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):

Subtitle J—Judicial Protection of the Right to Vote

SEC. 2901. BURDEN ON THE FUNDAMENTAL RIGHT TO VOTE PROHIBITED.

(a) In general.—A government may not burden a person’s fundamental right to vote, even if the burden results from a rule of general applicability, except as provided in subsections (b) and (c).

(b) Exception.—A government may impose a burden on a person’s fundamental right to vote only if the government demonstrates, by clear and convincing evidence—

(1) in the case of a reasonable, nondiscriminatory burden, that the application of that precise burden to that person—

(A) is in furtherance of an important governmental interest; and

(B) significantly furthers that important governmental interest; or
(2) in the case of a severe burden, that the application of that precise burden to that person—

(A) is in furtherance of a compelling governmental interest; and

(B) is the least restrictive means of furthering that compelling governmental interest.

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

SEC. 2902. JUDICIAL REVIEW.

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

(b) CONSIDERATION OF CERTAIN FACTORS.—

(1) LIMITATION.—The court may not decline to hear a claim asserted under subsection (a), or decline to order appropriate relief for a violation of this subtitle, on the ground that the violation oc-
curred too close in time to the final day of the election.

(2) **Permissible Considerations.**—The court shall consider the amount of time left before the final day of the election only insofar as it finds that disenfranchisement is likely to result from late judicial action. If the court does consider the disenfranchising effects likely to result from late judicial action, it shall weigh those disenfranchising effects against the enfranchising effects of judicial relief enabling the person to exercise their right to vote.

(c) **Reasonable Accommodations.**—If the court finds that a government has met the burden of proof under section 2901(b), the court shall order the government to adopt all reasonable accommodations necessary to alleviate that burden for all persons affected.

(d) **Duty to Expedite.**—It shall be the duty of the court to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal under this section.

**Sec. 2903. Definitions.**

In this subtitle—

(1) the term “government” includes a branch, department, agency, instrumentality, and official (or
other person acting under color of law) of the
United States, of any State or subdivision, or of a
covered entity;

(2) the term “covered entity” means the Dis-

tRICT of Columbia, the Commonwealth of Puerto
Rico, and each territory and possession of the
United States; and

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

SEC. 2904. RULES OF CONSTRUCTION.

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

SEC. 2905. SEVERABILITY.

(a) IN GENERAL.—If any provision of this subtitle
or the application of such provision to any person or cir-
cumstance is held to be unconstitutional, the remainder
of this subtitle and the application of the provisions of
such to any person or circumstance shall not be affected
thereby.
(b) ELECTIONS.—If any provision of this subtitle or the application of such provision to any person or circumstance is held to be unconstitutional with respect to the right to vote in State elections, the remainder of this subtitle and the application of the provisions of such to the right to vote in Federal elections shall not be affected thereby.

SEC. 2906. EFFECTIVE DATE.

This subtitle shall apply with respect to elections occurring on or after January 1, 2022.