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

Common Cause Georgia, as an	)
organization,	)
-	)
Plaintiff,	)
	) Case No. 1:18-CV-05102-AT
V.	)
	) The Honorable Amy Totenberg
Brian Kemp, in his official capacity as	)
Secretary of State of Georgia,	)
	)
Defendant.	)
	<i>'</i>

#### PLAINTIFF'S SUPPLEMENTAL SUBMISSION IN SUPPORT OF MOTION FOR A TEMPORARY RESTRAINING ORDER

Plaintiff respectfully submits this supplemental submission in support of its motion for a TRO along with the accompanying Supplemental Declaration of Sara Henderson. Specifically, Plaintiff submits these materials in response to the Court's questions at the November 8 Hearing as to whether the provisional ballots could impact the outcome of an election.

As Ms. Henderson explains in her Supplemental Declaration, as of this afternoon, it was reported that there are at least three non-statewide elections where the difference in votes cast for the candidates is significantly less than the number of provisional ballots Defendant has said remain to be counted. For example, in House District 37, the Democratic candidate leads the Republican candidate by 145 votes. According to the information provided by Defendant, the relevant county

(Cobb County) has over 2,200 provisional ballots to be counted, over 97% of which are coded with the "PR" code, indicating that the voter cast a provisional ballot because of problems with her voter registration.

This 10th day of November, 2018.

#### DLA PIPER LLP

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## **CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing SUPPLEMENTAL SUBMISSION IN SUPPORT OF MOTION FOR A TEMPORARY RESTRAINING ORDER was prepared double-spaced in 14-point Times New Roman pursuant to Local Rule 5.1(C), and is in compliance with the 25 page length limitation set forth in Local Rule 7.1(D).

> <u>/s/ Christopher Campbell</u> Christopher G. Campbell DLA Piper LLP

# **CERTIFICATE OF SERVICE**

I hereby certify that on November 10, 2018, I served the within and foregoing SUPPLEMENTAL SUBMISSION IN SUPPORT OF MOTION FOR A TEMPORARY RESTRAINING ORDER with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all parties to this matter via electronic notification or otherwise.

This 10th day of November, 2018.

<u>/s/ Christopher Campbell</u> Christopher G. Campbell DLA Piper LLP