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

COALITION FOR GOOD GOVERNANCE, et al., **Plaintiffs,** **v.** **BRAD RAFFENSPERGER, et al.,** **Defendants.**	**Civil Action No. 1:20-cv- 01677 -TCB**

REPLY BRIEF IN SUPPORT OF PLAINTIFFS' RULE 59 MOTION TO ALTER OR AMEND JUDGMENT

I. Introduction and Summary

Defendants are inviting reversible error. First, the argument that time has run out is completely incorrect: the Court dismissed the complaint, which seeks relief "to protect the June and August elections and also to anticipate the November 2020 general elections." (Doc. 1 ¶ 1). Further, as explained below, a number of specific actions that the Secretary can to avoid disenfranchising Georgia citizens may be made between the June 9 Election Day (if the date is not moved) and June 19 or June 26, when the results are certified by the counties and State, respectively. *See infra* note 2.

Second, on the law, Defendants have failed to find any support for this Court's holding that there are "no judicially discoverable and manageable standards for resolving" Plaintiffs claims. (Doc. 43 at 9). Indeed, this Court's Order is contrary to every case found, including a number that have been issued in the past several weeks addressing, on the merits, challenges to election laws that have become unconstitutional because of the COVID-19 pandemic. These include a unanimous decision from a conservative Sixth Circuit panel in *Esshaki v. Whitmer,* 2020 WL 2185553, No. 20-1336 (6th Cir. May 5, 2020), as well as District Court cases from Ohio, Virginia and Utah, and a state court case from Massachusetts, all of which discovered and applied judicially manageable standards to adjudicate, on the merits, alleged burdens on the right to vote brought on by the pandemic. (These cases and others are discussed below in Part II(B)).

Defendants cite only two cases, *Rucho v. Common Cause,* 139 S.Ct. 2484 (2019) and *Jacobson v. Fla. Sec'y,* 957 F.3d 1193 (11th Cir. 2020). But neither *Rucho,* a partisan gerrymandering case, nor *Jacobson,* which challenged the order in which candidates are listed on a ballot, involved burdens on the right to vote. And in *Jacobson,* even Judge William Pryor's separate concurring opinion on justiciability would require reversal here: "As the voters and organizations correctly point out, *we must evaluate laws that burden voting rights* using the approach of *Anderson* and *Burdick*, which requires us to weigh the burden imposed

by the law against the state interests justifying the law. *Common Cause/Ga. v. Billups*, 554 F.3d 1340, 1352 (11th Cir. 2009)." *Id. at* 957 F.3d at 1216 (emphasis added).

Judge Pryor goes on to explain exactly why this case is justiciable and *Jacobson* and *Rucho* were not: "But 'we have to identify a burden before we can weigh it.' *Crawford v. Marion Cty. Election Bd.*, 553 U.S. 181, 205, 128 S.Ct. 1610, 170 L.Ed.2d 574 (2008) (Scalia, J., concurring in the judgment). And here it is impossible to identify a burden on voting rights imposed by the ballot statute that is susceptible to the balancing test of *Anderson* and *Burdick*." *Id.*

Plaintiffs have alleged a burden on voting rights in this case. The most obvious example is that Defendants have instructed counties to cancel "March Ballots" (as defined and explained in the Complaint and Motion for Preliminary Injunction).[1] Cancelling completed non-duplicative ballots from eligible voters is a burden on the right to vote. Another example of a burden on voting rights is not counting completed absentee ballots from eligible voters that are postmarked on Election Day and received shortly thereafter. Particularly since voters over 65 or with medical conditions may not safely (or even legally) leave the house to vote, and since the State is so hopelessly behind in mailing out absentee ballots, *not*

[1] Complaint, Doc. 1 ¶¶ 116-17; Motion, Doc. 11 at ¶ 14; *see also* Plaintiffs Brief (Doc. 20 at 19-20) and Reply Brief (Doc. 39 at 24).

counting ballots that are postmarked on Election Day is an actionable burden on the right to vote.

That Plaintiffs have so clearly and plausibly alleged multiple burdens on the right to vote renders a *dismissal of the complaint* plain reversible error. Under clear Eleventh Circuit and United States Supreme Court precedent, the constitutionality of these burdens on the right to vote is justiciable and is to be tested "using the approach of *Anderson* and *Burdick*, *which requires us to weigh the burden imposed by the law against the state interests justifying the law*. *Common Cause/Ga. v. Billups*, 554 F.3d 1340, 1352 (11th Cir. 2009)." *Jacobson,* 957 F.3d at 1216 (Pryor, W., separate concurring opinion) (emphasis added).

The Court should therefore grant Plaintiffs' Rule 59 Motion, vacate its May 14 Order, and reconsider the merits of Plaintiffs' Motion for Preliminary Injunctive under *Anderson* and *Burdick.* The burdens, and the alleged justifications for each, are summarized in Plaintiffs' Reply Brief, Doc. 39 at 9 - 24.

II. Discussion

A. It is Not Nearly Too Late to Grant Effective Relief

As noted above, even if time were running out on granting injunctive relief for the June election, that is no basis for dismissing the Complaint, which plausibly alleges Due Process and Equal Protection Claims for as long as pandemic

conditions impact the conduct of Georgia's ongoing elections. It also is not nearly too late to grant effective injunctive relief for the June election.

In this Part, Plaintiffs will itemize some of the relief that can easily be granted now without causing administrative disruption or voter confusion. A discussion of this relief will further show that Plaintiffs have identified specific burdens on the right to vote that must be evaluated under *Anderson* and *Burdick.* Rather than addressing again how these burdens on the right to vote should be analyzed under *Anderson* and *Burdick,* Plaintiffs will reference where in prior papers these issues have been addressed.

1. Count Absentee Ballots Postmarked by Election Day. (Motion, Doc. 11 at ¶ 7).

The relief will be effective if implemented prior to the June 19 date to certify the election and will cause no disruption or voter confusion whatsoever.[2] Plaintiffs seek an order directing the State Defendants to instruct counties to count absentee ballots that are postmarked by Election Day. The burden that rejecting these ballots (and related policies) places on the right to vote, and the non-existence of any governmental interest in refusing to do so, is discussed in Plaintiffs' Brief (Doc. 20 at 18-19) and Reply Brief (Doc. 39 at 21-22).

[2] O.C.G.A. §21-2-493(k) (final day for the superintendent's certification of election results is the second Friday following the election); O.C.G.A. §21-2-499(b) (final day for Secretary's certification).

Plaintiffs must emphasize that this relief will prevent *some* disenfranchisement, but not nearly enough. Under the current law, absentee ballots must be *received* by the counties by Election Day, Tuesday, June 9. The Atlanta Journal Constitution reported on May 22 that mail ballots in process at that time were expected to be received by voters "sometime the week of June 1," that is, up to the Friday before Election Day. If this projection is accurate (and none have been so far), those voters lucky enough to receive their mail ballots by Wednesday, June 3, who immediately complete and mail in their ballots the same day, might have their ballot counted and might not. Those voters who received their mail ballot later have little chance of being able to vote by mail on time. And all those voters whose applications have yet to be processed – and there are thousands – will not even receive their ballot before Election Day.

For example, named plaintiff Rhonda Martin, and her daughter, each applied for their absentee ballots the *first week of April,* and still do not have their ballots – even though the failure to process Plaintiff Martin's application was highlighted in public filings in this case almost a month ago and then again two weeks ago. (Doc. 20 at 109; Doc. 36 at 6; Martin Decl., Ex. A at ¶ 5).[3] If one of the five named

[3] On May 6, Plaintiff Nakamura and her daughter applied for ballots via email and mail, respectively. Neither have received their ballot. (Nakamura Decl., Ex. B at ¶ 6). In addition, the "My Voter Page" for Plaintiffs Martin and her daughter, and Plaintiff Nakamura and her daughter, do not show their applications even being received or processed by Fulton County.

plaintiffs after seven weeks still does not have her ballot, how many tens of thousands of Georgia voters, who reasonably applied for mail ballot *less* than seven weeks in advance, will not be able to vote by mail *and* not be able to vote in person because of age or medical condition?[4]

Allowing this inevitable disenfranchisement is not treating the right to vote as a "fundamental political right, because preservative of all rights," as the Supreme Court described it 134 years ago in *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886). It is not treating the right to vote as the most "precious in a free country," as the Supreme Court found 56 years ago in *Wesberry v. Sanders,* 376 U.S. 1, 17 (1964).

If there were no judicial remedies available to reduce this disenfranchisement, then perhaps we all would have to settle for this undemocratic operation, pitifully unable to protect such a valuable franchise. But there are remedies, including the exceedingly simple remedy of counting absentee ballots postmarked by Election Day. Further, given that we now know to a near certitude that there will be thousands of voters who (a) are prohibited by law from voting in

[4] Plaintiff Nakamura and her daughter are also prohibited from voting in person because of medical conditions. Even without this prohibition, however, Ms. Nakamura reasonably believes that, because of the crowds and the long delays, "I feel that voting in person is absolutely unsafe for myself and my daughter. I definitely feel that voting absentee by mail is the only safe way to vote during this pandemic." (Ex. B, ¶ 17).

person who (b) will not receive their mail ballots in time to vote by mail, Election Day should be postponed so that these voters have a chance to exercise this "fundamental political right." *Yick Wo,* 118 U.S. at 370.

In addition, there are other simple remedies, discussed below, which will help reduce the disenfranchisement without disrupting election operations or causing voter confusion.

2. Count Valid March Ballots. (Motion, Doc. 11 at ¶ 14).

This relief will be effective if implemented prior to the June 19 date to certify the election and will not cause disruption or voter confusion. Plaintiffs seek an order directing the State Defendants to instruct superintendents to count improperly cancelled March 24 ballots. The obvious burden the improper cancellation of the March Ballots imposes on the right to vote, and the non-existence of any governmental interest in refusing to do so, is alleged in the Complaint (Doc. 1 ¶¶ 116-17), and discussed in Plaintiffs Brief (Doc. 20 at 19-20) and Reply Brief (Doc. 39 at 24).

3. Extend period to cure technical deficiencies in mail ballots. (Motion, Doc. 11 at ¶ 10).

Plaintiffs seek an order directing the State Defendants to instruct superintendents to extend the current deadline for curing technical deficiencies in absentee ballots from June 12, the current deadline, to June 18. (*Id.*). This relief will be effective if ordered prior to Election Day, June 9. The burden of rejecting

these absentee ballots without extending the period to cure far outweighs any governmental interest in rejecting them (which interest has never been identified).

4. *Permit drop off of ballots at neighborhood polling places. (Motion, Doc. 11 at ¶ 9; Doc. 20 at 20; Doc. 39 at 23).*

Plaintiffs seek an order directing the State Defendants to instruct superintendents to accept completed mail ballots (from those voters lucky to have received them) at neighborhood polling places on Election Day. The sooner this relief is ordered the better, but an order as late as June 8 would reduce disenfranchisement and not cause confusion or disruption; to the contrary, it would relieve crowding and delays in in-person voting on Election Day.

5. *Extend option for early voting through the Monday before Election Day. (Motion, Doc. 11 ¶ 4; Doc. 20 at 17; Doc. 39 at 19 – 20).*

To reduce the congestion and delay on Election Day, early voting should be permitted at counties' option through the Monday before Election Day. An order requiring this relief will be effective if issued before Friday, June 5.

6. *Inform mail ballot recipients of correct due date. (TRO, Doc. 27 at 6-7).*

Mail voters are continuing to receive ballots that say Election Day was a week ago, May 19, 2020, with instructions to return the ballot by Election Day. Plaintiffs have requested an order directing the Secretary to take reasonable actions to inform mail voters that the May 19 ballots are for the June 9 election. (*Id.).* An order by June 1 would certainly save some valid ballots otherwise headed for the

voter's trash can, and there is no possibility that the relief would do anything other than reduce the confusion caused by the Secretary's (or printer's) mistake.

7. *In-Person Voting Safety Measures. ((Motion, Doc. 11 ¶¶ 8, 11; Doc. 20 at 19, 22).*

Relief that will not be disruptive in the least that will measurably decrease the risk of in-person voting includes requiring PPE and streamlining voter check-in. This relief will be effective if granted the week before Election Day.

8. *Replace BMDs. (Motion, Doc. 11 ¶ 2; Doc. 20 at 14; Doc. 39 at 14 – 18).*

The ballot marking devices have proven to cause even longer delays than anticipated during the first week of early voting. On Election Day, they threaten to cause a complete breakdown of precinct polling place operations. Since the Defendants are bound by Court order to be prepared to use hand marked paper ballots, this remedy is feasible and would do more than any other item of relief to reduce delays at polling places and reduce dangerous crowding and wait times.

B. Law: No Case Supports this Court's Holding

Initially, Defendants concede that the Elections Clause does not constitute a "a textually demonstrable constitutional commitment of the issue to a coordinate political department" *when the issue* is whether a state has unjustifiably burdened the right to vote in violation of the Fourteenth Amendment. (Doc. 53 at 8). *See Williams v. Rhodes,* 393 U.S. 23, 28-30 (1968). Since that is the issue here, the Court's first holding – that this case presents a *Baker v. Carr* political question

because of a "textually demonstrable constitutional commitment of the issue to a coordinate political department" -- is in error.

As to the Court's second holding, that this case presents a *Baker v. Carr* political question because of a lack of "judicially discoverable and manageable standards," the only two cases cited by Defendants, *Rucho* and *Jacobson,* which did not involve burdens on the right to vote, are discussed above. In addition, Plaintiffs in their initial brief cited four Northern District cases that reached the merits and appear to be contrary to this Court's Order (Doc. 48 at 22). Defendants' only response is that in those cases the Secretary did not argue justiciability (Doc. 53 at 14 n. 8), as if by failing to do so the Secretary excused those courts from their obligation to sua sponte confirm their own subject matter jurisdiction. But more generally, Defendants' response misses the point: those four cases show that these courts have had no difficulty discovering manageable standards to resolve challenges to a wide variety of alleged burdens on the right to vote. And this should not come as a surprise, as the Supreme Court has, in case after case, stated and restated the test, explaining exactly what standards are supposed to be used to manage the resolution of cases challenging burdens on the right to vote.

This is not to say that the application of the *Anderson – Burdick* test is without difficulty, but there is no authority that it is non-justiciable. Very recent

cases show how the test can be applied in this pandemic. These cases recognize that the state is not responsible for the pandemic, but hold that the fact of the pandemic must be considered in evaluating the burden on the right to vote (or to ballot access). In *Esshaki v. Whitmer,* No. 20-1336 (6th Cir., May 5, 2020), the district court enjoined the enforcement of certain ballot access statutes because of the burden they placed upon candidates during the pandemic. A conservative panel of the Sixth Circuit affirmed the district court's application of the *Anderson-Burdick* test. (The Panel split on the scope of the remedy). The Court reasoned:

> In deciding this claim, the district court properly applied the *Anderson-Burdick* test, *Anderson v. Celebrezze*, 460 U.S. 780, 103 S.Ct. 1564, 75 L.Ed.2d 547 (1983); *Burdick v. Takushi*, 504 U.S. 428, 112 S.Ct. 2059, 119 L.Ed.2d 245 (1992), which applies strict scrutiny to a State's law that severely burdens ballot access and intermediate scrutiny to a law that imposes lesser burdens. The district court correctly determined that the combination of the State's strict enforcement of the ballot-access provisions and the Stay-at-Home Orders imposed a severe burden on the plaintiffs' ballot access, so strict scrutiny applied, and even assuming that the State's interest (i.e., ensuring each candidate has a reasonable amount of support) is compelling, the provisions are not narrowly tailored *to the present circumstances*. Thus, the State's strict application of the ballot-access provisions is unconstitutional as applied here.

(Emphasis by the Court).

Similarly, in *Thompson v. Dewine*, No. 20-cv-2129 (S.D. Oh. May 19, 2020), the district court considered a challenge during the COVID-19 pandemic to various Ohio signature requirements for an "initiative." The

District Court applied the *Anderson-Burdick* test and granted substantial equitable relief:

> In ordinary times, the Court may agree with Defendants that Ohio's signature requirements would likely be considered "reasonable, nondiscriminatory restrictions" that could be justified by the "State's important regulatory interests." *See Anderson v. Celebrezze,* 460 U.S. 780, 788 (1983). . . .
>
> These times, however, are not ordinary. Plaintiffs do not argue that Ohio's signature requirements are facially unconstitutional. Plaintiffs instead contend that they are unconstitutional as applied to them during this extraordinary time. That is, the COVID-19 pandemic has made it impossible to circulate petitions in person, the only method permitted under Ohio law because of the ink signature and witness requirements.

(*Id.* Doc. 44 at 24-25). The District Court continued:

> As did the *Esshaki* court, this Court finds that in these unique historical circumstances of a global pandemic and the impact of Ohio's Stay-at-Home Orders, the State's strict enforcement of the signature requirements for local initiatives and constitutional amendments severely burden Plaintiffs' First Amendment rights *as applied here*. *See* 2020 WL 2185553, at (1 (6th Cir. May 5, 2020).

(*Id.* Doc. 44 at 25).

In *League of Women Voters of Virginia v. Virginia State Board of Elections,* No. 20-cv-00024 (May 5, 2020), the District Court applied the *Anderson-Burdick-Crawford* test [at page *23] in its approval of a settlement between the plaintiffs (voters and voter organizations) and the Virginia State Board of Elections, that enjoined enforcement of the witness signature requirement for absentee ballots.

> In ordinary times, Virginia's witness signature requirement may not be a significant burden on the right to vote. But these are not ordinary times. . . . *[T]he measure is too restrictive in that it will force a large class of Virginians to face the choice between adhering to guidance that is meant to protect not only their own health, but the health of those around them, and undertaking their fundamental right—and, indeed, their civic duty—to vote in an election. The Constitution does not permit a state to force such a choice on its electorate.* See Harper v. Va. State Bd. of Elections, 383 U.S. 663, 670, 86 S. Ct. 1079, 16 L. Ed. 2d (1966).

(*Id.* at page *24) (emphasis added).

In *Garbett v. Herbert,* No. 20-cv-245 (D. Utah, April 29, 2020), a Republican candidate for Utah's 2020 race for governor filed suit challenging the state's ballot access requirement of 28,000 signatures because the intervention of the pandemic prevented her from obtaining the necessary signatures. The District Court, applying the *Anderson-Burdick* test, granted the injunction in part, reducing the number of required signatures by 32%, to 19,040 signatures, to reflect the impact of the pandemic and stay-at-home orders.

In *Goldstein v. Secretary of the Commonwealth* (Mass. April 16, 2020, No. SJC-12931), the Supreme Judicial Court of Massachusetts considered candidates' challenges to the minimum signature requirements to be listed on a ballot. The Court, applying Massachusetts law (not U.S. Constitutional law) granted an injunction "in the limited context of the current pandemic, that the minimum signature requirements . . . for candidates in the September 1, 2020, primary election are unconstitutional." As a remedy, the Court ordered that the number of

required signatures be reduced by fifty percent, that the deadlines be extended, and that electronic, rather than "wet," signatures be allowed. (At page *30). The Court echoed the same reasoning as the courts in *Esshaki, Thompson, League of Women Voters,* and *Garbett*:

> [T]he minimum signature requirements, which may only impose a modest burden on candidates in ordinary times, now impose a severe burden on, or significant interference with, a candidate's right to gain access to the September 1 primary ballot, and the government has not advanced a compelling interest for why those same requirements should still apply under the present circumstances.

(At page *19).

In sum, the cases uniformly hold that complaints alleging burdens on the right to vote, whether or not the burden is aggravated by the pandemic, are justiciable and may be resolved through an application of the *Anderson-Burdick* test. Plaintiffs respectfully submit that this Court's holding to the contrary is in error.

For the foregoing reasons, the Motion should be granted.

Respectfully submitted this 25th day of May, 2020.

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CERTIFICATE OF COMPLIANCE

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

/s/ Bruce P. Brown
Bruce P. Brown

CERTIFICATE OF SERVICE

I hereby certify that on May @, 2020, a copy of the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to all attorneys of record.

/s/ Bruce P. Brown
Bruce P. Brown

EXHIBIT A

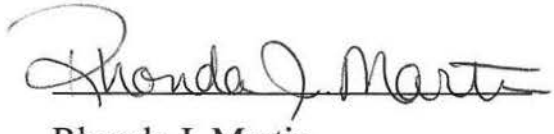
SUPPLEMENTAL DECLARATION OF RHONDA J. MARTIN

RHONDA J. MARTIN declares, under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I have personal knowledge of all facts stated in this declaration and, if called to testify, I could and would testify competently thereto.
2. This declaration supplements my Declaration of May 12, 2020 (Doc. 20 at 101)
3. In order to protect my health, I completed the Application for Official Absentee Ballot that I received in the mail, scanned it, and emailed it to elections.voterregistration@fultoncountyga.gov on April 6, 2020 at 12:12pm.
4. My daughter, Cara Martin DeMillo, completed her Application for Absentee Ballot on April 7, 2020. I scanned it and emailed it to elections.voterregistration@fultoncountyga.gov on April 7, 2020 at 10:28am.
5. It has now been 7 weeks and neither My Voter Page nor that of my daughter indicate the receipt of our applications.
6. At this point, I fear that our ballots will not arrive in sufficient time to be returned by June 09, 2020 or to allow the correction of any alleged discrepancies as required for our votes to count.

7. Further, if our ballots are mailed but not received by us prior to June 09, 2020, I have read that the check in process will require that we complete the time-consuming process of submitting affidavits indicating that we do not have our absentee ballots, further increasing our risk of being exposed to the coronavirus if we are forced to vote in person.

Executed on this date, May 24, 2020.



Rhonda J. Martin

EXHIBIT

B

SUPPLEMENTAL DECLARATION OF AILEEN NAKAMURA

AILEEN NAKAMURA declares, under penalty of perjury, pursuant to 28 U.S.C. §1746, that the following is true and correct:

1. My name is Aileen Nakamura.
2. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.
3. This declaration supplements my Declaration of April 29, 2020, and Declaration of May 12, 2020.
4. I am a registered voter residing in Sandy Springs in Fulton County, Georgia.
5. I sent in my application for an Absentee Mail Ballot on May 6, 2020 at 3:43pm via email to the elections.voterregistration@fultoncountyga.gov address.
6. Earlier the same day, May 6, 2020, I took my husband's and daughter's completed Absentee Mail Ballot applications to the Sandy Springs Post Office and put them in the mail drop to send to the Fulton County Elections Office.
7. Neither my daughter, Saya Abney, nor I have received our Absentee Mail Ballots yet. I check the status of both of our My Voter Pages daily, and there is no indication that our ballot applications have been received.

8. My husband, Russ Abney, received his Absentee Mail Ballot in the mail on May 21st, 2020.

9. The envelope that his ballot arrived in (see Exhibit A) shows that it was accepted by the USPS on "20136", which I believe indicates the 136th day of 2020, or May 15th. This means it took 6 days for the envelope to arrive at our house from the time it was mailed.

10. Furthermore, my husband's My Voter Page (see Exhibit B) shows that his Mail Ballot application was received on May 11th, and issued on May 12th, 2020. Yet there is a timestamp of "136 06:50:06am" made by the vendor indicating that it was still in their possession on May 15, and not issued as of May 12 as his MVP states.

11. This means that from the day his application was received at the elections office to the day he received his Absentee Mail Ballot at our house, it took 10 days.

12. At this point, I am extremely concerned that both my daughter's and my Absentee Mail Ballots will not arrive in time for us to return them to be counted for the June 9th election.

13. According to the online Atlanta Journal Constitution article, https://www.ajc.com/news/local/fulton-county-fixing-backlog-000-absentee-ballot-applications/IOEQxJb7HZclRx0pwX9cKM/, there is still a backlog of

25,000 Absentee Mail Ballot applications that have not been processed in Fulton County.

14. While the article claims that the elections office is "scrambling to eliminate the backlog…by Memorial Day," and that "voters will likely get their ballots sometime the week of June 1," based on my prior experience and routine attendance at Fulton County Board of Elections meetings, I do not have confidence in the operations of the Fulton County Elections and I am very worried that our ballots will not arrive in time for acceptable turnaround, especially considering that it took my husband's application 10 days from being "received" at the elections office to his ballot arriving at our house.

15. Due to my daughter having asthma and being immune-compromised myself, we are both in the "medically fragile" category of those for whom Governor Kemp still has a Shelter-in-Place order through June 12.

16. We have been sheltered at home since before the governor issued the order, and do not plan on venturing out for more than essential permitted trips such as a doctor's appointment, at the minimum until after the Governor's orders are lifted, ***and*** coronavirus cases and deaths in Georgia have gone down for 2 weeks straight.

17. After reading of 3 hour long wait times at polling places, poll worker and voter COVID-19 cases at polling places, and knowing that my ballot will

have 48 races/questions on it for me to vote on (which will take quite some time to scroll through on a touchscreen machine and then have to verify the accuracy of the printout), I feel that voting in person is absolutely unsafe for myself and my daughter. I definitely feel that voting absentee by mail is the only safe way to vote for me during this pandemic.

Executed on this date, May 24th, 2020.

Aileen Nakamura

Georgia Secretary of State
Elections Division
2 Martin Luther King Jr. Dr. SE
802 West Tower
Atlanta, GA 30334

RETURN SERVICE REQUESTED

PRESORTED
FIRST-CLASS MAIL
U.S. POSTAGE
PAID
GEORGIA
SECRETARY OF STATE

OFFICIAL ELECTION MAIL
Authorized by the U.S. Postal Service

Official Absentee Ballot

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136 06:50:08 AM

SS06 07286777 6/9/2020 0903D 0121
POST #87976 GENERAL PRIMARY 2020
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610 RIVER VALLEY RD
SANDY SPRINGS GA 30328-2920

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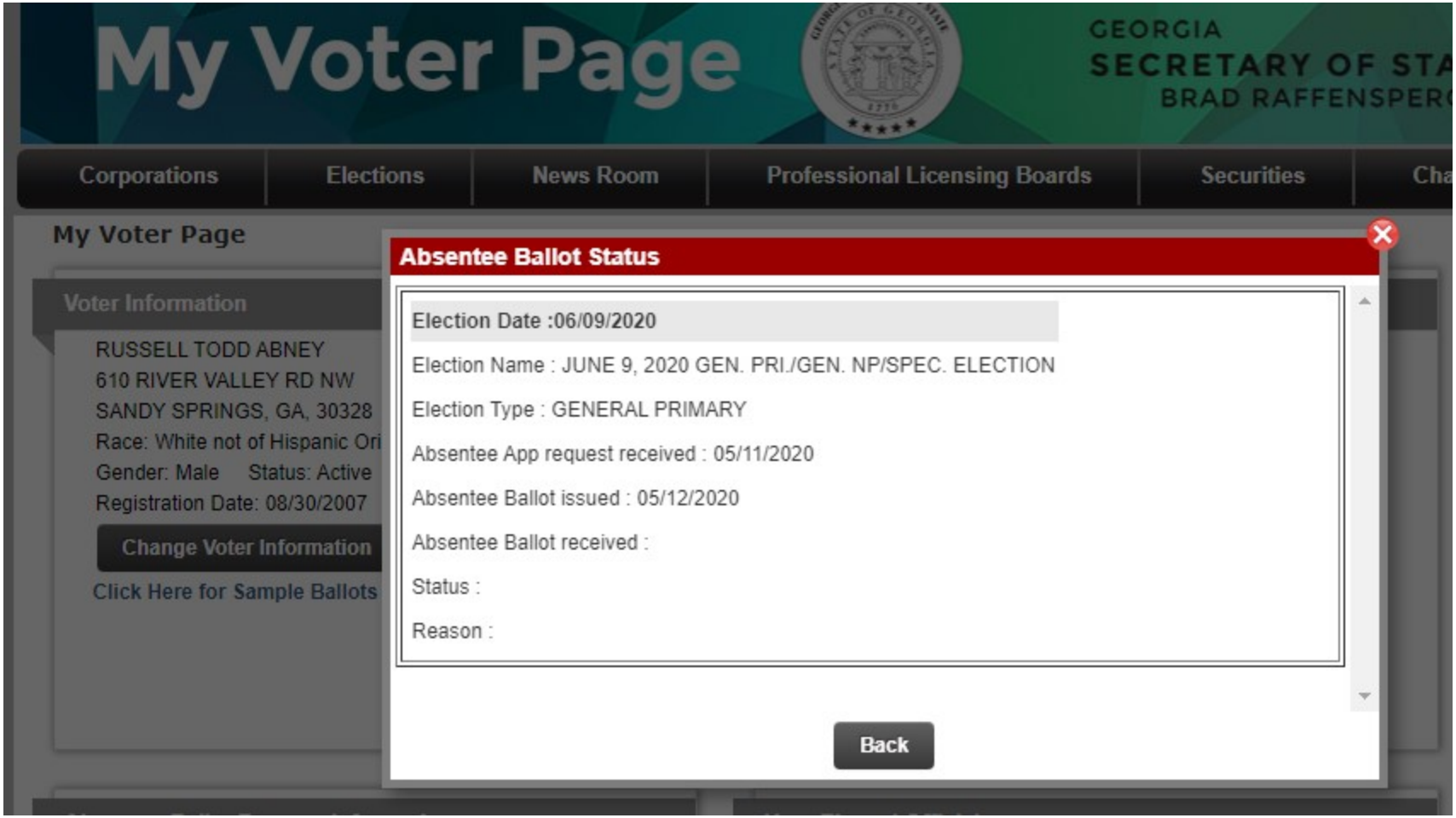
20136 14:34:14


My Voter Page
GEORGIA
SECRETARY OF STA
BRAD RAFFENSPER
Corporations
Elections
News Room
Professional Licensing Boards
Securities
Cha
My Voter Page
Voter Information
RUSSELL TODD ABNEY
610 RIVER VALLEY RD NW
SANDY SPRINGS, GA, 30328
Race: White not of Hispanic Ori
Gender: Male Status: Active
Registration Date: 08/30/2007
Change Voter Information
Click Here for Sample Ballots
Absentee Ballot Status
Election Date :06/09/2020
Election Name : JUNE 9, 2020 GEN. PRI./GEN. NP/SPEC. ELECTION
Election Type : GENERAL PRIMARY
Absentee App request received : 05/11/2020
Absentee Ballot issued : 05/12/2020
Absentee Ballot received :
Status :
Reason :
Back