



NATIONAL CONFERENCE *of* STATE LEGISLATURES

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H.R. 3899

Voting Rights Amendment Act of 2014"

Section by Section Summary

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Sec. 2. Violations Triggering Authority of Court to Retain Jurisdiction

Amends Section 3(c) of the Voting Rights Act (42 U.S.C. 1973a(c)) to clarify that a state's requirement of a photo ID as a prerequisite to voting in a federal, state, or local election is NOT a violation of the Voting Rights Act (VRA). It also adds that violations of any federal voting rights law that prohibits discrimination on the basis of race, color, or membership in a language minority group IS a violation of the VRA.

Sec. 3. Criteria For Coverage of States and Political Subdivisions

Amends Section 4(b) of the VRA (42 U.S.C. 1973b(b)) to delineate when a state is subject to the requirements of the Section 4(a) of this Act which promotes transparency to enforce the VRA.

1. Applies Section 4(a) to a **an entire state** including all political subdivisions within that state during a calendar year if 5 or more voting rights violations occurred in that state during the previous 15 calendar years and one of those violations was committed by the state itself.
2. Applies Section 4(a) to a specific political subdivision during a calendar year if 3 or more voting rights violations occurred in the political subdivision during the previous 15 calendar years, **or** 1 or more voting rights violations occurred in the political subdivision during the previous 15 calendar years and there was a persistent, extremely low minority turnout during the previous 15 calendar years.

The period of application in the absence of a court-decreed declaratory judgment which remains in effect is January 1 of the year in which section 4(a) applies and shall end on the date that is 10 years after January 1 of the year in which the most recent voting rights violation occurred in the state or political subdivision.

Relieves a state or political subdivision from the provisions of Section 4(a) if such state or political subdivision obtains a court-decreed declaratory judgment. If a state commits a voting violation after the issuance of the declaratory judgment, it is back under the coverage formula.

Describes when a voting rights violation has occurred in a state or political subdivision that subjects a state to the coverage formula:

1. Where there is a final judgment by any U.S. court that a denial or abridgement of the right to vote on account of race, color, or membership in a language minority group.
2. Where there is a final judgment by any U.S. court that a voting qualification or prerequisite to voting or standard, practice, or procedure was imposed or applied or would have been imposed or applied in a state or political subdivision in a manner that resulted in or would have resulted in a denial or abridgement of the right to vote on account of race, color, or membership in a language minority group has occurred.
3. Where there is a final judgment by any U.S. court that has **denied a state or political subdivision's request for a declaratory judgment** under section 3(c) of the VRA or section 5 of the VRA and thus prevented a voting qualification or prerequisite to voting or standard, practice or procedure with respect to voting from being enforced.
4. Where the Attorney General has made an objection under VRA sections 3(c) or 5 (preclearance), which has not been overturned by a court, that prevented a voting qualification or prerequisite to voting or standard, practice or procedure with respect to voting from being enforced anywhere within the state or political subdivision. **This subsection exempts objections made regarding the use of photo ID in a state or political subdivision as a prerequisite to voting in a federal, state, or local election.**

Defines that any one of the following conditions constitutes persistent, extremely low minority turnout in a political subdivision:

1. In presidential elections held in the political subdivision during the previous 15 calendar years:
 - a. In the majority of such elections, the minority turnout rate in the political subdivision was below:
 - i. the minority turnout rate for the entire nation,
 - ii. the nonminority turnout rate for the entire nation,

- iii. the minority turnout rate for the state in which the political subdivision is located,
 - iv. the nonminority turnout rate for the state which the political subdivision is located, and
 - v. the nonminority turnout rate for the political subdivision; and
 - b. The average minority turnout rate across all such elections in the political subdivision was more than 10 percentage points below the average nonminority turnout rate for the entire nation.
- 2. In general elections for federal office which were held in the political subdivision during the previous 15 calendar years:
 - a. In the majority of such elections, the minority turnout rate in the political subdivision was below:
 - i. the minority turnout rate for the state in which the political subdivision is located,
 - ii. the nonminority turnout rate for the state in which the political subdivision is located,
 - iii. the nonminority turnout rate for the political subdivision,
 - b. The average minority turnout rate across all such elections in the political subdivision was more than 10 percentage points below the average nonminority turnout rate for the state in which the political subdivision is located.

Requires that the Attorney General make decisions about violations “as early as practicable” during a calendar year, and includes a requirement that (s)he update the list of voting rights violations for each state and political subdivision.

Requires that in odd-numbered years, the Attorney General shall, in consultation with the “heads of the relevant offices of government” make determinations of turnout rates “as early as practicable.” The Attorney General is required to include minority and nonminority turnout rates for each state and political subdivision.

Attorney General determinations are effective upon the date they are published in the Federal Register.

Important definitions:

1. General election for federal office – a general election **held solely or in part** for the purpose of electing any candidate for President, Vice President, Presidential elector, Senator, Member of Congress.
2. Minority – persons who identify themselves as being of Hispanic or latino origin, of a race other than white, or of 2 or more races.

3. Nonminority – persons who identify themselves as being not of Hispanic or latino origin, white, and not of any other race.
4. Turnout rate- the amount (percentage) equal to the quotient of the number of individuals in a demographic group who are 18 years of age or older who cast ballots in the election divided by the total number of individuals in that group who are 18 years of age or older on the date of the election.

Repeals the provision of the VRA requiring retention of a 3 judge court.

Sec. 4. Promoting Transparency to Enforce the Voting Rights Act.

Creates a new section of the VRA relating to transparency. All states must comply and this section is effective within 60 days of enactment.

1. Provides that if a state or political subdivision makes any changes to voting prerequisite, standard, practice or procedure affecting voting in any election for Federal office which is different from what was in effect 180 days before the election date, the state or political subdivision making the change shall provide reasonable public notice in the state or political subdivision, and on the internet. Notice must occur in a reasonably convenient and accessible format, with a concise description of the change including the differences between the new and the old standard. This notice must be provided no later than 48 hours after making the change.
2. Requires state or political subdivisions with authority to allocate registered voters to provide reasonable public notice and on the internet:
 - a. The name or number of the polling place or precinct,
 - b. The location, including street address of polling places,
 - c. The voting age population of the area served by the precinct or polling place, broken down by demographic groups if this information is reasonably available.
 - d. The number of registered voters assigned to the precinct or polling place broken down by demographic groups if this information is reasonably available.
 - e. The number of voting machines assigned.
 - f. The number of official paid poll workers assigned
 - g. The number of official volunteer poll workers assigned.

election and in each local election held during the 5 year period which ends on the date the change involved is made.

5. Provides for an exception to the transparency requirements for municipalities and school districts with populations less than 10,000 as determined by the most recent census.
6. Vests the Attorney General with authority to issue rules specifying the format for reasonable accessibility.
7. Protects the right to vote even if a person does not comply with any change made by a state or political subdivision if the state or political subdivision fails to meet the transparency requirements of this section.
8. Defines demographic group as each group which Section 2 of this Act protects from the denial or abridgement of the right to vote on account of race or color. Defines election as an election for federal office including any general or special primary or runoff election held solely **or in part** to elect the President, Vice President, Senators, Representatives etc...

Section 5. Authority to Assign Observers.

Clarifies that the Attorney General may, in his/her judgment assign election observers to enforce the right to vote **in preclearance states** and require observers in areas where voters have meritoriously complained in writing that efforts to violate the bilingual election requirements of section 203 of the VRA have either occurred or are likely to occur.

Section 6. Injunctive Relief.

Creates a private right of action by permitting **any aggrieved person** or the Attorney General to institute an action for violations of this Act. There is no private right of action in the current VRA.

Institutes a new legal standard for relief under this Act by requiring a court to grant relief if it determines that the hardship imposed on the state or political subdivision will be less than the hardship which would be imposed on the aggrieved person or U.S. if the relief was not granted.

1. In making this determination with respect to a change in any voting qualification, prerequisite to voting, or standard, practice or procedure affecting voting, the court shall consider:
 - a. Whether the prior practice or standard was adopted as a remedy pursuant to a federal court judgment, consent decree or admission regarding discrimination on

the basis of race or color in violation of the 14th or 15th Amendment, a violation under this Act, or voting discrimination on the basis of race, color or membership in a language minority in violation of any other federal or state law.

- b. Whether the prior practice or standard served as a ground for the dismissal or settlement of a claim alleging discrimination on the basis of race or color in violation of the 14th or 15th Amendment, a violation under this Act, or voting discrimination on the basis of race, color or membership in a language minority in violation of any other federal or state law.
- c. Whether the change was adopted fewer than 180 days before the date of the election to which it applies
- d. Whether the state or political subdivision has failed to provide timely or complete notice of the change as required by federal or state law.

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