

RESOLUTION NO. 02-41

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, REQUESTING MONROE COUNTY TO INITIATE AN ACTION FOR DECLARATORY RELIEF IN FEDERAL COURT TO TERMINATE COVERAGE OF MONROE COUNTY AND KEY WEST, BY TERMINATING THE PRECLEARANCE REQUIREMENT OF THE UNITED STATES JUSTICE DEPARTMENT IN SECTION 5 OF THE VOTING RIGHTS ACT; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 5 of the Voting Rights Act, whereby the Justice Department must pre-clear any changes affecting voting in a covered jurisdiction, was extended in 1975 to Monroe County due to irregularities in the 1972 election pertaining to a Spanish translation of the ballot; and

WHEREAS, since that time, there have been no voting irregularities in Monroe County warranting Justice Department concern, and in particular no irregularities pertaining to a Spanish translation of the ballot; and

WHEREAS, Section 4(a) of the Voting Rights Act and Section 51.64 of the Code of Federal Regulations provide a "bailout" procedure in order for a covered jurisdiction to remove itself from the Justice Department scrutiny under Section 5 of the Voting Rights Act; and

WHEREAS, the Key West City Commission desires such a

termination of coverage; and

WHEREAS, inasmuch as Monroe County (including each of its municipalities) is considered the covered jurisdiction under Section 5 of the Voting Rights Act, the City Commission wishes to request of the Board of County Commissioners that it initiate the necessary legal action to accomplish bailout;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That Monroe County is hereby requested to initiate an action for declaratory relief in Federal Court to terminate coverage of Monroe County and Key West in Section 5 of the Voting Rights Act.

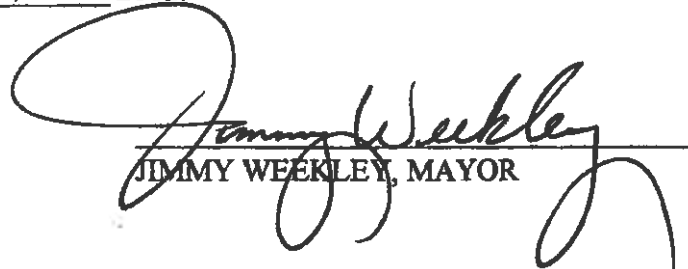
Section 2: That the City Clerk is hereby authorized to transmit a certified copy of this Resolution to the Board of County Commissioners of Monroe County.

Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 6th day of
November 6 2002.

Authenticated by the presiding officer and Clerk of the Commission
on November 6 2002.

Filed with the Clerk on November 7 2002.


JIMMY WEEKLEY, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK