

By: Representatives Summers, Crudup, Karriem, Anthony, Nelson, Scott, Brown, Watson, Banks, Johnson, Clark, Hulum, Hines, Crosby, Anderson (110th), McCray, James-Jones, Butler-Washington, Elliott, Porter, Thompson, Faulkner

To: Apportionment and Elections

HOUSE BILL NO. 1446

1 AN ACT TO BE KNOWN AS THE "ROBERT G. CLARK, JR., VOTING
2 RIGHTS ACT OF MISSISSIPPI"; TO DECLARE CERTAIN FINDINGS; TO DEFINE
3 CERTAIN TERMS; TO PROHIBIT POLITICAL SUBDIVISIONS AND STATE
4 AGENCIES FROM ENGAGING IN VOTER SUPPRESSION; TO CREATE THE
5 MISSISSIPPI VOTING RIGHTS COMMISSION AND PROVIDE FOR ITS
6 MEMBERSHIP; TO REQUIRE THE IMPLEMENTATION OF CERTAIN POLICIES BY
7 POLITICAL SUBDIVISIONS TO BE PRECLEARED BY THE COMMISSION; TO
8 ESTABLISH PROTECTIONS FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS
9 AND VOTERS WITH DISABILITIES; TO REQUIRE THE COMMISSION TO
10 ESTABLISH, IN AGREEMENT WITH CERTAIN STATE UNIVERSITIES, THE
11 MISSISSIPPI VOTING AND ELECTIONS DATABASE AND INSTITUTE; TO
12 PROHIBIT ACTS OF INTIMIDATION, DECEPTION AND OBSTRUCTION THAT
13 AFFECT VOTERS' RIGHT TO PARTICIPATE IN ELECTIONS; TO REQUIRE
14 POLITICAL SUBDIVISIONS TO PROVIDE ADVANCE NOTICE OF CHANGES TO
15 ELECTION POLICIES; TO REQUIRE LAWS AND REGULATIONS OF THE STATE
16 AND POLITICAL SUBDIVISIONS TO BE LIBERALLY CONSTRUED; TO AUTHORIZE
17 AGGRIEVED INDIVIDUALS AND THE ATTORNEY GENERAL TO BRING ACTIONS
18 FOR VIOLATIONS UNDER THE ACT; AND FOR RELATED PURPOSES.

19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

20 **SECTION 1.** This act shall be known and may be cited as the
21 "Robert G. Clark, Jr., Voting Rights Act of Mississippi".

22 **SECTION 2.** The Legislature finds that in order to advance
23 the protections for the right to vote under the Mississippi
24 Constitution of 1890 and the United States Constitution; the
25 guarantees of equal protection, freedom of expression, and freedom
26 of association under the Mississippi Constitution of 1890 and



27 United States Constitution; to protect against the suppression,
28 dilution and abridgment of voting rights on account of race, color
29 or membership in a language minority group; and to honor and
30 advance the legacy of Robert G. Clark, Jr., the first Black member
31 of the Mississippi Legislature elected after Reconstruction, it is
32 the public policy of this State to:

33 (a) Encourage participation in the elective franchise
34 by all eligible voters to the maximum extent; and

35 (b) Ensure that eligible voters have an equal
36 opportunity to participate in the political processes of this
37 state and to exercise the elective franchise without denying or
38 abridging that opportunity on account of race, color or membership
39 in a language minority group.

40 **SECTION 3.** As used in this act, the following words and
41 phrases have the meanings provided in this section unless the
42 context clearly requires otherwise:

43 (a) "Election policy or practice" means a qualification
44 to be a voter, prerequisite to voting, method of election, or any
45 other law, statute, ordinance, resolution, charter or code
46 provision, regulation, rule, policy, practice, procedure,
47 standard, or any other action with respect to voting, electoral or
48 jurisdictional boundaries, or the administration or schedule of
49 elections.



50 (b) "Governing body" means the entity with official
51 authority to make and enforce decisions, policies and laws for a
52 political subdivision.

53 (c) "Limited English proficient individuals" or "LEP
54 individuals" means individuals who self-report speaking, reading
55 or understanding the English language less than "very well,"
56 according to the United States Census Bureau data or data of
57 comparable quality collected by a governmental entity, including
58 as self-reported by such persons to a governmental entity.

59 (d) "Method of election" means the manner or mechanism
60 by which candidates are elected to a governmental body of a
61 political subdivision, including any at-large, district-based,
62 proportional, semi-proportional or other method of election, as
63 well as a districting or redistricting plan used to elect
64 candidates to the governmental body.

65 (e) "Polling location" means a location designated by
66 the county or municipality for the casting of ballots, including,
67 but not limited to, election day voting sites and absentee voting
68 sites.

69 (f) "Political subdivision" means a county,
70 municipality, jurisdiction, school district, election commission,
71 circuit clerk or other governmental entity in which elections are
72 conducted or that administers elections, or the staff or agents of
73 such entity.



74 (g) "Protected class" means a group of individuals who
75 are members of a race, color or language minority, including, but
76 not limited to, a class of two or more such groups, and includes
77 individuals who are members of a minimum reporting category that
78 has been officially recognized by the United States Census Bureau.

79 (h) "Racially polarized voting" means voting in which
80 there is a divergence in the candidate preferences, political
81 preferences, or electoral choices of members in a protected class,
82 including the combined preferences of a class comprised of two or
83 more groups of voters, from the candidate preferences, political
84 preferences, or electoral choices of members of another class or
85 set of classes.

86 (i) "Disability" has the same meaning used in the
87 Americans with Disabilities Act, 42 USC Section 12102.

88 (j) "Qualifying school" means a public or private
89 school accredited by a United States territory or the Commonwealth
90 of Puerto Rico in which the predominant classroom language is
91 other than English.

92 (k) "Vote" or "voting" means all action necessary to
93 make a vote effective in any primary, special or general election,
94 including, but not limited to, registration or other action
95 required by law prerequisite to voting, casting a ballot by any
96 method permitted by law, including any method available as a
97 remedy under this act, and having such ballot counted properly and
98 included in the appropriate totals of votes received.



SECTION 4.

(1) A political subdivision or state agency may not engage in voter suppression as set forth in this section.

(a) A political subdivision or state agency may not implement, impose or enforce an 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.

(b) A violation of paragraph (a) is established if the following is present:

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

(ii) Based on the totality of circumstances, an impairment of the equal opportunity or ability of protected class members to participate in any stage of the political process.

(c) There is no violation under paragraph (b) (i) if the political subdivision or state agency demonstrates by clear and convincing evidence that:

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

(ii) There is no reasonable alternative election policy or practice that comparably furthers the compelling and particularized governmental interest and results in a smaller



123 disparity between protected class members and other members of the
124 electorate.

125 (d) A violation also may be established through direct
126 or circumstantial evidence of intentional discrimination; however,
127 evidence of intentional discrimination, including evidence
128 concerning the intent of electors, elected officials, or public
129 officials to discriminate against protected class members, is
130 never required under subsection (1) (b).

131 (2) A political subdivision may not engage in vote dilution
132 as set forth in this subsection.

133 (a) A political subdivision may not employ any method
134 of election that has the effect, will likely have the effect, or
135 is motivated in part by the intent, of diluting the vote of
136 protected class members.

137 (b) A violation of paragraph (a) is established if:

138 (i) 1. Elections in the political subdivision
139 exhibit racially polarized voting resulting in an impairment of
140 the equal opportunity or ability of protected class members to
141 nominate or elect candidates of their choice; or

142 2. Based on the totality of circumstances,
143 the equal opportunity or ability of protected class members to
144 nominate or elect candidates of their choice is impaired; and

145 (ii) Another method of election or change to the
146 existing method of election exists that could be constitutionally



147 adopted or ordered under Section 11(f) would likely mitigate the
148 impairment.

149 (c) A violation also may be established through direct
150 or circumstantial evidence of intentional discrimination; however,
151 evidence of intentional discrimination, including evidence
152 concerning the intent of electors, elected officials, or public
153 officials to discriminate against protected class members, is
154 never required under subsection (2) (b).

155 (3) A political subdivision may not engage in vote dilution
156 as set forth in this subsection.

157 (a) As required by Section 5 of the Mississippi
158 Constitution of 1890, which declares that "All political power is
159 vested in, and derived from, the people; all government of right
160 originates with the people, is founded upon their will only, and
161 is instituted solely for the good of the whole," and Section 240
162 of the Mississippi Constitution of 1890, which declares that "All
163 elections by the people shall be by ballot," in any redistricting
164 plan under Section 254 of the Mississippi Constitution of 1890,
165 the districts shall be configured in such a way as to provide
166 adequate representation to protected classes protected by federal
167 and state law. Therefore, as explained in paragraph (b), no
168 senatorial districts and representative districts shall be drawn
169 such that the redistricting plan has the effect, or is motivated
170 in part by the intent, of impairing the opportunity or ability of
171 members of a protected class to participate in the political



172 process and elect or nominate candidates of their choice or
173 otherwise influence the outcome of elections as a result of
174 diluting the vote of such protected class members. The
175 requirements imposed by this paragraph are in addition and
176 subordinate to any requirements or obligations imposed by the
177 United States Constitution, any federal law regarding
178 redistricting senatorial and representative districts, including,
179 but not limited to, the federal Voting Rights Act of 1965 and the
180 Mississippi Constitution of 1890.

181 (b) A redistricting plan under Section 254 of the
182 Mississippi Constitution of 1890 for senatorial districts and
183 representative districts violates this subsection if:

184 (i) 1. Elections in one or more senatorial or
185 representative districts exhibit racially polarized voting
186 resulting in an impairment of the equal opportunity or ability of
187 protected class members to nominate or elect candidates of their
188 choice; or

189 2. Based on the totality of the
190 circumstances, the equal opportunity or ability of protected class
191 members to nominate or elect candidates of their choice or
192 otherwise influence the outcome of elections is impaired; and

193 (ii) One or more reasonably configured alternative
194 redistricting plans exist which would cure or mitigate the
195 impairment described in subparagraph (i) by providing members of a
196 protected class an equal opportunity or ability to nominate and



197 elect candidates of their choice. For any such reasonably
198 configured alternative redistricting plan, it is not necessary to
199 show that members of a protected class comprise a majority in any
200 such districts.

201 (4) Subsections (1) through (3) are evaluated subject to the
202 guidelines and rules enumerated below.

203 (a) To evaluate the totality of circumstances under
204 subsections (1)(b)(ii), (2)(b)(i)1 or (3)(b)(i)2:

205 (i) The following factors may be relevant:

206 1. The history of discrimination with respect
207 to the protected class at issue;

208 2. The extent to which members of the
209 relevant protected class are disadvantaged or otherwise bear the
210 effects of public or private discrimination in areas such as
211 education, employment, health, criminal justice, housing,
212 transportation, land use or environmental protection;

213 3. The use of any election policy or practice
214 that may enhance the discriminatory or dilutive effects of the
215 relevant election policy or practice or method of election in the
216 political subdivision;

217 4. The extent to which members of the
218 relevant protected class vote or register to vote at lower rates;

219 5. The extent to which members of the
220 relevant protected class have historically made campaign
221 contributions at lower rates;



222 6. The extent to which candidates who are
223 members of the relevant protected class members have faced
224 hostility or barriers with respect to campaigning, getting on the
225 ballot, receiving financial support, or receiving any other
226 support for an election;

227 7. The use of overt or subtle racial appeals,
228 whether in the course of political campaigns or by government
229 officials, including racial appeals made in public discourse or in
230 connection with the adoption or maintenance of the election policy
231 or practice;

232 8. The extent to which the members of the
233 relevant protected class have been elected to office;

234 9. The lack of responsiveness by elected
235 officials to the particular needs of members of the relevant
236 protected class or a community of members of the relevant
237 protected class;

238 10. Whether the election policy or practice
239 is necessary to significantly further a compelling and
240 particularized governmental interest;

241 11. The process that led to the adoption of
242 the election policy or practice; and

243 12. Other factors deemed relevant.

244 (ii) No set number or combination of these factors
245 must be met to determine that a violation occurred.



246 (iii) There is no requirement that evidence must
247 affect all individuals or groups within a protected class to be
248 relevant.

249 (iv) For alleged violations pertaining to a
250 particular political subdivision or senatorial or representative
251 district, evidence of these factors may be deemed more probative
252 if it relates to the political subdivision or senatorial or
253 representative district in which the alleged violation occurred,
254 but evidence related to the state or the geographic region in
255 which that political subdivision or senatorial or representative
256 district is located may also be probative. The fact that similar
257 or worse circumstances may exist in other political subdivisions
258 or district does not reduce the probative value of the evidence
259 relevant to the particular political subdivision or district.

260 (b) To determine whether elections in the political
261 subdivision or senatorial or representative district exhibit
262 racially polarized voting under Section (2)(b)(i)1 or (3)(b)(i)2:

263 (i) Racially polarized voting is assessed based on
264 the relevant election results, which may include, but are not
265 limited to, elections for offices of the political subdivision or
266 senatorial or representative district; elections held in the
267 political subdivision or senatorial or representative district for
268 other offices, such as state or federal offices; and other
269 electoral choices that bear on the rights and privileges of the
270 protected class.



271 (ii) No set number or combination of elections is
272 required to establish the existence of racially polarized voting.

273 1. Evidence of nonpolarized voting in
274 elections for offices outside the political subdivision or
275 senatorial or representative district does not preclude a finding
276 of racially polarized voting based on elections for offices of the
277 political subdivision or senatorial or representative district.

278 2. Nonstatistical or nonquantitative evidence
279 does not preclude a finding of racially polarized voting based on
280 statistical or quantitative evidence.

281 3. Low or high turnout or registration rates
282 among protected class members does not preclude a finding of
283 racially polarized voting.

284 (iii) When assessing the combined candidate
285 preferences, political preferences, or electoral choices of a
286 protected class comprised of two or more groups of voters, there
287 is no requirement that it be statistically shown that each group
288 or subgroup be separately polarized from those of other voters.

289 (iv) The causes of racially polarized voting are
290 not relevant, and the existence of alternative explanations,
291 including partisan explanations, does not preclude a finding of
292 racially polarized voting.

293 (c) When evaluating whether a violation of this section
294 is present:



295 (i) The following circumstances are never
296 relevant:

297 1. The absolute number or share of protected
298 class members on whom the election policy or practice imposes a
299 material burden is small;

300 2. The degree to which the election policy or
301 practice has a long pedigree or was in widespread use at some
302 earlier date;

303 3. The use of an identical or similar
304 election policy or practice in other states or political
305 subdivisions; or

306 4. The availability of forms of voting
307 unimpacted by the election policy or practice.

308 (ii) A governmental interest in preventing voter
309 fraud or bolstering voter confidence in the integrity of elections
310 is irrelevant unless there is substantial evidence that criminal
311 activity by individual electors has occurred in the political
312 subdivision in substantial numbers and the connection between the
313 election policy or practice and a state interest in preventing
314 that type of criminal activity or bolstering voter confidence in
315 the integrity of elections is supported by substantial evidence.

316 (iii) Whether protected class members typically
317 elect candidates of their choice to the governing body in
318 approximate proportion to their total number or share of the
319 population may be relevant under Section 3(2).



320 (iv) For the purpose of satisfying Section 3(2),
321 including in particular Section 3(2)(b)(ii), it is not necessary
322 for the total number or share of protected class members to exceed
323 any numerical threshold in any district or in the political
324 subdivision as a whole.

325 (v) Upon finding a violation of this Section,
326 notwithstanding any other law, a court must exercise its equitable
327 powers to fashion relief so it completely remedies the dilution or
328 suppression, which may include, but is not limited to, altering
329 the method of election used by the political subdivision.

330 **SECTION 5.** (1) There is established the Mississippi Voting
331 Rights Commission. The Mississippi Voting Rights Commission has
332 the authority to promulgate rules under the Mississippi
333 Administrative Procedures Law.

334 (2) (a) The commission shall consist of five (5)
335 commissioners, each of whom shall serve staggered five-year terms.

336 (b) Commissioners shall be compensated for their time
337 spent on commission business at an hourly rate based on the rate
338 equivalent to an assistant attorney general.

339 (3) (a) A nominating committee shall be formed to identify
340 qualified candidates to serve as members of the commission. The
341 nominating committee shall be comprised of nominating
342 organizations. Organizations may apply with the Secretary of
343 State to be certified as a nominating organization for five-year
344 terms, at which point organizations may be recertified. The



345 Secretary of State must certify any organization that applies to
346 be a nominating organization if the organization:

347 (i) Demonstrates commitment to the purpose of the
348 commission by securing the voting rights of members of a protected
349 class as defined by the commission, including, but not limited to,
350 reference to members of a protected class in its mission
351 statement, involvement in numerous voting rights cases brought
352 within the state on behalf of members of protected classes, or
353 involvement in advocacy in support of members of protected classes
354 or the commission;

355 (ii) Has registered as a nonprofit corporation
356 with the Secretary of State; and

357 (iii) Demonstrates continuous operation as a
358 nonprofit organization under 26 USC Section 501(c)(3) or as a
359 nonprofit corporation registered with the Secretary of State for
360 at least five (5) years.

361 (b) If the Secretary of State fails to timely certify
362 an organization that satisfies these qualifications following the
363 organization's application to be certified as a nominating
364 organization, the organization may file an action against the
365 Secretary of State for a declaratory judgment certifying the
366 organization as a nominating organization.

367 (c) A nominating organization may be removed for cause
368 by a majority vote of all of the nominating organizations.



369 (d) If there are fewer than sixteen (16) nominating
370 organizations certified by the Secretary of State, the nominating
371 committee shall consist of all of the nominating organizations.
372 If there are sixteen (16) or more nominating organizations
373 certified by the Secretary of State, the nominating committee
374 shall consist of sixteen (16) nominating organizations to be
375 randomly selected from all nominating organizations on an annual
376 basis.

377 (e) The nominating committee shall select its own chair
378 to preside over meetings and voting.

379 (4) Commissioners shall be selected as follows:

380 (a) The nominating committee shall solicit applications
381 to serve as a commissioner from across the state. A commissioner
382 must meet all of the following criteria:

383 (i) Be a Mississippi resident.

384 (ii) Be a member of the Mississippi State Bar with
385 at least five (5) years of legal experience.

386 (iii) Has demonstrated experience representing or
387 advocating on behalf of members of protected classes.

388 (iv) Has not served in elected office within the
389 previous five (5) years.

390 (v) Is not currently serving in any government
391 office or holding any political party office.

392 (b) The nominating committee shall maintain a qualified
393 candidate pool consisting of thirty (30) qualified candidates to



394 serve on the commission. Individuals shall only be added to the
395 qualified candidate pool upon a three-fifths (3/5) vote of the
396 nominating committee. The size of the qualified candidate pool
397 may be increased or decreased from thirty (30) qualified
398 individuals by a three-fifths (3/5) vote of the nominating
399 committee.

400 (c) All commissioners shall be randomly selected from
401 the qualified candidate pool. Upon the initial formation of the
402 commission, five (5) commissioners shall be randomly selected from
403 the qualified candidate pool and randomly assigned to term lengths
404 of five (5) years, four (4) years, three (3) years, two (2) years,
405 and one (1) year. At least sixty (60) days before the conclusion
406 of each commissioner's term, a new commissioner shall be randomly
407 selected from the qualified candidate pool to serve a five-year
408 term upon the conclusion of the current commissioner's term.
409 Within thirty (30) days after a vacancy occurs on the commission,
410 a new commissioner shall be randomly selected from the qualified
411 candidate pool to complete the vacant term.

412 (f) The commission may hire staff and make expenditures
413 as necessary to carry out its responsibilities.

414 **SECTION 6.** (1) The implementation of a covered policy, as
415 defined in Section 5(3), by a covered political subdivision, as
416 defined in Section 5(4), must be subject to preclearance by the
417 Mississippi Voting Rights Commission pursuant to this section.



418 (2) The Mississippi Voting Rights Commission is responsible
419 for administering this section.

420 (a) The Mississippi Voting Rights Commission must
421 determine on a fixed date on an annual basis which political
422 subdivisions are covered and publish a list of covered political
423 subdivisions on its website no later than thirty (30) days after
424 making such determinations.

425 (b) All coverage determinations must be made by the
426 Mississippi Voting Rights Commission based on data provided by the
427 Database and Institute pursuant to Section 7, or if no such data
428 is available, from other reputable sources, including, but not
429 limited to, the U.S. Census Bureau data from the American
430 Community Survey and other federal or state offices. To the
431 extent that necessary data is not available, the Mississippi
432 Voting Rights Commission must base coverage determinations on
433 estimates derived from available data using validated
434 methodologies.

435 (c) The Mississippi Voting Rights Commission must give
436 notice directly to each covered political subdivision and provide
437 to them the corresponding requirements accompanying such coverage.

438 (d) The Mississippi Voting Rights Commission must
439 promulgate rules to implement this section.

440 (3) A covered policy includes the following:

441 (a) Any new or modified election policy or practice.



442 (b) Any change in the powers, duties, responsibilities,
443 jurisdiction, or authority of an elected official, or any action
444 or policy that has the purpose or effect of diminishing,
445 reassigning, or altering the functional role or influence of an
446 elected official.

447 (c) Any new or modified method of election or
448 maintenance of a method of election following a decennial census.

449 (4) Covered political subdivisions include:

450 (a) Any political subdivision that, at any point in the
451 previous twenty-five (25) years, has been subject to a court order
452 based upon a judicial finding of a qualifying violation or its
453 factual predicate; or subject to a consent decree or
454 court-approved settlement agreement in which a qualifying
455 violation was conceded or stipulated by the political subdivision.
456 A qualifying violation includes:

457 (i) A violation of this act, the federal Voting
458 Rights Act, the 15th or 24th Amendment to the United States
459 Constitution, a voting-related violation of the 14th Amendment to
460 the United States Constitution, or any violation of any other
461 state or federal election law, concerning discrimination against
462 protected class members; or

463 (ii) A violation of any state or federal civil
464 rights law or the 14th Amendment to the United States Constitution
465 concerning a pattern, policy, or practice of discrimination
466 against protected class members.



467 (b) Any political subdivision that, at any point in the
468 last twenty-five (25) years, enacted or implemented a covered
469 policy without obtaining preclearance for that policy pursuant to
470 this section.

471 (c) Any political subdivision that contains at least
472 one thousand (1,000) eligible voters of any protected class, or in
473 which members of any protected class constitute at least ten
474 percent (10%) of the eligible voter population of such political
475 subdivision, and in which, at any point in the last ten (10)
476 years, the percentage of voters of any protected class in a
477 political subdivision which participated in any general election
478 for any political subdivision office was at least ten (10)
479 percentage points lower than the percentage of all voters in the
480 political subdivision that participated in such election.

481 (d) Any political subdivision that contains at least
482 one thousand (1,000) eligible voters of any protected class, or in
483 which members of any protected class constitute at least ten
484 percent (10%) of the eligible voter population of the political
485 subdivision, and in which, at any point in the last ten (10)
486 years, the percentage of eligible voters of that protected class
487 who were registered to vote was at least ten (10) percentage
488 points lower than the percentage of all eligible voters in the
489 political subdivision who were registered to vote.

490 (e) Any political subdivision that contains at least
491 one thousand (1,000) eligible voters of any protected class, or in



492 which members of any protected class constitute at least ten
493 percent (10%) of the eligible voter population of the political
494 subdivision, and in which, at any point in the last ten (10)
495 years, the poverty rate among the population of a protected class
496 exceeded the poverty rate among the population of the political
497 subdivision as a whole by at least ten (10) percentage points.

498 (f) Any political subdivision that contains at least
499 one thousand (1,000) eligible voters of any protected class, or in
500 which members of any protected class constitute at least ten
501 percent (10%) of the eligible voter population of the political
502 subdivision, and in which, at any point in the last ten (10)
503 years, the arrest rate among members of such protected class
504 exceeded the arrest rate among the population of the political
505 subdivision as a whole by at least ten (10) percentage points.

506 (g) Any political subdivision that contains at least
507 one thousand (1,000) eligible voters of any protected class, or in
508 which members of any protected class constitute at least ten
509 percent (10%) of the eligible voter population of the school
510 district, and in which, at any point in the last ten (10) years,
511 the percentage of eligible voters of that protected class who have
512 a high school diploma was at least ten (10) percentage points
513 lower than the percentage of all eligible voters in the political
514 subdivision who have a high school diploma.

515 (h) Any political subdivision that, at any point in the
516 last three (3) years, has failed to comply with obligations to



517 provide data or information to the statewide database pursuant to
518 Section 7.

519 (5) Preclearance submissions must be evaluated in accordance
520 with the standard set forth in this section:

521 (a) Preclearance must be denied if:

522 (i) The covered policy is more likely than not to
523 diminish the opportunity or ability of members of the protected
524 class that provided a basis for preclearance to participate in the
525 political process and, in order of priority: elect candidates of
526 their choice; or otherwise influence the outcome of elections; or

527 (ii) The covered policy is more likely than not to
528 violate this act with respect to claims that could be brought by
529 members of the protected class that provided a basis for
530 preclearance.

531 (b) If denial is not required under Section 5(5)(a),
532 preclearance must be granted.

533 (c) Covered political subdivisions bear the burden of
534 demonstrating that preclearance must be granted under this
535 standard.

536 (6) Covered political subdivisions must obtain preclearance
537 for covered policies in accordance with this section.

538 (a) Covered political subdivisions must submit covered
539 policies to the Mississippi Voting Rights Commission in writing
540 pursuant to procedures determined by the Mississippi Voting Rights
541 Commission.



542 (b) The Mississippi Voting Rights Commission must
543 ensure that preclearance submissions and any related materials
544 that are submitted to the Mississippi Voting Rights Commission by
545 covered political subdivisions or other interested parties are
546 posted in a central location on its website in a timely fashion.
547 The Mississippi Voting Rights Commission must ensure that members
548 of the public have reasonable opportunity to review and submit
549 comments for consideration by the Mississippi Voting Rights
550 Commission before preclearance determinations are made.

551 (c) If the Mississippi Voting Rights Commission denies
552 preclearance to a covered policy, the covered political
553 subdivisions may not implement the covered policy. The
554 Mississippi Voting Rights Commission must provide a written
555 explanation for any denial.

556 (d) If the Mississippi Voting Rights Commission grants
557 preclearance to a covered policy, the covered political
558 subdivision may immediately implement the covered policy.

559 (e) A determination by the Mississippi Voting Rights
560 Commission to grant preclearance is not admissible in, and may not
561 be considered by, a court in any subsequent action challenging the
562 covered policy. It does not preclude, bar or limit in any way any
563 other claims that may be brought regarding the covered policy,
564 including claims brought under other sections of this act.
565 Effective Date. This Section takes effect one year after the
566 enactment of this Act.



567 **SECTION 7.** (1) The Mississippi Voting Rights Commission is
568 responsible for administering this section.

569 (a) The Mississippi Voting Rights Commission must
570 determine every two (2) years which political subdivisions meet
571 the demographic threshold for language access coverage per the
572 parameters of Section 6(2) and publish a list of covered political
573 subdivisions and the languages for which they are required to
574 provide language access on its website, no later than thirty (30)
575 days after making such determinations.

576 (b) All coverage determinations must be made by the
577 Mississippi Voting Rights Commission based on data from the
578 Database and Institute produced and maintained pursuant to Section
579 10, or if no such data is available, from the U.S. Census Bureau
580 data from the American Community Survey or other data of
581 comparable quality collected by a public office. To the extent
582 that necessary data is not available, the Mississippi Voting
583 Rights Commission must base coverage determinations on estimates
584 derived from available data using validated methodologies.

585 (c) The Mississippi Voting Rights Commission must give
586 notice directly to each covered political subdivision specifying
587 the language or languages for which the subdivision is covered,
588 and the corresponding requirements accompanying such coverage.

589 (d) The Mississippi Voting Rights Commission must
590 promulgate rules to implement this section.



591 (2) Political subdivisions will be required to implement
592 language assistance programs when found to meet certain
593 demographic thresholds for voting-eligible LEP individuals in
594 accordance with this section.

595 (a) The Mississippi Voting Rights Commission must
596 designate one or more languages, other than English, for which
597 language assistance in voting and elections must be provided Tier
598 1 assistance as required in Section 6(3)(a) by a state agency or a
599 political subdivision responsible for election administration if:

600 (i) More than two percent (2%), but in no instance
601 fewer than two hundred (200) individuals, of the voting-eligible
602 population of a political subdivision are members of a single
603 language minority and are LEP individuals; or

604 (ii) More than five percent (5%) of the
605 voting-eligible population of such political subdivision are
606 members of a single language minority and are LEP individuals; or

607 (iii) In the case of a political subdivision that
608 contains in whole or in part a Native American reservation or
609 other Tribal land, more than two percent (2%) of the Native
610 American voting-eligible population within the relevant Native
611 American reservation or other Tribal land are members of a single
612 language minority and are LEP individuals.

613 (b) If the voting-eligible population of any language
614 minority group in one or more political subdivisions does not meet
615 the criteria necessary for Tier 1 assistance in Section 6(2)(a),



616 the Mississippi Voting Rights Commission must designate one or
617 more languages, other than English, for which Tier 2 language
618 assistance in voting and elections must be provided as required in
619 Section 6(3)(b) by a state agency or a political subdivision
620 responsible for election administration if it is determined that:

621 (i) More than one percent (1%), but in no instance
622 fewer than one hundred (100) individuals, of the voting-eligible
623 population of a political subdivision are members of a single
624 language minority and are LEP individuals; or

625 (ii) More than three percent (3%) of the
626 voting-eligible population of such political subdivision are
627 members of a single language minority and are LEP individuals; or

628 (iii) In the case of a political subdivision that
629 contains in whole or in part a Native American reservation or
630 other Tribal land, more than two percent (2%) of the Native
631 American voting-eligible population within the relevant Native
632 American reservation or other Tribal land are members of a single
633 language minority and are LEP individuals.

634 (3) Political subdivisions covered under Section 6(2)(a) or
635 Section 6(2)(b) must provide language assistance in accordance
636 with the relevant subsection below. Compliance with this section
637 requires materials and assistance to be provided in a way designed
638 to allow voters who are members of a single language minority to
639 be effectively informed of and participate effectively in
640 voting-connected activities.



641 (a) A political subdivision required to provide Tier 1
642 language assistance in a particular language other than English
643 pursuant to Section 6(2)(a) must ensure that each of the following
644 forms of voting assistance is effectively translated and provided
645 to LEP voters:

646 (i) Multilingual ballots - All official and sample
647 ballots used on election day and for absentee or mail voting must
648 be fully translated into the covered language and made available
649 to voters in all voting locations and online.

650 (ii) Voter registration forms and instructions -
651 All forms used for voter registration, including online, mail, and
652 in-person registration, along with any explanatory materials, must
653 be provided in the covered language.

654 (iii) Voting-related notices - All public notices
655 relating to the electoral process, including notices about
656 registration deadlines, polling location changes, voter education
657 materials, and voting instructions that provide direction during
658 the voting process must be fully translated and disseminated in
659 the covered language to the same extent that English-language
660 notices are made available, including, but not limited to, notices
661 pursuant to Section 9.

662 (iv) Notice of in-language assistance availability
663 - Signage identifying the availability of translated ballots,
664 bilingual poll workers, and live over-the-phone interpretation
665 services must be made available in the covered language on the



666 political subdivision's website, at local elections offices, and
667 at polling locations.

668 (v) In-person bilingual poll workers and
669 interpreters - Covered political subdivisions must have sufficient
670 trained bilingual poll workers or interpreters available at each
671 in-person voting site to provide effective language assistance in
672 the covered language to any voters who need it. Bilingual staff
673 must be easily identifiable by LEP voters through prominently
674 displayed badges or other identifying materials indicating their
675 bilingual capabilities.

676 (vi) Bilingual staff - Each political subdivision
677 must have a year-round bilingual staff member who is trained in
678 its election and voting procedures and able to respond to
679 questions, issues, and the needs of covered language speakers
680 within the political subdivision.

681 (vii) Live interpretation services via telephone -
682 Live language interpretation services by telephone, allowing
683 voters to request and receive real-time assistance in the covered
684 language during early voting, on election day, and for any
685 voter-related inquiries year-round, must be provided.

686 (viii) Website - Any information relating to voter
687 registration, polling locations, official ballots, or other
688 voting-related materials and notifications provided on the website
689 used by a political subdivision to share information related to



690 elections and voting must be made available in the covered
691 language.

692 (b) A political subdivision required to provide Tier 2
693 language assistance in a particular language other than English
694 pursuant to Section 6(2)(b) must provide the following physical
695 and online voting materials in the covered language:

696 (i) Sample ballots - Sample ballots must be
697 translated into the covered language and made available at polling
698 locations and online, if English-language sample ballots are
699 provided online.

700 (ii) Voter registration forms and instructions -
701 Voter registration forms and instructions must be provided in the
702 covered language to the same extent and manner as made available
703 in English, including direct mailings requested by a voter.

704 (iii) Polling location changes and relocation
705 notices - Any notifications about polling location changes or
706 relocations must be provided in the covered language and
707 disseminated in the covered language to the same extent that
708 English-language notices are made available.

709 (iv) Notice of in-language assistance availability
710 - In-language signage identifying the availability of covered
711 language sample ballots and live over-the-phone interpretation
712 services must be made available on the political subdivision's
713 website, a local elections office, and at polling locations during
714 voting periods.



715 (v) Live interpretation services via telephone -
716 The board of elections or political subdivision must provide live
717 language interpretation services by telephone, allowing voters to
718 request and receive real-time assistance in the covered language
719 during early voting, on election day, and for any voter-related
720 inquiries year-round.

721 (c) Where a state agency creates, produces, or
722 disseminates relevant physical or online electoral and voting
723 materials for or to political subdivisions subject to the
724 requirements of this section, the State must also comply with the
725 requirements of this section.

726 (4) For covered languages that do not have a written form or
727 for which use of the written form is limited, the subdivision
728 shall provide recordings of oral translations or provide taglines
729 or signage indicating how to access oral translations of required
730 written assistance.

731 (5) No voter who has attended a qualifying school may be
732 denied the right to vote in any state or local election because of
733 their inability to read, write, understand, or interpret any
734 matter in the English language.

735 (6) The Mississippi Voting Rights Commission must establish
736 a review process under which the Mississippi Voting Rights
737 Commission must determine, upon receipt of a request submitted
738 under this subsection, whether a significant and substantial need
739 exists in a political subdivision for a language to be designated



740 for additional language access and assistance in voting and
741 elections whenever such a need has not been found under Section
742 6(2).

743 (a) Such process must include, at a minimum:

744 (i) An opportunity for any individual or entity
745 aggrieved by a failure to provide such assistance to submit a
746 request for the Mississippi Voting Rights Commission to consider
747 designating a new language for coverage or providing additional
748 in-language services. Individuals or entities aggrieved by such
749 failure are those who have standing as defined by Section 11(1).

750 (ii) A timeline specifying when requests for
751 additional in-language services may be submitted to be considered
752 timely for the next election; and

753 (iii) Consideration of the following:

754 1. Community-based evidence indicating the
755 need for in-language services including, but not limited to,
756 school enrollment data, public health or social service records,
757 language-specific outreach from community-based organizations, and
758 other reliable evidence.

759 2. Testimony or affidavits from individuals
760 or entities representing or serving the language minority
761 community, including impacted voters.

762 3. Evidence of structural, procedural, or
763 informational barriers that disproportionately impact LEP voters



764 in the language group, including low turnout rates, high
765 provisional ballot use, or lack of access to translated materials.

766 (b) Upon receipt of any such request, the Mississippi
767 Voting Rights Commission must:

768 (i) Respond in writing within fourteen (14) days
769 of receipt of any such request;

770 (ii) Provide an opportunity for public comment
771 following the publication of a proposed determination; and

772 (iii) Must issue a written decision that includes
773 all factors considered. All final decisions shall be published on
774 the designated authorities website.

775 (c) Implementation of newly granted language services
776 must correspond to the next scheduled election in the relevant
777 covered political subdivision. If a request is granted too close
778 to an election to allow for meaningful implementation, the
779 designation shall take effect for the following election.

780 (7) All materials and notices provided by a political
781 subdivision as required by this section in a particular language
782 other than English must be of an equal quality to the
783 corresponding English-language materials and produced at the same
784 time as the corresponding English-language materials. All
785 provided translated materials must convey the intent and essential
786 meaning of the original English-language text or communication.
787 Translated materials produced solely by automated translation



788 services are presumed to be insufficient to completely convey
789 intent and essential meaning.

790 (8) Political subdivisions providing language services in
791 accordance with this section must hold public meetings to solicit
792 feedback about the quality of all materials and services provided
793 in a particular language other than English and barriers to voting
794 and registration for LEP voters and communities. These meetings
795 must be advertised at least two (2) months in advance, held at a
796 time and location generally convenient for the majority of the
797 electorate, and include live translation services in any covered
798 language. Election administrators must develop effective
799 recruitment practices for bilingual staff and poll workers based
800 on community feedback from such meetings.

801 (a) Political subdivisions covered under Section 6(2)
802 must hold such a meeting at least twice per year.

803 (b) Political subdivisions providing language services
804 in accordance with Section 6(6) must hold such meetings following
805 elections in which language services are provided, but shall not
806 be required to hold such meetings more than once per year.

807 (9) Any voter who requires assistance at any stage of the
808 voting process, by reason of blindness, disability, or inability
809 to read, write, or understand any aspect of the voting process,
810 has the right to receive assistance from any person of the voter's
811 choice, other than the voter's employer or agent of that employer
812 or officer or agent of the voter's union.



813 SECTION 8. (1) Within one (1) year of passage of this act,
814 the Mississippi Voting Rights Commission must select and enter
815 into an agreement with one or more universities in this state to
816 create and administer the Mississippi Voting and Elections
817 Database and Institute ("Database and Institute"). The parties to
818 such agreement must enter into a memorandum of understanding that
819 sets forth the governance structure for the Database and Institute
820 within the university or universities.

821 (2) The mission of the Database and Institute is to collect,
822 archive, and make publicly available at no cost an accessible
823 database pertaining to elections, voter registration, and ballot
824 access in this state; to foster, pursue, and sponsor research on
825 existing laws and regulations; and to support and enable the
826 development of best practices in voting and elections by
827 leveraging data.

828 (3) The Database and Institute must maintain and make
829 publicly available in an electronic machine-readable format all
830 relevant election and voting data and records from at least the
831 previous 12-year period, including, but not limited to, the
832 following:

833 (a) Precinct-level election results, including absentee
834 ballots, by voters registered broken out by precinct, registration
835 data, and turnout data for all elections, including elections at
836 the federal level, state level, and for every political



837 subdivision, and, where available, any such data at the
838 sub-precinct level;

839 (b) District, precinct, and, where available,
840 sub-precinct division maps in an electronic geospatial format
841 designated by the Database and Institute for all elections
842 conducted in the state, including federal or state elections, and
843 for every political subdivision;

844 (c) Current and historical data on the location, dates
845 of availability, and hours of availability of polling locations
846 and other election offices that provide services to voters for
847 every election in every political subdivision in this state;

848 (d) Information concerning the elected offices and
849 electoral structure of each political subdivision, including, but
850 not limited to, the method of election or selection for each
851 elected office, the name, title, and contact information for each
852 current elected official, the commencement and expiration dates of
853 each term of office and the date on which each office is next
854 scheduled for election, and any additional information the
855 Database and Institute deems necessary to accurately describe the
856 governing and electoral structure for each political subdivision;

857 (e) Any notice letter received by a political
858 subdivision pursuant to this act and any public filings, including
859 in litigation, made by a political subdivision in connection with
860 this act; and



861 (f) Any other data that is maintained by the state or
862 political subdivisions that the Database and Institute considers
863 necessary to maintain in furtherance of its mission.

864 (4) The Database and Institute must produce, maintain, and
865 make publicly available in an electronic machine-readable format
866 any other data or data products in furtherance of its mission,
867 including, but not limited to, the following:

868 (a) Estimates of the total population, voting age
869 population, and citizen voting age population by racial, color, or
870 language-minority group, broken down to the precinct level, on a
871 year-by-year basis, for every political subdivision in this state,
872 based on existing sources of data from the United States Census
873 Bureau, American Community Survey, or existing sources of data of
874 comparable quality collected by a public office.

875 (b) Estimates of limited English proficient
876 populations, broken down by language spoken and by political
877 subdivision level, on a year-by-year basis, for every political
878 subdivision in this state, based on data from the United States
879 Census Bureau, American Community Survey, or data of comparable
880 quality collected by a public office.

881 (c) Relationship files following any changes to precinct
882 boundaries or numbers, to enable apportioning election results
883 under past precinct boundaries to current precinct boundaries,
884 analogous to relationship files provided by the U.S. Census
885 Bureau.



886 (d) List maintenance records, including records of
887 voters purged or placed on the inactive list, as well as records
888 of voter and/or state-initiated challenges to voter eligibility.

889 (e) Post-election challenges, including, but not
890 limited to, challenges to voter eligibility at ballot counting,
891 challenges to ballots being counted, challenges to the
892 certification of the election results, post-election audit
893 reports, and/or any recounts.

894 (f) Any data or estimates identified by the Mississippi
895 Voting Rights Commission as necessary to make coverage
896 determinations under Section 3(3).

897 (5) In addition to maintaining the public database, the
898 Database and Institute may do any of the following:

899 (a) Conduct classes both for credit and noncredit;

900 (b) Organize interdisciplinary groups of scholars to
901 research voting and elections in this state;

902 (c) Conduct seminars regarding voting and elections;

903 (d) Assist in the dissemination of election data to the
904 public; or

905 (e) Publish reports, books, and periodicals as the
906 Database and Institute considers appropriate on voting and
907 elections in this state.

908 (6) The Database and Institute must prepare any estimates
909 made under this section by applying the most advanced,
910 peer-reviewed, and validated methodologies available. In



911 preparing any estimates under this section, the Database and
912 Institute must apply validated methodologies and engage with
913 impacted communities to adjust estimates for documented
914 inaccuracies, errors, or biases, including, but not limited to,
915 population miscounts or exclusions, in data from the United States
916 Census Bureau or American Community Survey.

917 (7) The data, information, and estimates maintained by the
918 Database and Institute are entitled to a presumption of
919 authenticity and constitute judicially noticeable facts.

920 (8) All state agencies and political subdivisions must
921 provide the Database and Institute with any information requested
922 by the Database and Institute in the format requested by the
923 Database and Institute and consistent with any deadlines imposed
924 by the Database and Institute.

925 (9) The Database and Institute will provide nonpartisan
926 technical assistance to political subdivisions, scholars, and the
927 public seeking to use its resources.

928 (10) If any political subdivision receives a request for
929 documents under state open records laws, the political subdivision
930 is not required to fulfill such request if:

931 (a) The political subdivision has provided the
932 requested documents to the Database and Institute;

933 (b) The requested documents have been made publicly
934 available by the Database and Institute; and



935 (c) The political subdivision informs the requestor in
936 writing that the requested documents are available from the
937 Database and Institute and provides in their written answer
938 directions for accessing the specifically requested materials
939 through the Database and Institute.

940 (11) No later than ninety (90) days following the end of
941 each state fiscal year, the Database and Institute must publish a
942 report on its activities.

943 **SECTION 9.** (1) No person, whether acting under color of law
944 or otherwise, may engage in or attempt to engage in acts of
945 intimidation, deception, or obstruction that affect the right of
946 voters to participate in elections.

947 (2) Violations of this section include, but are not limited
948 to, the following:

949 (a) A person uses, threatens to use, or attempts to use
950 any force, violence, restraint, abduction or duress, or inflicts,
951 threatens to inflict, or attempts to inflict any injury, damage,
952 harm, or loss, or in any other manner practices or attempts to
953 practice intimidation that causes or will reasonably have the
954 effect of causing any person to vote or refrain from voting;

955 (b) A person uses or attempts to use any deceptive or
956 fraudulent device, contrivance, or communication, regarding the
957 time, place, or manner of conducting an election or the
958 qualifications for or restrictions on voter eligibility for an
959 election, with reckless disregard for the truth, that impedes,



960 prevents, or otherwise interferes with the free exercise of the
961 elective franchise by any person, or that causes or will
962 reasonably have the effect of causing any person to vote or
963 refrain from voting; or

964 (c) A person obstructs, impedes, or otherwise
965 interferes, or attempts to obstruct, impede, or otherwise
966 interfere with access to any polling location or elections office,
967 or with any voter in any manner that causes or would reasonably
968 have the effect of causing any delay in voting or the voting
969 process, including the canvassing, certification, and tabulation
970 of ballots.

971 (3) A person who violates this section or who aids in the
972 violation of this section shall be liable for any damages awarded
973 by the court, including nominal damages for any violation and
974 compensatory or punitive damages for any willful violation.

975 (4) Nothing in this section, nor in its enforcement pursuant
976 to Sections 12(6) and 12(7), shall be construed to prohibit any
977 activity protected under the Constitution of the United States.

978 **SECTION 10.** (1) All political subdivisions must provide
979 advance notice of any new or modified election policy or practice
980 to the Mississippi Voting Rights Commission prior to
981 implementation as follows:

982 (a) All political subdivisions must provide notice to
983 Mississippi Voting Rights Commission a minimum of sixty (60) days



984 prior to implementing any changes to government boundaries, method
985 of election, or district maps.

986 (b) All political subdivisions must provide notice to
987 the Mississippi Voting Rights Commission a minimum of fifteen (15)
988 days prior to implementing any changes to the location, dates of
989 availability, and hours of availability of polling locations and
990 other election offices that provide services to voters.

991 (c) All political subdivisions must provide notice to
992 the Mississippi Voting Rights Commission a minimum of thirty (30)
993 days prior to implementing any other new or modified election
994 policy or practice.

995 (2) The Mississippi Voting Rights Commission must publish
996 all advance notices provided by political subdivisions in a
997 centralized, publicly accessible location on its website.

998 (3) This section provides minimum notice requirements and
999 does not supplant or override notice required by other laws or
1000 authorities.

1001 (4) Notwithstanding Section 9(3), any political subdivision
1002 that complies with Section 9(1) is not required to meet any local
1003 publication requirements beyond publishing notice on its own
1004 website.

1005 (5) The Mississippi Voting Rights Commission must promulgate
1006 rules under the Mississippi Administrative Procedures Law to
1007 implement this section, including, but not limited to, the minimum
1008 time period of advance notice required prior to implementation of



1009 each type of new or modified election policy or practice,
1010 standards and procedures for the temporary implementation of
1011 election policies and practices notwithstanding the timelines in
1012 this Section in response to an officially declared emergency or
1013 disaster, the required form and manner of notice submission by
1014 political subdivisions, and civil penalties for political
1015 subdivisions that fail to comply with this Section.

1016 **SECTION 11.** Any provision of state law, regulation, charter,
1017 home rule ordinance, or other enactment of the state or any
1018 political subdivision relating to voting or the right to vote must
1019 be construed liberally in favor of the factors listed below. To
1020 the extent courts are afforded discretion on any issue, including,
1021 but not limited to, questions concerning discovery, procedure,
1022 admissibility of evidence, or remedies, it is the policy of the
1023 state that courts must exercise that discretion, and weigh other
1024 equitable discretion, in favor of the following factors:

1025 (a) Making voting, the fundamental right to vote, and
1026 the ability to participate in the democratic process more
1027 accessible to eligible voters;

1028 (b) Safeguarding and vindicating, to the fullest extent
1029 possible by law, the voting rights of protected class members,
1030 including, but not limited to, equitable access to opportunities
1031 to register to vote and vote, and the equal opportunity to elect
1032 candidates of choice; and



1033 (c) Ensuring protected class members have full access
1034 to relief from discrimination in voting.

1035 **SECTION 12.** (1) An action to cure a violation of this act
1036 may be brought by any individual or entity aggrieved by a
1037 violation of this act or by the Attorney General.

1038 (a) An entity aggrieved by a violation of this act
1039 includes, but is not limited to, any entity:

1040 (i) Whose membership includes individuals
1041 aggrieved by a violation of this act; or

1042 (ii) Whose mission would be frustrated by a
1043 violation of this act, including, but not limited to, an entity
1044 that would expend or divert resources to fulfill its mission as a
1045 result of such violation or who must expend greater resources or
1046 efforts to advocate before an elected body that is less responsive
1047 to the entity or its members due to the alleged violation.

1048 (b) An entity must not be compelled to disclose the
1049 identity of any specific member to pursue a claim on behalf of its
1050 members.

1051 (c) This section must be construed liberally to confer
1052 standing as broadly as the Mississippi Constitution of 1890
1053 permits.

1054 (2) Except as provided in Section 11(2)(e), before filing an
1055 action against a political subdivision under this act, a party
1056 described in Section 11(1), except for the Attorney General, must
1057 send a notice letter to the political subdivision identifying the



1058 potential violation(s) and the type of remedy the party believes
1059 may address the potential violation(s). The party may not file an
1060 action within fifty (50) days after sending the notice letter.

1061 (a) The political subdivision may work with the party
1062 that provided notice to implement a remedy that cures the
1063 potential violation(s). If the legislative body of the political
1064 subdivision adopts a resolution identifying a remedy, affirming
1065 its intent to enact and implement a remedy, and establishing a
1066 timeline and specific steps it will take to do so, the party may
1067 not file an action within one hundred twenty (120) days after
1068 sending the notice letter.

1069 (b) In response to a notice letter, the political
1070 subdivision may adopt a resolution denying that a violation
1071 exists, or otherwise formally deny a violation, which will
1072 abrogate the 50-day waiting period described in Section 11(2) and
1073 permit the party who sent a notice letter to file an action
1074 immediately.

1075 (c) If, under the laws of this state, the legislative
1076 body of a political subdivision lacks authority to enact or
1077 implement a remedy identified in such a resolution, the political
1078 subdivision may nonetheless enact and implement a proposed remedy
1079 upon approval of a court of suitable jurisdiction.

1080 (d) Following the party's submission of a notice
1081 letter, the party may file an action if the political subdivision
1082 has not enacted or implemented a remedy within the time periods



1083 designated by this subsection or the political subdivision has
1084 enacted or implemented a remedy that would not remedy the
1085 violation identified in the party's notice letter.

1086 (e) A party with standing pursuant to Section 11(1) may
1087 file an action against a political subdivision under this act
1088 notwithstanding this subsection if:

1089 (i) The party is seeking preliminary relief with
1090 respect to an upcoming election;

1091 (ii) Another party has already submitted a notice
1092 letter alleging a substantially similar violation, and that party
1093 is eligible to file an action under this section; or

1094 (iii) The prospect of obtaining relief under
1095 Section 11(2)(a) would be futile.

1096 (3) An action to enforce this act may be brought in the
1097 Circuit Court of the First Judicial District of Hinds County,
1098 Mississippi.

1099 (4) Judicial actions concerning preclearance and language
1100 access. Actions concerning Sections 5 or 6 may only be filed
1101 under the following circumstances:

1102 (a) A political subdivision that has been designated as
1103 a covered political subdivision under Sections 4(4) or 5(2) may
1104 challenge the determination within thirty (30) days of its
1105 publication in accordance with applicable state law governing
1106 challenges to agency action, including the applicable standard of



1107 review of such actions. Such actions may only be filed by the
1108 covered political subdivision and intervention is not permitted.

1109 (b) Any party, as defined in Section 11(1), that is
1110 aggrieved by the exclusion of a political subdivision from the
1111 list of covered political subdivisions under Sections 5(4) or 6(2)
1112 may file an action to challenge the exclusion of a political
1113 subdivision. Such actions are subject to a three-year statute of
1114 limitations, accruing from the date of any coverage determinations
1115 under Sections 5(4) or 6(2), and are subject to a de novo standard
1116 of review.

1117 (c) Any denial of preclearance by the Mississippi
1118 Voting Rights Commission under Section 5(6)(d) may be appealed
1119 only by the covered political subdivision within thirty (30) days
1120 of the denial in accordance with applicable state law governing
1121 challenges to agency action, including the applicable standard of
1122 review of such actions. Such actions may only be filed by the
1123 covered political subdivision and intervention is not permitted.

1124 (d) Any party, as defined in Section 11(1), that is
1125 aggrieved by a determination by the Mississippi Voting Rights
1126 Commission to grant preclearance to a covered policy under Section
1127 5(7)(e) may file an action to challenge the determination to grant
1128 preclearance. Such actions are subject to a de novo standard of
1129 review.

1130 (e) If the Mississippi Voting Rights Commission fails
1131 to discharge any of its responsibilities under this act or any



1132 other action necessary to enforce a provision of this act, any
1133 party, as defined in Section 11(1), that is aggrieved by this
1134 failure may file an action seeking appropriate relief, including,
1135 but not limited to, any injunctive relief on the Mississippi
1136 Voting Rights Commission or any other party to the action that is
1137 necessary to enforce this act. Such actions are subject to a de
1138 novo standard of review.

1139 (5) Actions brought pursuant to this act must be subject to
1140 expedited pretrial and trial proceedings and receive an automatic
1141 calendar preference.

1142 (6) In any action alleging a violation of this act in which
1143 a party seeks preliminary relief with respect to an upcoming
1144 election, a court must grant relief if it determines that:

1145 (a) Plaintiffs are more likely than not to succeed on
1146 the merits; and

1147 (b) It is possible to implement an appropriate remedy
1148 that would resolve the alleged violation in the upcoming election.

1149 (7) Upon finding a violation of any provision of this act, a
1150 court must order appropriate remedies notwithstanding any other
1151 law.

1152 (a) The court has authority to order remedies that are
1153 tailored to best mitigate the violation, including any and all
1154 forms of preliminary and injunctive relief. The court may
1155 consider, among others, any remedy that is available to a federal
1156 court or the court of another state jurisdiction, including



1157 through a court-approved consent decree or settlement adopted in
1158 the context of similar facts or to remedy a similar violation.

1159 (b) The court must consider proposed remedies by any
1160 parties and interested nonparties.

1161 (c) The court may not give deference or priority to a
1162 remedy proposed by the political subdivision.

1163 (d) A remedy ordered under this section must be
1164 implemented in the next relevant election, scheduled or ordered,
1165 wherever possible.

1166 (8) This act provides rights and remedies under state law to
1167 enforce state constitutional rights or statutory rights and does
1168 not enforce any rights established under the U.S. Constitution or
1169 federal law. Nothing in this act may be construed to create a
1170 cause of action under federal law. Persuasive use of relevant
1171 federal legal standards, precedents, or evidentiary frameworks to
1172 aid in the interpretation or application of this act should not be
1173 construed to give rise to a federal question. Moreover, use of
1174 such federal legal standards, precedent, or evidentiary frameworks
1175 may be persuasive, but is not necessary to the interpretation or
1176 application of this act.

1177 (9) Defendants in actions under this act may not assert the
1178 doctrine of laches as a defense to claims brought under this act.
1179 Political subdivisions may not assert that plaintiffs have failed
1180 to comply with any notice, exhaustion, or other procedural



1181 requirements under state law, other than the requirements in this
1182 section, as a defense to claims brought under this section.

1183 (10) In any action to enforce any provision of this act, a
1184 prevailing plaintiff party, other than the State or a political
1185 subdivision, is entitled to recover all reasonable costs and fees
1186 from the defendant party. Costs and fees include, but are not
1187 limited to, attorneys' fees, expert witness fees, and all other
1188 litigation or pre-litigation fees and costs.

1189 (a) A plaintiff will be deemed to have prevailed in an
1190 action when, as a result of a suit or notice letter pursuant to
1191 Section 9(2), the defendant party yields some or all of the relief
1192 sought in the action.

1193 (b) If the state or political subdivision prevails in
1194 an action under this act, the Court may not award the defendant
1195 party any fees or costs unless the court finds the action to be
1196 frivolous, unreasonable, or without foundation.

1197 (11) This act is severable. If any provision of this act or
1198 its application to any person or circumstance is held invalid,
1199 such invalidity must be applied as narrowly as possible and the
1200 remaining provisions and applications must remain in effect to the
1201 fullest extent possible.

1202 (12) To the extent any provision of this act, including any
1203 legal standard, requirement, or any part thereof, may be construed
1204 or applied in a manner that is unconstitutional or otherwise
1205 invalid, such provision must be construed or applied in the manner



1206 that preserves its validity and is most consistent with the
1207 purposes set forth in Sections 1 and 10.

1208 (13) In any action under this act or any other
1209 voting-related violation of state or federal law, no sovereign,
1210 governmental, executive, legislative, or deliberative immunities
1211 and privileges, including any evidentiary privileges, may be
1212 asserted. However, this section has no effect on any
1213 attorney-client or attorney work-product privileges.

1214 **SECTION 13.** All sections of this act other than Sections 6,
1215 7 and 8 shall take effect and be in force from and after July 1,
1216 2026. Sections 6, 7 and 8 of this act shall take effect and be in
1217 force from and after July 1, 2027.

