



National Coalition on Accessible Voting Opposes 8th Circuit’s Decision in *Arkansas State Conference NAACP v. Arkansas Bd. of Apportionment*

February 13, 2024

Note: We include a list of words with this letter. This list helps readers understand some of the terms and words we use. This list is called a glossary.

What is the National Coalition on Accessible Voting (NCAV)?

The National Coalition on Accessible Voting (NCAV) is a group of organizations that work on national laws and rules. When something is “national,” it involves the whole country. The NCAV works to make better laws and rules everywhere in the United States, not just in one state. The organizations on the NCAV work on voting and disability together. We work to make sure people with disabilities can vote.

Why Is the NCAV sending this letter?

The United States Court of Appeals for the 8th Circuit (8th Circuit) is a circuit court. A circuit court is a type of court called a federal court. Federal courts can often decide how a national law works. A national law is a law the whole country must follow, for example the Americans with Disabilities Act.

Circuit courts can decide how a national law works in a certain part of the country. The 8th Circuit can decide how national laws work in these states: Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. We call these states the “8th Circuit states.”

The NCAV disagrees with the 8th Circuit’s decision in a lawsuit. That lawsuit is called *Arkansas State Conference NAACP v. Arkansas Bd. Of Apportionment*. We also disagree with the 8th Circuit’s decision not to do the lawsuit again.

The decision could make it hard for voters in 8th Circuit states to fight for their own voting rights. It would be against the rules created in other cases. It would also make it hard to argue for better voting rules and laws in the 8th Circuit. The NCAV asks the courts to protect the right to vote for all Americans.

What was the case about?

Arkansas State Conference NAACP v. Arkansas Bd is an unusual and bad 8th Circuit decision. Even the chief judge for the 8th Circuit disagreed with the decision.

The decision was about Section 2 of the Voting Rights Act. The Voting Rights Act is an important national law about voting. Section 2 of the Voting Rights Act says that when you vote, no one can discriminate against you because of race, the color of your skin, or because you speak a less common language.

Previous court cases said that any voter who was discriminated against because of race, color, or language can sue. They can sue using Section 2 of the Voting Rights Act. This right of anyone to sue using a certain law is called a “private right of action.”

The decision might get rid of that right for Section 2 of the Voting Rights Act in the 8th Circuit states.

Why was this case important?

The decision could make it harder to use the Voting Rights Act to protect people. The decision does not mean that no one can sue using Section 2 in the 8th Circuit. The U.S. government has a lead lawyer. That lawyer is called the Attorney General. That lawyer could still sue using Section 2 of the Voting Rights Act. That does not solve the problem. Most Voting Rights Act cases happen because people and advocacy groups bring them to the courts, not the government. Most successful cases were brought to court by people and groups, not the government.

Section 2 of the Voting Rights Act has been used to get rid of lots of bad voting laws and policies. For example, Section 2 has been used to get rid of bad voter ID laws. Voter ID laws are laws that make voters take an identification card (ID) with them if they want to vote. Many voters with disabilities and voters who do not have much money do not have these cards. It has also been used to stop state officials from drawing voting areas (called districts) that make the votes of some people worth less.

Section 2 of the Voting Rights Act, because of these cases, makes our democracy stronger. It helps more people vote. It helps more kinds of people vote. Congress wrote the law. We think Congress wanted people to be able to protect themselves by going to court. The courts supported that right for many years. Without it, the voting rights of millions of voters could be threatened.

If you make voting rights worse, you also hurt voters with disabilities. Voters with disabilities are of every race and color. They are in every group of people, including every ethnicity. People with disabilities also get hurt more often by bad voting laws.

What will the NCAV do next?

The NCAV will continue to work on giving everyone voting rights. We will watch what happens next in this case. We will tell people what happens so that they know about it and can act on it.

We want other courts to decide differently from the 8th Circuit. We ask that they understand what Congress was trying to do when it passed the Voting Rights Act. We ask that they not follow the decision in *Arkansas State Conference NAACP v. Arkansas Bd.*

Voters need – and deserve – a way to make their government fix its bad actions when it makes it hard or impossible for them to vote.

Sincerely,

Autistic Self Advocacy Network
National Association of Councils on Developmental Disabilities
National Association of the Deaf
National Council on Independent Living
National Disability Rights Network
Paralyzed Veterans of America
Self Advocates Becoming Empowered
United Spinal Association

