

*Miss State
property tax
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*Full Committee Bill Foley
working copy*

[COMMITTEE PRINT]

APRIL 10, 1965

89TH CONGRESS
1ST SESSION

H. R. 6400

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 1965

Mr. CELLER introduced the following bill; which was referred to the Committee on the Judiciary

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To enforce the fifteenth amendment to the Constitution of the United States, *in furtherance of its purposes.*

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act shall be known as the "Voting Rights Act of
4 1965".

5 SEC. 2. No voting qualification or procedure shall be
6 imposed or applied to deny or abridge the right to vote on
7 account of race or color.

8 SEC. 3. (a) No person shall be denied the right to vote
9 in any Federal, State, or local election because of his failure
10 to comply with any test or device, in any State or in any

1 political subdivision of a State which (1) the Attorney Gen-
 2 eral determines maintained on November 1, 1964, any test
 3 or device as a qualification for voting, and with respect to
 4 which (2) the Director of the Census determines that less
 5 than 50 per centum of the persons of voting age residing
 6 therein were registered on November 1, 1964, or that less
 7 than 50 per centum of such persons voted in the Presidential
 8 election of November 1964.

9 (b) The phrase "test or device" shall mean any re-
 10 quirement that a person as a prerequisite for voting or regis-
 11 tration for voting (1) demonstrate the ability to read, write,
 12 understand, or interpret any matter, (2) demonstrate any
 13 educational achievement or his knowledge of any particular
 14 subject, (3) possess good moral character, or (4) prove his
 15 qualifications by the voucher of registered voters or members
 16 of any other class.

17 (c) Any State with respect to which determinations
 18 have been made under subsection (a) or any political sub-
 19 division with respect to which such determinations have
 20 been made as a separate unit, may file in a three-judge dis-
 21 trict court convened in the District of Columbia an action for
 22 a declaratory judgment against the United States, alleging
 23 that neither the petitioner nor any person acting under color
 24 of law has engaged during the ten years preceding the filing
 25 of the action in acts or practices denying or abridging the

1 right to vote for reasons of race or color. If the court deter-
 2 mines that neither the petitioner nor any person acting under
 3 color of law has engaged during such period in any act or
 4 practice denying or abridging the right to vote for reasons of
 5 race or color, the court shall so declare and the provisions of
 6 subsection (a) and the examiner procedure established by
 7 this Act shall, after judgment, be inapplicable to the peti-
 8 tioner. Any appeal from a judgment of a three-judge court
 9 convened under this subsection shall lie to the Supreme
 10 Court.

11 No declaratory judgment shall issue under this sub-
 12 section with respect to any petitioner for a period of ten
 13 years after the entry of a final judgment of any court of
 14 the United States, whether entered prior to or after the
 15 enactment of this Act, determining that denials or abridge-
 16 ments of the right to vote by reason of race or color have
 17 occurred anywhere in the territory of such petitioner.

18 SEC. 4. (a) Whenever the Attorney General certifies
 19 (1) that he has received complaints in writing from twenty
 20 or more residents of a political subdivision with respect to
 21 which determinations have been made under section 3(a)
 22 alleging that they have been denied the right to vote under
 23 color of law by reason of race or color, and that he believes
 24 such complaints to be meritorious, or (2) that in his judg-
 25 ment the appointment of examiners is otherwise necessary

1 to enforce the guarantees of the fifteenth amendment, the
 2 Civil Service Commission shall appoint as many examiners
 3 in such subdivision as it may deem appropriate to prepare
 4 and maintain lists of persons eligible to vote in Federal,
 5 State, and local elections. Such appointments shall be made
 6 without regard to the civil service laws and the Classification
 7 Act of 1940, as amended, and may be terminated by the
 8 Commission at any time. Examiners shall be subject to the
 9 provisions of section 9 of the Act of August 2, 1939, as
 10 amended (the Hatch Act). An examiner shall have the
 11 power to administer oaths.

12 (b) A determination or certification of the Attorney
 13 General or of the Director of the Census under section 3 or 4
 14 shall be final and effective upon publication in the Federal
 15 Register.

16 SEC. 5: (a) The examiners for each political subdivision
 17 shall examine applicants concerning their qualifications for
 18 voting. An application to an examiner shall be in such form
 19 as the Commission may require and shall contain allegations
 20 that the applicant is not otherwise registered to vote, and
 21 that, within ninety days preceding his application, he has
 22 been denied under color of law the opportunity to register
 23 or to vote or has been found not qualified to vote by a person
 24 acting under color of law: *Provided*, That the requirement of
 25 the latter allegation may be waived by the Attorney General.

1 (b) Any person whom the examiner finds to have the
 2 qualifications prescribed by State law in accordance with
 3 instructions received under section 6(b) shall promptly be
 4 placed on a list of eligible voters. A challenge to such listing
 5 may be made in accordance with section 6(a) and shall not
 6 be the basis for a prosecution under any provision of this
 7 Act. The list shall be available for public inspection and
 8 the examiner shall certify and transmit such list, and any
 9 supplements as appropriate, at the end of each month, to the
 10 offices of the appropriate election officials, with copies to the
 11 Attorney General and the attorney general of the State.
 12 Any person whose name appears on such a list shall be
 13 entitled and allowed to vote in the election district of his
 14 residence unless and until the appropriate election officials
 15 shall have been notified that such person has been removed
 16 from such list in accordance with subsection (d): *Provided*,
 17 That no person shall be entitled to vote in any election by
 18 virtue of this Act unless his name shall have been certified
 19 and transmitted on such a list to the offices of the appro-
 20 priate election officials at least forty-five days prior to such
 21 election.

22 (c) The examiner shall issue to each person appearing
 23 on such a list a certificate evidencing his eligibility to vote.

24 (d) A person whose name appears on such a list
 25 shall be removed therefrom by an examiner if (1) he has

1 been successfully challenged in accordance with the pro-
 2 cedure prescribed in section 4(a), or (2) he has been de-
 3 termined by an examiner (i) not to have voted at least
 4 once during three consecutive years while listed; or (ii)
 5 to have otherwise lost his eligibility to vote.

6 (c) No person shall be denied the right to vote for
 7 failure to pay a poll tax if he tenders payment of such tax
 8 for the current year to an examiner, whether or not such
 9 tender would be timely or adequate under State law. An
 10 examiner shall have authority to accept such payment from
 11 any person authorized to make an application for listing;
 12 and shall issue a receipt for such payment. The examiner
 13 shall transmit promptly any such poll tax payment to the
 14 office of the State or local official authorized to receive
 15 such payment under State law, together with the name
 16 and address of the applicant.

17 SEC. 6. (a) Any challenge to a listing on an eligibility
 18 list shall be heard and determined by a hearing officer ap-
 19 pointed by and responsible to the Civil Service Commission
 20 and under such rules as the Commission shall by regulation
 21 prescribe. Such challenge shall be entertained only if made
 22 within ten days after the challenged person is listed; and
 23 if supported by the affidavit of at least two persons having
 24 personal knowledge of the facts constituting grounds for
 25 the challenge, and such challenge shall be determined within

1 seven days after it has been made. A petition for review
 2 of the decision of the hearing officer may be filed in the
 3 United States court of appeals for the circuit in which the
 4 person challenged resides within fifteen days after service
 5 of such decision by mail on the moving party, but no de-
 6 cision of a hearing officer shall be overturned unless clearly
 7 erroneous. Any person listed shall be entitled and allowed
 8 to vote pending final determination by the hearing officer
 9 and by the court.

10 (b) The times, places, and procedures for application
 11 and listing pursuant to this Act and removals from the eli-
 12 gibility lists shall be prescribed by regulations promulgated
 13 by the Civil Service Commission and the Commission shall,
 14 after consultation with the Attorney General, instruct ex-
 15 aminers concerning the qualifications required for listing.

16 SEC. 7. No person, whether acting under color of law or
 17 otherwise, shall fail or refuse to permit a person whose name
 18 appears on a list transmitted in accordance with section 5(b)
 19 to vote, or fail or refuse to count such person's vote, or
 20 intimidate, threaten, or coerce, or attempt to intimidate,
 21 threaten, or coerce any person for voting or attempting to
 22 vote under the authority of this Act.

23 SEC. 8. Whenever a State or political subdivision for
 24 which determinations are in effect under section 3(a) shall

1 enact any law or ordinance imposing qualifications or pro-
 2 cedures for voting different than those in force and effect on
 3 November 4, 1964; such law or ordinance shall not be en-
 4 forced unless and until it shall have been finally adjudicated
 5 by an action for declaratory judgment brought against the
 6 United States in the District Court for the District of Colum-
 7 bin that such qualifications or procedures will not have the
 8 effect of denying or abridging rights guaranteed by the
 9 fifteenth amendment. All actions hereunder shall be heard
 10 by a three-judge court and there shall be a right of direct
 11 appeal to the Supreme Court.

12 Sec. 9. (a) Whoever shall deprive or attempt to deprive
 13 any person of any right secured by section 2 or 3 or who
 14 shall violate section 7, shall be fined not more than \$5,000,
 15 or imprisoned not more than five years, or both.

16 (b) Whoever, within a year following an election in a
 17 political subdivision in which an examiner has been ap-
 18 pointed (1) destroys, defaces, mutilates, or otherwise alters
 19 the marking of a paper ballot cast in such election, or
 20 (2) alters any record of voting in such election made by a
 21 voting machine or otherwise, shall be fined not more than
 22 \$5,000, or imprisoned not more than five years, or both.

23 (c) Whoever conspires to violate the provisions of
 24 subsection (a) or (b) of this section, or interferes with
 25 any right secured by section 2, 3, or 7, shall be fined not

1 more than \$5,000, or imprisoned not more than five years,
 2 or both.

3 (d) Whenever any person has engaged or there are
 4 reasonable grounds to believe that any person is about to
 5 engage in any act or practice prohibited by section 2, 3, 7,
 6 or 8 or subsection (b) of this section, the Attorney General
 7 may institute for the United States, or in the name of the
 8 United States, an action for preventive relief, including an
 9 application for a temporary or permanent injunction, restrain-
 10 ing order, or other order, and including an order directed
 11 to the State and State or local election officials to require
 12 them to honor listings under this Act.

13 (e) Whenever a person alleges to an examiner within
 14 twenty-four hours after the closing of the polls that notwith-
 15 standing his listing under this Act he has not been permitted
 16 to vote or that his vote was not counted, the examiner shall
 17 forthwith notify the United States attorney for the judicial
 18 district if such allegation in his opinion appears to be well
 19 founded. Upon receipt of such notification, the United
 20 States attorney may forthwith apply to the district court for
 21 an order enjoining certification of the results of the election,
 22 and the court shall issue such an order pending a hearing
 23 to determine whether the allegations are well founded. In
 24 the event the court determines that persons who are entitled

1 to vote under the provisions of this Act were not permitted
 2 to vote or their votes were not counted, it shall provide for
 3 the casting or counting of their ballots and require the inclu-
 4 sion of their votes in the total vote before any person shall be
 5 deemed to be elected by virtue of any election with respect
 6 to which an order enjoining certification of the results has
 7 been issued.

8 (f) The district courts of the United States shall have
 9 jurisdiction of proceedings instituted pursuant to this section
 10 and shall exercise the same without regard to whether an
 11 applicant for listing under this Act shall have exhausted
 12 any administrative or other remedies that may be provided by
 13 law.

14 SEC. 10. Listing procedures shall be terminated in any
 15 political subdivision of any State whenever the Attorney
 16 General notifies the Civil Service Commission (1) that all
 17 persons listed by the examiner for such subdivision have been
 18 placed on the appropriate voting registration roll, and (2)
 19 that there is no longer reasonable cause to believe that per-
 20 sons will be deprived of or denied the right to vote on
 21 account of race or color in such subdivision.

22 SEC. 11. (a) All cases of civil and criminal contempt
 23 arising under the provisions of this Act shall be governed by
 24 section 151 of the Civil Rights Act of 1957 (42 U.S.C.
 25 1995).

1 (b) No court other than the District Court for the Dis-
 2 trict of Columbia shall have jurisdiction to issue any declara-
 3 tory judgment or any restraining order or temporary or per-
 4 manent injunction against the execution or enforcement of
 5 any provision of this Act or any action of any Federal officer
 6 or employee pursuant hereto.

7 (c) The term "vote" shall have the same meaning as
 8 in section 2001 of the Revised Statutes (42 U.S.C. 1971
 9 (c)).

10 (d) Any statement made to an examiner may be the
 11 basis for a prosecution under section 1001 of title 18, United
 12 States Code.

13 SEC. 12. There are hereby authorized to be appropriated
 14 such sums as are necessary to carry out the provisions of this
 15 Act.

16 SEC. 13. If any provision of this Act or the application
 17 thereof to any person or circumstances is held invalid, the
 18 remainder of the Act and the application of the provision to
 19 other persons not similarly situated or to other circumstances
 20 shall not be affected thereby.

21 That this Act shall be known as the "Voting Rights Act of
 22 1965".

23 SEC. 2. No voting qualification or prerequisite to voting,
 24 or standard, practice, or procedure shall be imposed or applied
 25 by any State or political subdivision to deny or abridge the

1 right of any citizen of the United States to vote on account of
2 race or color.

3 SEC. 3. (a) Whenever the Attorney General institutes
4 a proceeding under any statute to enforce the guarantees of
5 the fifteenth amendment in any State or political subdivision
6 the court shall authorize the appointment of Federal exam-
7 iners by the United States Civil Service Commission in
8 accordance with section 6 to serve for such period of time
9 and in such political subdivisions as the court shall determine
10 is appropriate to enforce the guarantees of the fifteenth amend-
11 ment (1) as part of any interlocutory order if the court
12 determines that the appointment of such examiners is neces-
13 sary to enforce such guarantees or (2) as part of any final
14 judgment if the court finds that violations of such statute have
15 occurred in such State or subdivision.

16 (b) If in a proceeding instituted by the Attorney Gen-
17 eral under any statute to enforce the guarantees of the
18 fifteenth amendment in any State or political subdivision the
19 court finds that a test or device has been used for purposes of
20 denying or abridging the right of any citizen of the United
21 States to vote on account of race or color, it shall suspend the
22 use of such test or device in such State or political subdivisions
23 as the court shall determine is appropriate and for such
24 period as it deems necessary.

25 (c) If in any proceeding instituted by the Attorney Gen-

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1 eral under any statute to enforce the guarantees of the fif-
2 teenth amendment in any State or political subdivision the
3 court finds that violations of the fifteenth amendment justify
4 ing equitable relief have occurred within the territory of such
5 State or political subdivision, the court, in addition to such
6 relief as it may grant, shall retain jurisdiction for such period
7 as it may deem appropriate and during such period no
8 voting qualification or prerequisite to voting, or standard,
9 practice, or procedure with respect to voting different from
10 that in force or effect at the time the proceeding was com-
11 menced shall be enforced unless and until the court finds that
12 such qualification, prerequisite, standard, practice, or pro-
13 cedure does not have the purpose or will not have the effect
14 of denying or abridging the right to vote on account of race
15 or color: Provided, That such qualification, prerequisite,
16 standard, practice, or procedure may be enforced if the
17 qualification, prerequisite, standard, practice, or procedure
18 has been submitted by the chief legal officer or other appro-
19 priate official of such State or subdivision to the Attorney
20 General and the Attorney General has not interposed an
21 objection within sixty days after such submission, except that
22 the Attorney General's failure to object shall not bar a sub-
23 sequent action to enjoin enforcement of such qualification,
24 prerequisite, standard, practice, or procedure.

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1 quirement that a person as a prerequisite for voting or regis-
2 tration for voting (1) demonstrate the ability to read, write,
3 understand, or interpret any matter, (2) demonstrate any
4 educational achievement or his knowledge of any particular
5 subject, (3) possess good moral character, or (4) prove
6 his qualifications by the voucher of registered voters or mem-
7 bers of any other class.

8 (d) For purposes of this section no State or political
9 subdivision shall be determined to have engaged in the use
10 of tests or devices for the purpose of denying or abridging
11 the right to vote on account of race or color if (1) incidents
12 of such use have been few in number and have been promptly
13 and effectively corrected by State or local action, (2) the
14 continuing effect of such incidents has been eliminated, and
15 (3) there is no reasonable probability of their recurrence
16 in the future.

17 SEC. 5. Whenever a State or political subdivision with
18 respect to which the prohibitions set forth in section 4(a)
19 are in effect shall enact or seek to administer any voting
20 qualification or prerequisite to voting, or standard, practice,
21 or procedure with respect to voting different from that in
22 force or effect on [November 1, 1964,] it may institute an
23 action in the United States District Court for the District
24 of Columbia for a declaratory judgment that such qualifica-
25 tion, prerequisite, standard, practice, or procedure does not

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1 have the purpose ^{or} will not have the effect of denying or
2 abridging the right to vote on account of race or color, and
3 unless and until the court enters such judgment no person
4 shall be denied the right to vote for failure to comply with
5 such qualification, prerequisite, standard, practice, or pro-
6 cedure: Provided, That such qualification, prerequisite, stand-
7 ard, practice, or procedure may be enforced without such pro-
8 ceeding if the qualification, prerequisite, standard, practice,
9 or procedure has been submitted by the chief legal officer
10 or other appropriate official of such State or subdivision to
11 the Attorney General and the Attorney General has not
12 interposed an objection within sixty days after such sub-
13 mission, except that the Attorney General's failure to object
14 shall not bar a subsequent action to enjoin enforcement of
15 such qualification, prerequisite, standard, practice, or pro-
16 cedure. Any action under this section shall be heard and
17 determined by a court of three judges in accordance with the
18 provisions of section 2284 of title 28 of the United States
19 Code and any appeal shall lie to the Supreme Court.

20 SEC. 6. Whenever (a) a court has authorized the ap-
21 pointment of examiners pursuant to the provisions of section
22 3(a), or (b) the Attorney General certifies with respect to
23 any political subdivision named in, or included within the
24 scope of, determinations made under section 4(b) that (1) he
25 has received complaints in writing from twenty or more resi-

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1 business day of the month and in any event not later than the
2 forty-fifth day prior to any election. Any person whose name
3 appears on such a list shall be entitled and allowed to vote in
4 the election district of his residence unless and until the appro-
5 priate election officials shall have been notified that such
6 person has been removed from such list in accordance with
7 subsection (d): Provided, That no person shall be entitled
8 to vote in any election by virtue of this Act unless his name
9 shall have been certified and transmitted on such a list to the
10 offices of the appropriate election officials at least forty-five
11 days prior to such election.

12 (c) The examiner shall issue to each person whose name
13 appears on such a list a certificate evidencing his eligibility
14 to vote.

15 (d) A person whose name appears on such a list shall
16 be removed therefrom by an examiner if (1) such person has
17 been successfully challenged in accordance with the procedure
18 prescribed in section 9, or (2) he has been determined by an
19 examiner to have lost his eligibility to vote under State law
20 not inconsistent with the Constitution and the laws of the
21 United States.

22 ~~SEC. 8. The Civil Service Commission, at the request of~~
23 ~~The Attorney General, is authorized to send observers to any~~
24 ~~election held in any political subdivision for which an exam-~~
25 ~~iner has been appointed under this Act. Such observers shall~~

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1 ~~observe all aspects of the vote in all elections conducted by~~
2 ~~State and local officials within such political subdivision, in-~~
3 ~~cluding the casting and counting of ballots. Observers shall~~
4 ~~report to the examiner appointed in such political subdivision,~~
5 ~~and to the Attorney General ⁱⁿ ~~to the~~ ^{for} ~~it~~~~

6 SEC. 9. (a) Any challenge to a listing on an eligibility
7 list shall be heard and determined by a hearing officer ap-
8 pointed by and responsible to the Civil Service Commission
9 and under such rules as the Commission shall by regulation
10 prescribe. Such challenge shall be entertained only if filed at
11 such office within the State as the Civil Service Commission
12 shall by regulation designate ^{and} within ten days after the listing
13 of the challenged person is made available for public inspec-
14 tion, and if supported ^{by} (1) ^s by the affidavit of at least two per-
15 sons having personal knowledge of the facts constituting
16 grounds for the challenge, and (2) a certification that a
17 copy of the challenge and affidavits have been served by mail
18 or in person upon the person challenged at his place of
19 residence set out in the application. Such challenge shall be
20 determined within fifteen days after it has been filed. A peti-
21 tion for review of the decision of the hearing officer may be
22 filed in the ^{State} United States ^{court} court of appeals for the circuit in
23 which the person challenged resides within fifteen days after
24 service of such decision by mail on the ~~losing party~~ ^{challenger} ~~losing party~~, but no
25 decision of a hearing officer shall be reversed unless clearly

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1 erroneous. Any person listed shall be entitled and allowed
2 to vote pending final determination by the hearing officer and
3 by the court.

4 (b) The times, places, and procedures for application and
5 listing pursuant to this Act and removals from the eligibility
6 lists shall be prescribed by regulations promulgated by the
7 Civil Service Commission and the Commission shall, after
8 consultation with the Attorney General, instruct examiners
9 concerning (1) the qualifications required for listing, and
10 (2) loss of eligibility to vote.

11 (c) Upon the request of the applicant or the challenger,
12 The Civil Service Commission shall have the power to require
13 by subpoena the attendance and testimony of witnesses and the
14 production of documentary evidence relating to any matter
15 pending before it under the authority of this section. In case
16 of contumacy or refusal to obey a subpoena, any district court
17 of the United States or the United States court of any terri-
18 tory or possession, or the District Court of the United States
19 for the District of Columbia, within the jurisdiction of which
20 said person guilty of contumacy or refusal to obey is found
21 or resides or is domiciled or transacts business, or has ap-
22 pointed an agent for receipt of service of process, upon appli-
23 cation by the Attorney General of the United States shall
24 have jurisdiction to issue to such person an order requiring
25 such person to appear before the Commission or a hearing

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1 officer, there to produce pertinent, relevant, and nonprivileged
2 evidence if so ordered, or there to give testimony touching
3 the matter under investigation; and any failure to obey such
4 order of the court may be punished by said court as a con-
5 tempt thereof.

6 SEC. 10. No State or political subdivision thereof shall
7 deny any person the right to register or to vote because of
8 his failure to pay a poll tax or any other tax.

9 SEC. 11. No person acting under color of law shall fail
10 or refuse to permit to vote any person who is entitled to
11 vote under any provision of this Act, or willfully fail or
12 refuse to tabulate, count, and report accurately such person's
13 vote, or intimidate, threaten, or coerce, or attempt to inti-
14 mate, threaten, or coerce any person for voting or attempting
15 to vote, or for urging or aiding such voting or attempted
16 voting. No person, whether acting under color of
17 law or otherwise, intimidate, threaten, or coerce, or attempt
18 to intimidate, threaten, or coerce any person for exercising
19 any powers or duties under section 3(a), 6, 9, 10, or 12(c).

20 SEC. 12. (a) Whoever shall willfully
21 deprive any person of any right secured by section 2, 3, 4,
22 5, 7, or 10 or shall violate section 11, shall be fined not
23 more than \$5,000, or imprisoned not more than five years,
24 or both.

25 (b) Whoever, within a year following an election in a

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1 political subdivision in which an examiner has been ap-
2 pointed (1) destroys, defaces, mutilates, or otherwise alters
3 the marking of a paper ballot cast in such election, or (2)
4 alters any record of voting in such election made by a voting
5 machine or otherwise, shall be fined not more than \$5,000,
6 or imprisoned not more than five years, or both.

7 (c) Whoever conspires to violate the provisions of sub-
8 section (a) or (b) of this section, ^{#57} or interferes with any right
9 secured by section 2, 3, 4, 5, 7, 10, or 11 shall be fined not
10 more than \$5,000, or imprisoned not more than five years, or
11 both.

12 (d) Whenever any person has engaged or there are rea-
13 sonable grounds to believe that any person is about to engage
14 in any act or practice prohibited by section 2, 3, 4, 5, 7, 10,
15 11, or subsection (b) of this section, the Attorney General
16 may institute for the United States, or in the name of the
17 United States, an action for preventive relief, including an
18 application for a temporary or permanent injunction, re-
19 straining order, or other order, and including an order di-
20 rected to the State and State or local election officials to re-
21 quire them (1) to permit persons listed under this Act to vote
22 and (2) to count such votes.

23 (e) Whenever in any political subdivision in which there
24 are examiners appointed pursuant to this Act any person
25 alleges to such an examiner within forty-eight hours after

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1 the closing of the polls that notwithstanding (1) his listing
2 under this Act or registration by an appropriate election
3 official and (2) his eligibility to vote, he has not been per-
4 mitted to vote in such election, the examiner shall forthwith
5 notify the Attorney General if such allegations in his opinion
6 appear to be well founded. Upon receipt of such notifica-
7 tion, the Attorney General may forthwith apply to the district
8 court for an order declaring that the results of such election
9 are not final and temporarily restraining the issuance of any
10 certificates of election, and the court shall issue such an order
11 pending a hearing on the merits. In the event the court
12 determines that persons who are entitled to vote were not per-
13 mitted to vote in such election, it shall provide for the mark-
14 ing, casting, and counting of their ballots and require the
15 inclusion of their votes in the total vote before the results of
16 such election shall be deemed final and any force or effect
17 given thereto. The district court shall hear and determine
18 such matters immediately after the filing of such application.
19 The remedy provided in this subsection shall not preclude any
20 remedy available under State or Federal law.

21 (f) The district courts of the United States shall have
22 jurisdiction of proceedings instituted pursuant to this section
23 and shall exercise the same without regard to whether a per-
24 son asserting rights under the provisions of this Act shall

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1 have exhausted any administrative or other remedies that
2 may be provided by law.

3 SEC. 13. Listing procedures shall be terminated in any
4 political subdivision of any State (a) with respect to exami-
5 ners appointed pursuant to clause (b) of section 6 whenever
6 the Attorney General notifies the Civil Service Commission
7 (1) that all persons listed by ^{an} ~~the~~ examiner for such sub-
8 division have been placed on the appropriate voting regis-
9 tration roll, and (2) that there is no longer reasonable cause
10 to believe that persons will be deprived of or denied the right
11 to vote on account of race or color in such subdivision, and
12 (b), with respect to examiners appointed pursuant to sec-
13 tion 3(a), upon order of the authorizing court. A political
14 subdivision may petition the Attorney General for the termi-
15 nation of listing procedures under clause (a). *this clause*

16 SEC. 14. (a) All cases of criminal contempt arising un-
17 der the provisions of this Act shall be governed by section
18 151 of the Civil Rights Act of 1957 (42 U.S.C. 1995).

19 (b) No court other than the District Court for the Dis-
20 trict of Columbia shall have jurisdiction to issue any declara-
21 tory judgment or any restraining order or temporary or
22 permanent injunction against the execution or enforcement
23 of any provision of this Act or any action of any Federal
24 officer or employee pursuant hereto.

25 (c)(1) The term "vote" shall include all action neces-

1 sary to make a vote effective in any primary, special, or gen-
2 eral election, including, but not limited to, registration, listing
3 pursuant to this Act, or other action required by law prerequi-
4 site to voting, casting a ballot, and having such ballot counted
5 properly and included in the appropriate totals of votes cast
6 with respect to candidates for public or party office and prop-
7 ositions for which votes are received in an election.

8 (2) The term "political subdivision" shall mean any
9 county or parish, except that where registration for voting
10 is not conducted under the supervision of a county or parish,
11 the term shall include any other subdivision of a State which
12 conducts registration for voting.

13 (d) Whoever, in any matter within the jurisdiction of
14 an examiner or hearing officer knowingly and willfully falsi-
15 fies or conceals a material fact, or makes any false, fictitious
16 or fraudulent statements or representations, or makes or
17 uses any false writing or document knowing the same to
18 contain any false, fictitious or fraudulent statement or entry,
19 shall be fined not more than \$10,000 or imprisoned not
20 more than five years, or both.

21 SEC. 15. Section 2004 of the Revised Statutes (42
22 U.S.C. 1971), as amended by section 131 of the Civil Rights
23 Act of 1957 (71 Stat. 637), and amended by section 601 of
24 the Civil Rights Act of 1960 (74 Stat. 90), and as further

with show
60-10-113
H

1 amended by section 101 of the Civil Rights Act of 1964
2 (78 Stat. 241), is further amended as follows:

3 (a) Delete the word "Federal" wherever it appears in
4 subsections (a) and (c);

5 (b) Repeal subsection (f) and designate the present sub-
6 sections (g) and (h) as (f) and (g), respectively.

7 SEC. 16. There are hereby authorized to be appropriated
8 such sums as are necessary to carry out the provisions of
9 this Act.

10 SEC. 17. If any provision of this Act or the application
11 thereof to any person or circumstances is held invalid, the
12 remainder of the Act and the application of the provision
13 to other persons not similarly situated or to other circum-
14 stances shall not be affected thereby.

#61 - No.

Change subsection
over 16 bills

63

Handwritten initials

Amend text to read as follows

64 Sunday - No
65 the capital - NO

COMMITTEE PRINT

APRIL 10, 1935

89TH CONGRESS
1ST SESSION

H. R. 6400

A BILL

To enforce the fifteenth amendment to the Constitution of the United States.

By Mr. Celler

MARCH 17, 1935

Read twice and referred to the Committee on the Judiciary