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City Attorney's Office

## OAKLAND CITY COUNCIL

Resolution No. 85450 C.M.S.

INTRODUCED BY COUNCIL PRESIDENT LYNETTE GIBSON MCELHANEY

**RESOLUTION TO SUPPORT CONGRESSIONAL HOUSE JOINT  
RESOLUTION 25 PROPOSING AN AMENDMENT TO THE  
CONSTITUTION OF THE UNITED STATES TO INCLUDE  
PROVISIONS DECLARING THE RIGHTS OF CITIZENS TO  
VOTE, TO PROMOTE DEMOCRACY AND PREVENT  
POLITICAL, RACIAL AND DISCRIMINATORY LIMITATIONS ON  
VOTING ACCESS**

**WHEREAS**, in May 2013, United States Representatives Mark Pocan and Keith Ellison introduced House Joint Resolution ("HJR") 44 which called for a constitutional right to vote; and

**WHEREAS**, in January 2015, United States Representative Mark Pocan introduced HJR 25 with twenty-seven Democratic co-sponsors; and

**WHEREAS**, HJR 25 states that every United States citizen of legal voting age has the constitutional right to vote; and

**WHEREAS**, HJR 25 proposes that the Constitution of the United States be amended to include the following voting rights provisions:

*"Section 1. Every citizen of the United States, who is of legal voting age, shall have the fundamental right to vote in any public election held in the jurisdiction in which the citizen resides.*

*Section 2. Congress shall have the power to enforce and implement this article by appropriate legislation " ; and*

**WHEREAS**, the Voting Rights Act was proposed by President Lyndon B. Johnson and members of Congress at the request of civil rights leaders upon the determination that existing anti-discrimination laws were insufficient to ensure state officials were enforcing the 15<sup>th</sup> Amendment; and

**WHEREAS**, the Voting Rights Act, originally passed in 1965, ensured voting rights by removing barriers to voting, such as literacy tests, and later amendments in 1975 and 1982 further protected voting rights by restricting gerrymandering that diluted the voting power of certain racial and other affinity groups, and

**WHEREAS**, however, in 2013, the Supreme Court struck down Section 4 of the Voting Rights Act, stripping the Justice Department of the power to curb racial discrimination in voting; and

**WHEREAS**, the Brennan Center for Justice reports that at least 83 restrictive bills were introduced in 29 states in 2014; and

**WHEREAS**, creating federal law declaring voting as a constitutional right will limit each state's ability to create their own voting laws, such as those that restrict voting, for example, voter identification requirements which certain states have recently implemented and which have been shown to disproportionately prevent low-income citizens and citizens of color from voting; and

**WHEREAS**, every American citizen should be able to express their opinions, record their choices for elected officials, and engage in the democratic process through voting; now, therefore, be it

**RESOLVED:** That the City Council of Oakland strongly supports the passage of House Joint Resolution 25.

IN COUNCIL, OAKLAND, CALIFORNIA,

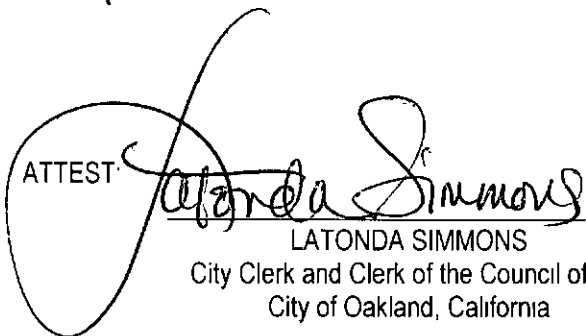
MAR 17 2015

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, ~~GAFFNEY~~, GUILLEN, KALB, KAPLAN, REID AND PRESIDENT GIBSON MCELHANEY - 7

NOES - 0  
ABSENT - 0  
ABSTENTION - 0

Excused - Gallo - 1

ATTEST   
LATONDA SIMMONS  
City Clerk and Clerk of the Council of the  
City of Oakland, California