



***“Does The Voting Rights Act Still Have Teeth?
State Attorneys General Are Deciding.”***

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As federal courts review key provisions of the nation’s most historic voting rights law, state AGs are shaping how much of its promise endures. Some are defending democratic inclusion and voter participation, while others press interpretations that could make voting rights even weaker and harder to enforce.

State AGs Clash Over a Cornerstone of American Democracy

The [Voting Rights Act of 1965](#) (VRA)—which secured the vote for Black Americans and other communities long shut out of the democratic process—stands as one of the greatest civil rights achievements in U.S. history. But voting rights are not just a legacy of the past. They are a living safeguard of democracy, protecting the public’s ability to freely choose its representatives.

That principle is under strain. President Trump’s politically motivated [mid-decade redistricting campaign](#) spotlights a mounting threat to representative government: lawmakers choosing their voters instead of the other way around.

With control of the U.S. House often decided by [how district lines are drawn](#)—and the Supreme Court blocking federal review of [partisan gerrymandering](#)—state attorneys general (state AGs) have stepped forcefully into voting rights battles nationwide. [Some](#) defend [contested maps](#), while [others](#) condemn lawmakers’ attempts to strip voters of their power.

Yet their influence extends far beyond any single election outcome. Two cases, in particular, show how state AGs are carving out the legal doctrine that will govern the VRA’s future, reshaping the contours of American democracy.

One case turns on whether individuals can still enforce the VRA at a moment when private lawsuits have become its primary means of survival. The other tests whether states may consider race at all when attempting to remedy maps that dilute minority voting power and skew representation.

This publication traces the history of the VRA, the resurgence of voting restrictions after the 2013 rollback of federal oversight, and why defending the law matters today—not only for minority voters, but for anyone who cares about protecting the integrity of U.S. elections. It then examines how state AGs are shaping the VRA’s future, advancing legal arguments that could either blunt its remaining force or safeguard the crucial rights it still protects.

How Federal Voting Rights Transformed American Democracy

Today, Black and Latino voters in America face [longer wait times](#) at the polls, [identification requirements](#) that disproportionately burden them, and other uneven [barriers to voting](#). During the [Jim Crow era](#), the disparity was far more severe.

Black Americans were systematically denied access to the most [basic tool of political power](#): the vote. States deployed a range of blatantly discriminatory measures to [suppress Black political participation](#), among them poll taxes that required payment to register, whites-only primaries that excluded Black voters from meaningful elections, and [absurdly confusing](#) literacy tests.

One such test asked voters to determine the [number of bubbles](#) in a bar of soap—stripping away any pretense that these rules were about competence rather than exclusion. [Grandfather clauses](#) provided legal loopholes allowing primarily white voters to bypass these hurdles.

The Voting Rights Act transformed American democracy— redefining whose voice truly counts in U.S. elections.

The VRA marked a turning point in federal efforts to confront discriminatory voting practices. Beyond banning racial discrimination at the polls nationwide, it introduced federal enforcement mechanisms that could reach even the most resistant states.

Black voter registration soared in the South and Black [political representation](#) expanded, driving [increased investment](#) in public infrastructure and [tangible improvements](#) to roads, utilities, and community facilities. [Research](#) by UC San Diego also found the law contributed to reductions in racial wage inequality—a reminder that expanding voting rights can bolster both [economic equity and democracy](#).

Why The Voting Rights Act Still Matters

The VRA transformed voting from a fragile right into a real source of power for previously excluded communities, strengthening the fabric of American democracy. But in 2013, less than five years after [record Black voter turnout](#) helped elect the nation's first Black president, the Supreme Court crippled the VRA's enforcement framework in [Shelby County v. Holder](#).

The Court's decision eliminated key preclearance protections that required jurisdictions with a history of racial discrimination to obtain federal approval before changing voting rules. That shift—from proactive federal preclearance to reactive litigation—has fueled a dangerous rollback in voting rights.

A 2023 analysis by the [Brennan Center for Justice](#) found that 29 states have passed close to one hundred restrictive voting laws since *Shelby County*, many of which disproportionately harm communities of color. These measures include strict voter ID requirements, reduced access to mail-in ballots, hurdles to voter registration, curtailed early voting, polling place closures, and limits on voter assistance.

One striking example of the barriers voters now face comes from poll site closures: nearly 1,700 locations were closed between 2012 and 2018, often without clear notice, transparency, or input from affected voters, a 2019 [report](#) found. These closures can force voters to [travel farther](#), take extra time off work, and wait in long lines at understaffed polling sites—[hurdles](#) that [make it harder](#) for older adults, rural residents, people with disabilities, and working-class individuals to cast their ballots.

The burden falls especially hard on communities of color. A USA Today [analysis](#) of the 2016 election found closures were far more common in counties with [larger nonwhite populations](#). If current trends continue, vulnerable communities will face even steeper obstacles—a stark reminder of the enduring damage from *Shelby County*.

**State AGs are actively shaping
whether the Voting Rights Act remains
a meaningful shield for democracy,
or a hollowed-out tool.**

This [widespread resurgence](#) in voting restrictions doesn't just threaten minority civil rights. With American democracy facing [unprecedented threats](#), defending the VRA is crucial to keeping representative government alive.

Broad [voter participation](#) strengthens democracy by pushing elected officials to serve the common needs of all people—not just the interests of the powerful few. Regardless of race, background, or party, Americans have a shared stake in healthcare, housing, jobs, representation, and safety.

Because exclusion weakens collective power, efforts to roll back minority voting rights are [not historical anomalies](#) but a [recurring feature](#) of anti-democratic governance. Undermining political agency—through anti-voter measures, [economic inequality](#), or the outsized sway of [concentrated wealth](#)—allows officials to entrench power by catering to a narrow base instead of all constituents.

How State AGs Are Reshaping The Voting Rights Act

Decades after the VRA helped create a more inclusive democracy, federal courts are now revisiting some of its core protections. The following two cases reveal how state AGs are actively shaping the legal decisions that could redefine the future of federal voting rights—and the fairness of U.S. elections.

1. Who Gets to Enforce Section 2? State AGs Take Sides in Voting Rights Fight

[Section 2](#) of the VRA is currently the [nation's primary tool](#) for challenging voting practices that discriminate based on race, color, or language-minority status. For decades, it has been enforced largely through [private lawsuits](#), but that power could now be stripped from voters' hands.

In [*Turtle Mountain Band of Chippewa Indians v. Howe*](#), Native American tribes and individual members challenged North Dakota's 2021 redistricting plan, alleging it diluted their ability to elect preferred candidates. They brought claims under Section 2 and [42 U.S.C. § 1983](#).

Building on a [2023 decision](#) rejecting an implied private right of action under Section 2, the Eighth Circuit held that private plaintiffs may no longer enforce the law. If left in place, the ruling would leave enforcement entirely to the Department of Justice (DOJ)—a federal agency with limited resources and shifting political priorities.

State AGs have filed sharply divided amicus briefs. Led by [Minnesota AG Keith Ellison](#), 23 states urge the Supreme Court to preserve private enforcement of Section 2, noting that voters have historically brought over 90 percent of cases. They highlight that private lawsuits are vital both for deterring discrimination and for empowering communities to challenge violations.

Pro-democracy state AGs are fighting to ensure voters can still challenge voting discrimination.

A coalition of 15 states, [led by Alabama AG Steve Marshall](#), takes the opposite view, framing challenges to redistricting as an intrusion on state sovereignty. By limiting Section 2 enforcement to the DOJ, they undercut one of the strongest tools voters have to fight voting discrimination.

Through their arguments, state AGs are shaping the power of voters to enforce federal voting rights. Their advocacy could determine whether Americans can still use Section 2 to safeguard the elections democracy depends on.

2. Section 2 Remedies at Risk: How State AGs Are Shaping Whether Every Vote Counts

Even as *Turtle Mountain* awaits review, [Louisiana v. Callais](#) risks gutting Section 2 and setting back American democracy. What began as a straightforward Section 2 claim has erupted into a [constitutional showdown](#) that could deprive minority communities of their electoral influence and [slash Black congressional representation](#) on a scale not seen since the VRA's enactment.

A federal court found that [Louisiana's 2022 congressional map](#) likely diluted Black voting strength in violation of Section 2 and ordered the state to adopt a remedial map with a second majority-Black district. Non-Black voters sued, attacking that remedy as unconstitutional [racial gerrymandering](#). The resulting clash of court orders placed the VRA and the Equal Protection Clause on a collision course now before the Supreme Court.

[Louisiana AG Liz Murrill](#) initially defended the state's remedial map, but reversed course after the Court requested supplemental briefing. She now argues that any race-based redistricting is unconstitutional, even to remedy vote dilution.

This so-called "[colorblind](#)" stance is dangerously restrictive—potentially handcuffing, if not paralyzing, states' efforts to address racial voting inequities that hinder fair elections. In effect, it forbids using race to protect voters from discrimination while leaving racial inequities in place—turning race into a tool that can harm but not help.

AG Murrill’s brief draws on [Students for Fair Admissions v. Harvard](#), which treated race-conscious college diversity policies as a form of reverse discrimination against non-beneficiaries, applying that reasoning to race-based redistricting. Some scholars warn that *Callais* is part of a [broader strategy](#) to [undermine American equality](#), weaponizing the very laws meant to prevent discrimination against the communities they were designed to protect.

***Callais* could gut the VRA further,
make minority communities invisible—
and leave Section 2 protections on paper.**

As Section 2 hangs in the balance, two state AG coalitions have filed competing amicus briefs. A [13-state coalition](#) led by Alabama AG Steve Marshall asks the court to affirm the lower court’s ruling unless it holds that redistricting challenges are nonjusticiable, meaning federal courts would have no authority to decide them. Both outcomes threaten voting rights: a nonjusticiable ruling could effectively shut down Section 2 map lawsuits, while affirmance could discourage states from proactively fixing discriminatory maps.

One [report](#) estimate that an adverse ruling could put up to 30 percent of the Congressional Black Caucus and 11 percent of the Congressional Hispanic Caucus at risk. [Experts](#) further caution that states could respond by shifting local elections to at-large or multi-member systems in racially polarized jurisdictions— rendering minority votes virtually meaningless.

To counter these threats to fair and inclusive representation, 20 states led by [District of Columbia AG Brian Schwalb](#) and [New York AG Letitia James](#) are defending Section 2. They urge the Court to reject the Alabama coalition’s arguments and preserve states’ ability to redraw maps to remedy probable voting rights violations.

Callais shows how state AGs are not just arguing over district lines, but contesting something far more fundamental. Will Section 2 of the VRA remain a practical tool for ensuring every vote counts—or will the Court impose a new standard that effectively blinds states to the very communities the law was meant to safeguard?

Through their respective advocacy, state AGs are shaping these questions, and, with them, the future of American democracy.

The Leadership Center for Attorney General Studies is a non-partisan organization dedicated to educating the public about the important role state attorneys general play in addressing pressing issues, enforcing laws, and bringing about change.