

of fact shall be held only in the event that the affidavits in support of the exception disclose the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

"The court, or at its direction, the voting referee shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

"The court may authorize such referee or such other person or persons as it may designate (1) to attend at any time and place for holding any election and to report whether any such person declared qualified to vote has been denied the right to vote, and (2) to attend at any time and place for other action relating to such election necessary to make effective the vote of such a person and to report to the court any action or failure to act which would make such vote ineffective.

"Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by Rule 53(c) of the Federal Rules of Civil Procedure. The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

"The court shall have authority to make provisional orders to permit an applicant to vote pending final determination of any exception and to take any other action appropriate or necessary to carry out the provisions of this subsection and to enforce its decree, and this subsection shall in no way be construed as a limitation upon the existing powers of the court.

"When used in the subsection, the word 'vote' includes all action necessary to make a vote effective including but not limited to registration or other action required by state law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election; 'affected area' shall mean any subdivision of the state in which the laws of the state relating to voting are or have been to any extent administered by a person found in the proceeding to have violated subsection (a); and 'qualified under state law' shall mean qualified according to the laws, customs, or usages of the state, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have violated subsection (a) in qualifying persons other than those of the race or color against which the pattern or practice or discrimination was found to exist."

(b) Add the following sentence at the end of subsection (c):

"When any official of a state or subdivision thereof has resigned or has been relieved of his office and no successor has assumed such office, any act or practice of such official constituting a deprivation of any right or privilege secured by subsection (a) or (b) hereof shall be deemed that of the State and the proceeding may be instituted or continued against the State as party defendant."

A BILL To amend the Civil Rights Act of 1957 by providing for court appointment of Special Masters to receive applications to vote, 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) "(f)":

"In any proceeding instituted pursuant to subsection (c) of this section for the benefit of a class of persons who have been refused the right to register or otherwise to qualify to vote at any election in the event the court finds that under color of law or by state action the class of persons has been deprived on account of race or color of any right or privilege secured by subsection (a) or (b) of this section, and that such deprivation was or is pursuant to a pattern or practice of state action, the court may appoint one or more attorneys from the bar of the District Court to act as a Special Master or Masters to receive applications to vote from such persons who have been refused the right to register or otherwise to qualify to vote at any election and to conduct hearings as hereinafter provided. The Special Master or Masters after conducting the hearings shall file a report with the court specifying whether such applicants or any of them (1) are qualified to vote at any election, and (2) have been (a) deprived of the oppor-