



# 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 local, state and federal governments;

**WHEREAS**, immediately following the passage of the Voting Rights Act, on August 6, 1965, that 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 colors from electing representatives of their choosing in local, state and federal government positions across the United States;

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

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

**WHEREAS**, Section 2 of the Voting Rights Act has been used to challenge poll closures, limitations on voter registration groups, intimidating police presence and unlawful voter challengers and other forms of voter intimidation, efforts to prevent voters from exercising their vote, having their vote counted and all many forms of voter disenfranchisement;

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

**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. That 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.

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

**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 which 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**, historically, the United States Attorney General has pursued Voting Rights Act lawsuits 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 and/or voting rights organizations 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**, the United States Circuit Court of Appeals for the 8<sup>th</sup> Circuit has 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**, 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 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 8<sup>th</sup> Circuit Court of Appeal 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, DC 20009 to be transmitted to the appropriate parties for inclusion in future Amici briefs to be filed in support of the State Conference of the Arkansas NAACP.

**Done and Resolved** on this day in \_\_\_\_\_.