LDF Legal Defense Fund

STATE VOTING RIGHTS ACTS

Updated February 2026

DEMOCRACY AT 60 YEARS
LDF Legal Defense Fund
LEGAL DEFENSE FUND
60TH SELMA JUBILEE
MARCH 6-9, 2025
naacpldf.org
MAKING GOOD TROUBLE SINCE 1940

THE FEDERAL VOTING RIGHTS ACT OF 1965

The federal VRA was enacted to protect the right to vote for all Americans, especially against racial discrimination.

- Prohibits discriminatory voting laws or practices and provides tools for voters to challenge voting discrimination in court.
- Until *Shelby County*, required covered jurisdictions to obtain "preclearance" before making changes to voting rules, to ensure that discriminatory changes never take effect.
- Requires bilingual election materials in certain jurisdictions.
- Protects against voter intimidation.

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EROSION OF THE FEDERAL VRA

The Supreme Court has upended or eroded key protections of the federal VRA, with dire consequences for Black voters and other voters of color.

Shelby County, Alabama v. Holder (2013): Supreme Court (SCOTUS) gutted the preclearance program.

Brnovich v. Democratic National Committee (2021): SCOTUS weakened VRA protections, making it difficult—if not impossible—to challenge discriminatory voter suppression.

SCOTUS and other federal courts have imposed legal tests that make VRA litigation overly complex, costly, and difficult.

Lower courts have undercut enforcement for millions of Americans by ruling that voters cannot use the VRA directly (8th Circuit) or preventing different groups of voters from coming together to enforce their rights (5th & 6th Circuits).

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OUR DEMOCRACY IS UNDER ATTACK

Voting rights are under attack nationwide, especially for Black voters and other voters of color.

We are seeing attacks, not progress, on voting rights at the national level. The Trump Administration has undermined voting rights enforcement through its Project 2025 agenda.

Instead of strengthening these protections by enacting the John Lewis Voting Rights Advancement Act, leadership in Congress is pushing anti-voter legislation that will add more barriers to the ballot.

Voters continue to face persistent barriers, such as unfairly drawn districts, inaccessible polling locations, insufficient language assistance for voters who don't speak English, and even outright voter intimidation.

Scott J. Ferrell/Getty Images

STATE VOTING RIGHTS ACTS

A growing number of states are acting to protect the right to vote and safeguard our democracy.

State VRAs provide protections that are essential for voters to fairly participate in our democracy.

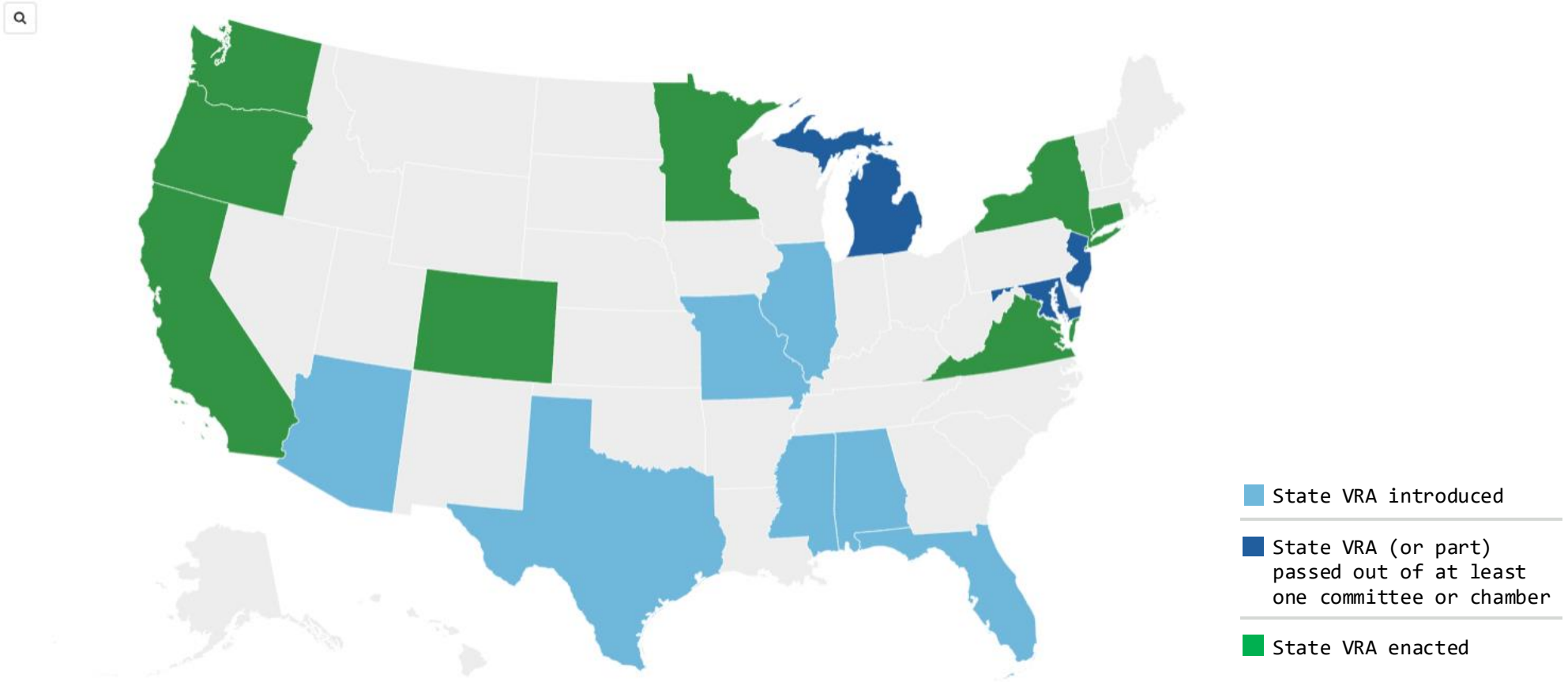
By enforcing comprehensive, clear standards, State VRAs prevent discrimination and expand opportunities to people disproportionately impacted by voter suppression.

State VRAs address gaps in federal voting rights laws and streamline voting rights protections to make them more effective.

GROWING MOMENTUM FOR STATE VRAS

Enacted
California (2002)
Washington (2018)
Oregon (2019)
Virginia (2021)
New York (2022)
Connecticut (2023)
Minnesota (2024)
Colorado (2025)

Bills Introduced in Recent Years
Mississippi
Texas
Illinois
Maryland
New Jersey
Alabama
Michigan
Florida
Arizona
Missouri



Source: Data and Bill Information Compiled by the Legal Defense Fund (LDF), Updated Jan. 2026

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WHAT ARE KEY ELEMENTS OF A STRONG STATE VRA?

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- Addresses election systems or districting plans that weaken or drown out people's voices based on their race **(vote dilution).**
- Provides tools to combat practices that impose barriers or cause disparities in voting based on race **(voter suppression).**
- Establishes **"preclearance"** for local governments with histories of discrimination.
- Protects against **voter intimidation.**
- Expands **language assistance** for voters with limited English proficiency.
- Implements a **central public repository** for election data.
- Instructs judges to exercise their discretion in a pro-voter, pro-democracy way **(democracy canon).**

PROHIBITION ON VOTE DILUTION

Addresses racial vote dilution: Unfair districting plans or election systems (like at-large elections) that weaken or drown out people's voices based on their race.

Provides an efficient and streamlined legal standard to make litigation more predictable, less time-intensive, and loss costly than vote dilution litigation under the federal VRA.

Robust vote dilution protections can be a powerful tool to combat systemic underrepresentation of voters of color at the local level.

For example, in Maryland, one analysis found that one-third of counties and one-fourth of municipalities in Maryland with substantial populations of people of color did not have any people of color serving in local government.

VOTER SUPPRESSION

- **Addresses voter suppression:** Barriers that deny or burden voting opportunities to voters based on their race.

- Addresses the erosion of federal "vote denial" claims under Section 2 by SCOTUS.

- Can be used to challenge practices that create barriers to voters of color, including among other things:

  - Inaccessible or insufficient polling locations in communities of color.
  - Wrongful voter purges that disproportionately harm voters of color.
  - Holding of elections on unusual off-cycle dates that disproportionately suppresses turnout among voters of color.
  - Improper election administration decisions or equipment allocations that lead to longer lines in communities of color.

PRECLEARANCE

Restores and modernizes the preclearance framework, inspired by Section 5 of the federal Voting Rights Act.

Requires local governments with histories of discrimination to prove that voting changes won't result in discrimination before they can be implemented.

Provides a streamlined administrative process with expert review of key voting changes.

For example, preclearance programs can be used to review proposed changes to local districting plans or polling place locations. And a change can only proceed after it is determined that it is lawful and does not harm voters of color.

PRECLEARANCE: HOW IT WORKS

Local governments at high risk for voting discrimination are opted into the program. This occurs through a coverage framework.

For example, jurisdictions with previous voting rights violations or with severe racial disparities in participation.

These places must get voting changes pre-approved (or "precleared") by a state authority such as the Attorney General or a court.

Can require preclearance of all voting changes, or just new or modified election-related policies or practices that are known to have a risk of discrimination, like removing people from voter rolls or moving polling locations.

VOTER INTIMIDATION

- Creates strong protections against voter intimidation, deception, or obstruction at the ballot box.

- Provides tools to combat voter intimidation by any bad actors, no matter who they are — private individuals, campaigns, law enforcement, or others.

- Supplements existing criminal prohibitions in state and federal law and existing civil protections in federal law.

LANGUAGE ACCESS

- Expands language assistance for voters with limited English proficiency so every eligible voter can participate effectively.

- Requires election-related language assistance in the parts of a state where it is not already required by federal law.

  Federal law requires language assistance when 5% or 10,000+ of a jurisdiction's voting age citizen population has limited-English proficiency and a greater than average illiteracy rate – State VRAs can provide a lower threshold so more jurisdictions are covered.

- Covers more languages than the federal VRA.

  The federal VRA covers only Spanish, Asian, and Native American languages.

- Requires accurate translations of election and voting-related materials: For example, voter registration notices and forms, sample ballots, election instructions, etc.

Deb Cohn-Orbac/Getty Images

STATEWIDE DATABASE

- Implements a central public repository for election and demographic data, often housed at an academic institution.
- Fosters transparent, evidence-based practices in election administration.
- Reduces burden of open records requests on election authorities & streamlines access for the public.

DEMOCRACY CANON

- Instructs judges to exercise their discretion in the most pro-voter, pro-democracy way possible.
- Ensures voters of color have equitable access to fully participate in the electoral process.
- Builds off existing legal doctrines directing judges to interpret election statutes in a pro-democracy way.

STATE VRAS ARE TAILORED TO ADDRESS THE NEEDS IN EACH STATE

Provisions must be tailored for each state.

For instance, the voter suppression provision can be tailored to provide tools to efficiently combat known threats in the state. And the preclearance coverage framework can be tailored to capture the ways that discrimination shows up in each state (like housing segregation in one place and differential arrest rates in another).

State VRAs can incorporate additional protections to address state-specific needs.

For instance, State VRAs can include the Native American Voting Rights Act provisions, tailored protections for voters with disabilities, advance notice of changes to election rules, etc.

Federal law will never be able to fully address the particular needs and threats in each state — that's why State VRAs will always be crucial, even if the full protections of the federal VRA are restored.

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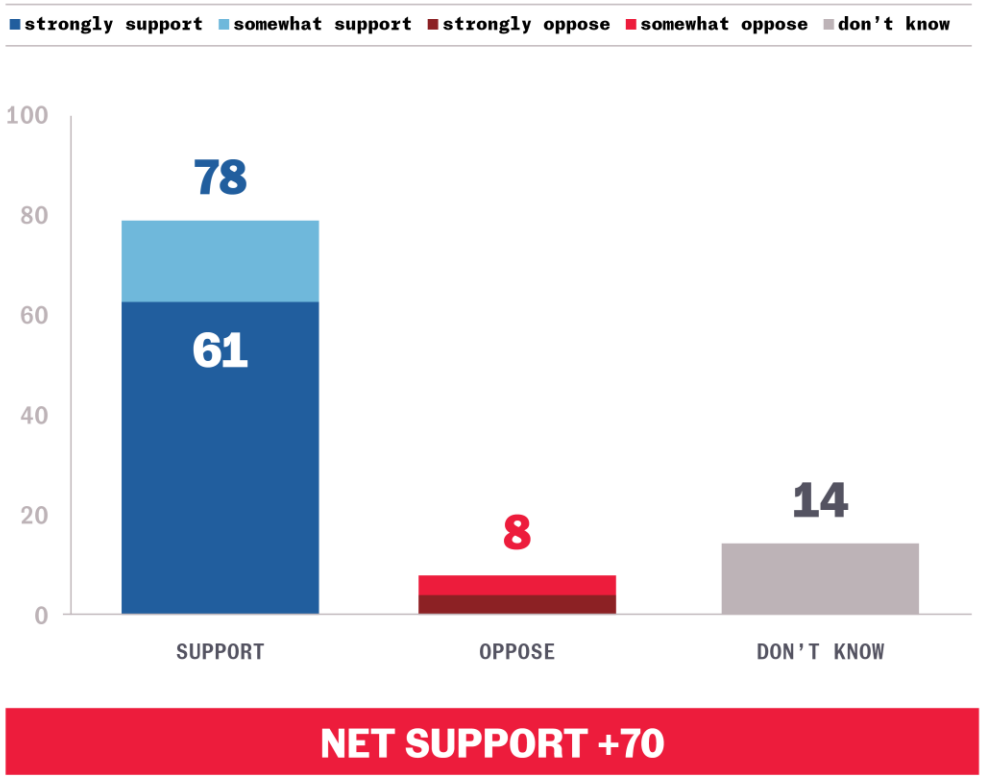
STATE VRAS AREN'T JUST GOOD POLICY:

THEY ARE POPULAR POLICY

MORE THAN THREE-QUARTERS OF VOTERS SUPPORT PASSING A VOTING RIGHTS ACT IN THEIR STATE.

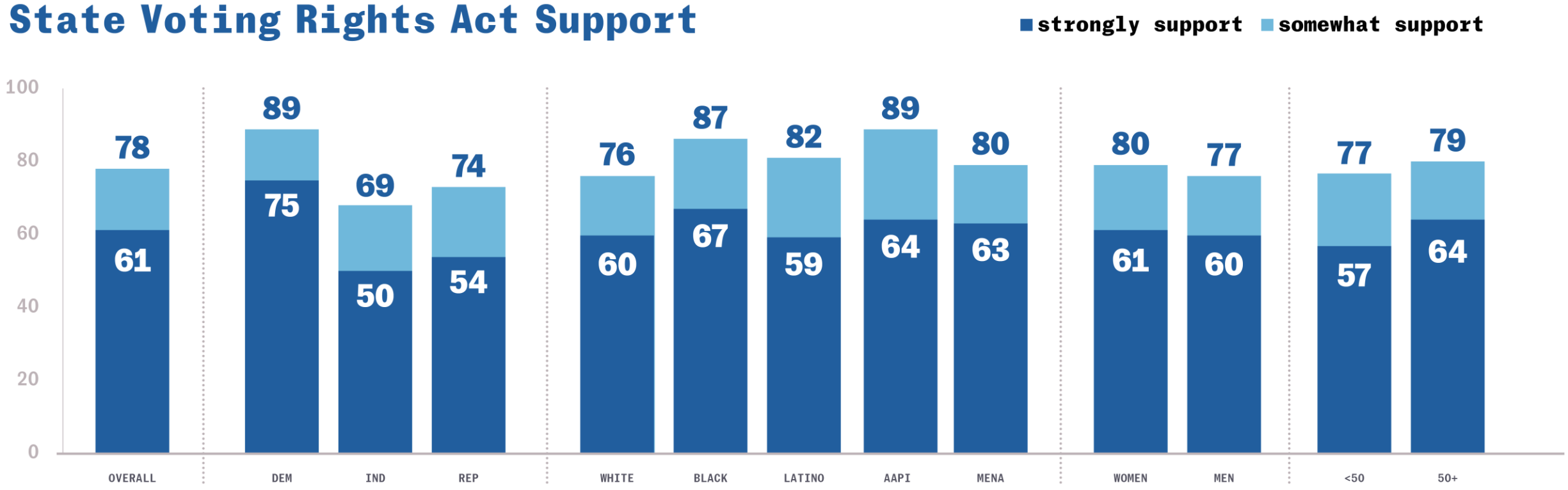
>60% strongly support a state voting rights act.

Would you support or oppose passing a [state] voting rights act to protect voting rights in [state]?



STRONG SUPPORT FOR A STATE VOTING RIGHTS ACT TRANSCENDS PARTISANSHIP AND DEMOGRAPHICS

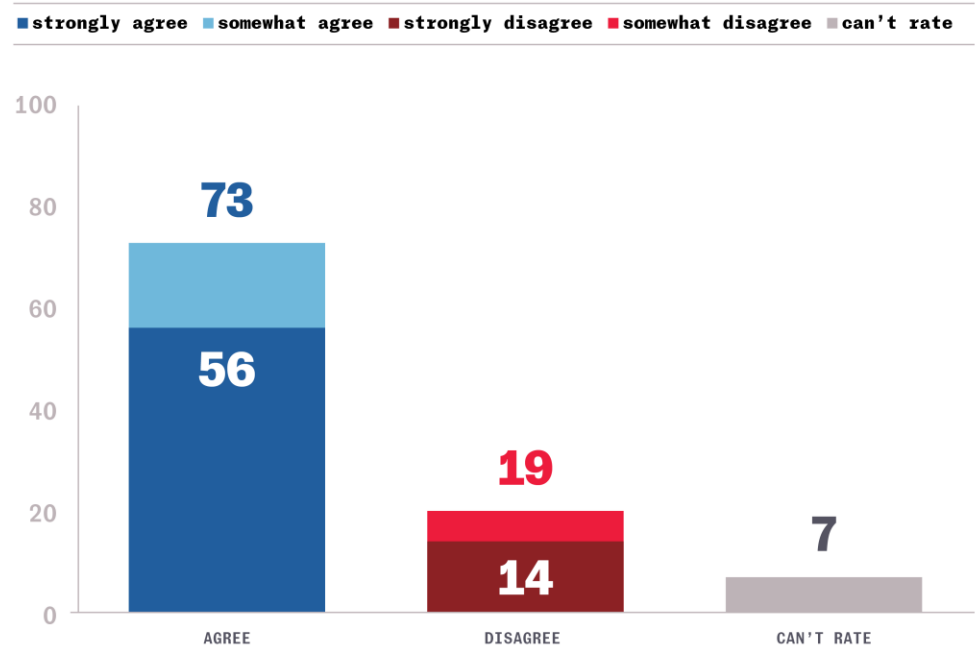
State Voting Rights Act Support



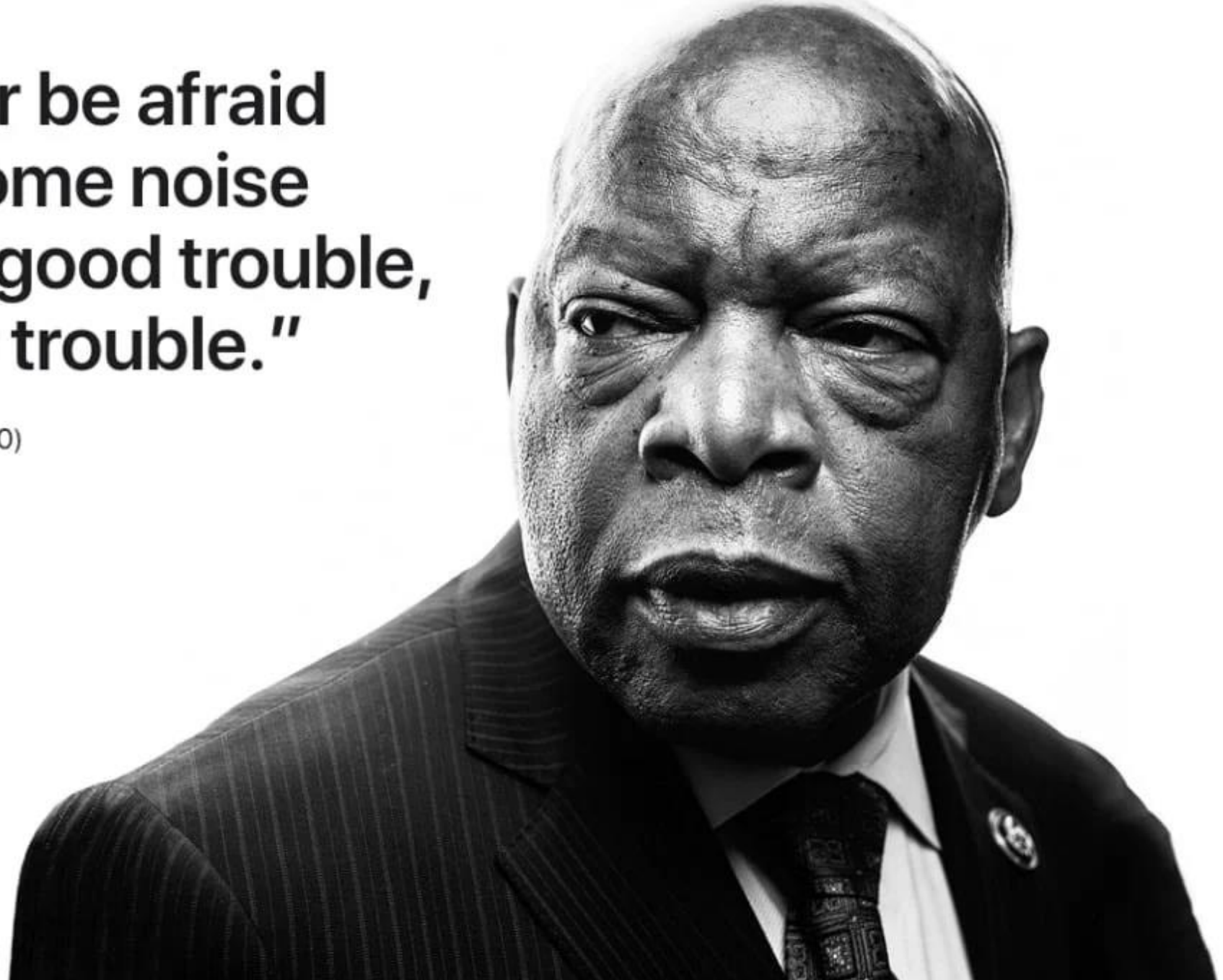
ABOUT 3-IN-4 VOTERS NATIONALLY WANT THEIR REPRESENTATIVES TO PRIORITIZE PASSING A STATE VRA

Do you agree or disagree with the following statement:

I want my state representative to prioritize passing a [STATE] voting rights act that will protect [STATE] voters from barriers that prevent Black and Brown voters from having the same freedom to vote as everyone else.



NET AGREE +54

"Never, ever be afraid to make some noise and get in good trouble, necessary trouble."

Rep. John Lewis (1940-2020)