



Congressional Redistricting: High Court Narrows Voting Rights Act in *Louisiana v. Callais*

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On April 29, 2026, the U.S. Supreme Court in *Louisiana v. Callais* significantly narrowed the circumstances under which a racial vote dilution challenge to a redistricting map can be made under [Section 2](#) of the Voting Rights Act of 1965, as amended (VRA). In *Callais*, the Court held that the State of Louisiana engaged in an “**unconstitutional** racial gerrymander” when it created a second majority-minority district in its congressional redistricting map to comply with Section 2. Applying standards [revised](#) in *Callais*, the Court determined that because Section 2 did not require the creation of the second majority-minority district, there was no compelling governmental interest that justified the state’s use of racial considerations in creating the map. In so ruling, the Court held that Section 2 is violated “**only** when the evidence supports a strong inference that the State intentionally drew its districts to afford minority voters less opportunity because of their race.”

This Legal Sidebar provides a brief history of Section 2 of the VRA in the context of redistricting and related legal framework, discusses the lower court litigation and the Supreme Court ruling in *Callais*, and offers some considerations for Congress.

Section 2 of the VRA and Legal Framework

Ratified in 1870, the [Fifteenth Amendment](#) to the Constitution guarantees that the right “to vote shall not be denied or abridged” based on race or color, and provides Congress with the authority “to enforce” the Amendment “by appropriate legislation.” Invoking that authority in 1965, Congress enacted the VRA to achieve the Fifteenth Amendment’s goal of bringing “an **end** to the denial of the right to vote based on race.”

A key provision of the VRA, [Section 2](#), prohibits discriminatory voting practices or procedures, including those alleged to diminish or weaken minority voting power (known as minority [vote dilution](#)). Section 2 prohibits any voting qualification or practice applied or imposed by any state or political subdivision (e.g., a city or county) that results in the “denial or abridgement” of the right to vote based on race, color, or membership in a language minority. The statute further provides that a [violation](#) is established if,

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“based on the totality of circumstances,” electoral processes “are not equally open to participation by members of” a racial or language minority group in that its members have less opportunity than other members of the electorate to elect representatives of their choice.

Section 2 has been invoked primarily to challenge congressional and state legislative redistricting maps in [vote dilution](#) cases. The Supreme Court has previously interpreted Section 2, under certain circumstances described in more detail below, to [require the creation](#) of one or more [majority-minority](#) districts in a redistricting map. A majority-minority district is one in which a racial or language minority group comprises a voting majority. In earlier cases, the Court [determined](#) that the creation of such districts can avoid minority vote dilution by helping ensure that racial or language minority groups are not submerged into the majority and thereby denied an equal opportunity to elect candidates of choice.

The 1986 landmark Supreme Court ruling in *Thornburg v. Gingles* established three preconditions that challengers to redistricting maps alleging racial vote dilution under Section 2 must meet:

(1) “the [minority](#) group must be able to demonstrate that it is sufficiently large and geographically compact to constitute a majority in a single-member district”; (2) “the [minority](#) group must be able to show that it is politically cohesive”; and (3) the [minority](#) group “must be able to demonstrate that the white majority votes sufficiently as a bloc to enable it . . . usually to defeat the minority’s preferred candidate.” Subsequent Supreme Court case law explained that the first *Gingles* precondition requires that a district be “[reasonably configured](#),” which [requires](#) adherence to [traditional](#) redistricting criteria, such as being reasonably compact and contiguous. After meeting the three preconditions, *Gingles* further provided that a challenger must demonstrate, based on “the [totality](#) of the circumstances,” that the political process is not “[equally open](#)” to minority voters.

In cases following *Gingles*, some redistricting maps that were created to comport with Section 2 were challenged as unconstitutional [racial gerrymanders](#) in violation of the Equal Protection Clause of the [Fourteenth Amendment](#). In such challenges, if racial considerations are the “[predominant factor](#)” in how a map is designed, then courts apply a [strict scrutiny](#) standard of constitutional review that requires the government to show that the map is narrowly tailored to further a compelling governmental interest. Case law in this area has thus signaled a possible tension between complying with the VRA and conforming to standards of equal protection.

Lower Court Litigation in *Louisiana v. Callais*

The [dispute](#) in *Callais* began when the Louisiana legislature redrew its congressional map following the 2020 census and created [one](#) majority-minority district out of the six congressional districts apportioned to the state. Voters in the state and civil rights organizations [sued](#) in federal district court, arguing that Section 2 required the creation of two majority-minority districts. Following [litigation](#), the Louisiana legislature redrew the congressional redistricting map, creating a [second](#) majority-minority district.

In another Louisiana federal district court, self-described “[non-Black voters](#)” in the state sued, arguing that the newly redrawn map was an unconstitutional racial gerrymander. After [determining](#) that considerations of race predominated in drawing the second majority-minority district, a divided three-judge federal district court panel applied a strict scrutiny standard of constitutional review, requiring the creation of the district to be “[narrowly](#) tailored to achieve a compelling interest.” [Assuming](#) without deciding that compliance with Section 2 was a compelling interest for the creation of a second majority-minority district, the district court determined that such compliance would be “[narrowly](#) tailored” if it comported with the requirements set forth in *Gingles* for proving a Section 2 vote dilution claim and thereby seeking the creation of one or more majority-minority districts in a redistricting map.

In *Callais*, the district court determined that the challenged majority-minority district [did not](#) meet the first *Gingles* precondition because, in view of “the State’s Black population [being] [dispersed](#),” the

legislature created the district “as a ‘bizarre’ 250-mile-long slash-shaped district that functions as a majority-minority district only because it severs and absorbs majority-minority neighborhoods from cities and parishes all the way from Baton Rouge to Shreveport.” Therefore, the district court [held](#) that the map was “an impermissible racial gerrymander” in violation of the Equal Protection Clause and enjoined the State from using the map for any election. The Supreme Court [stayed](#) the decision pending an appeal. The State of Louisiana [appealed](#) to the Supreme Court under a [provision](#) of federal law permitting direct appeals from district court three-judge panels. In November 2024, the Court [noted](#) probable [jurisdiction](#) and consolidated *Louisiana v. Callais* with the related case, *Robinson v. Callais*.

Supreme Court Ruling in *Louisiana v. Callais*

On April 29, 2026, in a major decision, the Supreme Court in *Louisiana v. Callais* held that the State of Louisiana engaged in an “[unconstitutional](#) racial gerrymander” when it created a second majority-minority district to comply with Section 2 of the VRA. The Court determined that Section 2, as interpreted by the Court in *Callais*, did not require the creation of the second majority-minority district and, therefore, there was no compelling governmental interest justifying the state’s use of racial considerations in drawing the district. The Supreme Court accordingly [affirmed](#) the district court’s [judgment](#) in the case and remanded.

In sum, the Court in *Callais* established a more stringent standard that a challenger to a redistricting map alleging racial vote dilution under Section 2 must meet. Prior to *Callais*, as discussed above, a challenger was required to show that the design of a redistricting map [resulted](#) in minority vote dilution by meeting the standards set forth in *Gingles*, among other requirements. In *Callais*, the Court determined that to comport with the Fifteenth Amendment, a challenger now needs to present evidence that “[supports](#) a strong inference” that a state *intentionally* created a redistricting map that provides minority voters with less opportunity to elect preferred candidates. In so ruling, the Court determined that the *Gingles* standards required an update to align with the text of Section 2 and to reflect changes in society that have occurred since the Court decided *Gingles* in 1986. As a result of the Court’s modifications to the *Gingles* standards, Section 2 challengers now must show that a state drew a redistricting map based on racial, and *not* political, considerations and present evidence of current-day, intentional voting discrimination that is based on race.

Majority Opinion

[Writing](#) for the Court, Justice Alito reviewed the legal framework that existed when the *Callais* litigation began. As the Court explained, while states in racial gerrymandering lawsuits have asserted that compliance with Section 2 provides a compelling governmental interest under a strict scrutiny standard of review, the Supreme Court has [assumed](#) without deciding that the VRA could provide a compelling governmental interest. In *Callais*, the Court held that compliance with Section 2, only “[as properly construed](#)” by the Court in the case, provides a compelling reason for race-based redistricting.

The Court held that Section 2 is violated “[only](#) when the evidence supports a strong inference that the State intentionally drew its districts to afford minority voters less opportunity because of their race.” According to the Court, in any legislation enforcing the Fourteenth and Fifteenth Amendments, there needs to be “a [congruence](#) and proportionality” between the constitutional guarantee sought to be enforced and the law enacted to accomplish that goal. In view of the Court’s long-held determination that the Fifteenth Amendment prohibits only state action that is taken with a discriminatory intent, the Court reasoned that any law seeking to enforce the Fifteenth Amendment likewise must focus on intentional discrimination. Therefore, the Court concluded, so long as Section 2 serves to enforce the Fifteenth Amendment’s ban on racial discrimination that is [intentional](#), it is congruent and proportional.

The Court emphasized that Section 2 “does not demand a finding of intentional discrimination.” Instead, according to the Court, Section 2 “imposes liability only when the circumstances give rise to a strong inference that intentional discrimination occurred.” As an example, the Court envisioned a circumstance in which, after applying the state’s redistricting algorithm, the resulting computer-generated maps contained majority-minority districts that the state rejected without a valid reason. In such an instance, the Court said there would be a strong inference of racial motivation and therefore, the Fifteenth Amendment would authorize the imposition of Section 2 liability without necessitating a court to ascertain if the “the state legislature as an institution as opposed to certain individual members or the State’s hired mapmaker, was motivated by race.” In contrast, the Court explained, the Fifteenth Amendment does not authorize Section 2 to invalidate a map simply because it does not contain one or more majority-minority districts.

In the Court’s view, Section 2 does not apply when a state creates a redistricting map on the basis of factors unrelated to race. These factors include, as the Court outlined, traditional redistricting criteria such as creating compact and contiguous district boundaries, maintaining political subdivisions, preserving existing districts, and protecting incumbents. In that same vein, the Court stressed that Section 2 cannot be invoked to counter the constitutionally permissible goal of partisan gerrymandering. According to the Court, when a state defends its redistricting map as a partisan gerrymander, challengers are required to “‘disentangle race from politics’ by proving ‘that the former drove a district’s lines.’” In so doing, the Court announced that the challenger must be able to exclude the possibility that partisan goals animated how a district was drawn, and if either race or politics could account for how a district is drawn, a challenger will not prevail.

Turning to the three-pronged *Gingles* framework for proving racial vote dilution under Section 2, the Court in *Callais* determined that an “update” was needed so that it comports with the text of the statute and reflects developments in society that have occurred since the Court decided *Gingles* in 1986. In that vein, the Court cited four historical developments. First, the Court observed that “vast social change” has occurred throughout the nation, specifically in southern states where many challenges under Section 2 have arisen, resulting in Black-voter participation at similar or higher levels as the remainder of the electorate.

Second, the Court contrasted the current two-party system in states where Section 2 suits are most frequently filed with the one-party system that was in place in 1986 in the area in which the *Gingles* case arose. According to the Court, in that time and place, “an overwhelming majority of white voters did not vote for any black candidate in the Democratic party primary elections,” where the ultimate general election winners were chosen; and in general elections, “white voters in heavily Democratic areas often ranked black candidates last among Democrats.” Such disparities in voting—within the same political party—demonstrated that minority voters had less opportunity to elect candidates of choice due to their race, *not* due to their party affiliation, the Court observed. Today, by comparison, in areas where both major political parties are strong and where there is a high correlation between party preference and the race of a voter, the Court warned that a challenger “can easily exploit §2 for partisan purposes.”

Third, the Court stated that as a result of its 2019 decision in *Rucho v. Common Cause*, holding that claims of unconstitutional partisan gerrymandering are not justiciable in federal court, federal law permits states to draw districts for partisan advantage. As a result, without an update to the *Gingles* framework, the Court reasoned that a challenger to a redistricting map under Section 2, in areas where party affiliation and race are closely correlated, could unacceptably disguise a partisan gerrymandering claim as racial vote dilution claim.

Fourth, the Court observed that since *Gingles* was decided in 1986, advancements in the use of computers in the redistricting process have occurred. Therefore, the Court reasoned that challengers to redistricting maps under Section 2 can rely on computer technology to generate large numbers of maps that achieve a state’s traditional redistricting goals while also establishing “greater racial balance,” if such a map is possible to produce.

Informed by the four historical developments, the Court modified the three preconditions set forth in *Gingles* and the “totality of circumstances” showing that a plaintiff needs to make in a Section 2 vote dilution case. With modification, the Court indicated that the first *Gingles* precondition is now met when challengers produce an alternative map containing a proposed majority-minority district that does not “use race as a districting criterion” and complies with the state’s “legitimate districting objectives,” such as traditional redistricting criteria. The Court explained that if the state’s goals involve partisan gerrymandering, protection of incumbents, or other goals that are constitutionally permissible, then the challengers must produce an alternative map that likewise achieves those goals. If challengers cannot produce such a map, then the challengers have failed to show that the state’s redistricting map was prompted by racial considerations, in the Court’s view.

The modified second and third *Gingles* preconditions are now met, the Court held, when challengers show “that voters engage in racial bloc voting that cannot be explained by partisan affiliation.” The Court went on to explain that if a challenger can provide an analysis that controls for party affiliation, that will be crucial for distinguishing between a district that was drawn for political as opposed to for racial purposes. Finally, the Court determined that the “totality of circumstances” analysis needs to focus on evidence relating to current-day intentional discrimination in voting based on race, as prohibited by the Fifteenth Amendment, and not on racial discrimination that occurred in the past. The Court acknowledged that it may be difficult for challengers to present such evidence because the VRA has been successful in ending racial discrimination in voting.

Applying the revised legal framework to the second majority-minority district in Louisiana, the Supreme Court concluded that the facts in the case required affirmance of the district court ruling. The Court indicated that strict scrutiny applied “because the State’s underlying goal was racial” in creating the redistricting map, and accordingly, the state had to prove that its use of racial considerations was narrowly tailored to serve a compelling interest. Under strict scrutiny review, the Court determined that there was no compelling interest justifying the use of race because it was unnecessary for the state to create a second majority-minority district to comport with Section 2. Applying the newly revised first prong of the *Gingles* framework, the Court found that the challengers did not meet the standard because they failed to produce an alternative map that met the state’s non-racial goals—specifically, the state’s political goals—including incumbency protection. Likewise, the Court said that the challengers did not meet the second and third prongs of *Gingles* because, to prove racially polarized voting, the challengers presented “evidence that black and white voters consistently supported different candidates, but their analysis did not control for partisan preferences.” Further, even if the challengers had met the updated *Gingles* framework, the Court determined that they still would not have demonstrated “an objective likelihood of intentional discrimination” under a totality of the circumstances analysis. The Court concluded that because Section 2 did not require the State of Louisiana to create a second majority-minority district, there was no compelling governmental interest that justified the state’s use of race in creating the redistricting map, and therefore, held the map “an unconstitutional gerrymander.”

Concurrence

Justice Thomas wrote a [concurrence](#), joined by Justice Gorsuch, criticizing prior Supreme Court cases that he viewed as interpreting Section 2 of the VRA in a manner that “effectively g[ave] racial groups ‘an entitlement to roughly proportional representation.’” By construing Section 2 to authorize the creation of congressional districts “along racial lines,” Justice Thomas maintained that the Court had “rendered §2 ‘repugnant to any nation that strives for the ideal of a color-blind Constitution.’” Justice Thomas also [argued](#), as he did more than 30 years ago in *Holder v. Hall*, that he would have gone further than the Court in *Callais* to hold that Section 2, based on its statutory text, does not apply to redistricting maps.

Dissent

Justice Kagan wrote a [dissent](#), joined by Justices Sotomayor and Kagan, criticizing the Court majority in *Callais* for having made “a [nullity](#) of Section 2 and threaten[ing] a half-century’s worth of gains in voting equality.” Instead of providing an “update” to Section 2, Justice Kagan characterized the Court in *Callais* as “eviscerat[ing] the law.” Justice Kagan argued that as a result of the Court’s ruling, a challenger to a redistricting map under Section 2 not only needs to prove vote dilution, but also a “race-based motive,” which is “[nearly](#) impossible.” When a state defends a map in court that creates racial vote dilution, unless there is “smoking-gun evidence of race-based motive,” Justice Kagan maintained that a “State need do nothing more than announce a partisan gerrymander.”

Considerations for Congress

The Supreme Court decision in *Louisiana v. Callais* significantly limits the circumstances in which states can constitutionally be required, under Section 2 of the VRA, to create majority-minority districts in congressional, state, and local redistricting maps. Specifically, the Court in *Callais* modified what a challenger to a redistricting map must show to prove racial vote dilution under Section 2: “evidence [that] supports a strong inference that the State intentionally drew its districts to afford minority voters less opportunity because of their race.” The Court’s ruling in *Callais* will likely affect how redistricting maps are drawn in the future. Existing majority-minority districts that were designed to comport with Section 2 [might](#) be challenged as unconstitutional racial gerrymanders in view of *Callais*. More immediately, prompted by the ruling, some state legislatures are considering or have already [enacted](#) modifications to their redistricting maps that eliminate majority-minority districts for the upcoming 2026 congressional elections.

If Congress seeks to respond to the Supreme Court ruling in *Callais*, within the bounds of the Constitution as interpreted by the Supreme Court, Congress could enact race-neutral standards for congressional redistricting maps. For example, in the current Congress, legislation has been introduced that would [require](#) states to establish independent congressional redistricting commissions to combat partisan gerrymandering, [prohibit](#) mid-decade redistricting, and [require](#) at-large congressional elections. Congress might also choose to consider race-neutral amendments to the VRA or further prohibitions on intentional racial discrimination in elections. Alternatively, Congress could choose to amend Section 2 of the VRA to codify the modified *Gingles* framework from *Callais* or the modified evidentiary standard for Section 2 claims.

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