

# **Exhibit B**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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NORTHWEST AUSTIN MUNICIPAL UTILITY  
DISTRICT NUMBER ONE,  
401 W. 15th Street  
Suite 850  
Austin, TX 78701

Plaintiff,

vs.

ALBERTO GONZALES,  
ATTORNEY GENERAL OF THE UNITED STATES,  
950 Pennsylvania Ave., NW  
Washington, DC 20530

Defendant,

TEXAS STATE CONFERENCE OF NAACP  
BRANCHES,  
1107 East 11th Street  
Austin, TX 78701,

and

AUSTIN BRANCH OF THE NAACP,  
1704 East 12th Street  
Austin, TX 78702,

Applicants to Intervene,

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CIVIL ACTION  
1:06CV01384

**INTERVENOR-DEFENDANTS' ANSWER**

Defendant-Intervenors Texas State Conference of the NAACP Branches and Austin Branch of the NAACP file the following Answer in response to the Complaint of Plaintiff Northwest Austin Municipal Utility District Number One in the above-captioned action.

1. Intervenor-Defendants admit that Paragraph 1 describes Plaintiffs' claims, and deny that Plaintiff is entitled to any relief on its claims.

2. Intervenor-Defendants deny that Plaintiff is a "political subdivision" as "political subdivision" is defined in Sections 4 or 14 of the Voting Rights Act, 42 U.S.C. § 1973, *et seq.*, and admit that the Plaintiff is a political subunit of the State of Texas and Travis County, County.

3. Admit.

4. Admit.

5. Intervenor-Defendants admit that convening a three-judge panel is appropriate in this case.

6. Intervenor-Defendants deny that Plaintiff has ever been a political subdivision under the Voting Rights Act and admit that Plaintiff is subject to the preclearance provisions of Section 5. Intervenor-Defendants lack information sufficient to admit or deny, and therefore deny, the remaining allegations in this Paragraph.

7. Intervenor-Defendants deny that the preclearance provisions are burdensome, costly, unnecessary, or constitutionally improper. Intervenor-Defendants lack information sufficient to admit or deny, and therefore deny, the remaining allegations in this Paragraph.

8. Intervenor-Defendants deny that the allegations in this Paragraph fully describe the circumstances under which Texas became covered by Section Five. Defendant-Intervenors aver that 42 U.S.C. §§ 1973b(b) and 1973b(f)(3), and Fed. Reg. 43746 (Sept. 23, 1975), speak for themselves.

9. Intervenor-Defendants admit that Congress reauthorized Section 5 in July 2006, and deny the remaining allegations in this Paragraph.

10. Intervenor-Defendants admit that the district did not exist at the time that Texas was designated as a “covered jurisdiction” and that Texas and its political subdivisions continue to be covered by § 5. Intervenor-Defendants deny the remaining allegations in this Paragraph.

11. Deny.

12. Deny.

13. Intervenor-Defendants admit that voting changes objected to by the Attorney General cannot be implemented, and deny the remaining allegations in this Paragraph.

14. Intervenor-Defendants admit the Voting Rights Act contains provisions that authorize “political subdivisions,” as defined by Section 14 of the Voting Rights Act, to bail out from Section Five coverage. Intervenor-Defendants deny the remaining allegations in this Paragraph.

15. Intervenor-Defendants lack information sufficient to admit or deny, and therefore deny, the allegations in this Paragraph.

16. Intervenor-Defendants lack information sufficient to admit or deny, and therefore deny, the allegations in this Paragraph.

