

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

LUCILLE ANDERSON, SARA ALAMI,  
GIANELLA CONTRERAS CHAVEZ,  
DSCC, and DEMOCRATIC PARTY OF  
GEORGIA, INC.,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official capacity as the Georgia Secretary of State and the Chair of the Georgia State Election Board; REBECCA N. SULLIVAN, DAVID J. WORLEY, MATTHEW MASHBURN, and ANH LE, in their official capacities as Members of the Georgia State Election Board; MARY CAROLE COONEY, MARK WINGATE, VERNETTA NURIDDIN, KATHLEEN RUTH, and AARON JOHNSON, in their official capacities as Members of the FULTON County Board of Registration and Elections; SAMUEL E. TILLMAN, ANTHONY LEWIS, SUSAN MOTTER, DELE LOWMAN SMITH, and BAOKY N. VU, in their official capacities as Members of the DEKALB County Board of Registration and Elections; PHIL DANIELL, FRED AIKEN, JESSICA M. BROOKS, NEERA BAHL, and DARRYL O. WILSON, JR., in their official capacities as Members of the COBB County Board of Elections and Registration; JOHN MANGANO, BEN SATTERFIELD,

Civil Action No. 1:20-cv-03263-MLB

WANDY TAYLOR, STEPHEN DAY, and ALICE O'LENICK, in their official capacities as Members of the GWINNETT County Board of Registrations and Elections; THOMAS MAHONEY III, MARIANNE HEIMES, MALINDA HODGE, ANTWAN LANG, and DEBBIE RAUERS, in their official capacities as Members of the CHATHAM County Board of Elections; CAROL WESLEY, DOROTHY FOSTER HALL, PATRICIA PULLAR, DARLENE JOHNSON, and DIANE GIVENS, in their official capacities as Members of the CLAYTON County Board of Elections and Registrations; DONNA CRUMBLEY, DONNA MORRIS-MCBRIDE, ANDY CALLAWAY, ARCH BROWN, and MILDRED SCHMELZ, in their official capacities as Members of the HENRY County Board of Elections and Registration; MYESHA GOOD, DAVID C. FEDACK, ROBERT PROCTOR, DANIEL ZIMMERMANN, and MAURICE HURRY, in their official capacities as Members of the DOUGLAS County Board of Elections and Registration; and RINDA WILSON, HENRY FICKLIN, HERBERT SPANGLER, CASSANDRA POWELL, and MIKE KAPLAN, in their official capacities as members of the MACON-BIBB County Board of Elections,

Defendants.

**PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 65(a), Plaintiffs LUCILLE ANDERSON, SARA ALAMI, GIANELLA CONTRERAS CHAVEZ, DSCC and THE DEMOCRATIC PARTY OF GEORGIA, INC. (collectively, “Plaintiffs”), for the reasons set forth herein and in the memorandum of law filed concurrently with this motion, and as supported by the materials submitted therewith, respectfully move for an Order preliminarily enjoining Defendant Georgia Secretary of State BRAD RAFFENSPERGER, the members of the GEORGIA STATE ELECTION BOARD (collectively “State Defendants”), and the members of the County Boards of Elections and Registration for FULTON, DEKALB, COBB, GWINNETT, CHATHAM, CLAYTON, HENRY, DOUGLAS and MACON-BIBB COUNTIES (collectively “County Defendants”) from failing to remedy election administration issues that are causing long lines during elections, as discussed in detail below.

A preliminary injunction is warranted here because Plaintiffs are likely to succeed on the merits of their claims. Georgia voters have faced long lines since at least 2008, and those wait times have climbed year after year until reaching an all-time high during the June 2020 Primary, with many voters waiting up to eight hours to cast their vote. Long lines especially impact polling locations that serve large populations of minorities. Plaintiffs’ expert determined that in polling places where minorities constituted more than 90% of active registered voters, the average

minimum wait time in the evening was 51 minutes. When whites constituted more than 90% of registered voters, the average was around six minutes.

“[T]here can come a point when the burden of standing in a queue ceases to be an inconvenience or annoyance and becomes a constitutional violation because it, in effect, denies a person the right to exercise his or her franchise.” *NAACP State Conference of Pa. v. Cortés*, 591 F. Supp. 2d 757, 764 (E.D. Pa. 2008). The long lines in Georgia have far surpassed this point and severely burden the right to vote without justification in violation of the First and Fourteenth Amendments. *Burdick v. Takushi*, 504 U.S. 428, 434 (1992) (quoting *Anderson v. Celebrezze*, 460 U.S. 780, 789 (1983)). Moreover, Plaintiffs will suffer irreparable injury without an injunction. *Martin v. Kemp*, 341 F. Supp. 3d 1326, 1340 (N.D. Ga. 2018); *League of Women Voters of North Carolina v. North Carolina*, 769 F.3d 224, 247 (4th Cir. 2014). Finally, the balance of equities and the public interest favor an injunction. *United States v. Georgia*, 892 F. Supp. 2d 1367, 1377 (N.D. Ga. 2012). Plaintiffs thus have clearly established their burden of persuasion as to each of the four prerequisites to obtaining a preliminary injunction in this Circuit. *See, e.g., GeorgiaCarry.org v. U.S. Army Corps of Eng’rs*, 788 F.3d 1318, 1322 (11th Cir. 2015).

Plaintiffs request that any preliminary injunction issued by the Court require the State and County Defendants to take all necessary steps, including promulgating any rules and regulations consistent with this order, to ensure that the State and County Defendants: (1) provide polling locations with sufficient numbers of voting machines, equipment, and emergency paper ballots given the number of voters; (2) provide proper training to poll managers and poll workers on how to operate voting machines and equipment, including training on when a polling location must switch to emergency paper ballots because of delays; (3) ensure that polling locations are staffed with sufficient numbers of poll workers given the numbers of voters; and (4) enact policies requiring the functionality of polling equipment at each polling location be adequately tested within a reasonable time before the polling place opens.

[signatures on following page]

Dated: September 1, 2020

Respectfully submitted,

**Adam M. Sparks**

Halsey G. Knapp, Jr.  
Georgia Bar No. 425320  
Joyce Gist Lewis  
Georgia Bar No. 296261  
Adam M. Sparks  
Georgia Bar No. 341578  
**KREVOLIN & HORST, LLC**  
One Atlantic Center  
1201 W. Peachtree Street, NW, Ste. 3250  
Atlanta, GA 30309  
Telephone: (404) 888-9700  
Facsimile: (404) 888-9577  
hknapp@khlawfirm.com  
jlewis@khlawfirm.com  
sparks@khlawfirm.com

Marc E. Elias\*

Amanda R. Callais\*

Jacki L. Anderson\*

Tre Holloway\*

**PERKINS COIE LLP**

700 Thirteenth Street, N.W., Suite 600  
Washington, D.C. 20005-3960  
Telephone: (202) 654-6200  
Facsimile: (202) 654-6211  
MElias@perkinscoie.com  
ACallais@perkinscoie.com  
JackiAnderson@perkinscoie.com  
THolloway@perkinscoie.com

Kevin J. Hamilton\*

Amanda J. Beane\*

Heath Hyatt\*

**PERKINS COIE LLP**

1201 Third Avenue, Suite 4900  
Seattle, WA 98101-3099  
Telephone: (206) 359-8000  
Facsimile: (206) 359-9000  
KHamilton@perkinscoie.com  
ABeane@perkinscoie.com  
HHyatt@perkinscoie.com

Marcus Haggard\*  
**PERKINS COIE LLP**  
1900 Sixteenth Street, Suite 1400  
Denver, CO 80202-5255  
Telephone: (303) 291-2300  
Facsimile: (303) 291-2400  
MHaggard@perkinscoie.com

Molly Mitchell\*  
**PERKINS COIE LLP**  
1111 West Jefferson Street, Suite 500  
Boise, ID 83702-5391  
Telephone: (208) 343-3434  
Facsimile: (208) 343-3232  
MMitchell@perkinscoie.com

*\*Admitted Pro Hac Vice*

Attorneys for Plaintiffs

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**CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing document has been prepared in accordance with the font type and margin requirements of L.R. 5.1, using font type of Times New Roman and a point size of 14.

Dated: September 1, 2020

**Adam M. Sparks**  
*Counsel for Plaintiffs*



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**CERTIFICATE OF SERVICE**

I hereby certify that on September 1, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

Dated: September 1, 2020

**Adam M. Sparks**  
*Counsel for Plaintiffs*