

113TH CONGRESS  
2D SESSION

# S. 2399

To safeguard the voting rights of Native American and Alaska Native voters and to provide the resources and oversight necessary to ensure equal access to the electoral process.

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## IN THE SENATE OF THE UNITED STATES

MAY 22, 2014

Mr. BEGICH (for himself, Ms. HIRONO, Mr. TESTER, Mr. WALSH, Mr. JOHNSON of South Dakota, and Ms. HEITKAMP) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To safeguard the voting rights of Native American and Alaska Native voters and to provide the resources and oversight necessary to ensure equal access to the electoral process.

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 “Native Voting Rights  
5 Act of 2014”.

1 **SEC. 2. TRIBAL IDENTIFICATION; ACTIONS FOR A DIS-**  
2 **PARITY IN AVAILABILITY OF POLLING**  
3 **PLACES.**

4 Section 2 of the Voting Rights Act (42 U.S.C. 1973)  
5 is amended by adding at the end the following:

6 “(c) If a State or political subdivision requires an in-  
7 dividual to present a valid form of identification for the  
8 purposes of voting, including registering to vote, an indi-  
9 vidual’s unexpired tribal identification document issued by  
10 an Indian tribe (including a tribal identification document  
11 issued by a Native Corporation, as defined in section 3  
12 of the Alaska Native Claims Settlement Act (43 U.S.C.  
13 1602)) shall be treated as a valid form of identification  
14 for such purposes.

15 “(d)(1)(A) The Attorney General may institute in the  
16 name of the United States actions, including actions  
17 against States or political subdivisions, for declaratory  
18 judgment or injunctive relief if the Attorney General finds,  
19 at the discretion of the Attorney General, a disparity be-  
20 tween in-person voting opportunities for members of an  
21 Indian tribe as compared to in-person voting opportunities  
22 for individuals who are not members of an Indian tribe.

23 “(B) Such injunctive relief shall include measures to  
24 reduce such disparity by increasing the availability of poll-  
25 ing places.

1       “(2) The district courts of the United States shall  
2 have jurisdiction of such actions which shall be heard and  
3 determined by a court of three judges in accordance with  
4 the provisions of section 2284 of title 28 of the United  
5 States Code and any appeal shall lie to the Supreme  
6 Court. It shall be the duty of the judges designated to  
7 hear the case to assign the case for hearing at the earliest  
8 practicable date, to participate in the hearing and deter-  
9 mination thereof, and to cause the case to be in every way  
10 expedited. There shall be a presumption that such dis-  
11 parity results in a denial or abridgement of the right of  
12 any citizen of the United States to vote on account of race  
13 or color, or in contravention of the guarantees set forth  
14 in section 4(f)(2).

15       “(3) Notwithstanding paragraphs (1) and (2), an ag-  
16 grieved person may bring an action described in paragraph  
17 (1)(A). The provisions of paragraph (2) shall apply to  
18 such action.”.

19 **SEC. 3. PROTECTIONS RELATING TO POLLING PLACES ON**  
20 **INDIAN RESERVATIONS.**

21       (a) Section 4 of the Voting Rights Act of 1965 (42  
22 U.S.C. 1973b) is amended by adding at the end the fol-  
23 lowing:

24       “(g) PROTECTIONS RELATING TO INDIAN RESERVA-  
25 TIONS.—

1           “(1) IN GENERAL.—No State or political sub-  
2           division shall carry out any of the following activities  
3           unless that State or political subdivision obtains the  
4           approval of the court or the nonobjection of the At-  
5           torney General under section 5(a):

6                   “(A) Eliminating the only polling place or  
7                   voter registration site on an Indian reservation.

8                   “(B) Moving or consolidating a polling  
9                   place or voter registration site 1 mile or further  
10                  from the existing location of the polling place or  
11                  voter registration site on an Indian reservation.

12                  “(C) Moving or consolidating a polling  
13                  place on an Indian reservation across a river,  
14                  lake, mountain, or other natural boundary such  
15                  that it makes travel difficult for a voter, regard-  
16                  less of distance.

17                  “(D) Eliminating in-person voting on an  
18                  Indian reservation by designating an Indian  
19                  reservation as a permanent absentee voting lo-  
20                  cation, unless the entire State is or becomes a  
21                  permanent absentee voting State.

22                  “(E) Removing an early voting location or  
23                  otherwise diminishing early voting opportunities  
24                  on an Indian reservation.



1           (2) in subsection (c), as redesignated by para-  
2           graph (1) of this section, by striking “subsection (c),  
3           such observers” and inserting “subsection (d), the  
4           observers described in this section”; and

5           (3) by inserting after subsection (a) the fol-  
6           lowing:

7           “(b) The Attorney General may authorize Federal ob-  
8           servers for elections that occur on an Indian reservation,  
9           as defined under section 203, if the Attorney General has  
10          received from a tribal organization—

11           “(1) a written complaint that efforts to deny or  
12           abridge the right to vote under the color of law on  
13           account of race or color, or in contravention of the  
14           guarantees set forth in section 4(f)(2), may occur on  
15           an Indian reservation; and

16           “(2) a request for the authorization of Federal  
17           observers for elections that occur on that Indian res-  
18           ervation.”.

19   **SEC. 5. TERMINATION OF ELECTION OBSERVERS.**

20          Section 13(a) of the Voting Rights Act of 1965 (42  
21   U.S.C. 1973k(a)) is amended—

22           (1) in paragraph (1)—

23                   (A) by striking “section 8” and inserting  
24                   “subsection (a) of section 8”; and

25                   (B) by striking “and” after the semicolon;

1           (2) in paragraph (2), by striking the period at  
2           the end and inserting “; and”; and

3           (3) by adding at the end the following:

4           “(3) with respect to observers appointed pursu-  
5           ant to subsection (b) of section 8, after the end of  
6           the next general election for the office of Presi-  
7           dent.”.

8   **SEC. 6. DEFINITIONS.**

9           Section 14(c) of the Voting Rights Act of 1965 (42  
10          U.S.C. 1973l(c)) is amended by adding at the end the fol-  
11          lowing:

12          “(4) The terms ‘Indian tribe’ and ‘tribal organiza-  
13          tion’ have the meaning given such terms under section 4  
14          of the Indian Self-Determination and Education Assist-  
15          ance Act (25 U.S.C. 450b).

16          “(5) The term ‘member of an Indian tribe’ means an  
17          individual who is a member of an Indian tribe, as defined  
18          under section 4 of the Indian Self-Determination and  
19          Education Assistance Act (25 U.S.C. 450b) and includes  
20          a member of a Native Corporation, as defined in section  
21          3 of the Alaska Native Claims Settlement Act (43 U.S.C.  
22          1602).”.

1 **SEC. 7. BILINGUAL ELECTION REQUIREMENTS; DEFINITION**  
2 **OF INDIAN RESERVATION.**

3 Section 203 of the Voting Rights Act of 1965 (42  
4 U.S.C. 1973aa–1a) is amended—

5 (1) in subsection (b)(3)(C), by striking “1990”  
6 and inserting “2010”; and

7 (2) in subsection (c), by striking “or in the case  
8 of Alaskan natives and American Indians, if the pre-  
9 dominant language is historically unwritten” and in-  
10 sserting “(as of the date on which the materials or  
11 information is provided)”.

12 **SEC. 8. ELECTION OBSERVER TRANSPARENCY.**

13 The Attorney General shall make publicly available  
14 the reports of Federal election observers appointed in ac-  
15 cordance with section 8 of the Voting Rights Act of 1965  
16 (42 U.S.C. 1973f), not later than 6 months after the date  
17 that such reports are submitted to the Attorney General.

18 **SEC. 9. TRIBAL VOTING CONSULTATION.**

19 The Attorney General shall, to the extent practicable,  
20 consult annually with tribal organizations regarding issues  
21 relating to voting for members of an Indian tribe.

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