

2026 Regular Session

SENATE BILL NO. 365

BY SENATORS DUPLESSIS, BARROW, BOUDREAUX, JACKSON-ANDREWS, JENKINS, PRICE AND SELDERS AND REPRESENTATIVES BOYD, CARPENTER, WILFORD CARTER, CHASSION, GREEN, TRAVIS JOHNSON, JORDAN, KNOX, LAFLEUR, MANDIE LANDRY, TERRY LANDRY, LARVADAIN, LYONS, MARCELLE, MENA, MILLER, MOORE, MURRAY, NEWELL, PHELPS, TAYLOR AND WALTERS

VOTERS/VOTING. Creates the Louisiana Voting Rights Act. (gov sig)

1 AN ACT

2 To enact Chapter 15 of Title 18 of the Louisiana Revised Statutes of 1950; to be comprised

3 of R.S. 18:1961 through 1966; relative to voting; to provide relative to prohibition

4 on voter suppression and vote dilution; to establish the Louisiana Voting Rights

5 Commission and the preclearance authorities; to provide for the membership,

6 powers, duties, and functions of the commission; to provide for an effective date; and

7 to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Chapter 15 of Title 18 of the Louisiana Revised Statutes of 1950,

10 comprised of R.S. 18:1961 through 1966, is hereby enacted to read as follows:

11 **CHAPTER 15. Louisiana Voting Rights Act**

12 **§1961. Findings**

13 **A. The Legislature of Louisiana finds that the right to vote is essential to**

14 **the effective operation of a democratic government. The legislature further**

15 **finds that the opportunity of voters to elect candidates to represent the needs**

16 **and values of their community is the foundation of a representative democracy.**

17 **The legislature acknowledges that past and present forms of discrimination**

1 limiting equal access to registration, voting, and other forms of civic  
2 participation can have the effect of minimizing the electoral strength of  
3 protected class members and preventing the election of their candidates of  
4 choice. To preserve the integrity of our democracy and principle of fair  
5 representation, the state has a compelling interest in taking every necessary step  
6 to protect the freedom to vote against efforts to deny or abridge this  
7 fundamental right on account of race, color, or membership in a language-  
8 minority group. The legislature, therefore, enacts Chapter 15 "The Louisiana  
9 Voting Rights Act" to prohibit any political subdivision or state agency from  
10 engaging in voter suppression and vote dilution and to establish the Louisiana  
11 Voting Rights Commission to enforce this Chapter.

12 §1962. Definitions

13 A. "Election policy or practice" means any qualification to be a voter,  
14 prerequisite to voting, method of election, or any other law, statute, ordinance,  
15 resolution, charter or code provision, regulation, rule, policy, practice,  
16 procedure, standard, or any other action with respect to voting, electoral, or  
17 jurisdictional boundaries, or the administration or schedule of elections.

18 B. "Governing body" means the entity with official authority to make  
19 and enforce decisions, policies, and laws for a political subdivision.

20 C. "Method of election" means the manner or mechanism by which  
21 candidates are elected to a governmental body of a political subdivision, and  
22 includes any at-large, district-based, proportional, semi-proportional, or other  
23 method of election, as well as any districting or redistricting plan used to elect  
24 candidates to the governmental body.

25 D. "Political subdivision" means any parish, municipality, jurisdiction,  
26 school district, election commission, circuit clerk, or any other governmental  
27 entity in which elections are conducted or that administers elections, or any  
28 staff or agents of the entity.

29 E. "Protected class" means any group of individuals who are members

1 of any race, color, or language minority, including but not limited to a class of  
2 two or more such groups, and includes individuals who are members of a  
3 minimum-reporting category that have been officially recognized by the United  
4 States Census Bureau.

5 F. "Racially polarized voting" means voting in which there is a  
6 divergence in the candidate preferences, political preferences, or electoral  
7 choices of members in a protected class, including the combined preferences of  
8 a class comprised of two or more groups of voters, from the candidate  
9 preferences, political preferences, or electoral choices of members of another  
10 class or set of classes.

11 G. "Vote" or "voting" means all action necessary to make a vote  
12 effective in any primary, special, or general election, including but not limited  
13 to registration or other action required by law prerequisite to voting, casting a  
14 ballot by any method permitted by law, including any method available as a  
15 remedy under this Chapter, and having such ballot counted properly and  
16 included in the appropriate totals of votes received.

17 §1963. Prohibition on voter suppression and vote dilution

18 A. Prohibition on voter suppression. No political subdivision or state  
19 agency may implement, impose, or enforce any election policy or practice that  
20 results in, is likely to result in, or is motivated by, in whole or in part, the intent  
21 to result in voter suppression.

22 (1) A violation of R.S. 18:1963(A) is established if one of the following is  
23 present:

24 (a) A material disparity affecting protected class members in voter  
25 participation, access to voting opportunities, or the opportunity or ability to  
26 participate in any stage of the political process, as a result of the policy or  
27 practice; or

28 (b) Based on the totality of circumstances, an impairment of the equal  
29 opportunity or ability of protected class members to participate in any stage of

1 the political process.

2 (2) It shall not be a violation of R.S. 18:1963(A)(1) if the political  
3 subdivision or state agency demonstrates, by clear and convincing evidence, that  
4 the following exists:

5 (a) The election policy or practice is necessary to significantly further a  
6 compelling and particularized governmental interest; and

7 (b) There is no reasonable alternative election policy or practice that  
8 comparably furthers the compelling and particularized governmental interest  
9 and results in a smaller disparity between protected class members and other  
10 members of the electorate.

11 (3) A violation of R.S. 18:1963(A) may also be established through direct  
12 or circumstantial evidence of intentional discrimination; however, evidence of  
13 intentional discrimination, including evidence concerning the intent of electors,  
14 elected officials, or public officials to discriminate against protected class  
15 members, is not required under R.S. 18:1963(A)(1).

16 B. Prohibition on vote dilution. No political subdivision may employ any  
17 method of election that has the effect, will likely have the effect, or is motivated  
18 in part, by the intent of diluting the vote of protected class members.

19 (1) A violation of R.S. 18:1963(B) is established if (i) elections in the  
20 political subdivision exhibit racially-polarized voting resulting in an impairment  
21 of the equal opportunity or ability of protected class members to nominate or  
22 elect candidates of their choice or (ii) based on the totality of circumstances, the  
23 equal opportunity or ability of protected class members to nominate or elect  
24 candidates of their choice, is impaired; and there must be either racially-  
25 polarized voting or impairment of equal opportunity plus evidence that another  
26 method of election or change to the existing method would likely mitigate the  
27 impairment. Another method of election or change to the existing method of  
28 election exists that could be constitutionally adopted or ordered under R.S.  
29 18:1965(F) would likely mitigate the impairment; and there must be either

1 racially polarized voting or impairment of equal opportunity PLUS evidence  
2 that another method of election or change to the existing method would likely  
3 mitigate the impairment

4 (2) A violation may be established through direct or circumstantial  
5 evidence of intentional discrimination; however, evidence of intentional  
6 discrimination, including evidence concerning the intent of electors, elected  
7 officials, or public officials to discriminate against protected class members, is  
8 not required under R.S. 18:1963(B)(1).

9 C. Guidelines and rules for evaluating voter suppression and vote  
10 dilution, R.S. 18:1963(A) and (B), are evaluated subject to the guidelines and  
11 rules enumerated below:

12 (1) The following factors may be relevant to evaluate the totality of  
13 circumstances under R.S. 18:1963(A)(1)(b), or R.S. 18:1963(B)(1)(a)(ii):

14 (a) The history of discrimination with respect to the protected class at  
15 issue.

16 (b) The extent to which members of the relevant protected class are  
17 disadvantaged or otherwise bear the effects of public or private discrimination  
18 in areas such as education, employment, health, criminal justice, housing,  
19 transportation, land use, or environmental protection.

20 (c) The use of any election policy or practice that may enhance the  
21 discriminatory or dilutive effects of the relevant election policy, or practice, or  
22 method of election in the political subdivision.

23 (d) The extent to which members of the relevant protected class vote or  
24 register to vote at lower rates.

25 (e) The extent to which members of the relevant protected class have  
26 historically made campaign contributions at lower rates.

27 (f) The extent to which candidates who are members of the relevant  
28 protected class members have faced hostility or barriers with respect to  
29 campaigning, getting on the ballot, receiving financial support, or receiving any

1           other support for an election.

2                   (g) The use of overt or subtle racial appeals, whether in the course of  
3           political campaigns or by government officials, including racial appeals made  
4           in public discourse or in connection with the adoption or maintenance of the  
5           election policy or practice.

6                   (h) The extent to which the members of the relevant protected class have  
7           been elected to office.

8                   (i) The lack of responsiveness by elected officials to the particular needs  
9           of members of the relevant protected class or a community of members of the  
10           relevant protected class.

11                   (j) Whether the election policy or practice is necessary to significantly  
12           further a compelling and particularized governmental interest.

13                   (k) The process that led to the adoption of the election policy or practice.

14                   (l) Other factors deemed relevant.

15                   (2) No set number or combination of factors listed in Paragraph (1) of  
16           this Subsection must be met to determine that a violation occurred.

17                   (3) There is no requirement that evidence must affect all individuals or  
18           groups within a protected class to be relevant.

19                   (4) For alleged violations pertaining to a particular political subdivision,  
20           evidence of the factors listed in Paragraph (1) of this Subsection may be deemed  
21           more probative if it relates to the political subdivision in which the alleged  
22           violation occurred, but evidence related to the state or the geographic region in  
23           which that political subdivision is located may also be probative. The fact that  
24           similar or worse circumstances may exist in other political subdivisions does not  
25           reduce the probative value of the evidence relevant to the particular political  
26           subdivision.

27                   (5) To determine whether elections in the political subdivision exhibit  
28           racially-polarized voting under R.S. 18:1963(B)(1)(a)(i) the following shall be  
29           applied:

1           **(a) Racially-polarized voting is assessed based on the relevant election**  
2           **results, which may include but are not limited to elections for offices of the**  
3           **political subdivision; elections held in the political subdivision for other offices,**  
4           **such as state or federal offices; and other electoral choices that bear on the**  
5           **rights and privileges of the protected class.**

6           **(b) No set number or combination of elections is required to establish the**  
7           **existence of racially-polarized voting.**

8           **(i) Evidence of nonpolarized voting in elections for offices outside the**  
9           **political subdivision does not preclude a finding of racially-polarized voting**  
10           **based on elections for offices of the political subdivision.**

11           **(ii) Nonstatistical or nonquantitative evidence does not preclude a**  
12           **finding of racially-polarized voting based on statistical or quantitative evidence.**

13           **(iii) Low or high turnout or registration rates among protected class**  
14           **members does not preclude a finding of racially-polarized voting.**

15           **(c) When assessing the combined candidate preferences, political**  
16           **preferences, or electoral choices of a protected class comprised of two or more**  
17           **groups of voters, there is no requirement that it be statistically shown that each**  
18           **group or subgroup be separately polarized from those of other voters.**

19           **(d) The causes of racially-polarized voting are not relevant, and the**  
20           **existence of alternative explanations, including partisan explanations, does not**  
21           **preclude a finding of racially polarized voting.**

22           **(6) When evaluating whether a violation of this Section is present, the**  
23           **following circumstances are never relevant:**

24           **(a) The absolute number or share of protected class members on whom**  
25           **the election policy or practice imposes a material burden is small.**

26           **(b) The degree to which the election policy or practice has a long**  
27           **pedigree or was in widespread use at some earlier date.**

28           **(c) The use of an identical or similar election policy or practice in other**  
29           **states or political subdivisions.**

1                   (d) The availability of forms of voting unimpacted by the election policy  
2                   or practice.

3                   (7) A governmental interest in preventing voter fraud or bolstering voter  
4                   confidence in the integrity of elections is irrelevant unless there is substantial  
5                   evidence that criminal activity by individual electors has occurred in the  
6                   political subdivision in substantial numbers and the connection between the  
7                   election policy or practice and a state interest in preventing that type of  
8                   criminal activity or bolstering voter confidence in the integrity of elections is  
9                   supported by substantial evidence.

10                  (8) Whether protected class members typically elect candidates of their  
11                  choice to the governing body in approximate proportion to their total number  
12                  or share of the population, may be relevant under R.S. 18:1963(B).

13                  (9) For the purpose of satisfying R.S. 18:1963(B), particularly R.S.  
14                  18:1963(B)(1)(b), it is not necessary for the total number or share of protected  
15                  class members to exceed any numerical threshold in any district or in the  
16                  political subdivision as a whole.

17                  (10) Upon finding a violation of this Section, notwithstanding any other  
18                  provision of law, a court must exercise its equitable powers to fashion relief so  
19                  it completely remedies the dilution or suppression, which may include but is not  
20                  limited to altering the method of election used by the political subdivision.

21                  §1964. Louisiana Voting Rights Commission

22                  A. The Louisiana Voting Rights Commission (commission) is hereby  
23                  established in the office of the Louisiana inspector general. The commission may  
24                  promulgate rules under the Louisiana Administrative Procedure Act.

25                  B. Commissioners. The commission shall consist of five commissioners,  
26                  each of whom shall serve staggered five-year terms. Commissioners shall be  
27                  compensated for their time spent on commission business at an hourly rate  
28                  based on the rate equivalent to an assistant attorney general.

29                  C. Nominating committee. (1) A nominating committee shall be formed

1 to identify qualified candidates to serve as members of the commission. The  
2 nominating committee shall be comprised of nominating organizations.  
3 Organizations may apply with the inspector general to be certified as a  
4 nominating organization for five-year terms, at which point the organizations  
5 may be recertified. The inspector general must certify any organization that  
6 applies to be a nominating organization if the organization complies with the  
7 following:

8 (a) Demonstrates commitment to the purpose of the commission by  
9 securing the voting rights of members of a protected class as defined by the  
10 commission, including but not limited to reference to members of a protected  
11 class in its mission statement, involvement in numerous voting rights cases  
12 brought within the state on behalf of members of protected classes, or  
13 involvement in advocacy in support of members of protected classes or the  
14 commission.

15 (b) Has registered as a nonprofit corporation with the secretary of state.

16 (c) Demonstrates continuous operation as a nonprofit organization under  
17 26 U.S.C. 501(c)(3) or as a nonprofit corporation registered with the secretary  
18 of state for at least five years.

19 (2) If the inspector general fails to timely certify an organization that  
20 satisfies these qualifications following the organization's application to be  
21 certified as a nominating organization, the organization may file an action  
22 against the inspector general for a declaratory judgment certifying the  
23 organization as a nominating organization.

24 (3) A nominating organization may be removed for cause by a majority  
25 vote of all of the nominating commissioners.

26 (4) If there are fewer than sixteen nominating organizations certified by  
27 the inspector general, the nominating committee shall consist of all of the  
28 nominating organizations. If there are sixteen or more nominating  
29 organizations certified by the Inspector General, the nominating committee

1 shall consist of fifteen nominating organizations to be randomly selected from  
2 all nominating organizations on an annual basis.

3 (5) The nominating committee shall select its own chair to preside over  
4 meetings and voting.

5 D. Selection of commissioners. Commissioners shall be selected as  
6 follows:

7 (1) The nominating committee shall solicit applications to serve as a  
8 commissioner from across the state. A commissioner shall satisfy all of the  
9 following criteria:

10 (a) Be a Louisiana resident.

11 (b) Be a member of the Louisiana State Bar with at least five years of  
12 legal experience.

13 (c) Has demonstrated experience representing or advocating on behalf  
14 of members of protected classes.

15 (d) Has not served in elected office within the previous five years.

16 (e) Is not currently serving in any government office or holding any  
17 political party office.

18 (2) The nominating committee shall maintain a qualified candidate pool  
19 consisting of thirty qualified candidates to serve on the commission. Individuals  
20 shall only be added to the qualified candidate pool upon a three-fifths vote of  
21 the nominating committee. The size of the qualified candidate pool may be  
22 increased or decreased from thirty qualified individuals by a three-fifths vote  
23 of the nominating committee.

24 (3) All commissioners shall be randomly selected from the qualified  
25 candidate pool. Upon the initial formation of the commission, five  
26 commissioners shall be randomly selected from the qualified candidate pool and  
27 randomly assigned to term lengths of five years, four years, three years, two  
28 years, and one year. At least sixty days before the conclusion of each  
29 commissioner's term, a new commissioner shall be randomly selected from the

1 qualified candidate pool to serve a five-year term upon the conclusion of the  
2 current commissioner's term. Within thirty days after a vacancy occurs on the  
3 commission, a new commissioner shall be randomly selected from the qualified  
4 candidate pool to complete the vacant term.

5 E. Staff and expenditures. The commission may hire staff and make  
6 expenditures as necessary to carry out its responsibilities.

7 §1965. Preclearance

8 A. Preclearance. The implementation of a covered policy, as defined in  
9 Subsection C of this Section, by a covered political subdivision, as defined in  
10 Subsection D of this Section, shall be subject to preclearance by the commission  
11 pursuant to this Section.

12 B. The commission is responsible for administering the provisions of this  
13 Section.

14 (1) The commission shall determine, on a fixed date, on an annual basis,  
15 which political subdivisions are covered and publish a list of covered political  
16 subdivisions on its website no later than thirty days after making such  
17 determinations.

18 (2) All coverage determinations shall be made by the commission based  
19 on data provided by reputable sources, including but not limited to the U.S.  
20 Census Bureau data from the American Community Survey and other federal  
21 or state offices. If necessary data is not available, the commission shall base  
22 coverage determinations on estimates derived from available data using  
23 validated methodologies.

24 (3) The commission shall give notice directly to each covered political  
25 subdivision and provide to them the corresponding requirements accompanying  
26 such coverage.

27 (4) The commission may promulgate rules to implement the provisions  
28 of this Section.

29 C. Covered policies. A covered policy includes the following items:

1           (1) Any new or modified election policy or practice.

2           (2) Any change in the powers, duties, responsibilities, jurisdiction, or  
3 authority of an elected official, or any action or policy that has the purpose or  
4 effect of diminishing, reassigning, or altering the functional role or influence of  
5 an elected official.

6           (3) Any new or modified method of election or maintenance of a method  
7 of election following a decennial census.

8           D. Covered political subdivisions. A covered political subdivision shall  
9 include:

10           (1) Any political subdivision that, at any point in the previous twenty-five  
11 years, has been subject to a court order based upon a judicial finding of a  
12 qualifying violation or its factual predicate; or subject to a consent decree or  
13 court-approved settlement agreement in which a qualifying violation was  
14 conceded or stipulated by the political subdivision. A qualifying violation  
15 includes a violation of this Chapter, the federal Voting Rights Act, the 15th or  
16 24th Amendments to the United States Constitution, a voting-related violation  
17 of the 14th Amendment to the United States Constitution, or any violation of  
18 any other state or federal election law, concerning discrimination against  
19 protected class members a violation of any state or federal civil rights law or the  
20 14th Amendment to the United States Constitution concerning a pattern, policy,  
21 or practice of discrimination against protected class members.

22           (2) Any political subdivision that, at any point in the last twenty-five  
23 years, enacted or implemented a covered policy without obtaining preclearance  
24 for that policy pursuant to this Section.

25           (3) Any political subdivision that contains at least one thousand eligible  
26 voters of any protected class, or in which members of any protected class  
27 constitute at least ten percent of the eligible voter population of such political  
28 subdivision, and in which, at any point in the last ten years, the percentage of  
29 voters of any protected class in a political subdivision which participated in any

1 general election for any political subdivision office was at least ten percentage  
2 points lower than the percentage of all voters in the political subdivision that  
3 participated in such election.

4 (4) Any political subdivision that contains at least one thousand eligible  
5 voters of any protected class, or in which members of any protected class  
6 constitute at least ten percent of the eligible voter population of the political  
7 subdivision, and in which, at any point in the last ten years, the percentage of  
8 eligible voters of that protected class who were registered to vote was at least ten  
9 percentage points lower than the percentage of all eligible voters in the political  
10 subdivision who were registered to vote.

11 (5) Any political subdivision that contains at least one thousand eligible  
12 voters of any protected class, or in which members of any protected class  
13 constitute at least ten percent of the eligible voter population of the political  
14 subdivision, and in which, at any point in the last ten years, the poverty rate  
15 among the population of a protected class exceeded the poverty rate among the  
16 population of the political subdivision, as a whole, by at least ten percentage  
17 points.

18 (6) Any political subdivision that contains at least one thousand eligible  
19 voters of any protected class, or in which members of any protected class  
20 constitute at least ten percent of the eligible voter population of the political  
21 subdivision, and in which, at any point in the last ten years, the arrest rate  
22 among members of such protected class exceeded the arrest rate among the  
23 population of the political subdivision, as a whole, by at least ten percentage  
24 points.

25 (7) Any political subdivision that contains at least one thousand eligible  
26 voters of any protected class, or in which members of any protected class  
27 constitute at least ten percent of the eligible voter population of the school  
28 district, and in which, at any point in the last ten years, the percentage of  
29 eligible voters of that protected class who have a high school diploma was at

1 least ten percentage points lower than the percentage of all eligible voters in the  
2 political subdivision who have a high school diploma.

3 E. Standard for preclearance determinations. Preclearance submissions  
4 must be evaluated in accordance with the standards set forth in this Section:

5 (1) Preclearance shall be denied if any of the following occur:

6 (a) The covered policy is more likely than not to diminish the  
7 opportunity or ability of members of the protected class that provided a basis  
8 for preclearance to participate in the political process and, in order of priority:  
9 (i) elect candidates of their choice; or (ii) otherwise influence the outcome of  
10 elections.

11 (b) The covered policy is more likely than not to violate this Act with  
12 respect to claims that could be brought by members of the protected class that  
13 provided a basis for preclearance.

14 (2) If denial is not required under R.S. 18:1965(E)(1), preclearance shall  
15 be granted.

16 (3) Covered political subdivisions bear the burden of demonstrating that  
17 preclearance shall be granted under this standard.

18 F. Procedures for obtaining preclearance. Covered political subdivisions  
19 shall obtain preclearance for covered policies in accordance with this Section.

20 (1) Covered political subdivisions must submit covered policies to the  
21 commission in writing pursuant to procedures determined by the commission.

22 (2) The commission must ensure that preclearance submissions and any  
23 related materials that are submitted to the commission by covered political  
24 subdivisions or other interested parties are posted in a central location on its  
25 website in a timely fashion. The commission must ensure that members of the  
26 public have reasonable opportunity to review and submit comments for  
27 consideration by the commission before preclearance determinations are made.

28 (3) If the commission denies preclearance to a covered policy, the  
29 covered political subdivisions may not implement the covered policy. The

1 commission must provide a written explanation for any denial.

2 (4) If the commission grants preclearance to a covered policy, the  
3 covered political subdivision may immediately implement the covered policy.

4 (5) A determination by the commission to grant preclearance is not  
5 admissible in, and may not be considered by, a court in any subsequent action  
6 challenging the covered policy. It does not preclude, bar, or limit in any way any  
7 other claims that may be brought regarding the covered policy, including claims  
8 brought under other sections of this Act.

9 G. Effective date. This Section takes effect one year after the enactment  
10 of this Chapter.

11 §1966. Enforcement

12 A. Standing. An action to cure a violation of this Chapter may be  
13 brought by any individual or entity aggrieved by a violation of this Chapter or  
14 by the attorney general.

15 (1) An entity aggrieved by a violation of this Chapter includes but is not  
16 limited to any entity that satisfies the following items:

17 (a) Whose membership includes individuals aggrieved by a violation of  
18 this Chapter.

19 (b) Whose mission would be frustrated by a violation of this Chapter,  
20 including but not limited to an entity that would expend or divert resources to  
21 fulfill its mission as a result of such violation or who must expend greater  
22 resources or efforts to advocate before an elected body that is less responsive to  
23 the entity or its members due to the alleged violation.

24 (2) An entity must not be compelled to disclose the identity of any  
25 specific member to pursue a claim on behalf of its members.

26 (3) This Section shall be construed liberally to confer standing as broadly  
27 as the Constitution of Louisiana permits.

28 B. Safe harbor for political subdivisions. Before filing an action against  
29 a political subdivision under this Chapter, an individual or entity aggrieved by

1 a violation of this Chapter, except for the attorney general, shall send a notice  
2 letter to the political subdivision identifying any potential violation and the type  
3 of remedy the party believes may address the potential violation. The party may  
4 not file an action within fifty days after sending the notice letter.

5 (1) The political subdivision may work with the party that provided  
6 notice to implement a remedy that cures the potential violation. If the legislative  
7 body of the political subdivision adopts a resolution identifying a remedy,  
8 affirming its intent to enact and implement a remedy, and establishing a  
9 timeline and specific steps it will take to do so, the party may not file an action  
10 within one hundred twenty days after sending the notice letter.

11 (2) In response to a notice letter, the political subdivision may adopt a  
12 resolution denying that a violation exists, or otherwise formally deny a violation,  
13 which will abrogate the fifty-day waiting period and permit the party who sent  
14 a notice letter to file an action immediately.

15 (3) If, under the laws of this state, the legislative body of a political  
16 subdivision lacks authority to enact or implement a remedy identified in such  
17 a resolution, the political subdivision may nonetheless enact and implement a  
18 proposed remedy upon approval of a court of suitable jurisdiction.

19 (4) Following the party's submission of a notice letter, the party may file  
20 an action if the political subdivision has not enacted or implemented a remedy  
21 within the time periods designated by this Subsection or the political subdivision  
22 has enacted or implemented a remedy that would not remedy the violation  
23 identified in the party's notice letter.

24 (5) A party with standing pursuant to R.S. 18:1966(A) may file an action  
25 against a political subdivision under this Chapter notwithstanding this  
26 Subsection if any of the following occur:

27 (a) The party is seeking preliminary relief with respect to an upcoming  
28 election.

29 (b) Another party has already submitted a notice letter alleging a

1 substantially similar violation, and that party is eligible to file an action under  
2 this Section.

3 (c) The prospect of obtaining relief under R.S. 18:1966(B)(1) would be  
4 futile.

5 C. Venue. An action to enforce this Act may be brought in a trial court  
6 pursuant to the rules of civil procedure.

7 D. Judicial actions concerning preclearance. Actions concerning R.S.  
8 18:1965 may only be filed under the following circumstances:

9 (1) A political subdivision that has been designated as a covered political  
10 subdivision under R.S. 18:1965 may challenge the determination within thirty  
11 days of its publication in accordance with applicable state law governing  
12 challenges to agency action, including the applicable standard of review of such  
13 actions. Such actions may only be filed by the covered political subdivision and  
14 intervention is not permitted.

15 (2) Any party, as defined in R.S. 18:1966(A), that is aggrieved by the  
16 exclusion of a political subdivision from the list of covered political subdivisions  
17 under R.S. 18:1965, may file an action to challenge the exclusion of a political  
18 subdivision. These actions are subject to a three-year statute of limitations,  
19 accruing from the date of any coverage determinations under R.S. 18:1965, and  
20 are subject to a de novo standard of review.

21 (3) Any denial of preclearance by the commission under R.S. 18:1965  
22 may be appealed only by the covered political subdivision within thirty days of  
23 the denial in accordance with applicable state law governing challenges to  
24 agency action, including the applicable standard of review of such actions.  
25 These actions may only be filed by the covered political subdivision and  
26 intervention is not permitted.

27 (4) Any party, as defined in R.S. 18:1966(A), that is aggrieved by a  
28 determination by the commission to grant preclearance to a covered policy  
29 under R.S. 18:1965(E), may file an action to challenge the determination to

1 grant preclearance. These actions are subject to a de novo standard of review.

2 (5) If the commission fails to discharge any of its responsibilities under  
3 this Chapter or any other action necessary to enforce a provision of this  
4 Chapter, any party, as defined in R.S. 18:1966(A), that is aggrieved by this  
5 failure may file an action seeking appropriate relief, including but not limited  
6 to any injunctive relief on the commission or any other party to the action that  
7 is necessary to enforce this Act. These actions are subject to a de novo standard  
8 of review.

9 E. Expedited review. Actions brought pursuant to this Chapter shall be  
10 subject to expedited pretrial and trial proceedings and receive an automatic  
11 calendar preference.

12 F. Preliminary relief. In any action alleging a violation of this Chapter  
13 in which a party seeks preliminary relief with respect to an upcoming election,  
14 a court must grant relief if it determines that all of the following occurs:

15 (1) Plaintiffs are more likely than not to succeed on the merits.

16 (2) It is possible to implement an appropriate remedy that would resolve  
17 the alleged violation in the upcoming election.

18 G. Remedies. Upon finding a violation of any provision of this Chapter,  
19 a court shall order appropriate remedies notwithstanding any other law to the  
20 contrary.

21 (1) The court may order remedies that are tailored to best mitigate the  
22 violation, including any and all forms of preliminary and injunctive relief. The  
23 court may consider, among others, any remedy that is available to a federal  
24 court or the court of another state jurisdiction, including through a  
25 court-approved consent decree or settlement adopted in the context of similar  
26 facts or to remedy a similar violation.

27 (2) The court shall consider proposed remedies by any parties and  
28 interested nonparties.

29 (3) The court may not give deference or priority to a remedy proposed

1 by the political subdivision.

2 (4) A remedy ordered under this Section shall be implemented in the  
3 next relevant election, scheduled or ordered, wherever possible.

4 H. Cause of action only under state law. This Chapter provides rights  
5 and remedies under state law to enforce state constitutional rights or statutory  
6 rights and does not enforce any rights established under the U.S. Constitution  
7 or federal law. Nothing in this Chapter may be construed to create a cause of  
8 action under federal law. Persuasive use of relevant federal legal standards,  
9 precedents, or evidentiary frameworks to aid in the interpretation or  
10 application of this Chapter should not be construed to give rise to a federal  
11 question. Use of federal legal standards, precedent, or evidentiary frameworks  
12 may be persuasive, but is not necessary to the interpretation or application of  
13 this Chapter.

14 I. Laches. Defendants in actions under this Chapter may not assert the  
15 doctrine of laches as a defense to claims brought under this Chapter. Political  
16 subdivisions may not assert that plaintiffs have failed to comply with any notice,  
17 exhaustion, or other procedural requirements under state law, other than the  
18 requirements in this Section, as a defense to claims brought under this Section.

19 J. Attorneys' fees. In any action to enforce any provision of this Chapter,  
20 a prevailing plaintiff party, other than the state or a political subdivision, is  
21 entitled to recover all reasonable costs and fees from the defendant party. Costs  
22 and fees include but are not limited to attorneys' fees, expert witness fees, and  
23 all other litigation or pre-litigation fees and costs.

24 (1) A plaintiff is deemed to have prevailed in an action when, as a result  
25 of a suit or notice letter pursuant to R.S. 18:1966(B), the defendant party yields  
26 some or all of the relief sought in the action.

27 (2) If the state or political subdivision prevails in an action under this  
28 Chapter, the court may not award the defendant party any fees or costs unless  
29 the court finds the action to be frivolous, unreasonable, or without foundation.



"method of election", "political subdivision", "protected class", "racially polarized voting", and "vote" or "voting".

Proposed law prohibits any state agency or political subdivision from implementing, imposing, or enforcing any election policy or practice that results in, is likely to result in, or is motivated in whole or in part by the intent to result in voter suppression of a protected class.

Proposed law provides that a violation is established upon proof of a material disparity in voter participation or access to voting opportunities affecting members of a protected class, or upon proof that, based on the totality of circumstances, the challenged policy or practice impairs the equal opportunity or ability of members of a protected class to participate in any stage of the political process.

Proposed law provides that proof of intentional discrimination is not required but may be considered.

Proposed law provides an affirmative defense if the state agency or political subdivision demonstrates by clear and convincing evidence that the challenged policy or practice is necessary to significantly further a compelling and particularized governmental interest.

Proposed law prohibits any political subdivision from employing a method of election that has the effect, is likely to have the effect, or is motivated in part by the intent, of diluting the vote of members of a protected class.

Proposed law provides that a violation is established if elections exhibit racially-polarized voting and, under the totality of circumstances, the equal opportunity or ability of members of a protected class to nominate or elect candidates of their choice is impaired, and an alternative method of election exists that could be constitutionally adopted or ordered and would likely mitigate the impairment.

Proposed law provides that intentional discrimination is not required to establish a violation but may be shown through direct or circumstantial evidence.

Proposed law sets forth standards for evaluating claims, including a totality of circumstances analysis, and provides a nonexclusive list of factors that may be considered, including the history of discrimination, socioeconomic disparities, use of practices that enhance discriminatory or dilutive effects, disparities in voter participation or campaign participation, barriers faced by candidates of a protected class, use of racial appeals in campaigns, responsiveness of elected officials, the governmental interest asserted, and the process leading to adoption of the challenged policy or practice. Proposed law provides that no particular number or combination of factors is required.

Proposed law authorizes a court to grant appropriate relief for violations, including ordering changes to election policies or methods of election consistent with constitutional requirements.

Proposed law creates a state statutory cause of action prohibiting voter suppression and vote dilution on the basis of race, color, or membership in a language minority group and establishes standards and remedies for enforcement.

Effective upon signature by the governor or upon lapse of time for gubernatorial action.

(Adds R.S. 18:1961-1966)