

By: Alonzo

H.B. No. 44

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the protection of the rights of Texas voters without
3 regard to race, color, ethnicity, or membership in a language
4 minority group.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Chapter 276, Election Code, is amended by adding
7 Section 276.011 to read as follows:

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

17 (b) An individual affected by a law or other measure
18 described by Subsection (a) may bring a civil action to enforce
19 Subsection (a). A violation of Subsection (a) is established if,
20 based on the totality of the circumstances, it is shown that the
21 political processes leading to nomination or election in this state
22 or a political subdivision of this state are not equally open to
23 participation by individuals of a particular race, color,
24 ethnicity, or language minority group, in that the members of that

1 group have less opportunity than other members of the electorate to
2 participate in the political process or to elect representatives of
3 their choice.

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

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

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

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

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

21 SECTION 2. This Act takes effect February 1, 2004.