



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 14-2259, Version: 1

Dept/ Agency: Offices of Municipal Council/City Clerk

Action: () Ratifying (X) Authorizing () Amending

Type of Service: Urging/Supporting

Purpose: Supporting a right-to-vote amendment to the U.S. Constitution.

Additional Information:

WHEREAS 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 MUNICIPAL COUNCIL OF THE CITY OF NEWARK THAT it seeks a right-to-vote amendment to the U.S. Constitution; and

BE IT FURTHER RESOLVED that the Mayor and Municipal Council of the City of Newark 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: “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 _____;” and

BE IT FURTHER RESOLVED that Mayor and Municipal Council of the City of Newark) 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; and

BE IT FURTHER RESOLVED that Mayor and Municipal Council of the City of Newark 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; and

BE IT FURTHER RESOLVED that Mayor and Municipal Council of the City of Newark encourages other political, religious, civil rights, civic, voting rights, Women’s, business, youth, labor, gay and lesbian, environmental organizations and individuals to pass organization resolutions and make personal endorsements for adding a right to vote amendment to the U.S. Constitution; and

BE IT FURTHER RESOLVED that Mayor and Municipal Council of the City of Newark 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.

STATEMENT

This resolution supports and encourages the addition of a right-to-vote amendment to the U.S. Constitution; and supports putting a statewide referendum on the November 2016 general election ballot in our New Jersey and all states where this is possible, which calls for such a US Constitutional amendment.