

EXPANDING THE VOLUNTARY OPPORTUNITIES FOR TRANSLATIONS IN ELECTIONS ACT

DECEMBER 21, 2022.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. NADLER, from the Committee on the Judiciary,
submitted the following

REPOR T

together with

MINORITY VIEWS

[To accompany H.R. 8770]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 8770) to modify certain notice requirements, to study certain election requirements, to clarify certain election requirements, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all that follows after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Expanding the Voluntary Opportunities for Translations in Elections Act” or the “Expanding the VOTE Act”.

SEC. 2. LANGUAGE MINORITY NOTICE REQUIREMENTS.

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

- (1) by redesignating subsection (e) as subsection (g); and
- (2) by inserting after subsection (d) the following new subsections:

“(e) RESPONSIBILITY OF STATES PROVIDING VOTING MATERIALS IN COVERED POLITICAL SUBDIVISIONS.—The prohibition under subsection (b) shall apply to any State that provides voting materials to a political subdivision subject to such prohibition.

“(f) NOTICE.—The Attorney General shall submit a notice of the prohibition of subsection (b), and the threshold at which such prohibition applies, to each State or political subdivision that is—

- “(1) below the threshold requirement under subclause (II) of subsection (b)(2)(A)(i) by not more than 1,000; or
- “(2) below the threshold requirement under subclause (I) or (III) of subsection (b)(2)(A)(i) by not more than 0.5 percent.”.

SEC. 3. PROVISIONS RELATED TO AMERICAN INDIAN AND ALASKA NATIVE LANGUAGES.

Section 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503), as amended by section 2, is further amended—

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

“(c) PROVISION OF VOTING MATERIALS IN THE LANGUAGE OF A MINORITY GROUP.—

“(1) IN GENERAL.—Subject to paragraph (2), whenever any State or political subdivision subject to the prohibition of subsection (b) provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language.

“(2) EXCEPTIONS.—

“(A) WHEN WRITTEN AMERICAN INDIAN AND ALASKA NATIVE TRANSLATIONS FOR VOTERS ARE NOT REQUIRED.—In the case of a minority group that is American Indian or Alaska Native, if the Tribal government of that minority group has notified the Attorney General that the language is unwritten or the Tribal government does not want a written translation, a State or political subdivision subject to the prohibition of subsection (b) shall only be required to furnish that minority group, in the covered language, oral instructions, assistance, translation of voting materials, and other information relating to registration and voting.

“(B) OTHER MINORITY GROUPS WITH UNWRITTEN LANGUAGE.—In the case of a minority group that is not American Indian or Alaska Native, if the language of that minority group is unwritten, a State or political subdivision subject to the prohibition of subsection (b) shall only be required to furnish that minority group, in the covered language, oral instructions, assistance, translation of voting materials, and other information relating to registration and voting.

“(3) WRITTEN TRANSLATIONS FOR ELECTION WORKERS.—Notwithstanding paragraph (2), a State or political division subject to the prohibition of subsection (b) shall provide written translations of all voting materials, with the consent of any applicable Tribal government, to election workers to ensure that the translations from English to the language of a minority group are complete, accurate, and uniform.

“(4) TRIBAL GOVERNMENT DEFINED.—In this subsection, the term ‘Tribal government’ means the recognized governing body of any Indian or Alaska Native Tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of the Expanding the VOTE Act pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).”.

SEC. 4. GRANTS TO JURISDICTIONS TO INCENTIVIZE THE PROVISION OF VOTING MATERIALS IN LANGUAGES NOT TRIGGERING SECTION 203 COVERAGE IN APPLYING JURISDICTION.

- (a) AVAILABILITY OF GRANTS.—

(1) IN GENERAL.—The Election Assistance Commission (in this section, referred to as the “Commission”) shall make incentive grants under subsection (b) to States and political subdivisions to assist the States and political subdivisions in providing voting materials during an election cycle in the language of a covered language minority group.

(2) APPLICATION REQUIRED.—In order to receive a grant under this section, a State or political subdivision shall submit to the Commission, at such time and in such form as the Commission may require, an application containing such information and assurances as the Commission may require, such as a plan for the State or political subdivision to engage stakeholders with a demonstrated experience of serving the relevant covered language minority group.

(b) INCENTIVE GRANTS.—

(1) USE OF FUNDS.—The Commission shall make an incentive grant under this subsection to a State or political subdivision to cover the reasonable costs incurred by the State or political subdivision in providing voting materials in the language of a covered language minority group for an election cycle.

(2) CONTINUATION OF PROVISION OF MATERIALS FOR GROUPS IN SUCCEEDING ELECTION CYCLES.—If a State or political subdivision receives an incentive grant with respect to a covered language minority group for an election cycle, the State or political subdivision will certify to the Commission that the State or political subdivision will continue to provide voting materials in the language of that covered language minority group for each succeeding election cycle unless the population of the group during the succeeding cycle has dropped by 0.5 percent or more from the population of the group during the first election cycle for which the State or political subdivision received an incentive grant with respect to the group.

(3) PROHIBITING MULTIPLE GRANTS FOR SAME LANGUAGE MINORITY GROUP.—If a State or political subdivision receives an incentive grant with respect to a covered language minority group, the State or subdivision may not receive another incentive grant with respect to that same covered language minority group.

(c) DEFINITIONS.—In this section—

(1) the term “covered language minority group”—

(A) means, with respect to a State or political subdivision, the members of a single language minority who do not meet the requirements of clause (i) or (ii) of section 203(b)(2)(A) of the Voting Rights Act of 1965 (52 U.S.C. 10503(b)(2)(A)); and

(B) includes the language minorities described in section 203(g) of such Act (52 U.S.C. 10503(g)) and any other language minority;

(2) the term “election cycle” means the period which begins on the day after the date of a regularly scheduled general election for Federal office and which ends on the date of the next regularly scheduled general election for Federal office;

(3) the term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands; and

(4) the term “voting materials” has the meaning given under section 203(b)(3)(A) of the Voting Rights Act of 1965 (52 U.S.C. 10503(b)(3)(A)).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$15,000,000, to remain available until expended.

SEC. 5. STUDY ON CERTAIN LANGUAGE MINORITY NOTICE REQUIREMENTS.

(a) IN GENERAL.—The Comptroller General of the United States, in consultation with the Director of the Census, the Attorney General, and the Election Assistance Commission, shall conduct a study on the impact of—

(1) reducing the threshold requirement—

(A) under subclause (II) of section 203(b)(2)(A)(i) of the Voting Rights Act of 1965 (52 U.S.C. 10503(b)(2)(A)(i)) to 7,500 and 5,000, respectively; and

(B) under subclause (I) or (III) of section 203(b)(2)(A)(i) of the Voting Rights Act of 1965 (52 U.S.C. 10503(b)(2)(A)(i)) to 4 percent, 3 percent, 2.5 percent, and 2 percent, respectively; and

(2) expanding the definition of the term “language minorities” to include native speakers of Arabic, French and Haitian Creole, and any other language that the Comptroller General determines to be appropriate.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the findings of the study conducted under subsection (a).

Purpose and Summary

H.R. 8770, the “Expanding the Voluntary Opportunities for Translations in Elections Act” or the “Expanding the VOTE Act,” introduced by Rep. Nikema Williams (D-GA), would amend Section 203 of the Voting Rights Act of 1965 (“VRA” or “Voting Rights Act” or “Act”) (52 U.S.C. 10503) to expand voting access for individuals with limited English-language proficiency.

Background and Need for the Legislation

A. BACKGROUND

i. Overview of Section 203 of the Voting Rights Act

Congress enacted the Voting Rights Act of 1965 against the backdrop of violence and intolerance against African Americans in the South who sought to exercise their constitutional right to vote.¹ The VRA was specifically created to eliminate discrimination in, and barriers to, voting for African Americans.² However, during the Act’s reauthorization in 1975, Congress “recognized that certain minority citizens who did not speak English proficiently and who had experienced historical discrimination were also being systematically disenfranchised.”³ Congress determined that the disenfranchisement of such minority citizens directly stemmed from state and local officials’ failure to provide equal educational opportunities, thus resulting in “high illiteracy and low voting participation,” and from the lack of adequate bilingual assistance at voting polls.⁴

In response, Congress enacted section 203 of the VRA under the enforcement sections of the Fourteenth and Fifteenth Amendments to remedy depressed voter participation among language minorities.⁵ In so doing, Congress sought to remove language barriers to voting and to ensure that every American, regardless of their English proficiency, had a full and meaningful opportunity to participate in the electoral process.⁶

a. Determining Coverage Under Section 203

A state or political subdivision subject to section 203 is prohibited from providing English-only “voting materials” in any election.⁷ The Director of the Census Bureau determines which jurisdictions are subject to section 203 based on a coverage formula that is updated every five years in accordance with the most current

¹ Terry M. Ao, When The Voting Rights Act Became Un-American: The Misguided Vilification of Section 203, 58 Ala. L. Rev. 377, 379 (2006).

²Id.

³Id.

⁴ S. Rep. No. 94-295 at 28, reprinted in 1975 U.S.C.C.A.N. at 794; see also 42 U.S.C. § 1973aa-1a(a) (“The Congress finds that, through the use of various practices and procedures, citizens of language minorities have been effectively excluded from participation in the electoral process. Among other factors, the denial of the right to vote of such minority citizens is ordinarily directly related to the unequal educational opportunities afforded them, resulting in high illiteracy, and low voting participation. The Congress declares that, in order to enforce the guarantees of the fourteenth and fifteenth amendments to the United States Constitution, it is necessary to eliminate such discrimination by prohibiting these practices, and by prescribing other remedial devices.”).

⁵ 42 U.S.C. § 1973aa-1a(a).

⁶ See James Thomas Tucker, Enfranchising Language Minority Citizens: The Bilingual Election Provisions of the *Voting Rights Act*, 10 N.Y.U. J. Legis. & Pub. Pol'y 195 (2006).

⁷ 42 U.S.C. § 1973aa-1a(b)(3)(A) (defining “voting materials”), see 42 U.S.C. § 1973aa-1a(b)(1); see also 42 U.S.C. § 19731(c)(1) (describing types of elections covered by Section 203); 28 C.F.R. § 55.10 (2006) (same).

American Community Survey (ACS) Census data.⁸ The Director's determinations are not reviewable in court and take effect upon publication in the Federal Register.⁹

Under the coverage formula, two criteria must be satisfied before section 203 is triggered in a given state or political subdivision. First, limited English proficient (LEP) citizens of voting-age in a single protected language group must: (a) number more than 10,000 people; (b) comprise more than five percent of all voting-age citizens; or (c) comprise more than five percent of all American Indian or Alaskan Native voting-age citizens of a single language group residing on an Indian reservation.¹⁰ An individual is considered LEP if he or she is "unable to speak or understand English adequately enough to participate in the electoral process."¹¹ Second, the illiteracy rate of the voting-age citizens of the LEP group satisfying the population threshold must exceed the national illiteracy rate.¹²

b. Requirements for Covered Jurisdictions Under Section 203

Unlike other sections of the VRA, which prohibit conduct,¹³ section 203 establishes affirmative duties. Covered jurisdictions are required to provide "any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots" in written translations of the covered language if such materials are provided in English.¹⁴ Importantly, section 203 does not mandate that voting materials "be provided in the written language of all the language minorities and sub-groups that triggered coverage."¹⁵ Instead, the covered jurisdiction need only furnish written language materials or oral assistance based upon the actual needs of the relevant language minority groups or sub-groups.¹⁶ If, for example, the covered language is oral or unwritten, then the covered jurisdiction "is only required to furnish oral instructions, assistance, or other information relating to registration and voting."¹⁷ Ultimately, the jurisdiction conducting the election is responsible for deciding the specific materials to be provided in a minority language. Additionally, covered jurisdictions must provide "language assistance at polling places where it is needed on Election Day."¹⁸

⁸ 42 U.S.C. § 1973aa–1a(b)(2)(A).

⁹ See 52 U.S.C. § 10503(b)(4).

¹⁰ See 42 U.S.C. § 1973aa–1a(b)(2)(A)(i).

¹¹ 42 U.S.C. § 1973aa–1a(b)(3)(B).

¹² § 1973aa–1a(b)(2)(A)(ii). "Illiteracy" means "the failure to complete the 5th primary grade." 42 U.S.C. § 1973aa–1a(b)(3)(E).

¹³ 42 U.S.C. § 1973(a) (Section 2 of the VRA prohibits any voting practice that results in a denial or abridgment of the right . . . to vote on account of race or color").

¹⁴ 42 U.S.C. § 1973aa–1a(c).

¹⁵ James Thomas Tucker, Enfranchising Language Minority Citizens: The Bilingual Election Provisions of the Voting Rights Act, 10 N.Y.U. J. Legis. & Pub. Pol'y 195, 217 (2006).

¹⁶ See 28 C.F.R. § 55.19(a) (2006).

¹⁷ 42 U.S.C. § 1973aa–1a(c). ("[W]here the language of the applicable minority group is oral or unwritten or in the case of Alaskan natives and American Indians, if the predominant language is historically unwritten, the State or political subdivision is only required to furnish oral instructions, assistance, or other information relating to registration and voting.").

¹⁸ James Tucker, The Battle Over "Bilingual Ballots Shifts to the Courts: A Post-Boerne Assessment of Section 203 of the Voting Rights Act, 45 Harv. J. on Legis. 508, 509 (2008), See 42 U.S.C. § 1973aa–1a(c) (2000); 28 C.F.R. § 55.20 (2007).

ii. Jurisdictions Covered Under Section 203

Section 203 applies only to Spanish-Hispanic, Alaska Native, Native American, and Asian-American languages.¹⁹ On December 8, 2021, the Acting Director of the U.S. Census Bureau issued the most recent notice of determination identifying jurisdictions subject to section 203's bilingual election requirements.²⁰ The determinations relied upon data from the 2015–2019 ACS 5-year estimates.²¹

a. Number of Section 203 Jurisdictions²²

A total of 331 political subdivisions—an increase of 68 jurisdictions from the 2016 determination—are now covered by section 203, with 19 states having more covered political subdivisions than in 2016.²³ Coverage was also extended to political subdivisions in Minnesota and Ohio.²⁴ The number of states covered in whole or in part by section 203 increased from 29 to 30 states, with all previous states from the 2016 determination continuing to be covered, except for Iowa.²⁵ Three states—California, Florida, and Texas for Spanish—continue to be covered in their entirety.²⁶ Los Angeles County, California, continues to be required to provide assistance in six languages,²⁷ the most out of any political subdivision or state.²⁸

¹⁹ See Voting Rights Act Amendments of 2006, *Determinations Under Section 203*, 86 Fed. Reg. 69,611 (Dec. 8, 2021) (to be codified at 28 C.F.R. pt. 55).

²⁰ *Id.*

²¹ United States Census Bureau, *Census Bureau Releases 2021 Determinations for Section 203 of the Voting Rights Act* (Dec. 8, 2021), <https://www.census.gov/newsroom/press-releases/2021/section-203-voting-rights-act.html>.

²² “Where a political subdivision (e.g., a county) is determined to be subject to the language assistance provisions of the Voting Rights Act, ‘all political units that hold elections within that political subdivision (e.g., cities, school districts) are subject to the same requirements as the political subdivision.’ 28 C.F.R. § 55.9. Therefore, the number of jurisdictions covered by Section 203 does not include the total number of jurisdictions that must provide language assistance in voting. The actual number of ‘political units’ covered by Section 203 is likely many times greater.” See Lawyers’ Committee for Civil Rights Under Law, et al., *Voting Rights Act News Alert: Acting Census Director Identifies Jurisdictions that Must Provide Language Assistance under Section 203 of Voting Rights Act* (Dec. 8, 2021), https://www.lawyerscommittee.org/wp-content/uploads/2021/12/Section-203-coverage-determinations_Dec-2021_Draft_1245-pm-PT-LCJ.pdf.

²³ United States Census Bureau, *Census Bureau Releases 2021 Determinations for Section 203 of the Voting Rights Act* (Dec. 8, 2021), <https://www.census.gov/newsroom/press-releases/2021/section-203-voting-rights-act.html>. “The 331 covered jurisdictions make up 4.1% of the 2,920 counties and 5,120 minor civil divisions that constitute the political subdivisions in the United States that were calculated for the Section 203 determinations.” *Id.*

²⁴ *Id.*

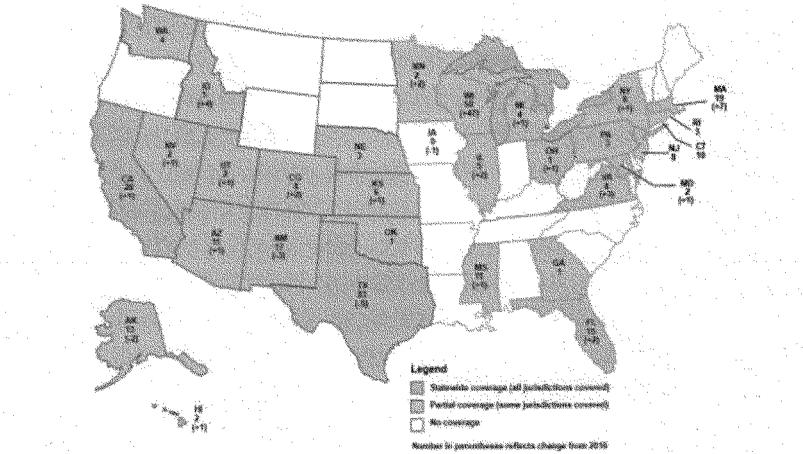
²⁵ *Id.*

²⁶ Lawyers’ Committee For Civil Rights Under Law, et al., *Voting Rights Act News Alert: Acting Census Director Identifies Jurisdictions that Must Provide Language Assistance under Section 203 of Voting Rights Act* (Dec. 8, 2021), https://www.lawyerscommittee.org/wp-content/uploads/2021/12/Section-203-coverage-determinations_Dec-2021_Draft_1245-pm-PT-LCJ.pdf.

²⁷ These languages include Cambodian, Chinese, Filipino, Korean, Spanish, and Vietnamese. *Id.*

²⁸ *Id.*

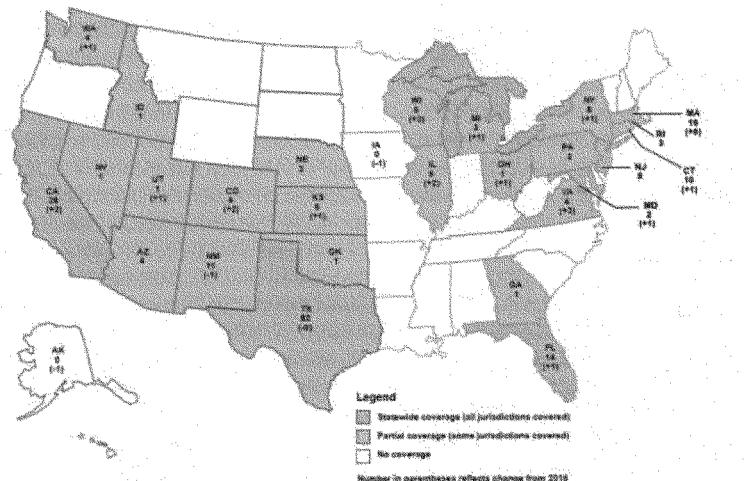
Number of County-Level Jurisdictions Covered under Section 203, by State, in the December 2021 Determinations²⁹



b. Jurisdictions Covered for Spanish under Section 203

California, Florida, and Texas must provide Spanish language assistance statewide. 232 political subdivisions in 26 states are also required to provide Spanish language assistance.³⁰ Coverage for Spanish was extended to one new jurisdiction—Cuyahoga County, Ohio—and restored in another—namely, Salt Lake County, Utah. Spanish coverage was rescinded in two states: Alaska and Iowa, each of which had just one county-equivalent jurisdiction covered under the 2016 determinations.³¹

Number of County-Level Jurisdictions Covered under Section 203 for Spanish by State, in the December 2021 Determinations³²



²⁹*Id.*

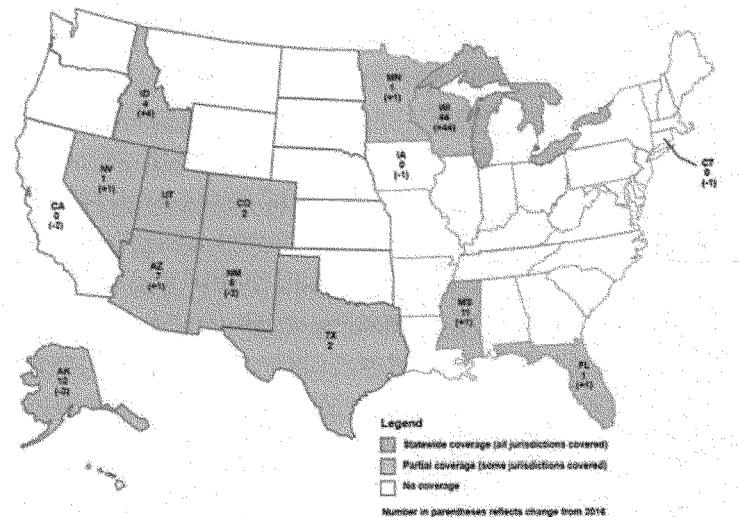
³⁰*Id.*

³¹*Id.*

c. Jurisdictions Covered for Alaska Native and American Indian Languages

Alaska Native language assistance must be provided in 12 political subdivisions of Alaska.³³ American Indian language assistance must be provided in 94 political subdivisions in 12 states.³⁴ Coverage for American Indian languages was removed in California, Connecticut and Iowa, but added to five new states: Florida, Idaho, Minnesota, Nevada and Wisconsin. Wisconsin had the largest increase, adding 44 American Indian reservations.³⁵

Jurisdictions Covered under Section 203 for American Indian and Alaska Native Languages by State, in the December 2021 Determinations³⁶



d. Jurisdictions Covered for Asian Languages

Asian language assistance must be provided in 32 political subdivisions in 14 states.³⁷ No states experienced a decrease in Asian

³²Id.

³³Id.

³⁴Id.

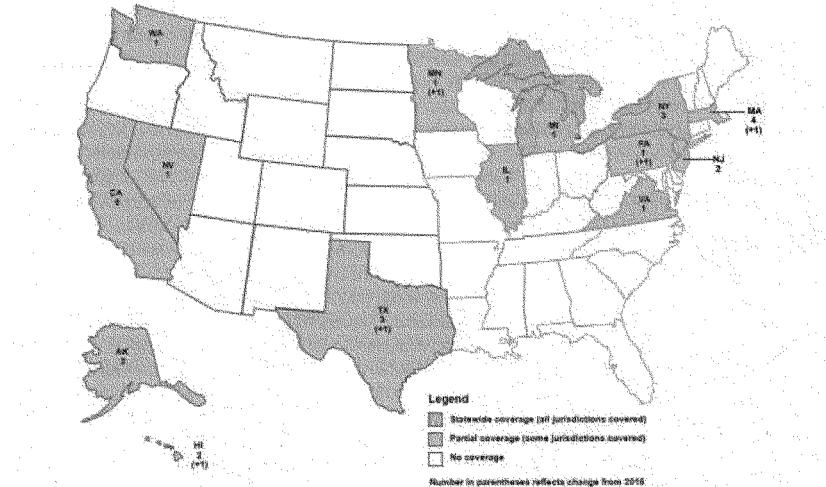
³⁵Id.

³⁶Id.

³⁷Id.

language coverage.³⁸ The 2021 determinations resulted in increased coverage for Chinese, Vietnamese, Filipino, Bengali, and Hmong.³⁹ Coverage for Korean, Asian Indian, and Cambodian did not change from 2016.⁴⁰

Number of County-Level Jurisdictions Covered under Section 203 for Asian Languages by State, in the December 2021 Determinations⁴¹



Language	Political Subdivision Covered	Affected States
Chinese	19	CA, HI, IL, MA, NY, PA, TX, WA
Vietnamese	12	CA, MA, TX, VA, WA
Filipino	10	AK, CA, HI, NV
Korean	4	CA, NJ, NY
Asian Indian (Including Sikh)	3	IL, NJ, NY
Bangladeshi	2	MI, NY
Cambodian	2	CA, MA
Hmong	1	MN

iii. Enforcement of Section 203

The Department of Justice (DOJ) “notifies each jurisdiction that it is covered under section 203, and also reaches out to the [relevant language] minority communities to” notify them of the law.⁴² The DOJ also “provide[s] information to covered jurisdictions and answers questions about compliance plans.”⁴³

The DOJ is primarily responsible for enforcing section 203’s substantive requirements, although private litigants—typically civil rights organizations—can bring claims.⁴⁴ Litigation under section 203 relates to a failure to provide election materials for language minorities, or a failure to provide access to oral language assistance. To succeed in a section 203 lawsuit, the DOJ or a private plaintiff must present “detailed and widespread evidence” of viola-

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² Department of Justice, *Language Minority Citizens: Section 203 of the Voting Rights Act* (March 11, 2020), <https://www.justice.gov/crt/language-minority-citizens>.

⁴³ *Id.*

⁴⁴ See 28 C.F.R. §§ 55.2(b), 55.23(a) (2014).

tions “reported by location (e.g., neighborhood, county), poll site and election.”⁴⁵

B. NEED FOR LEGISLATION⁴⁶

Unfortunately, there is widespread non-compliance with section 203 in numerous states and localities. According to a study conducted by Professors James Tucker and Rodolfo Espino, “in nearly all section 203 covered jurisdictions, public officials considerably underestimate how many actual voters need language assistance, and as a result, many jurisdictions which are covered, do not end up providing the full range of language assistance.”⁴⁷ For instance, they found that “among places where Spanish language assistance was required, only 68.5% of jurisdictions fully complied and provided full Spanish language assistance, leaving 31.5% to provide limited, or no language assistance at all, even though they were covered by Section 203.”⁴⁸ Enforcement actions have, however, proven to dramatically increase LEP voters’ political participation after the DOJ initiates litigation and the covered jurisdiction enters into a consent decree. For example, “a string of DOJ section 203 enforcement actions in the early 2000s contributed to an increase of registered Latino voters from 7.6 million to 9.3 million between 2000 and 2004.”⁴⁹

H.R. 8770 would further address section 203’s compliance gap by clarifying existing requirements and building upon section 203 in expanding access to the ballot box by: (1) empowering local governments with the resources they need to serve their language minority constituents; (2) incentivizing non-section 203 jurisdictions to provide language assistance; (3) increasing accessibility for LEP voters; (4) requiring the DOJ to provide proactive notification to those jurisdictions that are on the cusp of triggering section 203’s requirements, and (4) respecting Native American culture and promoting Tribal sovereignty.

Hearings

For the purposes of clause 3(c)(6)(A) of House rule XIII, the following hearing was used to develop H.R. 8770: “Oversight of the Voting Rights Act: The Evolving Landscape of Voting Discrimination,” held on April 22, 2021, before the Subcommittee on the Con-

⁴⁵ Glenn D. Magpantay, Two Steps Forward, One Step Back, and a Side Step: Asian Americans and the Federal Help America Vote Act, 10 Asian Pac. Am. L.J. 31, 39 n.73 (2005).

⁴⁶ During the markup of H.R. 8770, the Committee rejected an amendment offered by Rep. Tom McClintock (R-CA). The amendment appears to have been based on the flawed premise that the bill could allow non-citizens to vote. As Rep. Sheila Jackson Lee (D-TX) noted in opposing the amendment, federal law already prohibits non-citizens from voting in federal elections, and states generally have the right to make their own rules regarding state and local elections. Although some Members have claimed that Democrats support allowing non-citizens to vote in federal elections (see, e.g. <https://archive.ph/A01eZ>), PolitiFact has rated that claim to be “False.” See Amy Sherman, *Instagram post wrongly says House Democrats voted to support noncitizen voting*, PolitiFact, Sept. 27, 2022, available at <https://www.politifact.com/factchecks/2022/sep/27/instagram-posts/instagram-post-wrongly-says-house-democrats-voted/>.

⁴⁷ *Voting in America: The Potential for Voter ID Laws, Proof-of-Citizenship Laws, and Lack of Access to Multi-Lingual Voting Materials to Interfere with Free and Fair Access to the Ballot: Hearing Before the Subcomm. on Elections*, 117th Cong. (2021), written testimony of Dr. Matt Barreto at 10.

⁴⁸ *Id.* at 9.

⁴⁹ Matthew Higgins, Language Accommodations and Section 203 of the Voting Rights Act: Reporting Requirements As A Potential Solution to the Compliance Gap, 67 Stan. L. Rev. 917, 937 (2015).

stitution, Civil Rights, and Civil Liberties. The Subcommittee heard testimony from the following witnesses:

- The Honorable Julián Castro, Former United States Secretary of Housing and Urban Development;
- Rev. Dr. William J. Barber II, President, Repairers of the Breach;
- Ms. Jacqueline De León, Staff Attorney, Native American Rights Fund; and
- The Honorable Mark Robinson, Lieutenant Governor of North Carolina.

The hearing addressed, among other areas, the challenges minority communities continue to face when seeking to exercise their constitutional right to vote, and the importance of protections for language minorities under section 203 of the VRA.

Committee Consideration

On September 21, 2022, the Judiciary Committee met in open session and ordered the bill, H.R. 8770, favorably reported with an amendment in the nature of a substitute, by a rollcall vote of 22 to 11, a quorum being present.

Committee Votes

In compliance with clause 3(b) of House rule XIII, the following rollcall votes occurred during the Committee's consideration of H.R. 8770:

1. An amendment by Mr. McClinton of California to prohibit H.R. 8770 from being "construed to permit any noncitizen to vote in a Federal election or to encourage or require a State or political subdivision to permit any noncitizen to vote in a State or local election" was defeated by a rollcall vote of 12 to 21. The vote was as follows:

Roll Call No. 5

Date: 9/21/22

COMMITTEE ON THE JUDICIARY

*House of Representatives
117th Congress*

Amendment # 1 (Am) to HR 8770 offered by Rep. McCLINTOCK

PASSED
 FAILED

	AYES	NOS	PRES.
Jerrold Nadler (NY-10)	✓		
Zoe Lofgren (CA-19)	✓		
Sheila Jackson Lee (TX-18)	✓		
Steve Cohen (TN-09)	✓		
Hank Johnson (GA-04)	✓		
Ted Deutch (FL-22)			
Karen Bass (CA-37)			
Hakeem Jeffries (NY-08)	✓		
David Cicilline (RI-01)	✓		
Eric Swalwell (CA-15)	✓		
Ted Lieu (CA-33)	✓		
Jamie Raskin (MD-08)	✓		
Pramila Jayapal (WA-07)	✓		
Val Demings (FL-10)	✓		
Lou Correa (CA-46)	✓		
Mary Gay Scanlon (PA-05)	✓		
Sylvia Garcia (TX-29)	✓		
Joseph Neguse (CO-02)			
Lucy McBath (GA-06)	✓		
Greg Stanton (AZ-09)	✓		
Madeleine Dean (PA-04)	✓		
Veronica Escobar (TX-16)	✓		
Mondaire Jones (NY-17)	✓		
Deborah Ross (NC-02)	✓		
Cori Bush (MO-01)			
Jim Jordan (OH-04)	✓		
Steve Chabot (OH-01)	✓		
Louie Gohmert (TX-01)			
Darrell Issa (CA-50)			
Ken Buck (CO-04)	✓		
Matt Gaetz (FL-01)	✓		
Mike Johnson (LA-04)			
Andy Biggs (AZ-05)	✓		
Tom Mc Clintock (CA-04)	✓		
Greg Steube (FL-17)	✓		
Tom Tiffany (WI-07)	✓		
Thomas Massie (KY-04)			
Chip Roy (TX-21)			
Dan Bishop (NC-09)	✓		
Michelle Fischbach (MN-07)	✓		
Victoria Spartz (IN-05)			
Scott Fitzgerald (WI-05)	✓		
Cliff Bentz (OR-02)			
Burgess Owens (UT-04)	✓		
TOTAL	12	21	

2. The motion to report H.R. 8770, as amended, favorably was agreed to by a rollcall vote of 22 to 11. The vote was as follows:

Roll Call No. 6

Date: 9/21/22

COMMITTEE ON THE JUDICIARY

*House of Representatives*117th CongressFinal Passage on: HR 8770

PASSED
 FAILED

	AYES	NOS	PRES.
Jerrold Nadler (NY-10)	✓		
Zoe Lofgren (CA-19)	✓		
Sheila Jackson Lee (TX-18)	✓		
Steve Cohen (TN-09)	✓		
Hank Johnson (GA-04)			
Ted Deutch (FL-22)			
Karen Bass (CA-37)			
Hakeem Jeffries (NY-08)			
David Cicilline (RI-01)	✓		
Eric Swalwell (CA-15)	✓		
Ted Lieu (CA-33)	✓		
Jamie Raskin (MD-08)	✓		
Pramila Jayapal (WA-07)	✓		
Val Demings (FL-10)	✓		
Lou Correa (CA-46)	✓		
Mary Gay Scanlon (PA-05)	✓		
Sylvia Garcia (TX-29)	✓		
Joseph Neguse (CO-02)	✓		
Lucy McBath (GA-06)	✓		
Greg Stanton (AZ-09)	✓		
Madeleine Dean (PA-04)	✓		
Veronica Escobar (TX-16)	✓		
Mondaire Jones (NY-17)	✓		
Deborah Ross (NC-02)	✓		
Cori Bush (MO-01)	✓		
	AYES	NOS	PRES.
Jim Jordan (OH-04)		✓	
Steve Chabot (OH-01)	✓		
Louie Gohmert (TX-01)			
Darrell Issa (CA-50)			
Ken Buck (CO-04)	✓		
Matt Gaetz (FL-01)	✓		
Mike Johnson (LA-04)	✓		
Andy Biggs (AZ-05)	✓		
Tom McClintock (CA-04)	✓		
Greg Steube (FL-17)	✓		
Tom Tiffany (WI-07)	✓		
Thomas Massie (KY-04)			
Chip Roy (TX-21)			
Dan Bishop (NC-09)		✓	
Michelle Fischbach (MN-07)		✓	
Victoria Spartz (IN-05)			
Scott Fitzgerald (WI-05)			
Cliff Bentz (OR-02)			
Burgess Owens (UT-04)		✓	
TOTAL	77	11	

Committee Oversight Findings

In compliance with clause 3(c)(1) of House rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

Committee Estimate of Budgetary Effects

Pursuant to clause 3(d)(1) of House rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

New Budget Authority and Congressional Budget Office Cost Estimate

Pursuant to clause 3(c)(2) of House rule XIII and section 308(a) of the Congressional Budget Act of 1974, and pursuant to clause 3(c)(3) of House rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee sets forth, with respect to the bill, H.R. 8770, the following analysis and estimate prepared by the Director of the Congressional Budget Office:

ESTIMATED BUDGETARY EFFECTS AND MANDATES INFORMATION

Bill Number	Title	Status	Last Action	Budget Function	Direct Spending, 2023–2032	Revenues, 2023–2032	Spending Subject to Appropriation, 2023–2027	Pay-As-You-Go Procedures Apply?	Increases On-Budget Deficits Beginning in 2033?	Mandates	Contact
HR 8770	Expanding the VOTE Act	Ordered reported	09/21/22	800	0	0	Not estimated	No	No	Excluded from UMFRA	Matthew Pickford

H.R. 8770 would amend the Voting Rights Act to expand voting access for people with limited English proficiency, authorize grants to states to distribute translated voting materials, and require the Government Accountability Office to study the effect of providing translated voting materials in additional languages. CBO estimates that enacting H.R. 8770 would not affect direct spending or revenues. The bill would authorize the appropriation of \$15 million to carry out the grant program; other provisions of the bill would increase administrative costs not covered by that authorization. CBO has not estimated the full discretionary costs of implementing the bill. CBO has excluded sections 2 and 3 of H.R. 8770 from review under the Unfunded Mandates Reform Act because those sections would enforce the constitutional rights of individuals. Other provisions of the bill contain no intergovernmental or private-sector mandates.

Duplication of Federal Programs

Pursuant to clause 3(c)(5) of House rule XIII, no provision of H.R. 8770 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program.

Performance Goals and Objectives

The Committee states that pursuant to clause 3(c)(4) of House rule XIII, H.R. 8770 would expand voting access for individuals with limited English-language proficiency by amending section 203 of the VRA to support local governments' ability to address the needs of their constituents no matter their English proficiency.

Advisory on Earmarks

In accordance with clause 9 of House rule XXI, H.R. 8770 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of House Rule XXI.

Section-by-Section Analysis

Sec. 1. Short title. Section 1 sets forth the title of this bill, the "Expanding the Voluntary Opportunities for Translations in Election Act" or the "Expanding the VOTE Act."

Sec. 2. Language Minority Notice Requirements. Section 2 amends section 203 of the Voting Rights Act of 1965, 52 U.S.C. 10503, by redesignating subsection "(e) definitions" as new subsection (g) and inserting after subsection (d) the following new sections.

New subsection (e) requires states providing voting materials in covered political subdivisions to abide by the bilingual voting materials requirement of subsection (b) in section 203 of the Voting Rights Act of 1965, 52 U.S.C. 10503. As such, the requirement to translate voting materials in section 203(b) "appl[ies] to any State that provides voting materials to a political subdivision subject to such prohibition."

New subsection (f) requires the Attorney General to issue a notice of prohibition, including the trigger threshold at which such prohibition applies, to each State or political subdivision that has limited English proficient citizens of voting-age in a single protected language group below the 10,000 population threshold by not more than 1,000, or below the 5% population threshold of all voting-age citizens or of all American Indians or Alaskan Natives voting-age citizens of a single language group residing on an Indian reservation by not more than 0.5%.

Sec. 3. Provisions Related to American Indian and Alaska Native Languages. Section 3 amends subsection (b)(3)(C) of section 203 of the Voting Rights Act of 1965, 52 U.S.C. 10503, to clarify that the term "Indian reservation" is governed by the "most recent" decennial census by striking "1990" and inserting "most recent"; and by striking subsection (c) and inserting the following sections.

Section 3(c)(1) states that absent an exception identified in section 3(c)(2)(A), covered jurisdictions providing "any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots . . .

shall provide them in the language of the applicable minority group as well as in the English language.”

Section 3(c)(2)(A) creates exceptions for when written American Indian and Alaskan Native translations for voters are not required. If the Tribal government for the covered language group notifies the Attorney General that the language is unwritten or the Tribal government does not want a written translation, that covered jurisdiction is only required to furnish “oral instructions, assistance, translation of voting materials, or other information relating to registration and voting.”

Section 3(c)(2)(B) states that for any other minority groups—other than American Indian or Alaskan Natives—with unwritten languages, a covered state or political subdivision “shall only be required to furnish that minority group, in the covered language, oral instructions, assistance, translation of voting materials, and other information relating to registration and voting.”

Section 3(c)(3) mandates that a covered state or political subdivision, notwithstanding the exceptions in section 3(c)(2), provide written translations for election workers, with the consent of any applicable Tribal government, “to ensure that the translations from English to the language minority group are complete, accurate, and uniform.”

Section 3(c)(4) defines “Tribal government” as “the recognized governing body of any Indian or Alaska Native Tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of the Expanding the VOTE Act pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).”

Sec. 4. Grants to Jurisdictions to Incentivize the Provision of Voting Materials in Languages Not Triggering Section 203 Coverage in Applying Jurisdictions. Section 4 provides federal grants, administered by the U.S. Election Assistance Commission, to assist jurisdictions who want to voluntarily provide translations of election materials beyond the requirements of section 203. This section is under the jurisdiction of the Committee on House Administration.

Sec. 5. Study on Certain Language Minority Notice Requirements. Section 5(a) directs the Comptroller General of the United States, in consultation with the Director of the Census, the Attorney General, and the U.S. Election Assistance Commission, to conduct a study on the impact of reducing the threshold requirements for “covered” language minority groups under the population triggers in section 203 of the VRA as well as expanding that designation to encompass additional non-English languages. Section 5(b) requires the Comptroller General to submit the corresponding report to Congress no later than 1 year after the date of enactment of the Act.

Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

VOTING RIGHTS ACT OF 1965

* * * * *

TITLE II—SUPPLEMENTAL PROVISIONS

* * * * *

BILINGUAL ELECTION REQUIREMENTS

SEC. 203. (a) The Congress finds that, through the use of various practices and procedures, citizens of language minorities have been effectively excluded from participation in the electoral process. Among other factors, the denial of the right to vote of such minority group citizens is ordinarily directly related to the unequal educational opportunities afforded them, resulting in high illiteracy and low voting participation. The Congress declares that, in order to enforce the guarantees of the fourteenth and fifteenth amendments to the United States Constitution, it is necessary to eliminate such discrimination by prohibiting these practices, and by prescribing other remedial devices.

(b) **BILINGUAL VOTING MATERIALS REQUIREMENT.**—

(1) **GENERALLY.**—Before August 6, 2032, no covered State or political subdivision shall provide voting materials only in the English language.

(2) **COVERED STATES AND POLITICAL SUBDIVISIONS.**—

(A) **GENERALLY.**—A State or political subdivision is a covered State or political subdivision for the purposes of this subsection if the Director of the Census determines, based on the 2010 American Community Survey census data and subsequent American Community Survey data in 5-year increments, or comparable census data, that—

(i)(I) more than 5 percent of the citizens of voting age of such State or political subdivision are members of a single language minority and are limited-English proficient;

(II) more than 10,000 of the citizens of voting age of such political subdivision are members of a single language minority and are limited-English proficient; or

(III) in the case of a political subdivision that contains all or any part of an Indian reservation, more than 5 percent of the American Indian or Alaska Native citizens of voting age within the Indian reservation are members of a single language minority and are limited-English proficient; and

(ii) the illiteracy rate of the citizens in the language minority as a group is higher than the national illiteracy rate.

(B) **EXCEPTION.**—The prohibitions of this subsection do not apply in any political subdivision that has less than 5 percent voting age limited-English proficient citizens of each language minority which comprises over 5 percent of the statewide limited-English proficient population of voting age citizens, unless the political subdivision is a covered political subdivision independently from its State.

(3) **DEFINITIONS.**—As used in this section—

(A) the term "voting materials" means registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots;

(B) the term "limited-English proficient" means unable to speak or understand English adequately enough to participate in the electoral process;

(C) the term "Indian reservation" means any area that is an American Indian or Alaska Native area, as defined by the Census Bureau for the purposes of the [1990] *most recent* decennial census;

(D) the term "citizens" means citizens of the United States; and

(E) the term "illiteracy" means the failure to complete the 5th primary grade.

(4) SPECIAL RULE.—The determinations of the Director of the Census under this subsection shall be effective upon publication in the Federal Register and shall not be subject to review in any court.

I(c) Whenever any State or political subdivision subject to the prohibition of subsection (b) of this section provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language: *Provided*, That where the language of the applicable minority group is oral or unwritten or in the case of Alaskan natives and American Indians, if the predominant language is historically unwritten, the State or political subdivision is only required to furnish oral instructions, assistance, or other information relating to registration and voting.]

(c) *PROVISION OF VOTING MATERIALS IN THE LANGUAGE OF A MINORITY GROUP.*—

(1) *IN GENERAL.*—Subject to paragraph (2), whenever any State or political subdivision subject to the prohibition of subsection (b) provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language.

(2) *EXCEPTIONS.*—

(A) *WHEN WRITTEN AMERICAN INDIAN AND ALASKA NATIVE TRANSLATIONS FOR VOTERS ARE NOT REQUIRED.*—*In the case of a minority group that is American Indian or Alaska Native, if the Tribal government of that minority group has notified the Attorney General that the language is unwritten or the Tribal government does not want a written translation, a State or political subdivision subject to the prohibition of subsection (b) shall only be required to furnish that minority group, in the covered language, oral instructions, assistance, translation of voting materials, and other information relating to registration and voting.*

(B) *OTHER MINORITY GROUPS WITH UNWRITTEN LANGUAGE.*—*In the case of a minority group that is not American Indian or Alaska Native, if the language of that mi-*

nority group is unwritten, a State or political subdivision subject to the prohibition of subsection (b) shall only be required to furnish that minority group, in the covered language, oral instructions, assistance, translation of voting materials, and other information relating to registration and voting.

(3) *WRITTEN TRANSLATIONS FOR ELECTION WORKERS.*—*Notwithstanding paragraph (2), a State or political division subject to the prohibition of subsection (b) shall provide written translations of all voting materials, with the consent of any applicable Tribal government, to election workers to ensure that the translations from English to the language of a minority group are complete, accurate, and uniform.*

(4) *TRIBAL GOVERNMENT DEFINED.*—*In this subsection, the term “Tribal government” means the recognized governing body of any Indian or Alaska Native Tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of the Expanding the VOTE Act pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).*

(d) Any State or political subdivision subject to the prohibition of subsection (b) of this section, which seeks to provide English-only registration or voting materials or information, including ballots, may file an action against the United States in the United States District Court for a declaratory judgment permitting such provision. The court shall grant the requested relief if it determines that the illiteracy rate of the applicable language minority group within the State or political subdivision is equal to or less than the national illiteracy rate.

(e) *RESPONSIBILITY OF STATES PROVIDING VOTING MATERIALS IN COVERED POLITICAL SUBDIVISIONS.*—*The prohibition under subsection (b) shall apply to any State that provides voting materials to a political subdivision subject to such prohibition.*

(f) *NOTICE.*—*The Attorney General shall submit a notice of the prohibition of subsection (b), and the threshold at which such prohibition applies, to each State or political subdivision that is—*

(1) below the threshold requirement under subclause (II) of subsection (b)(2)(A)(i) by not more than 1,000; or

(2) below the threshold requirement under subclause (I) or (III) of subsection (b)(2)(A)(i) by not more than 0.5 percent.

[(e)] (g) For purposes of this section, the term “language minorities” or “language minority group” means persons who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage.

* * * * *

COMMITTEE CORRESPONDENCE

ZOE LOFGREN, CALIFORNIA
CHAIRPERSON

RODNEY DAVIS, ILLINOIS
RANKING MINORITY MEMBER

Congress of the United States**House of Representatives**

COMMITTEE ON HOUSE ADMINISTRATION
1309 Longworth House Office Building
Washington, D.C. 20515-6157
(202) 225-2061
<https://cha.house.gov>

December 20, 2022

The Honorable Jerrold Nadler
Chairman
Committee on the Judiciary
2138 Rayburn House Office Building
Washington, D.C. 20515

Dear Chair Nadler:

I am writing to you concerning H.R. 8770. There are certain provisions in the legislation which fall within the Rule X jurisdiction of the Committee on House Administration.

In the interest of permitting your committee to proceed expeditiously to floor consideration, the Committee on House Administration agrees to forego action on the bill. This is done with the understanding that the Committee on House Administration's jurisdictional interests over this and similar legislation are in no way diminished or altered. In addition, the Committee reserves its right to seek conferees on any provisions within its jurisdiction which are considered in a House-Senate conference and requests your support if such a request is made.

I would appreciate your response confirming this understanding with respect to H.R. 8770 and ask that a copy of our exchange of letters on this matter be included in your committee report on the bill and in the *Congressional Record* during consideration of the bill on the House floor.

Sincerely,

Zoe Lofgren
Chairperson

cc: The Honorable Nancy Pelosi, Speaker of the House
The Honorable Rodney Davis, Ranking Member, Committee on House Administration
The Honorable Jim Jordan, Ranking Member, Committee on the Judiciary
The Honorable Jason Smith, Parliamentarian

JERROLD NADLER, New York
CHAIRMAN

JIM JORDAN, Ohio
RANKING MEMBER

ONE HUNDRED SEVENTEENTH CONGRESS
Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

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December 21, 2022

The Honorable Zoe Lofgren
Chairwoman
Committee on House Administration
U.S. House of Representatives
1309 Longworth House Office Building
Washington, DC 20515

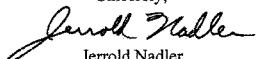
Dear Chairwoman Lofgren:

I am writing to you concerning H.R. 8770, the "Expanding the Voluntary Opportunities for Translations in Elections Act" or the "Expanding the VOTE Act."

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on House Administration. I acknowledge that your Committee will not formally consider H.R. 8770 and agree that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in H.R. 8770 which fall within your Committee's Rule X jurisdiction.

I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,



Jerrold Nadler
Chairman

cc: The Honorable Jim Jordan, Ranking Member, Committee on the Judiciary
The Honorable Jason Smith, Parliamentarian
The Honorable Rodney Davis, Ranking Member, Committee on House Administration

Minority Views

The Constitution is clear that voting is a fundamental right in the United States. The 15th Amendment requires that states ensure that voting is accessible and available to every American.¹ This requirement is principally an obligation of the states, with the Elections Clause of the Constitution giving state legislatures the authority to prescribe “[t]he Times, Places, and Manner of holding Elections.”² The federal role is limited by design and policies related to elections are generally best left to the states in our system of government.

Congress stepped in and passed the Voting Rights Act (VRA) in 1965 to overcome resistance and barriers established in some Democrat-led states that prevented racial minorities from exercising their right to vote. However, 2022 is not 1965, and data from recent elections show that it has never been easier for eligible Americans to vote. For example, while Democrats often allege that Georgia’s Republican state officials engage in voter suppression, African Americans in Georgia register to vote and vote in elections at a greater rate than in the Democrat-controlled states of Illinois, New York, and California.³ Arizona, a past target for Democrat-aligned activist litigation for its prohibition on ballot harvesting and out-of-precinct voting,⁴ has higher voter turnout for minority groups than neighboring California where ballot harvesting, out-of-precinct voting, and same-day voter registration are legal.⁵

Similarly, if the Supreme Court’s 2013 decision in *Shelby County v. Holder* had “emboldened states to pass voter suppression laws,” as some Democrats like Associate Attorney General Vanita Gupta have claimed, then the Justice Department would have accordingly increased its enforcement activity utilizing authorities of the VRA and other voting rights laws that were not affected by *Shelby County*.⁶ In fact, then-Attorney General Eric Holder announced after the Court issued its decision in *Shelby County* that the Department would “shift resources to the enforcement of Voting Rights Act provisions that were not affected by the Supreme Court’s ruling—including Section 2.”⁷ Despite this rhetoric, the Justice Department’s enforcement activity actually decreased in the time since the *Shelby County* decision.⁸ According to information from the Department’s Civil Rights Division, it last brought litigation to enforce the VRA’s minority language requirements a decade ago.⁹

Despite being mischaracterized and demonized by Democrats, voting reforms in Republican states have been successful in making it easier to vote and harder to cheat. One minority voter in Georgia

¹ See U.S. CONST. amend. XV, § 1.

² U.S. CONST. art. I § 4, cl. 1.

³ See, Table 4b, U.S. Dept. of Commerce, Census Bureau, Reported Voting and Registration, by Sex, Race and Hispanic Origin, for States (Nov. 2020).

⁴ See, e.g., Brnovich v. Democratic National Committee, No. 19-1257 (S. Ct. Arg. Mar 2, 2021) (challenging Arizona’s prohibition of ballot harvesting and out-of-precinct voting).

⁵ See Editorial Board, *What Was That About Voter Suppression*, WALL ST. J. (May 3, 2021); see also Table 4b, U.S. Dept. of Commerce, Census Bureau, Reported Voting and Registration, by Sex, Race and Hispanic Origin, for States (Nov. 2020).

⁶ Hans A. von Spakovsky, *The Myth of Voter Suppression and the Enforcement Record of the Obama Administration*, 49 U. MEM. L. REV. 1147, 1158 (2019).

⁷ Id.

⁸ Id.

⁹ See *Voting Section Litigation*, U.S. Department of Justice, <https://www.justice.gov/crt/voting-section-litigation#sec203cases>.

told the *Washington Post* that she “had heard that [Republicans] were going to try and deter us in any way possible,” but when she went to her polling location she “vote[d] easily . . . [and was] treated with the respect that I knew I deserved as an American citizen.”¹⁰ H.R. 8770 would allocate \$15 million in taxpayer money to further inject the federal government into an area that is best reserved for the states, and without any documented, extraordinary need for such action. Congress would better serve the American people by advancing legislation to tackle inflation and the unprecedented humanitarian and security crisis at our southern border.

JIM JORDAN,
Ranking Member.



¹⁰Amy Gardner & Matthew Brown, *Voting is surging in Georgia despite controversial new election law*, WASH. POST (May 21, 2022).