

114TH CONGRESS
1ST SESSION

H. R. 2867

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2015

Ms. SEWELL of Alabama (for herself, Ms. JUDY CHU of California, Ms. LINDA T. SÁNCHEZ of California, Mr. LEWIS, and Mr. VEASEY) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Voting Rights Ad-
5 vancement Act of 2015”.

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

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

5 “(c) VOTING ON INDIAN LANDS.—

6 “(1) TRIBAL REQUESTS FOR POLLING PLACES;
7 POLLING PLACE PROVIDED.—

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

19 “(B) POLLING PLACES PROVIDED.—Each
20 requested polling place shall be provided by the
21 State or political subdivision in response to a
22 request made under paragraph (1), at no ex-
23 pense to the Indian tribe, if the voting-age popu-
24 lation within the geographic area of the Indian
25 lands relevant to the requested polling place is
26 at least equal to the smallest voting-age popu-

1 lation served by any other polling place in the
2 State. Each polling place that is provided under
3 this subparagraph shall continue to be provided
4 after the election for which the request was
5 made, until such time as the Indian tribe that
6 requested that polling place delivers a written
7 request to the State or political subdivision ask-
8 ing that such polling place be withdrawn.

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

17 “(2) REQUIREMENT TO PROVIDE EQUITABLE
18 POLLING LOCATIONS.—

19 “(A) IN GENERAL.—A State or political
20 subdivision shall provide the same ratio of poll
21 workers and voting devices, the same rate of
22 pay to poll workers, and the same days and
23 hours of operation, for polling places that are
24 located on Indian lands as are provided in other

1 locations of polling places in the State or polit-
2 ical subdivision.

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

8 “(C) FEDERAL FACILITIES.—Polling
9 places located on Indian lands may be des-
10 ignated at—

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

14 “(ii) any tribal government facility
15 that meets the requirements of Federal
16 and State law applied to other polling loca-
17 tions within the State;

18 “(iii) a tribally owned building; or

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

22 “(3) ABSENTEE BALLOTS AND EARLY VOT-
23 ING.—

24 “(A) IN GENERAL.—A representative offi-
25 cial of an Indian tribe, with authorization from

1 the governing body of the Indian tribe, may de-
2 liver a request to the appropriate State or polit-
3 ical subdivision that a location on Indian lands
4 be designated as an absentee ballot location or
5 an early voting location, and such State or po-
6 litical subdivision shall grant the request, at no
7 expense to the Indian tribe, if—

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

13 “(ii) the voting-age population within
14 the geographic area of Indian lands rel-
15 evant to the requested absentee ballot loca-
16 tion or early voting location is at least
17 equal to the smallest voting-age population
18 served by any other absentee ballot loca-
19 tion or early voting location in the State.

20 “(B) INDIAN LANDS AS ABSENTEE BALLOT
21 LOCATION.—If a location on Indian lands is
22 designated as an absentee ballot location or an
23 early voting location, absentee ballots, or early
24 ballots, as the case may be, shall be provided,
25 at no expense to the Indian tribe, to each reg-

1 istered voter living in such designated location
2 without the requirement of an excuse for an ab-
3 sentee ballot or early voting. Bilingual election
4 materials and oral language assistance shall be
5 provided if required by section 203.

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

21 **SEC. 3. VIOLATIONS TRIGGERING AUTHORITY OF COURT**
22 **TO RETAIN JURISDICTION.**

23 (a) TYPES OF VIOLATIONS.—Section 3(c) of the Vot-
24 ing Rights Act of 1965 (52 U.S.C. 10302(c)) is amended
25 by striking “violations of the fourteenth or fifteenth

1 amendment” and inserting “violations of the 14th or 15th
2 Amendment, violations of this Act, or violations of any
3 Federal law that prohibits discrimination in voting on the
4 basis of race, color, or membership in a language minority
5 group,”.

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

13 **SEC. 4. CRITERIA FOR COVERAGE OF STATES AND POLIT-**
14 **ICAL SUBDIVISIONS.**

15 (a) DETERMINATION OF STATES AND POLITICAL
16 SUBDIVISIONS SUBJECT TO SECTION 4(a).—

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

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

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

24 “(A) STATEWIDE APPLICATION.—Sub-
25 section (a) applies with respect to a State and

1 all political subdivisions within the State during
2 a calendar year if—

3 “(i) 15 or more voting rights viola-
4 tions occurred in the State during the pre-
5 vious 25 calendar years; or

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

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

18 “(2) PERIOD OF APPLICATION.—

19 “(A) IN GENERAL.—Except as provided in
20 subparagraph (B), if, pursuant to paragraph
21 (1), subsection (a) applies with respect to a
22 State or political subdivision during a calendar
23 year, subsection (a) shall apply with respect to
24 such State or political subdivision for the pe-
25 riod—

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

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

5 “(B) NO FURTHER APPLICATION AFTER
6 DECLARATORY JUDGMENT.—

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

17 “(ii) POLITICAL SUBDIVISIONS.—If a
18 political subdivision obtains a declaratory
19 judgment under subsection (a), and the
20 judgment remains in effect, subsection (a)
21 shall no longer apply to such political sub-
22 division pursuant to paragraph (1), includ-
23 ing pursuant to paragraph (1)(A) (relating
24 to the statewide application of subsection
25 (a)), unless, after the issuance of the de-

1 claratory judgment, paragraph (1)(B) ap-
2 plies to the political subdivision solely on
3 the basis of voting rights violations occur-
4 ring after the issuance of the declaratory
5 judgment.

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

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

20 “(B) FINAL JUDGMENT; VIOLATIONS OF
21 THIS ACT.—In a final judgment (which has not
22 been reversed on appeal), any court of the
23 United States has determined that a voting
24 qualification or prerequisite to voting or stand-
25 ard, practice, or procedure with respect to vot-

1 ing was imposed or applied or would have been
2 imposed or applied anywhere within the State
3 or subdivision in a manner that resulted or
4 would have resulted in a denial or abridgement
5 of the right of any citizen of the United States
6 to vote on account of race, color, or membership
7 in a language minority group, in violation of
8 subsection (e) or (f), or section 2 or 203 of this
9 Act.

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

20 “(D) OBJECTION BY THE ATTORNEY GEN-
21 ERAL.—The Attorney General has interposed
22 an objection under section 3(c) or section 5
23 (and the objection has not been overturned by
24 a final judgment of a court or withdrawn by the
25 Attorney General), and thereby prevented a vot-

1 ing qualification or prerequisite to voting or
2 standard, practice, or procedure with respect to
3 voting from being enforced anywhere within the
4 State or subdivision.

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

17 “(4) TIMING OF DETERMINATIONS.—

18 “(A) DETERMINATIONS OF VOTING RIGHTS
19 VIOLATIONS.—As early as practicable during
20 each calendar year, the Attorney General shall
21 make the determinations required by this sub-
22 section, including updating the list of voting
23 rights violations occurring in each State and po-
24 litical subdivision for the previous calendar
25 year.

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

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

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

1 (B) in paragraph (1) in the matter pre-
2 ceding subparagraph (A), by striking the second
3 sentence;

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

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

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

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

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

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

24 (b) CLARIFICATION OF TREATMENT OF MEMBERS OF
25 LANGUAGE MINORITY GROUPS.—Section 4(a)(1) of such

1 Act (52 U.S.C. 10303(a)(1)) is amended by striking “race
2 or color,” and inserting “race, color, or in contravention
3 of the guarantees of subsection (f)(2),”.

4 **SEC. 5. DETERMINATION OF STATES AND POLITICAL SUB-**
5 **DIVISIONS SUBJECT TO PRECLEARANCE FOR**
6 **COVERED PRACTICES.**

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

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

13 “(a) PRACTICE-BASED PRECLEARANCE.—

14 “(1) IN GENERAL.—Each State and each polit-
15 ical subdivision shall—

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

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

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

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

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

19 “(b) COVERED PRACTICES.—To assure that the right
20 of citizens of the United States to vote is not denied or
21 abridged on account of race, color, or membership in a
22 language minority group as a result of the implementation
23 of certain qualifications or prerequisites to voting, or
24 standards, practices, or procedures with respect to voting
25 newly adopted in a State or political subdivision, the fol-

1 lowing shall be covered practices subject to the require-
2 ments described in subsection (a):

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

4 Any change to the method of election—

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

7 “(i) 2 or more racial groups or lan-
8 guage minority groups each represent 20
9 percent or more of the political subdivi-
10 sion’s voting-age population; or

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

16 “(B) to convert one or more seats elected
17 from a single-member district to one or more
18 at-large seats or seats from a multi-member
19 district in a State or political subdivision
20 where—

21 “(i) 2 or more racial groups or lan-
22 guage minority groups each represent 20
23 percent or more of the political subdivi-
24 sion’s voting-age population; or

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

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

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

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

22 “(3) CHANGES THROUGH REDISTRICTING.—
23 Any change to the boundaries of election districts in
24 a State or political subdivision where any racial
25 group or language minority group experiences a pop-

1 ulation increase, over the preceding decade (as cal-
2 culated by the Bureau of the Census under the most
3 recent decennial census), of at least—

4 “(A) 10,000; or

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

8 “(4) CHANGES IN DOCUMENTATION OR QUALI-
9 FICATIONS TO VOTE.—Any change to requirements
10 for documentation or proof of identity to vote such
11 that the requirements will exceed or be more strin-
12 gent than the requirements for voting that are de-
13 scribed in section 303(b) of the Help America Vote
14 Act of 2002 (52 U.S.C. 21083(b)) or any change to
15 the requirements for documentation or proof of iden-
16 tity to register to vote that will exceed or be more
17 stringent than such requirements under State law on
18 the day before the date of enactment of the Voting
19 Rights Advancement Act of 2015.

20 “(5) CHANGES TO MULTILINGUAL VOTING MA-
21 TERIALS.—Any change that reduces multilingual
22 voting materials or alters the manner in which such
23 materials are provided or distributed, where no simi-
24 lar reduction or alteration occurs in materials pro-
25 vided in English for such election.

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

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

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

14 “(c) PRECLEARANCE.—

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

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

1 otherwise require objection in accordance with this
2 section. Any action under this section shall be heard
3 and determined by a court of three judges in accord-
4 ance with the provisions of section 2284 of title 28,
5 United States Code, and any appeal shall lie to the
6 Supreme Court.

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

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

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

23 “(d) ENFORCEMENT.—The Attorney General or any
24 aggrieved citizen may file an action in a Federal district
25 court to compel any State or political subdivision to satisfy

1 the obligations set forth in this section. Such actions shall
2 be heard and determined by a court of 3 judges under
3 section 2284 of title 28, United States Code. In any such
4 action, the court shall provide as a remedy that any voting
5 qualification or prerequisite to voting, or standard, prac-
6 tice, or procedure with respect to voting, that is the sub-
7 ject of the action under this subsection be enjoined unless
8 the court determines that—

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

13 “(2) the State or political subdivision has com-
14 plied with subsection (c) with respect to the covered
15 practice at issue.

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

22 “(f) SPECIAL RULE.—For purposes of determina-
23 tions under this section, any data provided by the Bureau
24 of the Census, whether based on estimation from sample

1 or actual enumeration, shall not be subject to challenge
2 or review in any court.

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

10 **SEC. 6. PROMOTING TRANSPARENCY TO ENFORCE THE**
11 **VOTING RIGHTS ACT.**

12 (a) **TRANSPARENCY.**—

13 (1) **IN GENERAL.**—The Voting Rights Act of
14 1965 (52 U.S.C. 10301 et seq.) is amended by in-
15 sserting after section 5 the following new section:

16 **“SEC. 6. TRANSPARENCY REGARDING CHANGES TO PRO-**
17 **TECT VOTING RIGHTS.**

18 “(a) **NOTICE OF ENACTED CHANGES.**—

19 “(1) **NOTICE OF CHANGES.**—If a State or polit-
20 ical subdivision makes any change in any pre-
21 requisite to voting or standard, practice, or proce-
22 dure with respect to voting in any election for Fed-
23 eral office that will result in the prerequisite, stand-
24 ard, practice, or procedure being different from that
25 which was in effect as of 180 days before the date

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

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

18 “(b) TRANSPARENCY REGARDING POLLING PLACE
19 RESOURCES.—

20 “(1) IN GENERAL.—In order to identify any
21 changes that may impact the right to vote of any
22 person, prior to the 30th day before the date of an
23 election for Federal office, each State or political
24 subdivision with responsibility for allocating reg-
25 istered voters, voting machines, and official poll

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

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

14 “(A) The name or number.

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

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

24 “(D) The number of registered voters as-
25 signed to the precinct or polling place, broken

1 down by demographic group if such breakdown
2 is reasonably available to such State or political
3 subdivision.

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

8 “(F) The number of official paid poll
9 workers assigned.

10 “(G) The number of official volunteer poll
11 workers assigned.

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

14 “(3) UPDATES IN INFORMATION REPORTED.—
15 If a State or political subdivision makes any change
16 in any of the information described in paragraph
17 (2), the State or political subdivision shall provide
18 reasonable public notice in such State or political
19 subdivision and on the Internet, of the change in the
20 information not later than 48 hours after the change
21 occurs or, if the change occurs fewer than 48 hours
22 before the date of the election for Federal office, as
23 soon as practicable after the change occurs. The
24 public notice described in this paragraph in such
25 State or political subdivision and on the Internet

1 shall be in a format that is reasonably convenient
2 and accessible to voters with disabilities including
3 voters who have low vision or are blind.

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

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

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

24 “(A) The State as a whole, if the change
25 applies statewide, or the political subdivision as

1 a whole, if the change applies across the entire
2 political subdivision.

3 “(B) If the change includes a plan to re-
4 place or eliminate voting units or electoral dis-
5 tricts, each voting unit or electoral district that
6 will be replaced or eliminated.

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

10 “(3) DEMOGRAPHIC AND ELECTORAL DATA.—

11 The demographic and electoral data described in this
12 paragraph with respect to a geographic area de-
13 scribed in paragraph (2) are each of the following:

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

16 “(B) If it is reasonably available to the
17 State or political subdivision involved, an esti-
18 mate of the population of the area which con-
19 sists of citizens of the United States who are 18
20 years of age or older, broken down by demo-
21 graphic group.

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

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

9 “(ii) if the change applies to only one polit-
10 ical subdivision, the actual number of votes, or
11 (if it is not reasonably practicable for the polit-
12 ical subdivision to ascertain the actual number
13 of votes) in each subdivision-wide election held
14 during the 5-year period which ends on the date
15 the change involved is made.

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

20 “(A) A county or parish.

21 “(B) A municipality with a population
22 greater than 10,000, as determined by the Bu-
23 reau of the Census under the most recent de-
24 cennial census.

1 “(C) A school district with a population
2 greater than 10,000, as determined by the Bu-
3 reau of the Census under the most recent de-
4 cennial census. For purposes of this subpara-
5 graph, the term ‘school district’ means the geo-
6 graphic area under the jurisdiction of a local
7 educational agency (as defined in section 9101
8 of the Elementary and Secondary Education
9 Act of 1965 (20 U.S.C. 7801)).

10 “(d) RULES REGARDING FORMAT OF INFORMA-
11 TION.—The Attorney General may issue rules specifying
12 a reasonably convenient and accessible format that States
13 and political subdivisions shall use to provide public notice
14 of information under this section.

15 “(e) NO DENIAL OF RIGHT TO VOTE.—The right to
16 vote of any person shall not be denied or abridged because
17 the person failed to comply with any change made by a
18 State or political subdivision if the State or political sub-
19 division involved did not meet the applicable requirements
20 of this section with respect to the change.

21 “(f) DEFINITIONS.—In this section—

22 “(1) the term ‘demographic group’ means each
23 group which section 2 protects from the denial or
24 abridgement of the right to vote on account of race

1 or color, or in contravention of the guarantees set
2 forth in section 4(f)(2);

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

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

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

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

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

22 (a) CLARIFICATION OF AUTHORITY IN POLITICAL
23 SUBDIVISIONS SUBJECT TO PRECLEARANCE.—Section
24 8(a)(2)(B) of the Voting Rights Act of 1965 (52 U.S.C.
25 10305(a)(2)(B)) is amended to read as follows:

1 “(B) in the Attorney General’s judgment,
2 the assignment of observers is otherwise nec-
3 essary to enforce the guarantees of the 14th or
4 15th Amendment or any provision of this Act
5 or any other Federal law protecting the right of
6 citizens of the United States to vote;”.

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

10 (1) by striking “or” at the end of paragraph
11 (1); and

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

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

15 “(A) the Attorney General has received
16 written meritorious complaints from residents,
17 elected officials, or civic participation organiza-
18 tions that efforts to violate section 203 are like-
19 ly to occur; or

20 “(B) in the Attorney General’s judgment,
21 the assignment of observers is necessary to en-
22 force the guarantees of section 203; or

23 “(4) the Attorney General certifies that the At-
24 torney General has received from the appropriate of-

1 ficial of the governing body of a federally recognized
2 Indian tribe—

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

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

11 **SEC. 8. PRELIMINARY INJUNCTIVE RELIEF.**

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

16 (1) by striking “section 2, 3, 4, 5, 7, 10, 11,
17 or subsection (b) of this section” and inserting “the
18 14th or 15th Amendment, this Act, or any Federal
19 voting rights law that prohibits discrimination on
20 the basis of race, color, or membership in a language
21 minority group”; and

22 (2) by striking “the Attorney General may in-
23 stitute for the United States, or in the name of the
24 United States,” and inserting “the aggrieved person

1 or (in the name of the United States) the Attorney
2 General may institute”.

3 (b) GROUNDS FOR GRANTING RELIEF.—Section
4 12(d) of such Act (52 U.S.C. 10308(d)) is amended—

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

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

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

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

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

24 “(B) In making its determination under this para-
25 graph with respect to a change in any voting qualification,

1 prerequisite to voting, or standard, practice, or procedure
2 with respect to voting, the court shall consider all relevant
3 factors and give due weight to the following factors, if they
4 are present:

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

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

12 “(II) a violation of this Act; or

13 “(III) voting discrimination on the basis of
14 race, color, or membership in a language minor-
15 ity group in violation of any other Federal or
16 State law.

17 “(ii) Whether the qualification, prerequisite,
18 standard, practice, or procedure in effect prior to the
19 change served as a ground for the dismissal or set-
20 tlement of a claim alleging—

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

24 “(II) a violation of this Act; or

1 “(III) voting discrimination on the basis of
2 race, color, or membership in a language minor-
3 ity group in violation of any other Federal or
4 State law.

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

8 “(iv) Whether the defendant has failed to pro-
9 vide timely or complete notice of the adoption of the
10 change as required by applicable Federal or State
11 law.”.

12 **SEC. 9. DEFINITIONS.**

13 Title I of the Voting Rights Act of 1965 (52 U.S.C.
14 10301) is amended by adding at the end the following:

15 **“SEC. 21. DEFINITIONS.**

16 “In this Act:

17 “(1) INDIAN LANDS.—The term ‘Indian lands’
18 means—

19 “(A) any Indian country of the Indian
20 tribe, as defined in section 1151 of title 18,
21 United States Code;

22 “(B) any land in Alaska that is owned,
23 pursuant to the Alaska Native Claims Settle-
24 ment Act (43 U.S.C. 1601 et seq.), by an In-
25 dian tribe that is a Native village (as defined in

1 section 3 of that Act (43 U.S.C. 1602)) or by
2 a Village Corporation that is associated with
3 the Indian tribe (as defined in section 3 of that
4 Act (43 U.S.C. 1602));

5 “(C) any land on which the seat of govern-
6 ment of the Indian tribe is located; and

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

14 “(2) INDIAN TRIBE.—The term ‘Indian tribe’ or
15 ‘tribe’ means any American Indian or Alaska Native
16 tribe, band, nation, pueblo, village, or community
17 that the Secretary of the Interior acknowledges to
18 exist as a federally recognized Indian tribe under the
19 Federally Recognized Indian Tribe List Act of 1994
20 (25 U.S.C. 479a et seq.).

21 “(3) VOTING-AGE POPULATION.—The term
22 ‘voting-age population’ means the numerical size of
23 the population within a State, within a political sub-
24 division, or within a political subdivision that con-
25 tains Indian lands, as the case may be, that consists

1 of persons age 18 or older, as calculated by the Bu-
2 reau of the Census under the most recent decennial
3 census.”.

4 **SEC. 10. BILINGUAL ELECTION REQUIREMENTS.**

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

11 **SEC. 11. OTHER TECHNICAL AND CONFORMING AMEND-**
12 **MENTS.**

13 (a) ACTIONS COVERED UNDER SECTION 3.—Section
14 3(c) of the Voting Rights Act of 1965 (52 U.S.C.
15 10302(c)) is amended—

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

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

1 (b) CLARIFICATION OF TREATMENT OF MEMBERS OF
2 LANGUAGE MINORITY GROUPS.—Section 4(f) of such Act
3 (52 U.S.C. 10303(f)) is amended—

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

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

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

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

15 (2) in subsection (a), by striking “November 1,
16 1964” and all that follows through “November 1,
17 1972” and inserting “the applicable date of cov-
18 erage”; and

19 (3) by adding at the end the following new sub-
20 section:

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

23 “(1) June 25, 2013, if the most recent deter-
24 mination for such State or subdivision under section
25 4(b) was made on or before December 31, 2015; or

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

5 **SEC. 12. TRIBAL VOTING CONSULTATION.**

6 The Attorney General shall consult annually with
7 tribal organizations regarding issues related to voting for
8 members of an Indian tribe (as defined under section 21
9 of the Voting Rights Act of 1965, as added by section
10 9 of this Act).

○