



Legislation Text

File #: Res 1371-2020, **Version:** *

Preconsidered Res. No. 1371

Resolution calling upon Congress to pass, and the President to sign, the Voting Rights Advancement Act of 2019 (H.R. 4.), which would revise and modernize portions of the Voting Rights Act of 1965 struck down in the Supreme Court decision *Shelby County v. Holder*.

By Council Members Cumbo, Ayala, Louis, Barron, Rivera and Miller

Whereas, The right to vote is the bedrock of democracy; and

Whereas, The right to vote was historically denied to Black Americans through various discriminatory laws and practices, intimidation, and violence, even after passage of the Fifteenth Amendment of the Constitution; and

Whereas, One of the most significant legislative achievements of the Civil Rights Movement was the passage of the Voting Rights Act of 1965 (VRA), which protected Americans from racial and ethnic discrimination in voting; and

Whereas, The VRA established criteria to determine whether states or other jurisdictions had a history of discriminatory voting practices and disparately low voter turnout, and if so, required them to obtain clearance by the U.S. Department of Justice or a federal judge before enacting voting changes, a system known as “preclearance;” and

Whereas, According to a 1968 report by the U.S. Civil Rights Commission, after the passage of the VRA, Black voter registration rates rose dramatically in Southern states, increasing to over 50 percent of the voting age Black population in 11 former Confederate states, and increasing the pre-VRA Black registration rate in Mississippi by over 800 percent; and

Whereas, Congress reauthorized the VRA four times between 1970 and 2006 with large bipartisan

support, including a unanimous Senate vote in 2006; and

Whereas, Bronx, Kings, and New York Counties were all subject to preclearance under the VRA, beginning in 1968; and

Whereas, According to a 2014 report by the Leadership Conference on Civil and Human Rights, between 2000 and 2013, 148 separate violations of the VRA were documented nationwide, including eight in New York State, with some instances impacting hundreds of thousands of voters; and

Whereas, In June of 2013, in the decision *Shelby County v. Holder*, the U.S. Supreme Court invalidated important portions of the VRA, striking down the section outlining the criteria used to determine which jurisdictions required federal preclearance to enact changes to voting procedures and thereby abolishing the preclearance requirement; and

Whereas, According to a 2018 report by the U.S. Civil Rights Commission, an independent bipartisan federal agency, since the *Shelby County v. Holder* decision, at least 23 states have enacted newly restrictive statewide voter laws; and

Whereas, According to the same report, recently enacted voting procedure changes that likely would not have received federal preclearance approval include strict voter ID requirements, purged voter rolls, reduced polling locations, required documentary proof of citizenship to register to vote, and cuts to early voting, all of which, based on the specific facts in those states, operated to suppress minority voting access in ways that likely would have violated the pre-*Shelby County* VRA; and

Whereas, In February 2019, Representative Terri Sewell (AL - 07) introduced the Voting Rights Advancement Act of 2019 (VRAA), to revise and modernize the preclearance criteria struck down in *Shelby County v. Holder*; and

Whereas, The VRAA would establish new criteria for determining which states and jurisdictions require federal preclearance before making voting changes based on a finding of repeated voting rights violations over the past 25 years; and

Whereas, The VRAA would specify practices that have historically been used to discriminate against voters that would require preclearance; and

Whereas, The VRAA would increase transparency by requiring any state or other jurisdiction to notify the public of changes to voting procedures that affect a federal office, regardless of whether they require preclearance; and

Whereas, The VRAA would expand the circumstances under which the Department of Justice may assign election observers; and

Whereas, The VRAA would revise the preliminary injunction standard for voting rights actions to recognize cases where there is a need for immediate preliminary relief; and

Whereas, On December 6, 2019, the House of Representatives passed the VRAA 228 - 187; and

Whereas, Congressman John Lewis, a bastion of the Civil Right Movement who repeatedly risked life and limb in his nonviolent fight for voting rights, passed away on July 17, 2020; and

Whereas, John Lewis proudly co-sponsored the VRAA, saying in a press release, “We must repair what the Supreme Court damaged. We must pass this bill to ensure that every American has equal freedom to participate in our democracy;” and

Whereas, Passing the VRAA would honor John Lewis’ legacy and ensure that the voting rights of all Americans are protected in the upcoming presidential election and beyond; now, therefore, be it

Resolved, That the Council of the City of New York calls upon Congress to pass, and the President to sign, the Voting Rights Advancement Act of 2019 (H.R. 4.), which would revise and modernize portions of the Voting Rights Act of 1965 struck down in the Supreme Court decision *Shelby County v. Holder*.

LS# 15815
7/21/20 6:18pm
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