

By: Reynolds

H.C.R. No. 2

CONCURRENT RESOLUTION

1 WHEREAS, Since the U.S. Supreme Court eviscerated the Voting
2 Rights Act of 1965 with its decision in *Shelby County v. Holder*,
3 many citizens have confronted new barriers to participation in our
4 democracy; and

5 WHEREAS, During the Civil Rights Era, the United States
6 Congress passed the Voting Rights Act to prevent government at all
7 levels from enacting laws or policies that deny American citizens
8 the right to vote based on race or ethnicity; one of the key
9 provisions, Section 5, requires jurisdictions with a history of
10 discrimination to obtain prior federal approval of changes to
11 voting rules that could affect minorities; for nearly five decades,
12 this provision, known as preclearance, served as a bulwark against
13 disenfranchisement, blocking discrimination before it occurred;
14 and

15 WHEREAS, On June 25, 2013, in its *Shelby County* decision, a
16 sharply divided Supreme Court rendered Section 5 inoperable by
17 invalidating as antiquated Section 4(b), the formula used to
18 determine the states and localities covered by preclearance; absent
19 congressional resolve to update the formula, lawmakers in many
20 states and districts seized the opportunity to revive voting
21 changes that had been blocked, to move forward with changes
22 previously deterred, and to implement new discriminatory
23 restrictions; such measures included draconian voter ID laws, the
24 elimination of early voting opportunities, and the closing or

1 moving of hundreds and likely thousands of polling sites; all of
2 these actions, which disproportionately affected minorities,
3 low-income communities, people with disabilities, and students,
4 would previously have required federal approval under Section 5;
5 moreover, on July 1, 2021, the Supreme Court's decision in
6 *Brnovich v. Democratic National Committee* struck down what was left
7 of the Voting Rights Act by making it even more difficult to
8 challenge discriminatory voting laws under Section 2 of the law;
9 and

10 WHEREAS, Court rulings and studies alike have shown that in
11 the wake of *Shelby County*, discrimination is widespread; the
12 nonpartisan Election Protection coalition undertook a
13 comprehensive review of the 2016 presidential election and found a
14 range of barriers to voting, including improper enforcement of
15 voter ID laws, dissemination of incorrect or deceptive information,
16 failure to provide information, and voter intimidation; the
17 organization concluded that without an enforceable Section 5,
18 approximately 24 percent of the nonwhite voting-age population is
19 more vulnerable to discriminatory election practices; and

20 WHEREAS, For more than a half century, the Voting Rights Act
21 has been a vital means of quelling discrimination in the form of
22 inequitable redistricting plans, onerous voter ID laws, artificial
23 barriers to voting, elimination of early voting opportunities, and
24 unfair polling place changes; without a functioning Section 5,
25 however, expensive litigation is required to fight unjust voting
26 laws, and while legal proceedings drag on, countless voters are
27 denied the right to cast ballots; the Supreme Court left it to

1 Congress to modernize the formula to determine which states and
2 jurisdictions are to be covered by Section 5, and new legislation is
3 urgently needed to restore and strengthen the Voting Rights Act;
4 and

5 WHEREAS, The United States was founded on the principle that
6 we are all created equal, and as the world's leading democracy, we
7 must set the standard for free, fair, and accessible elections in
8 which every vote is counted; now, therefore, be it

9 RESOLVED, That the 87th Legislature of the State of Texas,
10 3rd Called Session, hereby urge the United States Congress to
11 restore and strengthen the Voting Rights Act of 1965; and, be it
12 further

13 RESOLVED, That the Texas secretary of state forward official
14 copies of this resolution to the president of the United States, to
15 the president of the Senate and the speaker of the House of
16 Representatives of the United States Congress, and to all the
17 members of the Texas delegation to Congress with the request that
18 this resolution be entered in the Congressional Record as a
19 memorial to the Congress of the United States of America.