

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

NAACP, *et al.*,

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Plaintiffs,

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Case No. 1:17-cv-01427-
TCB-WSD-BBM

v.

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BRIAN KEMP, in his official capacity
as Secretary of State for the State of
Georgia,

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CONSOLIDATED CASES

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Defendant.

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AUSTIN THOMPSON, *et al.*,

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Plaintiffs,

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v.

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BRIAN KEMP, in his official capacity
as Secretary of State of the State of
Georgia,

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Defendant.

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**DEFENDANT’S ANSWER TO THOMPSON PLAINTIFFS’
SECOND AMENDED COMPLAINT**

General Defenses

First Defense

Plaintiffs Cunningham, McKenzie, Orange, Snow, Arrey-Mbi, Anderson, and Jackson lack standing to challenge the drawing of either of HD 105 and HD 111.

Second Defense

Plaintiffs Thompson and Payton lack standing to pursue Count II, which seeks the creation of a new black-majority district “in the Atlanta metropolitan area.”

Third Defense

HB 566 was not enacted with discriminatory intent.

Fourth Defense

HD 105 is not unconstitutionally racially gerrymandered.

Fifth Defense

HD 111 is not unconstitutionally racially gerrymandered.

Sixth Defense

HD 105 is not the product of unconstitutional partisan gerrymandering.

Seventh Defense

HD 111 is not the product of unconstitutional partisan gerrymandering.

Eighth Defense

HB 566 cannot be invalidated in full if either or both of HD 105 and 111 are found unconstitutional. The provisions of HB 566 that relate to those districts are severable.

Ninth Defense

The preference of African-American voters for Democratic candidates is a political preference not protected by the Voting Rights Act.

Tenth Defense

This Court's remedial powers are limited to curing any violation of the Constitution or laws of the United States.

Eleventh Defense

Plaintiffs' Complaint fails, in whole or in part, to state a claim upon which relief may be granted.

Twelfth Defense

Defendant denies that Plaintiffs have been subjected to the deprivation of any right, privilege, or immunities under the Constitution or laws of the United States.

Thirteenth Defense

Plaintiffs Cunningham, McKenzie, Orange, Snow, Arrey-Mbi, Anderson, and Jackson are guilty of laches in that their claim was ripe on December 23, 2011, when Act No. 1EX was precleared.

Fourteenth Defense

Plaintiffs Thompson and Payton are guilty of laches in that their claim was ripe on May 12, 2015, when H.B. 566 was signed by the Governor.

Specific Responses

For his Answer to the Thompson Plaintiffs' Second Amended Complaint, Defendant Brian Kemp, in his official capacity as Secretary of State of Georgia, states as follows:

1. The allegations of the first sentence of Paragraph 1 of the Complaint do not require a response. Defendant denies the remaining allegations of Paragraph 1.
2. In response to the allegations of Paragraph 2 of the Complaint, Defendant denies the allegations therein.
3. In response to the allegations of Paragraph 3 of the Complaint, Defendant denies the allegations therein.

4. In response to the allegations of Paragraph 4 of the Complaint, Defendant admits only that the quotes are accurate quotes from the Court's order. Defendant denies the remaining allegations of Paragraph 4.
5. In response to the allegations of Paragraph 5 of the Complaint, Defendant admits that the quotes are from pleadings filed in this case, but denies the remaining allegations of Paragraph 5.
6. In response to the allegations of Paragraph 6 of the Complaint, Defendant admits that the quote from Ms. Wright is from her deposition, but denies the remaining allegations of paragraph 6.
7. The allegations of Paragraph 7 of the Complaint are legal conclusions that do not require a response. To the extent a response is required, Defendant denies the allegations of Paragraph 7.
8. In response to the allegations of Paragraph 8 of the Complaint, Defendant admits only that that in the State of Georgia, the majority of voters tend to vote Republican, Georgia has approximately 3.3 million African-American residents, that a majority of Georgia's African-American voters typically vote for Democratic candidates, that there are 62 Democrats in the Georgia House of Representatives, and that 47 of them are African-American. Defendant denies the remaining allegations of Paragraph 8.

9. In response to the allegations of Paragraph 9 of the Complaint, Defendant denies the allegations therein.
10. In response to the allegations of Paragraph 10 of the Complaint, Defendant denies the allegations therein.
11. In response to the allegations of Paragraph 11 of the Complaint, Defendant admits only that the General Assembly redrew the districts for the Georgia House of Representatives in 2011 and denies the remaining allegations of Paragraph 11.
12. In response to Paragraph 12 of the Complaint, Defendant denies the allegations therein.
13. In response to Paragraph 13 of the Complaint, Defendant states that the Pew Research Center results speak for themselves and denies the remaining allegations of Paragraph 13.
14. In response to Paragraph 14 of the Complaint, Defendant admits only that the General Assembly passed HB 566 in 2015 and that HB 566 included changes to House Districts 105 and 111. Defendant denies the remaining allegations of Paragraph 14.
15. In response to Paragraph 15 of the Complaint, Defendant states that the pleadings filed speak for themselves. Defendant admits only that partisan

considerations played a role in the design of districts 105 and 111 in HB 566 and denies the remaining allegations of Paragraph 15.

16. In response to Paragraph 16 of the Complaint, Defendant admits that the quote from the Court is accurate, but denies the remaining allegations of Paragraph 16.
17. In response to Paragraph 17 of the Complaint, Defendant admits only that the African-American candidates who ran as Democrats in House Districts 105 and 111 in the 2016 general election were defeated by white Republicans and denies the remaining allegations.
18. In response to Paragraph 18 of the Complaint, Defendant admits that the redistricting took place in the middle of the decade but denies the remaining allegations.
19. In response to Paragraph 19 of the Complaint, Defendant denies the allegations therein.
20. In response to Paragraph 20 of the Complaint, Defendant denies the allegations therein.
21. In response to Paragraph 21 of the Complaint, Defendant denies the allegations therein.

22. In response to Paragraph 22 of the Complaint, Defendant denies the allegations therein.
23. The allegations contained in Paragraph 23 are legal conclusions that do not require a response.

RESPONSES TO JURISDICTION AND VENUE

24. The allegations contained in Paragraph 24 are legal conclusions that do not require a response.
25. The allegations contained in Paragraph 25 are legal conclusions that do not require a response.
26. The allegations contained in Paragraph 26 are legal conclusions that do not require a response. Defendant does not object to the appointment of a three-judge court pursuant to 28 U.S.C. § 2284(a).
27. The allegations contained in Paragraph 27 are legal conclusions that do not require a response. Defendant does not object to venue in this district and division.

PARTIES

28. In response to Paragraph 28 of the Complaint, Defendant admits only that Austin Thompson is African-American and lives within Georgia House

District 105 in Gwinnett County. Defendant denies the remaining allegations of Paragraph 28.

29. In response to Paragraph 29 of the Complaint, Defendant admits only that Darryl Payton is African-American and lives within HD 111 in Henry County, and that he was defeated by a White opponent in the 2016 general election for House District 111. Defendant denies the remaining allegations of Paragraph 29.
30. In response to Paragraph 30 of the Complaint, Defendant admits only that Audra Cunningham is African-American and lives within HD 59 in Fulton County. Defendant denies the remaining allegations of Paragraph 30.
31. In response to Paragraph 31 of the Complaint, Defendant admits only that Sabrina McKenzie is African-American and lives within HD 88 in DeKalb County. Defendant denies the remaining allegations of Paragraph 31.
32. In response to Paragraph 32 of the Complaint, Defendant admits only that Jamida Orange is African-American and lives within HD 57 in Fulton County. Defendant denies the remaining allegations of Paragraph 32.
33. In response to Paragraph 33 of the Complaint, Defendant admits only that Andrea Snow is African-American and lives within HD 92 in Rockdale County. Defendant denies the remaining allegations of Paragraph 33.

34. In response to Paragraph 34 of the Complaint, Defendant admits only that Sammy Arrey-Mbi is African-American and lives within HD 75 in Clayton County. Defendant denies the remaining allegations of Paragraph 34.
35. In response to Paragraph 35 of the Complaint, Defendant admits only that Lynne Anderson is African-American and lives within HD 90 in Rockdale County. Kemp denies the remaining allegations of Paragraph 35.
36. In response to Paragraph 36 of the Complaint, Defendant admits only that Coretta Jackson is African-American and lives within HD 61 in Fulton County. Defendant denies the remaining allegations of Paragraph 36.
37. In response to Paragraph 37 of the Complaint, Defendant admits only that, as Secretary of State, he is the chief election official of the State of Georgia and his duties are outlined in O.C.G.A. § 21-2-50. Defendant denies the remaining allegations of Paragraph 37.

RESPONSE TO FACTUAL BACKGROUND

38. In response to Paragraph 38 of the Complaint, Defendant admits only that in the past, Georgia discriminated against African-Americans and implemented voting practices that hindered the ability of African-Americans to participate equally in the political process. Defendant denies the remaining allegations of Paragraph 38.

39. In response to Paragraph 39 of the Complaint, Defendant admits only that African-Americans first voted in Georgia in 1868, that 25 elected African-Americans were expelled from the General Assembly, and four mixed-race members were not. The General Assembly's resolution referred to in the third sentence of paragraph 33 speaks for itself, and the events at issue are nearly 150 years in the past. Defendant denies the remaining allegations of Paragraph 39.
40. In response to Paragraph 40 of the Complaint, Defendant admits only that after 1868, the Georgia General Assembly took other steps to limit the voting rights of its African-American citizens and denies the remaining allegations.
41. In response to Paragraph 41 of the Complaint, Defendant admits only that Georgia enacted a poll tax in 1871, which was subsequently made permanent and cumulative, and that the poll tax was abolished in 1945, more than 70 years ago. Defendant denies the remaining allegations of Paragraph 41.
42. In response to Paragraph 42 of the Complaint, Defendant admits only that Georgia used methods other than the poll tax to limit voter participation. Defendant denies the remaining allegations of Paragraph 42.

43. In response to Paragraph 43 of the Complaint, Defendant admits only that voter registration increased after the poll tax was abolished and that no African-Americans served in the General Assembly between 1908 and 1962. Defendant denies the remaining allegations of Paragraph 43.
44. In response to Paragraph 44 of the Complaint, Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 44 and therefore denies the same.
45. In response to Paragraph 45 of the Complaint, Defendant admits only that Georgia became a covered jurisdiction under the Voting Rights Act in 1965. Defendant denies the remaining allegations of Paragraph 45.
46. In response to Paragraph 46 of the Complaint, Defendant admits only that, during the time that Georgia was a covered jurisdiction under the Voting Rights Act, it received more than 170 letters interposing objections to proposed changes in standards, practices, and procedures relating to voting. Defendant denies the remaining allegations of Paragraph 46.
47. In response to Paragraph 47 of the Complaint, Defendant states that the quoted cases speak for themselves and denies the remaining allegations.
48. In response to Paragraph 48 of the Complaint, Defendant admits only that some of Georgia's legislative plans have previously been invalidated by the

courts. Defendant states that the decisions cited speak for themselves and denies the remaining allegations of Paragraph 48.

49. In response to Paragraph 49 of the Complaint, Defendant admits only that, in the past, some political campaigns in Georgia made racial appeals. Defendant denies the remaining allegations of Paragraph 49.
50. In response to Paragraph 50 of the Complaint, Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 50 and denies them on that basis.
51. In response to Paragraph 51 of the Complaint, Defendant admits only that, on his Facebook page, Gwinnett County Commissioner Tommy Hunter called Representative John Lewis a “racist pig.” Defendant denies the remaining allegations of Paragraph 51.
52. In response to Paragraph 52 of the Complaint, Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 52 and denies them on that basis.
53. In response to Paragraph 53 of the Complaint, Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 53 and denies them on that basis.

54. In response to Paragraph 54 of the Complaint, Defendant denies the allegations therein.
55. In response to Paragraph 55 of the Complaint, Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 55 and denies them on that basis.
56. In response to Paragraph 56 of the Complaint, Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 56 and denies them on that basis.
57. In response to Paragraph 57 of the Complaint, Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 57 and denies them on that basis.
58. In response to Paragraph 58 of the Complaint, Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 58 and denies them on that basis.
59. In response to Paragraph 59 of the Complaint, Defendant admits only that as of 2010, African-Americans made up approximately 31% of Georgia's population. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 59 and denies them on that basis.

60. In response to Paragraph 60 of the Complaint, Defendant admits the allegations therein.
61. In response to Paragraph 61 of the Complaint, admits only that all of the African-Americans in the Georgia House of Representatives are Democrats, and that, in the past 50 years, only one African-American Republican has been elected to the House of Representatives. Defendant denies the remaining allegations of paragraph 61.
62. In response to Paragraph 62 of the Complaint, Defendant denies the allegations therein.
63. In response to Paragraph 63 of the Complaint, Defendant admits only that, after receiving the results of the 2010 Census, Georgia enacted Act No. 1EX, which redrew the 180 districts in the House of Representatives. Defendant states that Art. III, section II of the Georgia Constitution of 1983 speaks for itself and denies the remaining allegations.
64. In response to Paragraph 64 of the Complaint, Defendant admits the allegations therein.
65. In response to Paragraph 65 of the Complaint, Defendant admits the allegations therein.

66. In response to Paragraph 66 of the Complaint, Defendant denies the allegations of the first sentence of Paragraph 66. For his response to the remaining allegations of Paragraph 66, Defendant admits only that the vote in the House on Act 277 was 101-53 and the vote in the Senate was 35-19. The results of those votes speak for themselves. Defendant denies the remaining allegations of paragraph 66.
67. In response to Paragraph 67 of the Complaint, Defendant admits the allegations therein.
68. In response to Paragraph 68 of the Complaint, Defendant admits the allegations therein.
69. In response to Paragraph 69 of the Complaint, Defendant admits only that, since the Supreme Court's decision in *Shelby County v. Holder* in 2013, Congress has not passed a new formula for identifying states that could become subject to the preclearance requirement of Section 5 of the Voting Rights Act. Defendant denies the remaining allegations of Paragraph 69.
70. In response to Paragraph 70 of the Complaint, Defendant admits only that since 2013, the General Assembly has twice considered modifying the lines of legislative districts. Only one bill making such modifications was enacted. Kemp denies the remaining allegations of Paragraph 70.

71. In response to Paragraph 71 of the Complaint, Defendant admits only that House Bill 566 was proposed soon after the 2014 state legislative elections and denies the remaining allegations.
72. In response to Paragraph 72 of the Complaint, Defendant admits only that HB 566 changed the lines of 17 districts in the House of Representatives and that district lines in only Chatham, Fulton, Gwinnett, Hall, Henry, Lowndes, Newton, and Spalding Counties were modified. Defendant denies the remaining allegations of Paragraph 72.
73. In response to Paragraph 73 of the Complaint, Defendant admits the allegations therein.
74. In response to Paragraph 74 of the Complaint, Defendant admits only that the House passed HB 566 on March 11, 2015 and that the Senate passed it on March 9, 2015. The text of the legislation and the votes in each house are a matter of public record. Defendant is without knowledge regarding when legislators first saw maps or the motivation for the actions of legislators. Defendant denies the remaining allegations of Paragraph 74.
75. In response to Paragraph 75 of the Complaint, Defendant admits only that HB 566 was signed by the Governor in May 2015 and became effective immediately. Defendant denies the remaining allegations of Paragraph 75.

76. In response to Paragraph 76 of the Complaint, Defendant admits only that the General Assembly considered making changes to some legislative districts in its 2017 session. Defendant states that no changes were made and denies the remaining allegations of Paragraph 76.
77. In response to Paragraph 77 of the Complaint, Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 77 and denies them on that basis.
78. In response to Paragraph 78 of the Complaint, Defendant denies the allegations therein.
79. In response to Paragraph 79 of the Complaint, Defendant admits the allegations therein.
80. In response to Paragraph 80 of the Complaint, Defendant admits only that under Act No. 277, which controlled the 2012 and 2014 election cycles, 48.4% of the voting-age population of HD 105 was non-Hispanic white, 32.4% non-Hispanic black, and 12.6% Hispanic. Defendant denies the remaining allegations of Paragraph 80.
81. In response to Paragraph 81 of the Complaint, Defendant admits the allegations therein.

82. In response to Paragraph 82 of the Complaint, Defendant admits only that, in the 2012 election for HD 105, Joyce Chandler, the white Republican incumbent, defeated Renita Hamilton, an African-American Democrat by a margin of 51.3% to 48.7%, a difference of 554 votes. Kemp denies the remaining allegations of Paragraph 82.
83. In response to Paragraph 83 of the Complaint, Defendant admits only that, in the 2014 election for HD 105, Chandler again defeated Hamilton by a margin of 52.8% to 47.2%, a difference of 789 votes. Defendant denies the remaining allegations of Paragraph 83.
84. In response to Paragraph 84 of the Complaint, Defendant admits only that under HB 566, the white voting-age population of HD 105 was 52.7% and the black voting-age population was 30.4% and that the white voting-age population increased by 4.3%, while the black voting-age population decreased by 2.0% . Defendant denies the remaining allegations of paragraph 84.
85. In response to Paragraph 85 of the Complaint, Defendant denies the allegations therein.
86. In response to Paragraph 86 of the Complaint, Defendant admits only that HB 566 changed HD 105 by putting Precinct Lawrenceville M back

together by moving the part of that precinct that had been in HD 105 out of it and that HB 566 moved all of Precinct Harbins C and part of Harbins A into HD 105. Defendant denies the remaining allegations of Paragraph 86.

87. In response to Paragraph 87 of the Complaint, Defendant states that the deposition testimony and statements in briefs speaks for themselves and denies the remaining allegations of Paragraph 87.

88. In response to Paragraph 88 of the Complaint, Defendant states that the deposition testimony speaks for itself and denies the remaining allegations of Paragraph 88.

89. In response to Paragraph 89 of the Complaint, Defendant states that the deposition testimony speaks for itself and denies the remaining allegations of Paragraph 89.

90. In response to Paragraph 90 of the Complaint, Defendant admits only that, in the 2016 general election, Chandler defeated Donna McLeod, an African-American Democrat. Defendant denies the remaining allegations of Paragraph 90.

91. In response to Paragraph 91 of the Complaint, Defendant admits only that McLeod requested a recount. Defendant denies the remaining allegations of Paragraph 91.

92. In response to Paragraph 92 of the Complaint, Defendant admits the allegations therein.
93. In response to Paragraph 93 of the Complaint, Defendant denies the allegations therein.
94. In response to Paragraph 94 of the Complaint, Defendant admits only that McLeod did not like the changes HB 566 made to HD 105 and denies the remaining allegations.
95. In response to Paragraph 95 of the Complaint, Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 95 and denies them on that basis.
96. In response to Paragraph 96 of the Complaint, Defendant admits only that HD 111 is located in Henry County and that it was represented by Brian Strickland, a white Republican until February 2018. Kemp denies the remaining allegations of Paragraph 96.
97. In response to Paragraph 97 of the Complaint, Defendant admits only that under Act No. 277, the voting-age population of HD 111 was 56.1% white, 33.2% African-American, and 5.6% Hispanic. Defendant denies the remaining allegations of Paragraph 97.

98. In response to Paragraph 98 of the Complaint, Defendant admits the allegations therein.
99. In response to Paragraph 99 of the Complaint, Defendant admits the allegations therein.
100. In response to Paragraph 100 of the Complaint, Defendant admits the allegations therein.
101. In response to Paragraph 101 of the Complaint, Defendant admits that under HB 566, the voting-age population of HD 111 was 58.1% White and 31% African-American, and that the White voting-age population increased by 2%, while the black voting-age population decreased by 2.2%. Kemp denies the remaining allegations of Paragraph 101.
102. In response to Paragraph 102 of the Complaint, Defendant admits that the precincts or partial precincts that H.B. 566 removed from HD 111 had the following voting age populations by race:
- Stagecoach (entire precinct) - 27.85% black / 62.38% white;
 - Stockbridge West (entire precinct) - 58.65% black / 27.89% white;
 - McDonough Central (partial) - 36.21% black / 58.62% white;
 - Mount Carmel (partial) - 43.82% black / 40.97% white;
 - North Hampton (partial) – 28.17% black / 64.40% white.

Defendant also admits that the precincts or partial precincts that H.B. 566 added into HD 111 had the following voting age populations by race:

Flippen (partial) - 38.34% black / 42.05% white;

Hickory Flat (partial) - 49.42% black / 33.55% white;

McDonough (entire precinct) - 43.96% black / 48.59% white;

McDonough Central (partial) - 18.18% black / 67.68% white;

Grove Park (entire precinct) - 20.87% black / 72.76% white;

Tussahaw (partial) – 4.56% black / 90.11% white.

Defendant denies the remaining allegations in Paragraph 102.

103. In response to Paragraph 103 of the Complaint, Defendant denies the allegations therein.

104. In response to Paragraph 104 of the Complaint, Defendant states that the deposition testimony speaks for itself and denies the remaining allegations of Paragraph 104.

105. In response to Paragraph 105 of the Complaint, Defendant states that the deposition testimony speaks for itself and denies the remaining allegations of Paragraph 105.

106. In response to Paragraph 106 of the Complaint, Defendant states that the deposition testimony speaks for itself and denies the remaining allegations of Paragraph 106.
107. In response to Paragraph 107 of the Complaint, Defendant states that the deposition testimony speaks for itself and denies the remaining allegations of Paragraph 107.
108. In response to Paragraph 108 of the Complaint, Defendant states that the deposition testimony speaks for itself and denies the remaining allegations of Paragraph 108.
109. In response to Paragraph 109 of the Complaint, Defendant admits only that in the 2016 general election for HD 111, Representative Strickland defeated Darryl Payton, an African-American Democrat by a margin of 51.69% to 48.31% of the vote, a margin of 946 votes. Defendant denies the remaining allegations of paragraph 109.
110. In response to Paragraph 110 of the Complaint, Defendant denies the allegations therein.
111. In response to Paragraph 111 of the Complaint, Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 111 and denies them on that basis.

112. In response to Paragraph 112 of the Complaint, Defendant admits only that HB 515 was introduced in February 2017. Kemp denies the remaining allegations of paragraph 98.
113. In response to Paragraph 113 of the Complaint, Defendant denies the allegations therein.
114. In response to Paragraph 114 of the Complaint, Defendant states that HD 40 was not changed by HB 566, so these allegations are irrelevant. Defendant admits only that in the 2014 and 2016 elections for HD 40, Rich Golick, a white Republican, defeated Erick Allen, an African-American Democrat, 60.1% to 39.9% in 2014 and 53.51% to 46.49% in 2016. Defendant denies the remaining allegations of Paragraph 114.
115. In response to Paragraph 115 of the Complaint, Defendant admits only that the House passed HB 515 on a party-line vote on March 3, 2017. Defendant denies the remaining allegations of Paragraph 115.
116. In response to Paragraph 116 of the Complaint, Defendant denies the allegations therein.
117. In response to Paragraph 117 of the Complaint, Defendant admits only that HB 515 was tabled in the Senate and denies the remaining allegations.

118. In response to Paragraph 118 of the Complaint, Defendant denies the allegations therein.
119. In response to Paragraph 119 of the Complaint, Defendant states that this paragraph consists of legal conclusions to which no response is required. To the extent a response is required, Defendant states that Section 2 of the Voting Rights Act speaks for itself.
120. In response to Paragraph 120 of the Complaint, Defendant states that this paragraph consists of legal conclusions as to which no response is required, To the extent a response is required, *Thornburg v. Gingles*, 478 U.S. 30 (1986), speaks for itself.
121. In response to Paragraph 121 of the Complaint, Defendant states that this paragraph consists of legal conclusions as to which no response is required, To the extent a response is required, *Thornburg v. Gingles*, 478 U.S. 30 (1986), speaks for itself.
122. In response to Paragraph 122 of the Complaint, Defendant denies the allegations therein.
123. In response to Paragraph 123 of the Complaint, Defendant denies the allegations therein.

124. In response to Paragraph 124 of the Complaint, Defendant denies the allegations therein.
125. In response to Paragraph 125 of the Complaint, Defendant denies the allegations therein.
126. In response to Paragraph 126 of the Complaint, Defendant states that the 2010 Census results speak for themselves.
127. In response to Paragraph 127 of the Complaint, Defendant denies the allegations therein.
128. In response to Paragraph 128 of the Complaint, Defendant denies the allegations therein.
129. In response to Paragraph 129 of the Complaint, Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 129 and denies them on that basis.
130. In response to Paragraph 130 of the Complaint, Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 130 and denies them on that basis.
131. In response to Paragraph 131 of the Complaint, Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 131 and denies them on that basis.

132. In response to Paragraph 132 of the Complaint, Defendant admits only that a majority of the African-American Democrats in the House of Representatives has been elected from majority-minority districts and denies the remaining allegations.
133. No response is required to Paragraph 133.
134. In response to Paragraph 134 of the Complaint, Defendant states that this paragraph consists of legal conclusions to which no response is required. To the extent a response is required, 52 U.S.C. § 10301(a) speaks for itself.
135. In response to Paragraph 135 of the Complaint, Defendant admits that Plaintiffs have correctly quoted Section 1 of the Fourteenth Amendment to the Constitution of the United States.
136. In response to Paragraph 136 of the Complaint, Defendant states that this paragraph consists of legal conclusions to which no response is required. To the extent a response is required, the Fifteenth Amendment speaks for itself.
137. In response to Paragraph 137 of the Complaint, Defendant states that this paragraph consists of legal conclusions to which no response is required. To the extent a response is required, the cases cited speak for themselves.
138. In response to Paragraph 138 of the Complaint, Defendant denies the allegations therein.

139. In response to Paragraph 139 of the Complaint, Defendant denies the allegations therein.
140. In response to Paragraph 140 of the Complaint, Defendant denies the allegations therein.
141. In response to Paragraph 141 of the Complaint, Defendant denies the allegations therein and further denies that Plaintiffs are entitled to any relief.
142. In response to Paragraph 142 of the Complaint, Defendant denies the allegations therein and further denies that Plaintiffs are entitled to any relief.
143. No response is required to Paragraph 143.
144. In response to Paragraph 144 of the Complaint, Defendant states that this paragraph consists of legal conclusions to which no response is required. The Voting Rights Act speaks for itself.
145. In response to Paragraph 145 of the Complaint, Defendant denies the allegations therein.
146. In response to Paragraph 146 of the Complaint, Defendant denies the allegations therein.
147. In response to Paragraph 147 of the Complaint, Defendant denies the allegations therein.

148. In response to Paragraph 148 of the Complaint, Defendant denies the allegations therein.
149. In response to Paragraph 149 of the Complaint, Defendant denies the allegations therein.
150. In response to Paragraph 150 of the Complaint, Defendant denies the allegations therein.
151. No response is required to Paragraph 151.
152. In response to Paragraph 152 of the Complaint, Defendant states that this paragraph consists of legal conclusions to which no response is required. The Fourteenth Amendment speaks for itself.
153. In response to Paragraph 153 of the Complaint, Defendant denies the allegations therein.
154. In response to Paragraph 154 of the Complaint, Defendant denies the allegations therein.
155. In response to Paragraph 155 of the Complaint, Defendant denies the allegations therein.
156. In response to Paragraph 156 of the Complaint, Defendant denies the allegations therein.

157. In response to Paragraph 157 of the Complaint, Defendant denies the allegations therein.
158. Paragraph 158 does not require a response.
159. In response to Paragraph 159 of the Complaint, Defendant states that this paragraph consists of legal conclusions to which no response is required. The cited case speaks for itself.
160. In response to Paragraph 160 of the Complaint, Defendant states that this paragraph consists of legal conclusions to which no response is required. The cited case speaks for itself.
161. In response to Paragraph 161 of the Complaint, Defendant states that this paragraph consists of legal conclusions to which no response is required. The cited cases speaks for themselves.
162. In response to Paragraph 162 of the Complaint, Defendant states that this paragraph consists of legal conclusions to which no response is required. The cited case speaks for itself and is not binding precedent on this Court.
163. In response to Paragraph 163 of the Complaint, Defendant denies the allegations therein.
164. In response to Paragraph 164 of the Complaint, Defendant denies the allegations therein.

165. In response to Paragraph 165 of the Complaint, Defendant denies the allegations therein.

166. In response to Paragraph 166 of the Complaint, Defendant denies the allegations therein.

167. In response to Paragraph 167 of the Complaint, Defendant denies the allegations therein.

168. In response to Paragraph 168 of the Complaint, Defendant denies the allegations therein.

RESPONSE TO PRAYER FOR RELIEF

Defendant denies that Plaintiffs are entitled to any or all of the requested relief.

All other factual averments, legal conclusions or claims for relief not expressly admitted are denied.

WHEREFORE, having answered Plaintiffs' Second Amended Complaint and stated defenses and objections, Defendant respectfully requests that Plaintiffs' claims be dismissed, Plaintiffs' prayers for relief be denied in each and every particular with all costs taxed to the Plaintiffs, and Defendant be granted such other relief as this Court may deem just and proper.

This 5th day of November, 2018.

CHRISTOPHER M. CARR
Attorney General 112505

ANNETTE M. COWART 191199
Deputy Attorney General

RUSSELL D. WILLARD 760280
Senior Assistant Attorney General

CRISTINA CORREIA 188620
Assistant Attorney General
40 Capitol Square SW
Atlanta, GA 30334
ccorreia@law.ga.gov
404-656-7063
404-651-9325

/s/ Frank B. Strickland
Frank B. Strickland
Special Assistant Attorney General
Georgia Bar No. 687600
fbs@sblaw.net
John J. Park Jr.
Georgia Bar No. 547812
jjp@sblaw.net
Bryan P. Tyson
Georgia Bar No. 515411
bpt@sblaw.net
STRICKLAND BROCKINGTON
LEWIS LLP
Midtown Proscenium Suite 2200
1170 Peachtree Street NE
Atlanta, Georgia 30309
678-347-2200 (telephone)
678-347-2210 (facsimile)

CERTIFICATE OF COMPLIANCE

Pursuant to L.R. 7.1(D), the undersigned hereby certifies that the foregoing Notice of Appearance of Counsel has been prepared in Times New Roman 14, a font and type selection approved by the Court in L.R. 5.1(B).

/s/ Frank B. Strickland
Frank B. Strickland

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

AUSTIN THOMPSON, <i>et al.</i> ,)	
)	
Plaintiffs,)	CIVIL ACTION FILE NO.:
)	1:17-CV-3856-AT
v.)	
)	
BRIAN KEMP, in his official)	
capacity as Secretary of State of the)	
State of Georgia,)	
)	
Defendant.)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day electronically filed the within and foregoing ANSWER TO SECOND AMENDED COMPLAINT with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to counsel of record for all parties to this matter via electronic notification or otherwise.

This 5th day of November, 2018.

/s/ Frank B. Strickland
Frank B. Strickland
Georgia Bar No. 687600