

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

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JOSE MORALES,	)	
on behalf of himself	)	
and those similarly situated,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 1:08-CV-3172-JTC
	)	
KAREN HANDEL,	)	Three-judge court (JTC, WSD, SFB)
in her official capacity as	)	
Georgia Secretary of State,	)	
	)	
Defendant.	)	

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**UNOPPOSED MOTION BY THE UNITED STATES FOR LEAVE  
TO PARTICIPATE AS AMICUS CURIAE**

The United States seeks leave of this Court to participate in this action as *amicus curiae*, and specifically to file the attached memorandum of law and to participate in oral argument at the hearing in this case before the three-judge court scheduled for October 22, 2008.

This case raises important issues concerning the scope and application of the preclearance requirements of Section 5 of the Voting Rights Act of 1965, 42 U.S.C. § 1973c, amended by Pub. L. 109-246, 120 Stat. 577 (2006). The Supreme

Court has long recognized the “central role of the Attorney General in formulating and implementing § 5.” *Dougherty County Board of Education v. White*, 439 U.S. 32, 39 (1978). These responsibilities include the enforcement of Section 5, the defense of declaratory judgment actions filed by covered jurisdictions seeking judicial preclearance of voting changes under Section 5, and the administrative review of voting changes submitted to the Attorney General by covered jurisdictions under Section 5. *See* 42 U.S.C. 1973j(d); 28 C.F.R. Part 51. The United States has a strong interest in ensuring that all covered voting changes are reviewed under Section 5 to determine whether these changes “neither have the purpose nor will have the effect of denying or abridging the right to vote on account of race or color, or [membership in a language minority group].” 42 U.S.C. 1973c, as amended by Pub. L. 109-246.

Counsel for the United States has consulted with Jon Greenbaum, counsel for Plaintiff, who has represented that he does not oppose this motion, and with Dennis Dunn, counsel for Defendant, who also has represented that he does not oppose this motion.

WHEREFORE, the United States requests that this Court grant this motion and permit the United States to participate as *amicus curiae*.

Respectfully submitted,

DAVID E. NAHMIAS  
United States Attorney

GRACE CHUNG BECKER  
Acting Assistant Attorney General  
Civil Rights Division

*/s/ Sharon D. Stokes*

*/s/ H. Christopher Coates*

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SHARON D. STOKES  
Assistant United States Attorney  
(Georgia Bar No. 227475)

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Date: October 21, 2008

## **CERTIFICATE OF SERVICE**

I hereby certify that on October 21, 2008, I caused the foregoing document to be served by first-class mail, postage pre-paid, and by electronic mail, to the following counsel of record for all parties:

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