



## Legislation Text

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**File #:** Res 2024-2013, **Version:** \*

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### Res. No. 2024

Resolution calling on the United States Congress to pass legislation to ensure that coverage provisions are updated to ensure protections for Americans under the Voting Rights Act.

By Council Members Brewer, Chin, James, Koppell, Lander and Wills

Whereas, The Voting Rights Act of 1965 was passed by Congress in order to further achieve racial equality, pursuant to Section 2 of the fifteenth amendment to the United States Constitution; and

Whereas, Sections 4 and 5 of the Voting Rights Act (“VRA”) require states and local governments with histories of racial discrimination in voting to submit all changes to their voting laws or practices to the Federal Government for approval or “preclearance” before they can take effect; and

Whereas, In the June 25, 2013 decision of *Shelby County V. Holder* (“Shelby”) the Supreme Court ruled that the coverage formula in Section 4(b) of the VRA, which determined which jurisdictions were subject to preclearance, exceeded Congress’s enforcement authority and held it to be unconstitutional; and

Whereas, The decision was split, with the majority ruling that the fifteenth amendment was not designed to punish past actions, and that the current coverage formula, which concentrated on past discriminatory policies and decades old voter turnout and registration data, unfairly punished Southern states; and

Whereas, Although the pervasive, flagrant, and widespread discrimination that was present in the jurisdictions requiring preclearance no longer exists, striking down section 4(b) of the VRA as unconstitutional could result in minority populations within those states being subject to new voter restriction laws, leading to their disenfranchisement; and

Whereas, It is essential for Congress to pass legislation to ensure Constitutional coverage provisions are

enacted in light of the passage of restrictive voter legislation in nine states, including those recently passed in North Carolina and Texas; and

Whereas, The “voter suppression law” that has been passed in North Carolina following the Supreme Court ruling will implement strict voter I.D. requirements, eliminate same-day voter registration, and cut early voting by a full week; and

Whereas, According to the Advancement Project, 317,000 registered voters in North Carolina lack a DMV-issued I.D., of which 1 in 3 are African American, and 56% of North Carolina’s registered voters used early voting opportunities in 2012, 70% of whom were African American; and

Whereas, Also according to the Advancement Project, in Texas 1 in 10 registered voters lack the necessary state-issued I.D.; and

Whereas, United States Supreme Court Justice Ruth Ginsburg, in her dissent in Shelby, noted the sad irony in the decision to strike down the key part of the Voting Rights Act because of its success at preventing racial discrimination; and

Whereas, Now in the absence of Section 4(b), no jurisdiction will be subject to Section 5 preclearance, and with the enactment of voter suppression laws in several states, it will make it harder for young adults, women, minorities, low-income individuals, as well as senior citizens to vote; and

Whereas, In a statement released by President Barack Obama and his attorney general, both stated that they were deeply disappointed by the Supreme Court’s decision, dismantling a cornerstone of the civil rights movement which helped put an end to the discriminatory voting restrictions in the South, and called on Congress to pass legislation, based on current data, which will continue to ensure every American has equal access to the polls; and

Whereas, The preclearance provision itself was not struck down, but was rendered inoperable as configured, allowing Congress to pass a new constitutional coverage formula, that will aid in addressing the new restrictive voting legislations that disenfranchise voters, thereby helping to prevent history from repeating

itself; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass legislation to ensure that coverage provisions are updated to ensure protections for Americans under the Voting Rights Act.

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10/29/13