

117<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 4

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. VOTE DILUTION, DENIAL, AND ABRIDGMENT**  
5 **CLAIMS.**

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

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

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

14 (b) VOTE DILUTION.—Section 2(b) of such Act (52  
15 U.S.C. 10301(b)) is amended—

16 (1) by inserting after “A violation of subsection  
17 (a)” the following: “for vote dilution”;

18 (2) by inserting after the period at the end the  
19 following: “For the purposes of this subsection.”;

20 (3) by adding at the end the following new  
21 paragraphs:

22 “(1) To prevail in demonstrating that a rep-  
23 resentational, districting, or apportionment scheme  
24 results in vote dilution, a plaintiff shall, as a thresh-  
25 old matter, establish that—

1           “(A) the members of the protected class  
2           are sufficiently numerous and geographically  
3           compact to constitute a majority in a single-  
4           member district;

5           “(B) the members of the protected class  
6           are politically cohesive; and

7           “(C) the residents of that district who are  
8           not the members of the protected class usually  
9           vote sufficiently as a bloc to enable them to de-  
10          feat the preferred candidates of the members of  
11          the protected class.

12          “(2) Upon a plaintiff establishing the required  
13          threshold showing under paragraph (1), a court shall  
14          conduct a totality of the circumstances analysis with  
15          respect to a claim of vote dilution to determine  
16          whether there was a violation of subsection (a),  
17          which shall include the following factors:

18                 “(A) The extent of any history of official  
19                 voting discrimination in the State or political  
20                 subdivision that affected the right of members  
21                 of the protected class to register, to vote, or  
22                 otherwise to participate in the political process.

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

1           “(C) The extent to which the State or po-  
2           litical subdivision has used voting practices or  
3           procedures that tend to enhance the oppor-  
4           tunity for discrimination against the members  
5           of the protected class, such as unusually large  
6           election districts, majority vote requirements,  
7           anti-single shot provisions, or other qualifica-  
8           tions, prerequisites, standards, practices, or  
9           procedures that may enhance the opportunity  
10          for discrimination against the members of the  
11          protected class.

12          “(D) If there is a candidate slating proc-  
13          ess, whether the members of the protected class  
14          have been denied access to that process.

15          “(E) The extent to which members of the  
16          protected class in the State or political subdivi-  
17          sion bear the effects of discrimination, both  
18          public or private, in such areas as education,  
19          employment, health, housing, and transpor-  
20          tation, which hinder their ability to participate  
21          effectively in the political process.

22          “(F) Whether political campaigns have  
23          been characterized by overt or subtle racial ap-  
24          peals.

1           “(G) The extent to which members of the  
2           protected class have been elected to public office  
3           in the jurisdiction.

4           “(3) In conducting a totality of the cir-  
5           cumstances analysis under paragraph (2), a court  
6           may consider such other factors as the court may  
7           determine to be relevant, including—

8           “(A) whether there is a significant lack of  
9           responsiveness on the part of elected officials to  
10          the particularized needs of the members of the  
11          protected class, including a lack of concern for  
12          or responsiveness to the requests and proposals  
13          of the members of the protected class, except  
14          that compliance with a court order may not be  
15          considered evidence of responsiveness on the  
16          part of the jurisdiction; and

17          “(B) whether the policy underlying the  
18          State or political subdivision’s use of such vot-  
19          ing qualification, prerequisite to voting, or  
20          standard, practice or procedure is tenuous.

21          In making this determination, a court shall consider  
22          whether the qualification, prerequisite, standard,  
23          practice, or procedure in question was designed to  
24          advance and materially advances a valid and sub-  
25          stantiated State interest.

1           “(4) A class of citizens protected by subsection  
2           (a) may include a cohesive coalition of members of  
3           different racial or language minority groups.”; and

4           (4) VOTE DENIAL OR ABRIDGEMENT.—Section  
5           2 of such Act (52 U.S.C. 10301), as amended by  
6           subsections (a) and (b), is further amended by add-  
7           ing at the end the following:

8           “(c)(1) A violation of subsection (a) resulting in vote  
9           denial or abridgment is established if the challenged quali-  
10          fication, prerequisite, standard, practice, or procedure—

11           “(A) results or will result in members of a pro-  
12          tected class facing greater costs or burdens in par-  
13          ticipating in the political process than other voters;  
14          and

15           “(B) the greater costs or burdens are, at least  
16          in part, caused by or linked to social and historical  
17          conditions that have produced or produce on the  
18          date of such challenge discrimination against mem-  
19          bers of the protected class.

20          In determining the existence of a burden for pur-  
21          poses of subparagraph (A), the absolute number or  
22          the percent of voters affected or the presence of vot-  
23          ers who are not members of a protected class in the  
24          affected area shall not be dispositive, and the af-  
25          fected area may be smaller than the jurisdiction to

1       which the qualification, prerequisite, standard, prac-  
2       tice, or procedure applies.

3       “(2) The challenged qualification, prerequisite, stand-  
4       ard, practice, or procedure need only be a but-for cause  
5       of the discriminatory result described in paragraph (1) or  
6       perpetuate a pre-existing burdens or costs.

7       “(3)(A) The factors that are relevant to a totality of  
8       the circumstances analysis with respect to a claim of vote  
9       denial or abridgement pursuant to this subsection include  
10      the following:

11             “(i) The extent of any history of official voting-  
12             related discrimination in the State or political sub-  
13             division that affected the right of members of the  
14             protected class to register, to vote, or otherwise to  
15             participate in the political process.

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

19             “(iii) The extent to which the State or political  
20             subdivision has used photographic voter identifica-  
21             tion requirements, documentary proof of citizenship  
22             requirements, documentary proof of residence re-  
23             quirements, or other voting practices or procedures,  
24             beyond those required by Federal law, that impair

1 the ability of members of the minority group to par-  
2 ticipate fully in the political process.

3 “(iv) The extent to which minority group mem-  
4 bers bear the effects of discrimination, both public  
5 or private, in areas such as education, employment,  
6 health, housing, and transportation, which hinder  
7 their ability to participate effectively in the political  
8 process.

9 “(v) The use of overt or subtle racial appeals ei-  
10 ther in political campaigns or surrounding adoption  
11 or maintenance of the challenged practice.

12 “(vi) The extent to which members of the mi-  
13 nority group have been elected to public office in the  
14 jurisdiction, provided that the fact that the minority  
15 group is too small to elect candidates of its choice  
16 shall not defeat a claim of vote denial or abridgment.

17 “(vii) Whether there is a lack of responsiveness  
18 on the part of elected officials to the particularized  
19 needs of minority group members, including a lack  
20 of concern for or responsiveness to the requests and  
21 proposals of the group, except that compliance with  
22 a court order may not be considered evidence of re-  
23 sponsiveness on the part of the jurisdiction.

24 “(viii) Whether the policy underlying the State  
25 or political subdivision’s use of the challenged quali-

1        fication, prerequisite, standard, practice, or proce-  
2        dure is tenuous. In making a determination under  
3        this clause, a court shall consider whether the quali-  
4        fication, prerequisite, standard, practice, or proce-  
5        dure in question was designed to advance and mate-  
6        rially advances a valid and substantiated State inter-  
7        est.

8                “(ix) Subject to paragraph (4), such other fac-  
9        tors as the court may determine to be relevant.

10        “(B) The factors described in subparagraph (A), indi-  
11        vidually and collectively, shall be considered as a means  
12        of establishing that a voting practice amplifies the effects  
13        of past or present discrimination in violation in subsection  
14        (a).

15        “(C) A plaintiff need not show any particular com-  
16        bination or number of factors to establish a violation of  
17        subsection (a).

18        “(4) The factors that are relevant to a totality of the  
19        circumstances analysis with respect to a claim of vote de-  
20        nial or abridgement do not include the following:

21                “(A) The degree to which the challenged quali-  
22        fication, prerequisite, standard, practice, or proce-  
23        dure has a long pedigree or was in widespread use  
24        at some earlier date.

1           “(B) The use of an identical or similar quali-  
2           fication, prerequisite, standard, practice, or proce-  
3           dure in other States or jurisdictions.

4           “(C) The availability of other forms of voting  
5           unimpacted by the challenged qualification, pre-  
6           requisite, standard, practice, or procedure to all  
7           members of the electorate, including members of the  
8           protected class, unless the jurisdiction is simulta-  
9           neously expanding such other practices to eliminate  
10          any disproportionate burden imposed by the chal-  
11          lenged qualification, prerequisite, standard, practice,  
12          or procedure.

13          “(D) Unsubstantiated defenses that the quali-  
14          fication, prerequisite, standard, practice, or proce-  
15          dure is necessary to address criminal activity.

16          “(d)(1) A violation of subsection (a) for the purpose  
17          of vote denial or abridgement is established if the chal-  
18          lenged qualification, prerequisite, standard, practice, or  
19          procedure is intended, at least in part, to dilute minority  
20          voting strength or to deny or abridge the right of any cit-  
21          izen of the United States to vote on account of race, color,  
22          or in contravention of the guarantees set forth in section  
23          4(f)(2).

24          “(2) Discrimination on account of race, color, or in  
25          contravention of the guarantees set forth in section 4(f)(2)

1 need only be one purpose of a qualification, prerequisite,  
2 standard, practice, or procedure to demonstrate a violation  
3 of subsection (a).

4 “(3) A qualification, prerequisite, standard, practice,  
5 or procedure intended to dilute minority voting strength  
6 or to make it more difficult for minority voters to cast  
7 a ballot that will be counted violates this subsection even  
8 if an additional purpose of the qualification, prerequisite,  
9 standard, practice, or procedure is to benefit a particular  
10 political party or group.

11 “(4) The context for the adoption of the challenged  
12 qualification, prerequisite, standard, practice, or proce-  
13 dure, including actions by official decisionmakers before  
14 the challenged qualification, prerequisite, standard, prac-  
15 tice, or procedure, may be relevant to a violation of this  
16 subsection.

17 “(5) Claims under this subsection require proof of a  
18 discriminatory impact but do not require proof of a viola-  
19 tion pursuant to subsection (b) or (c).

20 “(e) For purposes of this section, the term ‘affected  
21 area’ means any geographic area, in which members of  
22 a protected class are affected by a qualification, pre-  
23 requisite, standard, practice, or procedure allegedly in vio-  
24 lation of this section, within a State (including any Indian  
25 lands).”.

1 **SEC. 3. RETROGRESSION.**

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

6 “(f) 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 “(g) Notwithstanding the provisions of subsection (f),  
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 (f).”.

1 **SEC. 4. 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. 5. 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;

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); or

16                   “(iii) three or more voting rights vio-  
17                   lations occurred in the State during the  
18                   previous 25 calendar years and the State  
19                   itself administers the elections in the State  
20                   or political subdivisions in which the voting  
21                   rights violations occurred.

22           “(B) APPLICATION TO SPECIFIC POLITICAL  
23           SUBDIVISIONS.—Subsection (a) applies with re-  
24           spect to a political subdivision as a separate  
25           unit during a calendar year if three or more

1 voting rights violations occurred in the subdivi-  
2 sion during the previous 25 calendar years.

3 “(2) PERIOD OF APPLICATION.—

4 “(A) IN GENERAL.—Except as provided in  
5 subparagraph (B), if, pursuant to paragraph  
6 (1), subsection (a) applies with respect to a  
7 State or political subdivision during a calendar  
8 year, subsection (a) shall apply with respect to  
9 such State or political subdivision for the pe-  
10 riod—

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

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

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

17 “(i) STATES.—If a State obtains a de-  
18 claratory judgment under subsection (a),  
19 and the judgment remains in effect, sub-  
20 section (a) shall no longer apply to such  
21 State pursuant to paragraph (1)(A) unless,  
22 after the issuance of the declaratory judg-  
23 ment, paragraph (1)(A) applies to the  
24 State solely on the basis of voting rights

1 violations occurring after the issuance of  
2 the declaratory judgment.

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

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

21 “(A) JUDICIAL RELIEF; VIOLATION OF  
22 THE 14TH OR 15TH AMENDMENT.—Any final  
23 judgment, or any preliminary, temporary, or de-  
24 claratory relief (that was not reversed on ap-  
25 peal), in which the plaintiff prevailed or a court

1 of the United States found that the plaintiff  
2 demonstrated a likelihood of success on the  
3 merits or raised a serious question with regard  
4 to race discrimination, in which any court of  
5 the United States determined that a denial or  
6 abridgement of the right of any citizen of the  
7 United States to vote on account of race, color,  
8 or membership in a language minority group  
9 occurred, or that a voting qualification or pre-  
10 requisite to voting or standard, practice, or pro-  
11 cedure with respect to voting created an undue  
12 burden on the right to vote in connection with  
13 a claim that the law unduly burdened voters of  
14 a particular race, color, or language minority  
15 group, in violation of the 14th or 15th Amend-  
16 ment, anywhere within the State or subdivision.

17 “(B) JUDICIAL RELIEF; VIOLATIONS OF  
18 THIS ACT.—Any final judgment, or any prelimi-  
19 nary, temporary, or declaratory relief (that was  
20 not reversed on appeal) in which the plaintiff  
21 prevailed or a court of the United States found  
22 that the plaintiff demonstrated a likelihood of  
23 success on the merits or raised a serious ques-  
24 tion with regard to race discrimination, in  
25 which any court of the United States deter-

1           mined that a voting qualification or prerequisite  
2           to voting or standard, practice, or procedure  
3           with respect to voting was imposed or applied  
4           or would have been imposed or applied any-  
5           where within the State or subdivision in a man-  
6           ner that resulted or would have resulted in a  
7           denial or abridgement of the right of any citizen  
8           of the United States to vote on account of race,  
9           color, or membership in a language minority  
10          group, in violation of subsection 4(e) or 4(f) or  
11          section 2, 201, or 203 of this Act.

12           “(C) FINAL JUDGMENT; DENIAL OF DE-  
13          CLARATORY JUDGMENT.—In a final judgment  
14          (that was not been reversed on appeal), any  
15          court of the United States has denied the re-  
16          quest of the State or subdivision for a declara-  
17          tory judgment under section 3(c) or section 5,  
18          and thereby prevented a voting qualification or  
19          prerequisite to voting or standard, practice, or  
20          procedure with respect to voting from being en-  
21          forced anywhere within the State or subdivision.

22           “(D) OBJECTION BY THE ATTORNEY GEN-  
23          ERAL.—The Attorney General has interposed  
24          an objection 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 A violation per this subsection has not occurred  
5 where an objection has been withdrawn by the  
6 Attorney General, unless the withdrawal was in  
7 response to a change in the law or practice that  
8 served as the basis of the objection. A violation  
9 under this subsection has not occurred where  
10 the objection is based solely on a State or polit-  
11 ical subdivision's failure to comply with a proce-  
12 dural process that would not otherwise con-  
13 stitute an independent violation of this act.

14 “(E) CONSENT DECREE, SETTLEMENT, OR  
15 OTHER AGREEMENT.—A consent decree, settle-  
16 ment, or other agreement was adopted or en-  
17 tered by a court of the United States or con-  
18 tained an admission of liability by the defend-  
19 ants, which resulted in the alteration or aban-  
20 donment of a voting practice anywhere in the  
21 territory of such State or subdivision that was  
22 challenged on the ground that the practice de-  
23 nied or abridged the right of any citizen of the  
24 United States to vote on account of race, color,  
25 or membership in a language minority group in

1 violation of subsection 4(e) or 4(f) or section 2,  
2 201, or 203 of this Act, or the 14th or 15th  
3 Amendment. An extension or modification of an  
4 agreement as defined by this subsection that  
5 has been in place for ten years or longer shall  
6 count as an independent violation. If a court of  
7 the United States finds that an agreement itself  
8 as defined by this subsection denied or abridged  
9 the right of any citizen of the United States to  
10 vote on account of race, color, or membership in  
11 a language minority group, violated subsection  
12 4(e) or 4(f) or section 2, 201, or 203 of this  
13 Act, or created an undue burden on the right  
14 to vote in connection with a claim that the con-  
15 sent decree, settlement, or other agreement un-  
16 duly burdened voters of a particular race, color,  
17 or language minority group, that finding shall  
18 count as an independent violation.

19 “(F) MULTIPLE VIOLATIONS.—Each vot-  
20 ing qualification or prerequisite to voting or  
21 standard, practice, or procedure with respect to  
22 voting, including each redistricting plan, found  
23 to be a violation by a court of the United States  
24 pursuant to subsection (a) or (b), or prevented  
25 from enforcement pursuant to subsection (c) or

1 (d), or altered or abandoned pursuant to sub-  
2 section (e) shall count as an independent viola-  
3 tion. Within a redistricting plan, each violation  
4 found to discriminate against any group of vot-  
5 ers based on race, color, or language minority  
6 group shall count as an independent violation.

7 “(4) TIMING OF DETERMINATIONS.—

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

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

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

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

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

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

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

22 (D) in paragraph (1)(B), by striking “(in  
23 the case of a State or subdivision seeking a de-  
24 claratory judgment under the second sentence  
25 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)) is amended by striking “race  
16          or color,” and inserting “race, color, or in contravention  
17          of the guarantees of subsection (f)(2),”.

18          (c) ADMINISTRATIVE BAILOUT.—

19           (1) IN GENERAL.—Section 4 of the Voting  
20          Rights Act of 1965 (52 U.S.C. 10303) is amended  
21          by adding at the end the following:

22          “(g) ADMINISTRATIVE BAILOUT.—

23           “(1) DETERMINATION OF ELIGIBILITY.—

24           “(A) IN GENERAL.—After making a deter-  
25          mination under subsection (b)(1)(A) that the

1 provisions of subsection (a) apply with respect  
2 to a State and all political subdivisions within  
3 the State, the Attorney General shall determine  
4 if any political subdivision of the State is eligi-  
5 ble for an exemption under this subsection, and  
6 shall publish, in the Federal Register, a list of  
7 all such political subdivisions. Any political sub-  
8 division included on such list is not subject to  
9 any requirement under section 5 until the date  
10 on which any application under this section has  
11 been finally disposed of or no such application  
12 may be made.

13 “(B) RULE OF CONSTRUCTION.—Nothing  
14 in this subsection may be construed to pro-  
15 vide—

16 “(i) that the determinations made  
17 pursuant to the creation of the list shall  
18 have any binding or preclusive effect; or

19 “(ii) that inclusion on the list—

20 “(I) constitutes a final deter-  
21 mination by the Attorney General that  
22 the listee is eligible for an exemption  
23 pursuant to this subsection or that, in  
24 the case of the listee, the provisions of

1                   subparagraphs (A) through (F) of  
2                   subsection (a)(1) are satisfied; or

3                   “(II) entitles the listee to any ex-  
4                   emption pursuant to this subsection.

5                   “(2) ELIGIBILITY.—A political subdivision that  
6                   submits an application under paragraph (3) shall be  
7                   eligible for an exemption under this subsection only  
8                   if, during the ten years preceding the filing of the  
9                   application, and during the pendency of such appli-  
10                  cation—

11                  “(A) no test or device referred to in sub-  
12                  section (a)(1) has been used within such polit-  
13                  ical subdivision for the purpose or with the ef-  
14                  fect of denying or abridging the right to vote on  
15                  account of race or color or in contravention of  
16                  the guarantees of subsection (f)(2);

17                  “(B) no final judgment of any court of the  
18                  United States, other than the denial of declara-  
19                  tory judgment under this section, has deter-  
20                  mined that denials or abridgements of the right  
21                  to vote on account of race or color have oc-  
22                  curred anywhere in the territory of such polit-  
23                  ical subdivision or that denials or abridgements  
24                  of the right to vote in contravention of the  
25                  guarantees of subsection (f)(2) have occurred

1 anywhere in the territory of such subdivision  
2 and no consent decree, settlement, or agreement  
3 has been entered into resulting in any abandon-  
4 ment of a voting practice challenged on such  
5 grounds; and no declaratory judgment under  
6 this section shall be entered during the pend-  
7 ency of an action commenced before the filing  
8 of an action under this section and alleging  
9 such denials or abridgements of the right to  
10 vote;

11 “(C) no Federal examiners or observers  
12 under this Act have been assigned to such polit-  
13 ical subdivision;

14 “(D) such political subdivision and all gov-  
15 ernmental units within its territory have com-  
16 plied with section 5 of this Act, including com-  
17 pliance with the requirement that no change  
18 covered by section 5 has been enforced without  
19 preclearance under section 5, and have repealed  
20 all changes covered by section 5 to which the  
21 Attorney General has successfully objected or as  
22 to which the United States District Court for  
23 the District of Columbia has denied a declara-  
24 tory judgment;

1           “(E) the Attorney General has not inter-  
2 posed any objection (that has not been over-  
3 turned by a final judgment of a court) and no  
4 declaratory judgment has been denied under  
5 section 5, with respect to any submission by or  
6 on behalf of the plaintiff or any governmental  
7 unit within its territory under section 5, and no  
8 such submissions or declaratory judgment ac-  
9 tions are pending; and

10           “(F) such political subdivision and all gov-  
11 ernmental units within its territory—

12                   “(i) have eliminated voting procedures  
13 and methods of election which inhibit or  
14 dilute equal access to the electoral process;

15                   “(ii) have engaged in constructive ef-  
16 forts to eliminate intimidation and harass-  
17 ment of persons exercising rights protected  
18 under this Act; and

19                   “(iii) have engaged in other construc-  
20 tive efforts, such as expanded opportunity  
21 for convenient registration and voting for  
22 every person of voting age and the appoint-  
23 ment of minority persons as election offi-  
24 cials throughout the jurisdiction and at all

1           stages of the election and registration  
2           process.

3           “(3) APPLICATION PERIOD.—Not later than 90  
4           days after the publication of the list under para-  
5           graph (1), a political subdivision included on such  
6           list may submit an application, containing such in-  
7           formation as the Attorney General may require, for  
8           an exemption under this subsection. The Attorney  
9           General shall provide notice in the Federal Register  
10          of such application.

11          “(4) COMMENT PERIOD.—During the 90-day  
12          period beginning on the date that notice is published  
13          under paragraph (3), the Attorney General shall give  
14          interested persons an opportunity to submit objec-  
15          tions to the issuance of an exemption under this  
16          subsection to a political subdivision on the basis that  
17          the political subdivision is not eligible under para-  
18          graph (2) to the Attorney General. During the 1  
19          year period beginning on the effective date of this  
20          subsection, such 90-day period shall be extended by  
21          an additional 30 days. The Attorney General shall  
22          notify the political subdivision of each objection sub-  
23          mitted and afford the political subdivision an oppor-  
24          tunity to respond.

1           “(5) DETERMINATION AS TO OBJECTIONS.—In  
2 the case of a political subdivision with respect to  
3 which an objection has been submitted under para-  
4 graph (4), the following shall apply:

5           “(A) CONSIDERATION OF OBJECTIONS.—

6           The Attorney General shall consider and re-  
7 spond to each such objection (and any response  
8 of the political subdivision thereto) during the  
9 60 day period beginning on the day after the  
10 comment period under paragraph (4) concludes.

11           “(B) JUSTIFIED OBJECTIONS.—If the At-

12 torney General determines that any such objec-  
13 tion is justified, the Attorney General shall pub-  
14 lish notice in the Federal Register denying the  
15 application for an exemption under this sub-  
16 section.

17           “(C) UNJUSTIFIED OBJECTIONS.—If the

18 Attorney General determines that no objection  
19 submitted is justified, each person that sub-  
20 mitted such an objection may, not later than 90  
21 days after the end of the period established  
22 under subparagraph (A), file, in the District  
23 Court of the District of Columbia, an action for  
24 judicial review of such determination in accord-

1           ance with chapter 7 of title 5, United States  
2           Code.

3           “(6) EXEMPTION.—The Attorney General may  
4           issue an exemption, by publication in the Federal  
5           Register, from the application of the provisions of  
6           subsection (a) with respect to a political subdivision  
7           that—

8                   “(A) is eligible under paragraph (2); and

9                   “(B) with respect to which no objection  
10           under was submitted under paragraph (4) or  
11           determined to be justified under paragraph (5).

12           “(7) JUDICIAL REVIEW.—Except as otherwise  
13           explicitly provided in this subsection, no determina-  
14           tion under this subsection shall be subject to review  
15           by any court, and all determinations under this sub-  
16           section are committed to the discretion of the Attor-  
17           ney General.

18           “(8) SAVINGS CLAUSE.—If a political subdivi-  
19           sion was not subject to the application of the provi-  
20           sions of subsection (a) by reason of a declaratory  
21           judgment entered prior to the effective date of this  
22           subsection, and such political subdivision has not  
23           violated any eligibility requirement set forth in para-  
24           graph (2) at any time thereafter, then that political

1 subdivision shall not be subject to the requirements  
2 of subsection (a).”.

3 (2) CONFORMING AMENDMENT.—

4 (A) IN GENERAL.—Section 4(a)(1) of the  
5 Voting Rights Act of 1965 (52 U.S.C.  
6 10303(a)(1)), as amended by this Act, is fur-  
7 ther amended by inserting after “the United  
8 States District Court for the District of Colum-  
9 bia issues a declaratory judgment under this  
10 section” the following: “, or, in the case of a  
11 political subdivision, the Attorney General  
12 issues an exemption under subsection (g)”.

13 (B) EXPIRATION OF TIME LIMIT.—On the  
14 date that is 1 year after the effective date of  
15 this subsection, section 4(g)(3) of the Voting  
16 Rights Act of 1965 (52 U.S.C. 10303(g)(3)) is  
17 amended by striking “During the 1 year period  
18 beginning on the effective date of this sub-  
19 section, such 90-day period shall be extended by  
20 an additional 30 days.”. For purposes of any  
21 periods under such section commenced as of  
22 such date, the 90-day period shall remain ex-  
23 tended by an additional 30 days.

1 **SEC. 6. DETERMINATION OF STATES AND POLITICAL SUB-**  
2 **DIVISIONS SUBJECT TO PRECLEARANCE FOR**  
3 **COVERED PRACTICES.**

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

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

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

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

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

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

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

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

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

10                   “(B) PUBLICATION IN THE FEDERAL REG-  
11           ISTER.—A determination or certification of the  
12           Attorney General under this paragraph shall be  
13           effective upon publication in the Federal Reg-  
14           ister.

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

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

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

3           “(i) two or more racial groups or lan-  
4 guage minority groups each represent 20  
5 percent or more of the political subdivi-  
6 sion’s voting-age population; or

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

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

17           “(i) two or more racial groups or lan-  
18 guage minority groups each represent 20  
19 percent or more of the political subdivi-  
20 sion’s voting-age population; or

21           “(ii) a single language minority group  
22 represents 20 percent or more of the vot-  
23 ing-age population on Indian lands located  
24 in whole or in part in the political subdivi-  
25 sion.

1           “(2) CHANGES TO JURISDICTION BOUND-  
2           ARIES.—Any change or series of changes within a  
3           year to the boundaries of a jurisdiction that reduces  
4           by 3 or more percentage points the proportion of the  
5           jurisdiction’s voting-age population that is comprised  
6           of members of a single racial group or language mi-  
7           nority group in a State or political subdivision  
8           where—

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

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

17           “(3) CHANGES THROUGH REDISTRICTING.—  
18           Any change to the boundaries of election districts in  
19           a State or political subdivision where any racial  
20           group or language minority group that is not the  
21           largest racial group or language minority group in  
22           the jurisdiction and that represents 15 percent or  
23           more of the State or political subdivision’s voting-  
24           age population experiences a population increase of  
25           at least 20 percent of its voting-age population, over

1 the preceding decade (as calculated by the Bureau  
2 of the Census under the most recent decennial cen-  
3 sus), in the jurisdiction.

4 “(4) CHANGES IN DOCUMENTATION OR QUALI-  
5 FICATIONS TO VOTE.—Any change to requirements  
6 for documentation or proof of identity to vote or reg-  
7 ister to vote that will exceed or be more stringent  
8 than such requirements under State law on the day  
9 before the date of enactment of the John R. Lewis  
10 Voting Rights Advancement Act of 2021; and fur-  
11 ther, if a State has in effect a requirement that an  
12 individual present identification as a condition of re-  
13 ceiving and casting a ballot in an election for Fed-  
14 eral office, if the State does not permit the indi-  
15 vidual to meet the requirement and cast a ballot in  
16 the election in the same manner as an individual  
17 who presents identification—

18 “(A) in the case of an individual who de-  
19 sires to vote in person, by presenting the appro-  
20 priate State or local election official with a  
21 sworn written statement, signed by the indi-  
22 vidual under penalty of perjury, attesting to the  
23 individual’s identity and attesting that the indi-  
24 vidual is eligible to vote in the election; and

1           “(B) in the case of an individual who de-  
2           sires to vote by mail, by submitting with the  
3           ballot the statement described in subparagraph  
4           (A).

5           “(5) CHANGES TO MULTILINGUAL VOTING MA-  
6           TERIALS.—Any change that reduces multilingual  
7           voting materials or alters the manner in which such  
8           materials are provided or distributed, where no simi-  
9           lar reduction or alteration occurs in materials pro-  
10          vided in English for such election.

11          “(6) CHANGES THAT REDUCE, CONSOLIDATE,  
12          OR RELOCATE VOTING LOCATIONS, OR REDUCE VOT-  
13          ING OPPORTUNITIES.—Any change that reduces,  
14          consolidates, or relocates voting locations, including  
15          early, absentee, and election-day voting locations, or  
16          reduces days or hours of in-person voting on any  
17          Sunday during a period occurring prior to the date  
18          of an election during which voters may cast ballots  
19          in such election, or prohibits the provision of food or  
20          non-alcoholic drink to persons waiting to vote in an  
21          election except where the provision would violate  
22          prohibitions on expenditures to influence voting—

23                 “(A) in one or more census tracts wherein  
24                 two or more language minority groups or racial  
25                 groups each represent 20 percent or more of

1 the voting-age population of the political sub-  
2 division; or

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

6 “(7) NEW LIST MAINTENANCE PROCESS.—Any  
7 change to the maintenance of voter registration lists  
8 that adds a new basis for removal from the list of  
9 active registered voters or that incorporates new  
10 sources of information in determining a voter’s eligi-  
11 bility to vote, wherein such a change would have a  
12 statistically significant disparate impact on the re-  
13 moval from voter rolls of members of racial groups  
14 or language minority groups that constitute greater  
15 than 5 percent of the voting-age population—

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

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 of the political subdivision; or

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

1           in whole or in part in the political subdivi-  
2           sion; or

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

7                   “(i) the State; or

8                   “(ii) a political subdivision in the  
9                   State, except that the requirements under  
10                  subsections (a) and (c) shall apply only  
11                  with respect to each such political subdivi-  
12                  sion.

13          “(c) PRECLEARANCE.—

14           “(1) IN GENERAL.—Whenever a State or polit-  
15           ical subdivision with respect to which the require-  
16           ments set forth in subsection (a) are in effect shall  
17           enact, adopt, or seek to implement any covered prac-  
18           tice described under subsection (b), such State or  
19           subdivision may institute an action in the United  
20           States District Court for the District of Columbia  
21           for a declaratory judgment that such covered prac-  
22           tice neither has the purpose nor will have the effect  
23           of denying or abridging the right to vote on account  
24           of race, color, or membership in a language minority  
25           group, and unless and until the court enters such

1 judgment such covered practice shall not be imple-  
2 mented. Notwithstanding the previous sentence, such  
3 covered practice may be implemented without such  
4 proceeding if the covered practice has been sub-  
5 mitted by the chief legal officer or other appropriate  
6 official of such State or subdivision to the Attorney  
7 General and the Attorney General has not inter-  
8 posed an objection within 60 days after such submis-  
9 sion, or upon good cause shown, to facilitate an ex-  
10 pedited approval within 60 days after such submis-  
11 sion, the Attorney General has affirmatively indi-  
12 cated that such objection will not be made. Neither  
13 an affirmative indication by the Attorney General  
14 that no objection will be made, nor the Attorney  
15 General's failure to object, nor a declaratory judg-  
16 ment entered under this section shall bar a subse-  
17 quent action to enjoin implementation of such cov-  
18 ered practice. In the event the Attorney General af-  
19 firmatively indicates that no objection will be made  
20 within the 60-day period following receipt of a sub-  
21 mission, the Attorney General may reserve the right  
22 to reexamine the submission if additional informa-  
23 tion comes to the Attorney General's attention dur-  
24 ing the remainder of the 60-day period which would  
25 otherwise require objection in accordance with this

1 section. Any action under this section shall be heard  
2 and determined by a court of three judges in accord-  
3 ance with the provisions of section 2284 of title 28,  
4 United States Code, and any appeal shall lie to the  
5 Supreme Court.

6 “(2) DENYING OR ABRIDGING THE RIGHT TO  
7 VOTE.—Any covered practice described in subsection  
8 (b) that has the purpose of or will have the effect  
9 of diminishing the ability of any citizens of the  
10 United States on account of race, color, or member-  
11 ship in a language minority group, to elect their pre-  
12 ferred candidates of choice denies or abridges the  
13 right to vote within the meaning of paragraph (1) of  
14 this subsection.

15 “(3) PURPOSE DEFINED.—The term ‘purpose’  
16 in paragraphs (1) and (2) of this subsection shall in-  
17 clude any discriminatory purpose.

18 “(4) PURPOSE OF PARAGRAPH (2).—The pur-  
19 pose of paragraph (2) of this subsection is to protect  
20 the ability of such citizens to elect their preferred  
21 candidates of choice.

22 “(d) ENFORCEMENT.—The Attorney General or any  
23 aggrieved citizen may file an action in a Federal district  
24 court to compel any State or political subdivision to satisfy  
25 the obligations set forth in this section. Such actions shall

1 be heard and determined by a court of three judges under  
2 section 2284 of title 28, United States Code. In any such  
3 action, the court shall provide as a remedy that any voting  
4 qualification or prerequisite to voting, or standard, prac-  
5 tice, or procedure with respect to voting, that is the sub-  
6 ject of the action under this subsection be enjoined unless  
7 the court determines that—

8           “(1) the voting qualification or prerequisite to  
9           voting, or standard, practice, or procedure with re-  
10          spect to voting, is not a covered practice described  
11          in subsection (b); or

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

15          “(e) COUNTING OF RACIAL GROUPS AND LANGUAGE  
16          MINORITY GROUPS.—For purposes of this section, the cal-  
17          culation of the population of a racial group or a language  
18          minority group shall be carried out using the methodology  
19          in the guidance promulgated in the Federal Register on  
20          February 9, 2011 (76 Fed. Reg. 7470).

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

1       “(g) MULTILINGUAL VOTING MATERIALS.—In this  
2 section, the term ‘multilingual voting materials’ means  
3 registration or voting notices, forms, instructions, assist-  
4 ance, or other materials or information relating to the  
5 electoral process, including ballots, provided in the lan-  
6 guage or languages of one or more language minority  
7 groups.”.

8 **SEC. 7. PROMOTING TRANSPARENCY TO ENFORCE THE**  
9 **VOTING RIGHTS ACT.**

10       (a) TRANSPARENCY.—

11           (1) IN GENERAL.—The Voting Rights Act of  
12 1965 (52 U.S.C. 10301 et seq.) is amended by in-  
13 sserting after section 5 the following new section:

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

16       “(a) NOTICE OF ENACTED CHANGES.—

17           “(1) NOTICE OF CHANGES.—If a State or polit-  
18 ical subdivision makes any change in any qualifica-  
19 tion or prerequisite to voting or standard, practice,  
20 or procedure with respect to voting in any election  
21 for Federal office that will result in the qualification  
22 or prerequisite, standard, practice, or procedure  
23 being different from that which was in effect as of  
24 180 days before the date of the election for Federal  
25 office, the State or political subdivision shall provide

1 reasonable public notice in such State or political  
2 subdivision and on the website of the State or polit-  
3 ical subdivision, of a concise description of the  
4 change, including the difference between the  
5 changed qualification or prerequisite, standard, prac-  
6 tice, or procedure and the prerequisite, standard,  
7 practice, or procedure which was previously in effect.  
8 The public notice described in this paragraph, in  
9 such State or political subdivision and on the website  
10 of a State or political subdivision, shall be in a for-  
11 mat that is reasonably convenient and accessible to  
12 persons with disabilities who are eligible to vote, in-  
13 cluding persons who have low vision or are blind.

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

18 “(b) TRANSPARENCY REGARDING POLLING PLACE  
19 RESOURCES.—

20 “(1) IN GENERAL.—In order to identify any  
21 changes that may impact the right to vote of any  
22 person, prior to the 30th day before the date of an  
23 election for Federal office, each State or political  
24 subdivision with responsibility for allocating reg-  
25 istered voters, voting machines, and official poll

1 workers to particular precincts and polling places  
2 shall provide reasonable public notice in such State  
3 or political subdivision and on the website of a State  
4 or political subdivision, of the information described  
5 in paragraph (2) for precincts and polling places  
6 within such State or political subdivision. The public  
7 notice described in this paragraph, in such State or  
8 political subdivision and on the website of a State or  
9 political subdivision, shall be in a format that is rea-  
10 sonably convenient and accessible to persons with  
11 disabilities who are eligible to vote, including persons  
12 who have low vision or are blind.

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

16 “(A) The name or number.

17 “(B) In the case of a polling place, the lo-  
18 cation, including the street address, and wheth-  
19 er such polling place is accessible to persons  
20 with disabilities.

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

1           “(D) The number of registered voters as-  
2           signed to the precinct or polling place, broken  
3           down by demographic group if such breakdown  
4           is reasonably available to such State or political  
5           subdivision.

6           “(E) The number of voting machines as-  
7           signed, including the number of voting ma-  
8           chines accessible to persons with disabilities  
9           who are eligible to vote, including persons who  
10          have low vision or are blind.

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

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

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

17          “(3) UPDATES IN INFORMATION REPORTED.—

18          If a State or political subdivision makes any change  
19          in any of the information described in paragraph  
20          (2), the State or political subdivision shall provide  
21          reasonable public notice in such State or political  
22          subdivision and on the website of a State or political  
23          subdivision, of the change in the information not  
24          later than 48 hours after the change occurs or, if  
25          the change occurs fewer than 48 hours before the

1 date of the election for Federal office, as soon as  
2 practicable after the change occurs. The public no-  
3 tice described in this paragraph and published on  
4 the website of a State or political subdivision shall  
5 be in a format that is reasonably convenient and ac-  
6 cessible to persons with disabilities who are eligible  
7 to vote, including persons who have low vision or are  
8 blind.

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

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

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

4                   “(A) The State as a whole, if the change  
5                   applies statewide, or the political subdivision as  
6                   a whole, if the change applies across the entire  
7                   political subdivision.

8                   “(B) If the change includes a plan to re-  
9                   place or eliminate voting units or electoral dis-  
10                  tricts, each voting unit or electoral district that  
11                  will be replaced or eliminated.

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

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

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

21                   “(B) If it is reasonably available to the  
22                   State or political subdivision involved, an esti-  
23                   mate of the population of the area which con-  
24                   sists of citizens of the United States who are 18

1 years of age or older, broken down by demo-  
2 graphic group.

3 “(C) The number of registered voters, bro-  
4 ken down by demographic group if such break-  
5 down is reasonably available to the State or po-  
6 litical subdivision involved.

7 “(D)(i) If the change applies to a State,  
8 the actual number of votes, or (if it is not rea-  
9 sonably practicable for the State to ascertain  
10 the actual number of votes) the estimated num-  
11 ber of votes received by each candidate in each  
12 statewide election held during the 5-year period  
13 which ends on the date the change involved is  
14 made; and

15 “(ii) if the change applies to only one polit-  
16 ical subdivision, the actual number of votes, or  
17 (if it is not reasonably practicable for the polit-  
18 ical subdivision to ascertain the actual number  
19 of votes) in each subdivision-wide election held  
20 during the 5-year period which ends on the date  
21 the change involved is made.

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

1           “(A) A county or parish.

2           “(B) A municipality with a population  
3 greater than 10,000, as determined by the Bu-  
4 reau of the Census under the most recent de-  
5 cennial census.

6           “(C) A school district with a population  
7 greater than 10,000, as determined by the Bu-  
8 reau of the Census under the most recent de-  
9 cennial census. For purposes of this subpara-  
10 graph, the term ‘school district’ means the geo-  
11 graphic area under the jurisdiction of a local  
12 educational agency (as defined in section 9101  
13 of the Elementary and Secondary Education  
14 Act of 1965).

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

20       “(e) NO DENIAL OF RIGHT TO VOTE.—The right to  
21 vote of any person shall not be denied or abridged because  
22 the person failed to comply with any change made by a  
23 State or political subdivision to a voting qualification, pre-  
24 requisite, standard, practice, or procedure if the State or

1 political subdivision involved did not meet the applicable  
2 requirements of this section with respect to the change.

3 “(f) DEFINITIONS.—In this section—

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

9 “(2) the term ‘election for Federal office’ means  
10 any general, special, primary, or runoff election held  
11 solely or in part for the purpose of electing any can-  
12 didate for the office of President, Vice President,  
13 Presidential elector, Senator, Member of the House  
14 of Representatives, or Delegate or Resident Commis-  
15 sioner to the Congress; and

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

19 (2) CONFORMING AMENDMENT.—Section 3(a)  
20 of such Act (52 U.S.C. 10302(a)) is amended by  
21 striking “in accordance with section 6”.

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

1 **SEC. 8. AUTHORITY TO ASSIGN OBSERVERS.**

2 (a) CLARIFICATION OF AUTHORITY IN POLITICAL  
3 SUBDIVISIONS SUBJECT TO PRECLEARANCE.—Section  
4 8(a)(2)(B) of the Voting Rights Act of 1965 (52 U.S.C.  
5 10305(a)(2)(B)) is amended to read as follows:

6 “(B) in the Attorney General’s judgment,  
7 the assignment of observers is otherwise nec-  
8 essary to enforce the guarantees of the 14th or  
9 15th Amendment or any provision of this Act  
10 or any other Federal law protecting the right of  
11 citizens of the United States to vote; or”.

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

15 (1) by striking “or” at the end of paragraph  
16 (1);

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

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

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

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

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

7           (c) TRANSFERRAL OF AUTHORITY OVER OBSERVERS  
8 TO THE ATTORNEY GENERAL.—

9           (1) ENFORCEMENT PROCEEDINGS.—Section  
10          3(a) of the Voting Rights Act of 1965 (52 U.S.C.  
11          10302(a)) is amended by striking “United States  
12          Civil Service Commission in accordance with section  
13          6” and inserting “Attorney General in accordance  
14          with section 8”.

15          (2) OBSERVERS; APPOINTMENT AND COM-  
16          PENSATION.—Section 8 of the Voting Rights Act of  
17          1965 (52 U.S.C. 10305) is amended—

18                 (A) in subsection (a)(2), in the matter fol-  
19                 lowing subparagraph (B), by striking “Director  
20                 of the Office of Personnel Management shall as-  
21                 sign as many observers for such subdivision as  
22                 the Director” and inserting “Attorney General  
23                 shall assign as many observers for such subdivi-  
24                 sion as the Attorney General”; and

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

4 (3) TERMINATION OF CERTAIN APPOINTMENTS  
5 OF OBSERVERS.—Section 13(a)(1) of the Voting  
6 Rights Act of 1965 (52 U.S.C. 10309(a)(1)) is  
7 amended by striking “notifies the Director of the Of-  
8 fice of Personnel Management,” and inserting “de-  
9 termines,”.

10 **SEC. 9. CLARIFICATION OF AUTHORITY TO SEEK RELIEF.**

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

18 (b) CAUSE OF ACTION.—Section 12(d) of the Voting  
19 Rights Act of 1965 (52 U.S.C. 10308(d)) is amended—

20 (1) by striking “Whenever any person has en-  
21 gaged” and all that follows through “in the name of  
22 the United States” and inserting “(1) Whenever  
23 there are reasonable grounds to believe that any per-  
24 son has implemented or will implement any voting  
25 qualification or prerequisite to voting or standard,

1 practice, or procedure that would (A) deny any cit-  
2 izen the right to vote in violation of the 14th, 15th,  
3 19th, 24th, or 26th Amendments, or (B) would vio-  
4 late this Act (except for section 4A) or any other  
5 Federal law that prohibits discrimination on the  
6 basis of race, color, or membership in a language  
7 minority group in the voting process, an aggrieved  
8 person or (in the name of the United States) the At-  
9 torney General may institute”; and

10 (2) by striking “, and including an order di-  
11 rected to the State and State or local election offi-  
12 cials to require them (1) to permit persons listed  
13 under chapters 103 to 107 of this title to vote and  
14 (2) to count such votes”.

15 (c) JUDICIAL RELIEF.—Section 204 of the Voting  
16 Rights Act of 1965 (52 U.S.C. 10504) is amended by  
17 striking “Whenever the Attorney General has reason to  
18 believe” and all that follows through “as he deems appro-  
19 priate” and inserting “Whenever there are reasonable  
20 grounds to believe that a State or political subdivision has  
21 engaged or is about to engage in any act or practice pro-  
22 hibited by a provision of title II, an aggrieved person or  
23 (in the name of the United States) the Attorney General  
24 may institute an action in a district court of the United  
25 States, for a restraining order, a preliminary or perma-

1 nent injunction, or such other order as may be appro-  
2 priate”.

3 (d) ENFORCEMENT OF TWENTY-SIXTH AMEND-  
4 MENT.—Section 301(a)(1) of the Voting Rights Act of  
5 1965 (52 U.S.C. 10701) is amended by striking “The At-  
6 torney General is directed to institute” and all that follows  
7 through “Constitution of the United States” and inserting  
8 “An aggrieved person or (in the name of the United  
9 States) the Attorney General may institute an action in  
10 a district court of the United States, for a restraining  
11 order, a preliminary or permanent injunction, or such  
12 other order as may be appropriate to implement the twen-  
13 ty-sixth amendment to the Constitution of the United  
14 States”.

15 **SEC. 10. PREVENTIVE RELIEF.**

16 Section 12(d) of the Voting Rights Act of 1965 (52  
17 U.S.C. 10308(d)), as amended by section 9, is further  
18 amended by adding at the end the following:

19 “(2)(A) In considering any motion for preliminary re-  
20 lief in any action for preventive relief described in this sub-  
21 section, the court shall grant the relief if the court deter-  
22 mines that the complainant has raised a serious question  
23 as to whether the challenged voting qualification or pre-  
24 requisite to voting or standard, practice, or procedure vio-  
25 lates this Act or the Constitution and, on balance, the

1 hardship imposed on the defendant by the grant of the  
2 relief will be less than the hardship which would be im-  
3 posed on the plaintiff if the relief were not granted.

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

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

14 “(I) discrimination on the basis of race or  
15 color in violation of the 14th or 15th Amend-  
16 ment;

17 “(II) a violation of the 19th, 24th, or 26th  
18 Amendments;

19 “(III) a violation of this Act; or

20 “(IV) voting discrimination on the basis of  
21 race, color, or membership in a language minor-  
22 ity group in violation of any other Federal or  
23 State law.

24 “(ii) Whether the qualification, prerequisite,  
25 standard, practice, or procedure in effect prior to the

1 change served as a ground for the dismissal or set-  
2 tlement of a claim alleging—

3 “(I) discrimination on the basis of race or  
4 color in violation of the 14th or 15th Amend-  
5 ment;

6 “(II) a violation of the 19th, 24th, or 26th  
7 Amendment;

8 “(III) a violation of this Act; or

9 “(IV) voting discrimination on the basis of  
10 race, color, or membership in a language minor-  
11 ity group in violation of any other Federal or  
12 State law.

13 “(iii) Whether the change was adopted fewer  
14 than 180 days before the date of the election with  
15 respect to which the change is to take or takes ef-  
16 fect.

17 “(iv) Whether the defendant has failed to pro-  
18 vide timely or complete notice of the adoption of the  
19 change as required by applicable Federal or State  
20 law.

21 “(3) A jurisdiction’s inability to enforce its voting or  
22 election laws, regulations, policies, or redistricting plans,  
23 standing alone, shall not be deemed to constitute irrep-  
24 arable harm to the public interest or to the interests of  
25 a defendant in an action arising under the Constitution

1 or any Federal law that prohibits discrimination on the  
2 basis of race, color, or membership in a language minority  
3 group in the voting process, for the purposes of deter-  
4 mining whether a stay of a court’s order or an interlocu-  
5 tory appeal under section 1253 of title 28, United States  
6 Code, is warranted.”.

7 **SEC. 11. 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 2(a) of  
23 the John R. Lewis Voting Rights Advancement Act  
24 of 2021,” after “title VI of the Civil Rights Act of  
25 1964,”.

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

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

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

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

3 (c) GROUNDS 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. 12. ENFORCEMENT OF VOTING RIGHTS BY ATTORNEY**

4 **GENERAL.**

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

8 “(g) VOTING RIGHTS ENFORCEMENT BY ATTORNEY  
9 GENERAL.—

10 “(1) IN GENERAL.—In order to fulfill the At-  
11 torney General’s responsibility to enforce the Voting  
12 Rights Act and other Federal civil rights statutes  
13 that protect the right to vote, the Attorney General  
14 (or upon designation by the Attorney General, the  
15 Assistant Attorney General for Civil Rights) is au-  
16 thorized, before commencing a civil action, to issue  
17 a demand for inspection and information in writing  
18 to any State or political subdivision, or other govern-  
19 mental representative or agent, with respect to any  
20 relevant documentary material that he has reason to  
21 believe is within their possession, custody, or control.  
22 A demand by the Attorney General under this sec-  
23 tion may require—

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

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

4           “(C) both.

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

7           “(A) IN GENERAL.—Any demand issued  
8           under paragraph (1), shall include a sworn cer-  
9           tificate to identify the voting qualification or  
10          prerequisite to voting or standard, practice, or  
11          procedure with respect to voting, or other vot-  
12          ing related matter or issue, whose lawfulness  
13          the Attorney General is investigating and to  
14          identify the civil provisions of the Federal civil  
15          rights statute that protects the right to vote  
16          under which the investigation is being con-  
17          ducted. The demand shall be reasonably cal-  
18          culated to lead to the discovery of documentary  
19          material and information relevant to such civil  
20          rights investigation. Documentary material in-  
21          cludes any material upon which relevant infor-  
22          mation is recorded, and includes written or  
23          printed materials, photographs, tapes, or mate-  
24          rials upon which information is electronically or  
25          magnetically recorded. Such demands are aimed

1 at the Attorney General having the ability to in-  
2 spect and obtain copies of relevant materials (as  
3 well as obtain information) related to voting  
4 and are not aimed at the Attorney General tak-  
5 ing possession of original records, particularly  
6 those that are required to be retained by State  
7 and local election officials under Federal or  
8 State law.

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

19 “(C) DOCUMENTARY MATERIAL.—If the  
20 demand issued under paragraph (1) requires  
21 the production of documentary material, it  
22 shall—

23 “(i) identify the class of documentary  
24 material to be produced with such definite-

1           ness and certainty as to permit such mate-  
2           rial to be fairly identified; and

3           “(ii) prescribe a return date for pro-  
4           duction of the documentary material at  
5           least twenty days after issuance of the de-  
6           mand to give the State or political subdivi-  
7           sion, or other governmental representative  
8           or agent, a reasonable period of time for  
9           assembling the documentary material and  
10          making it available for inspection and  
11          copying.

12          “(D) ANSWERS TO WRITTEN QUES-  
13          TIONS.—If the demand issued under paragraph  
14          (1) requires answers in writing to written ques-  
15          tions, it shall—

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

18               “(ii) prescribe a date at least twenty  
19               days after the issuance of the demand for  
20               submitting answers in writing to the writ-  
21               ten questions.

22          “(E) SERVICE.—A demand issued under  
23          paragraph (1) may be served by a United  
24          States marshal or a deputy marshal, or by cer-

1           tified mail, at any place within the territorial  
2           jurisdiction of any court of the United States.

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

15                 “(A) shall state that—

16                         “(i) all of the documentary material  
17                         required by the demand and in the posses-  
18                         sion, custody, or control of the State or po-  
19                         litical subdivision, or other governmental  
20                         representative or agent, has been produced;

21                         “(ii) that with respect to every answer  
22                         in writing to a written question, all infor-  
23                         mation required by the question and in the  
24                         possession, custody, control, or knowledge  
25                         of the State or political subdivision, or

1 other governmental representative or  
2 agent, has been submitted; or

3 “(iii) both; or

4 “(B) provide the basis for any objection to  
5 producing the documentary material or answer-  
6 ing the written question.

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

11 “(4) JUDICIAL PROCEEDINGS.—

12 “(A) PETITION FOR ENFORCEMENT.—

13 Whenever any State or political subdivision, or  
14 other governmental representative or agent,  
15 fails to comply with demand issued by the At-  
16 torney General under paragraph (1), the Attor-  
17 ney General may file, in a district court of the  
18 United States in which the State or political  
19 subdivision, or other governmental representa-  
20 tive or agent, is located, a petition for a judicial  
21 order enforcing the Attorney General demand  
22 issued under paragraph (1).

23 “(B) PETITION TO MODIFY.—

24 “(i) IN GENERAL.—Any State or po-  
25 litical subdivision, or other governmental

1 representative or agent, that is served with  
2 a demand issued by the Attorney General  
3 under paragraph (1) may file in the United  
4 States District Court for the District of  
5 Columbia a petition for an order of the  
6 court to modify or set aside the demand of  
7 the Attorney General.

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

17 “(iii) CONTENTS OF PETITION.—The  
18 petition shall specify each ground upon  
19 which the petitioner relies in seeking relief  
20 under clause (i), and may be based upon  
21 any failure of the Attorney General’s de-  
22 mand to comply with the provisions of this  
23 section or upon any constitutional or other  
24 legal right or privilege of the State or po-  
25 litical subdivision, or other governmental

1 representative or agent. During the pend-  
2 ency of the petition in the court, the court  
3 may stay, as it deems proper, the running  
4 of the time allowed for compliance with the  
5 Attorney General’s demand, in whole or in  
6 part, except that the State or political sub-  
7 division, or other governmental representa-  
8 tive or agent, filing the petition shall com-  
9 ply with any portions of the Attorney Gen-  
10 eral’s demand not sought to be modified or  
11 set aside.”.

12 **SEC. 13. DEFINITIONS.**

13 Title I of the Voting Rights Act of 1965 (52 U.S.C.  
14 10301) is amended by adding at the end the following:

15 **“SEC. 21. DEFINITIONS.**

16 “In this Act:

17 “(1) INDIAN.—The term ‘Indian’ has the mean-  
18 ing given the term in section 4 of the Indian Self-  
19 Determination and Education Assistance Act.

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

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

1           “(B) any land in Alaska that is owned,  
2           pursuant to the Alaska Native Claims Settle-  
3           ment Act, by an Indian tribe that is a Native  
4           village (as such term is defined in section 3 of  
5           such Act), or by a Village Corporation that is  
6           associated with the Indian tribe (as such term  
7           is defined in section 3 of such Act);

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

10          “(D) any land that is part or all of a tribal  
11          designated statistical area associated with the  
12          Indian tribe, or is part or all of an Alaska Na-  
13          tive village statistical area associated with the  
14          tribe, as defined by the Bureau of the Census  
15          for the purposes of the most recent decennial  
16          census.

17          “(3) INDIAN TRIBE.—The term ‘Indian tribe’ or  
18          ‘tribe’ has the meaning given the term ‘Indian tribe’  
19          in section 4 of the Indian Self-Determination and  
20          Education Assistance Act.

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

24          “(5) VOTING-AGE POPULATION.—The term  
25          ‘voting-age population’ means the numerical size of

1 the population within a State, within a political sub-  
2 division, or within a political subdivision that con-  
3 tains Indian lands, as the case may be, that consists  
4 of persons age 18 or older, as calculated by the Bu-  
5 reau of the Census under the most recent decennial  
6 census.”.

7 **SEC. 14. ATTORNEYS’ FEES.**

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

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

16 **SEC. 15. OTHER TECHNICAL AND CONFORMING AMEND-**  
17 **MENTS.**

18 (a) ACTIONS COVERED UNDER SECTION 3.—Section  
19 3(c) of the Voting Rights Act of 1965 (52 U.S.C.  
20 10302(c)) is amended—

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

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

4           (b) CLARIFICATION OF TREATMENT OF MEMBERS OF  
5           LANGUAGE MINORITY GROUPS.—Section 4(f) of such Act  
6           (52 U.S.C. 10303(f)) is amended—

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

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

10          (c) PERIOD DURING WHICH CHANGES IN VOTING  
11          PRACTICES ARE SUBJECT TO PRECLEARANCE UNDER  
12          SECTION 5.—Section 5 of such Act (52 U.S.C. 10304)  
13          is amended—

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

18          (2) in subsection (a), by striking “November 1,  
19          1964” and all that follows through “November 1,  
20          1972” and inserting “the applicable date of cov-  
21          erage”; and

22          (3) by adding at the end the following new sub-  
23          section:

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

1           “(1) June 25, 2013, if the most recent deter-  
2           mination for such State or subdivision under section  
3           4(b) was made on or before December 31, 2021; or

4           “(2) the date on which the most recent deter-  
5           mination for such State or subdivision under section  
6           4(b) was made, if such determination was made  
7           after December 31, 2021.”.

8   **SEC. 16. SEVERABILITY.**

9           If any provision of this Act or any amendment made  
10          by this Act, or the application of such a provision or  
11          amendment to any person or circumstance, is held to be  
12          unconstitutional or is otherwise enjoined or unenforceable,  
13          the remainder of this Act and amendments made by this  
14          Act, and the application of the provisions and amendment  
15          to any person or circumstance, and any remaining provi-  
16          sion of the Voting Rights Act of 1965, shall not be af-  
17          fected by the holding.

18   **SEC. 17. GRANTS TO ASSIST WITH NOTICE REQUIREMENTS**

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

20          (a) **IN GENERAL.**—The Attorney General shall make  
21          grants each fiscal year to small jurisdictions who submit  
22          applications under subsection (b) for purposes of assisting  
23          such small jurisdictions with compliance with the require-  
24          ments of the Voting Rights Act of 1965 to submit or pub-

1 lish notice of any change to a qualification, prerequisite,  
2 standard, practice or procedure affecting voting.

3 (b) APPLICATION.—To be eligible for a grant under  
4 this section, a small jurisdiction shall submit an applica-  
5 tion to the Attorney General in such form and containing  
6 such information as the Attorney General may require re-  
7 garding the compliance of such small jurisdiction with the  
8 provisions of the Voting Rights Act of 1965.

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

Passed the House of Representatives August 24,  
2021.

Attest:

*Clerk.*

117<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

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# H. R. 4

## AN ACT

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.