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THE WHITE HOUSE

WASHINGTON

August 19, 1974

MEMORANDUM FOR:

BILL TIMMONS

THROUGH:

MAX FRIEDERSDORF

FROM:

GENE AINSWORTH *GA*

SUBJECT:

Extension of the Voting Rights Act of 1965

This memorandum is furnished as background for the President's August 21st meeting with members of the Black Caucus.

Background:

The Voting Rights Act of 1965 applies in a special way to certain states and political subdivisions which meet a formula set forth in the Act. If the jurisdiction maintained on November 1, 1964, a "test or device" as a prerequisite to voting (i. e., literacy test, character test, etc.) and less than 50% of persons of voting age were registered on November 1, 1964, or voted in the 1964 Presidential election, that jurisdiction is "covered" by the Act. Such "covered" jurisdiction may not enforce its "test or device" without first getting an exculpatory declaratory judgment from the United States District Court for the District of Columbia and may not implement any change in voting practices or procedures without first getting judicial clearance from the D. C. court or administrative clearance from the Attorney General. Also, in any "covered" jurisdiction the Attorney General may designate federal registrars and federal observers for local election if he makes the necessary determinations. These provisions were to expire after 5 years, in August 1970. In 1970 they were extended for a second 5 years, to expire in August 1975. Under the formula of the 1965 Act, Alabama, Georgia, Louisiana, Mississippi, South Carolina, Virginia, and a number of counties in North Carolina are covered. By amendment to the Act in 1970 the "trigger formula" was revised so as to include Apache County, Arizona; Imperial County, California; Elmore County, Idaho; Bronx, Kings and New York Counties, New York; and Wheeler County, Oregon, in addition to the areas covered by the 1965 Act.

As the current law does not expire until August 1975, the President has considerable time for a comprehensive review of whether there is a continuing necessity for this extraordinary legislative remedy.

Ninety-fourth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday, the fourteenth day of January,
one thousand nine hundred and seventy-five*

An Act

To amend the Voting Rights Act of 1965 to extend certain provisions for an additional seven years, to make permanent the ban against certain prerequisites to voting, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled,*

TITLE I

SEC. 101. Section 4(a) of the Voting Rights Act of 1965 is amended by striking out "ten" each time it appears and inserting in lieu thereof "seventeen".

SEC. 102. Section 201(a) of the Voting Rights Act of 1965 is amended by—

(1) striking out "Prior to August 6, 1975, no" and inserting "No" in lieu thereof; and

(2) striking out "as to which the provisions of section 4(a) of this Act are not in effect by reason of determinations made under section 4(b) of this Act." and inserting in lieu thereof a period.

TITLE II

SEC. 201. Section 4(a) of the Voting Rights Act of 1965 is amended by—

(1) inserting immediately after "determinations have been made under" the following: "the first two sentences of";

(2) adding at the end of the first paragraph thereof the following new sentence: "No citizen shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device in any State with respect to which the determinations have been made under the third sentence of subsection (b) of this section or in any political subdivision with respect to which such determinations have been made as a separate unit, unless the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that no such test or device has been used during the ten years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2): *Provided*, That no such declaratory judgment shall issue with respect to any plaintiff for a period of ten years after the entry of a final judgment of any court of the United States, other than the denial of a declaratory judgment under this section, whether entered prior to or after the enactment of this paragraph, determining that denials or abridgments of the right to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2) through the use of tests or devices have occurred anywhere in the territory of such plaintiff.";



(3) striking out "the action" in the third paragraph thereof, and by inserting in lieu thereof "an action under the first sentence of this subsection"; and

(4) inserting immediately after the third paragraph thereof the following new paragraph:

"If the Attorney General determines that he has no reason to believe that any such test or device has been used during the ten years preceding the filing of an action under the second sentence of this subsection for the purpose or with the effect of denying or abridging the right to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f) (2), he shall consent to the entry of such judgment."

SEC. 202. Section 4(b) of the Voting Rights Act of 1965 is amended by adding at the end of the first paragraph thereof the following: "On and after August 6, 1975, in addition to any State or political subdivision of a State determined to be subject to subsection (a) pursuant to the previous two sentences, the provisions of subsection (a) shall apply in any State or any political subdivision of a State which (i) the Attorney General determines maintained on November 1, 1972, any test or device, and with respect to which (ii) the Director of the Census determines that less than 50 per centum of the citizens of voting age were registered on November 1, 1972, or that less than 50 per centum of such persons voted in the Presidential election of November 1972."

SEC. 203. Section 4 of the Voting Rights Act of 1965 is amended by adding the following new subsection:

"(f)(1) The Congress finds that voting discrimination against citizens of language minorities is pervasive and national in scope. Such minority citizens are from environments in which the dominant language is other than English. In addition they have been denied equal educational opportunities by State and local governments, resulting in severe disabilities and continuing illiteracy in the English language. The Congress further finds that, where State and local officials conduct elections only in English, language minority citizens are excluded from participating in the electoral process. In many areas of the country, this exclusion is aggravated by acts of physical, economic, and political intimidation. The Congress declares that, in order to enforce the guarantees of the fourteenth and fifteenth amendments to the United States Constitution, it is necessary to eliminate such discrimination by prohibiting English-only elections, and by prescribing other remedial devices.

"(2) No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote because he is a member of a language minority group.

"(3) In addition to the meaning given the term under section 4(c), the term 'test or device' shall also mean any practice or requirement by which any State or political subdivision provided any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, only in the English language, where the Director of the Census determines that more than five per centum of the citizens of voting age residing



in such State or political subdivision are members of a single language minority. With respect to section 4(b), the term 'test or device', as defined in this subsection, shall be employed only in making the determinations under the third sentence of that subsection.

"(4) Whenever any State or political subdivision subject to the prohibitions of the second sentence of section 4(a) provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable language minority group as well as in the English language: *Provided*, That where the language of the applicable minority group is oral or unwritten, the State or political subdivision is only required to furnish oral instructions, assistance, or other information relating to registration and voting."

SEC. 204. Section 5 of the Voting Rights Act of 1965 is amended by inserting after "November 1, 1968," the following: "or whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) based upon determinations made under the third sentence of section 4(b) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1972,".

SEC. 205. Sections 3 and 6 of the Voting Rights Act of 1965 are each amended by striking out "fifteenth amendment" each time it appears and inserting in lieu thereof "fourteenth or fifteenth amendment".

SEC. 206. Sections 2, 3, the second paragraph of section 4(a), and sections 4(d), 5, 6, and 13 of the Voting Rights Act of 1965 are each amended by adding immediately after "on account of race or color" each time it appears the following: ", or in contravention of the guarantees set forth in section 4(f)(2)".

SEC. 207. Section 14(c) is amended by adding at the end the following new paragraph:

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

SEC. 208. If any amendments made by this Act or the application of any provision thereof to any person or circumstance is judicially determined to be invalid, the remainder of the Voting Rights Act of 1965, or the application of such provision to other persons or circumstances shall not be affected by such determination.

TITLE III

SEC. 301. The Voting Rights Act of 1965 is amended by inserting the following new section immediately after section 202:

"BILINGUAL ELECTION REQUIREMENTS

"SEC. 203. (a) The Congress finds that, through the use of various practices and procedures, citizens of language minorities have been effectively excluded from participation in the electoral process. Among other factors, the denial of the right to vote of such minority group citizens is ordinarily directly related to the unequal educational



opportunities afforded them, resulting in high illiteracy and low voting participation. The Congress declares that, in order to enforce the guarantees of the fourteenth and fifteenth amendments to the United States Constitution, it is necessary to eliminate such discrimination by prohibiting these practices, and by prescribing other remedial devices.

“(b) Prior to August 6, 1985, no State or political subdivision shall provide registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, only in the English language if the Director of the Census determines (i) that more than 5 percent of the citizens of voting age of such State or political subdivision are members of a single language minority and (ii) that the illiteracy rate of such persons as a group is higher than the national illiteracy rate: *Provided*, That the prohibitions of this subsection shall not apply in any political subdivision which has less than five percent voting age citizens of each language minority which comprises over five percent of the statewide population of voting age citizens. For purposes of this subsection, illiteracy means the failure to complete the fifth primary grade. The determinations of the Director of the Census under this subsection shall be effective upon publication in the Federal Register and shall not be subject to review in any court.

“(c) Whenever any State or political subdivision subject to the prohibition of subsection (b) of this section provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language: *Provided*, That where the language of the applicable minority group is oral or unwritten or in the case of Alaskan natives, if the predominant language is historically unwritten, the State or political subdivision is only required to furnish oral instructions, assistance, or other information relating to registration and voting.

“(d) Any State or political subdivision subject to the prohibition of subsection (b) of this section, which seeks to provide English-only registration or voting materials or information, including ballots, may file an action against the United States in the United States District Court for a declaratory judgment permitting such provision. The court shall grant the requested relief if it determines that the illiteracy rate of the applicable language minority group within the State or political subdivision is equal to or less than the national illiteracy rate.

“(e) For purposes of this section, the term ‘language minorities’ or ‘language minority group’ means persons who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage.”

SEC. 302. Sections 203, 204, and 205 of the Voting Rights Act of 1965, are redesignated as 204, 205, and 206, respectively.

SEC. 303. Section 203 of the Voting Rights Act of 1965, as redesignated section 204 by section 302 of this Act, is amended by inserting immediately after “in violation of section 202,” the following: “or 203.”

SEC. 304. Section 204 of the Voting Rights Act of 1965, as redesignated section 205 by section 302 of this Act, is amended by striking out “or 202” and inserting in lieu thereof “, 202, or 203”.



TITLE IV

SEC. 401. Section 3 of the Voting Rights Act of 1965 is amended by striking out "Attorney General" the first three times it appears and inserting in lieu thereof the following "Attorney General or an aggrieved person".

SEC. 402. Section 14 of the Voting Rights Act of 1965 is amended by adding at the end thereof the following new subsection:

"(e) 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 as part of the costs."

SEC. 403. Title II of the Voting Rights Act of 1965 is amended by adding at the end thereof the following new section:

"SEC. 207. (a) Congress hereby directs the Director of the Census forthwith to conduct a survey to compile registration and voting statistics: (i) in every State or political subdivision with respect to which the prohibitions of section 4(a) of the Voting Rights Act of 1965 are in effect, for every statewide general election for Members of the United States House of Representatives after January 1, 1974; and (ii) in every State or political subdivision for any election designated by the United States Commission on Civil Rights. Such surveys shall only include a count of citizens of voting age, race or color, and national origin, and a determination of the extent to which such persons are registered to vote and have voted in the elections surveyed.

"(b) In any survey under subsection (a) of this section no person shall be compelled to disclose his race, color, national origin, political party affiliation, or how he voted (or the reasons therefor), nor shall any penalty be imposed for his failure or refusal to make such disclosures. Every person interrogated orally, by written survey or questionnaire, or by any other means with respect to such information shall be fully advised of his right to fail or refuse to furnish such information.

"(c) The Director of the Census shall, at the earliest practicable time, report to the Congress the results of every survey conducted pursuant to the provisions of subsection (a) of this section.

"(d) The provisions of section 9 and chapter 7 of title 13 of the United States Code shall apply to any survey, collection, or compilation of registration and voting statistics carried out under subsection (a) of this section."

SEC. 404. Section 11(c) of the Voting Rights Act of 1965 is amended by inserting after "Columbia," the following words: "Guam, or the Virgin Islands,".

SEC. 405. Section 5 of the Voting Rights Act of 1965 is amended—

(1) by striking out "except that neither" and inserting in lieu thereof the following: "or upon good cause shown, to facilitate an expedited approval within sixty days after such submission, the Attorney General has affirmatively indicated that such objection will not be made. Neither an affirmative indication by the Attorney General that no objection will be made, nor";

(2) by placing after the words "failure to object" a comma; and



(3) by inserting immediately before the final sentence thereof the following: "In the event the Attorney General affirmatively indicates that no objection will be made within the sixty-day period following receipt of a submission, the Attorney General may reserve the right to reexamine the submission if additional information comes to his attention during the remainder of the sixty-day period which would otherwise require objection in accordance with this section."

SEC. 406. Section 203 of the Voting Rights Act of 1965, as redesignated 204 by section 302 of this Act, is amended by striking out "section 2282 of title 28" and inserting "section 2284 of title 28" in lieu thereof.

SEC. 407. Title III of the Voting Rights Act of 1965 is amended to read as follows:

"TITLE III—EIGHTEEN-YEAR-OLD VOTING AGE

"ENFORCEMENT OF TWENTY-SIXTH AMENDMENT

"SEC. 301. (a) (1) The Attorney General is directed to institute, in the name of the United States, such actions against States or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the twenty-sixth article of amendment to the Constitution of the United States.

"(2) The district courts of the United States shall have jurisdiction of proceedings instituted under this title, which shall be heard and determined by a court of three judges in accordance with section 2284 of title 28 of the United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited.

"(b) Whoever shall deny or attempt to deny any person of any right secured by the twenty-sixth article of amendment to the Constitution of the United States shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

"DEFINITION

"SEC. 302. As used in this title, the term 'State' includes the District of Columbia."

SEC. 408. Section 10 of the Voting Rights Act of 1965 is amended—

(1) by striking out subsection (d);

(2) in subsection (b), by inserting "and section 2 of the twenty-fourth amendment" immediately after "fifteenth amendment";

and

(3) by striking out "and" the first time it appears in subsection (b), and inserting in lieu thereof a comma.

SEC. 409. Section 11 of the Voting Rights Act of 1965 is amended by adding at the end the following new subsection:

"(c) (1) Whoever votes more than once in an election referred to in paragraph (2) shall be fined not more than \$10,000 or imprisoned not more than five years, or both.



"(2) The prohibition of this subsection applies with respect to any general, special, or primary election held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, Delegate from the District of Columbia, Guam, or the Virgin Islands, or Resident Commissioner of the Commonwealth of Puerto Rico.

"(3) As used in this subsection, the term 'votes more than once' does not include the casting of an additional ballot if all prior ballots of that voter were invalidated, nor does it include the voting in two jurisdictions under section 202 of this Act, to the extent two ballots are not cast for an election to the same candidacy or office."

SEC. 410. Section 3 of the Voting Rights Act of 1965 is amended by inserting immediately before "guarantees" each time it appears the following "voting".

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*



THE WHITE HOUSE

WASHINGTON

February 3, 1975

MEMORANDUM FOR: MAX FRIEDERSDORF
THRU: VERN LOEN
FROM: CHARLIE LEPPERT *CLg.*
SUBJECT: Rep. Trent Lott Phone Call

Returned Trent Lott's phone call to Max in which he wanted to convey three things:

- (1) The Administration is "cruising for disaster" on the extension of the 1965 Voting Rights Act. There is no need to continually kick the six southern states in the teeth and make this a regional issue. It should be made a national issue and the President would be well advised to do so and find out that the southern states have far outdistanced other states in the registration of minority groups. All he asks is that the Administration let the south be part of the nation.
- (2) Wants to know the average increase on the price of a gallon of gasoline under the President's energy program. Told him 10 cents per gallon. He stated if that's all he could probably support the President, if more he could not.
- (3) Wanted Vern to get somebody up to talk to him about the President's energy package. He said Vern was coordinating this.

THE WHITE HOUSE
WASHINGTON

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February 24, 1975

MEMORANDUM FOR EDWARD LEVI
ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

SUBJECT: House Judiciary Committee

At a meeting yesterday with Congressman Chuck Wiggins, he indicated that Republicans on the committee would be developing amendments on both a technical as well as a conceptual basis to the Voting Rights Act of 1965 (the President has recommended a straight five-year extension). Wiggins suggested that both the Attorney General and the head of the Civil Rights Division be prepared to testify, as they will both be called upon.

With respect to the rather extensive provisions to recodify Title 18 of the U. S. Code, he pointed out that the Administration must be prepared to testify and be aware of the potentially embarrassing sections of that bill regarding capital punishment, obscenity and gun laws. Also that Senator Kennedy may well be proposing an anti-abortion amendment. He was concerned that because of the highly sensitive nature of some of these provisions that the Administration might not be prepared to respond and consequently the President might be placed in an embarrassing position.

Sincerely,

Douglas P. Bennett
Special Assistant for
Legislative Affairs

DPB:ncb
bcc: Max L. Friedersdorf
Vern Loen
Charles Leppert



HOLD in Suspense

until original is
returned to ncb from
MLF & VL with approvals.

2/24

Sent
2/24

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Sincerely,

Douglas P. Bennett
Special Assistant for
Legislative Affairs

DPB:ncb
bcc: Max L. Friedersdorf
Vern Loen
Charles Leppert



THE WHITE HOUSE

WASHINGTON

May 16, 1975

MEMORANDUM FOR: JIM CANNON

THRU: MAX L. FRIEDERSDORF
VERN LOEN

FROM: CHARLES LEPPERT, JR.

SUBJECT: Rep. Wiggins' Substitute to H. R. 6219,
to amend Voting Rights Act of 1965.

Attached for your information is the Amendment in the nature of a substitute to be offered by Rep. Charles Wiggins (R-Calif.) to H. R. 6219 during consideration by the House of Representatives.

This substitute amendment was introduced in the House of Representatives by Rep. Wiggins as H. R. 6985, on Wednesday, May 14, 1975.

cc: Doug Bennett

HR 6755
Amendment in the Nature of a Substitute to H.R. 6219, as Reported
Offered by Mr. Wiggins

In H.R. 6219 strike out all after the enacting clause and insert in lieu thereof the following:
That this Act may be cited as "The Voting Rights Extension Act of 1975".

Sec. 2. Section 4(a) of the Voting Rights Act of 1965 is amended by striking out "ten years" each time it appears and inserting in lieu thereof "eleven-year-and-180-day period".

Sec. 3. Effective February 6, 1977:

(a) Section 4 of the Voting Rights Act is amended to read as follows:

"Sec. 4. (a) To assure that the right of citizens of the United States to vote is not denied or abridged on account of race or color or national origin, the requirements of section 5 shall apply to any State with respect to which the determinations have been made under subsection (b) or in any political subdivision with respect to which such determinations have been made as a separate unit, unless the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that no voting qualification, or prerequisite to voting or standard, practice, or procedure with respect to voting is in effect during or preceding the filing of



the action where such qualification, prerequisite, standard, practice, or procedure does have or is likely to have the purpose or the effect of denying or abridging the right to vote on account of race or color or national origin: Provided, That for purposes of this section no State or political subdivision shall be determined to have engaged in the use of such qualifications, prerequisites, standards, practices, or procedures for the purpose or with the effect of denying or abridging the right to vote on account of race or color or national origin if (1) incidents of such use have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

"An action pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. The Court shall retain jurisdiction of any action pursuant to this subsection until determinations are made by the Director of the Census pursuant to subsection (b) following the next general federal election after the filing of the action and shall reopen the action upon motion of the Attorney General alleging that such qualifications, prerequisites, standards, practices, or procedures have been used for the purpose or with the effect of denying or abridging the right to vote on account of race or color, or national origin,



"If the Attorney General determines that he has no reason to believe that any such qualifications, prerequisites, standards, practices, or procedures are in effect or are likely to be effective with the purpose or with the effect of denying or abridging the right to vote on account of race or color or national origin, he shall consent to the entry of such judgment.

"(b) The provisions of subsection (a) shall apply in any State or in any political subdivision of a state for which the Director of the Census determines that racial or language minority citizens of voting age comprise more than 5 per centum of the voting age population of such State or political subdivision and that less than 50 per centum of such racial or language minority citizens of voting age voted in the most recent general federal election. The provisions of subsection (a) shall continue in effect until the Director of the Census makes determinations pursuant to this subsection following the next general federal election after which time such provisions shall only apply based upon determinations pertaining to the most recent general federal election at that time. The Director of the Census is directed to make determinations pursuant to this subsection to the greatest degree possible within 60 days after a general federal election is held.

"A determination or certification of the Attorney General or of the Director of the Census under this section or under section 6 or section 13 shall not be reviewable in any court and shall be effective upon publication in the Federal Register.

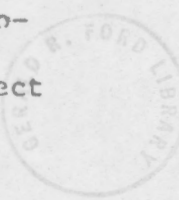


"(c) As used in this Act, the phrase 'general federal election' shall mean any general election held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, Delegate from the District of Columbia, Guam, or the Virgin Islands, or Resident Commissioner of the Commonwealth of Puerto Rico.


"(d) As used in this section, the phrase 'racial or language minority citizens' means citizens of the United States who are Negroes or persons of Spanish heritage as those terms are defined by the Bureau of the Census."

(b) Section 5 of the Voting Rights Act is amended to read as follows:

"Sec. 5. Whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) based upon determinations made under section 4(b) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting such State or subdivision may institute an action in the United States District Court for the District of Columbia for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect



of denying or abridging the right to vote on account of race or color or national origin, and unless and until the court enters such judgment no person shall be denied the right to vote for failure to comply with such qualification, prerequisite, standard, practice, or procedure: Provided, That such qualification, prerequisite, standard, practice, or procedure may be enforced without such proceeding if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, or upon good cause shown, to facilitate an expedited approval within sixty days after such submission, the Attorney General has affirmatively indicated that such objection will not be made. Neither an affirmative indication by the Attorney General that no objection will be made, nor failure to object, nor a declaratory judgment entered under this section shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure. In the event the Attorney General affirmatively indicates that no objection will be made within the sixty-day period following receipt of such a submission, the Attorney General may reserve the right to reexamine the submission if additional information comes to his attention during the remainder of the sixty-day period



which would otherwise require objection in accordance with this section. Any action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court."

Sec. 4. Section 3 of the Voting Rights Act is amended by--

(1) striking out "fifteenth amendment" each time it appears and inserting in lieu thereof "fourteenth amendment or fifteenth amendment";

(2) striking out "race or color" each time it appears and inserting in lieu thereof "race or color or national origin";

(3) striking out "test or device" each time it appears and inserting in lieu thereof "voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting";

(4) striking out "tests or devices" each time it appears and inserting in lieu thereof "such voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting";

(5) striking out "except that neither" and inserting in lieu thereof "or upon good cause shown to facilitate an expedited approval within sixty days after such submission, the Attorney General has affirmatively indicated that such objection will not be made. Neither an affirmative indication



by the Attorney General that no objection will be made, nor";

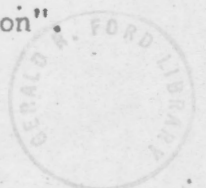
(6) adding at the end thereof the following: "In the event the Attorney General affirmatively indicates that no objection will be made within the sixty-day period following receipt of such a submission, the Attorney General may reserve the right to reexamine the submission if additional information comes to his attention during the remainder of the sixty-day period which would otherwise require objection in accordance with this section.";

(7) striking out "deem appropriate" and inserting in lieu thereof "deem appropriate, but in no event after determinations are made by the Director of the Census pursuant to Section 4 (b) following the next general federal election from the date of the order,";

(8) striking out "deems necessary." and inserting in lieu thereof "deems necessary, but in no event after determinations are made by the Director of the Census pursuant to Section 4 (b) following the next general federal election from the date of the order.";

(9) striking out "different from that in force or effect at the time the proceeding was commenced", effective February 6, 1977; and

(10) striking out "Attorney General" the first three times it appears and inserting in lieu thereof the following "Attorney General or an aggrieved person".



Sec. 5. Section 201(a) of the Voting Rights Act of 1965 is amended by--

(1) striking out "Prior to August 6, 1975, no" and inserting "No" in lieu thereof; and

(2) striking out "as to which the provisions of section 4(a) of this Act are not in effect by reason of determinations made under section 4(b) of this Act." and inserting in lieu thereof a period.

Sec. 6. Section 14 of the Voting Rights Act of 1965 is amended by adding at the end thereof the following new subsection:

"(e) 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 as part of the costs."

Sec. 7. Title II of the Voting Rights Act of 1965 is amended by adding at the end thereof the following new section:

"Sec. 207. (a) Congress hereby directs the Director of the Census forthwith to conduct a survey to compile registration and voting statistics: (i) in every State or political subdivision with respect to which the prohibitions of section 4(a) of the Voting Rights Act of 1965 are in effect, for every general federal election



after January 1, 1974; and (ii) in every State or political subdivision for any election designated by the United States Commission on Civil Rights. Such surveys shall elicit citizenship, the race or color, and national origin, of each person of voting age and the extent to which such persons are registered to vote and have voted in the elections surveyed.

"(b) In any survey under subsection (a) of this section no person shall be compelled to disclose his political party affiliation, or how he voted (or the reasons therefor), nor shall any penalty be imposed for his failure or refusal to make such disclosures. Every person interrogated orally, by written survey or questionnaire, or by any other means with respect to such information shall be fully advised of his right to fail or refuse to furnish such information except with regard to information required by subsection (a), with regard to which every such person shall be informed that such information is required solely to enforce nondiscrimination in voting.

"(c) The Director of the Census shall, at the earliest practicable time, report to the Congress the results of every survey conducted pursuant to the provisions of subsection (a) of this section.

"(d) The provisions of section 9 and chapter 7 of title 13 of the United States Code shall apply to any survey, collection, or compilation of registration and voting statistics carried out under subsection (a) of this section."



Sec. 8. Section 11(c) of the Voting Rights Act of 1965 is amended by inserting after "Columbia," the following words: "Guam, or the Virgin Islands,".

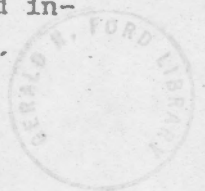
Sec. 9. Section 5 of the Voting Rights Act of 1965 is amended--

(1) by striking out "except that neither" and inserting in lieu thereof the following: "or upon good cause shown, to facilitate an expedited approval within sixty days after such submission, the Attorney General has affirmatively indicated that such objection will not be made. Neither an affirmative indication by the Attorney General that no objection will be made, nor"; and

(2) by inserting immediately after the words "failure to object" a comma; and

(3) by inserting immediately before the final sentence thereof the following: "In the event the Attorney General affirmatively indicates that no objection will be made within the sixty-day period following receipt of a submission, the Attorney General may reserve the right to reexamine the submission if additional information comes to his attention during the remainder of the sixty-day period which would otherwise require objection in accordance with this section.".

Sec. 10. Section 203 of the Voting Rights Act of 1965, is amended by striking out "section 2282 of title 28" and inserting "section 2284 of title 28" in lieu thereof.



Sec. 11. Title III of the Voting Rights Act of 1965 is amended to read as follows:

"TITLE III--EIGHTEEN-YEAR-OLD VOTING AGE

"Enforcement of Twenty-Sixth Amendment

"Sec. 301. (a)(1) The Attorney General is directed to institute, in the name of the United States, such actions against States or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the twenty-sixth article of amendment to the Constitution of the United States.

"(2) The district courts of the United States shall have jurisdiction of proceedings instituted under this title, which shall be heard and determined by a court of three judges in accordance with section 2284 of title 28 of the United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited.

"(b) Whoever shall deny or attempt to deny any person of any right secured by the twenty-sixth article of amendment to the Constitution of the United States shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

"Definition

"Sec. 302. As used in this title, the term 'State' includes the District of Columbia."



Sec. 12. Section 10 of the Voting Rights Act of 1965 is amended--

(1) by striking out subsection (d);

(2) in subsection (b), by inserting "and section 2 of the twenty-fourth amendment" immediately after "fifteenth amendment"; and

(3) by striking out "and" the first time it appears in subsection (b), and inserting in lieu thereof a comma.

Sec. 13. Section 6 of the Voting Rights Act of 1965 is amended by striking out "fifteenth amendment" each time it appears and inserting in lieu thereof "fourteenth or fifteenth amendment".

Sec. 14. Section 2, the second paragraph of section 4(a), and sections 4(d), 5, 6, and 13 of the Voting Rights Act of 1965 are each amended by inserting immediately after "on account of race or color" each time it appears "or national origin".



FOR IMMEDIATE RELEASE

JULY 23, 1975

Office of the White House Press Secretary

THE WHITE HOUSE

July 18, 1975

Dear Hugh:

As I said to you during our discussion yesterday, it is most important that Congress extend the temporary provisions of the Voting Rights Act before the August recess.

These provisions expire August 6, 1975, and they must not be allowed to lapse.

My first priority is to extend the Voting Rights Act. With time so short, it may be best as a practical matter to extend the Voting Rights Act as it is for five more years; or, as an alternative, the Senate might accept the House bill (H.R. 6219), which includes the important step of extending the provisions of the Act to Spanish-speaking citizens and others. To make certain that the Voting Rights Act is continued, I can support either approach.

However, the issue of broadening the Act further has arisen; and it is my view that it would now be appropriate to expand the protection of the Act to all citizens of the United States.

I strongly believe that the right to vote is the foundation of freedom, and that this right must be protected.

That is why, when this issue was first being considered in 1965, I co-sponsored with Representative William McCulloch of Ohio a voting rights bill which would have effectively guaranteed voting rights to eligible citizens throughout the whole country.

(MORE)

After it became clear at that time that the McCulloch-Ford bill would not pass, I voted for the most practical alternative, the Voting Rights Act of 1965. In 1970, I supported extending the Act.

Last January, when this issue first came before me as President, I proposed that Congress again extend for five years the temporary provisions of the Voting Rights Act of 1965.

The House of Representatives, in H.R. 6219, has broadened this important law in this way: (1) The House bill would extend the temporary provisions of the Act for ten years, instead of five; and (2) the House bill would extend the temporary provisions of the Act so as to include discrimination against language minorities, thereby extending application of the Act from the present seven States to eight additional States, in whole or in part.

In light of the House extension of the Voting Rights Act for ten years and to eight more States, I believe this is the appropriate time and opportunity to extend the Voting Rights Act nationwide.

This is one nation, and this is a case where what is right for fifteen States is right for fifty States.

Numerous civil rights leaders have pointed out that substantial numbers of Black citizens have been denied the right to vote in many of our large cities in areas other than the seven Southern states where the present temporary provisions apply. Discrimination in voting in any part of this nation is equally undesirable.

As I said in 1965, when I introduced legislation on this subject, a responsible, comprehensive voting rights bill should "correct voting discrimination wherever it occurs throughout the length and breadth of this great land."

I urge the Senate to move promptly--first, to assure that the temporary provisions of the Voting Rights Act do not lapse. As amendments are taken up, I urge you to make the Voting Rights Act applicable nationwide. Should the Senate extend the Act to American voters in all 50 states, I am confident the House of Representatives would concur.

(MORE)

I shall be grateful if you will convey to the members of the Senate my views on this important matter.

Sincerely,

GERALD R. FORD

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