

## REFERENCES IN TEXT

Sections 1973d and 1973g of title 42, referred to in subsec. (b), were repealed by Pub. L. 109-246, §3(c), July 27, 2006, 120 Stat. 580.

## CODIFICATION

Section was formerly classified to section 1973i of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

## AMENDMENTS

1975—Subsec. (c). Pub. L. 94-73, §404, inserted reference to Guam and Virgin Islands.

Subsec. (e). Pub. L. 94-73, §409, added subsec. (e).

1970—Subsec. (c). Pub. L. 91-405 substituted reference to Delegate from District of Columbia for Delegates or Commissioners from territories or possessions.

## EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-405 effective Sept. 22, 1970, see section 206(b) of Pub. L. 91-405, set out as an Effective Date note under section 25a of Title 2, The Congress.

**§ 10308. Civil and criminal sanctions****(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 10301, 10302, 10303, 10304, or 10306 of this title or shall violate section 10307(a) of this title, shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

**(b) Destroying, defacing, mutilating, or altering ballots or official 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, 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 years, or both.

**(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 10301, 10302, 10303, 10304, 10306, or 10307(a) of this title shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

**(d) Civil action by Attorney General for preventive relief; injunctive and other relief**

Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 10301, 10302, 10303, 10304, 10306, or 10307 of this title, section 1973e of title 42,<sup>1</sup> or subsection (b) of this section, 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 (1) to permit persons

listed under chapters 103 to 107 of this title to vote and (2) to count such votes.

**(e) Proceeding by Attorney General to enforce the counting of ballots of registered and eligible persons who are prevented from voting**

Whenever in any political subdivision in which there are observers appointed pursuant to chapters 103 to 107 of this title any persons allege to such an observer within forty-eight hours after the closing of the polls that notwithstanding (1) their listing under chapters 103 to 107 of this title or registration by an appropriate election official and (2) 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 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.

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

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 chapters 103 to 107 of this title shall have exhausted any administrative or other remedies that may be provided by law.

(Pub. L. 89-110, title I, §12, Aug. 6, 1965, 79 Stat. 443; Pub. L. 90-284, title I, §103(c), Apr. 11, 1968, 82 Stat. 75; renumbered title I, Pub. L. 91-285, §2, June 22, 1970, 84 Stat. 314; Pub. L. 109-246, §3(d)(3), (4), (e)(2), July 27, 2006, 120 Stat. 580.)

## REFERENCES IN TEXT

Section 1973e of title 42, referred to in subsec. (d), was repealed by Pub. L. 109-246, §3(c), July 27, 2006, 120 Stat. 580.

## CODIFICATION

Section was formerly classified to section 1973j of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section. Some section numbers referenced in amendment notes below reflect the classification of such sections prior to their editorial reclassification to this title.

## AMENDMENTS

2006—Subsec. (a). Pub. L. 109-246, §3(e)(2), struck out “1973e,” after “1973c.”

Subsec. (b). Pub. L. 109-246, §3(d)(3), substituted “an observer has been assigned” for “an examiner has been appointed”.

Subsec. (c). Pub. L. 109-246, §3(e)(2), struck out “1973e,” after “1973c.”

Subsec. (e). Pub. L. 109-246, §3(d)(4), substituted “observers” for “examiners” and substituted “observer” for “examiner” in two places.

1968—Subsecs. (a), (c). Pub. L. 90-284 struck out reference to violation of section 1973i(b) of this title.

<sup>1</sup> See References in Text note below.

**§ 10309. Termination of assignment of observers****(a) In general**

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

(1) with respect to observers appointed pursuant to section 10305 of this title or with respect to examiners certified under chapters 103 to 107 of this title 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 10303(f)(2) of this title in such subdivision; and

(2) with respect to observers appointed pursuant to section 10302(a) of this title, upon order of the authorizing court.

**(b) Political subdivision with majority of nonwhite persons registered**

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 centum 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).

(Pub. L. 89-110, title I, §13, Aug. 6, 1965, 79 Stat. 444; renumbered title I, Pub. L. 91-285, §2, June 22, 1970, 84 Stat. 314; amended Pub. L. 94-73, title II, §206, Aug. 6, 1975, 89 Stat. 402; Pub. L. 109-246, §3(b), July 27, 2006, 120 Stat. 579; Pub. L. 110-258, §2, July 1, 2008, 122 Stat. 2428.)

## CODIFICATION

Section was formerly classified to section 1973k of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section. Some section numbers referenced in amendment notes below reflect the classification of such sections prior to their editorial reclassification to this title.

## AMENDMENTS

2008—Subsec. (a)(1). Pub. L. 110-258 made technical amendment to reference in original act which appears in text as reference to July 27, 2006.

2006—Pub. L. 109-246 amended section generally. Prior to amendment, section related to termination of listing procedures, basis for termination, and survey or census by the Director of the Census.

1975—Pub. L. 94-73 substituted “on account of race or color, or in contravention of the guarantees set forth in section 1973b(f)(2) of this title” for “on account of race or color”.

**§ 10310. Enforcement proceedings****(a) Criminal contempt**

All cases of criminal contempt arising under the provisions of chapters 103 to 107 of this title shall be governed by section 1995 of title 42.

**(b) Jurisdiction of courts for declaratory judgment, restraining orders, or temporary or permanent injunction**

No court other than the District Court for the District of Columbia shall have jurisdiction to issue any declaratory judgment pursuant to section 10303 or 10304 of this title or any restraining order or temporary or permanent injunction against the execution or enforcement of any provision of chapters 103 to 107 of this title or any action of any Federal officer or employee pursuant hereto.

**(c) Definitions**

(1) The terms “vote” or “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 chapter, 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.

(2) The term “political subdivision” shall mean 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.

(3) The term “language minorities” or “language minority group” means persons who are American Indian, Asian American, Alaskan Natives or of Spanish heritage.

**(d) Subpenas**

In any action for a declaratory judgment brought pursuant to section 10303 or 10304 of this title, subpenas 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 no writ of subpoena shall issue for witnesses without the District of Columbia at a greater distance than one hundred 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.

**(e) Attorney’s fees**

In any action or proceeding to enforce the voting guarantees of the fourteenth or fifteenth 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.

(Pub. L. 89-110, title I, §14, Aug. 6, 1965, 79 Stat. 445; renumbered title I, Pub. L. 91-285, §2, June 22, 1970, 84 Stat. 314; amended Pub. L. 94-73, title II, §207, title IV, §402, Aug. 6, 1975, 89 Stat. 402, 404; Pub. L. 109-246, §§3(e)(3), 6, July 27, 2006, 120 Stat. 580, 581.)

## CODIFICATION

Section was formerly classified to section 1973l of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

## AMENDMENTS

2006—Subsec. (b). Pub. L. 109-246, §3(e)(3), struck out “or a court of appeals in any proceeding under section 1973g of this title” after “District of Columbia”.