

UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT  
**CIVIL APPEAL STATEMENT**

Please TYPE. Attach additional pages if necessary.

11th Circuit Docket Number: 23-13095

Caption:  <b>IN RE: GEORGIA SENATE BILL 202</b>	District and Division: <u>U.S. District Court, Northern District of Georgia, Atlanta Division</u> Name of Judge: <u>J. P. Boulee</u> Nature of Suit: <u>Civil Rights</u> <hr/> Date Complaint Filed: <u>1st Complaint prior to consolidation 3/25/2021</u> District Court Docket Number: <u>1:21-mi-55555-JPB</u> <hr/> Date Notice of Appeal Filed: <u>09/18/2023</u> <input type="checkbox"/> Cross Appeal <input type="checkbox"/> Class Action <hr/> Has this matter previously been before this court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide (a) Caption: _____ (b) Citation: _____ (c) Docket Number: _____
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Attorney Name  For Appellant: <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant <input type="checkbox"/> Other (Specify)	Mailing Address  <b>See Appendix A</b>	Telephone, Fax, Email
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For Appellee: <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other (Specify)	<b>See Appendix A</b>
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Please CIRCLE/CHECK/COMPLETE the items below and on page 2 that apply.

Jurisdiction	Nature of Judgment	Type of Order	Relief
<input checked="" type="checkbox"/> Federal Question <input type="checkbox"/> Diversity <input type="checkbox"/> US Plaintiff <input type="checkbox"/> US Defendant	<input type="checkbox"/> Final Judgment, 28 USC 1291 <input checked="" type="checkbox"/> Interlocutory Order, 28 USC 1292(a)(1) <input type="checkbox"/> Interlocutory Order Certified, 28 USC 1292(b) <input type="checkbox"/> Interlocutory Order, Qualified Immunity <input type="checkbox"/> Final Agency Action (Review) <input type="checkbox"/> 54(b)	<input type="checkbox"/> Dismissal/Jurisdiction <input type="checkbox"/> Default Judgment <input type="checkbox"/> Summary Judgment <input type="checkbox"/> Judgment/Bench Trial <input type="checkbox"/> Judgment/Jury Verdict <input type="checkbox"/> Judgment/Directed Verdict/NOV <input checked="" type="checkbox"/> Injunction <input type="checkbox"/> Other _____	Amount Sought by Plaintiff: \$ _____  Amount Sought by Defendant: \$ _____  Awarded: \$ _____ to _____  Injunctions: <input type="checkbox"/> TRO <input checked="" type="checkbox"/> Preliminary <input checked="" type="checkbox"/> Granted <input type="checkbox"/> Permanent <input type="checkbox"/> Denied

Based on your present knowledge:

- (1) Does this appeal involve a question of First Impression? ☐ Yes ☒ No  
What is the issue you claim is one of First Impression? \_\_\_\_\_
- (2) Will the determination of this appeal turn on the interpretation or application of a particular case or statute? ☒ Yes ☐ No  
If Yes, provide  
(a) Case Name/Statute \_\_\_\_\_  
(b) Citation O.C.G.A. 21-2-414  
(c) Docket Number if unreported \_\_\_\_\_
- (3) Is there any case now pending or about to be brought before this court or any other court or administrative agency that  
(a) Arises from substantially the same case or controversy as this appeal? ☒ Yes ☐ No  
(b) Involves an issue that is substantially the same, similar, or related to an issue in this appeal? ☐ Yes ☒ No  
If Yes, provide  
(a) Case Name In Re: Senate Bill 202  
(b) Citation \_\_\_\_\_  
(c) Docket Number if unreported 23-13085  
(d) Court or Agency U.S. Court of Appeals for the Eleventh Circuit
- (4) Will this appeal involve a conflict of law  
(a) Within the Eleventh Circuit? ☐ Yes ☒ No  
(b) Among circuits? ☐ Yes ☒ No

If Yes, explain briefly:

- (5) Issues proposed to be raised on appeal, including jurisdictional challenges:

See Appendix B

I CERTIFY THAT I SERVED THIS CIVIL APPEAL STATEMENT ON THE CLERK OF THE U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT AND

SERVED A COPY ON EACH PARTY OR THEIR COUNSEL OF RECORD, THIS 13th DAY OF October, 2023.

Gene C. Schaerr

NAME OF COUNSEL (Print)

/s/ Gene C. Schaerr

SIGNATURE OF COUNSEL

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**APPENDIX B**  
**Statement of Issues to be Raised on Appeal**

1. Whether the district court erred in holding that the plaintiffs were likely to succeed on the merits of showing that the Gifts Ban is facially unconstitutional.
2. Whether the district court erred in holding that plaintiffs were substantially likely to show that handing things of value to voters in line constitutes expressive conduct protected by the First Amendment.
3. Whether, even if the First Amendment does apply, the district court applied the wrong legal test and wrong standard of scrutiny.
4. Whether the district court erred in holding that plaintiffs had demonstrated a substantial likelihood of irreparable harm, which outweighed any harm an injunction would impose on the State of Georgia or the public.
5. Whether the district court erred in holding that injunctive relief was available notwithstanding the Supreme Court's guidance in *Purcell v. Gonzalez*, 549 U.S. 1 (2006).