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2014

1 House Memorial

2 A memorial to the Congress of the United States,
3 urging Congress to revise the preclearance coverage
4 formula set forth in Section 4 of the Voting Rights
5 Act of 1965.

6
7 WHEREAS, the Fifteenth Amendment to the United States
8 Constitution provides that the right to vote shall not be denied
9 or abridged on account of race or color, and specifically
10 provides Congress with the power to enforce that right through
11 legislation, and

12 WHEREAS, Congress enacted the Voting Rights Act of 1965 and
13 its subsequent amendments to prevent certain states and
14 political subdivisions from employing tests and devices designed
15 to prevent racial and non-English-speaking minorities from
16 registering to vote and participating in the electoral process,
17 and

18 WHEREAS, Section 5 of the Voting Rights Act of 1965 has
19 required five Florida counties, Collier, Hardee, Hendry,
20 Hillsborough, and Monroe, where there are a significant number
21 of non-English-speaking language minorities, to submit new or
22 modified voting practices for federal review before they can be
23 enforced, and

24 WHEREAS, by overwhelming margins, members of Congress have
25 reauthorized Section 5 of the Voting Rights Act of 1965 multiple

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26 times, most recently in 2006, after compiling an extensive
 27 legislative record demonstrating continued racial voting
 28 discrimination within the covered jurisdictions, and

29 WHEREAS, the Supreme Court of the United States has
 30 previously upheld provisions of the Voting Rights Act of 1965
 31 against constitutional challenges in *South Carolina v.*
 32 *Katzenbach*, 383 U.S. 301 (1966) and *City of Rome v. United*
 33 *States*, 446 U.S. 156 (1980), and

34 WHEREAS, on June 25, 2013, the Supreme Court of the United
 35 States decided in *Shelby County v. Holder*, 133 S. Ct. 2612, 186
 36 L. Ed. 2d 651 (2013), that the preclearance coverage formula
 37 contained in Section 4 of the Voting Rights Act of 1965 is
 38 unconstitutional, rendering the Section 5 federal review
 39 inoperable without further congressional action, and

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

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

49
 50 Be It Resolved by the Legislature of the State of Florida:

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

56

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