

**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.*

CIVIL ACTION

FILE NO. 1:21-CV-5338-ELB-  
SCJ-SDG

**DEFENDANTS' NOTICE OF CONSTITUTIONAL QUESTION**

Pursuant to Federal Rule of Civil Procedure 5.1(a) and the Court's Order entered in this action on October 4, 2023, Doc. No. [182], Defendants in the above-styled actions hereby file a notice of constitutional question. The question, as stated by Defendants in their Motion for Summary Judgment in its brief at pages 33–35 is that “a view that racial bloc voting requires only that majority and minority voters vote differently would also make Section 2 unconstitutional” and “[w]here Section 2 is used not to undo racial bias but to undo a pattern of partisan voting, in favor of one (and only one) racial minority, that must be unconstitutional.” Doc. No. [141-1], pp. 33–35.

Defendants will serve this notice, as well as their Brief in Support of their Motion for Summary Judgment in this case, on the Attorney General of the United States. *See* Fed. R. Civ. P. 5.1(a)(2).<sup>1</sup>

This 10th day of October, 2023.

Respectfully submitted,

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<sup>1</sup> Defendants had not previously served a notice pursuant to Fed. R. Civ. P. 5.1(a)(2) because their claim regarding the constitutionality of the Voting Rights Act is an alternative claim and Defendants assert they should prevail on a proper interpretation of the *Gingles* preconditions and the totality of the circumstances.

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## CERTIFICATE OF COMPLIANCE

Pursuant to L.R. 7.1(D), the undersigned certifies that the foregoing Notice have been prepared in Century Schoolbook 13, a font and type selection approved by the Court in L.R. 5.1(B).

/s/ Bryan P. Tyson  
Bryan P. Tyson

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## CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2023, a true and correct copy of the foregoing was served by transmission of Notice of Electronic Filing generated by CM/ECF to all counsel of record as of issuance of filing and by certified mail and by overnight delivery to the Attorney General of the United States at the following address:

Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

/s/ Bryan P. Tyson  
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