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By:  Reynolds H.C.R. No. 31

CONCURRENT RESOLUTION

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

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

WHEREAS, On June 25, 2013, in its *Shelby* decision, a sharply divided Supreme Court rendered Section 5 inoperable by invalidating as antiquated Section 4(b), the formula used to determine the states and localities covered by preclearance; absent congressional resolve to update the formula, lawmakers in many states and districts seized the opportunity to revive voting changes that had been blocked, to move forward with changes previously deterred, and to implement new discriminatory restrictions; such measures included draconian voter ID laws, the elimination of early voting opportunities, and the closing or moving of hundreds and likely thousands of polling sites; all of these actions, which disproportionately affected minorities, low-income communities, people with disabilities, and students, would previously have required federal approval under Section 5; and

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

WHEREAS, For more than a half century, the Voting Rights Act has been a vital means of quelling discrimination in the form of inequitable redistricting plans, onerous voter ID laws, artificial barriers to voting, elimination of early voting opportunities, and unfair polling place changes; without a functioning Section 5, however, expensive litigation is required to fight unjust voting laws, and while legal proceedings drag on, countless voters are denied the right to cast ballots; the Supreme Court left it to Congress to modernize the formula to determine which states and jurisdictions are to be covered by Section 5, and new legislation is urgently needed to restore and strengthen the Voting Rights Act; and

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

RESOLVED, That the 86th Legislature of the State of Texas hereby urge the United States Congress to restore and strengthen the Voting Rights Act of 1965; and, be it further

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