

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

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AR State Conference NAACP, et al,  
  
  Plaintiffs–Appellants

v.

AR Board of Apportionment, et al,  
  
  Defendants–Appellees

Case No. 22-1395

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**PLAINTIFFS-APPELLANTS’ STATEMENT OF ISSUES**

Plaintiffs–Appellants are appealing the trial court’s order dismissing this case. In general, Appellants are appealing the trial court’s ruling that Section 2 of the Voting Rights Act of 1965 does not contain a private right of action.

Appellants intend to present the following issues, including related sub-issues, on appeal:

1. Is there a private right of action to enforce Section 2 of the Voting Rights Act of 1965?
  - a. 52 U.S.C. § 10301

- b. 52 U.S.C. § 10302
- c. 52 U.S.C. § 10310(e)
- d. *Morse v. Republican Party of Virginia*, 517 U.S. 186 (1996)
- e. *Roberts v. Wamser*, 883 F.2d 617 (8th Cir. 1989)

2. Is the question as to whether Section 2 contains a private right of action jurisdictional?

- a. *Verizon Maryland, Inc. v. Pub. Serv. Comm'n of Maryland*, 535 U.S. 635 (2002)
- b. *Mata v. Lynch*, 576 U.S. 143 (2015)
- c. *Brnovich v. Democratic Nat'l Comm.*, 141 S. Ct. 2321 (2021)
- d. *Principal Secs., Inc. v. Agarwal*, 23 F.4th 1080 (8th Cir. 2022)

Respectfully submitted,

/s/ Gary Sullivan

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## **CERTIFICATE OF SERVICE**

I hereby certify that on March 10, 2022, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

*/s/ Gary Sullivan*