

117TH CONGRESS
1ST SESSION

H. R. 1366

To enforce the Twenty-sixth Amendment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2021

Mr. PAPPAS (for himself, Mr. NEGUSE, Mr. GALLEGRO, Ms. MENG, and Mrs. MURPHY of Florida) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To enforce the Twenty-sixth Amendment, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protect the Youth Vote
5 Act of 2021”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The right to vote is a fundamental right of
9 citizens of the United States.

1 (2) The Twenty-sixth Amendment of the United
2 States Constitution guarantees that “The right of
3 citizens of the United States, who are eighteen years
4 of age or older, to vote shall not be denied or
5 abridged by the United States or by any State on
6 account of age.”.

7 (3) The Twenty-sixth Amendment of the United
8 States Constitution grants Congress the power to
9 enforce the Amendment by appropriate legislation.

10 (4) The language of the Twenty-sixth Amend-
11 ment closely mirrors that of the Fifteenth Amend-
12 ment and the Nineteenth Amendment. Like those
13 Amendments, the Twenty-sixth Amendment not only
14 prohibits denial of the right to vote but also pro-
15 hibits any actions that abridge the right to vote.

16 (5) Youth voter suppression undercuts partici-
17 pation in our democracy by introducing arduous ob-
18 stacles to new voters and discouraging a culture of
19 democratic engagement.

20 (6) Voting is habit forming, and allowing youth
21 voters unobstructed access to voting ensures that
22 more Americans will start a life-long habit of voting
23 as soon as possible.

24 (7) Youth voter suppression is a clear, per-
25 sistent, and growing problem. The actions of States

1 and political subdivisions resulting in at least four
2 findings of Twenty-sixth Amendment violations as
3 well as pending litigation demonstrate the need for
4 Congress to take action to enforce the Twenty-sixth
5 Amendment.

6 (8) In *League of Women Voters of Florida, Inc.*
7 *v. Detzner* (2018), the United States District Court
8 in the Northern District of Florida found that the
9 Secretary of State's actions that prevented in-person
10 early voting sites from being located on university
11 property revealed a stark pattern of discrimination
12 that was unexplainable on grounds other than age
13 and thus violated university students' Twenty-sixth
14 Amendment rights.

15 (9) In 2019, Michigan agreed to a settlement to
16 enhance college-age voters' access after a Twenty-
17 sixth Amendment challenge was filed in federal
18 court. The challenge prompted the removal of a
19 Michigan voting law which required first time voters
20 who registered by mail or through a third-party
21 voter registration drive to vote in person for the first
22 time, as well as the removal of another law which re-
23 quired the address listed on a voter's driver license
24 to match the address listed on their voter registra-
25 tion card.

1 (10) Youth voter suppression tactics are often
2 linked to other tactics aimed at minority voters. For
3 example, students at Prairie View A&M University
4 (PVAMU), a historically Black university in Texas,
5 have been the targets of voter suppression tactics for
6 decades. Before the 2018 election, PVAMU students
7 sued Waller County on the basis of both racial and
8 age discrimination over the County’s failure to en-
9 sure equal early voting opportunities for students,
10 spurring the County to reverse course and expand
11 early voting access for students.

12 (11) The more than 25 million United States
13 citizens ages 18–24 deserve equal opportunity to
14 participate in the electoral process as guaranteed by
15 the Twenty-sixth Amendment.

16 **SEC. 3. PREVENTING AGE DISCRIMINATION IN VOTING.**

17 (a) **RIGHT TO VOTE.**—No voting qualification or pre-
18 requisite to voting or standard, practice, or procedure shall
19 be imposed or applied by any State or political subdivision
20 in a manner which results in a denial or abridgement of
21 the right of any citizen of the United States to vote on
22 account of age, as provided in subsection (b).

23 (b) **VIOLATION OF RIGHT TO VOTE.**—

24 (1) **IN GENERAL.**—A violation of subsection (a)
25 is established if, based on the totality of cir-

1 cumstances, it is shown that the political processes
2 leading to nomination or election in the State or po-
3 litical subdivision are not equally open to participa-
4 tion by members of a class of citizens protected by
5 subsection (a) in that its members have less oppor-
6 tunity than other members of the electorate to par-
7 ticipate in the political process and to elect rep-
8 resentatives of their choice: *Provided*, That nothing
9 in this section establishes a right to have members
10 of a protected class under subsection (a) elected in
11 numbers equal to their proportion in the population.

12 (2) VIOLATIONS.—A violation under subsection
13 (a) shall include:

14 (A) Laws or requirements implemented in
15 a State or political subdivision that reduce or
16 abridge the ability for students who attend an
17 institution of higher education and reside in the
18 jurisdiction of the institution while attending
19 the institution to register to vote in elections in
20 that jurisdiction.

21 (B) Addition of seats elected at-large in a
22 State or political subdivision or conversion of
23 one or more seats elected from a single member
24 district to one or more at-large seats or seats
25 from a multi-member district in a State or po-

1 political subdivision with a significant proportion
2 of youth age voters.

3 (C) Boundaries of a political subdivision
4 designed to reduce the proportion of the polit-
5 ical subdivision's voting-age population that is
6 comprised of youth age voters in a State or po-
7 litical subdivision with a significant proportion
8 of youth age voters.

9 (D) Requirements for documentation or
10 proof of identity to vote that exceed or are more
11 stringent than the requirements for voting that
12 are described in section 303(b) of the Help
13 America Vote Act of 2002 (52 U.S.C.
14 21083(b)) or any other requirements for docu-
15 mentation or proof of identity to vote that have
16 the purpose or effect of denying or abridging
17 the right to vote on account of age.

18 (E) Reduction of voting materials or alter-
19 nation of the manner in which such materials
20 are provided or distributed at institutions of
21 higher education, where no similar reduction or
22 alteration occurs in materials provided at other
23 sites for such election.

24 (F) Any reduction, consolidation, or reloca-
25 tion of voting locations, including early, absen-

1 tee, and election day voting locations in a single
2 political subdivision with a significant propor-
3 tion of youth age voters.

4 **SEC. 4. FEDERAL OBSERVERS TO PREVENT AGE DISCRIMI-**
5 **NATION.**

6 (a) FEDERAL OBSERVERS.—Whenever the Attorney
7 General or an aggrieved person institutes a proceeding
8 under any statute to enforce the voting guarantees of the
9 Twenty-sixth Amendment in any State or political subdivi-
10 sion the court shall authorize the appointment of Federal
11 observers by the United States Office of Personnel Man-
12 agement to serve for such period of time and for such po-
13 litical subdivisions as the court shall determine is appro-
14 priate to enforce the voting guarantees of the Twenty-
15 sixth Amendment (1) as part of any interlocutory order
16 if the court determines that the appointment of such ob-
17 servers is necessary to enforce such voting guarantees or
18 (2) as part of any final judgment if the court finds that
19 violations of the Twenty-sixth Amendment, violations of
20 this Act, or violations of any Federal law that prohibits
21 discrimination in voting on the basis of age, justifying eq-
22 uitable relief have occurred in such State or subdivision:
23 *Provided*, That the court need not authorize the appoint-
24 ment of observers if any incidents of denial or abridgement
25 of the right to vote on account of age, (1) have been few

1 in number and have been promptly and effectively cor-
2 rected by State or local action, (2) the continuing effect
3 of such incidents has been eliminated, and (3) there is no
4 reasonable probability of their recurrence in the future.

5 (b) JURISDICTION.—If any action under any statute
6 in which a party (including the Attorney General) seeks
7 to enforce the voting guarantees of the Twenty-sixth
8 Amendment in any State or political subdivision the court
9 finds that violations of the Twenty-sixth Amendment, vio-
10 lations of this Act, or violations of any Federal law that
11 prohibits discrimination in voting on the basis of age, jus-
12 tifying equitable relief have occurred within the territory
13 of such State or political subdivision, the court, in addition
14 to such relief as it may grant, shall retain jurisdiction for
15 such period as it may deem appropriate and during such
16 period no voting qualification or prerequisite to voting, or
17 standard, practice, or procedure with respect to voting dif-
18 ferent from that in force or effect at the time the action
19 was commenced shall be enforced unless and until the
20 court finds that such qualification, prerequisite, standard,
21 practice, or procedure does not have the purpose and will
22 not have the effect of denying or abridging the right to
23 vote on account of age: *Provided*, That such qualification,
24 prerequisite, standard, practice, or procedure may be en-
25 forced if the qualification, prerequisite, standard, practice,

1 or procedure has been submitted by the chief legal officer
2 or other appropriate official of such State or subdivision
3 to the Attorney General and the Attorney General has not
4 interposed an objection within sixty days after such sub-
5 mission, except that neither the court's finding nor the
6 Attorney General's failure to object shall bar a subsequent
7 action to enjoin enforcement of such qualification, pre-
8 requisite, standard, practice, or procedure.

9 (c) ENFORCEMENT BY ATTORNEY GENERAL.—The
10 Attorney General is authorized to monitor and enforce the
11 voting guarantees of the Twenty-sixth Amendment, viola-
12 tions of this Act, or violations of any Federal law that
13 prohibits discrimination in voting on the basis of age,
14 whenever Federal observers are appointed under any pro-
15 vision of Federal law.

16 **SEC. 5. DETERMINATION OF VOTING RIGHTS VIOLATION.**

17 For purposes of this Act, a voting rights violation oc-
18 curred in a State or political subdivision if any of the fol-
19 lowing applies:

20 (1) FINAL JUDGEMENT; VIOLATION OF TWEN-
21 TY-SIXTH AMENDMENT.—In a final judgment (which
22 has not been reversed on appeal), any court of the
23 United States has determined that a denial or
24 abridgement of the right of any citizen of the United
25 States to vote on account of age, in violation of the

1 Twenty-sixth Amendment, occurred anywhere within
2 the State or subdivision.

3 (2) FINAL JUDGEMENT; VIOLATIONS OF THIS
4 ACT.—In a final judgment (which has not been re-
5 versed on appeal), any court of the United States
6 has determined that a voting qualification or pre-
7 requisite to voting or standard, practice, or proce-
8 dure with respect to voting was imposed or applied
9 or would have been imposed or applied anywhere
10 within the State or subdivision in a manner that re-
11 sulted or would have resulted in a denial or
12 abridgement of the right of any citizen of the United
13 States to vote on account of age, in violation of sec-
14 tion 3.

15 (3) FINAL JUDGEMENT; DENIAL OF DECLARA-
16 TORY JUDGEMENT.—In a final judgment (which has
17 not been reversed on appeal), any court of the
18 United States has denied the request of the State or
19 subdivision for a declaratory judgment under section
20 3(b), and thereby prevented a voting qualification or
21 prerequisite to voting or standard, practice, or pro-
22 cedure with respect to voting from being enforced
23 anywhere within the State or subdivision.

24 (4) OBJECTION BY ATTORNEY GENERAL.—The
25 Attorney General has interposed an objection under

1 section 3(b) (and the objection has not been over-
2 turned by a final judgment of a court or withdrawn
3 by the Attorney General), and thereby prevented a
4 voting qualification or prerequisite to voting or
5 standard, practice, or procedure with respect to vot-
6 ing from being enforced anywhere within the State
7 or subdivision.

8 (5) TIMING OF DETERMINATIONS.—

9 (A) DETERMINATIONS OF VOTING RIGHTS
10 VIOLATIONS.—

11 (i) IN GENERAL.—As early as prac-
12 ticable during each calendar year, the At-
13 torney General shall make the determina-
14 tions required by this subsection, including
15 updating the list of voting rights violations
16 occurring in each State and political sub-
17 division for the previous calendar year.

18 (ii) PUBLICATION.—The Attorney
19 General shall make the list required under
20 clause (i) public on the internet website of
21 the Department of Justice.

22 (B) FEDERAL REGISTER PUBLICATION.—A
23 determination or certification of the Attorney
24 General under this section shall be effective
25 upon publication in the Federal Register.

1 **SEC. 6. TRANSPARENCY REGARDING CHANGES TO PRO-**
2 **TECT VOTING RIGHTS.**

3 (a) NOTICE OF ENACTED CHANGES.—

4 (1) NOTICE OF CHANGES.—If a State or polit-
5 ical subdivision makes any change in any pre-
6 requisite to voting or standard, practice, or proce-
7 dure with respect to voting in any election for Fed-
8 eral office that will result in the prerequisite, stand-
9 ard, practice, or procedure being different from that
10 which was in effect as of 180 days before the date
11 of the election for Federal office, the State or polit-
12 ical subdivision shall provide reasonable public notice
13 in such State or political subdivision and on the
14 internet, of a concise description of the change, in-
15 cluding the difference between the changed pre-
16 requisite, standard, practice, or procedure and the
17 prerequisite, standard, practice, or procedure which
18 was previously in effect. The public notice described
19 in this paragraph, in such State or political subdivi-
20 sion and on the internet, shall be in a format that
21 is reasonably convenient and accessible to voters
22 with disabilities, including voters who have low vi-
23 sion or are blind.

24 (2) DEADLINE FOR NOTICE.—A State or polit-
25 ical subdivision shall provide the public notice re-

1 quired under paragraph (1) not later than 48 hours
2 after making the change involved.

3 (b) **TRANSPARENCY REGARDING POLLING PLACE**
4 **RESOURCES.**—

5 (1) **IN GENERAL.**—In order to identify any
6 changes that may impact the right to vote of any
7 person, prior to the 30th day before the date of an
8 election for Federal office, each State or political
9 subdivision with responsibility for allocating reg-
10 istered voters, voting machines, and official poll
11 workers to particular precincts and polling places
12 shall provide reasonable public notice in such State
13 or political subdivision and on the internet, of the in-
14 formation described in paragraph (2) for precincts
15 and polling places within such State or political sub-
16 division. The public notice described in this para-
17 graph, in such State or political subdivision and on
18 the internet, shall be in a format that is reasonably
19 convenient and accessible to voters with disabilities
20 including voters who have low vision or are blind.

21 (2) **INFORMATION DESCRIBED.**—The informa-
22 tion described in this paragraph with respect to a
23 precinct or polling place is each of the following:

24 (A) The name or number.

1 (B) In the case of a polling place, the loca-
2 tion, including the street address, and whether
3 such polling place is accessible to persons with
4 disabilities.

5 (C) The voting-age population of the area
6 served by the precinct or polling place, broken
7 down by demographic group if such breakdown
8 is reasonably available to such State or political
9 subdivision.

10 (D) The number of registered voters as-
11 signed to the precinct or polling place, broken
12 down by demographic group if such breakdown
13 is reasonably available to such State or political
14 subdivision.

15 (E) The number of voting machines as-
16 signed, including the number of voting ma-
17 chines accessible to voters with disabilities, in-
18 cluding voters who have low vision or are blind.

19 (F) The number of official paid poll work-
20 ers assigned.

21 (G) The number of official volunteer poll
22 workers assigned.

23 (H) In the case of a polling place, the
24 dates and hours of operation of such polling
25 place.

1 (3) UPDATES IN INFORMATION REPORTED.—If
2 a State or political subdivision makes any change in
3 any of the information described in paragraph (2),
4 the State or political subdivision shall provide rea-
5 sonable public notice in such State or political sub-
6 division and on the internet, of the change in the in-
7 formation not later than 48 hours after the change
8 occurs or, if the change occurs fewer than 48 hours
9 before the date of the election for Federal office, as
10 soon as practicable after the change occurs. The
11 public notice described in this paragraph in such
12 State or political subdivision and on the internet
13 shall be in a format that is reasonably convenient
14 and accessible to voters with disabilities including
15 voters who have low vision or are blind.

16 (c) TRANSPARENCY OF CHANGES RELATING TO DE-
17 MOGRAPHICS AND ELECTORAL DISTRICTS.—

18 (1) REQUIRING PUBLIC NOTICE OF CHANGES.—
19 Not later than 10 days after making any change in
20 the constituency that will participate in an election
21 for Federal, State, or local office or the boundaries
22 of a voting unit or electoral district in an election for
23 Federal, State, or local office (including through re-
24 districting, reapportionment, changing from at-large
25 elections to district-based elections, or changing

1 from district-based elections to at-large elections), a
2 State or political subdivision shall provide reasonable
3 public notice in such State or political subdivision
4 and on the internet, of the demographic and elec-
5 toral data described in paragraph (3) for each of the
6 geographic areas described in paragraph (2).

7 (2) GEOGRAPHIC AREAS DESCRIBED.—The geo-
8 graphic areas described in this paragraph are as fol-
9 lows:

10 (A) The State as a whole, if the change
11 applies statewide, or the political subdivision as
12 a whole, if the change applies across the entire
13 political subdivision.

14 (B) If the change includes a plan to re-
15 place or eliminate voting units or electoral dis-
16 tricts, each voting unit or electoral district that
17 will be replaced or eliminated.

18 (C) If the change includes a plan to estab-
19 lish new voting units or electoral districts, each
20 such new voting unit or electoral district.

21 (3) DEMOGRAPHIC AND ELECTORAL DATA.—
22 The demographic and electoral data described in this
23 paragraph with respect to a geographic area de-
24 scribed in paragraph (2) are each of the following:

1 (A) The voting-age population,
2 disaggregated by age group.

3 (B) The number of voting-age students.

4 (C) If it is reasonably available to the
5 State or political subdivision involved, an esti-
6 mate of the population of the area which con-
7 sists of citizens of the United States who are 18
8 years of age or older, disaggregated by age
9 group and status as a student.

10 (D) The number of registered voters,
11 disaggregated by age group and status as a stu-
12 dent if such breakdown is reasonably available
13 to the State or political subdivision involved.

14 (E) If the change applies—

15 (i) to a State, the actual number of
16 votes, or (if it is not reasonably practicable
17 for the State to ascertain the actual num-
18 ber of votes) the estimated number of votes
19 received by each candidate in each state-
20 wide election held during the 5-year period
21 which ends on the date the change involved
22 is made; and

23 (ii) to only one political subdivision,
24 the actual number of votes, or (if it is not
25 reasonably practicable for the political sub-

1 division to ascertain the actual number of
2 votes) in each subdivision-wide election
3 held during the 5-year period which ends
4 on the date the change involved is made.

5 (4) VOLUNTARY COMPLIANCE BY SMALLER JU-
6 RISDICTION.—

7 (A) IN GENERAL.—Compliance with this
8 subsection shall be voluntary for a political sub-
9 division of a State unless the subdivision is one
10 of the following:

11 (i) A county or parish.

12 (ii) A municipality with a population
13 greater than 10,000, as determined by the
14 Bureau of the Census under the most re-
15 cent decennial census.

16 (iii) A school district with a popu-
17 lation greater than 10,000, as determined
18 by the Bureau of the Census under the
19 most recent decennial census.

20 (B) SCHOOL DISTRICT DEFINED.—For
21 purposes of this subparagraph, the term “school
22 district” means the geographic area under the
23 jurisdiction of a local educational agency (as de-
24 fined in section 9101 of the Elementary and
25 Secondary Education Act of 1965).

1 (d) RULES REGARDING FORMAT OF INFORMA-
2 TION.—The Attorney General may issue rules specifying
3 a reasonably convenient and accessible format that States
4 and political subdivisions shall use to provide public notice
5 of information under this section.

6 (e) NO DENIAL OF RIGHT TO VOTE.—The right to
7 vote of any person shall not be denied or abridged because
8 the person failed to comply with any change made by a
9 State or political subdivision to a voting qualification,
10 standard, practice, or procedure if the State or political
11 subdivision involved did not meet the applicable require-
12 ments of this section with respect to the change.

13 **SEC. 7. VOTING OFFENSES.**

14 (a) PERMISSION TO VOTE.—No person acting under
15 color of law shall fail or refuse to permit any person to
16 vote who is entitled to vote under any provision of this
17 Act or is otherwise qualified to vote, or willfully fail or
18 refuse to tabulate, count and report such person's vote.

19 (b) INTIMIDATION.—No person, whether acting
20 under color of law or otherwise, shall intimidate, threaten,
21 or coerce, or attempt to intimidate, threaten, or coerce any
22 person for voting or attempting to vote, or intimidate,
23 threaten, or coerce, or attempt to intimidate, threaten, or
24 coerce any person for urging or aiding any person to vote

1 or attempt to vote, or intimidate, threaten, or coerce any
2 person for exercising the right to vote.

3 (c) FALSE INFORMATION.—Whoever knowingly or
4 willfully give false information as to their name, address,
5 or period of residence in the voting district for the purpose
6 of establishing his eligibility to register or vote, or con-
7 spires with another individual for the purpose of encour-
8 aging his false registration to vote or illegal voting, or pays
9 or offers to pay or accepts payment either for registration
10 to vote or for voting shall be fined not more than \$5,000
11 or imprisoned not more than five years, or both: *Provided,*
12 *however,* That this provision shall be applicable only to a
13 general, special, or primary elections held solely or in part
14 for the purpose of selecting or electing any candidate for
15 the office of President, Vice President, presidential elector,
16 Member of the United States Senate, Member of the
17 United States House of Representatives, Delegate from
18 the District of Columbia, Guam, Northern Mariana Is-
19 lands, American Samoa, or the Virgin Islands, or Resident
20 Commissioner of the Commonwealth of Puerto Rico.

21 (d) DUPLICATIVE VOTING.—

22 (1) IN GENERAL.—Whoever votes more than
23 once in an election referred to in paragraph (2) shall
24 be fined not more than \$5,000 or imprisoned not
25 more than five years, or both.

1 (2) APPLICABLE ELECTIONS.—The prohibition
2 of this subsection applies with respect to any gen-
3 eral, special, or primary election held solely or in
4 part for the purpose of selecting or electing any can-
5 didate for the office of President, Vice President,
6 presidential elector, Member of the United States
7 Senate, Member of the United States House of Rep-
8 resentatives, Delegate from the District of Columbia,
9 Guam, Northern Mariana Islands, American Samoa,
10 or the Virgin Islands, or Resident Commissioner of
11 the Commonwealth of Puerto Rico.

12 (3) VOTES MORE THAN ONCE DEFINED.—As
13 used in this subsection, the term “votes more than
14 once” does not include the casting of an additional
15 ballot if all prior ballots of that voter were in vali-
16 dated, nor does it include the voting in two jurisdic-
17 tions under section 202 of the Voting Rights Act of
18 1965 (52 U.S.C. 10502), to the extent two ballots
19 are not cast for an election to the same candidacy
20 or office.

21 **SEC. 8. VOTING OFFENSES AND RELIEF.**

22 (a) OFFENSE FOR DEPRIVING VOTING RIGHTS.—
23 Whoever shall deprive or attempt to deprive any person
24 of any right secured by the Twenty-sixth Amendment, this
25 Act, or any Federal voting rights law that prohibits dis-

1 crimination on the basis of age, shall be fined not more
2 than \$5,000, or imprisoned not more than five years, or
3 both.

4 (b) OFFENSE FOR MANIPULATION OF BALLOTS.—

5 Whoever, within a year following an election in a political
6 subdivision in which an observer has been assigned (1) de-
7 stroys, defaces, mutilates, or otherwise alters the marking
8 of a paper ballot which has been cast in such election, or
9 (2) alters any official record of voting in such election tab-
10 ulated from a voting machine or otherwise, shall be fined
11 not more than \$5,000, or imprisoned not more than five
12 years, or both.

13 (c) CONSPIRACY.—Whoever conspires to violate the

14 provisions of subsection (a) or (b) of this section, or inter-
15 feres with any right secured by the Twenty-sixth Amend-
16 ment, this Act, or any Federal voting rights law that pro-
17 hibits discrimination on the basis of age shall be fined not
18 more than \$5,000, or imprisoned not more than five years,
19 or both.

20 (d) PREVENTATIVE RELIEF.—

21 (1) IN GENERAL.—Whenever any person has
22 engaged or there are reasonable grounds to believe
23 that any person is about to engage in any act or
24 practice prohibited by the Twenty-sixth Amendment,
25 this Act, or any Federal voting rights law that pro-

1 hibits discrimination on the basis of age, the ag-
2 grieved person or (in the name of the United States)
3 the Attorney General may institute an action for
4 preventative relief, including an application for a
5 temporary or permanent injunction, restraining
6 order, or other order, and including an order di-
7 rected to the State and State or local election offi-
8 cials to require them—

9 (A) to permit persons listed under this Act
10 to vote; and

11 (B) to count such votes.

12 (2) PRELIMINARY RELIEF.—

13 (A) IN GENERAL.—In any action for pre-
14 liminary relief described in this subsection, the
15 court shall grant the relief if the court deter-
16 mines that the complainant has raised a serious
17 question whether the challenged voting quali-
18 fication or prerequisite to voting or standard,
19 practice, or procedure violates this Act or the
20 Constitution and, on balance, the hardship im-
21 posed upon the defendant by the grant of the
22 relief will be less than the hardship which would
23 be imposed upon the plaintiff if the relief were
24 not granted. In balancing the harms, the court

1 shall give due weight to the fundamental right
2 to cast an effective ballot.

3 (B) ADDITIONAL FACTORS TO BE CONSID-
4 ERED.—In making its determination under this
5 paragraph, with respect to a change in any vot-
6 ing qualification, prerequisite to voting, or
7 standard, practice, or procedure with respect to
8 voting, the court shall consider all relevant fac-
9 tors and give due weight to the following fac-
10 tors, if they are present:

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

16 (I) discrimination on the basis of
17 age in violation of the Twenty-sixth
18 Amendment;

19 (II) a violation of this Act; or

20 (III) voting discrimination on the
21 basis of age in violation of any other
22 Federal or State law.

23 (ii) Whether the qualification, pre-
24 requisite, standard, practice, or procedure
25 in effect prior to the change served as a

1 ground for the dismissal or settlement of a
2 claim alleging—

3 (I) discrimination on the basis of
4 age in violation of the Twenty-sixth
5 Amendment;

6 (II) a violation of this Act; or

7 (III) voting discrimination on the
8 basis of age in violation of any other
9 Federal or State law.

10 (iii) Whether the change was adopted
11 fewer than 180 days before the date of the
12 election with respect to which the change is
13 to take effect.

14 (iv) Whether the defendant failed to
15 provide timely or complete notice of the
16 adoption of the change as required by ap-
17 plicable Federal or State law.

18 (3) PUBLIC INTEREST.—A jurisdiction’s inabil-
19 ity to enforce its voting or election laws, regulations,
20 policies, or redistricting plans, standing alone, shall
21 not be deemed to constitute irreparable harm to the
22 public interest or to the interests of a defendant in
23 an action arising under the U.S. Constitution or any
24 Federal law that prohibits discrimination on the
25 basis of age in the voting process, for the purposes

1 of determining whether a stay of a court's order or
2 an interlocutory appeal under section 1253 of title
3 28, United States Code, is warranted.

4 (e) NOTIFICATION TO ATTORNEY GENERAL.—When-
5 ever in any political subdivision in which there are observ-
6 ers appointed pursuant to this Act, a person alleges to
7 such observer within forty-eight hours after the closing of
8 the polls, that notwithstanding (1) their listing under this
9 Act or registration by an appropriate election official and
10 (2) their eligibility to vote, they have not been permitted
11 to vote in such election, the observer shall forthwith notify
12 the Attorney General if such allegations in the opinion of
13 such observer appear to be well founded. Upon receipt of
14 such notification the Attorney General may forthwith file
15 with the district court an application for an order pro-
16 viding for the marking, casting, and counting of the bal-
17 lots of such persons and requiring the inclusion of their
18 votes in the total vote before the results of such election
19 shall be deemed final and any force or effect given thereto.
20 The district court shall hear and determine such matters
21 immediately after the filing of such application. The rem-
22 edy provided in this subsection shall not preclude any
23 other remedy available under State or Federal law.

24 (f) JURISDICTION OF PROCEEDINGS.—The district
25 courts of the United States shall have jurisdiction of pro-

1 ceedings instituted pursuant to this Act and shall exercise
2 the same without regard to whether a person asserting
3 rights under the provisions of this Act shall have ex-
4 hausted any administrative or other remedies that may be
5 provided by law.

6 (g) ATTORNEY'S FEES.—In any action or proceeding
7 to enforce the voting guarantees of the Twenty-sixth
8 Amendment, the court, in its discretion, may allow the
9 prevailing party, other than the United States, a reason-
10 able attorney's fee, reasonable expert fees, and other rea-
11 sonable litigation expenses, as part of the costs.

12 **SEC. 9. SEVERABILITY.**

13 If any provision of this Act or the application of such
14 provision to any person or circumstance is held invalid,
15 the remainder of this Act and the application of such pro-
16 vision to other persons or circumstances shall not be af-
17 fected thereby.

18 **SEC. 10. DEFINITIONS.**

19 In this Act:

20 (1) AGE GROUP.—The term “age group” means
21 the number of individuals who are 18 years or older,
22 disaggregated by the number of individuals in each
23 five year age period.

24 (2) DEMOGRAPHIC GROUP.—The term “demo-
25 graphic group” means each group which section 3

1 protects from the denial or abridgement of the right
2 to vote on account of age.

3 (3) INSTITUTION OF HIGHER EDUCATION.—The
4 term “institution of higher education” has the
5 meaning given that term in section 101(a) of the
6 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

7 (4) ELECTION FOR FEDERAL OFFICE.—The
8 term “election for Federal office” means any gen-
9 eral, special, primary, or runoff election held solely
10 or in part for the purpose of electing any candidate
11 for the office of President, Vice President, Presi-
12 dential elector, Senator, Member of the House of
13 Representatives, or Delegate or Resident Commis-
14 sioner to the Congress.

15 (5) PERSONS WITH DISABILITIES.—the term
16 “persons with disabilities”, means individuals with a
17 disability, as defined in section 3 of the Americans
18 with Disabilities Act of 1990.

19 (6) STUDENT.—The term “student” means an
20 individual who is enrolled at the institution of higher
21 education as an undergraduate or graduate student
22 on a full-time or part-time basis, including an indi-
23 vidual who is solely enrolled in an online course.

24 (7) VOTING-AGE POPULATION.—The term “vot-
25 ing-age population” means the numerical size of the

1 population within a State, within a political subdivi-
2 sion, or within a political subdivision that contains
3 Indian lands, that consists of persons 18 years of
4 age or older, as calculated by the Bureau of the
5 Census under the most recent decennial census.

6 (8) YOUTH AGE VOTER.—The term “youth age
7 voter” means any eligible voter under the age of 25
8 years old on the date of the election in which such
9 eligible voter is voting.

○