

By: Reynolds

H.C.R. No. 23

CONCURRENT RESOLUTION

1 WHEREAS, Since the U.S. Supreme Court eviscerated the Voting
2 Rights Act of 1965 with its decision in *Shelby v. Holder*, many
3 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* decision, a sharply
16 divided Supreme Court rendered Section 5 inoperable by invalidating
17 as antiquated Section 4(b), the formula used to determine the
18 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 and

6 WHEREAS, Court rulings and studies alike have shown that in
7 the wake of *Shelby*, discrimination is widespread; in July 2016, the
8 Fourth Circuit Court of Appeals struck down North Carolina's new
9 voting rules, noting that they targeted African Americans with
10 "surgical precision"; the nonpartisan Election Protection
11 coalition undertook a comprehensive review of the 2016 presidential
12 election and found a range of barriers to voting, including
13 improper enforcement of voter ID laws, dissemination of incorrect
14 or deceptive information, failure to provide information, and voter
15 intimidation; the organization concluded that without an
16 enforceable Section 5, approximately 24 percent of the nonwhite
17 voting-age population is more vulnerable to discriminatory
18 election practices; and

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

1 jurisdictions are to be covered by Section 5, and new legislation is
2 urgently needed that would restore and strengthen the Voting Rights
3 Act; and

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

8 RESOLVED, That the 85th Legislature of the State of Texas,
9 1st Called Session, hereby urge the United States Congress to
10 restore and strengthen the Voting Rights Act of 1965; and, be it
11 further

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