will be rejected." *Id.* at 405 (emphasis added), citing *Smith v. Salt River Project Agric. Improvement & Power Dist.*, 109 F.3d 586, 595 (9th Cir. 1997). In the case before it, the Court acknowledged the district court's findings "that Latinos had suffered a history of discrimination" that "hindered their ability to participate in the political process fully, that there were socioeconomic disparities between Latinos and whites," and that "Arizona continues to have some degree of racially polarized voting." 677 F.3d at 406. Yet the Court still rejected the Section 2 claim, because the plaintiff had "adduced no evidence that Latinos' ability or inability to obtain or possess identification for voting purposes (whether or not interacting with the history of discrimination and racially polarized voting) resulted in Latinos having less opportunity to participate in the political process." *Id.* at 407; *see Salt River*, 109 F.3d at 595 (9th Cir. 1997) ("a bare statistical showing of disproportionate *impact* on a racial minority does not satisfy the § 2 'results' inquiry"), citing *Ortiz v. City of Phila. Office of the City Comm'rs*, 28 F.3d 306, 308 (3rd Cir.1994) (although "African-American and Latino voters are purged at disproportionately higher rates than their white counterparts," plaintiff's Section 2 challenge "failed to prove that the purge statute caused" this disparity).

In *Frank v. Walker*, 768 F.3d 744 (7th Cir. 2014), the Seventh Circuit reversed a lower court ruling and held that a Wisconsin law requiring voters to present photo ID at the polls did not violate Section 2. The Court acknowledged

disparities in the percentages of white, black, and Latino voters who possessed acceptable photo IDs or the documents necessary to obtain them. *Id.* at 752. But the Court also recognized that Section 2 "does not condemn a voting practice just because it has a disparate effect on minorities." *Id.* at 753. "Although these findings document a disparate outcome, they do not show a 'denial' of anything by Wisconsin, as §2(a) requires; unless Wisconsin makes it *needlessly* hard to get photo ID, it has not denied anything to any voter." *Id.* If racial disparities alone were the key to a "results" claim, Section 2 would "sweep[] away almost all registration and voting rules." *Id.* at 754. Nor did a generalized showing of societal discrimination establish a violation. Section 2 "forbids discrimination by 'race or color' but does not require states to overcome societal effects of private discrimination that affect the income or wealth of potential voters." *Id.* at 753. The "district judge did not find that blacks or Latinos have less 'opportunity' than whites to get photo IDs," but that, "because they have lower income, these groups are less likely to *use* that opportunity. And that does not violate §2." *Id.*

In contrast, the Fifth Circuit applied a radically different notion of "causation," using the standard Appellants favor in this case. *See Veasey v. Abbott*, 830 F.3d 216 (5th Cir. 2016) (en banc), *cert. den. sub nom. Abbott v. Veasey*, 2017 U.S. LEXIS 789 (Jan. 23, 2017). In the context of a Section 2 challenge to a Texas photo ID law, that Court set forth a two-part framework for determining the