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**SENATE COMMITTEE ON  
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**  
Senator Scott Wiener, Chair  
2025 - 2026 Regular

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**Bill No:** AJR 31 **Hearing Date:** 6/30/26  
**Author:** Bryan  
**Version:** 5/13/26  
**Urgency:** **Fiscal:** No  
**Consultant:** Scott Matsumoto

**Subject:** Restoration of the Voting Rights Act of 1965

**DIGEST**

This resolution urges Congress to enact legislation to restore and strengthen the full protections of the Voting Rights Act of 1965 (VRA).

**ANALYSIS**

Existing law:

- 1) Provides, pursuant to the 15th Amendment to the U.S. Constitution, that “[t]he right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.” The 15th Amendment authorizes Congress to enact legislation to enforce its provisions.
- 2) Prohibits, pursuant to Section 2 of the VRA, among other provisions, any “voting qualification or prerequisite to voting or standard, practice, or procedure” from being imposed by any “state or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color.” Section 5 of the VRA requires certain states and covered jurisdictions to receive approval for any changes to law and practices affecting voting practices and procedures.

This resolution:

- 1) Calls upon Congress to act with all deliberate speed to enact legislation to restore and strengthen the full protections of the VRA.
- 2) Urges Congress to restore a functional preclearance regime, including a modernized coverage formula grounded in contemporary evidence of discrimination, ensuring that jurisdictions with a record of discriminatory practices must obtain federal approval before implementing voting changes.
- 3) Urges Congress to codify a robust, results-based standard under Section 2 of the VRA to explicitly reject the intent-focused narrowing of the VRA created by the U.S. Supreme Court’s decision in *Louisiana v. Callais* and provide meaningful remedies to prevent and redress racial vote dilution and discriminatory districting.

- 4) Calls on Congress to honor the bipartisan legacy of the VRA by ensuring its protections remain fully effective in the face of contemporary threats.
- 5) Urges the President to sign such legislation promptly upon its passage.

### **BACKGROUND**

In 1965, Congress determined that state officials were failing to comply with the provisions of the 15th Amendment. As a result, Congress passed and President Johnson signed the VRA. The VRA, among other provisions, prohibits any “voting qualification or prerequisite to voting or standard, practice, or procedure” from being imposed by any “[s]tate or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color.”

Section 2 of the VRA is a nationwide prohibition against voting practices and procedures, including redistricting plans and at-large election systems, poll worker hiring, and voting registration procedures, that discriminate on the basis of race, color, or membership in a language minority group. In *Louisiana v. Callais*, the U.S. Supreme Court ruled in April 2026 that Louisiana’s congressional map was unconstitutional because race was used prominently used in its design. The Court held that complying with Section 2 of the VRA did not justify race-based redistricting unless it met strict constitutional limits. The ramifications of this decision are not fully known, but other states are evaluating how this decision affects a jurisdiction’s current boundaries. Section 2 also allowed the U.S. Attorney General or affected private citizens to bring lawsuits in federal court to challenge practices that may violate the VRA. In 2021, in *Brnovich v. DNC*, the U.S. Supreme Court made it more difficult to bring voter suppression claims through the judicial process.

Section 4 of the VRA set the criteria for determining whether a jurisdiction is covered under certain provisions of the VRA, including the requirement for review of changes affecting voting under Section 5.

Section 5 of the VRA requires certain states and covered jurisdictions to receive approval for any changes to law and practices affecting voting from the U.S. Department of Justice or the U.S. District Court of the District of Columbia to ensure the changes do not have the purpose or effect of “denying or abridging the right to vote on account of race or color.” This is also known as a “preclearance” requirement.

The U.S. Supreme Court, in *Shelby County v. Holder* in 2013, held that a coverage formula in Section 4 of the VRA is unconstitutional and can no longer be used as a basis for subjecting jurisdictions to preclearance under Section 5 of the VRA. The Court did not directly strike down Section 5, which contains the preclearance requirements, but without Section 4, no jurisdiction will be subject to Section 5 preclearance unless Congress enacts a new coverage formula.

### **COMMENTS**

Author’s Statement. The house is on fire. The systems that were erected to protect minority representation after the unconscionable actions of a nation that violently

subjugated its Black citizens, are now again being used as an apparatus of oppression, repression and suppression. The Constitution is not self-executing. A brief journey into the electoral history of much of the nation shows that violence and terror have gone hand in hand with regulatory and legislative restrictions to crush the dreams and steal the future of Black communities by ensuring their voices were ignored and their votes did not count.

If our voice is our power, and voting is the primary expression of that power, the protections of access to the ballot box are the foundations on which we secure a just and fair democratic society.

We have seen these hurdles before—poll taxes, literacy tests, and moral character exams—all facially race-neutral, but all with the clear intent and effect of suppressing the Black vote. Injustice anywhere is a threat to justice everywhere: California must not be silent. We are more than three-fifths of a human. We are not going back.

### **RELATED/PRIOR LEGISLATION**

SB 1164 (Cervantes) of 2026, among other provisions, repeals and replaces the California Voting Rights Act of 2001 with a state voting rights act that seeks to protect voters from voter suppression and vote dilution. The bill also creates a procedure for preclearance based off of the federal VRA.

### **PRIOR ACTION**

Assembly Floor: 60 - 11

### **POSITIONS**

**Sponsor:** California Legislative Black Caucus

**Support:** None received

**Oppose:** None received

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