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(Original Signature of Member)

118TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To protect the right to vote in elections for Federal office, and for other purposes.

\_\_\_\_\_  
IN THE HOUSE OF REPRESENTATIVES

Ms. LEE of Pennsylvania introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To protect the right to vote in elections for Federal office, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Right to Vote Act”.

1 **SEC. 2. UNDUE BURDENS ON THE ABILITY TO VOTE IN**  
2 **ELECTIONS FOR FEDERAL OFFICE PROHIB-**  
3 **ITED.**

4 (a) IN GENERAL.—Every citizen of legal voting age  
5 shall have the fundamental right to vote in elections for  
6 Federal office.

7 (b) RETROGRESSION.—A government may not dimin-  
8 ish the ability to vote in an election for Federal office un-  
9 less the law, rule, standard, practice, procedure, or other  
10 governmental action causing the diminishment is the least  
11 restrictive means of significantly furthering an important,  
12 particularized government interest.

13 (c) SUBSTANTIAL IMPAIRMENT.—A government may  
14 not substantially impair the ability to vote in an election  
15 for Federal office unless the law, rule, standard, practice,  
16 procedure, or other governmental action causing the im-  
17 pairment significantly furthers an important, particular-  
18 ized governmental interest. A substantial impairment is a  
19 non-trivial impairment that makes it more difficult to vote  
20 than if the law, rule, standard, practice, procedure, or  
21 other governmental action had not been adopted or imple-  
22 mented. An impairment may be substantial even if the  
23 voter or other similarly situated voters are able to vote  
24 notwithstanding the impairment.

1 **SEC. 3. JUDICIAL REVIEW.**

2 (a) CIVIL ACTION.—An action challenging a violation  
3 of the rights created by this Act may be brought in the  
4 district court for the District of Columbia, or the district  
5 court for the district in which the violation took place or  
6 where any defendant resides or does business, at the selec-  
7 tion of the plaintiff, to obtain all appropriate relief, wheth-  
8 er declaratory or injunctive, or facial or as-applied. Proc-  
9 ess may be served in any district where a defendant re-  
10 sides, does business, or may be found.

11 (b) STANDARDS TO BE APPLIED.—Courts adjudi-  
12 cating actions brought to enforce the rights created by this  
13 Act shall apply the following standards:

14 (1) RETROGRESSION.—

15 (A) A plaintiff establishes a prima facie  
16 case of retrogression by demonstrating by a  
17 preponderance of the evidence that a rule,  
18 standard, practice, procedure, or other govern-  
19 mental action diminishes the ability, or other-  
20 wise makes it more difficult, to vote.

21 (B) Once a plaintiff establishes a prima  
22 facie case as described in subparagraph (A), the  
23 government shall be provided an opportunity to  
24 demonstrate by clear and convincing evidence  
25 that the diminishment is necessary to signifi-

1           cantly further an important, particularized gov-  
2           ernmental interest.

3           (C) If the government meets its burden  
4           under subparagraph (B), the challenged rule,  
5           standard, practice, procedure, or other govern-  
6           mental action shall nonetheless be deemed in-  
7           valid if the plaintiff demonstrates by a prepon-  
8           derance of the evidence that the government  
9           could adopt or implement a less-restrictive  
10          means of furthering the particular important  
11          governmental interest.

12          (2) SUBSTANTIAL IMPAIRMENT.—

13          (A) A plaintiff establishes a prima facie  
14          case of substantial impairment by dem-  
15          onstrating by a preponderance of the evidence  
16          that a rule, standard, practice, procedure, or  
17          other governmental action substantially impairs  
18          the ability, or makes it substantially difficult, to  
19          vote.

20          (B) Once a plaintiff establishes a prima  
21          facie case as described in subparagraph (A), the  
22          government shall be provided an opportunity to  
23          demonstrate by clear and convincing evidence  
24          that the impairment significantly furthers an  
25          important, particularized governmental interest.

1 (c) DUTY TO EXPEDITE.—It shall be the duty of the  
2 court to advance on the docket and to expedite to the  
3 greatest reasonable extent the disposition of the action  
4 and appeal under this section.

5 (d) ATTORNEY’S FEES.—Section 722(b) of the Re-  
6 vised Statutes (42 U.S.C. 1988(b)) is amended—

7 (1) by striking “or section 40302” and insert-  
8 ing “section 40302”; and

9 (2) by striking “, the court” and inserting “, or  
10 the Right to Vote Act, the court”.

11 **SEC. 4. DEFINITIONS.**

12 In this Act—

13 (1) the term “covered entity” means the Dis-  
14 trict of Columbia, the Commonwealth of Puerto  
15 Rico, and each territory and possession of the  
16 United States;

17 (2) the terms “election” and “Federal office”  
18 have the meanings given such terms in section 301  
19 of the Federal Election Campaign Act of 1971 (52  
20 U.S.C. 30101);

21 (3) the term “government” includes a branch,  
22 department, agency, instrumentality, and official (or  
23 other person acting under color of law) of the  
24 United States, of any State, of any covered entity,

1 or of any political subdivision of any State or cov-  
2 ered entity; and

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

10 **SEC. 5. RULES OF CONSTRUCTION.**

11 (a) **BURDENS NOT AUTHORIZED.**—Nothing in this  
12 Act may be construed to authorize a government to burden  
13 the right to vote in elections for Federal office.

14 (b) **OTHER RIGHTS AND REMEDIES.**—Nothing in  
15 this Act shall be construed as indicating an intent on the  
16 part of Congress to alter any rights existing under a State  
17 constitution or the Constitution of the United States, or  
18 to limit any remedies for any other violations of Federal,  
19 State, or local law.

20 (c) **OTHER PROVISION.**—Nothing in this Act shall be  
21 construed as conflicting with section 1703 (“Rights of  
22 Citizens”) of S.1 of the 118th Congress.

23 **SEC. 6. SEVERABILITY.**

24 If any provision of this Act or the application of such  
25 provision to any citizen or circumstance is held to be un-

1 constitutional, the remainder of this Act and the applica-  
2 tion of the provisions of such to any citizen or cir-  
3 cumstance shall not be affected thereby.

4 **SEC. 7. EFFECTIVE DATES.**

5 (a) ACTIONS BROUGHT FOR RETROGRESSION.—Sub-  
6 section (b) of section 2 shall apply to any law, rule, stand-  
7 ard, practice, procedure, or other governmental action that  
8 was not in effect during the November 2022 general elec-  
9 tion for Federal office but that will be in effect with re-  
10 spect to elections for Federal office occurring on or after  
11 September 1, 2024, even if such law, rule, standard, prac-  
12 tice, procedure, or other governmental action is already  
13 in effect as of the date of enactment of this Act.

14 (b) ACTIONS BROUGHT FOR SUBSTANTIAL IMPAIR-  
15 MENT.—Subsection (c) of section 2 shall apply to any law,  
16 rule, standard, practice, procedure, or other governmental  
17 action in effect with respect to elections for Federal office  
18 occurring on or after September 1, 2024.