

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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 SENATE OF THE UNITED STATES

Mr. LEAHY introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

---

**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 “John R. Lewis Voting  
5 Rights Advancement Act of 2021”.

1 **TITLE I—AMENDMENTS TO THE**  
2 **VOTING RIGHTS ACT**

3 **SEC. 101. VOTE DILUTION, DENIAL, AND ABRIDGMENT**  
4 **CLAIMS.**

5 (a) IN GENERAL.—Section 2(a) of the Voting Rights  
6 Act of 1965 (52 U.S.C. 10301(a)) is amended—

7 (1) by inserting after “applied by any State or  
8 political subdivision” the following: “for the purpose  
9 of, or”; and

10 (2) by striking “as provided in subsection (b)”  
11 and inserting “as provided in subsection (b), (c), (d),  
12 or (e)”.

13 (b) VOTE DILUTION.—Section 2 of such Act (52  
14 U.S.C. 10301), as amended by subsection (a), is further  
15 amended by striking subsection (b) and inserting the fol-  
16 lowing:

17 “(b) A violation of subsection (a) for vote dilution is  
18 established if, based on the totality of circumstances, it  
19 is shown that the political processes leading to nomination  
20 or election in the State or political subdivision are not  
21 equally open to participation by members of a class of citi-  
22 zens protected by subsection (a) in that its members have  
23 less opportunity than other members of the electorate to  
24 participate in the political process and to elect representa-  
25 tives of their choice. The extent to which members of a

1 protected class have been elected to office in the State or  
2 political subdivision is one circumstance which may be  
3 considered: *Provided*, That nothing in this section estab-  
4 lishes a right to have members of a protected class elected  
5 in numbers equal to their proportion in the population.  
6 The legal standard articulated in *Thornburg v. Gingles*,  
7 478 U.S. 30 (1986), governs claims under this subsection.  
8 For purposes of this subsection a class of citizens pro-  
9 tected by subsection (a) may include a cohesive coalition  
10 of members of different racial or language minority  
11 groups.”.

12 (c) VOTE DENIAL OR ABRIDGEMENT.—Section 2 of  
13 such Act (52 U.S.C. 10301), as amended by subsections  
14 (a) and (b), is further amended by adding at the end the  
15 following:

16 “(c)(1) A violation of subsection (a) for vote denial  
17 or abridgment is established if the challenged standard,  
18 practice, or procedure imposes a discriminatory burden on  
19 members of a class of citizens protected by subsection (a),  
20 meaning that—

21 “(A) members of the protected class face great-  
22 er difficulty in complying with the standard, prac-  
23 tice, or procedure, considering the totality of the cir-  
24 cumstances; and

1           “(B) such greater difficulty is, at least in part,  
2           caused by or linked to social and historical condi-  
3           tions that have produced or currently produce dis-  
4           crimination against members of the protected class.

5           “(2) The challenged standard, practice, or procedure  
6           need only be a but-for cause of the discriminatory burden  
7           or perpetuate a pre-existing discriminatory burden.

8           “(3)(A) The totality of the circumstances for consid-  
9           eration relative to a violation of subsection (a) for vote  
10          denial or abridgment shall include the following factors,  
11          which, individually and collectively, show how a voting  
12          standard, practice, or procedure can function to amplify  
13          the effects of past or present racial discrimination:

14               “(i) The history of official voting-related dis-  
15               crimination in the State or political subdivision.

16               “(ii) The extent to which voting in the elections  
17               of the State or political subdivision is racially polar-  
18               ized.

19               “(iii) The extent to which the State or political  
20               subdivision has used unduly burdensome photo-  
21               graphic voter identification requirements, documen-  
22               tary proof of citizenship requirements, documentary  
23               proof of residence requirements, or other voting  
24               standards, practices, or procedures beyond those re-  
25               quired by Federal law that may impair the ability of

1 members of the protected class to participate fully in  
2 the political process.

3 “(iv) The extent to which members of the pro-  
4 tected class bear the effects of discrimination in  
5 areas such as education, employment, and health,  
6 which hinder the ability of those members to partici-  
7 pate effectively in the political process.

8 “(v) The use of overt or subtle racial appeals ei-  
9 ther in political campaigns or surrounding the adop-  
10 tion or maintenance of the challenged standard,  
11 practice, or procedure.

12 “(vi) The extent to which members of the pro-  
13 tected class have been elected to public office in the  
14 jurisdiction, except that the fact that the protected  
15 class is too small to elect candidates of its choice  
16 shall not defeat a claim of vote denial or abridgment  
17 under this section.

18 “(vii) Whether there is a lack of responsiveness  
19 on the part of elected officials to the particularized  
20 needs of members of the protected class.

21 “(viii) Whether the policy underlying the State  
22 or political subdivision’s use of the challenged quali-  
23 fication, prerequisite, standard, practice, or proce-  
24 dure has a tenuous connection to that qualification,  
25 prerequisite, standard, practice, or procedure.

1           “(B) A particular combination or number of  
2 factors under subparagraph (A) shall not be re-  
3 quired to establish a violation of subsection (a) for  
4 vote denial or abridgment.

5           “(C) The totality of the circumstances for con-  
6 sideration relative to a violation of subsection (a) for  
7 vote denial or abridgment shall not include the fol-  
8 lowing factors:

9           “(i) The total number or share of members of  
10 a protected class on whom a challenged standard,  
11 practice, or procedure does not impose a material  
12 burden.

13           “(ii) The degree to which the challenged stand-  
14 ard, practice, or procedure has a long pedigree or  
15 was in widespread use at some earlier date.

16           “(iii) The use of an identical or similar stand-  
17 ard, practice, or procedure in other States or polit-  
18 ical subdivisions.

19           “(iv) The availability of other forms of voting  
20 unimpacted by the challenged standard, practice, or  
21 procedure to all members of the electorate, including  
22 members of the protected class, unless the State or  
23 political subdivision is simultaneously expanding  
24 those other standards, practices, or procedures to

1 eliminate any disproportionate burden imposed by  
2 the challenged standard, practice, or procedure.

3 “(v) A prophylactic impact on potential criminal  
4 activity by individual voters, if such crimes have not  
5 occurred in the State or political subdivision in sub-  
6 stantial numbers.

7 “(vi) Mere invocation of interests in voter con-  
8 fidence or prevention of fraud.”.

9 (d) INTENDED VOTE DILUTION OR VOTE DENIAL OR  
10 ABRIDGMENT.—Section 2 of such Act (52 U.S.C. 10301),  
11 as amended by subsections (a), (b), and (c) is further  
12 amended by adding at the end the following:

13 “(d)(1) A violation of subsection (a) is also estab-  
14 lished if a challenged qualification, prerequisite, standard,  
15 practice, or procedure is intended, at least in part, to di-  
16 lute the voting strength of a protected class or to deny  
17 or abridge the right of any citizen of the United States  
18 to vote on account of race, color, or in contravention of  
19 the guarantees set forth in section 4(f)(2).

20 “(2) Discrimination on account of race or color,  
21 or in contravention of the guarantees set forth in  
22 section 4(f)(2), need only be one purpose of a quali-  
23 fication, prerequisite, standard, practice, or proce-  
24 dure in order to establish a violation of subsection  
25 (a), as described in this subsection. A qualification,

1 prerequisite, standard, practice, or procedure in-  
2 tended to dilute the voting strength of a protected  
3 class or to make it more difficult for members of a  
4 protected class to cast a ballot that will be counted  
5 constitutes a violation of subsection (a), as described  
6 in this subsection, even if an additional purpose of  
7 the qualification, prerequisite, standard, practice, or  
8 procedure is to benefit a particular political party or  
9 group.

10 “(3) Recent context, including actions by offi-  
11 cial decisionmakers in prior years or in other con-  
12 texts preceding the decision responsible for the chal-  
13 lenged qualification, prerequisite, standard, practice,  
14 or procedure, and including actions by predecessor  
15 government actors or individual members of a deci-  
16 sionmaking body, may be relevant to making a de-  
17 termination about a violation of subsection (a), as  
18 described under this subsection.

19 “(4) A claim that a violation of subsection (a)  
20 has occurred, as described under this subsection,  
21 shall require proof of a discriminatory impact but  
22 shall not require proof of violation of subsection (b)  
23 or (c).”.



1 **SEC. 102. RETROGRESSION.**

2 Section 2 of the Voting Rights Act of 1965 (52  
3 U.S.C. 10301 et seq.), as amended by section 101 of this  
4 Act, is further amended by adding at the end the fol-  
5 lowing:

6 “(e) A violation of subsection (a) is established when  
7 a State or political subdivision enacts or seeks to admin-  
8 ister any qualification or prerequisite to voting or stand-  
9 ard, practice, or procedure with respect to voting in any  
10 election that has the purpose of or will have the effect  
11 of diminishing the ability of any citizens of the United  
12 States on account of race or color, or in contravention of  
13 the guarantees set forth in section 4(f)(2), to participate  
14 in the electoral process or elect their preferred candidates  
15 of choice. This subsection applies to any action taken on  
16 or after January 1, 2021, by a State or political subdivi-  
17 sion to enact or seek to administer any such qualification  
18 or prerequisite to voting or standard, practice or proce-  
19 dure.

20 “(f) Notwithstanding the provisions of subsection (e),  
21 final decisions of the United States District Court of the  
22 District of Columbia on applications or petitions by States  
23 or political subdivisions for preclearance under section 5  
24 of any changes in voting prerequisites, standards, prac-  
25 tices, or procedures, supersede the provisions of subsection  
26 (e).”.

1 **SEC. 103. 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. 104. 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) fifteen or more voting rights vio-  
8                   lations occurred in the State during the  
9                   previous 25 calendar years; or

10                   “(ii) ten 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 three or more  
20           voting rights violations occurred in the subdivi-  
21           sion 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 and all political subdivisions in the  
16 State pursuant to paragraph (1)(A) unless,  
17 after the issuance of the declaratory judg-  
18 ment, paragraph (1)(A) applies to the  
19 State solely on the basis of voting rights  
20 violations occurring after the issuance of  
21 the declaratory judgment.

22 “(ii) POLITICAL SUBDIVISIONS.—If a  
23 political subdivision obtains a declaratory  
24 judgment under subsection (a), and the  
25 judgment remains in effect, subsection (a)

1 shall no longer apply to such political sub-  
2 division pursuant to paragraph (1), includ-  
3 ing pursuant to paragraph (1)(A) (relating  
4 to the statewide application of subsection  
5 (a)), unless, after the issuance of the de-  
6 claratory judgment, paragraph (1)(B) ap-  
7 plies to the political subdivision solely on  
8 the basis of voting rights violations occur-  
9 ring after the issuance of the declaratory  
10 judgment.

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

15 “(A) JUDICIAL RELIEF; VIOLATION OF  
16 THE 14TH OR 15TH AMENDMENT.—Any final  
17 judgment (that was not reversed on appeal) oc-  
18 curred, in which the plaintiff prevailed and in  
19 which any court of the United States deter-  
20 mined that a denial or abridgement of the right  
21 of any citizen of the United States to vote on  
22 account of race, color, or membership in a lan-  
23 guage minority group occurred, or that a voting  
24 qualification or prerequisite to voting or stand-  
25 ard, practice, or procedure with respect to vot-

1           ing created an undue burden on the right to  
2           vote in connection with a claim that the law un-  
3           duly burdened voters of a particular race, color,  
4           or language minority group, in violation of the  
5           14th or 15th Amendment to the Constitution of  
6           the United States, anywhere within the State or  
7           subdivision.

8           “(B) JUDICIAL RELIEF; VIOLATIONS OF  
9           THIS ACT.—Any final judgment (that was not  
10          reversed on appeal) occurred in which the plain-  
11          tiff prevailed and in which any court of the  
12          United States determined that a voting quali-  
13          fication or prerequisite to voting or standard,  
14          practice, or procedure with respect to voting  
15          was imposed or applied or would have been im-  
16          posed or applied anywhere within the State or  
17          subdivision in a manner that resulted or would  
18          have resulted in a denial or abridgement of the  
19          right of any citizen of the United States to vote  
20          on account of race, color, or membership in a  
21          language minority group, in violation of sub-  
22          section (e) or (f) or section 2, 201, or 203.

23          “(C) FINAL JUDGMENT; DENIAL OF DE-  
24          CLARATORY JUDGMENT.—In a final judgment  
25          (that was not been reversed on appeal), any

1 court of the United States has denied the re-  
2 quest of the State or subdivision for a declara-  
3 tory judgment under section 3(c) or section 5,  
4 and thereby prevented a voting qualification or  
5 prerequisite to voting or standard, practice, or  
6 procedure with respect to voting from being en-  
7 forced anywhere within the State or subdivision.

8 “(D) OBJECTION BY THE ATTORNEY GEN-  
9 ERAL.—The Attorney General has interposed  
10 an objection under section 3(c) or section 5,  
11 and thereby prevented a voting qualification or  
12 prerequisite to voting or standard, practice, or  
13 procedure with respect to voting from being en-  
14 forced anywhere within the State or subdivision.  
15 A violation under this subparagraph has not oc-  
16 curred where an objection has been withdrawn  
17 by the Attorney General, unless the withdrawal  
18 was in response to a change in the law or prac-  
19 tice that served as the basis of the objection. A  
20 violation under this subparagraph has not oc-  
21 curred where the objection is based solely on a  
22 State or political subdivision’s failure to comply  
23 with a procedural process that would not other-  
24 wise count as an independent violation of this  
25 Act.

1                   “(E) CONSENT DECREE, SETTLEMENT, OR  
2 OTHER AGREEMENT.—

3                   “(i) AGREEMENT.—A consent decree,  
4 settlement, or other agreement was adopt-  
5 ed or entered by a court of the United  
6 States that contains an admission of liabil-  
7 ity by the defendants, which resulted in the  
8 alteration or abandonment of a voting  
9 practice anywhere in the territory of such  
10 State or subdivision that was challenged on  
11 the ground that the practice denied or  
12 abridged the right of any citizen of the  
13 United States to vote on account of race,  
14 color, or membership in a language minor-  
15 ity group in violation of subsection (e) or  
16 (f) or section 2, 201, or 203, or the 14th  
17 or 15th Amendment.

18                   “(ii) INDEPENDENT VIOLATIONS.—A  
19 voluntary extension or continuation of a  
20 consent decree, settlement, or agreement  
21 described in clause (i) shall not count as  
22 an independent violation under this sub-  
23 paragraph. Any other extension or modi-  
24 fication of such a consent decree, settle-  
25 ment, or agreement, if the consent decree,



1 settlement, or agreement has been in place  
2 for ten years or longer, shall count as an  
3 independent violation under this subpara-  
4 graph. If a court of the United States  
5 finds that a consent decree, settlement, or  
6 agreement described in clause (i) itself de-  
7 nied or abridged the right of any citizen of  
8 the United States to vote on account of  
9 race, color, or membership in a language  
10 minority group, violated subsection (e) or  
11 (f) or section 2, 201, or 203, or created an  
12 undue burden on the right to vote in con-  
13 nection with a claim that the consent de-  
14 cree, settlement, or other agreement un-  
15 duly burdened voters of a particular race,  
16 color, or language minority group, that  
17 finding shall count as an independent vio-  
18 lation under this subparagraph.

19 “(F) MULTIPLE VIOLATIONS.—Each in-  
20 stance in which a voting qualification or pre-  
21 requisite to voting or standard, practice, or pro-  
22 cedure with respect to voting, including each re-  
23 districting plan, is found to be a violation by a  
24 court of the United States pursuant to subpara-  
25 graph (A) or (B), or prevented from being en-

1 forced pursuant to subparagraph (C) or (D), or  
2 altered or abandoned pursuant to subparagraph  
3 (E) shall count as an independent violation  
4 under this paragraph. Within a redistricting  
5 plan, each violation under this paragraph found  
6 to discriminate against any group of voters  
7 based on race, color, or language minority  
8 group shall count as an independent violation  
9 under this paragraph.

10 “(4) TIMING OF DETERMINATIONS.—

11 “(A) DETERMINATIONS OF VOTING RIGHTS  
12 VIOLATIONS.—As early as practicable during  
13 each calendar year, the Attorney General shall  
14 make the determinations required by this sub-  
15 section, including updating the list of voting  
16 rights violations occurring in each State and po-  
17 litical subdivision for the previous calendar  
18 year.

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

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

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

18 (B) in paragraph (1), in the matter pre-  
19 ceding subparagraph (A), by striking the second  
20 sentence;

21 (C) in paragraph (1)(A), by striking “(in  
22 the case of a State or subdivision seeking a de-  
23 claratory judgment under the second sentence  
24 of this subsection)”;

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

5 (E) in paragraph (3), by striking “(in the  
6 case of a State or subdivision seeking a declara-  
7 tory judgment under the second sentence of this  
8 subsection)”;

9 (F) in paragraph (5), by striking “(in the  
10 case of a State or subdivision which sought a  
11 declaratory judgment under the second sentence  
12 of this subsection)”;

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

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

17 (b) CLARIFICATION OF TREATMENT OF MEMBERS OF  
18 LANGUAGE MINORITY GROUPS.—Section 4(a)(1) of such  
19 Act (52 U.S.C. 10303(a)(1)), as amended by subsection  
20 (a), is further amended, in the first sentence, by striking  
21 “race or color,” and inserting “race or color, or in con-  
22 travention of the guarantees of subsection (f)(2),”.

23 (c) FACILITATING BAILOUT.—Section 4(a) of the  
24 Voting Rights Act of 1965 (52 U.S.C. 10303(a)), as  
25 amended by subsection (a), is further amended—

1 (1) by striking paragraph (1)(C);

2 (2) by inserting at the beginning of paragraph  
3 (7), as redesignated by subsection (a)(2)(H), the fol-  
4 lowing: “Any plaintiff seeking a declaratory judg-  
5 ment under this subsection on the grounds that the  
6 plaintiff meets the requirements of paragraph (1)  
7 may request that the Attorney General consent to  
8 entry of judgment.”; and

9 (3) by adding at the end the following:

10 “(8) If a political subdivision is subject to the applica-  
11 tion of this subsection, due to the applicability of sub-  
12 section (b)(1)(A), the political subdivision may seek a de-  
13 claratory judgment under this section if the subdivision  
14 demonstrates that the subdivision meets the criteria estab-  
15 lished by the subparagraphs of paragraph (1), for the 10  
16 years preceding the date on which subsection (a) applied  
17 to the political subdivision under subsection (b)(1)(A).

18 “(9) If a political subdivision was not subject to the  
19 application of this subsection by reason of a declaratory  
20 judgment entered prior to the date of enactment of the  
21 John R. Lewis Voting Rights Advancement Act of 2021,  
22 and is not, subsequent to that date of enactment, subject  
23 to the application of this subsection under subsection  
24 (b)(1)(B), then that political subdivision shall not be sub-  
25 ject to the requirements of this subsection.”.

1 **SEC. 105. DETERMINATION OF STATES AND POLITICAL SUB-**  
2 **DIVISIONS SUBJECT TO PRECLEARANCE FOR**  
3 **COVERED PRACTICES.**

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

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

10 “(a) PRACTICE-BASED PRECLEARANCE.—

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

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

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

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

25 “(A) IN GENERAL.—As early as prac-  
26 ticable during each calendar year, the Attorney

1           General, in consultation with the Director of  
2           the Bureau of the Census and the heads of  
3           other relevant offices of the government, shall  
4           make the determinations required by this sec-  
5           tion regarding voting-age populations and the  
6           characteristics of such populations, and shall  
7           publish a list of the States and political subdivi-  
8           sions to which a voting-age population char-  
9           acteristic described in subsection (b) applies.

10                   “(B) PUBLICATION IN THE FEDERAL REG-  
11                   ISTER.—A determination (including a certifi-  
12                   cation) of the Attorney General under this  
13                   paragraph shall be effective upon publication in  
14                   the Federal Register.

15           “(b) COVERED PRACTICES.—To assure that the right  
16 of citizens of the United States to vote is not denied or  
17 abridged on account of race, color, or membership in a  
18 language minority group as a result of the implementation  
19 of certain qualifications or prerequisites to voting, or  
20 standards, practices, or procedures with respect to voting,  
21 newly adopted in a State or political subdivision, the fol-  
22 lowing shall be covered practices subject to the require-  
23 ments described in subsection (a):

24                   “(1) CHANGES TO METHOD OF ELECTION.—  
25           Any change to the method of election—

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

3                   “(i) two or more racial groups or lan-  
4                   guage minority groups each represent 20  
5                   percent or more of the voting-age popu-  
6                   lation in the State or political subdivision,  
7                   respectively; or

8                   “(ii) a single language minority group  
9                   represents 20 percent or more of the vot-  
10                  ing-age population on Indian lands located  
11                  in whole or in part in the State or political  
12                  subdivision; or

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

18                  “(i) two or more racial groups or lan-  
19                  guage minority groups each represent 20  
20                  percent or more of the voting-age popu-  
21                  lation in the State or political subdivision,  
22                  respectively; or

23                  “(ii) a single language minority group  
24                  represents 20 percent or more of the vot-  
25                  ing-age population on Indian lands located



1 in whole or in part in the State or political  
2 subdivision.

3 “(2) CHANGES TO POLITICAL SUBDIVISION  
4 BOUNDARIES.—Any change or series of changes  
5 within a year to the boundaries of a political subdivi-  
6 sion that reduces by 3 or more percentage points the  
7 percentage of the political subdivision’s voting-age  
8 population that is comprised of members of a single  
9 racial group or language minority group in the polit-  
10 ical subdivision where—

11 “(A) two or more racial groups or lan-  
12 guage minority groups each represent 20 per-  
13 cent or more of the political subdivision’s vot-  
14 ing-age population; or

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

19 “(3) CHANGES THROUGH REDISTRICTING.—  
20 Any change to the boundaries of districts for Fed-  
21 eral, State, or local elections in a State or political  
22 subdivision where any racial group or language mi-  
23 nority group that is not the largest racial group or  
24 language minority group in the jurisdiction and that  
25 represents 15 percent or more of the State or polit-

1 ical subdivision’s voting-age population experiences a  
2 population increase of at least 20 percent of its vot-  
3 ing-age population, over the preceding decade (as  
4 calculated by the Bureau of the Census under the  
5 most recent decennial census), in the jurisdiction.

6 “(4) CHANGES IN DOCUMENTATION OR QUALI-  
7 FICATIONS TO VOTE.—Any change to requirements  
8 for documentation or proof of identity to vote or reg-  
9 ister to vote in elections for Federal, State, or local  
10 offices that will exceed or be more stringent than  
11 such requirements under State law on the day before  
12 the date of enactment of the John R. Lewis Voting  
13 Rights Advancement Act of 2021.

14 “(5) CHANGES TO MULTILINGUAL VOTING MA-  
15 TERIALS.—Any change that reduces multilingual  
16 voting materials or alters the manner in which such  
17 materials are provided or distributed, where no simi-  
18 lar reduction or alteration occurs in materials pro-  
19 vided in English for such election.

20 “(6) CHANGES THAT REDUCE, CONSOLIDATE,  
21 OR RELOCATE VOTING LOCATIONS, OR REDUCE VOT-  
22 ING OPPORTUNITIES.—Any change that reduces,  
23 consolidates, or relocates voting locations in elections  
24 for Federal, State, or local office, including early,  
25 absentee, and election-day voting locations, or re-

1       duces days or hours of in-person voting on any Sun-  
2       day during a period occurring prior to the date of  
3       an election for Federal, State, or local office during  
4       which voters may cast ballots in such election, or  
5       prohibits the provision of food or non-alcoholic drink  
6       to persons waiting to vote in an election for Federal,  
7       State, or local office, except where the provision  
8       would violate prohibitions on expenditures to influ-  
9       ence voting, if the location change, reduction in days  
10      or hours, or prohibition applies—

11               “(A) in one or more census tracts in which  
12               two or more language minority groups or racial  
13               groups each represent 20 percent or more of  
14               the voting-age population; or

15               “(B) on Indian lands in which at least 20  
16               percent of the voting-age population belongs to  
17               a single language minority group.

18               “(7) NEW LIST MAINTENANCE PROCESS.—Any  
19               change to the maintenance process for voter reg-  
20               istration lists that adds a new basis for removal  
21               from the list of active voters registered to vote in  
22               elections for Federal, State, or local office, or that  
23               incorporates new sources of information in deter-  
24               mining a voter’s eligibility to vote in elections for  
25               Federal, State, or local office, if such a change

1 would have a statistically significant disparate im-  
2 pact, concerning the removal from voter rolls, on  
3 members of racial groups or language minority  
4 groups that constitute greater than 5 percent of the  
5 voting-age population—

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

8 “(i) two or more racial groups or lan-  
9 guage minority groups each represent 20  
10 percent or more of the voting-age popu-  
11 lation of the political subdivision; or

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

17 “(B) in the case of a State imposing such  
18 change, if two or more racial groups or lan-  
19 guage minority groups each represent 20 per-  
20 cent or more of the voting-age population of—

21 “(i) the State; or

22 “(ii) a political subdivision in the  
23 State, except that the requirements under  
24 subsections (a) and (c) shall apply only

1 with respect to each such political subdivi-  
2 sion individually.

3 “(c) PRECLEARANCE.—

4 “(1) IN GENERAL.—

5 “(A) ACTION .—Whenever a State or polit-  
6 ical subdivision with respect to which the re-  
7 quirements set forth in subsection (a) are in ef-  
8 fect shall enact, adopt, or seek to implement  
9 any covered practice described under subsection  
10 (b), such State or subdivision may institute an  
11 action in the United States District Court for  
12 the District of Columbia for a declaratory judg-  
13 ment that such covered practice neither has the  
14 purpose nor will have the effect of denying or  
15 abridging the right to vote on account of race,  
16 color, or membership in a language minority  
17 group, and unless and until the court enters  
18 such judgment such covered practice shall not  
19 be implemented.

20 “(B) SUBMISSION TO ATTORNEY GEN-  
21 ERAL.—

22 “(i) IN GENERAL.—Notwithstanding  
23 subparagraph (A), such covered practice  
24 may be implemented without such pro-  
25 ceeding if the covered practice has been

1 submitted by the chief legal officer or other  
2 appropriate official of such State or sub-  
3 division to the Attorney General and the  
4 Attorney General has not interposed an ob-  
5 jection within 60 days after such submis-  
6 sion, or upon good cause shown, to facili-  
7 tate an expedited approval within 60 days  
8 after such submission, the Attorney Gen-  
9 eral has affirmatively indicated that such  
10 objection will not be made. For purposes of  
11 determining whether expedited consider-  
12 ation of approval is required under this  
13 subparagraph or section 5(a), an exigency  
14 such as a natural disaster, that requires a  
15 change in a voting qualification or pre-  
16 requisite to voting or standard, practice, or  
17 procedure with respect to voting during the  
18 period of 30 days before a Federal election,  
19 shall be considered to be good cause re-  
20 quiring that expedited consideration.

21 “(ii) EFFECT OF INDICATION.—Nei-  
22 ther an affirmative indication by the Attor-  
23 ney General that no objection will be made,  
24 nor the Attorney General’s failure to ob-  
25 ject, nor a declaratory judgment entered

1 under this subsection shall bar a subse-  
2 quent action to enjoin implementation of  
3 such covered practice. In the event the At-  
4 torney General affirmatively indicates that  
5 no objection will be made within the 60-  
6 day period following receipt of a submis-  
7 sion, the Attorney General may reserve the  
8 right to reexamine the submission if addi-  
9 tional information comes to the Attorney  
10 General's attention during the remainder  
11 of the 60-day period which would otherwise  
12 require objection in accordance with this  
13 subsection.

14 “(C) COURT.—Any action under this sub-  
15 section shall be heard and determined by a  
16 court of three judges in accordance with the  
17 provisions of section 2284 of title 28, United  
18 States Code, and any appeal shall lie to the Su-  
19 preme Court.

20 “(2) DENYING OR ABRIDGING THE RIGHT TO  
21 VOTE.—Any covered practice described in subsection  
22 (b) that has the purpose of or will have the effect  
23 of diminishing the ability of any citizens of the  
24 United States on account of race, color, or member-  
25 ship in a language minority group, to elect their pre-

1       ferred candidates of choice denies or abridges the  
2       right to vote within the meaning of paragraph (1).

3           “(3) PURPOSE DEFINED.—The term ‘purpose’  
4       in paragraphs (1) and (2) shall include any discrimi-  
5       natory purpose.

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

10       “(d) ENFORCEMENT.—The Attorney General or any  
11       aggrieved citizen may file an action in a district court of  
12       the United States to compel any State or political subdivi-  
13       sion to satisfy the obligations set forth in this section.  
14       Such an action shall be heard and determined by a court  
15       of three judges under section 2284 of title 28, United  
16       States Code. In any such action, the court shall provide  
17       as a remedy that implementation of any voting qualifica-  
18       tion or prerequisite to voting, or standard, practice, or  
19       procedure with respect to voting, that is the subject of the  
20       action under this subsection be enjoined unless the court  
21       determines that—

22           “(1) the voting qualification or prerequisite to  
23       voting, or standard, practice, or procedure with re-  
24       spect to voting, is not a covered practice described  
25       in subsection (b); or



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

4           “(e) COUNTING OF RACIAL GROUPS AND LANGUAGE  
5           MINORITY GROUPS.—For purposes of this section, the cal-  
6           culation of the population of a racial group or a language  
7           minority group shall be carried out using the methodology  
8           in the guidance of the Department of Justice entitled  
9           ‘Guidance Concerning Redistricting Under Section 5 of  
10          the Voting Rights Act; Notice’ (76 Fed. Reg. 7470 (Feb-  
11          ruary 9, 2011)).

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

17          “(g) MULTILINGUAL VOTING MATERIALS.—In this  
18          section, the term ‘multilingual voting materials’ means  
19          registration or voting notices, forms, instructions, assist-  
20          ance, or other materials or information relating to the  
21          electoral process, including ballots, provided in the lan-  
22          guage or languages of one or more language minority  
23          groups.”.

1 **SEC. 106. PROMOTING TRANSPARENCY TO ENFORCE THE**  
2 **VOTING RIGHTS ACT.**

3 (a) TRANSPARENCY.—The Voting Rights Act of 1965  
4 (52 U.S.C. 10301 et seq.) is amended by inserting after  
5 section 5 the following:

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

8 “(a) NOTICE OF ENACTED CHANGES.—

9 “(1) NOTICE OF CHANGES.—If a State or polit-  
10 ical subdivision makes any change in any qualifica-  
11 tion or prerequisite to voting or standard, practice,  
12 or procedure with respect to voting in any election  
13 for Federal office that will result in the qualification  
14 or prerequisite, standard, practice, or procedure  
15 being different from that which was in effect as of  
16 180 days before the date of the election for Federal  
17 office, the State or political subdivision shall provide  
18 reasonable public notice in such State or political  
19 subdivision and on the website of the State or polit-  
20 ical subdivision, of a concise description of the  
21 change, including the difference between the  
22 changed qualification or prerequisite, standard, prac-  
23 tice, or procedure and the qualification, prerequisite,  
24 standard, practice, or procedure which was pre-  
25 viously in effect. The public notice described in this  
26 paragraph, in such State or political subdivision and

1 on the website of a State or political subdivision,  
2 shall be in a format that is reasonably convenient  
3 and accessible to persons with disabilities who are el-  
4 igible to vote, including persons who have low vision  
5 or are blind.

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

10 “(b) TRANSPARENCY REGARDING POLLING PLACE  
11 RESOURCES.—

12 “(1) IN GENERAL.—In order to identify any  
13 changes that may impact the right to vote of any  
14 person, prior to the 30th day before the date of an  
15 election for Federal office, each State or political  
16 subdivision with responsibility for allocating reg-  
17 istered voters, voting machines, and official poll  
18 workers to particular precincts and polling places  
19 shall provide reasonable public notice in such State  
20 or political subdivision and on the website of a State  
21 or political subdivision, of the information described  
22 in paragraph (2) for precincts and polling places  
23 within such State or political subdivision. The public  
24 notice described in this paragraph, in such State or  
25 political subdivision and on the website of a State or

1 political subdivision, shall be in a format that is rea-  
2 sonably convenient and accessible to persons with  
3 disabilities who are eligible to vote, including persons  
4 who have low vision or are blind.

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

8 “(A) The name or number.

9 “(B) In the case of a polling place, the lo-  
10 cation, including the street address, and wheth-  
11 er such polling place is accessible to persons  
12 with disabilities.

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

18 “(D) The number of registered voters as-  
19 signed to the precinct or polling place, broken  
20 down by demographic group if such breakdown  
21 is reasonably available to such State or political  
22 subdivision.

23 “(E) The number of voting machines as-  
24 signed, including the number of voting ma-  
25 chines accessible to persons with disabilities

1           who are eligible to vote, including persons who  
2           have low vision or are blind.

3           “(F) The number of official paid poll  
4           workers assigned.

5           “(G) The number of official volunteer poll  
6           workers assigned.

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

9           “(3) UPDATES IN INFORMATION REPORTED.—  
10          If a State or political subdivision makes any change  
11          in any of the information described in paragraph  
12          (2), the State or political subdivision shall provide  
13          reasonable public notice in such State or political  
14          subdivision and on the website of a State or political  
15          subdivision, of the change in the information not  
16          later than 48 hours after the change occurs or, if  
17          the change occurs fewer than 48 hours before the  
18          date of the election for Federal office, as soon as  
19          practicable after the change occurs. The public no-  
20          tice described in this paragraph and published on  
21          the website of a State or political subdivision shall  
22          be in a format that is reasonably convenient and ac-  
23          cessible to persons with disabilities who are eligible  
24          to vote, including persons who have low vision or are  
25          blind.

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

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

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

21           “(A) The State as a whole, if the change  
22 applies statewide, or the political subdivision as  
23 a whole, if the change applies across the entire  
24 political subdivision.

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

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

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

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

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

18          “(C)(i) If the change applies to a State,  
19          the actual number of votes, or (if it is not rea-  
20          sonably practicable for the State to ascertain  
21          the actual number of votes) the estimated num-  
22          ber of votes received by each candidate in each  
23          statewide election held during the 5-year period  
24          which ends on the date the change involved is  
25          made; and

1           “(ii) if the change applies to only one polit-  
2           ical subdivision, the actual number of votes, or  
3           (if it is not reasonably practicable for the polit-  
4           ical subdivision to ascertain the actual number  
5           of votes) the estimated number of votes in each  
6           subdivision-wide election held during the 5-year  
7           period which ends on the date the change in-  
8           volved is made.

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

13               “(A) A county or parish.

14               “(B) A municipality with a population  
15               greater than 10,000, as determined by the Bu-  
16               reau of the Census under the most recent de-  
17               cennial census.

18               “(C) A school district with a population  
19               greater than 10,000, as determined by the Bu-  
20               reau of the Census under the most recent de-  
21               cennial census. For purposes of this subpara-  
22               graph, the term ‘school district’ means the geo-  
23               graphic area under the jurisdiction of a local  
24               educational agency (as defined in section 8101



1 of the Elementary and Secondary Education  
2 Act of 1965).

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

8 “(e) NO DENIAL OF RIGHT TO VOTE.—The right to  
9 vote of any person shall not be denied or abridged because  
10 the person failed to comply with any change made by a  
11 State or political subdivision to a voting qualification, pre-  
12 requisite, standard, practice, or procedure if the State or  
13 political subdivision involved did not meet the applicable  
14 requirements of this section with respect to the change.

15 “(f) DEFINITIONS.—In this section—

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

21 “(2) the term ‘election for Federal office’ means  
22 any general, special, primary, or runoff election held  
23 solely or in part for the purpose of electing any can-  
24 didate for the office of President, Vice President,  
25 Presidential elector, Senator, Member of the House

1 of Representatives, or Delegate or Resident Commis-  
2 sioner to the Congress; and

3 “(3) the term ‘persons with disabilities’, means  
4 individuals with a disability, as defined in section 3  
5 of the Americans with Disabilities Act of 1990.”

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

10 **SEC. 107. AUTHORITY TO ASSIGN OBSERVERS.**

11 (a) CLARIFICATION OF AUTHORITY IN POLITICAL  
12 SUBDIVISIONS SUBJECT TO PRECLEARANCE.—Section  
13 8(a)(2)(B) of the Voting Rights Act of 1965 (52 U.S.C.  
14 10305(a)(2)(B)) is amended to read as follows:

15 “(B) in the Attorney General’s judgment,  
16 the assignment of observers is otherwise nec-  
17 essary to enforce the guarantees of the 14th or  
18 15th Amendment or any provision of this Act  
19 or any other Federal law protecting the right of  
20 citizens of the United States to vote; or”

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

24 (1) by striking “or” at the end of paragraph

25 (1);

1           (2) by inserting after paragraph (2) the fol-  
2           lowing:

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

5                   “(A) the Attorney General has received  
6                   written meritorious complaints from residents,  
7                   elected officials, or civic participation organiza-  
8                   tions that efforts to violate section 203 are like-  
9                   ly to occur; or

10                   “(B) in the Attorney General’s judgment,  
11                   the assignment of observers is necessary to en-  
12                   force the guarantees of section 203;” and

13           (3) by moving the margin for the continuation  
14           text following paragraph (3), as added by paragraph  
15           (2) of this subsection, 2 ems to the left.

16           (c) TRANSFERRAL OF AUTHORITY OVER OBSERVERS  
17           TO THE ATTORNEY GENERAL.—

18                   (1) ENFORCEMENT PROCEEDINGS.—Section  
19                   3(a) of the Voting Rights Act of 1965 (52 U.S.C.  
20                   10302(a)) is amended by striking “United States  
21                   Civil Service Commission in accordance with section  
22                   6” and inserting “Attorney General in accordance  
23                   with section 8”.

1           (2) OBSERVERS; APPOINTMENT AND COM-  
2           PENSATION.—Section 8 of the Voting Rights Act of  
3           1965 (52 U.S.C. 10305) is amended—

4                   (A) in subsection (a), in the flush matter  
5                   at the end, by striking “Director of the Office  
6                   of Personnel Management shall assign as many  
7                   observers for such subdivision as the Director”  
8                   and inserting “Attorney General shall assign as  
9                   many observers for such subdivision as the At-  
10                  torney General”;

11                  (B) in subsection (e), by striking “Director  
12                  of the Office of Personnel Management” and  
13                  inserting “Attorney General”; and

14                  (C) in subsection (e), by adding at the end  
15                  the following: “The Director of the Office of  
16                  Personnel Management may, with the consent  
17                  of the Attorney General, assist in the selection,  
18                  recruitment, hiring, training, or deployment of  
19                  these or other individuals authorized by the At-  
20                  torney General for the purpose of observing  
21                  whether persons who are entitled to vote are  
22                  being permitted to vote and whether those votes  
23                  are being properly tabulated.”.

24           (3) TERMINATION OF CERTAIN APPOINTMENTS  
25           OF OBSERVERS.—Section 13(a)(1) of the Voting

1 Rights Act of 1965 (52 U.S.C. 10309(a)(1)) is  
2 amended by striking “notifies the Director of the Of-  
3 fice of Personnel Management,” and inserting “de-  
4 termines,”.

5 **SEC. 108. CLARIFICATION OF AUTHORITY TO SEEK RELIEF.**

6 (a) POLL TAX.—Section 10(b) of the Voting Rights  
7 Act of 1965 (52 U.S.C. 10306(b)) is amended by striking  
8 “the Attorney General is authorized and directed to insti-  
9 tute forthwith in the name of the United States such ac-  
10 tions,” and inserting “an aggrieved person or (in the name  
11 of the United States) the Attorney General may institute  
12 such actions”.

13 (b) CAUSE OF ACTION.—Section 12(d) of the Voting  
14 Rights Act of 1965 (52 U.S.C. 10308(d)) is amended to  
15 read as follows:

16 “(d) Whenever there are reasonable grounds to be-  
17 lieve that any person has engaged in, or is about to engage  
18 in, any act or practice that would (1) deny any citizen  
19 the right to register, to cast a ballot, or to have that ballot  
20 counted properly and included in the appropriate totals  
21 of votes cast in violation of the 14th, 15th, 19th, 24th,  
22 or 26th Amendments to the Constitution of the United  
23 States, (2) violate subsection (a) or (b) of section 11, or  
24 (3) violate any other provision of this Act or any other  
25 Federal voting rights law that prohibits discrimination on

1 the basis of race, color, or membership in a language mi-  
2 nority group, an aggrieved person or (in the name of the  
3 United States) the Attorney General may institute an ac-  
4 tion for preventive relief, including an application for a  
5 temporary or permanent injunction, restraining order, or  
6 other appropriate order. Nothing in this subsection shall  
7 be construed to create a cause of action for civil enforce-  
8 ment of criminal provisions of this or any other Act.”.

9 (c) JUDICIAL RELIEF.—Section 204 of the Voting  
10 Rights Act of 1965 (52 U.S.C. 10504) is amended by  
11 striking the first sentence and inserting the following:  
12 “Whenever there are reasonable grounds to believe that  
13 a State or political subdivision has engaged or is about  
14 to engage in any act or practice prohibited by a provision  
15 of this title, an aggrieved person or (in the name of the  
16 United States) the Attorney General may institute an ac-  
17 tion in a district court of the United States, for a restrain-  
18 ing order, a preliminary or permanent injunction, or such  
19 other order as may be appropriate.”.

20 (d) ENFORCEMENT OF TWENTY-SIXTH AMEND-  
21 MENT.—Section 301(a)(1) of the Voting Rights Act of  
22 1965 (52 U.S.C. 10701(a)(1)) is amended to read as fol-  
23 lows:

24 “(a)(1) An aggrieved person or (in the name of the  
25 United States) the Attorney General may institute an ac-

1 tion in a district court of the United States, for a restrain-  
2 ing order, a preliminary or permanent injunction, or such  
3 other order as may be appropriate to implement the 26th  
4 Amendment to the Constitution of the United States.”.

5 **SEC. 109. PREVENTIVE RELIEF.**

6 Section 12(d) of the Voting Rights Act of 1965 (52  
7 U.S.C. 10308(d)), as amended by section 108, is further  
8 amended by adding at the end the following:

9 “(2)(A) In considering any motion for preliminary re-  
10 lief in any action for preventive relief described in this sub-  
11 section, the court shall grant the relief if the court deter-  
12 mines that the complainant has raised a serious question  
13 as to whether the challenged voting qualification or pre-  
14 requisite to voting or standard, practice, or procedure vio-  
15 lates any of the provisions listed in section 11(a)(1) of the  
16 John R. Lewis Voting Rights Advancement Act and, on  
17 balance, the hardship imposed on the defendant by the  
18 grant of the relief will be less than the hardship which  
19 would be imposed on the plaintiff if the relief were not  
20 granted.

21 “(B) In making its determination under this para-  
22 graph with respect to a change in any voting qualification,  
23 prerequisite to voting, or standard, practice, or procedure  
24 with respect to voting, the court shall consider all relevant

1 factors and give due weight to the following factors, if they  
2 are present:

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

7                   “(I) discrimination on the basis of race or  
8                   color in violation of the 14th or 15th Amend-  
9                   ment to the Constitution of the United States;

10                   “(II) a violation of the 19th, 24th, or 26th  
11                   Amendments to the Constitution of the United  
12                   States;

13                   “(III) a violation of this Act; or

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

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

22                   “(I) discrimination on the basis of race or  
23                   color in violation of the 14th or 15th Amend-  
24                   ment to the Constitution of the United States;



1                   “(II) a violation of the 19th, 24th, or 26th  
2                   Amendment to the Constitution of the United  
3                   States;

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

5                   “(IV) 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 or takes ef-  
12                  fect.

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

17                  “(3) A jurisdiction’s inability to enforce its voting or  
18                  election laws, regulations, policies, or redistricting plans,  
19                  standing alone, shall not be deemed to constitute irrep-  
20                  arable harm to the public interest or to the interests of  
21                  a defendant in an action arising under the Constitution  
22                  or any Federal law that prohibits discrimination on the  
23                  basis of race, color, or membership in a language minority  
24                  group in the voting process, for the purposes of deter-  
25                  mining whether a stay of a court’s order or an interlocu-

1 tory appeal under section 1253 of title 28, United States  
2 Code, is warranted.”.

3 **SEC. 110. BILINGUAL ELECTION REQUIREMENTS.**

4 Section 203(b)(1) of the Voting Rights Act of 1965  
5 (52 U.S.C. 10503(b)(1)) is amended by striking “2032”  
6 and inserting “2037”.

7 **SEC. 111. RELIEF FOR VIOLATIONS OF VOTING RIGHTS**  
8 **LAWS.**

9 (a) IN GENERAL.—

10 (1) RELIEF FOR VIOLATIONS OF VOTING  
11 RIGHTS LAWS.—In this section, the term “prohibited  
12 act or practice” means—

13 (A) any act or practice—

14 (i) that creates an undue burden on  
15 the fundamental right to vote in violation  
16 of the 14th Amendment to the Constitu-  
17 tion of the United States or violates the  
18 Equal Protection Clause of the 14th  
19 Amendment to the Constitution of the  
20 United States; or

21 (ii) that is prohibited by the 15th,  
22 19th, 24th, or 26th Amendment to the  
23 Constitution of the United States, section  
24 2004 of the Revised Statutes (52 U.S.C.  
25 10101), the Voting Rights Act of 1965 (52

1 U.S.C. 10301 et seq.), the National Voter  
2 Registration Act of 1993 (52 U.S.C.  
3 20501 et seq.), the Uniformed and Over-  
4 seas Citizens Absentee Voting Act (52  
5 U.S.C. 20301 et seq.), the Help America  
6 Vote Act of 2002 (52 U.S.C. 20901 et  
7 seq.), the Voting Accessibility for the El-  
8 derly and Handicapped Act (52 U.S.C.  
9 20101 et seq.), or section 2003 of the Re-  
10 vised Statutes (52 U.S.C. 10102); and

11 (B) any act or practice in violation of any  
12 Federal law that prohibits discrimination with  
13 respect to voting, including the Americans with  
14 Disabilities Act of 1990 (42 U.S.C. 12101 et  
15 seq.).

16 (2) **RULE OF CONSTRUCTION.**—Nothing in this  
17 section shall be construed to diminish the authority  
18 or scope of authority of any person to bring an ac-  
19 tion under any Federal law.

20 (3) **ATTORNEY’S FEES.**—Section 722(b) of the  
21 Revised Statutes (42 U.S.C. 1988(b)) is amended by  
22 inserting “a provision described in section 111(a)(1)  
23 of the John R. Lewis Voting Rights Advancement  
24 Act of 2021,” after “title VI of the Civil Rights Act  
25 of 1964,”.

1           (b) GROUND FOR EQUITABLE RELIEF.—In any ac-  
2 tion for equitable relief pursuant to a law listed under sub-  
3 section (a), proximity of the action to an election shall not  
4 be a valid reason to deny such relief, or stay the operation  
5 of or vacate the issuance of such relief, unless the party  
6 opposing the issuance or continued operation of relief  
7 meets the burden of proving by clear and convincing evi-  
8 dence that the issuance of the relief would be so close in  
9 time to the election as to cause irreparable harm to the  
10 public interest or that compliance with such relief would  
11 impose serious burdens on the party opposing relief.

12           (1) IN GENERAL.—In considering whether to  
13 grant, deny, stay, or vacate any order of equitable  
14 relief, the court shall give substantial weight to the  
15 public’s interest in expanding access to the right to  
16 vote. A State’s generalized interest in enforcing its  
17 enacted laws shall not be a relevant consideration in  
18 determining whether equitable relief is warranted.

19           (2) PRESUMPTIVE SAFE HARBOR.—Where equi-  
20 table relief is sought either within 30 days of the  
21 adoption or reasonable public notice of the chal-  
22 lenged policy or practice, or more than 45 days be-  
23 fore the date of an election to which the relief being  
24 sought will apply, proximity to the election will be

1       presumed not to constitute a harm to the public in-  
2       terest or a burden on the party opposing relief.

3       (c) GROUND S FOR STAY OR VACATUR IN FEDERAL  
4 CLAIMS INVOLVING VOTING RIGHTS.—

5           (1) PROSPECTIVE EFFECT.—In reviewing an  
6 application for a stay or vacatur of equitable relief  
7 granted pursuant to a law listed in subsection (a),  
8 a court shall give substantial weight to the reliance  
9 interests of citizens who acted pursuant to such  
10 order under review. In fashioning a stay or vacatur,  
11 a reviewing court shall not order relief that has the  
12 effect of denying or abridging the right to vote of  
13 any citizen who has acted in reliance on the order.

14           (2) WRITTEN EXPLANATION.—No stay or  
15 vacatur under this subsection shall issue unless the  
16 reviewing court makes specific findings that the pub-  
17 lic interest, including the public's interest in expand-  
18 ing access to the ballot, will be harmed by the con-  
19 tinuing operation of the equitable relief or that com-  
20 pliance with such relief will impose serious burdens  
21 on the party seeking such a stay or vacatur such  
22 that those burdens substantially outweigh the bene-  
23 fits to the public interest. In reviewing an applica-  
24 tion for a stay or vacatur of equitable relief, findings

1 of fact made in issuing the order under review shall  
2 not be set aside unless clearly erroneous.

3 **SEC. 112. PROTECTION OF TABULATED VOTES.**

4 The Voting Rights Act of 1965 (52 U.S.C. 10307)  
5 is amended—

6 (1) in section 11—

7 (A) by amending subsection (a) to read as  
8 follows:

9 “(a) No person acting under color of law shall—

10 “(1) fail or refuse to permit any person to vote  
11 who is entitled to vote under Federal law or is other-  
12 wise qualified to vote;

13 “(2) willfully fail or refuse to tabulate, count,  
14 and report such person’s vote; or

15 “(3) willfully fail or refuse to certify the aggre-  
16 gate tabulations of such persons’ votes or certify the  
17 election of the candidates receiving sufficient such  
18 votes to be elected to office.”; and

19 (B) in subsection (b), by inserting “sub-  
20 section (a) or” after “duties under”; and

21 (2) in section 12—

22 (A) in subsection (b)—

23 (i) by striking “a year following an  
24 election in a political subdivision in which  
25 an observer has been assigned” and insert-

1 ing “22 months following an election for  
2 Federal office”; and

3 (ii) by adding at the end the fol-  
4 lowing: “Whenever the Attorney General  
5 has reasonable grounds to believe that any  
6 person has engaged in or is about to en-  
7 gage in an act in violation of this sub-  
8 section, the Attorney General may institute  
9 (in the name of the United States) a civil  
10 action in Federal district court seeking ap-  
11 propriate relief.”;

12 (B) in subsection (c), by inserting “or so-  
13 licits a violation of” after “conspires to violate”;  
14 and

15 (C) in subsection (e), by striking the first  
16 and second sentences and inserting the fol-  
17 lowing: “If, after the closing of the polls in an  
18 election for Federal office, persons allege that  
19 notwithstanding (1) their registration by an ap-  
20 propriate election official and (2) their eligi-  
21 bility to vote in the political subdivision, their  
22 ballots have not been counted in such election,  
23 and if upon prompt receipt of notifications of  
24 these allegations, the Attorney General finds  
25 such allegations to be well founded, the Attor-

1           ney General may forthwith file with the district  
2           court an application for an order providing for  
3           the counting and certification of the ballots of  
4           such persons and requiring the inclusion of  
5           their votes in the total vote for all applicable of-  
6           fices before the results of such election shall be  
7           deemed final and any force or effect given  
8           thereto.”.

9   **SEC. 113. ENFORCEMENT OF VOTING RIGHTS BY ATTORNEY**

10                           **GENERAL.**

11           Section 12 of the Voting Rights Act of 1965 (52  
12   U.S.C. 10308), as amended by this Act, is further amend-  
13   ed by adding at the end the following:

14           “(g) VOTING RIGHTS ENFORCEMENT BY ATTORNEY  
15   GENERAL.—

16           “(1) IN GENERAL.—In order to fulfill the At-  
17   torney General’s responsibility to enforce this Act  
18   and other Federal laws that protect the right to  
19   vote, the Attorney General (or upon designation by  
20   the Attorney General, the Assistant Attorney Gen-  
21   eral for Civil Rights) is authorized, before com-  
22   mencing a civil action, to issue a demand for inspec-  
23   tion and information in writing to any State or polit-  
24   ical subdivision, or other governmental representa-  
25   tive or agent, with respect to any relevant documen-



1 tary material that the Attorney General has reason  
2 to believe is within their possession, custody, or con-  
3 trol. A demand by the Attorney General under this  
4 subsection may require—

5 “(A) the production of such documentary  
6 material for inspection and copying;

7 “(B) answers in writing to written ques-  
8 tions with respect to such documentary mate-  
9 rial; or

10 “(C) both the production described under  
11 subparagraph (A) and the answers described  
12 under subparagraph (B).

13 “(2) CONTENTS OF AN ATTORNEY GENERAL  
14 DEMAND.—

15 “(A) IN GENERAL.—Any demand issued  
16 under paragraph (1), shall include a sworn cer-  
17 tificate to identify the voting qualification or  
18 prerequisite to voting or standard, practice, or  
19 procedure with respect to voting, or other vot-  
20 ing related matter or issue, whose lawfulness  
21 the Attorney General is investigating and to  
22 identify the Federal law that protects the right  
23 to vote under which the investigation is being  
24 conducted. The demand shall be reasonably cal-  
25 culated to lead to the discovery of documentary

1 material and information relevant to such inves-  
2 tigation. Documentary material includes any  
3 material upon which relevant information is re-  
4 corded, and includes written or printed mate-  
5 rials, photographs, tapes, or materials upon  
6 which information is electronically or magneti-  
7 cally recorded. Such demands shall be aimed at  
8 the Attorney General having the ability to in-  
9 spect and obtain copies of relevant materials (as  
10 well as obtain information) related to voting  
11 and are not aimed at the Attorney General tak-  
12 ing possession of original records, particularly  
13 those that are required to be retained by State  
14 and local election officials under Federal or  
15 State law.

16 “(B) NO REQUIREMENT FOR PRODUC-  
17 TION.—Any demand issued under paragraph  
18 (1) may not require the production of any docu-  
19 mentary material or the submission of any an-  
20 swers in writing to written questions if such  
21 material or answers would be protected from  
22 disclosure under the standards applicable to  
23 discovery requests under the Federal Rules of  
24 Civil Procedure in an action in which the Attor-  
25 ney General or the United States is a party.

1           “(C) DOCUMENTARY MATERIAL.—If the  
2 demand issued under paragraph (1) requires  
3 the production of documentary material, it  
4 shall—

5           “(i) identify the class of documentary  
6 material to be produced with such definite-  
7 ness and certainty as to permit such mate-  
8 rial to be fairly identified; and

9           “(ii) prescribe a return date for pro-  
10 duction of the documentary material at  
11 least 20 days after issuance of the demand  
12 to give the State or political subdivision, or  
13 other governmental representative or  
14 agent, a reasonable period of time for as-  
15 sembling the documentary material and  
16 making it available for inspection and  
17 copying.

18           “(D) ANSWERS TO WRITTEN QUES-  
19 TIONS.—If the demand issued under paragraph  
20 (1) requires answers in writing to written ques-  
21 tions, it shall—

22           “(i) set forth with specificity the writ-  
23 ten question to be answered; and

24           “(ii) prescribe a date at least 20 days  
25 after the issuance of the demand for sub-

1           mitting answers in writing to the written  
2           questions.

3           “(E) SERVICE.—A demand issued under  
4           paragraph (1) may be served by a United  
5           States marshal or a deputy marshal, or by cer-  
6           tified mail, at any place within the territorial  
7           jurisdiction of any court of the United States.

8           “(3) RESPONSES TO AN ATTORNEY GENERAL  
9           DEMAND.—A State or political subdivision, or other  
10          governmental representative or agent, shall, with re-  
11          spect to any documentary material or any answer in  
12          writing produced under this subsection, provide a  
13          sworn certificate, in such form as the demand issued  
14          under paragraph (1) designates, by a person having  
15          knowledge of the facts and circumstances relating to  
16          such production or written answer, authorized to act  
17          on behalf of the State or political subdivision, or  
18          other governmental representative or agent, upon  
19          which the demand was served. The certificate—

20                 “(A) shall state that—

21                         “(i) all of the documentary material  
22                         required by the demand and in the posses-  
23                         sion, custody, or control of the State or po-  
24                         litical subdivision, or other governmental  
25                         representative or agent, has been produced;

1                   “(ii) with respect to every answer in  
2                   writing to a written question, all informa-  
3                   tion required by the question and in the  
4                   possession, custody, control, or knowledge  
5                   of the State or political subdivision, or  
6                   other governmental representative or  
7                   agent, has been submitted; or

8                   “(iii) the requirements described in  
9                   both clause (i) and clause (ii) have been  
10                  met; or

11                  “(B) provide the basis for any objection to  
12                  producing the documentary material or answer-  
13                  ing the written question.

14                  To the extent that any information is not furnished,  
15                  the information shall be identified and reasons set  
16                  forth with particularity regarding the reasons why  
17                  the information was not furnished.

18                  “(4) JUDICIAL PROCEEDINGS.—

19                  “(A) PETITION FOR ENFORCEMENT.—  
20                  Whenever any State or political subdivision, or  
21                  other governmental representative or agent,  
22                  fails to comply with demand issued by the At-  
23                  torney General under paragraph (1), the Attor-  
24                  ney General may file, in a district court of the  
25                  United States in which the State or political

1 subdivision, or other governmental representa-  
2 tive or agent, is located, a petition for a judicial  
3 order enforcing the Attorney General demand  
4 issued under paragraph (1).

5 “(B) PETITION TO MODIFY.—

6 “(i) IN GENERAL.—Any State or po-  
7 litical subdivision, or other governmental  
8 representative or agent, that is served with  
9 a demand issued by the Attorney General  
10 under paragraph (1) may file in the United  
11 States District Court for the District of  
12 Columbia a petition for an order of the  
13 court to modify or set aside the demand of  
14 the Attorney General.

15 “(ii) PETITION TO MODIFY.—Any pe-  
16 tition to modify or set aside a demand of  
17 the Attorney General issued under para-  
18 graph (1) must be filed within 20 days  
19 after the date of service of the Attorney  
20 General’s demand or at any time before  
21 the return date specified in the Attorney  
22 General’s demand, whichever date is ear-  
23 lier.

24 “(iii) CONTENTS OF PETITION.—The  
25 petition shall specify each ground upon

1           which the petitioner relies in seeking relief  
2           under clause (i), and may be based upon  
3           any failure of the Attorney General’s de-  
4           mand to comply with the provisions of this  
5           section or upon any constitutional or other  
6           legal right or privilege of the State or po-  
7           litical subdivision, or other governmental  
8           representative or agent. During the pend-  
9           ency of the petition in the court, the court  
10          may stay, as it deems proper, the running  
11          of the time allowed for compliance with the  
12          Attorney General’s demand, in whole or in  
13          part, except that the State or political sub-  
14          division, or other governmental representa-  
15          tive or agent, filing the petition shall com-  
16          ply with any portions of the Attorney Gen-  
17          eral’s demand not sought to be modified or  
18          set aside.”.

19 **SEC. 114. DEFINITIONS.**

20           Title I of the Voting Rights Act of 1965 (52 U.S.C.  
21 10301) is amended by adding at the end the following:

22 **“SEC. 21. DEFINITIONS.**

23           “In this Act:

24                   “(1) INDIAN.—The term ‘Indian’ has the mean-  
25           ing given the term in section 4 of the Indian Self-

1 Determination and Education Assistance Act (25  
2 U.S.C. 5304).

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

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

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

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

17 “(D) any land that is part or all of a tribal  
18 designated statistical area associated with the  
19 Indian tribe, or is part or all of an Alaska Na-  
20 tive village statistical area associated with the  
21 tribe, as defined by the Bureau of the Census  
22 for the purposes of the most recent decennial  
23 census.

24 “(3) INDIAN TRIBE.—The term ‘Indian tribe’ or  
25 ‘tribe’ has the meaning given the term ‘Indian tribe’



1 in section 4 of the Indian Self-Determination and  
2 Education Assistance Act (25 U.S.C. 5304).

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

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

14 **SEC. 115. ATTORNEYS’ FEES.**

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

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

1 **SEC. 116. OTHER TECHNICAL AND CONFORMING AMEND-**  
2 **MENTS.**

3 (a) ACTIONS COVERED UNDER SECTION 3.—Section  
4 3(c) of the Voting Rights Act of 1965 (52 U.S.C.  
5 10302(c)) is amended—

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

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

14 (b) CLARIFICATION OF TREATMENT OF MEMBERS OF  
15 LANGUAGE MINORITY GROUPS.—Section 4(f) of such Act  
16 (52 U.S.C. 10303(f)) is amended—

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

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

20 (c) PERIOD DURING WHICH CHANGES IN VOTING  
21 PRACTICES ARE SUBJECT TO PRECLEARANCE UNDER  
22 SECTION 5.—Section 5 of such Act (52 U.S.C. 10304)  
23 is amended—

24 (1) in subsection (a), by striking “based upon  
25 determinations made under the first sentence of sec-

1       tion 4(b) are in effect” and inserting “are in effect  
2       during a calendar year”;

3           (2) in subsection (a), by striking “November 1,  
4       1964” and all that follows through “November 1,  
5       1972” and inserting “the applicable date of cov-  
6       erage”; and

7           (3) by adding at the end the following new sub-  
8       section:

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

11           “(1) June 25, 2013, if the most recent deter-  
12       mination for such State or subdivision under section  
13       4(b) was made on or before December 31, 2021; or

14           “(2) the date on which the most recent deter-  
15       mination for such State or subdivision under section  
16       4(b) was made, if such determination was made  
17       after December 31, 2021.”.

18       (d) REVIEW OF PRECLEARANCE SUBMISSION UNDER  
19     SECTION 5 DUE TO EXIGENCY.—Section 5 of such Act  
20     (52 U.S.C. 10304) is amended, in subsection (a), by in-  
21     serting “An exigency, including a natural disaster, inclem-  
22     ent weather, or other unforeseeable event, requiring such  
23     different qualification, prerequisite, standard, practice, or  
24     procedure within 30 days of a Federal, State, or local elec-  
25     tion shall constitute good cause requiring the Attorney

1 General to expedite consideration of the submission.” after  
2 “will not be made.”.

3 **SEC. 117. SEVERABILITY.**

4 If any provision of the John R. Lewis Voting Rights  
5 Advancement Act of 2021 or any amendment made by this  
6 title, or the application of such a provision or amendment  
7 to any person or circumstance, is held to be unconstitu-  
8 tional or is otherwise enjoined or unenforceable, the re-  
9 mainder of this title and amendments made by this title,  
10 and the application of the provisions and amendments to  
11 any other person or circumstance, and any remaining pro-  
12 vision of the Voting Rights Act of 1965 (52 U.S.C. 10301  
13 et seq.), shall not be affected by the holding. In addition,  
14 if any provision of the Voting Rights Act of 1965 (52  
15 U.S.C. 10301 et seq.), or any amendment to the Voting  
16 Rights Act of 1965, or the application of such a provision  
17 or amendment to any person or circumstance, is held to  
18 be unconstitutional or is otherwise enjoined or unenforce-  
19 able, the application of the provision and amendment to  
20 any other person or circumstance, and any remaining pro-  
21 visions of the Voting Rights Act of 1965, shall not be af-  
22 fected by the holding.

1 **SEC. 118. GRANTS TO ASSIST WITH NOTICE REQUIREMENTS**  
2 **UNDER THE VOTING RIGHTS ACT OF 1965.**

3 (a) **IN GENERAL.**—The Attorney General shall make  
4 grants each fiscal year to small jurisdictions who submit  
5 applications under subsection (b) for purposes of assisting  
6 such small jurisdictions with compliance with the require-  
7 ments of the Voting Rights Act of 1965 to submit or pub-  
8 lish notice of any change to a qualification, prerequisite,  
9 standard, practice or procedure affecting voting.

10 (b) **APPLICATION.**—To be eligible for a grant under  
11 this section, a small jurisdiction shall submit an applica-  
12 tion to the Attorney General in such form and containing  
13 such information as the Attorney General may require re-  
14 garding the compliance of such small jurisdiction with the  
15 provisions of the Voting Rights Act of 1965.

16 (c) **SMALL JURISDICTION DEFINED.**—For purposes  
17 of this section, the term “small jurisdiction” means any  
18 political subdivision of a State with a population of 10,000  
19 or less.

20 **TITLE II—ELECTION WORKER**  
21 **AND POLLING PLACE PRO-**  
22 **TECTION**

23 **SEC. 201. SHORT TITLE.**

24 This title may be cited as the “Election Worker and  
25 Polling Place Protection Act”.

1 **SEC. 202. FEDERALLY PROTECTED ACTIVITIES.**

2 Section 245 of title 18, United States Code, is  
3 amended—

4 (1) in subsection (b)—

5 (A) in the matter preceding paragraph (1),  
6 by striking “willfully” and inserting “, or vio-  
7 lence, or threat of harm to any person or prop-  
8 erty, intentionally”;

9 (B) in paragraph (1)(A), by inserting “, or  
10 any agent, contractor, or vendor of a legally au-  
11 thorized election official assisting in the admin-  
12 istration of any primary, special, or general  
13 election” before the semicolon at the end; and

14 (C) in the undesignated matter following  
15 paragraph (5)—

16 (i) by striking “one year” and insert-  
17 ing “3 years”; and

18 (ii) by striking “of this section” each  
19 place it appears and inserting “of this sub-  
20 section”;

21 (2) by redesignating subsections (c) and (d) as  
22 subsections (d) and (e), respectively; and

23 (3) by inserting after subsection (b) the fol-  
24 lowing:

25 “(c)(1) Whoever, whether or not acting under color  
26 of law, intentionally physically damages or threatens to

1 physically damage any physical property being used as a  
2 polling place or tabulation center or other election infra-  
3 structure shall be fined under this title, or imprisoned not  
4 more than 1 year, or both; and if bodily injury results  
5 from the acts committed in violation of this subsection or  
6 if such acts include the use, attempted use, or threatened  
7 use of a dangerous weapon, explosives, or fire shall be  
8 fined under this title, or imprisoned not more than 10  
9 years, or both; and if death results from the acts com-  
10 mitted in violation of this subsection or if such acts include  
11 kidnapping or an attempt to kidnap, aggravated sexual  
12 abuse or an attempt to commit aggravated sexual abuse,  
13 or an attempt to kill, shall be fined under this title or  
14 imprisoned for any term of years or for life, or both.

15       “(2) For purposes of this subsection, de minimus  
16 damage or threats of de minimus damage to physical prop-  
17 erty, such as graffiti, shall not be considered a violation  
18 of paragraph (1).

19       “(3) In this subsection, the term ‘election infrastruc-  
20 ture’ means any office of an election official, staff, worker,  
21 or volunteer or any physical, mechanical, or electrical de-  
22 vice, structure, or tangible item used in the process of cre-  
23 ating, distributing, voting, returning, counting, tabulating,  
24 auditing, storing, or other handling of voter registration  
25 or ballot information.”.

1     **TITLE III—NATIVE AMERICAN**  
2             **VOTING RIGHTS ACT**

3     **SEC. 301. SHORT TITLE.**

4             This title may be cited as the “Frank Harrison, Eliz-  
5 abeth Peratrovich, and Miguel Trujillo Native American  
6 Voting Rights Act of 2021”.

7     **SEC. 302. FINDINGS AND PURPOSES.**

8             (a) FINDINGS.—Congress finds the following:

9                     (1) The Constitution explicitly and implicitly  
10                    grants Congress broad general powers to legislate on  
11                    issues relating to Indian Tribes, powers consistently  
12                    described as plenary and exclusive. These powers  
13                    arise from the grant of authority in the Indian Com-  
14                    merce Clause and through legislative matters arising  
15                    under the Treaty Clause.

16                    (2) The Federal Government is responsible for  
17                    upholding the obligations to which the Federal Gov-  
18                    ernment has agreed through treaties, legislation, and  
19                    executive orders, referred to as the Federal trust re-  
20                    sponsibility toward Indian Tribes and their mem-  
21                    bers.

22                    (3) The Supreme Court has repeatedly relied on  
23                    the nature of this “government to government” rela-  
24                    tionship between the United States and sovereign  
25                    Indian Tribes for congressional authority to enact



1 “legislation that singles out Indians for particular  
2 and special treatment”. *Morton v. Mancari*, 417  
3 U.S. 535, 554–555 (1974).

4 (4) Legislation removing barriers to Native  
5 American voting is vital for the fulfillment of Con-  
6 gress’ “unique obligation” toward Indians, particu-  
7 larly ensuring that Native American voters are fully  
8 included as “qualified members of the modern body  
9 politic”. *Board of County Comm’rs v. Seber*, 318  
10 U.S. 705, 715 (1943).

11 (5) Under the Elections Clause of article I, sec-  
12 tion 4 of the Constitution, Congress has additional  
13 power to regulate any election conducted to select  
14 Members of Congress. Taken together, the Indian  
15 Commerce Clause and the Election Clause give Con-  
16 gress broad authority to enact legislation to safe-  
17 guard the voting rights of Native American voters.

18 (6) Despite Congress’ decision to grant Native  
19 Americans Federal citizenship, and with it the pro-  
20 tections of the Fifteenth Amendment, with passage  
21 of the Act of June 2, 1924 (Chapter 233; 43 Stat.  
22 253) (commonly known as the “Indian Citizenship  
23 Act of 1924”), States continued to deploy distinct  
24 methods for disenfranchising Indians by enacting  
25 statutes to exclude from voter rolls Indians living on

1 Indian lands, requiring that Indians first terminate  
2 their relationship with their Indian Tribe, restricting  
3 the right to vote on account of a Tribal member’s  
4 “guardianship” status, and imposing literacy tests.

5 (7) Barriers to voter access for Native Ameri-  
6 cans persist today, and such barriers range from ob-  
7 structing voter access to vote dilution and inten-  
8 tional malapportionment of electoral districts.

9 (8) The Native American Voting Rights Coali-  
10 tion’s nine field hearings in Indian Country and  
11 four-State survey of voter discrimination revealed a  
12 number of additional obstacles that Native Ameri-  
13 cans must overcome in some States, including—

14 (A) a lack of accessible registration and  
15 polling sites, either due to conditions such as  
16 geography, lack of paved roads, the absence of  
17 reliable and affordable broadband connectivity,  
18 and restrictions on the time, place, and manner  
19 that eligible people can register and vote, in-  
20 cluding unequal opportunities for absentee,  
21 early, mail-in, and in-person voting;

22 (B) nontraditional or nonexistent addresses  
23 for residents on Indian reservations, lack of res-  
24 idential mail delivery and pick up, reliance on  
25 distant post offices with abbreviated operating

1 hours for mail services, insufficient housing  
2 units, overcrowded homes, and high incidence of  
3 housing insecurity and homelessness, lack of ac-  
4 cess to vehicles, and disproportionate poverty  
5 which make voter registration, acquisition and  
6 dropping off of mail-in ballots, receipt of voting  
7 information and materials, and securing re-  
8 quired identification difficult, if not impossible;

9 (C) inadequate language assistance for  
10 Tribal members, including lack of outreach and  
11 publicity, the failure to provide complete, accu-  
12 rate, and uniform translations of all voting ma-  
13 terials in the relevant Native language, and an  
14 insufficient number of trained bilingual poll  
15 workers; and

16 (D) voter identification laws that discrimi-  
17 nate against Native Americans.

18 (9) The Department of Justice and courts also  
19 recognized that some jurisdictions have been unre-  
20 sponsive to reasonable requests from federally recog-  
21 nized Indian Tribes for more accessible voter reg-  
22 istration sites and in-person voting locations.

23 (10) According to the National Congress of  
24 American Indians, there is a wide gap between the  
25 voter registration and turnout rates of eligible Amer-

1        ican Indians and Alaska Natives and the voter reg-  
2        istration and turnout rates of non-Hispanic White  
3        and other racial and ethnic groups.

4            (11) Despite these obstacles, the Native Amer-  
5        ican vote continues to play a significant role in Fed-  
6        eral, State, and local elections.

7            (12) In Alaska, New Mexico, Oklahoma, and  
8        South Dakota, Native Americans, American Indians,  
9        and Alaska Natives comprise approximately 10 per-  
10       cent or more of the voting population.

11           (13) The Native American vote also holds great  
12       potential, with over 1,000,000 voters who are eligible  
13       to vote, but are not registered to vote.

14        (b) PURPOSES.—The purposes of this title are—

15            (1) to fulfill the Federal Government’s trust re-  
16       sponsibility to protect and promote Native Ameri-  
17       cans’ exercise of their constitutionally guaranteed  
18       right to vote, including the right to register to vote  
19       and the ability to access all mechanisms for voting;

20            (2) to establish Tribal administrative review  
21       procedures for a specific subset of State actions that  
22       have been used to restrict access to the polls on In-  
23       dian lands;

1           (3) to expand voter registration under the Na-  
2           tional Voter Registration Act of 1993 (52 U.S.C.  
3           20501 et seq.) to cover Federal facilities;

4           (4) to afford equal treatment to forms of identi-  
5           fication unique to Indian Tribes and their members;

6           (5) to ensure American Indians and Alaska Na-  
7           tives experiencing homelessness, housing insecurity,  
8           or lacking residential mail pickup and delivery can  
9           pool resources to pick up and return ballots;

10          (6) to clarify the obligations of States and polit-  
11          ical subdivisions regarding the provision of trans-  
12          lated voting materials for American Indians and  
13          Alaska Natives under section 203 of the Voting  
14          Rights Act of 1965 (52 U.S.C. 10503);

15          (7) to provide Tribal leaders with a direct path-  
16          way to request Federal election observers and to  
17          allow public access to the reports of those election  
18          observers;

19          (8) to study the prevalence of nontraditional or  
20          nonexistent mailing addresses in Native communities  
21          and identify solutions to voter access that arise from  
22          the lack of an address; and

23          (9) to direct the Department of Justice to con-  
24          sult on an annual basis with Indian Tribes on issues  
25          related to voting.

1 **SEC. 303. DEFINITIONS.**

2 In this title:

3 (1) ATTORNEY GENERAL.—The term “Attorney  
4 General” means the United States Attorney General.

5 (2) INDIAN.—The term “Indian” has the mean-  
6 ing given the term in section 4 of the Indian Self-  
7 Determination and Education Assistance Act (25  
8 U.S.C. 5304).

9 (3) INDIAN LANDS.—The term “Indian lands”  
10 includes—

11 (A) Indian country as defined under sec-  
12 tion 1151 of title 18, United States Code;

13 (B) any land in Alaska owned, pursuant to  
14 the Alaska Native Claims Settlement Act (43  
15 U.S.C. 1601 et seq.), by an Indian Tribe that  
16 is a Native village (as defined in section 3 of  
17 that Act (43 U.S.C. 1602)) or by a Village Cor-  
18 poration that is associated with an Indian Tribe  
19 (as defined in section 3 of that Act (43 U.S.C.  
20 1602));

21 (C) any land on which the seat of the Trib-  
22 al government is located; and

23 (D) any land that is part or all of a Tribal  
24 designated statistical area associated with an  
25 Indian Tribe, or is part or all of an Alaska Na-  
26 tive village statistical area associated with an

1 Indian Tribe, as defined by the Census Bureau  
2 for the purposes of the most recent decennial  
3 census.

4 (4) INDIAN TRIBE.—The term “Indian Tribe”  
5 means the recognized governing body of any Indian  
6 or Alaska Native Tribe, band, nation, pueblo, village,  
7 community, component band, or component reserva-  
8 tion, individually identified (including parentheti-  
9 cally) in the list published most recently as of the  
10 date of enactment of this title pursuant to section  
11 104 of the Federally Recognized Indian Tribe List  
12 Act of 1994 (25 U.S.C. 5131).

13 (5) POLLING PLACE.—The term “polling place”  
14 means any location where a ballot is cast in elections  
15 for Federal office, and includes a voter center, poll,  
16 polling location, or polling place, depending on the  
17 State nomenclature.

18 **SEC. 304. ESTABLISHMENT OF A NATIVE AMERICAN VOT-**  
19 **ING TASK FORCE GRANT PROGRAM.**

20 (a) IN GENERAL.—The Office for Civil Rights at the  
21 Office of Justice Programs of the Department of Justice  
22 (referred to in this section as the “Office”) shall establish  
23 and administer, in coordination with the Department of  
24 the Interior, a Native American voting task force grant  
25 program, through which the Office shall provide financial

1 assistance to eligible applicants to enable those eligible ap-  
2 plicants to establish and operate a Native American Vot-  
3 ing Task Force in each State with a federally recognized  
4 Indian Tribe.

5 (b) PURPOSES.—The purposes of the Native Amer-  
6 ican voting task force grant program are to—

7 (1) increase voter outreach, education, registra-  
8 tion, and turnout in Native American communities;

9 (2) increase access to the ballot for Native  
10 American communities, including additional satellite,  
11 early voting, and absentee voting locations;

12 (3) streamline and reduce inconsistencies in the  
13 voting process for Native Americans;

14 (4) provide, in the community's dominant lan-  
15 guage, educational materials and classes on Indian  
16 lands about candidacy filing;

17 (5) train and educate State and local employ-  
18 ees, including poll workers, about—

19 (A) the language assistance and voter as-  
20 sistance requirements under sections 203 and  
21 208 of the Voting Rights Act of 1965 (52  
22 U.S.C. 10503; 10508);

23 (B) voter identification laws as affected by  
24 section 108 of this title; and



1 (C) the requirements of Tribes, States, and  
2 precincts established under this title;

3 (6) identify model programs and best practices  
4 for providing language assistance to Native Amer-  
5 ican communities;

6 (7) provide nonpartisan poll watchers on elec-  
7 tion day in Native American communities;

8 (8) participate in and evaluate future redis-  
9 tricting efforts;

10 (9) address issues of internet connectivity as it  
11 relates to voter registration and ballot access in Na-  
12 tive American communities;

13 (10) work with Indian Tribes, States, and the  
14 Federal Government to establish mailing addresses  
15 that comply with applicable State and Federal re-  
16 quirements for receipt of voting information and ma-  
17 terials; and

18 (11) facilitate collaboration between local elec-  
19 tion officials, Native American communities, and  
20 Tribal elections offices.

21 (c) ELIGIBLE APPLICANT.—The term “eligible appli-  
22 cant” means—

23 (1) an Indian Tribe;

1           (2) a Secretary of State of a State, or another  
2 official of a State entity responsible for overseeing  
3 elections;

4           (3) a nonprofit organization that works, in  
5 whole or in part, on voting issues; or

6           (4) a consortium of entities described in para-  
7 graphs (1) through (3).

8 (d) APPLICATION AND SELECTION PROCESS.—

9           (1) IN GENERAL.—The Office, in coordination  
10 with the Department of the Interior and following  
11 consultation with Indian Tribes about the implemen-  
12 tation of the Native American voting task force  
13 grant program, shall establish guidelines for the  
14 process by which eligible applicants will submit ap-  
15 plications.

16           (2) APPLICATIONS.—Each eligible applicant de-  
17 siring a grant under this section shall submit an ap-  
18 plication, according to the process established under  
19 paragraph (1), and at such time, in such manner,  
20 and containing such information as the Office may  
21 require. Such application shall include—

22           (A) a certification that the applicant is an  
23 eligible applicant;

24           (B) a proposed work plan addressing how  
25 the eligible applicant will establish and admin-

1           ister a Native American Voting Task Force  
2           that achieves the purposes described in sub-  
3           section (b);

4                   (C) if the eligible applicant is a consortium  
5           as described in subsection (c)(4), a description  
6           of the proposed division of responsibilities be-  
7           tween the participating entities;

8                   (D) an explanation of the time period that  
9           the proposed Native American Voting Task  
10          Force will cover, which shall be a time period  
11          that is not more than 3 years; and

12                   (E) the goals that the eligible applicant de-  
13          sires to achieve with the grant funds.

14          (e) USES OF FUNDS.—A grantee receiving funds  
15          under this section shall use such funds to carry out one  
16          or more of the activities described in subsection (b),  
17          through the grantee’s Native American Voting Task  
18          Force.

19          (f) REPORTS.—

20                  (1) REPORT TO THE OFFICE.—

21                          (A) IN GENERAL.—Not later than 1 year  
22           after the date on which an eligible applicant re-  
23           ceives grant funds under this section, and annu-  
24           ally thereafter for the duration of the grant,  
25           each eligible applicant shall prepare and submit

1 a written report to the Office describing the eli-  
2 gible applicant's progress in achieving the goals  
3 outlined in the application under subsection  
4 (d)(2).

5 (B) RESPONSE.—Not later than 30 days  
6 after the date on which the Office receives the  
7 report described in paragraph (1), the Office  
8 will provide feedback, comments, and input to  
9 the eligible applicant in response to such report.

10 (2) REPORT TO CONGRESS.—Not later than 1  
11 year after the date of enactment of this title, and  
12 annually thereafter, the Office shall prepare and  
13 submit a report to the Committee on Indian Affairs  
14 of the Senate and Committee on Natural Resources  
15 of the House of Representatives containing the re-  
16 sults of the reports described under paragraph (1).

17 (g) RELATIONSHIP WITH OTHER LAWS.—Nothing in  
18 this section reduces State or local obligations provided for  
19 by the Voting Rights Act of 1965 (52 U.S.C. 10301 et  
20 seq.), the National Voter Registration Act of 1993 (52  
21 U.S.C. 20501 et seq.), the Help America Vote Act of 2002  
22 (52 U.S.C. 20901 et seq.), or any other Federal law or  
23 regulation related to voting or the electoral process.

1 (h) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to carry out this section  
3 \$10,000,000 for each of fiscal years 2022 through 2037.

4 **SEC. 305. VOTER REGISTRATION SITES AT INDIAN SERVICE**  
5 **PROVIDERS AND ON INDIAN LANDS.**

6 Section 7(a) of the National Voter Registration Act  
7 of 1993 (52 U.S.C. 20506(a)) is amended—

8 (1) in paragraph (2)—

9 (A) in subparagraph (A), by striking  
10 “and” after the semicolon;

11 (B) in subparagraph (B), by striking the  
12 period at the end and inserting a semicolon;  
13 and

14 (C) by adding at the end the following:

15 “(C) any Federal facility or federally fund-  
16 ed facility that is primarily engaged in pro-  
17 viding services to an Indian Tribe; and

18 “(D) not less than one Federal facility or  
19 federally funded facility that is located within  
20 the Indian lands of an Indian Tribe, as applica-  
21 ble, (which may be the Federal facility or feder-  
22 ally funded facility described in subparagraph  
23 (C)).”; and

24 (2) by adding at the end the following:

1           “(8) Where practicable, each Federal agency  
2           that operates a Federal facility or a federally funded  
3           facility that is a designated voter registration agency  
4           in accordance with subparagraph (C) or (D) of para-  
5           graph (2) shall designate one or more special days  
6           per year at a centralized location within the bound-  
7           aries of the Indian lands of each applicable Indian  
8           Tribe for the purpose of informing members of the  
9           Indian Tribe of the timing, registration require-  
10          ments, and voting procedures in elections for Fed-  
11          eral office, at no cost to the Indian Tribe.”.

12 **SEC. 306. ACCESSIBLE TRIBAL DESIGNATED POLLING**  
13           **SITES.**

14           (a) IN GENERAL.—

15           (1) DESIGNATION OF STATE OFFICER.—Each  
16           of the several States whose territory contains all or  
17           part of an Indian Tribe’s Indian lands shall des-  
18           ignate an officer within that State who will be re-  
19           sponsible for compliance with the provisions of this  
20           section and who shall periodically consult with the  
21           Indian Tribes located wholly or partially within that  
22           State regarding compliance with the provisions of  
23           this section and coordination between the State and  
24           the Indian Tribe. The State shall provide written no-

1           tice to each such Indian Tribe of the officer so des-  
2           ignated.

3           (2) PROVISION OF POLLING PLACES.—For each  
4           Indian Tribe that satisfies the obligations of sub-  
5           section (c), and for each election for a Federal offi-  
6           cial or State official that is held 180 days or later  
7           after the date on which the Indian Tribe initially  
8           satisfies such obligations, any State or political sub-  
9           division whose territory contains all or part of an In-  
10          dian Tribe’s Indian lands—

11           (A) shall provide a minimum of one polling  
12           place in each precinct in which there are eligible  
13           voters who reside on Indian lands, in a location  
14           selected by the Indian Tribe and at no cost to  
15           the Indian Tribe, regardless of the population  
16           or number of registered voters residing on In-  
17           dian lands;

18           (B) shall not reduce the number of polling  
19           locations on Indian lands based on population  
20           numbers;

21           (C) shall provide, at no cost to the Indian  
22           Tribe, additional polling places in locations on  
23           Indian lands selected by an Indian Tribe and  
24           requested under subsection (c) if, based on the  
25           totality of circumstances described in subsection

1 (b), it is shown that not providing those addi-  
2 tional polling places would result in members of  
3 the Indian Tribe and living on Indian lands or  
4 other individuals residing on the Indian Tribe's  
5 Indian lands having less opportunity to vote  
6 than eligible voters in that State or political  
7 subdivision who are not members of an Indian  
8 Tribe or do not reside on Indian lands;

9 (D) shall, at each polling place located on  
10 Indian lands and at no cost to the Indian Tribe,  
11 make voting machines, tabulation machines, of-  
12 ficial receptacles designated for the return of  
13 completed absentee ballots, ballots, provisional  
14 ballots, and other voting materials available to  
15 the same or greater extent that such equipment  
16 and materials are made available at other poll-  
17 ing places in the State or political subdivision  
18 that are not located on Indian lands;

19 (E) shall, at each polling place located on  
20 Indian lands, conduct the election using the  
21 same voting procedures that are used at other  
22 polling places in the State or political subdivi-  
23 sion that are not located on Indian lands, or  
24 other voting procedures that provide greater ac-  
25 cess for voters;



1 (F) shall, at each polling place located on  
2 Indian lands and at no cost to the Indian Tribe,  
3 make voter registration available during the pe-  
4 riod the polling place is open to the maximum  
5 extent allowable under State law;

6 (G) shall, at each polling place located on  
7 Indian lands, provide training, compensation,  
8 and other benefits to election officials and poll  
9 workers at no cost to the Indian Tribe and, at  
10 a minimum, to the same or greater extent that  
11 such training, compensation, and benefits are  
12 provided to election officials and poll workers at  
13 other polling places in the State or political  
14 subdivision that are not located on Indian  
15 lands;

16 (H) shall, in all cases, provide the Indian  
17 Tribe an opportunity to designate election offi-  
18 cials and poll workers to staff polling places  
19 within the Indian lands of the applicable Indian  
20 Tribe on every day that the polling places will  
21 be open;

22 (I) shall allow for any eligible voting mem-  
23 ber of the Indian Tribe or any eligible voting  
24 individual residing on Indian lands to vote early  
25 or in person at any polling place on Indian

1 lands, regardless of that member or individual's  
2 residence or residential address, and shall not  
3 reject the ballot of any such member or indi-  
4 vidual on the grounds that the ballot was cast  
5 at the wrong polling place; and

6 (J) may fulfill the State's obligations  
7 under subparagraphs (A) and (C) by relocating  
8 existing polling places, by creating new polling  
9 places, or both.

10 (b) **EQUITABLE OPPORTUNITIES TO VOTE.—**

11 (1) **IN GENERAL.—**When assessing the opportu-  
12 nities to vote provided to members of an Indian  
13 Tribe and to other eligible voters in the State resid-  
14 ing on Indian lands in order to determine the num-  
15 ber of additional polling places (if any) that a State  
16 or political subdivision must provide in accordance  
17 with subsection (a)(2)(C), the State, political sub-  
18 division, or any court applying this section, shall  
19 consider the totality of circumstances of—

20 (A) the number of voting-age citizens as-  
21 signed to each polling place;

22 (B) the distances that voters must travel  
23 to reach the polling places;

1 (C) the time that voters must spend trav-  
2 eling to reach the polling places, including  
3 under inclement weather conditions;

4 (D) the modes of transportation, if any,  
5 that are regularly and broadly available to vot-  
6 ers to use to reach the polling places;

7 (E) the existence of and access to frequent  
8 and reliable public transportation to the polling  
9 places;

10 (F) the length of lines and time voters  
11 waited to cast a ballot in previous elections; and

12 (G) any other factor relevant to effec-  
13 tuating the aim of achieving equal voting oppor-  
14 tunity for individuals living on Indian lands.

15 (2) ABSENCE OF FACTORS.—When assessing  
16 the opportunities to vote in accordance with para-  
17 graph (1), the State, political subdivision, or court  
18 shall ensure that each factor described in paragraph  
19 (1) is considered regardless of whether any one fac-  
20 tor would lead to a determination not to provide ad-  
21 ditional polling places under subsection (a)(2)(C).

22 (c) FORM; PROVISION OF FORM; OBLIGATIONS OF  
23 THE INDIAN TRIBE.—

24 (1) FORM.—The Attorney General shall estab-  
25 lish the form described in this subsection through

1       which an Indian Tribe can fulfill its obligations  
2       under this subsection.

3               (2) PROVISION OF FORM.—Each State or polit-  
4       ical subdivision whose territory contains all or part  
5       of an Indian Tribe’s Indian lands—

6               (A) shall provide the form established  
7               under paragraph (1) to each applicable Indian  
8               Tribe not less than 30 days prior to the dead-  
9               line set by the State or political subdivision for  
10              completion of the obligations under this sub-  
11              section (which deadline shall be not less than  
12              30 days prior to a Federal election) whereby an  
13              Indian Tribe can fulfill its obligations under  
14              this subsection by providing the information de-  
15              scribed in paragraph (3) on that form and sub-  
16              mitting the form back to the applicable State or  
17              political subdivision by such deadline;

18              (B) shall not edit the form established  
19              under paragraph (1) or apply any additional ob-  
20              ligations on the Indian Tribe with respect to  
21              this section; and

22              (C) shall cooperate in good faith with the  
23              efforts of the Indian Tribe to satisfy the re-  
24              quirements of this subsection.

1           (3) OBLIGATIONS OF THE INDIAN TRIBE.—The  
2 requirements for a State and political subdivision  
3 under subsection (a)(2) shall apply with respect to  
4 an Indian Tribe once an Indian Tribe meets the fol-  
5 lowing obligations by completing the form specified  
6 in paragraph (1):

7           (A) The Indian Tribe specifies the number  
8 and locations of requested polling places, early  
9 voting locations, and ballot drop boxes to be  
10 provided on the Indian lands of that Indian  
11 Tribe.

12           (B) The Indian Tribe certifies that  
13 curbside voting will be available for any facili-  
14 ties that lack accessible entrances and exits in  
15 accordance with Federal and State law.

16           (C) The Indian Tribe certifies that the In-  
17 dian Tribe will ensure that each such requested  
18 polling place will be open and available to all el-  
19 igible voters who reside in the precinct or other  
20 geographic area assigned to such polling place,  
21 regardless of whether such eligible voters are  
22 members of the Indian Tribe or of any other  
23 Indian Tribe.

24           (D) The Indian Tribe requests that the  
25 State or political subdivision shall designate

1 election officials and poll workers to staff such  
2 requested polling places, or certifies that the In-  
3 dian Tribe will designate election officials and  
4 poll workers to staff such polling places on  
5 every day that the polling places will be open.

6 (E) The Indian Tribe may request that the  
7 State or political subdivision provide absentee  
8 ballots without requiring an excuse, an absentee  
9 ballot request, or residential address to all eligi-  
10 ble voters who reside in the precinct or other  
11 geographic area assigned to such polling place,  
12 regardless of whether such eligible voters are  
13 members of the Indian Tribe or of any other  
14 Indian Tribe.

15 (4) ESTABLISHED POLLING PLACES.—Once a  
16 polling place is established under subsection  
17 (a)(2)(A) or subsection (a)(2)(C) the Tribe need not  
18 fill out the form designated under paragraph (1)  
19 again unless or until that Indian Tribe requests  
20 modifications to the requests specified in the most  
21 recent form under paragraph (1).

22 (5) OPT OUT.—At any time that is 60 days or  
23 more before the date of an election, an Indian Tribe  
24 that previously has satisfied the obligations of para-  
25 graph (3) may notify the State or political subdivi-

1 sion that the Indian Tribe intends to opt out of the  
2 standing obligation for one or more polling places  
3 that were established in accordance with subsection  
4 (a)(2)(A) or subsection (a)(2)(C) for a particular  
5 election or for all future elections. A Tribe may opt  
6 back in at any time.

7 (d) FEDERAL POLLING SITES.—Each State shall  
8 designate as voter polling facilities any of the facilities  
9 identified in accordance with subparagraph (C) or (D) of  
10 section 7(a)(2) of the National Voter Registration Act of  
11 1993 (52 U.S.C. 20506(a)(2)), at no cost to the Indian  
12 Tribe, provided that the facility meets the requirements  
13 of Federal and State law as applied to other polling places  
14 within the State or political subdivision. The applicable  
15 agency of the Federal Government shall ensure that such  
16 designated facilities are made available as polling places.

17 (e) MAIL-IN BALLOTING.—In States or political sub-  
18 divisions that permit absentee or mail-in balloting, the fol-  
19 lowing shall apply with respect to an election for Federal  
20 office:

21 (1) For each ballot cast by a member of an In-  
22 dian Tribe living on Indian lands, all postage shall  
23 be prepaid by the Federal Government and each bal-  
24 lot postmarked the day the ballot is received at a  
25 postal facility located on Indian lands.

1           (2) An Indian Tribe may designate at least one  
2           building per precinct as a ballot pickup and collec-  
3           tion location (referred to in this section as a “trib-  
4           ally designated buildings”) at no cost to the Indian  
5           Tribe. The applicable State or political subdivision  
6           shall collect and timely deposit all ballots from each  
7           tribally designated building.

8           (3) At the applicable Tribe’s request, the State  
9           or political subdivision shall provide mail-in and ab-  
10          sente ballot to each registered voter residing on  
11          Indian lands in the State or political subdivision  
12          without requiring a residential address, a mail-in or  
13          absentee ballot request, or an excuse for a mail-in or  
14          absentee ballot.

15          (4) The address of a tribally designated build-  
16          ing may serve as the residential address and mailing  
17          address for voters living on Indian lands if the trib-  
18          ally designated building is in the same precinct as  
19          that voter.

20          (5) If there is no tribally designated building  
21          within the precinct of a voter residing on Indian  
22          lands (including if the tribally designated building is  
23          on Indian lands but not in the same precinct as the  
24          voter), the voter may—



1 (A) use another tribally designated build-  
2 ing within the Indian lands where the voter is  
3 located; or

4 (B) use such tribally designated building  
5 as a mailing address and may separately des-  
6 ignate the voter's appropriate precinct through  
7 a description of the voter's address, as specified  
8 in section 9428.4(a)(2) of title 11, Code of Fed-  
9 eral Regulations.

10 (6) In the case of a State or political subdivi-  
11 sion that is a covered State or political subdivision  
12 under section 203 of the Voting Rights Act of 1965  
13 (52 U.S.C. 10503), that State or political subdivi-  
14 sion shall provide absentee or mail-in voting mate-  
15 rials with respect to an election for Federal office in  
16 the language of the applicable minority group as well  
17 as in the English language, bilingual election voting  
18 assistance, and written translations of all voting ma-  
19 terials in the language of the applicable minority  
20 group, as required by section 203 of the Voting  
21 Rights Act of 1965 (52 U.S.C. 10503), as amended  
22 by this title.

23 (7) A State or political division shall make rea-  
24 sonable efforts to contact a voter who resides within  
25 Indian lands located within its jurisdiction and offer

1 such voter a reasonable opportunity to cure any de-  
2 fect in an absentee ballot issued to and completed  
3 and returned by the voter, or appearing on or per-  
4 taining to the materials provided for the purpose of  
5 returning the absentee ballot, if State law would oth-  
6 erwise require the absentee ballot to be rejected due  
7 to such defect and the defect does not compromise  
8 ballot secrecy or involve a lack of witness or assist-  
9 ant signature, where such signature is mandated by  
10 State law.

11 (8) In a State or political subdivision that does  
12 not permit absentee or mail-in balloting for all eligi-  
13 ble voters in the State or political subdivision, that  
14 State or political subdivision shall nonetheless pro-  
15 vide for absentee or mail-in balloting for voters who  
16 reside on Indian lands consistent with this section if  
17 the State, political subdivision, or any court applying  
18 this section determines that the totality of cir-  
19 cumstances described in subsection (b) warrants es-  
20 tablishment of absentee or mail-in balloting for vot-  
21 ers who reside on Indian lands located within the ju-  
22 risdiction of the State or political subdivision.

23 (f) **BALLOT DROP BOXES.**—Each State shall—

24 (1) provide not less than one ballot drop box for  
25 each precinct on Indian lands, at no cost to the In-

1       dian Tribe, at either the tribally designated building  
2       under subsection (e)(2) or an alternative site se-  
3       lected by the applicable Indian Tribe; and

4           (2) provide additional drop boxes at either the  
5       tribally designated building under subsection (e)(2)  
6       or an alternative site selected by the applicable In-  
7       dian Tribe if the State or political subdivision deter-  
8       mines that additional ballot drop boxes should be  
9       provided based on the criteria considered under the  
10      totality of circumstances enumerated under sub-  
11      section (b).

12      (g) EARLY VOTING.—

13           (1) EARLY VOTING LOCATIONS.—In a State or  
14      political subdivision that permits early voting in an  
15      election for Federal office, that State or political  
16      subdivision shall provide not less than one early vot-  
17      ing location for each precinct on Indian lands, at no  
18      cost to the Indian Tribe, at a site selected by the ap-  
19      plicable Indian Tribe, to allow individuals living on  
20      Indian lands to vote during an early voting period in  
21      the same manner as early voting is allowed on such  
22      date in the rest of the State or precinct. Additional  
23      early voting sites shall be determined based on the  
24      criteria considered under the totality of cir-  
25      cumstances described in subsection (b).

1           (2) LENGTH OF PERIOD.—In a State or polit-  
2           ical subdivision that permits early voting in an elec-  
3           tion for Federal office, that State or political sub-  
4           division shall provide an early voting period with re-  
5           spect to that election that shall consist of a period  
6           of consecutive days (including weekends) which be-  
7           gins on the 15th day before the date of the election  
8           (or, at the option of the State or political subdivi-  
9           sion, on a day prior to the 15th day before the date  
10          of the election) and ends on the date of the election  
11          for all early voting locations on Indian lands.

12          (3) MINIMUM EARLY VOTING REQUIRE-  
13          MENTS.—Each polling place that allows voting dur-  
14          ing an early voting period under this subsection  
15          shall—

16                 (A) allow such voting for no less than 10  
17                 hours on each day;

18                 (B) have uniform hours each day for which  
19                 such voting occurs; and

20                 (C) allow such voting to be held for some  
21                 period of time prior to 9:00 a.m. (local time)  
22                 and some period of time after 5:00 p.m. (local  
23                 time).

24          (4) BALLOT PROCESSING AND SCANNING RE-  
25          QUIREMENTS.—

1 (A) IN GENERAL.—To the greatest extent  
2 practicable, ballots cast during the early voting  
3 period in an election for Federal office at voting  
4 locations and drop boxes on Indian lands shall  
5 be processed and scanned for tabulation in ad-  
6 vance of the close of polls on the date of the  
7 election.

8 (B) LIMITATION.—Nothing in this sub-  
9 section shall be construed to permit a State or  
10 political subdivision to tabulate and count bal-  
11 lots in an election for Federal office before the  
12 closing of the polls on the date of the election.

13 (h) PROVISIONAL BALLOTS.—

14 (1) IN GENERAL.—In addition to the require-  
15 ments under section 302(a) of the Help America  
16 Vote Act of 2002 (52 U.S.C. 21082(a)), for each  
17 State or political subdivision that provides voters  
18 provisional ballots, challenge ballots, or affidavit bal-  
19 lots under the State’s applicable law governing the  
20 voting processes for those voters whose eligibility to  
21 vote is determined to be uncertain by election offi-  
22 cials, election officials shall—

23 (A) provide clear written instructions indi-  
24 cating the reason the voter was given a provi-  
25 sional ballot, the information or documents the

1 voter needs to prove eligibility, the location at  
2 which the voter must appear to submit these  
3 materials or alternative methods, including  
4 email or facsimile, that the voter may use to  
5 submit these materials, and the deadline for  
6 submitting these materials;

7 (B) permit any voter who votes provision-  
8 ally at any polling place on Indian lands to ap-  
9 pear at any polling place or at the central loca-  
10 tion for the election board to submit the docu-  
11 mentation or information to prove eligibility;

12 (C) permit any voter who votes provision-  
13 ally at any polling place to submit the required  
14 information or documentation via email or fac-  
15 simile, if the voter prefers to use such methods  
16 as an alternative to appearing in person to sub-  
17 mit the required information or documentation  
18 to prove eligibility;

19 (D) notify the voter on whether the voter's  
20 provisional ballot was counted or rejected by  
21 telephone, email, or postal mail, or any other  
22 available method, including notifying the voter  
23 of any online tracking website if State law pro-  
24 vides for such a mechanism; and

1           (E) provide the reason for rejection if the  
2 voter's provisional ballot was rejected after the  
3 voter provided the required information or doc-  
4 umentation on eligibility.

5           (2) DUTIES OF ELECTION OFFICIALS.—A State  
6 or political subdivision described in paragraph (1)  
7 shall ensure in each case in which a provisional bal-  
8 lot is cast, that election officials—

9           (A) request and collect the voter's email  
10 address, if the voter has one, and transmit any  
11 written instructions issued to the voter in per-  
12 son to the voter via email; and

13           (B) provide a verbal translation of any  
14 written instructions to the voter.

15           (i) ENFORCEMENT.—

16           (1) ATTORNEY GENERAL.—The Attorney Gen-  
17 eral may bring a civil action in an appropriate dis-  
18 trict court for such declaratory or injunctive relief as  
19 is necessary to carry out this section.

20           (2) PRIVATE RIGHT OF ACTION.—

21           (A) A person or Indian Tribe who is ag-  
22 grieved by a violation of this section may pro-  
23 vide written notice of the violation to the chief  
24 election official of the State involved.

1 (B) An aggrieved person or Indian Tribe  
2 may bring a civil action in an appropriate dis-  
3 trict court for declaratory or injunctive relief  
4 with respect to a violation of this section, if—

5 (i) that person or Indian Tribe pro-  
6 vides the notice described in subparagraph  
7 (A); and

8 (ii)(I) in the case of a violation that  
9 occurs more than 120 days before the date  
10 of an election for Federal office, the viola-  
11 tion remains and 90 days or more have  
12 passed since the date on which the chief  
13 election official of the State receives the  
14 notice under subparagraph (A); or

15 (II) in the case of a violation that oc-  
16 curs 120 days or less but more than 30  
17 days before the date of an election for Fed-  
18 eral office, the violation remains and 20  
19 days or more have passed since the date on  
20 which the chief election official of the State  
21 receives the notice under subparagraph  
22 (A).

23 (C) In the case of a violation of this sec-  
24 tion that occurs 30 days or less before the date  
25 of an election for Federal office, an aggrieved



1 person or Indian Tribe may bring a civil action  
2 in an appropriate district court for declaratory  
3 or injunctive relief with respect to the violation  
4 without providing notice to the chief election of-  
5 ficial of the State under subparagraph (A).

6 (3) RULE OF CONSTRUCTION.—Nothing in this  
7 section shall be construed to prevent a State or po-  
8 litical subdivision from providing additional polling  
9 places or early voting locations on Indian lands.

10 **SEC. 307. PROCEDURES FOR REMOVAL OF POLLING**  
11 **PLACES AND VOTER REGISTRATION SITES ON**  
12 **INDIAN LANDS.**

13 (a) ACTIONS REQUIRING TRIBAL ADMINISTRATIVE  
14 REVIEW.—No State or political subdivision may carry out  
15 any of the following activities in an election for Federal  
16 office unless the requirements of subsection (b) have been  
17 met:

18 (1) Eliminating polling places or voter registra-  
19 tion sites on the Indian lands of an Indian Tribe.

20 (2) Moving or consolidating a polling place or  
21 voter registration site on the Indian lands of an In-  
22 dian Tribe to a location 1 mile or further from the  
23 existing location of the polling place or voter reg-  
24 istration site.

1           (3) Moving or consolidating a polling place on  
2 the Indian lands of an Indian Tribe to a location  
3 across a river, lake, mountain, or other natural  
4 boundary such that it increases travel time for a  
5 voter, regardless of distance.

6           (4) Eliminating in-person voting on the Indian  
7 lands of an Indian Tribe by designating an Indian  
8 reservation as a permanent absentee voting location,  
9 unless the Indian Tribe requests such a designation  
10 and has not later requested that the designation as  
11 a permanent absentee voting location be reversed.

12           (5) Removing an early voting location or other-  
13 wise diminishing early voting opportunities on In-  
14 dian lands.

15           (6) Removing a ballot drop box or otherwise di-  
16 minishing ballot drop boxes on Indian lands.

17           (7) Decreasing the number of days or hours  
18 that an in-person or early voting polling place is  
19 open on Indian lands only or changing the dates of  
20 in-person or early voting only on the Indian lands of  
21 an Indian Tribe.

22 (b) TRIBAL ADMINISTRATIVE REVIEW.—

23           (1) IN GENERAL.—The requirements of this  
24 subsection have been met if—

1 (A) the impacted Indian Tribe submits to  
2 the Attorney General the Indian Tribe's written  
3 consent to the proposed activity described in  
4 subsection (a);

5 (B) the State or political subdivision, after  
6 consultation with the impacted Indian Tribe  
7 and after attempting to have the impacted In-  
8 dian Tribe give consent as described in sub-  
9 paragraph (A), institutes an action in the  
10 United States District Court for the District of  
11 Columbia for a declaratory judgment, and a de-  
12 claratory judgment is issued based upon affirm-  
13 ative evidence provided by the State or political  
14 subdivision, that conclusively establishes that  
15 the specified activity described in subsection (a)  
16 proposed by the State or political subdivision  
17 neither has the purpose nor will have the effect  
18 of denying or abridging the right to vote on ac-  
19 count of race or color, membership in an Indian  
20 Tribe, or membership in a language minority  
21 group; or

22 (C) the chief legal officer or other appro-  
23 priate official of such State or political subdivi-  
24 sion, after consultation with the impacted In-  
25 dian Tribe and after attempting to have the im-

1           pacted Indian Tribe give consent as described  
2           in subparagraph (A), submits a request to carry  
3           out the specified activity described in subsection  
4           (a) to the Attorney General and the Attorney  
5           General affirmatively approves the specified ac-  
6           tivity.

7           (2) NO LIMITATION ON FUTURE ACTIONS.—

8           (A) NO BAR TO SUBSEQUENT ACTION.—

9           Neither an affirmative indication by the Attor-  
10          ney General that no objection will be made, nor  
11          the Attorney General's failure to object, nor a  
12          declaratory judgment entered under this sec-  
13          tion, nor a written consent issued under para-  
14          graph (1)(A) shall bar a subsequent action to  
15          enjoin enforcement of an activity described in  
16          subsection (a).

17          (B) REEXAMINATION.—The Attorney Gen-  
18          eral reserves the right to reexamine any submis-  
19          sion under paragraph (1)(C) if additional rel-  
20          evant information comes to the Attorney Gen-  
21          eral's attention.

22          (C) DISTRICT COURT.—Any action under  
23          this section shall be heard and determined by a  
24          district court of 3 judges in accordance with the  
25          provisions of section 2284 of title 28, United

1 States Code, and any appeal shall lie to the Su-  
2 preme Court.

3 **SEC. 308. TRIBAL VOTER IDENTIFICATION.**

4 (a) TRIBAL IDENTIFICATION.—If a State or political  
5 subdivision requires an individual to present identification  
6 for the purposes of voting or registering to vote in an elec-  
7 tion for Federal office, an identification card issued by a  
8 federally recognized Indian Tribe, the Bureau of Indian  
9 Affairs, the Indian Health Service, or any other Tribal or  
10 Federal agency issuing identification cards to eligible In-  
11 dian voters shall be treated as a valid form of identifica-  
12 tion for such purposes.

13 (b) ONLINE REGISTRATION.—If a State or political  
14 subdivision requires an identification card for an indi-  
15 vidual to register to vote online or to vote online, that  
16 State or political subdivision shall annually consult with  
17 an Indian Tribe to determine whether a tribal identifica-  
18 tion can feasibly be used to register to vote online or vote  
19 online.

20 (c) LIMITATION ON REQUIRING MULTIPLE FORMS  
21 OF IDENTIFICATION.—If a State or political subdivision  
22 requires an individual to present more than one form of  
23 identification for the purposes of voting or registering to  
24 vote in an election for Federal office, or for registering  
25 to vote online or to vote online, that State or political sub-

1 division shall not require any member of an Indian Tribe  
2 to provide more than one form of identification if the  
3 member provides orally or in writing that the member does  
4 not possess more than one form of identification.

5 **SEC. 309. PERMITTING VOTERS TO DESIGNATE OTHER PER-**  
6 **SON TO RETURN BALLOT.**

7 Each State or political subdivision—

8 (1) shall permit any person to return a sealed  
9 ballot of a voter that resides on Indian lands to a  
10 post office on Indian lands, a ballot drop box loca-  
11 tion in a State or political subdivision that provides  
12 ballot drop boxes, a tribally designated building  
13 under section 306(e)(2), or an election office, so long  
14 as the person designated to return the ballot or bal-  
15 lots on behalf of another voter does not receive any  
16 form of compensation based on the number of bal-  
17 lots that the person has returned and no individual,  
18 group, or organization provides compensation on this  
19 basis;

20 (2) may not put any limit on how many voted  
21 and sealed absentee ballots any designated person  
22 can return to the post office, ballot drop box loca-  
23 tion, tribally designated building, or election office  
24 under paragraph (1); and

1           (3) shall permit any person to return voter reg-  
2           istration applications, absentee ballot applications,  
3           or absentee ballots to ballot drop box locations in a  
4           State or political subdivision that provides ballot  
5           drop boxes for these purposes.

6 **SEC. 310. BILINGUAL ELECTION REQUIREMENTS.**

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

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

11          (2) by striking subsection (c) and inserting the  
12          following:

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

15                 “(1) IN GENERAL.—Whenever any State or po-  
16                 litical subdivision subject to the prohibition of sub-  
17                 section (b), provides any registration or voting no-  
18                 tices, forms, instructions, assistance, or other mate-  
19                 rials or information relating to the electoral process,  
20                 including ballots, it shall provide them in the lan-  
21                 guage of the applicable minority group as well as in  
22                 the English language.

23                 “(2) EXCEPTIONS.—

24                         “(A) In the case of a minority group that  
25                         is not American Indian or Alaska Native and

1 the language of that minority group is oral or  
2 unwritten, the State or political subdivision  
3 shall only be required to furnish, in the covered  
4 language, oral instructions, assistance, trans-  
5 lation of voting materials, or other information  
6 relating to registration and voting.

7 “(B) In the case of a minority group that  
8 is American Indian or Alaska Native, the State  
9 or political subdivision shall only be required to  
10 furnish in the covered language oral instruc-  
11 tions, assistance, or other information relating  
12 to registration and voting, including all voting  
13 materials, if the Indian Tribe of that minority  
14 group has certified that the language of the ap-  
15 plicable American Indian or Alaska Native lan-  
16 guage is presently unwritten or the Indian  
17 Tribe does not want written translations in the  
18 minority language.

19 “(3) WRITTEN TRANSLATIONS FOR ELECTION  
20 WORKERS.—Notwithstanding paragraph (2), the  
21 State or political division may be required to provide  
22 written translations of voting materials, with the  
23 consent of any applicable Indian Tribe, to election  
24 workers to ensure that the translations from English



1 to the language of a minority group are complete,  
2 accurate, and uniform.”.

3 **SEC. 311. FEDERAL OBSERVERS TO PROTECT TRIBAL VOT-**  
4 **ING RIGHTS.**

5 (a) AMENDMENT TO THE VOTING RIGHTS ACT OF  
6 1965.—Section 8(a) of the Voting Rights Act of 1965 (52  
7 U.S.C. 10305(a)) is amended—

8 (1) in paragraph (1), by striking “or” after the  
9 semicolon;

10 (2) in paragraph (2)(B), by adding “or” after  
11 the semicolon; and

12 (3) by inserting after paragraph (2) the fol-  
13 lowing:

14 “(3) the Attorney General has received a writ-  
15 ten complaint from an Indian Tribe that efforts to  
16 deny or abridge the right to vote under the color of  
17 law on account of race or color, membership in an  
18 Indian Tribe, or in contravention of the guarantees  
19 set forth in section 4(f)(2), are likely to occur;”.

20 (b) PUBLICLY AVAILABLE REPORTS.—The Attorney  
21 General shall make publicly available the reports of a Fed-  
22 eral election observer appointed pursuant to section  
23 (8)(a)(3) of the Voting Rights Act of 1965 (52 U.S.C.  
24 10305(a)(3)), as added by subsection (a), not later than  
25 6 months after the date that such reports are submitted

1 to the Attorney General, except that any personally identi-  
2 fiable information relating to a voter or the substance of  
3 the voter's ballot shall not be made public.

4 **SEC. 312. TRIBAL JURISDICTION.**

5 (a) IN GENERAL.—Tribal law enforcement have the  
6 right to exercise their inherent authority to detain and or  
7 remove any non-Indian, not affiliated with the State, its  
8 political subdivision, or the Federal Government, from In-  
9 dian lands for intimidating, harassing, or otherwise imped-  
10 ing the ability of people to vote or of the State and its  
11 political subdivisions to conduct an election.

12 (b) CIVIL ACTION BY ATTORNEY GENERAL FOR RE-  
13 LIEF.—Whenever any person has engaged or there are  
14 reasonable grounds to believe that any person is about to  
15 engage in any act or practice prohibited by this section,  
16 the Attorney General may institute for the United States,  
17 or in the name of the United States, an action for preven-  
18 tive relief, including an application for a temporary or per-  
19 manent injunction, restraining order, or other order, and  
20 including an order directed to the State and State or local  
21 election officials to require them to permit persons to vote  
22 and to count such votes.

1 **SEC. 313. TRIBAL VOTING CONSULTATION.**

2 The Attorney General shall consult annually with In-  
3 dian Tribes regarding issues related to voting in elections  
4 for Federal office.

5 **SEC. 314. ATTORNEYS' FEES, EXPERT FEES, AND LITIGA-**  
6 **TION EXPENSES.**

7 In a civil action under this title, the court shall award  
8 the prevailing party, other than the United States, reason-  
9 able attorney fees, including litigation expenses, reason-  
10 able expert fees, and costs.

11 **SEC. 315. GAO STUDY AND REPORT.**

12 The Comptroller General shall study the prevalence  
13 of nontraditional or nonexistent mailing addresses among  
14 Indians, those who are members of Indian Tribes, and  
15 those residing on Indian lands and identify alternatives  
16 to remove barriers to voter registration, receipt of voter  
17 information and materials, and receipt of ballots. The  
18 Comptroller General shall report the results of that study  
19 to Congress not later than 1 year after the date of enact-  
20 ment of this title.

21 **SEC. 316. UNITED STATES POSTAL SERVICE CONSULTA-**  
22 **TION.**

23 The Postmaster General shall consult with Indian  
24 Tribes, on an annual basis, regarding issues relating to  
25 the United States Postal Service that present barriers to  
26 voting for eligible voters living on Indian lands.

1 **SEC. 317. SEVERABILITY; RELATIONSHIP TO OTHER LAWS;**  
2 **TRIBAL SOVEREIGN IMMUNITY.**

3 (a) SEVERABILITY.—If any provision of this title, or  
4 the application of such a provision to any person, entity,  
5 or circumstance, is held to be invalid, the remaining provi-  
6 sions of this title and the application of all provisions of  
7 this title to any other person, entity, or circumstance shall  
8 not be affected by the invalidity.

9 (b) RELATIONSHIP TO OTHER LAWS.—Nothing in  
10 this title shall invalidate, or limit the rights, remedies, or  
11 procedures available under, or supersede, restrict, or limit  
12 the application of, the Voting Rights Act of 1965 (52  
13 U.S.C. 10301 et seq.), the National Voter Registration  
14 Act of 1993 (52 U.S.C. 20501 et seq.), the Help America  
15 Vote Act of 2002 (52 U.S.C. 20901 et seq.), or any other  
16 Federal law or regulation related to voting or the electoral  
17 process. Notwithstanding any other provision of law, the  
18 provisions of this title, and the amendments made by this  
19 title, shall be applicable within the State of Maine.

20 (c) TRIBAL SOVEREIGN IMMUNITY.—Nothing in this  
21 title shall be construed as—

22 (1) affecting, modifying, diminishing, or other-  
23 wise impairing the sovereign immunity from suit en-  
24 joyed by an Indian Tribe; or

1           (2) authorizing or requiring the termination of  
2           any existing trust responsibility of the United States  
3           with respect to Indian people.

4 **SEC. 318. AUTHORIZATION OF APPROPRIATIONS.**

5           There are authorized to be appropriated such sums  
6           as may be necessary to carry out this title.