



MODEL RESOLUTION NO.:

WHEREAS, prior to the Voting Rights Act of 1965, African American citizens were functionally denied their voting rights to meaningfully, freely, and equally cast votes for their desired elected representatives in the federal government and in local and state governments; and

WHEREAS, immediately following the passage of the Voting Rights Act, on August 6, 1965, African Americans were provided protection in the Voting Rights Act that resulted in their being given protection from voting districts that were intentionally drawn to dilute or weaken the ability of African American communities and communities of color from electing representatives of their choosing in local, state, and federal government positions across the United States; and

WHEREAS, the Voting Rights Act of 1965 was expanded with Section 208 in 1982 to provide that all voters who need assistance by reason of blindness, disability, or inability to read or write can receive assistance with a person of their choosing; and in 1975, the Voting Rights Act was expanded with Section 203 to include language accommodation for voters with limited English proficiency; and

WHEREAS, the enactment of the Voting Rights Act of 1965 immediately increased the elected representation of the African American community and the community of color in local, state, and federal elected positions; and

WHEREAS, Section 2 of the Voting Rights Act, which prohibits voting practices or procedures that discriminate on the basis of race, color, or membership in one of the specified language minority groups, has been used to challenge poll closures, limitations on voter registration groups, intimidating police presence, unlawful voter challengers, and other forms of voter intimidation, efforts to prevent voters from exercising their vote, having their vote counted, and many other forms of voter disenfranchisement; and

WHEREAS, since 1983, 182 successful cases have been brought under Section 2 of the Voting Rights Act, and of the 182 cases less than ten (10%) percent, 15 cases, have been initiated by the Department of Justice; and

WHEREAS, the Voting Rights Act was enacted because of the efforts and sacrifices of private citizens and voting rights organizations, such as the NAACP, Southern Christian Leadership Conference, Student Non-Violent Coordinating Committee, and many other organizations and private martyrs, and the continued vitality of the Voting Rights Act is dependent upon the ability of private citizens and voting rights organizations to enforce the provisions of violations of the Voting Rights Act; and

WHEREAS, in 2021 the Arkansas State Conference NAACP filed a federal lawsuit in the United States District Court, Eastern District of Arkansas, challenging a new redistricting voting map that diluted the voting power and stripped black voters of their collective voting power to elect candidates of their choice; and

WHEREAS, the United States District Court judge, on his own motion, dismissed the lawsuit finding that the NAACP did not have standing to bring the lawsuit under Section 2, of the Voting Rights Act; and

WHEREAS, the federal court further opined that the only entity that could bring a lawsuit alleging a violation of Section 2 of the Voting Rights Act is the Attorney General of the United States; and

WHEREAS, the United States Circuit Court of Appeals for the 8th Circuit affirmed the lower court's decision. Finding a lack of standing for individuals wronged by state action to file a lawsuit, as well as a lack of standing by voting rights organizations such as the NAACP; and

WHEREAS, historically, the United States Attorney General has pursued Voting Rights Act lawsuits, as stated above, in less than 10% of the voting rights cases; and

WHEREAS, fourteen (14) State Attorney Generals from across America have signed onto an Amicus brief seeking to make the denial of private citizens or voting rights organizations or both to file lawsuits to protect their voting power pursuant to Section 2 of the Voting Rights Act, the law of the nation; and

WHEREAS, organizations such as the NAACP, ACLU, Lawyers' Committee for Civil Rights Under Law, and others, have traditionally been the organizations seeking to address the wrongs perpetrated by local and state government entities on behalf of those voters whose voting rights have been denied; and

WHEREAS, 182 Section 2 cases have been successfully litigated in federal courts, with the vast majority brought by private plaintiffs, including several in the Supreme Court of the United States; including the landmark case of Allen v. Milligan, 599 U.S. 1 (2023); and

WHEREAS, no court has ever denied private actors' ability to bring their claims in federal court, with the sole exception of the courts in this case, threatening what remains of the Voting Rights Act; and

WHEREAS, I/we the _____ (city/county name) believe that the 8th Circuit Court's decision is detrimental to our country's democracy and will result in the loss of voting rights by many citizens and will deny private citizens a path to redress voting rights violations.

NOW BE IT RESOLVED by the city/county of _____, that we reject the premise that only the Department of Justice through the U.S. Attorney General can file to correct wrongs under Section 2 of the Voting Rights Act. We believe that this ruling should be reversed and that private citizens and organizations should be able to petition the court for redress for allegations of wrongful voting rights violations. We authorize our city/county attorney to submit our name as amici before the 8th Circuit Court of Appeals and the United States Supreme Court and to sign such amicus brief as necessary;

FURTHER BE IT RESOLVED, that we direct a copy of this Resolution noting our adoption of this Resolution be sent to Terri O'Neill, Esquire, Secretary for the Transformative Justice Coalition at: 1816 12th Street, N.W., Washington, D.C. 20009 to be transmitted to the appropriate parties for inclusion in future Amici briefs to be filed in support of the Arkansas State Conference NAACP.

Done and Resolved on this day in _____.