

By: Alonzo

H.B. No. 1555

A BILL TO BE ENTITLED

AN ACT

1  
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 September 1, 2005.