

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.

(3) Definitions

As used in this section—

(A) the term “voting materials” means registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots;

(B) the term “limited-English proficient” means unable to speak or understand English adequately enough to participate in the electoral process;

(C) 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;

(D) the term “citizens” means citizens of the United States; and

(E) the term “illiteracy” means the failure to complete the 5th primary grade.

(4) Special rule

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.

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

Whenever any State or political subdivision subject to the prohibition of subsection (b) of this section 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 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.

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

Any State or political subdivision subject to the prohibition of subsection (b) of this section, 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.

(e) Definitions

For purposes of this section, the term “language minorities” or “language minority

group” means persons who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage.

(Pub. L. 89-110, title II, §203, as added Pub. L. 94-73, title III, §301, Aug. 6, 1975, 89 Stat. 402; amended Pub. L. 97-205, §§2(d), 4, June 29, 1982, 96 Stat. 134; Pub. L. 102-344, §2, Aug. 26, 1992, 106 Stat. 921; Pub. L. 109-246, §§7, 8, July 27, 2006, 120 Stat. 581.)

AMENDMENTS

2006—Subsec. (b)(1). Pub. L. 109-246, §7, substituted “2032” for “2007”.

Subsec. (b)(2)(A). Pub. L. 109-246, §8, substituted “the 2010 American Community Survey census data and subsequent American Community Survey data in 5-year increments, or comparable census data” for “census data” in introductory provisions.

1992—Subsec. (b). Pub. L. 102-344 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “Prior to August 6, 1992, no State or political subdivision shall provide registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, only in the English language if the Director of the Census determines (i) that more than 5 percent of the citizens of voting age of such State or political subdivision are members of a single language minority and (ii) that the illiteracy rate of such persons as a group is higher than the national illiteracy rate: *Provided*, That the prohibitions of this subsection shall not apply in any political subdivision which has less than five percent voting age citizens of each language minority which comprises over five percent of the statewide population of voting age citizens. For purposes of this subsection, illiteracy means the failure to complete the fifth primary grade. 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.”

1982—Subsec. (b). Pub. L. 97-205, §4, substituted “Prior to August 6, 1992” for “Prior to August 6, 1985”.

Subsec. (c). Pub. L. 97-205, §2(d), inserted “and American Indians” after “Alaskan natives”.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-205 effective June 29, 1982, see section 6 of Pub. L. 97-205, set out as a note under section 1973 of this title.

EXTENSION TO AUGUST 6, 1992, OF PROHIBITION ON USE OF VOTING INSTRUCTIONS, ASSISTANCE, OR OTHER MATERIALS OR INFORMATION IN ENGLISH ONLY; LIMITATIONS BASED ON 1980 CENSUS AND SUBSEQUENT CENSUS DATA

Pub. L. 97-205, §4, June 29, 1982, 96 Stat. 134, provided in part that: “[T]he extension made by this section [amending subsec. (b) of this section] shall apply only to determinations made by the Director of the Census under clause (i) of section 203(b) [subsec. (b)(1) of this section] for members of a single language minority who do not speak or understand English adequately enough to participate in the electoral process when such a determination can be made by the Director of the Census based on the 1980 and subsequent census data.”

§ 1973aa-2. Judicial relief; civil actions by the Attorney General; three-judge district court; appeal to Supreme Court

Whenever the Attorney General has reason to believe that a State or political subdivision (a) 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 of this title, or (b) undertakes to deny the right to vote in any election in violation of section

1973aa-1 or 1973aa-1a of this title, he may institute for the United States, or in the name of the United States, an action in a district court of the United States, in accordance with sections 1391 through 1393¹ of title 28, for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate. An action under this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 and any appeal shall be to the Supreme Court.

(Pub. L. 89-110, title II, §204, formerly §203, as added Pub. L. 91-285, §6, June 22, 1970, 84 Stat. 317; renumbered §204 and amended Pub. L. 94-73, title III, §§302, 303, title IV, §406, Aug. 6, 1975, 89 Stat. 403, 405.)

REFERENCES IN TEXT

Section 1393 of title 28, referred to in text, was repealed by Pub. L. 100-702, title X, §1001(a), Nov. 19, 1988, 102 Stat. 4664.

AMENDMENTS

1975—Pub. L. 94-73 inserted reference to section 1973aa-1a of this title and substituted reference to section 2284 of title 28 for reference to section 2282 of title 28.

§ 1973aa-3. Penalty

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

(Pub. L. 89-110, title II, §205, formerly §204, as added Pub. L. 91-285, §6, June 22, 1970, 84 Stat. 317; renumbered §205 and amended Pub. L. 94-73, title III, §§302, 304, Aug. 6, 1975, 89 Stat. 403.)

AMENDMENTS

1975—Pub. L. 94-73 inserted reference to section 1973aa-1a of this title.

§ 1973aa-4. 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.

(Pub. L. 89-110, title II, §206, formerly §205, as added Pub. L. 91-285, §6, June 22, 1970, 84 Stat. 318; renumbered §206, Pub. L. 94-73, title III, §302, Aug. 6, 1975, 89 Stat. 403.)

§ 1973aa-5. Survey to compile registration and voting statistics

(a) Elections to House of Representatives and elections designated by United States Commission on Civil Rights

Congress hereby directs the Director of the Census forthwith to conduct a survey to compile registration and voting statistics: (i) in every State or political subdivision with respect to which the prohibitions of section 1973b(a) 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 (ii) in every State or political subdivision for any election designated by the United States Commission on Civil Rights. 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.

(b) Prohibition against compulsion to disclose personal data; advice of rights

In any survey under subsection (a) of this section no person shall be compelled to disclose his race, color, national origin, political party affiliation, or how he voted (or the reasons therefor), nor shall any penalty be imposed for his 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 right to fail or refuse to furnish such information.

(c) Report 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

The provisions of 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.

(Pub. L. 89-110, title II, §207, as added Pub. L. 94-73, title IV, §403, Aug. 6, 1975, 89 Stat. 404.)

§ 1973aa-6. 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.

(Pub. L. 89-110, title II, §208, as added Pub. L. 97-205, §5, June 29, 1982, 96 Stat. 135.)

EFFECTIVE DATE

Pub. L. 97-205, §5, June 29, 1982, 96 Stat. 135, provided that this section is effective Jan. 1, 1984.

SUBCHAPTER I-C—EIGHTEEN-YEAR-OLD VOTING AGE

§ 1973bb. Enforcement of twenty-sixth amendment

(a)(1) 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 he may determine to be necessary to implement the twenty-sixth article of amendment to the Constitution of the United States.

(2) The district courts of the United States shall have jurisdiction of proceedings instituted under this subchapter, which shall be heard and determined by a court of three judges in accord-

¹ See References in Text note below.