



Legislation Text

File #: Res 1062-2003, **Version:** *

Res. No. 1062

Resolution urging the United States Congress to pass House Joint Resolution 28, a resolution that calls for a voting rights amendment to the United States Constitution to guarantee the right to vote.

By Council Members Foster, Barron, Comrie, Gerson, Jennings, Quinn, Reed, Sanders and Vann

Whereas, Congressman Jesse L. Jackson, Jr. has introduced House Joint Resolution 28 ("H.J. Res. 28"), a resolution that calls for a voting rights amendment to the United States Constitution; and
Whereas, H.J. Res. 28, Section 1, reads, "All citizens of the United States, who are eighteen years of age or older, shall have the right to vote in any public election held in the jurisdiction in which the citizen resides. The right to vote shall not be denied or abridged by the United States, any State, or any other public or private person or entity, except that the United States or any State may establish regulations narrowly tailored to produce efficient and honest elections"; and
Whereas, The ability to cast a vote is considered to be of paramount importance within our democratic society; and
Whereas, In *Alexander v. Daley* (2000), the Supreme Court stated that "The Equal Protection Clause does not protect the right of all citizens to vote, but rather the right of all qualified citizens to vote"; and
Whereas, The Tenth Amendment, by reserving to the states all powers "not delegated to the United States by the Constitution," gives states the power to determine who is qualified to vote; and
Whereas, Since there is no constitutional right to vote in the election of a president, states also have the legal power to choose presidential electors despite the popular vote; and
Whereas, Given that voting rights are reserved to the states under the Tenth Amendment, only a constitutional amendment would provide every American citizen a federally protected right to vote; now, therefore, be it
Resolved, That the Council of the City of New York urges the United States Congress to pass House Joint Resolution 28, a resolution that calls for a voting rights amendment to the United States Constitution to guarantee the right to vote.

Ls# 3081
JH
MT
9/25/03

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