

Court Limits Who Can Sue in Voting Rights Cases Involving Voters with Disabilities

July 29, 2025

— Categories: Politics & Government



A federal appeals court has ruled that only the U.S. Department of Justice, not private citizens or civil rights groups, can file lawsuits under certain provisions of the Voting Rights Act. The decision has sparked a wave of concern among voting rights advocates, who warn it could significantly weaken efforts to challenge laws seen as restricting voter access.

The case, decided by the 8th U.S. Circuit Court of Appeals, focused on an Arkansas law that limits how many voters a person can assist in casting a ballot. The challenge was brought under Section 208 of the Voting Rights Act, which protects voters who are blind, disabled, or unable to read or write. The court, in a 2–1 decision, said that the law does not give private individuals the right to sue; only the federal government may do so.

This ruling follows an earlier decision from the same court that reached a similar conclusion about Section 2 of the Voting Rights Act. Section 2 has long been used to challenge racially discriminatory voting maps and laws. Historically, the vast majority of cases brought under Section 2 came from private citizens and organizations, not the federal government.

Opponents of the ruling argue it guts one of the most effective tools available for protecting voting rights. Sophia Lin Lakin, an attorney with the American Civil Liberties Union, called the decision “radical” and out of step with decades of judicial precedent. She noted that private lawsuits have accounted for over 90 percent of Section 2 enforcement nationwide.

Supporters of the court’s position, however, say the ruling is consistent with a plain reading of the law. They argue that if Congress intended to allow private lawsuits under these provisions, it would have said so explicitly. Without that language, they contend, enforcement authority rests solely with the Department of Justice.

Meanwhile, the U.S. Supreme Court has stepped in on a similar case out of North Dakota. There, tribal groups and private plaintiffs challenged a redistricting plan they say diluted Native American voting strength. The

Supreme Court paused a lower court ruling that would have blocked them from suing under Section 2, preserving their right to proceed, for now.

The divide among courts on this issue suggests the Supreme Court may eventually need to settle the matter. At stake is a fundamental question: who gets to defend voting rights when state laws appear to cross the line?