

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

UNITED STATES OF AMERICA,

Plaintiff

v.

Civil Action No.
1:21-CV-2575-JPB

THE STATE OF GEORGIA, *et al.*,

Defendants

SIXTH DISTRICT OF THE AFRICAN
METHODIST EPISCOPAL CHURCH, *et
al.*,

Plaintiffs

v.

Civil Action No.
1:21-CV-01284-JPB

BRIAN KEMP; *et al.*,

Defendants

THE NEW GEORGIA PROJECT, *et al.*,

Plaintiffs

Civil Action No.
1:21-CV-01229-JPB

v.

BRAD RAFFENSPERGER, *et al.*,

Defendants

GEORGIA STATE CONFERENCE OF
THE NAACP, *et al.*,

Plaintiffs

v.

BRAD RAFFENSPERGER, *et al.*,

Defendants

THE CONCERNED BLACK CLERGY OF
METROPOLITAN ATLANTA, INC., *et al.*,

Plaintiffs

v.

BRAD RAFFENSPERGER, *et al.*,

Defendants

Civil Action No.
1:21-CV-01259-JPB

Civil Action No.
1:21-CV-01728-JPB

PLAINTIFFS' JOINT MOTION FOR PRELIMINARY INJUNCTION

Pursuant to 52 U.S.C. § 10308 and Federal Rule of Civil Procedure 65, Plaintiff United States of America (“United States”) and Private Plaintiffs from four cases,¹ move for entry of a preliminary injunction enjoining the State of Georgia, the Georgia State Election Board, and the Georgia Secretary of State (“Defendants”), from enforcing certain provisions of Georgia Senate Bill 202 (2021). These provisions include (1) the dramatic reduction in the number of drop boxes available and other limitations on the use of drop boxes outdoors and during non-early voting hours (Section 26); (2) the prohibition on providing non-partisan line relief of food and water to voters waiting in long lines to vote (Section 33); (3) the prohibition on voters from requesting absentee ballots up to four days before Election Day (Section 25); (4) the prohibition on counting out-of-precinct provisional ballots cast on Election Day before 5:00 p.m. (Section 34); and (5) the requirement that voters applying for an absentee ballot use a driver’s license or State identification card number, or a copy of an alternative identification, rather

¹ Plaintiffs in *Sixth District of the African Methodist Episcopal Church, et al. v. Kemp, et al.*, 1:21-CV-01284; *The New Georgia Project, et al., v. Raffensperger, et al.*, 1:21-CV-01229; *Georgia State Conference of the NAACP, et al. v. Raffensperger, et al.*, 1:21-CV-01259; and *The Concerned Black Clergy of Metropolitan Atlanta, Inc., et al. v. Raffensperger, et al.*, 1:21-CV-01728, allege these provisions are intentionally discriminatory under both Section 2 of the Voting Rights Act, 52 U.S.C. § 10301, and the Fourteenth and Fifteenth Amendments of the Constitution. The United States brings a statutory claim under Section 2. See *United States v. State of Georgia, et al.*, 1:21-cv-2575.

than the last four digits of their Social Security number to confirm their identity on their absentee ballot application (Section 25).

To ensure more than enough time to implement the relief sought before the 2024 federal election cycle, and mindful of this Court's prior order addressing the *Purcell* doctrine, *see* ECF 241 at 63 (citing *Purcell v. Gonzalez*, 549 U.S. 1 (2006)), Plaintiffs move now to seek injunctive relief regarding the challenged provisions, based on the evidence obtained through discovery. The evidence presented to this Court with this motion shows that the challenged provisions of SB 202 violate Section 2 of the Voting Rights Act, 52 U.S.C. § 10301, and the Fourteenth and Fifteen Amendments of the U.S. Constitution.

In support of their motion, the United States and Private Plaintiffs assert that (1) Plaintiffs have a substantial likelihood of success on the merits of their claims; (2) unless enjoined, the continued implementation of the challenged provisions of SB 202 will irreparably harm Black voters and deny them the opportunity to participate equally in the political process; (3) Plaintiffs' interest in protecting the voting rights of eligible citizens and prohibiting the use of voting practices or procedures that violate the Voting Rights Act and the U.S. Constitution outweighs Defendants' interest in implementation of the challenged provisions; and (4) enjoining Defendants' enforcement of the challenged provisions will serve the

public interest. *See McDonald's Corp. v. Robertson*, 147 F.3d 1301, 1306 (11th Cir. 1998).

Plaintiffs file an accompanying Memorandum of Law in Support of their Motion for a Preliminary Injunction, relevant exhibits containing evidentiary materials, and a proposed order granting the motion.

Date: May 30, 2023

RYAN K. BUCHANAN
United States Attorney
Northern District of Georgia

/s/ Aileen Bell Hughes
AILEEN BELL HUGHES
Georgia Bar No. 375505
Assistant U.S. Attorney
Office of the United States Attorney
600 U.S. Courthouse
75 Ted Turner Drive, SW
Atlanta, GA 30303
Phone: (404) 581-6000
Fax: (404) 581-6181

Respectfully submitted,

KRISTEN CLARKE
Assistant Attorney General

ELISE BODDIE
Principal Deputy Assistant
Attorney General
Civil Rights Division

/s/ Jasmyn G. Richardson
T. CHRISTIAN HERREN, JR.
JOHN A. RUSS IV
JASMYN G. RICHARDSON
RACHEL R. EVANS
ERNEST A. MCFARLAND
MAURA EILEEN O'CONNOR
ELIZABETH M. RYAN
SEJAL JHAVERI
J. ERIC RICH
Attorneys, Voting Section
Civil Rights Division
U.S. Department of Justice

*Attorneys for the United States of
America*

4 Constitution Square
150 M Street NE, Room 8.139
Washington, D.C. 20530
Phone: (800) 253-3931
Fax: (202) 307-3961
jasmyn.richardson@usdoj.gov

/s/ Pichaya Poy Winichakul
Bradley E. Heard (Bar No. 342209)
bradley.heard@splcenter.org
Pichaya Poy Winichakul (Bar 246858)
poy.winichakul@splcenter.org
Matletha N. Bennette*
matletha.bennette@splcenter.org
SOUTHERN POVERTY
LAW CENTER
150 E. Ponce de Leon Ave., Suite 340
Decatur, Georgia 30031-1287
Telephone: (404) 521-6700
Facsimile: (404) 221-5857

/s/ Leah C. Aden
Leah C. Aden*
laden@naacpldf.org
Alaizah Koorji*
akoorji@naacpldf.org
John S. Cusick*
jcusick@naacpldf.org
NAACP LEGAL DEFENSE AND
EDUCATIONAL FUND, INC.
40 Rector Street, 5th Floor
New York, New York 10006
Telephone: (212) 965-2200
Facsimile: (212) 226-7592

Jess Unger*
jess.unger@splcenter.org
Sabrina S. Khan*
sabrina.khan@splcenter.org
SOUTHERN POVERTY
LAW CENTER
1101 17th Street NW, Suite 705
Washington, DC 20036
Telephone: (202) 728-9557

Anuja Thatte*
athatte@naacpldf.org
NAACP LEGAL DEFENSE AND
EDUCATION FUND, INC.
700 14th Street, NW
Washington, DC 20005
Telephone: (202) 682-1300

/s/ Adam S. Sieff
Adam S. Sieff*
adamsieff@dwt.com
Daniel Leigh**
danielleigh@dwt.com

/s/ Debo P. Adegbile
Debo P. Adegbile*
debo.adegbile@wilmerhale.com
Alexandra Hiatt*
alexandra.hiatt@wilmerhale.com
WILMER CUTLER PICKERING
HALE AND DORR LLP

Brittni A. Hamilton*
brittnihamilton@dwt.com
DAVIS WRIGHT TREMAINE LLP
865 South Figueroa Street, 24th Floor
Los Angeles, California 90017-2566
Telephone: (213) 633-6800
Facsimile: (213) 633-6899

Matthew R. Jedreski*
mjedreski@dwt.com
Grace Thompson*
gracethompson@dwt.com
Danielle E. Kim*
daniellekim@dwt.com
Kate Kennedy*
katekennedy@dwt.com
Shontee Pant*
ShonteePant@dwt.com
DAVIS WRIGHT TREMAINE LLP
920 Fifth Avenue, Suite 3300
Seattle, Washington 98104-1610
Telephone: (206) 622-3150
Facsimile: (206) 757-7700

David M. Gossett*
davidgossett@dwt.com
Courtney DeThomas*
courtneydethomas@dwt.com
DAVIS WRIGHT TREMAINE LLP
1301 K Street NW, Suite 500
Washington, D.C. 20005-7048
Telephone: (202) 973-4288
Facsimile: (202) 973-4499

250 Greenwich Street
New York, New York 10007
Telephone: (212) 230-8800
Facsimile: (212) 230-8888

George P. Varghese*
george.varghese@wilmerhale.com
Stephanie Lin*
stephanie.lin@wilmerhale.com
Arjun K. Jaikumar*
arjun.jaikumar@wilmerhale.com
Mikayla C. Foster*
mikayla.foster@wilmerhale.com
Sofia C. Brooks*
sofie.brooks@wilmerhale.com
WILMER CUTLER PICKERING
HALE AND DORR LLP
60 State Street
Boston, Massachusetts 02109
Telephone: (617) 526-6000
Facsimile: (617) 526-5000

Tania C. Faransso*
tania.faransso@wilmerhale.com
WILMER CUTLER PICKERING
HALE AND DORR LLP
1875 Pennsylvania Ave. NW
Washington, D.C. 20006
Telephone: (202) 663-6000
Facsimile: (202) 663-6363

Nana Wilberforce*
nana.wilberforce@wilmerhale.com
WILMER CUTLER PICKERING
HALE AND DORR LLP
350 South Grand Avenue, Suite 2400
Los Angeles, California 90071
Telephone: (213) 443-5300

Facsimile: (213) 443-5400

Attorneys for Plaintiffs Georgia Muslim Voter Project, Women Watch Afrika, Latino Community Fund Georgia, and The Arc of the United States

**Admitted pro hac vice*

***Application to be admitted pro hac vice forthcoming*

/s/ Sophia Lin Lakin

Sophia Lin Lakin*

slakin@aclu.org

Davin M. Rosborough*

drosborough@aclu.org

Jonathan Topaz*

jtopaz@aclu.org

Dayton Campbell-Harris*

dcampbell-harris@aclu.org

ACLU FOUNDATION

125 Broad Street, 18th Floor

New York, New York 10004

Telephone: (212) 519-7836

Facsimile: (212) 549-2539

/s/ Rahul Garabadu

Rahul Garabadu (Bar 553777)

rgarabadu@acluga.org

Caitlin May (Bar 602081)

cmay@acluga.org

Cory Isaacson (Bar 983797)

cisaacson@acluga.org

ACLU FOUNDATION OF GEORGIA, INC.

P.O. Box 570738

Atlanta, Georgia 30357

Telephone: (678) 981-5295

Facsimile: (770) 303-0060

Susan P. Mizner*

smizner@aclu.org

ACLU FOUNDATION, INC.

39 Drumm Street

San Francisco, CA 94111

Telephone: (415) 343-0781

Brian Dimmick*

bdimmick@aclu.org

ACLU FOUNDATION, INC.

915 15th Street NW

Washington, D.C. 20005

Telephone: (202) 731-2395

Attorneys for Plaintiffs

Sixth District of the African Methodist Episcopal Church, Delta Sigma Theta Sorority, Georgia ADAPT, Georgia Advocacy Office, and Southern Christian Leadership Conference

/s/ Bryan L. Sells

Bryan L. Sells
Georgia Bar No. 635562
The Law Office of Bryan Sells, LLC
PO Box 5493
Atlanta, Georgia 31107
Tel: (404) 480-4212
Email: bryan@bryansellsllaw.com

Jon Greenbaum (pro hac vice)
jgreenbaum@lawyerscommittee.org
Ezra D. Rosenberg (pro hac vice)
erosenberg@lawyerscommittee.org
Julie M. Houk (pro hac vice)
jhouk@lawyerscommittee.org
Jennifer Nwachukwu (pro hac vice)
jnwachukwu@lawyerscommittee.org
Heather Szilagyi (pro hac vice)
hszilagyi@lawyerscommittee.org
LAWYERS' COMMITTEE FOR
CIVIL RIGHTS UNDER LAW
1500 K Street NW, Suite 900
Washington, D.C. 20005
Telephone: (202) 662-8600
Facsimile: (202) 783-0857

Vilia Hayes (pro hac vice)
Neil Oxford (pro hac vice)
Gregory Farrell (pro hac vice)
Hughes Hubbard & Reed LLP
One Battery Park Plaza
New York, New York 10004-1482

Laurence F. Pulgram (pro hac vice)
lpulgram@fenwick.com
Molly Melcher (pro hac vice)
mmelcher@fenwick.com
Armen Nercessian (pro hac vice)
Anercessian@fenwick.com
Ethan Thomas (pro hac vice)
ETHomas@fenwick.com
FENWICK & WEST LLP
555 California Street
San Francisco, CA 94104
Telephone: 415.875.2300

Joseph S. Belichick (pro hac vice)
jbelichick@fenwick.com
FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041-2008
Telephone: 650-988-8500

Catherine McCord (pro hac vice)
cmccord@fenwick.com
FENWICK & WEST LLP
902 Broadway, Suite 14
New York, NY 10010
Telephone: (212) 430-2690

Telephone: (212) 837-6000

Facsimile: (212) 422-4726

Attorneys for Plaintiffs Georgia State Conference of the NAACP, Georgia Coalition for the People's Agenda, Inc., League of Women Voters of Georgia, Inc., GALEO Latino Community Development Fund, Inc., Common Cause, and Lower Muskogee Creek Tribe

/s/ Kurt Kastorf

Kurt Kastorf (GA Bar No. 315315)
KASTORF LAW, LLC
1387 Iverson Street, N.E., Suite 100
Atlanta, GA 30307
Telephone: 404-900-0330
kurt@kastorflaw.com

Judith Browne Dianis*
Matthew A. Fogelson*
Angela Groves*
ADVANCEMENT PROJECT
1220 L Street, N.W., Suite 850
Washington, DC 20005
Telephone: (202) 728-9557
JBrowne@advancementproject.org
AGroves@advancementproject.org
MFogelson@advancementproject.org

Clifford J. Zatz*
Justin D. Kingsolver*
William Tucker*
CROWELL & MORING LLP
1001 Pennsylvania Avenue, N.W.
Washington, DC 20004
Telephone: (202) 624-2500
CZatz@crowell.com
JKingsolver@crowell.com
WTucker@crowell.com

Jordan Ludwig*
CROWELL & MORING LLP
515 South Flower Street, 40th Floor
Los Angeles, CA 90071
Telephone: (213) 443-5524
JLudwig@crowell.com

*Admitted *pro hac vice*

Attorneys for Plaintiffs The Concerned Black Clergy of Metropolitan Atlanta, Inc., The Justice Initiative, Inc., Metropolitan Atlanta Baptist Ministers Union, Inc., First Congregational Church, United Church of Christ Incorporated, Georgia Latino Alliance for Human Rights, Inc.

/s/ Uzoma N. Nkwonta

Uzoma N. Nkwonta*
Jacob D. Shelly*
Spencer Klein*
Melinda K. Johnson*

Halsey G. Knapp, Jr.
Georgia Bar No. 425320
Joyce Gist Lewis
Georgia Bar No. 296261

Tina Meng Morrison*
Marcos Mocine-McQueen*
Samuel T. Ward-Packard*
ELIAS LAW GROUP LLP
250 Massachusetts Ave NW
Suite 400
Washington, D.C. 20001
Telephone: (202) 968-4490
unkwonta@elias.law
jshelly@elias.law
sklein@elias.law
mjohnson@elias.law
tmengmorrison@elias.law
mmcqueen@elias.law
swardpackard@elias.law

Adam M. Sparks
Georgia Bar No. 341578
KREVOLIN & HORST, LLC
1201 W. Peachtree St., NW
One Atlantic Center, Suite 3250
Atlanta, GA 30309
Telephone: (404) 888-9700
Facsimile: (404) 888-9577
hknapp@khlawfirm.com
jlewis@khlwafirm.com
sparks@khlawfirm.com

*Admitted *pro hac vice*
Attorneys for New Georgia Project Plaintiffs

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(D)

Pursuant to Local Rule 7.1(D), I certify that the foregoing document was prepared in Times New Roman 14-point font in compliance with Local Rule 5.1(C).

/s/ Jasmyn G. Richardson
JASMYN G. RICHARDSON
Attorney, Voting Section
Civil Rights Division
U.S. Department of Justice

CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2023, I electronically filed the foregoing with the clerk of the court using the CM/ECF system, which will send notification of this filing to counsel of record.

/s/ Jasmyn G. Richardson
JASMYN G. RICHARDSON
Attorney, Voting Section
Civil Rights Division
U.S. Department of Justice