

# The Supreme Court - October 2, 2020

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Today, the Supreme Court of the United States granted certiorari in the following cases:

**Brnovich v. Democratic Nat. Comm.**, No. 19-1257; **Arizona Republican Party v. Democratic Nat. Comm.**, No. 19-1258: 1) Does Arizona's out-of-precinct policy—which does not count provisional ballots cast in person on Election Day outside of the voter's designated precinct—violate Section 2 of the Voting Rights Act? 2) Does Arizona's ballot-collection law—which permits only certain persons (*i.e.*, family and household members, caregivers, mail carriers, and election officials) to handle another person's completed early ballot—violate Section 2 of the Voting Rights Act or the Fifteenth Amendment? 3) Whether Section 2 of the Voting Rights Act compels states to authorize any voting practice that would be used disproportionately by racial minorities, even if existing voting procedures are race-neutral and offer all voters an equal opportunity to vote. 4) Whether the Ninth Circuit correctly held that Arizona's ballot-harvesting prohibition (*i.e.*, third-party collection and return of ballots) was tainted by discriminatory intent even though the legislators were admittedly driven by partisan interests and by supposedly "unfounded" concerns about voter fraud.

**FCC v. Prometheus Radio Project**, No. 19-1231; **Assn. of Broadcasters v. Prometheus Radio Project**, No. 19-1241: 1) Whether the court of appeals erred in vacating as arbitrary and capricious the Federal Communications Commission ("FCC") orders under review, which, among other things, relaxed the agency's cross-ownership restrictions to accommodate changed market conditions. 2) Whether under Section 202(h) of the Telecommunications act of 1996, the FCC may repeal or modify media ownership rules that it determines are no longer "necessary in the public interest as the result of competition" without statistical evidence about the prospective effect of its rule changes on minority and female ownership.

**BP P.L.C. v. Mayor and City Council Baltimore**, No. 19-1189: Whether 28 U.S.C. §1447(d) permits a court of appeals to review any issue encompassed in a district court's order remanding a removed case to state court where the removing defendant premised

## Related Capabilities

- Appellate
- Telecommunications

removal in part on the federal-officer removal statute, 28 U.S.C. §1442, or the civil-rights removal statute, 28 U.S.C. §1443.

**Barr v. Dai**, No. 19-1155; **Barr v. Alcaraz-Enriquez**, No. 19-1156: 1) Whether a court of appeals may conclusively presume that an asylum applicant's testimony is credible and true whenever an immigration judge or the Board of Immigration Appeals adjudicates an application without making an explicit adverse credibility determination. 2) Whether the court of appeals violated the remand rule as set forth in *INS v. Ventura*, 537 U.S. 12 (2002) (per curiam), when it determined in the first instance that respondent was eligible for asylum and entitled to withholding of removal.