



For Immediate Release
Tuesday, June 27, 2023

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LDF Applauds Supreme Court's Rejection of Independent State Legislature Theory

Today, the U.S. Supreme Court rejected the anti-democratic independent state legislature (ISL) theory in *Moore v. Harper*. ISL theory in its most extreme interpretation gives state legislatures full control of elections and voting laws, with no checks and balances from state courts. In *Moore*, North Carolina legislators had argued that their congressional redistricting map – which had been drawn to favor Republicans in 10 out of 14 districts in a state that is evenly divided politically between Democrats and Republicans – was exempt from constitutional scrutiny by the state supreme court.

The Legal Defense Fund (LDF) filed a [brief](#) in the case in October 2022 cautioning against adopting ISL theory, which contradicts fundamental principles of our republican form of government. ISL theory would give state legislatures unchecked authority to nullify state constitutional protections for voting rights or override election results. Such power could allow state legislators to manipulate elections and undermine the will of voters.

“Today, the Supreme Court affirmed our democratic system’s well-established checks and balances and rejected this dangerous effort to sow chaos and doubt in our elections,” said **Janai Nelson, LDF’s President and Director-Counsel**. “This decision puts the rule of law over political power grabs by any party, respects centuries of precedent and legal tradition, and rejects the dangerous overreach that would have risked giving politicians the power to dictate election outcomes. LDF will continue to defend and preserve our constitutional right to vote, including by advancing litigation and pushing for federal legislation to protect mounting threats against our democracy.”

“Today’s ruling comes at a crucial moment when our nation is facing an onslaught of voter suppression efforts, facilitated by the erosion of critical voting rights protections since the Supreme Court’s 2013 decision in *Shelby County v. Holder*,” said **Stuart Naifeh, Manager of LDF’s Redistricting Project**. “By rejecting ISL theory, the Supreme Court has set an important precedent that state courts retain the authority to prevent suppression and protect their citizens from disenfranchisement. Despite this win, we face ongoing challenges in Florida, Georgia, Alabama, and other states that have adopted racially discriminatory maps and suppressive voting laws. We are nonetheless gratified the Supreme Court has affirmed that state courts are not barred from addressing critical issues, like partisan gerrymandering, which the Supreme Court held in 2019 it did not have jurisdiction to consider.”

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Founded in 1940, the Legal Defense Fund (LDF) is the nation's first civil rights law organization. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the Legal Defense Fund or LDF. Please note that LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights.