

Assembly Joint Resolution No. 37

RESOLUTION CHAPTER 59

Assembly Joint Resolution No. 37—Relative to the Voting Rights Act of 1965.

[Filed with Secretary of State June 1, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AJR 37, Ridley-Thomas. Voting Rights Act of 1965.

This measure would memorialize the Congress and President of the United States to extend the provisions of the Voting Rights Act of 1965 that are set to expire in the year 2007.

WHEREAS, Throughout United States history, each extension of voting rights has been strongly resisted by anti-civil rights forces representing all partisan perspectives; and

WHEREAS, Both Democrats and Republicans in Congress voted to enact the Voting Rights Act, and subsequent re-authorizations of the Act have similarly enjoyed broad bipartisan support; and

WHEREAS, Historically, voter suppression frequently involved terrorist violence, intimidation, and fraud to depress turnout and undo the effect of lawfully cast votes to preserve the political supremacy of white male property owners; and

WHEREAS, Disfranchising laws and practices included poll taxes, literacy tests, vouchers of "good character," disqualification for "crimes of moral turpitude," and gerrymandering of districts to further reduce voting strength and minimize the number of elected officials based on race; and

WHEREAS, These laws were "color-blind" on their face, but were designed to disproportionately exclude certain citizens based on race by allowing white elections officials to apply the procedures selectively; and

WHEREAS, Nearly all black citizens were disenfranchised and removed from the voter rolls by 1910 in the former Confederate States as a result, undermining equal protection and opportunity for African-Americans while reinforcing privileged access to educational and economic opportunities and public services for whites; and

WHEREAS, Native American, Latino, and Asian-American/Pacific Islander communities experienced similar attempts to disenfranchise citizens in their communities throughout the United States; and

WHEREAS, The process of restoring voting rights would take many decades, even as women were finally granted the franchise in 1920 with the ratification of the Nineteenth Amendment to the United States Constitution; and

WHEREAS, The United States Congress enacted the federal Voting Rights Act of 1965 in response to the numerous obstacles and barriers that had been erected by many states and local governments to prevent the free exercise of the right to vote and to participate on an equal basis in the electoral process by members of racial minorities; and

WHEREAS, Upon extension of the law in 1975 to include protections for non-English-speaking language minorities, citizens of Latino, Asian, Native American, and Alaskan Native descent were given greater opportunities to participate in democracy, and when the United States Department of Justice stepped in to enforce the language assistance provisions of the act in San Diego, California in 2004, voter registration among Latinos and Filipino Americans increased by 20 percent; and

WHEREAS, The Voting Rights Act of 1965 is widely viewed as one of the most successful civil rights statutes ever enacted; and

WHEREAS, The Voting Rights Act of 1965 provides extensive voter protections, such as equipping voters with the means to challenge election laws that result in a denial or abridgment of voting rights on account of race, color, or language minority status (Section 2); eliminating literacy tests nationwide (Section 201); requiring federal approval before covered jurisdictions with a history of practices that restrict minority voting rights can implement changes in existing voting practices and procedures (Section 5); providing the United States Department of Justice with the authority to appoint federal election monitors and observers to ensure that elections are conducted free from discrimination and intimidation (Sections 6 to 9, inclusive); and mandating language assistance and translated voting materials in jurisdictions with substantial concentrations of language minorities (Section 203); and

WHEREAS, In 2007, certain “special provisions” of the Voting Rights Act that were enacted to address discriminatory voting practices are set to expire unless Congress acts to reauthorize them; and

WHEREAS, Among the provisions credited most with enfranchising the Americans historically disenfranchised prior to enactment of the Voting Rights Act of 1965 are Section 5 (federal preclearance of voting changes in covered jurisdictions to prove that voting changes are not discriminatory before they may legally take effect); Section 4 (the coverage provision, which determines which states and jurisdictions must seek Section 5 preclearance); Sections 6 to 9, inclusive (the Federal Examiner/Observer provisions, which set forth criteria for election monitoring by the United States Department of Justice); and Section 203 (the bilingual voting materials provisions, which mandate that certain voting materials must be translated for language minorities in certain jurisdictions); and

WHEREAS, The United States Department of Justice has brought enforcement litigation pursuant to the Voting Rights Act in several California communities, many of which are now certified to receive federal examiners pursuant to Section 3(a) of the Voting Rights Act and some of which already have received examiners at the polls; and

WHEREAS, The United States Attorney General's authority to certify jurisdictions for the appointment of federal examiners and observers under Sections 6 through 9 of the Voting Rights Act, which authority is also set to expire, has been important in assigning federal examiners and observers to prevent and deter voting discrimination; and

WHEREAS, Section 5 of the Voting Rights Act, which is also set to expire, requires jurisdictions with a documented history of discriminatory voting practices to obtain prior approval from federal officials, preclearance, before changing local election procedures and California is included in 16 states that are subject to preclearance requirements under Section 5; and

WHEREAS, The language assistance provisions of the Voting Rights Act including Section 203, which are also set to expire, guarantee access to election materials in multiple languages for citizens with limited English proficiency and California is one of 31 states with language assistance protections. More specifically, the Voting Rights Act's language assistance provisions including Section 203 require 26 out of California's 58 counties to individually provide language assistance for one or more languages other than English; and

WHEREAS, The Voting Rights Act remains as relevant and necessary today as the day it was first enacted in 1965, and with America at a time when it stakes much of its international reputation on promoting democracy around the world, at considerable financial, political, and human cost, we must ensure the rigorous protection of democracy here at home; and

WHEREAS, This year marks the 41st anniversary of the Voting Rights Act of 1965, and all Americans should pay homage to civil rights advocates whose sacrifices and hard work advanced the expansion of democracy; and

WHEREAS, We must applaud the substantial progress that has been made in protecting the right to vote, but continue efforts to ensure fairness and equal access to the political process in the United States in order to protect the rights of every American; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature and the State of California respectfully memorializes the Congress and President of the United States to extend the provisions of the federal Voting Rights Act of 1965 that are set to expire in 2007; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and each Member of the Senate and the United States House of Representatives representing California.