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Supreme Court Preserves Voting Rights Act Protections

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The United States Supreme Court has temporarily upheld key legal protections under the Voting Rights Act of 1965, allowing voters across most of the country to continue filing lawsuits against discriminatory voting practices. The ruling relates to a case in North Dakota involving Section 2 of the landmark civil rights law, which prohibits racial discrimination in voting.

The North Dakota case began in 2021 when two Native American tribes challenged a state redistricting plan. They argued the new map diluted their voting strength by reducing their ability to elect representatives of their choice. Notably, the tribes pointed out that the plan resulted in no Native Americans serving in the state Senate for the first time in 35 years.

A federal district court sided with the tribes, blocking the state's map and ordering the adoption of a tribal-endorsed map for the 2024 election. This new map restored Native American representation in the legislature.

North Dakota's Secretary of State appealed the decision, contending that individual voters and groups do not have the right to sue state officials under the Voting Rights Act. The Eighth Circuit Court of Appeals agreed with this narrower interpretation in a 2023 ruling. This marked the only federal appellate court to limit Section 2 in such a way.

In response, the tribes petitioned the Supreme Court, warning that if the appeals court's ruling were allowed to stand, the state could remove Native American officials elected under the court-approved map. The Supreme Court granted the tribes' request to halt the appeals court decision, maintaining, at least temporarily, the right of voters to challenge vote dilution and other violations under Section 2.

The Court did not provide detailed reasoning for its stay, but Justices Clarence Thomas, Samuel Alito, and Neil Gorsuch dissented. They argued the Eighth Circuit's ruling should take effect.

This decision follows closely after the Supreme Court agreed to rehear a similar case from Louisiana next term. That case raises broader constitutional questions about Section 2 itself, specifically whether it violates the Constitution by using race as a factor in redistricting. The Louisiana case concerns the creation of a second majority-Black congressional district, which opponents say manipulates racial boundaries.

During the previous term, the Court failed to reach a consensus on the Louisiana case, and it will now rehear the matter with additional legal arguments. The outcome could have significant implications nationwide. Depending on the ruling, Section 2's enforcement authority could be invalidated across the country, including in cases like North Dakota's.

The Voting Rights Act of 1965 was enacted under President Lyndon B. Johnson to combat discriminatory practices such as literacy tests and poll taxes that historically prevented

many Black Americans from voting. Section 2 remains a crucial tool in preventing racial discrimination in elections.

For now, the Supreme Court's intervention preserves protections for minority voters and the ability to challenge redistricting plans that may dilute their influence. Observers anticipate further legal battles as the Court continues to examine the balance between race, representation, and constitutional law.