

By: Reynolds

H.C.R. No. 31

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; the nonpartisan
8 Election Protection coalition undertook a comprehensive review of
9 the 2016 presidential election and found a range of barriers to
10 voting, including improper enforcement of voter ID laws,
11 dissemination of incorrect or deceptive information, failure to
12 provide information, and voter intimidation; the organization
13 concluded that without an enforceable Section 5, approximately 24
14 percent of the nonwhite voting-age population is more vulnerable to
15 discriminatory election practices; and

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

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

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

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