

Amend CSHB 1 by adding the following appropriately numbered section and by renumbering the remaining sections as appropriate:

SECTION _____. (a) Chapter 276, Election Code, is amended by adding Section 276.011 to read as follows:

Sec. 276.011. CIVIL ACTION: DILUTION OF VOTING RIGHTS. (a)
A law of this state or a regulation, rule, order, ordinance, practice, or procedure of a political subdivision of this state may not be enacted, adopted, or applied in a manner that results in the denial or abridgement of the right of an individual to vote on account of race, color, ethnicity, or membership in a language minority group. For purposes of this section, an individual's ethnicity includes the individual's membership in a group that shares a common primary language.

(b) An individual affected by a law or other measure described by Subsection (a) may bring a civil action to enforce Subsection (a). A violation of Subsection (a) is established if, based on the totality of the circumstances, it is shown that the political processes leading to nomination or election in this state or a political subdivision of this state are not equally open to participation by individuals of a particular race, color, ethnicity, or language minority group, in that the members of that group have less opportunity than other members of the electorate to participate in the political process or to elect representatives of their choice.

(c) In determining whether a political process is not equally open to individuals of a particular race, color, ethnicity, or language minority group, a court may not consider the citizenship of members of the group, including considering the citizenship in any manner that excludes individuals who are not citizens from an estimate of the potential voting strength of the group.

(d) An action under this section may be brought only:

(1) by a resident of the state in a district court in the county in which the person resides, for a state law; or

(2) by a resident of the political subdivision in a district court in a county in which the political subdivision is located, for a regulation, rule, order, ordinance, practice, or

procedure of a political subdivision.

(e) A finding of the district court under this section may be appealed in the same manner as provided by general law for other civil cases in district courts.

(b) This section takes effect February 1, 2004.