

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

IN RE GEORGIA SENATE BILL 202	Master Case No.: 1:21-MI-55555-JPB
<p>SIXTH DISTRICT OF THE AFRICAN METHODIST EPISCOPAL CHURCH, <i>et al.</i>,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">v.</p> <p>BRIAN KEMP, Governor of the State of Georgia, in his official capacity, <i>et al.</i>,</p> <p style="text-align: center;"><i>Defendants,</i></p> <p>REPUBLICAN NATIONAL COMMITTEE, <i>et al.</i>,</p> <p style="text-align: center;"><i>Intervenor-Defendants.</i></p>	Civil Action No.: 1:21- cv-01284-JPB
<p>GEORGIA STATE CONFERENCE OF THE NAACP, <i>et al.</i>,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">v.</p> <p>BRAD RAFFENSPERGER, in his official capacity as the Secretary of State for the State of Georgia, <i>et al.</i>,</p> <p style="text-align: center;"><i>Defendants,</i></p> <p>REPUBLICAN NATIONAL COMMITTEE, <i>et al.</i>,</p> <p style="text-align: center;"><i>Intervenor-Defendants.</i></p>	Civil Action No.: 1:21-cv-01259-JPB

**AME & GEORGIA NAACP PLAINTIFFS' RENEWED MOTION FOR A
PRELIMINARY INJUNCTION**

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiffs in the above-captioned cases respectfully renew their motion for an Order enjoining Defendants in the above-captioned cases from enforcing—during the 2024 elections and until any final relief in the case is granted—the provisions of O.C.G.A. § 21-2-414(a) that impose criminal penalties on those who “give, offer to give, or participate in the giving” of items including food and drink, to an elector “[w]ithin 25 feet of any voter standing in line to vote at any polling place” (the “Supplemental Zone”). Plaintiffs maintain the portion of their First Amendment claim as to the zone within 150 feet from the outer edge of any polling place building, but they do not seek relief against that portion of the statute for purposes of this Motion and seek preliminary relief as to the Supplemental Zone only.

For the reasons set forth in detail in Plaintiffs’ accompanying Brief in Support of Plaintiffs’ Renewed Motion for Preliminary Injunction and accompanying evidentiary support—and incorporating by reference their factual evidence and briefing from their initial preliminary injunction motion, *see* ECF Nos. 171, 171-1–27, 216, 216-1–5—Plaintiffs have established that they are highly likely to succeed on the merits of their claim that this criminal ban within 25 feet of any voter no matter the distance from the polling place entrance violates the First Amendment. It does so by restricting their ability to engage in core expressive

conduct without justification. Enforcing this law during the 2024 elections and until any final relief is ordered in this action would irreparably harm Plaintiffs and other similar organizations across the State; the balance of equities weighs in Plaintiffs' favor; and a preliminary injunction is in the public interest.

Plaintiffs do not request a hearing on this motion.

Respectfully submitted, this 24th day of April, 2023.

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing document 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: April 24, 2023

/s/ Davin M. Rosborough
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CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2023, I electronically filed this document with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the attorneys of record.

Dated: April 24, 2023

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