

## Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

**SUPREME COURT OF THE UNITED STATES**

## Syllabus

ALLEN, ALABAMA SECRETARY OF STATE, ET AL. *v.*  
MILLIGAN ET AL.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA

No. 21–1086. Argued October 4, 2022—Decided June 8, 2023\*

The issue presented is whether the districting plan adopted by the State of Alabama for its 2022 congressional elections likely violated §2 of the Voting Rights Act, 52 U. S. C. §10301. As originally enacted in 1965, §2 of the Act tracked the language of the Fifteenth Amendment, providing that “[t]he right of citizens of the United States to vote shall not be denied or abridged . . . on account of race, color, or previous condition of servitude.” In *City of Mobile v. Bolden*, 446 U. S. 55, this Court held that the Fifteenth Amendment—and thus §2—prohibits States from acting with a “racially discriminatory motivation” or an “invidious purpose” to discriminate, but it does not prohibit laws that are discriminatory only in effect. *Id.*, at 61–65 (plurality opinion). Criticism followed, with many viewing *Mobile*’s intent test as not sufficiently protective of voting rights. But others believed that adoption of an effects test would inevitably require a focus on proportionality, calling voting laws into question whenever a minority group won fewer seats in the legislature than its share of the population. Congress ultimately resolved this debate in 1982, reaching a bipartisan compromise that amended §2 to incorporate both an effects test and a robust disclaimer that “nothing” in §2 “establishes a right to have members of a protected class elected in numbers equal to their proportion in the population.” §10301(b).

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\*Together with No. 21–1087, *Allen, Alabama Secretary of State, et al. v. Caster et al.*, on certiorari before judgment to the United States Court of Appeals for the Eleventh Circuit.