

117TH CONGRESS
1ST SESSION

H. R. 4959

To protect the right to vote in elections for Federal office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 6, 2021

Mr. JONES introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To protect the right to vote in elections for Federal office,
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 **SEC. 1. SHORT TITLE.**

4 This Act may be cited as the “Right to Vote Act”.

5 **SEC. 2. UNDUE BURDENS ON THE ABILITY TO VOTE IN**
6 **ELECTIONS FOR FEDERAL OFFICE PROHIB-**
7 **ITED.**

8 (a) IN GENERAL.—Every citizen of legal voting age
9 shall have the right to vote in elections for Federal office

1 free from any burden on the time, place, or manner of
2 voting, as set forth in subsections (b) and (c).

3 (b) RETROGRESSION.—A government may not dimin-
4 ish the ability to vote in an election for Federal office un-
5 less the law, rule, standard, practice, procedure, or other
6 governmental action causing the diminishment is the least
7 restrictive means of significantly furthering an important,
8 particularized government interest.

9 (c) SUBSTANTIAL IMPAIRMENT.—A government may
10 not substantially impair the ability to vote in an election
11 for Federal office unless the law, rule, standard, practice,
12 procedure, or other governmental action causing the im-
13 pairment significantly furthers an important, particular-
14 ized governmental interest. A substantial impairment is a
15 non-trivial impairment that makes it more difficult to vote
16 than if the law, standard, practice, procedure, or other
17 governmental action had not been adopted or imple-
18 mented. An impairment may be substantial even if the
19 voter or other similarly situated voters are able to vote
20 notwithstanding the impairment.

21 **SEC. 3. JUDICIAL REVIEW.**

22 (a) CIVIL ACTION.—An action challenging a violation
23 of this Act may be brought by any aggrieved person or
24 the Attorney General in the district court for the District
25 of Columbia, or the district court for the district in which

1 the violation took place or where any defendant resides
2 or does business, at the selection of the plaintiff, to obtain
3 all appropriate relief, whether declaratory or injunctive, or
4 facial or as-applied. Process may be served in any district
5 where a defendant resides, does business, or may be found.

6 (b) STANDARDS TO BE APPLIED.—In a civil action
7 under this section, the following shall apply:

8 (1) RETROGRESSION.—

9 (A) A plaintiff establishes a prima facie
10 case of retrogression by demonstrating by a
11 preponderance of the evidence that a rule,
12 standard, practice, procedure, or other govern-
13 mental action diminishes the ability, or other-
14 wise makes it more difficult, to vote.

15 (B) Once a plaintiff establishes a prima
16 facie case as described in subparagraph (A), the
17 government shall be provided an opportunity to
18 demonstrate by clear and convincing evidence
19 that the diminishment is necessary to signifi-
20 cantly further an important, particularized gov-
21 ernmental interest.

22 (C) If the government meets its burden
23 under subparagraph (B), the challenged rule,
24 standard, practice, procedure, or other govern-
25 mental action shall nonetheless be deemed in-

1 valid if the plaintiff demonstrates by a prepon-
2 derance of the evidence that the government
3 could adopt or implement a less-restrictive
4 means of furthering the particular important
5 governmental interest.

6 (2) SUBSTANTIAL IMPAIRMENT.—

7 (A) A plaintiff establishes a prima facie
8 case of substantial impairment by dem-
9 onstrating by a preponderance of the evidence
10 that a rule, standard, practice, procedure, or
11 other governmental action substantially impairs
12 the ability, or makes it substantially difficult, to
13 vote.

14 (B) Once a plaintiff establishes a prima
15 facie case as described in subparagraph (A), the
16 government shall be provided an opportunity to
17 demonstrate by clear and convincing evidence
18 that the impairment significantly furthers an
19 important, particularized governmental interest.

20 (c) DUTY TO EXPEDITE.—It shall be the duty of the
21 court to advance on the docket and to expedite to the
22 greatest reasonable extent the disposition of the action
23 and appeal under this section.

24 (d) ATTORNEY'S FEES.—Section 722(b) of the Re-
25 vised Statutes (42 U.S.C. 1988(b)) is amended—

1 (1) by striking “or section 40302” and insert-
2 ing “section 40302”; and

3 (2) by striking “, the court” and inserting “, or
4 the Right to Vote Act, the court”.

5 **SEC. 4. DEFINITIONS.**

6 In this Act—

7 (1) the term “covered entity” means the Dis-
8 trict of Columbia, the Commonwealth of Puerto
9 Rico, and each territory and possession of the
10 United States;

11 (2) the terms “election” and “Federal office”
12 have the meanings given such terms in section 301
13 of the Federal Election Campaign Act of 1971 (52
14 U.S.C. 30101);

15 (3) the term “government” includes a branch,
16 department, agency, instrumentality, and official (or
17 other person acting under color of law) of the
18 United States, of any State, of any covered entity,
19 or of any political subdivision of any state or covered
20 entity; and

21 (4) the term “vote” means all actions necessary
22 to make a vote effective, including registration or
23 other action required by law as a prerequisite to vot-
24 ing, casting a ballot, and having such ballot counted
25 and included in the appropriate totals of votes cast

1 with respect to candidates for public office for which
2 votes are received in an election.

3 **SEC. 5. RULES OF CONSTRUCTION.**

4 (a) BURDENS NOT AUTHORIZED.—Nothing in this
5 Act may be construed to authorize a government to burden
6 the ability to vote in elections for Federal office.

7 (b) OTHER RIGHTS AND REMEDIES.—Nothing in
8 this Act shall be construed to alter any rights existing
9 under a State constitution or the Constitution of the
10 United States, or to limit any remedies for any other viola-
11 tions of Federal, State, or local law.

12 (c) OTHER PROVISION.—Nothing in this Act shall be
13 construed as conflicting with section 1403 (“Rights of
14 Citizens”) of H.R. 1 of the 117th Congress as passed by
15 the House of Representatives on March 3, 2021.

16 **SEC. 6. SEVERABILITY.**

17 If any provision of this Act or the application of such
18 provision to any citizen or circumstance is held to be un-
19 constitutional, the remainder of this Act and the applica-
20 tion of the provisions of such to any citizen or cir-
21 cumstance shall not be affected thereby.

22 **SEC. 7. EFFECTIVE DATE.**

23 (a) RETROGRESSION.—Subsection (b) of section 2
24 shall apply to any law, rule, standard, practice, procedure,
25 or other governmental action that was not in effect during

1 the November 2020 Federal election but that will be in
2 effect with respect to elections for Federal office occurring
3 on or after January 1, 2022, even if such law, rule, stand-
4 ard, practice, procedure, or other governmental action is
5 already in effect at the time this Act is enacted.

6 (b) SUBSTANTIAL IMPAIRMENT.—Subsection (c) of
7 section 2 shall apply to any law, rule, standard, practice,
8 procedure, or other governmental action in effect with re-
9 spect to elections for Federal office occurring on or after
10 January 1, 2022.

○