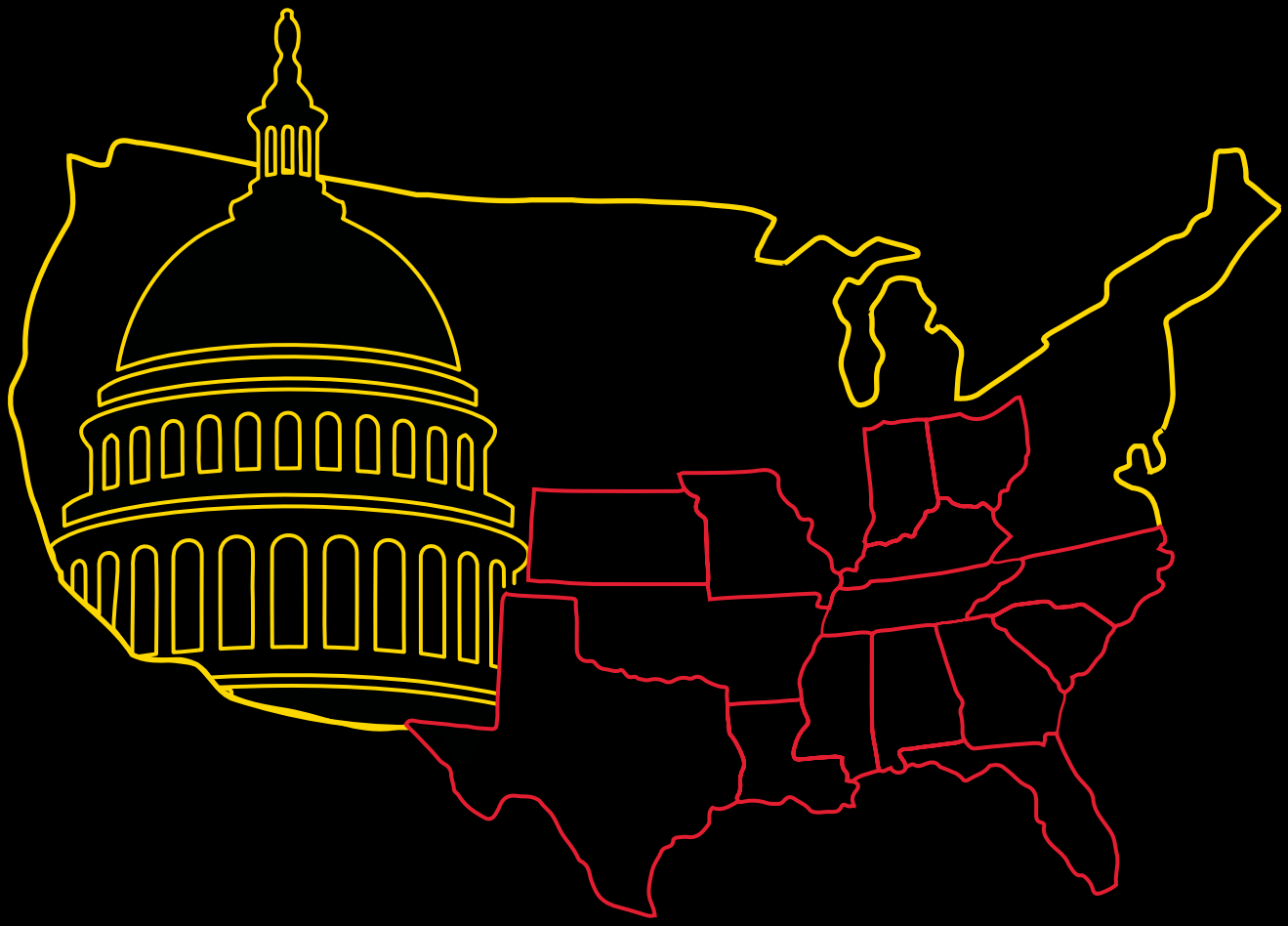


THE SOUTHERN STATE LEGISLATURE EFFECT:

Louisiana v. Callais: The Supreme Court Case That Could Decimate Fair Representation in State Legislatures

Presented by: FAIR FIGHT ACTION | I MATTER. YOU MATTER. WE MATTER. BLACK VOTERS MATTER BlackVotersMatterFund.org

CONTENTS

Louisiana v. Callais and its Effect on Fair Representation in State Legislatures 3

Fast Facts 6

Revelations from the Rehearing 7

If Section 2 Falls — State Legislature Impact 11

The New Redemption — Political Power Under Assault 18

How to Fight Back 21

The Path Forward 23

LOUISIANA V. CALLAIS AND ITS EFFECT ON FAIR REPRESENTATION IN STATE LEGISLATURES

On October 15, 2025, the Supreme Court took the rare step of rehearing *Louisiana v. Callais*, a pivotal case focused on Section 2 of the Voting Rights Act (VRA) – the central safeguard against racially discriminatory redistricting.

Our initial report found that gutting Section 2 could secure Republicans 19 more safe U.S. House seats – enough to significantly undercut Black and Latino representation in Congress and cement long-term one-party control even if Democrats win the popular vote. But those numbers only capture the impact on Congress.

If Section 2 falls, GOP legislatures across 10 Southern states could redraw maps to decimate fair representation and minority political power in state legislatures, while entrenching Republican power. Specifically, our new analysis finds that GOP legislatures could eliminate approximately 191 state legislative seats currently held by Democrats – the vast majority of which are held by Black representatives in majority-minority districts.

Across the South, the number of legislative districts where Black or Hispanic voters are a majority of the voting-age population could drop from 342 to 202, or two of every five such districts. Black voters could be hit especially hard: more than 9 out of 10 of all such forfeited districts could be Black-majority districts, eliminating nearly half of all Black-majority districts in the South. While new discriminatory districts would likely be challenged, hostile courts and difficult legal

standards will mean Americans cannot rely on them for recourse.

These losses would likely lock out minority political power at the state level for a generation, blocking progress on healthcare, voting rights, public school funding, gun safety, criminal justice reform, reproductive freedom, and more. Similar impacts can be expected to ripple into school boards, county commissions, and city councils.

The rehearing's oral arguments confirmed what many feared: the Court's far-right majority appears poised to effectively dismantle Section 2 altogether. Their framing obscures a critical fact: Louisiana was remedying what multiple federal courts found was a likely VRA violation.

The Supreme Court's far-right majority is echoing tactics used by the Redemption Court after Reconstruction – using neutral

arguments to dismantle civil rights protections and usher in the Jim Crow era. Like gutting the Civil Rights Act of 1875, decisions on affirmative action and voting rights made by this Court – which has been bought by dark money and captured by extreme partisanship – are enabling authoritarian rule rather than checking it. That is why the arguments made by the lawyers representing Black voters in the Supreme Court will be critical in defending against the gutting of Section 2.

Opponents try to dismiss Section 2 as a partisan weapon, but its core purpose has never changed: to ensure voters of color have a real chance to choose representatives who will answer to their communities. For decades, Section 2 has been one of the only tools that forces those in power to fix maps that weaken Black and Brown voting power – regardless of whether Democrats or Republicans drew them.

Some observers believe if Section 2 is gutted, the subsequent redrawing of districts might spread Democratic-leaning voters across more districts, making those districts more competitive for Democratic candidates. The naive optimism of this idea holds two flaws: it misunderstands the protections of the VRA and the ruthlessness with which Republican leaders will act to maintain power.

First, regardless of the partisan impacts, the loss of minority opportunity districts would have a detrimental impact on representation for voters of color, resulting in policy outcomes that undermine their interests. When a court finds that racial discrimination has occurred, Section 2 requires the creation of minority opportunity districts – districts where a community of color makes up enough of the population to have a real chance of electing their preferred candidates. Even if Democrats may be more competitive in a small number of new districts, the decimation of minority opportunity districts would result in policy choices that hurt voters of color, and ultimately all Americans.

Second, because voting patterns in much of the South are extremely racially polarized – i.e., voters of color tend to prefer different candidates than white voters – Republican legislatures can be expected to target voters of color to achieve partisan gain. Several Republican legislatures have already telegraphed which districts they would eliminate.

The current redistricting fight kicked off by Texas demonstrates Republicans' willingness to weaponize racial gerrymandering to consolidate power. Texas Republicans targeted racial minorities by reducing the voting power of Latinos to one-third and Black voting power down to one-fifth that of White voters. Without the VRA's protections, this pattern of demographic diminution will become the practice in federal, state and local map-drawing, affecting every facet of our democracy.

This coordination will mirror what happened after *Shelby County v. Holder* – within hours, Texas enacted a voter suppression law previously blocked for targeting Black and Latino voters. Georgia presaged this by cracking AAPI communities across multiple districts in Gwinnett County after the 2010 census, anticipating a rising bloc of opportunity voters.

It is worth noting that this strategy carries risks for Republicans as well. In a wave election year, even aggressively rigged maps may not nullify the will of the voters, and recent backlash in Indiana – where GOP senators defied intense pressure

SLATE

The Supreme Court Might Net Republicans 19 Congressional Seats in One Fell Swoop

from Trump and voted down his mid-cycle redistricting push – shows that overreach can spark resistance even inside their own party. What is more, brazen map-rigging and anti-democratic maneuvering could backfire internally, empowering the most extreme MAGA-aligned factions of the Republican Party, unleashing primary challengers, and fracturing their caucuses as Trump and his allies move to punish any Republicans who refuse to go along.

The Republican regime at work is aware that they only have blunt tools at their disposal, given the November 2025 election results. From Mississippi to Georgia, Democrats flipped seats and made history, particularly among communities of color who have been disproportionately impacted by this regime's actions. In California, voters across racial lines overwhelmingly passed Proposition 50, a redistricting plan to fight back against Donald Trump and Republicans' map-rigging.

America's pluralistic democracy is on the rise, and in this battle for the soul of our government, Congress will be an essential tool to determine our destiny. This is why Trump and Republicans are rushing to redraw maps before 2026 – they know they'll lose if elections are fair. Blue states must act now. Illinois and Maryland must redraw maps immediately, following California's lead and seizing momentum from Southern Democratic gains. If Democrats retake at least one chamber of Congress, they can slow the harm the regime is inflicting and begin to fight back.
In the redistricting scramble likely to follow a decision striking down Section 2, state legislators will be on the frontlines of the fight against discriminatory redistricting maps and must stand for fairness.

This report begins by detailing the questions from the Justices during the October 15 rehearing in *Callais*, shedding light on how the Justices may attempt to gut Section 2. It then explains how state legislatures throughout the South could weaponize a gutted Section 2 to decimate minority political power and lock in one-party control of state legislatures. Next, the report contextualizes this assault on minority political power as part of a long history of attacks on Black political power in America, which has been essential to achieving progress in the South and across the country. Finally, we describe what readers can do now to take action to protect our democracy.

History teaches us what happens when political power is stripped from people of color: after Reconstruction, it took nearly a century to rebuild Black electoral power. The fight for multiracial democracy has never been easy, and it has never been more urgent.

FAST FACTS

What the Court is Doing – and Asking:

On October 15, 2025, the Supreme Court took the rare step of rehearing *Louisiana v. Callais*, explicitly asking if Louisiana's court-ordered creation of a second majority-Black congressional district violates the 14th or 15th Amendments. Essentially asking whether fixing proven racial discrimination in political maps can be treated as unconstitutional "discrimination" itself.

What's at Stake for the South:

If Section 2 is gutted, Republican-controlled legislatures across 10 Southern states could redraw maps to eliminate about 191 Democratic-held state legislative seats, most currently represented by Black lawmakers, locking in GOP supermajorities and blocking fair representation for a generation.

Collapse of Fair Districts:

Across the South, the number of districts where Black or Hispanic voters are a majority of the voting-age population could fall from 342 to 202 – roughly two out of every five such districts wiped out – with Black-majority districts bearing most of the losses.

Misleading Republican Messaging:

Republican leaders claim that majority-minority districts are unfair because race is considered in their creation. Their messaging implies that these districts are unfair racial gerrymanders that are created in a vacuum, drawn based on race alone. This misleading stance hides the reality: they are necessary legal protections that create new districts in response to discrimination.

The Bigger Pattern:

When federal protections weaken, GOP legislators move fast to lock in new advantages. After Shelby County v. Holder gutted VRA preclearance, GOP states quickly enacted voter suppression laws. Today, Republican leaders in Southern states are already talking openly about mid-decade redistricting the moment Callais is decided.

Why State Legislatures Matter:

The loss of minority representation in state legislatures would reverberate far beyond political map lines, making it far harder to achieve progress on critical issues like healthcare expansion, voting rights, public school funding, criminal justice reform, reproductive freedom, and more.

How This Can Backfire for Republicans:

Even aggressively rigged maps have limits: a wave election year can still break through, and brazen gerrymanders risk empowering the most extreme MAGA-aligned factions, unleashing primary challenges and fracturing GOP caucuses even as they try to entrench control. Recent resistance from Indiana Senate Republicans, who voted down Trump's demanded rigged map despite heavy pressure, shows that backlash inside the GOP is beginning to surface.

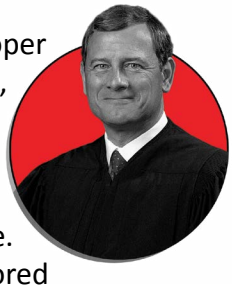
REVELATIONS FROM THE REHEARING

In its call for the rehearing, the Supreme Court reframed the core question to whether Louisiana's creation of a second majority-Black district violates the Constitution's 14th or 15th Amendments – essentially deciding whether fixing proven racial discrimination is itself discrimination.

The October 15, 2025 rehearing revealed the far-right justices' hostility toward Section 2 and provided signals on how they intend to rule. Their questions during oral arguments exposed a seemingly coordinated strategy to reframe proven racial discrimination as an unconstitutional action and a desire to dismantle the VRA's core protections.

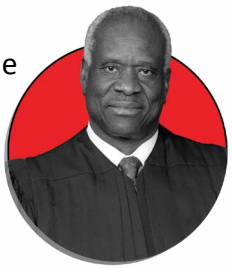
The Far-Right Justices' Revealing Questions:

Chief Justice John Roberts



Roberts pressed on the "proper size" for race in redistricting, reframing established precedent as a question of acceptable limits rather than constitutional mandate. Just two years ago, he authored the opinion in *Allen v. Milligan*, affirming Section 2 in Alabama and rejecting the arguments Louisiana now advances. His willingness to reconsider those arguments – going out of his way to rehear this case and reframe its core question – signals a desire to reach a predetermined outcome.

Justice Clarence Thomas



The signals from Thomas came not during the rehearing itself, but in his dissent from the Court's rehearing order. Thomas argued the case presented a "straightforward choice" – either permit what he calls "patent racial gerrymandering" under the guise of VRA compliance or declare that a Section 2 violation "is insufficient to justify a race-based remedy." In plain terms, Thomas suggested that even where maps are proven racially discriminatory, it would be unconstitutional for courts to consider race as part of any solution. His dissent signals the most radical endpoint of the Court's logic: gut Section 2 by making it legally impossible to fix intentional discrimination in maps.

Justice Samuel Alito

Alito suggested that a state legislature's partisan interests, such as maintaining the partisan makeup in the state's congressional delegation, should be taken into account when trying to prove a violation of Section 2. This logic, which embraces the position of the Trump Department of Justice, would move the goalposts on what Section 2 requires and make it almost impossible for voters of color to succeed in cases challenging unfair maps. This is exactly what Alito did in *Brnovich*, a key voting rights case decided in 2021 in which the Court moved the goalposts for other types of VRA claims that made it extremely difficult to challenge discriminatory voter suppression laws.

Justice Neil Gorsuch

Gorsuch pursued the most aggressive path, asking repeatedly if it was "acceptable under Section 2" for courts to "intentionally discriminate on the basis of race" in remedial maps. Gorsuch's framing equated fixing discrimination with perpetrating it, seeming to follow up on his claims in the original March 2025 hearing when he asserted that "the 14th Amendment said we don't look at race" – a logical inversion that would make Section 2 powerless to address the harms it was designed to prevent.

Justice Brett Kavanaugh

Kavanaugh advanced the temporal argument, which rests on the idea that Section 2's protections "cannot extend indefinitely into the future." Without any basis for his claim, he asserted that "race-based remedies are permissible for a period of time, sometimes for a long period of time…but that they should not be indefinite and should have an end point." This strategy – used to strike down VRA preclearance in *Shelby County* and affirmative action in *Students for Fair Admissions* – claims that race-based remedies in redistricting have "expired."

Justice Amy Coney Barrett

Barrett questioned whether findings by multiple courts, including two panels of the ultra-conservative Fifth Circuit, that Louisiana's initial redistricting plan likely violated Section 2 was a compelling interest that justified Louisiana considering race in its remedial map. In essence, Barrett signaled her view that court rulings that there is likely racial discrimination occurring is not a sufficient justification for the use of race in redistricting.

The Liberal Justices' Defense of the VRA:

Justice Ketanji Brown Jackson

Jackson challenged the temporal argument, emphasizing that Section 2, unlike the preclearance provisions struck down in *Shelby County*, has no expiration date because the 15th Amendment's protection against racial discrimination has no time limit. She pressed on whether remedying racial discrimination constitutes a compelling government interest.

Justice Elena Kagan

Kagan asked about the "results on the ground" if Section 2 ceased to function, highlighting how the far-right majority appeared willing to strike it down without confronting the real-world effect of discriminatory maps across the South and the silencing of millions of voters of color. She noted Louisiana was "repeating each and every one of those arguments that we rejected" in *Milligan* just two years earlier, but the far-right majority now appeared receptive to those claims.

Justice Sonia Sotomayor

Sotomayor exposed an impossible Catch-22: Louisiana was being penalized for complying with a federal court order to remedy discrimination, with challengers arguing that compliance itself – creating a second majority-Black district – constituted an unconstitutional consideration of race. As she observed, the challengers' position holds that fixing proven discrimination was not a valid reason to consider race.

Corruptive Context:

The Justices' driving the assault on voting rights have been compromised by corruption and far-right ideology.

Justice Thomas accepted luxury vacations, private jet flights, and benefits worth hundreds of thousands from GOP megadonors – most notably from real estate billionaire Harlan Crow, who provided a yacht trip (~$500,000), paid $133,363 to purchase properties from Thomas (including the home where Thomas's mother lives), and gave Thomas a $19,000 Bible. Crow also had cases before the Court and Thomas declined to recuse. Thomas vacationed at Crow's Dallas estate, which houses Nazi memorabilia including Hitler paintings and a signed copy of *Mein Kampf*, as well as a "Garden of Evil" featuring statues of Lenin, Stalin, and other dictators.

Crow provided $500,000 to an organization started by Thomas's wife and gave more than $429,000 to Senate Judiciary Committee Republicans – the committee responsible for Supreme Court ethics oversight. Thomas's wife sent emails to state lawmakers in Arizona and Wisconsin urging them to overturn Trump's 2020 loss, and repeatedly texted then-White House Chief of Staff Mark Meadows urging him to do the same. Despite his wife's involvement in attempting to overturn the election, Thomas declined to recuse from related cases.

Justice Alito failed to disclose a private jet flight to Alaska from Republican megadonor Paul Singer and later sided with Singer in a case resulting in a $2.4 billion payment to Singer's hedge fund. Alito also flew an upside-down American flag outside his home after Trump lost the 2020 election, while the Court considered election-related cases.

These justices will now decide whether states can be compelled to remedy racial discrimination in political maps – a question with profound implications for the donors and networks that financed their lifestyle and shaped their ideology.

What the Rehearing Signals for 2026 and Beyond:

The far-right justices are laying groundwork to significantly weaken or strike down Section 2 completely – either of which would return America to pre-1965 voting rights, with few constraints on discriminatory redistricting.

Republican-led states are already preparing to act. South Carolina's top Republicans are "itching" to redraw the lone congressional Democrat's district. Florida's governor has discussed redistricting and asserted that if the Supreme Court rules that states cannot consider race when drawing district lines, it will "necessitate new congressional

redistricting." A new Florida state house committee has been appointed to prepare. Louisiana lawmakers called a special session to push back their congressional primary so they have more time after a decision to redistrict before the midterms. These states are not waiting, they are openly planning to redraw maps the moment Section 2 falls – and others are likely preparing in private.

Other states haven't moved forward yet, and the Trump White House is pressuring them to act. In October, Vice President JD Vance made his third visit to Indiana in three months, personally lobbying state legislators to advance mid-decade redistricting efforts. Two days after Senator Rodric Bray announced that Senate Republicans did not have the votes to proceed, Trump began attacking Indiana Republican leaders on social media. Hours later, one senator named in Trump's post, Greg Goode, was "swatted," with law enforcement responding to a fake report of an emergency at his home. And Trump has announced that he "will be strongly endorsing" primary challengers against Republican Indiana legislators who refuse to support redistricting. As of now, at least 11 Indiana Republican legislators have been targeted with threats or swatting attempts.

Given recent events, it's likely these pressure tactics, harassment, and threats will ramp up as 2026 approaches – and if Section 2 is gutted by the far-right Supreme Court majority, their likelihood and intensity will only increase. Republican lawmakers will face immense pressure to redistrict, even if they don't believe it is in their own or their constituents' interests.

This coordination mirrors what happened after *Shelby County v. Holder* gutted VRA preclearance in 2013. Chief Justice Roberts declared racial discrimination in voting "largely cured," justifying the decision. Within hours, Texas reinstated a voter suppression law previously blocked for targeting Black and Latino voters. Two months later, North Carolina passed a voter suppression law – later struck down for targeting Black voters "with almost surgical precision." The same urgency now animates GOP-controlled legislatures preparing to redraw maps.

Depending on timing, a ruling could supercharge GOP redistricting. If it arrives with enough time before 2026 election filing deadlines, Republican states could rig their maps to consolidate one-party control for a generation.

Our initial report's analysis found gutting Section 2 could secure Republicans 19 additional safe U.S. House seats – enough to cement control even if Democrats win the popular vote. But those numbers capture only congressional seats, not the hundreds of state legislative seats affected if Black and Latino representation is systematically gutted across the South.

IF SECTION 2 FALLS — STATE LEGISLATURE IMPACT

If Section 2 falls, the damage extends far beyond Congress – the impact on state legislatures threatens even more seats and minority representation across the South.

Republican-controlled legislatures across 10 Southern states could eliminate approximately 191 state legislative seats currently held by Democrats – most representing majority-Black districts. If Section 2 is eliminated:

- The total number of state legislative districts where Black or Hispanic voters make up a majority could fall from 342 to 202 – a loss of 140 districts, or 2 out of 5 Black- or Hispanic-majority districts in the South.[1]
- Black-majority districts could drop from 273 to 146 – a loss of 127 districts, nearly half of all Black-majority districts in the South.
- Latino-majority districts could drop from 69 to 56 – a loss of 13 districts, nearly one out of every five Hispanic-majority districts in the South.

[1] This analysis does not attempt to identify every minority opportunity district in the South protected by Section 2. Many districts that do not have majority minority populations are still minority opportunity districts under Section 2, such as crossover districts, where enough white voters vote for minority voters' preferred candidates, allowing them to win elections. As a result, those districts could also be targeted by legislatures if Section 2 is weakened. This analysis does not account for the potential impact on coalition districts, where two or more minority groups together make up a majority of the population. Eliminating Section 2 protections would likely allow some legislatures to reduce the number of coalition districts, further weakening minority political power. Our analysis is likely an undercount of the number of districts that can be targeted.

BVAP: Black Voting Age Population
HVAP: Hispanic Voting Age Population
50+: Majority

State	Chamber	Current Map: 50+ BVAP	New Map: 50+ BVAP	BVAP Seat Shift	Current Map: 50+HVAP	New Map: 50+HVAP	HVAP Seat Shift
ALL		**273**	**146**	**-127**	**69**	**56**	**-13**
AL	Senate	8	2	**-6**	0	0	0
AL	House	28	12	**-16**	0	0	0
AR	Senate	4	0	**-4**	0	0	0
AR	House	11	3	**-8**	1	0	-1
FL	Senate	1	1	**0**	5	4	-1
FL	House	6	5	**-1**	17	15	-2
GA	Senate	17	9	**-8**	0	0	0
GA	House	54	37	**-17**	1	0	-1
LA	Senate	11	4	**-7**	0	0	0
LA	House	29	13	**-16**	0	0	0
MS	Senate	17	10	**-7**	0	0	0
MS	House	43	21	**-22**	0	0	0
NC	Senate	1	1	**0**	0	0	0
NC	House	4	4	**0**	0	0	0
SC	Senate	3	3	**0**	0	0	0
SC	House	17	9	**-8**	0	0	0
TN	Senate	4	2	**-2**	0	0	0
TN	House	13	8	**-5**	0	0	0
TX	Senate	0	0	**0**	7	6	-1
TX	House	2	2	**0**	38	31	-7

This represents a massive erasure of fair representation for people of color, silencing millions of voices and undoing the gains in political power that communities of color fought for and built over generations.

While some states may move quickly to redraw their legislative maps, others may wait. Some states that have legislative elections in 2026 could attempt to redraw their legislative maps in time to impact the 2026 elections. Other states, like Mississippi and Louisiana, which have legislative elections in 2027, may wait until 2027 or later to redraw their maps.

CNN

Georgia Democrat Eric Gisler flips a state House seat in district Trump won by double digits

Democrats continued their run of successes in special elections by flipping a state House seat in Georgia Tuesday.

POLITICO

Democrats didn't just rebound. They dominated.

"This is a foreshadow of what we're going to see next year," said one strategist.

Risky GOP Gambit?

This strategy carries risks for Republicans as well. In a wave election year, even the most aggressively rigged maps may not hold: Democrats' 2025 sweep of two statewide Public Service Commission races in Georgia – each by roughly 25-point margins, including major wins or near-ties in deep-red counties where Trump and GOP candidates usually rack up 60% – highlights just how volatile and unpredictable political momentum can be. The trend continued last week, when a Democrat flipped Georgia's House District 121, a historically Republican seat that Trump carried by about 12 points in 2024, underscoring how quickly supposedly safe territory can become competitive. Should similar patterns emerge in 2026, Republicans could find that gerrymandered districts are not as impenetrable as they expect, with "safe" seats suddenly in play.

Beyond that, this type of brazen map-rigging and anti-democratic maneuvering could backfire internally. As some GOP state leaders bow to pressure from Trump and the far-right to redraw districts, they risk the kind of backlash already visible in Indiana, where GOP state senators have now rejected Trump's map rigging demands despite months of intense pressure from the White House and attacks from the president. In statehouses across the country, the same dynamics could unleash MAGA-aligned primary challengers, fuel leadership fights, and fracture Republican caucuses, leaving today's GOP leaders less secure and empowering the most extreme factions within their party.

State	Chamber	Current Democratic Seats	Projected Democratic Seats	Current Republican Seats	Projected Republican Seats
ALL		**533**	**342**	**1,102**	**1,300**
AL	Senate	8	2	27	33
AL	House	29	13	76	92
AR	Senate	6	0	29	35
AR	House	19	7	81	93
FL	Senate	11	8	26	32
FL	House	32	26	85	94
GA	Senate	23	17	33	39
GA	House	80	66	100	114
LA	Senate	12	6	27	33
LA	House	32	17	73	88
MS	Senate	18	11	34	41
MS	House	43	22	77	100
NC	Senate	20	17	30	33
NC	House	49	39	71	81
SC	Senate	12	4	34	42
SC	House	36	16	88	108
TN	Senate	6	5	27	31
TN	House	24	18	75	81
TX	Senate	11	3	20	28
TX	House	62	45	88	105

Generational Gerrymandering

In many of these states, there is an eventual path for Democrats to break current GOP supermajorities, but the loss of Section 2 could lock in GOP supermajorities for a generation – this could strip Democratic governors of veto power and more broadly, block progress on healthcare, voting rights, public school funding, gun safety, criminal justice reform, reproductive freedom, and more.

Federal constitutional protections and some state laws would still prohibit forms of racial discrimination in redistricting if Section 2 falls, but courts would ultimately define those limits. Our analysis reflects what Republican-controlled legislatures could attempt before legal challenges are resolved.

If Section 2 is struck down, GOP states could redraw maps to eliminate approximately 191 state legislative seats currently held by Democrats across 10 Southern states – most representing majority-Black districts. The table above shows current compositions and projected losses if GOP legislatures target minority voting power to lock in permanent control.

Here are examples of the potential new state legislative maps Republicans could draw if the VRA's Section 2 protections are eliminated:

Alabama:
22 fewer Democratic seats

All Black-majority districts.[2]

Current (Dem-GOP):
Senate: 8-27
House: 29-76
(2 vacant seats)

Projected (Dem-GOP):
Senate: 2-33
House: 13-92

All 22 of the seats that could be eliminated in Alabama are Black-majority districts, leaving just 14 Black-majority districts in the entire legislature. Democrats are already in the superminority and have won most of the competitive seats. Republicans could redraw the map to cut their caucus in half in both chambers – taking Democrats down to 2 seats in the Senate and less than 15 seats in the House.

Arkansas:
18 fewer Democratic seats

13 fewer Black- or Hispanic-majority districts.

Current (Dem-GOP):
Senate: 6-29
House: 19-81

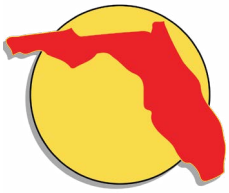
Projected (Dem-GOP):
Senate: 0-35
House: 7-93

Arkansas could eliminate up to 13 Black-majority districts in its legislature. Democrats are currently in the superminority in both chambers, but their caucus numbers could be reduced even further. A redraw could likely eliminate Democratic representation entirely in the Senate and drop their House numbers to single digits.

Florida:
9 fewer Democratic seats

4 fewer Black- or Hispanic-majority districts.

Current (Dem-GOP-Independent):
Senate: 11-26-1
(2 vacant seats)
House: 32-85
(3 vacant seats)



Projected (Dem-GOP):
Senate: 8-32
House: 26-94

Florida's map is already quite dire for Democrats. New maps would be unlikely to have a large impact on safe Democratic seats, but could likely all but eliminate competitive districts in the entire state, meaning Democrats could likely be unable to break GOP supermajorities in either chamber.

[2] Alabama's Constitution prohibits mid-decade redistricting for state legislative maps. Ala. Const. Art. IX, §§ 198, 200. Therefore, Alabama's legislature could either wait until after the 2030 Census to redraw its maps, or it could attempt to amend its Constitution to allow mid-decade redistricting.

Georgia:
20 fewer Democratic seats

26 fewer Black- or Hispanic-majority districts.

Current (Dem-GOP):
Senate: 23-33
House: 80-100

Projected (Dem-GOP):
Senate: 17-39
House: 66-114

Changes to Georgia's map are less likely to force Democrats into a superminority in the House and Senate, but a redraw could likely close the eventual path to a majority in either chamber.

Louisiana:
21 fewer Democratic seats

23 fewer Black-majority districts.

Current (Dem-GOP):
Senate: 12-27
House: 32-73

Projected (Dem-GOP):
Senate: 6-33
House: 17-88

The source of the *Callais* case is also one of the states that could see a massive impact to its state legislative map. A redraw could eliminate up to 23 Black-majority districts and lock Democrats deep into a superminority in both chambers.

Mississippi:
28 fewer Democratic seats

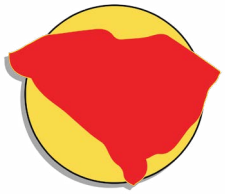
29 fewer Black-majority districts

Current (Dem-GOP-Independent):
Senate: 18-34
House: 43-77-2

Projected (Dem-GOP):
Senate: 11-41
House: 22-100

The state with the highest Black population by percentage in the country, Mississippi stands to lose the most Black representation if the Court strikes down Section 2. Nearly half of the state's Black-majority districts could be eliminated. In 2025, Democrats broke the GOP supermajority in the Senate and won seats in the House for the first time in decades to end the House's effective-supermajority, where independents had sided with Republicans for years. But these wins could be undone and more if Republicans redrew the map – Democrats could lose half of their caucus overnight and get locked into the superminority.

North Carolina[3]:
13 fewer Democratic seats



Current (Dem-GOP):
Senate: 20-30
House: 49-71

Projected (Dem-GOP):
Senate: 12-38
House: 32-88

To override Governor Stein's veto, Republicans need 60% of the legislature. Democrats currently hold just over 40% of seats – barely enough to sustain vetoes. If Republicans redraw the map, Democrats could drop well below 40%, making the governor's veto authority worthless and giving Republicans unchecked power.

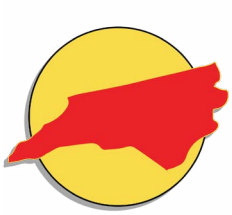
[3] North Carolina's Constitution prohibits mid-decade redistricting for state legislative maps. The legislature could wait until the next redistricting cycle after the 2030 Census to redistrict, or it could attempt to amend the Constitution to allow mid-decade redistricting of the state legislative maps.

South Carolina:
28 fewer Democratic seats

8 fewer Black-majority districts

Current (Dem-GOP):
Senate: 12-34
House: 36-88

Projected (Dem-GOP):
Senate: 4-42
House: 16-108



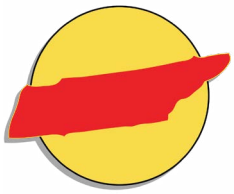
Black voters stand to lose 8 Black-majority districts in South Carolina. Though in the minority, Democrats currently have a path to eventually break the supermajority in both chambers. That path could cease to exist if Republicans get to redraw the map – they could instead cut the Democratic caucus size by more than half.

Tennessee:
7 fewer Democratic seats

7 fewer Black-majority districts

Current (Dem-GOP):
Senate: 6-27
House: 24-75

Projected (Dem-GOP):
Senate: 2-31
House: 18-81



Democrats are already deep in the superminority in both chambers. If Section 2 falls, a new map could reduce Democratic representation to single digits in the Senate and significantly in the Senate, essentially eliminating any Democratic representation outside Memphis and Nashville and cementing one-party control.

Texas:
25 fewer Democratic seats

8 fewer Hispanic-majority districts

Current:
Senate: 11-20
House: 62-88

Projected:
Senate: 3-28
House: 45-105

Hispanic voters could lose 8 Hispanic-majority districts in Texas. Democrats are already in the superminority in the Senate, but the current map has a potential path to a House majority. Although the Texas Constitution's restriction on county splits regarding House districts makes it difficult for Republicans to doom Democrats to the superminority by redrawing the map, a redraw could still make it tough to stay above the superminority threshold and Democrats could be stuck in a superminority in the Senate.

Methodology: To be included in this analysis, Republicans must either have a trifecta or a veto-proof majority in the legislature in a given state. Projections are based on 2024 presidential results, with Harris-won districts projected as going Democratic and Trump-won districts going Republican. Lawmakers in each of these states know where the communities of color reside. Given the brazenness of the GOP's current gerrymandering push, it is not a far leap to expect them to pack and crack these populations in service of the goal of entrenching Republican rule in state legislatures for at least a generation. Florida and Mississippi's state legislatures have several members not affiliated with either party – we have labeled them as independents. But based on their districts, lumped them in with either Trump or Harris-won seats in our projection analysis.

THE NEW REDEMPTION — BLACK POLITICAL POWER UNDER ASSAULT

In 1872, John Roy Lynch became the first Black Speaker of the Mississippi House and went on to serve in Congress, where he championed civil rights, authored key bills, and spoke out against discrimination.

Lynch was a leading force behind the Civil Rights Act of 1875, legislation that banned racial discrimination in public accommodations and protected jury service rights. When testifying before Congress, he and his Black colleagues drew on lived experience to fight for those protections. Though the law passed, the Supreme Court later overturned it, gutting hard-won gains and paving the way for Jim Crow "separate but equal" laws.

The Supreme Court's far-right majority is echoing tactics used by the Redemption Court after Reconstruction – prioritizing "facially neutral" legal arguments to dismantle civil rights protections and undermine multiracial democracy. From gutting the Civil Rights Act of 1875 to upholding facially neutral Jim Crow measures, the Redemption Court's playbook is alive in today's far-right Court and their decisions on affirmative action and voting rights (*Shelby*, *Brnovich*, and now potentially *Callais*). Both Courts used historical or procedural technicalities to roll back minority rights under the guise of neutrality, with the effect of decimating Black political power.

As Black political gains grew, so did the backlash. Lynch was ultimately driven from Congress after white supremacists violently retook control of Mississippi's political machinery. To guarantee permanent white political power, ex-Confederate leaders drafted the 1890 Mississippi Constitution, which aimed to "virtually eliminate the Black vote." The architects of this document, such as Confederate brigadier general James Z. George, explicitly stated the goal was to "enable us to maintain a home government, under the control of the white people of the state."

The framework used seemingly neutral measures, like the poll tax and the notorious "understanding clause," which granted white officials vast subjective power to turn away Black voters. The Redemption Court upheld this constitution, gutting hard-won gains and paving the way for Jim Crow segregation. Lynch left the state soon after, as the new framework erased much of the progress he helped achieve.

That 1890 constitution remains Mississippi's governing document today. Though the most egregious provisions had been explicitly banned by the Voting Rights Act or repealed by 1975, nearly a century after adoption, every attempt to replace the constitution entirely has failed.

Today, Black state legislators across the South are trying to block voter suppression, expand healthcare access, and protect civil rights. Democrats, fueled by Black legislators, have been making gains in several legislatures – Mississippi Democrats broke the Republican Senate supermajority in November 2025, flipping three seats in newly drawn Black-majority districts as a result of successful Section 2 litigation. But they don't yet have the power to pass their agenda. Their success has been chipping away at GOP supermajorities one seat at a time. If Section 2 falls, even those gains disappear – and history suggests what follows.

Black Legislators are Key to Progress in the South and Across the Country:

Black legislators are the primary defense against voter suppression laws. In Mississippi, the ACLU credited the Voting Rights Act with making November's historic wins possible: "Thanks to the Voting Rights Act, these voters finally had a voice." Mississippi Democratic Party Chairman Cheikh Taylor warned that "if the Supreme Court dismantles these protections, we risk silencing the very voices that made last night's historic outcome possible."

Black legislators drive progress on policies that directly address systemic inequities facing their communities and aim to help improve the quality of life across their states. 10 GOP-controlled states still refuse Medicaid expansion over a decade after the Affordable Care Act made it possible, leaving millions of Black residents without healthcare coverage. Black legislators fight for issues like health care expansion, criminal justice reform, funding for public schools and Historically Black Colleges and Universities, and against preemption of Black-majority local governments. Importantly, policies fought for and enacted by Black lawmakers help not only Black communities, but all Americans across the country.

Some have suggested Section 2's erosion might benefit Democrats by allowing them to "unpack" votes across more districts. This misunderstands both redistricting and what's at stake in the South. GOP legislatures could pack Black voters into fewer districts and crack other Black voters across so many districts that they will not be able to elect candidates of their choice.

The elimination of Black-opportunity districts could far outweigh the number of supposedly new competitive districts that could be drawn. And even in new districts supposedly more competitive for Democrats, Black voters likely would not be able to elect candidates of their choice. More importantly, losing Black legislative power means losing the policy outcomes these communities need most.

If Section 2 is gutted, then Black legislators will be on the frontlines of protecting against new discriminatory political maps. GOP legislators in the South will move with haste, facing immense pressure from the Republican regime to rig their maps. Black legislators will face the task of fighting against discriminatory maps, pushing against misleading GOP narratives, and making

clear that minority voting power cannot be compromised.

Black legislators bring perspective forged by lived experience – critical to effectively addressing and framing issues that are raised, both for policy results and public understanding. They understand voter suppression tactics because they experience the consequences directly. They know which policies matter most because their communities are the ones Republicans gerrymander and neglect. This perspective is irreplaceable in the fight for fair representation.

A Coordinated Assault on Black Advancement:

Section 2's potential collapse arrives as the Republican regime systematically dismantles pathways to Black advancement across every dimension of American life. On his first day in office, Trump signed executive orders terminating all federal Diversity, Equity, and Inclusion programs, requiring agencies to close DEI offices and eliminate diversity initiatives.

The Republican regime also cut hundreds of millions from programs serving minority students, pressured colleges to discontinue diversity programs, and terminated civil rights-era protections for minority-owned businesses seeking federal contracts. Trump's DOGE slashed programs benefiting Black farmers and shuttered federal diversity offices across agencies.

Across the board, the massive gutting of the federal workforce has had a devastating impact on Black women: over 266,000 lost federal jobs through DOGE cuts, and Black women's overall unemployment climbed from 5.8% to 7.5% from June to August – even as unemployment fell for other groups.

As of July 2025, 20 states have banned teaching about systemic racism in schools, with 14 states passing additional laws targeting diversity programs. Florida banned AP African American Studies courses and approved curriculum claiming enslaved people "developed skills" for "personal benefit." Trump's Education Secretary refused to confirm whether schools teaching African American history would retain federal funding. The regime has begun moving to eliminate federal recognition of Juneteenth and Martin Luther King Jr. Day and defund Smithsonian museums focused on African American history.

These are not separate battles. Section 2 being struck down could decimate Black political representation causing downstream impacts of stalled progress on priority issues like school funding, healthcare access, civil rights protections, and more. The Republican regime's rollbacks of DEI programs eliminate economic opportunity, restrict access to higher education, and the whitewashing of history erases cultural memory. Together, they fit together like puzzle pieces that make up a coordinated assault on Black advancement across every dimension of American life.

HOW TO FIGHT BACK

The New York Times

Democrats in Mississippi Break the G.O.P.'s State House Supermajority

POLITICO

Indiana GOP rejects Trump's map in major blow to his gerrymandering push

Newsweek

Virginia Democrats Propose Redrawing Maps to Get Four New Seats

Momentum Is on Our Side:

November 2025 proved that when maps are fair, Democrats win – and win big. Democrats scored breakthrough victories from the South to blue states, often exceeding 2017 "blue wave" margins that foreshadowed the 2018 midterm landslide.

- **Virginia:** Democrat Abigail Spanberger won the governor's race by over 15 percentage points – 5 points better than Biden's 2020 margin. Every single county shifted toward Democrats compared to 2024.
- **New Jersey:** Democrat Mikie Sherrill won the race for governor by 13 points, with counties that had swung 19 points away from Democrats in 2024 snapping back.
- **Georgia:** Democrats flipped two statewide Public Service Commission seats – the first non-federal statewide wins in nearly 20 years – even winning counties where Republicans usually get 60% of the vote.
- **Mississippi:** Democrats won historic victories: breaking the GOP supermajority in the State Senate by winning three newly drawn Black-majority districts created under the Voting Rights Act. They also won a seat to end the State House's effective-supermajority, where independents had sided with Republicans for years.
- **California:** Voters passed Proposition 50 by 64%, authorizing mid-decade redistricting to counter Republican gerrymandering – proof that Americans overwhelmingly support fair maps when given the chance to vote on them.

Exit polls show Democrats improved margins with non-college-educated voters. National polling shows Trump's approval cratering among young voters, independents, and Hispanic voters – groups that powered his 2024 win. That's why Trump and the GOP are rushing to redraw maps before 2026. They're panicking because they know fair elections mean Democratic victories.

Now We Must Act:

The window to protect Black and Latino voting power and fair representation is closing. If Section 2 falls, 191 state legislative seats could be lost, GOP supermajorities could lock in for decades, and the progress on key policy battles could be reversed. The fight ahead requires immediate action, sustained organizing, and strategic investment.

This Week:

- Share this report by sending it to 5 people you know – friends, family, neighbors – and post about it on social media.
- Discuss the report with your people – let them know what's at stake. Use the historical examples and data to ground your conversation.
    - ◊ Remember: this isn't about politics. It's about the core American freedom of fair representation and protecting people from discrimination.
- Stay informed by following organizations like Fair Fight Action, Black Voters Matter Fund, and the National Democratic Redistricting Committee on social media. Follow state legislators from Southern states who will be on the front lines fighting unfair maps.

Over the Holidays:

- Reach out to your own state legislators to share your concerns about the *Callais* decision and urge them to support fair representation, fair maps, and protections against discrimination.
    - ◊ Sample message: *I'm calling about the Supreme Court case, Louisiana v. Callais. If Section 2 is struck down, I need to know you'll fight for fair maps and oppose discriminatory redistricting. Can you commit to that?*
- Also contact Democratic leaders in blue states and urge them to use their power now – without weakening minority voting strength – to counter the coming Republican map-rigging wave.
    - ◊ Sample message: *California voters passed Proposition 50 proving redistricting to fight back against the Republican map rigging has public support. Will you act to protect fair representation before it's too late?*

Next Year:

- Volunteer to support fair maps and spread the word. Reach out to your state's Democratic state legislative leaders or your state/county Democratic Party to ask how you can help – whether it's supporting efforts to fight for fair maps, organizing voter education events, or helping raise awareness in your community.
    - ◊ You can also volunteer with groups like Fair Fight Action and Black Voters Matter Fund to help with phone banking, text banking, and organizing efforts.
- Stay engaged with ongoing developments. Continue following the organizations and leaders you've connected with for updates on redistricting fights, court decisions, and organizing efforts. Share their content to keep your network informed.

THE PATH FORWARD

History teaches us what happens when Black political power is stripped away. After Reconstruction, it took nearly a century to rebuild. After *Shelby County,* a massive voter suppression law was enacted the same day. If Section 2 falls, the GOP will likely move quickly to redraw the political maps.

But history also teaches us that sustained organizing works. The VRA was won through decades of grassroots mobilization, legal battles, and coalition-building. Mississippi Democrats just broke a Republican supermajority because the VRA created fair districts. Black legislators continue fighting for Medicaid expansion, public school funding, criminal justice reform, civil rights protections, and other critical issues – and are winning incremental victories.

As we laid out in the first *Callais* report, the response must be clear and urgent:

- **Redraw fair maps wherever possible,** using every mechanism to protect communities of color and counter Trump and the GOP's map rigging.
- **Win key congressional races** to regain power and pass pro-democracy reforms:
  - ◊ Pass pro-voting rights and fair representation laws in Congress.
  - ◊ Investigate and expose unfair maps that silence minority voices.
  - ◊ Demand transparency and accountability from the Supreme Court.

Now, with the threat materializing further, state legislators must step up:

- Fight back and attempt to block unfair maps.
- Propose and pass state voting rights legislation.
- Stand with Black, Latino, and marginalized communities in resisting efforts to weaken fair representation.

Engage the public – educate, mobilize, and build statewide coalitions to defend fair representation. The question is not whether the fight is worth it – but whether we will organize with the urgency this moment demands. The tools exist – litigation, legislation, grassroots mobilization, and public pressure.

We don't panic. We plan, organize, and execute. The fight for multiracial democracy has never been easy, and it has never been more urgent. It's time to get to work.