

115TH CONGRESS
1ST SESSION

H. R. 3239

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

JULY 13, 2017

Mr. SENSENBRENNER (for himself, Mr. GALLEG0, Ms. JUDY CHU of California, Ms. MOORE, Mrs. DINGELL, Mr. SHERMAN, Miss RICE of New York, Ms. KAPTUR, Mrs. WATSON COLEMAN, Mrs. DAVIS of California, Mr. LIPINSKI, Mr. HULTGREN, Mr. DEFazio, Mr. KIND, Ms. KELLY of Illinois, Mr. MESSER, Mr. PALLONE, Mr. MCGOVERN, Mr. HASTINGS, Mr. HECK, Mr. LOBIONDO, Mr. CONYERS, Mr. LEWIS of Georgia, Mr. CUMMINGS, Ms. BROWNLEY of California, Mr. KILDEE, Mr. FOSTER, Mr. VEASEY, Ms. NORTON, Mr. SEAN PATRICK MALONEY of New York, Ms. SINEMA, Mr. COHEN, Mr. SCOTT of Virginia, Mrs. BEATTY, Mr. GARAMENDI, Mr. CONNOLLY, Mr. PAYNE, Mr. COOPER, Mr. FITZPATRICK, Ms. DEGETTE, Mr. DELANEY, Mr. CURBELO of Florida, Mr. RUSH, Mr. RUPPERSBERGER, Mr. CICILLINE, Mr. COLE, Mr. NADLER, Ms. JACKSON LEE, Mr. JOHNSON of Georgia, Mr. PETERS, Mr. CARTWRIGHT, Mr. MEEKS, Ms. SLAUGHTER, Ms. ESTY of Connecticut, Mrs. CAROLYN B. MALONEY of New York, Ms. CLARK of Massachusetts, Mr. HUFFMAN, Mr. CLYBURN, Ms. PINGREE, Mr. DAVID SCOTT of Georgia, Mr. SCHIFF, Mr. COSTELLO of Pennsylvania, Mr. LANGEVIN, Mr. HIGGINS of New York, Ms. BONAMICI, and Ms. KUSTER of New Hampshire) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Voting Rights Act of 1965 to revise the criteria for determining which States and political sub-

divisions 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 “Voting Rights Amend-
 5 ment Act of 2017”.

6 **SEC. 2. VIOLATIONS TRIGGERING AUTHORITY OF COURT**
 7 **TO RETAIN JURISDICTION.**

8 (a) TYPES OF VIOLATIONS.—Section 3(c) of the Vot-
 9 ing Rights Act of 1965 (52 U.S.C. 10302(c)) is amended
 10 by striking “violations of the fourteenth or fifteenth
 11 amendment” and inserting “violations of the 14th or 15th
 12 Amendment; violations of this Act (other than a violation
 13 of section 2(a) which is based on the imposition of a re-
 14 quirement that an individual provide a photo identification
 15 as a condition of receiving a ballot for voting in an election
 16 for Federal, State, or local office); or violations of any
 17 Federal voting rights law that prohibits discrimination on
 18 the basis of race, color, or membership in a language mi-
 19 nority group,”.

20 (b) CONFORMING AMENDMENT.—Section 3(a) of
 21 such Act (52 U.S.C. 10302(a)) is amended by striking
 22 “violations of the fourteenth or fifteenth amendment” and
 23 inserting “violations of the 14th or 15th Amendment, vio-
 24 lations of this Act, or violations of any Federal voting

1 rights law that prohibits discrimination on the basis of
 2 race, color, or membership in a language minority group,”.

3 **SEC. 3. CRITERIA FOR COVERAGE OF STATES AND POLIT-**
 4 **ICAL SUBDIVISIONS.**

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

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

10 “(b) DETERMINATION OF STATES AND POLITICAL
 11 SUBDIVISIONS SUBJECT TO REQUIREMENTS.—

12 “(1) EXISTENCE OF VOTING RIGHTS VIOLA-
 13 TIONS DURING PREVIOUS 15 YEARS.—

14 “(A) STATEWIDE APPLICATION.—Sub-
 15 section (a) applies with respect to a State and
 16 all political subdivisions within the State during
 17 a calendar year if 5 or more voting rights viola-
 18 tions occurred in the State during the previous
 19 15 calendar years, at least one of which was
 20 committed by the State itself (as opposed to a
 21 political subdivision within the State).

22 “(B) APPLICATION TO SPECIFIC POLITICAL
 23 SUBDIVISIONS.—Subsection (a) applies with re-
 24 spect to a political subdivision during a cal-
 25 endar year if—

1 “(i) 3 or more voting rights violations
2 occurred in the subdivision during the pre-
3 vious 15 calendar years; or

4 “(ii) 1 or more voting rights violations
5 occurred in the subdivision during the pre-
6 vious 15 calendar years and the subdivi-
7 sion had persistent, extremely low minority
8 turnout during the previous 15 calendar
9 years.

10 “(2) PERIOD OF APPLICATION.—

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

18 “(i) that begins on January 1 of the
19 year in which subsection (a) applies pursu-
20 ant to the applicable provisions of para-
21 graph (1); and

22 “(ii) that ends on the date which is 10
23 years after January 1 of the year in which
24 the most recent voting rights violation oc-
25 curred in the State or political subdivision.

1 “(B) NO FURTHER APPLICATION AFTER
2 DECLARATORY JUDGMENT.—

3 “(i) STATES.—If a State obtains a de-
4 claratory judgment under subsection (a),
5 and the judgment remains in effect, sub-
6 section (a) shall no longer apply to such
7 State pursuant to paragraph (1)(A) unless,
8 after the issuance of the declaratory judg-
9 ment, paragraph (1)(A) applies to the
10 State solely on the basis of voting rights
11 violations occurring after the issuance of
12 the declaratory judgment.

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

1 tremely low minority turnout) occurring
2 after the issuance of the declaratory judg-
3 ment.

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

8 “(A) In a final judgment (which has not
9 been reversed on appeal), any court of the
10 United States has 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, in
14 violation of the 14th or 15th Amendment, oc-
15 curred anywhere within the State or subdivi-
16 sion.

17 “(B) In a final judgment (which has not
18 been reversed on appeal), any court of the
19 United States has determined that a voting
20 qualification or prerequisite to voting or stand-
21 ard, practice, or procedure with respect to vot-
22 ing was imposed or applied or would have been
23 imposed or applied anywhere within the State
24 or subdivision in a manner that resulted or
25 would have resulted in a denial or abridgement

1 of the right of any citizen of the United States
2 to vote on account of race or color, or in con-
3 travention of the guarantees set forth in sub-
4 section (f)(2), in violation of section 2.

5 “(C) In a final judgment (which has not
6 been reversed on appeal), any court of the
7 United States has denied the request of the
8 State or subdivision for a declaratory judgment
9 under section 3(c) or section 5, and thereby
10 prevented a voting qualification or prerequisite
11 to voting or standard, practice, or procedure
12 with respect to voting from being enforced any-
13 where within the State or subdivision.

14 “(D) The Attorney General has interposed
15 an objection under section 3(c) or section 5
16 (and the objection has not been overturned by
17 a final judgment of a court or withdrawn by the
18 Attorney General), and thereby prevented a vot-
19 ing qualification or prerequisite to voting or
20 standard, practice, or procedure with respect to
21 voting from being enforced anywhere within the
22 State or subdivision, other than an objection
23 which is based on a voting qualification or pro-
24 cedure which consists of the imposition of a re-
25 quirement that an individual provide a photo

1 identification as a condition of receiving a ballot
2 for voting in an election for Federal, State, or
3 local office.

4 “(4) DETERMINATION OF PERSISTENT, EX-
5 TREMELY LOW MINORITY TURNOUT.—For purposes
6 of paragraph (1)(B)(ii), a political subdivision has
7 persistent, extremely low minority turnout with re-
8 spect to a calendar year if any of the following ap-
9 plies:

10 “(A) With respect to the general elections
11 for the office of President which were held in
12 the political subdivision during the previous 15
13 calendar years—

14 “(i) in the majority of such elections,
15 the minority turnout rate in the political
16 subdivision was below—

17 “(I) the minority turnout rate for
18 the entire Nation,

19 “(II) the nonminority turnout
20 rate for the entire Nation,

21 “(III) the minority turnout rate
22 for the State in which the political
23 subdivision is located,

1 “(IV) the nonminority turnout
2 rate for the State in which the polit-
3 ical subdivision is located, and

4 “(V) the nonminority turnout
5 rate for the political subdivision; and

6 “(ii) the average minority turnout
7 rate across all such elections in the polit-
8 ical subdivision was more than 10 percent-
9 age points below the average nonminority
10 turnout rate for the entire Nation.

11 “(B) With respect to the general elections
12 for Federal office which were held in the polit-
13 ical subdivision during the previous 15 calendar
14 years—

15 “(i) in the majority of such elections,
16 the minority turnout rate in the political
17 subdivision was below—

18 “(I) the minority turnout rate for
19 the State in which the political sub-
20 division is located,

21 “(II) the nonminority turnout
22 rate for the State in which the polit-
23 ical subdivision is located, and

24 “(III) the nonminority turnout
25 rate for the political subdivision; and

1 “(ii) the average minority turnout
2 rate across all such elections in the polit-
3 ical subdivision was more than 10 percent-
4 age points below the average nonminority
5 turnout rate for the State in which the po-
6 litical subdivision is located.

7 “(5) TIMING OF DETERMINATIONS.—

8 “(A) DETERMINATIONS OF VOTING RIGHTS
9 VIOLATIONS.—As early as practicable during
10 each calendar year, the Attorney General shall
11 make the determinations required by this sub-
12 section (other than the determinations de-
13 scribed in subparagraph (B)), including updat-
14 ing the list of voting rights violations attrib-
15 utable to each State and political subdivision
16 for the previous calendar year.

17 “(B) DETERMINATIONS OF TURNOUT
18 RATES.—As early as practicable during each
19 odd-numbered calendar year, the Attorney Gen-
20 eral, in consultation with the heads of the rel-
21 evant offices of the government, shall make the
22 determinations of turnout rates required by this
23 subsection, including the minority and non-
24 minority turnout rates for the general elections
25 for Federal office held in the previous year in

1 each State and political subdivision (expressed
2 as percentages of the citizen voting-age popu-
3 lation of the State and subdivision and deter-
4 mined using scientifically accepted statistical
5 methodologies).

6 “(C) EFFECTIVE UPON PUBLICATION IN
7 FEDERAL REGISTER.—A determination or cer-
8 tification of the Attorney General under this
9 section or under section 8 or 13 shall be effec-
10 tive upon publication in the Federal Register.

11 “(6) OTHER DEFINITIONS.—In this subsection,
12 the following definitions apply:

13 “(A) The term ‘general election for Fed-
14 eral office’ means a general election held solely
15 or in part for the purpose of electing any can-
16 didate for the office of President, Vice Presi-
17 dent, Presidential elector, Senator, Member of
18 the House of Representatives, or Delegate or
19 Resident Commissioner to the Congress.

20 “(B) The term ‘minority’ means persons
21 who identify themselves as being—

22 “(i) of Hispanic or Latino origin;

23 “(ii) of a race other than White; or

24 “(iii) of 2 or more races.

1 “(C) The term “nonminority” means per-
2 sons who identify themselves as being—

3 “(i) not of Hispanic or Latino origin;

4 “(ii) White; and

5 “(iii) not of any other race.

6 “(D) The term ‘turnout rate’ means, with
7 respect to a demographic group and an election,
8 the amount (expressed as a percentage) equal
9 to the quotient of—

10 “(i) the number of individuals in that
11 group who are citizens of the United
12 States, who are 18 years of age or older on
13 the date of the election, and who cast bal-
14 lots in the election; divided by

15 “(ii) the total number of individuals in
16 that group who are citizens of the United
17 States and who are 18 years of age or
18 older on the date of the election.”.

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

21 (A) in paragraph (1) in the first sentence
22 of the matter preceding subparagraph (A), by
23 striking “any State with respect to which” and
24 all that follows through “unless” and inserting
25 “any State to which this subsection applies dur-

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

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

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

20 (D) in paragraph (1)(B), by striking “(in
21 the case of a State or subdivision seeking a de-
22 claratory judgment under the second sentence
23 of this subsection)”;

24 (E) in paragraph (3), by striking “(in the
25 case of a State or subdivision seeking a declara-

1 tory judgment under the second sentence of this
 2 subsection)”;

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

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

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

13 (c) REPEAL OF RETENTION OF JURISDICTION OF 3-
 14 JUDGE COURT.—Section 4(a)(5) of such Act (52 U.S.C.
 15 10303(a)(5)) is amended by striking the second and third
 16 sentences.

17 **SEC. 4. PROMOTING TRANSPARENCY TO ENFORCE THE**
 18 **VOTING RIGHTS ACT.**

19 (a) TRANSPARENCY.—

20 (1) IN GENERAL.—The Voting Rights Act of
 21 1965 (52 U.S.C. 10301 et seq.) is amended by in-
 22 serting after section 5 the following new section:

23 “TRANSPARENCY REGARDING CHANGES TO PROTECT
 24 VOTING RIGHTS

25 “SEC. 6. (a) NOTICE OF ENACTED CHANGES.—

1 “(1) NOTICE OF CHANGES.—If a State or polit-
2 ical subdivision makes any change in any pre-
3 requisite to voting or standard, practice, or proce-
4 dure affecting voting in any election for Federal of-
5 fice that will result in the prerequisite, standard,
6 practice, or procedure being different from that
7 which was in effect as of 180 days before the date
8 of the election, the State or political subdivision shall
9 provide reasonable public notice in such State or po-
10 litical subdivision and on the Internet, in a reason-
11 ably convenient and accessible format, of a concise
12 description of the change, including the difference
13 between the changed prerequisite, standard, practice,
14 or procedure and the prerequisite, standard, prac-
15 tice, or procedure which was previously in effect.

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

20 “(b) TRANSPARENCY REGARDING POLLING PLACE
21 RESOURCES.—

22 “(1) IN GENERAL.—In order to identify any
23 changes that may impact the right to vote of any
24 person, prior to the 30th day before the date of an
25 election for Federal office, each State or political

1 subdivision with responsibility for allocating reg-
2 istered voters, voting machines, and official poll
3 workers to particular precincts and polling places
4 shall provide reasonable public notice in such State
5 or political subdivision and on the Internet, in a rea-
6 sonably convenient and accessible format, of the in-
7 formation described in paragraph (2) for precincts
8 and polling places within such State or political sub-
9 division.

10 “(2) INFORMATION DESCRIBED.—The informa-
11 tion described in this paragraph with respect to a
12 precinct or polling place is as follows:

13 “(A) The name or number.

14 “(B) In the case of a polling place, the lo-
15 cation, including the street address.

16 “(C) The voting-age population of the area
17 served by the precinct or polling place, broken
18 down by demographic group if such breakdown
19 is reasonably available to such State or political
20 subdivision.

21 “(D) The number of registered voters as-
22 signed to 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 “(E) The number of voting machines as-
2 signed.

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

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

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

9 “(3) UPDATES IN INFORMATION REPORTED.—
10 If a State or political subdivision makes any change
11 in any of the information described in paragraph
12 (2), the State or political subdivision shall provide
13 reasonable public notice in such State or political
14 subdivision and on the Internet, in a reasonably con-
15 venient and accessible format, of the change in the
16 information not later than 48 hours after the change
17 occurs or, if the change occurs fewer than 48 hours
18 before the date of the election, as soon as practicable
19 after the change occurs.

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

22 “(1) REQUIRING PUBLIC NOTICE OF
23 CHANGES.—Not later than 10 days after making
24 any change in the constituency that will participate
25 in an election for Federal, State, or local office or

1 the boundaries of a voting unit or electoral district
2 in an election for Federal, State, or local office (in-
3 cluding through redistricting, reapportionment,
4 changing from at-large elections to district-based
5 elections, or changing from district-based elections
6 to at-large elections), a State or political subdivision
7 shall provide reasonable public notice in such State
8 or political subdivision and on the Internet, in a rea-
9 sonably convenient and accessible format, of the de-
10 mographic and electoral data described in paragraph
11 (3) for each of the geographic areas described in
12 paragraph (2).

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

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

20 “(B) If the change includes a plan to re-
21 place or eliminate voting units or electoral dis-
22 tricts, each voting unit or electoral district that
23 will be replaced or eliminated.

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

4 “(3) DEMOGRAPHIC AND ELECTORAL DATA.—
5 The demographic and electoral data described in this
6 paragraph with respect to a geographic area de-
7 scribed in paragraph (2) are as follows:

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

10 “(B) If it is reasonably available to the
11 State or political subdivision involved, an esti-
12 mate of the population of the area which con-
13 sists of citizens of the United States who are 18
14 years of age or older, broken down by demo-
15 graphic group.

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

20 “(D) The actual number of votes, or (if it
21 is not reasonably practicable for the State or
22 political subdivision to ascertain the actual
23 number of votes) the estimated number of votes
24 received by each candidate in each statewide
25 election and (if the change applies to only one

1 political subdivision) in each subdivision-wide
2 election held during the 5-year period which
3 ends on the date the change involved is made.

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

8 “(A) A county or parish.

9 “(B) A municipality with a population
10 greater than 10,000, as determined under the
11 most recent decennial census.

12 “(C) A school district with a population
13 greater than 10,000, as determined under the
14 most recent decennial census. For purposes of
15 this paragraph, the term ‘school district’ means
16 the geographic area under the jurisdiction of a
17 local educational agency (as defined in section
18 9101 of the Elementary and Secondary Edu-
19 cation Act of 1965).

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

1 “(e) NO DENIAL OF RIGHT TO VOTE.—The right to
2 vote of any person shall not be denied or abridged because
3 the person failed to comply with any change made by a
4 State or political subdivision if the State or political sub-
5 division involved did not meet the applicable requirements
6 of this section with respect to the change.

7 “(f) DEFINITIONS.—In this section—

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

13 “(2) the term ‘election’ means, with respect to
14 Federal office, any general, special, primary, or run-
15 off election held solely or in part for the purpose of
16 electing any candidate for the office of President,
17 Vice President, Presidential elector, Senator, Mem-
18 ber of the House of Representatives, or Delegate or
19 Resident Commissioner to the Congress.”.

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

23 (b) EFFECTIVE DATE.—The amendment made by
24 subsection (a)(1) shall apply with respect to changes which

1 are made on or after the expiration of the 60-day period
2 which begins on the date of the enactment of this Act.

3 **SEC. 5. AUTHORITY TO ASSIGN OBSERVERS.**

4 (a) CLARIFICATION OF AUTHORITY IN POLITICAL
5 SUBDIVISIONS SUBJECT TO PRECLEARANCE.—Section
6 8(a)(2)(B) of the Voting Rights Act of 1965 (52 U.S.C.
7 10305(a)(2)(B)) is amended to read as follows:

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

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

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

19 (1);

20 (2) by adding “or” at the end of paragraph (2);

21 and

22 (3) by inserting after paragraph (2) the fol-
23 lowing new paragraph:

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

1 “(A) the Attorney General has received
2 written meritorious complaints from residents,
3 elected officials, or civic participation organiza-
4 tions that efforts to violate section 203 are like-
5 ly to occur, or

6 “(B) in the Attorney General’s judgment,
7 the assignment of observers is necessary to en-
8 force the guarantees of section 203;”.

9 **SEC. 6. INJUNCTIVE RELIEF.**

10 (a) CLARIFICATION OF SCOPE AND PERSONS AU-
11 THORIZED TO SEEK RELIEF.—Section 12(d) of the Vot-
12 ing Rights Act of 1965 (52 U.S.C. 10308(d)) is amend-
13 ed—

14 (1) by striking “section 2, 3, 4, 5, 7, 10, 11,
15 or subsection (b) of this section” and inserting “the
16 14th or 15th Amendment, this Act, or any Federal
17 voting rights law that prohibits discrimination on
18 the basis of race, color, or membership in a language
19 minority group”; and

20 (2) by striking “the Attorney General may in-
21 stitute for the United States, or in the name of the
22 United States,” and inserting “the aggrieved person
23 or (in the name of the United States) the Attorney
24 General may institute”.

1 (b) GROUNDS FOR GRANTING RELIEF.—Section
2 12(d) of such Act (52 U.S.C. 10308(d)) is amended—

3 (1) by striking “(d) Whenever any person” and
4 inserting “(d)(1) Whenever any person”;

5 (2) by striking “(1) to permit” and inserting
6 “(A) to permit”;

7 (3) by striking “(2) to count” and inserting
8 “(B) to count”; and

9 (4) by adding at the end the following new
10 paragraph:

11 “(2)(A) In any action for relief described in this sub-
12 section, the court shall grant the relief if the court deter-
13 mines that, on balance, the hardship imposed upon the
14 defendant by the issuance of the relief will be less than
15 the hardship which would be imposed upon the plaintiff
16 if the relief were not granted.

17 “(B) In making its determination under this para-
18 graph with respect to a change in any voting qualification,
19 prerequisite to voting, or standard, practice, or procedure
20 affecting voting, the court shall consider the following fac-
21 tors (to the extent applicable to the action):

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

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

4 “(II) a violation of this Act; or

5 “(III) voting discrimination on the basis of
6 race, color, or membership in a language minor-
7 ity group in violation of any other Federal or
8 State law.

9 “(ii) Whether the qualification, prerequisite,
10 standard, practice, or procedure in effect prior to the
11 change served as a ground for the dismissal or set-
12 tlement of a claim alleging—

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

16 “(II) a violation of this Act; or

17 “(III) voting discrimination on the basis of
18 race, color, or membership in a language minor-
19 ity group in violation of any other Federal or
20 State law.

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

24 “(iv) Whether the defendant has failed to pro-
25 vide timely or complete notice of the adoption of the

1 change as required by applicable Federal or State
2 law.”.

3 **SEC. 7. OTHER TECHNICAL AND CONFORMING AMEND-**
4 **MENTS.**

5 (a) ACTIONS COVERED UNDER SECTION 3.—Section
6 3(c) of the Voting Rights Act of 1965 (52 U.S.C.
7 10302(c)) is amended—

8 (1) by striking “any proceeding instituted by
9 the Attorney General or an aggrieved person under
10 any statute to enforce” and inserting “any action
11 under any statute in which a party (including the
12 Attorney General) seeks to enforce”; and

13 (2) by striking “at the time the proceeding was
14 commenced” and inserting “at the time the action
15 was commenced”.

16 (b) CLARIFICATION OF TREATMENT OF MEMBERS OF
17 LANGUAGE MINORITY GROUPS.—Section 4(f) of such Act
18 (52 U.S.C. 10303(f)) is amended—

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

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

22 (c) PERIOD DURING WHICH CHANGES IN VOTING
23 PRACTICES ARE SUBJECT TO PRECLEARANCE UNDER
24 SECTION 5.—Section 5 of such Act (52 U.S.C. 10304)
25 is amended—

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

5 (2) in subsection (a), by striking “November 1,
6 1964” and all that follows through “November 1,
7 1972” and inserting “the applicable date of cov-
8 erage”; and

9 (3) by adding at the end the following new sub-
10 section:

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

13 “(1) June 25, 2013, if the most recent deter-
14 mination for such State or subdivision under section
15 4(b) was made on or before December 31, 2015; or

16 “(2) the date on which the most recent deter-
17 mination for such State or subdivision under section
18 4(b) was made, if such determination was made
19 after December 31, 2015.”.

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