

---

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

---

DIGEST

SB 365 Original

2026 Regular Session

Duplessis

Proposed law enacts the "Louisiana Voting Rights Act" and designates proposed law as Chapter 15 of Title 18 of the Louisiana Revised Statutes, comprised of R.S. 18:1952 et seq.

Proposed law provides legislative findings recognizing that the right to vote is fundamental and that discrimination on the basis of race, color, or membership in a language-minority group may impair equal access to voting and political participation.

Proposed law declares a compelling state interest in preventing denial or abridgment of the right to vote and ensuring equal opportunity to participate in the political process.

Proposed law defines terms including "election policy or practice", "governing body", "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)