

**AMENDMENT TO H.R. 1**

**OFFERED BY MR. JONES OF NEW YORK**

At the end of title II, insert the following (and conform the table of contents accordingly):

1     **Subtitle J—Judicial Protection of**  
2                     **the Right to Vote**

3     **SEC. 2901. BURDEN ON THE FUNDAMENTAL RIGHT TO**  
4                     **VOTE PROHIBITED.**

5             (a) **IN GENERAL.**—A government may not burden a  
6 person’s fundamental right to vote, even if the burden re-  
7 sults from a rule of general applicability, except as pro-  
8 vided in subsections (b) and (c).

9             (b) **EXCEPTION.**—A government may impose a bur-  
10 den on a person’s fundamental right to vote only if the  
11 government demonstrates, by clear and convincing evi-  
12 dence—

13                 (1) in the case of a reasonable, nondiscrim-  
14 inatory burden, that the application of that precise  
15 burden to that person—

16                     (A) is in furtherance of an important gov-  
17 ernmental interest; and

18                     (B) significantly furthers that important  
19 governmental interest; or

1           (2) in the case of a severe burden, that the ap-  
2           plication of that precise burden to that person—

3                   (A) is in furtherance of a compelling gov-  
4                   ernmental interest; and

5                   (B) is the least restrictive means of fur-  
6                   thering that compelling governmental interest.

7           (c) COMPLIANCE WITH THIS ACT.—An action by a  
8           government that complies with requirements under the  
9           other provisions of this Act, or the amendments made by  
10          this Act, is deemed not to constitute a burden on a per-  
11          son’s fundamental right to vote in violation of subsection  
12          (a).

13   **SEC. 2902. JUDICIAL REVIEW.**

14          (a) CIVIL ACTION.—A person whose fundamental  
15          right to vote has been burdened in violation of this subtitle  
16          may bring an action in the district court for the District  
17          of Columbia or the district court for the district in which  
18          the violation took place, at the selection of the plaintiff,  
19          to obtain all appropriate relief, whether declaratory, in-  
20          junctive, facial, or as-applied.

21          (b) CONSIDERATION OF CERTAIN FACTORS.—

22                   (1) LIMITATION.—The court may not decline to  
23          hear a claim asserted under subsection (a), or de-  
24          cline to order appropriate relief for a violation of  
25          this subtitle, on the ground that the violation oc-

1 curred too close in time to the final day of the elec-  
2 tion.

3 (2) PERMISSIBLE CONSIDERATIONS.—The court  
4 shall consider the amount of time left before the  
5 final day of the election only insofar as it finds that  
6 disenfranchisement is likely to result from late judi-  
7 cial action. If the court does consider the  
8 disenfranchising effects likely to result from late ju-  
9 dicial action, it shall weigh those disenfranchising ef-  
10 fects against the enfranchising effects of judicial re-  
11 lief enabling the person to exercise their right to  
12 vote.

13 (c) REASONABLE ACCOMMODATIONS.—If the court  
14 finds that a government has met the burden of proof  
15 under section 2901(b), the court shall order the govern-  
16 ment to adopt all reasonable accommodations necessary  
17 to alleviate that burden for all persons affected.

18 (d) DUTY TO EXPEDITE.—It shall be the duty of the  
19 court to advance on the docket and to expedite to the  
20 greatest possible extent the disposition of the action and  
21 appeal under this section.

22 **SEC. 2903. DEFINITIONS.**

23 In this subtitle—

24 (1) the term “government” includes a branch,  
25 department, agency, instrumentality, and official (or

1 other person acting under color of law) of the  
2 United States, of any State or subdivision, or of a  
3 covered entity;

4 (2) the term “covered entity” means the Dis-  
5 trict of Columbia, the Commonwealth of Puerto  
6 Rico, and each territory and possession of the  
7 United States; and

8 (3) the term “vote” means all actions necessary  
9 to make a vote effective, including registration or  
10 other action required by law as a prerequisite to vot-  
11 ing, casting a ballot, and having such ballot counted  
12 and included in the appropriate totals of votes cast  
13 with respect to candidates for public office and prop-  
14 ositions for which votes are received in an election.

15 **SEC. 2904. RULES OF CONSTRUCTION.**

16 Nothing in this subtitle may be construed to author-  
17 ize a government to burden the fundamental right to vote.

18 **SEC. 2905. SEVERABILITY.**

19 (a) IN GENERAL.—If any provision of this subtitle  
20 or the application of such provision to any person or cir-  
21 cumstance is held to be unconstitutional, the remainder  
22 of this subtitle and the application of the provisions of  
23 such to any person or circumstance shall not be affected  
24 thereby.

1 (b) ELECTIONS.—If any provision of this subtitle or  
2 the application of such provision to any person or cir-  
3 cumstance is held to be unconstitutional with respect to  
4 the right to vote in State elections, the remainder of this  
5 subtitle and the application of the provisions of such to  
6 the right to vote in Federal elections shall not be affected  
7 thereby.

8 **SEC. 2906. EFFECTIVE DATE.**

9 This subtitle shall apply with respect to elections oc-  
10 ccurring on or after January 1, 2022.

