

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 (for himself, Ms. MURKOWSKI, Mr. DURBIN, and Mr. MANCHIN) 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 qualifica-
18 tion, prerequisite, standard, practice, or procedure im-
19 poses a discriminatory burden on members of a class of
20 citizens protected by subsection (a), meaning that—

21 (A) members of the protected class face dis-
22 proportionate costs or burdens in complying with the
23 qualification, prerequisite, standard, practice, or pro-
24 cedure, considering the totality of the circumstances;
25 and

1 “(B) such disproportionate costs or burdens
2 are, at least in part, caused by or linked to social
3 and historical conditions that have produced or cur-
4 rently produce discrimination against members of
5 the protected class.

6 “(2) The challenged qualification, prerequisite, stand-
7 ard, practice, or procedure need only be a but-for cause
8 of the discriminatory burden or perpetuate a pre-existing
9 discriminatory burden.

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

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

19 “(ii) The extent to which voting in the elections
20 of the State or political subdivision is racially polar-
21 ized.

22 “(iii) The extent to which members of the pro-
23 tected class bear the effects of discrimination in
24 areas such as education, employment, and health,

1 which hinder the ability of those members to partici-
2 pate effectively in the political process.

3 “(iv) The use of overt or subtle racial appeals
4 either in political campaigns or surrounding the
5 adoption or maintenance of the challenged qualifica-
6 tion, prerequisite, standard, practice, or procedure.

7 “(v) The extent to which members of the pro-
8 tected class have been elected to public office in the
9 jurisdiction, except that the fact that the protected
10 class is too small to elect candidates of its choice
11 shall not defeat a claim of vote denial or abridgment
12 under this section.

13 “(vi) Whether there is a significant lack of re-
14 sponsiveness on the part of elected officials to the
15 particularized needs of members of the protected
16 class.

17 “(vii) Whether the policy underlying the State
18 or political subdivision’s use of the challenged quali-
19 fication, prerequisite, standard, practice, or proce-
20 dure has a tenuous connection to that qualification,
21 prerequisite, standard, practice, or procedure. In
22 making a determination under this clause, a court
23 shall consider whether the qualification, prerequisite,
24 standard, practice, or procedure in question was de-

1 signed to advance and materially advances a valid
2 and substantiated State interest.

3 “(B) A particular combination or number of factors
4 under subparagraph (A) shall not be required to establish
5 a violation of subsection (a) for vote denial or abridgment.
6 Additionally, a litigant can show a variety of factors to
7 establish a violation of subsection (a), and is not limited
8 to those factors listed under subparagraph (A).

9 “(C) In evaluating the totality of the circumstances
10 for consideration relative to a violation of subsection (a)
11 for vote denial or abridgment, the following factors shall
12 not weigh against a finding of a violation:

13 “(i) The total number or share of members of
14 a protected class on whom a challenged qualification,
15 prerequisite, standard, practice, or procedure does
16 not impose a material burden.

17 “(ii) The degree to which the challenged quali-
18 fication, prerequisite, standard, practice, or proce-
19 dure has a long pedigree or was in widespread use
20 at some earlier date.

21 “(iii) The use of an identical or similar quali-
22 fication, prerequisite, standard, practice, or proce-
23 dure in other States or political subdivisions.

24 “(iv) The availability of other forms of voting
25 unimpacted by the challenged qualification, pre-

1 requisite, standard, practice, or procedure to all
2 members of the electorate, including members of the
3 protected class, unless the State or political subdivi-
4 sion is simultaneously expanding those other quali-
5 fications, prerequisites, standards, practices, or pro-
6 cedures to eliminate any disproportionate burden im-
7 posed by the challenged qualification, prerequisite,
8 standard, practice, or procedure.

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

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

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

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

1 “(2) Discrimination on account of race or color, or
2 in contravention of the guarantees set forth in section
3 4(f)(2), need only be one purpose of a qualification, pre-
4 requisite, standard, practice, or procedure in order to es-
5 tablish a violation of subsection (a), as described in this
6 subsection. A qualification, prerequisite, standard, prac-
7 tice, or procedure intended to dilute the voting strength
8 of a protected class or to make it more difficult for mem-
9 bers of a protected class to cast a ballot that will be count-
10 ed constitutes a violation of subsection (a), as described
11 in this subsection, even if an additional purpose of the
12 qualification, prerequisite, standard, practice, or proce-
13 dure is to benefit a particular political party or group.

14 “(3) Recent context, including actions by official deci-
15 sionmakers in prior years or in other contexts preceding
16 the decision responsible for the challenged qualification,
17 prerequisite, standard, practice, or procedure, and includ-
18 ing actions by predecessor government actors or individual
19 members of a decisionmaking body, may be relevant to
20 making a determination about a violation of subsection
21 (a), as described under this subsection.

22 “(4) A claim that a violation of subsection (a) has
23 occurred, as described under this subsection, shall require
24 proof of a discriminatory impact but shall not require
25 proof of violation of subsection (b) 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, or paragraph
22 (1)(B) applies to the political subdivision
23 solely on the basis of voting rights viola-
24 tions occurring after the issuance of the
25 declaratory judgment.

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

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

19 “(A) JUDICIAL RELIEF; VIOLATION OF
20 THE 14TH OR 15TH AMENDMENT.—Any final
21 judgment (that has not been reversed on ap-
22 peal) occurred, in which the plaintiff prevailed
23 and in which any court of the United States de-
24 termined that a denial or abridgement of the
25 right of any citizen of the United States to vote

1 on account of race, color, or membership in a
2 language minority group occurred, that a voting
3 qualification or prerequisite to voting or stand-
4 ard, practice, or procedure with respect to vot-
5 ing created an undue burden on the right to
6 vote in connection with a claim that the law un-
7 duly burdened voters of a particular race, color,
8 or language minority group, or that race was
9 the predominant factor motivating the decision
10 to place a significant number of voters within
11 or outside of a particular district, unless nar-
12 rowly tailored in service of a compelling interest
13 or in response to an objection interposed by the
14 Department of Justice, in violation of the 14th
15 or 15th Amendment to the Constitution of the
16 United States, anywhere within the State or
17 subdivision.

18 “(B) JUDICIAL RELIEF; VIOLATIONS OF
19 THIS ACT.—Any final judgment (that has not
20 been reversed on appeal) occurred in which the
21 plaintiff prevailed and in which any court of the
22 United States determined that a voting quali-
23 fication or prerequisite to voting or standard,
24 practice, or procedure with respect to voting
25 was imposed or applied or would have been im-

1 posed or applied anywhere within the State or
2 subdivision in a manner that resulted or would
3 have resulted in a denial or abridgement of the
4 right of any citizen of the United States to vote
5 on account of race, color, or membership in a
6 language minority group, in violation of sub-
7 section (e) or (f) or section 2, 201, or 203, or
8 any final judgment (that has not been reversed
9 on appeal) occurred in which a court of the
10 United States found a State or political subdivi-
11 sion failed to comply with section 5(a): *Pro-*
12 *vided*, That if the voting qualifications or pre-
13 requisites to voting or standards, practices, or
14 procedures that the court finds required compli-
15 ance with section 5(a) subsequently go into ef-
16 fect (without alteration or amendment) in ac-
17 cordance with the procedures in section 5(a),
18 then such finding shall not count as a violation.

19 “(C) FINAL JUDGMENT; DENIAL OF DE-
20 CLARATORY JUDGMENT.—In a final judgment
21 (that has not been reversed on appeal), any
22 court of the United States has denied the re-
23 quest of the State or subdivision for a declara-
24 tory judgment under section 3(c) or section 5,
25 and thereby prevented a voting qualification or

1 prerequisite to voting or standard, practice, or
2 procedure with respect to voting from being en-
3 forced anywhere within the State or subdivision.

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

22 “(E) CONSENT DECREE, SETTLEMENT, OR
23 OTHER AGREEMENT.—

24 “(i) AGREEMENT.—A consent decree,
25 settlement, or other agreement was adopt-

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

14 “(ii) INDEPENDENT VIOLATIONS.—A
15 voluntary extension or continuation of a
16 consent decree, settlement, or agreement
17 described in clause (i) shall not count as
18 an independent violation under this sub-
19 paragraph. Any other extension or modi-
20 fication of such a consent decree, settle-
21 ment, or agreement, if the consent decree,
22 settlement, or agreement has been in place
23 for ten years or longer, shall count as an
24 independent violation under this subpara-
25 graph. If a court of the United States

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

15 “(F) MULTIPLE VIOLATIONS.—Each in-
16 stance in which a voting qualification or pre-
17 requisite to voting or standard, practice, or pro-
18 cedure with respect to voting, including each re-
19 districting plan, is found to be a violation by a
20 court of the United States pursuant to subpara-
21 graph (A) or (B), or prevented from being en-
22 forced pursuant to subparagraph (C) or (D), or
23 altered or abandoned pursuant to subparagraph
24 (E) shall count as an independent violation
25 under this paragraph. Within a redistricting

1 plan, each violation under this paragraph found
2 to violate the rights of any group of voters
3 within an individual district based on race,
4 color, or language minority group shall count as
5 an independent violation under this paragraph.

6 “(4) TIMING OF DETERMINATIONS.—

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

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

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

22 (A) in paragraph (1), in the first sentence
23 of the matter preceding subparagraph (A), by
24 striking “any State with respect to which” and
25 all that follows through “unless” and inserting

1 “any State to which this subsection applies dur-
2 ing a calendar year pursuant to determinations
3 made under subsection (b), or in any political
4 subdivision of such State (as such subdivision
5 existed on the date such determinations were
6 made with respect to such State), though such
7 determinations were not made with respect to
8 such subdivision as a separate unit, or in any
9 political subdivision with respect to which this
10 subsection applies during a calendar year pur-
11 suant to determinations made with respect to
12 such subdivision as a separate unit under sub-
13 section (b), unless”;

14 (B) in paragraph (1), in the matter pre-
15 ceding subparagraph (A), by striking the second
16 sentence;

17 (C) in paragraph (1)(A), by striking “(in
18 the case of a State or subdivision seeking a de-
19 claratory judgment under the second sentence
20 of this subsection)”;

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

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

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

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

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

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

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

23 (2) by inserting at the beginning of paragraph
24 (7), as redesignated by subsection (a)(2)(H), the fol-
25 lowing: “Any plaintiff seeking a declaratory judg-

1 ment under this subsection on the grounds that the
2 plaintiff meets the requirements of paragraph (1)
3 may request that the Attorney General consent to
4 entry of judgment.”; and

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

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

14 “(9) If a political subdivision was not subject to the
15 application of this subsection by reason of a declaratory
16 judgment entered prior to the date of enactment of the
17 John R. Lewis Voting Rights Advancement Act of 2021,
18 and is not, subsequent to that date of enactment, subject
19 to the application of this subsection under subsection
20 (b)(1)(B), then that political subdivision shall not be sub-
21 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 change to a law, regula-
14 tion, or policy that includes a voting qualifica-
15 tion or prerequisite to voting, or a standard,
16 practice, or procedure with respect to voting,
17 that is a covered practice described in sub-
18 section (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 in a State or political subdivision, the following shall be
22 covered practices subject to the requirements described in
23 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 resents 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 apportionment or boundaries of
21 districts for Federal, State, or local elections in a
22 State or political subdivision where any racial group
23 or language minority group that is not the largest
24 racial group or language minority group in the juris-
25 diction and that represents 15 percent or more of

1 the State or political subdivision’s voting-age popu-
2 lation experiences a population increase of at least
3 20 percent of its voting-age population, over the pre-
4 ceding decade (as calculated by the Bureau of the
5 Census under the most recent decennial census), in
6 the jurisdiction.

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

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

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

1 absentee, and election-day voting locations, or re-
2 duces days or hours of in-person voting on any Sun-
3 day during a period occurring prior to the date of
4 an election for Federal, State, or local office during
5 which voters may cast ballots in such election, if the
6 location change, or reduction in days or hours, ap-
7 plies—

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

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

15 “(7) NEW LIST MAINTENANCE PROCESS.—Any
16 change to the maintenance process for voter reg-
17 istration lists that adds a new basis for removal
18 from the list of active voters registered to vote in
19 elections for Federal, State, or local office, or that
20 incorporates new sources of information in deter-
21 mining a voter’s eligibility to vote in elections for
22 Federal, State, or local office, if such a change
23 would have a statistically significant disparate im-
24 pact, concerning the removal from voter rolls, on
25 members of racial groups or language minority

1 groups that constitute greater than 5 percent of the
2 voting-age population—

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

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

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

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

18 “(i) the State; or

19 “(ii) a political subdivision in the
20 State, except that the requirements under
21 subsections (a) and (c) shall apply only
22 with respect to each such political subdivi-
23 sion individually.

24 “(c) PRECLEARANCE.—

25 “(1) IN GENERAL.—

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

16 “(B) SUBMISSION TO ATTORNEY GEN-
17 ERAL.—

18 “(i) IN GENERAL.—Notwithstanding
19 subparagraph (A), such covered practice
20 may be implemented without such pro-
21 ceeding if the covered practice has been
22 submitted by the chief legal officer or other
23 appropriate official of such State or sub-
24 division to the Attorney General and the
25 Attorney General has not interposed an ob-

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

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

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

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

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

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

20 “(1) the voting qualification or prerequisite to
21 voting, or standard, practice, or procedure with re-
22 spect to voting, is not a covered practice described
23 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 DEMOGRAPHICS 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 111(a)(1) of
16 the John R. Lewis Voting Rights Advancement Act and,
17 on 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 60 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’
25 means the recognized governing body of any Indian

1 or Alaska Native Tribe, band, nation, pueblo, village,
2 community, component band, or component reserva-
3 tion, individually identified (including parentheti-
4 cally) in the list published most recently pursuant to
5 section 104 of the Federally Recognized Indian
6 Tribe List Act of 1994 (25 U.S.C. 5131).

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

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

18 **SEC. 115. ATTORNEYS’ FEES.**

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

22 “(4) The term ‘prevailing party’ means a party to an
23 action that receives at least some of the benefit sought
24 by such action, states a colorable claim, and can establish

1 that the action was a significant cause of a change to the
2 status quo.”.

3 **SEC. 116. OTHER TECHNICAL AND CONFORMING AMEND-**
4 **MENTS.**

5 (a) ACTIONS COVERED UNDER SECTION 3.—Section
6 3(c) of the Voting Rights Act of 1965 (52 U.S.C.
7 10302(c)) is amended—

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

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

16 (b) CLARIFICATION OF TREATMENT OF MEMBERS OF
17 LANGUAGE MINORITY GROUPS.—Section 4(f) of such Act
18 (52 U.S.C. 10303(f)) is amended—

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

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

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

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

5 (2) in subsection (a), by striking “November 1,
6 1964” and all that follows through “November 1,
7 1972” and inserting “the applicable date of cov-
8 erage”; and

9 (3) by adding at the end the following new sub-
10 section:

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

13 “(1) January 1, 2021, if the most recent deter-
14 mination for such State or subdivision under section
15 4(b) was made during the first calendar year in
16 which determinations are made following the date of
17 enactment of the John R. Lewis Voting Rights Ad-
18 vancement Act of 2021; or

19 “(2) the date on which the most recent deter-
20 mination for such State or subdivision under section
21 4(b) was made following the date of enactment of
22 the John R. Lewis Voting Rights Advancement Act
23 of 2021, if the most recent determination for such
24 State or subdivision under section 4(b) was made
25 after the first calendar year in which determinations

1 are made following the date of enactment of the
2 John R. Lewis Voting Rights Advancement Act of
3 2021.”.

4 (d) REVIEW OF PRECLEARANCE SUBMISSION UNDER
5 SECTION 5 DUE TO EXIGENCY.—Section 5 of such Act
6 (52 U.S.C. 10304) is amended, in subsection (a), by in-
7 serting “An exigency, including a natural disaster, inclem-
8 ent weather, or other unforeseeable event, requiring such
9 different qualification, prerequisite, standard, practice, or
10 procedure within 30 days of a Federal, State, or local elec-
11 tion shall constitute good cause requiring the Attorney
12 General to expedite consideration of the submission. To
13 the extent feasible, expedited consideration shall consider
14 the views of individuals affected by the different qualifica-
15 tion, prerequisite, standard, practice, or procedure.” after
16 “will not be made.”.

17 **SEC. 117. SEVERABILITY.**

18 If any provision of the John R. Lewis Voting Rights
19 Advancement Act of 2021 or any amendment made by this
20 title, or the application of such a provision or amendment
21 to any person or circumstance, is held to be unconstitu-
22 tional or is otherwise enjoined or unenforceable, the re-
23 mainder of this title and amendments made by this title,
24 and the application of the provisions and amendments to
25 any other person or circumstance, and any remaining pro-

1 vision of the Voting Rights Act of 1965 (52 U.S.C. 10301
2 et seq.), shall not be affected by the holding. In addition,
3 if any provision of the Voting Rights Act of 1965 (52
4 U.S.C. 10301 et seq.), or any amendment to the Voting
5 Rights Act of 1965, or the application of such a provision
6 or amendment to any person or circumstance, is held to
7 be unconstitutional or is otherwise enjoined or unenforce-
8 able, the application of the provision and amendment to
9 any other person or circumstance, and any remaining pro-
10 visions of the Voting Rights Act of 1965, shall not be af-
11 fected by the holding.

12 **SEC. 118. GRANTS TO ASSIST WITH NOTICE REQUIREMENTS**

13 **UNDER THE VOTING RIGHTS ACT OF 1965.**

14 (a) IN GENERAL.—The Attorney General shall make
15 grants each fiscal year to small jurisdictions who submit
16 applications under subsection (b) for purposes of assisting
17 such small jurisdictions with compliance with the require-
18 ments of the Voting Rights Act of 1965 to submit or pub-
19 lish notice of any change to a qualification, prerequisite,
20 standard, practice or procedure affecting voting.

21 (b) APPLICATION.—To be eligible for a grant under
22 this section, a small jurisdiction shall submit an applica-
23 tion to the Attorney General in such form and containing
24 such information as the Attorney General may require re-

1 guarding the compliance of such small jurisdiction with the
2 provisions of the Voting Rights Act of 1965.

3 (c) SMALL JURISDICTION DEFINED.—For purposes
4 of this section, the term “small jurisdiction” means any
5 political subdivision of a State with a population of 10,000
6 or less.

7 **TITLE II—ELECTION WORKER**
8 **AND POLLING PLACE PRO-**
9 **TECTION**

10 **SEC. 201. ELECTION WORKER AND POLLING PLACE PRO-**
11 **TECTION.**

12 Section 11 of the Voting Rights Act of 1965 (52
13 U.S.C. 10307) is amended by adding at the end the fol-
14 lowing:

15 “(f)(1) Whoever, whether or not acting under color
16 of law, by force or threat of force, or violence, or threat
17 of harm to any person or property, willfully intimidates
18 or interferes with, or attempts to intimidate or interfere
19 with, the ability of any person or any class of persons to
20 vote or qualify to vote, or to qualify or act as a poll watch-
21 er, or any legally authorized election official, in any pri-
22 mary, special, or general election, or any person who is,
23 or is employed by, an agent, contractor, or vendor of a
24 legally authorized election official assisting in the adminis-
25 tration of any primary, special, or general election, shall

1 be fined not more than \$5,000, or imprisoned not more
2 than one year, or both; and if bodily injury results from
3 the acts committed in violation of this paragraph or if
4 such acts include the use, attempted use, or threatened
5 use of a dangerous weapon, explosives, or fire, shall be
6 fined not more than \$5,000 or imprisoned not more than
7 5 years, or both.

8 “(2) Whoever, whether or not acting under color of
9 law, willfully physically damages or threatens to physically
10 damage any physical property being used as a polling
11 place or tabulation center or other election infrastructure,
12 with the intent to interfere with the administration of an
13 election or the tabulation or certification of votes, shall
14 be fined not more than \$5,000, or imprisoned not more
15 than one year, or both; and if bodily injury results from
16 the acts committed in violation of this paragraph or if
17 such acts include the use, attempted use, or threatened
18 use of a dangerous weapon, explosives, or fire, shall be
19 fined not more than \$5,000 or imprisoned not more than
20 5 years, or both.

21 “(3) For purposes of this subsection, de minimus
22 damage or threats of de minimus damage to physical prop-
23 erty shall not be considered a violation of this subsection.

24 “(4) For purposes of this subsection, the term ‘elec-
25 tion infrastructure’ means any office of an election official,

1 staff, worker, or volunteer or any physical, mechanical, or
2 electrical device, structure, or tangible item used in the
3 process of creating, distributing, voting, returning, count-
4 ing, tabulating, auditing, storing, or other handling of
5 voter registration or ballot information.

6 “(g) No prosecution of any offense described in this
7 subsection may be undertaken by the United States, ex-
8 cept under the certification in writing of the Attorney Gen-
9 eral, or a designee, that—

10 “(1) the State does not have jurisdiction;

11 “(2) the State has requested that the Federal
12 Government assume jurisdiction; or

13 “(3) a prosecution by the United States is in
14 the public interest and necessary to secure substan-
15 tial justice.”.

16 **TITLE III—NATIVE AMERICAN** 17 **VOTING RIGHTS ACT**

18 **SEC. 301. SHORT TITLE.**

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

22 **SEC. 302. FINDINGS AND PURPOSES.**

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

24 (1) The Constitution explicitly and implicitly
25 grants Congress broad general powers to legislate on

1 issues relating to Indian Tribes, powers consistently
2 described as plenary and exclusive. These powers
3 arise from the grant of authority in the Indian Com-
4 merce Clause and through legislative matters arising
5 under the Treaty Clause.

6 (2) The Federal Government is responsible for
7 upholding the obligations to which the Federal Gov-
8 ernment has agreed through treaties, legislation, and
9 executive orders, referred to as the Federal trust re-
10 sponsibility toward Indian Tribes and their mem-
11 bers.

12 (3) The Supreme Court has repeatedly relied on
13 the nature of this “government to government” rela-
14 tionship between the United States and sovereign
15 Indian Tribes for congressional authority to enact
16 “legislation that singles out Indians for particular
17 and special treatment”. *Morton v. Mancari*, 417
18 U.S. 535, 554–555 (1974).

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

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

8 (6) Despite Congress’ decision to grant Native
9 Americans Federal citizenship, and with it the pro-
10 tections of the Fifteenth Amendment, with passage
11 of the Act of June 2, 1924 (Chapter 233; 43 Stat.
12 253) (commonly known as the “Indian Citizenship
13 Act of 1924”), States continued to deploy distinct
14 methods for disenfranchising Indians by enacting
15 statutes to exclude from voter rolls Indians living on
16 Indian lands, requiring that Indians first terminate
17 their relationship with their Indian Tribe, restricting
18 the right to vote on account of a Tribal member’s
19 “guardianship” status, and imposing literacy tests.

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

24 (8) The Native American Voting Rights Coali-
25 tion’s nine field hearings in Indian Country and

1 four-State survey of voter discrimination revealed a
2 number of additional obstacles that Native Ameri-
3 cans must overcome in some States, including—

4 (A) a lack of accessible registration and
5 polling sites, either due to conditions such as
6 geography, lack of paved roads, the absence of
7 reliable and affordable broadband connectivity,
8 and restrictions on the time, place, and manner
9 that eligible people can register and vote, in-
10 cluding unequal opportunities for absentee,
11 early, mail-in, and in-person voting;

12 (B) nontraditional or nonexistent addresses
13 for residents on Indian reservations, lack of res-
14 idential mail delivery and pick up, reliance on
15 distant post offices with abbreviated operating
16 hours for mail services, insufficient housing
17 units, overcrowded homes, and high incidence of
18 housing insecurity and homelessness, lack of ac-
19 cess to vehicles, and disproportionate poverty
20 which make voter registration, acquisition and
21 dropping off of mail-in ballots, receipt of voting
22 information and materials, and securing re-
23 quired identification difficult, if not impossible;

24 (C) inadequate language assistance for
25 Tribal members, including lack of outreach and

1 publicity, the failure to provide complete, accu-
2 rate, and uniform translations of all voting ma-
3 terials in the relevant Native language, and an
4 insufficient number of trained bilingual poll
5 workers; and

6 (D) voter identification laws that discrimi-
7 nate against Native Americans.

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

13 (10) According to the National Congress of
14 American Indians, there is a wide gap between the
15 voter registration and turnout rates of eligible Amer-
16 ican Indians and Alaska Natives and the voter reg-
17 istration and turnout rates of non-Hispanic White
18 and other racial and ethnic groups.

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

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

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

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

5 (1) to fulfill the Federal Government’s trust re-
6 sponsibility to protect and promote Native Ameri-
7 cans’ exercise of their constitutionally guaranteed
8 right to vote, including the right to register to vote
9 and the ability to access all mechanisms for voting;

10 (2) to establish Tribal administrative review
11 procedures for a specific subset of State actions that
12 have been used to restrict access to the polls on In-
13 dian lands;

14 (3) to expand voter registration under the Na-
15 tional Voter Registration Act of 1993 (52 U.S.C.
16 20501 et seq.) to cover Federal facilities;

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

19 (5) to ensure American Indians and Alaska Na-
20 tives experiencing homelessness, housing insecurity,
21 or lacking residential mail pickup and delivery can
22 pool resources to pick up and return ballots;

23 (6) to clarify the obligations of States and polit-
24 ical subdivisions regarding the provision of trans-
25 lated voting materials for American Indians and

1 Alaska Natives under section 203 of the Voting
2 Rights Act of 1965 (52 U.S.C. 10503);

3 (7) to provide Tribal leaders with a direct path-
4 way to request Federal election observers and to
5 allow public access to the reports of those election
6 observers;

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

11 (9) to direct the Department of Justice to con-
12 sult on an annual basis with Indian Tribes on issues
13 related to voting.

14 **SEC. 303. DEFINITIONS.**

15 In this title:

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

18 (2) INDIAN; INDIAN LANDS; INDIAN TRIBE.—
19 The terms “Indian”, “Indian lands”, and “Indian
20 Tribe” have the meanings given those terms in sec-
21 tion 21 of the Voting Rights Act of 1965 (as added
22 by section 114 of this Act).

23 (3) POLLING PLACE.—The term “polling place”
24 means any location where a ballot is cast in elections
25 for Federal office, and includes a voter center, poll,

1 polling location, or polling place, depending on the
2 State nomenclature.

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

5 (a) IN GENERAL.—The United States Election As-
6 sistance Commission (referred to in this section as the
7 “Commission”) shall establish and administer, in coordi-
8 nation with the Department of the Interior, a Native
9 American voting task force grant program, through which
10 the Commission shall provide financial assistance to eligi-
11 ble applicants to enable those eligible applicants to estab-
12 lish and operate a Native American Voting Task Force
13 in each State with a federally recognized Indian Tribe.

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

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

18 (2) increase access to the ballot for Native
19 American communities, including additional satellite,
20 early voting, and absentee voting locations;

21 (3) streamline and reduce inconsistencies in the
22 voting process for Native Americans;

23 (4) provide, in the community’s dominant lan-
24 guage, educational materials and classes on Indian
25 lands about candidacy filing;

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

3 (A) the language assistance and voter as-
4 sistance requirements under sections 203 and
5 208 of the Voting Rights Act of 1965 (52
6 U.S.C. 10503; 10508);

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

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

11 (6) identify model programs and best practices
12 for providing language assistance to Native Amer-
13 ican communities;

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

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

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

21 (10) work with Indian Tribes, States, and the
22 Federal Government to establish mailing addresses
23 that comply with applicable State and Federal re-
24 quirements for receipt of voting information and ma-
25 terials; and

1 (11) facilitate collaboration between local elec-
2 tion officials, Native American communities, and
3 Tribal elections offices.

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

6 (1) an Indian Tribe;

7 (2) a Secretary of State of a State, or another
8 official of a State entity responsible for overseeing
9 elections;

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

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

14 (d) APPLICATION AND SELECTION PROCESS.—

15 (1) IN GENERAL.—The Commission, in coordi-
16 nation with the Department of the Interior and fol-
17 lowing consultation with Indian Tribes about the im-
18 plementation of the Native American voting task
19 force grant program, shall establish guidelines for
20 the process by which eligible applicants will submit
21 applications.

22 (2) APPLICATIONS.—Each eligible applicant de-
23 siring a grant under this section shall submit an ap-
24 plication, according to the process established under
25 paragraph (1), and at such time, in such manner,

1 and containing such information as the Commission
2 may require. Such application shall include—

3 (A) a certification that the applicant is an
4 eligible applicant;

5 (B) a proposed work plan addressing how
6 the eligible applicant will establish and admin-
7 ister a Native American Voting Task Force
8 that achieves the purposes described in sub-
9 section (b);

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

14 (D) an explanation of the time period that
15 the proposed Native American Voting Task
16 Force will cover, which shall be a time period
17 that is not more than 3 years; and

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

20 (e) USES OF FUNDS.—A grantee receiving funds
21 under this section shall use such funds to carry out one
22 or more of the activities described in subsection (b),
23 through the grantee's Native American Voting Task
24 Force.

25 (f) REPORTS.—

1 (1) REPORT TO THE COMMISSION.—

2 (A) IN GENERAL.—Not later than 1 year
3 after the date on which an eligible applicant re-
4 ceives grant funds under this section, and annu-
5 ally thereafter for the duration of the grant,
6 each eligible applicant shall prepare and submit
7 a written report to the Commission describing
8 the eligible applicant's progress in achieving the
9 goals outlined in the application under sub-
10 section (d)(2).

11 (B) RESPONSE.—Not later than 30 days
12 after the date on which the Commission receives
13 the report described in paragraph (1), the Com-
14 mission will provide feedback, comments, and
15 input to the eligible applicant in response to
16 such report.

17 (2) REPORT TO CONGRESS.—Not later than 1
18 year after the date of enactment of this title, and
19 annually thereafter, the Commission shall prepare
20 and submit a report to the Committee on Indian Af-
21 fairs of the Senate and Committee on Natural Re-
22 sources of the House of Representatives containing
23 the results of the reports described under paragraph
24 (1).

1 (g) RELATIONSHIP WITH OTHER LAWS.—Nothing in
2 this section reduces State or local obligations provided for
3 by the Voting Rights Act of 1965 (52 U.S.C. 10301 et
4 seq.), the National Voter Registration Act of 1993 (52
5 U.S.C. 20501 et seq.), the Help America Vote Act of 2002
6 (52 U.S.C. 20901 et seq.), or any other Federal law or
7 regulation related to voting or the electoral process.

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

11 **SEC. 305. VOTER REGISTRATION SITES AT INDIAN SERVICE**
12 **PROVIDERS AND ON INDIAN LANDS.**

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

15 (1) in paragraph (2)—

16 (A) in subparagraph (A), by striking
17 “and” after the semicolon;

18 (B) in subparagraph (B), by striking the
19 period at the end and inserting a semicolon;
20 and

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

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

1 “(D) not less than one Federal facility or
2 federally funded facility that is located within
3 the Indian lands of an Indian Tribe, as applica-
4 ble, (which may be the Federal facility or feder-
5 ally funded facility described in subparagraph
6 (C)).”; and

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

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

19 **SEC. 306. ACCESSIBLE TRIBAL DESIGNATED POLLING**
20 **SITES.**

21 (a) IN GENERAL.—

22 (1) DESIGNATION OF STATE OFFICER.—Each
23 of the several States whose territory contains all or
24 part of an Indian Tribe’s Indian lands shall des-
25 ignate an officer within that State who will be re-

1 sponsible for compliance with the provisions of this
2 section and who shall periodically consult with the
3 Indian Tribes located wholly or partially within that
4 State regarding compliance with the provisions of
5 this section and coordination between the State and
6 the Indian Tribe. The State shall provide written no-
7 tice to each such Indian Tribe of the officer so des-
8 ignated.

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

17 (A) shall provide a minimum of one polling
18 place in each precinct in which there are eligible
19 voters who reside on Indian lands, in a location
20 selected by the Indian Tribe and at no cost to
21 the Indian Tribe, regardless of the population
22 or number of registered voters residing on In-
23 dian lands;

1 (B) shall not reduce the number of polling
2 locations on Indian lands based on population
3 numbers;

4 (C) shall provide, at no cost to the Indian
5 Tribe, additional polling places in locations on
6 Indian lands selected by an Indian Tribe and
7 requested under subsection (c) if, based on the
8 totality of circumstances described in subsection
9 (b), it is shown that not providing those addi-
10 tional polling places would result in members of
11 the Indian Tribe and living on Indian lands or
12 other individuals residing on the Indian Tribe's
13 Indian lands having less opportunity to vote
14 than eligible voters in that State or political
15 subdivision who are not members of an Indian
16 Tribe or do not reside on Indian lands;

17 (D) shall, at each polling place located on
18 Indian lands and at no cost to the Indian Tribe,
19 make voting machines, tabulation machines, of-
20 ficial receptacles designated for the return of
21 completed absentee ballots, ballots, provisional
22 ballots, and other voting materials available to
23 the same or greater extent that such equipment
24 and materials are made available at other poll-

1 ing places in the State or political subdivision
2 that are not located on Indian lands;

3 (E) shall, at each polling place located on
4 Indian lands, conduct the election using the
5 same voting procedures that are used at other
6 polling places in the State or political subdivi-
7 sion that are not located on Indian lands, or
8 other voting procedures that provide greater ac-
9 cess for voters;

10 (F) shall, at each polling place located on
11 Indian lands and at no cost to the Indian Tribe,
12 make voter registration available during the pe-
13 riod the polling place is open to the maximum
14 extent allowable under State law;

15 (G) shall, at each polling place located on
16 Indian lands, provide training, compensation,
17 and other benefits to election officials and poll
18 workers at no cost to the Indian Tribe and, at
19 a minimum, to the same or greater extent that
20 such training, compensation, and benefits are
21 provided to election officials and poll workers at
22 other polling places in the State or political
23 subdivision that are not located on Indian
24 lands;

1 (H) shall, in all cases, provide the Indian
2 Tribe an opportunity to designate election offi-
3 cials and poll workers to staff polling places
4 within the Indian lands of the applicable Indian
5 Tribe on every day that the polling places will
6 be open;

7 (I) shall allow for any eligible voting mem-
8 ber of the Indian Tribe or any eligible voting
9 individual residing on Indian lands to vote early
10 or in person at any polling place on Indian
11 lands, regardless of that member or individual's
12 residence or residential address, and shall not
13 reject the ballot of any such member or indi-
14 vidual on the grounds that the ballot was cast
15 at the wrong polling place; and

16 (J) may fulfill the State's obligations
17 under subparagraphs (A) and (C) by relocating
18 existing polling places, by creating new polling
19 places, or both.

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

21 (1) **IN GENERAL.—**When assessing the opportu-
22 nities to vote provided to members of an Indian
23 Tribe and to other eligible voters in the State resid-
24 ing on Indian lands in order to determine the num-
25 ber of additional polling places (if any) that a State

1 or political subdivision must provide in accordance
2 with subsection (a)(2)(C), the State, political sub-
3 division, or any court applying this section, shall
4 consider the totality of circumstances of—

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

7 (B) the distances that voters must travel
8 to reach the polling places;

9 (C) the time that voters must spend trav-
10 eling to reach the polling places, including
11 under inclement weather conditions;

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

15 (E) the existence of and access to frequent
16 and reliable public transportation to the polling
17 places;

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

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

23 (2) ABSENCE OF FACTORS.—When assessing
24 the opportunities to vote in accordance with para-
25 graph (1), the State, political subdivision, or court

1 shall ensure that each factor described in paragraph
2 (1) is considered regardless of whether any one fac-
3 tor would lead to a determination not to provide ad-
4 ditional polling places under subsection (a)(2)(C).

5 (c) FORM; PROVISION OF FORM; OBLIGATIONS OF
6 THE INDIAN TRIBE.—

7 (1) FORM.—The Attorney General shall estab-
8 lish the form described in this subsection through
9 which an Indian Tribe can fulfill its obligations
10 under this subsection.

11 (2) PROVISION OF FORM.—Each State or polit-
12 ical subdivision whose territory contains all or part
13 of an Indian Tribe's Indian lands—

14 (A) shall provide the form established
15 under paragraph (1) to each applicable Indian
16 Tribe not less than 30 days prior to the dead-
17 line set by the State or political subdivision for
18 completion of the obligations under this sub-
19 section (which deadline shall be not less than
20 30 days prior to a Federal election) whereby an
21 Indian Tribe can fulfill its obligations under
22 this subsection by providing the information de-
23 scribed in paragraph (3) on that form and sub-
24 mitting the form back to the applicable State or
25 political subdivision by such deadline;

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

5 (C) shall cooperate in good faith with the
6 efforts of the Indian Tribe to satisfy the re-
7 quirements of this subsection.

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

14 (A) The Indian Tribe specifies the number
15 and locations of requested polling places, early
16 voting locations, and ballot drop boxes to be
17 provided on the Indian lands of that Indian
18 Tribe.

19 (B) The Indian Tribe certifies that
20 curbside voting will be available for any facili-
21 ties that lack accessible entrances and exits in
22 accordance with Federal and State law.

23 (C) The Indian Tribe certifies that the In-
24 dian Tribe will ensure that each such requested
25 polling place will be open and available to all el-

1 eligible voters who reside in the precinct or other
2 geographic area assigned to such polling place,
3 regardless of whether such eligible voters are
4 members of the Indian Tribe or of any other
5 Indian Tribe.

6 (D) The Indian Tribe requests that the
7 State or political subdivision shall designate
8 election officials and poll workers to staff such
9 requested polling places, or certifies that the In-
10 dian Tribe will designate election officials and
11 poll workers to staff such polling places on
12 every day that the polling places will be open.

13 (E) The Indian Tribe may request that the
14 State or political subdivision provide absentee
15 ballots without requiring an excuse, an absentee
16 ballot request, or residential address to all eligi-
17 ble voters who reside in the precinct or other
18 geographic area assigned to such polling place,
19 regardless of whether such eligible voters are
20 members of the Indian Tribe or of any other
21 Indian Tribe.

22 (4) ESTABLISHED POLLING PLACES.—Once a
23 polling place is established under subsection
24 (a)(2)(A) or subsection (a)(2)(C) the Tribe need not
25 fill out the form designated under paragraph (1)

1 again unless or until that Indian Tribe requests
2 modifications to the requests specified in the most
3 recent form under paragraph (1).

4 (5) OPT OUT.—At any time that is 60 days or
5 more before the date of an election, an Indian Tribe
6 that previously has satisfied the obligations of para-
7 graph (3) may notify the State or political subdivi-
8 sion that the Indian Tribe intends to opt out of the
9 standing obligation for one or more polling places
10 that were established in accordance with subsection
11 (a)(2)(A) or subsection (a)(2)(C) for a particular
12 election or for all future elections. A Tribe may opt
13 back in at any time.

14 (d) FEDERAL POLLING SITES.—Each State shall
15 designate as voter polling facilities any of the facilities
16 identified in accordance with subparagraph (C) or (D) of
17 section 7(a)(2) of the National Voter Registration Act of
18 1993 (52 U.S.C. 20506(a)(2)), at no cost to the Indian
19 Tribe, provided that the facility meets the requirements
20 of Federal and State law as applied to other polling places
21 within the State or political subdivision. The applicable
22 agency of the Federal Government shall ensure that such
23 designated facilities are made available as polling places.

24 (e) MAIL-IN BALLOTING.—In States or political sub-
25 divisions that permit absentee or mail-in balloting, the fol-

1 lowing shall apply with respect to an election for Federal
2 office:

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

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

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

22 (4) If there is no tribally designated building
23 within the precinct of a voter residing on Indian
24 lands (including if the tribally designated building is

1 on Indian lands but not in the same precinct as the
2 voter), the voter may—

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

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

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

1 (6) A State or political division shall make rea-
2 sonable efforts to contact a voter who resides within
3 Indian lands located within its jurisdiction and offer
4 such voter a reasonable opportunity to cure any de-
5 fect in an absentee ballot issued to and completed
6 and returned by the voter, or appearing on or per-
7 taining to the materials provided for the purpose of
8 returning the absentee ballot, if State law would oth-
9 erwise require the absentee ballot to be rejected due
10 to such defect and the defect does not compromise
11 ballot secrecy or involve a lack of witness or assist-
12 ant signature, where such signature is mandated by
13 State law.

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

1 (f) BALLOT DROP BOXES.—Each State shall—

2 (1) provide not less than one ballot drop box for
3 each precinct on Indian lands, at no cost to the In-
4 dian Tribe, at either the tribally designated building
5 under subsection (e)(2) or an alternative site se-
6 lected by the applicable Indian Tribe; and

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

15 (g) EARLY VOTING.—

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

1 early voting sites shall be determined based on the
2 criteria considered under the totality of cir-
3 cumstances described in subsection (b).

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

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

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

21 (B) have uniform hours each day for which
22 such voting occurs; and

23 (C) allow such voting to be held for some
24 period of time prior to 9:00 a.m. (local time)

1 and some period of time after 5:00 p.m. (local
2 time).

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

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

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

17 (h) PROVISIONAL BALLOTS.—

18 (1) IN GENERAL.—In addition to the require-
19 ments under section 302(a) of the Help America
20 Vote Act of 2002 (52 U.S.C. 21082(a)), for each
21 State or political subdivision that provides voters
22 provisional ballots, challenge ballots, or affidavit bal-
23 lots under the State’s applicable law governing the
24 voting processes for those voters whose eligibility to

1 vote is determined to be uncertain by election offi-
2 cials, election officials shall—

3 (A) provide clear written instructions indi-
4 cating the reason the voter was given a provi-
5 sional ballot, the information or documents the
6 voter needs to prove eligibility, the location at
7 which the voter must appear to submit these
8 materials or alternative methods, including
9 email or facsimile, that the voter may use to
10 submit these materials, and the deadline for
11 submitting these materials;

12 (B) permit any voter who votes provision-
13 ally at any polling place on Indian lands to ap-
14 pear at any polling place or at the central loca-
15 tion for the election board to submit the docu-
16 mentation or information to prove eligibility;

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

24 (D) notify the voter on whether the voter's
25 provisional ballot was counted or rejected by

1 telephone, email, or postal mail, or any other
2 available method, including notifying the voter
3 of any online tracking website if State law pro-
4 vides for such a mechanism; and

5 (E) provide the reason for rejection if the
6 voter's provisional ballot was rejected after the
7 voter provided the required information or doc-
8 umentation on eligibility.

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

13 (A) request and collect the voter's email
14 address, if the voter has one, and transmit any
15 written instructions issued to the voter in per-
16 son to the voter via email; and

17 (B) provide a verbal translation of any
18 written instructions to the voter.

19 (i) ENFORCEMENT.—

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

24 (2) PRIVATE RIGHT OF ACTION.—

1 (A) A person or Indian Tribe who is ag-
2 grieved by a violation of this section may pro-
3 vide written notice of the violation to the chief
4 election official of the State involved.

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

9 (i) that person or Indian Tribe pro-
10 vides the notice described in subparagraph
11 (A); and

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

19 (II) in the case of a violation that oc-
20 curs 120 days or less but more than 30
21 days before the date of an election for Fed-
22 eral office, the violation remains and 20
23 days or more have passed since the date on
24 which the chief election official of the State

1 receives the notice under subparagraph
2 (A).

3 (C) In the case of a violation of this sec-
4 tion that occurs 30 days or less before the date
5 of an election for Federal office, an aggrieved
6 person or Indian Tribe may bring a civil action
7 in an appropriate district court for declaratory
8 or injunctive relief with respect to the violation
9 without providing notice to the chief election of-
10 ficial of the State under subparagraph (A).

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

15 **SEC. 307. PROCEDURES FOR REMOVAL OF POLLING**
16 **PLACES AND VOTER REGISTRATION SITES ON**
17 **INDIAN LANDS.**

18 (a) ACTIONS REQUIRING TRIBAL ADMINISTRATIVE
19 REVIEW.—No State or political subdivision may carry out
20 any of the following activities in an election for Federal
21 office unless the requirements of subsection (b) have been
22 met:

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

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

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

11 (4) Eliminating in-person voting on the Indian
12 lands of an Indian Tribe by designating an Indian
13 reservation as a permanent absentee voting location,
14 unless the Indian Tribe requests such a designation
15 and has not later requested that the designation as
16 a permanent absentee voting location be reversed.

17 (5) Removing an early voting location or other-
18 wise diminishing early voting opportunities on In-
19 dian lands.

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

22 (7) Decreasing the number of days or hours
23 that an in-person or early voting polling place is
24 open on Indian lands only or changing the dates of

1 in-person or early voting only on the Indian lands of
2 an Indian Tribe.

3 (b) TRIBAL ADMINISTRATIVE REVIEW.—

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

6 (A) the impacted Indian Tribe submits to
7 the Attorney General the Indian Tribe's written
8 consent to the proposed activity described in
9 subsection (a);

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

1 Tribe, or membership in a language minority
2 group; or

3 (C) the chief legal officer or other appro-
4 priate official of such State or political subdivi-
5 sion, after consultation with the impacted In-
6 dian Tribe and after attempting to have the im-
7 pacted Indian Tribe give consent as described
8 in subparagraph (A), submits a request to carry
9 out the specified activity described in subsection
10 (a) to the Attorney General and the Attorney
11 General affirmatively approves the specified ac-
12 tivity.

13 (2) NO LIMITATION ON FUTURE ACTIONS.—

14 (A) NO BAR TO SUBSEQUENT ACTION.—
15 Neither an affirmative indication by the Attor-
16 ney General that no objection will be made, nor
17 the Attorney General's failure to object, nor a
18 declaratory judgment entered under this sec-
19 tion, nor a written consent issued under para-
20 graph (1)(A) shall bar a subsequent action to
21 enjoin enforcement of an activity described in
22 subsection (a).

23 (B) REEXAMINATION.—The Attorney Gen-
24 eral reserves the right to reexamine any submis-
25 sion under paragraph (1)(C) if additional rel-

1 evant information comes to the Attorney Gen-
2 eral's attention.

3 (C) DISTRICT COURT.—Any action under
4 this section shall be heard and determined by a
5 district court of 3 judges in accordance with the
6 provisions of section 2284 of title 28, United
7 States Code, and any appeal shall lie to the Su-
8 preme Court.

9 **SEC. 308. TRIBAL VOTER IDENTIFICATION.**

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

19 (b) ONLINE REGISTRATION.—If a State or political
20 subdivision requires an identification card for an indi-
21 vidual to register to vote online or to vote online, that
22 State or political subdivision shall annually consult with
23 an Indian Tribe to determine whether a tribal identifica-
24 tion can feasibly be used to register to vote online or vote
25 online.

1 (c) LIMITATION ON REQUIRING MULTIPLE FORMS
2 OF IDENTIFICATION.—If a State or political subdivision
3 requires an individual to present more than one form of
4 identification for the purposes of voting or registering to
5 vote in an election for Federal office, or for registering
6 to vote online or to vote online, that State or political sub-
7 division shall not require any member of an Indian Tribe
8 to provide more than one form of identification if the
9 member provides orally or in writing that the member does
10 not possess more than one form of identification.

11 **SEC. 309. PERMITTING VOTERS TO DESIGNATE OTHER PER-**
12 **SON TO RETURN BALLOT.**

13 Each State or political subdivision—

14 (1) shall permit any family member (including
15 extended family member, such as a cousin, grand-
16 child, or relation through marriage), caregiver, tribal
17 assistance provider, or household member to return
18 a sealed ballot of a voter that resides on Indian
19 lands to a post office on Indian lands, a ballot drop
20 box location in a State or political subdivision that
21 provides ballot drop boxes, a tribally designated
22 building under section 306(e)(2), or an election of-
23 fice, so long as the person designated to return the
24 ballot or ballots on behalf of another voter does not
25 receive any form of compensation based on the num-

1 ber of ballots that the person has returned and no
2 individual, group, or organization provides com-
3 pensation on this basis;

4 (2) may not put any limit on how many voted
5 and sealed absentee ballots any designated person
6 can return to the post office, ballot drop box loca-
7 tion, tribally designated building, or election office
8 under paragraph (1); and

9 (3) shall permit, at a minimum, any family
10 member (including extended family member, such as
11 a cousin, grandchild, or relation through marriage),
12 caregiver, tribal assistance provider, or household
13 member, including the voter, to return voter reg-
14 istration applications, absentee ballot applications,
15 or absentee ballots to ballot drop box locations in a
16 State or political subdivision that provides ballot
17 drop boxes for these purposes.

18 **SEC. 310. BILINGUAL ELECTION REQUIREMENTS.**

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

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

23 (2) by striking subsection (e) and inserting the
24 following:

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

3 “(1) IN GENERAL.—Whenever any State or po-
4 litical subdivision subject to the prohibition of sub-
5 section (b), provides any registration or voting no-
6 tices, forms, instructions, assistance, or other mate-
7 rials or information relating to the electoral process,
8 including ballots, it shall provide them in the lan-
9 guage of the applicable minority group as well as in
10 the English language.

11 “(2) EXCEPTIONS.—

12 “(A) In the case of a minority group that
13 is not American Indian or Alaska Native and
14 the language of that minority group is oral or
15 unwritten, the State or political subdivision
16 shall only be required to furnish, in the covered
17 language, oral instructions, assistance, trans-
18 lation of voting materials, or other information
19 relating to registration and voting.

20 “(B) In the case of a minority group that
21 is American Indian or Alaska Native, the State
22 or political subdivision shall only be required to
23 furnish in the covered language oral instruc-
24 tions, assistance, or other information relating
25 to registration and voting, including all voting

1 materials, if the Indian Tribe of that minority
2 group has certified that the language of the ap-
3 plicable American Indian or Alaska Native lan-
4 guage is presently unwritten or the Indian
5 Tribe does not want written translations in the
6 minority language.

7 “(3) WRITTEN TRANSLATIONS FOR ELECTION
8 WORKERS.—Notwithstanding paragraph (2), the
9 State or political division may be required to provide
10 written translations of voting materials, with the
11 consent of any applicable Indian Tribe, to election
12 workers to ensure that the translations from English
13 to the language of a minority group are complete,
14 accurate, and uniform.”.

15 **SEC. 311. FEDERAL OBSERVERS TO PROTECT TRIBAL VOT-**
16 **ING RIGHTS.**

17 (a) AMENDMENT TO THE VOTING RIGHTS ACT OF
18 1965.—Section 8(a) of the Voting Rights Act of 1965 (52
19 U.S.C. 10305(a)) is amended—

20 (1) in paragraph (1), by striking “or” after the
21 semicolon;

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

24 (3) by inserting after paragraph (2) the fol-
25 lowing:

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

7 (b) PUBLICLY AVAILABLE REPORTS.—The Attorney
8 General shall make publicly available the reports of a Fed-
9 eral election observer appointed pursuant to section
10 (8)(a)(3) of the Voting Rights Act of 1965 (52 U.S.C.
11 10305(a)(3)), as added by subsection (a), not later than
12 6 months after the date that such reports are submitted
13 to the Attorney General, except that any personally identi-
14 fiable information relating to a voter or the substance of
15 the voter’s ballot shall not be made public.

16 **SEC. 312. TRIBAL JURISDICTION.**

17 (a) IN GENERAL.—Tribal law enforcement have the
18 right to exercise their inherent authority to detain and or
19 remove any non-Indian, not affiliated with the State, its
20 political subdivision, or the Federal Government, from In-
21 dian lands for intimidating, harassing, or otherwise imped-
22 ing the ability of people to vote or of the State and its
23 political subdivisions to conduct an election.

24 (b) CIVIL ACTION BY ATTORNEY GENERAL FOR RE-
25 LIEF.—Whenever any person has engaged or there are

1 reasonable grounds to believe that any person is about to
2 engage in any act or practice prohibited by this section,
3 the Attorney General may institute for the United States,
4 or in the name of the United States, an action for preven-
5 tive relief, including an application for a temporary or per-
6 manent injunction, restraining order, or other order, and
7 including an order directed to the State and State or local
8 election officials to require them to permit persons to vote
9 and to count such votes.

10 **SEC. 313. TRIBAL VOTING CONSULTATION.**

11 The Attorney General shall consult annually with In-
12 dian Tribes regarding issues related to voting in elections
13 for Federal office.

14 **SEC. 314. ATTORNEYS' FEES, EXPERT FEES, AND LITIGA-**
15 **TION EXPENSES.**

16 In a civil action under this title, the court shall award
17 the prevailing party, other than the United States, reason-
18 able attorney fees, including litigation expenses, reason-
19 able expert fees, and costs.

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

21 The Comptroller General shall study the prevalence
22 of nontraditional or nonexistent mailing addresses among
23 Indians, those who are members of Indian Tribes, and
24 those residing on Indian lands and identify alternatives
25 to remove barriers to voter registration, receipt of voter

1 information and materials, and receipt of ballots. The
2 Comptroller General shall report the results of that study
3 to Congress not later than 1 year after the date of enact-
4 ment of this title.

5 **SEC. 316. UNITED STATES POSTAL SERVICE CONSULTA-**
6 **TION.**

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

11 **SEC. 317. SEVERABILITY; RELATIONSHIP TO OTHER LAWS;**
12 **TRIBAL SOVEREIGN IMMUNITY.**

13 (a) SEVERABILITY.—If any provision of this title, or
14 the application of such a provision to any person, entity,
15 or circumstance, is held to be invalid, the remaining provi-
16 sions of this title and the application of all provisions of
17 this title to any other person, entity, or circumstance shall
18 not be affected by the invalidity.

19 (b) RELATIONSHIP TO OTHER LAWS.—Nothing in
20 this title shall invalidate, or limit the rights, remedies, or
21 procedures available under, or supersede, restrict, or limit
22 the application of, the Voting Rights Act of 1965 (52
23 U.S.C. 10301 et seq.), the National Voter Registration
24 Act of 1993 (52 U.S.C. 20501 et seq.), the Help America
25 Vote Act of 2002 (52 U.S.C. 20901 et seq.), or any other

1 Federal law or regulation related to voting or the electoral
2 process. Notwithstanding any other provision of law, the
3 provisions of this title, and the amendments made by this
4 title, shall be applicable within the State of Maine.

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

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

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

13 **SEC. 318. AUTHORIZATION OF APPROPRIATIONS.**

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