

SENATE JOINT RESOLUTION NO. 9—SENATORS FORD, DENIS,
KIHUEN, ATKINSON, SPEARMAN; MANENDO, PARKS,
SEGERBLOM AND WOODHOUSE

FEBRUARY 19, 2015

JOINT SPONSORS: ASSEMBLYMEN ELLIOT ANDERSON, ARAUJO,
THOMPSON, KIRKPATRICK, HAMBRICK; AND SWANK

Referred to Committee on Legislative Operations and Elections

SUMMARY—Expresses support for continued enforcement action
against voting discrimination. (BDR R-7)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

SENATE JOINT RESOLUTION—Expressing support for the
continuing efforts of the United States Department of
Justice to take enforcement action against discriminatory
voting requirements and procedures.

1 WHEREAS, The right of every citizen to vote without regard to
2 race or color, guaranteed by the Fifteenth Amendment to the United
3 States Constitution, is fundamental to our system of government;
4 and

5 WHEREAS, The State of Nevada is committed to protecting the
6 voting rights of all citizens and will not support or condone
7 legislation that has the purpose or effect of disenfranchising eligible
8 voters but, to the contrary, will advocate for laws, policies and
9 practices that increase the opportunities of citizens to vote and
10 otherwise engage in the political process; and

11 WHEREAS, The right of some citizens to vote has long been
12 under assault by certain states and local governments, which have
13 imposed voting requirements and procedures that effectively
14 disenfranchise African-Americans and members of other minority
15 groups; and



1 WHEREAS, The Voting Rights Act of 1965, 52 U.S.C. §§ 10101
2 and 10301 et seq., has largely eliminated the more blatantly
3 discriminatory practices, but racial gerrymandering, selective
4 annexation and other practices continue to be used, with the purpose
5 or effect of diluting the votes of minority-group members; and

6 WHEREAS, Based upon their records of discrimination, various
7 states and local governments have been identified pursuant to
8 section 4(b) of the Voting Rights Act of 1965, 52 U.S.C. §
9 10303(b), as “covered jurisdictions,” requiring that any change in
10 voting qualifications or procedures in those jurisdictions cannot
11 become effective until the change is “precleared” pursuant to section
12 5 of the Act, 52 U.S.C. § 10304, by the Attorney General of the
13 United States or a three-judge court in Washington, D.C.; and

14 WHEREAS, The process of preclearance has been of critical
15 importance in preventing the use of discriminatory voting
16 requirements and procedures in covered jurisdictions; and

17 WHEREAS, In the case of *Shelby County v. Holder*, 133 S. Ct.
18 2612 (2013), the United States Supreme Court held that section 4(b)
19 of the Voting Rights Act of 1965, 52 U.S.C. § 10303(b), was
20 unconstitutional because, in the view of the Court, it was based on
21 obsolete data and the existence of discriminatory practices that had
22 been eradicated; and

23 WHEREAS, The Supreme Court in *Shelby County* also held that
24 Congress could lawfully draft a new formula for identifying covered
25 jurisdictions if the revised formula were “based on current
26 conditions”; and

27 WHEREAS, Although the Supreme Court did not invalidate the
28 preclearance provisions of the Voting Rights Act of 1965, 52 U.S.C.
29 § 10304, the preclearance process has effectively been suspended
30 until a revised coverage formula is adopted; and

31 WHEREAS, In the wake of the ruling in *Shelby County*, the
32 United States Department of Justice has expressed its determination
33 to continue to take enforcement action, using the legal tools still
34 available, against any jurisdiction that seeks to take advantage of the
35 Supreme Court’s ruling to obstruct the right of eligible voters fully
36 and freely to exercise their right to vote; now, therefore, be it

37 RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF
38 NEVADA, JOINTLY, That the members of the 78th Session of the
39 Nevada Legislature express their support for the continued efforts of
40 the United States Department of Justice to pursue such enforcement
41 actions and combat the scourge of discrimination in voting; and be it
42 further

43 RESOLVED, That the Secretary of the Senate prepare and
44 transmit a copy of this resolution to the Vice President of the United
45 States as the presiding officer of the United States Senate, the



- 1 Speaker of the House of Representatives, each member of the
- 2 Nevada Congressional Delegation and the Attorney General of the
- 3 United States; and be it further
- 4 RESOLVED, That this resolution becomes effective upon
- 5 passage.

