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May 4, 2021

Via Electronic Filing

David J. Smith
Clerk of the Court
U.S. Court of Appeals for the Eleventh Circuit
56 Forsyth St., N.W.
Atlanta, GA 30303

Re: *Black Voters Matter Fund et al. v. Raffensperger et al.*,
Case No. 20-13414

Dear Mr. Smith:

Defendant-Appellee Brad Raffensperger (“Defendant”) hereby responds to Plaintiffs-Appellants’ April 26, 2021 letter to the Court pursuant to Federal Rule of Appellate Procedure 28(j).

Defendant concurs with Plaintiffs-Appellants that SB 202 does not materially affect either the law or underlying facts of this appeal. Defendant submits this letter separately only to address the impact that SB 202’s codification of absentee ballot drop boxes will have on Georgia voters. (*See* SB 202 § 26, amending O.C.G.A. § 21-2-382(c)(1-4)).

As the Court is aware, the use of absentee ballot drop boxes was noted by Defendant as one of the options available to voters who wished to avoid the costs of stamps or other postage fees charged by the U.S. Postal Service. (Defendant’s Brief at 4, 16, and 19.) Absentee ballot drop boxes were previously permitted only pursuant to Ga. Comp. R. & Regs. 183-1-14-0.8-.14, an emergency rule adopted by the State Election Board in light of the COVID-19 pandemic. Such emergency rules expire absent further authorization. O.C.G.A. § 50-13-4(b). In addition to codifying the use of absentee ballot drop boxes generally, SB 202 further requires all counties to have at least one such drop box, which was not previously required by the emergency rule. O.C.G.A. § 21-2-382(c)(1). In short, SB 202 ensures that drop boxes will be available to Georgia voters going forward.

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Respectfully submitted,

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