



Democracy & Voting Policy Priority Brief

Voting Rights

What are Voting Rights?

Voting Rights refer to the legal entitlements that ensure that people have an ability to participate in their government and express their opinion through the electoral process. Voting rights include the right to register to vote, casting a ballot, and having that ballot fairly counted. These rights are fundamental to our democracy and are protected under various U.S. and state constitutional laws, as well as some protections afforded in the Voting Rights Act of 1965.

Voting Rights in the South

The current status of voting rights in the South after the Supreme Court's decision in *Shelby County v. Holder* is complex and varies from state to state. Despite the great strides made during the civil rights era as it relates to voting rights, we've seen a great deviation from those advancements and have been presented with several new challenges.

Several Southern states have enacted strict voter ID laws which tend to disproportionately affect minority, elderly, and low-income voters who may have difficulty obtaining the necessary identification, including the cost associated with securing that identification from the state. Other states have performed aggressive purges of voting rolls that have led to otherwise eligible voters being removed from lists, also disproportionately affecting Black and Latino communities. There have also been efforts at redistricting and gerrymandering that have diluted minority voting power and have been challenged as high as the U.S. Supreme Court with varying results. Many states have also enacted laws closing or consolidating polling places, particularly in minority and low-income areas, which creates a barrier to voting by not only creating confusion on where voters are supposed to go to vote, but also creating longer waiting times and reducing access for those who rely on public transportation. Outside of these legal measures, quite often the spread of disinformation about voting procedures, the lack of awareness about recent changes to voting laws, and the outright intimidation of both voters and those who work the polls can also suppress voter turnout in marginalized communities.

How Protecting Voting Rights Can Advance Equity

Enacting laws that protect and ensure voting rights in the South can advance equity in several ways. Protecting these rights ensures that all citizens, regardless of race or socioeconomic status, have equal access to participate in the electoral process, which in turn leads to more representative governance and in turn, policies that address the needs of all communities. Strengthening voting rights can also empower marginalized communities, giving them a greater voice in electing representatives who can advocate for and understand their interests, leading to a more equitable allocation of resources and addressing system issues through sound policy decisions that don't just protect special interests. Enhancing and protecting voting rights can also foster increased civic engagement and participation in the political process and overall, strengthen our democracy by promoting a more informed and active citizenry that feels informed and empowered to hold elected officials accountable. When those who are elected are more representative of the populations that they serve, policy outcomes have a better chance of being equitable and elected officials who rely on the votes of diverse communities are more likely to prioritize issues that benefit all constituents.

Protecting voting rights is critical for the advancement of race and class equity in the South to ensure that all have access to the electoral process, unburdened by bureaucratic policies that don't protect our elections but instead people from being able to access their right to vote. By doing so, we can promote a more inclusive democracy and foster policy decisions that reflect the needs and interests of diverse communities. This requires vigilant protection and expansion of voting rights by our states through legislative measures, sound judicial oversight, and the active involvement of citizens to counteract the ongoing efforts to disenfranchise and discourage marginalized communities from being a part of our democratic process.

Legislative Measures Related to Protecting Voting Rights

The legislative landscape related to voting rights is still a mixed bag across the country, with many states putting new restrictions in place while others are enacting laws that make it easier and less burdensome to vote. Here are a few of the expansive laws we saw in the 2024 legislative sessions.

1. **Virginia:** enacted [HB 1330](#), which will allow eligible voters who are in jail awaiting trial or following a misdemeanor conviction to vote by absentee ballot and requires the institution detaining them to provide the means for the voter to do so.
2. **Virginia:** enacted [HB 441/SB 605](#), removing the requirement that a voter have a "physical" disability to be able to vote and receive assistance outside of a polling place.
3. **Tennessee:** [Senate Bill 2118](#) will require election officials to provide accessible absentee ballots for voters with disabilities who have difficulty reading or writing printed material.
4. Mississippi: [House Bill 1406](#) simultaneously expanded some voting rights while restricting others. While the bill included provisions that will expand access to absentee

ballots for voters employed in jobs that require them to be on-call on Election day (such as first responders, doctors, and nurses) and for those who are incarcerated in a facility in a county where they are registered to vote, it simultaneously prohibits the use of drop boxes or hand-delivery for mail-in ballots.