

AMENDMENT TO H.R. 22
OFFERED BY MS. SEWELL OF ALABAMA

Page 20, strike line 22 and all that follows through
page 21, line 3 and insert the following:

1 (i) RESTRICTIONS ON REMOVAL OF LOCAL ELEC-
2 TION ADMINISTRATORS IN ADMINISTRATION OF ELEC-
3 TIONS FOR FEDERAL OFFICE.—

4 (1) STANDARD FOR REMOVAL OF A LOCAL
5 ELECTION ADMINISTRATOR.—A statewide election
6 administrator may only suspend, remove, or relieve
7 the duties of a local election administrator in the
8 State with respect to the administration of an elec-
9 tion for Federal office for inefficiency, neglect of
10 duty, or malfeasance in office.

11 (2) PRIVATE RIGHT OF ACTION.—

12 (A) IN GENERAL.—Any local election ad-
13 ministrator suspended, removed, or otherwise
14 relieved of duties in violation of paragraph (1)
15 with respect to the administration of an election
16 for Federal office or against whom any pro-
17 ceeding for suspension, removal, or relief from
18 duty in violation of paragraph (1) with respect
19 to the administration of an election for Federal

1 office may be pending, may bring an action in
2 an appropriate district court of the United
3 States for declaratory or injunctive relief with
4 respect to the violation. Any such action shall
5 name as the defendant the statewide election
6 administrator responsible for the adverse ac-
7 tion. The district court shall, to the extent prac-
8 ticable, expedite any such proceeding.

9 (B) STATUTE OF LIMITATIONS.—Any ac-
10 tion brought under this subsection must be
11 commenced not later than one year after the
12 date of the suspension, removal, relief from du-
13 ties, or commencement of the proceeding to re-
14 move, suspend, or relieve the duties of a local
15 election administrator with respect to the ad-
16 ministration of an election for Federal office.

17 (3) ATTORNEY'S FEES.—In any action or pro-
18 ceeding under this subsection, the court may allow
19 a prevailing plaintiff, other than the United States,
20 reasonable attorney's fees as part of the costs, and
21 may include expert fees as part of the attorney's fee.
22 The term "prevailing plaintiff" means a plaintiff
23 that substantially prevails pursuant to a judicial or
24 administrative judgment or order, or an enforceable
25 written agreement.

1 (4) REMOVAL OF STATE PROCEEDINGS TO FED-
2 ERAL COURT.—A local election administrator who is
3 subject to an administrative or judicial proceeding
4 for suspension, removal, or relief from duty by a
5 statewide election administrator with respect to the
6 administration of an election for Federal office may
7 remove the proceeding to an appropriate district
8 court of the United States. Any order remanding a
9 case to the State court or agency from which it was
10 removed under this subsection shall be reviewable by
11 appeal or otherwise.

12 (5) RIGHT OF UNITED STATES TO INTER-
13 VENE.—

14 (A) NOTICE TO ATTORNEY GENERAL.—
15 Whenever any administrative or judicial pro-
16 ceeding is brought to suspend, remove, or re-
17 lieve the duties of any local election adminis-
18 trator by a statewide election administrator
19 with respect to the administration of an election
20 for Federal office, the statewide election admin-
21 istrator who initiated such proceeding shall de-
22 liver a copy of the pleadings instituting the pro-
23 ceeding to the Assistant Attorney General for
24 the Civil Rights Division of the Department of
25 Justice. The local election administrator against

1 whom such proceeding is brought may also de-
2 liver such pleadings to the Assistant Attorney
3 General.

4 (B) RIGHT TO INTERVENE.—The United
5 States may intervene in any administrative or
6 judicial proceeding brought to suspend, remove,
7 or relieve the duties of any local election admin-
8 istrator by a statewide election administrator
9 with respect to the administration of an election
10 for Federal office and in any action initiated
11 pursuant to paragraph (2) or in any removal
12 pursuant to paragraph (4).

13 (6) REVIEW.—In reviewing any action brought
14 under this subsection, a court of the United States
15 shall not afford any deference to any State official,
16 administrator, or tribunal that initiated, approved,
17 adjudicated, or reviewed any administrative or judi-
18 cial proceeding to suspend, remove, or otherwise re-
19 lieve the duties of a local election administrator.

20 (7) DEFINITIONS.—In this subsection, the fol-
21 lowing definitions apply:

22 (A) ELECTION.—The term “election” has
23 the meaning given the term in section 301(1) of
24 the Federal Election Campaign Act of 1971 (52
25 U.S.C. 30101(1)).

1 (B) FEDERAL OFFICE.—The term “Fed-
2 eral office” has the meaning given the term in
3 section 301(3) of the Federal Election Cam-
4 paign Act of 1971 (52 U.S.C. 30101(3)).

5 (C) LOCAL ELECTION ADMINISTRATOR.—
6 The term “local election administrator” means,
7 with respect to a local jurisdiction in a State,
8 the individual or entity responsible for the ad-
9 ministration of elections for Federal office in
10 the local jurisdiction.

11 (D) STATEWIDE ELECTION ADMINIS-
12 TRATOR.—The term “statewide election admin-
13 istrator” means, with respect to a State—

14 (i) the individual or entity, including a
15 State elections board, responsible for the
16 administration of elections for Federal of-
17 fice in the State on a statewide basis; or

18 (ii) a statewide legislative or executive
19 entity with the authority to suspend, re-
20 move, or relieve a local election adminis-
21 trator.

22 (8) RULE OF CONSTRUCTION.—Nothing in this
23 subsection shall be construed to grant any additional
24 authority to remove a local elections administrator

1 beyond any authority provided under the law of the
2 State.

