

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

DEMOCRATIC PARTY OF GEORGIA,
INC., DSCC, and WARNOCK FOR
GEORGIA,

Plaintiffs,

v.

THE STATE OF GEORGIA,

Defendant.

Civil Action No. 2022CV372734

EMERGENCY RELIEF REQUESTED

**PLAINTIFFS' MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
THEIR EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
AND/OR INTERLOCUTORY INJUNCTION**

I. INTRODUCTION

The December 6, 2022 runoff election for one of Georgia's seats in the U.S. Senate is rapidly approaching. This year, election officials will have just four weeks to certify the results of the November general election and prepare for the runoff to ensure that Georgians can begin advance voting "as soon as possible." O.C.G.A. § 21-2-385(d)(1)(B). This significantly shortened period leaves very little time for early voting, which Georgia law requires counties to provide. Yet, without any legal basis, the Secretary of State is attempting to restrict the early-voting window even further.

For the upcoming runoff, O.C.G.A. § 21-2-385(d)(1)(B) requires counties to commence "a period of advance voting" as "soon as possible," but in any event "no later than the second Monday immediately prior to such runoff," which is November 28. The Secretary of State has nonetheless taken the unsupportable position that, despite the law's command that counties begin offering advance voting "as soon as possible," *id.*, counties are barred from opening the polls on the

Saturday after Thanksgiving. The purported basis for this directive is the second sentence of § 21-2-385(d)(1), which states that (1) early voting must be conducted on the second and third Saturday before a *primary or general election*, and (2) when the second Saturday before the day of a *primary or general election* falls on a holiday or immediately after a holiday, counties must conduct mandatory advance voting on the third Saturday before Election Day. In other words, § 21-2-385(d)(1) guarantees early voting on specific weekend days for primary and general elections and imposes conditions on that mandate—none of which apply to runoffs.

Just last week, the State’s two highest election officers acknowledged publicly that counties may conduct early voting on November 26, the Saturday after Thanksgiving. Secretary of State Brad Raffensperger appeared on national television on November 9 and stated that he “anticipate[s] that some counties may likely have Saturday voting following Thanksgiving.”¹ That same day, his office’s Chief Operating Officer, Gabriel Sterling, appeared on a different national news network and explained that counties could open their polls to voters on the Saturday after Thanksgiving “if they so choose.”² Yet, just three days later, the Secretary reversed course, distributing a bulletin informing counties that they were *not* permitted to hold advance voting on November 26 (the “November 12 Bulletin”).

Because the November 12 Bulletin is premised on a plainly incorrect reading of the law, and because nothing in Georgia law stands in the way of counties holding advance voting on Saturday, November 26, Georgia is unlawfully restricting the already-precious number of early voting days to which voters will have access in the upcoming runoff. With just three weeks

¹ *Ga. Sec’y of the State News Conf. on Election Results*, CSPAN, at 5:08–5:25 (Nov. 9, 2022), <https://www.c-span.org/video/?524156-1/georgia-secretary-state-brad-raffensperger-update-senate-runoff-election>.

² *Tr.: Control of Congress Still Uncertain, Key Races Too Close to Call*, CNN (Nov. 9, 2022, 1:00PM), <https://transcripts.cnn.com/show/se/date/2022-11-09/segment/15>.

remaining until the runoff, this unlawful restriction must be remedied immediately. Plaintiffs are thus entitled to emergency injunctive relief declaring that advance voting may occur on Saturday, November 26, and prohibiting Defendant from interfering with counties' attempts to do so.

II. BACKGROUND

Georgia law requires that its members of Congress be elected by a majority of the vote. O.C.G.A. § 21-2-501(a)(1). If no candidate wins a majority of the vote, the two candidates who received the most votes in the general election must compete in a runoff. *Id.* That runoff “shall be held on the twenty-eighth day after the day of holding the preceding general or special primary or general or special election.” *Id.* § 21-2-501(a)(1).

On November 8, 2022, Georgia held an election for one of its seats in the U.S. Senate. The Democratic nominee in the race was incumbent Senator Raphael Warnock, and the Republican nominee was Herschel Walker. Senator Warnock and Mr. Walker were the top two finishers in the November 8 election for the U.S. Senate seat, with neither receiving a majority of the vote. As a result, those two candidates will now proceed to a December 6 runoff.

The day after the general election, Secretary Raffensperger stated in an appearance on national television that he anticipated that “some counties may likely have Saturday voting following Thanksgiving,” and that his office was working with counties to ensure that their “voters can make the best plans.”³ A few minutes later, he asserted the same, noting that in addition to the mandated five days of advance voting, “plus most likely a Saturday,”⁴ which, given that § 21-2-385(d)(1) prohibits advance voting on the Saturday before Election Day, could only be a reference to Saturday, November 26. Secretary of State’s Office Chief Operating Officer Gabriel Sterling similarly stated that day on CNN that “[t]here’s a very good possibility that we’ll probably have

³ CSPAN, *supra* note 1.

⁴ *Id.* at 8:18–27.

voting on Saturday, November 26th, in many of the counties if they so choose and we're planning for that right now."⁵

Just three days later, the Secretary's Office quietly reversed course. On November 12, 2022, Blake Evans, the Director of the Elections Division of the Secretary of State's Office, issued an "official election bulletin" addressed to county election officials and county registrars. *See* Ex. 1 ("November 12 Bulletin"). The subject line of the November 12 Bulletin reads "Certification Target for General Election and Advance Voting for December 6th Runoff." *Id.* With respect to advance voting, the November 12 Bulletin states that "[p]ursuant to O.C.G.A. 21-2-385(d)(1)(B), Advance Voting for the December 6th general election runoff **must begin as soon as possible prior to the runoff** and no later than Monday, November 28th." *Id.* (emphasis added). However, the November 12 Bulletin also instructs:

Pursuant to O.C.G.A. 21-2-385(d)(1), **Advance Voting cannot occur on Thursday, November 24th (Thanksgiving Day), Friday, November 25th (Observance of State Holiday 1), or Saturday, November 26th.** Advanced Voting on Saturday, November 26th is prohibited by OCGA 21-2-385(d)(1), which states that if the second Saturday before the runoff follows a Thursday or Friday that is a state holiday, voting on that Saturday is not allowed.

Id. (emphases added). The remainder of the Bulletin discusses, in relevant part, two tasks that counties must perform prior to beginning advance voting. First, citing § 21-2-385(d)(3), it explained that counties must publish, "no later than seven days prior to beginning [advance] voting," the "dates, times, and locations" where advance voting will occur. Second, citing § 21-2-379.25(c), the Bulletin noted that at least three days prior to the beginning of advance voting, counties "must also commence Logic & Accuracy testing of equipment to be used in the runoff."

The November 12 Bulletin directly contradicts the statements made by Secretary Raffensperger and the Secretary's Office's Chief Operation Officer just three days prior, on

⁵ CNN, *supra* note 2.

November 9. This sharp, inexplicable, and unsupportable reversal threatens to severely harm Plaintiffs here—the Democratic Party of Georgia, DSCC, and Warnock for Georgia—organizations that are actively working to elect Senator Warnock in the upcoming December 6 runoff. Ex. 2 ¶¶ 3–8; Ex. 3 ¶¶ 3–8; Ex. 4 ¶¶ 3–8. They have collectively spent millions of dollars, and will continue to spend additional money, to achieve this goal. *Id.* They bring this suit on behalf of themselves as well as their members and constituents whose ability to participate in advance voting will be significantly curtailed if counties are prevented from opening polls on November 26.

III. ARGUMENT

Plaintiffs are entitled to a temporary restraining order because “(1) there is a substantial threat [they] will suffer irreparable injury if the injunction is not granted”; (2) that injury “outweighs the threatened harm that the injunction may do to” Defendant; (3) “there is a substantial likelihood that [Plaintiffs] will prevail on the merits” and (4) relief “will not disserve the public interest.” *Grossi Consulting, LLC v. Sterling Currency Grp., LLC*, 290 Ga. 386, 388 (2012) (internal quotations omitted). They are similarly entitled to an interlocutory injunction, for which the court considers the same factors. *See SRB Inv. Serv., LLLP v. Branch Banking & Trust Co.*, 289 Ga. 1, 5 (2011) (listing same factors when considering interlocutory injunction).

Because all the factors weigh heavily in favor of relief, and time is of the essence, the Court should immediately declare that O.C.G.A. § 21-2-385(d)(1) does not prohibit counties from conducting in-person advance voting on November 26 and enjoining Defendant and its agents from instructing counties otherwise or interfering with counties’ attempts to provide advance voting on that date. *See* O.C.G.A. §§ 9-4-2, 9-4-3, 9-11-65 (providing the Court authority to provide declaratory and injunctive relief under such circumstances).

A. Plaintiffs are likely to succeed on the merits.

Plaintiffs are likely to succeed on the merits of their claims because O.C.G.A. § 21-2-385(d)(1) plainly permits counties to start early voting for the runoff as soon as possible, including on the Saturday after Thanksgiving, and Defendant’s attempt to prevent counties from doing so—as demonstrated by the Secretary’s November 12 Bulletin—is unlawful.

Georgia law mandates that “advance voting . . . shall commence . . . [a]s soon as possible prior to a runoff from any general primary or election but no later than the second Monday immediately prior to such runoff, and shall end on the Friday immediately prior to each primary, election, or runoff.” O.C.G.A. § 21-2-385(d)(1)(B) (emphasis added). Counties are therefore free to hold advance voting days for runoffs as soon as practicable after a general election, but in no event later than the second Monday prior to the runoff. Nothing in that text precludes a county from exercising its discretion to allow advance voting on the Saturday following Thanksgiving, which will oftentimes be the second Saturday prior to a runoff election under § 21-2-385(d)(1)(B). The Secretary apparently agreed with this clear reading of the statutory text until quite recently, acknowledging on television mere days ago that “some counties may likely have Saturday voting following Thanksgiving,” offering many Georgia voters five mandated days of advance voting “plus most likely a Saturday” in many counties.⁶ Gabe Sterling, Raffensperger’s Chief Operating Officer, echoed this same understanding of Georgia law. *See supra* Section II.

The Secretary’s office has now reversed course and, pointing to the second sentence of § 21-2-385(d)(1)(B), insists that counties are *prohibited* from permitting advance voting on the second Saturday prior to the December 6 runoff. Ex. 1. But the Secretary’s newfound interpretation runs headlong into the statutory text, which expressly applies only to primary or general elections,

⁶ *See supra* nn. 1, 2.

and not runoffs. The sentence reads in full:

Voting shall be conducted beginning at 9:00 A.M. and ending at 5:00 P.M. on weekdays, other than observed state holidays, during such period and shall be conducted on the second and third Saturdays during the hours of 9:00 A.M. through 5:00 P.M. and, if the registrar or absentee ballot clerk so chooses, the second Sunday, the third Sunday, or both the second and third Sundays prior to a primary or election during hours determined by the registrar or absentee ballot clerk, but no longer than 7:00 A.M. through 7:00 P.M.; provided, however, that, if such second Saturday is a public and legal holiday pursuant to Code Section 1-4-1, if such second Saturday follows a public and legal holiday occurring on the Thursday or Friday immediately preceding such second Saturday, or if such second Saturday immediately precedes a public and legal holiday occurring on the following Sunday or Monday, such advance voting shall not be held on such second Saturday but shall be held on the third Saturday prior to such primary or election beginning at 9:00 A.M. and ending at 5:00 P.M.

O.C.G.A. § 21-2-385(d)(1)(B) (emphases added).

As the emphasized portions of the language provided above make clear, § 21-2-385(d)(1)'s exception for advance voting on Saturdays falling on or after a holiday applies only to *primary* and *general* elections, not *runoffs*. That distinction is not an accident. In the very same statutory provision, the General Assembly made distinctions among three categories of elections: (1) a primary election (referred to as a "primary"); (2) a general election (referred to as an "election," *see id.* § 21-2-2(5) (defining "election" as a "general or special election and not . . . a primary or special primary")); and (3) a runoff, *id.* § 21-2-385(d)(1)(B)). Section 21-2-385(d)(1) creates distinct rules for these different categories of elections and refers to them *expressly* when doing so. For example, advance voting must begin the "fourth Monday immediately prior" to a primary or general election; for runoffs, however, advance voting must instead begin as "soon as possible . . . but no later than the second Monday" prior to the election.

Section 21-2-385(d)(1)'s express delineation between different kinds of elections, and the different rules that apply to them, makes "clear that the legislature knew how to specify" rules that applied to runoffs when it so desired. *Avila v. State*, 333 Ga. App. 66, 70 (2015). Yet, unlike at

other points in the statute, the Legislature chose to refer *specifically* to a “primary or election”—but *not* to a “runoff”—when drafting the sentence the Secretary’s office relies upon to ban voting on Saturday, November 26. The Secretary’s interpretation in the November 12 Bulletin improperly reads into that sentence the word “runoff.” Indeed, the use of the term elsewhere in the same statute shows that its decision not to do so in the relevant sentence of § 21-2-385(d)(1) must be respected as “a matter of considered choice.” *Citibank (S.D.), N.A. v. Graham*, 315 Ga. App. 120, 122 (2012); *see also Allen v. Wright*, 282 Ga. 9, 13–14 (2007) (“Georgia law provides that the express mention of one thing in an Act or statute implies the exclusion of all other things.” (quoting *Abdulkadir v. State*, 279 Ga. 122, 123 (2005))).

Section 21-2-385(d)(1)’s statutory history only further confirms that the Secretary’s interpretation is wrong. When the General Assembly in 2016 first added the provision regarding advance voting on the Saturday after a holiday, it named all three categories of elections, stating that the provision applied during a “primary election, ***or runoff***.” 2016 Ga. Laws Act 347 § 4 (emphasis added). Just one year later, the legislature updated the provision, deliberately deleting the words “or runoff,” leaving only “primary or election.” 2017 Ga. Laws Act 250 § 18.

The November 12 Bulletin’s position is further undercut by its refusal to follow its own interpretation of § 21-2-385(d)(1) through to its natural conclusion. If the second sentence of § 21-2-385(d)(1)(B) applies to runoffs—despite only referring to “a primary or election”—then it would mandate that all counties in Georgia “***shall*** . . . conduct [in-person advance voting] on the second and third Saturdays” prior to the December 6 runoff, subject to the holiday exception. Put another way, if the sentence’s *prohibition* on advance voting on a second Saturday after a holiday applies to runoffs, so too must its *command* that advance voting be held on the second and third Saturday in the first place. The Secretary’s reading applies an exception to required Saturday voting found

in the second clause of the sentence but ignores the first clause that mandates Saturday voting to begin with. That is nonsensical and not how statutes are read in Georgia. *See, e.g., West v. City of Albany*, 300 Ga. 743, 745 (2017) (noting “courts do not construe one subsection of a statute in isolation from another” but instead must “consider the entire scheme of the statute” to “give sensible and intelligent effect to all of its provisions”) (citation omitted).

In sum, Plaintiffs are ultimately likely to succeed on their claims for declaratory and injunctive relief because Defendant’s newfound interpretation of the law is unsupported by the Legislature’s chosen text. Instead, § 21-2-385(d)(1) compels counties to move as soon as practicable to provide advance voting in runoffs and places no limitation on doing so in providing such advance voting on the second Saturday prior to a runoff.

B. Plaintiffs will suffer irreparable injury absent the relief requested.

Plaintiffs and their members and constituents will suffer immediate and irreparable harm absent a temporary restraining order and/or interlocutory injunction. Absent immediate relief from this Court, Georgia counties will be unlawfully barred from providing advance voting on all days permitted by Georgia law—including Saturday, November 26—which will in turn irreparably harm Plaintiffs, their members and constituents, and their preferred runoff candidate. As Secretary Raffensperger himself anticipated on November 9, some counties will likely provide advance voting on Saturday, November 26 if they are permitted to do so. *See supra* Section II. Plaintiffs’ members and constituents are likely to avail themselves of this added advance-voting day because there is scant time for Georgians to vote in advance of the December 6, 2022 runoff election. Having told Georgians that their counties may allow them to vote on the Saturday after Thanksgiving, the Secretary may not now strip away that option in contravention of Georgia law.

The Secretary’s attempt to restrict Georgians’ ability to participate in advance voting will irreparably harm Plaintiffs’ members and constituents, as “[c]ourts routinely deem restrictions on

fundamental voting rights irreparable injury.” *League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 247 (4th Cir. 2014); *see also Obama for Am. v. Husted*, 697 F.3d 423, 436 (6th Cir. 2012) (“A restriction on the fundamental right to vote [] constitutes irreparable injury.”). Plaintiffs’ members and constituents will lose a clear legal right to vote during the full period of advance voting to which they are entitled, which in turn impedes Plaintiffs’ efforts to increase turnout for the runoff and elect the candidate of their choice. *See Ga. Coal. for the People’s Agenda v. Kemp*, 347 F. Supp. 3d 1251, 1268 (N.D. Ga. 2018) (finding unlawful obstacles to organization’s voter-mobilization efforts would cause it to “suffer irreparable injury”). Accordingly, only an immediate order declaring that counties may conduct advance voting on November 26 and an injunction preventing Defendant from limiting counties’ ability to do so will prevent irreparable injury.

C. The threatened irreparable harm to Plaintiffs far outweighs any harm Defendant might suffer by being forced to comply with Georgia law.

In marked contrast to the irreparable denial of early voting opportunities that Plaintiffs’ members and constituents will face without court intervention, injunctive relief will cause no harm to Defendant whatsoever. The State has no legitimate interest in preventing qualified voters from availing themselves of a voting opportunity allowed under Georgia law and provided by their respective counties pursuant to § 21-2-385(d)(1)’s command that counties must begin advance voting for the runoff “as soon as possible.” The relief Plaintiffs seek will not even impose an administrative burden on Defendant, who will merely have to refrain from unlawfully blocking the efforts of local election officials seeking to provide an additional day of advance voting. Any actual burden of conducting advance voting on November 26 would thus be borne by individual counties that choose to open the polls on that day. And even these burdens provide no counterweight to the harm that Plaintiffs and their members and constituents will face in the absence of relief.

D. The equities and public interest heavily favor immediate relief.

The relief that Plaintiffs seek is squarely in the public interest. It will ensure that Georgia voters are not denied access to advance voting where counties would otherwise provide it. *Reynolds v. Sims*, 377 U.S. 533, 561-62 (1964) (“Undoubtedly, the right of suffrage is a fundamental matter in a free and democratic society.”); *Burdick v. Takushi*, 504 U.S. 428, 433 (“It is beyond cavil that voting is of the most fundamental significance under our constitutional structure.”) (internal quotation marks and citation omitted). On the other hand, barring voters from voting in-person on November 26 due to the vagaries of the holiday calendar—and over the wishes of local officials who had planned to provide such voting opportunities in accordance with Georgia law—will subvert the most fundamental public policy of our political system.

IV. CONCLUSION

The Court should grant a temporary restraining order and/or interlocutory injunction declaring that O.C.G.A. § 21-2-385(d)(1) does not prohibit counties from conducting advance voting on November 26 and enjoining Defendant and its agents from interfering in counties’ efforts to do so or preventing any votes cast on that day from being counted or included in the certified election results. Defendant and its agents should further be enjoined from interfering in any effort by the counties to provide advance voting on Saturday, November 26 due to any failure by the board of registrars to comply with the requirement in O.C.G.A. § 21-2-385(d)(3) to publish the date, time, and locations of the availability of advance voting in its jurisdiction at least seven days prior to November 26.

Respectfully submitted on this 14th day of November, 2022.

KREVOLIN & HORST, LLC

/s/ Adam M. Sparks

Joyce Gist Lewis

Georgia Bar No. 296261

Adam M. Sparks

Georgia Bar No. 341578

One Atlantic Center

1201 W. Peachtree Street, NW, Ste. 3250

Atlanta, GA 30309

Telephone: (404) 888-9700

Facsimile: (404) 888-9577

sparks@khlawfirm.com

Uzoma N. Nkwonta*

Christopher D. Dodge*

Daniel C. Osher*

Graham White*

Marcos Mocine-McQueen*

ELIAS LAW GROUP LLP

10 G St. NE, Suite 600

Washington, D.C. 20002

Telephone: (202) 968-4490

Facsimile: (202) 968-4498

unkwonta@elias.law

cdodge@elias.law

dosher@elias.law

gwhite@elias.law

mmcqueen@elias.law

** Pro Hac Vice application forthcoming
Counsel for Plaintiff*

Exhibit 1

RETRIEVED FROM DEMOCRACYDOCKET.COM



OFFICIAL ELECTION BULLETIN

November 12, 2022

TO: County Election Officials and County Registrars

FROM: Blake Evans, Elections Division Director

RE: Certification Target for General Election and Advance Voting for December 6th Runoff.

The Secretary of State's Office is targeting Monday, November 21st for state certification of the November 8th General Election. While this target date is subject to change if delays come up during the statutorily required audit or if issues arise during normal pre-certification processes, I am sharing it with you to assist with preparation for the December 6th Runoff.

Pursuant to O.C.G.A. 21-2-385(d)(1)(B), Advance Voting for the December 6th general election runoff must begin as soon as possible prior to the runoff and no later than Monday, November 28th.

Advance Voting must be held Monday, November 28th through Friday, December 2nd from 9:00 a.m. to 5:00 p.m., with the option of extending those hours by beginning at 7:00 a.m. and ending no later than 7:00 p.m. Advance Voting may be held on Sunday, November 27th. Advance Voting may also be held prior to Thanksgiving if you are able to complete all required preparations and notifications by then.

Pursuant to OCGA 21-2-385(d)(1), Advance Voting cannot occur on Thursday, November 24th (Thanksgiving Day), Friday, November 25th (Observance of State Holiday 1), or Saturday, November 26th. Advanced Voting on Saturday, November 26th is prohibited by OCGA 21-2-385(d)(1), which states that if the second Saturday before the runoff follows a Thursday or Friday that is a state holiday, voting on that Saturday is not allowed.

In determining when it is possible for you to begin Advance Voting for the runoff, remember that dates, times, and locations for Advance Voting must be published no later than seven days prior to beginning early voting on your county election's website (or, if you don't have a website, in a paper of general circulation and in a prominent location in the county). OCGA 21-2-385(d)(3). SEB Regulations also require that you "shall endeavor not to remove or alter any advance voting locations after they are published, unless there are emergency or unforeseen circumstances that make such a change necessary." SEB Rule 183-1-14-.02(2).

On or before the third day prior to beginning Advance Voting, you must also commence Logic & Accuracy testing of equipment to be used in the runoff. OCGA 21-2-379.25(c), SEB Rule 183-1-12-.08(1)(b). Public notice of the date, time, and location of L&A testing must be published on your website and in a paper of general circulation five days prior to the commencement of L&A testing. OCGA 21-2-379.25(c), SEB Rule 183-1-12-.08(1)(c).

Exhibit 2

RETRIEVED FROM DEMOCRACYDOCKET.COM

**IN THE SUPERIOR COURT FOR THE COUNTY OF COBB
STATE OF GEORGIA**

DEMOCRATIC PARTY OF GEORGIA, INC.
DSCC, and WARNOCK FOR GEORGIA,

Plaintiffs,

v.

THE STATE OF GEORGIA,

Defendant.

Civil Action

Case No. _____

AFFIDAVIT OF REBECCA DEHART

STATE OF GEORGIA

COUNTY OF Fulton

Personally appeared before me, the undersigned officer duly authorized by law to administer oaths, Rebecca DeHart, who after being duly sworn, stated on oath her personal knowledge as follows:

1. I am over the age of 21. I have personal knowledge of all the facts to which I attest in this declaration, and I affirm that they are true to the best of my knowledge.
2. I am Interim Executive Director for the Democratic Party of Georgia, Inc. ("DPG").
3. DPG is a state political committee dedicated to electing candidates of the Democratic Party to state and federal office throughout the State of Georgia. DPG has members and constituents across Georgia, including many eligible voters who regularly support and vote for candidates affiliated with the Democratic Party. DPG has a vested interest in ensuring that its

members and supporters can avail themselves of all lawful voting opportunities provided by state and federal law, including those for the forthcoming December 6 runoff.

4. DPG accomplishes its mission by, among other things, expending substantial resources on educating and assisting voters in navigating the voting process, including by advising them on all possible methods and opportunities of voting, including in-person advance voting.

5. DPG consistently makes advance voting a central part of its electoral strategy, and DPG believes that supporters of Democratic candidates are likely to use that method of voting, as they have done in the past. DPG encourages voters to avail themselves of advance voting opportunities, which allows the party's field staff to organize more efficient and effective turnout campaigns leading up to and on Election Day. Encouraging and assisting these voters to vote in advance, and ensuring that their votes are actually counted, is therefore central to DPG's mission.

6. In preparation for the November election, DPG has spent significant resources to persuade and mobilize voters and to elect Democratic candidates, including incumbent U.S. Senator Raphael Warnock. DPG is continuing to spend significant resources to encourage voters to re-elect Senator Warnock in advance of the December 6 runoff.

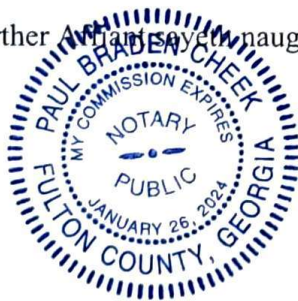
7. If the Secretary of State's errant interpretation of state law, contained in his office's November 12 Official Election Bulletin, is permitted to stand, counties across Georgia will be unlawfully barred from permitting in-person, advance voting on Saturday, November 26—the second Saturday prior to the runoff. As a result, supporters of Democratic candidate Raphael Warnock and any other Democratic runoff candidates will be illegally deprived of an opportunity to cast their ballot on a day on which advance voting is lawfully permitted under

Georgia law. This will in turn require DPG to divert and spend additional resources to educate voters about available voting methods and opportunities, particularly given that Secretary of State Raffensperger and his Chief Operating Officer, Gabriel Sterling, both announced on national television that some counties intended to conduct advance voting on Saturday, November 26. The Secretary of State's office sudden reversal on the availability of Saturday advance voting is likely to create voter confusion that DPG will have to spend resources to address.

8. Because Democratic voters in Georgia rely on in-person advance voting—particularly on weekends—permitting the state to unlawfully bar counties from offering advance voting on a day it is legally allowed will impair DPG's ability to achieve its goal of electing the Democratic candidate in Georgia to the U.S. Senate in the forthcoming December runoff.

* * *

Further Affidavit sworn to on this 14 day of November, 2022.



Rebecca DeHart
Interim Executive Director of DPG

Sworn to and subscribed before me this 14th day of November, 2022.

Notary Public

Exhibit 3

RETRIEVED FROM DEMOCRACYDOCKET.COM

**IN THE SUPERIOR COURT FOR THE COUNTY OF FULTON
STATE OF GEORGIA**

DEMOCRATIC PARTY OF GEORGIA, INC.
DSCC, and WARNOCK FOR GEORGIA,

Plaintiffs,

v.

THE STATE OF GEORGIA,

Defendant.

Civil Action

Case No. _____

AFFIDAVIT OF LAUREN BRAINERD

WASHINGTON, DISTRICT OF COLUMBIA

Personally appeared before me, the undersigned officer duly authorized by law to administer oaths, Lauren Brainerd, who after being duly sworn, stated on oath her personal knowledge as follows:

1. I am over the age of 21. I have personal knowledge of all the facts to which I attest in this affidavit, and I affirm that they are true to the best of my knowledge.

2. I am National Coordinated Campaigns Director for DSCC, also known as the Democratic Senatorial Campaign Committee.

3. DSCC is the national senatorial committee of the Democratic Party. Its mission is to elect candidates of the Democratic Party across the country to the U.S. Senate. Thus, DSCC has a vested interest in ensuring that supporters of Democratic Senate candidates, including in Georgia, are able to avail themselves of all lawful voting days under state and federal law.

4. DSCC accomplishes its mission by, among other things, expending substantial resources on educating and assisting voters in navigating the voting process, including by advising them on all possible methods and opportunities of voting, including in-person advance voting.

5. In fact, DSCC has made in-person advance voting a central part of its Georgia strategy in the 2022 election, as DSCC believes that supporters of Democratic candidates are likely to use that method of voting, as they have in the past. DSCC's field staff encourage voters to avail themselves of advance voting opportunities, which allows DSCC field staff to organize more efficient and effective turnout campaigns leading up to and on Election Day. Encouraging and assisting these voters to vote in advance, and ensuring that their votes are actually counted, is therefore central to DSCC's mission.

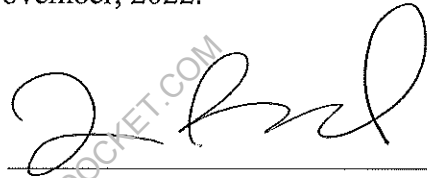
6. In preparation for the November election, DSCC has spent millions of dollars on efforts to persuade and mobilize voters and to re-elect Democratic candidate Raphael Warnock for the U.S. Senate from Georgia. DSCC continues to spend significant resources to encourage voters to re-elect Senator Warnock in advance of the December 6 runoff.

7. If the Secretary of State's errant interpretation of state law, contained in his office's November 12 Official Election Bulletin, is permitted to stand, counties across Georgia will be unlawfully barred from permitting in-person, advance voting on Saturday, November 26—the second Saturday prior to the runoff. As a result, supporters of Democratic candidate Raphael Warnock will be illegally deprived of an opportunity to cast their ballot on a day on which advance voting is lawfully permitted under Georgia law. This will in turn require DSCC to divert and spend additional resources to educate voters about alternative available voting methods and opportunities, particularly given that Secretary of State Raffensperger and his Chief Operating Officer, Gabriel Sterling, both announced on national television that some counties intended to conduct advance voting on Saturday, November 26. The Secretary of State's office sudden reversal on the availability of Saturday advance voting is likely to create confusion that DSCC will have to spend resources to address.

8. Because Democratic voters in Georgia often rely on in-person advance voting—particularly on weekends—permitting the State to unlawfully bar counties from offering advance voting on a day in which it is legally allowed will impair DSCC’s ability to achieve its goal of electing the Democratic candidate in Georgia to the U.S. Senate in the forthcoming December runoff.

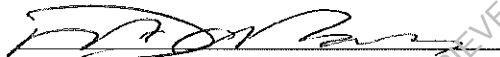
* * *

Further Affiant sayeth naught, this 14 day of November, 2022.



Lauren Brainerd
National Coordinated Campaigns Director
for DSCC

Sworn to and subscribed before
me this 14 day of November, 2022.



Notary Public

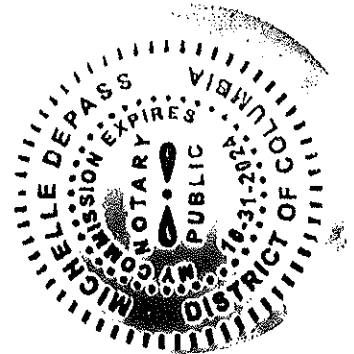


Exhibit 4

RETRIEVED FROM DEMOCRACYDOCKET.COM

IN THE SUPERIOR COURT FOR THE COUNTY OF COBB
STATE OF GEORGIA

DEMOCRATIC PARTY OF GEORGIA, INC.
DSCC, and WARNOCK FOR GEORGIA,

Plaintiffs,

v.

THE STATE OF GEORGIA,

Defendant.

Civil Action

Case No. _____

AFFIDAVIT OF QUENTIN FULKS

STATE OF GEORGIA

COUNTY OF Cobb

Personally appeared before me, the undersigned officer duly authorized by law to administer oaths, Quentin Fulks, who after being duly sworn, stated on oath his personal knowledge as follows:

1. I am over the age of 21. I have personal knowledge of all the facts to which I attest in this affidavit, and I affirm that they are true to the best of my knowledge.
2. I am the Campaign Manager for Warnock for Georgia.
3. Warnock for Georgia is the principal campaign committee for Senator Raphael Warnock, an incumbent U.S. Senator from Georgia who is seeking reelection in the December 6 runoff. Its central mission is re-electing Senator Warnock to the U.S. Senate. Warnock for Georgia has a vested interest in ensuring that supporters of Senator Warnock can avail themselves of all lawful voting opportunities under state and federal law.

4. As part of its campaign to reelect Senator Warnock, Warnock for Georgia encourages Democratic voters and supporters of Senator Warnock to avail themselves of all possible methods and opportunities to vote, including in-person advance voting. In anticipation of the December 6 runoff, Warnock for Georgia continues to expend substantial resources on educating and assisting its supporters in navigating the voting process, including on the availability of in-person advance voting.

5. Warnock for Georgia has made advance voting a central part of its electoral strategy, including for both the November general election and the forthcoming December 6 runoff, because it believes that Senator Warnock's supporters are likely to use that method of voting as they have in the past. This allows the party's field staff to organize more efficient and effective turnout campaigns leading up to and on Election Day. Encouraging and assisting these voters to vote in advance, and ensuring that their votes are actually counted, is therefore central to Warnock for Georgia's mission.

6. In preparation for the November election, and now for the forthcoming December 6 runoff, Warnock for Georgia has spent significant resources to persuade and mobilize voters and to re-elect Senator Warnock.

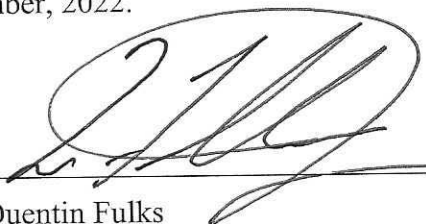
7. If the Secretary of State's errant interpretation of state law, contained in his office's November 12 Official Election Bulletin, is permitted to stand, counties across Georgia will be unlawfully barred from permitting in-person, advance voting on Saturday, November 26—the second Saturday prior to the runoff. As a result, supporters of Senator Warnock will be illegally deprived of an opportunity to cast their ballot on a day on which advance voting is lawfully permitted under Georgia law. This will in turn require Warnock for Georgia to divert and spend additional resources to educate voters about available voting methods and opportunities,

particularly given that Secretary of State Raffensperger and his Chief Operating Officer, Gabriel Sterling, both announced on national television that some counties intended to conduct advance voting on Saturday, November 26. The Secretary of State's office sudden reversal on the availability of Saturday advance voting is likely to create voter confusion that Warnock for Georgia will have to spend resources to address.

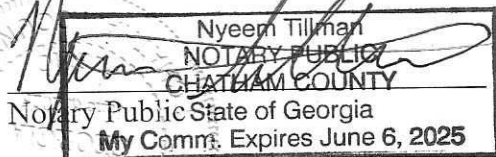
8. Because Democratic voters in Georgia often rely on in-person advance voting—particularly on weekends—permitting the State to unlawfully bar counties from offering advance voting a day it is legally allowed will impair Warnock for Georgia's ability to achieve its goal of re-electing Senator Warnock in the forthcoming December runoff.

* * *

Further Affiant sayeth naught, this 14th day of November, 2022.


Quentin Fulks
Campaign Manager for Warnock for Georgia

Sworn to and subscribed before
me this 14th day of November, 2022.


Nyeem Tillman
NOTARY PUBLIC
CHATHAM COUNTY
Notary Public State of Georgia
My Comm. Expires June 6, 2025