Nos. 19-1257 & 19-1258

IN THE

Supreme Court of the United States

MARK BRNOVICH, Attorney General of Arizona, et al.,
Petitioners ,

v.

DEMOCRATIC NATIONAL COMMITTEE, et al.,
Respondents.

ARIZONA R

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INTEREST OF AMICI CURIAE

The Leadership Conference on Civil and Human Rights ("The Leadership Conference") is a coalition of over 220 organizations committed to the protection of civil and human rights in the United States.[1] It is the nation's oldest, largest, and most diverse civil and human rights coalition. The Leadership Conference was founded in 1950 by three legendary leaders of the civil rights movement—A. Philip Randolph, of the Brotherhood of Sleeping Car Porters; Roy Wilkins, of the NAACP; and Arnold Aronson, of the National Jewish Community Relations Advisory Council. One of the missions of The Leadership Conference is to promote effective civil rights legislation and policy. The Leadership Conference was in the vanguard of the movement to secure passage of the Civil Rights Acts of 1957, 1960 and 1964, the Voting Rights Act of 1965 and its subsequent reauthorizations, and the Fair Housing Act of 1968.

The Leadership Conference Education Fund ("The Education Fund") is the research, education, and communications arm of The Leadership Conference. It focuses on documenting discrimination in American society, monitoring efforts to enforce civil rights legislation, and fostering better public understanding of issues of prejudice. The Education Fund has published studies and reports on many subjects, including voting rights.

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[1] The parties have consented to the filing of this brief in letters on file with the Clerk. No counsel for a party authored this brief in whole or in part, and no entity or person, other than amici curiae, its members, and its counsel, made a monetary contribution intended to fund the preparation or submission of this brief.

The Leadership Conference and The Education Fund believe that a vital national interest is at stake in this case. That national interest is the right of all citizens to vote free from discrimination and to choose leaders that represent their interests and, by doing so, to promote the influence of the United States throughout the world as a viable and vibrant democracy.

Several other organizations also join as signatories to this brief. These organizations are identified and their interests set forth in the Appendix.

which to attack even the most subtle forms of discrimination." Id. at 406 (Scalia, J., dissenting).

I. Now is not the time to weaken Section 2. In Bartlett v. Strickland —a recent case in this Court substantially interpreting Section 2—a plurality of this Court recognized that "racial discrimination and racially polarized voting are not ancient history." 556 U.S. 1, 25 (2009). "Much remains to be done to ensure that citizens of all races have equal opportunity to share and participate in our democratic processes and traditions; and [Section] 2 must be interpreted to ensure that continued progress." Id.

Bartlett's teaching remains true today. While some discriminatory practices have been abandoned, the last decade has witnessed many jurisdictions placing new hurdles in front of the ballot box: hampering voter registration, limiting early and absentee voting, closing poll locations, purging voters from the rolls, and imposing strict voter-identification requirements. And it is reasonable to expect that such restrictions are likely to increase in quantity and severity in the future, amidst a litany of unsubstantiated but oft-repeated claims of voter fraud.

These restrictions on voting disproportionately affect minority voters, and substantially so. Minority voters, after all, disproportionately lack the resources to satisfy increasingly demanding voting requirements, due to the vestiges of current and past discrimination (including state-sponsored discrimination).

The growing tide of voting restrictions that lessen minority voters' opportunity to participate equally in

Educ. v. White, 439 U.S. 32, 37 n.6 (1978); see also Reno v. Bossier Par. Sch. Bd., 528 U.S. 320, 366 (2000) (Souter, J., concurring in part, dissenting in part) (Voting Rights Act not intended to permit jurisdictions "to pour old poison into new bottles").

II. Democracies are fragile and endure where society relies on voter participation as the core means by which political disagreements are mediated at regular intervals. This understanding underlies the respective roles that the branches of the federal government play to ensure that our democracy endures, matures, and thrives. The role of the federal courts is particularly significant because the problem of discrimination in voting has proven to be a substantial and enduring threat to political participation.

History teaches that the solution is vigilance. That is, courts must be willing and able to look past formali-

ARGUMENT

I. SECTION 2 HAS A VITAL CONTINUING ROLE IN PROTECTING MINORITY VOTERS• EQUAL ACCESS TO THE

ing in thousands of voters being wrongfully removed from the voter rolls. Brater, Purges 1-3, 6-9, supra; see also Fried, The Problem of Voter Purging„and Where We Go from Here, The Leadership Conference on Civil & Human Rights (Jan. 30, 2020), https://bit.ly/359Kudq.

"Another well-documented phenomenon is the steady increase in poll closures." Klain et al., Waiting to Vote 12, Brennan Center for Justice (June 3, 2020), https://bit.ly/3b3xjyq; see also The Leadership Conference Education Fund, Democracy Diverted 10-18, The Leadership Conference Education Fund (Sept. 2019), https://bit.ly/3nPvIz0. Thousands of polls have closed over the last decade. Klain, Waiting to Vote, supra. Notably, in many jurisdictions, "polling places are being closed faster than voters are switching to early voting." Id.

Most recently, in the 2020 Presidential election, several state officials made decisions imposing onerous burdens on voters seeking to cast their ballots. States like Texas, for example, actively issued orders making it more difficult for voters to deposit their mail ballots in drop-off sites. See

cation and Eligibility to Vote By Mail, LawFare (Oct. 27, 2020), https://bit.ly/3500D54; Gruber-Miller & Smith, Iowa Counties Can•t Set Up Drop Box Systems for Absentee Ballots, Secretary of State Says, Des Moines Register (Aug. 26, 2020), https://bit.ly/3hub7P6. Many other state decision-makers chose not to take action to ease restrictions on voting methods that made it more difficult for health-compromised voters to cast their ballots safely in a pandemic. See, e.g. Levine & Raymond-Sidel, Mail Voting Litigation in 2020, Part IV: Verifying Mail Ballots , LawFare (Oct. 29, 2020), https://bit.ly/3q93WyX.

3. Finally, and perhaps most concerning, there is every reason to expect that states will continue to enact more (and likely more severe) voting restrictions—in response to recent, baseless claims of rampant voter fraud.

The threat of voter fraud is the most common justification for restrictive election laws and procedures. See Litt, Claims of •Voter Fraud• Have a Long History in America. And They Are False , The Guardian (Dec. 4, 2020), https://bit.ly/34YqLxb. Yet advocates for these restrictions have rarely (if ever) been able to show any evidence of widespread fraud. Rutenberg, The Attack on Voting , N.Y. Times Magazine (Sept. 30, 2020), https://nyti.ms/3o56Y6N. Still, these claims have led to the adoption of practices like strict voter ID laws and hasty voter purges. Id.

As this Court is well aware, many powerful voices have alleged widespread voter fraud in the 2020 general election. See, e.g., Timm, Trump•s False Fraud

been rejected by election officials from every state, who have said they do not suspect or have any evidence of widespread illegal voting. Corasaniti et al.,

non-White citizens. See Currier & Elmi, The Racial Wealth Gap and Today•s American Dream, PEW (Feb. 16, 2018) (in 2014, typical White household had 31 days of income in savings, whereas typical Black household had just 5 days), https://bit.ly/3oen9yA; Bhutta et al., Disparities in Wealth by Race and Ethnicity in the 2019 Survey of Consumer Finances, Board of Governors of the Federal Reserve System (Sept. 28, 2020) (in 2019, typical White family had five times the wealth of typical Hispanic family), https://bit.ly/3oFtKCn; Center for Global Policy Solutions, The Racial Wealth Gap:

Registering to vote has become even more difficult for minority voters in some states with the introduction of onerous proof-of-citizenship requirements. Kansas, for example, enacted a proof-of-citizenship requirement so strict that it resulted in 31,089 applicants being denied registration—a figure representing approximately 12% of all voter applications during the relevant time period. Fish v. Schwab, 957 F.3d 1105, 1128 (10th Cir. 2020).

And more than one federal court has documented the struggles that minority voters especially face in providing proof of citizenship. In One Wisconsin Institute, Inc. v. Thomsen, the district court found that, in Wisconsin, "[t]he lack of a valid birth record correlated strikingly, yet predictably, with minority status" and that "states with a history of de jure segregation have systemic deficiencies in their vital records systems." 198 F. Supp. 3d 896, 915 (W.D. Wis. 2016), aff•d in part, rev•d in part sub nom. Luft v. Evers, 963 F.3d 665 (7th Cir. 2020). Similarly, in Veasey v. Perry, the district court found illustrative the story of Mrs. Bates, a Black retiree living on a $321 monthly income, who testified on the difficulties of saving $42 to pay for a birth certificate because she "had to put the $42.00 where it was doing the most good" and her family "couldn't eat the birth certificate [or] . . . pay rent with the birth certificate." 71 F. Supp. 3d 627, 665 (S.D. Tex. 2014), aff•d in part, rev•d in part sub nom. Veasey v. Abbott, 830 F.3d 216 (5th Cir. 2016) (en banc).

In addition to proof-of-citizenship requirements, some states have enacted other requirements making it more difficult to register new voters. Florida, for example, passed a law in 2011 that imposed a 48-hour deadline on submitting collected voter registration

forms, with penalties of $50 per form per day late. Hearing on Protecting the Right to Vote: Best and Worst Practices Before the Subcomm. on Civil Rights & Civil Liberties of the H. Comm. on Oversight & Reform, 116th Cong. 10 (Comm. Print 2019) (statement of Dale Ho, at 3, ACLU Director, Voting Rights Project), available at https://bit.ly/2LjlfhC. A federal court decision ruling that the Florida law was unconstitutional did not stop Tennessee in 2018 from passing a similar (in fact, worse) law. The Tennessee law imposed fines of up to $10,000 for submitting incomplete registration forms (while also imposing criminal liability if an entity took more than 10 days to submit registration forms). Id. These changes, unsurprisingly, chilled voter regis-

with errors. In Ohio, for example, in 2019 the secretary of state released a list of 235,000 voters set to be purged; voting-rights groups identified 40,000 errors in the list—i.e., an error rate of over 15%. Berman, Kick Thousands of Voters Off Role the Rolls During a Pandemic, supra. In 2017, Wisconsin claimed that 340,000 voters should be purged because they had moved, but an analysis by the League of Women Voters revealed that 7% of the voters on the list (i.e., over 20,000 voters)

Voting Rights Access in the United States: 2018 Statutory Report 144-157 (Sept. 2018), https://bit.ly/3ondIge.

Some states have also tried to retroactively remove voters believed to be noncitizens; the resulting errors have disproportionately affected minority voters. In Florida, for example, a list that the state had created in 2012 of 2,700 potential non-citizens was found to include at least 500 citizens. Weiner, Florida•s Voter Purge Explained , Wash. Post (June 18, 2012), https://wapo.st/2Xdnfea. Of the 2,700 individuals listed, 87% were minority voters and 58% were Hispanic voters. Id. By way of comparison, Hispanic voters were only 13% of the active voter base at the time. Mazzei, Hispanics, Democrats Biggest Groups in Florida•s List of Potential Noncitizen Voters, Analysis Shows, Tampa Bay Times (May 12, 2012), https://bit.ly/2JKHRXT.

3. Even those who are successfully registered for an upcoming election then confront additional obstacles at the polls.

As noted above, many jurisdictions have closed polling sites and/or reduced hours for voting. Seesupra p.7. Such closures and reductions are likely to "disproportionately and negatively affect[]" Black voters, Ohio State Conference of NAACP v. Husted, 768 F.3d 524, 533 (6th Cir. 2014),

2020), https://bit.ly/350i2dL. The same pattern repeated itself in the recent runoff Senate election in Georgia; for example, state officials decided to close 6 of 11 early-voting polling sites in Cobb County, specifically in those areas where most of the county's Black and Hispanic voters live. Derysh, After Democrats Flip State, Georgia Moves to Shut Down Early Voting Locations Ahead of Senate Runoff, Salon (Dec. 9, 2020), https://bit.ly/3om2nxi.

More generally, the phenomenon of long lines at the polls—which is, of course, exacerbated by poll closures and reduced voting hours—disproportionately affects minority voters. In 2017, research demonstrated that "a voter in a predominantly minority precinct experiences a line that is twice as long, on average, than a voter in a predominantly white precinct." Pettigrew, The Racial Gap in Wait Times: Why Minority Precincts Are Underserved by Local Election Officials, 132 Political Sci. Quarterly 527, 527 (Nov. 2017), available at https://bit.ly/3bqCdFT. Indeed, several studies have found that "the more voters in a precinct who are non-white, the longer the wait times." Weil et al., The 2018 Voting Experience: Polling Place Lines 21, Bipartisan Policy Center, (Nov. 4, 2019), https://bit.ly/35vAUBz. And a more recent nationwide study also found that neighborhoods which became less White over the past decade had fewer electoral re-

states in the past decade have enacted such laws. See supra p.5.

And there is overwhelming evidence that strict voter ID laws disproportionately prevent minority voters from equal participation in the voting process. In large part, this is because minority voters are much less likely to have the limited types of accepted ID. See, e.g. Stewart, Voter ID: Who Has Them? Who Shows Them?, 66 Okla. L. Rev. 21, 36-43 (2013); Barreto et al., The Disproportionate Impact of Voter-ID Requirements on the Electorate„New Evidence from Indiana, 42 Politics & Political Sci. 111 (2009); Hood III & Bullock III, Worth a Thousand Words?: An Analysis of Georgia•s Voter Identification Statutes, 36 Am. Pol. Research 555 (2008); Hajnal et al., Voter Identification Laws and the Suppression of Minority Votes, 79 J. of Pol. 363 (2017). Additionally, minority voters are also more likely than White voters to be asked to present ID, further compounding the disproportionate effect of strict voter ID laws. Stewart, 2012 Survey of the Performance of American Elections iii, MIT (Feb. 25, 2013).

* * *

As the prior discussion demonstrates, over the last decade, numerous jurisdictions have adopted voting regulations that significantly (and likely unjustifiably) burden minority voters' participation in the political process. Especially in the absence of Section 5, Section 2 plays an essential role in advancing the federal commitment to protecting minority voters and ensuring that they have an equal opportunity to participate in the political process.

II. THIS COURT SHOULD CONTINUE TO INTERPRET SECTION 2 TO EMPOWER COURTS TO PROTECT AGAINST THE PERSISTENT AND ADAPTIVE PROBLEM OF DISCRIMINATION IN VOTING

A. For Generations, This Court Has Protected Democracy By Striking Down Barriers To Participation

Many consider Brown v. Board of Education to mark the beginning of the Court's civil rights awakening. 347 U.S. 483 (1954). But the Court began long before then, deciding significant cases that dislodged entrenched voting discrimination and advanced the pro-democracy values of our Constitution that rely so heavily on full and open political participation. This history, although familiar to many, is especially worth reviewing today, when the importance of protecting full participation as a bedrock of legitimacy for our democracy has never been more evident.

1. The Court first targeted a form of blatant apartheid and exclusion, namely the persistent efforts to exclude Black voters from the Democratic Party, in the "white primary" cases. See Peretti, Constructing the State Action Doctrine, 1940-1990, 35 Law & Soc. Inquiry 273, 276 (2010).

The first case in this series was Nixon v. Herndon, 273 U.S. 536 (1927). Justice Holmes's opinion for the unanimous Court held that a Texas statute facially prohibiting Black people from participating in Democratic party elections was a "direct and obvious infringement" of the Fourteenth Amendment's equal protection clause. Id. at 541.

As we are seeing today, an advance for minority participation faced immediate backlash. Texas quickly

looked at the practical realities in the way primary elections, state regulation, and voter access inter-

Tuskegee gerrymander was blatant and impermissible race discrimination, see id. at 341.

One year after Gomillion, in Baker v. Carr, the Court corrected a profound systemic dysfunction in the political process—the inability of minority voters to have their voting rights recognized and remedied by a federal court. 369 U.S. 186 (1962). The plaintiffs in Baker urged that Tennessee's legislative apportionment statute was unconstitutional. The district court determined that the matter presented a nonjusticiable "political question" and dismissed the case. Id. at 209. But the Court disagreed, holding that the "right asserted [was] within the reach of judicial protection under the Fourteenth Amendment." Id. at 237. As commentary presciently observed at the time, Baker "move[d] broadly in the direction of developing and supporting procedures necessary for the effective operation of a modern democratic system." Emerson, Malapportionment and Judicial Power, 72 Yale L.J. 64 (1962). Without the Court's reluctant but indispensable intervention, dispossessed minority voters would have lacked—indeed today might still not have—a way to vindicate their voting rights in federal court. By enforcing the fundamental promise of equal representation, despite fear of entering a "political thicket," Colegrove v. Green, 328 U.S. 549, 556 (1946), the Court in fact conveyed to the nation that it stood for democracy. As one commentator observed: "At least some of us who shook our heads over Baker v. Carr are prepared to admit that it has not been futile, that it has not impaired, indeed that it has enhanced, the prestige of the Court." Jaffe, Was Brandeis an Activist? The Search for Intermediate Premises, 80 Harv. L. Rev. 986, 991 (1967).

ing Section 2) in 1970, 1975, 1982, 1992, and 2006. See Pub. L. No. 91-285, 84 Stat. 314 (1970); Pub. L. No. 94-73, 89 Stat. 402 (1975); Pub. L. No. 97-205, 96 Stat. 131

have to protect them." Keyssar, Commission on Civil Rights Meeting, supra.

And recent decisions of this Court and the courts of appeals demonstrate that federal courts can, in fact, be vigilant in carefully reviewing the totality of circumstances underlying challenged voting practices and appropriately striking down those that cross the line into discrimination.

For example, in League of United Latin American Citizens v. Perry, this Court held that Texas violated Section 2 because its redistricting "undermined the progress of a racial group that ha[d] been subject to significant voting-related discrimination and that was becoming increasingly politically active and cohesive." 548 U.S. 399, 439 (2006). "In essence the State took away the Latinos' opportunity because Latinos were about to exercise it," the Court stated, which raised the specter of "intentional discrimination." Id. at 440. LULAC appropriately recognized that voting progress is precarious and highlighted how swiftly a state can, with a "troubling blend of politics and race," dilute the votes of a "group that was beginning to achieve § 2's goal of overcoming prior electoral discrimination." Id. at 442. The Court's careful assessment, based on the totality of the circumstances, thus gave minority voters a fair opportunity to choose their leaders.

More recently, in North Carolina State Conference of NAACP v. McCrory, the Fourth Circuit corrected the district court's "failure of perspective," which had led it to "ignore critical facts bearing on legislative intent, including the inextricable link between race and politics in North Carolina." 831 F.3d 204, 214 (4th Cir. 2016). In North Carolina, after "years of preclearance and expansion of voting access," Black "registration

and turnout rates had finally reached near-parity with white registration and turnout rates" by 2013. Id. But, on the day after the Supreme Court handed down Shelby County v. Holder, 570 U.S. 529 (2013), a leader of the party that "newly dominated the legislature" announced "an intention to enact what he characterized as an 'omnibus' election law." 831 F.3d at 214. The legislature requested "data on the use, by race, of a number of voting practices" and then passed provisions that "target[ed] African Americans with almost surgical precision." Id. The law was "the most restrictive voting law North Carolina ha[d] seen since the era of Jim Crow." Id. at 229. After careful review of the entire record and totality of circumstances, the Fourth Circuit stated that it could "only conclude that the North Carolina General Assembly enacted the challenged provisions of the law with discriminatory intent." Id. at 215.

Additionally, the Tenth Circuit in Fish v. Schwab struck down Kansas's proof-of-citizenship voting requirement as unconstitutional and contrary to the National Voter Registration Act. 957 F.3d 1105. The court recognized the challenge of "separat[ing] those regulations that properly impose order—thereby protecting the fundamental right to vote—from those that unduly burden it—thereby undermining it." Id. at 1122. But the Court refused to accept the state's formalistic suggestion that, "as a matter of law," the requirement to present proof of citizenship only imposed a "limited burden" on voters. Id. at 1130. Rather, the court examined the facts (as found by the district court) and determined that the requirement, in fact, disenfranchised 31,089 legitimate voters. Id. And it carefully assessed the state's proffered justifications for the proof-of-citizenship requirement, holding that they

were insufficiently supported by the record to support such a significant infringement on the right to vote. Id.

These court decisions reflect the parting words of civil-rights leader John Lewis. "Democracy is not a state. It is an act, and each generation must do its part . . . ." Lewis, Together, You Can Redeem the Soul of

on a significant disparate impact and a nexus with the state's own history of discrimination. The Seventh Circuit, by contrast, interpreted Section 2 as a simplistic equal-treatment rule, and upheld Wisconsin's strict voter ID law simply because it did not facially discriminate against minority voters.

1. Texas Voter ID Law. Within hours of Shelby County, Texas Attorney General Greg Abbott declared that the state's restrictive voter ID law, which had been previously blocked under Section 5's preclearance mechanism, would "take effect immediately." Statement by Texas Attorney General Greg Abbott (June 25, 2013), https://bit.ly/34Z3Stm; see also Ford, The Entirely Preventable Battles Raging Over Voting Rights, The Atlantic (Apr. 14, 2017), https://bit.ly/2KI6zc9. That law would have disenfranchised over 500,000 voters, with "Hispanic registered voters and Black registered voters . . . respectively 195% and 305% more likely than their Anglo peers to lack" acceptable ID. Veasey, 830 F.3d at 250.

In analyzing the Texas voter ID law, the en banc Fifth Circuit began by appropriately recognizing that the essence of a Section 2 claim is that "a certain electoral law, practice, or structure interacts with social and historical conditions to cause an inequality in the opportunities enjoyed by black and white voters to elect their preferred representatives." Veasey, 830 F.3d at 244 (quoting Thornburg v. Gingles, 478 U.S. 30, 47 (1986)). The court thus adopted a two-part test, with the first part examining statistical evidence "to discern whether a law has a discriminatory impact" and the second part considering various factors identified by Congress "to determine whether such an impact is a product of current or historical conditions of discrimi-

nation such that it violates Section 2." Id. at 245. In so doing, the court rejected efforts to adopt simplistic bright-line rules, reasoning that "assessing whether a law has a discriminatory impact is no simple matter and does not lend itself to simple formulation." Id. at 249 n.41.

Applying the two-part test just described, the Fifth Circuit then held that the Texas voter ID law violated Section 2. The law imposed "excessive and disparate burdens on minority voters," Veasey, 830 F.3d at 250, and the law "worked in concert with Texas's legacy of state-sponsored discrimination to bring about this disproportionate result," id. at 264-265. That state-sponsored discrimination, the court explained, included the state's role in de jure segregation in education, employment, housing, and transportation. Id. at 259.

Although the court struck down Texas's strict voter ID law, the Fifth Circuit's careful analysis was tethered to that specific law and its underlying context and did not sweep more broadly to encompass voter ID laws generally. At the same time, the court's decision had a concrete and measurable impact, ensuring that hundreds of thousands of minority voters could equally participate in American democracy.

2. Wisconsin Voter ID Law . In 2011, Wisconsin enacted a photo ID law that only permitted eight forms of photo ID. 2011 Wis. Act 23. A federal district court enjoined the law partly on the ground that it violated Section 2 by creating a disparate impact on minority voters. Frank v. Walker, 17 F. Supp. 3d 837, 863, 879 (E.D. Wis. 2014). Specifically, the district court found that over 300,000 Wisconsin voters lack acceptable ID, that Black and Hispanic voters were significantly more likely than White voters to lack ID, and furthermore

that Black and Hispanic voters were less likely to have the documents necessary to obtain qualified ID. Id. at 854, 870-872.

The Seventh Circuit reversed, holding that the voter ID law did not violate Section 2. Frank v. Walker, 768 F.3d 744, 755 (7th Cir. 2014). The Seventh Circuit did not dispute the disparate effect of the voter ID law, nor that its effect was "traceable to the effects of discrimination in areas such as education, employment, and housing." Id. at 753. The court nevertheless up-

sin's voter ID law. Wines, Wisconsin Strict ID Law Discouraged Voters, Study Finds, N.Y. Times (Sept. 25, 2017), https://nyti.ms/3hUOvHX. Only 8.3% of White registered voters were deterred, compared to 27.5% of Black registered voters. Mayer, Press Release: Voter ID Study Shows Turnout Effects in 2016 Wisconsin Presidential Election (Sept. 25, 2017), https://bit.ly/3oPPQ5g. These estimates did not include people who did not even register to vote because they did not have an accepted form of ID. Id.; Wines, Wisconsin Strict ID, supra. And while these numbers may appear small on the surface, they are significant, as the margin of victory in Wisconsin in the 2016 and 2020 Presidential contests has been less than 25,000 votes.

* * *

The point is not that all laws regulating access to voting are unlawful but that Section 2 should be capacious enough to empower courts to conduct context-specific inquiries into whether a particular law crosses the line from a mere electoral rule into one that disproportionately and unjustifiably lessens minority voters' opportunity to participate equally in the political process. This Court should interpret Section 2 to ensure that it can serve that crucial purpose.

CONCLUSION

The Court should affirm the Ninth Circuit's judgment.

Respectfully submitted.

ARPIT K. G

APPENDIX

APPENDIX: LIST OF AMICI

ACCESS

Advancement Project National Office

American Federation of Labor and Congress of Industrial Organizations

Andrew Goodman Foundation

Anti-Defamation League (ADL)

Asian & Pacific Islander American Health Forum

Asian Americans Advancing Justice

Black Alliance for Just Immigration

Central Conference of American Rabbis

Clean Elections Texas

Common Cause

Communications Workers of America

Demos

End Citizens United / Let America Vote Action Fund

Fair Count Inc

Generation Vote

Government Accountability Project

Hispanic Federation

Justice for Migrant Women

Lambda Legal

League of Women Voters United States

Matthew Shepard Foundation

Men of Reform Judaism

Mid-Ohio Valley Climate Action

NARAL Pro-Choice America

National Alliance for Partnerships in Equity (NAPE)

Union for Reform Judaism

Union of Concerned Scientists

Women Lawyers on Guard Inc.

Women of Reform Judaism

Youth Progressive Action Catalyst