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Twelve Years After *Shelby County v. Holder* Decision, LDF Calls for Voter Protections in Wake of Increased Attacks on our Democracy

Twelve years ago, on June 25, 2013, the U.S. Supreme Court handed down a ruling in *Shelby County v. Holder* that severely weakened a crucial section of the Voting Rights Act. By declaring the preclearance framework unconstitutional — a framework that identified which states and localities with histories of racial discrimination in elections were required to obtain approval before implementing any proposed voting process changes — the Court opened the door for a bevy of suppressive voting laws and racial vote dilution tactics that have severely harmed Black voter power. This decision carries even more weight as we confront the various threats to our democracy, including today's direct attacks at the federal and state levels on opportunities for Black voters to elect their candidates of choice.

Preclearance had been an enormously successful requirement — arguably the most transformative provision of the most successful civil rights law in American history. Discriminatory voter suppression laws were stopped before they even began, and eligible Black voters experienced [unprecedented access](#) to the ballot box. In the first decade of federally mandated preclearance practices, the voter registration gap between white and Black voters fell by over [20 points](#). Black voter [turnout](#) and Black [representation](#) in elected offices increased accordingly. But now, the voter registration gap is widening once again — in 2022, despite the second largest turnout for a midterm election in 20 years, the gap between turnout of white and Black voters had [nearly doubled](#) from the previous midterm election.

In response, Janai Nelson, President and Director-Counsel of the Legal Defense Fund (LDF), issued the following statement:

“As Justice Ginsburg wrote in her famous dissent from the *Shelby* opinion, throwing out preclearance is like ‘throwing away your umbrella in a rainstorm because you are not getting wet.’ And now, we are caught in the midst of a torrential downpour of voter suppression and discriminatory gerrymandering without our strongest protections, facing the biggest storm of voter rights attacks that we have seen in decades as the

current administration tries again and again to undermine our sacred democratic institutions.

“For nearly 50 years, preclearance helped prevent the blatant wrongs of racial discrimination in election practices before the wrongs could even occur. Twelve years after these protections were stripped away, American democracy is suffering the consequences. Black voices have been intentionally diluted at the ballot box, voter ID laws that disproportionately limit Black access to elections have been forced through legislatures, and new district maps drawn after preclearance was lifted have severely undermined Black communities’ ability to elect candidates of their choice on an equal basis as white voters.

“The *Shelby County v. Holder* decision opened the door for the [implementation of these suppressive voting laws and racially discriminatory tactics](#) — but we cannot lose all hope. We have successfully fought for other fundamental voting rights protections in court, and we have won. In 2023, LDF brought an historic redistricting case in *Allen v. Milligan* before the U.S. Supreme Court that reaffirmed the district court’s order striking down Alabama’s congressional map that diluted Black political power. And in 2024, Alabama elected two Black representatives to Congress for the first time in history.

“As we reflect on the *Shelby County* anniversary, LDF remains steadfast in our work to protect the fundamental right to vote that others so desperately want to weaken.”

LDF’s Director of Litigation Deuel Ross, who successfully argued *Milligan*, will participate in a teach-in on *Shelby County* and its impact this evening hosted by the Leadership Conference on Civil and Human Rights. He will be joined by Senator Padilla, Representative Sewell, and Representative Morelle. [Learn more here.](#)

To learn more about the impact of the *Shelby County v. Holder* decision, [visit our website here](#). To learn more about LDF’s work to protect voting rights, [visit our Political Participation webpage here](#).

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Founded in 1940, the [Legal Defense Fund \(LDF\)](#) is the nation’s first civil rights law organization. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the Legal Defense Fund or LDF. Please note that LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957 — although LDF was originally founded by the NAACP and shares its commitment to equal rights.