

RESOLUTION NO.

WHEREAS, voting is the primary tool with which to form a government with the consent of the governed, and as such, the right to vote is foundational to achieving representation, accountability, and protection of all other rights; and

WHEREAS, from the founding of the United States of America until 1868, the full rights and protections of citizenship, including the right to vote, were extended only to white men aged 21 and older, and for much of that period, only to white men aged 21 and older who owned land; and

WHEREAS, the destiny of this country has been continually reshaped, remade, and re-founded by those who fought injustice and demanded, as Barbara Jordan said, “an America as good as its promise,” which includes full access to the rights and protections of citizenship, beginning with the right to vote; and

WHEREAS, the Fourteenth Amendment to the United States Constitution, ratified in 1868, granted full citizenship rights to all men born or naturalized in the United States; the Fifteenth Amendment to the United States Constitution, ratified in 1870, barred racial barriers to the right to vote; the Nineteenth Amendment to the United States Constitution, ratified in 1920, granted women the right to vote; the Twenty-Fourth Amendment to the United States Constitution, ratified in 1964, barred poll taxes; and the Twenty-Sixth

Amendment to the United States Constitution, ratified in 1971, granted citizens the right to vote at the age of 18; and

WHEREAS, in spite of the passage of the Fourteenth, Fifteenth, Nineteenth, Twenty-Fourth, and Twenty-Sixth Amendments to the United States Constitution, states and local jurisdictions across the country, but primarily in the South, restricted access to the right to vote on the basis of race, and indeed, some forms of institutionalized voter suppression continue to this day; and

WHEREAS, equal access to the right to vote was a cornerstone of the Civil Rights Movement; Dr. Martin Luther King, Jr., John Lewis, Fannie Lou Hamer, Amelia Boynton, Ralph and Juanita Abernathy, and other Civil Rights leaders implored, "Give us the ballot," and "Let our people vote," while they marched and protested and endured violent attacks because the right to vote is fundamental to finally enjoying the full rights and protections of citizenship promised by the United States Constitution, which includes the political power to achieve representation and accountability at all levels of government; and

WHEREAS, President Lyndon Johnson signed the Voting Rights Act in 1965 to end practices that denied millions of Americans the equal right to vote, and subjecting the state of Texas and other jurisdictions with histories of discrimination to additional federal

oversight, including preclearance of changes to elections laws, such that all voters were promised access to the ballot without impediment or dilution of effect; and

WHEREAS, President Johnson warned in 1965 that even should the Voting Rights Act become law, the battle to ensure that every American can equally enjoy the constitutionally protected rights of citizenship would not be over; and

WHEREAS, the right to vote of Texans of color has been denied and abridged throughout the state's history, in violation of the Fourteenth, Fifteenth, Nineteenth, Twenty-Fourth and Twenty-Sixth Amendments to the United States Constitution, and in violation of the Voting Rights Act of 1965, through racially motivated voter suppression practices such as white-only primaries, literacy tests, secret ballots, poll taxes, purging voter registration rolls, *de facto* land ownership requirements, racially discriminatory redistricting, and photo identification requirements; and

WHEREAS, the Texas Legislature passed Senate Bill 14 in 2011, requiring voters to present photo identification in order to cast a ballot, an impediment to the constitutionally protected rights of voters of color in particular, as Black and Latino Texans were found to be significantly less likely in possession one of the forms of photo identification required by Senate Bill 14, and thus would have been denied the right to vote even after meeting all eligibility requirements to register to vote; and

54 **WHEREAS**, numerous courts have ruled that Senate Bill 14 intentionally
55 discriminated and unconstitutionally disenfranchised eligible voters, as it would have
56 included no identification option that would not cost money and time to obtain, amounting
57 to a poll tax; as such it was initially not allowed to go into effect because of federal oversight
58 guaranteed by the Voting Rights Act of 1965; and

59 **WHEREAS**, in 2013, the United States Supreme Court upheld the constitutionality
60 of Section 5 of the Voting Rights Act of 1965 in *Shelby County v. Holder*, which protected
61 voters in historically discriminatory jurisdictions with federal preclearance of changes to
62 voting and elections laws, but struck down the formula in Section 4(b) of the Act that defined
63 which historically discriminatory jurisdictions were subject to federal preclearance,
64 rendering Section 5 inoperable without extensive additional federal action to bail in these
65 jurisdictions to Section 5 of the Act, thereby providing local and state governments new
66 opportunities to evade federal oversight and unconstitutionally restrict access to the ballot;
67 and

68 **WHEREAS**, within hours of the announcement of the Supreme Court's ruling in
69 *Shelby County v. Holder*, then-Attorney General of the State of Texas, Greg Abbott,
70 announced that the state would begin enforcing the unconstitutional photo identification
71 requirements in Senate Bill 14; this decision was quickly met with lawsuits seeking to
72 prohibit implementation of the law, and in subsequent years, the State of Texas ultimately

3 spent millions of taxpayer dollars defending an unconstitutional law that would have
4 disenfranchised eligible voters; and

5 **WHEREAS**, under the Trump Administration, the Department of Justice reversed its
6 position on the need to protect Americans from racially discriminatory voting restrictions in
7 February, 2017, and dropped its objection to Texas' intention to implement a law requiring
8 photo identification in order to cast a ballot; this prompted the Texas Legislature to pass
9 Senate Bill 5 in 2017, which minimally expanded the allowed forms of photo identification
10 in compliance with prior United States District Court rulings, but also imposed a possible
11 state jail felony as a penalty for a voter incorrectly signing a declaration of reasonable
12 impediment to obtaining a required form of identification; and

13 **WHEREAS**, the State of Texas redraws its district maps every ten years, which have
14 repeatedly over the last several decades been found to be intentionally discriminatory on the
15 basis of race, diluting the political power of Texans of color, and violating the Fourteenth
16 Amendment to the United States Constitution, resulting in litigation sometimes lasting the
17 entire decade until the maps must again be redrawn; and

18 **WHEREAS**, the State of Texas has closed more polling places than any other state
19 since the Supreme Court's decision in *Shelby County v. Holder*; while some of these closures
20 are attributable to counties adopting the Countywide Polling Place Program, in which a voter

can vote at any polling place in the county in which they are registered, many of the closures have happened in counties that did not participate in the Program, and have limited access to voting particularly for voters in smaller counties; and

WHEREAS, in 2019, the Texas Secretary of State's Office requested that county officials check the eligibility of almost 100,000 registered Texas voters, alleging that these individuals may not be U.S. citizens and as such may not be eligible to vote, and referred this list to the Texas Attorney General's office for criminal investigation and potential prosecution in an attempt to force a purge of predominantly Latino voters from voter registration rolls and generate suspicion about the validity of voter registration rolls; some county officials acted on this request, demanding proof of citizenship from thousands of eligible Texas voters; and

WHEREAS, investigative reporting and admissions by the Secretary of State's Office revealed that the list was compiled haphazardly and contained numerous errors; after legal challenges, counties that had planned to remove voters from their registration rolls based on the faulty list from the Texas Secretary of State ceased attempts to do so; however, many eligible voters who received notification that their eligibility was in question voluntarily removed themselves from the registration rolls; and

08 **WHEREAS**, this debacle stands in contrast to many similar past efforts to purge voter
09 rolls and disenfranchise Texas voters in that it mostly failed after significant pushback, and
0 resulted in the resignation of the Secretary of State prior to a confirmation vote by the Texas
1 Senate; the incident stands as proof that Texans can win when we fight against voter
2 suppression; and

3 **WHEREAS**, the foundational importance of the right to vote in free and fair elections
4 justifies and requires vigilant protection and active encouragement at every level of
5 government, necessitating the implementation of new action to eliminate barriers to voting
6 and encourage civic engagement in order to counter both historic and contemporary barriers
7 that intentionally discourage voting and participation in American democracy; and

8 **WHEREAS**, the effects of formal barriers to voting are often an increase in informal
9 barriers as well, for example: the 2018 Texas Civic Health Index shows that 1 in 5 Texans
10 who did not vote in 2016 said they did not vote because they were too busy or their work
11 schedules conflicted with polling hours, while other Texans cited transportation issues,
12 inconveniences, and feeling like their vote would not make a difference as reasons for not
13 voting; and

14 **WHEREAS**, voter turnout in the State of Texas is routinely among the lowest of all
15 states and the District of Columbia; while some refer to Texas as a “non-voting state,” this

notion presupposes equal access to the ballot without impediment, which Texas history and current events show has not been achieved; and

WHEREAS, Austin voters approved revisions to City Charter in 2012 to establish 10 single-member Council districts, and to hold municipal elections in November rather than in May; in subsequent elections, voter turnout in City of Austin municipal elections has increased by as much as 400%; and

WHEREAS, in order to increase access to the ballot by eliminating confusing precinct-specific voting locations and providing multiple location options so voters can avoid long lines at the polls, Travis County began participating in the Countywide Polling Place Program in 2012, and Williamson County began participating in 2014, so that registered voters in these counties may vote at any polling place open in their county during the early voting period or on election days; and

WHEREAS, to counter transportation barriers to voting, the Capital Metro Board of Directors voted in 2018 to provide free rides on public transit on election days in November in even-numbered years; and

WHEREAS, the percentage of eligible residents registered to vote and who participate in City elections is one of the metrics for the strategic outcome referred to as

“Government That Works for All” and is included in the Strategic Direction 2023, which was adopted by the Council on March 8, 2018; and

WHEREAS, to encourage practices that give voters sufficient time to vote in every election, the Council passed Resolution No. 20181018-040 asking Austin employers to grant their employees sufficient time off with pay to vote during the workday; and

WHEREAS, the election day in 2019 for state constitutional amendments in Texas will be November 5, 2019; early voting for that election begins on October 21, 2019, and ends on November 1, 2019; and registered voters in Travis and Williamson Counties may vote in person at any polling place in their county of residence; **NOW THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The first Tuesday following the first Monday in November of each year beginning in 2020 shall be known in the City as Let Texas Vote Day to encourage voting and civic engagement, and to honor the sacrifices and struggle for the right to vote throughout the history of the United States and Texas to the present day.

BE IT FURTHER RESOLVED:

~~Section III.B.1.a.(1) in Chapter A. and in Chapter B. of the City of Austin Personnel Policies are each amended to add an additional official holiday for City employees to be named “Let Texas Vote Day,” which shall be observed on the first Tuesday following the~~

first Monday in November of each year beginning in 2020. The Council directs the City Manager to analyze and present several options for amending the City of Austin's Personnel Policies to establish Let Texas Vote Day as a paid holiday or other benefit for City employees, to begin in November, 2020. Analysis should include detailed and comprehensive evaluations of costs and budget impacts, including personnel costs and facilities and staffing needs for elections administration, as well as any savings from adjusted facility usage. Consideration should be given to the value to City employees of a holiday as a benefit of employment, community benefits that may result from the City government more actively promoting civic engagement by example and in other ways, and additional ways local governments can prioritize the protection and promotion of voting rights.

The City Manager should present these options and analysis no later than January 21, 2020.

BE IT FURTHER RESOLVED:

Section III.B.1.a.(5) in Chapter A. and in Chapter B. of the City of Austin Personnel Policies are each amended, effective immediately, to read:

(5) Administrative Leave

A Department Director may grant an employee administrative leave for a purpose approved by the City Manager. Examples of administrative leave include but are not limited to: blood bank donations, work hours lost on the day of an on the job injury,

power failure, bomb threat, reduced work day by administrative directive, visits to other cities on City business, etc. A maximum of four hours of administrative leave will be granted for the purpose of voting in a federal, state, or local election (including regular, special, and run-off elections), which may be used during an early voting period or on an election day~~other than Let Texas Vote Day.~~ Time off, when necessary, to vote in national, state, county and municipal elections shall also be considered administrative leave. Time charged to administrative leave will be shown as regular time worked.

BE IT FURTHER RESOLVED:

The City Manager is directed to notify City employees of City of Austin Personnel Policies related to the Let Texas Vote Day holiday and administrative leave for the purpose of voting and the intent of Let Texas Vote Day as described in this Resolution in advance of the early voting period for all regular, special, and run-off elections taking place in Travis, Williamson and Hays Counties.

BE IT FURTHER RESOLVED:

~~The City Manager is directed to work with the City Clerk to develop a plan for City facilities that are used for polling locations on Let Texas Vote Day.~~

BE IT FURTHER RESOLVED:

The Council encourages Austin residents and City employees to register to vote and to vote in every federal, state, and local election, including regular elections, special elections, and run-off elections, and on Let Texas Vote Day.

BE IT FURTHER RESOLVED:

Austin residents and City of Austin employees who cannot vote, who choose not to vote, or who have voted by mail-in ballot or during early election periods prior to Let Texas Vote Day are encouraged to take action on Let Texas Vote Day in the spirit of civic engagement and democratic participation by advocating for a cause that is important to them, by helping their friends and neighbors get to polling places to vote, by becoming Volunteer Deputy Registrars and registering new voters so they will be prepared to vote in the next election, or by volunteering in their community to improve and promote civic pride.

BE IT FURTHER RESOLVED:

The Council encourages all Austin residents and City employees to learn about the importance and history of voting in Texas and the United States throughout the year, and particularly on Let Texas Vote Day, and to honor the sacrifices and struggle of Americans throughout history to the present day who were denied the right to vote because of their race or gender, and who fought against injustice with civil disobedience, community organizing, and civic engagement.

BE IT FURTHER RESOLVED:

The Council directs the City Manager to include in the City's state legislative agenda support for legislative or executive action that promotes and protects voting rights and access to voting, to include as applicable:

1. The establishment of Let Texas Vote Day as a state holiday;
2. Increased requirements for employers to grant employees time off to vote during early election periods and on election days;
3. Modernized voter registration, including online voter registration;
4. Mandated voter registration at all county offices and points of service;
5. Same-day or automatic voter registration;
6. Support for improved and more inclusive volunteer deputy registration training and certification;
7. Expansion of the countywide polling place program;
8. Expansion of the early voting period;
9. Increased state funding for elections administration and security;
10. Increased state funding for voter education;
11. Repeal of punitive and restrictive identification requirements to access the ballot;
12. Restoration of voting rights and the right to stand as a candidate for formerly incarcerated individuals;
13. Civics education and voter registration information in jails and for individuals returning from incarceration upon completion of probation;

14. Increased outreach and distribution of elections and voter registration information to eligible Texans who are not currently registered to vote;
15. Increased funding and assistance to secure voting lists and processes;
16. Designation of colleges and universities as voter registration agencies;
17. Support for establishing polling places on college campuses;
18. Increased and improved accommodations for voters with disabilities;
19. No-excuse absentee voting;
20. Improved poll worker training and polling place standards;
21. Funding and guidance for paper-verified ballots and upgraded voting machines;
22. Protection of the rights and access of Texas voters serving in the military;
23. Elimination of partisan and racially discriminatory redistricting;
24. Moving voter registration responsibilities from county tax assessor-collectors to county clerks, reflecting the prohibition of poll taxes;
25. Creation of a Civic Engagement Board to increase democratic participation and engagement particularly among underrepresented communities;
26. Enforcement of existing state law requirement for school administrators to register eligible high school students to vote; and
27. Other legislation and executive action that promotes greater inclusion and civic empowerment.

BE IT FURTHER RESOLVED:

The Council directs the City Manager to include in the City's federal legislative agenda support for legislative or executive action that promotes and protects voting rights and access to voting, to include as applicable:

1. The establishment of Election Day as a federal holiday;
2. Increased federal funding for elections administration and security;
3. Restoration of the Voting Rights Act to full effect;
4. Authorization of online and modernized voter registration;
5. Greater protection of the rights and access of voters with disabilities;
6. Protection of the rights and access of voters serving in the military;
7. Establishment of a national voter protection hotline;
8. Action to prohibit racially discriminatory and partisan redistricting; and
9. Other legislation and executive action that promotes greater inclusion and civic empowerment.

BE IT FURTHER RESOLVED:

The City encourages all employers in Austin to establish Let Texas Vote Day as a paid holiday, and to provide sufficient time off with pay to vote during early voting periods and on any federal, state, or local election day that occurs on a date other than Let Texas Vote Day, including all regular, special, and run-off elections.

ADOPTED: _____, 2019

ATTEST: _____

Jannette S. Goodall
City Clerk

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