

By: Reynolds

H.B. No. 2429

A BILL TO BE ENTITLED

AN ACT

relating to the Texas Voting Rights Act.

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

SECTION 1. Title 1, Election Code, is amended by adding Chapter 5 to read as follows:

CHAPTER 5. TEXAS VOTING RIGHTS ACT

Sec. 5.001. DEFINITIONS. As used in this chapter:

(1) "At-large election" means any of the following methods of electing members to the governing body of a political subdivision:

(A) one in which the voters of the entire jurisdiction elect the members to the governing body;

(B) one in which the candidates are required to reside within given areas of the jurisdiction and the voters of the entire jurisdiction elect the members to the governing body; or

(C) one that combines at-large elections with district-based elections.

(2) "District-based election" means a method of electing members to the governing body of a political subdivision in which the candidate must reside within an election district that is a divisible part of the political subdivision and is elected only by voters residing within that election district.

(3) "Protected class" means a class of voters who are members of a race, color, or language minority group, as this class

1 is defined in the federal Voting Rights Act of 1965 (52 U.S.C.
2 Section 10101 et seq.).

3 (4) "Racially polarized voting" means voting in which
4 there is a difference, as defined in case law regarding enforcement
5 of the federal Voting Rights Act of 1965 (52 U.S.C. Section 10101 et
6 seq.), in the choice of candidates or other electoral choices that
7 are preferred by voters in a protected class, and in the choice of
8 candidates and electoral choices that are preferred by voters in
9 the rest of the electorate.

10 Sec. 5.002. PURPOSE. The Texas Voting Rights Act is enacted
11 to implement the guarantees of Sections 3a and 19, Article I, and
12 Section 2, Article VI, Texas Constitution.

13 Sec. 5.003. METHODOLOGIES. The methodologies for
14 estimating group voting behavior as approved in applicable federal
15 cases to enforce the federal Voting Rights Act of 1965 (52 U.S.C.
16 Section 10101 et seq.) to establish racially polarized voting may
17 be used for purposes of this chapter to prove that elections are
18 characterized by racially polarized voting.

19 Sec. 5.004. RESTRICTION ON METHOD OF ELECTION. If it is
20 shown that racially polarized voting occurs in elections for
21 members of the governing body of a political subdivision, a method
22 of election may not be imposed or applied in a manner that impairs
23 the ability of a protected class to elect candidates of its choice
24 or its ability to influence the outcome of an election.

25 Sec. 5.005. RELEVANT FACTORS. (a) Elections conducted
26 before the filing of an action are more probative to establish the
27 existence of racially polarized voting than elections conducted

1 after the filing of the action.

2 (b) The occurrence of racially polarized voting shall be
3 determined from an examination of results of elections in which at
4 least one candidate is a member of a protected class or elections
5 involving ballot measures, or other electoral choices that affect
6 the rights and privileges of members of a protected class. One
7 circumstance that may be considered is the extent to which
8 candidates who are members of a protected class and who are
9 preferred by voters of the protected class, as determined by an
10 analysis of voting behavior, have been elected to the governing
11 body of a political subdivision that is the subject of an action
12 based on Section 5.004. In multiseat at-large election districts,
13 where the number of candidates who are members of a protected class
14 is lower than the number of seats available, the relative
15 class-wide support received by candidates from members of a
16 protected class shall be the basis for the racial polarization
17 analysis.

18 (c) The fact that members of a protected class are not
19 geographically compact or concentrated may not preclude
20 establishing racially polarized voting or finding a violation of
21 Section 5.004 but may be a factor in determining an appropriate
22 remedy for a violation of that section.

23 (d) Proof of intent on the part of the voters or elected
24 officials to discriminate against a protected class is not
25 required.

26 (e) Other factors such as the history of discrimination, the
27 use of electoral devices or other voting practices or procedures

1 that may enhance the dilutive effects of a method of election,
2 denial of access to those processes determining which groups of
3 candidates will receive financial or other support in a given
4 election, the extent to which members of a protected class bear the
5 effects of past discrimination in areas such as education,
6 employment, and health, which hinder their ability to participate
7 effectively in the political process, and the use of overt or subtle
8 racial appeals in political campaigns are probative, but not
9 necessary factors to establish a violation of Section 5.004.

10 Sec. 5.006. REMEDY. On a finding of a violation of Section
11 5.004, the court shall implement appropriate remedies, including
12 the imposition of district-based elections, that are tailored to
13 remedy the violation.

14 Sec. 5.007. CIVIL ACTION. Any voter who is a member of a
15 protected class and who resides in a political subdivision where a
16 violation of Section 5.004 is alleged may bring a civil action to
17 enforce that section.

18 SECTION 2. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2019.