

§ 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”.

Subsec. (e). Pub. L. 109-246, § 6, inserted “, reasonable expert fees, and other reasonable litigation expenses” after “reasonable attorney’s fee”.

1975—Subsec. (c)(3). Pub. L. 94-73, § 207, added par. (3).
Subsec. (e). Pub. L. 94-73, § 402, added subsec. (e).

§ 10311. Impairment of voting rights of persons holding current registration

Nothing in chapters 103 to 107 of this title shall be construed to deny, impair, or otherwise adversely affect the right to vote of any person registered to vote under the law of any State or political subdivision.

(Pub. L. 89-110, title I, § 17, Aug. 6, 1965, 79 Stat. 446; renumbered title I, Pub. L. 91-285, § 2, June 22, 1970, 84 Stat. 314.)

CODIFICATION

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

§ 10312. Authorization of appropriations

There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of chapters 103 to 107 of this title.

(Pub. L. 89-110, title I, § 18, Aug. 6, 1965, 79 Stat. 446; renumbered title I, Pub. L. 91-285, § 2, June 22, 1970, 84 Stat. 314.)

CODIFICATION

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

§ 10313. Separability

If any provision of chapters 103 to 107 of this title or the application thereof to any person or circumstances is held invalid, the remainder of chapters 103 to 107 of this title and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

(Pub. L. 89-110, title I, § 19, Aug. 6, 1965, 79 Stat. 446; renumbered title I, Pub. L. 91-285, § 2, June 22, 1970, 84 Stat. 314.)

CODIFICATION

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

§ 10314. Construction

A reference in this chapter to the effective date of the amendments made by, or the date of the enactment of, the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez, and Dr. Hector P. Garcia Voting Rights Act Reauthorization and Amendments Act of 2006 shall be considered to refer to, respectively, the effective date of the amendments made by, or the date of the enactment of, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

(Pub. L. 89-110, title I, § 20, as added Pub. L. 110-258, § 3, July 1, 2008, 122 Stat. 2428.)

REFERENCES IN TEXT

The effective date of the amendments made by, or the date of the enactment of, the Fannie Lou Hamer, Rosa

Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, referred to in text, is the date of enactment of Pub. L. 109-246, which was approved July 27, 2006.

CODIFICATION

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

CHAPTER 105—SUPPLEMENTAL PROVISIONS

Sec.

10501. Application of prohibition to other States; “test or device” defined.
10502. Residence requirements for voting.
10503. Bilingual election requirements.
10504. Judicial relief; civil actions by the Attorney General; three-judge district court; appeal to Supreme Court.
10505. Penalty.
10506. Separability.
10507. Survey to compile registration and voting statistics.
10508. Voting assistance for blind, disabled or illiterate persons.

§ 10501. Application of prohibition to other States; “test or device” defined

(a) No citizen shall be denied, because of his failure to comply with any test or device, the right to vote in any Federal, State, or local election conducted in any State or political subdivision of a State.

(b) As used in this section, the term “test or device” means any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.

(Pub. L. 89-110, title II, § 201, as added Pub. L. 91-285, § 6, June 22, 1970, 84 Stat. 315; amended Pub. L. 94-73, title I, § 102, Aug. 6, 1975, 89 Stat. 400.)

CODIFICATION

Section was formerly classified to section 1973aa 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

1975—Subsec. (a). Pub. L. 94-73 struck out “Prior to August 6, 1975,” and “as to which the provisions of section 1973b(a) of this title are not in effect by reason of determinations made under section 1973b(b) of this title”.

§ 10502. Residence requirements for voting

(a) Congressional findings

The Congress hereby finds that the imposition and application of the durational residency requirement as a precondition to voting for the offices of President and Vice President, and the lack of sufficient opportunities for absentee registration and absentee balloting in presidential elections—

(1) denies or abridges the inherent constitutional right of citizens to vote for their President and Vice President;