

117TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. LEAHY (for himself, Ms. MURKOWSKI, Mr. DURBIN, and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “John R. Lewis Voting
5 Rights Advancement Act of 2021”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **SEC. 102. RETROGRESSION.**

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

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

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

1 **SEC. 103. VIOLATIONS TRIGGERING AUTHORITY OF COURT**
2 **TO RETAIN JURISDICTION.**

3 (a) TYPES OF VIOLATIONS.—Section 3(c) of the Vot-
4 ing Rights Act of 1965 (52 U.S.C. 10302(c)) is amended
5 by striking “violations of the fourteenth or fifteenth
6 amendment” and inserting “violations of the 14th or 15th
7 Amendment, violations of this Act, or violations of any
8 Federal law that prohibits discrimination in voting on the
9 basis of race, color, or membership in a language minority
10 group,”.

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

18 **SEC. 104. CRITERIA FOR COVERAGE OF STATES AND POLIT-**
19 **ICAL SUBDIVISIONS.**

20 (a) DETERMINATION OF STATES AND POLITICAL
21 SUBDIVISIONS SUBJECT TO SECTION 4(a).—

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

25 “(b) DETERMINATION OF STATES AND POLITICAL
26 SUBDIVISIONS SUBJECT TO REQUIREMENTS.—

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

3 “(A) STATEWIDE APPLICATION.—Sub-
4 section (a) applies with respect to a State and
5 all political subdivisions within the State during
6 a calendar year if—

7 “(i) fifteen or more voting rights vio-
8 lations occurred in the State during the
9 previous 25 calendar years; or

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

16 “(B) APPLICATION TO SPECIFIC POLITICAL
17 SUBDIVISIONS.—Subsection (a) applies with re-
18 spect to a political subdivision as a separate
19 unit during a calendar year if three or more
20 voting rights violations occurred in the subdivi-
21 sion during the previous 25 calendar years.

22 “(2) PERIOD OF APPLICATION.—

23 “(A) IN GENERAL.—Except as provided in
24 subparagraph (B), if, pursuant to paragraph
25 (1), subsection (a) applies with respect to a

1 State or political subdivision during a calendar
2 year, subsection (a) shall apply with respect to
3 such State or political subdivision for the pe-
4 riod—

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

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

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

11 “(i) STATES.—If a State obtains a de-
12 claratory judgment under subsection (a),
13 and the judgment remains in effect, sub-
14 section (a) shall no longer apply to such
15 State and all political subdivisions in the
16 State pursuant to paragraph (1)(A) unless,
17 after the issuance of the declaratory judg-
18 ment, paragraph (1)(A) applies to the
19 State solely on the basis of voting rights
20 violations occurring after the issuance of
21 the declaratory judgment, or paragraph
22 (1)(B) applies to the political subdivision
23 solely on the basis of voting rights viola-
24 tions occurring after the issuance of the
25 declaratory judgment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 “(4) TIMING OF DETERMINATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 **“(a) PRACTICE-BASED PRECLEARANCE.—**

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

13 **“(A)** identify any change to a law, regula-
14 tion, or policy that includes a voting qualifica-
15 tion or prerequisite to voting, or a standard,
16 practice, or procedure with respect to voting,
17 that is a covered practice described in sub-
18 section (b); and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 “(i) the State; or

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

24 “(c) PRECLEARANCE.—

25 “(1) IN GENERAL.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 “(a) NOTICE OF ENACTED CHANGES.—

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

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

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

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

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

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

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

8 “(A) The name or number.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 “(A) A county or parish.

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

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

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

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

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

15 “(f) DEFINITIONS.—In this section—

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

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

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

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

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

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

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

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

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

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

25 (1);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 “(2)(A) In considering any motion for preliminary re-
10 lief in any action for preventive relief described in this sub-
11 section, the court shall grant the relief if the court deter-
12 mines that the complainant has raised a serious question
13 as to whether the challenged voting qualification or pre-
14 requisite to voting or standard, practice, or procedure vio-
15 lates any of the provisions listed in section 111(a)(1) of
16 the John R. Lewis Voting Rights Advancement Act and,
17 on balance, the hardship imposed on the defendant by the
18 grant of the relief will be less than the hardship which
19 would be imposed on the plaintiff if the relief were not
20 granted.

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

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

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

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

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

13 “(III) a violation of this Act; or

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

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

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

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

4 “(III) a violation of this Act; or

5 “(IV) voting discrimination on the basis of
6 race, color, or membership in a language minor-
7 ity group in violation of any other Federal or
8 State law.

9 “(iii) Whether the change was adopted fewer
10 than 180 days before the date of the election with
11 respect to which the change is to take or takes ef-
12 fect.

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

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

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

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

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

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

9 (a) IN GENERAL.—

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

13 (A) any act or practice—

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

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

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

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

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

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

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

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

19 (2) PRESUMPTIVE SAFE HARBOR.—Where equi-
20 table relief is sought either within 30 days of the
21 adoption or reasonable public notice of the chal-
22 lenged policy or practice, or more than 60 days be-
23 fore the date of an election to which the relief being
24 sought will apply, proximity to the election will be

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

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

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

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

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

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

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

6 (1) in section 11—

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

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

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

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

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

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

21 (2) in section 12—

22 (A) in subsection (b)—

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

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

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

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

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

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

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

10 **GENERAL.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 mitting answers in writing to the written
2 questions.

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

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

20 “(A) shall state that—

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

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

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

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

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

18 “(4) JUDICIAL PROCEEDINGS.—

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

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

5 “(B) PETITION TO MODIFY.—

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

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

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

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

19 **SEC. 114. DEFINITIONS.**

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

22 **“SEC. 21. DEFINITIONS.**

23 “In this Act:

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

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

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

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

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

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

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

24 “(3) INDIAN TRIBE.—The term ‘Indian Tribe’
25 means the recognized governing body of any Indian

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

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

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

18 **SEC. 115. ATTORNEYS’ FEES.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 **SEC. 117. SEVERABILITY.**

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

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

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

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

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

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

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

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

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

10 **SEC. 201. SHORT TITLE.**

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

13 **SEC. 202. ELECTION WORKER AND POLLING PLACE PRO-**
14 **TECTION.**

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

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

1 or is employed by, an agent, contractor, or vendor of a
2 legally authorized election official assisting in the adminis-
3 tration of any primary, special, or general election, shall
4 be fined not more than \$5,000, or imprisoned not more
5 than one year, or both; and if bodily injury results from
6 the acts committed in violation of this paragraph or if
7 such acts include the use, attempted use, or threatened
8 use of a dangerous weapon, explosives, or fire, shall be
9 fined not more than \$5,000 or imprisoned not more than
10 5 years, or both.

11 “(2) Whoever, whether or not acting under color of
12 law, willfully physically damages or threatens to physically
13 damage any physical property being used as a polling
14 place or tabulation center or other election infrastructure,
15 with the intent to interfere with the administration of an
16 election or the tabulation or certification of votes, shall
17 be fined not more than \$5,000, or imprisoned not more
18 than one year, or both; and if bodily injury results from
19 the acts committed in violation of this paragraph or if
20 such acts include the use, attempted use, or threatened
21 use of a dangerous weapon, explosives, or fire, shall be
22 fined not more than \$5,000 or imprisoned not more than
23 5 years, or both.

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

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

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

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

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

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

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

3 **SEC. 301. SHORT TITLE.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **SEC. 303. DEFINITIONS.**

2 In this title:

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

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

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

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

17 (a) IN GENERAL.—The United States Election As-
18 sistance Commission (referred to in this section as the
19 “Commission”) shall establish and administer, in coordi-
20 nation with the Department of the Interior, a Native
21 American voting task force grant program, through which
22 the Commission shall provide financial assistance to eligi-
23 ble applicants to enable those eligible applicants to estab-
24 lish and operate a Native American Voting Task Force
25 in each State with a federally recognized Indian Tribe.

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

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

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

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

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

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

15 (A) the language assistance and voter as-
16 sistance requirements under sections 203 and
17 208 of the Voting Rights Act of 1965 (52
18 U.S.C. 10503; 10508);

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

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

23 (6) identify model programs and best practices
24 for providing language assistance to Native Amer-
25 ican communities;

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

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

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

8 (10) work with Indian Tribes, States, and the
9 Federal Government to establish mailing addresses
10 that comply with applicable State and Federal re-
11 quirements for receipt of voting information and ma-
12 terials; and

13 (11) facilitate collaboration between local elec-
14 tion officials, Native American communities, and
15 Tribal elections offices.

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

18 (1) an Indian Tribe;

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

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

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

1 (d) APPLICATION AND SELECTION PROCESS.—

2 (1) IN GENERAL.—The Commission, in coordi-
3 nation with the Department of the Interior and fol-
4 lowing consultation with Indian Tribes about the im-
5 plementation of the Native American voting task
6 force grant program, shall establish guidelines for
7 the process by which eligible applicants will submit
8 applications.

9 (2) APPLICATIONS.—Each eligible applicant de-
10 siring a grant under this section shall submit an ap-
11 plication, according to the process established under
12 paragraph (1), and at such time, in such manner,
13 and containing such information as the Commission
14 may require. Such application shall include—

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

17 (B) a proposed work plan addressing how
18 the eligible applicant will establish and admin-
19 ister a Native American Voting Task Force
20 that achieves the purposes described in sub-
21 section (b);

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

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

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

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

12 (f) REPORTS.—

13 (1) REPORT TO THE COMMISSION.—

14 (A) IN GENERAL.—Not later than 1 year
15 after the date on which an eligible applicant re-
16 ceives grant funds under this section, and annu-
17 ally thereafter for the duration of the grant,
18 each eligible applicant shall prepare and submit
19 a written report to the Commission describing
20 the eligible applicant’s progress in achieving the
21 goals outlined in the application under sub-
22 section (d)(2).

23 (B) RESPONSE.—Not later than 30 days
24 after the date on which the Commission receives
25 the report described in paragraph (1), the Com-

1 mission will provide feedback, comments, and
2 input to the eligible applicant in response to
3 such report.

4 (2) REPORT TO CONGRESS.—Not later than 1
5 year after the date of enactment of this title, and
6 annually thereafter, the Commission shall prepare
7 and submit a report to the Committee on Indian Af-
8 fairs of the Senate and Committee on Natural Re-
9 sources of the House of Representatives containing
10 the results of the reports described under paragraph
11 (1).

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

19 (h) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to carry out this section
21 \$10,000,000 for each of fiscal years 2022 through 2037.

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

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

1 (1) in paragraph (2)—

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

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

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

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

11 “(D) not less than one Federal facility or
12 federally funded facility that is located within
13 the Indian lands of an Indian Tribe, as applica-
14 ble, (which may be the Federal facility or feder-
15 ally funded facility described in subparagraph
16 (C)).”; and

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

18 “(8) Where practicable, each Federal agency
19 that operates a Federal facility or a federally funded
20 facility that is a designated voter registration agency
21 in accordance with subparagraph (C) or (D) of para-
22 graph (2) shall designate one or more special days
23 per year at a centralized location within the bound-
24 aries of the Indian lands of each applicable Indian
25 Tribe for the purpose of informing members of the

1 Indian Tribe of the timing, registration require-
2 ments, and voting procedures in elections for Fed-
3 eral office, at no cost to the Indian Tribe.”.

4 **SEC. 306. ACCESSIBLE TRIBAL DESIGNATED POLLING**
5 **SITES.**

6 (a) IN GENERAL.—

7 (1) DESIGNATION OF STATE OFFICER.—Each
8 of the several States whose territory contains all or
9 part of an Indian Tribe’s Indian lands shall des-
10 ignate an officer within that State who will be re-
11 sponsible for compliance with the provisions of this
12 section and who shall periodically consult with the
13 Indian Tribes located wholly or partially within that
14 State regarding compliance with the provisions of
15 this section and coordination between the State and
16 the Indian Tribe. The State shall provide written no-
17 tice to each such Indian Tribe of the officer so des-
18 ignated.

19 (2) PROVISION OF POLLING PLACES.—For each
20 Indian Tribe that satisfies the obligations of sub-
21 section (c), and for each election for a Federal offi-
22 cial or State official that is held 180 days or later
23 after the date on which the Indian Tribe initially
24 satisfies such obligations, any State or political sub-

1 division whose territory contains all or part of an In-
2 dian Tribe's Indian lands—

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

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

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

1 (D) shall, at each polling place located on
2 Indian lands and at no cost to the Indian Tribe,
3 make voting machines, tabulation machines, of-
4 ficial receptacles designated for the return of
5 completed absentee ballots, ballots, provisional
6 ballots, and other voting materials available to
7 the same or greater extent that such equipment
8 and materials are made available at other poll-
9 ing places in the State or political subdivision
10 that are not located on Indian lands;

11 (E) shall, at each polling place located on
12 Indian lands, conduct the election using the
13 same voting procedures that are used at other
14 polling places in the State or political subdivi-
15 sion that are not located on Indian lands, or
16 other voting procedures that provide greater ac-
17 cess for voters;

18 (F) shall, at each polling place located on
19 Indian lands and at no cost to the Indian Tribe,
20 make voter registration available during the pe-
21 riod the polling place is open to the maximum
22 extent allowable under State law;

23 (G) shall, at each polling place located on
24 Indian lands, provide training, compensation,
25 and other benefits to election officials and poll

1 workers at no cost to the Indian Tribe and, at
2 a minimum, to the same or greater extent that
3 such training, compensation, and benefits are
4 provided to election officials and poll workers at
5 other polling places in the State or political
6 subdivision that are not located on Indian
7 lands;

8 (H) shall, in all cases, provide the Indian
9 Tribe an opportunity to designate election offi-
10 cials and poll workers to staff polling places
11 within the Indian lands of the applicable Indian
12 Tribe on every day that the polling places will
13 be open;

14 (I) shall allow for any eligible voting mem-
15 ber of the Indian Tribe or any eligible voting
16 individual residing on Indian lands to vote early
17 or in person at any polling place on Indian
18 lands, regardless of that member or individual's
19 residence or residential address, and shall not
20 reject the ballot of any such member or indi-
21 vidual on the grounds that the ballot was cast
22 at the wrong polling place; and

23 (J) may fulfill the State's obligations
24 under subparagraphs (A) and (C) by relocating

1 existing polling places, by creating new polling
2 places, or both.

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

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

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

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

17 (C) the time that voters must spend trav-
18 eling to reach the polling places, including
19 under inclement weather conditions;

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

23 (E) the existence of and access to frequent
24 and reliable public transportation to the polling
25 places;

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

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

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

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

15 (1) FORM.—The Attorney General shall estab-
16 lish the form described in this subsection through
17 which an Indian Tribe can fulfill its obligations
18 under this subsection.

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

22 (A) shall provide the form established
23 under paragraph (1) to each applicable Indian
24 Tribe not less than 30 days prior to the dead-
25 line set by the State or political subdivision for

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

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

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

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

22 (A) The Indian Tribe specifies the number
23 and locations of requested polling places, early
24 voting locations, and ballot drop boxes to be

1 provided on the Indian lands of that Indian
2 Tribe.

3 (B) The Indian Tribe certifies that
4 curbside voting will be available for any facili-
5 ties that lack accessible entrances and exits in
6 accordance with Federal and State law.

7 (C) The Indian Tribe certifies that the In-
8 dian Tribe will ensure that each such requested
9 polling place will be open and available to all el-
10 igible voters who reside in the precinct or other
11 geographic area assigned to such polling place,
12 regardless of whether such eligible voters are
13 members of the Indian Tribe or of any other
14 Indian Tribe.

15 (D) The Indian Tribe requests that the
16 State or political subdivision shall designate
17 election officials and poll workers to staff such
18 requested polling places, or certifies that the In-
19 dian Tribe will designate election officials and
20 poll workers to staff such polling places on
21 every day that the polling places will be open.

22 (E) The Indian Tribe may request that the
23 State or political subdivision provide absentee
24 ballots without requiring an excuse, an absentee
25 ballot request, or residential address to all eligi-

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

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

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

23 (d) FEDERAL POLLING SITES.—Each State shall
24 designate as voter polling facilities any of the facilities
25 identified in accordance with subparagraph (C) or (D) of

1 section 7(a)(2) of the National Voter Registration Act of
2 1993 (52 U.S.C. 20506(a)(2)), at no cost to the Indian
3 Tribe, provided that the facility meets the requirements
4 of Federal and State law as applied to other polling places
5 within the State or political subdivision. The applicable
6 agency of the Federal Government shall ensure that such
7 designated facilities are made available as polling places.

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

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

19 (2) At the applicable Tribe’s request, the State
20 or political subdivision shall provide mail-in and ab-
21 sentee ballots to each registered voter residing on
22 Indian lands in the State or political subdivision
23 without requiring a residential address, a mail-in or
24 absentee ballot request, or an excuse for a mail-in or
25 absentee ballot.

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

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

11 (A) use another tribally designated build-
12 ing within the Indian lands where the voter is
13 located; or

14 (B) use such tribally designated building
15 as a mailing address and may separately des-
16 ignate the voter's appropriate precinct through
17 a description of the voter's address, as specified
18 in section 9428.4(a)(2) of title 11, Code of Fed-
19 eral Regulations.

20 (5) In the case of a State or political subdivi-
21 sion that is a covered State or political subdivision
22 under section 203 of the Voting Rights Act of 1965
23 (52 U.S.C. 10503), that State or political subdivi-
24 sion shall provide absentee or mail-in voting mate-
25 rials with respect to an election for Federal office in

1 the language of the applicable minority group as well
2 as in the English language, bilingual election voting
3 assistance, and written translations of all voting ma-
4 terials in the language of the applicable minority
5 group, as required by section 203 of the Voting
6 Rights Act of 1965 (52 U.S.C. 10503), as amended
7 by this title.

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

21 (7) In a State or political subdivision that does
22 not permit absentee or mail-in balloting for all eligi-
23 ble voters in the State or political subdivision, that
24 State or political subdivision shall nonetheless pro-
25 vide for absentee or mail-in balloting for voters who

1 reside on Indian lands consistent with this section if
2 the State, political subdivision, or any court applying
3 this section determines that the totality of cir-
4 cumstances described in subsection (b) warrants es-
5 tablishment of absentee or mail-in balloting for vot-
6 ers who reside on Indian lands located within the ju-
7 risdiction of the State or political subdivision.

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

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

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

22 (g) **EARLY VOTING.**—

23 (1) **EARLY VOTING LOCATIONS.**—In a State or
24 political subdivision that permits early voting in an
25 election for Federal office, that State or political

1 subdivision shall provide not less than one early vot-
2 ing location for each precinct on Indian lands, at no
3 cost to the Indian Tribe, at a site selected by the ap-
4 plicable Indian Tribe, to allow individuals living on
5 Indian lands to vote during an early voting period in
6 the same manner as early voting is allowed on such
7 date in the rest of the State or precinct. Additional
8 early voting sites shall be determined based on the
9 criteria considered under the totality of cir-
10 cumstances described in subsection (b).

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

22 (3) MINIMUM EARLY VOTING REQUIRE-
23 MENTS.—Each polling place that allows voting dur-
24 ing an early voting period under this subsection
25 shall—

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

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

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

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

11 (A) IN GENERAL.—To the greatest extent
12 practicable, ballots cast during the early voting
13 period in an election for Federal office at voting
14 locations and drop boxes on Indian lands shall
15 be processed and scanned for tabulation in ad-
16 vance of the close of polls on the date of the
17 election.

18 (B) LIMITATION.—Nothing in this sub-
19 section shall be construed to permit a State or
20 political subdivision to tabulate and count bal-
21 lots in an election for Federal office before the
22 closing of the polls on the date of the election.

23 (h) PROVISIONAL BALLOTS.—

24 (1) IN GENERAL.—In addition to the require-
25 ments under section 302(a) of the Help America

1 Vote Act of 2002 (52 U.S.C. 21082(a)), for each
2 State or political subdivision that provides voters
3 provisional ballots, challenge ballots, or affidavit bal-
4 lots under the State’s applicable law governing the
5 voting processes for those voters whose eligibility to
6 vote is determined to be uncertain by election offi-
7 cials, election officials shall—

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

17 (B) permit any voter who votes provision-
18 ally at any polling place on Indian lands to ap-
19 pear at any polling place or at the central loca-
20 tion for the election board to submit the docu-
21 mentation or information to prove eligibility;

22 (C) permit any voter who votes provision-
23 ally at any polling place to submit the required
24 information or documentation via email or fac-
25 simile, if the voter prefers to use such methods

1 as an alternative to appearing in person to sub-
2 mit the required information or documentation
3 to prove eligibility;

4 (D) notify the voter on whether the voter's
5 provisional ballot was counted or rejected by
6 telephone, email, or postal mail, or any other
7 available method, including notifying the voter
8 of any online tracking website if State law pro-
9 vides for such a mechanism; and

10 (E) provide the reason for rejection if the
11 voter's provisional ballot was rejected after the
12 voter provided the required information or doc-
13 umentation on eligibility.

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

18 (A) request and collect the voter's email
19 address, if the voter has one, and transmit any
20 written instructions issued to the voter in per-
21 son to the voter via email; and

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

24 (i) ENFORCEMENT.—

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

5 (2) PRIVATE RIGHT OF ACTION.—

6 (A) A person or Indian Tribe who is ag-
7 grieved by a violation of this section may pro-
8 vide written notice of the violation to the chief
9 election official of the State involved.

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

14 (i) that person or Indian Tribe pro-
15 vides the notice described in subparagraph
16 (A); and

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

24 (II) in the case of a violation that oc-
25 curs 120 days or less but more than 30

1 days before the date of an election for Fed-
2 eral office, the violation remains and 20
3 days or more have passed since the date on
4 which the chief election official of the State
5 receives the notice under subparagraph
6 (A).

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

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

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

22 (a) ACTIONS REQUIRING TRIBAL ADMINISTRATIVE
23 REVIEW.—No State or political subdivision may carry out
24 any of the following activities in an election for Federal

1 office unless the requirements of subsection (b) have been
2 met:

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

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

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

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

21 (5) Removing an early voting location or other-
22 wise diminishing early voting opportunities on In-
23 dian lands.

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

1 (7) Decreasing the number of days or hours
2 that an in-person or early voting polling place is
3 open on Indian lands only or changing the dates of
4 in-person or early voting only on the Indian lands of
5 an Indian Tribe.

6 (b) TRIBAL ADMINISTRATIVE REVIEW.—

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

9 (A) the impacted Indian Tribe submits to
10 the Attorney General the Indian Tribe's written
11 consent to the proposed activity described in
12 subsection (a);

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

1 of denying or abridging the right to vote on ac-
2 count of race or color, membership in an Indian
3 Tribe, or membership in a language minority
4 group; or

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

15 (2) NO LIMITATION ON FUTURE ACTIONS.—

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

1 (B) REEXAMINATION.—The Attorney Gen-
2 eral reserves the right to reexamine any submis-
3 sion under paragraph (1)(C) if additional rel-
4 evant information comes to the Attorney Gen-
5 eral’s attention.

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

12 **SEC. 308. TRIBAL VOTER IDENTIFICATION.**

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

22 (b) ONLINE REGISTRATION.—If a State or political
23 subdivision requires an identification card for an indi-
24 vidual to register to vote online or to vote online, that
25 State or political subdivision shall annually consult with

1 an Indian Tribe to determine whether a tribal identifica-
2 tion can feasibly be used to register to vote online or vote
3 online.

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

14 **SEC. 309. PERMITTING VOTERS TO DESIGNATE OTHER PER-**
15 **SON TO RETURN BALLOT.**

16 Each State or political subdivision—

17 (1) shall permit any family member (including
18 extended family member, such as a cousin, grand-
19 child, or relation through marriage), caregiver, tribal
20 assistance provider, or household member to return
21 a sealed ballot of a voter that resides on Indian
22 lands to a post office on Indian lands, a ballot drop
23 box location in a State or political subdivision that
24 provides ballot drop boxes, a tribally designated
25 building under section 306(e)(2), or an election of-

1 fice, so long as the person designated to return the
2 ballot or ballots on behalf of another voter does not
3 receive any form of compensation based on the num-
4 ber of ballots that the person has returned and no
5 individual, group, or organization provides com-
6 pensation on this basis;

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

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

21 **SEC. 310. BILINGUAL ELECTION REQUIREMENTS.**

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

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

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

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

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

13 “(2) EXCEPTIONS.—

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

22 “(B) In the case of a minority group that
23 is American Indian or Alaska Native, the State
24 or political subdivision shall only be required to
25 furnish in the covered language oral instruc-

1 tions, assistance, or other information relating
2 to registration and voting, including all voting
3 materials, if the Indian Tribe of that minority
4 group has certified that the language of the ap-
5 plicable American Indian or Alaska Native lan-
6 guage is presently unwritten or the Indian
7 Tribe does not want written translations in the
8 minority language.

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

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

19 (a) AMENDMENT TO THE VOTING RIGHTS ACT OF
20 1965.—Section 8(a) of the Voting Rights Act of 1965 (52
21 U.S.C. 10305(a)) is amended—

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

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

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

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

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

18 **SEC. 312. TRIBAL JURISDICTION.**

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

1 (b) CIVIL ACTION BY ATTORNEY GENERAL FOR RE-
2 LIEF.—Whenever any person has engaged or there are
3 reasonable grounds to believe that any person is about to
4 engage in any act or practice prohibited by this section,
5 the Attorney General may institute for the United States,
6 or in the name of the United States, an action for preven-
7 tive relief, including an application for a temporary or per-
8 manent injunction, restraining order, or other order, and
9 including an order directed to the State and State or local
10 election officials to require them to permit persons to vote
11 and to count such votes.

12 **SEC. 313. TRIBAL VOTING CONSULTATION.**

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

16 **SEC. 314. ATTORNEYS' FEES, EXPERT FEES, AND LITIGA-**
17 **TION EXPENSES.**

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

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

23 The Comptroller General shall study the prevalence
24 of nontraditional or nonexistent mailing addresses among
25 Indians, those who are members of Indian Tribes, and

1 those residing on Indian lands and identify alternatives
2 to remove barriers to voter registration, receipt of voter
3 information and materials, and receipt of ballots. The
4 Comptroller General shall report the results of that study
5 to Congress not later than 1 year after the date of enact-
6 ment of this title.

7 **SEC. 316. UNITED STATES POSTAL SERVICE CONSULTA-**
8 **TION.**

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

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

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

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

1 Act of 1993 (52 U.S.C. 20501 et seq.), the Help America
2 Vote Act of 2002 (52 U.S.C. 20901 et seq.), or any other
3 Federal law or regulation related to voting or the electoral
4 process. Notwithstanding any other provision of law, the
5 provisions of this title, and the amendments made by this
6 title, shall be applicable within the State of Maine.

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

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

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

15 **SEC. 318. AUTHORIZATION OF APPROPRIATIONS.**

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