

By Senator Thompson

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Senate Memorial

A memorial to the Congress of the United States,
urging Congress to revise the preclearance coverage
formula contained in Section 4 of the Voting Rights
Act of 1965.

WHEREAS, the Fifteenth Amendment to the United States
Constitution provides that the right to vote shall not be denied
or abridged on account of race or color, and specifically
furnishes Congress the power to enforce that command through
legislation, and

WHEREAS, Congress enacted the Voting Rights Act of 1965 to
prevent certain states and political subdivisions from employing
tests and devices designed to prevent racial minorities from
registering to vote and participating in the electoral process,
and

WHEREAS, Section 5 of the Voting Rights Act of 1965 has
required covered jurisdictions, including Collier, Hardee,
Hendry, Hillsborough, and Monroe Counties in Florida, to submit
new or modified voting practices for federal review before they
can be enforced, and

WHEREAS, by overwhelming margins, members of Congress have
reauthorized Section 5 of the Voting Rights Act of 1965 multiple
times, most recently in 2006, after compiling an extensive
legislative record demonstrating continued racial voting
discrimination within the covered jurisdictions, and

WHEREAS, the Supreme Court of the United States has
previously upheld provisions of the Voting Rights Act of 1965
against constitutional challenges in *South Carolina v.*

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30 *Katzenbach*, 383 U.S. 301 (1966) and *City of Rome v. United*
31 *States*, 446 U.S. 156 (1980), and

32 WHEREAS, on June 25, 2013, the Supreme Court of the United
33 States decided in *Shelby County v. Holder*, Case No. 12-96, that
34 the preclearance coverage formula contained in Section 4 of the
35 Voting Rights Act of 1965 is unconstitutional, rendering the
36 Section 5 federal review inoperable without further
37 congressional action, and

38 WHEREAS, Section 5 of the Voting Rights Act of 1965 remains
39 necessary to protect increased minority participation in the
40 electoral process against the imposition of new discriminatory
41 voting practices in covered jurisdictions, and

42 WHEREAS, the enactment of legislation revising the Section
43 4 preclearance coverage formula to conform to the Supreme
44 Court's ruling in *Shelby County v. Holder* will ensure that the
45 federal review of new or modified voting practices in covered
46 jurisdictions will continue, NOW, THEREFORE,

47
48 Be It Resolved by the Legislature of the State of Florida:

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50 That the Congress of the United States is urged to revise
51 the Section 4 preclearance coverage formula in the Voting Rights
52 Act of 1965 to ensure continued protection of minority electoral
53 participation.

54 BE IT FURTHER RESOLVED that copies of this memorial be
55 dispatched to the President of the United States, to the
56 President of the United States Senate, to the Speaker of the
57 United States House of Representatives, and to each member of
58 the Florida delegation to the United States Congress.