(f)) is amended—

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

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

10       (c) PERIOD DURING WHICH CHANGES IN VOTING  
11       PRACTICES ARE SUBJECT TO PRECLEARANCE UNDER  
12       SECTION 5.—Section 5 of such Act (52 U.S.C. 10304)  
13       is amended—

14           (1) in subsection (a), by striking “based upon  
15       determinations made under the first sentence of sec-  
16       tion 4(b) are in effect” and inserting “are in effect  
17       during a calendar year”;

18           (2) in subsection (a), by striking “November 1,  
19       1964” and all that follows through “November 1,  
20       1972” and inserting “the applicable date of cov-  
21       erage”; and

22           (3) by adding at the end the following new sub-  
23       section:

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



1           “(1) June 25, 2013, if the most recent deter-  
2           mination for such State or subdivision under section  
3           4(b) was made on or before December 31, 2015; or  
4           “(2) the date on which the most recent deter-  
5           mination for such State or subdivision under section  
6           4(b) was made, if such determination was made  
7           after December 31, 2015.”.

8   **SEC. 12. TRIBAL VOTING CONSULTATION.**

9           The Attorney General shall consult annually with  
10 Tribal organizations regarding issues related to voting for  
11 members of an Indian Tribe (as defined under section 21  
12 of the Voting Rights Act of 1965, as added by section  
13 9 of this Act).

○