

(The proposed drafts are as follows:)

A BILL To amend the Civil Rights Act of 1957 by providing for court appointment of United States Voting Referees, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America assembled.* That Section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by Section 131 of the Civil Rights Act of 1957 (71 Stat. 637), is amended as follows:

(a) Add the following as subsection (e) and designate the present subsection (e) subsection "(f)":

"In any proceeding instituted pursuant to subsection (c) in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall upon application of the Attorney General make a finding as to whether such deprivation was or is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under state law to vote, and (2) he has been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. Such order shall be effective as to any election held within the longest period for which such applicant could have been registered or otherwise qualified under state law and as to any election at which the applicant's qualifications would under state law entitle him to vote.

"Notwithstanding any inconsistent provision of state law or the action of any state officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers of the state. The refusal by any such officer with notice thereof to permit any person so declared qualified to vote to vote at an appropriate election shall constitute contempt of court.

"An application pursuant to this subsection shall be heard within ten days after the filing of such application and the execution of any order disposing of such application shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

"The court may appoint one or more persons, to be known as voting referees, to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under state law to vote, and (2) he has been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, (b) found not qualified to vote by any person acting under color of law. In a proceeding before such voting referee, the applicant shall be heard *ex parte*. His statement under oath shall be *prima facie* evidence as to his age, residence and his prior efforts to register or otherwise qualify to vote. Where proof of literacy or an understanding of other subjects is required by valid provisions of state law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

"Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State Attorney General and to each party to such proceeding together with an order to show cause within ten days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report. Exceptions as to matters of fact shall be considered only if supported by a duly verified copy of a public record or by affidavit of persons having personal knowledge of such fact; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court or if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an issue