

**AMENDMENT TO H.R. 5175, AS REPORTED
OFFERED BY MR. HELLER OF NEVADA**

Insert after title III the following new title:

1 **TITLE IV—USE OF ENGLISH-**
2 **ONLY BALLOTS AND MATE-**
3 **RIALS IN FEDERAL ELEC-**
4 **TIONS**

5 **SEC. 401. REQUIRING BALLOTS USED IN FEDERAL ELEC-**
6 **TIONS TO BE PROVIDED ONLY IN ENGLISH**
7 **LANGUAGE.**

8 (a) IN GENERAL.—Subtitle A of title III of the Help
9 America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is
10 amended by inserting after section 303 the following new
11 section:

12 **“SEC. 303A. REQUIRING BALLOTS USED IN FEDERAL ELEC-**
13 **TIONS TO BE PROVIDED ONLY IN ENGLISH**
14 **LANGUAGE.**

15 “(a) IN GENERAL.—Except to the extent required
16 under section 203 of the Voting Rights Act of 1965, all
17 ballots and balloting material used with respect to an elec-
18 tion for Federal office, including all voting information de-
19 scribed in section 302(b), may be provided only in the
20 English language.

1 “(b) EFFECTIVE DATE.—This section shall apply
2 with respect to the regularly scheduled general election for
3 Federal office held in November 2010 and each succeeding
4 election for Federal office.”.

5 (b) CONFORMING AMENDMENTS.—

6 (1) CONTENTS OF PERIODIC ELECTION ADMIN-
7 ISTRATION STUDIES.—Section 241 of such Act (42
8 U.S.C. 15381) is amended—

9 (A) in subsection (a)(1)—

10 (i) by striking “voters, individuals”
11 and inserting “voters and individuals”, and

12 (ii) by striking “, and voters with lim-
13 ited proficiency in the English language”;

14 (B) in subsection (b)(5)—

15 (i) by striking “impaired), Native
16 American” and inserting “impaired) and
17 Native American”, and

18 (ii) by striking “, and voters with lim-
19 ited proficiency in the English language”;
20 and

21 (C) by striking subsection (b)(14).

22 (2) ENFORCEMENT OF REQUIREMENT.—Section
23 401 of such Act (42 U.S.C. 15511) is amended by
24 striking “and 303” and inserting “, 303, and
25 303A”.

1 (c) CLERICAL AMENDMENT.—The table of contents
2 of such Act is amended by inserting after the item relating
3 to section 303 the following:

“303A. Requiring ballots used in Federal elections to be provided only in
English language.”.

4 **SEC. 402. BILINGUAL ELECTION REQUIREMENTS FOR CER-**
5 **TAIN POLITICAL SUBDIVISIONS WITH POPU-**
6 **LATIONS OF AMERICAN INDIANS OR ALASKA**
7 **NATIVES.**

8 Section 203 of the Voting Rights Act of 1965 (42
9 U.S.C. 1973aa-1a) is amended to read as follows:

10 “BILINGUAL ELECTION REQUIREMENTS FOR CERTAIN PO-
11 LITICAL SUBDIVISIONS WITH POPULATIONS OF
12 AMERICAN INDIANS OR ALASKA NATIVES

13 “SEC. 203. (a) BASIS FOR REQUIREMENT.—The
14 Congress finds that Native American dialect translations
15 should be provided in voting materials because the lan-
16 guages of Native Americans and Native Alaskans predate
17 the establishment of the United States.

18 “(b) BILINGUAL VOTING MATERIALS REQUIRE-
19 MENT.—

20 “(1) GENERALLY.—Before August 6, 2032, no
21 covered political subdivision of a State shall provide
22 voting materials only in the English language.

23 “(2) COVERED POLITICAL SUBDIVISIONS.—A
24 political subdivision is a covered political subdivision

1 for the purposes of this subsection if the Director of
2 the Census determines, based on the 2010 American
3 Community Survey census data and subsequent
4 American Community Survey data in 5-year incre-
5 ments, or comparable census data, that—

6 “(A) the political subdivision contains all
7 or any part of an Indian reservation and more
8 than 5 percent of the American Indian or Alas-
9 ka Native citizens of voting age within the In-
10 dian reservation are members of a single lan-
11 guage minority and are limited-English pro-
12 ficient; and

13 “(B) the illiteracy rate of the citizens in
14 the language minority as a group is higher than
15 the national illiteracy rate.

16 “(3) DEFINITIONS.—As used in this sec-
17 tion—

18 “(A) the term ‘language minorities’ means
19 persons who are American Indian or Alaskan
20 Natives;

21 “(B) the term ‘voting materials’ means
22 registration or voting notices, forms, instruc-
23 tions, assistance, or other materials or informa-
24 tion relating to the electoral process, including
25 ballots;

1 “(C) the term ‘limited-English proficient’
2 means unable to speak or understand English
3 adequately enough to participate in the electoral
4 process;

5 “(D) the term ‘Indian reservation’ means
6 any area that is an American Indian or Alaska
7 Native area, as defined by the Census Bureau
8 for the purposes of the 1990 decennial census;

9 “(E) the term ‘citizens’ means citizens of
10 the United States; and

11 “(F) the term ‘illiteracy’ means the failure
12 to complete the 5th primary grade.

13 “(4) SPECIAL RULE.—The determinations of
14 the Director of the Census under this subsection
15 shall be effective upon publication in the Federal
16 Register and shall not be subject to review in any
17 court.

18 “(c) ENGLISH AND NON-ENGLISH VERSIONS.—
19 Whenever any political subdivision subject to the prohibi-
20 tion of subsection (b) of this section provides any registra-
21 tion or voting notices, forms, instructions, assistance, or
22 other materials or information relating to the electoral
23 process, including ballots, it shall provide them in the lan-
24 guage of the applicable minority group as well as in the
25 English language. However, where the language is histori-

1 cally unwritten, the political subdivision is only required
2 to furnish oral instructions, assistance, or other informa-
3 tion relating to registration and voting.

4 “(d) DECLARATORY JUDGMENT.—Any political sub-
5 division subject to the prohibition of subsection (b) of this
6 section, which seeks to provide English-only registration
7 or voting materials or information, including ballots, may
8 file an action against the United States in the United
9 States District Court for a declaratory judgment permit-
10 ting such provision. The court shall grant the requested
11 relief if it determines that the illiteracy rate of the applica-
12 ble language minority group within the political subdivi-
13 sion is equal to or less than the national illiteracy rate.”.

