



**HOUSE JOINT RESOLUTION 14-1009**

**BY REPRESENTATIVE(S) Williams, Buckner, Exum, Fields, Melton, Salazar, Becker, Court, Duran, Ferrandino, Fischer, Foote, Garcia, Ginal, Hamner, Hullinghorst, Kagan, Kraft-Tharp, Labuda, Lebsock, Lee, May, McCann, McLachlan, Mitsch Bush, Moreno, Pabon, Peniston, Pettersen, Primavera, Rosenthal, Ryden, Schafer, Singer, Tyler, Vigil, Young, Conti, Dore, Gerou, Murray, Navarro, Scott, Wright;**

**also SENATOR(S) Ulibarri, Aguilar, Crowder, Guzman, Heath, Jahn, Johnston, Jones, Kefalas, Kerr, Newell, Nicholson, Steadman, Tochtrop, Todd, Zenzinger, Carroll.**

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

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

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

WHEREAS, Congress passed the Fifteenth Amendment to the United States Constitution in 1869, giving black men the right to vote, but attempted and actual barriers to political participation remain consistently introduced in capitols and Congress even today; and

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

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

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

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

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

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

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

WHEREAS, Supreme Court Justice Ruth Bader Ginsburg, in her dissent to the *Shelby County, Alabama v. Holder* case, stated, "Just as buildings in California have a greater need to be earthquake-proofed, places where there is greater racial polarization in voting have a greater need for prophylactic measures to prevent purposeful race discrimination."; and

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

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

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

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

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

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

*Be It Further Resolved,* That a copy of this Joint Resolution be transmitted to the President of the United States, the Vice President of the United States, the members of the United States House of Representatives and the United States Senate, the Congressional Black Caucus, the National Black Caucus of State Legislators, the National Organization of Black Elected Legislative Women, and the Congressional Hispanic Caucus.

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Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Morgan Carroll  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Cindi Markwell  
SECRETARY OF  
THE SENATE