

**Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

ENGROSSED

LLS NO. R14-0708.01 Effie Ameen x2044

HJR14-1009

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HOUSE JOINT RESOLUTION 14-1009

101 **CONCERNING A REQUEST THAT CONGRESS RESTORE THE FEDERAL**
102 **"VOTING RIGHTS ACT OF 1965", AS AMENDED.**

1 WHEREAS, The Colorado General Assembly has always
2 supported the federal "Voting Rights Act of 1965", as amended, and its
3 legacy of protecting American citizens; and

4 WHEREAS, The Voting Rights Act was one of the greatest
5 achievements of the Civil Rights Movement and helped to not only allow
6 equal access at the ballot box, but to facilitate advancement in other areas
7 of life for minorities across the country; and

8 WHEREAS, Congress passed the Fifteenth Amendment to the
9 United States Constitution in 1869, giving black men the right to vote, but

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Final Reading
February 28, 2014

1 attempted and actual barriers to political participation remain consistently
2 introduced in capitols and Congress even today; and

3 WHEREAS, In 1964, fewer than seven percent of eligible black
4 citizens were registered to vote in Mississippi and, by the end of 1966,
5 that figure had risen to nearly 60 percent, and during the same period
6 Alabama voter registration rates climbed from below 20 percent to over
7 50 percent; and

8 WHEREAS, The so-called Jim Crow laws of the South made voter
9 registration and election rules more restrictive, intentionally reducing
10 political participation by minority voters with the use of poll taxes,
11 literacy tests, and record-keeping and identification requirements; and

12 WHEREAS, In 1964, only five black citizens held seats in
13 Congress (with none from any Southern state) and a total of 94 black
14 citizens served in all legislatures, and today the Congressional Black
15 Caucus has 43 members while over 600 African Americans hold seats in
16 all legislatures, with another 8,800 being mayors, sheriffs, school board
17 members, and other elected officials; and

18 WHEREAS, Forty-seven percent of these public officials live in
19 the seven states originally covered by the Voting Rights Act; and

20 WHEREAS, Voter turnout in the South dropped drastically due to
21 segregation-era voting laws, and as a result, by 1910 not a single black
22 voter was registered in 27 of 60 parishes in the state of Louisiana, and
23 black voters were completely eliminated from the rolls in North Carolina
24 from 1896 to 1904; and

25 WHEREAS, In a five-to-four decision in June 2013, the United
26 States Supreme Court ruled that Section 4 of the Voting Rights Act was
27 unconstitutional, which section sets forth the formula under which states
28 and jurisdictions must seek preclearance from the United States
29 Department of Justice before enacting new voter laws and regulations or
30 making changes to existing laws; and

31 WHEREAS, The preclearance provision in Section 5 of the Voting
32 Rights Act relied on the formula contained in Section 4 to protect the
33 voting rights of all citizens; and

34 WHEREAS, Supreme Court Justice Ruth Bader Ginsburg, in her

1 dissent to the *Shelby County, Alabama v. Holder* case, stated, "Just as
2 buildings in California have a greater need to be earthquake-proofed,
3 places where there is greater racial polarization in voting have a greater
4 need for prophylactic measures to prevent purposeful race
5 discrimination."; and

6 WHEREAS, Prior to the United States Supreme Court's
7 invalidation of Section 4 of the Voting Rights Act, federal district courts
8 in several preclearance states, including Texas, Florida, and Alabama,
9 ruled their proposed voting law changes unconstitutional; and

10 WHEREAS, Sufficient data has been established from numerous
11 studies and surveys that could serve as the basis for a new formula,
12 including data found from calculating the overall size of the minority
13 population, voter turnout among all groups, the number of voting
14 discrimination lawsuits as well as number of cases that have been lost or
15 settled, and the prevalence of racially polarized or biased voting as a
16 factor in voter preferences; and

17 WHEREAS, Congress has repeatedly extended the Voting Rights
18 Act, which was first passed in 1965 and then reauthorized for five years
19 in 1970, for seven years in 1975, and for 25 years in 1982, and Congress
20 renewed the act in 2006 for 25 years after holding extensive hearings
21 from which they found persistent racial discrimination at the polls; and

22 WHEREAS, When the Voting Rights Act passed in 2006, it
23 enjoyed wide bipartisan support and was signed into law by President
24 George W. Bush; now, therefore,

25 *Be It Resolved by the House of Representatives of the Sixty-ninth*
26 *General Assembly of the State of Colorado, the Senate concurring herein:*

27 That the Colorado General Assembly urges and requests members
28 of Congress to update the formula in Section 4 of the federal "Voting
29 Rights Act of 1965", as amended, as quickly as possible to ensure Section
30 5 of the act can be restored and every citizen's voice is heard and every
31 vote is counted.

32 *Be It Further Resolved*, That a copy of this Joint Resolution be
33 transmitted to the President of the United States, the Vice President of the
34 United States, the members of the United States House of Representatives
35 and the United States Senate, the Congressional Black Caucus, the

- 1 National Black Caucus of State Legislators, the National Organization of
- 2 Black Elected Legislative Women, and the Congressional Hispanic
- 3 Caucus.