

Voting Rights Advancement Act of 2015 – Section by Section

Section 2. Voting on Indian Lands

Provides protections for Native Americans and Alaska Native voters by allowing for: (a) more accessible polling locations; (b) absentee voting where polling locations are too remote; and (c) more accessible voter registration agencies.

Section 3. Violations Triggering Authority of Court to Retain Jurisdiction

Currently, Section 3(c) of the Voting Rights Act (VRA) contains a judicial “bail-in” process for a State or political subdivisions whose voting changes are found to be intentionally discriminatory in violation of the 14th and 15th Amendments of the Constitution. This provision amends 3(c) to also allow a State or political subdivision to be bailed in by a Federal court where the court has found voting changes that are discriminatory in effect in violation of VRA Section 2 or Federal voting rights laws.

Section 4. Criteria for Coverage of States and Political Subdivisions

Sets forth a new nationwide coverage formula that provides that a State or political subdivision will be subject to preclearance under Section 5 of the VRA as follows:

Statewide Coverage Criteria

An entire State can be covered if:

- (1) 15 or more voting violations occurred in the State in the most recent 25-year period;
- or
- (2) 10 or more voting violations occurred in the State in the most recent 25-year period, with at least 1 of the violations being committed by the State itself.

Political Subdivision Coverage Criteria

A political subdivision within a State can be covered if it commits 3 or more voting violations in the most recent 25-year period.

Period of Coverage

A State or political subdivision will continue to be covered for 10 years starting on January 1 of the year of the most recent voting rights violations in the State or subdivision, unless the State or subdivision obtains a “bail-out” under Section 4(a).

Definition of “Voting Rights Violation”

Under the new VRA, a voting rights violation includes:

- (A) a final judgment from a court that the State or subdivision violated the 14th or 15th Amendment of the Constitution;
- (B) a final judgment of a court that a State or political subdivision violated federal voting laws based on racial discrimination or discrimination of a language minority group;
- (C) a failure or denial of preclearance by a court under section 5 or 3(c) of the VRA;
- (D) a failure or denial of preclearance by the Attorney General under section 5 or 3(c) of the VRA that is not overturned by a court; or
- (E) a consent decree, settlement, or other agreement was entered by a Federal court which resulted in the alteration or abandonment of a voting practice by a State or political subdivision because of a violation of the federal voting laws based on racial

discrimination or discrimination of a language minority group, or a violation of the 14th or 15th Amendments of the Constitution.

Section 5. Determination of States and Political Subdivisions Subject to Preclearance for Covered Practices

Sets forth a separate coverage formula requiring jurisdictions nationwide to obtain preclearance for a limited universe of voting changes that have historically been found to be discriminatory.

Covered Practices

1. Changes to methods of election: Any change to a State or political subdivision's method of election that either adds seats elected at-large or converts one or more seats elected by a single-member district to one or more at-large or multi-member seats. The State or political subdivision must include:
 - (a) 2 or more racial groups or language minority groups each representing 20 percent or more of the political subdivision's voting-age population; or
 - (b) A single language minority group representing 20 percent or more of the voting-age population on an Indian reservation located in whole or in part in the political subdivision.

2. Changes to jurisdiction boundaries: Any change or series of changes within a year to the boundaries of a jurisdiction that reduces by 3 or more percentage points the proportion of the jurisdiction's citizen voting-age population that is comprised of members of a single racial group or language minority group in the jurisdiction. The State or political subdivision must include:
 - (a) 2 or more racial groups or language minority groups each representing 20 percent or more of the political subdivision's voting-age population; or
 - (b) A single language minority group representing 20 percent or more of the voting-age population on an Indian reservation located in whole or in part in the political subdivision.

3. Changes through redistricting: Any change to the boundaries of election districts where any racial group or language minority group experiences a population increase of at least 10,000 or 20 percent of voting-age population over the preceding decade.

4. Changes in documentation or qualifications to vote: Any change to requirements for documentation or proof of identity to vote that exceed or are more stringent than the requirements described in section 303(b) of the Help America Vote Act of 2002; or any change to the requirements for voter registration such that exceed or are more stringent than the requirements under State law on the day of enactment of this Act.

5. Changes to multilanguage voting materials: Any change that reduces multilingual voting materials or alters the manner in which such materials are provided or distributed, where no similar reduction or alteration occurred in materials provided in English for such election.

6. Changes that reduce, consolidate, or relocate voting locations: Any change that reduces, consolidates, or relocates voting locations, including early, absentee, and election-day voting locations, where the State or political subdivision includes:
 - (a) 2 or more racial groups or language minority groups each representing 20 percent or more of the political subdivision's voting-age population; or
 - (b) A single language minority group representing 20 percent or more of the voting-age population on an Indian reservation located in whole or in part in the political subdivision.

Section 6. Promoting Transparency to Enforce The Voting Rights Act

Creates a new Section of the VRA providing for notice and disclosure by States and political subdivisions for three voting-related matters:

1. late breaking voting changes involving federal elections (*e.g.*, changes in voting standards or procedures enacted 180 days before a federal election);
2. polling resources involving federal elections (*e.g.*, information concerning precincts/polling places, number of voting age and registered voters, voting machines, and poll workers, including whether the polling places are accessible to persons with disabilities); and
3. demographic and electoral data for voting districts involving federal, state and local elections.

Section 7. Authority to Assign Observers

Amends the VRA to allow the Attorney General the authority to certify and request federal observers nationwide. Further amends the VRA to allow the Attorney General to certify and request federal observers on tribal lands where there are written requests or complaints concerning voting rights violations.

Section 8. Preliminary Injunctive Relief

Clarifies that preliminary injunctive relief applies to all provisions of the VRA. It also specifies that such relief shall be granted if the complainant raises a "serious question" and that, on balance, granting relief will be less of a hardship to the defendant than to the plaintiff if relief were not granted.

Section 9. Definitions

Defines certain terms in the bill.

Section 10. Bilingual Election Requirements

Amends the VRA to mandate that where the VRA already requires bilingual voting materials, ballots must be translated into all written Native languages.

Section 11. Technical and Conforming Requirements

Technical changes.

Section 12. Tribal voting consultation

Requires the Attorney General to consult annually with tribal organizations regarding voting rights issues for Indian tribes.