



Fulton County Board of Commissioners

Agenda Item Summary

BOC MEETING DATE
June 2, 2010

D

ITEM NUMBER (Clerk's Use Only)

#10-0600

REQUESTING AGENCY:

Vice Chairman Edwards/Chairman Eaves

COMMISSION DISTRICTS AFFECTED

1 2 3 4 5 6 7 All N/A

REQUESTED ACTION:

Approval

REQUIREMENT FOR BOARD ACTION

(cite Board policy, statute, or code requirement)

IS ACTION RELATED TO BOARD GOALS?

Yes No *(if yes, please describe)*

SUMMARY / BACKGROUND

10-0600 Request approval of a Resolution opposing the City of Sandy Springs, Georgia's request to be exempted from the preclearance requirements of Section 5 of The Voting Rights Act of 1965, as amended. **(Edwards/Eaves)**

Fiscal Impact and Source of Funds:

Exhibit(s)

Contact Information:

County Manager's Approval

SOURCE OF ADDITIONAL INFORMATION (STAFF CONTACT NAME AND TITLE)

PHONE

DIRECTOR'S SIGNATURE:

DIRECTOR'S NAME AND TITLE

PHONE

1 **RESOLUTION OPPOSING THE CITY OF SANDY SPRINGS,**
2 **GEORGIA'S REQUEST TO BE EXEMPTED FROM**
3 **THE PRECLEARANCE REQUIREMENTS OF SECTION 5 OF**
4 **THE VOTING RIGHTS ACT OF 1965, AS AMENDED**
5
6

7 **WHEREAS**, in response to widespread discrimination against African-Americans
8 and other racial and ethnic minorities with respect to the right to vote, the United States
9 Congress adopted, and President Lyndon B. Johnson signed, the Voting Rights Act of
10 1965; and

11 **WHEREAS**, the Voting Rights Act effectuates the guarantees of the Fifteenth
12 Amendment to the U.S. Constitution that no person be denied the right to vote on account
13 of race or color; and

14 **WHEREAS**, Section 2 of the Voting Rights Act prohibits any voting qualification or
15 prerequisite to voting or standard, practice, or procedure that results in a denial or
16 abridgement of the right of any citizen of the United States to vote on account of race, color
17 or membership in a language minority group; and

18 **WHEREAS**, while the provisions of Section 2 of the Voting Rights Act are
19 permanent, the Voting Rights Act also contains special provisions containing extraordinary
20 remedies that apply in certain areas of the nation for a limited time period, including the
21 requirement that certain jurisdictions (including all of the State of Georgia) with a history of
22 discriminatory voting practices must gain advance approval ("preclearance") of the U.S.
23 Attorney General or the federal district court in Washington, D.C. before implementing new
24 voting practices or procedures, in order to ensure that any voting changes are not racially
25 discriminatory [Section 5, 42 U.S.C. § 1973c]; and

1 **WHEREAS**, in response to continuing evidence of discrimination in voting practices,
2 the United States Congress renewed the Voting Rights Act's special provisions – including
3 the Section 5 preclearance requirements -- in 1970, 1975, and 1982; and

4 **WHEREAS**, the effectiveness of, and continuing need for, Section 5 preclearance
5 was shown during 2006 Congressional hearings regarding reauthorization of the Voting
6 Rights Act, through evidence revealing that some 2,400 discriminatory changes in voting
7 practices and procedures had been caught and prevented by the Section 5 preclearance
8 process between 1982 to 2006; and

9 **WHEREAS**, following the above hearings and consideration of the evidence that
10 demonstrated conclusively that barriers to equal minority voter participation remain in the
11 United States today, the United States Congress renewed the preclearance requirements
12 of Section 5 of the Voting Rights Act via the Fannie Lou Hamer, Rosa Parks and Coretta
13 Scott King Voting Rights Act Reauthorization and Amendments Act of 2006; and

14 **WHEREAS**, Section 4 of the Voting Rights Act – often called the “bailout” provision
15 – permits a jurisdiction to seek to avoid preclearance of voting changes pursuant to Section
16 5 of the Voting Rights Act under certain circumstances, including proof that, within the
17 preceding ten years, no voting mechanism, test or device with the purpose or effect of
18 voting discrimination has been used in that jurisdiction; and

19 **WHEREAS**, despite the fact that the City of Sandy Springs was only created by Act
20 of the Georgia General Assembly in 2005 – less than the ten-year period referenced above
21 – the City of Sandy Springs is currently seeking to be exempted from compliance with
22 Section 5 of the Voting Rights Act; and

