

[PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 20-14540

GEORGIA ASSOCIATION OF LATINO
ELECTED OFFICIALS, INC.,
as an organization,
GEORGIA COALITION FOR THE
PEOPLE'S AGENDA, INC.,
as an organization,
ASIAN AMERICANS ADVANCING
JUSTICE - ATLANTA, INC.,
as an organization,
NEW GEORGIA PROJECT,
as an organization,
COMMON CAUSE,
as an organization,

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ALBERT MENDEZ,
LIMARY RUIZ TORRES,

Plaintiffs-Appellants,

versus

GWINNETT COUNTY BOARD OF
REGISTRATION AND ELECTIONS,
JOHN MANGANO,
STEPHEN DAY,
BEN SATTERFIELD,
BEAUTY BALDWIN,
ALICE O'LENICK,
BRAD RAFFENSPERGER,
in his official capacity as the Secretary of State of Georgia,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:20-cv-01587-WMR

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Before WILLIAM PRYOR, Chief Judge, LAGOA, Circuit Judge, and SCHLESINGER,* District Judge.

LAGOA, Circuit Judge:

Plaintiffs—five organizations and two individual voters from Gwinnett County, Georgia—allege that absentee ballot applications and voting-related information should have been, but were not, provided in both English and Spanish to voters in Gwinnett County during the 2020 election cycle. This appeal asks us to determine whether Defendants—the Gwinnett County Board of Registrations and Elections, the Board’s individual members, and Georgia Secretary of State Brad Raffensperger—violated § 203 and § 4(e) of the Voting Rights Act of 1965.

Section 203 of the Voting Rights Act, 52 U.S.C. § 10503, requires certain States and their political subdivisions to provide voting materials in languages in addition to English. Gwinnett County is subject to the requirements of § 203, and Plaintiffs seek relief under that section for all limited-English proficient, Spanish-speaking voters in Gwinnett County. Section 4(e), 52 U.S.C. § 10303(e), prohibits States from denying individuals who were educated in “American-flag schools” in a language other than English the right to vote because of an inability to understand English. Plaintiffs seek relief under § 4(e) for all limited-English proficient, Spanish-

* Honorable Harvey Schlesinger, United States Senior District Judge for the Middle District of Florida, sitting by designation.

speaking voters in Gwinnett County who were educated in Puerto Rico.

The district court dismissed Plaintiffs' claims for lack of jurisdiction and for failure to state a claim, and this appeal ensued. After careful review and with the benefit of oral argument, we vacate the district court's dismissal for lack of jurisdiction, and we affirm its dismissal for failure to state a claim upon which relief can be granted.

I. BACKGROUND

A. Factual Allegations

The individual Plaintiffs are United States citizens registered to vote in Gwinnett County. Plaintiff Albert Mendez is a professional bass fisherman. He was born in New York City and raised in Puerto Rico, where he attended Spanish-language schools. Plaintiff Limary Ruiz Torres is a part-time accountant. She was born and raised in Puerto Rico, where she attended Spanish-language schools. Neither Mendez nor Ruiz Torres can read English.

The organizational Plaintiffs are the Georgia Association of Latino Elected Officials, Inc. ("GALEO"), the Georgia Coalition for the People's Agenda, Inc., Asian Americans Advancing Justice—Atlanta, Inc., the New Georgia Project, Inc., and Common Cause. These organizations are engaged in "get-out-the-vote" activities and other voter registration efforts in Gwinnett County. The individual and organizational Plaintiffs (collectively, "Plaintiffs") allege

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that Defendants violated § 203, 52 U.S.C. § 10503, and § 4(e), 52 U.S.C. § 10303(e), of the Voting Rights Act during the 2020 election.

Defendants are the Gwinnett County Board of Registrations and Elections and its individual members (collectively, the “Gwinnett County Board of Elections”), and Georgia Secretary of State Brad Raffensperger (“Secretary Raffensperger” or the “Secretary”). The Gwinnett County Board of Elections administers elections in Gwinnett County, Georgia; its individual members are essentially election superintendents and responsible for conducting such elections. Secretary Raffensperger is Georgia’s chief election official. In this capacity, Secretary Raffensperger is charged with overseeing and administering elections in Georgia. *See* O.C.G.A. § 21-2-50.

The Voting Rights Act of 1965, Pub. L. No. 89-110, 79 Stat. 437, prohibits various kinds of discrimination in voting. Section 4(e), which was enacted in 1965 as part of the original Voting Rights Act, provides, in relevant part:

No person who demonstrates that he has successfully completed the sixth primary grade in a public school in, or a private school accredited by, . . . the Commonwealth of Puerto Rico in which the predominant classroom language was other than English, shall be denied the right to vote in any Federal, State, or local election because of his inability to read, write, understand, or interpret any matter in the English language

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