

# **EXHIBIT 3**

State Defendants' Initial Brief in Opposition  
to Plaintiffs' Motion for Preliminary Injunction

**Section 5 of the Voting Rights Act  
Preclearance Letter**



Civil Rights Division

JKT:RSB:AZ:HMM:maf  
DJ 166-012-3  
2005-2029

Voting Section - NWE.  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

August 26, 2005

Thurbert Baker, Esq.  
Attorney General  
Dennis R. Dunn, Esq.  
Deputy Attorney General  
40 Capitol Square, S.W.  
Atlanta, Georgia 30334-1300

Re: Your File No. 2005-03

Dear Messrs. Baker and Dunn:

I am writing in reference to Act No. 53 (H.B. 244) (2005), which, as set forth in your submission, amends and provides:

- (1) the definition of election terms;
- (2) summaries of proposed constitutional amendments;
- (3) duties of municipal governing authorities;
- (4) training requirements for election officials and poll workers;
- (5) candidate qualification schedule and procedures, nonpartisan election schedule and procedures, format and provision of ballot procedures;
- (6) voter registration procedures, provision of polling places and election equipment, voting method and machines for municipalities;
- (7) absentee voting procedures;
- (8) poll watchers electioneering prohibitions;
- (9) provisional voting requirements and procedures;
- (10) voter information at polling places, majority vote requirement;
- (11) special election procedures, penalties for violation of the election code;
- (12) Uniformed and Overseas Citizens Absentee Voting Act changes; and
- (13) voter identification requirements.

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The State submitted these changes to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on June 13, 2005, and supplemental information was received through August 26, 2005.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. In addition, as authorized by Section 5, we reserve the right to reexamine this submission if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. Procedures for the Administration of Section 5 of the Voting Rights Act (28 C.F.R. 51.41 and 51.43).

Sincerely,



John Tanner  
Chief, Voting Section