

By: Rodríguez, et al.

S.C.R. No. 29

CONCURRENT RESOLUTION

1 WHEREAS, Widely recognized as the most effective civil rights
2 legislation ever enacted, the Voting Rights Act of 1965 was used for
3 nearly a half-century to ensure equal access to the ballot box, but
4 the 2013 United States Supreme Court decision in *Shelby County v.*
5 *Holder* eviscerated its core protections; and

6 WHEREAS, The heart of the VRA is Section 5, the preclearance
7 provision for jurisdictions with a history and ongoing pattern of
8 discrimination against racial and language minorities; until the
9 *Shelby* decision, Section 5 required nine states and portions of six
10 others to get preclearance from the U.S. Department of Justice or
11 the federal court in the District of Columbia before they could
12 implement any voting changes; the coverage formula to determine
13 which jurisdictions fell under this requirement is contained in
14 Section 4(b) of the act, and in *Shelby*, the court ruled this formula
15 unconstitutional, rendering Section 5 virtually useless; and

16 WHEREAS, Chief Justice John Roberts readily acknowledged in
17 *Shelby* that voting discrimination still exists; nevertheless, the
18 court invalidated the coverage formula on the basis that it had not
19 been updated and no longer reflected current conditions of
20 discrimination; the court left it to Congress to develop, if it so
21 chose, a new coverage formula and other mechanisms to restore to
22 citizens the protections granted under Section 5, namely the
23 ability to stop discriminatory voting changes before their
24 implementation and the requirement to notify citizens of voting

1 changes that could disenfranchise them; and

2 WHEREAS, In 1982, when President Ronald Reagan signed the
3 reauthorization of the Voting Rights Act, he described the right to
4 vote as "the crown jewel of American liberties"; Congress has
5 passed every reauthorization and extension of the act with
6 overwhelmingly bipartisan support, and in 2006, its analysis found
7 overwhelming evidence of continuing discrimination, including more
8 than 750 Section 5 objections by the Department of Justice that had
9 resulted in the blocking of some 2,400 attempts at discriminatory
10 voting changes; as a result, Congress concluded that the coverage
11 formula enforced by Section 5 was necessary for at least another 25
12 years; and

13 WHEREAS, Justice Ruth Bader Ginsburg cautioned in her dissent
14 to the *Shelby* ruling that overturning Section 4(b) was tantamount
15 to "throwing away your umbrella in a rainstorm because you are not
16 getting wet"; her warning has been borne out, as at least 10 of the
17 15 states previously covered in whole or in part by Section 5 have
18 considered new restrictive legislation that would make it harder
19 for minorities to cast a ballot; and

20 WHEREAS, Texas has a long and continuing history of attempts
21 to exclude Latino, African American, and other underrepresented
22 groups from full participation in politics and governance; between
23 1982 and 2005, the state earned 107 Section 5 objections to voting
24 policies, among them nearly 100 concerning local laws, which
25 affected counties that are home to over 70 percent of the state's
26 nonwhite voting-age population; in the year and a half preceding
27 the *Shelby* decision, the Justice Department found that the state's

1 redistricting plans for congressional and state legislative
2 elections violated Section 5, and a federal court concurred,
3 writing that these plans were "enacted with discriminatory
4 purpose"; troubling developments in the wake of *Shelby* include
5 controversial changes to city council elections in Pasadena, as
6 well as the revival of a redistricting plan for justice of the peace
7 elections in Galveston County, which was previously blocked by the
8 DOJ; and

9 WHEREAS, In the years following its passage, the Voting
10 Rights Act guaranteed millions of minority citizens the opportunity
11 to make their voices heard by government at the local, state, and
12 federal levels, but this progress is being imperiled; although
13 efforts to narrow the franchise have grown more subtle than in the
14 days of poll taxes and literacy tests, they have by no means ended;
15 all of the rights we enjoy as citizens rest on the fundamental
16 ability to vote, and it is incumbent upon Congress to safeguard
17 access to the ballot by restoring the full force of the Voting
18 Rights Act; now, therefore, be it

19 RESOLVED, That the 84th Legislature of the State of Texas
20 hereby respectfully urge the United States Congress to update the
21 Voting Rights Act with a set of modern, flexible protections that
22 stop discrimination, bring transparency to proposed election
23 changes, and hold accountable jurisdictions that discriminate;
24 and, be it further

25 RESOLVED, That the Texas secretary of state forward official
26 copies of this resolution to the president of the United States, to
27 the president of the Senate and the speaker of the House of

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1 Representatives of the United States Congress, and to all the
2 members of the Texas delegation to Congress with the request that
3 this resolution be entered in the Congressional Record as a
4 memorial to the Congress of the United States of America.