

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

BLACK VOTERS MATTER FUND
and MEGAN GORDON, on behalf of
herself and all others similarly situated,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his
official capacity as Secretary of State
of Georgia; DEKALB COUNTY
BOARD OF REGISTRATION AND
ELECTIONS and all others similarly
situated,

Defendants.

CIVIL ACTION FILE NO.
1:20-CV-01489-AT

**DEFENDANT DEKALB COUNTY BOARD OF REGISTRATION AND
ELECTIONS' RESPONSE TO ORDER DATED APRIL 21, 2020
REGARDING SAMPLE DEKALB COUNTY ABSENTEE BALLOTS**

COMES NOW Defendant DeKalb County Board of Registration and Elections (the "DeKalb BRE"), specially appearing¹ to file this response to the Court's Order dated April 21, 2020 regarding sample DeKalb County absentee

¹ Pursuant to the Court's Order date April 21, 2020, this response is being filed prior to the DeKalb BRE's response to Plaintiffs' Complaint. As a result, the DeKalb BRE specially appears and reserves its right to file any motion pursuant to Fed. R. Civ. P. R. 12.

ballot documents (the “Order”).² On April 21, 2020, the Court entered the Order directing the DeKalb BRE and Defendant Brad Raffensperger, in his official capacity as the Georgia Secretary of State (the “Secretary of State” and together with the DeKalb BRE, “Defendants”), to file with the Court and deliver to chambers physical copies of (a) five different sample absentee ballots for DeKalb County (Democratic and Republican, each with and without prior early voting in the Presidential Preference Primary, and Independent); and (b) the two envelopes to be included in the package sent to a voter who has registered to vote by absentee ballot. Due to technical issues, the DeKalb BRE has not yet been unable to produce electronic copies of the requested samples in a form that can be filed electronically.

However, the sample ballot forms attached as Exhibit 2 to the Response of Secretary of State Brad Raffensperger to the Court’s Sua Sponte Order of April 21, 2020 Regarding Absentee Ballots in DeKalb County (the “SOS Response”) [DOC 54], are consistent with the DeKalb BRE’s sample ballot forms, and the DeKalb BRE therefore joins in the SOS Response. The DeKalb BRE further notes that the envelopes for the absentee ballots being sent directly by the DeKalb VRE for June 9, 2020 election and primary, while substantially similar to those attached as Exhibit 3 to the SOS Response, appear to have minor formatting differences. The DeKalb VRE will file electronic copies of its envelopes as soon as the technical

² The Order does not have a docket number.

issues are resolved, and respectfully requests an extension of time through Wednesday, April 22, 2020 to accomplish this. Further, to the extent the Court requires physical copies of the ballot forms and envelopes addressed herein to be produced to chambers, the DeKalb VRE respectfully requests an extension of time through Thursday, April 23, 2020 at 1:00 p.m. to produce the same.

Respectfully submitted this 21st day of April, 2020.

LAURA K. JOHNSON
DEPUTY COUNTY ATTORNEY
Georgia Bar No. 392090

/s/ IRENE B. VANDER ELS
IRENE B. VANDER ELS
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Georgia Bar No. 033663

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system (which document was prepared in Times New Roman font, 14-point type, one of the font and point selections approved by the Court in N.D. Ga. L.R. 5.1(C)), which will automatically send e-mail notification of such filing to counsel of record.

This 21st day of April, 2020.

/s/ IRENE B. VANDER ELS
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ASSISTANT COUNTY ATTORNEY
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