UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

AR State Conference NAACP, et al,

Plaintiffs-Appellants

v.

Case No. 22-1395

AR Board of Apportionment, et al,

Defendants-Appellees

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

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