

117TH CONGRESS
2D SESSION

S. 5326

To modify certain notice requirements, to study certain election requirements,
to clarify certain election requirements, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 20, 2022

Ms. KLOBUCHAR (for herself, Ms. SMITH, Mr. LUJÁN, Mr. WYDEN, Mr. MURPHY, Mr. PADILLA, Mr. MERKLEY, Mr. BENNET, Mr. WHITEHOUSE, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To modify certain notice requirements, to study certain election requirements, to clarify certain election requirements, 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 “Expanding the Vol-
5 untary Opportunities for Translations in Elections Act”
6 or the “Expanding the VOTE Act”.

7 **SEC. 2. LANGUAGE MINORITY NOTICE REQUIREMENTS.**

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

1 (1) by redesignating subsection (e) as sub-
2 section (g); and

3 (2) by inserting after subsection (d) the fol-
4 lowing new subsections:

5 “(e) RESPONSIBILITY OF STATES PROVIDING VOT-
6 ING MATERIALS IN COVERED POLITICAL SUBDIVI-
7 SIONS.—The prohibition under subsection (b) shall apply
8 to any State that provides voting materials to a political
9 subdivision subject to such prohibition.

10 “(f) NOTICE.—The Attorney General shall submit a
11 notice of the prohibition of subsection (b), and the thresh-
12 old at which such prohibition applies, to each State or po-
13 litical subdivision that is—

14 “(1) below the threshold requirement under
15 subclause (II) of subsection (b)(2)(A)(i) by not more
16 than 1,000; or

17 “(2) below the threshold requirement under
18 subclause (I) or (III) of subsection (b)(2)(A)(i) by
19 not more than 0.5 percent.”.

20 **SEC. 3. PROVISIONS RELATED TO AMERICAN INDIAN AND**
21 **ALASKA NATIVE LANGUAGES.**

22 Section 203 of the Voting Rights Act of 1965 (52
23 U.S.C. 10503), as amended by section 2, is further
24 amended—

1 (1) in subsection (b)(3)(C), by striking “1990”
 2 and inserting “most recent”; and

3 (2) by striking subsection (c) and inserting the
 4 following:

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

7 “(1) IN GENERAL.—Subject to paragraph (2),
 8 whenever any State or political subdivision subject to
 9 the prohibition of subsection (b), provides any reg-
 10 istration or voting notices, forms, instructions, as-
 11 sistance, or other materials or information relating
 12 to the electoral process, including ballots, it shall
 13 provide them in the language of the applicable mi-
 14 nority group as well as in the English language.

15 “(2) EXCEPTIONS.—

16 “(A) WHEN WRITTEN AMERICAN INDIAN
 17 AND ALASKA NATIVE TRANSLATIONS FOR VOT-
 18 ERS ARE NOT REQUIRED.—In the case of a mi-
 19 nority group that is American Indian or Alaska
 20 Native, if the Tribal government of that minor-
 21 ity group has notified the Attorney General that
 22 the language is unwritten or the Tribal govern-
 23 ment does not want a written translation, a
 24 State or political subdivision subject to the pro-
 25 hibition of subsection (b) shall only be required

1 to furnish that minority group, in the covered
2 language, oral instructions, assistance, trans-
3 lation of voting materials, and other informa-
4 tion relating to registration and voting.

5 “(B) OTHER MINORITY GROUPS WITH UN-
6 WRITTEN LANGUAGE.—In the case of a minor-
7 ity group that is not American Indian or Alaska
8 Native, if the language of that minority group
9 is unwritten, a State or political subdivision
10 subject to the prohibition of subsection (b) shall
11 only be required to furnish that minority group,
12 in the covered language, oral instructions, as-
13 sistance, translation of voting materials, and
14 other information relating to registration and
15 voting.

16 “(3) WRITTEN TRANSLATIONS FOR ELECTION
17 WORKERS.—Notwithstanding paragraph (2), a State
18 or political division subject to the prohibition of sub-
19 section (b) shall provide written translations of all
20 voting materials, with the consent of any applicable
21 Tribal government, to election workers to ensure
22 that the translations from English to the language
23 of a minority group are complete, accurate, and uni-
24 form.

1 “(4) TRIBAL GOVERNMENT DEFINED.—In this
 2 subsection, the term ‘Tribal government’ means the
 3 recognized governing body of any Indian or Alaska
 4 Native Tribe, band, nation, pueblo, village, commu-
 5 nity, component band, or component reservation, in-
 6 dividually identified (including parenthetically) in
 7 the list published most recently as of the date of en-
 8 actment of the Expanding the VOTE Act pursuant
 9 to section 104 of the Federally Recognized Indian
 10 Tribe List Act of 1994 (25 U.S.C. 5131).”.

11 **SEC. 4. GRANTS TO JURISDICTIONS TO INCENTIVIZE THE**
 12 **PROVISION OF VOTING MATERIALS IN LAN-**
 13 **GUAGES NOT TRIGGERING SECTION 203 COV-**
 14 **ERAGE IN APPLYING JURISDICTION.**

15 (a) AVAILABILITY OF GRANTS.—

16 (1) IN GENERAL.—The Election Assistance
 17 Commission (in this section, referred to as the
 18 “Commission”) shall make incentive grants under
 19 subsection (b) to States and political subdivisions to
 20 assist the States and political subdivisions in pro-
 21 viding voting materials during an election cycle in
 22 the language of a covered language minority group.

23 (2) APPLICATION REQUIRED.—In order to re-
 24 ceive a grant under this section, a State or political
 25 subdivision shall submit to the Commission, at such

1 time and in such form as the Commission may re-
2 quire, an application containing such information
3 and assurances as the Commission may require,
4 such as a plan for the State or political subdivision
5 to engage stakeholders with a demonstrated experi-
6 ence of serving the relevant covered language minor-
7 ity group.

8 (b) INCENTIVE GRANTS.—

9 (1) USE OF FUNDS.—The Commission shall
10 make an incentive grant under this subsection to a
11 State or political subdivision to cover the reasonable
12 costs incurred by the State or political subdivision in
13 providing voting materials in the language of a cov-
14 ered language minority group for an election cycle.

15 (2) CONTINUATION OF PROVISION OF MATE-
16 RIALS FOR GROUPS IN SUCCEEDING ELECTION CY-
17 CLES.—If a State or political subdivision receives an
18 incentive grant with respect to a covered language
19 minority group for an election cycle, the State or po-
20 litical subdivision will certify to the Commission that
21 the State or political subdivision will continue to
22 provide voting materials in the language of that cov-
23 ered language minority group for each succeeding
24 election cycle unless the population of the group dur-
25 ing the succeeding cycle has dropped by 0.5 percent

1 or more from the population of the group during the
 2 first election cycle for which the State or political
 3 subdivision received an incentive grant with respect
 4 to the group.

5 (3) PROHIBITING MULTIPLE GRANTS FOR SAME
 6 LANGUAGE MINORITY GROUP.—If a State or political
 7 subdivision receives an incentive grant with respect
 8 to a covered language minority group, the State or
 9 subdivision may not receive another incentive grant
 10 with respect to that same covered language minority
 11 group.

12 (c) DEFINITIONS.—In this section—

13 (1) the term “covered language minority
 14 group”—

15 (A) means, with respect to a State or polit-
 16 ical subdivision, the members of a single lan-
 17 guage minority who do not meet the require-
 18 ments of clause (i) or (ii) of section
 19 203(b)(2)(A) of the Voting Rights Act of 1965
 20 (52 U.S.C. 10503(b)(2)(A)); and

21 (B) includes the language minorities de-
 22 scribed in section 203(g) of such Act (52
 23 U.S.C. 10503(g)) and any other language mi-
 24 nority;

1 (2) the term “election cycle” means the period
 2 which begins on the day after the date of a regularly
 3 scheduled general election for Federal office and
 4 which ends on the date of the next regularly sched-
 5 uled general election for Federal office;

6 (3) the term “State” means each of the several
 7 States, the District of Columbia, the Commonwealth
 8 of Puerto Rico, the United States Virgin Islands,
 9 American Samoa, Guam, and the Commonwealth of
 10 the Northern Mariana Islands; and

11 (4) the term “voting materials” has the mean-
 12 ing given under section 203(b)(3)(A) of the Voting
 13 Rights Act of 1065 (52 U.S.C. 10503(b)(3)(A)).

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There
 15 are authorized to be appropriated to carry out this section
 16 \$15,000,000, to remain available until expended.

17 **SEC. 5. STUDY ON CERTAIN LANGUAGE MINORITY NOTICE**
 18 **REQUIREMENTS.**

19 (a) IN GENERAL.—The Comptroller General of the
 20 United States, in consultation with the Director of the
 21 Census, the Attorney General, and the Election Assistance
 22 Commission, shall conduct a study on the impact of—

23 (1) reducing the threshold requirement—
 24 (A) under subclause (II) of section
 25 203(b)(2)(A)(i) of the Voting Rights Act of

1 1965 (52 U.S.C. 10503(b)(2)(A)(i)) to 7,500
2 and 5,000, respectively; and

3 (B) under subclause (I) or (III) of section
4 203(b)(2)(A)(i) of the Voting Rights Act of
5 1965 (52 U.S.C. 10503(b)(2)(A)(i)) to 4 per-
6 cent, 3 percent, 2.5 percent, and 2 percent, re-
7 spectively; and

8 (2) expanding the definition of the term “lan-
9 guage minorities” to include native speakers of Ara-
10 bic, French and Haitian Creole, and any other lan-
11 guage that the Comptroller General determines to be
12 appropriate.

13 (b) REPORT.—Not later than 1 year after the date
14 of enactment of this Act, the Comptroller General of the
15 United States shall submit to Congress a report on the
16 findings of the study conducted under subsection (a).

○