

19-1257 BRNOVICH V. DEMOCRATIC NATIONAL COMMITTEE

DECISION BELOW: 948 F.3d 989

LOWER COURT CASE NUMBER: 18-15845

QUESTION PRESENTED:

Arizona, like every other State, has adopted rules to promote the order and integrity of its elections. At issue here are two such provisions: an "out-of-precinct policy," which does not count provisional ballots cast in person on Election Day outside of the voter's designated precinct, and a "ballot-collection law," known as H.B. 2023, which permits only certain persons (i.e., family and household members, caregivers, mail carriers, and elections officials) to handle another person's completed early ballot. A majority of States require in-precinct voting, and about twenty States limit ballot collection.

After a ten-day trial, the district court upheld these provisions against claims under Section 2 of the Voting Rights Act and the Fifteenth Amendment. A Ninth Circuit panel affirmed. At the en banc stage, however, the Ninth Circuit reversed-against the urging of the United States and over two vigorous dissents joined by four judges.

The questions presented are:

1. Does Arizona's out-of-precinct policy violate Section 2 of the Voting Rights Act?
2. Does Arizona's ballot-collection law violate Section 2 of the Voting Rights Act or the Fifteenth Amendment?

CONSOLIDATED WITH 19-1258 FOR ONE HOUR ORAL ARGUMENT.

CERT. GRANTED 10/2/2020