

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

**COALITION FOR GOOD GOVERNANCE,
RHONDA J. MARTIN, JEANNE DUFORT,
AILEEN NAKAMURA, B. JOY WASSON,
AND ELIZABETH THROOP,**

Plaintiffs,

v.

**BRAD RAFFENSPERGER, in his official
capacity as the SECRETARY OF STATE of
the STATE OF GEORGIA, and REBECCA
N. SULLIVAN, DAVID J. WORLEY,
MATTHEW MASHBURN and AHN LE, in
their official capacities as members of the
Georgia State Election Board,**

Defendants.

**Civil Action No.
1:20-cv- 01677 -TCB**

PROPOSED ORDER GRANTING PRELIMINARY INJUNCTION

Plaintiffs have filed a Motion for a Preliminary Injunction. Having considered the submissions of the parties and heard arguments of counsel, the Court finds that Plaintiffs are likely to succeed on the merits of their claims, that they will suffer irreparable harm if equitable relief is not granted, that the equities tip in their favor, and that granting injunctive relief is in the public interest.

The Court accordingly GRANTS the Motion and hereby ENJOINS and ORDERS Defendants:

1. To refrain from conducting the elections currently scheduled for June 9, 2020, and instead conduct such elections on June 30, 2020, and to adjust all other deadlines and activities (such as early and absentee voting) accordingly;

2. To refrain from requiring any voters to use touchscreen ballot market devices (“BMDs”) for voting in person and instead to direct superintendents to replace BMDs with hand marked paper ballots for all elections that are affected by this Order. However, Defendants may direct superintendents to continue to permit BMDs to be used to accommodate those voters requiring assistive technology, if no other alternative is proposed by the Secretary for assistive technology. After every use of the assistive BMD touchscreens by each voter, the touchscreen should be powered down and thoroughly cleaned by vendor-approved disinfectant cleaner;

3. To refrain from enforcing the statutory minimum requirement of one voting station for every 250 electors and instead to direct superintendents that for the primary and primary runoff elections affected by this Order, the number of hand marked paper ballot private voting stations may be determined at the

discretion of the superintendent after evaluating the anticipated turnout in such superintendent's jurisdiction after two weeks of early voting.

4. To refrain from preventing superintendents from operating early voting centers during the weekend and on the Monday prior to Election Day and instead to authorize superintendents to open such centers on those days;

5. To direct each superintendent to provide at least one curbside voting location using hand marked paper ballots; and to direct superintendents of counties with 100,000 or more registered voters to provide an additional curbside voting location for every 100,000 voters or fraction thereof;

6. To refrain from preventing superintendents, beginning on the Monday before Election Day, from processing and preparing mail ballots upon receipt for scanning beginning and instead to authorize superintendents to conduct such activities; provided, however, that no tabulation shall begin prior to the close of the polls;

7. To refrain from rejecting as untimely cast: (a) absentee ballots post-marked no later than Election Day and received up to three days after Election Day; (b) absentee ballots arriving by mail that are not post-marked but received by the day after Election Day; (c) absentee ballots post-marked no later than Election

Day by voters covered by the Uniformed and Overseas Citizen Voting Act (“UOCAVA”) received by the final day before the superintendent’s certification of election results, which is the second Friday following the election. (O.C.G.A. §21-2-493(k));

8. To require superintendents: (a) to administer and document oral oaths by voters incorporating the same content as the written oath and to permit in-person voters to provide such oral oaths in lieu of signing the voter certificates and (b) to permit voters to present a legible disposable paper copy of their identification in lieu of presenting original identification;

9. To allow superintendents, at their option, to not use the Pollpad touchscreen if check-in work can be adequately performed on a laptop or paper pollbook.

10. To require superintendents to appoint absentee ballot clerks at polling locations and authorize such clerks to: (a) provide absentee ballot applications to voters; (b) issue mail ballot packets to voters upon determination of such voter’s eligibility; and (c) verify and accept completed mail ballot packets;

11. To allow voters to present their affidavit to cure provisional ballots, or discrepant signatures on returned mail ballot envelopes, prior to the final day for

the superintendent's certification of election results, which is the second Friday following the election. O.C.G.A. §21-2-493(k);

12. With respect to physical distancing and personal protective equipment ("PPE"), to provide superintendents with a sufficient supply of PPE for voters and pollworkers, which shall be of the kind recommended by the Department of Community Health or the Centers for Disease Control, and to direct superintendents to (a) require pollworkers and election staff to wear approved masks and, where appropriate, gloves; (b) provide voters with disposable masks and require masks while on the grounds of the polling place; (c) mark off distances on the polling place floor and outside the polling place where lines form and require voters remain at least six feet apart from each other; (d) provide state-funded clear plastic barriers between the pollworkers' stations and the voters; and (e) separate all voting stations so that they are at least six feet apart at their closest edges;

13. To direct superintendents to allow appointed pollwatcher activities and meaningful public observation of the processes of mail ballot issuance, acceptance, and tabulation;

14. To send mail ballot applications for the upcoming June 30 election to the mailing address of those voters whose mailing address is different than their residential address;

15. To count March Ballots (that is, absentee mail ballots that were originally issued for the March 24, 2020 election before that election was postponed) received by June 9 (or the day that the June 9 election is moved to) unless duplicate votes for the March races are received from the same voter;

16. To instruct superintendents to record and report accurate information regarding absentee ballot application and ballot issuance in databases for upload into the daily county reports for publication on the Secretary's website and the My Voter Pages records, and to promptly correct any information on said records that is incorrect; and to use the corrected records provided by the superintendents to correct the My Voter Page records on the Secretary's site;

17. To direct superintendents to establish an emergency fail-safe opportunity for voters to vote at assigned polling place locations that were closed without the 60 day notice period required by O.C.G.A. § 21-2-265, by using a "pop-up" temporary unit to issue and accept ballots from in-person voters who are

unable or unwilling to vote at the replacement polling place after being redirected to the new polling place; and

18. To issue the rules and regulations necessary to undertake the foregoing and to promote an orderly, secure, and fair election.

SO ORDERED this ____ of _____, 2020.

Timothy C. Batten, Sr.
Judge, U.S. District Court