

Jeri Sewell

(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

Ms. SEWELL introduced the following bill; which was referred to the Committee on _____

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. VOTE DILUTION, DENIAL, AND ABRIDGMENT**

2 **CLAIMS.**

3 (a) IN GENERAL.—Section 2(a) of the Voting Rights

4 Act of 1965 (52 U.S.C. 10301(a)) is amended—

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

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

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

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

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

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

20 “(1) To prevail, a plaintiff shall, as a threshold
21 matter, establish that—

22 “(A) the members of the protected class
23 are sufficiently numerous and geographically
24 compact to constitute a majority in a single-
25 member district;

1 “(B) the members of the protected class
2 are generally politically aligned; and

3 “(C) the residents of that district who are
4 not the members of the protected class vote suf-
5 ficiently as a bloc to enable them to defeat the
6 preferred candidates of the members of the pro-
7 tected class.

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

14 “(A) The extent the history of official vot-
15 ing discrimination in the State or political sub-
16 division.

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

20 “(C) The extent to which the State or po-
21 litical subdivision has used voting practices or
22 procedures that tend to enhance the oppor-
23 tunity for discrimination against the members
24 of the protected class, such as unusually large

1 election districts, prohibitions against bullet-vot-
2 ing, and majority vote requirements.

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

6 “(E) The extent to which members of the
7 protected class in the State or political subdivi-
8 sion bear the effects of discrimination in such
9 areas as education, employment, and health,
10 which hinder their ability to participate effec-
11 tively in the political process.

12 “(F) Whether political campaigns have
13 been characterized by overt or subtle racial ap-
14 peals.

15 “(G) The extent to which members of the
16 protected class have been elected to public office
17 in the jurisdiction.

18 “(3) In conducting a totality of the cir-
19 cumstances analysis under paragraph (2), a court
20 may consider such other factors as the court may
21 determine to be relevant, including—

22 “(A) whether there is a significant lack of
23 responsiveness on the part of elected officials to
24 the particularized needs of the members of the
25 protected class; and

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

5 “(4) A class of citizens protected by subsection
6 (a) may include a cohesive coalition of members of
7 different racial or language minority groups.”.

8 (4) VOTE DENIAL OR ABRIDGEMENT.—Section
9 2 of such Act (52 U.S.C. 10301), as amended by
10 subsections (a) and (b), is further amended by add-
11 ing at the end the following:

12 “(c)(1) A violation of subsection (a) resulting in vote
13 denial or abridgment is established if the challenged qualifi-
14 cation, prerequisite, standard, practice, or procedure im-
15 poses a discriminatory burden on members of a class of
16 citizens protected by subsection (a), in that—

17 “(A) members of the protected class face
18 greater difficulty in complying with the require-
19 ment, considering the totality of the cir-
20 cumstances; and

21 “(B) the greater difficulty is, at least in
22 part, caused by or linked to social and historical
23 conditions that have produced or produce on
24 the date of such challenge discrimination
25 against members of the protected class.

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

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

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

11 “(ii) The extent to which voting in the elections
12 of the State or political subdivision is racially polar-
13 ized.

14 “(iii) The extent to which the State or political
15 subdivision has used photographic voter identifica-
16 tion requirements, documentary proof of citizenship
17 requirements, documentary proof of residence re-
18 quirements, or other voting practices or procedures,
19 beyond those required by Federal law, that may im-
20 pair the ability of members of the minority group to
21 participate fully in the political process.

22 “(iv) The extent to which minority group mem-
23 bers bear the effects of discrimination in areas such
24 as education, employment, and health, which hinder

1 their ability to participate effectively in the political
2 process.

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

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

11 “(vii) Whether there is a lack of responsiveness
12 on the part of elected officials to the particularized
13 needs of minority group members.

14 “(viii) Whether the policy underlying the State
15 or political subdivision’s use of the challenged quali-
16 fication, prerequisite, standard, practice, or proce-
17 dure is tenuous.

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

20 “(B) The factors described in subparagraph (A), indi-
21 vidually and collectively, shall be considered as a means
22 of establishing that a voting practice amplifies the effects
23 of past or present discrimination in violation in subsection
24 (a).

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

3 “(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:

4 “(A) The total number or share of members of
5 a protected class on whom a challenged qualification,
6 prerequisite, standard, practice, or procedure does
7 not impose a material burden.

8 “(B) The degree to which the challenged qualification, prerequisite, standard, practice, or procedure has a long pedigree or was in widespread use
9 at some earlier date.

10 “(C) The use of an identical or similar qualification, prerequisite, standard, practice, or procedure in other States or jurisdictions.

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

1 lenged qualification, prerequisite, standard, practice,
2 or procedure.

3 “(E) A prophylactic impact on potential crimi-
4 nal activity by individual voters, if such crimes have
5 not occurred in the jurisdiction in substantial num-
6 bers.

7 “(F) Mere invocation of interests in voter con-
8 fidence or prevention of fraud.

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

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

22 “(3) A qualification, prerequisite, standard, practice,
23 or procedure intended to dilute minority voting strength
24 or to make it more difficult for minority voters to cast
25 a ballot that will be counted violates this subsection even

1 if an additional purpose of the qualification, prerequisite,
2 standard, practice, or procedure is to benefit a particular
3 political party or group.

4 “(4) The context for the adoption of the challenged
5 qualification, prerequisite, standard, practice, or proce-
6 dure, including actions by official decisionmakers before
7 the challenged qualification, prerequisite, standard, prac-
8 tice, or procedure, may be relevant to a violation of this
9 subsection.

10 “(5) Claims under this subsection require proof of a
11 discriminatory impact but do not require proof of a viola-
12 tion pursuant to subsection (b) or (c).”.

13 **SEC. 3. RETROGRESSION.**

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

18 “(e) A violation of subsection (a) is established with
19 respect to any challenged qualification, prerequisite,
20 standard, practice, or procedure that has not been im-
21 posed or applied in an election as of the date of such chal-
22 lenge, if such qualification, prerequisite, standard, prac-
23 tice, or procedure has the purpose or will have the effect
24 of denying or abridging the right to vote on account of
25 race or color, or in contravention of the guarantees set

1 forth in contravention of the guarantees set forth in sec-
2 tion 4(f)(2), within the meaning of section 5.”.

3 **SEC. 4. VIOLATIONS TRIGGERING AUTHORITY OF COURT**

4 **TO RETAIN JURISDICTION.**

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

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

20 **SEC. 5. CRITERIA FOR COVERAGE OF STATES AND POLIT-**

21 **ICAL SUBDIVISIONS.**

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

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

4 **“(b) DETERMINATION OF STATES AND POLITICAL**
5 **SUBDIVISIONS SUBJECT TO REQUIREMENTS.”**

6 “(1) EXISTENCE OF VOTING RIGHTS VIOLA-
7 TIONS DURING PREVIOUS 25 YEARS.”

8 “(A) STATEWIDE APPLICATION.—Sub-
9 section (a) applies with respect to a State and
10 all political subdivisions within the State during
11 a calendar year if—

12 “(i) fifteen or more voting rights vio-
13 lations occurred in the State during the
14 previous 25 calendar years;

15 “(ii) ten or more voting rights viola-
16 tions occurred in the State during the pre-
17 vious 25 calendar years, at least one of
18 which was committed by the State itself
19 (as opposed to a political subdivision with-
20 in the State); or

21 “(iii) three or more voting rights vio-
22 lations occurred in the State during the
23 previous 25 calendar years and the State
24 itself administers the elections in the State

1 or political subdivisions in which the voting
2 rights violations occurred.

3 **“(B) APPLICATION TO SPECIFIC POLITICAL**
4 SUBDIVISIONS.—Subsection (a) applies with re-
5 spect to a political subdivision as a separate
6 unit during a calendar year if three or more
7 voting rights violations occurred in the subdivi-
8 sion during the previous 25 calendar years.

9 **“(2) PERIOD OF APPLICATION.—**

10 **“(A) IN GENERAL.—**Except as provided in
11 subparagraph (B), if, pursuant to paragraph
12 (1), subsection (a) applies with respect to a
13 State or political subdivision during a calendar
14 year, subsection (a) shall apply with respect to
15 such State or political subdivision for the pe-
16 riod—

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

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

21 **“(B) NO FURTHER APPLICATION AFTER**
22 DECLARATORY JUDGMENT.—

23 “(i) STATES.—If a State obtains a de-
24 claratory judgment under subsection (a),
25 and the judgment remains in effect, sub-

1 section (a) shall no longer apply to such
2 State pursuant to paragraph (1)(A) unless,
3 after the issuance of the declaratory judg-
4 ment, paragraph (1)(A) applies to the
5 State solely on the basis of voting rights
6 violations occurring after the issuance of
7 the declaratory judgment.

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

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

1 “(A) JUDICIAL RELIEF; VIOLATION OF
2 THE 14TH OR 15TH AMENDMENT.—Any final
3 judgment, or any preliminary, temporary, or de-
4 claratory relief (that was not reversed on ap-
5 peal), in which the plaintiff prevailed or a court
6 of the United States found that the plaintiff
7 demonstrated a likelihood of success on the
8 merits or raised a question with regard to race
9 discrimination, in which any court of the
10 United States determined that a denial or
11 abridgement of the right of any citizen of the
12 United States to vote on account of race, color,
13 or membership in a language minority group
14 occurred, or that a voting qualification or pre-
15 requisite to voting or standard, practice, or pro-
16 cedure with respect to voting created an undue
17 burden on the right to vote in connection with
18 a claim that the law unduly burdened voters of
19 a particular race, color, or language minority
20 group, in violation of the 14th or 15th Amend-
21 ment, anywhere within the State or subdivision.

22 “(B) JUDICIAL RELIEF; VIOLATIONS OF
23 THIS ACT.—Any final judgment, or any prelimi-
24 nary, temporary, or declaratory relief (that was
25 not reversed on appeal) in which the plaintiff

1 prevailed or a court of the United States found
2 that the plaintiff demonstrated a likelihood of
3 success on the merits or raised a serious ques-
4 tion with regard to race discrimination, in
5 which any court of the United States deter-
6 mined that a voting qualification or prerequisite
7 to voting or standard, practice, or procedure
8 with respect to voting was imposed or applied
9 or would have been imposed or applied any-
10 where within the State or subdivision in a man-
11 ner that resulted or would have resulted in a
12 denial or abridgement of the right of any citizen
13 of the United States to vote on account of race,
14 color, or membership in a language minority
15 group, in violation of subsection 4(e) or 4(f) or
16 section 2, 201, or 203 of this Act.

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

1 procedure with respect to voting from being en-
2 forced anywhere within the State or subdivision.

3 “(D) OBJECTION BY THE ATTORNEY GEN-
4 ERAL.—The Attorney General has interposed
5 an objection under section 3(c) or section 5 ,
6 and thereby prevented a voting qualification or
7 prerequisite to voting or standard, practice, or
8 procedure with respect to voting from being en-
9 forced anywhere within the State or subdivision.

10 A violation per this subsection has not occurred
11 where an objection has been withdrawn by the
12 Attorney General, unless the withdrawal was in
13 response to a change in the law or practice that
14 served as the basis of the objection. A violation
15 under this subsection has not occurred where
16 the objection is based solely on a State or polit-
17 ical subdivision’s failure to comply with a proce-
18 dural process that would not otherwise con-
19 stitute an independent violation of this act.

20 “(E) CONSENT DECREE, SETTLEMENT, OR
21 OTHER AGREEMENT.—A consent decree, settle-
22 ment, or other agreement was adopted or en-
23 tered by a court of the United States or con-
24 tained an admission of liability by the defend-
25 ants, which resulted in the alteration or aban-

1 donment of a voting practice anywhere in the
2 territory of such State that was challenged on
3 the ground that the practice denied or abridged
4 the right of any citizen of the United States to
5 vote on account of race, color, or membership in
6 a language minority group in violation of sub-
7 section 4(e) or 4(f) or section 2, 201, or 203 of
8 this Act, or the 14th or 15th Amendment. An
9 extension or modification of an agreement as
10 defined by this subsection that has been in
11 place for ten years or longer shall count as an
12 independent violation. If a court of the United
13 States finds that an agreement itself as defined
14 by this subsection denied or abridged the right
15 of any citizen of the United States to vote on
16 account of race, color, or membership in a lan-
17 guage minority group, violated subsection 4(e)
18 or 4(f) or section 2, 201, or 203 of this Act, or
19 created an undue burden on the right to vote
20 in connection with a claim that the consent de-
21 cree, settlement, or other agreement unduly
22 burdened voters of a particular race, color, or
23 language minority group, that finding shall
24 count as an independent violation.

1 “(F) MULTIPLE VIOLATIONS.—Each voting
2 qualification or prerequisite to voting or
3 standard, practice, or procedure with respect to
4 voting, including each redistricting plan, found
5 to be a violation by a court of the United States
6 pursuant to subsection (a) or (b), or prevented
7 from enforcement pursuant to subsection (c) or
8 (d), or altered or abandoned pursuant to sub-
9 section (e) shall count as an independent viola-
10 tion. Within a redistricting plan, each violation
11 found to discriminate against any group of vot-
12 ers based on race, color, or language minority
13 group shall count as an independent violation.

14 “(4) TIMING OF DETERMINATIONS.—

15 “(A) DETERMINATIONS OF VOTING RIGHTS
16 VIOLATIONS.—As early as practicable during
17 each calendar year, the Attorney General shall
18 make the determinations required by this sub-
19 section, including updating the list of voting
20 rights violations occurring in each State and po-
21 litical subdivision for the previous calendar
22 year.

23 “(B) EFFECTIVE UPON PUBLICATION IN
24 FEDERAL REGISTER.—A determination or cer-
25 tification of the Attorney General under this

1 section or under section 8 or 13 shall be effec-
2 tive upon publication in the Federal Register.”.

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

5 (A) in paragraph (1), in the first sentence
6 of the matter preceding subparagraph (A), by
7 striking “any State with respect to which” and
8 all that follows through “unless” and inserting
9 “any State to which this subsection applies dur-
10 ing a calendar year pursuant to determinations
11 made under subsection (b), or in any political
12 subdivision of such State (as such subdivision
13 existed on the date such determinations were
14 made with respect to such State), though such
15 determinations were not made with respect to
16 such subdivision as a separate unit, or in any
17 political subdivision with respect to which this
18 subsection applies during a calendar year pur-
19 suant to determinations made with respect to
20 such subdivision as a separate unit under sub-
21 section (b), unless”;

22 (B) in paragraph (1) in the matter pre-
23 ceding subparagraph (A), by striking the second
24 sentence;

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

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

21 (b) CLARIFICATION OF TREATMENT OF MEMBERS OF
22 LANGUAGE MINORITY GROUPS.—Section 4(a)(1) of such
23 Act (52 U.S.C. 10303(a)(1)) is amended by striking “race
24 or color,” and inserting “race, color, or in contravention
25 of the guarantees of subsection (f)(2),”.

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

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

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

10 “(a) PRACTICE-BASED PRECLEARANCE.—

11 “(1) IN GENERAL.—Each State and each politi-
12 cal subdivision shall—

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

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

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

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

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

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

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

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

1 “(A) to add seats elected at-large in a

2 State or political subdivision where—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 “(i) the State; or

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

13 “(c) PRECLEARANCE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (a) TRANSPARENCY.—

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

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

16 “(a) NOTICE OF ENACTED CHANGES.—

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

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

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

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

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

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

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

16 “(A) The name or number.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 “(A) A county or parish.
 - 2 “(B) A municipality with a population
3 greater than 10,000, as determined by the Bu-
4 reau of the Census under the most recent de-
5 cennial census.
 - 6 “(C) A school district with a population
7 greater than 10,000, as determined by the Bu-
8 reau of the Census under the most recent de-
9 cennial census. For purposes of this subpara-
10 graph, the term ‘school district’ means the geo-
11 graphic area under the jurisdiction of a local
12 educational agency (as defined in section 9101
13 of the Elementary and Secondary Education
14 Act of 1965).
- 15 “(d) RULES REGARDING FORMAT OF INFORMA-
16 TION.—The Attorney General may issue rules specifying
17 a reasonably convenient and accessible format that States
18 and political subdivisions shall use to provide public notice
19 of information under this section.
- 20 “(e) NO DENIAL OF RIGHT TO VOTE.—The right to
21 vote of any person shall not be denied or abridged because
22 the person failed to comply with any change made by a
23 State or political subdivision to a voting qualification, pre-
24 requisite, standard, practice, or procedure if the State or

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

3 **“(f) DEFINITIONS.—In this section—**

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

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

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

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

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

1 SEC. 8. AUTHORITY TO ASSIGN OBSERVERS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (b) CAUSE OF ACTION.—Section 12(d) of the Voting
19 Rights Act of 1965 (52 U.S.C. 10308(d)) is amended—
20 (1) by striking “Whenever any person has en-
21 gaged” and all that follows through “in the name of
22 the United States” and inserting “(1) Whenever
23 there are reasonable grounds to believe that any per-
24 son has implemented or will implement any voting
25 qualification or prerequisite to voting or standard,

1 practice, or procedure that would (A) deny any citizen
2 the right to vote in violation of the 14th, 15th,
3 19th, 24th, or 26th Amendments, or (B) would violate
4 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 Attorney General may institute";

10 (2) by striking “, and including an order directed to the State and State or local election officials to require them (1) to permit persons listed under chapters 103 to 107 of this title to vote and
11 (2) to count such votes”; and

15 (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 appropriate” 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 prohibited 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-

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

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

15 SEC. 10. PREVENTIVE RELIEF.

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

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

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

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

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

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

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

19 “(III) a violation of this Act; or

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

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

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

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

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

8 “(III) a violation of this Act; or

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

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

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

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

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

7 **SEC. 11. RELIEF FOR VIOLATIONS OF VOTING RIGHTS**

8 **LAWs.**

9 (a) IN GENERAL.—

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

13 (A) any act or practice—

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

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

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

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

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

20 (3) ATTORNEY'S FEES.—Section 722(b) of the
21 Revised Statutes (42 U.S.C. 1988(b)) is amended by
22 inserting “a provision described in section 2(a) of
23 the John R. Lewis Voting Rights Advancement Act
24 of 2021,” after “title VI of the Civil Rights Act of
25 1964.”.

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

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

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

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

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

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

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

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

3 **SEC. 12. ENFORCEMENT OF VOTING RIGHTS BY ATTORNEY**

4 **GENERAL.**

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

8 **“(g) VOTING RIGHTS ENFORCEMENT BY ATTORNEY**

9 **GENERAL.—**

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

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

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

4 “(C) both.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 “(A) shall state that—

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

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

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

3 “(iii) both; or

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

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

11 “(4) JUDICIAL PROCEEDINGS.—

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

23 “(B) PETITION TO MODIFY.—

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

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

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

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

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

12 **SEC. 13. DEFINITIONS.**

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

15 **“SEC. 21. DEFINITIONS.**

16 “In this Act:

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

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

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

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

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

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

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

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

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

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

7 SEC. 14. ATTORNEYS' FEES.

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

“(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.”.

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

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

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

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

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

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

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

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

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

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

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

1 “(1) June 25, 2013, if the most recent deter-
2 mination for such State or subdivision under section
3 4(b) was made on or before December 31, 2021; or
4 “(2) the date on which the most recent deter-
5 mination for such State or subdivision under section
6 4(b) was made, if such determination was made
7 after December 31, 2021.”.

8 **SEC. 16. SEVERABILITY.**

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

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

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

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

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

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

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