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,
SECTION 1. SHORT TITLE.

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

SEC. 2. VOTE DILUTION, DENIAL, AND ABRIDGMENT CLAIMS.

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

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

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

(b) Vote Dilution.—Section 2(b) of such Act (52 U.S.C. 10301(b)) is amended—

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

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

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

“(1) To prevail in demonstrating that a representational, districting, or apportionment scheme results in vote dilution, a plaintiff shall, as a threshold matter, establish that—
“(A) the members of the protected class are sufficiently numerous and geographically compact to constitute a majority in a single-member district;

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

“(C) the residents of that district who are not the members of the protected class usually vote sufficiently as a bloc to enable them to defeat the preferred candidates of the members of the protected class.

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

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

“(B) The extent to which voting in the elections of the State or political subdivision is racially polarized.
“(C) The extent to which the State or political subdivision has used voting practices or procedures that tend to enhance the opportunity for discrimination against the members of the protected class, such as unusually large election districts, majority vote requirements, anti-single shot provisions, or other qualifications, prerequisites, standards, practices, or procedures that may enhance the opportunity for discrimination against the members of the protected class.

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

“(E) The extent to which members of the protected class in the State or political subdivision bear the effects of discrimination, both public or private, in such areas as education, employment, health, housing, and transportation, which hinder their ability to participate effectively in the political process.

“(F) Whether political campaigns have been characterized by overt or subtle racial appeals.
“(G) The extent to which members of the protected class have been elected to public office in the jurisdiction.

“(3) In conducting a totality of the circumstances analysis under paragraph (2), a court may consider such other factors as the court may determine to be relevant, including—

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

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

In making this determination, a court shall consider whether the qualification, prerequisite, standard, practice, or procedure in question was designed to advance and materially advances a valid and substantiated State interest.
“(4) A class of citizens protected by subsection (a) may include a cohesive coalition of members of different racial or language minority groups.”; and

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

“(c)(1) A violation of subsection (a) resulting in vote denial or abridgment is established if the challenged qualification, prerequisite, standard, practice, or procedure—

“(A) results or will result in members of a protected class facing greater costs or burdens in participating in the political process than other voters; and

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

In determining the existence of a burden for purposes of subparagraph (A), the absolute number or the percent of voters affected or the presence of voters who are not members of a protected class in the affected area shall not be dispositive, and the affected area may be smaller than the jurisdiction to
which the qualification, prerequisite, standard, practice, or procedure applies.

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

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

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

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

“(iii) The extent to which the State or political subdivision has used photographic voter identification requirements, documentary proof of citizenship requirements, documentary proof of residence requirements, or other voting practices or procedures, beyond those required by Federal law, that impair
the ability of members of the minority group to par-

ticipate fully in the political process.

“(iv) The extent to which minority group mem-

bers bear the effects of discrimination, both public
or private, in areas such as education, employment,
health, housing, and transportation, which hinder
their ability to participate effectively in the political
process.

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

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

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

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

“(ix) Subject to paragraph (4), such other factors as the court may determine to be relevant.

“(B) The factors described in subparagraph (A), individually and collectively, shall be considered as a means of establishing that a voting practice amplifies the effects of past or present discrimination in violation in subsection (a).

“(C) A plaintiff need not show any particular combination or number of factors to establish a violation of subsection (a).

“(4) The factors that are relevant to a totality of the circumstances analysis with respect to a claim of vote denial or abridgement do not include the following:

“(A) The degree to which the challenged qualification, prerequisite, standard, practice, or procedure has a long pedigree or was in widespread use at some earlier date.
“(B) The use of an identical or similar qualification, prerequisite, standard, practice, or procedure in other States or jurisdictions.

“(C) The availability of other forms of voting unimpacted by the challenged qualification, prerequisite, standard, practice, or procedure to all members of the electorate, including members of the protected class, unless the jurisdiction is simultaneously expanding such other practices to eliminate any disproportionate burden imposed by the challenged qualification, prerequisite, standard, practice, or procedure.

“(D) Unsubstantiated defenses that the qualification, prerequisite, standard, practice, or procedure is necessary to address criminal activity.

“(d)(1) A violation of subsection (a) for the purpose of vote denial or abridgement is established if the challenged qualification, prerequisite, standard, practice, or procedure is intended, at least in part, to dilute minority voting strength or to deny or abridge the right of any citizen of the United States to vote on account of race, color, or in contravention of the guarantees set forth in section 4(f)(2).

“(2) Discrimination on account of race, color, or in contravention of the guarantees set forth in section 4(f)(2)
need only be one purpose of a qualification, prerequisite, standard, practice, or procedure to demonstrate a violation of subsection (a).

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

“(4) The context for the adoption of the challenged qualification, prerequisite, standard, practice, or procedure, including actions by official decisionmakers before the challenged qualification, prerequisite, standard, practice, or procedure, may be relevant to a violation of this subsection.

“(5) Claims under this subsection require proof of a discriminatory impact but do not require proof of a violation pursuant to subsection (b) or (c).

“(e) For purposes of this section, the term ‘affected area’ means any geographic area, in which members of a protected class are affected by a qualification, prerequisite, standard, practice, or procedure allegedly in violation of this section, within a State (including any Indian lands).”.
SEC. 3. RETROGRESSION.

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

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

“(g) Notwithstanding the provisions of subsection (f), final decisions of the United States District Court of the District of Columbia on applications or petitions by States or political subdivisions for preclearance under section 5 of any changes in voting prerequisites, standards, practices, or procedures, supersede the provisions of subsection (f).”.

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SEC. 4. VIOLATIONS TRIGGERING AUTHORITY OF COURT TO RETAIN JURISDICTION.

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

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

SEC. 5. CRITERIA FOR COVERAGE OF STATES AND POLITICAL SUBDIVISIONS.

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

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

“(b) DETERMINATION OF STATES AND POLITICAL SUBDIVISIONS SUBJECT TO REQUIREMENTS.—
“(1) Existence of voting rights violations during previous 25 years.—

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

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

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

“(iii) three or more voting rights violations occurred in the State during the previous 25 calendar years and the State itself administers the elections in the State or political subdivisions in which the voting rights violations occurred.

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

“(2) Period of application.—

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

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

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

“(B) No further application after declaratory judgment.—

“(i) States.—If a State obtains a declaratory judgment under subsection (a), and the judgment remains in effect, subsection (a) shall no longer apply to such State pursuant to paragraph (1)(A) unless, after the issuance of the declaratory judgment, paragraph (1)(A) applies to the State solely on the basis of voting rights
violations occurring after the issuance of
the declaratory judgment.

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

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

“(A) JUDICIAL RELIEF; VIOLATION OF
THE 14TH OR 15TH AMENDMENT.—Any final
judgment, or any preliminary, temporary, or de-
claratory relief (that was not reversed on ap-
peal), in which the plaintiff prevailed or a court
of the United States found that the plaintiff demonstrated a likelihood of success on the merits or raised a serious question with regard to race discrimination, in which any court of the United States determined that a denial or abridgement of the right of any citizen of the United States to vote on account of race, color, or membership in a language minority group occurred, or that a voting qualification or prerequisite to voting or standard, practice, or procedure with respect to voting created an undue burden on the right to vote in connection with a claim that the law unduly burdened voters of a particular race, color, or language minority group, in violation of the 14th or 15th Amendment, anywhere within the State or subdivision.

“(B) JUDICIAL RELIEF; VIOLATIONS OF THIS ACT.—Any final judgment, or any preliminary, temporary, or declaratory relief (that was not reversed on appeal) in which the plaintiff prevailed or a court of the United States found that the plaintiff demonstrated a likelihood of success on the merits or raised a serious question with regard to race discrimination, in which any court of the United States deter-
mined that a voting qualification or prerequisite to voting or standard, practice, or procedure with respect to voting was imposed or applied or would have been imposed or applied anywhere within the State or subdivision in a manner that resulted or would have resulted in a denial or abridgement of the right of any citizen of the United States to vote on account of race, color, or membership in a language minority group, in violation of subsection 4(e) or 4(f) or section 2, 201, or 203 of this Act.

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

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

“(E) CONSENT DECREE, SETTLEMENT, OR OTHER AGREEMENT.—A consent decree, settlement, or other agreement was adopted or entered by a court of the United States or contained an admission of liability by the defendants, which resulted in the alteration or abandonment of a voting practice anywhere in the territory of such State or subdivision that was challenged on the ground that the practice denied or abridged the right of any citizen of the United States to vote on account of race, color, or membership in a language minority group in
violation of subsection 4(e) or 4(f) or section 2, 201, or 203 of this Act, or the 14th or 15th Amendment. An extension or modification of an agreement as defined by this subsection that has been in place for ten years or longer shall count as an independent violation. If a court of the United States finds that an agreement itself as defined by this subsection denied or abridged the right of any citizen of the United States to vote on account of race, color, or membership in a language minority group, violated subsection 4(e) or 4(f) or section 2, 201, or 203 of this Act, or created an undue burden on the right to vote in connection with a claim that the consent decree, settlement, or other agreement unduly burdened voters of a particular race, color, or language minority group, that finding shall count as an independent violation.

“(F) MULTIPLE VIOLATIONS.—Each voting qualification or prerequisite to voting or standard, practice, or procedure with respect to voting, including each redistricting plan, found to be a violation by a court of the United States pursuant to subsection (a) or (b), or prevented from enforcement pursuant to subsection (c) or
(d), or altered or abandoned pursuant to subsection (e) shall count as an independent violation. Within a redistricting plan, each violation found to discriminate against any group of voters based on race, color, or language minority group shall count as an independent violation.

“(4) TIMING OF DETERMINATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

(c) **Administrative Bailout.**—

(1) **In General.**—Section 4 of the Voting
Rights Act of 1965 (52 U.S.C. 10303) is amended
by adding at the end the following:

“(g) **Administrative Bailout.**—

“(1) **Determination of Eligibility.**—

“(A) **In General.**—After making a deter-
mination under subsection (b)(1)(A) that the
provisions of subsection (a) apply with respect
to a State and all political subdivisions within
the State, the Attorney General shall determine
if any political subdivision of the State is eligi-
ble for an exemption under this subsection, and
shall publish, in the Federal Register, a list of
all such political subdivisions. Any political sub-
division included on such list is not subject to
any requirement under section 5 until the date
on which any application under this section has
been finally disposed of or no such application
may be made.

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

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

“(ii) that inclusion on the list—

“(I) constitutes a final deter-
mination by the Attorney General that
the listee is eligible for an exemption
pursuant to this subsection or that, in
the case of the listee, the provisions of
subparagraphs (A) through (F) of subsection (a)(1) are satisfied; or

“(II) entitles the listee to any exemption pursuant to this subsection.

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

“(A) no test or device referred to in subsection (a)(1) has been used within such political subdivision for the purpose or with the effect of denying or abridging the right to vote on account of race or color or in contravention of the guarantees of subsection (f)(2);

“(B) no final judgment of any court of the United States, other than the denial of declaratory judgment under this section, has determined that denials or abridgements of the right to vote on account of race or color have occurred anywhere in the territory of such political subdivision or that denials or abridgements of the right to vote in contravention of the guarantees of subsection (f)(2) have occurred
anywhere in the territory of such subdivision
and no consent decree, settlement, or agreement
has been entered into resulting in any abandon-
ment of a voting practice challenged on such
grounds; and no declaratory judgment under
this section shall be entered during the pend-
ency of an action commenced before the filing
of an action under this section and alleging
such denials or abridgements of the right to
vote;

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

“(D) such political subdivision and all gov-
ernmental units within its territory have com-
plied with section 5 of this Act, including com-
pliance with the requirement that no change
covered by section 5 has been enforced without
preclearance under section 5, and have repealed
all changes covered by section 5 to which the
Attorney General has successfully objected or as
to which the United States District Court for
the District of Columbia has denied a declara-
tory judgment;
“(E) the Attorney General has not interposed any objection (that has not been overturned by a final judgment of a court) and no declaratory judgment has been denied under section 5, with respect to any submission by or on behalf of the plaintiff or any governmental unit within its territory under section 5, and no such submissions or declaratory judgment actions are pending; and

“(F) such political subdivision and all governmental units within its territory—

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

“(ii) have engaged in constructive efforts to eliminate intimidation and harassment of persons exercising rights protected under this Act; and

“(iii) have engaged in other constructive efforts, such as expanded opportunity for convenient registration and voting for every person of voting age and the appointment of minority persons as election officials throughout the jurisdiction and at all
stages of the election and registration process.

“(3) APPLICATION PERIOD.—Not later than 90 days after the publication of the list under paragraph (1), a political subdivision included on such list may submit an application, containing such information as the Attorney General may require, for an exemption under this subsection. The Attorney General shall provide notice in the Federal Register of such application.

“(4) COMMENT PERIOD.—During the 90-day period beginning on the date that notice is published under paragraph (3), the Attorney General shall give interested persons an opportunity to submit objections to the issuance of an exemption under this subsection to a political subdivision on the basis that the political subdivision is not eligible under paragraph (2) to the Attorney General. During the 1 year period beginning on the effective date of this subsection, such 90-day period shall be extended by an additional 30 days. The Attorney General shall notify the political subdivision of each objection submitted and afford the political subdivision an opportunity to respond.
“(5) Determination as to objections.—In the case of a political subdivision with respect to which an objection has been submitted under paragraph (4), the following shall apply:

“(A) Consideration of objections.—The Attorney General shall consider and respond to each such objection (and any response of the political subdivision thereto) during the 60 day period beginning on the day after the comment period under paragraph (4) concludes.

“(B) Justified objections.—If the Attorney General determines that any such objection is justified, the Attorney General shall publish notice in the Federal Register denying the application for an exemption under this subsection.

“(C) Unjustified objections.—If the Attorney General determines that no objection submitted is justified, each person that submitted such an objection may, not later than 90 days after the end of the period established under subparagraph (A), file, in the District Court of the District of Columbia, an action for judicial review of such determination in accord-
ance with chapter 7 of title 5, United States Code.

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

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

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

“(7) JUDICIAL REVIEW.—Except as otherwise explicitly provided in this subsection, no determination under this subsection shall be subject to review by any court, and all determinations under this subsection are committed to the discretion of the Attorney General.

“(8) SAVINGS CLAUSE.—If a political subdivision was not subject to the application of the provisions of subsection (a) by reason of a declaratory judgment entered prior to the effective date of this subsection, and such political subdivision has not violated any eligibility requirement set forth in paragraph (2) at any time thereafter, then that political
subdivision shall not be subject to the requirements of subsection (a).”.

(2) CONFORMING AMENDMENT.—

(A) IN GENERAL.—Section 4(a)(1) of the Voting Rights Act of 1965 (52 U.S.C. 10303(a)(1)), as amended by this Act, is further amended by inserting after “the United States District Court for the District of Columbia issues a declaratory judgment under this section” the following: “, or, in the case of a political subdivision, the Attorney General issues an exemption under subsection (g)”.

(B) EXPIRATION OF TIME LIMIT.—On the date that is 1 year after the effective date of this subsection, section 4(g)(3) of the Voting Rights Act of 1965 (52 U.S.C. 10303(g)(3)) is amended by striking “During the 1 year period beginning on the effective date of this subsection, such 90-day period shall be extended by an additional 30 days.”. For purposes of any periods under such section commenced as of such date, the 90-day period shall remain extended by an additional 30 days.
SEC. 6. DETERMINATION OF STATES AND POLITICAL SUBDIVISIONS SUBJECT TO PRECLEARANCE FOR COVERED PRACTICES.

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

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

“(a) Practice-Based Preclearance.—

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

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

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

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

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

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

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

“(1) CHANGES TO METHOD OF ELECTION.—
Any change to the method of election—
“(A) to add seats elected at-large in a State or political subdivision where—

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

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

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

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

“(ii) a single language minority group represents 20 percent or more of the voting-age population on Indian lands located in whole or in part in the political subdivision.
“(2) Changes to jurisdiction boundaries.—Any change or series of changes within a year to the boundaries of a jurisdiction that reduces by 3 or more percentage points the proportion of the jurisdiction’s voting-age population that is comprised of members of a single racial group or language minority group in a State or political subdivision where—

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

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

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

“(4) Changes in documentation or qualifications to vote.—Any change to requirements for documentation or proof of identity to vote or register to vote that will exceed or be more stringent than such requirements under State law on the day before the date of enactment of the John R. Lewis Voting Rights Advancement Act of 2021; and further, if a State has in effect a requirement that an individual present identification as a condition of receiving and casting a ballot in an election for Federal office, if the State does not permit the individual to meet the requirement and cast a ballot in the election in the same manner as an individual who presents identification—

“(A) in the case of an individual who desires to vote in person, by presenting the appropriate State or local election official with a sworn written statement, signed by the individual under penalty of perjury, attesting to the individual’s identity and attesting that the individual is eligible to vote in the election; and
“(B) in the case of an individual who desires to vote by mail, by submitting with the ballot the statement described in subparagraph (A).

“(5) CHANGES TO MULTILINGUAL VOTING MATERIALS.—Any change that reduces multilingual voting materials or alters the manner in which such materials are provided or distributed, where no similar reduction or alteration occurs in materials provided in English for such election.

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

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

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

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

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

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

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

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

“(i) the State; or

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

“(c) PRECLEARANCE.—

“(1) IN GENERAL.—Whenever a State or polit-
ical subdivision with respect to which the require-
ments set forth in subsection (a) are in effect shall
enact, adopt, or seek to implement any covered prac-
tice described under subsection (b), such State or
subdivision may institute an action in the United
States District Court for the District of Columbia
for a declaratory judgment that such covered prac-
tice neither has the purpose nor will have the effect
of denying or abridging the right to vote on account
of race, color, or membership in a language minority
group, and unless and until the court enters such
judgment such covered practice shall not be implemented. Notwithstanding the previous sentence, such covered practice may be implemented without such proceeding if the covered practice has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within 60 days after such submission, or upon good cause shown, to facilitate an expedited approval within 60 days after such submission, the Attorney General has affirmatively indicated that such objection will not be made. Neither an affirmative indication by the Attorney General that no objection will be made, nor the Attorney General’s failure to object, nor a declaratory judgment entered under this section shall bar a subsequent action to enjoin implementation of such covered practice. In the event the Attorney General affirmatively indicates that no objection will be made within the 60-day period following receipt of a submission, the Attorney General may reserve the right to reexamine the submission if additional information comes to the Attorney General’s attention during the remainder of the 60-day period which would otherwise require objection in accordance with this
section. Any action under this section shall be heard
and determined by a court of three judges in accord-
ance with the provisions of section 2284 of title 28,
United States Code, and any appeal shall lie to the
Supreme Court.

“(2) Denying or Abridging the Right to
vote.—Any covered practice described in subsection
(b) that has the purpose of or will have the effect
of diminishing the ability of any citizens of the
United States on account of race, color, or member-
ship in a language minority group, to elect their pre-
ferred candidates of choice denies or abridges the
right to vote within the meaning of paragraph (1) of
this subsection.

“(3) Purpose Defined.—The term ‘purpose’
in paragraphs (1) and (2) of this subsection shall in-
clude any discriminatory purpose.

“(4) Purpose of Paragraph (2).—The pur-
pose of paragraph (2) of this subsection is to protect
the ability of such citizens to elect their preferred
candidates of choice.

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

“(1) the voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting, is not a covered practice described in subsection (b); or

“(2) the State or political subdivision has complied with subsection (c) with respect to the covered practice at issue.

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

“(f) SPECIAL RULE.—For purposes of determinations under this section, any data provided by the Bureau of the Census, whether based on estimation from sample or actual enumeration, shall not be subject to challenge or review in any court.
“(g) MULTILINGUAL VOTING MATERIALS.—In this section, the term ‘multilingual voting materials’ means registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, provided in the language or languages of one or more language minority groups.”.

SEC. 7. PROMOTING TRANSPARENCY TO ENFORCE THE VOTING RIGHTS ACT.

(a) TRANSPARENCY.—

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

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

“(a) NOTICE OF ENACTED CHANGES.—

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

“(2) Deadline for notice.—A State or political subdivision shall provide the public notice required under paragraph (1) not later than 48 hours after making the change involved.

“(b) Transparency Regarding Polling Place Resources.—

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

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

“(A) The name or number.

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

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

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

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

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

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

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

“(c) TRANSPARENCY OF CHANGES RELATING TO DEMOGRAPHICS AND ELECTORAL DISTRICTS.—

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

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

“(B) If the change includes a plan to replace or eliminate voting units or electoral districts, each voting unit or electoral district that will be replaced or eliminated.

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

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

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

“(B) If it is reasonably available to the State or political subdivision involved, an estimate of the population of the area which consists of citizens of the United States who are 18
years of age or older, broken down by demo-
graphic group.

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

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

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

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

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

“(C) A school district with a population greater than 10,000, as determined by the Bureau of the Census under the most recent decennial census. For purposes of this subparagraph, the term ‘school district’ means the geographic area under the jurisdiction of a local educational agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965).

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

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

“(f) DEFINITIONS.—In this section—

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

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

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

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

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

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

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

(b) ASSIGNMENT OF OBSERVERS TO ENFORCE BILINGUAL ELECTION REQUIREMENTS.—Section 8(a) of such Act (52 U.S.C. 10305(a)) is amended—

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

(2) by inserting after paragraph (2) the following:

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

“(A) the Attorney General has received written meritorious complaints from residents, elected officials, or civic participation organizations that efforts to violate section 203 are likely to occur; or
“(B) in the Attorney General’s judgment, the assignment of observers is necessary to enforce the guarantees of section 203;”; and

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

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

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

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

(A) in subsection (a)(2), in the matter following subparagraph (B), by striking “Director of the Office of Personnel Management shall assign as many observers for such subdivision as the Director” and inserting “Attorney General shall assign as many observers for such subdivision as the Attorney General”; and
(B) in subsection (c), by striking “Director of the Office of Personnel Management” and inserting “Attorney General”.

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

SEC. 9. CLARIFICATION OF AUTHORITY TO SEEK RELIEF.

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

(b) Cause of Action.—Section 12(d) of the Voting Rights Act of 1965 (52 U.S.C. 10308(d)) is amended—

(1) by striking “Whenever any person has engaged” and all that follows through “in the name of the United States” and inserting “(1) Whenever there are reasonable grounds to believe that any person has implemented or will implement any voting qualification or prerequisite to voting or standard,
practice, or procedure that would (A) deny any cit-
izen the right to vote in violation of the 14th, 15th,
19th, 24th, or 26th Amendments, or (B) would vio-
late this Act (except for section 4A) or any other
Federal law that prohibits discrimination on the
basis of race, color, or membership in a language
minority group in the voting process, an aggrieved
person or (in the name of the United States) the At-
torney General may institute”; and
(2) by striking “, and including an order di-
rected to the State and State or local election offi-
cials to require them (1) to permit persons listed
under chapters 103 to 107 of this title to vote and
(2) to count such votes”.
(c) JUDICIAL RELIEF.—Section 204 of the Voting
Rights Act of 1965 (52 U.S.C. 10504) is amended by
striking “Whenever the Attorney General has reason to
believe” and all that follows through “as he deems appro-
priate” and inserting “Whenever there are reasonable
grounds to believe that a State or political subdivision has
engaged or is about to engage in any act or practice pro-
hibited by a provision of title II, an aggrieved person or
(in the name of the United States) the Attorney General
may institute an action in a district court of the United
States, for a restraining order, a preliminary or perma-
nent injunction, or such other order as may be appropriate”.

(d) ENFORCEMENT OF TWENTY-SIXTH AMENDMENT.—Section 301(a)(1) of the Voting Rights Act of 1965 (52 U.S.C. 10701) is amended by striking “The Attorney General is directed to institute” and all that follows through “Constitution of the United States” and inserting “An aggrieved person or (in the name of the United States) the Attorney General may institute an action in a district court of the United States, for a restraining order, a preliminary or permanent injunction, or such other order as may be appropriate to implement the twenty-sixth amendment to the Constitution of the United States”.

SEC. 10. PREVENTIVE RELIEF.

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

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

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

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

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

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

“(III) a violation of this Act; or

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

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

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

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

“(III) a violation of this Act; or

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

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

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

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

SEC. 11. RELIEF FOR VIOLATIONS OF VOTING RIGHTS LAWS.

(a) In General.—

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

(A) any act or practice—

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

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

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

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

(3) ATTORNEY’S FEES.—Section 722(b) of the
Revised Statutes (42 U.S.C. 1988(b)) is amended by
inserting “a provision described in section 2(a) of
the John R. Lewis Voting Rights Advancement Act
of 2021,” after “title VI of the Civil Rights Act of
1964,”.
(b) GROUNDS FOR EQUITABLE RELIEF.—In any action for equitable relief pursuant to a law listed under subsection (a), proximity of the action to an election shall not be a valid reason to deny such relief, or stay the operation of or vacate the issuance of such relief, unless the party opposing the issuance or continued operation of relief meets the burden of proving by clear and convincing evidence that the issuance of the relief would be so close in time to the election as to cause irreparable harm to the public interest or that compliance with such relief would impose serious burdens on the party opposing relief.

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

(2) PRESUMPTIVE SAFE HARBOR.—Where equitable relief is sought either within 30 days of the adoption or reasonable public notice of the challenged policy or practice, or more than 45 days before the date of an election to which the relief being sought will apply, proximity to the election will be
presumed not to constitute a harm to the public interest or a burden on the party opposing relief.

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

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

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

SEC. 12. ENFORCEMENT OF VOTING RIGHTS BY ATTORNEY
GENERAL.

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

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

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

“(A) the production of such documentary
material for inspection and copying;
“(B) answers in writing to written ques-
tions with respect to such documentary mate-
rial; or

“(C) both.

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

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

“(B) No requirement for production.—Any demand issued under paragraph (1) may not require the production of any documentary material or the submission of any answers in writing to written questions if such material or answers would be protected from disclosure under the standards applicable to discovery requests under the Federal Rules of Civil Procedure in an action in which the Attorney General or the United States is a party.

“(C) Documentary material.—If the demand issued under paragraph (1) requires the production of documentary material, it shall—

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

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

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

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

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

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

“(3) Responses to an attorney general
demand.—A State or political subdivision, or other
governmental representative or agent, must, with re-
spect to any documentary material or any answer in
writing produced under this subsection, provide a
sworn certificate, in such form as the demand issued
under paragraph (1) designates, by a person having
knowledge of the facts and circumstances relating to
such production or written answer, authorized to act
on behalf of the State or political subdivision, or
other governmental representative or agent, upon
which the demand was served. The certificate—

“(A) shall state that—

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

“(ii) that with respect to every answer
in writing to a written question, all infor-
mation required by the question and in the
possession, custody, control, or knowledge
of the State or political subdivision, or
other governmental representative or
agent, has been submitted; or

“(iii) both; or

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

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

“(4) JUDICIAL PROCEEDINGS.—

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

“(B) PETITION TO MODIFY.—

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

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

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

SEC. 13. DEFINITIONS.

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

“SEC. 21. DEFINITIONS.

“In this Act:

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

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

“(A) any Indian country of an Indian
tribe, as such term is defined in section 1151
of title 18, United States Code;
“(B) any land in Alaska that is owned, pursuant to the Alaska Native Claims Settlement Act, by an Indian tribe that is a Native village (as such term is defined in section 3 of such Act), or by a Village Corporation that is associated with the Indian tribe (as such term is defined in section 3 of such Act);

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

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

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

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

“(5) VOTING-AGE POPULATION.—The term ‘voting-age population’ means the numerical size of
the population within a State, within a political sub-

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

SEC. 14. ATTORNEYS’ FEES.

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

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

SEC. 15. OTHER TECHNICAL AND CONFORMING AMEND-
MENTS.

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

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

(b) Clarification of Treatment of Members of Language Minority Groups.—Section 4(f) of such Act (52 U.S.C. 10303(f)) is amended—

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

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

(c) Period During Which Changes in Voting Practices Are Subject to Preclearance Under Section 5.—Section 5 of such Act (52 U.S.C. 10304) is amended—

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

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

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

“(e) The term ‘applicable date of coverage’ means, with respect to a State or political subdivision—
“(1) June 25, 2013, if the most recent determination for such State or subdivision under section 4(b) was made on or before December 31, 2021; or
“(2) the date on which the most recent determination for such State or subdivision under section 4(b) was made, if such determination was made after December 31, 2021.”.

SEC. 16. SEVERABILITY.

If any provision of this Act or any amendment made by this Act, or the application of such a provision or amendment to any person or circumstance, is held to be unconstitutional or is otherwise enjoined or unenforceable, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, and any remaining provision of the Voting Rights Act of 1965, shall not be affected by the holding.

SEC. 17. GRANTS TO ASSIST WITH NOTICE REQUIREMENTS UNDER THE VOTING RIGHTS ACT OF 1965.

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

(b) APPLICATION.—To be eligible for a grant under this section, a small jurisdiction shall submit an application to the Attorney General in such form and containing such information as the Attorney General may require regarding the compliance of such small jurisdiction with the provisions of the Voting Rights Act of 1965.

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

Passed the House of Representatives August 24, 2021.

Attest:

Clerk.
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.

117TH CONGRESS
1ST SESSION
H. R. 4