

200.55 RELEVANT FACTORS FOR DETERMINING VIOLATION.

Subdivision 1. **Factors established.** In determining whether, under the totality of the circumstances, a violation of section 200.54 has occurred with respect to a protected class, a court may consider any of the following factors:

- (1) the history of discrimination affecting members of the protected class;
- (2) the extent to which members of the protected class are disadvantaged, or otherwise bear the effects of past public or private discrimination, in any areas that may hinder their ability to participate effectively in the political process, including education, employment, health, criminal justice, housing, transportation, land use, or environmental protection;
- (3) whether members of the protected class vote at a lower rate than other voters;
- (4) the use of overt or subtle racial appeals in political campaigns or by government officials;
- (5) the extent to which members of the protected class have been elected to office;
- (6) the extent to which candidates who are members of the protected class have faced barriers with respect to accessing the ballot, receiving financial support, or receiving any other support for their candidacies for elective office;
- (7) the extent to which candidates who are members of a protected class face hostility or barriers while campaigning due to the protected class membership;
- (8) the extent of polarized voting;
- (9) the use of any standard, practice, procedure, or policy that may enhance the dilutive effects of a challenged method of election;
- (10) the lack of responsiveness by elected officials to the particularized needs of protected class members or a community of protected class members;
- (11) whether the challenged method of election, ordinance, resolution, rule, policy, standard, regulation, procedure, or law was designed to advance, and does materially advance, a compelling state interest that is substantiated and supported by evidence; and
- (12) other factors the court may deem relevant.

Subd. 2. **Necessity of factors.** No one factor in subdivision 1 is dispositive or necessary to establish the existence of a violation of section 200.54, nor shall any specified number or combination of factors be required in establishing that such a violation has occurred. The court shall consider a particular factor only if and to the extent evidence pertaining to that factor is introduced. The absence of evidence as to any particular factor does not preclude a finding of a violation of section 200.54.

Subd. 3. **Claims involving a political subdivision.** To the extent a claim concerns a political subdivision, evidence of the factors in subdivision 1 is most probative if the evidence relates to the political subdivision in which the alleged violation occurred, but still holds probative value if the evidence relates to the geographic region in which that political subdivision is located or to this state.

Subd. 4. **Evidence of intent.** Evidence concerning the intent of voters, elected officials, or the political subdivision to discriminate against members of a protected class is not required to find a violation of section 200.54.

Subd. 5. **Factors that must be excluded.** In determining whether a violation of section 200.54 has occurred, a court shall not consider any of the following:

- (1) the number of protected class members not burdened by the challenged qualification, prerequisite, standard, practice, or procedure;
- (2) the degree to which the challenged qualification, prerequisite, standard, practice, or procedure has a long pedigree or was in widespread use at some earlier date;
- (3) the use of an identical or similar qualification, prerequisite, standard, practice, or procedure in other states or jurisdictions;
- (4) the availability of other forms of voting unimpacted by the challenged qualification, prerequisite, standard, practice, or procedure to all members of the electorate, including members of the protected class;
- (5) an impact on potential criminal activity by individual voters, if those crimes have not occurred in the political subdivision in substantial numbers, or if the connection between the challenged policy and any claimed prophylactic effect is not supported by substantial evidence; or
- (6) mere invocation of interests in voter confidence or prevention of fraud.

History: 2024 c 112 art 3 s 5