

# City of Philadelphia



Council of the City of Philadelphia  
Office of the Chief Clerk  
Room 402, City Hall  
Philadelphia

(Resolution No. 050708)

## RESOLUTION

Urging the U.S. Congress to Support the Reauthorization of Key 1965 Voting Rights Act Provisions

**WHEREAS**, Forty years ago, after the bloody march on Selma, Alabama, Congress passed and President Lyndon B. Johnson signed the historic Voting Rights Act creating federal enforcement power to strike down centuries of voter discrimination against blacks and people of color; and

**WHEREAS**, The key provisions of the 1965 Voting Rights Act (“Act”) will expire in August 2007 unless Congress acts to reauthorize them; and

**WHEREAS**, Section 5 of the Act contains the “pre-clearance” provisions requiring jurisdictions in all or part of 16 states to prove to the Department of Justice that a voting change will not have the discriminatory purpose of effecting minority voters; and

**WHEREAS**, Sections 6 through 9 of the Act authorizes the Department of Justice to appoint examiners and send observers to the polls to deter, witness, or report discriminatory activities; and

**WHEREAS**, Section 203 of the Act requires more than 450 counties and townships to provide bilingual language assistance to limited English speaking voters; and

**WHEREAS**, The original 1965 Voting Rights Act made these provisions “temporary” subject to reauthorization by Congress based on evidence that the need for these provisions continues to exist; and

**WHEREAS**, There is an effort to make these provisions “national and permanent” that could cause these Voting Rights Act provisions to be ruled unconstitutional by the Supreme Court; and

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**WHEREAS**, There are several legal precedents that require that the provisions be “narrowly tailored” or “congruent and proportional” to address the harms it is designed to cure; and

**WHEREAS**, To meet constitutional muster there is a need to establish a new record of evidence to document for Congress the continued need for the Voting Rights Act enforcement provisions; and

**WHEREAS**, A National Commission on the Voting Rights Act, spearheaded by the Lawyers Committee for Civil Rights, has been established and is holding hearings and gathering evidence to submit a comprehensive report to Congress; now therefore

**RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA**, That we hereby urge Congress to support the reauthorization of Sections 5 through 9 and 203 of the Act that are the key enforcement provisions of the 1965 Voting Rights Act that are set to expire in August of 2007; and

**FURTHER RESOLVED**, That we call on Congress to conduct the appropriate due diligence to investigate and establish a record of evidence to determine the need for reauthorization of the Act’s key provisions; and

**FURTHER RESOLVED**, That we urge Congress to conduct the due diligence necessary to ensure that the key provisions are “narrowly tailored” to address the harms it is designed to address, and not make these provisions “national and permanent” which may result in the provisions being ruled unconstitutional; and

**RESOLVED FURTHER**, That copies of this Resolution are forwarded to the majority and minority leaders of both houses of the Congress.

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CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the sixteenth of June, 2005.

Anna C. Verna  
PRESIDENT OF THE COUNCIL

Patricia Rafferty  
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmember Tasco

Sponsored by: Councilmembers Tasco, DiCicco, Goode, Kelly, Council President Verna, Councilmembers Rizzo, Blackwell, Reynolds Brown, Miller, Clarke, O'Neill, Ramos, Nutter, Cohen, Krajewski, Mariano and Kenney