

Voting Rights Amendment Act of 2014

Section by Section Description of VRA Draft Legislation

Section 2. Violations Triggering Authority Of Court To Retain Jurisdiction -- Provides that a court can “bail-in” a State or political subdivision based on a discriminatory result by amending Section 3(c) of the Voting Rights Act (VRA) to include violations of Section 2 of the VRA and violations of any Federal voting rights law that prohibits voting discrimination against racial and language minorities. It carves out from the new standard Section 2(a) cases that are based on a photo identification requirement.

Section 3. Criteria For Coverage of States and Political Subdivisions -- Sets forth a new nationwide coverage formula that provides that a State or political subdivision will be subject to preclearance under §5 of the VRA as follows:

- A state can be covered if: (1) it commits 5 voting violations in the most recent 15 year period and (2) at least 1 of the violations is committed by the State itself.
- A political subdivision within a state can be covered if it commits 3 voting violations in the most recent 15 year period or commits 1 violation in this period and has had “persistent and extremely low minority voter turnout.”
- A State or political subdivision will continue to be covered for 10 years starting on January 1 of the year of the most recent voting rights violations in the state or subdivision, unless the State or subdivision obtains a “bail-out” under Section 4(a).
- Under the new VRA, a voting rights violation includes (A) a final judgment from a court that the state or subdivision violated the 14th or 15th Amendment to the Constitution; (B) a final judgment of a court that a state or political subdivision violated federal voting laws; (C) a failure or denial of pre-clearance by a court under section 5 or 3(c) of the VRA; or (D) a failure or denial of pre-clearance by the Attorney General under section 5 or 3(c) of the VRA that is not overturned by a court. The Attorney General’s denial cannot, however, be based on the imposition of a photo identification requirement.
- “Persistent, extremely low minority turnout” is determined with respect to political subdivisions, comparing the minority turnout rate in the relevant subdivision to other minority and non-minority turnout rates in other subdivisions, the state, and the nation over the most recent 15 years.

Section 4. Promoting Transparency to Enforce the Voting Rights Act -- Creates a new Section of the VRA providing for notice and disclosure by States and political subdivisions for three voting-related matters: (i) late breaking voting changes involving federal elections (e.g., changes in

voting standards or procedures enacted 180 days before a federal election); (ii) polling resources involving federal elections (e.g., information concerning precincts/polling places, number of voting age and registered voters, voting machines, and poll workers); and (iii) redistricting and other changes in voting districts involving federal, state and local elections.

Section 5. Authority To Assign Observers In Certain Political Subdivisions -- Clarifies that the Attorney General has the continuing authority to request Federal Observers in jurisdictions subject to pre-clearance, and authorizes the AG to assign observers with respect to additional jurisdictions where necessary to enforce the language minority provisions of Section 203 of the VRA.

Section 6. Injunctive Relief – Clarifies that preliminary injunctive relief applies to all provisions of the VRA and specifies that such relief shall be granted if, on balance, the hardship imposed upon the defendant by the relief will be less than the hardship imposed on the plaintiff if the relief were not granted.