

Chapter 3 of the proposed title 52, United States Code, is a restatement of the Voting Rights Act of 1965.

This document displays all differences in text between the restatement and the source law.

Material added by the restatement is double-underlined, and omitted material is ~~struck-through~~.

*Comparison of section 301(1) of title 52, United States Code, with section 14(c)(3) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973(c)(3)):*

~~(3)~~ In this chapter:

(1) Language minorities or language minority group.--The term ``language minorities'' or ``language minority group'' means persons who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage.

*Comparison of section 301(2) of title 52, United States Code, with section 14(c)(2) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973(c)(2)):*

In this chapter:

(2) Political subdivision.--The term ``political subdivision'' ~~shall mean~~means any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting.

*Comparison of section 301(3) of title 52, United States Code, with section 14(c)(1) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973(c)(1)):*

~~(1) In this chapter:~~

~~(3) Vote or voting.--~~The terms ``vote'' ~~or and~~ ``voting'' shall include all action necessary to make a vote effective in any primary, special, or general election, including, ~~but not limited to,~~ registration, listing pursuant to this subchapter, or other action required by law prerequisite to voting, casting a ballot, and having such ballot counted properly and included in the appropriate totals of votes cast with respect to candidates for public or party office and propositions for which votes are received in an election.

*Comparison of section 311 of title 52, United States Code, with section 2 of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973):*

~~Denial~~<sup>311</sup>. Prohibition on denial or abridgement of right to vote ~~on account of race or color through voting qualifications or prerequisites; establishment of violation~~

(a) Prohibition.--No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in section ~~1973b~~313(f) (2) of this title, as provided in subsection (b) ~~of this section~~.

(b) Establishment of Violation.--A violation of subsection (a) ~~of this section~~ is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) ~~of this section~~ in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered: ~~4T3Provided4K, That nothing.~~ Nothing in this section establishes a right to have members

of a protected class elected in numbers equal to their proportion in the population.

*Comparison of section 312(a) of title 52, United States Code, with section 3(a) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973a(a), with both restatement and source law updated to reflect amendments made by section 3(d)(1) of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 (Public Law 109-246, 120 Stat. 580)):*

(a) Authorization by ~~court~~Court for ~~appointment~~Appointment of Federal ~~observers~~Observers.--

(1) In general.--Whenever the Attorney General or an aggrieved person institutes a proceeding under any statute to enforce the voting guarantees of the ~~fourteenth~~14th or ~~fifteenth~~15th amendment in any State or political subdivision the court shall authorize the appointment of Federal ~~observers~~Observers by the Director of the Office of Personnel Management in accordance with section ~~1973d6~~1973d6 of ~~this title~~the Voting Rights Act of 1965 (42 U.S.C. 1973d) ~~as in effect until July 27, 2006,~~ to serve for such period of time and for such political subdivisions as the court shall determine is appropriate to enforce the voting guarantees of the ~~fourteenth~~14th or ~~fifteenth~~15th amendment ~~(1--~~

(A) as part of any interlocutory order if the court determines that the appointment of such observers is necessary to enforce such voting guarantees; ~~or--(2~~

(B) as part of any final judgment if the court finds that violations of the ~~fourteenth~~14th or ~~fifteenth~~15th amendment justifying equitable relief have occurred in such State or subdivision: ~~4T3Provided4K, That the.~~

(2) Exception.--~~The~~ court need not authorize the appointment of observers if--

(A) any incidents of denial or abridgement of the right to vote on account of race or color, or in contravention of the voting guarantees set forth in section ~~1973b313~~313 (f) (2) of this title ~~(1),~~ have been few in number and have been promptly and effectively corrected by State or local action, ~~(2;~~

(B) the continuing effect of such incidents has been eliminated, ~~r;~~ and ~~(3)~~

(C) there is no reasonable probability ~~of their recurrence~~ that such incidents will recur in the future.

*Comparison of section 312(b) of title 52, United States Code, with section 3(b) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973a(b)):*

~~(b) Suspension of use of tests and devices which deny or abridge the right to vote~~

(b) Suspension of Use of Tests and Devices That Deny or Abridge Right To Vote.--If in a proceeding instituted by the Attorney General or an aggrieved person under any statute to enforce the voting guarantees of the ~~fourteenth~~14th or ~~fifteenth~~15th amendment in any State or political subdivision the court finds that a test or device has been used for the purpose or with the effect of denying or abridging the right of any citizen of the United States to vote on account of race or color, or in contravention of the voting guarantees set forth in section ~~1973b~~313 (f) (2) of this title, ~~it~~the court shall suspend the use of tests and devices in such State or political subdivisions as the court shall determine ~~is~~are appropriate and for such period as it deems necessary.

*Comparison of section 312(c) of title 52, United States Code, with section 3(c) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973a(c)):*

~~(c) Retention of jurisdiction to prevent commencement of new devices to deny or abridge the right to vote~~

(c) Retention of Jurisdiction To Prevent Commencement of New Devices To Deny or Abridge Right To Vote.--

(1) In general.--If in any proceeding instituted by the Attorney General or an aggrieved person under any statute

to enforce the voting guarantees of the ~~fourteenth~~14th or ~~fifteenth~~15th amendment in any State or political subdivision the court finds that violations of the ~~fourteenth~~14th or ~~fifteenth~~15th amendment justifying equitable relief have occurred within the territory of such State or political subdivision, the court, in addition to such relief as it may grant, shall retain jurisdiction for such period as it may deem appropriate, and during such period no voting qualification or prerequisite to voting or standard, practice, or procedure with respect to voting different from that in force or effect at the time the proceeding was commenced shall be enforced unless and until the court finds that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color, or in contravention of the voting guarantees set forth in section ~~1973b313~~313(f) (2) of this title: ~~Provided, That such.~~

(2) No objection within 60 days.--Such qualification, prerequisite, standard, practice, or procedure may be enforced if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within ~~sixty~~60 days after such submission, except that neither the court's finding nor the Attorney General's failure to object shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure.

*Comparison of section 313(a)(1) of title 52, United States Code, with section 4(c) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973b(c)):*

~~(c) ``Test or device'' defined~~

(a) Definition of Test or Device.--

(1) In general.--The ~~phrase~~term ``test or device'' shall ~~mean~~mean any requirement that a person, as a prerequisite for voting or registration for voting ~~(1=~~

(A) demonstrate the ability to read, write, understand, or interpret any matter, ~~(2);~~

(B) demonstrate any educational achievement or his knowledge of any particular subject, ~~(3);~~

(C) possess good moral character, i; or ~~(4~~

(D) prove his the person's qualifications by the voucher of registered voters or members of any other class.

*Comparison of section 313(a)(2) of title 52, United States Code, with section 4(f)(3) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973b(f)(3)):*

~~(3)~~ 2) Additional definition. - In addition to the meaning given the term under subsection (c) of this section paragraph (1), the term ``test or device'' shall also mean means any practice or requirement by which any State or political subdivision provided any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, only in the English language, where the Director of the Census determines that more than five per centum 5 percent of the citizens of voting age residing in such State or political subdivision are members of a single language minority. With respect to subsection (b) of this section (c), the term ``test or device'', as defined in this subsection paragraph, shall be employed only in making the determinations under the third sentence paragraph (3) of that subsection.

*Comparison of section 313(b)(1) (1st sentence) of title 52, United States Code, with section 4(a)(1) (1st sentence) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973b(a)(1) (1st sentence)):*

~~(a) Action by State or political subdivision for declaratory judgment of no denial or abridgement; three-judge district court; appeal to Supreme Court; retention of jurisdiction by three-judge court~~

(b) No Denial of Right To Vote Because of Failure To Comply With Test or Device Unless Declaratory Judgment Issued.-

(1) In general.-To assure that the right of citizens of the United States to vote is not denied or abridged on account of race or color, no citizen shall be denied the right to vote in any Federal, State, or local election because of ~~his~~the citizen's failure to comply with any test or device in any State with respect to which the determinations have been made under ~~the first two sentences~~paragraph (1) or (2) of subsection ~~(b) of this section~~(c) or in any political subdivision of such State (as such subdivision existed on the date such determinations were made with respect to such State), though such determinations were not made with respect to such subdivision as a separate unit, or in any political subdivision with respect to which such determinations have been made as a separate unit, unless the United States District Court for the District of Columbia issues a declaratory judgment under this section.

*Comparison of section 313(b)(1) (matter after 1st sentence) - (6) of title 52, United States Code, with section 4(a)(1) (matter after 1st sentence) - (6) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973b(a)(1) (matter after 1st sentence) - (6), with both restatement and source law updated to reflect amendments made by section 3(d)(2) of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 (Public Law 109-246, 120 Stat. 580)):*

No citizen shall be denied the right to vote in any Federal, State, or local election because of ~~his~~the citizen's failure to comply with any test or device in any State with respect to which the determinations have been made under ~~the third sentence of~~ subsection ~~(b) of this section~~(c) ~~(3)~~ or in any political subdivision of such State (as such subdivision existed on the date such determinations were made with respect to such State), though such determinations were not made with respect to such subdivision as a separate unit, or in any political subdivision with respect to which such determinations have been made as a separate unit, unless the United States District Court for the District of Columbia issues a declaratory judgment under this section. A declaratory judgment under this section shall issue only if such court determines that during the ~~ten~~10 years preceding the filing of the action, and during the pendency of such action-

(A) no such test or device has been used within such State or political subdivision for the purpose or with the effect of denying or abridging the right to vote on account of race or color or (in the case of a State or subdivision seeking a declaratory judgment under the second sentence of this ~~subsection~~paragraph) in contravention of the guarantees of subsection (f) (2) ~~of this section~~;

(B) no final judgment of any court of the United States, other than the denial of declaratory judgment under this section, has determined that denials or abridgements of the right to vote on account of race or color have occurred anywhere in the territory of such State or political subdivision or (in the case of a State or subdivision seeking a declaratory judgment under the second sentence of this ~~subsection~~paragraph) that denials or abridgements of the right to vote in contravention of the guarantees of subsection (f) (2) ~~of this section~~ have occurred anywhere in the territory of such State or subdivision, and no consent decree, settlement, or agreement has been entered into resulting in any abandonment of a voting practice challenged on such grounds; and no declaratory judgment under this section shall be entered during the pendency of an action commenced before the filing of an action under this section and alleging such denials or abridgements of the right to vote;

(C) no Federal examiners or observers under ~~subchapters I-A to I-C~~ of this chapter have been assigned to such State or political subdivision;

(D) such State or political subdivision and all governmental units within its territory have complied with section 1973e314 of this title, including compliance with the requirement that no change covered by section 1973e314 of this title has been enforced without preclearance under section 1973e314 of this title, and have repealed all changes covered by section 1973e314 of this title to which the Attorney General has successfully objected or as to which the United States District Court for the District of Columbia has denied a declaratory judgment;

(E) the Attorney General has not interposed any objection (that has not been overturned by a final judgment of a court) and no declaratory judgment has been denied under section 1973e314 of this title, with respect to any submission by or on behalf of the plaintiff or any

governmental unit within its territory under section ~~1973e~~314 of this title, and no such submissions or declaratory judgment actions are pending; and

(F) such State or political subdivision and all governmental units within its territory-

(i) have eliminated voting procedures and methods of election which inhibit or dilute equal access to the electoral process;

(ii) have engaged in constructive efforts to eliminate intimidation and harassment of persons exercising rights protected under ~~subchapters I-A to I-C of~~ this chapter; and

(iii) have engaged in other constructive efforts, such as expanded opportunity for convenient registration and voting for every person of voting age and the appointment of minority persons as election officials throughout the jurisdiction and at all stages of the election and registration process.

(2) Evidence of minority participation.-To assist the court in determining whether to issue a declaratory judgment under this subsection, the plaintiff shall present evidence of minority participation, including evidence of the levels of minority group registration and voting, changes in such levels over time, and disparities between minority-group and non-minority-group participation.

(3) No declaratory judgment if state or political subdivision engaged in violations.-No declaratory judgment shall issue under this subsection with respect to such State or political subdivision if such plaintiff and governmental units within its territory have, during the period beginning ~~ten~~10 years before the date the judgment is issued, engaged in violations of any provision of the Constitution or laws of the United States or any State or political subdivision with respect to discrimination in voting on account of race or color or (in the case of a State or subdivision seeking a declaratory judgment under the second sentence of ~~this subsection~~paragraph (1)) in contravention of the guarantees of subsection (f)(2) ~~of this section~~ unless the plaintiff establishes that any such violations were trivial, were promptly corrected, and were not repeated.

(4) Publication and right of intervention.-The State or political subdivision bringing such action shall publicize the intended commencement and any proposed settlement of such action in the media serving such State or political subdivision and in appropriate United States post offices. Any aggrieved party may as of right intervene at any stage in such action.

(5) Procedure and 10 year retention of jurisdiction to vacate declaratory judgment.-An action pursuant to this subsection shall be heard and determined by a court of ~~three~~3 judges in accordance with ~~the provisions of~~ section 2284 of title 28, and any appeal shall lie to the Supreme Court. The court shall retain jurisdiction of any action pursuant to this subsection for ~~ten~~10 years after judgment and shall reopen the action upon motion of the Attorney General or any aggrieved person alleging that conduct has occurred which, had that conduct occurred during the ~~ten~~10-year periods referred to in this subsection, would have precluded the issuance of a declaratory judgment under this subsection. The court, upon such reopening, shall vacate the declaratory judgment issued under this section if, after the issuance of such declaratory judgment, a final judgment against the State or subdivision with respect to which such declaratory judgment was issued, or against any governmental unit within that State or subdivision, determines that denials or abridgements of the right to vote on account of race or color have occurred anywhere in the territory of such State or political subdivision or (in the case of a State or subdivision which sought a declaratory judgment under the second sentence of ~~this subsection~~paragraph (1)) that denials or abridgements of the right to vote in contravention of the guarantees of subsection (f) (2) ~~of this section~~ have occurred anywhere in the territory of such State or subdivision, or if, after the issuance of such declaratory judgment, a consent decree, settlement, or agreement has been entered into resulting in any abandonment of a voting practice challenged on such grounds.

(6) Expediting action after 2 year delay.-If, after ~~two~~2 years from the date of the filing of a declaratory judgment under this subsection, no date has been set for a hearing in such action, and that delay has not been the result of an avoidable delay on the part of counsel for any party, the chief judge of the United States District Court for the District of Columbia may request the Judicial Council for

the Circuit of the District of Columbia to provide the necessary judicial resources to expedite any action filed under this section. If such resources are unavailable within the circuit, the chief judge shall file a certificate of necessity in accordance with section 292(d) of title 28.

*Comparison of section 313(b)(7) - (8) of title 52, United States Code, with section 4(a)(7) - (8) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973b(a)(7) - (8), with both restatement and source law updated to reflect amendments made by section 4 of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 (Public Law 109-246, 120 Stat. 580)):*

(7) The Congressional review.-Congress shall reconsider the provisions of this section at the end of the ~~fifteen~~15-year period following the effective date of the amendments made by the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 (Public Law 109-246, 120 Stat. 577).

~~(8) The provisions of this~~ (8) Expiration.-This section shall expire at the end of the ~~twenty-five~~25-year period following the effective date of the amendments made by the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006-(Public Law 109-246, 120 Stat. 577).

*Comparison of section 313(b)(9) of title 52, United States Code, with section 4(a)(9) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973b(a)(9)):*

(9) Attorney general consent to entry of judgment.-Nothing in this section shall prohibit the Attorney General from consenting to an entry of judgment if, based upon a showing of objective and compelling evidence by the plaintiff, and upon investigation, ~~he~~the Attorney General is satisfied that the State or political subdivision has complied with the requirements of ~~subsection (a) paragraph (1) of this section.~~(1) of this section. Any aggrieved party may as of right intervene at any stage in such action.

*Comparison of section 313(c)(1) of title 52, United States Code, with section 4(b) (1st sentence) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973b(b) (1st sentence)):*

~~(b) Required factual determinations necessary to allow suspension of compliance with tests and devices; publication in Federal Register~~

(c) Required Factual Determinations Necessary To Allow Suspension of Compliance With Tests and Devices.-

~~The provisions of subsection (a) of this section~~(1) Determinations related to november 1964.-Subsection (b) shall apply in any State or in any political subdivision of a State=

(A) which ~~(1)~~ the Attorney General determines maintained on November 1, 1964, any test or device~~;~~; and

(B) with respect to which ~~(2)~~ the Director of the Census determines that less than 50 ~~per cent~~umpercent of the persons of voting age residing therein were registered on November 1, 1964, or that less than 50 ~~per cent~~umpercent of such persons voted in the presidential election of November 1964.

*Comparison of section 313(c)(2) of title 52, United States Code, with section 4(b) (2d sentence) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973b(b) (2d sentence)):*

(2) Determinations related to november 1968.-On and after August 6, 1970, in addition to any State or political subdivision of a State determined to be subject to subsection ~~(a) of this section~~b) pursuant to ~~the previous sentence, the provisions of paragraph (1),~~ subsection ~~(a) of this section~~b) shall apply in any State or any political subdivision of a State=

(A) which ~~(i)~~ the Attorney General determines maintained on November 1, 1968, any test or device~~;~~; and

(B) with respect to which ~~(ii)~~ the Director of the Census determines that less than 50 ~~per centum~~percent of the persons of voting age residing therein were registered on November 1, 1968, or that less than 50 ~~per centum~~percent of such persons voted in the presidential election of November 1968.

*Comparison of section 313(c)(3) of title 52, United States Code, with section 4(b) (3d sentence) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973b(b) (3d sentence)):*

(3) Determinations related to november 1972.—On and after August 6, 1975, in addition to any State or political subdivision of a State determined to be subject to subsection ~~(a) of this section~~b pursuant to ~~the previous two sentences, the provisions of paragraphs (1) and (2),~~ subsection ~~(a) of this section~~b shall apply in any State or any political subdivision of a State.

(A) which ~~(i)~~ the Attorney General determines maintained on November 1, 1972, any test or device~~;~~i and

(B) with respect to which ~~(ii)~~ the Director of the Census determines that less than 50 ~~per centum~~percent of the citizens of voting age were registered on November 1, 1972, or that less than 50 ~~per centum~~percent of such persons voted in the Presidential election of November 1972.

*Comparison of section 313(c)(4) of title 52, United States Code, with section 4(b) (last sentence) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973b(b) (last sentence)):*

(4) Determination or certification not reviewable.—A determination or certification of the Attorney General or of the Director of the Census under this section or under section ~~1973d~~315 or ~~1973k~~319 of this title shall not be reviewable in any court and shall be effective upon publication in the Federal Register.

Comparison of section 313(d) of title 52, United States Code, with section 4(d) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973b(d)):

~~(d) Required frequency, continuation and probable recurrence of incidents of denial or abridgement to constitute forbidden use of tests or devices~~

(d) Preclusion of Determination of Prohibited Use of Tests or Devices.-

For purposes of this section, no State or political subdivision shall be determined to have engaged in the use of tests or devices for the purpose or with the effect of denying or abridging the right to vote on account of race or color, or in contravention of the guarantees set forth in subsection (f) ~~(2) of this section~~, if--

(1) incidents of such use have been few in number and have been promptly and effectively corrected by State or local action ~~ri~~

(2) the continuing effect of such incidents has been eliminated ~~ri~~ and

(3) there is no reasonable probability ~~of their recurrence~~ that such incidents will recur in the future.

Comparison of section 313(e) of title 52, United States Code, with section 4(e) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973b(e)):

~~(e) Completion of requisite grade level of education in American-flag schools in which the predominant classroom language was other than English~~

(e) Right To Vote for Persons Educated in American-Flag Schools Where Classroom Language Is Other Than English.-

(1) Declaration of requirement to secure voting rights.- Congress ~~hereby~~ declares that to secure the rights under the ~~fourteenth~~ 14th amendment of persons educated in American-flag schools in which the predominant classroom language was other than English, it is necessary to prohibit the States from conditioning the right to vote of

such persons on ability to read, write, understand, or interpret any matter in the English language.

(2) Prohibition on requiring english language ability.-No person who demonstrates that ~~h~~the person has successfully completed the sixth primary grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or ~~the Commonwealth of~~ Puerto Rico in which the predominant classroom language was other than English, shall be denied the right to vote in any Federal, State, or local election because of ~~h~~the person's inability to read, write, understand, or interpret any matter in the English language, except that in States in which State law provides that a different level of education is presumptive of literacy, ~~h~~the person shall demonstrate that ~~h~~the person has successfully completed an equivalent level of education in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or ~~the Commonwealth of~~ Puerto Rico in which the predominant classroom language was other than English.

*Comparison of section 313(f)(1) of title 52, United States Code, with section 4(f)(1) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973b(f)(1)):*

(f) Voting Discrimination Against Language Minorities.-

(1) The Findings and declaration.-Congress finds that voting discrimination against citizens of language minorities is pervasive and national in scope. Such minority citizens are from environments in which the dominant language is other than English. In addition they have been denied equal educational opportunities by State and local governments, resulting in severe disabilities and continuing illiteracy in the English language. ~~The~~ Congress further finds that, where State and local officials conduct elections only in English, language minority citizens are excluded from participating in the electoral process. In many areas of the country, this exclusion is aggravated by acts of physical, economic, and political intimidation. ~~The~~ Congress declares that, in order to enforce the guarantees of the ~~fourteenth~~14th and ~~fifteenth~~15th amendments to the United States Constitution, it is necessary to eliminate

such discrimination by prohibiting English-only elections, and by prescribing other remedial devices.

*Comparison of section 313(f)(2) of title 52, United States Code, with section 4(f)(2) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973b(f)(2)):*

(2) Prohibition on imposing qualifications or procedures to deny or abridge the right to vote.-No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote because ~~he~~the citizen is a member of a language minority group.

*Comparison of section 313(f)(3) of title 52, United States Code, with section 4(f)(4) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973b(f)(4)):*

~~(4)~~3) Requirement to provide electoral materials for language minority group.-Whenever any State or political subdivision subject to the prohibitions of the second sentence of subsection ~~(a) of this section~~(1) provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, ~~it~~the State or political subdivision shall provide them in the language of the applicable language minority group as well as in the English language: ~~Provided, That. However,~~ where the language of the applicable minority group is oral or unwritten (or in the case of Alaskan Natives and American Indians, if the predominate language is historically unwritten,) the State or political subdivision is only required to ~~furnish~~provide oral instructions, assistance, or other information relating to registration and voting.

Comparison of section 314 of title 52, United States Code, with section 5 of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973c, with both restatement and source law updated to reflect amendments made by section 5 of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 (Public Law 109-246, 120 Stat. 580)):

314. Alteration of voting qualifications and procedures; ~~action by State or political subdivision for declaratory judgment of no denial or abridgement of voting rights; three judge district court; appeal to Supreme Court~~

(a) In General.-Whenever a State or political subdivision with respect to which the prohibitions set forth in section ~~1973b(a)313(b)~~ of this title based upon determinations made under ~~the first sentence of~~ section ~~1973b(b)313(c)(1)~~ of this title are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964, or whenever a State or political subdivision with respect to which the prohibitions set forth in section ~~1973b(a)313(b)~~ of this title based upon determinations made under ~~the second sentence of~~ section ~~1973b(b)313(c)(2)~~ of this title are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1968, or whenever a State or political subdivision with respect to which the prohibitions set forth in section ~~1973b(a)313(b)~~ of this title based upon determinations made under ~~the third sentence of~~ section ~~1973b(b)313(c)(3)~~ of this title are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1972, such State or subdivision may institute an action in the United States District Court for the District of Columbia for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race or color, or in contravention of the guarantees set forth in section ~~1973b313~~(f)(2) of this title, and unless and until the court enters such judgment no person shall be denied the right to vote for failure to comply with such qualification, prerequisite, standard, practice, or procedure: ~~AT3ProvidedAK, That.~~ However, such qualification, prerequisite, standard, practice, or

procedure may be enforced without such proceeding if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty60 days after such submission, or upon good cause shown, to facilitate an expedited approval within sixty60 days after such submission, the Attorney General has affirmatively indicated that such objection will not be made. Neither an affirmative indication by the Attorney General that no objection will be made, nor the Attorney General's failure to object, nor a declaratory judgment entered under this section shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure. In the event the Attorney General affirmatively indicates that no objection will be made within the sixty60-day period following receipt of a submission, the Attorney General may reserve the right to reexamine the submission if additional information comes to ~~his~~the Attorney General's attention during the remainder of the sixty60-day period which would otherwise require objection in accordance with this section. Any action under this section shall be heard and determined by a court of three3 judges in accordance with ~~the provisions of~~ section 2284 of title 28 and any appeal shall lie to the Supreme Court.

(b) Denial or Abridgment of Right To Vote.-Any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting that has the purpose of or will have the effect of diminishing the ability of any citizens of the United States on account of race or color, or in contravention of the guarantees set forth in section 4313(f)(2~~+~~) of this title, to elect their preferred candidates of choice denies or abridges the right to vote within the meaning of subsection (a) ~~of this section~~.

(c) Definition of Purpose in Subsections (a) and (b).-The term ``purpose'' in subsections (a) and (b) ~~of this section~~ shall include any discriminatory purpose.

(d) Purpose of Subsection (b).-The purpose of subsection (b) ~~of this section~~ is to protect the ability of such citizens to elect their preferred candidates of choice.

*Comparison of section 315(a)(1) of title 52, United States Code, with section 8(a)(1) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973f(a)(1), with both restatement and source law updated to reflect amendments made by section 3(a) of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 (Public Law 109-246, 120 Stat. 578)):*

~~Sec. 8. (a)~~

315. Use of observers at elections

(a) In General.-Whenever-

(1) a court has authorized the appointment of observers under section 312(a) of this title for a political subdivision; or

*Comparison of section 315(a)(2) of title 52, United States Code, with section 8(a)(2) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973f(a)(2), with both restatement and source law updated to reflect amendments made by section 3(a) of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 (Public Law 109-246, 120 Stat. 578)):*

(2) the Attorney General certifies with respect to any political subdivision named in, or included within the scope of, determinations made under section 4(b)313(c) of this title, unless a declaratory judgment has been rendered under section 4(a)313(b) of this title, that-

(A) the Attorney General has received written meritorious complaints from residents, elected officials, or civic participation organizations that efforts to deny or abridge the right to vote under the color of law on account of race or color, or in contravention of the guarantees set forth in section 4313(f) (2) of this title, are likely to occur; or

(B) in the Attorney General's judgment (considering, among other factors, whether the ratio of nonwhite persons to white persons registered to vote within such subdivision appears to the Attorney General to be reasonably attributable to violations of the 14th or 15th amendment or whether substantial evidence exists that bona fide efforts are being made within such subdivision to comply with the 14th or 15th amendment), the assignment of observers is

otherwise necessary to enforce the guarantees of the 14th or 15th amendment;

the Director of the Office of Personnel Management shall assign as many observers for such subdivision as the Director may deem appropriate.

*Comparison of section 315(b) - (e) of title 52, United States Code, with section 8(b) - (e) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973f(b) - (e), with both restatement and source law updated to reflect amendments made by section 3(a) of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 (Public Law 109-246, 120 Stat. 578)):*

(b) Assignment, Compensation, and Separation.-Except as provided in subsection (c), such observers shall be assigned, compensated, and separated without regard to the provisions of any statute administered by the Director of the Office of Personnel Management, and their service under this Act~~chapter~~ shall not be considered employment for the purposes of any statute administered by the Director of the Office of Personnel Management, except ~~the provisions of~~ section 7324 of title 5, ~~United States Code~~, prohibiting partisan political activity.

(c) Designation of Observers.-The Director of the Office of Personnel Management is authorized to, after consulting the head of the appropriate department or agency, designate suitable persons in the official service of the United States, with their consent, to serve in these positions.

(d) Authority of Observers.-Observers shall be authorized to-

(1) enter and attend at any place for holding an election in such subdivision for the purpose of observing whether persons who are entitled to vote are being permitted to vote; and

(2) enter and attend at any place for tabulating the votes cast at any election held in such subdivision for the purpose of observing whether votes cast by persons entitled to vote are being properly tabulated.

(e) Investigation and Report.—Observers shall investigate and report to the Attorney General, and if the appointment of observers has been authorized pursuant to section 312(a) of this title, to the court.

*Comparison of section 316(a) of title 52, United States Code, with section 10(a) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973h(a)):*

316. Poll taxes

~~(a) Congressional finding and declaration of policy against enforced payment of poll taxes as a device to impair voting rights~~

(a) Findings and Declaration.—

~~The (1) Findings.~~—Congress finds that the requirement of the payment of a poll tax as a precondition to voting ~~(i)~~

(A) precludes persons of limited means from voting or imposes unreasonable financial hardship upon such persons as a precondition to their exercise of the franchise, ~~(ii)~~

(B) does not bear a reasonable relationship to any legitimate State interest in the conduct of elections, 7i and ~~(iii)~~

(C) in some areas has the purpose or effect of denying persons the right to vote because of race or color.

(2) Declaration.—Upon the basis of these findings, Congress declares that the constitutional right of citizens to vote is denied or abridged in some areas by the requirement of the payment of a poll tax as a precondition to voting.

*Comparison of section 316(b) of title 52, United States Code, with section 10(b) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973h(b)):*

(b) Authority of Attorney General ~~to institute actions~~To Institute Actions for ~~relief against enforcement of poll tax requirement~~

Relief Against Enforcement.-In the exercise of the powers of Congress under section 5 of the ~~fourteenth~~14th amendment, section 2 of the ~~fifteenth~~15th amendment and section 2 of the ~~twenty-fourth~~24th amendment, the Attorney General is authorized and directed to institute forthwith in the name of the United States such actions, including actions against States or political subdivisions, for declaratory judgment or injunctive relief against the enforcement of any requirement of the payment of a poll tax as a precondition to voting, or substitute therefor enacted after November 1, 1964, as will be necessary to implement the declaration of subsection (a) ~~of this section~~ (2) and the purposes of this section.

*Comparison of section 316(c) of title 52, United States Code, with section 10(c) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973h(c)):*

(c) Jurisdiction and Expediting of ~~three judge district courts; appeal to Supreme Court~~

Case.-The district courts of the United States shall have jurisdiction of such actions which shall be heard and determined by a court of ~~three~~3 judges in accordance with ~~the provisions of~~ section 2284 of title 28, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

*Comparison of section 317(a) of title 52, United States Code, with section 11(a) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973(a)):*

317. Prohibited acts

(a) Failure or Refusal To Permit Casting or Tabulation of Vote.-No person acting under color of law shall fail or refuse to permit any person to vote who is entitled to vote under any provision of ~~subchapters I-A to I-C~~ of this chapter or is otherwise qualified to vote, or willfully fail or refuse to tabulate, count, and report such person's vote.

*Comparison of section 317(b) of title 52, United States Code, with section 11(b) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973i(b)):*

(b) Intimidation, ~~threats~~Threats, or ~~coercion~~Coercion.-

No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for urging or aiding any person to vote or attempt to vote, or intimidate, threaten, or coerce any person for exercising any powers or duties under=

(1) section 1973a312(a), 1973d, 1973f, 1973g, 1973h315, 316, or 1973j318(e) of this title; or

(2) section 6 or 9 of the Voting Rights Act of 1965 (42 U.S.C. 1973d, 42 U.S.C. 1973g) as in effect until July 27, 2006.

*Comparison of section 317(c) of title 52, United States Code, with section 11(c) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973i(c)):*

~~(c) False information in registering or voting; penalties~~  
(c) False Information in Registering or Voting.-

Whoever(1) Prohibited acts and penalty.-Any person who knowingly or willfully gives false information as to ~~his~~the

person's name, address or period of residence in the voting district for the purpose of establishing ~~his~~ eligibility to register or vote, or conspires with another individual for the purpose of encouraging ~~his~~ false registration to vote or illegal voting, or pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years, or both: ~~Provided, however, That this provision shall be applicable.~~

(2) Applicability.-This subsection applies only to general, special, or primary elections held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, Delegate from the District of Columbia, Guam, or the Virgin Islands, or Resident Commissioner of ~~the Commonwealth of~~ Puerto Rico.

*Comparison of section 317(d) of title 52, United States Code, with section 11(d) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973i(d)):*

(d) Falsification or ~~concealment~~Concealment of ~~material facts~~Material Facts or ~~giving~~Giving of ~~false statements in matters within jurisdiction of examiners or hearing officers; penalties~~

False Statements.-Whoever, in any matter within the jurisdiction of an examiner or hearing officer, knowingly and willfully falsifies or conceals a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000~~or,~~ imprisoned not more than five years, or both.

Comparison of section 317(e) of title 52, United States Code, with section 11(e) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973i(e)):

(e) Voting ~~more than once~~More Than Once.-

(1) Prohibited act and penalty.-Whoever votes more than once in an election referred to in paragraph (2) shall be fined not more than \$10,000 ~~or,~~ imprisoned not more than ~~five~~5 years, or both.

(2) Applicability.-The prohibition of this subsection applies with respect to any general, special, or primary election held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, Delegate from the District of Columbia, Guam, or the Virgin Islands, or Resident Commissioner of ~~the Commonwealth of~~ Puerto Rico.

(3) Limitation.-As used in this subsection, the term ``votes more than once'' does not include the casting of an additional ballot if all prior ballots of that voter were invalidated, nor does it include the voting in two jurisdictions under section ~~1973aa-1332~~ of this title, to the extent ~~two~~2 ballots are not cast for an election to the same candidacy or office.

Comparison of section 318(a) of title 52, United States Code, with section 12(a) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973j(a), with both restatement and source law updated to reflect amendments made by section 3(e)(2) of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 (Public Law 109-246, 120 Stat. 580)):

### 318. Civil and criminal sanctions

#### ~~Civil and criminal sanctions~~

~~(a) Depriving or attempting to deprive persons of secured rights~~

(a) Depriving or Attempting To Deprive Persons of Secured Rights.-Whoever shall deprive or attempt to deprive any person of any right secured by section ~~1973, 1973a, 1973b, 1973e~~311, 312, 313, 314, or ~~1973h~~316 of this title or shall

violate section ~~1973i~~317(a) of this title, shall be fined not more than \$5,000, ~~or~~ imprisoned not more than ~~five~~5 years, or both.

*Comparison of section 318(b) of title 52, United States Code, with section 12(b) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973j(b), with both restatement and source law updated to reflect amendments made by section 3(d)(3) of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 (Public Law 109-246, 120 Stat. 580)):*

~~(b) Destroying, defacing, mutilating, or altering ballots or official voting records~~

(b) Damaging or Altering Ballots or Voting Records.-

Whoever, within a year following an election in a political subdivision in which an observer has been assigned—

(1) destroys, defaces, mutilates, or otherwise alters the marking of a paper ballot which has been cast in such election~~r~~i or

(2) alters any official record of voting in such election tabulated from a voting machine or otherwise,

shall be fined not more than \$5,000, ~~or~~ imprisoned not more than ~~five~~5 years, or both.

*Comparison of section 318(c) of title 52, United States Code, with section 12(c) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973j(c), with both restatement and source law updated to reflect amendments made by section 3(e)(2) of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 (Public Law 109-246, 120 Stat. 580)):*

~~(c) Conspiring to violate or interfere with secured rights~~

(c) Conspiring To Violate or Interfere With Secured Rights.-

Whoever conspires to violate ~~the provisions of~~ subsection (a) or (b) ~~of this section~~, or interferes with any right secured by section ~~1973, 1973a, 1973b, 1973c, 1973h~~311, 312, 313, 314, 316, or ~~1973i~~317(a) of this title shall be

fined not more than \$5,000, or imprisoned not more than ~~five~~<sup>5</sup> years, or both.

*Comparison of section 318(d) of title 52, United States Code, with section 12(d) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973j(d)):*

(d) Civil ~~action~~<sup>Action</sup> by Attorney General for ~~preventive relief; injunctive and other relief~~<sup>Preventive Relief.</sup>

Whenever any person has engaged<sup>ed</sup>, or there are reasonable grounds to believe that any person is about to engage<sup>e</sup>, in any act or practice prohibited by ~~subsection (b) or section 1973, 1973a, 1973b, 1973c, 1973e, 1973h, 1973i, or subsection (b) 311, 312, 313, 314, 316, or 317 of this title, or prohibited by~~ section 7 of the Voting Rights Act of 1965 (42 U.S.C. 1973e) as in effect until July 27, 2006, the Attorney General may institute for the United States, or in the name of the United States, an action for preventive relief, including an application for a temporary or permanent injunction, restraining order, or other order, and including an order directed to the State and State or local election officials to require ~~them~~<sup>the officials</sup>

(1) to permit persons listed under ~~subchapters I-A to I-C of this chapter~~ or section 7 of the Voting Rights Act of 1965 (42 U.S.C. 1973e) as in effect until July 27, 2006, to vote<sup>s</sup>; and

(2) to count such votes.

*Comparison of section 318(e) of title 52, United States Code, with section 12(e) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973j(e), with both restatement and source law updated to reflect amendments made by section 3(d)(4) of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 (Public Law 109-246, 120 Stat. 580)):*

(e) Proceeding ~~by Attorney General to enforce the counting~~<sup>To Enforce Counting</sup> of ~~ballots of registered and eligible persons who are prevented from voting~~<sup>Ballots.</sup>

Whenever, in any political subdivision in which there are observers appointed pursuant to ~~subchapters I-A to I-C of~~ this chapter, any persons allege to such an observer within ~~forty-eight~~<sup>48</sup> hours after the closing of the polls that, notwithstanding ~~(1) their listing under subchapters I-A to I-C of~~ this chapter or registration by an appropriate election official, and ~~(2) notwithstanding~~ their eligibility to vote, they have not been permitted to vote in such election, the observer shall forthwith notify the Attorney General if such allegations in ~~his~~<sup>the observer's</sup> opinion appear to be well founded. Upon receipt of such notification, the Attorney General may forthwith file with the district court an application for an order providing for the marking, casting, and counting of the ballots of such persons and requiring the inclusion of their votes in the total vote before the results of such election shall be deemed final and any force or effect given thereto. The district court shall hear and determine such matters immediately after the filing of such application. The remedy provided in this subsection shall not preclude any remedy available under State or Federal law.

*Comparison of section 318(f) of title 52, United States Code, with section 12(f) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973(f)):*

(f) Jurisdiction of ~~district courts; exhaustion of administrative or other remedies unnecessary~~

District Courts.—The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether a person asserting rights under ~~the provisions of subchapters I-A to I-C of~~ this chapter shall have exhausted any administrative or other remedies that may be provided by law.

*Comparison of section 319(a)(1) of title 52, United States Code, with section 13(a)(1) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973k(a)(1), with both restatement and source law updated to reflect*

~~(a) The 319. Termination of assignment of observers shall terminate in any political subdivision of any State~~

(a) Termination.-

The assignment of observers shall terminate in any political subdivision of any State-

(1) with respect to observers appointed pursuant to section §315 of this title or with respect to examiners certified under ~~this Act before~~ the ~~date of the enactment of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King~~ Voting Rights Act ~~Reauthorization and Amendments Act of of 1965 (Public Law 89-110, 79 Stat. 437) before July 27, 2006,~~ whenever the Attorney General notifies the Director of the Office of Personnel Management, or whenever the District Court for the District of Columbia determines in an action for declaratory judgment brought by any political subdivision described in subsection (b), that there is no longer reasonable cause to believe that persons will be deprived of or denied the right to vote on account of race or color, or in contravention of the guarantees set forth in section 4313(f) (2) of this title in such subdivision; and

*Comparison of section 319(a)(2), (b), (c) of title 52, United States Code, with section 13(a)(2), (b), (c) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973k(a)(2), (b), (c), with both restatement and source law updated to reflect amendments made by section 3(b) of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 (Public Law 109-246, 120 Stat. 579)):*

(2) with respect to observers appointed pursuant to section 312(a) of this title, upon order of the authorizing court.

(b) Political Subdivision.-A political subdivision referred to in subsection (a) (1) is one with respect to which the Director of the Census has determined that more than 50 ~~per cent~~ percent of the nonwhite persons of voting age residing therein are registered to vote.

(c) Petition for Termination.—A political subdivision may petition the Attorney General for a termination under subsection (a) (1).

*Comparison of section 320 of title 52, United States Code, with section 14(a), (b), (d), (e) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973(a), (b), (d), (e), with both restatement and source law updated to reflect amendments made by sections 3(e)(3) and 6 of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 (Public Law 109-246, 120 Stat. 580, 581)):*

~~19731.~~ 320. Enforcement proceedings

(a) Criminal ~~eontempt~~ Contempt.—

All cases of criminal contempt arising under ~~the provisions of subchapters I-A to I-C of this chapter~~ shall be governed by section 151 of the Civil Rights Act of 1957 (42 U.S.C. 1995-of this title).

(b) Jurisdiction of ~~courts for declaratory judgment, restraining orders, or temporary or permanent injunction~~ Courts.—

No court other than the District Court for the District of Columbia shall have jurisdiction to issue any declaratory judgment pursuant to section ~~1973b313~~ or ~~1973e314~~ of this title or any restraining order or temporary or permanent injunction against the execution or enforcement of any provision of ~~subchapters I-A to I-C of this chapter~~ or any action of any Federal officer or employee pursuant hereto.

~~(d) Subpenas~~

(c) Subpoenas.—

In any action for a declaratory judgment brought pursuant to section ~~1973b313~~ or ~~1973e314~~ of this title, ~~subpenas~~ subpoenas for witnesses who are required to attend the District Court for the District of Columbia may be served in any judicial district of the United States+ ~~Provided, That. However,~~ no writ of ~~subpena~~ subpoena shall issue for witnesses without the District of Columbia at a greater distance than ~~one hundred~~ 100 miles from the place of holding court without the permission of the District

Court for the District of Columbia being first had upon proper application and cause shown.

(ed) Attorney's feesFees.-

In any action or proceeding to enforce the voting guarantees of the fourteenth14th or fifteenth15th amendment, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee, reasonable expert fees, and other reasonable litigation expenses as part of the costs.

*Comparison of section 321 of title 52, United States Code, with section 17 of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973n):*

1973n.321. Impairment of voting rights of persons holding current registration

Nothing in ~~subchapters I-A to I-C of~~ this chapter shall be construed to deny, impair, or otherwise adversely affect the right to vote of any person registered to vote under the law of any State or political subdivision.

*Comparison of section 331(a) of title 52, United States Code, with section 201(b) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973aa(b)):*

~~(b) As used in~~331. Application of prohibition to other States

(a) Definition of Test or Device.-In this section, the term ``test or device'' means any requirement that a person as a prerequisite for voting or registration for voting——

(1) demonstrate the ability to read, write, understand, or interpret any matter,—i

(2) demonstrate any educational achievement or his knowledge of any particular subject,—i

(3) possess good moral character~~7;~~ or

(4) prove ~~his~~the person's qualifications by the voucher of registered voters or members of any other class.

*Comparison of section 331(b) of title 52, United States Code, with section 201(a) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973aa(a)):*

~~(a)~~b) No Denial of Vote Based on Test or Device in Any State or Political Subdivision.-

No citizen shall be denied, because of ~~his~~the citizen's failure to comply with any test or device, the right to vote in any Federal, State, or local election conducted in any State or political subdivision of a State.

*Comparison of section 332(a) of title 52, United States Code, with section 202(h) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973aa-1(h)):*

~~(h) ``State'' defined~~  
(a) Definition of State.-

~~The~~In this section, the term ``State'' ~~as used in this section~~ includes each of the several States and the District of Columbia.

*Comparison of section 332(b) of title 52, United States Code, with section 202(a) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973aa-1(a)):*

~~(a) Congressional findings~~  
(b) Findings.-

~~The~~ Congress ~~hereby~~ finds that the imposition and application of the durational residency requirement as a precondition to voting for the offices of President and

Vice President, and the lack of sufficient opportunities for absentee registration and absentee balloting in presidential elections-

(1) denies or abridges the inherent constitutional right of citizens to vote for their President and Vice President;

(2) denies or abridges the inherent constitutional right of citizens to enjoy their free movement across State lines;

(3) denies or abridges the privileges and immunities guaranteed to the citizens of each State under article IV, section 2, clause 1, of the Constitution;

(4) in some instances has the impermissible purpose or effect of denying citizens the right to vote for such officers because of the way they may vote;

(5) has the effect of denying to citizens the equality of civil rights, and due process and equal protection of the laws that are guaranteed to them under the ~~fourteenth~~14th amendment; and

(6) does not bear a reasonable relationship to any compelling State interest in the conduct of presidential elections.

*Comparison of section 332(c) of title 52, United States Code, with section 202(b) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973aa-1(b)):*

~~(b) Congressional declaration: durational residency requirement, abolishment; absentee registration and balloting standards, establishment~~  
(c) Declaration.-

Upon the basis of these findings, Congress declares that in order to secure and protect the above-stated rights of citizens under the Constitution, to enable citizens to better obtain the enjoyment of such rights, and to enforce the guarantees of the ~~fourteenth~~14th amendment, it is necessary--

(1) to completely abolish the durational residency requirement as a precondition to voting for President and Vice President~~;~~ and

(2) to establish nationwide, uniform standards relative to absentee registration and absentee balloting in presidential elections.

*Comparison of section 332(d) of title 52, United States Code, with section 202(c) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973aa-1(c)):*

~~(ed) Prohibition of denialDenial of right to vote because of durational residency requirement or absentee balloting~~

Right To Vote.-No citizen of the United States who is otherwise qualified to vote in any election for President and Vice President shall be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to comply with any durational residency requirement of such State or political subdivision; nor shall any citizen of the United States be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to be physically present in such State or political subdivision at the time of such election, if such citizen shall have complied with the requirements prescribed by the law of such State or political subdivision providing for the casting of absentee ballots in such election.

*Comparison of section 332(e) of title 52, United States Code, with section 202(d) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973aa-1(d)):*

~~(de) Registration: time for application; absentee balloting: time of application and return of ballots~~

.-For the purposes of this section, each State shall provide by law for the registration or other means of qualification of all duly qualified residents of such State who apply, not later than ~~thirty~~30 days immediately prior to any presidential election, for registration or qualification to vote for the choice of electors for President and Vice President or for President and Vice President in such election; and each State shall provide by law for the casting of absentee ballots for the choice of electors for President and Vice President, or for President and Vice President, by all duly qualified residents of such State who may be absent from their election district or unit in such State on the day such election is held and who have applied therefor not later than ~~seven~~7 days immediately prior to such election and have returned such ballots to the appropriate election official of such State not later than the time of closing of the polls in such State on the day of such election.

*Comparison of section 332(f) of title 52, United States Code, with section 202(e) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973aa-1(e)):*

~~(e<sub>f</sub>) Change of residence; voting in person or by absentee ballot in State of prior residence~~Residence.-

If any citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any election for President and Vice President has begun residence in such State or political subdivision after the ~~thirtieth~~30th day next preceding such election and, for that reason, does not satisfy the registration requirements of such State or political subdivision ~~he, the citizen~~ shall be allowed to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election~~,-~~==

(1) in person in the State or political subdivision in which ~~he~~the citizen resided immediately prior to ~~his~~the citizen's removal if ~~he~~the citizen had satisfied, as of the date of ~~his~~the citizen's change of residence, the requirements to vote in that State or political subdivision~~,-~~i or

(2) by absentee ballot in the State or political subdivision in which ~~h~~ethe citizen resided immediately prior to ~~h~~isthe citizen's removal if ~~h~~ethe citizen satisfies, but for ~~h~~isthe citizen's nonresident status and the reason for ~~his~~ absence, the requirements for absentee voting in that State or political subdivision.

*Comparison of section 332(g) of title 52, United States Code, with section 202(f) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973aa-1(f)):*

~~(f) Absentee registration requirement~~

(g) Absentee Registration Requirement.-No citizen of the United States who is otherwise qualified to vote by absentee ballot in any State or political subdivision in any election for President and Vice President shall be denied the right to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election because of any requirement of registration that does not include a provision for absentee registration.

*Comparison of section 332(h) of title 52, United States Code, with section 202(g) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973aa-1(g)):*

~~(g) State or local adoption of less restrictive voting practices~~

(h) State or Local Adoption of Less Restrictive Practices.-Nothing in this section shall prevent any State or political subdivision from adopting less restrictive voting practices than those that are prescribed ~~herein~~in this section.

Comparison of section 332(i) of title 52, United States Code, with section 202(i) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973aa-1(i)):

(i) False ~~registration, and other fraudulent acts and conspiracies: application of penalty for false information in registering or voting~~

~~The provisions of section 1973i~~Registration.-Section 317(c) of this title shall apply to false registration, and other fraudulent acts and conspiracies, committed under this section.

Comparison of section 333(a)(1) of title 52, United States Code, with section 203(b)(3)(D) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973aa-1a(b)(3)(D)):

333. Bilingual election requirements

~~(3a)~~ Definitions.-In this section:

~~As used in this section-~~

~~(D) the~~(1) Citizens.-The term ``citizens'' means citizens of the United States; ~~and.~~

Comparison of section 333(a)(2) of title 52, United States Code, with section 203(b)(3)(E) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973aa-1a(b)(3)(E)):

~~(E) the~~(2) Illiteracy.-The term ``illiteracy'' means the failure to complete the ~~5th~~fifth primary grade.

Comparison of section 333(a)(3) of title 52, United States Code, with section 203(b)(3)(C) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973aa-1a(b)(3)(C)):

~~(C) the (3) Indian reservation.~~-The term ``Indian reservation'' means any area that is an American Indian or Alaska Native area, as defined by the Census Bureau for the purposes of the 1990 decennial census<sup>+</sup>.

*Comparison of section 333(a)(4) of title 52, United States Code, with section 203(e) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973aa-1a(e)):*

~~(e) Definitions~~

~~For purposes of this section, the (4) Language minorities or language minority group.~~-The term ``language minorities'' or ``language minority group'' means persons who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage.

*Comparison of section 333(a)(5) of title 52, United States Code, with section 203(b)(3)(B) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973aa-1a(b)(3)(B)):*

~~(B) the (5) Limited-english proficient.~~-The term ``limited-English proficient'' means unable to speak or understand English adequately enough to participate in the electoral process<sup>+</sup>.

*Comparison of section 333(a)(6) of title 52, United States Code, with section 203(b)(3)(A) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973aa-1a(b)(3)(A)):*

~~(A) the (6) Voting materials.~~-The term ``voting materials'' means registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots<sup>+</sup>.

Comparison of section 333(b) of title 52, United States Code, with section 203(a) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973aa-1a(a)):

~~(a) Congressional findings and declaration of policy~~

~~The (b) Findings and Declaration of Policy.~~—Congress finds that, through the use of various practices and procedures, citizens of language minorities have been effectively excluded from participation in the electoral process. Among other factors, the denial of the right to vote of such minority group citizens is ordinarily directly related to the unequal educational opportunities afforded them resulting in high illiteracy and low voting participation. ~~The~~ Congress declares that, in order to enforce the guarantees of the ~~fourteenth~~14th and ~~fifteenth~~15th amendments to the United States Constitution, it is necessary to eliminate such discrimination by prohibiting these practices, and by prescribing other remedial devices.

Comparison of section 333(c)(1) of title 52, United States Code, with section 203(b)(1) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973aa-1a(b)(1), with both restatement and source law updated to reflect amendments made by section 7 of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 (Public Law 109-246, 120 Stat. 581)):

~~(1) Generally~~

~~(c) Bilingual Voting Materials Requirement.~~—

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

Comparison of section 333(c)(2) of title 52, United States Code, with section 203(b)(2) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973aa-1a(b)(2), with both restatement and source law updated to reflect amendments made by section 8 of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 (Public Law 109-246, 120 Stat. 581)):

(2) Covered ~~States~~states and political subdivisions..—

~~(A) Generally~~

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

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

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

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

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

(B) Exception

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

*Comparison of section 333(c)(3) of title 52, United States Code, with section 203(b)(4) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973aa-1a(b)(4)):*

~~(4) Special rule~~

(3) Determinations effective upon publication and not subject to review.-The determinations of the Director of the Census under this subsection shall be effective upon publication in the Federal Register and shall not be subject to review in any court.

*Comparison of section 333(d) of title 52, United States Code, with section 203(c) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973aa-1a(c)):*

~~(c) Requirement of voting notices, forms, instructions, assistance, or other materials and ballots in minority language~~

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

*Comparison of section 333(e) of title 52, United States Code, with section 203(d) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973aa-1a(d)):*

~~(d) Action for declaratory judgment permitting English-only materials~~

(e) Action for Declaratory Judgment Permitting English-Only Materials.-

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

*Comparison of section 334(a) (matter beginning "The Attorney General may institute for the United States" and ending before "whenever the Attorney General has reason to believe") of title 52, United States Code, with section 204 (1st sentence, matter beginning "he may institute for the United States") of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973aa-2 (1st sentence, matter beginning "he may institute for the United States")):*

### 334. Judicial relief

#### (a) Action for Restraining Order or Injunction.-

~~he~~The Attorney General may institute for the United States~~r~~ or in the name of the United States~~r~~ an action in a district court of the United States, in accordance with sections 1391 ~~through 1393~~and 1392 of title 28, for a restraining order, a preliminary or permanent injunction, or such other order as ~~he~~the Attorney General deems appropriate~~r~~.

*Comparison of section 334(a) (matter beginning "whenever the Attorney General has reason to believe") of title 52, United States Code, with section 204 (1st sentence, matter beginning "Whenever the Attorney General has reason to believe" and ending before "he may institute for the United States") of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973aa-2 (1st sentence, matter beginning "Whenever the Attorney General has reason to believe" and ending before "he may institute for the United States")):*

~~Whenever~~whenever the Attorney General has reason to believe that a State or political subdivision ~~(a)~~

(1) has enacted or is seeking to administer any test or device as a prerequisite to voting in violation of the

prohibition contained in section ~~1973aa~~331 of this title ~~7i~~  
or ~~(b) undertakes~~

(2) is undertaking to deny the right to vote in any  
election in violation of section ~~1973aa-1~~332 or  
~~1973aa-1a~~333 of this title ~~7.~~

*Comparison of section 334(b) of title 52, United States Code, with section 204 (last sentence) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973aa-2 (last sentence)):*

(b) Hearing and Determination.-

An action under this ~~sub~~section shall be heard and  
determined by a court of ~~three~~3 judges in accordance with  
~~the provisions of~~ section 2284 of title 28, ~~and~~ any appeal  
shall be to the Supreme Court.

*Comparison of section 335 of title 52, United States Code, with section 205 of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973aa-3):*

335. Penalty

Whoever shall deprive or attempt to deprive any person of  
any right secured by section ~~1973aa, 1973aa-1~~331, 332, or  
~~1973aa-1a~~333 of this title shall be fined not more than  
\$5,000, or imprisoned not more than ~~five~~5 years, or both.

*Comparison of section 336(a) of title 52, United States Code, with section 207(a) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973aa-5(a)):*

~~1973aa-5~~  
336.

Survey to compile registration and voting statistics

~~(a) Elections to House of Representatives and elections designated by United States Commission on Civil Rights~~  
(a) Requirement To Conduct Surveys.-

(1) In general.-Congress ~~hereby~~ directs the Director of the Census forthwith to conduct a survey to compile registration and voting statistics~~:-~~

~~(iA)~~ in every State or political subdivision with respect to which the prohibitions of section ~~1973b(a)313(b)~~ of this title are in effect, for every statewide general election for Members of the United States House of Representatives after January 1, 1974; and

~~(iiB)~~ in every State or political subdivision for any election designated by the United States Commission on Civil Rights.

(2) Content.-Such surveys shall only include a count of citizens of voting age, race or color, and national origin, and a determination of the extent to which such persons are registered to vote and have voted in the elections surveyed.

*Comparison of section 336(b) - (d) of title 52, United States Code, with section 207(b) - (d) of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973aa-5(b) (d)):*

~~(b) Prohibition against compulsion to disclose personal data; advice of rights~~  
(b) Prohibition Against Compulsion To Disclose Personal Data.-

In any survey under subsection (a) ~~of this section~~ no person shall be compelled to disclose ~~his~~the person's race, color, national origin, political party affiliation, or how ~~he~~the person voted (or the reasons therefor), nor shall any penalty be imposed for ~~his~~the person's failure or refusal to make such disclosures. Every person interrogated orally, by written survey or questionnaire, or by any other means with respect to such information shall be fully advised of ~~his~~the person's right to fail or refuse to furnish such information.

(c) ~~Report~~Reports to Congress.-

The Director of the Census shall, at the earliest practicable time, report to ~~the~~ Congress the results of every survey conducted pursuant to ~~the provisions of~~ subsection (a) ~~of this section~~.

(d) Confidentiality of ~~information; penalties~~Information.-

~~The provisions of section~~Section 9 and chapter 7 of title 13 shall apply to any survey, collection, or compilation of registration and voting statistics carried out under subsection (a) ~~of this section~~).

*Comparison of section 337 of title 52, United States Code, with section 208 of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973aa-6):*

~~1973aa-6~~

337. Voting assistance for blind, disabled or illiterate persons

Any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union.

*Comparison of section 351 of title 52, United States Code, with section 302 of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973bb-1):*

~~1973bb-1~~

351.

~~``State'' defined~~  
Definition of State

~~As used in~~In this subchapter, the term ``State'' includes the District of Columbia.

*Comparison of section 352 of title 52, United States Code, with section 301 of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973bb):*

~~1973bb~~352. Enforcement of ~~twenty-sixth~~26th amendment

(a) ~~( )~~ Instituting Necessary Actions.-(1) Attorney general directed to institute actions.-The Attorney General is directed to institute, in the name of the United States, such actions against States or political subdivisions, including actions for injunctive relief, as ~~the~~the Attorney General may determine to be necessary to implement the ~~twenty-sixth~~26th article of amendment to the Constitution of the United States.

(2) Jurisdiction.-The district courts of the United States shall have jurisdiction ~~of~~over proceedings instituted under this subchapter, which shall be heard and determined by a court of ~~three~~3 judges in accordance with section 2284 of title 28, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited.

(b) Penalty.-Whoever ~~shall deny~~denies or ~~attempt~~attempts to deny any person of any right secured by the ~~twenty-sixth~~26th article of amendment to the Constitution of the United States shall be fined not more than \$5,000 ~~or,~~ imprisoned not more than ~~five~~5 years, or both.

*Comparison of section 361 of title 52, United States Code, with section 18 of the Voting Rights Act of 1965 (as the Act provision is set forth in 42 U.S.C. 1973o):*

~~1973o~~361. Authorization of appropriations

There are ~~hereby~~ authorized to be appropriated such sums as are necessary to carry out ~~the provisions of subchapters I-A to I-C of~~ this chapter.

*Comparison of section 362 of title 52, United States Code, with sections 19 and 206 of the Voting Rights Act of 1965 (as the Act provisions are set forth in 42 U.S.C. 1973p and 1973aa-4):*

~~1973aa-4~~362. Separability

If any provision of ~~subchapters I-A to I-C of~~ this chapter or the application of any provision thereof to any person or circumstance is judicially determined to be invalid, the remainder of ~~subchapters I-A to I-C of~~ this chapter or the application of such provision to other persons or circumstances shall not be affected by such determination.

~~1973p~~ Separability

~~If any provision of subchapters I-A to I-C of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of subchapters I-A to I-C of this chapter and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.~~