

DEMOCRACY 101: UNDERSTANDING STATE VOTING RIGHTS ACTS

FEBRUARY 2025



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What is Democracy 101?

With new legislative sessions kicking off in states across the country, MAP's Democracy program is releasing a series of policy briefs focused on educating communities about emerging trends in election and voting-related legislation.

The policies detailed in this series are among the 50+ laws we track in real time with our Democracy Maps, which can be viewed [here](#).

This report was authored by:

Movement Advancement Project

MAP's mission is to provide independent and rigorous research, insight, and communications that help speed equality and opportunity for all people. MAP works to ensure that all people have a fair chance to pursue health and happiness, earn a living, take care of the ones they love, be safe in their communities, and participate in civic life.

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Introduction

What are Voting Rights Acts?

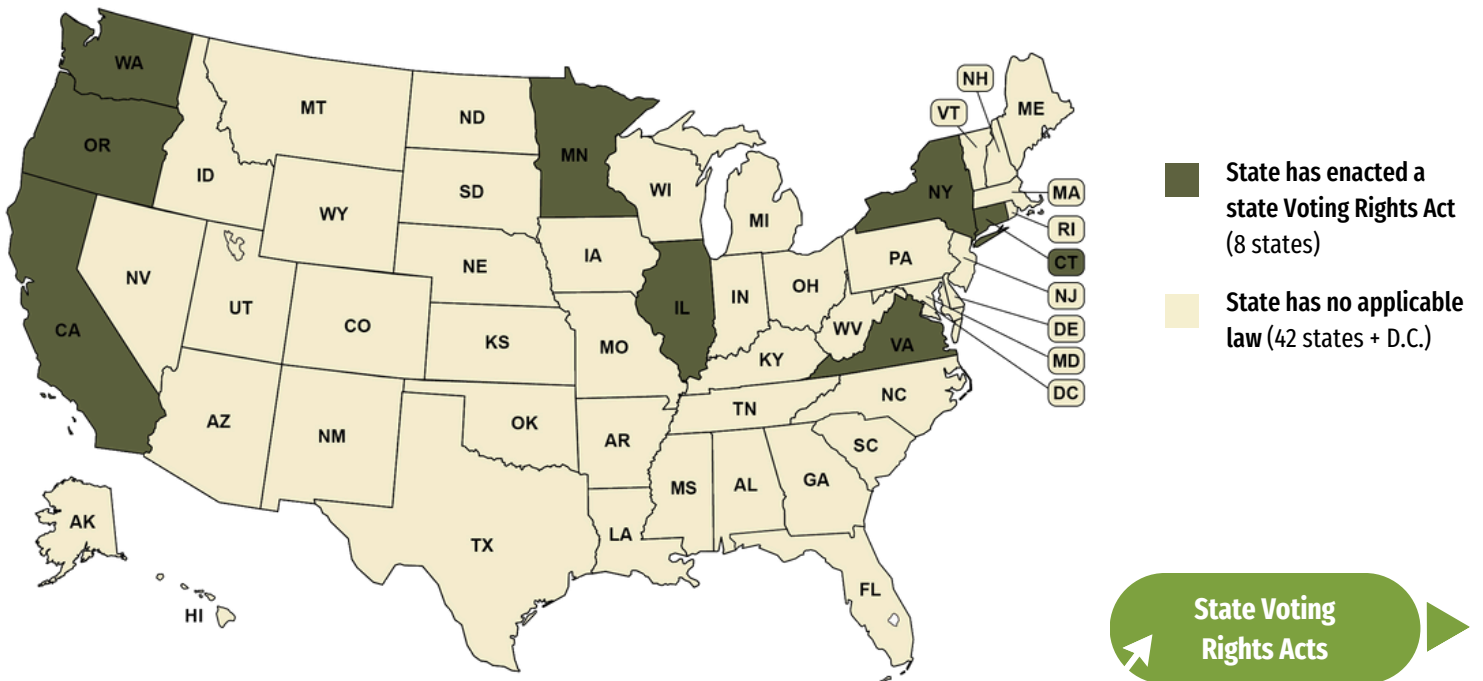
The federal Voting Rights Act (VRA), passed in 1965 thanks to the efforts of the civil rights movement, is one of the most important pieces of legislation ever enacted in our country. However, due to U.S. Supreme Court decisions over the past decade, some of the most important protections of the federal VRA have been stripped away.

Subsequent appellate court decisions have also weakened the VRA. As a result, it is much more difficult to challenge racially discriminatory practices across the country. At the same time,

many states have passed laws that make it harder to vote, particularly for minority groups.

In response to this shifting landscape, some states have taken renewed interest in putting their own voting rights protections in place. State Voting Rights Acts differ in scope but are generally modeled after the federal VRA. State Voting Rights Acts provide new legal tools to fight voter suppression in court and create protections against voter intimidation and racial discrimination, among many other critical safeguards. This policy brief outlines the increasing need for these state-level protections, explains how these policies have developed over time and how they differ between states, and offers a rundown of current proposals in the 2025 legislative session.

FIGURE 1: ONLY EIGHT STATES HAVE ENACTED A STATE VOTING RIGHTS ACT



Source: MAP, [Democracy Maps](#). Data as of Feb. 5, 2024.

Weakening of the Federal Voting Rights Act and the Evolution of State-Level Acts

For nearly 50 years after its passing, the federal VRA remained a bedrock of civil rights protections. However, in 2013, the U.S. Supreme Court invalidated one of the most important parts of the law, which required states with a history of discriminatory election practices to obtain approval (“[preclearance](#)” in the law) from the federal government before changing voting rules.

Following this decision, in 2021, the U.S. Supreme Court further weakened the federal VRA by significantly limiting the ability of voting rights advocates to challenge new restrictions in court. Most recently, the Eight Circuit Court of Appeals went even further, ruling that the federal law contains no private right of action for individuals to file enforcement suits.¹

In response to the decline of federal voting rights protections, states began to take action to implement their own laws that seek to replace the original protections of the federal VRA.²

Washington became the first state to [adopt a law](#) responding directly to the weakening of the federal VRA; Washington’s law protects voting rights by preventing “electoral systems that deny race, color, or language minority groups an equal opportunity to elect candidates of their choice.”

Oregon passed their law, closely modeled after Washington’s act.

Virginia passed its state voting rights act, which is the most expansive to date and closely mirrors the original federal Voting Rights Act. Most significantly, Virginia became the first state to implement a preclearance provision at the state level (see page 3 for more) and the first to establish a private right of action, which allows lawsuits to be filed by individuals or advocacy organizations.

In the last four years, Connecticut, Minnesota, and New York have also enacted expansive state Voting Rights Acts, which are discussed in more detail below. With this recent momentum, almost 30% of eligible voters are now protected by state VRAs.

2018

2019

2021

Since 2021

1. This ruling only currently applies to the states within the jurisdiction of the Eighth Circuit Court of Appeals.

2. California and Illinois adopted state VRAs prior to the Supreme Court decisions (in 2002 and 2011, respectively). These laws are more narrow than recent legislation, and focus primarily on “vote dilution,” which occurs when legislative maps are drawn in a discriminatory fashion to deny voters of color the ability to elect candidates their communities support.

Key Requirements of State Voting Rights Acts

As noted above, there are some key differences between the eight states that currently have voting rights acts in place. At one end of the spectrum are California and Illinois, with narrowly focused vote dilution protections, and on the other end, Connecticut, Minnesota, New York, and Virginia's more expansive laws.

Despite this variation, there are key requirements that advocates and lawmakers

should consider when designing new laws in other states:

#1. Preclearance Requirements

These require local governments to get approval from state authorities before making significant changes to election processes, which means states can prevent discriminatory practices in advance and reduce the need for court challenges. Some states with preclearance requirements design their laws to cover local jurisdictions with a history of discrimination or are based on other measures, like how frequently members of protected classes are elected to office.



Source: [Center for American Progress](#). February 2025.

#2. Vote Dilution and Denial Protections

Vote dilution occurs when an election system works to unfairly limit the voting power of racial or language minority groups. Examples include racial gerrymandering or the use of “at-large” districts where all voters cast their ballots for all candidates in a city or town, which can prevent voters of color from electing candidates of their choice in communities where they are not the majority. Some state Voting Rights Acts, like Virginia’s, have broad protections against racial discrimination related to voting.

#3. Language Access Requirements

These policies require areas with non-English speaking populations above a certain level to provide election materials, including ballots and registration forms, in that language. Multiple states that have enacted VRAs have expanded upon this requirement by lowering the mandatory population levels and extending the languages covered so that all voters can participate in elections equally.

#4. Protections Against Voter Intimidation and Election Interference

Especially considering recent increases in voter intimidation, election-related violence, and interference spurred by the election denialism

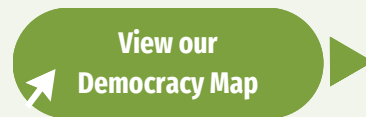
movement, states should consider broad protections in these areas when crafting state VRAs. For example, Virginia’s law enhanced existing protections against intimidation, created new prohibitions against election-related disinformation, and established protections against election interference and subversion.

#5. Additional Protections

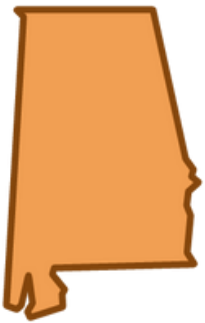
States should consider explicitly providing private rights of action, which allow citizens and organizations to bring lawsuits to enforce protections. States should also consider establishing a “democracy canon” in their laws, meaning state courts must interpret laws in favor of voting rights and equal access to the ballot.

Current Proposed Legislation

As of January 2025, at least six states are considering legislation that would implement state Voting Rights Acts for the first time. MAP tracks these laws and their developments in real time on our [Democracy Map](#).



In the following states, current legislation to establish new VRAs includes:



Alabama HB60

Includes preclearance requirements, vote dilution protections, and establishes a state commission to administer the law. The package of bills also includes expansive policies that increase access to absentee voting and allow the restoration of voting rights for formerly incarcerated individuals.



Arizona SB1193

Includes requirements for language access, protections against vote dilution, and a private right of action.



Colorado SB25-001

Contains robust voting protections for Indigenous tribes and individuals with disabilities, as well as expansive language access requirements. The bill also contains new rules that specifically protect the rights of LGBTQ+ voters.

Maryland SB0342



This bill closely mirrors recently enacted laws in Virginia and New York, and includes a preclearance requirement, protections against vote dilution and intimidation, and a private right of action.

Michigan SB401, 402, 403, and 404



Includes prohibitions against vote dilution and denial, as well as language access protections.

New Jersey S3009



Like Maryland, New Jersey's bill includes a preclearance requirement, protections against vote dilution and intimidation, and a private right of action.



The Colorado Voting Rights Act would not only protect voting access and prohibit the use of unfair election methods, it also specifically codifies protections for voters of color, voters who speak languages other than English, voters with disabilities, and LGBTQ+ voters.

Similar provisions can be found in the acts of the eight states with VRAs, but at the time of this writing, no other state has intentionally included language protecting the rights of voters based on their actual or perceived gender identity, gender expression, or sexual orientation.

Why Now is the Time for State Voting Rights Acts

Voters are no longer able to count on the most crucial and effective parts of the federal VRA to protect their voting rights through the courts. Beyond that, a new administration in Washington has been clear in stating its commitment to restrictive policies on voting and elections.


This means that state-level protections are more critical than ever, as it is being left to the states to protect our most fundamental rights. State VRAs fill the gaps left by a lack of federal enforcement to combat discriminatory election and voting practices.

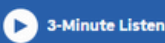




Regardless of race, background, language, disability, wealth, age, or zip code, state Voting Rights Acts defend our right to vote and help ensure that every voice is heard, and every vote is counted equally.


n p r ELECTIONS

With the Voting Rights Act facing more threats, advocates renew a push for state laws

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 Hansi Lo Wang

 3-Minute Listen    



A visitor looks at an exhibition on voting rights in the U.S. at the International African American Museum in Charleston, S.C., in January.
Jim Watson/AFP via Getty Images