



## States Enacting a Voting Rights Act

By: Lily Cloyd, Legislative Fellow  
May 6<sup>th</sup>, 2025

---

### Overview

On August 6<sup>th</sup>, 1965, President Lyndon B. Johnson signed the [Voting Rights Act](#) (VRA) into law. This act outlawed “discriminatory voting practices” like prerequisite literary tests and poll taxes, which predominantly targeted African Americans in Southern states. Section 5 of the Act requires approval from the Attorney General or the DC District Court before passing any new voting practices. Hailed as the “most significant statutory change” following the Reconstruction period, the Voting Rights Act has been [readopted and strengthened](#) several times throughout the past few decades, most notably in 1970, 1975, and 1982.

However, U.S. Supreme Court decisions in recent years have weakened key provisions of the Voting Rights Act. In 2013, [Shelby County v. Holder](#) dismantled Section 5 of the Voting Rights Act which prohibited states and local jurisdictions from enacting new election laws or local ordinances without seeking federal permission. The U.S. Supreme Court's interpretation of Section 2 of the Voting Rights Act in [Brnovich v. Democratic National Committee](#) (2021) set narrow standards for voting rights groups to claim that election laws are discriminatory towards racial minorities.

The Supreme Court is expected to rule on *Louisiana v. Phillip Callais, et al.* In this case, Louisiana drew a new congressional map to account for population shifts, but “[maintained the status quo](#)” of five white, Republican-leaning districts and one Black, Democratic-leaning district. This prompted civil rights advocates to file a lawsuit in a lower alleging racial discrimination. The case went to the 5<sup>th</sup> U.S. Circuit Court of Appeals, where it gave Louisiana a deadline to draw a new map. However, following the 2024 election a group of “non-African American” voters [filed a case](#) stating that the new district map was driven primarily by race. The opposition argue that politics was the main driving factor, not race. The upcoming Supreme Court decision on this matter has the potential to further weaken the Voting Rights Act and may prompt more states to act.

State Voting Rights Acts mimic or build upon the federal Act to combat voter discrimination. State Acts outlaw discrimination in voting, electoral processes and redistricting. [To date](#), eight states have adopted their own VRAs and include more detail in their respective provisions, often codifying certain rights into law. State VRAs do not apply to congressional districts, unlike the federal Act. Neighboring states like [Virginia](#) have ensured voting accessibility for non-English speakers and voting protection for racial minorities with their Voting Rights Act. Barriers to VRA passage [include](#) partisanship at the state level, a strict budget, and potential complications like an extra [workload](#) for election officials.

---

## Advantages of a State Voting Rights Act

---

- **Opportunities for improvement.** States have the opportunity to improve the federal act and “[enhance protections](#)” specifically for their voters.

---

## Challenges of a State Voting Rights Act

---

- **Difficult to pass.** In 2024, Michigan’s VRA legislation [died in the House](#), despite being a more progressive state. Opposing factors were [cost](#) and lack of [time](#).

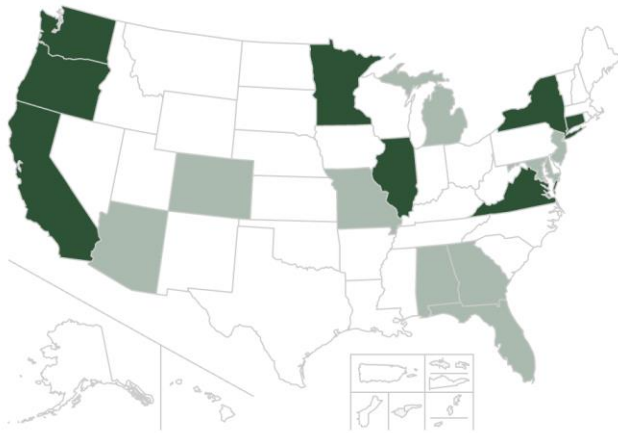
---

## State Reactions

---

### State Voting Rights Acts

*States that have introduced or enacted Voting Rights Acts*



No Voting Rights Act  
Enacted Voting Rights Act  
Introduced Voting Rights Act

- [Nine states](#) have introduced legislation to enact their own VRAs: Alabama, Arizona, Colorado, Florida, Georgia, Illinois, Maryland, Missouri, and New Jersey.
- Eight states have already enacted their own Voting Rights Acts.
  - The [California Voting Rights Act of 2001](#) addresses “racially polarized voting” and provides solutions “tailored to local communities.”
  - The [Virginia Voting Rights Act of 2021](#) establishes private right of action, requires language

assistance, and targets racially polarized voting.

- State voting rights acts often cover a mixture of state and local jurisdictions. They include [elements like](#) prohibiting voter intimidation, private rights of action, vote dilution provisions, and requiring preclearance for voters.

---

## Recent Delaware Legislation

---

- On April 10<sup>th</sup>, the State Senate [passed SS1 to SB2 and SS1 to SB 3](#) to enshrine early and absentee voting rights in the state constitution. The bills have been assigned to the House Administration Committee and await approval.

---

## Considerations for Delaware Legislators

---

- **Introducing legislation to enhance voting rights for Delawareans.** Continue to identify and draft bills to expand voting protections throughout the state.
- **Exploring a Delaware Voting Rights Act.** Delaware lawmakers may consider establishing a VRA to address voting rights pertinent to the state. Legislators can look to neighboring state legislation from Virginia or New York for inspiration.

---

## Additional Resources

---

- The National Conference of State Legislatures published a [brief](#) with information on state Voting Rights Acts.
- This [Stateline](#) article on the status of the federal Voting Rights Act.
- This [NPR](#) article that explores Louisiana’s Supreme Court case on redistricting.
- [AP News](#) explains why the Court is divided over the LA congressional map.
- The U.S. Department of Justice’s Civil Rights Division identifies [cases](#) that fall under Section 2 of the Voting Rights Act.