



**For Immediate Release**  
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**LDF Issues Statement on Ruling in 8<sup>th</sup> Circuit Barring Private Plaintiffs’  
Right to Sue Under Section 2 of the Voting Rights Act**

Today, a panel of federal judges in the U.S. Court of Appeals for the Eighth Circuit held in a 2-1 ruling that private plaintiffs can no longer bring lawsuits under Section 2 of the Voting Rights Act (VRA), which prohibits racial discrimination in voting. The decision, which is binding only in the states of Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota, blocks a critical path for enforcing the VRA’s Section 2 protections for Black people and other people of color.

In response, LDF President and Director-Counsel Janai Nelson issued the following statement:

“Today’s decision is deeply alarming and exposed millions of Black voters and other voters of color in the Eighth Circuit to the threat of unbridled racial discrimination in voting. Under this ruling, individuals and civil rights groups will be barred from using one of the most effective tools to combat this enduring scourge on our democracy. Individuals who experience voting discrimination on account of their race will be prevented from suing under the Voting Rights Act (VRA)’s critical Section 2 provisions to vindicate them and must instead rely on the discretion and limited resources of the U.S. Attorney General. We must be clear: This ruling deliberately denies voters of color the opportunity to engage in the democratic process fairly and fully.

“This ruling is also a stark departure from six decades of decisions in hundreds of Section 2 cases. Before this ruling, dozens of courts had universally permitted aggrieved individuals to sue under Section 2. In fact, the Supreme Court’s recent decision in *Allen v. Milligan* reaffirmed the vital significance of Section 2 and granted private individuals relief under its provisions. Likewise, in striking down the animating provisions of Section 5 of the VRA, its most transformative provision, one decade ago, Chief Justice Roberts authored a majority opinion that cited the importance of Section 2 as a viable enforcement mechanism to combat voting discrimination. Today’s Eighth Circuit decision flies in the face of the Supreme Court’s critical decision in *Milligan* — and undermines our nation’s principles of fairness and democracy.

“Private individuals and groups must be able to vindicate the essential right to vote free from discrimination in our democracy. Instead, the Eighth Circuit has opted to leave

voters in its jurisdiction subject to the decision-making of the Department of Justice which has limited time and resources. At a time when the voting rights of Black communities and other communities of color continue to be under siege, we must be resolute and firm in our commitment to protecting these rights – and in expansively enforcing key protections of the Voting Rights Act.”

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*Founded in 1940, the Legal Defense Fund (LDF) is the nation’s first civil rights law organization. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the Legal Defense Fund or LDF. Please note that LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights.*