

By: Alonzo

H.B. No. 2871

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, or ethnicity.

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

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

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

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

1 their choice.

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

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

9 (1) by a resident of the state in a district court in
10 Travis County, for a state law; or

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

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

18 SECTION 2. This Act takes effect September 1, 2003.