

RESOLUTION NO. 2024-R-40

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, NAMING THE CITY OF NORTH MIAMI AS AMICI BEFORE THE 8TH CIRCUIT COURT OF APPEAL AND THE UNITED STATES SUPREME COURT IN SUPPORT OF LITIGATION TO PROTECT THE VOTING RIGHTS ACT; FURTHER AUTHORIZING THE CITY ATTORNEY TO SIGN SUCH AMICUS BRIEF AS NECESSARY; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

WHEREAS, prior to the Voting Rights Act of 1965, African American citizens were functionally denied their voting rights to meaningfully, freely, and equally cast votes for their desired elected representatives in local, state, and federal governments; and

WHEREAS, immediately following the passage of the Voting Rights Act, on August 6, 1965, African Americans were provided protection in the Voting Rights Act that resulted in their being given protection from voting districts that were intentionally drawn to dilute or weaken the ability of African American communities and communities of color from electing representatives of their choosing in local, state, and federal government positions across the United States; and

WHEREAS, the Voting Rights Act of 1965 was expanded with Section 208 in 1982 to include all voters that need assistance by reason of blindness, disability, or inability to read or write can receive assistance with a person of their choosing; in 1975 the Voting Rights Act was expanded to include Section 203 to include language accommodation for voters with limited English proficiency; and

WHEREAS, the enactment of the Voting Rights Act of 1965 immediately increased the elected representation of the community of color in local, state, and federal elected positions; and

WHEREAS, Section 2 of the Voting Rights Act has been used to challenge poll closures, limitations on voter registration groups, intimidating police presence and unlawful voter challengers and other forms of voter intimidation, efforts to prevent voters from exercising their vote, having their vote counted and all many forms of voter disenfranchisement; and

WHEREAS, since 1983, 182 successful cases have been brought under Section 2 of the Voting Rights Act. That of the 182 cases brought under the Voting Rights Act less than ten (10%) percent, 15 cases, have been initiated by the Department of Justice; and

WHEREAS, the Voting Rights Act was enacted because of the efforts and sacrifices of private citizens and voting rights organizations, such as the NAACP, Southern Christian Leadership Conference, Student Non-Violent Coordinating Committee, and many other organizations and private martyrs. That the continued vitality of the Voting Rights Act is dependent upon the ability of private citizens and voting rights organizations to enforce the provisions of violations of the Voting Rights Act; and

WHEREAS, in 2021 the Arkansas State Conference of the NAACP filed a federal lawsuit in the United States District Court, Eastern District of Arkansas, challenging a new redistricting voting map that diluted the voting power and stripped black voters of their collective voting power to elect candidates of their choice; and

WHEREAS, the United States District Court judge, on his own motion, dismissed the lawsuit finding that the NAACP did not have standing to bring the lawsuit under Section 2, of the Voting Rights Act, and

WHEREAS, the federal court further opined that the only entity which could bring a lawsuit alleging a violation of Section 2 of the Voting Rights Act is the Attorney General of the United States, and

WHEREAS, historically, the United States Attorney General has pursued Voting Rights Act lawsuits in less than 10% of the voting rights cases, and

WHEREAS, fourteen (14) State Attorney Generals from across America have signed onto an Amicus brief seeking to make the denial of private citizens and/or voting rights organizations to file lawsuits to protect their voting power pursuant to Section 2 of the Voting Rights Act the law of the nation; and

WHEREAS, organizations such as the NAACP, ACLU, Lawyers' Committee for Civil Rights Under Law, and others, have traditionally been the organizations seeking to address the wrongs perpetrated by local and state government entities on behalf of those voters whose voting rights have been denied, and

WHEREAS, the United States Circuit Court of Appeals for the 8th Circuit has affirmed the lower court's decision finding a lack of standing for individuals wronged by state action to file a lawsuit, as well as a lack of standing by voting rights organizations such as the NAACP, and

WHEREAS, the Mayor and City Council of the City of North Miami believe that the 8th Circuit Court's decision is detrimental to our country's democracy and will result in the loss of voting rights by many citizens, and will deny private citizens a path to redress voting rights violations; and

WHEREAS, the City of North Miami rejects the premise that only the Department of Justice through the U.S. Attorney General can file to correct wrongs under Section 2 of the Voting Rights Act and believes this ruling should be reversed and that private citizens and organizations should be able to petition the court for redress for allegations of wrongful voting rights violations.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. **Incorporation.** The above WHEREAS clauses are hereby incorporated by reference into this Resolution.

Section 2. **Authorization.** The Mayor and City Council of the City of North Miami hereby authorize the City Attorney to submit our name as amici before the 8th Circuit Court of Appeal and the United States Supreme Court and to sign such amicus brief as necessary.

Section 3. **Transmittal.** The Mayor and City Council of the City of North Miami hereby directs the City Clerk to transmit an executed copy of this Resolution to Terri O'Neill, Esquire, Secretary for the Transformative Justice Coalition at: 1816 12th Street, N.W., Washington, DC 20009 to be transmitted to the appropriate parties for inclusion in future Amici briefs to be filed in support of the State Conference of the Arkansas NAACP.

Section 4. Conflicts. That all resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 5. Effective Date. That this Resolution shall be in force and take effect immediately upon its passage and adoption.

PASSED AND ADOPTED by a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, this 26th day of March, 2024.


ALIX DESULME, ED.D.
MAYOR

ATTEST:


VANESSA JOSEPH, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: MAYOR DESULME

Moved by: Charles

Seconded by: Desulme

Vote:

Mayor Alix Desulme, Ed.D.
Vice-Mayor Mary Estimé-Irvin
Councilman Scott Galvin
Councilwoman Kassandra Timothe, MPA
Councilman Pierre Frantz Charles, M.Ed.

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