

# Attorney General Defends Brief In Defending Section Of Voting Rights Act In Georgia Redistricting Case

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**CHICAGO** – Attorney General Kwame Raoul today joined a coalition of 19 attorneys general in filing an amicus brief defending Section 2 of the Voting Rights Act against radical challenges raised in a Georgia redistricting lawsuit.

In their amicus brief filed in *Pendergrass v. Secretary of State of Georgia* and two other consolidated cases, Raoul and the attorneys general argue that the U.S. Court of Appeals

for the 11th Circuit should uphold decades of legal precedent protecting the voting power of minority communities. Their brief urges the court to uphold the constitutionality of Section 2 and to reject an attempt to block voters from filing lawsuits to challenge discriminatory election practices.

“Across the country, we continue to witness attempts to gut critical voting rights protections that ensure every citizen has access to the ballot box,” Raoul said. “Diluting the voting power of minority groups undermines the intent of the Voting Rights Act and weakens our democracy in the process.”

Section 2 of the Voting Rights Act bans any election practice or procedure that results in a denial or abridgment of the right of any citizen of the United States to vote on account of race or color or membership in a minority-language group. It also prohibits election laws or structures that create unequal opportunities for political participation and prevents states from creating legislative districts that dilute minority voting power.

After the 2020 census, states across the country redrew electoral maps. In 2021 and 2022, voting rights organizations and individual voters filed suit to challenge Georgia’s new congressional and state legislative district maps, alleging that the maps unlawfully diluted the political power of the state’s Black voters. The district court ruled in favor of the voters and voting rights organizations and ordered Georgia to redraw its maps to include additional majority-Black districts.

The Georgia secretary of state appealed this decision, arguing in part that Section 2 is unconstitutional to the extent that it requires Georgia to draw race-conscious maps. The appeal also argued that individual voters and private organizations do not have a private right of action to enforce the act, meaning that they cannot sue to challenge racially discriminatory election practices.

In a newly filed brief, Raoul and the coalition of attorneys general urge the 11th Circuit to affirm the lower court’s decision striking down Georgia’s racially gerrymandered congressional and state legislative district maps for violating Section 2 of the Voting Rights Act.

Raoul and the coalition argue that Section 2 of the Voting Rights Act is constitutional and a critical tool enacted by Congress to enforce the 15th Amendment, which bans states from denying or abridging citizens’ right to vote because of race. They also argue that the text of Section 2 and decades of legal precedent have clearly established that individual voters have the power to challenge racially discriminatory election practices under Section 2.

Private citizens have sued to enforce Section 2 since it was enacted, and every court except for one has ruled that they have this power. Section 2 is the nation's primary tool to combat racially discriminatory election practices, and the attorneys general recognize the important role these private lawsuits play in fighting for equal voting rights.

Joining Raoul in filing today's brief are the attorneys general of California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, New York, North Carolina, Oregon, Rhode Island, Vermont and Washington.