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David J. Smith, Clerk of Court
U.S. Court of Appeals for the Eleventh Circuit
56 Forsyth St., N.W.
Atlanta, Georgia 30303

RE: *In re Georgia Senate Bill 202*, No. 23-13085 – Notice of Supplemental Authority

Dear Mr. Smith:

Republican Appellants submit this notice of the Supreme Court's decision in *Louisiana v. Callais*, __ U.S. __, 2026 WL 1153054 (Apr. 29, 2026) (attached). *Callais* shows that Plaintiffs' reading of the Materiality Provision of the Civil Rights Act does not fit with the Fifteenth Amendment.

Callais held that Section 2 of the Voting Rights Act "imposes liability" in a redistricting case "only when the circumstances give rise to a strong inference that intentional discrimination occurred." 2026 WL 1153054, at *12. This reading reflected the "limited authority that the Fifteenth Amendment confers." *Id.* at 13. Fifteenth Amendment legislation must be congruent and proportional to the Amendment's prohibition of actions with "a discriminatory purpose." *Id.* at 12 (cleaned up). The "focus" must be "prohibition on *intentional* racial discrimination." *Id.* Section 2 "fit[s]" with that requirement "[o]nly when" read to require a "strong inference" of "intentional discrimination." *Id.*

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Callais highlights the constitutional problems with Plaintiffs' reading of the Materiality Provision. Plaintiffs argue that the Materiality Provision bars paperwork rules unrelated to voter qualification. NAACP Br. (Doc. 147) at 27-28. Ordinary ballot-casting rules—signature requirements, secrecy envelopes, and more—are barred. NAACP Br. 28-29, 42. This prohibition, Plaintiffs argue, reaches beyond the qualification-stage record before Congress to "future forms of discrimination"—without requiring a showing of discrimination. NAACP Br. 45-46 n.12. Plaintiffs rely on Section 2's "far-reaching coverage" to try to square their argument with the Fifteenth Amendment. NAACP Br. at 44-45.

Plaintiffs' Fifteenth Amendment argument can't survive *Callais*. Where Plaintiffs pointed to Section 2 as even broader Fifteenth Amendment legislation without a discriminatory intent requirement, *Callais* clarifies that Section 2 "fit[s]" with the Fifteenth Amendment only because it requires a strong inference of intentional discrimination. 2026 WL 1153054, at *12. Plaintiffs have not made that showing. Nor can Congress's findings support the necessary fit with Plaintiffs' reading. Congress made findings about discriminatory voter-qualification practices, but Plaintiffs read the language to encompass "future"

practices with no congressional findings and no evidence of discriminatory intent. NAACP Br. at 44-45.

Dated: May 19, 2026

Respectfully submitted,

/s/ Gilbert C. Dickey
Gilbert C. Dickey

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