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”.


TITLE I—AMENDMENTS TO THE VOTING RIGHTS ACT

SEC. 101. VOTE DILUTION, DENIAL, AND ABRIDGMENT CLAIMS.

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

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

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

(b) VOTE DILUTION.—Section 2 of such Act (52 U.S.C. 10301), as amended by subsection (a), is further amended by striking subsection (b) and inserting the following:

“(b) A violation of subsection (a) for vote dilution is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The extent to which members of a
protected class have been elected to office in the State or political subdivision is one circumstance which may be considered: *Provided*, That nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population. The legal standard articulated in *Thornburg v. Gingles*, 478 U.S. 30 (1986), governs claims under this subsection. For purposes of this subsection a class of citizens protected by subsection (a) may include a cohesive coalition of members of different racial or language minority groups.”.

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

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

“(A) members of the protected class face disproportionate costs or burdens in complying with the qualification, prerequisite, standard, practice, or procedure, considering the totality of the circumstances; and
“(B) such disproportionate costs or burdens are, at least in part, caused by or linked to social and historical conditions that have produced or currently produce discrimination against members of the protected class.

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

“(3)(A) The totality of the circumstances for consideration relative to a violation of subsection (a) for vote denial or abridgment shall include the following factors, which, individually and collectively, show how a voting qualification, prerequisite, standard, practice, or procedure can function to amplify the effects of past or present racial discrimination:

“(i) The history of official voting-related discrimination in the State or political subdivision.

“(ii) The extent to which voting in the elections of the State or political subdivision is racially polarized.

“(iii) The extent to which members of the protected class bear the effects of discrimination in areas such as education, employment, and health,
which hinder the ability of those members to participate effectively in the political process.

“(iv) The use of overt or subtle racial appeals either in political campaigns or surrounding the adoption or maintenance of the challenged qualification, prerequisite, standard, practice, or procedure.

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

“(vi) Whether there is a significant lack of responsiveness on the part of elected officials to the particularized needs of members of the protected class.

“(vii) Whether the policy underlying the State or political subdivision’s use of the challenged qualification, prerequisite, standard, practice, or procedure has a tenuous connection to that qualification, prerequisite, standard, practice, or procedure. In making a determination under this clause, a court shall consider whether the qualification, prerequisite, standard, practice, or procedure in question was de-
signed to advance and materially advances a valid
and substantiated State interest.

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

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

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

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

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

“(iv) The availability of other forms of voting
unimpacted by the challenged qualification, pre-
requisite, standard, practice, or procedure to all members of the electorate, including members of the protected class, unless the State or political subdivision is simultaneously expanding those other qualifications, prerequisites, standards, practices, or procedures to eliminate any disproportionate burden imposed by the challenged qualification, prerequisite, standard, practice, or procedure.

“(v) A prophylactic impact on potential criminal activity by individual voters, if such crimes have not occurred in the State or political subdivision in substantial numbers.

“(vi) Mere invocation of interests in voter confidence or prevention of fraud.”.

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

“(d)(1) A violation of subsection (a) is also established if a challenged qualification, prerequisite, standard, practice, or procedure is intended, at least in part, to dilute the voting strength of a protected class or to deny or abridge the right of any citizen of the United States to vote on account of race, color, or in contravention of the guarantees set forth in section 4(f)(2).
“(2) Discrimination on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2), need only be one purpose of a qualification, prerequisite, standard, practice, or procedure in order to establish a violation of subsection (a), as described in this subsection. A qualification, prerequisite, standard, practice, or procedure intended to dilute the voting strength of a protected class or to make it more difficult for members of a protected class to cast a ballot that will be counted constitutes a violation of subsection (a), as described in this subsection, even if an additional purpose of the qualification, prerequisite, standard, practice, or procedure is to benefit a particular political party or group.

“(3) Recent context, including actions by official decisionmakers in prior years or in other contexts preceding the decision responsible for the challenged qualification, prerequisite, standard, practice, or procedure, and including actions by predecessor government actors or individual members of a decisionmaking body, may be relevant to making a determination about a violation of subsection (a), as described under this subsection.

“(4) A claim that a violation of subsection (a) has occurred, as described under this subsection, shall require proof of a discriminatory impact but shall not require proof of violation of subsection (b) or (c).”
SEC. 102. RETROGRESSION.

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

“(e) A violation of subsection (a) is established when a State or political subdivision enacts or seeks to administer any qualification or prerequisite to voting or standard, practice, or procedure with respect to voting in any election that has the purpose of or will have the effect of diminishing the ability of any citizens of the United States on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2), to participate in the electoral process or elect their preferred candidates of choice. This subsection applies to any action taken on or after January 1, 2021, by a State or political subdivision to enact or seek to administer any such qualification or prerequisite to voting or standard, practice or procedure.

“(f) Notwithstanding the provisions of subsection (e), final decisions of the United States District Court of the District of Columbia on applications or petitions by States or political subdivisions for preclearance under section 5 of any changes in voting prerequisites, standards, practices, or procedures, supersede the provisions of subsection (e).”.
SEC. 103. VIOLATIONS TRIGGERING AUTHORITY OF COURT TO RETAIN JURISDICTION.

(a) Types of Violations.—Section 3(e) of the Voting Rights Act of 1965 (52 U.S.C. 10302(e)) is amended by striking “violations of the fourteenth or fifteenth amendment” and inserting “violations of the 14th or 15th Amendment, violations of this Act, or violations of any Federal law that prohibits discrimination in voting on the basis of race, color, or membership in a language minority group,”.

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

SEC. 104. CRITERIA FOR COVERAGE OF STATES AND POLITICAL SUBDIVISIONS.

(a) Determination of States and Political Subdivisions Subject to Section 4(a).—

(1) In general.—Section 4(b) of the Voting Rights Act of 1965 (52 U.S.C. 10303(b)) is amended to read as follows:

“(b) Determination of States and Political Subdivisions Subject to Requirements.—
“(1) Existence of voting rights violations during previous 25 years.—

“(A) Statewide application.—Subsection (a) applies with respect to a State and all political subdivisions within the State during a calendar year if—

“(i) fifteen or more voting rights violations occurred in the State during the previous 25 calendar years; or

“(ii) ten or more voting rights violations occurred in the State during the previous 25 calendar years, at least one of which was committed by the State itself (as opposed to a political subdivision within the State).

“(B) Application to specific political subdivisions.—Subsection (a) applies with respect to a political subdivision as a separate unit during a calendar year if three or more voting rights violations occurred in the subdivision during the previous 25 calendar years.

“(2) Period of application.—

“(A) In general.—Except as provided in subparagraph (B), if, pursuant to paragraph (1), subsection (a) applies with respect to a
12 State or political subdivision during a calendar year, subsection (a) shall apply with respect to such State or political subdivision for the period—

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

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

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

“(i) STATES.—If a State obtains a declaratory judgment under subsection (a), and the judgment remains in effect, subsection (a) shall no longer apply to such State and all political subdivisions in the State pursuant to paragraph (1)(A) unless, after the issuance of the declaratory judgment, paragraph (1)(A) applies to the State solely on the basis of voting rights violations occurring after the issuance of the declaratory judgment, or paragraph (1)(B) applies to the political subdivision solely on the basis of voting rights violations occurring after the issuance of the declaratory judgment.
“(ii) Political subdivisions.—If a political subdivision obtains a declaratory judgment under subsection (a), and the judgment remains in effect, subsection (a) shall no longer apply to such political subdivision pursuant to paragraph (1), including pursuant to paragraph (1)(A) (relating to the statewide application of subsection (a)), unless, after the issuance of the declaratory judgment, paragraph (1)(B) applies to the political subdivision solely on the basis of voting rights violations occurring after the issuance of the declaratory judgment.

“(3) Determination of voting rights violation.—For purposes of paragraph (1), a voting rights violation occurred in a State or political subdivision if any of the following applies:

“(A) Judicial relief; violation of the 14th or 15th amendment.—Any final judgment (that has not been reversed on appeal) occurred, in which the plaintiff prevailed and in which any court of the United States determined that a denial or abridgement of the right of any citizen of the United States to vote
on account of race, color, or membership in a
language minority group occurred, that a voting
qualification or prerequisite to voting or stand-
ard, practice, or procedure with respect to vot-
ing created an undue burden on the right to
vote in connection with a claim that the law un-
duly burdened voters of a particular race, color,
or language minority group, or that race was
the predominant factor motivating the decision
to place a significant number of voters within
or outside of a particular district, unless nar-
rowly tailored in service of a compelling interest
or in response to an objection interposed by the
Department of Justice, in violation of the 14th
or 15th Amendment to the Constitution of the
United States, anywhere within the State or
subdivision.

“(B) JUDICIAL RELIEF; VIOLATIONS OF
THIS ACT.—Any final judgment (that has not
been reversed on appeal) occurred in which the
plaintiff prevailed and in which any court of the
United States determined that a voting qual-
ification or prerequisite to voting or standard,
practice, or procedure with respect to voting
was imposed or applied or would have been im-
posed or applied anywhere within the State or subdivision in a manner that resulted or would have resulted in a denial or abridgement of the right of any citizen of the United States to vote on account of race, color, or membership in a language minority group, in violation of subsection (e) or (f) or section 2, 201, or 203, or any final judgment (that has not been reversed on appeal) occurred in which a court of the United States found a State or political subdivision failed to comply with section 5(a): Provided, That if the voting qualifications or pre-requisites to voting or standards, practices, or procedures that the court finds required compliance with section 5(a) subsequently go into effect (without alteration or amendment) in accordance with the procedures in section 5(a), then such finding shall not count as a violation.

“(C) FINAL JUDGMENT; DENIAL OF DECLARATORY JUDGMENT.—In a final judgment (that has not been reversed on appeal), any court of the United States has denied the request of the State or subdivision for a declaratory judgment under section 3(c) or section 5, and thereby prevented a voting qualification or
prerequisite to voting or standard, practice, or procedure with respect to voting from being enforced anywhere within the State or subdivision.

“(D) Objection by the Attorney General.—The Attorney General has interposed an objection under section 3(c) or section 5, and thereby prevented a voting qualification or prerequisite to voting or standard, practice, or procedure with respect to voting from being enforced anywhere within the State or subdivision. A violation under this subparagraph has not occurred where an objection has been withdrawn by the Attorney General, unless the withdrawal was in response to a change in the law or practice that served as the basis of the objection. A violation under this subparagraph has not occurred where the objection is based solely on a State or political subdivision’s failure to comply with a procedural process that would not otherwise count as an independent violation of this Act.

“(E) Consent Decree, Settlement, or Other Agreement.—

“(i) Agreement.—A consent decree, settlement, or other agreement was adopt-
ed or entered by a court of the United States that contains an admission of liability by the defendants, which resulted in the alteration or abandonment of a voting practice anywhere in the territory of such State or subdivision that was challenged on the ground that the practice denied or abridged the right of any citizen of the United States to vote on account of race, color, or membership in a language minority group in violation of subsection (e) or (f) or section 2, 201, or 203, or the 14th or 15th Amendment.

"(ii) INDEPENDENT VIOLATIONS.—A voluntary extension or continuation of a consent decree, settlement, or agreement described in clause (i) shall not count as an independent violation under this subparagraph. Any other extension or modification of such a consent decree, settlement, or agreement, if the consent decree, settlement, or agreement has been in place for ten years or longer, shall count as an independent violation under this subparagraph. If a court of the United States
finds that a consent decree, settlement, or agreement described in clause (i) itself denied or abridged the right of any citizen of the United States to vote on account of race, color, or membership in a language minority group, violated subsection (e) or (f) or section 2, 201, or 203, or created an undue burden on the right to vote in connection with a claim that the consent decree, settlement, or other agreement unduly burdened voters of a particular race, color, or language minority group, that finding shall count as an independent violation under this subparagraph.

“(F) MULTIPLE VIOLATIONS.—Each instance in which a voting qualification or prerequisite to voting or standard, practice, or procedure with respect to voting, including each redistricting plan, is found to be a violation by a court of the United States pursuant to subparagraph (A) or (B), or prevented from being enforced pursuant to subparagraph (C) or (D), or altered or abandoned pursuant to subparagraph (E) shall count as an independent violation under this paragraph. Within a redistricting
plan, each violation under this paragraph found
to violate the rights of any group of voters
within an individual district based on race,
color, or language minority group shall count as
an independent violation under this paragraph.

“(4) TIMING OF DETERMINATIONS.—

“(A) DETERMINATIONS OF VOTING RIGHTS
VIOLATIONS.—As early as practicable during
each calendar year, the Attorney General shall
make the determinations required by this sub-
section, including updating the list of voting
rights violations occurring in each State and po-

titical subdivision for the previous calendar
year.

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

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

(A) in paragraph (1), in the first sentence
of the matter preceding subparagraph (A), by
striking “any State with respect to which” and
all that follows through “unless” and inserting
“any State to which this subsection applies during a calendar year pursuant to determinations made under subsection (b), or in any political subdivision of such State (as such subdivision existed on the date such determinations were made with respect to such State), though such determinations were not made with respect to such subdivision as a separate unit, or in any political subdivision with respect to which this subsection applies during a calendar year pursuant to determinations made with respect to such subdivision as a separate unit under subsection (b), unless”;

(B) in paragraph (1), in the matter preceding subparagraph (A), by striking the second sentence;

(C) in paragraph (1)(A), by striking “(in the case of a State or subdivision seeking a declaratory judgment under the second sentence of this subsection)”;

(D) in paragraph (1)(B), by striking “(in the case of a State or subdivision seeking a declaratory judgment under the second sentence of this subsection)”;}
(E) in paragraph (3), by striking “(in the case of a State or subdivision seeking a declaratory judgment under the second sentence of this subsection)”;

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

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

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

(b) Clarification of Treatment of Members of Language Minority Groups.—Section 4(a)(1) of such Act (52 U.S.C. 10303(a)(1)), as amended by subsection (a), is further amended, in the first sentence, by striking “race or color,” and inserting “race or color, or in contravention of the guarantees of subsection (f)(2),”.

(c) Facilitating Bailout.—Section 4(a) of the Voting Rights Act of 1965 (52 U.S.C. 10303(a)), as amended by subsection (a), is further amended—

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

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

(3) by adding at the end the following:

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

“(9) If a political subdivision was not subject to the
application of this subsection by reason of a declaratory
judgment entered prior to the date of enactment of the
John R. Lewis Voting Rights Advancement Act of 2021,
and is not, subsequent to that date of enactment, subject
to the application of this subsection under subsection
(b)(1)(B), then that political subdivision shall not be sub-
ject to the requirements of this subsection.”.
SEC. 105. DETERMINATION OF STATES AND POLITICAL SUBDIVISIONS SUBJECT TO PRECLEARANCE FOR COVERED PRACTICES.

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

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

“(a) Practice-Based Preclearance.—

“(1) In general.—Each State and each political subdivision shall—

“(A) identify any change to a law, regulation, or policy that includes a voting qualification or prerequisite to voting, or a standard, practice, or procedure with respect to voting, that is a covered practice described in subsection (b); and

“(B) ensure that no such covered practice is implemented unless or until the State or political subdivision, as the case may be, complies with subsection (c).

“(2) Determinations of Characteristics of Voting-Age Population.—

“(A) In general.—As early as practicable during each calendar year, the Attorney
General, in consultation with the Director of
the Bureau of the Census and the heads of
other relevant offices of the government, shall
make the determinations required by this sec-
tion regarding voting-age populations and the
characteristics of such populations, and shall
publish a list of the States and political subdivi-
sions to which a voting-age population char-
acteristic described in subsection (b) applies.

“(B) Publication in the Federal Reg-
ister.—A determination (including a certifi-
cation) of the Attorney General under this
paragraph shall be effective upon publication in
the Federal Register.

“(b) Covered Practices.—To assure that the right
of citizens of the United States to vote is not denied or
abridged on account of race, color, or membership in a
language minority group as a result of the implementation
of certain qualifications or prerequisites to voting, or
standards, practices, or procedures with respect to voting
in a State or political subdivision, the following shall be
covered practices subject to the requirements described in
subsection (a):

“(1) Changes to method of election.—

Any change to the method of election—
"(A) to add seats elected at-large in a State or political subdivision where—

"(i) two or more racial groups or language minority groups each represent 20 percent or more of the voting-age population in the State or political subdivision, respectively; or

"(ii) a single language minority group represents 20 percent or more of the voting-age population on Indian lands located in whole or in part in the State or political subdivision; or

"(B) to convert one or more seats elected from a single-member district to one or more at-large seats or seats from a multi-member district in a State or political subdivision where—

"(i) two or more racial groups or language minority groups each represent 20 percent or more of the voting-age population in the State or political subdivision, respectively; or

"(ii) a single language minority group represents 20 percent or more of the voting-age population on Indian lands located
in whole or in part in the State or political subdivision.

“(2) Changes to Political Subdivision Boundaries.—Any change or series of changes within a year to the boundaries of a political subdivision that reduces by 3 or more percentage points the percentage of the political subdivision’s voting-age population that is comprised of members of a single racial group or language minority group in the political subdivision where—

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

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

“(3) Changes through Redistricting.—Any change to the apportionment or boundaries of districts for Federal, State, or local elections in a State or political subdivision where any racial group or language minority group that is not the largest racial group or language minority group in the jurisdiction and that represents 15 percent or more of
the State or political subdivision’s voting-age population experiences a population increase of at least 20 percent of its voting-age population, over the preceding decade (as calculated by the Bureau of the Census under the most recent decennial census), in the jurisdiction.

“(4) Changes in Documentation or Qualifications to Vote.—Any change to requirements for documentation or proof of identity to vote or register to vote in elections for Federal, State, or local offices that will exceed or be more stringent than such requirements under State law on the day before the date of enactment of the John R. Lewis Voting Rights Advancement Act of 2021.

“(5) Changes to Multilingual Voting Materials.—Any change that reduces multilingual voting materials or alters the manner in which such materials are provided or distributed, where no similar reduction or alteration occurs in materials provided in English for such election.

“(6) Changes That Reduce, Consolidate, or Relocate Voting Locations, or Reduce Voting Opportunities.—Any change that reduces, consolidates, or relocates voting locations in elections for Federal, State, or local office, including early,
absentee, and election-day voting locations, or reduces days or hours of in-person voting on any Sunday during a period occurring prior to the date of an election for Federal, State, or local office during which voters may cast ballots in such election, if the location change, or reduction in days or hours, applies—

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

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

“(7) NEW LIST MAINTENANCE PROCESS.—Any change to the maintenance process for voter registration lists that adds a new basis for removal from the list of active voters registered to vote in elections for Federal, State, or local office, or that incorporates new sources of information in determining a voter’s eligibility to vote in elections for Federal, State, or local office, if such a change would have a statistically significant disparate impact, concerning the removal from voter rolls, on members of racial groups or language minority
groups that constitute greater than 5 percent of the voting-age population—

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

“(i) two or more racial groups or language minority groups each represent 20 percent or more of the voting-age population of the political subdivision; or

“(ii) a single language minority group represents 20 percent or more of the voting-age population on Indian lands located in whole or in part in the political subdivision; or

“(B) in the case of a State imposing such change, if two or more racial groups or language minority groups each represent 20 percent or more of the voting-age population of—

“(i) the State; or

“(ii) a political subdivision in the State, except that the requirements under subsections (a) and (c) shall apply only with respect to each such political subdivision individually.

“(c) PRECLEARANCE.—

“(1) IN GENERAL.—
"(A) Action.—Whenever a State or political subdivision with respect to which the requirements set forth in subsection (a) are in effect shall enact, adopt, or seek to implement any covered practice described under subsection (b), such State or subdivision may institute an action in the United States District Court for the District of Columbia for a declaratory judgment that such covered practice neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group, and unless and until the court enters such judgment such covered practice shall not be implemented.

“(B) Submission to Attorney General.—

“(i) In general.—Notwithstanding subparagraph (A), such covered practice may be implemented without such proceeding if the covered practice has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an ob-
jection within 60 days after such submission, or upon good cause shown, to facilitate an expedited approval within 60 days after such submission, the Attorney General has affirmatively indicated that such objection will not be made. An exigency, including a natural disaster, inclement weather, or other unforeseeable event, requiring a changed qualification, prerequisite, standard, practice, or procedure within 30 days of a Federal, State, or local election shall constitute good cause requiring the Attorney General to expedite consideration of the submission. To the extent feasible, expedited consideration shall consider the views of individuals affected by the changed qualification, prerequisite, standard, practice, or procedure.

"(ii) Effect of Indication.—Neither an affirmative indication by the Attorney General that no objection will be made, nor the Attorney General’s failure to object, nor a declaratory judgment entered under this subsection shall bar a subsequent action to enjoin implementation of
such covered practice. In the event the Attorney General affirmatively indicates that no objection will be made within the 60-day period following receipt of a submission, the Attorney General may reserve the right to reexamine the submission if additional information comes to the Attorney General’s attention during the remainder of the 60-day period which would otherwise require objection in accordance with this subsection.

“(C) COURT.—Any action under this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court.

“(2) DENYING OR ABRIDGING THE RIGHT TO VOTE.—Any covered practice described in subsection (b) that has the purpose of or will have the effect of diminishing the ability of any citizens of the United States on account of race, color, or membership in a language minority group, to elect their preferred candidates of choice denies or abridges the right to vote within the meaning of paragraph (1).
“(3) Purpose defined.—The term ‘purpose’ in paragraphs (1) and (2) shall include any discriminatory purpose.

“(4) Purpose of paragraph (2).—The purpose of paragraph (2) is to protect the ability of such citizens to elect their preferred candidates of choice.

“(d) Enforcement.—The Attorney General or any aggrieved citizen may file an action in a district court of the United States to compel any State or political subdivision to satisfy the obligations set forth in this section. Such an action shall be heard and determined by a court of three judges under section 2284 of title 28, United States Code. In any such action, the court shall provide as a remedy that implementation of any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting, that is the subject of the action under this subsection be enjoined unless the court determines that—

“(1) the voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting, is not a covered practice described in subsection (b); or
“(2) the State or political subdivision has complied with subsection (e) with respect to the covered practice at issue.

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

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

“(g) MULTILINGUAL VOTING MATERIALS.—In this section, the term ‘multilingual voting materials’ means registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, provided in the language or languages of one or more language minority groups.”.
SEC. 106. PROMOTING TRANSPARENCY TO ENFORCE THE VOTING RIGHTS ACT.

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

“SEC. 6. TRANSPARENCY REGARDING CHANGES TO PROTECT VOTING RIGHTS.

“(a) NOTICE OF ENACTED CHANGES.—

“(1) NOTICE OF CHANGES.—If a State or political subdivision makes any change in any qualification or prerequisite to voting or standard, practice, or procedure with respect to voting in any election for Federal office that will result in the qualification or prerequisite, standard, practice, or procedure being different from that which was in effect as of 180 days before the date of the election for Federal office, the State or political subdivision shall provide reasonable public notice in such State or political subdivision and on the website of the State or political subdivision, of a concise description of the change, including the difference between the changed qualification or prerequisite, standard, practice, or procedure and the qualification, prerequisite, standard, practice, or procedure which was previously in effect. The public notice described in this paragraph, in such State or political subdivision and
on the website of a State or political subdivision,
shall be in a format that is reasonably convenient
and accessible to persons with disabilities who are el-
igible to vote, including persons who have low vision
or are blind.

“(2) Deadline for Notice.—A State or polit-
ical subdivision shall provide the public notice re-
quired under paragraph (1) not later than 48 hours
after making the change involved.

“(b) Transparency Regarding Polling Place
Resources.—

“(1) In General.—In order to identify any
changes that may impact the right to vote of any
person, prior to the 30th day before the date of an
election for Federal office, each State or political
subdivision with responsibility for allocating reg-
istered voters, voting machines, and official poll
workers to particular precincts and polling places
shall provide reasonable public notice in such State
or political subdivision and on the website of a State
or political subdivision, of the information described
in paragraph (2) for precincts and polling places
within such State or political subdivision. The public
notice described in this paragraph, in such State or
political subdivision and on the website of a State or
political subdivision, shall be in a format that is reasonably convenient and accessible to persons with disabilities who are eligible to vote, including persons who have low vision or are blind.

“(2) INFORMATION DESCRIBED.—The information described in this paragraph with respect to a precinct or polling place is each of the following:

“(A) The name or number.

“(B) In the case of a polling place, the location, including the street address, and whether such polling place is accessible to persons with disabilities.

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

“(D) The number of registered voters assigned to the precinct or polling place, broken down by demographic group if such breakdown is reasonably available to such State or political subdivision.

“(E) The number of voting machines assigned, including the number of voting machines accessible to persons with disabilities
who are eligible to vote, including persons who have low vision or are blind.

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

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

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

“(3) **Updates in Information Reported.**—If a State or political subdivision makes any change in any of the information described in paragraph (2), the State or political subdivision shall provide reasonable public notice in such State or political subdivision and on the website of a State or political subdivision, of the change in the information not later than 48 hours after the change occurs or, if the change occurs fewer than 48 hours before the date of the election for Federal office, as soon as practicable after the change occurs. The public notice described in this paragraph and published on the website of a State or political subdivision shall be in a format that is reasonably convenient and accessible to persons with disabilities who are eligible to vote, including persons who have low vision or are blind.
“(c) Transparency of Changes Relating to Demographics and Electoral Districts.—

“(1) Requiring public notice of changes.—Not later than 10 days after making any change in the constituency that will participate in an election for Federal, State, or local office or the boundaries of a voting unit or electoral district in an election for Federal, State, or local office (including through redistricting, reapportionment, changing from at-large elections to district-based elections, or changing from district-based elections to at-large elections), a State or political subdivision shall provide reasonable public notice in such State or political subdivision and on the website of a State or political subdivision, of the demographic and electoral data described in paragraph (3) for each of the geographic areas described in paragraph (2).

“(2) Geographic areas described.—The geographic areas described in this paragraph are as follows:

“(A) The State as a whole, if the change applies statewide, or the political subdivision as a whole, if the change applies across the entire political subdivision.
“(B) If the change includes a plan to replace or eliminate voting units or electoral districts, each voting unit or electoral district that will be replaced or eliminated.

“(C) If the change includes a plan to establish new voting units or electoral districts, each such new voting unit or electoral district.

“(3) Demographic and electoral data.— The demographic and electoral data described in this paragraph with respect to a geographic area described in paragraph (2) are each of the following:

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

“(B) The number of registered voters, broken down by demographic group if such breakdown is reasonably available to the State or political subdivision involved.

“(C)(i) If the change applies to a State, the actual number of votes, or (if it is not reasonably practicable for the State to ascertain the actual number of votes) the estimated number of votes received by each candidate in each statewide election held during the 5-year period which ends on the date the change involved is made; and
“(ii) if the change applies to only one political subdivision, the actual number of votes, or
(if it is not reasonably practicable for the political subdivision to ascertain the actual number
of votes) the estimated number of votes in each subdivision-wide election held during the 5-year
period which ends on the date the change involved is made.

“(4) VOLUNTARY COMPLIANCE BY SMALLER JURISDICTIONS.—Compliance with this subsection shall
be voluntary for a political subdivision of a State unless the subdivision is one of the following:

“(A) A county or parish.

“(B) A municipality with a population greater than 10,000, as determined by the Bureau of the Census under the most recent decennial census.

“(C) A school district with a population greater than 10,000, as determined by the Bureau of the Census under the most recent decennial census. For purposes of this subparagaph, the term ‘school district’ means the geographic area under the jurisdiction of a local educational agency (as defined in section 8101

“(d) Rules Regarding Format of Information.—The Attorney General may issue rules specifying a reasonably convenient and accessible format that States and political subdivisions shall use to provide public notice of information under this section.

“(e) No Denial of Right To Vote.—The right to vote of any person shall not be denied or abridged because the person failed to comply with any change made by a State or political subdivision to a voting qualification, prerequisite, standard, practice, or procedure if the State or political subdivision involved did not meet the applicable requirements of this section with respect to the change.

“(f) Definitions.—In this section—

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

“(2) the term ‘election for Federal office’ means any general, special, primary, or runoff election held solely or in part for the purpose of electing any candidate for the office of President, Vice President, Presidential elector, Senator, Member of the House
of Representatives, or Delegate or Resident Commissioner to the Congress; and

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

(b) **Effective Date.**—The amendment made by subsection (a)(1) shall apply with respect to changes which are made on or after the expiration of the 60-day period which begins on the date of the enactment of this Act.

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

(a) **Clarification of Authority in Political Subdivisions Subject to Preclearance.**—Section 8(a)(2)(B) of the Voting Rights Act of 1965 (52 U.S.C. 10305(a)(2)(B)) is amended to read as follows:

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

(b) **Assignment of Observers To Enforce Bilingual Election Requirements.**—Section 8(a) of such Act (52 U.S.C. 10305(a)) is amended—

(1) by striking “or” at the end of paragraph (1);
(2) by inserting after paragraph (2) the fol-
lowing:

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

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

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

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

(e) Transferral of Authority Over Observers
to the Attorney General.—

(1) Enforcement proceedings.—Section
3(a) of the Voting Rights Act of 1965 (52 U.S.C.
10302(a)) is amended by striking “United States
Civil Service Commission in accordance with section
6” and inserting “Attorney General in accordance
with section 8”.
(2) Observers; appointment and compensation.—Section 8 of the Voting Rights Act of 1965 (52 U.S.C. 10305) is amended—

(A) in subsection (a), in the flush matter at the end, by striking “Director of the Office of Personnel Management shall assign as many observers for such subdivision as the Director” and inserting “Attorney General shall assign as many observers for such subdivision as the Attorney General”;

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

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

(3) Termination of certain appointments of observers.—Section 13(a)(1) of the Voting
Rights Act of 1965 (52 U.S.C. 10309(a)(1)) is amended by striking “notifies the Director of the Office of Personnel Management,” and inserting “determines,.”

SEC. 108. CLARIFICATION OF AUTHORITY TO SEEK RELIEF.

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

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

“(d) Whenever there are reasonable grounds to believe that any person has engaged in, or is about to engage in, any act or practice that would (1) deny any citizen the right to register, to cast a ballot, or to have that ballot counted properly and included in the appropriate totals of votes cast in violation of the 14th, 15th, 19th, 24th, or 26th Amendments to the Constitution of the United States, (2) violate subsection (a) or (b) of section 11, or (3) violate any other provision of this Act or any other Federal voting rights law that prohibits discrimination on
the basis of race, color, or membership in a language minority group, an aggrieved person or (in the name of the United States) the Attorney General may institute an action for preventive relief, including an application for a temporary or permanent injunction, restraining order, or other appropriate order. Nothing in this subsection shall be construed to create a cause of action for civil enforcement of criminal provisions of this or any other Act.”.

(e) Judicial Relief.—Section 204 of the Voting Rights Act of 1965 (52 U.S.C. 10504) is amended by striking the first sentence and inserting the following: “Whenever there are reasonable grounds to believe that a State or political subdivision has engaged or is about to engage in any act or practice prohibited by a provision of this title, an aggrieved person or (in the name of the United States) the Attorney General may institute an action in a district court of the United States, for a restraining order, a preliminary or permanent injunction, or such other order as may be appropriate.”.

(d) Enforcement of Twenty-Sixth Amendment.—Section 301(a)(1) of the Voting Rights Act of 1965 (52 U.S.C. 10701(a)(1)) is amended to read as follows:

“(a)(1) An aggrieved person or (in the name of the United States) the Attorney General may institute an ac-
tion in a district court of the United States, for a restraining order, a preliminary or permanent injunction, or such other order as may be appropriate to implement the 26th Amendment to the Constitution of the United States.”.

SEC. 109. PREVENTIVE RELIEF.

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

“(2)(A) In considering any motion for preliminary relief in any action for preventive relief described in this subsection, the court shall grant the relief if the court determines that the complainant has raised a serious question as to whether the challenged voting qualification or prerequisite to voting or standard, practice, or procedure violates any of the provisions listed in section 111(a)(1) of the John R. Lewis Voting Rights Advancement Act and, on balance, the hardship imposed on the defendant by the grant of the relief will be less than the hardship which would be imposed on the plaintiff if the relief were not granted.

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

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

“(I) discrimination on the basis of race or color in violation of the 14th or 15th Amendment to the Constitution of the United States;

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

“(III) a violation of this Act; or

“(IV) voting discrimination on the basis of race, color, or membership in a language minority group in violation of any other Federal or State law.

“(ii) Whether the qualification, prerequisite, standard, practice, or procedure in effect prior to the change served as a ground for the dismissal or settlement of a claim alleging—

“(I) discrimination on the basis of race or color in violation of the 14th or 15th Amendment to the Constitution of the United States;
“(II) a violation of the 19th, 24th, or 26th Amendment to the Constitution of the United States;

“(III) a violation of this Act; or

“(IV) voting discrimination on the basis of race, color, or membership in a language minority group in violation of any other Federal or State law.

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

“(iv) Whether the defendant has failed to provide timely or complete notice of the adoption of the change as required by applicable Federal or State law.

“(3) A jurisdiction’s inability to enforce its voting or election laws, regulations, policies, or redistricting plans, standing alone, shall not be deemed to constitute irreparable harm to the public interest or to the interests of a defendant in an action arising under the Constitution or any Federal law that prohibits discrimination on the basis of race, color, or membership in a language minority group in the voting process, for the purposes of determining whether a stay of a court’s order or an interlocu-
tory appeal under section 1253 of title 28, United States
Code, is warranted.”.

SEC. 110. BILINGUAL ELECTION REQUIREMENTS.
Section 203(b)(1) of the Voting Rights Act of 1965
(52 U.S.C. 10503(b)(1)) is amended by striking “2032”
and inserting “2037”.

SEC. 111. RELIEF FOR VIOLATIONS OF VOTING RIGHTS
LAWS.

(a) In General.—

(1) Relief for violations of voting rights laws.—In this section, the term “prohibited act or practice” means—

(A) any act or practice—

(i) that creates an undue burden on
the fundamental right to vote in violation
of the 14th Amendment to the Constitution of the United States or violates the Equal Protection Clause of the 14th Amendment to the Constitution of the United States; or

(ii) that is prohibited by the 15th, 19th, 24th, or 26th Amendment to the Constitution of the United States, section 2004 of the Revised Statutes (52 U.S.C. 10101), the Voting Rights Act of 1965 (52
U.S.C. 10301 et seq.), the National Voter
Registration Act of 1993 (52 U.S.C.
20501 et seq.), the Uniformed and Over-
seas Citizens Absentee Voting Act (52
U.S.C. 20301 et seq.), the Help America
Vote Act of 2002 (52 U.S.C. 20901 et
seq.), the Voting Accessibility for the El-
derly and Handicapped Act (52 U.S.C.
20101 et seq.), or section 2003 of the Re-
vised Statutes (52 U.S.C. 10102); and

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

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

(3) ATTORNEY’S FEES.—Section 722(b) of the
Revised Statutes (42 U.S.C. 1988(b)) is amended by
inserting “a provision described in section 111(a)(1)
of the John R. Lewis Voting Rights Advancement
Act of 2021,” after “title VI of the Civil Rights Act
of 1964,”.
(b) **Grounds for Equitable Relief.**—In any action for equitable relief pursuant to a law listed under subsection (a), proximity of the action to an election shall not be a valid reason to deny such relief, or stay the operation of or vacate the issuance of such relief, unless the party opposing the issuance or continued operation of relief meets the burden of proving by clear and convincing evidence that the issuance of the relief would be so close in time to the election as to cause irreparable harm to the public interest or that compliance with such relief would impose serious burdens on the party opposing relief.

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

(2) **Presumptive Safe Harbor.**—Where equitable relief is sought either within 30 days of the adoption or reasonable public notice of the challenged policy or practice, or more than 60 days before the date of an election to which the relief being sought will apply, proximity to the election will be
presumed not to constitute a harm to the public interest or a burden on the party opposing relief.

(c) GROUNDS FOR STAY OR VACATUR IN FEDERAL CLAIMS INVOLVING VOTING RIGHTS.—

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

(2) WRITTEN EXPLANATION.—No stay or vacatur under this subsection shall issue unless the reviewing court makes specific findings that the public interest, including the public’s interest in expanding access to the ballot, will be harmed by the continuing operation of the equitable relief or that compliance with such relief will impose serious burdens on the party seeking such a stay or vacatur such that those burdens substantially outweigh the benefits to the public interest. In reviewing an application for a stay or vacatur of equitable relief, findings
of fact made in issuing the order under review shall
not be set aside unless clearly erroneous.

SEC. 112. PROTECTION OF TABULATED VOTES.

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

(1) in section 11—

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

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

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

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

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

(B) in subsection (b), by inserting “subsection (a) or” after “duties under”; and

(2) in section 12—

(A) in subsection (b)—

(i) by striking “a year following an
election in a political subdivision in which
an observer has been assigned” and insert-
ing “22 months following an election for Federal office”; and

(ii) by adding at the end the following: “Whenever the Attorney General has reasonable grounds to believe that any person has engaged in or is about to engage in an act in violation of this subsection, the Attorney General may institute (in the name of the United States) a civil action in Federal district court seeking appropriate relief.”;

(B) in subsection (c), by inserting “or solicits a violation of” after “conspires to violate”; and

(C) in subsection (e), by striking the first and second sentences and inserting the following: “If, after the closing of the polls in an election for Federal office, persons allege that notwithstanding (1) their registration by an appropriate election official and (2) their eligibility to vote in the political subdivision, their ballots have not been counted in such election, and if upon prompt receipt of notifications of these allegations, the Attorney General finds such allegations to be well founded, the Attor-
ney General may forthwith file with the district court an application for an order providing for the counting and certification of the ballots of such persons and requiring the inclusion of their votes in the total vote for all applicable offices before the results of such election shall be deemed final and any force or effect given thereto.”.

SEC. 113. ENFORCEMENT OF VOTING RIGHTS BY ATTORNEY GENERAL.

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

“(g) Voting Rights Enforcement by Attorney General.—

“(1) In general.—In order to fulfill the Attorney General’s responsibility to enforce this Act and other Federal laws that protect the right to vote, the Attorney General (or upon designation by the Attorney General, the Assistant Attorney General for Civil Rights) is authorized, before commencing a civil action, to issue a demand for inspection and information in writing to any State or political subdivision, or other governmental representative or agent, with respect to any relevant documen-
tary material that the Attorney General has reason
to believe is within their possession, custody, or con-
trol. A demand by the Attorney General under this
subsection may require—

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

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

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

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

“(A) IN GENERAL.—Any demand issued
under paragraph (1), shall include a sworn cer-
tificate to identify the voting qualification or
prerequisite to voting or standard, practice, or
procedure with respect to voting, or other vot-
ing related matter or issue, whose lawfulness
the Attorney General is investigating and to
identify the Federal law that protects the right
to vote under which the investigation is being
conducted. The demand shall be reasonably cal-
culated to lead to the discovery of documentary
material and information relevant to such investigation. Documentary material includes any material upon which relevant information is recorded, and includes written or printed materials, photographs, tapes, or materials upon which information is electronically or magnetically recorded. Such demands shall be aimed at the Attorney General having the ability to inspect and obtain copies of relevant materials (as well as obtain information) related to voting and are not aimed at the Attorney General taking possession of original records, particularly those that are required to be retained by State and local election officials under Federal or State law.

“(B) NO REQUIREMENT FOR PRODUCTION.—Any demand issued under paragraph (1) may not require the production of any documentary material or the submission of any answers in writing to written questions if such material or answers would be protected from disclosure under the standards applicable to discovery requests under the Federal Rules of Civil Procedure in an action in which the Attorney General or the United States is a party.
“(C) DOCUMENTARY MATERIAL.—If the demand issued under paragraph (1) requires the production of documentary material, it shall—

“(i) identify the class of documentary material to be produced with such definiteness and certainty as to permit such material to be fairly identified; and

“(ii) prescribe a return date for production of the documentary material at least 20 days after issuance of the demand to give the State or political subdivision, or other governmental representative or agent, a reasonable period of time for assembling the documentary material and making it available for inspection and copying.

“(D) ANSWERS TO WRITTEN QUESTIONS.—If the demand issued under paragraph (1) requires answers in writing to written questions, it shall—

“(i) set forth with specificity the written question to be answered; and

“(ii) prescribe a date at least 20 days after the issuance of the demand for sub-
mitting answers in writing to the written questions.

“(E) SERVICE.—A demand issued under paragraph (1) may be served by a United States marshal or a deputy marshal, or by certified mail, at any place within the territorial jurisdiction of any court of the United States.

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

“(A) shall state that—

“(i) all of the documentary material required by the demand and in the possession, custody, or control of the State or political subdivision, or other governmental representative or agent, has been produced;
“(ii) with respect to every answer in writing to a written question, all information required by the question and in the possession, custody, control, or knowledge of the State or political subdivision, or other governmental representative or agent, has been submitted; or

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

“(B) provide the basis for any objection to producing the documentary material or answering the written question.

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

“(4) JUDICIAL PROCEEDINGS.—

“(A) PETITION FOR ENFORCEMENT.—
Whenever any State or political subdivision, or other governmental representative or agent, fails to comply with demand issued by the Attorney General under paragraph (1), the Attorney General may file, in a district court of the United States in which the State or political
subdivision, or other governmental representative or agent, is located, a petition for a judicial order enforcing the Attorney General demand issued under paragraph (1).

“(B) PETITION TO MODIFY.—

“(i) IN GENERAL.—Any State or political subdivision, or other governmental representative or agent, that is served with a demand issued by the Attorney General under paragraph (1) may file in the United States District Court for the District of Columbia a petition for an order of the court to modify or set aside the demand of the Attorney General.

“(ii) PETITION TO MODIFY.—Any petition to modify or set aside a demand of the Attorney General issued under paragraph (1) must be filed within 20 days after the date of service of the Attorney General’s demand or at any time before the return date specified in the Attorney General’s demand, whichever date is earlier.

“(iii) CONTENTS OF PETITION.—The petition shall specify each ground upon
which the petitioner relies in seeking relief
under clause (i), and may be based upon
any failure of the Attorney General’s de-
mand to comply with the provisions of this
section or upon any constitutional or other
legal right or privilege of the State or po-
litical subdivision, or other governmental
representative or agent. During the pend-
ency of the petition in the court, the court
may stay, as it deems proper, the running
of the time allowed for compliance with the
Attorney General’s demand, in whole or in
part, except that the State or political sub-
division, or other governmental representa-
tive or agent, filing the petition shall com-
ply with any portions of the Attorney Gen-
eral’s demand not sought to be modified or
set aside.”.

SEC. 114. DEFINITIONS.

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

“SEC. 21. DEFINITIONS.

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

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

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

“(B) any land in Alaska that is owned, pursuant to the Alaska Native Claims Settlement Act, by an Indian tribe that is a Native village (as such term is defined in section 3 of such Act), or by a Village Corporation that is associated with the Indian tribe (as such term is defined in section 3 of such Act);

“(C) any land on which the seat of government of the Indian tribe is located; and

“(D) any land that is part or all of a tribal designated statistical area associated with the Indian tribe, or is part or all of an Alaska Native village statistical area associated with the tribe, as defined by the Bureau of the Census for the purposes of the most recent decennial census.

“(3) INDIAN TRIBE.—The term ‘Indian Tribe’ means the recognized governing body of any Indian
or Alaska Native Tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

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

“(5) VOTING-AGE POPULATION.—The term ‘voting-age population’ means the numerical size of the population within a State, within a political subdivision, or within a political subdivision that contains Indian lands, as the case may be, that consists of persons age 18 or older, as calculated by the Bureau of the Census under the most recent decennial census.”.

SEC. 115. ATTORNEYS’ FEES.

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

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

SEC. 116. OTHER TECHNICAL AND CONFORMING AMEND-
MENTS.

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

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

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

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

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

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

(c) PERIOD DURING WHICH CHANGES IN VOTING
PRACTICES ARE SUBJECT TO PRECLEARANCE UNDER
SECTION 5.—Section 5 of such Act (52 U.S.C. 10304)
is amended—
(1) in subsection (a), by striking “based upon determinations made under the first sentence of section 4(b) are in effect” and inserting “are in effect during a calendar year”;

(2) in subsection (a), by striking “November 1, 1964” and all that follows through “November 1, 1972” and inserting “the applicable date of coverage”; and

(3) by adding at the end the following new subsection:

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

“(1) January 1, 2021, if the most recent determination for such State or subdivision under section 4(b) was made during the first calendar year in which determinations are made following the date of enactment of the John R. Lewis Voting Rights Advancement Act of 2021; or

“(2) the date on which the most recent determination for such State or subdivision under section 4(b) was made following the date of enactment of the John R. Lewis Voting Rights Advancement Act of 2021, if the most recent determination for such State or subdivision under section 4(b) was made after the first calendar year in which determinations
are made following the date of enactment of the
John R. Lewis Voting Rights Advancement Act of
2021.”.

(d) Review of Pre clearance Submission Under
Section 5 Due to Exigency.—Section 5 of such Act
(52 U.S.C. 10304) is amended, in subsection (a), by in-
serting “An exigency, including a natural disaster, ince-
ment weather, or other unforeseeable event, requiring such
different qualification, prerequisite, standard, practice, or
procedure within 30 days of a Federal, State, or local elec-
tion shall constitute good cause requiring the Attorney
General to expedite consideration of the submission. To
the extent feasible, expedited consideration shall consider
the views of individuals affected by the different qualifica-
tion, prerequisite, standard, practice, or procedure.” after
“will not be made.”.

SEC. 117. SEVERABILITY.

If any provision of the John R. Lewis Voting Rights
Advancement Act of 2021 or any amendment made by this
title, or the application of such a provision or amendment
to any person or circumstance, is held to be unconstitu-
tional or is otherwise enjoined or unenforceable, the re-
mainder of this title and amendments made by this title,
and the application of the provisions and amendments to
any other person or circumstance, and any remaining pro-
vision of the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), shall not be affected by the holding. In addition, if any provision of the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), or any amendment to the Voting Rights Act of 1965, or the application of such a provision or amendment to any person or circumstance, is held to be unconstitutional or is otherwise enjoined or unenforceable, the application of the provision and amendment to any other person or circumstance, and any remaining provisions of the Voting Rights Act of 1965, shall not be affected by the holding.

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

(a) In General.—The Attorney General shall make grants each fiscal year to small jurisdictions who submit applications under subsection (b) for purposes of assisting such small jurisdictions with compliance with the requirements of the Voting Rights Act of 1965 to submit or publish notice of any change to a qualification, prerequisite, standard, practice or procedure affecting voting.

(b) Application.—To be eligible for a grant under this section, a small jurisdiction shall submit an application to the Attorney General in such form and containing such information as the Attorney General may require re-
garding the compliance of such small jurisdiction with the

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

TITLE II—ELECTION WORKER
AND POLLING PLACE PRO-
TECTION

SEC. 201. SHORT TITLE.

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

SEC. 202. ELECTION WORKER AND POLLING PLACE PRO-
TECTION.

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

“(f)(1) Whoever, whether or not acting under color
of law, by force or threat of force, or violence, or threat
of harm to any person or property, willfully intimidates
or interferes with, or attempts to intimidate or interfere
with, the ability of any person or any class of persons to
vote or qualify to vote, or to qualify or act as a poll watch-
er, or any legally authorized election official, in any pri-
mary, special, or general election, or any person who is,
or is employed by, an agent, contractor, or vendor of a legally authorized election official assisting in the administration of any primary, special, or general election, shall be fined not more than $5,000, or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this paragraph or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined not more than $5,000 or imprisoned not more than 5 years, or both.

“(2) Whoever, whether or not acting under color of law, willfully physically damages or threatens to physically damage any physical property being used as a polling place or tabulation center or other election infrastructure, with the intent to interfere with the administration of an election or the tabulation or certification of votes, shall be fined not more than $5,000, or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this paragraph or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined not more than $5,000 or imprisoned not more than 5 years, or both.
“(3) For purposes of this subsection, de minimus damage or threats of de minimus damage to physical property shall not be considered a violation of this subsection.

“(4) For purposes of this subsection, the term ‘election infrastructure’ means any office of an election official, staff, worker, or volunteer or any physical, mechanical, or electrical device, structure, or tangible item used in the process of creating, distributing, voting, returning, counting, tabulating, auditing, storing, or other handling of voter registration or ballot information.

“(g) No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, or a designee, that—

“(1) the State does not have jurisdiction;

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

“(3) a prosecution by the United States is in the public interest and necessary to secure substantial justice.”.
TITLE III—NATIVE AMERICAN
VOTING RIGHTS ACT

SEC. 301. SHORT TITLE.

This title may be cited as the “Frank Harrison, Elizabeth Peratrovich, and Miguel Trujillo Native American Voting Rights Act of 2021”.

SEC. 302. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The Constitution explicitly and implicitly grants Congress broad general powers to legislate on issues relating to Indian Tribes, powers consistently described as plenary and exclusive. These powers arise from the grant of authority in the Indian Commerce Clause and through legislative matters arising under the Treaty Clause.

(2) The Federal Government is responsible for upholding the obligations to which the Federal Government has agreed through treaties, legislation, and executive orders, referred to as the Federal trust responsibility toward Indian Tribes and their members.

(3) The Supreme Court has repeatedly relied on the nature of this “government to government” relationship between the United States and sovereign Indian Tribes for congressional authority to enact

(4) Legislation removing barriers to Native American voting is vital for the fulfillment of Congress’ “unique obligation” toward Indians, particularly ensuring that Native American voters are fully included as “qualified members of the modern body politic”. Board of County Comm’rs v. Seber, 318 U.S. 705, 715 (1943).

(5) Under the Elections Clause of article I, section 4 of the Constitution, Congress has additional power to regulate any election conducted to select Members of Congress. Taken together, the Indian Commerce Clause and the Election Clause give Congress broad authority to enact legislation to safeguard the voting rights of Native American voters.

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

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

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

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

(B) nontraditional or nonexistent addresses
for residents on Indian reservations, lack of res-
idential mail delivery and pick up, reliance on
distant post offices with abbreviated operating
hours for mail services, insufficient housing units, overcrowded homes, and high incidence of housing insecurity and homelessness, lack of access to vehicles, and disproportionate poverty which make voter registration, acquisition and dropping off of mail-in ballots, receipt of voting information and materials, and securing required identification difficult, if not impossible;

(C) inadequate language assistance for Tribal members, including lack of outreach and publicity, the failure to provide complete, accurate, and uniform translations of all voting materials in the relevant Native language, and an insufficient number of trained bilingual poll workers; and

(D) voter identification laws that discriminate against Native Americans.

(9) The Department of Justice and courts also recognized that some jurisdictions have been unresponsive to reasonable requests from federally recognized Indian Tribes for more accessible voter registration sites and in-person voting locations.

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

(11) Despite these obstacles, the Native American vote continues to play a significant role in Federal, State, and local elections.

(12) In Alaska, New Mexico, Oklahoma, and South Dakota, Native Americans, American Indians, and Alaska Natives comprise approximately 10 percent or more of the voting population.

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

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

(1) to fulfill the Federal Government’s trust responsibility to protect and promote Native Americans’ exercise of their constitutionally guaranteed right to vote, including the right to register to vote and the ability to access all mechanisms for voting;

(2) to establish Tribal administrative review procedures for a specific subset of State actions that have been used to restrict access to the polls on Indian lands;
(3) to expand voter registration under the National Voter Registration Act of 1993 (52 U.S.C. 20501 et seq.) to cover Federal facilities;

(4) to afford equal treatment to forms of identification unique to Indian Tribes and their members;

(5) to ensure American Indians and Alaska Natives experiencing homelessness, housing insecurity, or lacking residential mail pickup and delivery can pool resources to pick up and return ballots;

(6) to clarify the obligations of States and political subdivisions regarding the provision of translated voting materials for American Indians and Alaska Natives under section 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503);

(7) to provide Tribal leaders with a direct pathway to request Federal election observers and to allow public access to the reports of those election observers;

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

(9) to direct the Department of Justice to consult on an annual basis with Indian Tribes on issues related to voting.
SEC. 303. DEFINITIONS.

In this title:

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

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

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

SEC. 304. ESTABLISHMENT OF A NATIVE AMERICAN VOTING TASK FORCE GRANT PROGRAM.

(a) IN GENERAL.—The United States Election Assistance Commission (referred to in this section as the “Commission”) shall establish and administer, in coordination with the Department of the Interior, a Native American voting task force grant program, through which the Commission shall provide financial assistance to eligible applicants to enable those eligible applicants to establish and operate a Native American Voting Task Force in each State with a federally recognized Indian Tribe.
(b) PURPOSES.—The purposes of the Native American voting task force grant program are to—

(1) increase voter outreach, education, registration, and turnout in Native American communities;

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

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

(4) provide, in the community’s dominant language, educational materials and classes on Indian lands about candidacy filing;

(5) train and educate State and local employees, including poll workers, about—

(A) the language assistance and voter assistance requirements under sections 203 and 208 of the Voting Rights Act of 1965 (52 U.S.C. 10503; 10508);

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

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

(6) identify model programs and best practices for providing language assistance to Native American communities;
(7) provide nonpartisan poll watchers on election day in Native American communities;

(8) participate in and evaluate future redistricting efforts;

(9) address issues of internet connectivity as it relates to voter registration and ballot access in Native American communities;

(10) work with Indian Tribes, States, and the Federal Government to establish mailing addresses that comply with applicable State and Federal requirements for receipt of voting information and materials; and

(11) facilitate collaboration between local election officials, Native American communities, and Tribal elections offices.

(e) ELIGIBLE APPLICANT.—The term “eligible applicant” means—

(1) an Indian Tribe;

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

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

(4) a consortium of entities described in paragraphs (1) through (3).
(d) Application and Selection Process.—

(1) In general.—The Commission, in coordination with the Department of the Interior and following consultation with Indian Tribes about the implementation of the Native American voting task force grant program, shall establish guidelines for the process by which eligible applicants will submit applications.

(2) Applications.—Each eligible applicant desiring a grant under this section shall submit an application, according to the process established under paragraph (1), and at such time, in such manner, and containing such information as the Commission may require. Such application shall include—

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

(B) a proposed work plan addressing how the eligible applicant will establish and administer a Native American Voting Task Force that achieves the purposes described in subsection (b);

(C) if the eligible applicant is a consortium as described in subsection (c)(4), a description of the proposed division of responsibilities between the participating entities;
(D) an explanation of the time period that
the proposed Native American Voting Task
Force will cover, which shall be a time period
that is not more than 3 years; and
(E) the goals that the eligible applicant de-
sires to achieve with the grant funds.
(e) USES OF FUNDS.—A grantee receiving funds
under this section shall use such funds to carry out one
or more of the activities described in subsection (b),
through the grantee’s Native American Voting Task
Force.
(f) REPORTS.—
(1) REPORT TO THE COMMISSION.—
(A) IN GENERAL.—Not later than 1 year
after the date on which an eligible applicant re-
ceives grant funds under this section, and annu-
ally thereafter for the duration of the grant,
each eligible applicant shall prepare and submit
a written report to the Commission describing
the eligible applicant’s progress in achieving the
goals outlined in the application under sub-
section (d)(2).
(B) RESPONSE.—Not later than 30 days
after the date on which the Commission receives
the report described in paragraph (1), the Com-
mission will provide feedback, comments, and
input to the eligible applicant in response to
such report.

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

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

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

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

Section 7(a) of the National Voter Registration Act
of 1993 (52 U.S.C. 20506(a)) is amended—
(1) in paragraph (2)—

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

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

(C) by adding at the end the following:

“(C) any Federal facility or federally funded facility that is primarily engaged in providing services to an Indian Tribe; and

“(D) not less than one Federal facility or federally funded facility that is located within the Indian lands of an Indian Tribe, as applicable, (which may be the Federal facility or federally funded facility described in subparagraph (C)).”; and

(2) by adding at the end the following:

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

SEC. 306. ACCESSIBLE TRIBAL DESIGNATED POLLING
SITES.

(a) In General.—

(1) Designation of State Officer.—Each of the several States whose territory contains all or part of an Indian Tribe’s Indian lands shall des-
ignate an officer within that State who will be re-
sponsible for compliance with the provisions of this section and who shall periodically consult with the Indian Tribes located wholly or partially within that State regarding compliance with the provisions of this section and coordination between the State and the Indian Tribe. The State shall provide written no-
tice to each such Indian Tribe of the officer so des-
ignated.

(2) Provision of Polling Places.—For each Indian Tribe that satisfies the obligations of sub-
section (c), and for each election for a Federal offi-
cial or State official that is held 180 days or later after the date on which the Indian Tribe initially satisfies such obligations, any State or political sub-
division whose territory contains all or part of an Indian Tribe’s Indian lands—

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

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

(C) shall provide, at no cost to the Indian Tribe, additional polling places in locations on Indian lands selected by an Indian Tribe and requested under subsection (c) if, based on the totality of circumstances described in subsection (b), it is shown that not providing those additional polling places would result in members of the Indian Tribe and living on Indian lands or other individuals residing on the Indian Tribe’s Indian lands having less opportunity to vote than eligible voters in that State or political subdivision who are not members of an Indian Tribe or do not reside on Indian lands;
(D) shall, at each polling place located on Indian lands and at no cost to the Indian Tribe, make voting machines, tabulation machines, official receptacles designated for the return of completed absentee ballots, ballots, provisional ballots, and other voting materials available to the same or greater extent that such equipment and materials are made available at other polling places in the State or political subdivision that are not located on Indian lands;

(E) shall, at each polling place located on Indian lands, conduct the election using the same voting procedures that are used at other polling places in the State or political subdivision that are not located on Indian lands, or other voting procedures that provide greater access for voters;

(F) shall, at each polling place located on Indian lands and at no cost to the Indian Tribe, make voter registration available during the period the polling place is open to the maximum extent allowable under State law;

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

(H) shall, in all cases, provide the Indian Tribe an opportunity to designate election officials and poll workers to staff polling places within the Indian lands of the applicable Indian Tribe on every day that the polling places will be open;

(I) shall allow for any eligible voting member of the Indian Tribe or any eligible voting individual residing on Indian lands to vote early or in person at any polling place on Indian lands, regardless of that member or individual’s residence or residential address, and shall not reject the ballot of any such member or individual on the grounds that the ballot was cast at the wrong polling place; and

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

(b) Equitable Opportunities To Vote.—

(1) In general.—When assessing the opportunities to vote provided to members of an Indian Tribe and to other eligible voters in the State residing on Indian lands in order to determine the number of additional polling places (if any) that a State or political subdivision must provide in accordance with subsection (a)(2)(C), the State, political subdivision, or any court applying this section, shall consider the totality of circumstances of—

(A) the number of voting-age citizens assigned to each polling place;

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

(C) the time that voters must spend traveling to reach the polling places, including under inclement weather conditions;

(D) the modes of transportation, if any, that are regularly and broadly available to voters to use to reach the polling places;

(E) the existence of and access to frequent and reliable public transportation to the polling places;
(F) the length of lines and time voters waited to cast a ballot in previous elections; and

(G) any other factor relevant to effectuating the aim of achieving equal voting opportunity for individuals living on Indian lands.

(2) ABSENCE OF FACTORS.—When assessing the opportunities to vote in accordance with paragraph (1), the State, political subdivision, or court shall ensure that each factor described in paragraph (1) is considered regardless of whether any one factor would lead to a determination not to provide additional polling places under subsection (a)(2)(C).

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

(1) FORM.—The Attorney General shall establish the form described in this subsection through which an Indian Tribe can fulfill its obligations under this subsection.

(2) PROVISION OF FORM.—Each State or political subdivision whose territory contains all or part of an Indian Tribe’s Indian lands—

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

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

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

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

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

(B) The Indian Tribe certifies that curbside voting will be available for any facilities that lack accessible entrances and exits in accordance with Federal and State law.

(C) The Indian Tribe certifies that the Indian Tribe will ensure that each such requested polling place will be open and available to all eligible voters who reside in the precinct or other geographic area assigned to such polling place, regardless of whether such eligible voters are members of the Indian Tribe or of any other Indian Tribe.

(D) The Indian Tribe requests that the State or political subdivision shall designate election officials and poll workers to staff such requested polling places, or certifies that the Indian Tribe will designate election officials and poll workers to staff such polling places on every day that the polling places will be open.

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

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

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

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

(c) MAIL-IN BALLOTING.—In States or political subdivisions that permit absentee or mail-in balloting, the following shall apply with respect to an election for Federal office:

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

(2) At the applicable Tribe’s request, the State or political subdivision shall provide mail-in and absentee ballots to each registered voter residing on Indian lands in the State or political subdivision without requiring a residential address, a mail-in or absentee ballot request, or an excuse for a mail-in or absentee ballot.
(3) The address of a tribally designated building may serve as the residential address and mailing address for voters living on Indian lands if the tribally designated building is in the same precinct as that voter.

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

(A) use another tribally designated building within the Indian lands where the voter is located; or

(B) use such tribally designated building as a mailing address and may separately designate the voter’s appropriate precinct through a description of the voter’s address, as specified in section 9428.4(a)(2) of title 11, Code of Federal Regulations.

(5) In the case of a State or political subdivision that is a covered State or political subdivision under section 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503), that State or political subdivision shall provide absentee or mail-in voting materials with respect to an election for Federal office in
the language of the applicable minority group as well as in the English language, bilingual election voting assistance, and written translations of all voting materials in the language of the applicable minority group, as required by section 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503), as amended by this title.

(6) A State or political division shall make reasonable efforts to contact a voter who resides within Indian lands located within its jurisdiction and offer such voter a reasonable opportunity to cure any defect in an absentee ballot issued to and completed and returned by the voter, or appearing on or pertaining to the materials provided for the purpose of returning the absentee ballot, if State law would otherwise require the absentee ballot to be rejected due to such defect and the defect does not compromise ballot secrecy or involve a lack of witness or assistant signature, where such signature is mandated by State law.

(7) In a State or political subdivision that does not permit absentee or mail-in balloting for all eligible voters in the State or political subdivision, that State or political subdivision shall nonetheless provide for absentee or mail-in balloting for voters who
reside on Indian lands consistent with this section if
the State, political subdivision, or any court applying
this section determines that the totality of cir-
cumstances described in subsection (b) warrants es-

tablishment of absentee or mail-in balloting for vot-
ers who reside on Indian lands located within the ju-

risdiction of the State or political subdivision.

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

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

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

(g) EARLY VOTING.—

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

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

(3) MINIMUM EARLY VOTING REQUIRE-
MENTS.—Each polling place that allows voting dur-
ing an early voting period under this subsection
shall—
(A) allow such voting for no less than 10 hours on each day;

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

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

(4) BALLOT PROCESSING AND SCANNING REQUIREMENTS.—

(A) IN GENERAL.—To the greatest extent practicable, ballots cast during the early voting period in an election for Federal office at voting locations and drop boxes on Indian lands shall be processed and scanned for tabulation in advance of the close of polls on the date of the election.

(B) LIMITATION.—Nothing in this subsection shall be construed to permit a State or political subdivision to tabulate and count ballots in an election for Federal office before the closing of the polls on the date of the election.

(h) PROVISIONAL BALLOTS.—

(1) IN GENERAL.—In addition to the requirements under section 302(a) of the Help America
Vote Act of 2002 (52 U.S.C. 21082(a)), for each State or political subdivision that provides voters provisional ballots, challenge ballots, or affidavit ballots under the State’s applicable law governing the voting processes for those voters whose eligibility to vote is determined to be uncertain by election officials, election officials shall—

(A) provide clear written instructions indicating the reason the voter was given a provisional ballot, the information or documents the voter needs to prove eligibility, the location at which the voter must appear to submit these materials or alternative methods, including email or facsimile, that the voter may use to submit these materials, and the deadline for submitting these materials;

(B) permit any voter who votes provisionally at any polling place on Indian lands to appear at any polling place or at the central location for the election board to submit the documentation or information to prove eligibility;

(C) permit any voter who votes provisionally at any polling place to submit the required information or documentation via email or facsimile, if the voter prefers to use such methods
as an alternative to appearing in person to submit the required information or documentation to prove eligibility;

(D) notify the voter on whether the voter’s provisional ballot was counted or rejected by telephone, email, or postal mail, or any other available method, including notifying the voter of any online tracking website if State law provides for such a mechanism; and

(E) provide the reason for rejection if the voter’s provisional ballot was rejected after the voter provided the required information or documentation on eligibility.

(2) Duties of Election Officials.—A State or political subdivision described in paragraph (1) shall ensure in each case in which a provisional ballot is cast, that election officials—

(A) request and collect the voter’s email address, if the voter has one, and transmit any written instructions issued to the voter in person to the voter via email; and

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

(i) Enforcement.—
(1) **Attorney General.**—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this section.

(2) **Private right of action.**—

(A) A person or Indian Tribe who is aggrieved by a violation of this section may provide written notice of the violation to the chief election official of the State involved.

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

(i) that person or Indian Tribe provides the notice described in subparagraph (A); and

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

(II) in the case of a violation that occurs 120 days or less but more than 30
days before the date of an election for Federal office, the violation remains and 20 days or more have passed since the date on which the chief election official of the State receives the notice under subparagraph (A).

(C) In the case of a violation of this section that occurs 30 days or less before the date of an election for Federal office, an aggrieved person or Indian Tribe may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation without providing notice to the chief election official of the State under subparagraph (A).

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

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

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

(1) Eliminating polling places or voter registration sites on the Indian lands of an Indian Tribe.

(2) Moving or consolidating a polling place or voter registration site on the Indian lands of an Indian Tribe to a location 1 mile or further from the existing location of the polling place or voter registration site.

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

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

(5) Removing an early voting location or otherwise diminishing early voting opportunities on Indian lands.

(6) Removing a ballot drop box or otherwise diminishing ballot drop boxes on Indian lands.
(7) Decreasing the number of days or hours that an in-person or early voting polling place is open on Indian lands only or changing the dates of in-person or early voting only on the Indian lands of an Indian Tribe.

(b) Tribal Administrative Review.—

(1) In general.—The requirements of this subsection have been met if—

(A) the impacted Indian Tribe submits to the Attorney General the Indian Tribe’s written consent to the proposed activity described in subsection (a);

(B) the State or political subdivision, after consultation with the impacted Indian Tribe and after attempting to have the impacted Indian Tribe give consent as described in subparagraph (A), institutes an action in the United States District Court for the District of Columbia for a declaratory judgment, and a declaratory judgment is issued based upon affirmative evidence provided by the State or political subdivision, that conclusively establishes that the specified activity described in subsection (a) proposed by the State or political subdivision neither has the purpose nor will have the effect
of denying or abridging the right to vote on ac-
account of race or color, membership in an Indian
Tribe, or membership in a language minority
group; or

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

(2) NO LIMITATION ON FUTURE ACTIONS.—

(A) NO BAR TO SUBSEQUENT ACTION.—
Neither an affirmative indication by the Attor-
ney General that no objection will be made, nor
the Attorney General’s failure to object, nor a
declaratory judgment entered under this sec-
tion, nor a written consent issued under para-
graph (1)(A) shall bar a subsequent action to
enjoin enforcement of an activity described in
subsection (a).
(B) REEXAMINATION.—The Attorney General reserves the right to reexamine any submission under paragraph (1)(C) if additional relevant information comes to the Attorney General’s attention.

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

SEC. 308. TRIBAL VOTER IDENTIFICATION.

(a) TRIBAL IDENTIFICATION.—If a State or political subdivision requires an individual to present identification for the purposes of voting or registering to vote in an election for Federal office, an identification card issued by a federally recognized Indian Tribe, the Bureau of Indian Affairs, the Indian Health Service, or any other Tribal or Federal agency issuing identification cards to eligible Indian voters shall be treated as a valid form of identification for such purposes.

(b) ONLINE REGISTRATION.—If a State or political subdivision requires an identification card for an individual to register to vote online or to vote online, that State or political subdivision shall annually consult with
an Indian Tribe to determine whether a tribal identification can feasibly be used to register to vote online or vote online.

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

SEC. 309. PERMITTING VOTERS TO DESIGNATE OTHER PERSON TO RETURN BALLOT.

Each State or political subdivision—

(1) shall permit any family member (including extended family member, such as a cousin, grandchild, or relation through marriage), caregiver, tribal assistance provider, or household member to return a sealed ballot of a voter that resides on Indian lands to a post office on Indian lands, a ballot drop box location in a State or political subdivision that provides ballot drop boxes, a tribally designated building under section 306(e)(2), or an election of-
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dice, so long as the person designated to return the
ballot or ballots on behalf of another voter does not
receive any form of compensation based on the num-
ber of ballots that the person has returned and no
individual, group, or organization provides com-
pensation on this basis;

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

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

SEC. 310. BILINGUAL ELECTION REQUIREMENTS.

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

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

“(c) Provision of Voting Materials in the Language of a Minority Group.—

“(1) In general.—Whenever any State or political subdivision subject to the prohibition of subsection (b), provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language.

“(2) Exceptions.—

“(A) In the case of a minority group that is not American Indian or Alaska Native and the language of that minority group is oral or unwritten, the State or political subdivision shall only be required to furnish, in the covered language, oral instructions, assistance, translation of voting materials, or other information relating to registration and voting.

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

“(3) Written translations for election
workers.—Notwithstanding paragraph (2), the
State or political division may be required to provide
written translations of voting materials, with the
consent of any applicable Indian Tribe, to election
workers to ensure that the translations from English
to the language of a minority group are complete,
accurate, and uniform.”.

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

(a) Amendment to the Voting Rights Act of
1965.—Section 8(a) of the Voting Rights Act of 1965 (52
U.S.C. 10305(a)) is amended—

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

(2) in paragraph (2)(B), by adding “or” after
the semicolon; and
(3) by inserting after paragraph (2) the following:

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

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

**SEC. 312. TRIBAL JURISDICTION.**

(a) **IN GENERAL.**—Tribal law enforcement have the right to exercise their inherent authority to detain and or remove any non-Indian, not affiliated with the State, its political subdivision, or the Federal Government, from Indian lands for intimidating, harassing, or otherwise impeding the ability of people to vote or of the State and its political subdivisions to conduct an election.
(b) Civil Action by Attorney General for Relief.—Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by this section, the Attorney General may institute for the United States, or in the name of the United States, an action for preventive relief, including an application for a temporary or permanent injunction, restraining order, or other order, and including an order directed to the State and State or local election officials to require them to permit persons to vote and to count such votes.

SEC. 313. TRIBAL VOTING CONSULTATION.

The Attorney General shall consult annually with Indian Tribes regarding issues related to voting in elections for Federal office.

SEC. 314. ATTORNEYS’ FEES, EXPERT FEES, AND LITIGATION EXPENSES.

In a civil action under this title, the court shall award the prevailing party, other than the United States, reasonable attorney fees, including litigation expenses, reasonable expert fees, and costs.

SEC. 315. GAO STUDY AND REPORT.

The Comptroller General shall study the prevalence of nontraditional or nonexistent mailing addresses among Indians, those who are members of Indian Tribes, and
those residing on Indian lands and identify alternatives to remove barriers to voter registration, receipt of voter information and materials, and receipt of ballots. The Comptroller General shall report the results of that study to Congress not later than 1 year after the date of enactment of this title.

SEC. 316. UNITED STATES POSTAL SERVICE CONSULTATION.

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

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

(a) Severability.—If any provision of this title, or the application of such a provision to any person, entity, or circumstance, is held to be invalid, the remaining provisions of this title and the application of all provisions of this title to any other person, entity, or circumstance shall not be affected by the invalidity.

(b) Relationship to Other Laws.—Nothing in this title shall invalidate, or limit the rights, remedies, or procedures available under, or supersede, restrict, or limit the application of, the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), the National Voter Registration
Act of 1993 (52 U.S.C. 20501 et seq.), the Help America Vote Act of 2002 (52 U.S.C. 20901 et seq.), or any other Federal law or regulation related to voting or the electoral process. Notwithstanding any other provision of law, the provisions of this title, and the amendments made by this title, shall be applicable within the State of Maine.

(e) Tribal Sovereign Immunity.—Nothing in this title shall be construed as—

(1) affecting, modifying, diminishing, or otherwise impairing the sovereign immunity from suit enjoyed by an Indian Tribe; or

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

SEC. 318. AUTHORIZATION OF APPROPRIATIONS.

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