

1 **RESOLUTION NO.**

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

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

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

13 **WHEREAS**, the Fourteenth Amendment to the United States Constitution, ratified in  
14 1868, granted full citizenship rights to all men born or naturalized in the United States; the  
15 Fifteenth Amendment to the United States Constitution, ratified in 1870, barred racial  
16 barriers to the right to vote; the Nineteenth Amendment to the United States Constitution,  
17 ratified in 1920, granted women the right to vote; the Twenty-Fourth Amendment to the  
18 United States Constitution, ratified in 1964, barred poll taxes; and the Twenty-Sixth

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

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

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

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

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

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

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

48 **WHEREAS**, the Texas Legislature passed Senate Bill 14 in 2011, requiring voters to  
49 present photo identification in order to cast a ballot, an impediment to the constitutionally  
50 protected rights of voters of color in particular, as Black and Latino Texans were found to  
51 be significantly less likely in possession one of the forms of photo identification required by  
52 Senate Bill 14, and thus would have been denied the right to vote even after meeting all  
53 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

153 The first Tuesday following the first Monday in November of each year beginning in  
154 2020 shall be known in the City as Let Texas Vote Day to encourage voting and civic  
155 engagement, and to honor the sacrifices and struggle for the right to vote throughout the  
156 history of the United States and Texas to the present day.

157 **BE IT FURTHER RESOLVED:**

158 Section III.B.1.a.(1) in Chapter A. and in Chapter B. of the City of Austin Personnel  
159 Policies are each amended to add an additional official holiday for City employees to be

160 named "Let Texas Vote Day," which shall be observed on the first Tuesday following the  
161 first Monday in November of each year beginning in 2020.

162 **BE IT FURTHER RESOLVED:**

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

165 **(5) Administrative Leave**

166 A Department Director may grant an employee administrative leave for a purpose  
167 approved by the City Manager. Examples of administrative leave include but are not  
168 limited to: blood bank donations, work hours lost on the day of an on the job injury,  
169 power failure, bomb threat, reduced work day by administrative directive, visits to  
170 other cities on City business, etc. A maximum of four hours of administrative leave  
171 will be granted for the purpose of voting in a federal, state, or local election (including  
172 regular, special, and run-off elections), which may be used during an early voting  
173 period or on an election day other than Let Texas Vote Day. ~~Time off, when necessary,~~  
174 ~~to vote in national, state, county and municipal elections shall also be considered~~  
175 ~~administrative leave.~~ Time charged to administrative leave will be shown as regular  
176 time worked.

177 **BE IT FURTHER RESOLVED:**

178           The City Manager is directed to notify City employees of City of Austin  
179 Personnel Policies related to the Let Texas Vote Day holiday and administrative leave for  
180 the purpose of voting and the intent of Let Texas Vote Day as described in this Resolution  
181 in advance of the early voting period for all regular, special, and run-off elections taking  
182 place in Travis, Williamson and Hays Counties, as the City of Austin full-purpose  
183 jurisdiction extends into each of these counties.

184 **BE IT FURTHER RESOLVED:**

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

187 **BE IT FURTHER RESOLVED:**

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

191 **BE IT FURTHER RESOLVED:**

192           Austin residents and City of Austin employees who cannot vote, who choose not to  
193 vote, or who have voted by mail-in ballot or during early election periods prior to Let Texas  
194 Vote Day are encouraged to take action on Let Texas Vote Day in the spirit of civic  
195 engagement and democratic participation by advocating for a cause that is important to them,

196 by helping their friends and neighbors get to polling places to vote, by becoming Volunteer  
197 Deputy Registrars and registering new voters so they will be prepared to vote in the next  
198 election, or by volunteering in their community to improve and promote civic pride.

199 **BE IT FURTHER RESOLVED:**

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

206 **BE IT FURTHER RESOLVED:**

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

- 210 1. The establishment of Let Texas Vote Day as a state holiday;
- 211 2. Increased requirements for employers to grant employees time off to vote during  
212 early election periods and on election days;
- 213 3. Modernized voter registration, including online voter registration;
- 214 4. Mandated voter registration at all county offices and points of service;

- 215 5. Same-day or automatic voter registration;
- 216 6. Support for improved and more inclusive volunteer deputy registration training  
217 and certification;
- 218 7. Expansion of the countywide polling place program;
- 219 8. Expansion of the early voting period;
- 220 9. Increased state funding for elections administration and security;
- 221 10. Increased state funding for voter education;
- 222 11. Repeal of punitive and restrictive identification requirements to access the ballot;
- 223 12. Restoration of voting rights and the right to stand as a candidate for formerly  
224 incarcerated individuals;
- 225 13. Civics education and voter registration information in jails and for individuals  
226 returning from incarceration upon completion of probation;
- 227 14. Increased outreach and distribution of elections and voter registration  
228 information to eligible Texans who are not currently registered to vote;
- 229 15. Increased funding and assistance to secure voting lists and processes;
- 230 16. Designation of colleges and universities as voter registration agencies;
- 231 17. Support for establishing polling places on college campuses;
- 232 18. Increased and improved accommodations for voters with disabilities;
- 233 19. No-excuse absentee voting;
- 234 20. Improved poll worker training and polling place standards;

- 235 21. Funding and guidance for paper-verified ballots and upgraded voting machines;
- 236 22. Protection of the rights and access of Texas voters serving in the military;
- 237 23. Elimination of partisan and racially discriminatory redistricting;
- 238 24. Moving voter registration responsibilities from county tax assessor-collectors to
- 239 county clerks, reflecting the prohibition of poll taxes;
- 240 25. Creation of a Civic Engagement Board to increase democratic participation and
- 241 engagement particularly among underrepresented communities;
- 242 26. Enforcement of existing state law requirement for school administrators to
- 243 register eligible high school students to vote; and
- 244 27. Other legislation and executive action that promotes greater inclusion and civic
- 245 empowerment.

246 **BE IT FURTHER RESOLVED:**

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

- 250 1. The establishment of Election Day as a federal holiday;
- 251 2. Increased federal funding for elections administration and security;
- 252 3. Restoration of the Voting Rights Act to full effect;
- 253 4. Authorization of online and modernized voter registration;
- 254 5. Greater protection of the rights and access of voters with disabilities;

- 255 6. Protection of the rights and access of voters serving in the military;
- 256 7. Establishment of a national voter protection hotline;
- 257 8. Action to prohibit racially discriminatory and partisan redistricting; and
- 258 9. Other legislation and executive action that promotes greater inclusion and civic
- 259 empowerment.

260 **BE IT FURTHER RESOLVED:**

261 The City encourages all employers in Austin to establish Let Texas Vote Day as a

262 paid holiday, and to provide sufficient time off with pay to vote during early voting periods

263 and on any federal, state, or local election day that occurs on a date other than Let Texas

264 Vote Day, including all regular, special, and run-off elections.

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268 **ADOPTED:** \_\_\_\_\_, 2019

**ATTEST:** \_\_\_\_\_

Jannette S. Goodall  
City Clerk