

(Do Not Write Above This Line)

A RESOLUTION BY
COUNCILMEMBER NATALYN
ARCHIBONG

A RESOLUTION OF THE ATLANTA CITY
COUNCIL URGING THE UNITED STATES
CONGRESS TO ADOPT A RIGHT TO VOTE
AMENDMENT TO THE UNITED STATES
CONSTITUTION; AND FOR OTHER
PURPOSES.

- CONSENT REFER
 - REGULAR REPORT REFER
 - ADVERTISE & REFER
 - 1st ADOPT 2nd READ & REFER
 - PERSONAL PAPER REFER
- Date Referred: 10/06/2014
 Referred To: *Committee on Council*
 Date Referred: _____
 Referred To: _____
 Date Referred: _____
 Referred To: _____

First Reading
 Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____ Referred To _____	Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____ Referred To _____
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FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
Readings
 Consent V Vote RC Vote

CERTIFIED

MAYOR'S ACTION

**A RESOLUTION BY
COUNCILMEMBER NATALYN ARCHIBONG**

A RESOLUTION OF THE ATLANTA CITY COUNCIL URGING THE UNITED STATES CONGRESS TO ADOPT A RIGHT TO VOTE AMENDMENT TO THE UNITED STATES CONSTITUTION; AND FOR OTHER PURPOSES.

WHEEREAS in a democracy, the right to vote is a *moral imperative*, the most fundamental *legal right* and is *protective of all other rights*; and

WHEREAS when President Lyndon B. Johnson signed the 1965 Voting Rights Act he said, “The right to vote is the basic right, without which all others are meaningless”; and

WHEREAS the right to vote is a fundamental right and should be *explicitly* guaranteed to all Americans in the U.S. Constitution; and

WHEREAS “nowhere in the United States Constitution is there an explicit declaration of the right to vote. Initially the Constitution appears to have left that right up to the states.” (*Oxford Companion to the U.S. Supreme Court*); and

WHEREAS prior to becoming President of the United States, Professor Barack Obama, as a teacher of constitutional law at the University of Chicago, began each of his constitutional law classes sharing with his students the surprising fact that an explicit “federal individual right to vote” is not in the U.S. Constitution; and

WHEREAS the Constitution has been amended 17 times since the Bill of Rights and 7 of those amendments pertain to voting – 14, 15, 17, 19, 23, 24 and 26 – but none of them add the *explicit, fundamental, affirmative, individual, citizenship or federal right to vote* to the Constitution; and

WHEREAS three amendments *outlaw discrimination in voting* on the basis of *race* (15th) - the 1965 Voting Rights Act was the enabling or implementing legislation for this amendment 95 years later - *sex* (19th) and *age* (26th); and

WHEREAS a right to vote constitutional amendment would *fulfill* the 15th, 19th and 26th Amendments; and

WHEREAS of the 119 nations that elect their public officials using some form of democratic elections, 108 have the right to vote in their constitution, but the United States is one of the 11 nations - including **Azerbaijan, Chechnya, Indonesia, Iran, Iraq, Jordan, Libya, Pakistan, Singapore and the United Kingdom** - that does not explicitly contain a citizen's right to vote in its constitution; and

WHEREAS the U.S. has a “states’ rights and local control” voting system; and

WHEREAS since *voting is a state right*, with virtually no national standards, we have

ended up with multiple and varied election systems in the 50 states (plus DC), 3,143 counties (or county equivalents) and 13,000 local voting jurisdictions that administer 186,000 precincts, all organized on a “separate and unequal” basis, controlled and managed by local election officials with 86% of Section 5 Preclearance objections involving *local*, not national or state, voting issues; and

WHEREAS while there is no fundamental individual right to vote in the Constitution, the Supreme Court in *District of Columbia v. Heller* (2008) ruled that the 2nd Amendment *did* guarantee a fundamental individual right to a gun; and

WHEREAS we have the ironic situation that the world’s so-called leading democracy has the fundamental individual right to a gun but *not* the fundamental individual right to vote in its Constitution; and

WHEREAS a “right to vote” constitutional amendment is: (a) *non-partisan* – not Democratic, Republican or independent; (b) *non-ideological* – not liberal or conservative; (c) *non-programmatic* – it doesn’t require you to support or oppose any particular legislative program(s); and (d) *non-special interest* – it’s application is not limited to minorities, women, labor, business, seniors, lesbians and gays or any other special interest groups - *it applies to all Americans*.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Atlanta City Council supports adding a right-to-vote amendment to the U.S. Constitution.

BE IT FURTHER RESOLVED, that the Atlanta City Council supports putting a statewide referendum on the November 2016 general election ballot in our state (and all states where this is possible), which would read something like: “The U.S. Constitution does not contain an explicit individual right to vote. Do you favor adding an explicit individual right to vote amendment to the U.S. Constitution? Yes _____ No _____.

BE IT FURTHER RESOLVED, that the Atlanta City Council specifically supports House and Senate Joint Resolutions which would add a right to vote amendment to the U.S. Constitution – e.g., such a resolution (H.J. Res. 44) which was introduced into the 113th Congress by Congressman Mark Pocan of Wisconsin.

BE IT FURTHER RESOLVED, that the Atlanta City Council will educate the general public on this issue by supporting getting thousands of citizens in our state to sign a petition in support of adding a right to vote amendment to the U.S. Constitution and sharing the signed petitions with all appropriate governmental officials.

BE IT FURTHER RESOLVED, that the Atlanta City Council encourages other organizations and individuals – e.g., political organizations and leaders, religious organizations and leaders, civil rights organizations and leaders, other civic organizations and leaders, business organizations and leaders, voting rights organizations and leaders, labor organizations and leaders, women’s organizations and leaders, youth organizations

and leaders, gay and lesbian organizations and leaders, environmental organizations and leaders – to pass organization resolutions and make personal endorsements for adding a right to vote amendment to the U.S. Constitution.

BE IT FINALLY RESOLVED, that the Atlanta City Council encourages all organizations that pass resolutions and individuals who make personal endorsements of adding a right to vote amendment to the U.S. Constitution to release such actions to the press and send them to the President of the United States, to the Speaker of the U.S. House of Representatives and to the Majority and Minority leaders in the U.S. Senate and House of Representatives.