

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

S.P.S., *ex rel.* SHORT, *et al.*,

Plaintiffs,

v.

BRAD RAFFENSPERGER, *et al.*,

Defendants.

CIVIL ACTION NO.

1:19-CV-04960-AT

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Federal Rule of Civil Procedure 65(a), Plaintiffs S.P.S., *ex rel.* NATALIE SHORT, EDWIN PRIOR, AILEEN NAKAMURA, ANGIE JONES, DNC SERVICES CORP., d/b/a DEMOCRATIC NATIONAL COMMITTEE, DSCC, DCCC, DEMOCRATIC PARTY OF GEORGIA, INC., and PRIORITIES USA (collectively, "Plaintiffs"), for the reasons set forth in the memorandum of law filed concurrently with this motion, and as supported by the materials submitted therewith, respectfully move for an Order:

1. Preliminarily enjoining Defendant Secretary of State of the State of Georgia Brad Raffensperger (the "Secretary") and Defendants Rebecca Sullivan, David Worley, Seth Harp, and Anh Le, members of the Georgia State Election Board ("SEB"), from implementing or enforcing O.C.G.A. § 21-2-285(c) (the "Ballot Order Statute"), which

- mandates that the political party of the last-elected Governor be listed first on all general election ballots for all races throughout Georgia; and
2. Requiring the Secretary and SEB members to take all necessary steps, including promulgating any rules and regulations consistent with this Court's Order, to rotate the ordering of candidates of the major political parties, as defined by O.C.G.A. § 21-2-2(25), so that the candidates of each major political party are listed first in all races for which they have a candidate on an approximately equal number of ballots, or, alternatively, requiring the Secretary and SEB members to use a ballot order system that gives the similarly-situated candidates of the major political parties an equal opportunity to appear on the top of the ballot in each election and each race, to take effect before the end of the preparation of ballots for the 2020 general election.

Dated: November 18, 2019

Respectfully submitted,

Adam M. Sparks

Halsey G. Knapp, Jr.

Georgia Bar No. 425320

Adam M. Sparks

Georgia Bar No. 341578

KREVOLIN & HORST, LLC

One Atlantic Center

1201 W. Peachtree St., NW, Suite 3250

Atlanta, GA 30309

Telephone: (404) 888-9700
Facsimile: (404) 888-9577
hknapp@khlawfirm.com
sparks@khlawfirm.com

Marc E. Elias*
Elisabeth C. Frost*
Jacki L. Anderson*
Zachary J. Newkirk**
PERKINS COIE LLP
700 Thirteenth St., N.W., Suite 600
Washington, D.C. 20005-3960
Telephone: (202) 654-6200
Facsimile: (202) 654-9959
melias@perkinscoie.com
efrost@perkinscoie.com
jackianderson@perkinscoie.com
znewkirk@perkinscoie.com

Abha Khanna*
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Telephone: (206) 359-8000
Facsimile: (206) 359-9000
akhanna@perkinscoie.com

Counsel for Plaintiffs

**Admitted Pro Hac Vice*

***Pro Hac Vice Pending*

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing Plaintiffs' Complaint for Injunctive and Declaratory Relief has been prepared in accordance with the font type and margin requirements of L.R. 5.1, using font type of Times New Roman and a point size of 14.

Dated: November 18, 2019

Adam M. Sparks
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 18, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

Dated: November 18, 2019

Adam M. Sparks
Counsel for Plaintiffs