

Resolution

Calling on the U.S. Senate to pass the John Lewis Voting Rights Advancement Act and the Freedom to Vote Act

WHEREAS, The Pew Research Center found in a 2020 report that the United States lags most OECD nations in voter turnout; and

WHEREAS, This voter turnout gap is highly consequential for our representative democracy: non-voters are disproportionately young, low-income, and non-White; and

WHEREAS, The demographics of the voter turnout gap are not coincidental. They are, in large part, due to a longstanding, sustained campaign to restrict access to the ballot. That campaign has primarily been waged by Republicans and has primarily targeted the aforementioned demographics, all of which are politically marginalized and tend to favor Democratic candidates; and

WHEREAS, A landmark moment in this disenfranchisement campaign came in 2013, with the U.S. Supreme Court's 5–4 decision in the case of *Shelby County v. Holder*. It eviscerated a key provision of the Voting Rights Act of 1965 (“VRA”) relating to pre-clearance of new voting laws in jurisdictions with a history of institutionalized racial discrimination in voting; and

WHEREAS, The impact of *Shelby County* vast and immediate. Within 24 hours of the ruling, Texas announced that it would implement a strict photo ID law. Mississippi and Alabama began to enforce photo ID laws that were already enacted but had not been implemented due to the VRA's pre-clearance requirements. A number of state legislatures, such as North Carolina's, had omnibus voting restriction bills already drafted in anticipation of the ruling in *Shelby County*; and

WHEREAS, In a 2018 report on minority voting rights access, the U.S. Commission on Civil Rights found hundreds of “harsh” and restrictive voting policies had been enacted in at least 23 states, including voter identification laws, voter roll purges, proof of citizenship measures, challenges to voter eligibility, reduce early voting, eliminate same-day voter registration, and polling-place moves or closings. Moreover, in a sign of *Shelby County*'s broad impact, the Commission noted that such policies were increasingly enacted in not only in pre-clearance states but also states not previously subject to the VRA's pre-clearance requirement. Unsurprisingly, the Commission also found that these policies had a “disparate impact on voters of color and poor citizens”; and

WHEREAS, The courts have curbed some post-*Shelby* excesses. For example, federal appeals courts have ruled against some of the most regressively restrictive laws passed post-*Shelby* in states such as Texas and North Carolina, on the basis of their disparate racial impacts. Just a few months ago, a state court in North Carolina declared a voter ID law unconstitutional because it is racially discriminatory; and

WHEREAS, Such laws have also had an impact on young voters by creating additional hurdles, such as residency requirements and strict voter ID laws, which impact their turnout at the polls. A 2014 Government Accountability Office study found that strict photo ID laws reduce turnout by 2-3 percentage points, which can translate into tens of thousands of votes lost in a single state; and

WHEREAS, The problem of voter disenfranchisement continues to deepen. The Brennan Center found that last year at least 19 states passed dozens of laws to make it harder to vote; and

WHEREAS, In order to protect against this threat to the voting rights of millions of Americans, Congress has before it the John Lewis Voting Rights Advancement Act and the Freedom to Vote Act; and

WHEREAS, The John Lewis Voting Rights Advancement Act was named after the late, great Congressman John Lewis. Before serving a distinguished career in Congress, Mr. Lewis was a trailblazing civil rights leader who dedicated his life to racial justice. Early in his life, he endured beatings and incarceration at demonstrations he organized as chair of the Student Non-violent Coordinating Committee and a founding member of the Freedom Riders. His unflinching activism raised public awareness of the brutality of racial injustice and helped lead to the passage of the original Voting Rights Act in 1965; and

WHEREAS, The John Lewis Voting Rights Advancement Act responds to current conditions in voting today by restoring the full protections of the original Voting Rights Act of 1965. The VRA was enacted on a bi-partisan basis and was reauthorized repeatedly on a bi-partisan basis over decades by Congress, most recently in 2006, until it was de-clawed by the U.S. Supreme Court in *Shelby County*; and

WHEREAS, The John Lewis Voting Rights Advancement Act establishes a targeted process for reviewing voting changes in jurisdictions nationwide, focused on measures that have historically been used to discriminate against voters. It would allow a federal court to order states or jurisdictions to be covered for results-based violations, where a particular measure has a disparate racial impact on voting; and

WHEREAS, The Act would increase transparency by requiring reasonable public notice for voting changes, and would grant the U.S. Attorney General authority to request federal observers be present anywhere in the country where there is a serious threat of racial discrimination in voting. It would also increase accessibility and protections for Native American and Alaska Native voters; and

WHEREAS, Meanwhile, the Freedom to Vote Act is a sweeping complement to the Voting Rights Act, designed to broadly increase ballot access. It makes election day a national holiday, allows for extended early voting periods, allows voting by mail without an excuse, require states make voting more accessible to individuals with disabilities, and require states to broaden the types

of required identification. It would also outlaw partisan gerrymandering and limit the ability for states to purge voter rolls; and

WHEREAS, On January 13th, 2022, just before the national holiday observing the birthday of Rev. Dr. Martin Luther King, Jr., the House of Representatives has approved a measure that combines the Freedom to Vote Act and the John Lewis Voting Rights Advancement Act; and

WHEREAS, Access to the ballot is the bridge between our representative democracy and the people that it serves. This legislation would fortify this bridge, which has been so undermined by a long disenfranchisement campaign targeting vulnerable Americans who most need a voice in American government; now, therefore be it

RESOLVED, BY THE COUNCIL OF CITY OF PHILADELPHIA, That it hereby calls on the U.S. Senate to pass the John Lewis Voting Rights Advancement Act and the Freedom to Vote Act.

Introduced by
Kenyatta Johnson, 2nd District Councilmember
January 20, 2022