be cited as the 'Federal Election Campaign Act Amendments of 1979'.''

SHORT TITLE OF 1976 ACT

Pub. L. 94–283, §1, May 11, 1976, 90 Stat. 475, provided that: ''This Act [see Tables for classification] may be cited as the 'Federal Election Campaign Act Amendments of 1976'.''

SHORT TITLE OF 1975 ACT

Pub. L. 94–203, §1, Jan. 2, 1976, 89 Stat. 1142, which provided that Pub. L. 94–203 (see Tables for classification) was to be cited as ''Overseas Citizens Voting Rights Act of 1975'', was repealed by Pub. L. 99–410, title II, §203, Aug. 28, 1986, 100 Stat. 930.

SHORT TITLE OF 1974 ACT

Pub. L. 93–443, Oct. 15, 1974, 88 Stat. 1263, provided in part: ''That this Act [see Tables for classification] may be cited as the 'Federal Election Campaign Act Amendments of 1974'.''

SHORT TITLE OF 1972 ACT

Pub. L. 92–225, Feb. 7, 1972, 86 Stat. 3, provided in part: ''That this Act [see Tables for classification] may be cited as the 'Federal Election Campaign Act of 1971'.''

SHORT TITLE OF 1970 ACT

Pub. L. 91–285, §1, June 22, 1970, 84 Stat. 314, provided: ''That this Act [see Tables for classification] may be cited as the 'Voting Rights Act Amendments of 1970'.''

SHORT TITLE OF 1965 ACT

Pub. L. 89–110, §1, Aug. 6, 1965, 79 Stat. 437, provided that: ''This Act [see Tables for classification] shall be known as the 'Voting Rights Act of 1965'.''

SHORT TITLE OF 1960 ACT

Pub. L. 86–449, §1, May 6, 1960, 74 Stat. 86, provided that: ''This Act [see Tables for classification] may be cited as the 'Civil Rights Act of 1960'.''

SHORT TITLE OF 1957 ACT

Pub. L. 85–315, pt. V, §161, Sept. 9, 1957, 71 Stat. 638, provided that: ''This Act [see Tables for classification] may be cited as the 'Civil Rights Act of 1957'.''

SHORT TITLE OF 1955 ACT

Act Aug. 9, 1955, ch. 656, §1, 69 Stat. 584, which provided that such Act (see Tables for classification) was to be cited as ''The Federal Voting Assistance Act of 1955'', was repealed by Pub. L. 99–410, title II, §203, Aug. 28, 1986, 100 Stat. 930.

SEPARABILITY

Pub. L. 86–449, title VII, §701, May 6, 1960, 74 Stat. 92, provided that: ''If any provisions of this Act [see Short Title of 1960 Act note above] is held invalid, the remainder of this Act shall not be affected thereby.''

VOTER REGISTRATION DRIVES

Pub. L. 98–473, title I, §101(j), Oct. 12, 1984, 98 Stat. 1963, provided that: ''It is the sense of the Congress that—

''(1) voter registration drives should be encouraged by governmental entities at all levels; and

''(2) voter registration drives conducted by State governments on a nonpartisan basis do not violate the provisions of the Intergovernmental Personnel Act (42 U.S.C. 4728, 4763).''

§ 10102. Interference with freedom of elections

No officer of the Army, Navy, or Air Force of the United States shall prescribe or fix, or attempt to prescribe or fix, by proclamation, order, or otherwise, the qualifications of voters in any State, or in any manner interfere with the freedom of any election in any State, or with the exercise of the free right of suffrage in any State.

(R.S. §2003.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 1972 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section, and to section 32 of Title 8, Aliens and Nationality.

R.S. §2003 derived from act Feb. 25, 1865, ch. 52, §1, 13 Stat. 437.

Air Force inserted to conform to act July 26, 1947, ch. 343, title II, §207(a), (f), 61 Stat. 502, which established a separate Department of the Air Force, and Secretary of Defense Transfer Order No. 40 [App. A(10)], July 22, 1949, which transferred certain functions to the Air Force. Section 207(a), (f) of act July 26, 1947, was repealed by act Aug. 10, 1956, ch. 1041, §53, 70A Stat. 641. Act Aug. 10, 1956, ch. 1041, 70A Stat. 1, enacted ''Title 10, Armed Forces'', which in sections 8010 to 8013 continued Department of the Air Force under administrative supervision of Secretary of the Air Force.

CHAPTER 103—ENFORCEMENT OF VOTING RIGHTS

Sec.

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§ 10301. Denial or abridgement of right to vote on account of race or color through voting qualifications or prerequisites; establishment of violation

(a) No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in section 10303(f)(2) of this title, as provided in subsection (b).

(b) A violation of subsection (a) is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) in that its members have less opportunity than other members of the elec-

torate to participate in the political process and to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered: *Provided*, That nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population.

(Pub. L. 89–110, title I, § 2, Aug. 6, 1965, 79 Stat. 437; renumbered title I, Pub. L. 91–285, § 2, June 22, 1970, 84 Stat. 314; amended Pub. L. 94–73, title II, § 206, Aug. 6, 1975, 89 Stat. 402; Pub. L. 97–205, § 3, June 29, 1982, 96 Stat. 134.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 1973 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section. Some section numbers referenced in amendment notes below reflect the classification of such sections prior to their editorial reclassification to this title.

AMENDMENTS

1982—Pub. L. 97–205 redesignated existing provisions as subsec. (a), struck out the comma after ''voting'', substituted ''in a manner which results in a denial or abridgement of'' for ''to deny or abridge'', inserted '', as provided in subsection (b)'' after ''in contravention of the guarantees set forth in section 1973b(f)(2) of this title'', and added subsec. (b).

1975—Pub. L. 94–73 substituted ''race or color, or in contravention of the guarantees set forth in section 1973b(f)(2) of this title'' for ''race or color''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1982 AMENDMENT

Pub. L. 97–205, § 6, June 29, 1982, 96 Stat. 135, provided that: ''Except as otherwise provided in this Act [see Tables for classification], the amendments made by this Act shall take effect on the date of the enactment of this Act [June 29, 1982].''

SEPARABILITY

Pub. L. 94–73, title II, § 208, Aug. 6, 1975, 89 Stat. 402, provided that: ''If any amendments made by this Act [see Tables for classification] 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 [this chapter and chapters 105 and 107 of this title], or the application of such provision to other persons or circumstances shall not be affected by such determination.''

CONGRESSIONAL PURPOSE AND FINDINGS

Pub. L. 109–246, § 2, July 27, 2006, 120 Stat. 577, provided that:

''(a) PURPOSE.—The purpose of this Act [see Tables for classification] is to ensure that the right of all citizens to vote, including the right to register to vote and cast meaningful votes, is preserved and protected as guaranteed by the Constitution.

''(b) FINDINGS.—The Congress finds the following:

''(1) Significant progress has been made in eliminating first generation barriers experienced by minority voters, including increased numbers of registered minority voters, minority voter turnout, and minority representation in Congress, State legislatures, and local elected offices. This progress is the direct result of the Voting Rights Act of 1965 [this chapter and chapters 105 and 107 of this title].

''(2) However, vestiges of discrimination in voting continue to exist as demonstrated by second generation barriers constructed to prevent minority voters from fully participating in the electoral process.

''(3) The continued evidence of racially polarized voting in each of the jurisdictions covered by the expiring provisions of the Voting Rights Act of 1965 demonstrates that racial and language minorities remain politically vulnerable, warranting the continued protection of the Voting Rights Act of 1965.

''(4) Evidence of continued discrimination includes—

''(A) the hundreds of objections interposed, requests for more information submitted followed by voting changes withdrawn from consideration by jurisdictions covered by the Voting Rights Act of 1965, and section 5 [52 U.S.C. 10304] enforcement actions undertaken by the Department of Justice in covered jurisdictions since 1982 that prevented election practices, such as annexation, at-large voting, and the use of multi-member districts, from being enacted to dilute minority voting strength;

''(B) the number of requests for declaratory judgments denied by the United States District Court for the District of Columbia;

''(C) the continued filing of section 2 [52 U.S.C. 10301] cases that originated in covered jurisdictions; and

''(D) the litigation pursued by the Department of Justice since 1982 to enforce sections 4(e), 4(f)(4), and 203 of such Act [52 U.S.C. 10303(e), (f)(4), 10503] to ensure that all language minority citizens have full access to the political process.

''(5) The evidence clearly shows the continued need for Federal oversight in jurisdictions covered by the Voting Rights Act of 1965 since 1982, as demonstrated in the counties certified by the Attorney General for Federal examiner and observer coverage and the tens of thousands of Federal observers that have been dispatched to observe elections in covered jurisdictions.

''(6) The effectiveness of the Voting Rights Act of 1965 has been significantly weakened by the United States Supreme Court decisions in Reno v. Bossier Parish II and Georgia v. Ashcroft, which have misconstrued Congress' original intent in enacting the Voting Rights Act of 1965 and narrowed the protections afforded by section 5 of such Act [52 U.S.C. 10304].

''(7) Despite the progress made by minorities under the Voting Rights Act of 1965, the evidence before Congress reveals that 40 years has not been a sufficient amount of time to eliminate the vestiges of discrimination following nearly 100 years of disregard for the dictates of the 15th amendment and to ensure that the right of all citizens to vote is protected as guaranteed by the Constitution.

''(8) Present day discrimination experienced by racial and language minority voters is contained in evidence, including the objections interposed by the Department of Justice in covered jurisdictions; the section 2 [52 U.S.C. 10301] litigation filed to prevent dilutive techniques from adversely affecting minority voters; the enforcement actions filed to protect language minorities; and the tens of thousands of Federal observers dispatched to monitor polls in jurisdictions covered by the Voting Rights Act of 1965.

''(9) The record compiled by Congress demonstrates that, without the continuation of the Voting Rights Act of 1965 protections, racial and language minority citizens will be deprived of the opportunity to exercise their right to vote, or will have their votes diluted, undermining the significant gains made by minorities in the last 40 years.''

§ 10302. Proceeding to enforce the right to vote

(a) Authorization by court for appointment of Federal observers

Whenever the Attorney General or an aggrieved person institutes a proceeding under any statute to enforce the voting guarantees of the