

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

GEORGIA STATE CONFERENCE OF  
THE NAACP *et al.*,

Plaintiffs,

v.

STATE OF GEORGIA *et al.*,

Defendants.

Case No.  
1:21-cv-5338-ELB-SCJ-SDG  
Three-Judge Court

**UNITED STATES' NOTICE OF INTERVENTION  
PURSUANT TO 28 U.S.C. § 2403(a)**

On October 4, 2023, this Court issued an Order certifying to the Attorney General that the constitutionality of Section 2 of the Voting Rights Act, 52 U.S.C. § 10301, has been called into question in *Georgia State Conference of the NAACP v. Georgia*, No. 1:21-cv-5338 (N.D. Ga. Oct. 4, 2023), ECF No. 181. The Court requested the Attorney General to submit his position on intervention no later than sixty days from the date of that Order. *Id.*

Subsequently, on October 17, 2023, the Court issued an Order providing notice to the parties that the then-pending motions for summary judgment were denied, *see* Order, *Ga. State Conference of the NAACP v. Georgia*, No. 1:21-cv-5338 (N.D. Ga. Oct. 17, 2023), ECF No. 185. The Court then issued an Opinion

and Order denying Summary Judgment on October 26, 2023, in which it rejected Defendants' constitutional challenges to Section 2. *See Ga. State Conference of the NAACP v. Georgia*, No. 1:21-cv-5338, 2023 WL 7093025 (N.D. Ga. Oct. 26, 2023) (per curiam). Trial was set for November 13, 2023. On November 1, 2023, the Court stayed all deadlines in this matter and continued trial pending resolution of any appeal from final judgment in *Alpha Phi Alpha v. Raffensperger*, No. 1:21-cv-5337 (N.D. Ga.); *Pendergrass v. Raffensperger*, No. 1:21-cv-5339 (N.D. Ga.); and *Grant v. Raffensperger*, No. 1:22-cv-122 (N.D. Ga.). *See Alpha Phi Alpha v. Raffensperger*, No. 1:21-cv-5337, 2023 WL 7037537 (N.D. Ga. Oct. 26, 2023).

Pursuant to 28 U.S.C. § 2403(a) and in response to the Court's Certification Order, ECF No. 181, the United States hereby respectfully notifies the Court that it exercises its right to intervene in this proceeding to defend the constitutionality of Section 2 of the Voting Rights Act, 52 U.S.C. § 10301. The United States is also submitting a brief today addressing Defendants' constitutional arguments.

Date: November 3, 2023

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I hereby certify that on November 3, 2023, I electronically filed the foregoing with the clerk of the court using the CM/ECF system, which will send notification of this filing to counsel of record.

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